



OREGON ASSOCIATION CHIEFS OF POLICE
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OREGON STATE SHERIFFS' ASSOCIATION
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To: Members of the Joint Committee on Transportation

From: Pat Garrett, Washington County Sheriff
Oregon State Sheriffs' Association
Oregon Association of Chiefs of Police

Date: May 11, 2023

Re: Testimony in Opposition to SB 422A

Co-Chairs McLain and Frederick and members of the committee,

For the record, my name is Pat Garrett. I am the Washington County Sheriff, and I am here today on behalf of the Oregon State Sheriffs' Association and the Oregon Association Chiefs of Police to oppose Senate Bill 422A.

During my over 30 years of public safety service, I worked as a patrol deputy, corporal, narcotics investigator, patrol sergeant, lieutenant, and every other uniformed rank in our office. As a sergeant I supervised our Traffic Safety Unit, a team which includes several motorcycle units. As a traffic safety unit supervisor, I saw far too many serious injuries and death from traffic crashes. Many of those seriously injured or killed are motorcyclists; they have the least amount of protection on the road. I firmly believe that allowing lane splitting, or lane filtering, will only decrease highway safety and increase the number of injuries, deaths, and scarring the lives of survivors forever.

Written testimony in support of this bill has repeatedly suggested that allowing lane splitting will reduce highway congestion and improve rider safety, in part by reducing the chance of rear-end collisions in heavy traffic. I disagree with those notions for several reasons.

First, our highways are simply not designed for lane splitting. Lanes are clearly marked, and drivers expect that others will have an adjacent lane to pass them with a safe, reasonable distance on each side. Lane splitting effectively eliminates that safe buffer area.

Second, drivers simply don't expect motorcyclists to do this. It can be startling to have a motorcycle pass by while traffic is stopped, especially for older drivers. For some who do see the rider approaching, some motorists respond in frustration by intentionally moving their car closer to the lane line to close the gap and prevent the motorcycle from passing through.

Next, even the best rider cannot predict when an unsuspecting driver is going to change lanes in front of them as that rider passes in between. Motorcycle safety organizations like TEAM Oregon and other traffic safety advocates teach that staying visible is paramount. Motorcyclists themselves frequently espouse the importance that other drivers look-out for them. Yet filtering puts motorcyclists in the most vulnerable position possible; in a narrow channel between two rows of vehicles with no avenue for crash avoidance, directly in a driver's blind spot as the motorcyclist approaches cars from the rear. Moreover, times of poor visibility can make seeing these riders nearly impossible, like the sun shining in the rear-view mirror or directly at the driver, or during dark or inclement weather.

Even with the lawful authority to do so, with forward-facing emergency lights to increase their visibility, police motorcycle trainers do not train officers in this practice because of the inherent dangers.

Contrary to the belief of some, this bill is not necessary to prevent rear-end crashes to motorcyclists. Motorcyclists are taught to be hyper-aware of their surroundings, including what's behind them. The size of their vehicles gives them a unique advantage to position themselves when stopped so that they are less likely to be rear-ended, and they also can quickly move to the shoulder for refuge in the event of any potential crash.

To those who claim that filtering will reduce congestion: even in the summer with more motorcycles on the road, that amount of relief would be negligible. And because serious-injury and fatal crashes can frequently cause hours-long road closures during the ensuing investigation, any serious crash would immediately eliminate the potential congestion relief. According to the National Highway Transportation Safety Administration, when considering per vehicle miles traveled in 2020, motorcyclist fatalities occurred 27 times more frequently than passenger car occupant fatalities in traffic crashes. The increased risk of crashes caused by lane-splitting will likely increase the risk of highway congestion—not reduce it.

A law enforcement officer's ability to enforce any violations of this statute is difficult at best, and impossible at worst. Officers working highway traffic enforcement will typically not spend time in areas of congestion which is exactly the type of area this bill would affect because the lack of speeding violations and dangerous behavior outweighs any potential benefit of enforcement in those locations and takes up resources that could be better used elsewhere. If police do witness a violation, because of the logistics of lane-splitting and the aforementioned danger to police motorcyclists, apprehension of that violator would be highly unlikely.

In addition, this bill does not address fault in the event of a collision. Motorcyclists are defined in Oregon State Statute 801.608 as a "Vulnerable User Of A Public Way." That definition provides motorcyclists further legal protection and creates higher penalties for vehicle drivers who injure them in certain situations. By allowing motorcyclists to drive in a manner that would be otherwise unlawful, it inequitably subjects vehicle drivers to potentially higher penalties for

crashes involving a motorcycle where the danger was created by the motorcyclist, engaging in lane splitting.

Finally, in September 2022 the ODOT Public Opinion Survey found that 83% of respondents lacking a motorcycle endorsement and 60% with a motorcycle endorsement were against a proposed law allowing motorcyclists to "lane split" while driving. Additionally, when asked about the safety of lane splitting, 72% of respondents without a motorcycle endorsement and 56% with one responded that it was "not safe at all."

As you can see, while lane splitting might sound to some like a good idea on its face, the negative outcomes outweigh any benefit to a select group of drivers. For these reasons, I respectfully request you join Ossa and OACP in opposition to Senate Bill 422A.

Thank you.