Post-Hearing Comments of Mr. Bob Beers
Motorcycle Road Guard Submitted to the Office of Administrative Hearings

Bob Beers

Office of Administrative Hearings
State of Minnesota
600 North Robert Street
P.O. Box 64620
Saint Paul, Minnesota 55164-0620

Administrative Law Judge
Eric L Lipman

January 3, 2014

Judge Lipman,

In response to the public hearing held on December 18, 2013 on Docket 8-2400-22867 Revision RD-4088 at 9:00 a.m. Room 300 of the State Office Building 100 Reverend Martin Luther King Jr. Boulevard, Saint Paul, MN, I offer the following comments and request that they be considered by the Department of Public Safety in its proposed rule-making as it relates to motorcycle road guard certification.

1. On August 28, 2013 the Minnesota Department of Public Safety in a Statement of Need and Reasonableness stated that 46% of the motorcyclists killed were over the age of 50 and that 31% were under 30 years old. In testimony given at the hearing on December 18, 2013 one of the early speakers recounted that The Statement of Need did not address the fact that none of the fatal accidents occurred during any organized event, therefore their Statement of Need for road guards during organized events is invalid.

2. In the Proposed Rule Draft all road guards must have a two wheeled vehicle endorsement. A passenger on a motorcycle that has a Minnesota Driver’s License would not be able to assist the road guard in controlling traffic at intersections that would require two road guards. I propose that any licensed driver be able to obtain a road guard certification making the process more efficient by doubling the number of available road guards.

3. In the Proposed Rule Draft the State of Minnesota intends to require special insurance for all road guards. I have requested a special binder from my insurance carrier in order to be compliant under the Proposed Rule Draft.

   The response from Illinois Farmers Insurance Company states that no such binder is yet available.

4. Construction companies and public utilities use their own untrained personnel, e.g. sign holders, to control roadways without the need of a special certificate to complete their work in a safe manner. If construction companies and public utilities sign holders do not need a special certificate then do the road guards need a special certificate?
I do believe the use of road guards for motorcycle events is in the best interest of public safety and that a program should continue. If the State of Minnesota plans to require the use of motorcycle road guards then the state has responsibility for the protection of the road guards. This responsibility has not been addressed yet in this docket.

Respectfully Submitted,

Robert Beers
971 Scott Street
Shakopee, Minnesota
From: Bob Beers [mailto:m-u-s-i-c@usa.net]
Sent: Monday, December 23, 2013 8:08 AM
To: Jim
Subject: Road Guard Insurance

December 23, 2013

Illinois Farmers Insurance Company
Aurora, Illinois
Jim Mcgahn Insurance Agency

Dear Jim,

The State of Minnesota passed a law in 2012, under Chapter 287 that will require the use of motorcycle road guards during events as described in Minnesota Rules Chapter 7422. Part of the Chapter 7422 requires Insurance to cover the road guard. My wife and I intend to participate in events that may require us to be certified as a road guard under this new rule. Does our motorcycle insurance cover us as road guards and/or what would be the cost of adding this additional Road Guard Insurance?

Sincerely,

Robert Beers
m-u-s-i-c@usa.net
612-867-3949

Hello Bob,

I spoke with our claims dept regarding coverage if something were to happen. If you are on your motorcycle and an accident occurred your motorcycle policy would be primary for coverage. This would include medical and liability coverage. If you were off your motorcycle and standing while directing traffic or holding traffic then your home policy would provide liability coverage (if you were negligent in some manner) and medical coverage could come from an auto policy.

Your auto policy has higher and better coverage for medical. PIP coverage is required for automobile insurance and PIP is optional for motorcycle policies. There is no endorsement to add for this type of situation. I mentioned to claims that you would be certified and that it is not a paid position. Please give me a call to discuss if you have any other questions.

Thanks

Jim McGahn
Farmers Insurance Group
3459 Washington Dr #101
Eagan, MN 55122
Ph (952)-943-1600 - Fax(952)-943-0725