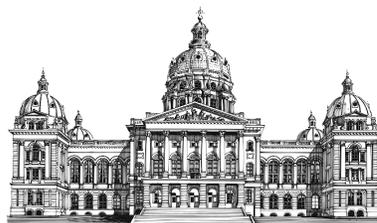

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Motorcycle Helmet Legislation Impact to Iowa

ISSUE

The General Assembly did not pass a mandatory motorcycle helmet law during the 1993 Legislative Session. As a result, federal law requires 1.5% of the federal highway apportionment funds to be transferred from highway construction projects to traffic safety (Section 402) programs in Federal Fiscal Year (FFY) 1995.

AFFECTED AGENCIES

Department of Transportation (DOT) and Department of Public Safety

CODE AUTHORITY

Federal Mandate

BACKGROUND

The Intermodal Surface Transportation Act of 1991 (ISTEA) requires states to either pass a mandatory motorcycle helmet law no later than September 30, 1993, or transfer 1.5% of the federal highway apportionment funds to traffic safety programs in FFY 1995 and 3.0% for each year thereafter.

Currently, 25 states and the District of Columbia have mandatory helmet laws covering all riders, 22 states have helmet laws that cover only certain riders, and 3 states (Iowa, Illinois, and Arizona) have no helmet law in place. These 25 states will transfer \$48.9 million of federal-aid highway funding to safety programs in FFY 1995, and will transfer \$98.4 million each year thereafter. This will more than double the amount of funding for Section 402 safety programs in FFY 1995 and will quadruple the funding level beginning in FFY 1996.

The Governor's Traffic Safety Bureau administers the Section 402 traffic safety funds for the State. The Bureau contracts with State, county, and municipal agencies to improve traffic safety. All contracts must be approved by the National Highway Traffic Safety Administration (NHTSA). The Governor's Traffic Safety Bureau has developed the methodology to determine where the funds should be allocated throughout the State. Under this methodology, the Bureau has identified 22 counties that are eligible for contracts. These counties represent over 50.0% of the traffic fatalities and injuries that occur annually in Iowa.

CURRENT SITUATION

The General Assembly did not pass a mandatory helmet law by the September 30, 1993, deadline and will shift approximately \$2.0 million (1.5%) of federal highway construction funds

to traffic safety programs in FFY 1995. The State will annually transfer approximately \$4.0 million beginning in FFY 1996 unless a mandatory helmet law is enacted.

These funds will be programmed according to the current guidelines of the Federal Section 402 Program and must receive approval by NHTSA.

ALTERNATIVES

- Enact a mandatory motorcycle helmet law during the 1994 Legislative Session to prevent \$4.0 million (3.0%) of federal highway construction funds being transferred to highway safety programs in FFY 1996 and each year thereafter.
- Do not enact a mandatory motorcycle helmet law and continue to transfer highway construction funds to traffic safety programs.

BUDGET IMPACT

Governor's Traffic Safety Bureau

There are 10 areas where the Governor's Traffic Safety Bureau is authorized to spend the Section 402 traffic safety funds. The Bureau's three-year program (as approved by NHTSA) is shown below with budgeted funds in each of the 10 authorized areas. This Program does not include the additional highway funds to be transferred to the Section 402 in FFY 1995.

Governor's Traffic Safety Bureau Three-Year Program

<u>Program</u>	<u>FFY 1994</u>	<u>FFY 1995</u>	<u>FFY 1996</u>
Planning and Administration	\$ 94,000	\$ 97,000	\$ 100,000
Program Management (6 field staff)	480,000	490,000	490,000
Alcohol	394,115	351,600	290,100
Occupant Restraints	291,750	292,500	283,375
Police Traffic Services	450,450	404,025	340,450
Community Traffic Safety Projects	140,755	0	0
Emergency Medical Services	16,000	20,500	12,000
Pedestrian/Bicycle Safety	17,725	10,000	0
Traffic Records	20,000	0	0
Engineering	150,000	150,000	150,000
Total	<u>\$ 2,054,795</u>	<u>\$ 1,815,625</u>	<u>\$ 1,665,925</u>

Note: The above budget represents only federal funds from the Section 402 Program. The Department of Public Safety will provide annual matching funds of approximately \$100,000 (Road Use Tax Fund) to maintain the funding.

The Bureau will receive an increase of \$2.0 million in FFY 1995 (which will more than double the Bureau's budget) and will receive an additional \$4.0 million in FFY 1996 and beyond, unless a mandatory helmet law is enacted.

Department of Transportation

The DOT estimates the total federal-aid highway apportionment for Iowa (for State and local jurisdictions) at \$205.0 million for FFY 1995 and FFY 1996. The amount of funds to be transferred

to the Section 402 Program is based on \$134.9 million of the total \$205.0 million allocation. This \$134.9 million is allocated to the following highway programs:

National Highway System	\$	52.7 million
Congestion Mitigation		4.9 million
Surface Transportation Program		77.3 million
Total	\$	134.9 million
1.5% Transferred to Traffic Safety	\$	2.0 million

The transfer of the highway funds to traffic safety programs will require the DOT to make adjustments to the program for those years.

Federal legislation has been introduced to either delay the effective date of penalties or remove penalties for states that do not have mandatory motorcycle helmet laws. The status of this legislation is uncertain.

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