

Interesting Things at the Motorcycle Safety Program

On 13 March, at the urging of DOL staff, the Motorcycle Safety and Education Advisory Board approved an update to their charter. There are some “interesting” things in the new charter, as well as the entire run up to the process. (Stand by folks, this is going to be a bit long, and I am going to express my feelings.)

Some of the “interesting” things in the document (directly quoted):

1. A pool of non-voting members are established who can be appointed to the board by the chair.
 - a. This pool shall not exceed five (5) members, and may be made up of:
 - i. Qualified individuals who applied for vacant board positions who were vetted, though not appointed, due to lack of sufficient vacancies.
 - ii. Motorcycle rights organizations.
 - iii. Law enforcement organizations other than WSP.
 - iv. The Traffic Safety Commission.
 - v. The Department of Transportation.
 - vi. Other applicable organizations
 - b. Non-voting members, that meet C.1.a, may later be appointed to vacant positions, as needed.
2. Periodic Meetings
 - a. Will be scheduled at the call of the department or the Chair.
 - b. Will be used to discuss legislation and its impact, develop position statements, etc.
3. During legislative session, Board members must be available to provide feedback to the Chair and/or Vice Chair regarding proposed legislation, with 72-hour notice.
4. Deliverables
 - a. Legislation
 - i. Impact to motorcycle safety education and rider safety
 - ii. Supported by relevant data and research
 - iii. Aligned with established safety best practices
 - iv. Addresses the specific needs of motorcycle riders regarding road design, signage, and maintenance
 - v. Provides appropriate educational period prior to implementation
 - b. Motorcycle safety research
 - i. National
 1. Training and testing standards
 2. Best practices
 3. Vehicle technology
 4. Personal protective gear
 5. Roadway design
 - ii. International
 1. Training and testing standards
 2. Best practices
 3. Roadway design

- c. Outreach
 - i. Event location ideas
 - ii. Messaging ideas
 - iii. Innovative approaches (social media, etc)
- 5. **(The Big One)** The MSEAB, as an advisory board, is ***not subject to the Open Meetings Act***, as it is not a governing body of the Department of Licensing.

It should be noted, the document from which I am quoting was not developed by the Advisory Board. The document was presented to the board for discussion and adoption, and never publicly released. I managed to get the text, as they say in the spy movies, through back channels. This lack of transparency is extremely troubling to me, and the fact that the agency pushed this document out to the board, with effectively zero public disclosure, and pressured the board to ratify it is even more troubling.

The assertion that the board is not subject to the open meetings act, based on an alleged Attorney General rep's opinion, which has not been documented to the members of the board is at best egregious, and worst duplicitous. When SHB 1171 was passed in 2023 the idea behind adding 2 members to the board was to allow for 3 person sub committees without having a quorum. That indicates that the legislature believes that policy advisory boards are subject to the Open Meetings Act. This is the same opinion that has been offered to every advisory board on which I have served over the last 20+ years.

Finally, the original intent of the establishment of the advisory board was to give the riders of the state a direct line of communication with the Department and the program for which we pay. Granted, the board has assisted the program from time to time, but for many years the focus was providing the conduit for the riders. This document calls for the board to get legislatively involved on the behalf of the DOL. ergo act like legislative staff. The same for the whole research tasking. It looks to me, IMHO, that the DOL wants part time staff, not input from the riders who, once again, are paying the bills. Also, most of the potential candidates, other than riders, are from organizations that have a full time presence in Olympia and have a collegial relationship with DOL. Do we really want to dilute the motorcyclists' voices on the board? I think not.

R/Larry