Motorcycle Lane Filtering Study

2021 Report

Virginia Department of Motor Vehicles
December 2021

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Executive Summary

During the 2020 General Assembly session, legislators considered House Bill (HB) 1236, which proposed creating a new code section, § 46.2-838.1, authorizing two-wheeled motorcycle operators to engage in "lane filtering" under certain circumstances. Lane filtering is generally understood to refer to a maneuver engaged in by the operator of a two-wheeled motorcycle riding between lanes or rows of slow moving or stopped traffic moving in the same direction and in the same lane. The Chair of the Senate Transportation Committee, Senator David W. Marsden, requested the Virginia Department of Motor Vehicles (DMV), in consultation with the Virginia State Police (VSP) and the Virginia Coalition of Motorcyclists, to convene a group of stakeholders to study the issue of motorcycle safety as it relates to lane filtering under certain conditions, and the impact of such actions on the safety of motorists in the Commonwealth.

Motorcycle lane maneuvers whereby an operator overtakes and passes another vehicle traveling in the same direction of travel and in the same lane are currently prohibited in Virginia. Specifically, under § 46.2-857 of the *Code of Virginia*, "[a] person shall be guilty of reckless driving who drives any motor vehicle so as to be abreast of another vehicle in a lane designed for one vehicle, or drives any motor vehicle so as to travel abreast of any other vehicle traveling in a lane designed for one vehicle."[1] This study explored the arguments advanced both for and against legalizing lane filtering in Virginia, including an analysis of relevant motorcycle crash data from 2019 and 2020. This study also considered the parameters under which other states have legalized alternative lane use maneuvers and the parameters under which the proponents of lane filtering in Virginia would like to see the practice authorized.

During the course of the study, a stakeholder group consisting of motorcycle rider advocacy groups, manufacturers, insurance agents and companies, safety organizations, the trucking industry, law enforcement, and other state agencies was unable to reach consensus on comprehensive recommendations. Of those stakeholder groups formally expressing a position for or against the legalization of lane filtering in Virginia, only the Virginia Coalition of Motorcyclists and American Motorcyclist Association favored legalizing the practice. This report documents the research presented, two stakeholder discussions, and the positions in favor of and opposed to legalizing the motorcycle lane maneuver referred to as lane filtering. All submitted stakeholder responses to this study report are included in the appendices. The report contains no recommended legislation due to the lack of consensus.

[1] The practice commonly referred to as motorcycle "lane sharing" is not addressed by the study and is currently legal in Virginia. See: *Va. Code* § 46.2-857 ("Nothing in this section shall be construed to prohibit two two-wheeled motorcycles from traveling abreast while traveling in a lane designated for one vehicle.")

Introduction

Under § 46.2-857 of the *Code of Virginia*, "[a] person shall be guilty of reckless driving who drives any motor vehicle so as to be abreast of another vehicle in a lane designed for one vehicle, or drives any motor vehicle so as to travel abreast of any other vehicle traveling in a lane designed for one vehicle." This language currently prohibits motorcycle operators from overtaking and passing another vehicle traveling in the same direction of travel and in the same lane.

House Bill 1236

In 2020, Delegate Wilt patroned HB 1236, which proposed creating a new code section, § 46.2-838.1, authorizing two-wheeled motorcycle operators to engage in "lane filtering" under certain circumstances.[2] HB 1236 defined "lane filtering" as "the act of overtaking and passing another vehicle that is stopped or traveling at a speed not in excess of 10 miles per hour in the same direction of travel and in the same lane." HB 1236 would have permitted two-wheeled motorcycle operators to engage in lane filtering when:

- the operator is on a divided highway with at least two lanes of travel in each direction;

- the overtaking motorcycle is not operated at a speed in excess of 20 miles per hour when overtaking the stopped or slow moving vehicle; and

- such lane filtering may be made safely.

After considering the bill, the Motor Vehicles Subcommittee of the House Transportation Committee failed to recommend reporting HB 1236 and the bill was not reported from the House Transportation Committee.

Of note, HB 1236, as introduced, did not amend *Va. Code* § 46.2-857, the section that currently prohibits motorcycle lane filtering in Virginia.

Study Charge

On December 8, 2020, DMV received a letter from Senator Marsden, Chair of the Senate Transportation Committee, citing continued interest in legislation on the topic of motorcycle lane filtering. Senator Marsden requested that DMV convene a workgroup of interested stakeholders, including the Virginia State Police and the Virginia Coalition of Motorcyclists, to study the issues of:

- motorcycle safety as it relates to lane filtering under certain conditions; and

- the impact of such actions on the safety of motorists in the Commonwealth.[3]

Senator Marsden requested that DMV report the study findings and recommendations to the Transportation Committees in December of 2021. Stakeholders that were invited to participate in the study included the Office of the Attorney General, Virginia Trucking Association,

[2] See Appendix B.
[3] See Appendix A.

DriveSmart, Virginia Division of Legislative Services, American Motorcyclist Association, State Motorcycle Safety Association, American Automobile Association (AAA) Tidewater and AAA Mid-Atlantic, Virginia Coalition of Motorcyclists, Virginia Sheriffs' Association, American Property Casualty Insurance Association, Virginia Polytechnic Institute and State University, Independent Insurance Agents of Virginia, Virginia Department of Transportation (VDOT), Virginia State Police, Governors Highway Safety Association, Motorcycle Industry Council, Motorcycle Safety Foundation, Virginia Association of Chiefs of Police, Motorcycle Riding Concepts, and Virginia Department of Education.[4] The National Highway Traffic Safety Association (NHTSA) was invited to attend solely for the purpose of providing data and research if needed. These study stakeholders fall into the categories of motorcycle rider advocacy groups, manufacturers, insurance agents and companies, safety organizations, the trucking industry, law enforcement, and other state agencies. DMV held a first virtual meeting of all stakeholders on May 26, 2021, and a second and final meeting on July 9, 2021, with some participants joining virtually and other participants joining in-person. The following sections of this report detail the information presented and the stakeholders' positions on motorcycle lane filtering in Virginia.

[4] See Appendix C.

Alternative Lane Maneuvers Generally

Although HB 1236 and the study charge both use the term "lane filtering," an examination of statutes legalizing or legislation proposing to legalize alternative lane maneuvers demonstrates that terminology related to these practices is often used inconsistently. Further, the conditions under which these practices are permitted often correspond to jurisdiction-specific concerns and are far from universal. In determining the potential impact of legalizing lane filtering in the Commonwealth, the study group examined legalized alternative lane maneuvers in three states and recent unsuccessful legislative activity in two other states.[5]

Jurisdiction Where Legal: California

In 2016, California's Assembly Bill (AB) 51 defined "lane splitting" as driving a motorcycle that has two wheels in contact with the ground between rows of stopped or moving vehicles in the same lane. AB 51 further authorized the California Highway Patrol to develop educational guidelines relating to lane splitting in a manner that would ensure the safety of the motorcyclist, drivers, and passengers. Prior to the passage of AB 51, the practice of lane splitting was neither expressly authorized nor prohibited in California. According to documents maintained for the California State Legislature by the Legislative Counsel Bureau, AB 51 unequivocally authorized motorcycles to drive between stopped or slow moving vehicles in the same lane on divided and undivided streets, roads, or highways, while also formally authorizing the California Highway Patrol (in consultation with certain listed agencies and organizations) to issue guidelines related to lane splitting.

Jurisdiction Where Legal: Utah

In 2019, Utah's House Bill (HB) 149 legalized lane filtering by a motorcycle. HB 149 defined "lane filtering" as the act of overtaking and passing another vehicle that is stopped in the same direction of travel in the same lane while operating a motorcycle other than an autocycle. To legally engage in lane filtering, an individual must be operating a motorcycle on a roadway with a speed limit of 45 miles per hour (mph) or less that is divided into two or more adjacent traffic lanes in the same direction of travel. Further, the vehicle being overtaken in the same lane must be stopped; the motorcycle must be traveling at a speed of 15 mph or less; and, the movement must be able to be made safely. HB 149 provides a sunset of the provisions related to lane filtering on July 1, 2022, subject to review.

Jurisdiction Where Legal: Montana

In 2021, Montana's Senate Bill (SB) 9 legalized lane filtering by a motorcycle. SB 9 defined "lane filtering" as the act of overtaking and passing another vehicle that is stopped or traveling at a speed not in excess of 10 mph in the same direction of travel and in the same lane. To legally engage in lane filtering, an operator of a two-wheeled motorcycle must be on a road with lanes wide enough to pass safely and not operate the overtaking motorcycle at a speed in

[5] See Appendix E.

excess of 20 mph when overtaking the stopped or slow-moving vehicle. Further, the conditions must permit continued reasonable and prudent operation of the motorcycle while lane filtering.

Jurisdiction with Recent Legislative Activity: Oregon

In 2021, both chambers of the Oregon legislature passed Senate Bill (SB) 574, which would have legalized a version of lane filtering in the state. Specifically, it created a conditional exemption to the violation of motorcycle or moped unlawful passing in a lane with a vehicle. In situations where traffic is either stopped or has slowed to a speed of 10 mph or less, operators of two-wheeled motorcycles could have passed the stopped or slowed vehicle under the following conditions: they travel no more than 10 mph above the speed of traffic; they do not impede normal movement of traffic; and, they merge with regular traffic flow once the speed of traffic exceeds 10 mph. The exemption would have applied only on interstate highways or roads with designated speed of 50 mph or higher with two or more lanes in a single direction.

SB 574 was vetoed by Governor Kate Brown. Governor Brown cited concerns about public safety and the potential for noncompliance. As excerpted from Governor Brown's veto letter:

> First, many stakeholders, including law enforcement agencies and members of the public, remain concerned that lane filtering is unsafe for both the motorcyclists and the drivers sharing the road, due to the serious injuries and death that commonly result from motorcycle-involved accidents. Second, although the bill proposes conditions with which a motorcyclist must comply (such as a maximum speed at which motorcyclists can travel between lanes), I remain worried that some will not adhere to these conditions.

No attempt was made to override Governor Brown's veto prior to the conclusion of Oregon's 2021 legislative session.

Jurisdiction with Recent Legislative Activity: Maryland

In 2020, Maryland House Bill (HB) 920 would have required the Maryland Motor Vehicle Administration to adopt certain guidelines for the operation of a motorcycle on a roadway that is divided into two or more clearly marked lanes for vehicular traffic. HB 920 also proposed repealing certain provisions of law that prohibit an operator of a motorcycle on certain roadways from overtaking and passing in the same lane occupied by the vehicle being overtaken and from operating a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles. HB 920 received an unfavorable report from the House committee to which it was referred and failed to move forward.

American Association of Motor Vehicle Administrators (AAMVA) Survey Results

In order to better understand the legal status of lane filtering in other jurisdictions, DMV published a survey through AAMVA, DMV's trade association, to solicit information from other members for comparative purposes.[6] The survey was open from May 28, 2021 through June 30, 2021 and began with the following prompt:

[6] See Appendix D.

> Virginia is conducting a study regarding the practice of motorcycle lane filtering. We are interested to learn if your jurisdiction permits this practice, or if you may have access to any safety research or position statements related to a similar practice.

The survey received 26 responses from jurisdictions within the continental United States. (No responses were received from Canadian provinces or territories or United States territories.) Of the 26 responding jurisdictions, only two (Montana and Utah) indicated that lane filtering is legal in their jurisdiction. California did not respond. The information obtained from other jurisdictions by way of the AAMVA survey reinforced and validated the information that was shared with and discussed by the study group with regard to jurisdictions where lane filtering is currently permitted.

Motorcycle Lane Filtering Research and Literature Review

In order to better understand motorcycle safety as it relates to lane filtering under certain conditions and the impact of such actions on the safety of motorists in the Commonwealth, the study group was presented with and discussed many of the arguments cited both in support of and in opposition to motorcycle lane filtering. The research and resources referenced are derived largely from jurisdictions where alternative lane maneuvers are currently legal— California, in particular.

Research and Advantages Cited in Support of Lane Filtering

One asserted benefit of lane filtering is that a motorcycle operator is less likely to be pinned between two vehicles if given the ability to utilize alternative lane maneuvers. A 2014 report to the California Office of Traffic Safety (COTS) by University of California Berkeley's Safe Transportation Research & Education Center found that lane splitting motorcyclists were less likely to be rear-ended by another vehicle than were other motorcyclists.[7]

A 2015 report to COTS also found that observed patterns of injury were different between lane splitting motorcyclists and other motorcyclists.[8] Specifically, lane splitting motorcyclists were less likely to suffer head injury, torso injury, or fatal injury than other motorcyclists. This finding seemingly supports the contention that utilizing alternative lane maneuvers helps motorcyclists to avoid direct impacts in collisions.

Proponents of lane filtering also point to the unique challenges associated with operating a motorcycle in stopped or slowed traffic. First, there is a risk of fatigue to the motorcycle operator. As I Drive Safely, an online driver training school, describes:[9]

> In traffic jams, a motorcyclist is constantly in motion – the left hand is working the clutch to keep the bike from stalling at low speeds, the right hand is covering the front brake as well as keeping the throttle open (again, to prevent a stall), and in stop-and-go traffic, the rider's feet are constantly leaving the footpegs so that the rider can put his or her feet down and literally walk the bike if the traffic speed drops into the single-digit range.

Another challenge associated with operating a motorcycle in heavy traffic is the potential for heat-related injury. As I Drive Safely again describes:

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[7] Rice, T. & Troszak, L. (2014). *Safety implications of lane-splitting among California motorcyclists involved in collisions* (Report to California Office of Traffic Safety). Safe Transportation Research and Education Center, University of California Berkeley.

[8] Erhardt, T., Rice, T. & Troszak, L. (2015). *Motorcycle Lane-splitting and Safety in California* (Report to California Office of Traffic Safety). Safe Transportation Research and Education Center, University of California Berkeley.

[9] I Drive Safely (2021). *Motorcycles and Lane Splitting: What Every Driver Should Know.* https://www.idrivesafely.com/motorcycle-lane-splitting.

> A good, safe rider follows this acronym: ATGATT – All The Gear, All The Time. That means a helmet, jacket (either leather or heavy textile, usually with heavy plastic padding in the shoulders, elbows and back), motorcycle pants (again, leather or heavy textile), gloves, and boots. Imagine wearing that and sitting on a freeway, unmoving, on a hot 85 degree day. Now imagine doing that while sitting on top of an exposed, running engine, radiating heat into the triple digits. The best way – really, the only way – for a motorcyclist to keep cool (and avoid heat exhaustion or heat stroke, both of which will cause the rider to pass out and crash) is to keep moving.

These rider safety issues were discussed a number of times during the study, with some participants suggesting that the above dangers are somewhat avoidable because motorcycles are often used as a secondary or recreational form of transportation.

Another potential advantage of lane filtering is increased visibility for the motorcyclist. Lane filtering allows the motorcyclist to view traffic farther ahead and proactively respond. Proponents of lane filtering also cite a possible reduction in commute times and fuel consumption since, when done correctly, filtering riders have a positive effect on traffic flow that also benefits other motorists.

Research and Disadvantages Cited in Opposition to Lane Filtering

Although lane filtering is seen by some as a way to address some of the issues listed above, the utilization of alternative lane maneuvers is not without risk. Many of these risks were discussed by the study group.

In order to lane filter, the overtaking motorcycle must ride on or across an area of the roadway that may contain debris, be uneven, or have raised markers or striping. Also, because lane filtering puts motorcycle operators in closer proximity to other road users, motorcyclists have less time to identify and react to changes in the behaviors of other motorists. According to the 2015 report to COTS, one of the primary risks while lane filtering is the lane-changing of other vehicles. Collisions often occur when other drivers initiate a lane change without checking for lane filtering motorcycles.

The behavior of other motorists is of consistent concern to motorcyclists utilizing alternative lane maneuvers. The 2015 report found:

> that the non-motorcycling public often disapproves of lane-splitting. Among passenger vehicle drivers, 61% "somewhat" or "strongly" disapproved of the practice of lane-splitting. There is also considerable confusion about the legality of lane-splitting among non-motorcycling motorists; 36% of motorists believed incorrectly that motorcycle lane splitting on multi-lane roadways is illegal, and an additional 12% were unsure about its legality.[10]

[10] Erhardt, Rice, & Troszak. s*upra* note 8.

Given the lack of motorist information and knowledge about alternative lane maneuvers, most recent legislative activity has been preceded by extensive public education efforts. The high levels of disapproval among passenger vehicle drivers also indicates a risk of aggressive driving or "road rage" by other motorists.

A final study that the stakeholder group was made aware of but did not discuss specifically with regard to advantages or disadvantages of alternative lane maneuvers is commonly referred to as the "MSF 100" study.[11] In 2015 the Motorcycle Safety Foundation (MSF) released the results of a large-scale naturalistic motorcycle riding study which was conducted by the Virginia Tech Transportation Institute (VTTI). Video and kinematic data were collected from 100 riders during their ordinary routine over a period of approximately one year each. The study was designed to track comprehensive, real-time routine riding that would likely include near crash, pre-crash, and actual crash data. Sensors and video cameras recorded motorcycle operator inputs such as steering, acceleration, braking and lean, as well as recording motions of the motorcycle, current riding conditions and the actions of surrounding traffic.

One of the variables considered in the study was vehicle lane assignment, including whether the participant was lane splitting. The MSF 100 study logged more than 360,000 miles of riding in Arizona, California, Florida, and Virginia. The analysis found 122 near-crashes and 30 crashes across the four states. In California (which was the only state that allowed lane splitting and accounted for roughly 45% of all miles logged), there were a total 18 crash or near-crash events that involved lane splitting. Of those 18 lane splitting events, one was a crash and 17 were near-crash events. According to VTTI, neither increased nor decreased crash/near-crash risk regarding lane splitting could be discerned from the data.

