

Bruce on Bikers' Rights

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POSITION PAPER

Submitted to the NTSB Public Forum on Motorcycle Safety

September 2, 2006

Ms. Deborah A.P. Hersman
Forum Chairman
National Transportation Safety Board
Public Forum on Motorcycle Safety
NTSB Board Room and Conference Center
429 L'Enfant Plaza
Washington, D.C. 20024

Dear Ms. Hersman:

Your stated goal for the NTSB Public Forum on Motorcycle Safety ("NTSB Forum") scheduled for September 12-13, 2006 is "... to gather information about ongoing motorcycle safety research and initiatives, as well as safety countermeasures that may reduce the likelihood of motorcycle accidents and fatalities." This statement suggests a serious misunderstanding of the greatest single problem in the motorcycle safety arena, as well as a discriminatorily skewed vision of where and how to approach a solution.

"*Countermeasures?*" What happened to *measures*? Do you seriously expect to devise a winning strategy based solely on *defense*? What happened to *offense*? The most serious threat facing American motorcyclists today is a killer that can only be overcome by aggressive proactivity, not feeble reaction. **That killer is the negligence, distraction and inattentional blindness of automobile drivers.** Quoting Motorcycle-Accidents-Lawyers-Attorneys.com:

"Approximately three-fourths of all motorcycle accidents involve another motor vehicle. Two-thirds of these accidents were caused by the motorist failing to yield the right of way. The most common reason given by the motorist involved in these accidents is that they 'didn't see' the motorcycle. These types of accidents account for approximately 50 percent of ALL motorcycle accidents! Recent scientific studies focusing on a phenomenon known as 'inattentional blindness' may help us understand why car drivers often end up causing accidents with motorcycles they 'didn't see.'"

If you are interested in trends in safety statistics, here is one that NHTSA shows as remaining constant for ten years: **About 90% of all motorcycle fatalities occur on roads that are NOT DIVIDED** or have NO MEDIAN BARRIER (as opposed to exit/entry ramps, one-way streets, or roads with median barriers). Combining this with the above yields the following:

- **90%** of all motorcycle fatalities occur on undivided roads, where automobile drivers can most easily violate the right-of-way of motorcyclists.
- **75%** of all motorcycle accidents involve another motor vehicle.
- **66%** of all multi-vehicular motorcycle accidents are caused by motorists failing to yield the right-of-way to motorcycles.
- **50%** of all motorcycle accidents are caused by the inattentive blindness of automobile drivers.

As previously stated, and as the foregoing and other statistics support, **the greatest single problem in the motorcycle safety arena today is the negligence, distraction and inattentive blindness of automobile drivers**. If it is truly the goal of the NTSB Forum to “...reduce the likelihood of motorcycle accidents and fatalities,” then this should be the focus of the forum and the first and foremost issue to be addressed. From that perspective, let’s evaluate your published panel agenda:

- Trends and Safety Statistics
- Vehicle Design (Part 1)
- Vehicle Design (Part 2)
- Rider Protective Equipment
- Training and Licensing
- Public Education/Awareness
- Rider Impairment
- Future Directions

Where is the session on “Mitigating Inattentive Blindness”? Where is the session on “Eliminating Cell Phones as a Source of Driver Distraction”? Where is the session on “Severe and Specific Penalties for Right-of-Way Violations”? Where is the session on “Mandating Motorcycle Awareness Training and Drivers License Testing”? And why look at “Rider Impairment” rather than “Motorist Impairment”?

As does its stated goal, the published panel agenda for the NTSB Forum suggests a serious misunderstanding of the greatest single problem in the motorcycle safety arena, as well as a discriminatorily skewed vision of where and how to approach a solution. **The primary directive of any motorcycle safety initiative should be to reduce the probability of a motorcyclist being involved in an accident, i.e., crash prevention**. The objective should be to develop and apply remedies which mitigate the major causal factors. **Your published panel agenda suggests a near complete abrogation of this directive, as if you are conceding the probability of crash occurrence and focusing merely on crash survival**:

- If motorcycle accidents are a sickness, then your agenda treats the symptoms rather than the disease. If the NTSB were charged with treating a gunshot wound, would you remove the bullet, or just put a band-aid over the hole?

