



## **Motorcycle Riders Foundation**

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### **ISSUE: The EPA is Attempting to Regulate Your Motorcycle!**

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### **SOLUTION: Pass the Recognizing the Protection of Motorsports Act (S.203, H.R.350)**

#### **Issue Overview:**

Members of both the House and Senate have introduced proposed legislation that would protect the rights of Americans to modify their vehicles and motorcycles for racing purposes. Dubbed the Recognizing the Protection of Motorsports Act of 2017 (RPM Act, H.R. 350 and S. 203), this legislation would ensure that converting any motor vehicle (including street motorcycles) into a competition-only vehicle remains legal.

This proposed legislation became necessary after the U.S. Environmental Protection Agency (EPA) issued a proposed rule addressing greenhouse gas emissions. Buried within the 625-page rulemaking was one sentence that would have the effect of banning any conversion of street automobiles or motorcycles into racing vehicles or racing bikes.

In April of 2016, the EPA announced that, under pressure from Congress, it would drop the language from its proposed regulations. However, despite the EPA's announcement, spokespersons from the Agency are still stating that the clarification does not affect EPA's enforcement authority. This shows the clear intent of the EPA to attempt to overstep its bounds, as outlined by the Clean Air Act, in an effort to strip motorcyclists of the rights to modify their motorcycles as they see fit.

#### **MRF Position:**

Members of the Motorcycle Riders Foundation (MRF) along with its colleagues from the Specialty Equipment Market Association (SEMA) and others are not satisfied with the EPA response. To ensure that the EPA makes no further attempts to erode motorcyclists' rights we are advocating for the passage of the RPM Act. The RPM Act will provide clarity to industry and enthusiasts that the Clean Air Act allows motor vehicles, including motorcycles, to be converted into dedicated race vehicles by affirming that it has always been legal to modify a street vehicle into a race vehicle used exclusively at the track and confirms that modifying these vehicles for exclusive track use would not be considered tampering.



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### **ISSUE: There is a Proliferation of Ethanol in the Gasoline Supply & It May Cause Damage to Your Bike**

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### **SOLUTION: Congress Must Make Changes to the Renewable Fuel Standard**

#### **Issue Overview:**

In 2005 and 2007, Congress adopted and then expanded the Renewable Fuel Standard (RFS), which requires oil companies to blend increasing volumes of renewable fuels (like ethanol) with gasoline and diesel, culminating with 36 billion gallons that must be in the nation's fuel supply by 2022. As a result, we have seen increasingly higher blends of ethanol like E10 and E15 showing up at the pump. However, these higher blends, specifically E15, have not been approved by the U.S. Environmental Protection Agency (EPA) for use in small engines like those in motorcycles. Studies have shown clogged in-tank pumps and filters as well as potential damage to fuel lines, injectors, seals, gaskets, and valve seats, as well as to carburetors. As a result, the EPA banned the use of E15 and higher blends of ethanol in small engines, effectively making its use illegal in a number of instances. In turn, many of the manufacturers of smaller engine vehicles and equipment started including statements that warranties would be voided if E15 was used.

These kinds of activities have drawn a line in the sand between ethanol producers/ processors and manufacturers/users of small engines. As a result, Congress has introduced dozens of legislative proposals to try and address the issue. However, to date, no bills have been passed and the issue remains largely controversial.

#### **MRF Position:**

The Motorcycle Riders Foundation (MRF) believes that until higher blends of ethanol can be approved for use by both the EPA and motorcycle manufacturers, the federal government must guarantee the availability of fuel blends containing no more than 10 percent ethanol by volume at fuel stations across the U.S. In addition, the federal government must work with all stakeholder groups, including motorcyclists, to develop a comprehensive consumer-focused set of resources warning about the dangers and legality of using E15 through improving signage and labelling at gas stations and conducting official outreach to small-engine consumers like bikers.

The MRF is currently working with a group of influential stakeholders from both pro- and anti-ethanol groups in Washington to try and get these common-sense changes incorporated into congressional action.



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### **ISSUE: Bikers Need a Forum to Voice Safety Concerns Directly to Government Officials**

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### **SOLUTION: The Motorcyclist Advisory Council Should Include Dedicated Seats for Biker Perspectives**

#### **Issue Overview:**

Last year, the President signed the Fixing America's Surface Transportation Act, or the FAST Act, into law. This comprehensive legislation aims to upgrade our nation's surface transportation infrastructure, enhance roadway safety, and address general highway, roadway and safety related issues. In addition, the legislation reestablished the Motorcyclist Advisory Council or "MAC." This body of ten will represent the motorcycle community and have a direct line of communication with the Administrator of the Federal Highway Administration (FHWA).

Specifically, the Council would advise the Administrator on things like barrier and roadway design, construction, maintenance practices, and the architecture and implementation of Intelligent Transportation System technologies, all with the perspective as to how these areas affect bikers.

#### **MRF Position:**

Though the Motorcycle Riders Foundation (MRF) is supportive of the reestablishment of the MAC, we were concerned that the FHWA elected to include only ONE dedicated seat to a motorcyclist representing a national motorcycle association on the Council. Instead, the other nine seats would be filled by experts in road design, construction and safety. As such, we are concerned that the MAC will not include adequate representation of the motorcycle community. Limited representation for members of the motorcycling community will stifle the full spectrum of perspectives that motorcyclists have, particularly based on where riders live, in important conversations seeking to improve roadway safety.

To facilitate the success of the Council, we strongly encourage you to help facilitate a dialogue with the FHWA encouraging them to seek a truly fair and balanced MAC which will meet the congressional intent of the FAST Act and include dedicated seats on the Council for members of state- and national-level motorcycle riders associations to provide a wide range of motorcyclist insights and perspectives on roadway safety.