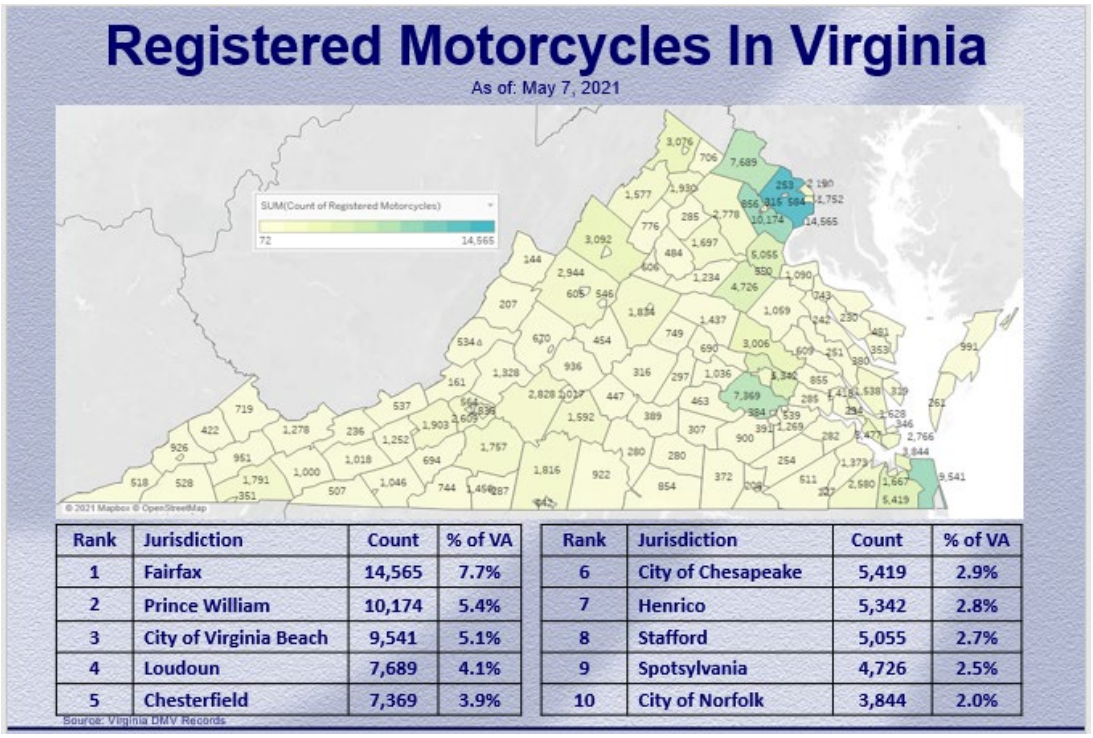
Although the MSF 100 study was invoked neither for nor against the legalization of lane filtering in Virginia, some participants did express concern over the study's experimental design. Specifically, despite the integration of monitoring equipment designed to be unobtrusive, participants were recruited from among volunteers and were thus aware that they were being monitored throughout the course of the study. At least one stakeholder suggested that a caveat to the MSF 100 data is motorcyclists' knowledge that they were being monitored and the likelihood that their driving behavior changed as a result.

[11] Atwood, J., Buche, T., McLaughlin, S., & Williams, V. (2015). Factors that Increase and Decrease Motorcyclist Crash Risk. Virginia Tech Transportation Institute, Motorcycle Research Group/Center for Automated Vehicle Systems & Motorcycle Safety Foundation. https://www.msf-usa.org/downloads/msf100_2016/Risk_ Factors_ From_MSF_100_Study_Paper.pdf.

Crash Data Related to Motorcycle Lane Filtering

In order to determine the potential impact of legalizing lane filtering in Virginia, the study group was presented with information from DMV's records on the numbers of licensed motorcyclists and registered motorcycles in Virginia. In 2020, 418,366 Virginians had motorcycle class licenses and there were 193,560 motorcycles registered in Virginia, with large concentrations of both in urban areas (Figures 1 and 2). From 2016 to 2020, there was an average of 1,923 motorcycles crashes (Figure 3) and 89 motorcycle fatalities (Figure 4) annually.

Figure 1: Jurisdictions with Highest Number of Registered Motorcycles in Virginia

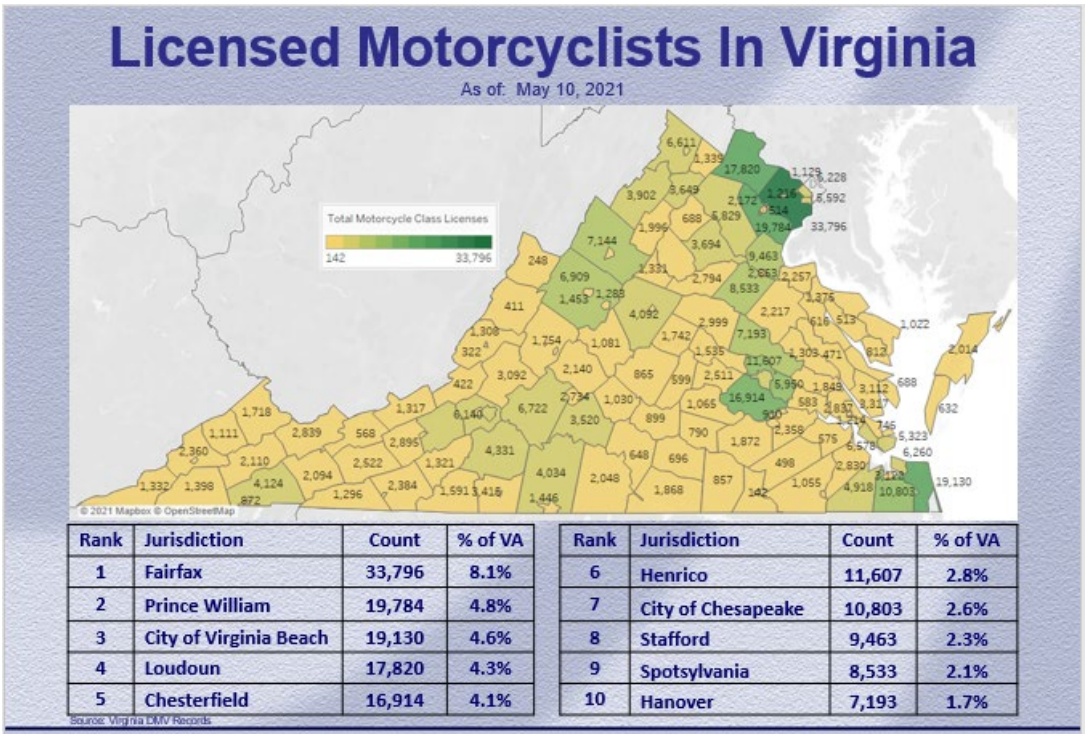


Rank	Jurisdiction	Count	% of VA
1	Fairfax	14,565	7.7%
2	Prince William	10,174	5.4%
3	City of Virginia Beach	9,541	5.1%
4	Loudoun	7,689	4.1%
5	Chesterfield	7,369	3.9%

Rank	Jurisdiction	Count	% of VA
6	City of Chesapeake	5,419	2.9%
7	Henrico	5,342	2.8%
8	Stafford	5,055	2.7%
9	Spotsylvania	4,726	2.5%
10	City of Norfolk	3,844	2.0%

Source: Virginia DMV Records

Figure 2: Jurisdictions with Highest Number of Licensed Motorcyclists in Virginia



Rank	Jurisdiction	Count	% of VA
1	Fairfax	33,796	8.1%
2	Prince William	19,784	4.8%
3	City of Virginia Beach	19,130	4.6%
4	Loudoun	17,820	4.3%
5	Chesterfield	16,914	4.1%

Rank	Jurisdiction	Count	% of VA
6	Henrico	11,607	2.8%
7	City of Chesapeake	10,803	2.6%
8	Stafford	9,463	2.3%
9	Spotsylvania	8,533	2.1%
10	Hanover	7,193	1.7%

Source: Virginia DMV Records

Figure 3: Motorcycle Crashes from 2016 to 2020 with Five-Year Average

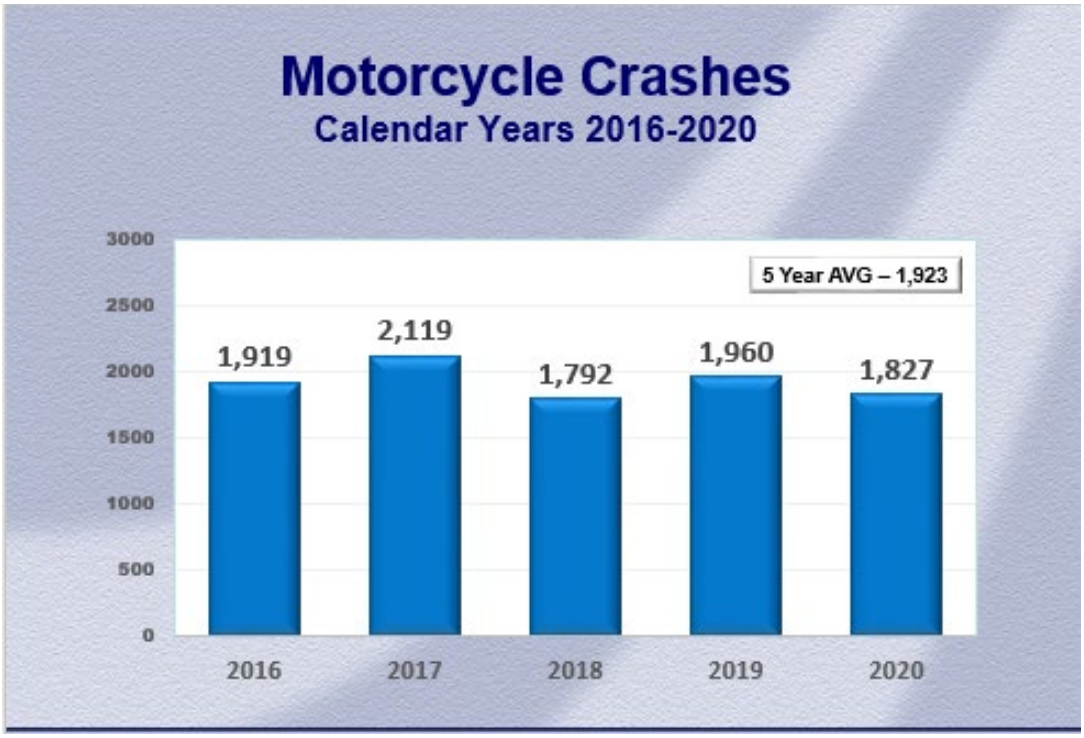


Figure 4: Motorcycle Fatalities from 2016 to 2020 with Five-Year Average

The study group was also assisted with highway safety analytics and reporting by Dr. Kathleen Hancock of Virginia Polytechnic Institute and State University. Dr. Hancock used data from the Traffic Records Electronic Data System (TREDS) managed by DMV's Highway Safety Office.[12] TREDS is the state's highway safety traffic records information system that houses millions of Virginia traffic crash records.

The crash data that Dr. Hancock used in presenting information to the study group was limited to crashes occurring in the conditions associated with the possible use of lane filtering, as defined in HB 1236. Specifically, the crashes evaluated were those that met the following conditions:

- the crash involved a motorcycle;

- the crash involved two or more vehicles;

- the crash occurred on the roadway;

- the crash was not in a school or work zone; and,

- the crash occurred on a two-way divided highway.

[12] See Appendix F.

In 2019 and 2020 the crashes that met all of these conditions represented 26% of all motorcycle crashes and 0.4% of all crashes in the Commonwealth. From this data, Dr. Hancock analyzed and presented to the group statistical information related to speed, roadway type, and type of impact.

Speed

Two provisions of HB 1236 reference speed. First, HB 1236 would permit lane filtering when the overtaken vehicle is stopped or traveling at a speed not in excess of 10 miles per hour (mph). Second, HB 1236 would permit lane filtering by a motorcycle operated at a speed not in excess of 20 mph. Provisions related to the speed of the overtaking motorcycle or overtaken vehicle often appear in legislation legalizing or proposing to legalize lane filtering.

Speed is an important factor in considering safety impacts. Virginia crash data shows that crashes occurring where traffic speeds are 35 mph or lower represent less than 10% of all crashes involving motorcycles and less than 0.2% of all vehicle crashes. Less than 5% of all fatalities in crashes involving motorcycles and less than 0.5% of all vehicle fatalities occur at these speeds. Similarly, less than 11% of all injuries in crashes involving motorcycles and less than 4% of all vehicle crash injuries occur at these speeds.

Crashes occurring where traffic speeds are 20 mph or lower represent less than 2% of all crashes involving motorcycles and less than 0.02% of all vehicle crashes. Less than 1% of all fatalities in crashes involving motorcycles and less than 0.05% of all vehicle related fatalities occur at these speeds. Similarly, less than 2% of all injuries in crashes involving motorcycles and less than .4% of all vehicle crash injuries occur at these speeds.

Over a third of motorcycles involved in these crashes were traveling faster than the other vehicle in the impact. Seventy-six percent of fatalities and 60% or injuries occurred when the difference in speed between the motorcycle and the other vehicle was greater than 15 mph.

Roadway Type

HB 1236 proposed limiting lane filtering to divided highways with at least two lanes of travel in each direction. Dr. Hancock presented the study group with an analysis of crash data from 2019 and 2020 as it relates to roadway type. The three roadway types considered were: freeways (highways with ramp access), arterials (roadways with intersections), and approaching an intersection.

In 2019, 45.8% of fatalities and 62.0% of injuries occurred in crashes on freeways, arterials, and approaching an intersection; in 2020, they accounted for 36.0% of fatalities and 60.0% of injuries. Of all motorcycle crashes, crashes on freeways, arterials, and approaching an intersection represented 5%, 8%, and 4% of all motorcycle crashes, respectively.

Type of Impact

One of the arguments advanced by proponents of motorcycle lane filtering is that the maneuver helps motorcyclists to avoid the dangers of experiencing a rear impact from another vehicle. Dr. Hancock presented the study group with an analysis of crash data from 2019 and 2020 as it relates to impact location.

The largest percentage, 61% of the crashes considered, involved an impact to the front of a motorcycle; 36% of impacts involved rear or side impacts. Rear impact crashes were less than 4% of all motorcycle crashes, less than 3% of fatalities, and 4% of injuries in all motorcycle crashes. Side impact crashes were less than 6% of all motorcycle crashes, less than 8% of all fatalities, and 7% of injuries in all motorcycle crashes.

Some stakeholders pointed out that various vehicle movements and crash circumstances could account for a recorded impact location that may not fully demonstrate what occurred in a vehicle crash. Others noted that, in their opinion, the statistics regarding rear impacts (only 14% of crashes in 2019 and 15% of crashes in 2020) show only a limited benefit of the legalization of lane filtering as regards the prevention of rear end collisions.

Figure 5: Motorcycle Crash Data with Reference to Speed

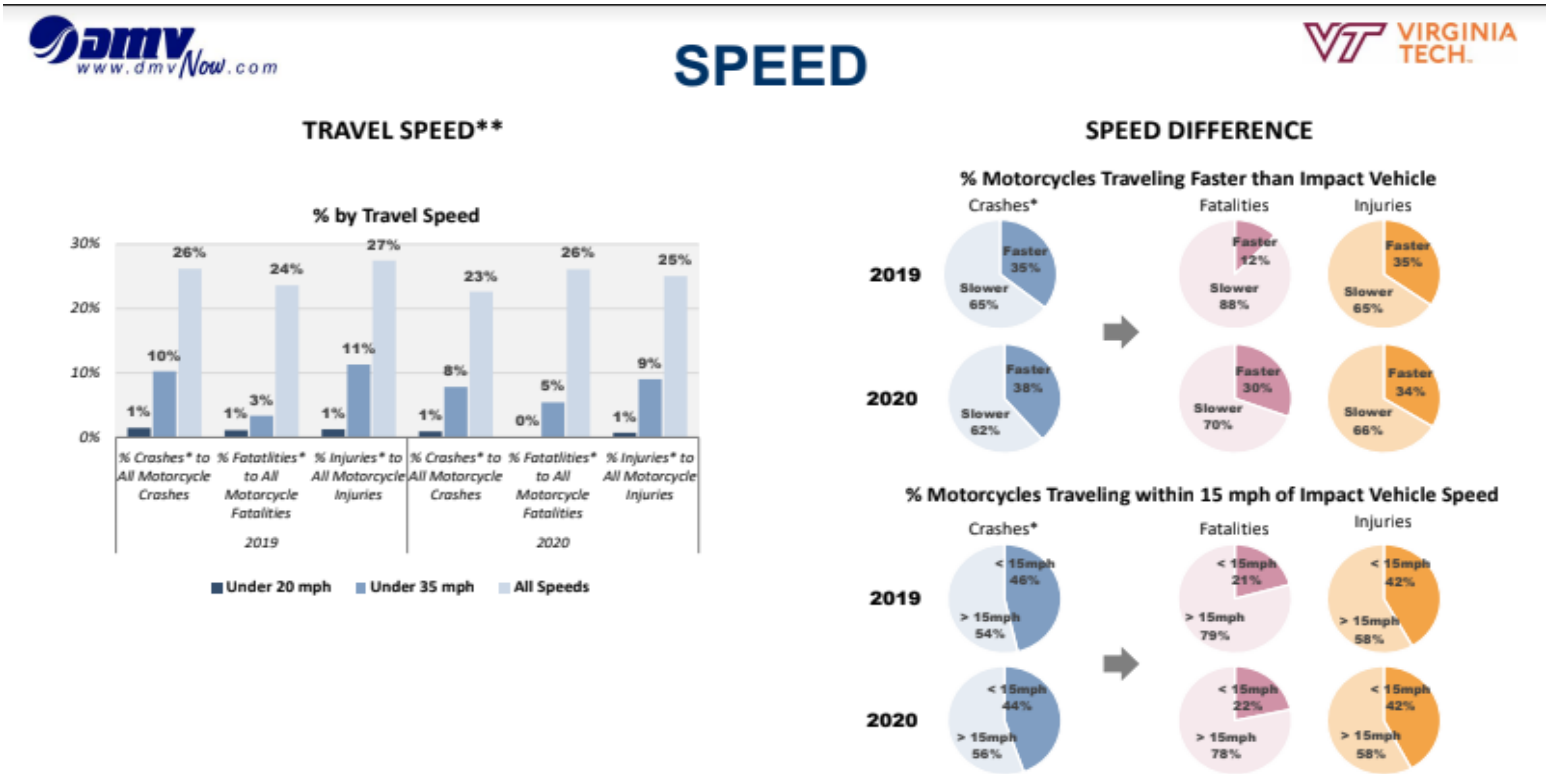
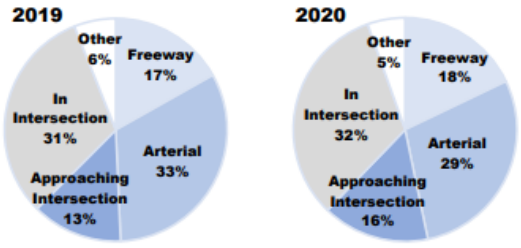


Figure 6: Motorcycle Crash Data with Reference to Roadway Type and Impact Location

ADDITIONAL CHARACTERISTICS

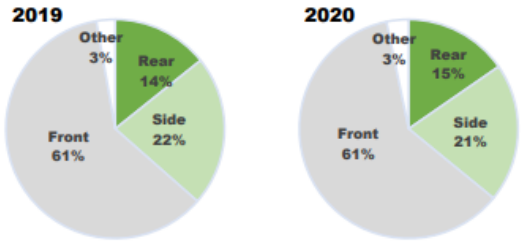
CRASHES* by ROADWAY TYPE



Lane filtering can be considered for **Freeways** (highways with ramp access) and **Arterials** (roadways with intersections) during congestion. It can be considered for **Approaching an Intersection** when vehicles are stopped or slowing because of traffic control.

