

KENTUCKY MOTORCYCLE SAFETY EDUCATION COMMISSION

Justice and Public Safety Cabinet, 2nd Floor Conference Room

September 14, 2009

10:00a.m. – 12:00p.m.

Commission Members Present: Steve Hanlon, Chair; Tim Lucas, Larry Cox, Jay Huber, Michael Scrivner, David Wiseman

Commission Members Absent: Tim Cody

Justice and Public Safety Cabinet Staff Present: Deputy Secretary Charles Geveden; Tanya Dickinson, Grants Management Branch; and Emily Koyagi, Grants Management Branch

I. Greetings and Introductions

The meeting of the Kentucky Motorcycle Safety Education Commission (KMSEC) was called to order by Chairman Hanlon. An agenda and supporting materials were distributed for review and discussion. Those present at the meeting were introduced. Chairman Hanlon passed around a contact list and asked members to review their information and update it accordingly.

II. Review of Commissions Role per Kentucky Revised Statutes (KRS)

Chairman Hanlon distributed a copy of the statutes pertaining to KMSEC. The Commission reviews its role as defined by KRS 15A.364. Chairman Hanlon pointed out that each responsibility outlined in this statute pertains to improving the motorcycle safety education program. He raised a question about the last responsibility listed: "Act as a communication channel between the relevant state agencies and motorcyclists and the general public." Chairman Hanlon reported that he will find out more about this responsibility.

Ms. Dickinson reminded the group about the General Counsel's interpretation of the statute that was distributed at the last meeting. Mr. Scrivner and Mr. Wiseman, who were not at the last meeting, requested a copy of this document from Ms. Dickinson.

The Commission is charged by statute with producing an annual report (KRS 15A.366). Ms. Dickinson explained that the information provided in the report is primarily produced by the motorcycle safety education program staff. They provide the program level information and the grants management branch staff provides the revenue information. The last report compiled by the Justice Cabinet was for FY 2007 but it was never approved. A copy of this report was distributed to the Commission. Ms. Dickinson will check with the Transportation Cabinet to see if a FY 2008 report was produced.

III. Review of FY2009 KY Motorcycle Program Statistics

Ms. Dickinson provided the Commission with a copy of the training totals for FY 2009 (7/1/2008- 6/29/2009), the training totals for June 2009 (last month of the fiscal year), and a year-to-date budget report for the first half of FY 2010 (7/1/2009-12/31/2009). Ms. Dickinson reported that upon completion of the FY 2009 annual report, it will be brought before the Commission for approval. Ms. Dickinson also agreed to prepare a quarterly report that will be

provided at Commission meetings. A column will be added to the quarterly report that shows YTD running totals on number of students trained.

Ms. Dickinson asked the Commission to review the FY 2007 report and provide feedback on the template. The FY 2007 followed the template used for previous editions. It includes a letter of transmittal, total number of students trained, number of motorcycles owned, site information, class statistics, listing of rider coaches, and expenditures and revenue information.

Mr. Huber inquired about the program review section of the annual report. He questioned whether the intention is to just list assets or list what was actually spent over the course of the year. Ms. Dickinson stated that the intention is to list assets and she explained that the actual expenditures are listed elsewhere in the report. Mr. Huber then asked about the way in which expenditures are categorized. He suggested that the expenditures may not be categorized correctly. For example, a \$5,000 purchase for testing supplies from MSF was classified as equipment. Mr. Huber suggested that this might be better classified as supplies. Ms. Dickinson stated that she can check on any line items that the Commission has questions about. She also reminded the group that in the future, the Commission will have the opportunity to review requests and specifically look at how the contractor is proposing to categorize expenditures.

After all comments had been heard on the format of the annual report, Mr. Huber made a motion to approve the format for annual report. Captain Lucas seconded the motion and all members were in favor.

A question was raised about revenue tracking. At this time, revenue from licenses and permits continue to roll up through the clerks' offices to the Transportation Cabinet. Even though the Commission has been transferred to the Justice Cabinet, the funds are still going to the Transportation Cabinet. The Justice Cabinet has the authority to spend the money, but does not yet have access to the money because the full transfer hasn't been completed yet. Mr. Huber asked Ms. Dickinson if there is any money still in the account. She responded that at this time, she is unable to access the account to find this out. She informed the group that the money that is leftover at the end of a fiscal year can still be accessed and spent, however, if a major balance is left, it may get swept up and KMSEC would lose the funds.

The group discussed the cost of providing training. Mr. Wiseman inquired about ECU's Rider's Education program and whether it was self-sustaining. Ms. Dickinson stated that it is not self-sustaining. A portion of the revenue for this program is used to support training sites. Mr. Huber pointed out that in Ohio and Indiana, the state motorcycle education course is free of charge. Many states provide this resource at low or no cost. Chairman Hanlon stated that Kentucky is in the middle of the road in terms of program cost. Chairman Hanlon cited his source of information as MSF's Cycle Safety Information, 2008.

