

## Motorcyclist Advisory Council to the Federal Highway Administration (MAC-FHWA) CHARTER

1. **Purpose.** This charter establishes the Motorcyclist Advisory Council to the Federal Highway Administration established by Section 1914 of SAFETEA-LU (the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users) (Public Law 109-59). The Motorcyclist Advisory Council to the Federal Highway Administration (the "MAC-FHWA" or "the Council") is established in accordance with the Federal Advisory Committee Act (FACA), 5 U.S.C. App.
2. **Scope.** The MAC-FHWA will coordinate with and advise the Secretary of the Department of Transportation, acting through the Administrator of the Federal Highway Administration (FHWA), on infrastructure issues of concern to motorcyclists, including:
  - o (1) Barrier design;
  - o (2) Road design, construction, and maintenance practices; and
  - o (3) The architecture and implementation of intelligent transportation system technologies.
3. **Objectives and Duties.** Consistent with the scope of its activities described in section 2 above, the MAC-FHWA will not exercise program management or regulatory development responsibilities and will not make decisions directly affecting the programs about which it provides advice. The MAC-FHWA will provide a forum for the development, consideration, and communication of information from a knowledgeable and independent perspective. The MAC-FHWA will provide advice and recommendations only.
4. **Sponsor and Support.** The FHWA Office of Safety shall be the MAC-FHWA sponsor and shall furnish support services for the operation of the Council. The Associate Administrator for Safety shall designate a staff member to be the Designated Federal official (DFO) of the MAC-FHWA. The DFO, or his or her designee, will be present at all meetings and is authorized to adjourn any meeting when doing so is in the public interest.
5. **Membership.** All members will serve in a representative capacity. By law, the MAC-FHWA shall consist of not more than 10 members of the motorcycling community with professional expertise in national motorcyclist safety advocacy, including at least:
  - o (a) one member recommended by a national motorcyclist association;
  - o (b) one member recommended by a national motorcycle riders foundation;
  - o (c) one representative of the National Association of State Motorcycle Safety Administrators;
  - o (d) two members of State motorcyclists' organizations;
  - o (e) one member recommended by a national organization that represents the builders of highway infrastructure;
  - o (f) one member recommended by a national association that represents the traffic safety systems industry;
  - o (g) one member of a national safety organization; and
  - o (h) at least one, and not more than two, motorcyclists who are traffic system design engineers or State transportation department officials.
6. **Appointments.** Each member shall be appointed by the Secretary for a 2-year term as a Representative, with each member eligible to be reappointed. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her

predecessor was appointed shall be appointed for the remainder of such term. Members shall continue to serve until their replacements have been appointed.

Members may be represented at MAC-FHWA meetings and activities by alternates representing the same interest as the member. Alternates shall have full rights and duties of membership. If a current member is unable to attend a meeting, that member or his/her organization may nominate an alternate for approval by the Council's sponsor, at any time prior to the meeting or activity for which the appointment is made. Unless otherwise specified by the member, the appointment is valid for only one meeting or activity including any continuation of that meeting or activity.

7. **Meetings.** It is anticipated that the MAC-FHWA will meet at least once a year. Meetings will be held in Washington, D.C. No meeting shall be held in the absence of the DFO or a departmental employee alternate designated by the DFO. An agenda for each meeting must be approved in advance by the DFO, or designated alternate, who may cancel or adjourn any meeting when he or she determines that to do so is in the public interest. The following procedures shall govern the conduct of all MAC-FHWA meetings:
  - o a. All meetings shall be open to the public, except as provided under FACA.
  - o b. Notice of each meeting shall be published in the **Federal Register** at least 15 days before the date of the meeting and shall include the agenda for the meeting.
  - o c. Detailed minutes of each meeting shall be prepared under the guidance of and certified by the DFO. The minutes shall contain:
    - (1) The time, date, and place of the meeting;
    - (2) A record of all attendees at the meeting;
    - (3) A complete and accurate description of all matters discussed and recommendations made;
    - (4) Copies of all reports received, issued, or approved by the MAC-FHWA; and
    - (5) A description of public participation, including oral or written statements and the identities and affiliations of presenters.
8. **Public Interest.** As MAC-FHWA was established by law, the formation and operation of MAC-FHWA is deemed to be in the public interest.
9. **Compensation for expenses.** Council members shall not receive salary or other compensation for their service. Council members who are not full-time Federal employees will be responsible for their own expenses for participation.
10. **Estimated annual costs.** Operating expenses will be borne by the MAC-FHWA sponsor. The annual cost to the government for operating the Council, including compensation and travel expenses for a facilitator, meeting costs, report writing, and administrative support, is estimated to be \$30,000. The effort involved is 0.3 FTE.
11. **Reports.** At the end of each fiscal year, the DFO shall submit an annual report to the Secretary describing the MAC-FHWA's membership, activities, and accomplishments for the past calendar year. In addition, the DFO shall provide interim reports to the Secretary upon request.
12. **Effective Date and Duration.** This charter is effective 7/30/08 and will terminate on 7/30/10 unless it is extended prior to that time in accordance with FACA and other applicable requirements.