- 45.8% of fatalities and 62.0% of injuries occurred in crashes* on **Freeways, Arterials,** and **Approaching an Intersection** in 2019. 36.0% of fatalities and 60.0% of injuries occurred on these facilities in 2020.
- If only **Arterials** and **Approaching an Intersection** are considered, 33.3% of fatalities and 49.8% of injuries occurred in 2019. 28.0% of fatalities and 43.9% of injuries occurred in 2020.

MOTORCYCLES* IN CRASHES by IMPACT LOCATION



- **Rear impacts** were responsible for 8.3% (2 of 24) of fatalities and 12.8% (70 of 548) of injuries in 2019 crashes* under consideration. They were responsible for 12.5% (3 of 24) of fatalities and 10.4% (48 of 460) of injuries in 2020.
  - If crashes **In Intersection** are removed: Fatalities are unchanged and injuries reduced from 70 to 55 in 2019; in 2020, fatalities reduced from 3 to 2 and injuries reduced from 48 to 43.
- **Side impacts** were responsible for 25.0% (6 of 24) of fatalities and 22.3% (122 of 548) of injuries in 2019. They were responsible for 29.1% (7 of 24) of fatalities and 23.0% (291 of 460) of injuries in 2020.
  - If crashes **In Intersection** are removed: Fatalities reduced from 6 to 3 and injuries from 122 to 69 in 2019; in 2020, fatalities reduced from 7 to 2 and injuries from 106 to 59.

Stakeholder Discussion

The stakeholder group was made up of representatives of motorcycle rider advocacy groups, manufacturers, insurance agents and companies, motorist safety organizations, the trucking industry, law enforcement, and other state agencies. The group had a first virtual meeting on May 26, 2021, and a second and final meeting on July 9, 2021, with some stakeholders joining virtually and other stakeholders joining in-person.

Motorcycle Lane Filtering Parameters for Virginia

DMV personnel sought to engage stakeholders in a discussion about what a working definition of lane filtering should be for purposes of the study by way of considering certain parameters related to lane filtering. The parameters considered were traffic speed and conditions, motorcycle speed, road conditions, and areas that are inappropriate for lane filtering (i.e. exclusions).

Stakeholders failed to reach consensus on a definition of lane filtering and parameters related to lane filtering. However, proponents of lane filtering supported the following parameters with regard to lane filtering. (Stakeholders who do not consider any parameters acceptable declined to participate in this particular discussion.) First, the vehicle(s) to be overtaken and passed should be traveling at a speed of 10 miles per hour or less. (This is the same as HB 1236.) Second, the overtaking motorcycle should be two-wheeled and operated at a speed no more than 10 miles per hour faster than traffic, and at a maximum speed of no more than 20 miles per hour. (The maximum speed is the same as HB 1236, with motorcycle rider advocacy groups recommending the additional language regarding operating speed relative to traffic speed.)

With regard to road conditions, HB 1236 proposed limiting the practice to divided highways with at least two lanes of travel in each direction. Stakeholders discussed whether to prohibit lane filtering between two opposing lanes of travel, on road shoulders (as defined in § 46.2-100), in school crossing zones (as defined in § 46.2-873), in highway work zones (as defined in § 46.2-878.1), in traffic incident management situations, to pass a stopped school bus (as prohibited in §§ 46.2-844 and 46.2-859) or to pass stopped public transportation vehicles when picking up or dropping off passengers. Once again, stakeholders did not reach consensus in this area, but proponents of lane filtering supported these prohibitions.

Stakeholder Positions on Lane Filtering in Virginia

After the study group attempted to determine the parameters of what was meant by "lane filtering" for purposes of the study, stakeholders were asked to provide a formal position on lane filtering, if they were able and authorized to do so. Consensus was not achieved. Although motorcycle rider advocacy groups favor the practice, many other groups did not. Insurance representatives expressed concern about liability and presumptions related to lane occupancy. Motorist safety organizations and law enforcement representatives were also opposed to lane filtering, citing public safety concerns and the difficulty of initiating a traffic stop on a lane filtering motorcyclist for purposes of enforcement. Trucking industry representatives opposed lane filtering citing the width of primary roadways, the width of commercial and non-commercial

vehicles (including tractor trailers, campers, and other recreational vehicles), and the limited space to safely lane filter as a result of those standard dimensions.

Some groups, including those that did not take a formal position on the legalization of lane filtering, expressed the need for a robust public education campaign in the event of legalization.

Conclusion

The Chair of the Senate Transportation Committee charged DMV, in consultation with VSP and the Virginia Coalition of Motorcyclists, to convene a stakeholder group to study the issue of motorcycle safety as it relates to lane filtering under certain conditions, and the impact of such actions on the safety of motorists in the Commonwealth. During the course of the study, stakeholders diligently met, identified issues, and conducted vigorous discussions about lane filtering. Stakeholders identified the issues, examined other states' legislation, conducted a literature review, considered Virginia crash and fatality data, and shared their ideas and concerns. After two comprehensive meetings stakeholders were unable to reach consensus on the issues.

DMV thanks each stakeholder for the time dedicated to this study and acknowledges that each stakeholder's participation, insight, and expertise provided valuable information for consideration on this topic. However, lacking a consensus on the legalization of lane filtering in Virginia, the report contains no recommended legislation.

Appendices

Appendix A: Study Charge Letter

SENATE OF VIRGINIA

DAVID W. MARSDEN
37TH SENATORIAL DISTRICT
PART OF FAIRFAX COUNTY
P. O. BOX 10889
BURKE, VIRGINIA 22009

COMMITTEE ASSIGNMENTS:
AGRICULTURE, CONSERVATION AND NATURAL RESOURCES
LOCAL GOVERNMENT
TRANSPORTATION

December 8, 2020

Mr. Richard D. Holcomb, Commissioner
Virginia Department of Motor Vehicles
2300 West Broad Street
Richmond, Virginia 23269

Dear Commissioner Holcomb:

During the 2020 General Assembly Session, Delegate Wilt introduced House Bill 1236, which proposed authorizing the operator of a two-wheeled motorcycle to pass another vehicle that is stopped or traveling at no more than 10 miles per hour in the same lane, provided that there are at least two lanes of travel in each direction, such motorcycle does not exceed a speed of 20 miles per hour, and the operator executes such passing safely. The Bill was left in the House Transportation Committee.

In anticipation of continued interest in legislation on this topic, I request that the Department of Motor Vehicles convene a workgroup of the interested stakeholders, including the Virginia State Police and the Virginia Coalition of Motorcyclists, to study the issue of motorcycle safety as it relates to lane filtering under certain conditions, and the impact of such actions on the safety of motorists in the Commonwealth.

I would appreciate receiving a report of your review and findings, as well as your conclusions and any recommendations, no later than December, 2021, so that they may be properly considered by the Committee during the 2022 Regular Session.

Sincerely,

David W. Marsden
Chair, Senate Transportation Committee

cc: The Honorable Barbara A. Favola
The Honorable Delores L. McQuinn
The Honorable Tony O. Wilt
The Honorable Shannon R. Valentine

Appendix B: House Bill 1236

20102834D

HOUSE BILL NO. 1236

Offered January 8, 2020
Prefiled January 8, 2020

A BILL to amend the Code of Virginia by adding a section numbered 46.2-838.1, relating to lane filtering; motorcycles.

Patron—Wilt

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-838.1 as follows:

§ 46.2-838.1. Lane filtering; motorcycles.

A. For the purposes of this section, the term "lane filtering" means the act of overtaking and passing another vehicle that is stopped or traveling at a speed not in excess of 10 miles per hour in the same direction of travel and in the same lane.

B. An operator of a two-wheeled motorcycle may engage in lane filtering when:

1. The operator is on a divided highway with at least two lanes of travel in each direction;

2. The overtaking motorcycle is not operated at a speed in excess of 20 miles per hour when overtaking the stopped or slow moving vehicle; and

3. Such lane filtering may be made safely.

C. Nothing in this section shall (i) prohibit passing otherwise authorized pursuant to this chapter or (ii) authorize the passing of a stopped school bus as prohibited in §§ 46.2-844 and 46.2-859.

Appendix C: DMV Staff and Stakeholders

DMV Study Team

Richard Holcomb
Commissioner

George Bishop
Deputy Commissioner for Highway Safety

Linda Ford
Deputy Commissioner, Chief Operating Officer

Joseph Hill
Assistant Commissioner for Enforcement and Compliance

Carla Jackson
Assistant Commissioner for Legal Affairs

John Saunders
Director of Highway Safety

Melissa Velazquez
Director of Legislative Services

Kimberly Burt
Deputy Director for Highway Safety

Angelisa Jennings
Deputy Director for Highway Safety

Robin Sheldon
Deputy Director for Strategic Management Services

Russell Cross
Study Coordinator

Meghan Cox
Legislative Services

Andrew Owens
Legal Services

Mitchal Hrdlicka
Highway Safety

Kenneth Crumpler
Highway Safety

Lam Pham
Highway Safety

Brandy Brubaker
Communications

Gregory Cavalli
Strategic Management Services

Stakeholders

Janet Baugh
Office of the Attorney General

Dale Bennet
Virginia Trucking Association

Robyn Bolton
Virginia Trucking Association

Robert Bradshaw
Independent Insurance Agents of Virginia

Janet Brooking
DriveSmart

Emma Buck
Virginia Division of Legislative Services

Tiffany Cipoletti
American Motorcyclist Association

Larry Crowe
State Motorcycle Safety Association

Holly Dalby
AAA Mid-Atlantic
AAA Tidewater

Matt Danielson
Virginia Coalition of Motorcyclists

Sheriff Steve Draper
Virginia Sheriff's Association

Nancy Egan
American Property Casualty Insurance Association

Susan Gaston
Virginia Coalition of Motorcyclists

Dr. Kathleen Hancock
Virginia Polytechnic Institute and State University

Joe Hudgins
Independent Insurance Agents of Virginia

LaCheryl Jones
National Highway Traffic Safety Administration

Clark Lewis
Troutman Pepper (on behalf of American Property Casualty Insurance Association)

Bruce Martin
Virginia Department of Transportation

Major Ron Maxey
Virginia State Police

William Naff
National Highway Traffic Safety Administration

Christian Parrish
Office of the Attorney General

Brett Robinson
State Motorcycle Safety Association

John Saunders
Governors Highway Safety Association

Michael Sayre
American Motorcyclist Association

Scott Schloegel
Motorcycle Industry Council
Motorcycle Safety Foundation

Dana Schrad
Virginia Association of Chiefs of Police

Jeff Thompson
Motorcycle Riding Concepts

Jennifer Walle
Troutman Pepper (on behalf of American Property Casualty Insurance Association)

Lisa Wallmeyer
Virginia Division of Legislative Services

Vanessa Wigand
Virginia Department of Education

Don Withrow
Motorcycle Riding Concepts

Kathryn Wochinger
National Highway Traffic Safety Administration

Appendix D: AAMVA Survey Results[7]

American Association of
Motor Vehicle Administrators

Responding Jurisdiction	Is the practice of motorcycle lane filtering described, or something similar, legal in your jurisdiction?	If not, are you aware of any pending or past legislative proposal to legalize this practice?
	Total Jurisdictions Responding: 26	Total Jurisdictions Responding: 26
Alaska	No	No
Arizona	No	No
Florida	No	No
Georgia	No	No
Iowa	No	No
Idaho	No	No
Illinois	No	No
Kentucky	No	No Response Provided
Massachusetts	No	No
Maryland	No	No
Maine	No	No
Michigan	No	No
Minnesota	No	No
Montana	Yes	N/A
Nebraska	No	No
New Jersey	No	No
Nevada	No	No
New York	No	NO
Oregon	No	Provided referenced to SB 574
Pennsylvania	No	No
South Carolina	No	No
Tennessee	No	No
Utah	Yes	N/A
Washington	No	Every year we see at least one bill related to lane splitting/filtering.
Wisconsin	No	No
West Virginia	No	No

[7] Survey was open from May 28, 2021 through June 30, 2021. Responses edited for clarity and conciseness.

Appendix E: Other States' Legislative Documents

Assembly Bill No. 51

CHAPTER 141

An act to add Section 21658.1 to the Vehicle Code, relating to vehicles.

[Approved by Governor August 19, 2016. Filed with
Secretary of State August 19, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 51, Quirk. Vehicles: motorcycles: lane splitting.

Existing law requires, whenever a roadway has been divided into 2 or more clearly marked lanes for traffic in one direction, that a vehicle be driven as nearly as practical entirely within a single lane and not be moved from the lane until the movement can be made with reasonable safety.

This bill would define "lane splitting" as driving a motorcycle, that has 2 wheels in contact with the ground, between rows of stopped or moving vehicles in the same lane, as specified. The bill would authorize the Department of the California Highway Patrol to develop educational guidelines relating to lane splitting in a manner that would ensure the safety of the motorcyclist, drivers, and passengers, as specified. The bill would require the department, in developing these guidelines, to consult with specified agencies and organizations with an interest in road safety and motorcyclist behavior.

The people of the State of California do enact as follows:

SECTION 1. Section 21658.1 is added to the Vehicle Code, to read:

21658.1. (a) For the purposes of this section, "lane splitting" means driving a motorcycle, as defined in Section 400, that has two wheels in contact with the ground, between rows of stopped or moving vehicles in the same lane, including on both divided and undivided streets, roads, or highways.

(b) The Department of the California Highway Patrol may develop educational guidelines relating to lane splitting in a manner that would ensure the safety of the motorcyclist and the drivers and passengers of the surrounding vehicles.

(c) In developing guidelines pursuant to this section, the department shall consult with agencies and organizations with an interest in road safety and motorcyclist behavior, including, but not limited to, all of the following:

(1) The Department of Motor Vehicles.

(2) The Department of Transportation.

(3) The Office of Traffic Safety.

(4) A motorcycle organization focused on motorcyclist safety.

CONCURRENCE IN SENATE AMENDMENTS
AB 51 (Quirk and Lackey)
As Amended June 1, 2016
Majority vote

ASSEMBLY: 58-14 May 28, 2015 SENATE: 38-0 (August 1, 2016)

Original Committee Reference: **TRANS.**

SUMMARY: Authorizes the California Highway Patrol (CHP) to develop guidelines relating safe lane splitting practices.

The Senate amendments delete the Assembly version of the bill, and instead:

1) Require CHP, in the development of the guidelines, to consult with agencies and organizations with an interest in road safety and motorcyclist behavior including, but not necessarily limited to, the Department of Motor Vehicles, Department of Transportation, Office of Traffic Safety, and a motorcycle organization focused on motorcyclist safety.

2) Define a variety of terms.

AS PASSED BY THE ASSEMBLY, this bill:

1) Unequivocally authorized 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 motorcycle is not driven at a speed greater than 50 miles per hour (mph);

   b) The motorcycle is not driven more than 15 mph faster than the speed of traffic going in the same direction.

2) Provided that motorcycles must continue to obey existing laws relating to the safe operation of a vehicle.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

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.

Recognizing the need to develop guidelines as an educational tool for all roadway users, 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 Web site in early 2013 and, later, on the Office of Traffic Safety's (OTS's) Internet Web site. The guidelines were also printed in the DMV's motorcycle handbook. The guidelines clarified that lane splitting, when conducted in a safe and prudent and manner is not illegal in California and 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 Web sites, 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 Web sites, 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.

According to the author, removing the guidelines from CHP and OTS Web sites 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 generally codifies CHP's lane splitting guidelines, except that the allowable conditions have been modified slightly to reflect new research that has just been released.

Writing in support of this bill, the Personal Insurance Federation of California 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, Personal Insurance Federation of California 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. It is unclear if these groups remain in opposition following recent amendments to the bill to reflect updated research.

Please see the policy committee analysis for a full discussion of this bill.

