

Motorcycle Safety Education Commission Meeting

**Kentucky Justice and Public Safety Cabinet
First Floor Conference Room
State Office Building Annex
125 Holmes Street
Frankfort, Kentucky 40601**

**10:00am-12:30pm
September 12, 2011**

• **Commission members present:** Steven Hanlon (Chair), Larry Cox, David Wiseman, Jay Huber, Tim Cody, Major Lynn Cross, Michael Scrivner.

• **Justice and Public Safety Cabinet Staff present:** Tanya Dickinson and Donna Jones – Grants Management Branch.

• **Guests present:** Dinah Meister and Bob Heckel, Balance Dynamics, and Chris Millard, ECU student.

• **Greetings and Introductions**

The September 12, 2011, meeting of the Kentucky Motorcycle Safety Education Commission (KMSEC) was called to order by Chairman Steve Hanlon. An agenda and supporting material were distributed for review and discussion.

• **Prior Meeting Minutes and Reports**

The minutes for June 6, 2011, KMSEC meeting were distributed. A motion was made by David Wiseman to approve the meeting minutes. The motion was seconded by Larry Cox and all were in favor.

• **Commission By-Laws**

Chairman Hanlon opened today's meeting with the review and adoption of the proposed bylaws. At the June meeting, a review of several model policies was presented by Donna Jones. Commission members favored the one from Indiana. Donna Jones adapted the model bylaws to include the KRS language related to the Kentucky Motorcycle Safety Education Commission. Commission members reviewed the bylaws as presented and Larry Cox motioned to accept the document as their bylaws, with Michael Scrivner seconding the motion. All were in favor.

• **FY2012 Policy and Procedure Manual**

Discussion on the 2012 policy and procedure manual brought up several concerns that included the clarification of hours required for the rider course. The manual clearly stated that site providers would pay coaches for twenty (20) hours of instruction. Due to a misunderstanding of how the hours were applied, Balanced Dynamics of Georgetown had to cancel some classes due to these required hours, which ultimately caused people not to receive instruction. The

commission questioned Eastern Kentucky University's (EKU) use of this language. Dr. Terry Kline explained that the twenty (20) hours represented fifteen (15) hours of actual instruction, while the additional five (5) hours represented preparation for the course itself. After additional discussion, he agreed that ECU would modify the language to read fifteen (15) to twenty (20) as some providers do not utilize all of five (5) hours for preparation.

Private training was once again brought up with varying understandings. Site providers would like to offer private trainings if the individual is willing to pay additional fees. At this time, they are limited to student fees specified in the approved budget. While ECU believes the students would receive the same quality of education in a class setting, private training offers the individual the opportunity to learn at their own pace. The question was then brought up whether or not individuals taking private training would receive certification because of the required ten (10) hours of riding time. Dr. Kline was asked to inquire with the Motorcycle Safety Foundation (MSF) and provide their response to both Chairman Hanlon and Tanya Dickinson. Member discussion during prior commission meetings clarified that private training is allowable.

It was also stated that the manual was too lengthy and included language which could be confusing or interpreted as ultimatums, both of which are unnecessary. Chairman Hanlon and Commission members agreed that the policy and procedure manual be revised before the end of the year. Tanya Dickinson agreed to collect all the suggested changes from the Commission members by no later than October 15, 2011. She also stated that the manual should be considered the 2013 manual and that the current manual be used in the interim. Any final changes must be compliant with oversight requirements imposed by the Motorcycle Safety Foundation, Eastern Kentucky University and the Cabinet.

• **Sub-Committee Reports/General Updates**

Jay Huber presented the Legislative Subcommittees findings/recommendations from their June 28, 2011, meeting as follows:

- To seek legislation that would allow motorcycle learning permits to be valid for one (1) year from issue, with the possibility of one (1) renewal also good for one (1) year. Should the applicant fail to take their skills test and receive their endorsement within that two (2) year period, they would be required to take a rider education course to attain their endorsement.
- To seek legislation that would require state traffic schools to incorporate 15-30 minutes of motorcycle awareness instruction such as the Motorcycle Safety Foundation's (MSF) driver awareness program, "Share the Road" or other similar awareness program.
- In an effort to measure the impact of raising the age for free training to twenty-one (21) the Subcommittee recommends amending the current contract and/or future contract with the provider to subsidize free training for riders under the age of twenty-one (21). If this works, and does not appear to impact the budget adversely, then codifying this process into legislation may be pursued.
- In an effort to bring more awareness to unsafe conditions due to construction, road maintenance or other adverse road condition(s), recommend the Kentucky Department of Transportation require road contractors to utilize motorcycle awareness signs in those areas.

