

# SENATE BILL REPORT

## SB 5254

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As of February 4, 2019

**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 and Conway.

**Brief History:**

**Committee Activity:** Transportation: 1/28/19.

**Brief Summary of Bill**

- Authorizes a three 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 (DOT) to allow motorcycles to operate on any shoulder DOT has opened to public transportation vehicle operation.

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### SENATE COMMITTEE ON TRANSPORTATION

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

**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:** The operator of a motorcycle may overtake and pass in the same lane as the vehicle being overtaken or operate between lanes of traffic, but only on a numbered state route having two or more lanes of traffic in each direction separated by a physical barrier or

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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, 2022.

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

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill is to try to allow motorcycle riders the ability to get through traffic congestion safely. Riders can be rear ended due to not being seen in stop and go traffic leaving them vulnerable to being pinned between cars. Some motorcycle engines cannot handle stop and go as they are air cooled and letting them continue to move in congestion is safer than having them break down on the side of the road. Arguments against this bill regarding enforcement are not really valid because you are not going to catch someone driving that fast riding between cars. The bill does not allow that kind of riding. This is lawful in California and many foreign countries and ought to be approved here in Washington.

CON: If you authorize this there will be confusion amongst riders and there will be people who drive recklessly. Enforcement of this bill will be very difficult. The provision mandating passing on the left shoulder is dangerous as that is where debris collects and people are not expecting to be passed on the left.

**Persons Testifying:** PRO: Senator Tim Sheldon, Prime Sponsor; Brian Lange, A Brotherhood Against Totalitarian Enactments of Washington; Larry Walker, Washington Road Riders Association.

CON: Bret Tkacs, citizen; James McMahan, Washington Association of Sheriffs & Police Chiefs; Monica Alexander, Washington State Patrol; Christopher Johnson, citizen.

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