Analysis Prepared by: Victoria Alvarez / TRANS. / (916) 319-2093 FN: 0003547

TRAFFIC CODE AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Walt Brooks

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill amends provisions of the Traffic Code to allow lane filtering by a motorcycle.

Highlighted Provisions:

This bill:

- defines lane filtering;
- allows lane filtering if a motorcycle is overtaking a vehicle that is stopped in the same lane of travel and there are two or more adjacent traffic lanes in the same direction of travel;
- provides a sunset of provisions related to lane filtering, subject to review; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-102, as last amended by Laws of Utah 2018, Chapters 166 and 205

41-6a-704, as last amended by Laws of Utah 2015, Chapter 412

41-6a-710, as last amended by Laws of Utah 2015, Chapter 412

63I-1-241, as last amended by Laws of Utah 2015, Chapter 109

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6a-102** is amended to read:

41-6a-102. Definitions.

As used in this chapter:

(1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.

(2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.

(3) "Authorized emergency vehicle" includes:

(a) fire department vehicles;

(b) police vehicles;

(c) ambulances; and

(d) other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety.

(4) "Autocycle" means the same as that term is defined in Section 53-3-102.

(5) (a) "Bicycle" means a wheeled vehicle:

(i) propelled by human power by feet or hands acting upon pedals or cranks;

(ii) with a seat or saddle designed for the use of the operator;

(iii) designed to be operated on the ground; and

(iv) whose wheels are not less than 14 inches in diameter.

(b) "Bicycle" includes an electric assisted bicycle.

(c) "Bicycle" does not include scooters and similar devices.

(6) (a) "Bus" means a motor vehicle:

(i) designed for carrying more than 15 passengers and used for the transportation of persons; or

(ii) designed and used for the transportation of persons for compensation.

(b) "Bus" does not include a taxicab.

(7) (a) "Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection where traffic passes to the right of the island.

(b) "Circular intersection" includes:

(i) roundabouts;

(ii) rotaries; and

(iii) traffic circles.

(8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in Subsection (17)(d)(i).

(9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in Subsection (17)(d)(ii).

(10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in Subsection (17)(d)(iii).

(11) "Commissioner" means the commissioner of the Department of Public Safety.

(12) "Controlled-access highway" means a highway, street, or roadway:

(a) designed primarily for through traffic; and

(b) to or from which owners or occupants of abutting lands and other persons have no legal right of access, except at points as determined by the highway authority having jurisdiction over the highway, street, or roadway.

(13) "Crosswalk" means:

(a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from:

(i) (A) the curbs; or

(B) in the absence of curbs, from the edges of the traversable roadway; and

(ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline; or

(b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(14) "Department" means the Department of Public Safety.

(15) "Direct supervision" means oversight at a distance within which:

(a) visual contact is maintained; and

(b) advice and assistance can be given and received.

(16) "Divided highway" means a highway divided into two or more roadways by:

(a) an unpaved intervening space;

(b) a physical barrier; or

(c) a clearly indicated dividing section constructed to impede vehicular traffic.

(17) "Electric assisted bicycle" means a bicycle with an electric motor that:

(a) has a power output of not more than 750 watts;

(b) has fully operable pedals on permanently affixed cranks;

(c) is fully operable as a bicycle without the use of the electric motor; and

(d) is one of the following:

(i) an electric assisted bicycle equipped with a motor or electronics that:

(A) provides assistance only when the rider is pedaling; and

(B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour;

(ii) an electric assisted bicycle equipped with a motor or electronics that:

(A) may be used exclusively to propel the bicycle; and

(B) is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; or

(iii) an electric assisted bicycle equipped with a motor or electronics that:

(A) provides assistance only when the rider is pedaling;

(B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour; and

(C) is equipped with a speedometer.

(18) (a) "Electric personal assistive mobility device" means a self-balancing device with:

(i) two nontandem wheels in contact with the ground;

(ii) a system capable of steering and stopping the unit under typical operating conditions;

(iii) an electric propulsion system with average power of one horsepower or 750 watts;

(iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and

(v) a deck design for a person to stand while operating the device.

(b) "Electric personal assistive mobility device" does not include a wheelchair.

(19) "Explosives" means any chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustive units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.

(20) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.

(21) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as determined by a tagliabue or equivalent closed-cup test device.

(22) "Freeway" means a controlled-access highway that is part of the interstate system as defined in Section 72-1-102.

(23) "Gore area" means the area delineated by two solid white lines that is between a continuing lane of a through roadway and a lane used to enter or exit the continuing lane including similar areas between merging or splitting highways.

(24) "Gross weight" means the weight of a vehicle without a load plus the weight of

any load on the vehicle.

(25) "Highway" means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel.

(26) "Highway authority" means the same as that term is defined in Section 72-1-102.

(27) (a) "Intersection" means the area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another.

(b) Where a highway includes two roadways 30 feet or more apart:

(i) every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; and

(ii) if the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways is a separate intersection.

(c) "Intersection" does not include the junction of an alley with a street or highway.

(28) "Island" means an area between traffic lanes or at an intersection for control of vehicle movements or for pedestrian refuge designated by:

(a) pavement markings, which may include an area designated by two solid yellow lines surrounding the perimeter of the area;

(b) channelizing devices;

(c) curbs;

(d) pavement edges; or

(e) other devices.

(29) "Lane filtering" means, when operating a motorcycle other than an autocycle, the act of overtaking and passing another vehicle that is stopped in the same direction of travel in the same lane.

[~~(29)~~] (30) "Law enforcement agency" means the same as that term is as defined in Section 53-1-102.

[~~(30)~~] (31) "Limited access highway" means a highway:

(a) that is designated specifically for through traffic; and

(b) over, from, or to which neither owners nor occupants of abutting lands nor other persons have any right or easement, or have only a limited right or easement of access, light, air, or view.

[~~(31)~~] (32) "Local highway authority" means the legislative, executive, or governing body of a county, municipal, or other local board or body having authority to enact laws relating to traffic under the constitution and laws of the state.

[~~(32)~~] (33) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

(i) is designed to be operated at speeds of not more than 25 miles per hour; and

(ii) has a capacity of not more than four passengers, including the driver.

(b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

[~~(33)~~] (34) "Metal tire" means a tire, the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

[~~(34)~~] (35) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or saddle that is less than 24 inches from the ground as measured on a level surface with properly inflated tires.

(b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

(c) "Mini-motorcycle" does not include a motorcycle that is:

(i) designed for off-highway use; and

(ii) registered as an off-highway vehicle under Section 41-22-3.

[~~(35)~~] (36) "Mobile home" means:

(a) a trailer or semitrailer that is:

(i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping place either permanently or temporarily; and

(ii) equipped for use as a conveyance on streets and highways; or

(b) a trailer or a semitrailer whose chassis and exterior shell is designed and

constructed for use as a mobile home, as defined in Subsection [~~(35)~~] (36)(a), but that is instead used permanently or temporarily for:

(i) the advertising, sale, display, or promotion of merchandise or services; or

(ii) any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

[~~(36)~~] (37) (a) "Moped" means a motor-driven cycle having:

(i) pedals to permit propulsion by human power; and

(ii) a motor that:

(A) produces not more than two brake horsepower; and

(B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground.

(b) If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

(c) "Moped" includes a motor assisted scooter.

(d) "Moped" does not include an electric assisted bicycle.

[~~(37)~~] (38) (a) "Motor assisted scooter" means a self-propelled device with:

(i) at least two wheels in contact with the ground;

(ii) a braking system capable of stopping the unit under typical operating conditions;

(iii) a gas or electric motor not exceeding 40 cubic centimeters;

(iv) either:

(A) a deck design for a person to stand while operating the device; or

(B) a deck and seat designed for a person to sit, straddle, or stand while operating the device; and

(v) a design for the ability to be propelled by human power alone.

(b) "Motor assisted scooter" does not include an electric assisted bicycle.

[~~(38)~~] (39) (a) "Motor vehicle" means a vehicle that is self-propelled and every vehicle

which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(b) "Motor vehicle" does not include vehicles moved solely by human power, motorized wheelchairs, an electric personal assistive mobility device, an electric assisted bicycle, or a personal delivery device, as defined in Section 41-6a-1119.

[~~(39)~~] (40) "Motorcycle" means:

(a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground; or

(b) an autocycle.

[~~(40)~~] (41) (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped, motor assisted scooter, and every motorized bicycle having:

(i) an engine with less than 150 cubic centimeters displacement; or

(ii) a motor that produces not more than five horsepower.

(b) "Motor-driven cycle" does not include:

(i) an electric personal assistive mobility device; or

(ii) an electric assisted bicycle.

[~~(41)~~] (42) "Off-highway implement of husbandry" means the same as that term is defined under Section 41-22-2.

[~~(42)~~] (43) "Off-highway vehicle" means the same as that term is defined under Section 41-22-2.

[~~(43)~~] (44) "Operator" means a person who is in actual physical control of a vehicle.

[~~(44)~~] (45) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is occupied or not.

(b) "Park" or "parking" does not include the standing of a vehicle temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

[~~(45)~~] (46) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of

traffic laws.

[~~(46)~~] (47) "Pedestrian" means a person traveling:

(a) on foot; or

(b) in a wheelchair.

[~~(47)~~] (48) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate pedestrians.

[~~(48)~~] (49) "Person" means every natural person, firm, copartnership, association, or corporation.

[~~(49)~~] (50) "Pole trailer" means every vehicle without motive power:

(a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

(b) that is ordinarily used for transporting long or irregular shaped loads including poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.

[~~(50)~~] (51) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

[~~(51)~~] (52) "Railroad" means a carrier of persons or property upon cars operated on stationary rails.

[~~(52)~~] (53) "Railroad sign or signal" means a sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

[~~(53)~~] (54) "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.

[~~(54)~~] (55) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed, and proximity that give rise to danger of collision unless one grants

precedence to the other.

[~~(55)~~] (56) (a) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.

(b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles.

(c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a highway includes two or more separate roadways.

[~~(56)~~] (57) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

[~~(57)~~] (58) (a) "School bus" means a motor vehicle that:

(i) complies with the color and identification requirements of the most recent edition of "Minimum Standards for School Buses"; and

(ii) is used to transport school children to or from school or school activities.

(b) "School bus" does not include a vehicle operated by a common carrier in transportation of school children to or from school or school activities.

[~~(58)~~] (59) (a) "Semitrailer" means a vehicle with or without motive power:

(i) designed for carrying persons or property and for being drawn by a motor vehicle; and

(ii) constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.

(b) "Semitrailer" does not include a pole trailer.

[~~(59)~~] (60) "Shoulder area" means:

(a) that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices"; or

(b) that portion of the road contiguous to the roadway for accommodation of stopped

vehicles, for emergency use, and for lateral support.

[~~(60)~~] (61) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

[~~(61)~~] (62) "Solid rubber tire" means a tire of rubber or other resilient material that does not depend on compressed air for the support of the load.

[~~(62)~~] (63) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied or not, for the purpose of and while actually engaged in receiving or discharging passengers.

[~~(63)~~] (64) "Stop" when required means complete cessation from movement.

[~~(64)~~] (65) "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when:

(a) necessary to avoid conflict with other traffic; or

(b) in compliance with the directions of a peace officer or traffic-control device.

[~~(65)~~] (66) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.

[~~(66)~~] (67) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.

[~~(67)~~] (68) "Traffic signal preemption device" means an instrument or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

[~~(68)~~] (69) "Traffic-control device" means a sign, signal, marking, or device not inconsistent with this chapter placed or erected by a highway authority for the purpose of regulating, warning, or guiding traffic.

[~~(69)~~] (70) "Traffic-control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

[~~(70)~~] (71) (a) "Trailer" means a vehicle with or without motive power designed for

carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(b) "Trailer" does not include a pole trailer.

[~~(71)~~] (72) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

[~~(72)~~] (73) "Truck tractor" means a motor vehicle:

(a) designed and used primarily for drawing other vehicles; and

(b) constructed to carry a part of the weight of the vehicle and load drawn by the truck tractor.

[~~(73)~~] (74) "Two-way left turn lane" means a lane:

(a) provided for vehicle operators making left turns in either direction;

(b) that is not used for passing, overtaking, or through travel; and

(c) that has been indicated by a lane traffic-control device that may include lane markings.

[~~(74)~~] (75) "Urban district" means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.

[~~(75)~~] (76) "Vehicle" means a device in, on, or by which a person or property is or may be transported or drawn on a highway, except devices used exclusively on stationary rails or tracks.

Section 2. Section **41-6a-704** is amended to read:

41-6a-704. Overtaking and passing vehicles proceeding in same direction.

(1) (a) On any highway:

(i) the operator of a vehicle overtaking another vehicle proceeding in the same direction shall:

(A) except as provided under Section 41-6a-705, promptly pass the overtaken vehicle on the left at a safe distance; and

(B) enter a right-hand lane or the right side of the roadway only when safely clear of the overtaken vehicle;

(ii) the operator of an overtaken vehicle:

(A) shall give way to the right in favor of the overtaking vehicle; and

(B) may not increase the speed of the vehicle until completely passed by the overtaking vehicle.

(b) The exemption from the minimum speed regulations for a vehicle operating on a grade under Section 41-6a-605 does not exempt the vehicle from promptly passing a vehicle as required under Subsection (1)(a)(i)(A).

(2) On a highway having more than one lane in the same direction, the operator of a vehicle traveling in the left general purpose lane:

(a) shall, upon being overtaken by another vehicle in the same lane, yield to the overtaking vehicle by moving safely to a lane to the right; and

(b) may not impede the movement or free flow of traffic in the left general purpose lane.

(3) An operator of a vehicle traveling in the left general purpose lane that has a vehicle following directly behind the operator's vehicle at a distance so that less than two seconds elapse before reaching the location of the operator's vehicle when space is available for the operator to yield to the overtaking vehicle by traveling in the right-hand lane is prima facie evidence that the operator is violating Subsection (2).

(4) The provisions of Subsection (2) do not apply to an operator of a vehicle traveling in the left general purpose lane when:

(a) overtaking and passing another vehicle proceeding in the same direction in accordance with Subsection (1)(a)(i);

(b) preparing to turn left or taking a different highway or an exit on the left;

(c) responding to emergency conditions;

(d) avoiding actual or potential traffic moving onto the highway from an acceleration

or merging lane; or

(e) following the direction of a traffic-control device that directs the use of a designated lane.

(5) An individual may engage in lane filtering only when the following conditions exist:

(a) the individual is operating a motorcycle;

(b) the individual is on a roadway divided into two or more adjacent traffic lanes in the same direction of travel;

(c) the individual is on a roadway with a speed limit of 45 miles per hour or less;

(d) the vehicle being overtaken in the same lane is stopped;

(e) the motorcycle is traveling at a speed of 15 miles per hour or less; and

(f) the movement may be made safely.

[~~(5)~~] (6) A violation of Subsection [~~(1) or (2)~~] (1), (2), or (5) is an infraction.

Section 3. Section **41-6a-710** is amended to read:

41-6a-710. Roadway divided into marked lanes -- Provisions -- Traffic-control devices.

On a roadway divided into two or more clearly marked lanes for traffic the following provisions apply and any violation of this section is an infraction:

(1) (a) [~~A~~] Except as provided in Subsection (1)(c), a person operating a vehicle:

(i) shall keep the vehicle as nearly as practical entirely within a single lane; and

(ii) may not move the vehicle from the lane until the operator has reasonably determined the movement can be made safely.

(b) A determination under Subsection (1)(a)(ii) is reasonable if a reasonable person acting under the same conditions and having regard for actual and potential hazards then existing would determine that the movement could be made safely.

(c) Subsection (1)(a) does not apply to an individual operating a motorcycle engaging in lane filtering as described in Section 41-6a-704.

(2) (a) On a roadway divided into three or more lanes and providing for two-way movement of traffic, a person operating a vehicle may not drive in the center lane except:

(i) when overtaking and passing another vehicle traveling in the same direction, and when the center lane is:

(A) clear of traffic within a safe distance; and

(B) not a two-way left turn lane;

(ii) in preparation of making or completing a left turn in compliance with Section 41-6a-801; or

(iii) where the center lane is allocated exclusively to traffic moving in the same direction that the vehicle is proceeding as indicated by traffic-control devices.

(b) Notwithstanding Subsection (2)(a)(i) and in accordance with Subsection (1)(a), a person operating a vehicle may drive in a center lane that is a two-way left turn lane if:

(i) the center lane is:

(A) on a roadway divided into three or more lanes that provides for two-way movement of traffic; and

(B) clear of traffic within a safe distance;

(ii) there is only one lane of travel in the direction the person operating the vehicle is traveling; and

(iii) the person operating the vehicle is overtaking and passing a bicycle or moped that is moving at less than the reasonable speed of traffic that is present.

(3) (a) A highway authority may erect traffic-control devices directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway.

(b) An operator of a vehicle shall obey the directions of a traffic-control device erected under Subsection (3)(a).

Section 4. Section **63I-1-241** is amended to read:

63I-1-241. Repeal dates, Title 41.

(1) The following subsections addressing lane filtering are repealed on July 1, 2022:

(a) Subsection 41-6a-102(29);

(b) Subsection 41-6a-704(5); and

(c) Subsection 41-6a-710(1)(c).

(2) Subsection 41-12a-806(5) is repealed on July 1, 2020.

AN ACT PROVIDING FOR MOTORCYCLE LANE FILTERING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Lane filtering for motorcycles. (1) An operator of a two-wheeled motorcycle may engage in lane filtering when:

(a) the operator of a two-wheeled motorcycle is on a road with lanes wide enough to pass safely;

(b) the overtaking motorcycle is not operated at a speed in excess of 20 miles an hour when overtaking the stopped or slow-moving vehicle; and

(c) conditions permit continued reasonable and prudent operation of the motorcycle while lane filtering.