- If motorcycle accidents are a crime, then your agenda blames the victim. If the NTSB were charged with reducing the number of people shot in downtown Detroit, would you round up the shooters, or simply mandate Kevlar vests?

America may be democratically governed, but it is celebrity driven. Every day, hard-working tax-paying citizens riding motorcycles are maimed and killed by inattentive and negligent automobile drivers, while calls for increased measures to mitigate inattentive blindness go unheeded. But let that injured rider be a star football player, and everything changes: The media reports he wasn't wearing a helmet--as if wearing a helmet would have prevented the guilty driver from turning in front of him--fueling a public frenzy that compels politicians and bureaucrats alike to act or risk losing position and paycheck.

Despite your statement to the contrary, many believe that the NTSB Forum was triggered by the recent accident involving Pittsburgh Steelers quarterback Ben Roethlisberger ... and no one will be surprised if at your forum the helmet *law* issue takes center stage. And more's the pity:

Over the years, an appalling amount of time, money and energy has been wasted by parties on both sides of the helmet *law* debate. On one side, we have biker advocates who have difficulty differentiating safety factors from rights issues, and who consequently and erroneously assail the effectiveness of helmets rather than the (in)equity of the laws mandating their use. To these well-meaning but ill-advised activists, I offer the following challenge:

I will tie you in a chair, then stand in front of you with a 22-ounce framing hammer in one hand, and a helmet in the other. Before I bring the hammer down claws first, aimed squarely at your coronal suture, I will offer you the helmet. If you accept the helmet, I expect you to go home and never spew anti-helmet hogwash again. If you don't accept the helmet, I'll make certain your conviction to your beliefs is noted in your eulogy.

On the other side, we have expedience-minded politicians, profit-seeking charlatans and a myopic media trying to convince the populace that helmets and helmet laws are the motorcycle safety cure-all, when in fact neither wearing a helmet nor mandatory helmet laws do anything to prevent motorcycle accidents. To this quick-blame, quick-fix, quick-buck consortium I ask the following questions:

If Big Ben had been wearing a helmet, would that have prevented the negligent driver of the car he hit from turning in front of him? When has the wearing of a helmet by a motorcyclist ever kept a weaving SUV driven by a soccer mom on a cell phone from running the biker off the road? And how often has a mandatory helmet law deterred a distracted driver from plowing through a motorcyclist waiting for a light change?

Specious helmet arguments and ceaseless helmet *law* debates drain us of precious resources better spent on motorcycle awareness ... better spent on addressing the fact that two-thirds of all multi-vehicle motorcycle accidents are caused by the negligence, distraction and inattentive blindness of automobile drivers.

Helmets may save lives, but focusing on **crash survival** (by mandating helmets for motorcyclists only), rather than **crash prevention** (through severe, specific right-of-way violation penalties, restricting the use of cell phones while driving, mandatory driver education and testing, and motorcycle awareness programs to mitigate inattentive blindness), is not only an ineffective public policy and a waste of public resources, but also blatantly discriminatory.

Few rational people will argue that in most situations a helmet offers some degree of protection to the head it covers. And since ALL Americans are entitled to equal protection under the law, a case could be made for mandating helmets for ALL motor vehicle operators and passengers. That line of reasoning might easily be extended to include bicyclists and pedestrians, and from there it is a short leap to the addition of boxers, bladders, boaters, bathers and babies.

There can be no logical argument to the assertion that the best way to reduce the probability of motorcycle injuries and fatalities is to reduce the probability of motorcycle accidents. But even a sweeping reversal of years of discrimination against motorcyclists by mandating a helmet for the head of every man, woman and child in America would have no impact on that statistic.

In 25 words or less, the position this paper is intended to convey is this:

Helmets and other defensive measures cannot prevent or lower the probability of motorcycle accidents. Proactive ABATEment of negligent, distracted, impaired and inattentive motorists can.

Speaking strictly for myself and no other individuals or organizations,

Bruce Arnold

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