

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON TRANSPORTATION**

**Seventy-Seventh Session
March 28, 2013**

The Committee on Transportation was called to order by Chairman Richard Carrillo at 4:04 p.m. on Thursday, March 28, 2013, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was video conferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at nelis.leg.state.nv.us/77th2013. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Richard Carrillo, Chairman
Assemblyman Joseph M. Hogan, Vice Chairman
Assemblyman Paul Anderson
Assemblyman David P. Bobzien
Assemblywoman Maggie Carlton
Assemblywoman Lucy Flores
Assemblyman John Hambrick
Assemblyman Crescent Hardy
Assemblyman James W. Healey
Assemblywoman Ellen B. Spiegel
Assemblyman Michael Sprinkle
Assemblywoman Heidi Swank
Assemblyman Jim Wheeler
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None



GUEST LEGISLATORS PRESENT:

Assemblyman Richard (Skip) Daly, Washoe County Assembly District No. 31

Assemblyman Elliot T. Anderson, Clark County Assembly District No. 15

STAFF MEMBERS PRESENT:

Vance Hughey, Committee Policy Analyst

Sean McCoy, Committee Policy Analyst

Cynthia Zermeno, Committee Manager

James Fonda, Committee Secretary

OTHERS PRESENT:

Ernie Adler, representing the Northern Nevada Confederation of Clubs

Steven M. Guderian, Owner, Motorcycle Safety Consulting, Oakley, California

Peter Vander Aa, Program Administrator, Program for the Education of Motorcycle Riders, Office of Traffic Safety, Department of Public Safety

Rick Eckhardt, representing the Northern Nevada Confederation of Clubs

Brian O'Callaghan, representing the Metropolitan Police Department, City of Las Vegas

James Edwards, Private Citizen, Reno, Nevada

Caleb S. Cage, Captain, U.S. Army, Executive Director, Office of Veterans' Services

Terri L. Carter, C.P.M., Administrator, Management Services and Programs Division, Department of Motor Vehicles

Chairman Carrillo:

I wanted to point out to Committee members that you will find on your desk the Commission on Special License Plates, Bulletin No. 13-20 ([Exhibit C](#)). You will need this for next week because we are going to have a couple of commissions that we had in the interim, and a couple bills that will be brought forth, so please make that part of your reading material for this coming week. I am going to open up the hearing on Assembly Bill 236, which makes changes to the rules of the road regarding motorcycles. I would like to welcome Assemblyman Daly to our Committee. We greatly appreciate your bringing this forward.

Assembly Bill 236: Makes changes to the rules of the road regarding motorcycles. (BDR 43-659)

Assemblyman Richard (Skip) Daly, Washoe County Assembly District No. 31:

I was approached by Mr. Adler and some other people about bringing this bill forward about the rules of the road regarding lane splitting for motorcycles. So far, over the course of the session I have talked with the Chairman and a few other people. I am going to run through the bill with the changes we hope to put in that I have talked about with several people. I do not have anything for Nevada Electronic Legislative Information System (NELIS) or any written mock-up, but the bill is fairly straightforward. I will shy away from saying simple, because there are no simple bills. I know you have another bill on mopeds about registration and various things, so this goes in with that. One of the changes the Chairman spoke to me about is to remove mopeds from the bill, and we are completely open to that. I told Mr. Adler that is what we have to do because that is what we are going to do.

I do not know if you want to put a 50cc limit on there. I believe that is what the Chairman spoke about, so however that gets drafted with the language he would like to see, let us know.

In talking with some other people in law enforcement, they asked if we could move the implementation date forward, I think to January 2014, so nearly a year. That way if the bill does pass and the Governor signs it, there will be a period of time before it goes into effect during which there can be public service announcements and some changes to Department of Motor Vehicles (DMV) training for motorcycle riders, to make both the public and riders aware of the safety issues. We said we had no problem with that as well, and that will also require a language change.

On the liability side, talking with people in law enforcement they say that if there was an accident with lane splitting, they would cite the motorcyclist anyway, saying it was his fault. We were just looking at it to give people more peace of mind by saying that if a person decides to do lane splitting, they do so at their own risk. We just want to make it clear that we are not trying to put anybody on the hook, or cause people in their cars to have additional liability because of something someone else does. There is a restriction of 30 miles an hour, so if traffic is going faster than 30 miles an hour, you cannot do it. We are open to discussion on that. Some of the real technical questions and the safety things will be covered in the presentation to be put on by Mr. Adler.

