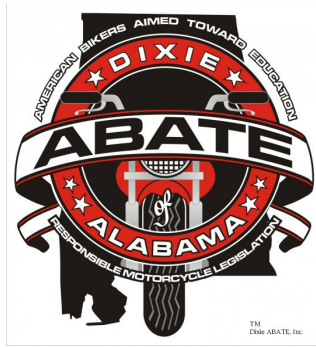


DIXIE ABATE BOARD OF DIRECTORS:

Matthew Schroeder: State Director  
Shane Coker: Assistant State Director  
Larry Lindsey: Education Director  
Freddy Wheeler: Acting Legislative Director  
Kris Cook: Secretary/Treasurer

Address:  
612 32<sup>nd</sup> Street South, #206  
Birmingham, AL 35233  
For information: 205-617-9944



[www.dixieabate.org](http://www.dixieabate.org)

NORTHEAST REGION, NOCCALULA  
FALLS CHAPTER  
BOARD OF DIRECTORS:

James "Ghost" Johnson, Director  
Shane Coker, Secretary/Treasurer  
Garland Medlock, Assistant Chapter Director

EAST CENTRAL REGION, TRI-COUNTY  
CHAPTER (Montgomery area)

Ira "Cowboy" Jones, Organizer  
Jeffrey Meck, Assistant Organizer

MEETING NOTES: December 7, 2019 Original Oyster House, Spanish Fort, AL

In attendance:

Michael Stieber  
Freddy Wheeler  
Larry Lindsey  
Linda Davison, Florida ABATE  
Truett Davison, Florida ABATE  
Neil Bruyn  
Fran Barber-Bruyn  
Billy Miller, Florida ABATE  
John "Chico" Bethea  
Matthew Schroeder  
Rodney Green  
Gregg "Gee Jay" Jones  
Tom "Bagman" Wilkie, Florida ABATE  
Janet "Bama Girl" Edwards, Florida ABATE  
Robyn Griffin, Florida ABATE  
Danny "Roadrash" White, Florida ABATE  
Chris Klotz, Florida ABATE  
Julie Dufur, Florida ABATE  
Carol "Shira" Robarts, Florida ABATE  
Martha Harris, Florida ABATE  
Kris Cook  
Chris Best

Kris passed out notes from the last meeting and a treasurer's report. No exceptions were noted. The above documents are now on record.

Welcome, ABATE of Florida, Gulf Coast Chapter!!

Freddy discussed how Acting Speaker of the House Victor Gaston gently told us last year that our "Dead Red" bill was the deadest bill brought before the House in the session. We need to change how we present it next time. Maybe call it "Safe on Red" and say it gives the rider an "affirmative defense" if ticketed for disregarding a traffic control device, as opposed to saying it would legalize running a red light. We will probably let this one rest for a year or two.

Freddy discussed Alabama's claim to fame as the only state in the union with no skills test for riders who want a motorcycle endorsement. We are concerned about this, especially as our young drivers do not know how to drive a stick shift, but they think they can ride a motorcycle.

Janet Edwards asked for Kris to share Dixie ABATE's billboard designs with her via email.

Freddy discussed how we supported the Distracted Driving bill, which helps demonstrate to lawmakers that Alabama's motorcycle community is FOR sensible legislation. He said we realize that one of the big causes of rider fatality is riders failing to negotiate a curve. Dixie ABATE is picking up membership, but there are 108,000 licensed motorcyclists in this state and we represent them whether they are members or not. When we send a call to action,

you need to do it. It should be your first thought in the morning. Your rep will listen to you, not someone who does not live in his or her district.

Do you know who your representatives are? Representative Gaston asked us all point blank who our reps were when we were in Montgomery this past season, and every one of us was able to tell him. If you don't know, you can easily look it up online:

<https://www.sos.alabama.gov/alabama-votes/elected-official-map>

Rodney has noticed that more young riders are taking MSF courses. Often they take them through Harley-Davidson dealers. They are looking for training. The next logical step is to teach them how to protect their rights as a rider. We need to work together with rider training instructors, to get our information to the new riders.