(2) As used in this section, "lane filtering" means the act of overtaking and passing another vehicle that is stopped or traveling at a speed not in excess of 10 miles an hour in the same direction of travel and in the same lane.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to [section 1].

- END -

I hereby certify that the within bill,

SB 9, originated in the Senate.

_____

Secretary of the Senate

_____

President of the Senate

Signed this _____day

of_____, 2021.

_____

Speaker of the House

Signed this _____day

of_____, 2021.

SENATE BILL NO. 9

INTRODUCED BY R. TEMPEL

AN ACT PROVIDING FOR MOTORCYCLE LANE FILTERING.

Enrolled
Senate Bill 574

Sponsored by Senators DEMBROW, HANSELL, Representative POST, Senators GELSER, THATCHER, Representatives NOBLE, POWER; Senators RILEY, THOMSEN, Representatives GRAYBER, HELM, LEIF, MCLAIN, OWENS, SMITH DB, SOLLMAN, STARK (Presession filed.)

CHAPTER .....

AN ACT

Relating to vehicle filtering in traffic slowdowns; creating new provisions; and amending ORS 811.295, 811.370, 811.375, 811.385, 811.415 and 814.240.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 814.240 is amended to read:

814.240. (1) A motorcycle operator or moped operator commits the offense of motorcycle or moped unlawful passing in a lane with a vehicle if the operator does any of the following:

(a) Overtakes and passes in the same lane occupied by the vehicle the operator is overtaking, unless the vehicle being passed is a motorcycle or a moped.

(b) Operates a moped or motorcycle between lanes of traffic [*or between adjacent lines or rows of vehicles*].

(2) This section does not apply to a police officer in the performance of official duties.

(3) Notwithstanding subsection (1) of this section, except as provided in subsections (4), (5) and (6) of this section, a motorcycle operator does not commit the offense of motorcycle or moped unlawful passing in a lane with a vehicle under the following conditions:

(a) Traffic is stopped or has slowed to a speed of 10 miles per hour or less; and

(b) The motorcycle operator:

(A) Operates a motorcycle with two wheels between lanes of traffic traveling in the same direction;

(B) Travels at a speed of no more than 10 miles per hour greater than the speed of traffic;

(C) Operates in a prudent manner that does not impede the normal and reasonable movement of traffic;

(D) Overtakes a vehicle that is proceeding in the same direction;

(E) Merges with the regular traffic flow when traffic begins traveling at a speed of more than 10 miles per hour; and

(F) Is driving on a highway for which the speed limit established in ORS 811.111 or the designated speed posted under ORS 810.180 is 50 miles per hour or higher.

(4) The exception described in subsection (3) of this section does not apply when a motorcycle is traveling in a school zone if the school zone is:

(a) A segment of highway described in ORS 801.462 (1)(a) and:

(A) The school zone has a flashing light used as a traffic control device and provided under ORS 810.243; or

(B) If the school zone does not have a flashing light used as a traffic control device, the person drives in the school zone between 7 a.m. and 5 p.m. on a day when school is in session.

(b) A crosswalk described in ORS 801.462 (1)(b) and:

(A) A flashing light is used as a traffic control device and operated as provided under ORS 810.243; or

(B) Children are present, as described in ORS 811.124.

(5) The exception described in subsection (3) of this section does not apply when a motorcycle is traveling in a highway work zone as defined in ORS 811.230.

(6) Nothing in subsection (3) of this section authorizes a motorcycle operator to drive:

(a) On the right of a motor vehicle that is traveling in the far right lane on a roadway that has two or more lanes for traffic proceeding in a single direction; or

(b) On the left of a motor vehicle that is traveling in the far left lane on a roadway that has two or more lanes for traffic proceeding in a single direction.

[*(3)*] **(7)** The offense described in this section, motorcycle or moped unlawful passing in a lane with a vehicle, is a Class B traffic violation.

SECTION 2. ORS 811.415 is amended to read:

811.415. (1) A person commits the offense of unsafe passing on the right if the person:

(a) Drives a vehicle to overtake and pass upon the right of another vehicle at any time not permitted under this section.

(b) Drives a vehicle to overtake and pass upon the right of another vehicle at any time by driving off the paved portion of the highway.

(2) For purposes of this section, a person may drive a vehicle to overtake and pass upon the right of another vehicle under any of the following circumstances:

(a) Overtaking and passing upon the right is permitted if:

(A) The overtaken vehicle is making or the driver has signaled an intention to make a left turn;

(B) The paved portion of the highway is of sufficient width to allow two or more lanes of vehicles to proceed lawfully in the same direction as the overtaking vehicle; and

(C) The roadway ahead of the overtaking vehicle is unobstructed for a sufficient distance to permit passage by the overtaking vehicle to be made in safety.

(b) Overtaking and passing upon the right is permitted if the overtaken vehicle is proceeding along a roadway in the left lane of two or more clearly marked lanes allocated exclusively to vehicular traffic moving in the same direction as the overtaking driver.

(c) Overtaking and passing upon the right is permitted if the overtaking vehicle is a bicycle that may safely make the passage under the existing conditions.

(d) When overtaking and passing upon the right under the rules governing this movement in ORS 814.240.

(3) The offense described in this section, unsafe passing on the right, is a Class B traffic violation.

SECTION 3. ORS 811.295 is amended to read:

811.295. (1) A person commits the offense of failure to drive on the right if the person is operating a vehicle on a roadway of sufficient width and the person does not drive on the right half of the roadway.

(2) A person is not required to drive on the right side of the roadway by this section under any of the following circumstances:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing this movement in ORS 811.410 to 811.425**,** [*or*] 811.808 **or 814.240**.

(b) When preparing to turn left in an intersection, alley or private road or driveway.

(c) When an obstruction or condition exists making it necessary to drive to the left of the center of the roadway, provided that a driver doing so shall yield the right of way to all vehicles traveling

in the proper direction upon the unobstructed portion of the roadway within a distance as to constitute an immediate hazard.

(d) Upon a roadway divided into three marked lanes for traffic under the rules applicable on the roadway under ORS 811.380.

(e) Upon a roadway restricted to one-way traffic.

(3) The offense described in this section, failure to drive on the right, is a Class B traffic violation.

SECTION 4. ORS 811.370 is amended to read:

811.370. (1) Except as provided in [*subsection (2)*] **subsections (2) and (3)** of this section, a person commits the offense of failure to drive within a lane if the person is operating a vehicle upon a roadway that is divided into two or more clearly marked lanes for traffic and the driver does not:

(a) Operate the vehicle as nearly as practicable entirely within a single lane; and

(b) Refrain from moving from that lane until the driver has first made certain that the movement can be made with safety.

(2) A person who operates a commercial motor vehicle within a multilane roundabout that is divided into two or more clearly marked lanes for traffic may operate the commercial motor vehicle in more than one lane when it is not practicable to remain entirely within one lane.

(3) A person may operate a motorcycle within a lane under the rules governing the movement of motorcycles in ORS 814.240.

[*(3)*] **(4)** The offense described in this section, failure to drive within a lane, is a Class B traffic violation.

SECTION 5. ORS 811.375 is amended to read:

811.375. (1) A person commits the offense of unlawful or unsignaled change of lanes if the person is operating a vehicle upon a highway and the person changes lanes by moving to the right or left upon the highway when:

(a) The movement cannot be made with reasonable safety; or

(b) The driver fails to give an appropriate signal continuously during not less than the last 100 feet traveled by the vehicle before changing lanes.

(2) Appropriate signals for use while changing lanes are as designated under ORS 811.395 and 811.400.

(3) A person who operates a motorcycle under the rules governing the movement of motorcycles in ORS 814.240 does not commit the offense of unlawful or unsignaled change of lanes.

[*(3)*] **(4)** The offense described in this section, unlawful or unsignaled change of lane, is a Class D traffic violation.

SECTION 6. ORS 811.385 is amended to read:

811.385. (1) A person commits the offense of depriving a motorcycle or moped of a full lane if the person operates a motor vehicle upon a roadway laned for traffic in a manner that prevents a moped operator or motorcyclist from full use of a lane.

(2) This section does not apply to operators of motorcycles or mopeds whose use of lanes is controlled by ORS 814.240 **(1) and (2)** and 814.250.

(3) Notwithstanding subsection (1) of this section, a person does not commit the offense of depriving a motorcycle or moped of a full lane if:

(a) The person is driving a motor vehicle that is not a motorcycle; and

(b) The motorcycle operator is driving between lanes of traffic as authorized under ORS 814.240.

[*(3)*] **(4)** The offense described in this section, depriving a motorcycle or moped of a full lane, is a Class B traffic violation.

SECTION 7. The amendments to ORS 811.295, 811.370, 811.375, 811.385, 811.415 and 814.420 by sections 1 to 6 of this 2021 Act apply to conduct occurring on or after the effective date of this 2021 Act.

Passed by Senate May 5, 2021

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House May 17, 2021

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

.....
Shemia Fagan, Secretary of State

KATE BROWN
Governor

May 26, 2021

The Honorable Peter Courtney
President of the Senate
S-201 State Capitol
Salem, OR 97301

The Honorable Tina Kotek
Speaker of the House
H-269 State Capitol
Salem, OR 97301

Re: Senate Bill 574

Dear President Courtney and Speaker Kotek,

Pursuant to Article V, section 15b(1) of the Oregon Constitution, I am returning Enrolled Senate Bill 574 unsigned and disapproved.

This bill would allow a person operating a motorcycle to travel between lanes of traffic, under certain conditions and in specific circumstances. Some of the conditions set forth in the bill include the requirement that traffic is either stopped or has slowed to a speed of ten miles per hour or less, that the motorcyclist travels between lanes at no more than ten miles per hour above the speed of traffic, and that the motorcyclist does not impede normal movement of traffic. This practice, known as "lane filtering," is currently unlawful—as it is in many other states—due to legitimate public safety concerns.

While I appreciate that SB 574 is more tailored than previous attempts to legalize lane filtering, I have several concerns with the bill as currently drafted, particularly related to public safety and noncompliance with the proposed conditions, which prevent me from approving it. First, many stakeholders, including law enforcement agencies and members of the public, remain concerned that lane filtering is unsafe for both the motorcyclists and the drivers sharing the road, due to the serious injuries and death that commonly result from motorcycle-involved accidents. Second, although the bill proposes conditions with which a motorcyclist must comply (such as a maximum speed at which motorcyclists can travel between lanes), I remain worried that some will not adhere to these conditions.

Based on these concerns, I am returning SB 574 unsigned and disapproved.

Sincerely,

Kate Brown

Governor Kate Brown

KB:smg

254 STATE CAPITOL, SALEM OR 97301-4047 (503) 378-3111 FAX (503) 378-8970
WWW.GOVERNOR.OREGON.GOV

HOUSE BILL 920

R5 0lr2435
HB 917/19 – ENT

By: **Delegates Szeliga, Arentz, Jacobs, Johnson, and Mautz**
Introduced and read first time: February 5, 2020
Assigned to: Environment and Transportation

A BILL ENTITLED

AN ACT concerning

Motor Vehicles – Motorcycles – Overtaking and Passing Vehicles

FOR the purpose of requiring the Motor Vehicle Administration to adopt certain guidelines for the operation of a motorcycle on a roadway that is divided into two or more clearly marked lanes for vehicular traffic; repealing certain provisions of law that prohibit an operator of a motorcycle on certain roadways from overtaking and passing in the same lane occupied by the vehicle being overtaken and from operating a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles; making a certain conforming change; and generally relating to the operation of motorcycles on roadways.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–604 and 21–1303
Annotated Code of Maryland
(2012 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

16–604.

(a) The Administration shall adopt and enforce regulations consistent with this subtitle to implement the motorcycle safety courses in training centers throughout the State.

(b) Regulations adopted under this section shall include, but not be limited to:

(1) Curriculum, equipment, and facility standards for both classroom and

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

laboratory phases;

(2) GUIDELINES RELATING TO WHEN A MOTORCYCLE OPERATOR MAY:

(I) OVERTAKE AND PASS IN THE SAME LANE OCCUPIED BY THE VEHICLE BEING OVERTAKEN; AND

(II) OPERATE A MOTORCYCLE BETWEEN LANES OF TRAFFIC OR BETWEEN ADJACENT ROWS OF VEHICLES;

[(2)**] (3)** Minimum student performance standards for successful completion of the courses;

[(3)**] (4)** Standards for the certification of training centers, classroom instructors, and laboratory instructors;

[(4)**] (5)** Guidelines for payment of the State reimbursement to training centers;

[(5)**] (6)** Standards for determining the eligibility of individuals to enroll in the courses; and

[(6)**] (7)** Guidelines for the provision of funds, equipment, and materials by the Administration to the training centers.

(C) THE ADMINISTRATION SHALL CONSULT WITH OTHER APPROPRIATE ENTITIES, INCLUDING THE STATE HIGHWAY ADMINISTRATION, THAT HAVE AN INTEREST IN HIGHWAY SAFETY AND MOTORCYCLE OPERATOR BEHAVIOR BEFORE ADOPTING GUIDELINES IN ACCORDANCE WITH SUBSECTION (B)(2) OF THIS SECTION.

21–1303.

(a) **[**(1)**]** On any roadway that is divided into two or more clearly marked lanes for vehicular traffic, the following rules, in addition to any others consistent with them apply.

[(2) Subsections (c) and (d) of this section do not apply to police officers in the performance of their official duties.**]**

(b) (1) This subsection does not apply to motorcycles operated two abreast in a single lane.

(2) Every motorcycle is entitled to the full use of a lane, and a motor vehicle

may not be driven in any manner that deprives any motorcycle of the full use of a lane.

(c) **[**The operator of a motorcycle may not overtake and pass in the same lane occupied by the vehicle being overtaken.

(d) A person may not operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(e)**]** Motorcycles may not be operated more than two abreast in a single lane.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Appendix F: Virginia Tech Analysis of TREDS Crash Data

KEY FINDINGS
Crash Data from 2019 and 2020

Crashes[1] evaluated for this study represent 26% of motorcycle crashes and 0.4% of all crashes. These crashes[1] are not Lane Filtering crashes; they are crashes that occurred in conditions associated with the use of Lane Filtering. The following points identify the impacts of specific crash characteristics associated with these conditions based on crash data from 2019 and 2020.

→Speed is an important factor in considering safety impacts.

SPEED OF TRAFFIC

- For crashes[1] where traffic speeds[2] were 35 mph or lower:
  - Crashes reduce to less than 10% of all crashes involving motorcycles and less than 0.2% of all crashes
  - Fatalities reduce to less than 5% of fatalities in all crashes involving motorcycles and less than 0.5% of all fatalities.
  - Injuries reduce to less than 11% of injuries in all crashes involving motorcycles and less than 4% of all injuries
- For crashes[1] where traffic speeds[2] were 20 mph or lower:
  - Crashes reduce to less than 2% of all crashes involving motorcycles and less than 0.02% of all crashes
  - Fatalities reduce to less than 1% of fatalities in all crashes involving motorcycles and less than 0.05% of all fatalities.
  - Injuries reduce to less than 2% of injuries in all crashes involving motorcycles and less than 0.4% of all injuries
- Just over a third of motorcycles[1] were traveling faster than the other vehicle in the impact resulting in less than a quarter of the fatalities and a third of injuries.
- 76% of fatalities[1] and 60% of injuries[1] occurred when the difference in speed was greater than 15 mph.

ROADWAY TYPE

- **Freeways** are highways accessed by ramps and **arterials** are roadways with intersections.
  - Crashes[1] on **freeways** represent 5% of all motorcycle crashes, 1% of fatalities and 5% of injuries
  - Crashes[1] on **arterials** represent 8% of all motorcycle crashes, 7% of fatalities and 9% of injuries
  - Crashes[1] **approaching an intersection** represent 4% of all motorcycle crashes, 3% of fatalities and 4% of injuries

TYPE OF IMPACT

- The largest percentage, 61%, of crashes[1] involve an impact to the **front** of a motorcycle. It is unclear if these crashes would be affected by lane filtering.
- 36% of impacts occur to the **rear** and **side** of motorcycles[1]:
  - Rear impact crashes[1] are less than 4% of all motorcycle crashes and are responsible for less than 3% of fatalities and 4% of injuries in all motorcycle crashes
  - Side impact crashes[1] are less than 6% of all motorcycle crashes and are responsible for less than 8% of fatalities and 7% of injuries in all motorcycle crashes

[1] Crashes or motorcycles in crashes occurring on Two-way Divided Roadways, On Roadways, and Not in School or Work Zones involving more than one vehicle

[2] Speed conditions are determined from the Maximum Safe Speed entered by the officer. This includes the assumption of vehicles slowing due to congestion or approaching an intersection.

Crashes Involving Motorcycles
2019 and 2020

OVERVIEW

In response to the charge from the Transportation Committee of the Senate of Virginia *to study the issue of motorcycle safety as it relates to lane filtering under certain conditions and the impact of such actions on the safety of motorists in the Commonwealth*, this fact sheet provides key findings from a review of crash data for 2019, a full year of crash data before COVID-19, and 2020, the most recent year of crash data.