When I first started talking about this bill, and I am not a rider myself, I did talk to people I know who do ride, and they said they would love to be able to do it. Others said, "yeah some people can do it if they want, but I am never going to." So, it is a personal choice. About half the bikes on the road these days are water-cooled, just like your car, so overheating is not that much of an issue, but

many other bikes are air-cooled. I am assuming everyone knows the difference there. If you are at a stop for a long period of time and you are not getting air running over the engine, it overheats, potentially burning up the motor. So, there is a reason they need to keep going and keep the motor cool. Also, when I have talked with other people, including the Chairman, they point out that it can get pretty hot if you are wearing the proper safety equipment, leathers and helmets and other things, especially in southern Nevada. So, if you are sitting in a traffic jam for a long period of time, you can have other health issues potentially if you are not able to move. I think there are good reasons to go ahead and allow lane splitting, people do it at their own risk and we set the right parameters. I think it can be useful and beneficial to the motorcycle riders in this state.

Chairman Carrillo:

We have to be considerate of time and I will let everybody know that at 4:40 p.m. we are going to recess, but we will reconvene after the floor session. Be mindful of the time that we have because some people are not going to be able to finish presenting a bill or may not be coming back when we reconvene.

Assemblywoman Spiegel:

Could you please speak to the 30-mile-per-hour speed limit?

Ernie Adler, representing the Northern Nevada Confederation of Clubs:

The way this was developed is that we met with a number of motorcycle clubs and motorcycle riders, and all of them pretty much wanted to have some sort of lane-sharing or splitting arrangement. They have lane splitting in California, and they have had it for years. The California Highway Patrol (CHP) guidelines for lane splitting as to when it is safest is at speeds up to 39 miles per hour. The people I represent, the Northern Nevada Confederation of Clubs and other riders, wanted a more conservative bill. They reduced that down to 30 miles per hour, so this is the lower end of what is recommended by the CHP ([Exhibit D](#)).

Assemblywoman Spiegel:

So this would not apply then really to people who are riding on freeways unless they were just stuck in traffic?

Ernie Adler:

That is correct.

Assemblyman Sprinkle:

As opposed to asking a question I will just say I would be a lot more comfortable with this if there were clarifying language about liability if there is

an accident. It seems to me that we are giving the motorcyclists the right to split lanes, but then there is nothing that specifies in the language who is at fault if an accident does occur.

Assemblyman Daly:

The intent is that it would be "at your own risk." Clearly we need to put in there that it is at your own risk. However Legal writes it, the intent is that it is at your own risk. We want to make sure that it gets written to your satisfaction.

Assemblywoman Swank:

Just a couple comments more than questions. I am totally fine with the motorcycle moving in amongst stationary vehicles. I am really concerned about motorcycles moving in amongst moving traffic, even under 30 miles per hour. In Las Vegas we have a lot of people who kind of come and go, transients who live there for a short period and move away, so we always have a lot of different driving practices on the road. I know when I moved there from Chicago, my car insurance doubled. Even if the liability is put on the motorcyclists, I still feel that if there is an accident you still have to get an estimate on your car and deal with the emotional strain of having hit a motorcyclist, which is something that a lot of drivers worry about. So, I am very reticent about the moving part of this bill.

Ernie Adler:

That question is ahead of our presentation a little bit. We have Mr. Guderian here from California who has worked in police departments there and worked with the National Highway Traffic Safety Administration (NHTSA). He can explain why it is actually safer to be in a lane-splitting position than directly behind another when you are in heavy traffic, so I would defer to him to explain that. If you would like him to present now we can do that.

Assemblywoman Carlton:

This goes along the line of Assemblywoman Swank's question. When I first read the bill I thought it was stationary also and I had concerns about that. But I am picturing a scenario where I am on the highway and we are going 25 miles an hour when a kid in the back seat rolls down the window and sticks an arm out. My kid ends up with a broken arm and the motorcyclist's guts end up all over the back of my car. It just seems to me that this does not make a lot of sense. I am sorry; it does not. It just seems like a very dangerous thing to be doing.

Ernie Adler:

Could we have Steven Guderian address that?