We discussed graduated M endorsements. We discussed who can help us as we work for a skills test. We need to make sure law enforcement is on board. Maybe we can reach out to the Blue Knights.

We discussed the feasibility of going after a bill that would allow riders to ride up the shoulder of the highway to get off at the next exit in case of a traffic jam and extreme weather.

Michael Stieber is looking into receiving NHTSA funding for motorcycle safety. Alabama gets nothing now because we don't meet the criteria.

From NHTSA's Five Year Plan document:

### **Funding for State Motorcycle Safety Programs**

NHTSA currently administers nearly \$570 million in annual grant funding to States for highway safety behavioral programs. Under Congressional mandates, much of this funding is distributed through formula grants based on population and roadway mileage. The Section 402 State and Community Highway Safety Grant Program is one such formula grant that provides roughly \$230 million annually to States to increase safe driver behavior, including motorcycle safety. In addition to the formula apportionment, States can also apply for grants under the Section 405 National Priority Safety Program. This category of grant programs includes funding for specific purposes, such as occupant protection, traffic safety information system improvements, impaired driving, distracted driving, graduated driver licensing, non-motorized safety, and motorcycle safety. Section 405 dedicates 1.5 percent of total funds for motorcyclist safety incentive grants. **A State must satisfy two out of six eligibility criteria to receive funds**, and by law the use of funds is limited to advancing motorcycle rider training and motorist awareness programs. States with motorcycle safety problems that fall outside of those parameters allowable under the Section 405 Motorcyclist Safety Incentive grant, such as impaired riding, speeding, personal protective equipment, etc., can use other resources such as Section 402 Highway Safety Grant funds.

From <https://www.federalregister.gov>:

The agency published a notice of proposed rulemaking (NPRM) on May 24, 2006 ([71 FR 29855](#)) to implement the new section 2010 grant program under SAFETEA-LU. The NPRM outlined certain procedural steps to be followed by States seeking to apply for a grant and set forth proposed requirements for the **six eligibility criteria**.

For the *Motorcycle Rider Training Courses* criterion, the NPRM generally proposed that a State use a training curriculum that is approved by the designated State authority having jurisdiction over motorcyclist safety issues and taught by certified motorcycle rider training instructors; offer at least one motorcycle rider training course **in a majority of the State's counties** or political subdivisions or in counties or political subdivisions that account for a majority of the State's registered motorcycles; and use quality control procedures to assess motorcycle rider training courses and instructor training courses conducted in the State.

For the *Motorcyclists Awareness Program* criterion, the NPRM proposed that a State develop a program by, or in coordination with, the designated State authority having jurisdiction over motorcyclist safety issues; use State data to identify and prioritize the State's motorcycle safety problem areas; encourage collaboration among agencies and organizations responsible for, or impacted by, motorcycle safety issues; and incorporate a strategic communications plan that supports the overall policy and program, is designed to educate motorists in those jurisdictions where the incidence of motorcycle crashes is highest, includes marketing and educational efforts to enhance motorcyclist awareness, and uses a mix of communication mechanisms to draw attention to the problem.

The NPRM proposal for the *Reduction of Fatalities and Crashes Involving Motorcyclists* criterion required that a State experience at least a reduction of one in the number of motorcycle fatalities and at least a whole number reduction in the rate of motor vehicle crashes involving motorcyclists. The NPRM explained that this criterion would rely on final FARS data, State crash data and Federal Highway Administration (FHWA) motorcycle registration data to determine whether a State experienced the required reductions for the preceding calendar year as compared to the calendar year occurring immediately prior to the preceding calendar year.

The agency's proposal for the fourth criterion, *Impaired Driving Program*, included requirements that a State have an impaired driving program that uses State data to identify and prioritize the State's impaired driving and impaired motorcycle operation problem areas and includes specific countermeasures to reduce impaired motorcycle operation with strategies designed to reach motorists in those jurisdictions where the incidence of impaired motorcycle crashes is highest. NHTSA proposed that for the purposes of this criterion, "impaired" would refer to alcohol-impaired or drug-impaired as defined by State law, provided that the State's legal alcohol-impairment level does not exceed .08 BAC.

