

Date of Hearing: April 6, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION
Jim Frazier, Chair
AB 51 (Quirk) – As Amended February 11, 2015

SUBJECT: Vehicles: motorcycles: lane splitting

SUMMARY: Explicitly authorizes motorcycles to drive between stopped or slow moving vehicles in the same lane (lane split) under certain conditions. Specifically, **this bill:**

- 1) Unequivocally authorizes motorcycles to drive between stopped or slow moving vehicles in the same lane on divided and undivided streets, roads, or highways if the following conditions are met:
 - a) The speed of traffic moving in the same direction is 30 miles per hour (mph) or less; and,
 - b) The motorcycle is not driven more than 10 mph faster than the speed of traffic going in the same direction.
- 2) Provides that motorcycles must continue to obey existing laws relating to the safe operation of a vehicle.

EXISTING LAW:

- 1) Defines a motorcycle as a motor vehicle having a seat or saddle for the use of the rider, designed to travel on not more than three wheels in contact with the ground.
- 2) Requires, whenever a roadway has been divided into two or more clearly marked lanes for traffic in one direction, that a vehicle be driven as nearly as practical entirely within a single lane.
- 3) Authorizes the erection of signs directing slow-moving traffic to use a designated lane or allocating lanes to slow moving traffic moving in the same directions.
- 4) Does not explicitly authorize or prohibit lane splitting.

FISCAL EFFECT: Unknown

COMMENTS: Lane splitting (also referred to as lane sharing or filtering) refers to the practice of riding a motorcycle in the same lane as a vehicle traveling in the same direction between clearly marked *lanes* of traffic. Typically, this maneuver is undertaken so that motorcycles can overtake slow moving or stopped vehicles but the maneuver is also frequently performed when traffic is moving at higher rates of speed. Lane splitting is illegal in all states, with the exception of California, where the practice is neither expressly authorized nor prohibited. Lane splitting, however, is a legal practice in many European and Asian countries where it is frequently utilized in highly urbanized areas.

Lane splitting is controversial in the United States. Motorcyclists favor the practice, saying it improves safety while motorists typically dislike it. Groups such as the American Motorcycle Association note that one of the most dangerous situations for any on-highway motorcyclist is to

be caught in congested traffic where vehicles, often driven by distracted and inattentive motorists, can rear-end motorcyclists when they are stopped behind other cars. According to the National Highway Traffic Safety Administration (NHTSA), one of the most common types of accident on the road are rear-end collisions, which NHTSA indicates makes up nearly 40% of all accidents in the United States. While rear-end accidents typically result in minor damage when they happen between vehicles, they frequently result in serious injury or death when motorcyclists are involved, primarily because motorcycles offer little or no protection to the rider.

Motorcyclists note that lane splitting allows them to achieve greater protection because they can position themselves between (rather than behind) vehicles in stop-and-go traffic. They also claim that lane splitting allows for improved sight distance for the motorcyclist. Additionally, lane splitting allows motorcyclists to prevent breakdowns that can occur with a motorcycle's engine overheats as a result of excessive idling. According to motorcyclists, lane splitting also serves to ease congestion by creating another "lane" for motorcyclists and reduces cyclist exposure to unhealthy exhaust fumes.

Anecdotally, many motorists dislike lane splitting, claiming that they are startled by motorcycles that pass them in the same lane. Motorists also express concerns that they could kill or severely injure a motorcyclist if they change lanes or open a car door while a motorcyclist is passing in close proximity. A good number of motorists presume lane splitting is illegal and there have been reports of motorists intentionally blocking motorcyclists' attempts to lane split.

Recognizing the need to develop guidelines as an educational tool for all roadway users, California Highway Patrol (CHP) convened a committee of traffic safety stakeholders and motorcycle safety experts representing governmental, private, academic communities. Together, the committee drafted guidelines on safe lane splitting practices and the guidelines were posted on CHP's Internet website in early 2013 and, later, on the Office of Traffic Safety's (OTS's) Internet website. The guidelines were also printed in the Department of Motor Vehicles' motorcycle handbook.