Chairman Carrillo:

I believe Las Vegas Metropolitan Police Department (Las Vegas Metro) police officers do lane splitting, correct? I do not know if there are any fatalities or injuries in those situations. I know they are trained riders and they go through a lot of classes to ensure their safety and also the safety of the community. But, with the risk of putting a 700- to- 800-pound motorcycle between two cars, it does not matter if you are an officer or just a skilled rider.

Assemblywoman Carlton:

Mr. Chairman, I do not want to get in a debate with you.

Chairman Carrillo:

No, that is not the intent.

Assemblywoman Carlton:

An 18-year-old on a motorcycle is not a police officer.

Chairman Carrillo:

Well, the intent is still the same. The type of motorcycle, the weight, and the characteristics are the same.

Steven M. Guderian, Owner, Motorcycle Safety Consulting, Oakley, California:

I have an extensive history involving motorcycles, from law enforcement to being the regional motorcycle safety expert for the National Highway Traffic Safety Administration (NHTSA), which I no longer do, having moved on from them. I have been looking into and doing a lot of research in a number of different areas and lane-sharing, lane splitting, lane filtering, whichever term you would like to use, is one I have been looking at since the beginning of about 2011.

Besides being an expert in motorcycle rider safety, I am also an expert in collision reconstruction with a specialization in motorcycles. We can look at the first data that comes up about lane sharing back in the Hurt Report [*Motorcycle Accident Cause Factors and Identification of Countermeasures*, Volume 1: Technical Report by H.H. Hurt, Jr., J.V. Ouellet, and D.R. Thom, 1981; accident research completed in 1976 and 1977], which was published back in 1980. Harry Hurt, David Thom, and James Ouellet, looked at 900 crashes in California, particularly in southern California, looking at all aspects of motorcycle crashes. These crashes took place from about '77 to '79 and they released their report in '80. After I did my first report, which was my first paper and was published in October 2011, James Ouellet, one of the original authors, went back and looked at the 900 crashes they had in the Hurt Report to see what kind of involvement lane sharing had in them.

What Mr. Ouellet found was that 0.6 percent of the 900 crashes they looked at involved lane-sharing.

Let us jump forward 23 years to the Motorcycle Accidents In Depth Study, the MAIDS report, which is basically the same thing as the Hurt report only it is out of Europe [<http://www.maids-study.eu>]. Lane-sharing is a common practice for most all European countries. There are only two industrialized nations that do not allow lane-sharing: the United States, except for California, and Australia. Currently, Sydney, Australia, is looking at allowing lane-sharing. The MAIDS report, in looking at the crashes in Europe, found that 0.4 percent, of the 900 crashes they looked at involved lane sharing.

There is a gentleman named Dan Carter in California, who has been watching lane-sharing crashes since 1998. He has been following them through newspaper clippings. He has a clipping service and he looks for all the motorcycle collisions, particularly fatalities because they do not report injuries. He has a very detailed study from 2004 to 2011, where he has collected all the fatal crashes in the State of California. Out of the lane-sharing crashes and fatal crashes, lane sharing is 1 percent of all the fatal crashes in the State of California. We can break that down a little bit further because Mr. Carter has gone through the [California] Statewide Integrated Traffic Records System (SWITRS), as well as the Fatality Analysis Reporting System (FARS) of the federal government, to get the background in all these crashes. What he has found is that out of that 1 percent, 70 percent are involved with big rig trucks. Basically there is some type of interaction that goes on, the rider goes down and he gets run over by the rear wheels and is killed.

If, through an education program, which the bill is looking at, we put out there not to lane share next to big rig trucks, we are now down to 0.3 percent of the fatal crashes in California that were associated with lane sharing. We basically have a record of data looking at crashes that goes from the Hurt Report, to Europe [with MAIDS], and back to California to 2011, where we are looking at an average of less than 0.5 percent of the crashes have been associated with lane sharing.

The NHTSA says that the most common crash for all vehicles on the roadway is the rear-end crash, 28 percent ([Exhibit E](#)). I believe that there is some data that says here in Nevada 20 percent of all the crashes involving motorcycles, are rear-end crashes. As a collision reconstruction expert, one of the things that got me interested in looking at lane sharing as a safety aspect was the fact that I know I do not want to be rear-ended on my motorcycle. That is a significant collision to me even at low speed. If I am between the vehicles, I have what is known as an incomplete contact. Because of the dynamics of the motorcycle at

the speeds we are talking about here, 30 miles an hour, it is very likely that I will keep my motorcycle upright. Mr. Ouellet has a report that he has just released. In it he went back to see what he could find more recently in California, so he looked at the California Department of Transportation (Caltrans) cameras to see what was going on with those. He could not really get any information out of it. But there is one piece he did find, that is all theory at this point. Nothing has been written about this nor I can tell you it is a fact. It is just something that has come up that we are starting to look at. What he found was that the motorcycles that were not lane sharing and were traveling in heavy traffic conditions, tended to follow closer than a car, so they were following too close.