For the *Reduction of Fatalities and Accidents Involving Impaired Motorcyclists* criterion, the NPRM proposed that a State experience at least a reduction of one in the number of fatalities involving alcohol-impaired and drug-impaired motorcycle operators and at least a whole number reduction in the rate of reported crashes involving alcohol-impaired and drug-impaired motorcycle operators. As with the *Reduction of Fatalities and Crashes Involving Motorcyclists* criterion discussed above, the NPRM proposed that this criterion would rely on final FARS data, State crash data and FHWA motorcycle registration data to determine whether a State experienced the required reductions for the preceding calendar year as compared to the calendar year occurring immediately prior to the preceding calendar year.

The NPRM proposed that for the sixth criterion, *Use of Fees Collected From Motorcyclists for Motorcycle Programs*, a State may qualify as a "Law State" or a "Data State." NHTSA proposed that a Law State would mean a State that has a law or regulation requiring that all fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs are to be used for motorcycle training and safety programs. NHTSA proposed that a Data State would mean a State that does not have such a law or regulation but can provide data and/or documentation from official records showing that all fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs were, in fact, used for motorcycle training and safety programs.

For each of the six eligibility criteria, the NPRM proposed various supporting submissions required for a State seeking to qualify.

#### *Funding Parameters*

Most States are eligible to apply for and receive NHTSA Section 405(f) grant funding, which allows for the development and dissemination of media and material relating to motorist awareness of motorcycles. Under

MAP-21, approximately \$4 million was available to States under the NHTSA Section 405(f) grant fund. That funding has remained relatively constant under the FAST Act.

By law, Section 405(f) funding is allowed for uses related to either motorcycle rider training or motorist awareness efforts. States looking to address issues related to impaired riding, speeding, personal protective equipment, or other motorcycle safety purposes, are able to utilize other sources of funding that have traditionally been allocated to impaired driving and occupant protection efforts (i.e., Sections 402, and 405(d)). Access to these funds for motorcycle safety has often been limited due to needs for resources for other traffic safety programs.

Larry posed the question, since we need to satisfy two of the 6 requirements, which ones are the most reachable for us? Where does our funding come from now? Freddy said court costs and tickets.

Michael Stieber reached out to ABATE of Michigan and found that they added \$3.00 to the fee for each motorcycle endorsement.

Philip Pettis (Limestone County) was a sponsor of the bill for the 2016 motorcycle endorsement law. He is a lifelong State Trooper. He sponsored the left lane bill that passed in the last legislative session.

Rick Randolph, of the Alabama Traffic Safety Center, has a plan to give riding tests in a 70' x 35' space, at no cost to the state. He will cooperate if we spearhead the effort. We will have more luck if we have a plan to make M endorsement testing work, when we bring the bill. That way we're not coming in with only an idea, waiting for them to put it together for us. Let's get a plan together then go see our legislators face-to-face. We need to decide if we want a learner's permit or not.

We talked about forwarding the MRF weekly update to all members every month. Kris to try to get this done.

Larry Lindsey proposed that our Legislative Director, Freddy Wheeler, contact the MRF to garner support for our effort. Freddy seconded this motion and it passed unanimously. They will use the MRF's CQEngage app to help with the grassroots effort. This may be a good step for us to get more grant money, if we can put a plan together.

We talked about sponsoring an advanced rider training course weekend that all our members can all come and take, at no cost to themselves. We will work on that.

Kris made a motion that we buy ads on Riders4Riders' t-shirts that they give out for their passport run. The money is due the first week of March. Michael seconded it, and it passed with a majority. R4R has 300 members, they will print 500 passports, with 35 stops. So there will be a lot of t-shirts. This will increase our visibility in the southern part of the state.

We reminded everyone again to please take the motorcycle profiling survey every year. Matt reminded us that the MRF is vigilant to preserve the ban on federal funding for motorcycle checkpoints.

