

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (www.nmlegis.gov). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 01/27/13

SPONSOR Martinez, R. LAST UPDATED _____ HB _____

SHORT TITLE Volunteer Motorcycle Traffic Escorts SM 2

ANALYST Cerny

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Minimal				Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Veterans' Services Department (VSD)
 Department of Transportation (DOT)
 Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

Senate Memorial 2 requests that the Department of Public Safety and NMDOT convene a task force comprised of representatives of the motorcycle community, including members from the New Mexico Motorcycle rights organization, the motorcycle safety foundation, community motorcycle organizations and clubs as well as independent motorcycle riders.

The task force would be charged with conducting a review and analysis of current legislation regarding escort right of ways for emergency vehicles, funeral and military processions; to make recommendations for legislation to improve the protection and endorsement of volunteer motorcycle traffic escorts; and to consider a training initiative.

SM2 includes those who may be participating in charitable events.

SM2 states that charitable motorcycle events statewide are being cancelled due to the prohibitive cost of paid motorcycle escorts and that law enforcement agencies are prevented from donating their services owing to the State's anti-donation clause.

P. 2 line 6 states that motorcycle events often cross law enforcement jurisdictions, making the use of paid law enforcement motorcycle escorts challenging.

Senate Memorial 2 – Page 2

P. 3 line 16 states that a group of motorcyclists traveling together in an organized fashion is a procession and should be protected under the law.

FISCAL IMPLICATIONS

NMDOT states “SM 2 requires NMDOT to assist in the establishment of a task force. Fiscal costs have not been identified.”

DPS states fiscal implications are “minimal.”

SIGNIFICANT ISSUES

P. 3 line 19 references a program that utilizes civilian motorcycle escorts. The State of Arizona in 2011 adopted a program to train civilian motorcycle escorts and a statute that enables the use of volunteer civilian motorcycle escorts (Arizona Revised Statute 28-776), for funerals or military processions. It does not address other events or processions.

NMDOT notes that existing language in the Arizona statute mentioned in this memorial may be in conflict with current motor vehicle laws. “The Arizona civilian motorcycle escort service allows for the escorts to exceed the speed limit by 15 miles per hour when overtaking processions to direct traffic at the next intersection. New Mexico only allows for authorized emergency vehicles to exceed a maximum speed limit so long as the driver does not endanger life or property.”

Also, NMDOT states that additional legislation may be needed to give volunteer civilian motorcycle escorts the authority to stop traffic and conduct other enforcement activities necessary to conduct escorts.

NMDOT’s Traffic Safety Division (TSD) currently oversees the statutorily mandated Motorcycle Training program. TSD conducts annual motorcycle advisory committee meetings through the Motorcycle Training program to discuss issues relating to riders and drivers.

DPS states that “Motorcycle escorts of funeral processions, dignitary visits, or special events are one of the highest risk activities our officers are involved in. Clearing intersections, leap frogging back into position, distracted drivers, high speeds and high speed braking make this a dangerous and high risk endeavor. New Mexico lost an officer performing motorcycle escort a few years ago due to an accident that occurred during a presidential motorcade.

DPS points out that officers receive several hundred hours of training before being allowed to participate in a motorcade and that training as a ‘team’ is critical for these events, which requires cross-training between agencies to handle large motorcades.

DPS also raises a potential logistical issue, stating that it would be difficult to have the same “team” of volunteers to show up at every motorcade, which could further impact public safety and that of the volunteers.

PERFORMANCE IMPLICATIONS

The task force will be required to present their findings and recommendations to an appropriate interim legislative committee no later than October 2013.

ADMINISTRATIVE IMPLICATIONS

DPS and DOT will be required to identify task force members as well as convening the task force.

OTHER SUBSTANTIVE ISSUES

NMDOT/TSD conducted a meeting in 2012 which was attended by representatives from New Mexico Motorcycle Rights Organization, Department of Public Safety, Albuquerque Police Department, Rio Rancho Department of Public Safety, Motorcycle Safety Foundation, motorcycle vendors, UNM, Patriot Guard Riders, and NMDOT. The advisory group discussed the volunteer civilian motorcycle escort program. Issues were identified and discussed for the implementation of a civilian escort program in New Mexico.

DPS also raises the question of incurring liability for the State in the use of volunteers, by providing their training and mandating requirements for motorcade operations and/or participation.

VSD notes: The Patriot Riders as well as the Legion Riders are groups of volunteer motorcycle escorts who provide escorts for military funerals as well as other veteran community ceremonies. They have provided escorts for hundreds of military funerals protecting the surviving families from those who choose to protest at these ceremonies at the National Cemetery as well as smaller private cemeteries. They do this out of a sense of duty to our fallen warriors and their families.

NMDOT notes that in an article titled “Police Motorcycle Escorts”, a retired Captain with the City of Fort Lauderdale Police Department and motorcycle instructor, states that extensive strategic planning goes into a motor escort and many things must be accounted for. For example, all planned routes must have alternate routes due to unforeseen problems that arise, and they must be traveled ahead of time. Escorts must be trained in different settings to include daytime and nighttime settings. Construction zones and congested areas must be identified and planned for. Escort teams must plan for railroad tracks along with their scheduled crossings. The cited article may be found at www.policemotorunits.com.

CC/svb