From the testing and the research that I have done with my colleagues, we know that motorcycle riders are not the best in the world about using their brakes, so we are setting up for that rear-end collision. The 20 percent of motorcycle crashes that are rear-end collisions include motorcycle rear-ending (page 5). A lane sharing motorcycle tends to move over in the lane and now we have the open lane. One thing interesting about Europe and California, the entities that allow lane sharing, is we can see that their crashes involving lane sharing, from 1977 to about 2000 when they finished taking the data from the MAIDS report, is less than $\frac{1}{2}$ of 1 percent of 1,800 crashes reviewed.

The biggest thing I found in talking with people is that they do not understand what the benefits are to lane sharing. Basically, it removes me, as a rider, from a significant collision to a less severe collision. I have a high probability of not only staying on the motorcycle, but if I do go down, I am going down at a much lower speed. And, I am not going to have as severe an interaction with the roadway or the other vehicles that are involved. Regarding the comment made about experienced riders, the interesting part about the 900 collisions looked at with MAIDS and the Hurt Report is that they included all riders. So you run the gamut of riders ranging from brand new to experienced, in the 900 crashes that were reviewed. Most of the time, what we find with riders is that they tend to ride to what they feel is safe for their ability. If they are not comfortable they will not lane share, new rider or old or anything in between. If they are comfortable with it, then they will do it. That is what we end up seeing. The data has been pretty straightforward with respect to this. I have not been able to find anything printed or not that says there is a significant hazard associated with it. There is just a lot of beliefs such as, "I do not like that motorcycle being between the cars." In May 2012, the State of California released a survey where they had interviewed 700 or 800 car drivers and 600 or 700 motorcycle riders. Out of the car drivers, 95 percent said that they had not had any type of interaction with a lane-sharing motorcycle. Of the 5 percent that said that they had, 83 percent said it was a mirror click, when

the vehicle mirrors just bump. So, among those California drivers surveyed, we have a very small percentage that even had anything more than a mirror click.

Assemblyman Wheeler:

Regarding the statistics that you gave us for the MAIDS report and from California, et cetera, do they happen to have an event like our Street Vibrations? This is where 1,000 to 2,000 motorcycles come into town, driving on one north-to-south highway and one east-to-west highway, and they have lane splitting where there will be 20 motorcycles going up the lane between cars at the same time, as they do coming up Highway 395.

Steven Guderian:

No, that is a very unique thing. I have been coming to Street Vibrations for a number of years, and that brings up a very interesting point, which I cannot address because there is no data out there for it. However, motorcycle riders are, and I do not want to say a close group because we have different places all over, but they are educated on something like this because it is pretty invasive throughout the motorcycling community. The motorcycling community can look out for itself. I would strongly suspect that the Northern Nevada Confederation of Clubs will do the best it can to get out safety information with respect to that. And, we have until 2014, under the new revision of the bill, to get that information out. If I may also say, Mr. Adler said that I am out of California, but I do own a house up in Reno, and I will be here full-time as soon as my wife retires at the end of this year. So, I am a Nevada rider also, and concerned about the safety for all riders in Nevada too.

Assemblyman Hambrick:

I have a question, but I will wait until the last witness testifies.

Assemblywoman Swank:

Thank you for a lot of interesting data. I just have a comment, and then I have a question. I am just wondering about the study that you cited that was done in Europe. I have lived in India, and there everyone shares lanes. My point there is that driving practices are extremely different across countries. The study out of Europe is interesting, but I have lived in Europe too, and driving practices there are very different than they are here. So I am not sure if we are comparing apples to apples with that.

You talked about the fatal crashes in California, that 1 percent of all these fatal crashes involved lane splitting. But, I think the fatal crashes are part of the concern. Going back to what Assemblywoman Carlton said, there are also a lot of accidents that are not fatal, so I wonder what percentage of nonfatal car-motorcycle accidents had to do with lane splitting?

