

# SENATE BILL REPORT

## SB 5378

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As Reported by Senate Committee On:  
Transportation, February 6, 2017

**Title:** An act relating to modifying the operation of motorcycles on roadways laned for traffic.

**Brief Description:** Modifying the operation of motorcycles on roadways laned for traffic.

**Sponsors:** Senators Sheldon, Dansel, Hasegawa, Conway and Fortunato.

**Brief History:**

**Committee Activity:** Transportation: 1/30/17, 2/06/17 [DPS, DNP, w/oRec].

**Brief Summary of Substitute Bill**

- Authorizes a two year pilot program allowing motorcycles to pass a vehicle in the same lane as the vehicle being overtaken, subject to specific operational limitations.
- Requires the Washington State Department of Transportation (WSDOT) to allow motorcycles to operate on any shoulder that the WSDOT has opened to public transportation vehicle operation.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5378 be substituted therefor, and the substitute bill do pass.

Signed by Senators King, Chair; Sheldon, Vice Chair; Fortunato, Hawkins, O'Ban, Takko, Van De Wege, Walsh and Wilson.

**Minority Report:** Do not pass.

Signed by Senators Liias, Assistant Ranking Minority Member; Cleveland.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Hobbs, Ranking Minority Member.

**Staff:** Kim Johnson (786-7472)

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Background:** Generally, motorcycles are entitled to full use of a lane on a highway; these vehicles are subject to certain operational benefits and limitations. Specifically, motorcyclists may operate two abreast in a single lane. However, an operator of a motorcycle may not pass a vehicle in the same lane as the vehicle being overtaken, unless the vehicle is a bicyclist.

Currently, a motorcycle may not be operated between lanes of traffic, a practice commonly referred to as lane-splitting or lane-filtering. California is the only state in the U.S. that allows lane-splitting.

**Summary of Bill (First Substitute):** The operator of a motorcycle may overtake and pass in the same lane as the vehicle being overtaken, but only on a numbered state route having two or more lanes of traffic in each direction separated by a physical barrier or unpaved median. The operator of a motorcycle may only pass in the same lane or between lanes of traffic when the motorcycle is traveling at a speed of 25 miles per hour or less and not more than 10 miles per hour over the speed of traffic flow.

It is a traffic infraction for an operator of a motor vehicle to intentionally impede or attempt to prevent a motorcyclist from passing on the left-hand side as authorized in this act.

The limited authority for motorcycles to pass vehicles in the same lane of traffic or to ride between lanes of traffic expires July 31, 2019.

Whenever the WSDOT opens the shoulder of a limited access facility as a lane for the operation of public transportation vehicles, the WSDOT must also allow motorcycles to use the shoulder lane under the same time periods and conditions.

**EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (First Substitute):**

- Removes the restriction of a motorcycle having to pass on the left-hand side of a vehicle traveling in the left-most lane of traffic.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** Yes.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: Lane sharing is an activity that allows motorcycles to ease congestion. This bill is also about safety. Around the world this is the norm. A UC Berkeley study found that lane sharing was no more dangerous than riding your motorcycle normally. The 2015 study compared all motorcyclists with those that lane shared and it found that injuries were decreased. This is a safer way for motorcyclists to travel. Being rear ended on a motorcycle is dangerous. Rear end collisions are one of the

biggest safety factors that a motorcyclists face in stopped traffic. Most drivers see the motorcyclists in front of them or they only see the car in front of the motorcyclists. Often times a motorcyclists doesn't use their brakes when stopping so even their brake lights don't activate. California's system works. It helps to keep the bike's engine cool. The speed deferential set up in the bill will work.

We hope you change the language about the rider having to pass on the left-hand side of the left most lane of traffic. This is actually the most dangerous part of the roadway because of all the debris.

CON: This bill does not take us in the right direction. Motorcyclists deaths increased in Washington last year. We need to get this trend to turn around and this bill will not help. When we look at motorcycle fatalities from 2012 to 2014, 75 percent can be traced to causal factors attributed to the something that the motorcyclist did. Motorcycles make up only 4 percent of the vehicles in Washington, but represent 17 percent of the fatalities. We are not making progress on reducing motorcyclist fatalities in Washington and this bill will not move us in the right direction.

**Persons Testifying:** PRO: Senator Tim Sheldon, Prime Sponsor; Brian Lange, ABATE of Washington; Joseph Sullivan, Spanaway Chapter ABATE; Larry Walker, Washington Road Riders Association.

CON: Captain Monica Alexander, Washington State Patrol; Shelly Baldwin, Traffic Safety Commission.

**Persons Signed In To Testify But Not Testifying:** No one.