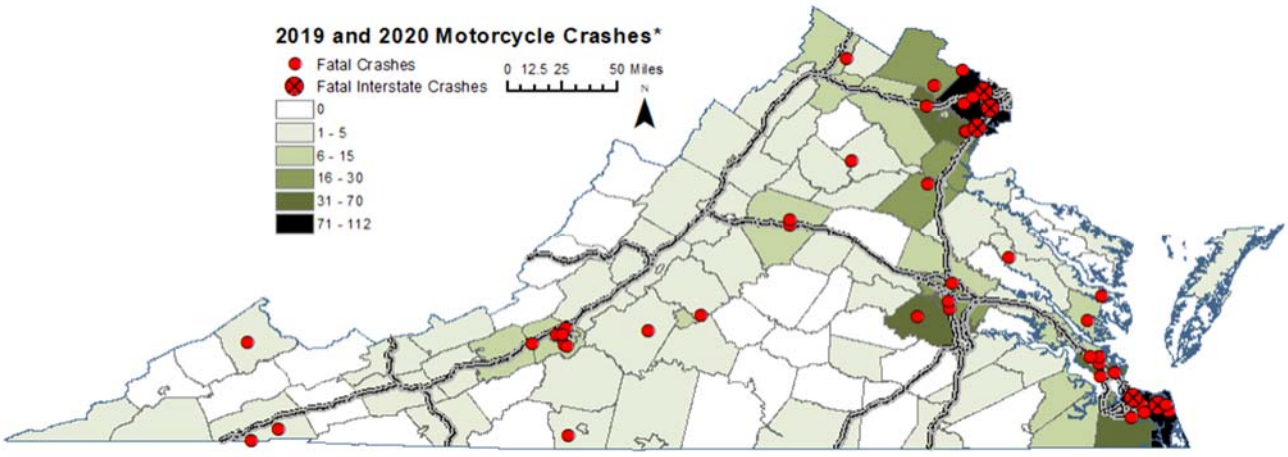
CONDITIONS

The following conditions were used to identify motorcycle crashes for informing motorist safety.

- Crashes involving motorcycles
- Two-or-more vehicles involved in crash
- Motorcycle crashes occurring **on the roadway**
- Motorcycle crashes that are not in school or work zones
- Motorcycle crashes occurring on **two-way divided highwaysSUMMARY STATISTICS**

Crashes[1] that meet Conditions	2019				2020		
	Crashes[1]	Rate*	% All Vehicle Crashes	% Motorcycle Crashes	Crashes[1]	% All Vehicle Crashes	% Motorcycle Crashes
Total Crashes[1]	540	0.025	0.4%	27.6%	429	0.4%	23.5%
Fatal Crashes[1]	23	0.001	3.0%	27.7%	24	3.0%	27.3%
Fatalities	24	0.001	2.9%	27.0%	24	2.8%	26.1%
Injuries	548	0.025	0.8%	28.8%	460	0.9%	26.0%

**Per 100 million motorcycle vehicle miles traveled (VMT) in 2019. 2020 VMT not available at time of study.*
Note: Motorcycle VMT are 0.2% of total VMT in Virginia.
Virginia 2019 Fatality Rate = 0.93 per 100 million vehicle miles traveled, 2020 not available at time of study.



- **SPEED**

If only crashes[1] in **low speed** conditions[2] (speeds 35 mph and below) are considered, fatalities are reduced by approximately 86% in 2019 and 79% in 2020. Injuries are reduced by approximately 59% in 2019 and 64% in 2020. If low speed conditions are considered to be 20 mph or below, fatalities are reduced by approximately 95% in 2019 and 100% in 2020. Injuries are reduced by approximately 95% in 2019 and 97% in 2020.

[1] Crashes or motorcycles in crashes occurring on Two-way Divided Roadways, On Roadways, and Not in School or Work Zones involving more than one vehicle

[2] Speed conditions are determined from the Maximum Safe Speed entered by the officer. This includes the assumption of vehicles slowing due to congestion or approaching an intersection.

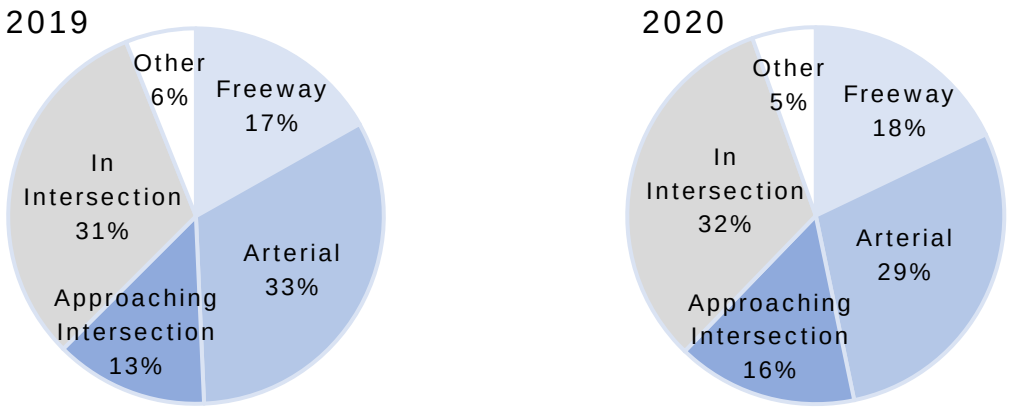
- **ROADWAY TYPE**

Lane filtering can be considered for **Freeways** (highways with ramp access) and **Arterials** (roadways with intersections) during congestion. It can be considered for **Approaching an Intersection** when vehicles are stopped or slowing because of traffic control.

If freeways are included for consideration, 45.8% of fatalities and 62.0% of injuries occurred on crashes[1] that occurred on **Freeways, Arterials and Approaching an Intersection** in 2019. 36.0% of fatalities and 60.0% of injuries occurred on these facilities in 2020.

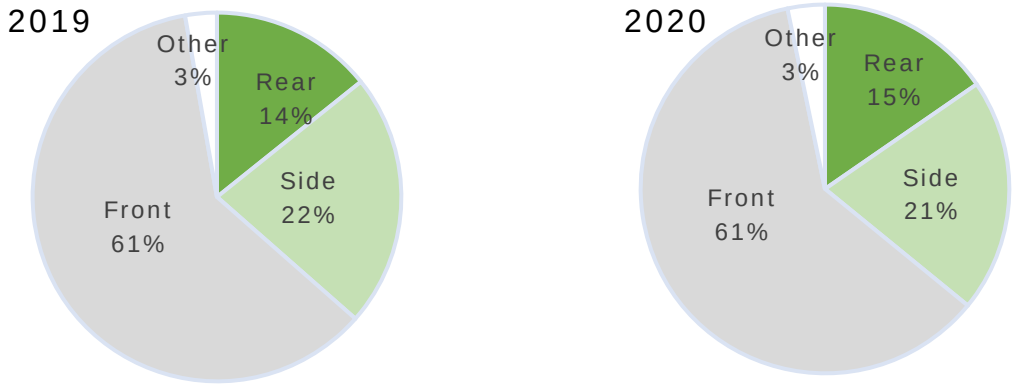
If only **Arterials and Approaching an Intersection** are considered, 33.3% of fatalities and 49.8% of injuries occurred in 2019. 28.0% of fatalities and 43.9% of injuries occurred in 2020.

CRASHES[1] by ROADWAY TYPE



- **TYPE OF IMPACT**

MOTORCYCLES IN CRASHES[1] by IMPACT LOCATION



Rear impacts were responsible for 8.3% (2 of 24) of fatalities and 12.8% (70 of 548) of injuries in 2019 crashes[1] under consideration. They were responsible for 12.5% (3 of 24) of fatalities and 10.4% (48 of 460) of injuries in 2020. **Side impacts** were responsible for 25.0% (6 of 24) of fatalities and 22.3% (122 of 458) of injuries in 2019. They were responsible for 29.1% (7 of 24) of fatalities and 23.0% (291 of 460) of injuries in 2020.

> If crashes In Intersection are removed, fatalities are unchanged and injuries reduced from 70 to 55 in 2019; in 2020, fatalities reduced from 3 to 2 and injuries reduced from 48 to 43.

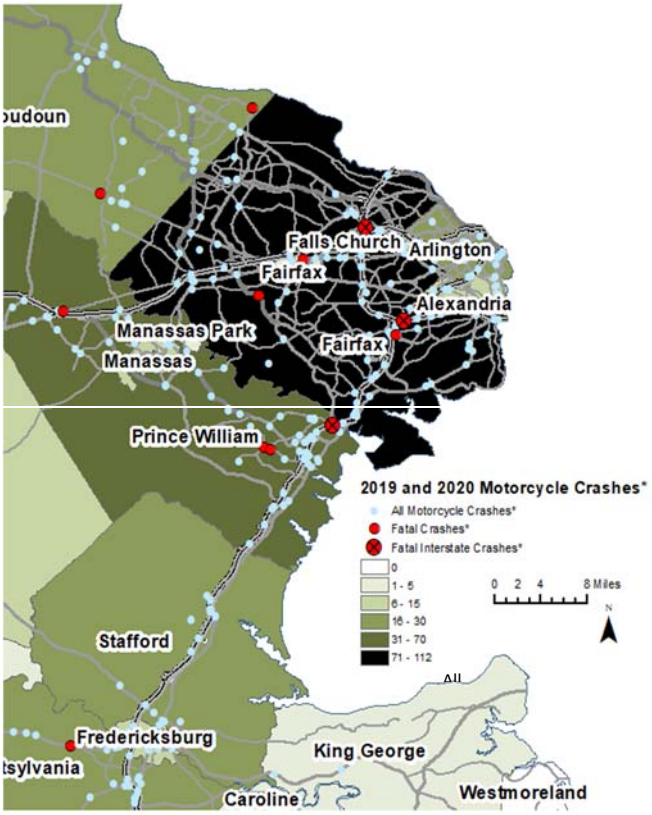
If crashes occurring **In Intersections** are removed, fatalities are unchanged at 2 for **Rear Impacts** and reduced from 6 to 3 for **Side Impacts** for 2019. In 2020, fatalities reduced from 3 to 2 for **Rear Impacts** and 7 to 2 for **Side Impacts**. Injuries

reduced from 70 to 55 for **Rear Impacts** and from 122 to 69 for **Side Impacts** in 2019. In 2020, injuries reduced from 48 to 43 for **Rear Impacts** and from 106 to 59 for **Side Impacts**.

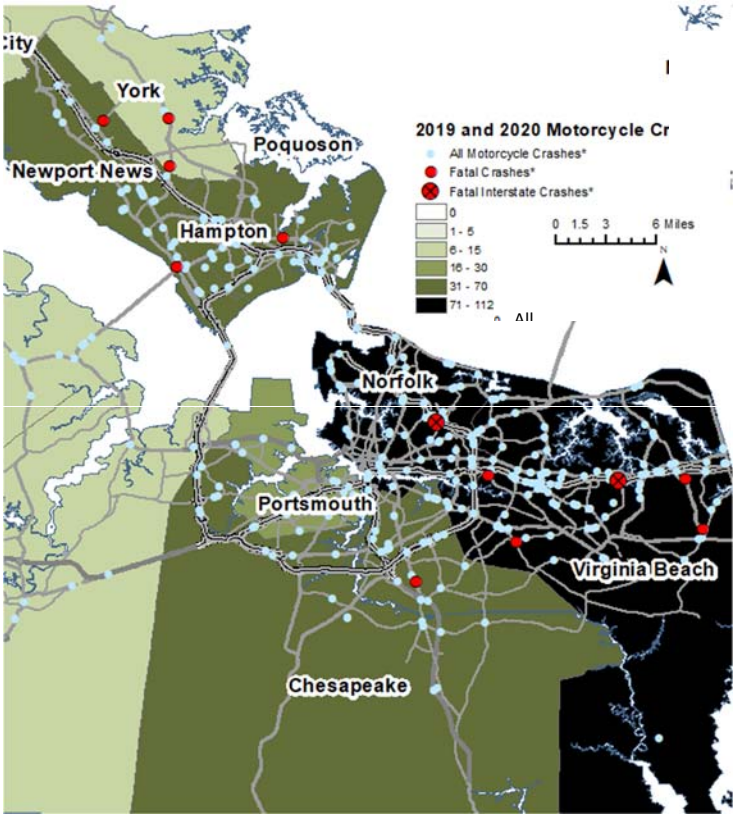
If crashes In Intersection are removed, fatalities reduced from 6 to 3 and injuries from 122 to 69 in 2019; in 2020, fatalities reduced from 7 to 2 and injuries from 106 to 59.

- **URBAN AREAS:** Location of Crashes Considered for this Summary

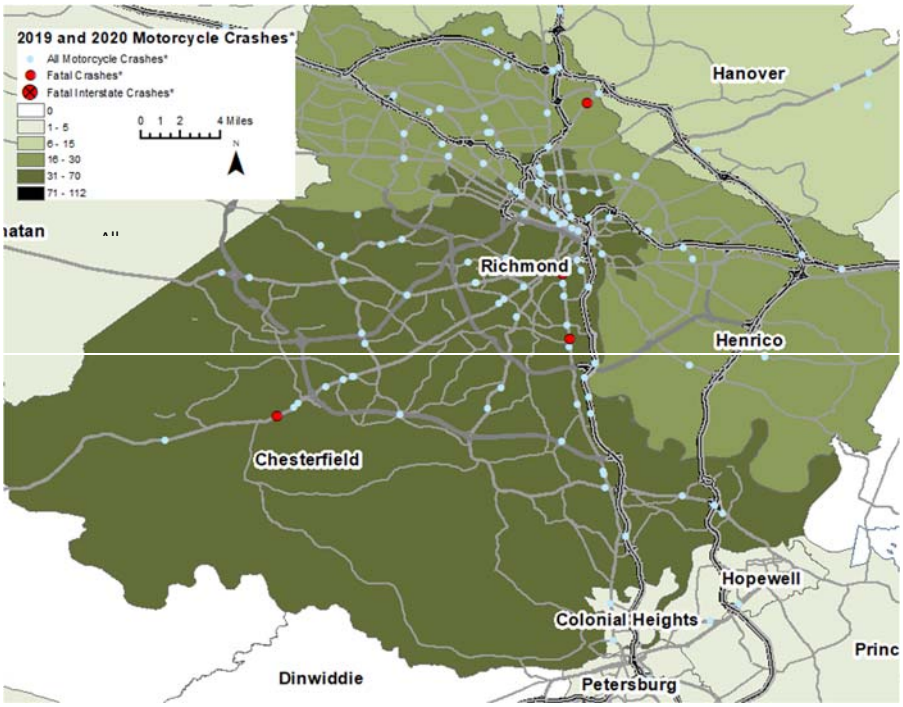
NORTHERN VIRGINIA



HAMPTON ROADS



RICHMOND URBAN AREA



Appendix G: Written Responses to Study Report

AAA Tidewater Virginia and AAA Mid-Atlantic Oppose Motorcycle Lane Filtering Legislation

Legislation yet to be introduced.

Summary

The AAA Clubs serving Virginia residents – AAA Tidewater Virginia and AAA Mid-Atlantic – oppose any legislation which would legalize motorcycle lane filtering in the Commonwealth.

Key Statistics

- AAA Tidewater Virginia and AAA Mid-Atlantic oppose any Virginia legislation which would legalize motorcycle lane filtering on any roadway in the Commonwealth. This includes establishing guidelines allowing for the operation of a motorcycle to overtake and pass another vehicle in the same lane occupied by the vehicle being overtaken or from operating a motorcycle between lanes of traffic or between adjacent lanes or rows of vehicles.

- As a policy position, AAA opposes legalizing lane-splitting where currently prohibited. Currently, lane filtering is prohibited under *Code of Virginia* § 46.2-857, which defines one form of reckless driving as "driv[ing] any motor vehicle so as to be abreast of another vehicle in a lane designed for one vehicle, or driv[ing] any motor vehicle so as to travel abreast of any other vehicle traveling in a lane designed for one vehicle."

- Lane-splitting is dangerous to both motorcycle operators and vehicle operators, as it requires the two vehicles to share the same lane of travel which, in most circumstances, was designed for only one vehicle. Also, drivers may not be aware of passing motorcycles or expect to be passed by a vehicle traveling between lanes resulting in sideswipe and turn-into-path collisions.

- AAA research, conducted with the Automobile Club of Southern California's Automotive Research Center, found that blind spot monitoring systems detected motorcycles on average 26% later than they detect full-size sedans. Speed differential is an important factor in determining crash risk, as larger differences in speed between vehicles are related to higher crash rates.

- Despite the reduction of total vehicle miles driven in 2020 because of the COVID-19 pandemic, crashes involving motorcycles saw an increase in fatalities over 2019 and only a slight decrease (-6.79%) in overall crashes.

Virginia Motorcycle-Involved Crashes			
	Crashes	Fatalities	Injuries
2020	1,827	92	1,769
2019	1,960	89	1,902
2018	1,792	90	1,716
2017	2,119	109	2,047
2016	1,919	72	1,910

Source: Virginia Department of Motor Vehicles

- Currently, only California, Utah, Montana and Hawaii law permit this practice.

- AAA opposes legislation that would leave motorcycle riders and drivers vulnerable to unsafe operation on Virginia roads. Therefore, we oppose legalizing this practice and respectfully urge the lawmakers to vote against any legislation to allow the practice of motorcycle lane filtering.

Contact

Patrick Cushing: pcushing@williamsmullen.com
Martha Meade: mmeade@aaamidatlantic.com
Holly Dalby: dably.holly@tidewater.aaa.com

Unsafe at any speed – Comments on Lane Filtering/Splitting

We could not agree more with Oregon Governor Kate Brown when she essentially vetoed a bill on lane filtering earlier this year stating:

> *While I appreciate that SB 574 is more tailored than previous attempts to legalize lane filtering, I have several concerns with the bill as currently drafted, particularly related to public safety and noncompliance with the proposed conditions, which prevent me from approving it. First, many stakeholders, including law enforcement agencies and members of the public, remain concerned that lane filtering is unsafe for both the motorcyclists and the drivers sharing the road, due to the serious injuries and death that commonly result from motorcycle-involved accidents. Second, although the bill proposed conditions with which a motorcyclist must comply (such as a maximum speed at which motorcyclists can travel between lanes), I remain worried that some will not adhere to these conditions.*

We would urge that anyone who has any questions about Governor Brown's concerns, simply go to YouTube and search for "motorcycle lane filtering" or "motorcycle lane splitting". The videos you will see are horrific and wide ranging considering that such action is illegal in virtually all states. Why Virginia would allow this completely unsafe and reckless manner of motorcycle operation – even on a "limited" basis – is beyond belief.