Steven Guderian:

There is no specific data that addresses your question. I can only refer back to the fact that California is not Europe, but they still had the same data points as the MAIDS study in Europe did as far it was .6 percent of their 900 crashes back in 1978. And, MAIDS was released in 2003, so we have a 25-year period where it pretty much stayed the same, even through California and into MAIDS. And, if we look at the rider training back in '78 and '79 in California, and anywhere in the United States for that matter, it was not what it is now. So we still had comparable data, even over all these years in different countries. And the 900 crashes in those studies involved all crashes—noninjury, injury, fatalities—so I cannot break it down for you. To be quite frank, we do not know here in the United States and also in Europe, just exactly what the breakdown is. We just have not gotten that far yet.

Assemblyman Sprinkle:

I just want to make sure I am totally clear. Is that one third of 1 percent that you have referenced all lane-splitting crashes? There is no breakdown in specific types of injuries, is that correct?

Steven Guderian:

Not really, the MAIDS report and the Hurt Report looked at all crashes. When I referred to Mr. Carter's report, Mr. Carter looked specifically at the fatal crashes in California ([Exhibit E](#)). In those fatal crashes it was one percent of the total crashes, but he went one step further and pulled out what type of vehicle was involved in the lane-sharing crash. Lane sharing is going to be with another vehicle, it is not going to be a solo-vehicle incident. He looked at the other vehicle that was involved, and that is where he found that 70 percent of the vehicles involved in the lane-sharing crashes in California were big rig vehicles. So, if we educate away from that, we are now down to .3 percent in California. If we educate and say, "do not lane share next to a big rig truck," you are putting that extra avenue of safety in there and you are cutting out the biggest chunk of fatalities that California had.

Chairman Carrillo:

Are there any other questions from the Committee members? Seeing none, continue on.

Ernie Adler:

Could we move on to Peter Vander Aa who is from DMV. He has got the Nevada statistics and this is more of a neutral presentation.

Assemblyman Hambrick:

I have got a small problem on page 3 of the bill at line 6: "provided that the person drives in a cautious and prudent manner." Where is that defined in statute? Where will a police officer know what is cautious and prudent on a Monday or on a Friday, and from northern Nevada to southern Nevada? What is cautious and prudent?

Ernie Adler:

I think that is just using due care when you are engaging in any kind of lane sharing or splitting.

Assemblyman Hambrick:

That is a huge hole from my perspective. You could have an enforcement officer have a really bad morning and the next day have a really great morning. So these terms, cautious and prudent, are very fluid. I think when we start talking about statute, we would like to have a little more defined, concrete meaning, where we can look up in the statute what it means. And, I am not sure where the *Nevada Revised Statutes* (NRS) has a definition of cautious and prudent. Beauty is in the eye of the beholder, and that leaves a broad spectrum here. Again, I am not sure who to address this to. The second part of my question is, why lane splitting? Why not, particularly in the urban areas in the south, why not the breakdown lane and get them out of the middle lane entirely?

Steven Guderian:

We do not want to use the breakdown lane because there is a lot of debris in it, particularly nails, glass, things that will cause a flat tire on the motorcycle, which causes an instability and will cause it to go down.

Peter Vander Aa, Program Administrator, Program for the Education of Motorcycle Riders, Office of Traffic Safety, Department of Public Safety:

We are a program within the Office of Traffic Safety and the Office is neutral on this bill ([Exhibit F](#)). There are some pros and cons to lane splitting. As was already mentioned, it takes the engine heat out of the equation. A rider can see farther down the road if he is offset from the main lane of traffic. I will talk about the statistics for crashes in Nevada in just a couple of seconds. And, of course, it relieves traffic congestion.

There are also some cons involved here. There certainly is the perception that it is less safe for riders because they are so close to cars. Car drivers may not be expecting someone to ride alongside them. If car drivers are not aware of the law change, they could try to cut off a motorcycle, and, certainly, there is road

rage. It also has been mentioned that this would only be recommended for experienced riders.

On page 3 ([Exhibit F](#)), because Nevada Rider Motorcycle Safety Program is the program within the Office of Traffic Safety, we always need to look at data. This actually surprised me quite a bit when I pulled it out, between 20 and 22 percent of all the motorcycle crashes were rear-end crashes: either the motorcycle running into the back of someone else or somebody running into the back of the motorcycle. The question here is, if a motorcycle rider can take themselves out of that danger zone, is there a possibility that there would be fewer rear-end crashes? On page 4 you will notice that 37 percent of the time the motorcycle struck the vehicle in the front, and 63 percent of the time the motorcyclist was struck from behind. There could be some distracted driving or riding involved there.