The guidelines clarified that lane splitting, when conducted in a safe and prudent manner is not illegal in California. The guidelines also outlined five general safety recommendations for motorcyclists engaging in lane splitting including that: 1) lane splitting should occur only when a motorcyclist is travelling at a speed no more than 10 mph faster than surrounding traffic; 2) motorcyclists should refrain from lane splitting when the traffic is flowing at a speed of 30 mph or faster; 3) lane splitting should occur between the #1 and #2 lanes over other lanes; 4) the total environment should be considered by the motorcyclist when lane splitting occurs, including the lane width, size of surrounding vehicles, weather, and lighting; and 5) motorcyclists should be alert and anticipate possible movements of other road users.

After CHP and OTS posted the guidelines on their respective websites, a complaint was registered with the Office of Administrative Law that the guidelines were developed in the absence of a formal rulemaking process and, therefore, could be considered "underground regulations." CHP and OTS removed the guidelines from their respective Internet websites, informed the public that they would not issue or enforce the guidelines, and noted that the guidelines were developed only to provide common-sense safety information for motorcyclists given that California law does not allow or prohibit lane splitting.

A 2014 study published by the University of California at Berkeley, in collaboration with OTS and CHP, found that lane splitting can be done safely when riders are travelling only slightly faster than surrounding traffic. The study also points out that lane splitting offers motorcyclists a safer position in traffic which protects them from often catastrophic rear-end impacts. The Hurt Report of 1981, reportedly the one of most comprehensive motorcycle crash causation studies to date, also noted that reducing a motorcyclist's exposure to vehicles that are frequently accelerating and decelerating on congested roadways is one way to reduce front- and rear-end collisions.

According to the author, removing the guidelines from CHP and OTS websites left a void in informing the public about safe lane splitting practices, particularly since CHP curtailed all education and outreach efforts on the subject. To address this concern, the author introduced this bill which codifies CHP's lane splitting guidelines. Specifically, the bill expressly authorizes lane splitting under two conditions: when the speed of traffic moving in the same direction does not exceed 30 mph; and the motorcycle is not driven more than 10 mph faster than the speed of traffic. Additionally, the bill provides that motorcycles must continue to be operated in a safe manner, in compliance with existing laws, to ensure that law enforcement has the ability to cite motorcyclists that misuse the practice.

The author notes that lane splitting, when performed in accordance with CHP guidelines, improves safety by reducing the potential for catastrophic rear-end collisions, making motorcycles more visible to drivers in heavy traffic, and preventing motorcycle engine breakdowns that occur from excessive idle time. The author contends that providing reasonable guidelines for lane splitting helps inform drivers and motorcycle riders alike and removes ambiguities in the law.

A number of states, including California, have attempted to address lane splitting in the past. SB 350 (Beall) of 2013, would have prohibited lane splitting unless the maneuver occurred at a safe speed during traffic congestion. SB 350 was introduced but was never heard. Measures introduced in other states to authorize lane splitting under certain conditions have also failed to garner legislative support or have been vetoed.

Writing in support of the bill, the Personal Insurance Federation of California (PIFC), which represents seven of the nation's largest insurance companies, indicates that codifying the CHP's lane splitting guidelines would serve to reduce injuries and enhance public road safety. Specifically, PIFC contends that this bill would also serve to educate motorcycle riders and motorists about lane splitting and help to reduce accidents currently associated with this practice.

Several motorcycle groups have writing in opposition to this bill noting that it is overly restrictive and, therefore, lacks support in the motorcycle community. More specifically, the American Motorcyclist Association, also writing in opposition to this bill, states that there is a widespread acceptance of lane splitting in California and that they specifically oppose efforts to restrict this popular practice

Previous legislation: SB 350 (Beall), of 2013, would have prohibited a person operating a motorcycle from passing another vehicle in apportion of a lane occupied by that vehicle unless passing occurs during traffic congestion and provided passing occurs at a safe speed. SB 350 was returned to Secretary of Senate pursuant to Joint Rule 56 by the Senate Transportation and Housing Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Fraternal Order of Police
Los Angeles County Professional Peace Officers Association
Personal Insurance Federation of California
Sacramento County Deputy Sheriffs Association
Santa Ana Policy Officers Association

Oppose

ABATE of California, Inc.
American Motorcyclist Association
Bay Area Riders Forum
CityBike
LaneSplittingIsLegal.com
3 private citizens

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