IV. Sub-Committee Reports

a. Rider's Ed RFP and Program Guidelines Sub-Committee

Mr. Huber reviewed the minutes from the August 14, 2009, sub-committee meeting. He asked the Commission to consider the addition of a Statement of Work (SOW) to ECU's

contract. The SOW would include what the Commission wants to see to ensure program efficiency. Ms. Dickinson explained that a SOW will be beneficial to both the contractor and the Commission. Mr. Huber directed the group to the bulleted list of suggestions from the meeting minutes. After discussion among the group, it was decided that a SOW would be drafted that addresses:

1. Establishing an appeals process for site non-selection or termination.
2. Approval of new sites and termination for cause via the Commission.
3. Requirement of notice to Commission Chair of emergency actions to bring before the Commission.
4. Specification of 10% limit on budget transfers.
5. New reporting requirements.

Mr. Huber made a motion to develop a SOW to attach to ECU's 6 month renewal. Mr. Cox seconded the motion and all members were in favor. Ms. Dickinson will draft the SOW for presentation to the Committee at the next meeting.

The group discussed other topics that were raised at the sub-committee meeting. It was agreed that these issues should be put before ECU for their input. Topics included creating a central website for the program that includes online registration, incentivizing the program, and establishing rider education programs as prescribed by MSF (basic, intermediate, experienced, and optional (e.g. passenger, on street)). Mr. Huber agreed to compile these questions and submit them to ECU for their consideration.

b. Legislative/Administrative Sub-Committee

The minutes from the August 5, 2009, meeting of the Legislative/Administrative Sub-Committee were distributed to the group. Mr. Cox handed out materials that were distributed at the meeting. Chairman Hanlon asked that the sub-committee's discussion of the helmet law not be reviewed in today's meeting. He stated that it is his position that this issue is not germane to the duties of the Commission. Although some members felt that addressing the helmet law does fall under the scope of the Commission's responsibilities, it was agreed upon that the Commission would not address the helmet law in today's meeting. Chairman Hanlon asked Captain Lucas to obtain KSP data on motorcycle accidents and fatalities for the Commission to review.

The sub-committee also explored the topic of establishing a new motorcycle skills test for Kentucky and allowing the tests to be taken at regional sites currently used by the motorcycle program for educational purposes. This would require a change in the law that dictates that testing must occur in the rider's county of residence. Mr. Cox suggested that the Commission review the new MSF test and find out how much the test will cost KSP and how feasible it will be to implement it statewide. Captain Lucas reported that he has had a chance to review the new MSF test and DVD. He and several other sergeants who reviewed it believe that it is a good product. He stated that the current test does not challenge riders. He will check to see if he can get permission to make copies of the DVD for the Commission members.

Mr. Cox reported that the sub-committee had an action item to ask the Commission to consider the possibility of providing a mandatory free basic rider course to all riders ages 18-21. Captain Lucas stated that the Commission should pitch the idea to ECU and get their input. Chairman Hanlon pointed out that the free program is already offered to riders ages 16-18 but few people are taking advantage of it. Captain Lucas reported that KSP motorcycle testing has gone down this year following a small increase last year. Mr. Huber suggested that the Commission should find out how many 16-21 year-olds get licensed in order to assess the potential costs of such a measure. The group discussed how the program can reach young riders. Captain Lucas reported that the motorcycle manual does not include information about the free program for 16-18 year-olds. He will check with KSP about the possibility of adding this information to the manuals. Tapping into schools may also be a good way to spread the word about the free program. Chairman Hanlon stated that he believes that word of mouth is one of the best forms of advertisement. He also suggested running a PSA that states that 95% of riders killed in motorcycle accidents last year were not trained.

Given the fact that numerous questions have been raised that will need to be addressed by ECU, Ms. Dickinson asked the Commission if they would be in favor of ECU hosting the next quarterly meeting (12/14/2009). She suggested that ECU could give a presentation in response to the Commission's questions (e.g. online registration, free courses, etc.). The Commission was in favor of this idea. Mr. Huber volunteered to compile a set of questions for ECU.

IV. Meeting Adjournment

Before closing the meeting, Chairman Hanlon opened the floor to the guests in attendance. The spokesperson for the guests stated that they had come to the meeting to ask the Commission to detail its plans for promoting motorcycle awareness. She and the other guests expressed their concern for increasing motorcycle awareness on Kentucky's streets and highways. Chairman Hanlon stated that there are no specific plans to promote motorcycle awareness at this time but that the Commission will be addressing this in the future. He challenged all meeting attendees to come up with ideas for promoting motorcycle awareness and present them at the next meeting.

Mr. Huber made a motion to adjourn the meeting. Mr. Scrivener seconded the motion and all members were in favor.