Probably the key thing here is that 80 percent of motorcycle crashes result in injury or death. There is certainly less protection for the motorcyclist, and there is less stability on the motorcycle. We have to consider the weight and bulk of the other vehicle, and there is a real risk if somebody gets hit from behind or hits the car in front of them, that the motorcyclist will be launched off of the motorcycle. With the problems of injury and less protection, it certainly is a very dangerous situation.

On page 6, are extracts from the Motorcycle Safety Foundation curriculum that we teach in Nevada. They do not take a position on lane sharing, but they do ensure that we are always talking to our students about time and space to respond to other traffic situations, and to maintain a safety margin. There is always a discussion on lane choice, which is picking the correct lane and position within that lane, emphasizing a space cushion to keep ourselves away from other vehicles and areas that could cause us some serious harm. Yesterday morning when I spoke to the Motorcycle Safety Foundation, they actually directed me to the Motorcycle Industry Council, which is a national trade association, made up of 300 members—dealers, retailers, manufacturers. Please note that they are not a safety organization, but they do get involved in lobbying on motorcycle issues. I did attach their position paper and I believe it is on the back of your handout ([Exhibit G](#)). They do support state laws that allow lane splitting under reasonable restrictions, and if you read through that position paper, you will see all the arguments for it.

On the last page ([Exhibit F](#)), we ask the questions: "Will lane splitting help reduce the number of motorcycle rear-end crashes?" and "Is it safer to stay between two vehicles, basically on the center line, or to ride between the lanes?" That is the big question. I do not envy you trying to decide how this

should go. If it does pass, I certainly do agree with the January 2014 date. We would need to do a media campaign to inform not only motorcyclists but also car drivers of the change in the law. It usually takes us about six months to get that together.

Chairman Carrillo:

Thank you. Of course we are running into the time we need to recess, so I apologize for not being able to allow the Committee members to ask those questions. I do not know if you are going to have the opportunity to come back after we finish the floor session.

Peter Vander Aa:

Sure, I will stick around.

Chairman Carrillo:

Thank you. We will go into recess. It will be announced on the floor that we are going to be reconvening after floor.

[Meeting in recess until the call of the chair, at 4:42 p.m.].

Chairman Carrillo:

I would like to reconvene the Committee on Transportation [at 5:49 p.m.]. We will continue with the presentation. Were you finished Mr. Vander Aa? You were? Okay, do we have any questions? And this is A.B. 236. Do any Committee members have any questions for Mr. Vander Aa?

Assemblywoman Swank:

Being able to do the lane splitting seems to reduce the frequency of the number of rear-end collisions, correct?

Steven Guderian:

Statistically, yes, it is safer for me to use the lane sharing, lane splitting maneuver, because there is less potential of a crash and reduces a crash. In the first paper I wrote, we looked at that in California. We actually compared rear-end crashes in the State of California with those in Florida and Arizona.

We picked those two states because they had similar riding conditions and similar rates between registered motorcycle owners and miles traveled and things like that, so we could get a somewhat fair comparison. We found that California, when it came to rear-end collisions, was 50 percent of the rate in Arizona and Florida, and almost 50 percent less nationally.

Assemblywoman Swank:

Can I get a copy of that study? I would be really interested.

Ernie Adler:

I think Steve's study (or paper) is on NELIS ([Exhibit E](#)). But, do you want the actual study?

Assemblywoman Swank:

If it has the data, the paper is fine.

Steven Guderian:

Yes. It is not a study in that we looked at the data; we pulled the crash data from states and put it in there in a chart form.

Chairman Carrillo:

Do any other Committee members have any questions? I am sorry, did you have a comment Mr. Adler?

Ernie Adler:

I have read through all the studies. I have not been able to locate a study anywhere in the world that indicates it is safer for a motorcycle to be behind a car with another car behind it than to be lane sharing. Statistically, the injury rate and death rate are much higher when they are in that vulnerable position between two cars rather than being side-by-side. Obviously, if you are hit from behind, you are going to be launched into the car in front of you. If there is a side collision, you are moving forward anyway, so it is more of a swiping motion, which many times does not even cause the rider to lose control of their motorcycle. That is what I have concluded from looking at all the literature. I have read through studies from Great Britain and other studies from the United States.

