



CITY OF PORTLAND, OREGON



Bureau of Police

Ted Wheeler, Mayor


Danielle M. Outlaw, Chief of Police

1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000

Integrity • Compassion • Accountability • Respect • Excellence • Service

Date: February 20, 2019

To: Joint Committee on Transportation

From: Sgt. Bret Barnum 
Portland Police Bureau

Re: Testimony regarding HB 2314
(Lane filtering, lane splitting in traffic slowdowns)

Chair McKeown, Chair Beyer and members of the committee; my name is Bret Barnum and I am a police sergeant representing the Portland Police Bureau. I have been a police officer in the State of Oregon well over 28 years, and have been a motorcycle endorsed rider in the State of Oregon for over 33 years. I am currently the police motorcycle training supervisor, and have been a police motorcycle instructor for the last 17 years. Additionally, I currently hold the position of President for the North American Motor Officers Association which has over 500 law enforcement motorcycle members throughout the country, with our core membership prevailing from the States of Oregon, Washington, Idaho, Nevada, and British Columbia Canada. The primary mission of our association is to provide police motorcycle training, promote safe riding, and follow best riding practices.

I testify before you today in **opposition** of HB 2314, and will provide a law enforcement perspective as to why this piece of legislation should not become law.

First off, any type of lane splitting by motorcycles is virtually un-enforceable by law enforcement. The reality of congested traffic will not warrant law enforcement to monitor the speed of traffic in these areas, primarily because it would be a waste valuable resource time. Even if law enforcement were in the area during these congested traffic times while a motorcyclist were lane splitting, today's technology would be limited in obtaining an accurate and obtainable speed readings. Without these speed readings we are more likely than not able to provide convincing testimony for municipal or circuit court judges to find this component of the proposed legislation in violation.

Community Policing: Making the Difference Together
An Equal Opportunity Employer

City Information Line: 503-823-4000, TTY (for hearing and speech impaired): 503-823-6868 Website: www.portlandpolice.com

Secondly, as a tenured motorcycle rider and law enforcement instructor, this type of riding behavior goes against any type of law enforcement safe police riding practices. Contrary to Hollywood movies or vintage police television series such as “CHiPs”; police motorcycle riders will not typically place themselves in a position of unsafe riding practice to apprehend traffic violators. And in fact for law enforcement who has the legal right to lane split as a course of their official duty, and who has the added benefit of forward facing emergency flashing lights to alert motorists; we don’t endorse this riding behavior with our professionally trained riders primarily because it is simply too dangerous at any speed, and places the officer and other motorists at risk. This type of riding practice just limits the motorcyclists’ ability to have space and options, which equates to time and distance. Clearly when we increase time and distance we further our chances of survival from unexpected events, and thus increase overall rider safety.

As a lead supervisor with our Major Crash Reconstruction Team I can tell you the analogy used where this type of law will help with congested traffic is simply not true.

- ***Example:*** *Envision a motorcycle rider now sharing smaller safety zone as they travel in-between vehicles. The motorcycle crashes because of another motorists fault, or perhaps their own inability to negotiate this now constricted lane. Once this crash happens law enforcement and emergency service personnel will now have to completely shut down traffic which will only cause further congestion as we begin to analyze and investigate the crash. If the crash is severe enough the reality is, the highway will be completely shut down for perhaps a minimum of 2 hours and possible up to 6 hours depending on the severity. This will only further congest traffic for all motorists, which is counterproductive to the theory this legislation will help relieve congestion.*

Most of us take the vision of this proposed legislation under the perception of daylight riding conditions. Motorcyclists are already harder to be seen during the daytime, and thus high visibility and reflective riding gear are recommended by most industry experts while riding during anytime of the day. I would now encourage you to envision this type of riding behavior happening during the evening hours during dark unlit conditions. Under this scenario the inability to see motorcycles will certainly be absolutely magnified exponentially, thus creating another additional unnecessary risks to riders and motorists while traveling in these constricted and condensed lanes of travel with limited forward facing lighting.

Lastly I would like to also mention from a law enforcement perspective, this piece of proposed legislation would create what we call “bad law”. As written, this legislation directly conflicts with well over several dozen other safe driving laws in the Oregon Revised Statues. This will be very challenging for law enforcement and the courts to decide which law would take precedent over another violation.

- ***Example:*** *If a rider was travelling in the area of Hwy 26 around the Vista Ridge tunnel in Portland. If traffic is at a standstill and motorcyclist begins to lane split*

in this area; and law enforcement is in the area to witness this driving, there is a conflicting dilemma here. Traffic engineers have marked a one mile plus segment with solid white lane lines in this area, and per ORS these solid white lane lines are traffic control devices which mean no lane changing or passing. By having HB 2314 on the books as law, we now have two conflicting laws which will certainly be confusing to the courts as law enforcement will be forced to determine which law takes precedent. There are many, many, more examples of these types of conflicts with current ORS traffic safety laws on the books which do not align with this proposed legislation.

To conclude this proposed legislation is intended for a very small section of the motoring public, in a very limit geographical area within our state; and as we look at risk vs reward, the risk to all motorists (two and four wheeled) is not worth the reward to relieve congestion for this limited number of users. Furthermore; the argument in favor of this legislation which surrounds safety is also erroneous. If riders are following safe riding practices there are certainly options for riders to place themselves in safe, visible spaces, within their own designated lanes of travel; rather than in constricted spaces between vehicles. If at any point in time a motorcyclist is worried about a rear end pinch point crash, they certainly can use good judgement and safe riding practices to place themselves between vehicles, on a temporary basis for a short duration to limit their crash exposure. Once the exposure has been alleviated they can certainly re-enter their designated lane of travel, and proceed with all other traffic. Currently we see attentive four wheeled motorists do this frequently to avoid rear end collisions, without the fear or thought of receiving a citation from law enforcement.

Finally from a personal and professional stand point; the passage of any format for a lane splitting piece of legislation could easily be compared to the state repealing our required helmet law. Using logic and reasoning we can certainly be assured that if we operate a motorcycle without a helmet we will increase the risk of serious physical injury or death with motorcyclists through potential traumatic brain injuries. So therefore using logic, and the reasoning of factual lane splitting research studies; the data would clearly suggest lane splitting would also increase this risk of serious physical injuries or fatalities, simply by limiting the number of safety options available for our riders in this condensed footprint of travel.

I believe we need to hold safety to the highest standard as we think of the reasonableness and applicability of these types of proposed legislation. This type of law would certainly not in the best interest for the members in our communities throughout the state.

Thank you for your time and I would be happy to answer any questions, clarify any of my testimony which I have just provided, or provide examples to the explanations I have given.