



# What is TEA?

- Surface Transportation and Uniform Relocation Assistance Act of 1987
  - Also called the Federal Aid Highway Act of 1987
    - Gave power to apportion money to the Secretary of Transportation
    - Allowed states to raise speed limit to 65 mph on rural interstate highways

# What happened next - 1991

- **Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)**
  - Posed a major change to transportation planning and policy
    - Presented an overall intermodal approach to highway and transit funding
    - Gave significant additional powers to metropolitan planning organizations
    - Set up High Priority Corridors as part of the National Highway System
- This innovative legislation must be reauthorized every six years.

## So what does this have to do with motorcycles?

- Mandatory federal helmet law !!!
- Federal blackmail – withholding of federal highway funds to those states that failed to enact mandatory helmet laws for all riders
- Allowed the federal government to control State laws - Challenged State sovereignty and the 10<sup>th</sup> amendment to the US Constitution

# 1995 – Repeal a Done Deal

**November 28, 1995 President Bill Clinton signed the National Highway System Designation Act of 1994 (S.440) into law.**

Repealed Section 153 penalties on States without mandatory helmet laws

- Retroactively returns control of funds to states that were penalized for failing to pass helmet laws in 1994 and 1995
- Exempts Maine and New Hampshire from penalties for not having seat belt laws
- Repealed national max speed limit but requires a study be conducted by the Secretary of Transportation on the costs of traffic accidents in any State that raises the speed limit
- Fixed funding problem in the National Recreational Trails Act ensuring \$30 million in funding

# It's 1997 – Now What?

- ISTEIA II/ S. 1173 – Senate name for the reauthorization plan
- BESTEA/ H.R. 2400 - Building Efficient Surface Transportation Efficiency Act – House name
- Transportation Equity Act for the 21<sup>st</sup> Century - TEA-21 – final Conference Committee name
  - TEA-21 requires seven planning factors be included in regional transportation plans:
    - 1. support the economic vitality of the metropolitan planning area, specifically by enabling global competitiveness, productivity and efficiency;

- 2. increase the safety and security of the transportation system for motorized and non-motorized users
  - 3. Increase the accessibility and mobility options available to people and freight
  - 4. Protect and enhance the environment, promote energy conservation and improve the quality of life
  - 5. Enhance the integration of connectivity of the transportation system, across and between modes, for people and freight
  - 6. Promote efficient system management and operation
  - 7. Emphasize the efficient preservation of the existing transportation system.
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- In other words – the various highway departments now have to work together – what a novel idea

## However all was not well on the eastern front

- Proposed amendment by Senator Frank Lautenberg (D) New Jersey
  - Would have brought back requirements that states without universal helmet laws would lose their right to use federal highway money for roads and bridges
  - Instead they would be forced to use this money on safety programs
- Senator Lautenberg's amendment was soundly defeated thanks to the motorcycle rights community



# TEA-21 – A Win for Motorcyclists

## **NHTSA and the rest of DOT lobbying ban**

- prohibited NHTSA and the rest of DOT from using federal funds to lobby state or local legislatures.
- Can appear in response to a direct invitation of a member of such legislative body.
- NHTSA official could appear before a committee of a state legislature to testify that the Agency favors or opposes a specific pending issue but the NHTSA official could not through the use of governmental resources lobby or otherwise urge a state or local legislator to vote or act on a particular pending measure.
- **Prohibited motorcycle bans on roadways receiving federal money**

- **Changed NHTSA's mission statement**
  - From just reducing injuries and fatalities from motorcycle accidents – i.e. Safer Crashes
  - To include Accident Prevention
- **Included motorcycles in the development of the Intelligent Transportation System (ITS)**
  - Automated roadways – toll payments, etc
  - Automatic sensors to detect other vehicles on the roadway – not quite here yet but in the works
  - HOV lanes which include motorcycles

**MCHUMOR.COM** by T. McCracken



"Bob, call you back. Something's come up."

- This act is the first transportation bill in 30 years that contains **NO MANDATES, PENALTIES OR SANCTIONS** on states. There are no provisions to take money away from states for failure to enact specific state legislation. Those days are over. This marks a big change in the institutional culture of congress. Transportation Committee staff persons verified that the motorcyclists' rights lobby is largely responsible for this change.
- TEA-21 authorized all federal highway and highway safety programs for a 5 year period.

## **Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users – SAFETEA-LU**

- Senate version called SAFETEA
- House version TEA-LU
- Governors US federal surface transportation spending through September 30, 2009
  - Includes a host of provisions to improve and maintain the surface transportation infrastructure
  - Often called a “highway bill” but it is also the primary source of funding for other modes of surface transportation including rail transit

# SAFETEA-LU – 2002-2005

- Reauthorization process began in 2002. Congress passed eleven extensions prior to passing a final version in July of 2005.
- Controls all federal highway funding and highway safety through 2009
- **Landmark Victory for Motorcyclists  
AGAIN !**

- Established a grant program (Section 2010) for motorcycle safety and awareness programs - \$25 million dollars available through 2009. Grants of not less than \$100,000 available to individual states
- Established a motorcycle advisory council within the Office of the Administrator, Federal Highway Administration to ensure that crash barriers and road maintenance practices are motorcycle friendly, examine ITS implementation plans and other FHWA initiatives.

- 1,681 page bill makes no mention of helmet law requirements of any kind
- **Once again proves that well organized grassroots activism WORKS!**

**Reauthorization**

**2009?**

**What Now?**

- The stage has been set for us on the international level
- In June, 2008 motorcycle riders rights groups, rider groups, safety policy advisers, researchers and other organizations were invited to an international motorcycle safety forum in Lillehammer, Norway
- The outcome of that meeting was more than we could have hoped for