Assemblywoman Carlton:

I understand that, Mr. Adler, but this bill goes beyond that provision. I would support allowing a motorcycle to put themselves out of harm's way between two cars, if they were caught in congestion. But this bill talks about a motorcyclist under 30 miles an hour, along with traffic moving at the same pace, going between cars and lanes that were designed for a car. Some of our cars are SUVs, and some of those SUVs are rolling houses. I understand and I agree with you; I have sat there in a car myself and watched someone barrel down on me and tried to figure out where I could put my car to get out of their way, so I understand a motorcyclist wanting to move. But this bill goes beyond just protecting them in a traffic situation. This allows them to zip

through the cars and keep moving at a rate of speed with the other moving cars. So, it does address your issue, but it goes beyond that issue also.

Ernie Adler:

I have talked to Brian O'Callaghan from Las Vegas Metro, and I think one of the solutions to that is to adopt the entire California guideline. It is not a law. It is a guideline from the CHP, which says that you cannot go more than 10 miles an hour faster than the flow of traffic if you are lane splitting. Then you are not going to have somebody going 30 miles an hour while all of traffic is stopped. They are only going to be able to go 10 miles per hour in stopped traffic. That will keep them going quite a bit slower than if we just had a straight 30-mile-per-hour limit. I think that might remedy the situation.

Assemblywoman Carlton:

Would that provision also apply to the outer traffic, the car traffic, moving at a slower rate of speed? So, if they were moving at 30 miles an hour, if you are giving them an extra ten miles an hour, we are not talking about them going even faster. Your ten-mile-an-hour provision, to make it clear, is in stopped traffic, they can go ten miles an hour up in between the sets of cars.

Ernie Adler:

That is exactly it. If you have stopped traffic they would be going ten miles per hour. If the traffic was going 20 miles an hour, they could go 30 miles an hour. If the traffic was going 30 miles an hour, they would have to stay in their current position and could not lane split.

Assemblywoman Spiegel:

One of the things that just came up while you were answering another question is related to, in California especially but I have seen this a little bit here in Nevada, is the restriping of lanes. This is where they get narrower to accommodate more lanes of traffic. I was wondering if there has been any discussion or any studies that look at the safety involved in lane sharing, when the lanes get narrower?

Steven Guderian:

The short answer to your question is no. But, by the same token, riders tend, when the lanes get too narrow, to not lane share. The classic example that I can think of is the 110 Freeway down in Southern California, the Harbor Freeway where they have pretty much chopped down the lanes to ten. I will not lane share there because it is just too narrow.

If there is an opportunity where one is going to interact with another vehicle, riders do not lane share. There is always responsibility on the rider, and if they

do it when it is a situation where it is too narrow, then they need to be held responsible.

Chairman Carrillo:

Are there any other questions? [There were none.] Since you are done with the presentation, we want to go ahead and move on to support on A.B. 236?

I know we lost a few people because of the floor session recess, but if there is anybody down south who is still present and wants to come up to the table, please proceed.

Rick Eckhardt, representing the Northern Nevada Confederation of Clubs:

I am with the Soldiers for Jesus MC motorcycle club and I am the general manager for Badlands Motorcycle Products. Our top selling item at our business is a module that converts the rear turn signals of a motorcycle to running lights and brake lights. Normally on a motorcycle you just have the one little center taillight and the two turn signals, which are usually amber. You plug in our device and the turn signals become running lights and brake lights, which gives you that triangulated visibility of three lights instead of just the one little taillight. We also make LEDs and LEDs are probably three times brighter than incandescent bulbs. In a car it is not really an issue because you have so much lens area, but on a motorcycle you have a smaller lens area. I get probably three to four customers calling in each week, who tell me they have been rear-ended and they want something that is going to light up the back of that motorcycle so they can be visible. That is our No. 1 selling product, the module that gives them two additional running lights and brake lights as well as the LEDs for brightness.

