

SB385 – TESTIMONY IN SUPPORT
Submitted for Senate Committee on Judiciary Hearing on 3/20/17

Dear Chair Prozanski, Vice-Chair Thatcher, and Committee Members:

I am an attorney, veteran motorcycle rider, former member of the Oregon Governor’s Advisory Committee on Motorcycle Safety (2008-2013), and a motorcycle journalist whose writing has been published in periodicals reaching a total audience of nearly two million readers.

Please consider the following input at your March 20, 2017 hearing on SB385 regarding motorcycle lane-sharing.¹

1. THE ONLY U.S. STUDY TO EXAMINE THE SAFETY OF LANE-SHARING CONCLUDES THAT IT CAN BE DONE SAFELY

In 2015 the California Office of Traffic Safety released a study entitled: “Motorcycle Lane-Splitting and Safety in California.” The study found:

“Lane-splitting appears to be a relatively safe motorcycle riding strategy if done in traffic moving at 50 MPH or less and if motorcyclists do not exceed the speed of other vehicles by more than 15 MPH.”

Quote from page 4 of the study, available here:

<http://www.ots.ca.gov/pdf/Publications/Motorcycle-Lane-Splitting-and-Safety-2015.pdf>

This California study is extremely significant and reliable. It utilized data from nearly 6000 crashes, collected primarily by the California Highway Patrol. This the largest motorcycle accident study ever conducted in the U.S. (in comparison, the Hurt Report studied 900 crashes).

2. THE CALIFORNIA STUDY CONFIRMS WHAT OTHER SAFETY ORGANIZATIONS HAVE SUSPECTED FOR YEARS: LANE-SHARING CAN BE DONE SAFELY, AND CAN ACTUALLY INCREASE SAFETY

- National Highway Traffic Safety Administration (NHTSA) and the Motorcycle Safety Foundation (MSF) stated in their National Agenda For Motorcycle safety:

“There is evidence (Hurt, 1981) that traveling between lanes of stopped or slow-moving cars (i.e., lane splitting) on multiple-lane roads (such as interstate highways) slightly reduces crash frequency compared with staying within the lane and moving with other traffic.”*

¹ This paper uses “lane-sharing” as an umbrella term to encompass both moving to the front of stopped traffic, and passing moving traffic between lanes.

Quote from NHTSA's National Agenda For Motorcycle Safety, available here:
<http://www.nhtsa.gov/people/injury/pedbimot/motorcycle/00-NHT-212-motorcycle/motorcycle51.html>

- The California Highway Patrol published lane splitting guidelines in 2013. The guidelines were rescinded in 2014 for administrative reasons but, under California's 2016 law that codified lane-splitting (removing any doubt as to whether it was legal), the CHP has been directed to pursue guidelines again. **While the guidelines do not carry the force of law, they provided clear indicators that lane-splitting can be performed safely.**

- The 2013 version of the guidelines can be viewed on the American Motorcyclist Association's website, see footnote 5:
<http://americanmotorcyclist.com/rights/positionstatements/lanesplitting.aspx>

- A 2011 study conducted by motorcycle accident consultant James Ouelett, who worked on the Hurt Report, concludes:

"Lane splitting occurred in less than 1% of all motorcycle accidents and 7% of freeway crashes . . . [L]ane-splitting may reduce crash risks for motorcyclists."

See page 2 (Abstract), of the study available here:

<http://www.ridetowork.org/files/docs/Lane-splitting-California-freeways-James-Oulet.pdf>

- Oregon DOT stated in a 2010 review of literature on lane-sharing:
"Conversely to safety concerns with lane-sharing, a potential safety benefit is increased visibility for the motorcyclist. Splitting lanes allows the motorcyclist to see what the traffic is doing ahead and be able to proactively maneuver."

- See ODOT's 2010 literature review at page 12, available here:
http://www.oregon.gov/ODOT/TD/TP_RES/ResearchReports/Motorcycle_Lane_Sharing.pdf

- European Union Studies have concluded that lane splitting was a factor in less than 0.5% (half a percent) to no more than 5% of motorcycle crashes.

See, 2009 Motorcycle Accident In-Depth Study (MAIDS), available here:

<http://www.maids-study.eu/>

3. LANE-SHARING IS SUPPORTED BY RESPECTED ORGANIZATIONS AND EXPERTS

- The American Motorcycle Association (AMA) supports lane-splitting.
 - <http://americanmotorcyclist.com/About-The-AMA/lane-splitting-1>
 - Former United States Senator Wayne Allard, the AMA's Government Affairs Director, testified in support of Oregon's 2015 bill on lane-sharing. See:

<http://www.motorcycle-usa.com/2/22071/Motorcycle-Article/AMA-Supports-Oregon-Lane-Splitting-Bills.aspx>

- The Motorcycle Industry Council, a trade group, states: ***“In full consideration of the risks and benefits of lane splitting, the Motorcycle Industry Council supports state laws that allow lane splitting under reasonable restrictions.”***

See, MIC “Position on Lane Splitting” <https://mic.org/downloads/Lane-Splitting-7-29-14.pdf>

- **Dave Searle**, The Editor of *Motorcycle Consumer News*, supports lane-splitting. This publication receives no advertiser funding; it is the “Consumer Reports” of motorcycling.
 - See: <http://www.mcnews.com/mcn/editorials/2011AprOpenRd.pdf>
- **Art Friedman**, The Editor of *Motorcycle Cruiser Magazine*, supports lane-splitting. Mr. Friedman was also a member of the Technical Working Group that created NHTSA's National Agenda for Motorcycle Safety (see above).
 - See: http://www.motorcyclecruiser.com/newsandupdates/washington_lane_splitting_law/
- **Andy Goldfine**, founder of the National “Ride to Work Day” event, and Founder/President of Aerostich supports lane-splitting.
 - See: <http://www.ridetowork.org/> (bottom of page, numerous materials)
- **Steve Guderian**, former policeman and NHTSA Highway Safety Specialist, supports lane-splitting and has performed studies demonstrating its safety benefits.
 - See: http://www.ridetowork.org/files/docs/LANE_SHARING_A_GLOBAL_SOLUTION_FOR_MOTORCYCLE_SAFETY.pdf

Thank you very much for taking the time to carefully review this information.

Very Sincerely,

/s/ J. Courtney Olive