We talked about motorcycles and HOV lanes. Do you know that motorcycles are allowed in HOV lanes? They are. From the U.S. Department of Transportation Federal Highway Administration's website: "Motorcycles are permitted by federal law to use HOV lanes, even with only one passenger. The rationale behind allowing motorcycles to use HOV lanes is that it is safer to keep two-wheeled vehicles moving than to have them travel in start-and-stop traffic conditions. States can choose to override this provision of federal law, if they determine that safety is at risk."

Every member from the Mobile area agrees the billboard we put up with R4R has been a great success! We thank Riders4Riders Mobile for their great idea and their financial contribution.



Wisconsin has defined an “autocycle, this past November. The Republican-authored [bill](#) defines autocycles as vehicles with three wheels in contact with the ground, **seating that doesn’t require straddling and a steering wheel**. The bill establishes a \$45 annual registration fee. According to a state Department of Transportation estimate, 1,030 vehicles that fit the autocycle definition are currently registered in Wisconsin as motorcycles for a \$23 biennial fee. That fee generates about \$11,845 annually. The department projects it will cost about \$160,000 to re-program computers to implement the \$45 fee and create autocycle license plates. The new fee should generate about \$46,350 annually.

We discussed autocycles here in Alabama, specifically the Polaris Slingshot. In Alabama, the autocycle is described thusly: “An autocycle is defined as a motor vehicle designed:

- To travel with three wheels on the ground
- Equipped with a steering wheel
- Seating that does not require the operator to straddle or sit stride the seat
- Manufactured and certified to comply with federal safety requirements for a motorcycle including, but not limited to, Part 571 of Title 49, Code of Federal Regulations.

Autocycles shall be registered, taxed, and titled in the same manner as a motorcycle. Motorcycle plates will be used to register these type vehicles. Part 571 of Title 49, Code of Federal Regulations is too massive to append here.

To ride an autocycle in Alabama, you do not need a motorcycle endorsement. There is much discussion about whether you have to wear a helmet or not. To justify not having to have a motorcycle endorsement, there is this:

**Act 2015-553, HB37**, defines an “autocycle” as a motor vehicle which has three wheels on the ground, but has a steering wheel, and excludes autocycles from the definition of motorcycle for the purposes of the licensure of the driver. The act requires the driver of an autocycle to have a regular motor vehicle driver’s license, requires an autocycle to be equipped with a seat belt, which is required to be used while the vehicle is in operation, and

provides certain restrictions for the use of autocycles by persons 17 years of age or younger.  
EFFECTIVE DATE: September 22, 2015.

And a typical blog/forum post regarding the use of helmets for autocycle use:

Also remember that a helmet ticket is just a fine. It's not a points violation. So even if you did have a LEO to write a ticket it's not that big of a deal.....

I can also tell you that if you're on the side of the road and after the officer looked over the paperwork and disagrees with you just let him write the ticket. It's not worth arguing over on the side of the road. YOU WONT WIN HIM OVER TO YOUR SIDE.

And let me clarify why this enclosed cab paperwork will work.... It is because the exemptions DO describe the SS (Slingshot) AND because they DON'T describe the SS. They are SUBJECTIVE..... And if you have your big boy britches on when you're talking to the LEO and explain it clearly to him they usually see your side....

It also helps to be nice... I have been pulled over by no less than 8 to 10 state troopers and god knows how many local officers and I have shown the paper work with the exemptions highlighted and they ALLLLLLLL agree with me...

Basically every single person will have their own experience with an officer about the helmet issue in Alabama. UNTIL THEY CLEAR THE LAW UP AND SPECIFY THAT THE AUTOCYCLE OR SLINGSHOT REQUIRES A HELMET I won't be wearing one.

P.S. THEY WOULD ALSO HAVE TO TAKE THE 3 WHEEL ENCLOSED CAB EXEMPTIONS OUT OF THE LAW.

.....

We met special guest Chris Best, the famed "Biker Dad" from WKRG. He has around 224,000 followers on his social media accounts, so he is a great contact to have. He rides and is an untiring advocate for motorcyclists. Thank you, Chris, for coming by!

Our next meeting is at 2 PM on Saturday, February 1, at the Shoney's in Clanton, Alabama, right off highway 65. The street address there is 946 Lake Mitchell Road, Clanton, AL 35045. The phone number there is 205-258-5347.