



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY



February 1, 2021

The Honorable Curt Friesen, Chair
Transportation and Telecommunications Committee
Nebraska Legislature
Post Office Box 94604
Lincoln, Nebraska 68509

Dear Chairperson Friesen:

Advocates for Highway and Auto Safety (Advocates) is an alliance of consumer, safety, law enforcement, medical and public health groups, and insurance companies working together to pass highway and auto safety laws that prevent unnecessary deaths and injuries. The Skilled Motorcyclist Association - Responsible, Trained and Educated Riders, Inc. (SMARTER) is a non-profit association of riders who support all-rider helmet laws. Our organizations urge you to oppose legislative bill (LB) 581 to repeal Nebraska's all-rider motorcycle helmet law. For 32 years this critical law has been preventing deaths and injuries and saving taxpayer dollars in Nebraska. To repeal the all-rider helmet law would be a deadly and costly mistake.

Motorcycles are the most hazardous form of motor vehicle transportation, and fatalities have been on the rise, more than doubling (4,985) since a low of 2,116 in 1997.ⁱ Early information from the Nebraska Department of Transportation Highway Safety Office notes that while traffic volume dropped on state roads in 2020, risky driving behaviors increased and motorcycle rider fatalities spiked more than 37 percent over the five-year average (24 motorcycle rider fatalities).ⁱⁱ Last year, 33 motorcycle riders lost their lives on Nebraska roads. Clearly, motorcycle rider safety deserves effective solutions, not the dismantling of a lifesaving and cost curbing law.

“Minors only” helmet laws, as LB 581 would enact, are ineffective, unenforceable and unpopular. According to the American Academy of Pediatrics, in states with weak youth-specific helmet laws, helmet use has decreased and youth mortality has increased. Serious traumatic brain injury among youth was 38 percent higher in states with age-specific laws compared to states with all-rider helmet laws.ⁱⁱⁱ When Florida repealed its all-rider helmet law in 2000, fatalities jumped 21 percent after the law change (per 10,000 registered motorcycles). Deaths of riders under the age of 21 who were not helmeted increased 188 percent, even though the law still applied to them.^{iv} In 2019, less than one percent of licensed Nebraska motorcycle riders were under the age of 21, making the proposed minors only helmet requirement applicable to an incredibly small population of riders.^v Enforcing laws for only young riders is highly problematic since it is nearly impossible for law enforcement to estimate a rider's age especially when travelling at higher speeds.

Furthermore, the addition of a requirement for basic rider education and training and eye protection in order to ride without a helmet fails to meet the safety benefit provided by a universal helmet law. There is no scientific evidence that motorcycle rider training reduces crash risk and is an adequate substitute for an all-rider helmet law. In fact, motorcycle fatalities continued to increase even after a motorcycle education and training grant program included in federal legislation took effect in 2006. Similar to identifying age, it will be impossible for law enforcement to recognize those riders who have completed the required training course.

A 2012 Government Accountability Office (GAO) report concluded that “laws requiring all motorcyclists to wear helmets are the only strategy proven to be effective in reducing motorcyclist fatalities.” All-rider helmet laws are lifesavers because they get riders to wear helmets. The observed use rate of U.S. DOT-compliant helmets among motorcycle riders was nearly 90 percent in states with all-rider helmet laws, compared to only 57 percent in other states in 2019.^{vi}

States that have repealed their all-rider motorcycle helmet law always experience an increase in rider deaths, serious and disabling brain injuries, and medical costs usually borne by taxpayers and the state. In Michigan, which repealed its all-rider law in 2012, there would have been 26 fewer motorcycle crash deaths (a 21 percent reduction) if the helmet mandate was still in place, according to the University of Michigan Transportation Research Institute.^{vii} Additionally, in the remainder of the year after the helmet repeal was enacted, only 74 percent of motorcycle riders involved in crashes were helmeted, compared to 98 percent in the same time period of the previous four years.^{viii} In states with an all-rider helmet law, use of a helmet resulted in economic costs saved to society of \$725 per registered motorcycle, compared with \$198 per registered motorcycle in states without such a law.^{ix}