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### **ISSUE: Crash & Fatality Statistics for Motorcyclists Are Being Skewed**

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### **SOLUTION: The Federal Definition of Motorcycle Should Be Narrowed to Ensure Data is Truly Representative**

#### **Issue Overview:**

Currently, the National Highway Traffic Safety Administration (NHTSA) defines the term “motorcycle” as “a motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with ground” (49 CFR 571.3). This definition has not been revised or amended since initially defined back in 1967.

Given the fact that vehicles are now emerging that are classified as motorcycles but have little resemblance or operational characteristics to that of a motorcycle (generally termed as autocycles) the Motorcycle Riders Foundation (MRF) encourages NHTSA to carefully review the definition of a motorcycle. As more autocycles start to emerge on our nation’s roadways, any crash or fatality data will be categorized under the motorcycle grouping. This is inaccurate and is not truly representative of motorcycles.

#### **MRF Position:**

The MRF has been working with NHTSA in an effort to advocate for the review of the federal definition of motorcycle. We support terms such as: operated with handlebars; having a single up front seat or saddle for the operator; hand or foot controls; and having not more than three wheels; as originally designed. This would appropriately separate motorcycles from autocycles.

As we work towards this long-term solution, the MRF is also in communication with Congress and NHTSA to ensure that crash and fatality statistics for the purposes of Fatality Analysis Reporting System (FARS) are being separated from autocycles going forward. This guarantees that this important data is not diluted and continues to lead to responsible strategies and funding to reduce motorcycle crashes and fatalities. Furthermore, the MRF is working with its SMRO partners to ensure any state efforts to address this issue is done in harmony with a federal approach to secure continuity.



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### **ISSUE: Bikers Across the U.S. Are Being Unconstitutionally Profiled**

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### **SOLUTION: A Federal Law is Needed to Help in Working Towards a Positive Solution to End Motorcycle Profiling**

#### **Issue Overview:**

More and more, motorcyclists across the country feel singled out by law enforcement because of their appearance, apparel, or because they are simply riding a motorcycle. In fact, according to a recently conducted national survey, over half of the respondents felt they had been profiled by law enforcement despite not committing any traffic infractions. Unfortunately, the stereotype of the “criminal biker” has been exacerbated by television shows such as “Sons of Anarchy” that depict motorcyclists as dangerous and unlawful citizens, and responsible motorcyclists are suffering the consequences. Riding a motorcycle or wearing motorcycle apparel does not equate bikers with criminals! We believe that, through education and awareness, this issue can be addressed and mitigated.

Motorcycle profiling means the illegal use of the fact that a person rides a motorcycle or wears motorcycle-related attire as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle, with or without a legal basis. Under current 4th Amendment law pretextual traffic stops are permitted. However, the majority of all profiling stops involve the use of a minor traffic infraction as a pretext to a discriminatory stop, which means these stops currently go unchecked. Motorcycle profiling impacts an individual's chosen form of expression and associations and the right of a class of people to be free from discriminatory law enforcement practices and should therefore not be permitted. With over 10 million registered motorcyclists in the U.S. a solution is needed to address these increasing incidents of profiling. In fact, two states (Washington and Maryland) have already passed laws to correct the issue, and dozens more states will be considering similar bills in the 2017-2018 legislative sessions.

#### **MRF Position:**

The Motorcycle Riders Foundation (MRF) worked with federal lawmakers in getting a national bipartisan and bicameral bill introduced to address this critical issue. In May of 2017, House Resolution 318 and Senate Resolution 154 were introduced to address concerns over the profiling of motorcyclists. Though these are resolutions, they promote public awareness of motorcycle profiling and encourage collaboration and communication between law enforcement and the motorcycle community. Further, the legislation urges state law enforcement officials to condemn motorcycle profiling in written policies and training materials.

The MRF will continue to advocate for this issue and attempt to advance the measures in 2017.



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### **ISSUE: Autonomous Vehicles Are Already on the Nation's Roadways and Will Likely Become More Prevalent**

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### **SOLUTION: The Safety of Motorcyclists Must be a Key Priority in Regulating This New Technology**

#### **Issue Overview:**

Over the past year, more and more automakers have announced plans to pursue the creation and manufacture of self-driving cars. Like most new technologies, the federal government is trying to play 'catch-up' to this evolving area as it relates to rules and regulations. Recently, the Department of Transportation (DoT) issued guidelines surrounding this emerging class of vehicles. The guidance included a 15-point safety assessment for automakers to design, develop and test self-driving cars. The framework also includes options for federal transportation regulators to authorize automated vehicles under existing law, and it lists legislative or regulatory changes that could be needed "as the technology evolves and is deployed more widely."

Critics of the guidance quickly voiced concerns over the non-compulsory guidance, citing the need to establish formal and enforceable regulations governing self-driving vehicles, as well as ensure a strong federal standard to avoid a fifty-state patchwork of conflicting regulations.

#### **MRF Position:**

For motorcycle riders, there is acceptance that self-driving vehicles will be on the road in the future. However, there are concerns regarding the motorcycle community as it relates to these vehicles. The Motorcycle Riders Foundation (MRF) maintains that federal authorities must require robust testing for manufacturers of autonomous vehicles, guaranteeing they have accounted for motorcycle recognition and responsiveness. In addition, the MRF insists DoT must ensure that electronic security systems have strong standards to ensure cybersecurity in order to eliminate risks to motorcyclists. In addition, clear liability of fault must be established when it comes to crashes, and in doing so, motorcyclists should not face unfair advantages.

The MRF is working directly with DoT as well as Congress to ensure the viewpoints of bikers across the country are represented on this emerging issue.