Make no mistake about it, the entire insurance community is universally opposed to lane filtering/splitting – both agents and companies. Riding a motorcycle is inherently more dangerous than driving a car. According to the National Highway Traffic Safety Administration "for every mile traveled, **motorcyclists have a risk of a fatal accident that is 35 times higher than a car driver**." Why would we endorse a practice – even a limited one – that makes it even more dangerous for the motorcyclists?

Yes, we're also concerned about liability and presumptions related to lane occupancy. Automobile drivers will be universally accused of not paying attention when they stray inside their lane and a motorcyclist lane splitting runs into the car and takes out the rear-view mirror or damages the door AND damages the motorcycle (much less the human toll) – with potential auto damages ranging from over $1,000 to $4,000+ on the vehicle alone (some cost examples attached).

Proponents appear to act as if all motorcycles are the same when in fact their width is dramatically different from the sport bike to the cruiser or touring motorcycle. We continue to assert that traffic lanes are NOT designed to safely allow for such "lane sharing". Moreover, is the safety equipment in cars (rear view mirrors for example) designed to contemplate lane splitting/filtering?

Proponents argue that motorcyclists will engage in lane splitting when such "filtering may be made safely." The automobile driver isn't part of this "safely" thought process as in many cases they may not be aware that the motorcyclist is making this calculation. Let's also not forget, there are:

8,405,302 automobiles registered in Virginia, and

193,560 motorcycles registered in Virginia

We urge those reflecting on the safety of this action to start looking at the line of sight behind them as they drive. First, who hasn't been passed by a lane splitting motorcyclist and wondered "where on earth did they come from?" Line of site differs not only from automobile to automobile (or truck) to those vehicles around and behind them – some hauling trailers large or small. Having said that, we also fully support the concerns of the Virginia Trucking Association and their visibility and "deep pocket" concerns. Anecdotally....take a look at the rear view mirrors on trucks – large and small – and busses and there are still concerns about visibility. And some recent model automobiles have alerts for blind spot lane intrusions....how do they react to motorcyclists and at what speed? Will the driver in the lane receive an appropriate electronic alert to a lane splitting motorcycle?

And seriously, how is law enforcement supposed to judge:

> *In situations where traffic is either stopped or has slowed to a speed of 10 mph or less, operators of two-wheeled motorcycles could have passed the stopped or slowed vehicle under the following conditions: they travel no more that 10 mph above the speed of traffic; they do not impede normal movement of traffic; and they merge with regular traffic flow once the speed of traffic exceeds 10 mph.*

Seems to us that this is a compliance enforcement nightmare.

Finally, we remain confused over some of the proponent arguments in support of lane splitting:

- The finding (COTS study) seemingly supports the contention that utilizing alternative lane maneuvers helps motorcyclists to avoid direct impact in collisions.

Is the motorcyclist REALLY NOT making a maneuver to avoid an accident because they don't want to be cited for illegal lane filtering?? I believe we need to remember that Virginia Code cites lane filtering/splitting when it is reckless. Correct us if we are wrong, but avoiding an accident is likely not to be cited as reckless driving.

- Citing the "safe rider" acronym AGATT – All Gear All The Time – it is asserted that for a motorcyclist to keep cool (and avoid heat exhaustion or heat stroke, both of which will cause the rider to pass out and crash) is to keep moving.

While we will agree that the motorcyclist is indeed adversely affected by the environment....just what is this argument alluding to? Motorcyclists shouldn't have to stop at stop signs/lights when it's hot outside with the argument to the trooper that to be safe "I need to keep moving"? Perhaps, just perhaps the motorcyclist needs to be cognizant of the environment and not ride when it's potentially dangerous to do so – excessive heat, gale force winds and rain, snow and ice.....

- One of our favorite reasons to allow for lane filtering/splitting is the "positive impact" on the environment and possible reduction of fuel consumption.

We look forward to the day that the Sierra Club becomes a proponent of motorcycle lane filtering/ splitting.

- "It's not us it's them". Cited in the report is the following:

"According to the 2015 report to COTS, one of the primary risks while lane filtering is the lane-changing of other vehicles. Collisions often occur when other drivers initiate a lane change without checking for lane filtering motorcycles."

Already laying the foundation that it is the automobile drivers' obligation to see the motorcyclist when in many cases it's difficult to do so. Even at slow speed the automobile driver/truck driver can look all around and believe that they are making a safe lane change and impact what we assert is a reckless move by the motorcyclist to lane split. It's the automobile/truck driver's fault!?

But wait....motorcyclists are urged in this report to make the lane splitting action "when it is safe to do so". How do they know? We recently saw a bumper sticker on a truck that read "Start SEEING motorcycles".

* * * *

We reiterate our opposition to changing Virginia's laws to allow for lane filtering/splitting. The insurance industry is unanimous in our opposition to this dangerous and reckless operation of motorcycles. We again ask anecdotally if anyone has NOT already experienced seeing this dangerous maneuver on the Interstates and highways in Virginia?

We urge the Transportation Committees of the Virginia Legislature to reject any efforts to amend the Virginia Code to relax this reckless driving prohibition – it's dangerous at any speed!

Respectfully submitted October 13, 2021:

Robert N. Bradshaw, Jr., MAM – IIAV President & CEO

Joseph Hudgins, CPCU – IIAV Vice President Technical Research and Government Relations

Founded in 1898, IIAV is part of the nation's oldest and largest association of independent insurance agents, representing a network of more than 300,000 agents and agency employees nationwide and over 5,000 in the Commonwealth of Virginia. Its members are insurance businesses that offer customers a choice of policies from a variety of insurance companies. Independent agents offer all lines of insurance – property, casualty, life, health, Workers Compensation, employee benefit plans and retirement products. Web address: www.iiav.com and nationally www.independentagent.com

Repair estimates follow

Date: 9/29/2021 09:02 AM
Estimate ID: 7871
Estimate Version: 0
Preliminary
Profile ID: BRUCE'S

Bruce's Super Body Shop

2551 Homeview Dr., Richmond, VA 23294
(804) 527-2886
Fax: (804) 527-0395

Damage Assessed By: Bret Lockett
Classification: None

Assumption: Motorcycle takes out driver's rear-view mirror

Deductible: UNKNOWN

Owner: [redacted]

Mitchell Service: 911583

Description: 2017 Toyota Avalon Hybrid XLE Plus
Body Style: 4D Sed
Drive Train: 2.5L Inj 4 Cyl A FWD
VIN: [redacted]
OEM/ALT: O
Search Code: None
Color: Grey
Options: PASSENGER AIRBAG, POWER DRIVER SEAT, POWER LOCK, POWER WINDOW, POWER STEERING
REAR WINDOW DEFOGGER, AIR CONDITION, CRUISE CONTROL, TILT STEERING COLUMN
AM/FM STEREO, DRIVER AIRBAG, HEATED EXTERIOR MIRROR, REAR (DUAL-ZONE) AC
LEATHER SEAT, POWER PASSENGER SEAT, FRONT SIDE AIRBAG WITH HEAD PROTECTION
ANTI-LOCK BRAKE SYS., TRACTION CONTROL, ALUM/ALLOY WHEELS, REARVIEW CAMERA
TIRE INFLATION/PRESSURE MONITOR, ANTI-THEFT SYSTEM, AUXILIARY INPUT
BLUETOOTH WIRELESS CONNECTIVITY, HD RADIO, LEATHER STEERING WHEEL
SATELLITE RADIO, CD PLAYER, POWER ADJUSTABLE EXTERIOR MIRROR, SUNROOF/MOONROOF
GENUINE WOOD TRIM, AUTO AIR CONDITION, TRIP COMPUTER, FIRST ROW BUCKET SEAT
UNIVERSAL GARAGE DOOR OPENER, SIDE AIRBAGS, AUTOMATIC HEADLIGHTS
SECOND ROW SIDE AIRBAG WITH HEAD PROTECTION
INTERIOR AUTOMATIC DAY/NIGHT OR ELECTROCHROMATIC MIRROR, MP3 PLAYER
DAYTIME RUNNING LIGHTS, DRIVER SEAT WITH POWER LUMBAR SUPPORT
ELECTRONIC STABILITY CONTROL, FRONT HEATED SEATS, KEYLESS ENTRY SYSTEM
REAR BENCH SEAT, SMART KEY SYSTEM, STEERING WHEEL AUDIO CONTROLS

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type/ Part Number	Dollar Amount	Labor Units
1	100291	BDY	REMOVE/REPLACE	L Frt Door Rear View Mirror	87906-07061	316.76	0.5 #
2	AUTO	BDY	REMOVE/INSTALL	L Frt Door Trim Panel			0.4
3	100297	BDY	REMOVE/REPLACE	L Frt Door Mirror Glass	87907-07030	387.42	0.2
4	931128	MCH	REMOVE/REPLACE	Post Repair Scan	New	92.00 *	0.0*
5	900500	BDY *	REMOVE/REPLACE	ASST HARDWARE NUTS, BOLTS, CLIPS	New	9.00 *	0.0*
6	100311	BDY	REMOVE/REPLACE	L Frt Door Mirror Cover	87945-0T020-F0	53.13	INC #

* - Judgment Item
\# - Labor Note Applies

ESTIMATE RECALL NUMBER: 09/29/2021 09:02:01 7871
Mitchell Data Version: OEM: SEP_21_V

Software Version: 7.1.241

Date: 9/29/2021 09:02 AM
Estimate ID: 7871
Estimate Version: 0
Preliminary
Profile ID: BRUCE'S

Estimate Totals

I. Labor Subtotals	Units	Rate	Add'l Labor Amount	Sublet Amount	Totals
Body	1.1	47.00	0.00	0.00	51.70
Non-Taxable Labor					51.70
Labor Summary	1.1				51.70

II. Part Replacement Summary			Amount
Taxable Parts			858.31
Sales Tax	@	6.000%	51.50
Total Replacement Parts Amount			909.81

III. Additional Costs	Amount
Total Additional Costs	0.00

IV. Adjustments	Amount
Customer Responsibility	0.00

I.	Total Labor:	51.70
II.	Total Replacement Parts:	909.81
III.	Total Additional Costs:	0.00
	Gross Total:	961.51
IV.	Total Adjustments:	0.00
	Net Total:	961.51

This is a preliminary estimate.
Additional changes to the estimate may be required for the actual repair.

COPY OF ESTIMATE PROVIDED TO OWNER. AN ESTIMATE IS ONLY AN APPROXIMATION OF THE COST OF REPAIRS. ADDITIONAL REPAIRS OR PARTS MAY BE REQUIRED. IN THE EVENT OF HIDDEN DAMAGE YOU WILL BE CONTACTED.

VIRGINIA LAW SAYS,YOU HAVE THE RIGHT TO CHOOSE THE BODY SHOP.

YOU ARE NOT REQUIRED BY LAW,TO OBTAIN MORE THAN ONE ESTIMATE.

PARTS PRICES ARE SUBJECT TO INVOICE.

Workmanship of all paint and body labor performed by Bruce's Super Body Shop, Inc.(Bruce's) has a NATIONAL LIFETIME LIMITED WARRANTY guaranteed for the life of your ownership of the vehicle, excluding rust
repairs, acid rain and stone chips. All parts warranties are at the discretion of the part manufacturer. Lifetime paint performance warranty is extended by our paint vendor. These warranties are non-transferable. In order to obtain warranty service, customer must return car to Bruce's for service.

Date: 9/29/2021 09:08 AM
Estimate ID: 7872
Estimate Version: 0
Preliminary
Profile ID: BRUCE'S

Bruce's Super Body Shop

2551 Homeview Dr., Richmond, VA 23294
(804) 527-2886
Fax: (804) 527-0395

Damage Assessed By: Bret Lockett
Classification: None

Assumption: Motorcycle takes out driver's door

Deductible: UNKNOWN

Owner: [redacted]

Mitchell Service: 911583

Description: 2017 Toyota Avalon Hybrid XLE Plus
Body Style: 4D Sed
Drive Train: 2.5L Inj 4 Cyl A FWD
VIN: [redacted]
OEM/ALT: O
Search Code: None
Color: Grey
Options: PASSENGER AIRBAG, POWER DRIVER SEAT, POWER LOCK, POWER WINDOW, POWER STEERING
REAR WINDOW DEFOGGER, AIR CONDITION, CRUISE CONTROL, TILT STEERING COLUMN
AM/FM STEREO, DRIVER AIRBAG, HEATED EXTERIOR MIRROR, REAR (DUAL-ZONE) AC
LEATHER SEAT, POWER PASSENGER SEAT, FRONT SIDE AIRBAG WITH HEAD PROTECTION
ANTI-LOCK BRAKE SYS., TRACTION CONTROL, ALUM/ALLOY WHEELS, REARVIEW CAMERA
TIRE INFLATION/PRESSURE MONITOR, ANTI-THEFT SYSTEM, AUXILIARY INPUT
BLUETOOTH WIRELESS CONNECTIVITY, HD RADIO, LEATHER STEERING WHEEL
SATELLITE RADIO, CD PLAYER, POWER ADJUSTABLE EXTERIOR MIRROR, SUNROOF/MOONROOF
GENUINE WOOD TRIM, AUTO AIR CONDITION, TRIP COMPUTER, FIRST ROW BUCKET SEAT
UNIVERSAL GARAGE DOOR OPENER, SIDE AIRBAGS, AUTOMATIC HEADLIGHTS
SECOND ROW SIDE AIRBAG WITH HEAD PROTECTION
INTERIOR AUTOMATIC DAY/NIGHT OR ELECTROCHROMATIC MIRROR, MP3 PLAYER
DAYTIME RUNNING LIGHTS, DRIVER SEAT WITH POWER LUMBAR SUPPORT
ELECTRONIC STABILITY CONTROL, FRONT HEATED SEATS, KEYLESS ENTRY SYSTEM
REAR BENCH SEAT, SMART KEY SYSTEM, STEERING WHEEL AUDIO CONTROLS

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type/ Part Number	Dollar Amount		Labor Units	
1	100335	BDY	REMOVE/INSTALL	Frt Bumper Cover				1.0	#
2	100404	BDY	REMOVE/INSTALL	L Front Combination Lamp				0.3	#
3	100806	REF	BLEND	L Fender Outside			C	0.8	
4	100814	BDY	REMOVE/INSTALL	L Fender Garnish				0.2	#
5	100831	BDY	REMOVE/INSTALL	L Fender Mudguard				0.2	
6	100048	REF	BLEND	L Door Opening Panel Complete			C	1.4	
7	100097	REF	BLEND	L Roof Rail			C	0.6	#
8	100155	BDY	REMOVE/INSTALL	L Rocker Moulding				0.5	
9	100273	BDY	REMOVE/REPLACE	L Frt Door Shell	67002-07041	802.38		6.0	#
10	AUTO	REF	REFINISH	L Frt Door Outside			C	2.2	
11	AUTO	REF	REFINISH	L Frt Add For Jambs & Interior			C	1.0	
12	AUTO	MCH	REMOVE/REPLACE	L Frt Add To R&I/R&R Side Air Bag Sensor				0.4	
13	101988	BDY	REMOVE/REPLACE	L Frt Door Adhesive Nameplate	75374-33100	28.82		0.1	
14	100829	BDY	REMOVE/INSTALL	L Frt Door Trim Panel				INC	
15	101405	BDY	REMOVE/REPLACE	L Frt Door Trim Panel Assy	ORDER FROM DEALER	546.72		0.3	
16	101499	BDY	REMOVE/REPLACE	L Frt Upr Door Hinge	68720-02020	53.84		0.2	#
17	AUTO	BDY	REMOVE/INSTALL	L Frt Door Assembly				INC	

ESTIMATE RECALL NUMBER: 09/29/2021 09:08:38 7872
Mitchell Data Version: OEM: SEP_21_V

Software Version: 7.1.241

18	AUTO	REF	REFINISH	L Frt Upr Hinge			C	0.5
19	101501	BDY	REMOVE/REPLACE	L Frt Lwr Door Hinge	68740-02080	61.43		0.2 #
20	AUTO	REF	REFINISH	L Frt Lwr Hinge			C	0.5
21	101503	BDY	REMOVE/REPLACE	L Frt Door Weatherstrip	67862-07010	107.90		INC
22	101438	BDY	REMOVE/INSTALL	L Frt Door Glass Run	Existing			INC #r
23	101446	REF	BLEND	L Rear Door Outside			C	0.9
24	101462	BDY	REMOVE/INSTALL	L Rear Otr Door Belt Moulding				0.2
25	100515	BDY	REMOVE/INSTALL	L Rear Door Trim Panel				INC
26	900500	REF *	REMOVE/REPLACE	FLEX ADDITIVE	New	13.50 *		0.0*
27	900500	BDY *	REMOVE/REPLACE	ASST HARDWARE NUTS, BOLTS, CLIPS	New	9.00 *		0.0*
28	900500	BDY *	REMOVE/REPLACE	CORROSION PROTECTION	New	12.00 *		0.0*
29	931127	MCH	REMOVE/REPLACE	Pre Repair Scan	New	92.00 *		0.0*
30	931128	MCH	REMOVE/REPLACE	Post Repair Scan	New	92.00 *		0.0*
31	900500	REF *	REPAIR	MASK JAMBS	Existing			1.0*
32	100563	BDY	REMOVE/INSTALL	L Rear Otr Door Handle				1.0 #
33	100665	BDY	REMOVE/INSTALL	L Roof Drip Moulding				0.4
34	AUTO	REF	ADD'L OPR	Clear Coat				2.4
35	AUTO		ADD'L COST	Paint/Materials		406.80 *		
36	AUTO		ADD'L COST	Hazardous Waste Disposal		5.00 *		

*** - Judgment Item**
 # - Labor Note Applies
C - Included in Clear Coat Calc
r - CEG R&R Time Used For This Labor Operation

Estimate Totals

I. Labor Subtotals	Units	Rate	Add'l Labor Amount	Sublet Amount	Totals
Body	10.6	47.00	0.00	0.00	498.20
Refinish	11.3	47.00	0.00	0.00	531.10
Mechanical	0.4	92.00	0.00	0.00	36.80
Non-Taxable Labor					1,066.10
Labor Summary	22.3				1,066.10

II. Part Replacement Summary			Amount
Taxable Parts			1,819.59
Sales Tax	@	6.000%	109.18
Total Replacement Parts Amount			1,928.77

III. Additional Costs			Amount
Taxable Costs			406.80
Sales Tax	@	6.000%	24.41
Non-Taxable Costs			5.00
Total Additional Costs			436.21

IV. Adjustments	Amount
Customer Responsibility	0.00

Paint Material Method: Rates
Init Rate = 36.00 , Init Max Hours = 99.9, Addl Rate = 0.00

ESTIMATE RECALL NUMBER: 09/29/2021 09:08:38 7872
Mitchell Data Version: OEM: SEP_21_V

Software Version: 7.1.241

Date: 9/29/2021 09:08 AM
Estimate ID: 7872
Estimate Version: 0
Preliminary
Profile ID: BRUCE'S

I.	Total Labor:	1,066.10
II.	Total Replacement Parts:	1,928.77
III.	Total Additional Costs:	436.21
	Gross Total:	3,431.08
IV.	Total Adjustments:	0.00
	Net Total:	3,431.08

This is a preliminary estimate.
Additional changes to the estimate may be required for the actual repair.