In Nebraska in 2019, the total costs of motorcycle crashes were over \$55 million.^x Yet, costs could have been much higher. Motorcycle helmet use protected the lives of 16 riders in Nebraska and saved over \$180 million in comprehensive costs resulting from motorcycle crashes in 2017 alone, the most recent year for which this data is available.^{xi}

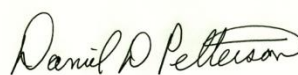
The American public understands the importance of all-rider motorcycle helmet laws and overwhelmingly approves of them. Support for these laws has been enduring and consistent. The American Automobile Association (AAA) Foundation Traffic Safety Culture Index found that more than 4 in 5 Americans (82%) support a law requiring all motorcycle riders to wear a helmet. These national results are consistent with beliefs in Nebraska. According to a May 2018 survey of 900 Nebraskans conducted by Research Associates, “75% indicated the Nebraska law requiring motorcycle helmets should be continued”.^{xii}

On January 11, 2021, Advocates released its *2021 Roadmap of State Highway Safety Laws* (Roadmap Report); a copy follows this letter. While the goal of the Roadmap Report is to encourage states to enact proven laws to improve traffic safety, including an all-rider motorcycle helmet requirement, unfortunately, Nebraska has again received the lowest rating, “red”, lacking 10 of 16 optimal laws. At a time when our Nation is struggling with the wide-ranging impacts of COVID-19, we ask you to retain this proven solution to protect motorcycle riders and keep them out of overly burdened emergency rooms and hospitals as well as curb the expenditure of taxpayer dollars. Advocates and SMARTER urge you to oppose LB 581.

Sincerely,



Catherine Chase, President
Advocates for Highway and Auto Safety



Dan Petterson, Ed. D., President
SMARTER

cc: Transportation and Telecommunications Committee Members

ⁱ The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised), NHTSA, May 2015 (Revised), DOT HS 812 013, available at <http://www-nrd.nhtsa.dot.gov/Pubs/812013.pdf>, and *Traffic Safety Facts 2018: A Compilation of Motor Vehicle Crash Data*, NHTSA, Nov. 2020, DOT HS 812 981.

ⁱⁱ *Nebraskans drove fewer miles in 2020, but traffic fatalities stayed about the same*, Kevin Cole, Omaha World Herald, Jan 2, 2021.

ⁱⁱⁱ Weiss, H, Agimi Y, Steiner C, *Youth Motorcycle-Related Brain Injury by State Helmet Law Type: United States 2005-2007*, Pediatrics, Vol. 126, No. 6 (2010).

^{iv} NHTSA, 2008.

^v Nebraska Department of Transportation, Motorcycle Information Packet, available here: <https://dot.nebraska.gov/media/6516/mcinfopacket.pdf>

^{vi} Traffic Safety Facts, Research Note: Motorcycle Helmet Use in 2019 – Overall Results, NHTSA, June 2020, DOT HS 812 936, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812936>

^{vii} Flannagan CA, Analysis of Motorcycle Crashes: Comparison of 2012 to Previous Years, 18th Michigan Traffic Safety Summit, 2013.

^{viii} Flannagan CA, Analysis of Motorcycle Crashes: Comparison of 2012 to Previous Years, 18th Michigan Traffic Safety Summit, 2013.

^{ix} Centers for Disease Control and Prevention (CDC), Helmet use Among Motorcyclists Who Died in Crashes and Economic Cost Savings Associated With State Motorcycle Helmet Laws – United States, 2008-2010, MMWR Morb Mortal Wkly Rep, 61(23), 425-430, 2012.

^x Nebraska Department of Transportation, Motorcycle Information Packet, available here: <https://dot.nebraska.gov/media/6516/mcinfopacket.pdf>

^{xi} Traffic Safety Facts Research Note, *Estimating Lives and Costs Saved by Motorcycle Helmets With Updated Economic Cost Information*, December 2019. NHTSA, DOT HS 812 867.

^{xii} Nebraska Department of Transportation, Motorcycle Information Packet, available here: <https://dot.nebraska.gov/media/6516/mcinfopacket.pdf>