Following Mr. Huber's presentation, all members agreed that permits should not be longer than as suggested in the subcommittee's report. It was revealed that traffic schools already have at least a seven (7) minute video in their presentation on sharing the road. Several members requested a copy to be given to them for their review prior to proceeding with legislation recommendations. A concern for the time frame to review current video and to present any changes to this recommendation was dispelled among the members and will be discussed at the December 2011 quarterly meeting. Mike Scrivner of the Kentucky Transportation Cabinet stated that he does not recall receiving the e-mail with this information, and would like to review and obtain Kentucky Transportation Cabinet feedback. Jay Huber assured Mike Scrivner that he would have the e-mail within a day of this meeting. Tanya Dickinson stated that the Justice Cabinet will need to get the Commission decision on legislative changes as soon as possible so that it will have enough time to prepare for the upcoming session. She included the fact that items could be on the Transportation or Justice Cabinet agenda for legislative changes, or taken up by community groups, as appropriate to their missions. Chairman Hanlon stated that the Commission will continue to work on this and discuss it further at the December meeting.

Postcards were sent out in August 2011. The Department of Corrections provided the printing and the Kentucky Transportation Cabinet provided the mailing list. Tim Cody of ECU as well as Bob Heckel and Dinah Meister of Balanced Dynamics have seen the postcard. Mixed reviews of the cards included consumer questions about costs or how they were presented on the card, as well as typographical errors. Confusion over costs was attributed to timing; card changes were designed under the old contract and not clarified. Overall, it was agreed the postcards did generate interest and brought in people who would not have otherwise taken a course.

Tanya Dickinson presented a request to include grant oversight costs. She explained that KRS prohibits the Justice and Public Safety Cabinet charging the Commission for administrative expenses but direct expenses are allowable. Meaning the Cabinet would not charge for time spent preparing material for the meetings or attending the meetings; however, she proposed that allowable costs could include program and financial site visits if agreeable to Commission members and enacted by the General Assembly. Further explanation included that the visits would monitor project oversight activities both programmatically as well as financially. Up to now, nothing has been in place to specifically provide this type of oversight to the extent necessary, based on the amount awarded. The resolution will be shared with the General Assembly, as appropriate. Expenses in this category would be no more than \$10,000 to \$20,000 per year. Ms. Dickinson stated that it's good practice to incorporate oversight to any program. Jay Huber motioned for a cap of \$20,000 for the purpose of monitoring the contract with the capability to revisit if necessary. This motion was seconded by Larry Cox. All were in favor.

• **FY2013 Request for Proposal**

Discussion was once again brought up concerning the upcoming 2013 budget. Jay Huber provided a copy of the Indiana contract, showing the state pays per student charges. He went on to say that they currently have three (3) agencies that provide motorcycle training and suggested Kentucky review the current provider (EQU) and make possible suggestions on changing the way Kentucky is currently doing business by developing an RFP for 2013. It's evident that the number of students being trained in Kentucky is much lower than that of Indiana and something needs to be done to increase participation in Kentucky. Tanya Dickinson explained the RFP

process to the Commission. The Commission's responsibility would be to specify the requirements of the RFP; the Cabinet would issue the RFP, review responses and make an award. This is essentially a two year process when including design, issue, evaluation, and award. Several members did not have an opinion and given the fact that they only meet quarterly, several suggested making changes to the existing contract rather than putting together a RFP for future contracts. Discussion included current processes, site providers being responsible to advertise the program as ECU does not have a line item in budget to advertise, amount of time people can hold their permits, and current economy being factors as to why training is being challenged in Kentucky. A motion to explore the process for development of an RFP for a future contract year was made by Jay Huber, seconded by Larry Cox. All were in favor and the motion passed. Members will discuss further at the December meeting.

• Future Meeting Date(s)

Next meeting will be Monday, December 12, 2011

• Adjourn

Motion to adjourn was made by Chairman Hanlon and seconded by Larry Cox. All were in favor.