COPY OF ESTIMATE PROVIDED TO OWNER. AN ESTIMATE IS ONLY AN APPROXIMATION OF THE COST OF REPAIRS. ADDITIONAL REPAIRS OR PARTS MAY BE REQUIRED. IN THE EVENT OF HIDDEN DAMAGE YOU WILL BE CONTACTED.

VIRGINIA LAW SAYS,YOU HAVE THE RIGHT TO CHOOSE THE BODY SHOP.

YOU ARE NOT REQUIRED BY LAW,TO OBTAIN MORE THAN ONE ESTIMATE.

PARTS PRICES ARE SUBJECT TO INVOICE.

Workmanship of all paint and body labor performed by Bruce's Super Body Shop, Inc.(Bruce's) has a NATIONAL LIFETIME LIMITED WARRANTY guaranteed for the life of your ownership of the vehicle, excluding rust
repairs, acid rain and stone chips. All parts warranties are at the discretion of the part manufacturer. Lifetime paint performance warranty is extended by our paint vendor. These warranties are non-transferable. In order to obtain warranty service, customer must return car to Bruce's for service.

American Property Casualty Insurance Association
INSURING AMERICA apci.org

VIA EMAIL

October 15, 2021

To: Russell Cross
Virginia Department of Motor Vehicles
russell.cross@dmv.virginia.gov
meghan.cox@dmv.virginia.gov

In Re: Motorcycle Lane Filtering Study ("Study") – 2021 Report

The American Property Casualty Insurance Association (APCIA) was one of the stakeholders who participated in the DMV led study of motorcycle lane filtering and we appreciate the opportunity to provide feedback on the Study. APCIA is a national trade organization representing nearly 60 percent of the U.S. property casualty insurance market. Our members write approximately 48.2 percent of personal auto insurance and 79.8% of commercial auto insurance in the Commonwealth.

APCIA members have been seeing an increase in the number of crash fatalities and serious injuries during the pandemic and these losses continue to mount. One of our main goals is to work to save lives and reduce injuries on our roads, while reducing auto and motorcycle insurance losses which translates to keeping premiums low for Virginia consumers.

APCIA opposes permitting lane filtering for the following reasons:

- The practice introduces another potentially dangerous variable by decreasing the space between vehicles, thus reducing the margin for error.
- Permitting lane splitting seems particularly unwise when distracted driving is already a major concern on our roads, especially in traffic when drivers may engage in other tasks and pick up their mobile devices.
- The number of motorcycle fatalities continues to rise. According to NHTSA, motorcycles are the most hazardous form of motor vehicle transportation. 5,172 motorcyclists were killed in 2017. The number of motorcycle crash fatalities has more than doubled since a low of 2,116 in 1997.

In addition, a study by the California Office of Traffic Safety (OTS) (2012) on lane splitting found:

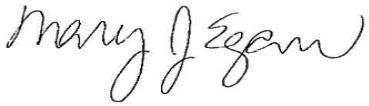
- 14 percent of motorcycle riders interviewed reported that when lane splitting, they have either hit a vehicle or been hit by a vehicle. Almost half (45 percent) indicated that they nearly hit a vehicle while lane splitting.

Additionally, the Washington State Office of Transportation Safety released their review of lane splitting finding that:

- Vehicle drivers express strong opinions regarding both motorcyclists generally and lane-sharing specifically. Consistent majorities believe that lane-sharing should not be legalized. They believe the practice is inherently unsafe and that all vehicles in traffic should be compelled to follow the same general rules.
- Where lane-sharing is legal, the failure of other vehicle drivers to see lane-sharing motorcyclists, especially those approaching from behind, is a critical problem.
- One recent study found that lane-sharing motorcyclists experienced a shrinking of perceptual view that reduced their awareness of vehicles and non-motorists around them.
- A recent French project developed a naturalistic study to derive such risk estimates. These estimates revealed that motorcyclists engaged in lane-sharing were roughly four times more likely to be injured in a traffic crash than motorcyclists who were not splitting or filtering (Relative Risk 3.94, Confidence Interval 2.93-5.89).
- Further details, including links to several studies and short summaries can be found via this link: http://wtsc.wa.gov/wp-content/uploads/2017/12/Motorcycle-Lane-Sharing_Dec2017.pdf

Once again, thank you for providing an opportunity to express APCIA's opposition to any lane-filtering legislation.

Respectfully submitted,



Nancy J. Egan
Vice-President & State Government Relations Counsel, DC, DE, MD, VA, WV
Nancy.egan@apci.org Cell: 443-841-4174

AMERICAN MOTORCYCLIST ASSOCIATION

October 8, 2021

Richard D. Holcomb, Commissioner
Virginia Department of Motor Vehicles
2300 West Broad St.
Richmond, VA 23269

Commissioner Holcomb:

The American Motorcyclist Association submits these comments in support for the practice of lane filtering in the Commonwealth of Virginia.

Founded in 1924, the AMA is a nonprofit organization and the largest motorcycling organization in the world. Our mission is to promote the motorcycle lifestyle and protect the future of motorcycling.

We appreciate the opportunity to participate in the 2021 Virginia Department of Motor Vehicles Motorcycle Lane Filtering Study. We applaud the commissioner for convening a robust group of stakeholders from around the state to study this important issue that affects motorcyclist safety, and we thank Sen. Marsden for requesting this study.

The AMA places significant emphasis on motorcycle operator and passenger safety. On every type of public roadway, motorcyclists encounter challenges from other roadway users and are constantly vigilant to potentially unsafe conditions.

The AMA's Board of Directors adopted a position in favor of lane splitting and lane filtering in 2013 after years of careful consideration of the available data and research from the United States and the large number of other countries where this practice is legal. Our board come out in favor of this practice only after research showed this practice was a viable option to mitigate the severity of injury when crashes did occur.

Arguably one of the most dangerous situations for any on-highway motorcyclist is being caught in congested traffic, where distracted and inattentive vehicle operators and environmental conditions pose an increased risk of physical contact with another vehicle or hazard. Even minor contact under such conditions can be disastrous for motorcyclists.

During the 2020 General Assembly session, Del. Tony Wilt introduced H.B. 1236 which would have authorized motorcyclists to lane filter under certain circumstances. Operators of a two-wheel motorcycle would be able to pass another vehicle that is stopped or traveling at no more than 10 mph in the same lane, or if there are two lanes of travel in the same direction, as long as the motorcyclist did not exceed 20 mph and can executive such a maneuver safely. However, this legislation was left in the Transportation Committee after a tied 3-3 subcommittee vote.

The Motorcycle Lane-splitting and Safety in California Study, conducted by the Safe Transportation Research and Education Center at the University of California, Berkley, and cited in the literature review in this report mentions that lane splitting motorcyclists were less likely to suffer from head, torso or fatal injuries than other motorcyclists. One key result from the study that was not mentioned in the DMV's Lane Filtering Study Report was the speed delta, which is the difference between the speed of the motorcyclist and surrounding traffic. As indicated by the lead researcher, Dr. Thomas Rice, a delta of 15 mph or less, up to a surrounding traffic speed of 50 mph, did not result in any associated changes to crash occurrence rates or injury types. The proposed legislation in the 2020 General Assembly was crafted to ensure that the speed delta between motorcyclists and other vehicles was supported by findings in this study to ensure motorcyclist safety in the Commonwealth was a driving force in this legislative effort.

The group was presented with key motorcycle crash statistics from the Traffic Records Electronic Data System (TREDS) managed by the DMV's Highway Safety Office. Dr. Kathleen Hancock of the Virginia Polytechnic Institute and State University further analyzed these statistics for specific rear-end motorcycle impacts, which resulted in 12.5% of motorcyclist fatalities and 10.4% of injuries in 2020. Unfortunately, some stakeholders in the study group expressed opinions that legalization of lane filtering would only have limited benefits in the prevention of rear-end collisions in the Commonwealth. However, the AMA strongly believes that any efforts to reduce motorcyclist fatalities helps support the Virginia's "Toward Zero Deaths" vision. Lane filtering as a crash mitigation strategy is a robust approach to motorcycle safety.

The report also notes that some stakeholders felt that the safety benefits of lane filtering were unnecessary as they believe motorcycles were only a secondary or recreational form of transportation. This belief, similar to the statement regarding the percentage of rear-end crashes above, makes clear that several stakeholders are not willing to consider the full range of safety strategies for motorcyclists given the relatively small number of motorcyclists on the road. The AMA believes motorcycles can absolutely be the primary mode of transportation for many Virginians and the rest of Virginia's road users would benefit from more people making the choice to ride a motorcycle for their primary mode of transportation.

Compared to cars and SUVs, motorcycles have less impact on roadway degradation, are more efficient users of space – both on the road and when parked – and offer higher average fuel economy. Motorcycles help every other road user get where they are going more efficiently on less-degraded roads with more available parking at their destination. These benefits are only furthered by allowing the sensible practice of lane filtering in Virginia.

While this group of stakeholders was unable to come to any consensus, those stakeholders that actually represented motorcyclists were able to reach consensus on the specifics of how lane filtering should be adopted in Virginia, which is noted in the report. The AMA came to these meetings and, following email discussions, prepared to engage in the nuances of how exactly this practice could be safely implemented.

Unfortunately, those opposed to the practice were unwilling to do the same. Stakeholders opposed to this practice did not envision any scenario in which Virginia would legalize this safety strategy despite data and decades of practice from other states and countries that have addressed all of their concerns. Those concerns primarily came in the form of opinion, anecdotal evidence, and hypothetical situations, not in the form of data, research or studies on the practice of lane splitting.

This was disappointing to the AMA. We would have welcomed new data and research into this practice if the stakeholders would have been able to produce it.

As a consequence, the AMA presented letters of support from the insurance industry and law enforcement organizations in California that supported the codification of lane splitting in that state. While it is fair to characterize those letters of support as not full-throated endorsements of lane splitting, it is reasonable to conclude these insurance and law enforcement organizations in California do in fact support lane splitting. These stakeholders did not take the opportunity to oppose the legislation that codified lane splitting nor have they taken any public position opposing it since California's Assembly Bill 51 was passed in 2016.

The report notes that stakeholders representing the insurance industry expressed concerns about liability when it comes to the practice of lane splitting. Again, we would encourage those insurance industry representatives to contact their counterparts in California that have addressed this issue for decades.

The report also notes that law enforcement and driver safety organizations were concerned about the ability to initiate a traffic stop on a lane filtering motorcyclist as well as public safety concerns. Given the wide range of support from Californian law enforcement organizations for AB 51, these concerns could be addressed by simply speaking with their counterparts in California.

Trucking industry stakeholders expressed concerns about the width of roads and the width of commercial vehicles and similarly large other vehicles in regard to the ability of a motorcyclist to lane filter safely. This is not a difficult concern to address because there is no vehicle

operator who is better positioned to judge whether or not a motorcycle can safely lane filter in a given situation than the motorcyclist themselves. The widest part of the vast majority of motorcycles are the handlebars, something directly in view of the motorcyclist. If the width of a road and the presence of a large vehicle make lane filtering unsafe or impossible in that situation, the motorcyclist can simply remain in traffic as they do currently.

It is important to stress that legalizing lane filtering would not require every motorcyclist to lane filter at every opportunity, even such a situation as just described. Lane filtering is always choice.

Finally, the AMA agrees with the other stakeholders who were unable to take any position but recognized the need for a public education campaign should the practice of lane filtering become legal in Virginia. Such a campaign would need to educate other road users on lane filtering as well as motorcyclists on the restrictions placed on the practice. Fortunately, Utah has done just this as a result of their own legalization of lane filtering and could easily serve as a resource for Virginia.

The AMA will continue to advocate for lane filtering in Virginia because it remains an important safety strategy for motorcyclists, while also reducing congestion for all road users. We hope those stakeholders opposed to the practice will have serious discussions with their counterparts in other states and thereby benefit from their familiarity with this practice and how they have addressed the concerns brought up in this report.

All the same, we thank the other stakeholders for their full participation, the DMV staff for their time and serious consideration of the discussions that took place, and the authors of this report for their time and dedication to this process.

Tiffany Cipoletti

Government Relations Manager, On-Highway
American Motorcyclist Association

Michael Sayre
Director of Government Relations
American Motorcyclist Association

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P. Dale Bennett
President & CEO

October 15, 2021

Mr. Russell Cross
Virginia Department of Motor Vehicles
2300 West Broad Street
Richmond, VA 23269

Re: Motorcycle Lane Filtering Study (2021)

The Virginia Trucking Association appreciates the opportunity to participate as a stakeholder in the DMV-led study of motorcycle lane filtering and to offer our views on this issue.

As background, the Virginia Trucking Association (VTA) is the statewide association of trucking companies, private fleet operators, industry suppliers, and other firms that support safe and successful trucking operations. Our membership includes family-owned and corporate trucking businesses engaged in the transport of goods and services throughout the Commonwealth of Virginia and the United States. The VTA membership includes companies that are headquartered in Virginia as well as companies headquartered in other states that have locations in Virginia and/or operate commercial vehicles in and through the Commonwealth.

One of the core missions of the VTA is to develop, advocate, and advance policies that promote trucking and highway safety.

The VTA Executive Committee, with several members who are experienced motorcycle riders, voted unanimously to oppose legalization of motorcycle lane filtering or lane splitting in Virginia based on the following concerns:

1. Tractor-trailers and large trucks have blind spots (aka “No Zones”) where it is difficult for the driver to see smaller vehicles, especially those as small as a motorcycle. Allowing motorcyclists to travel in the same lane or between lanes will increase the incidents of riders being in these blind spots where the truck driver cannot see them before turning or changing lanes.

2. The width of tractor-trailers and large trucks is, for the most part, the maximum allowed limit of 102 inches or 8 ½ feet. Most roads where it is proposed for lane filtering to be allowed are 11 feet or less wide. Thus, in a situation where there two tractor-trailers or large trucks in adjacent lanes, the maximum space available for a motorcycle to travel between them is 5 feet (22 ft. – 17 ft. = 5 ft.). This leaves very little, if any, margin of error for the motorcyclist and the truck drivers, which we believe will lead to increased risk of crashes and injuries.

3. There are concerns over liability and presumptions related to lane occupancy when a crash occurs between a lane-filtering motorcyclist and a truck. The trucking industry is the target of dramatically increasing large, "nuclear" verdicts both in number and size of awards. We believe that legalization of motorcycle lane filtering or splitting will result in an increase in crashes between large trucks and motorcyclists who do not engage in lane filtering "when such lane filtering may [not] be made safely." Crashes from unsafe lane filtering will result in increased lawsuits against the trucking industry and their perceived "deep pockets" and litigation expenses to defend against such claims.

The trucking industry spends billions of dollars every year to prevent deaths and injuries on our highways. We don't anyone to get hurt while driving around our vehicles.

We greatly appreciate the opportunity to share our views and safety concerns about this proposal.

Please let me know if you have any questions or need any additional information.

Sincerely,

P. Dale Bennett
President & CEO

VIRGINIA ASSOCIATION of CHIEFS of POLICE
& Foundation

EIN #31-1502529

October 15, 2021

Mr. Russell Cross
Virginia Department of Motor Vehicles
2300 West Broad Street
Richmond, VA 23269

Re: Motorcycle Lane Filtering Study (2021)

Thank you for the opportunity for the Virginia Association of Chiefs of Police to be part of the study of motorcycle lane filtering and to provide our position statement. The VACP is committed to promoting highway safety in the Commonwealth and supports the development of policies and laws that reflect best practices that reduce crashes.

The Executive Board of the Virginia Association of Chiefs of Police, on behalf of our membership of police executives, is unanimously opposed to legalizing motorcycle lane filtering, lane sharing or lane splitting on Virginia roads. There are serious visibility issues for trucks and larger vehicles, and the close proximity between vehicles and motorcycles greatly increases the likelihood of collisions. This is a compounded concern in inclement weather and low-light conditions.

The policy behind any proposal that would allow motorcycles to occupy the same lane space as other vehicles is contrary to Virginia law that requires at least three feet between vehicles and bicycles. If a vehicle the size of a motorcycle is allowed to maneuver between vehicles and lanes and a crash occurs, then it is not clear which vehicle would be liable for the crash.

The Virginia Association of Chief of Police cannot support any legislation that would allow this kind of lane sharing at the risk of the safety of other vehicles on the road.

Please let us know if you have any questions.

Sincerely,

Dana G. Schrad
Executive Director

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