The biggest fear of a motorcycle rider is having someone turn left in front of them. For example, you have the green light and someone is making a left turn and they say they never saw you, so they turn in front of you. That ends in a T-bone collision, and the motorcyclist usually comes out on the worst end of that. The other scenario is being rear-ended by a car. Part of this lane-sharing or lane-splitting bill is that when you are in in-town traffic and a light turns red, you are vulnerable on a motorcycle from the traffic coming up behind you. With the lane-sharing bill implemented, you would actually be able to move onto the white line. If the person in back of you is on a phone or texting, or distracted by children in the car, or whatever the case may be, now you are not in line to get accorded between the car in front of you and the car coming up behind you. As I said, no exaggeration, four to five phone calls every week, motorcyclists saying that they have been rear-ended, and they want something to brighten up the back of that motorcycle. Again, if the rider can move over to being on the line then, if a car comes and they are not paying

attention, they are going to hit that other car, not the motorcycle in between the cars.

Again, I think this is a safety issue. I have been riding motorcycles since I was 13, I have had 20 Harley-Davidsons, and 3 metric bikes before that. To me this is a safety issue. I have changed my style of riding in the last three years. What I do is when I come up to a car that is stopped at a light, I will take my hand off the brake and look in my mirror and watch that car coming. When they are about 100 feet behind me, I will hit my brake again, trying to get their attention to show that I am there and I am stopped. There is just a ton of distracted driving, and I think that is probably one of the biggest causes of accidents today. And, I know it is for motorcycles because, again, we are more vulnerable since we do not have metal all the way around us. Again, I would like to see this bill passed, and I believe it is 100 percent a safety item. I believe it will save lives. Yes, there will be a learning curve the first year, but we are willing to, as a confederation, pay money, do signs, alert people, do broadcasts, do public announcements, anything we can to save lives. I honestly believe this is a safety issue.

Assemblywoman Flores:

I was not here in the beginning of the presentation for this bill, so I missed a bunch of information, but based on the documents that I have reviewed in the last few minutes, it references traffic that is moving at slower rates of speed, and potentially getting caught in what you said was an accordion-type situation.

Rick Eckhardt:

Right.

Assemblywoman Flores:

In your opinion as a rider, do you think that this is generally something that occurs at the 30-mile-per-hour threshold or does it make a difference that you are trying to lane split when the freeway traffic is moving at 70 to 90 miles an hour.

Rick Eckhardt:

Sure, I believe that it is at slower speeds. I believe that in town is primarily the worst, again at stoplights, with somebody texting or talking on the phone. I believe that, in the stoplight situation, I want to be able to get over on that white line and not be in direct contact if somebody is not paying attention and could crash into the rear of me. Normally, I would move over to the center of that line and would be protected. On the freeway I believe that people get more distracted as the speeds slow down in congestion. Since they are not driving 60 or 70 miles an hour, they do not have to focus as much because they are

creeping along. That is where, when you are on a motorcycle, if you can prudently at five or ten miles an hour pass the traffic, now once again you are not faced with a rear-end collision because somebody is not paying attention or is distracted. I truly believe that.

Chairman Carrillo:

Are there any other questions for Mr. Eckhardt. I just wanted to also disclose that I am a rider of Harley-Davidson motorcycles. I am not saying that I am brand loyal, but to me it is what I enjoy riding. I do have a metric bike as well. I have to agree with you in regard to the flashing LEDs. I have taken advanced rider courses because basically you are out there, and I have always kind of had the attitude that it is you against them. At the end of the day, when I find myself stopped in traffic and see the cars behind me approaching, I worry about blending into the back of that car in front of me. Approaching drivers think they have maybe ten extra feet and then all of a sudden, boom. And they will say, "Oh, I did not see you." And even though we have laws on the books to keep people from texting, they still do it, so the distraction is still there. I always place myself at a slight angle, because I figure then the worst-case scenario if they hit me is that my bike is going to go between two cars and hopefully I go partially with it instead of underneath the front of their car. I want to thank you for that testimony in regard to that, because I do strongly believe in the brake light situation, and I do have those flashing LEDs. I know I have Mr. O'Callaghan here and I am going to ask him about them when he comes up to testify. I know it is illegal to have those blue lights, but I know a lot of times when you follow a Las Vegas Metro officer, you see the blue lights on the back of their bikes for visibility. At one time I even questioned Las Vegas Metro by calling the substation and asking why officers are allowed to lane split. The answer was that if they are in the process of a job duty or mission, they are allowed to do it.

Rick Eckhardt:

Actually, we changed that law. Sharron Angle sponsored our bill [Assembly Bill No. 77 of the 72nd Session] and we actually changed that blue dot law right here. I actually brought in a board and showed the difference between a blue dot and a red lens and how much more visible that blue dot was. Since then the LEDs have come out and they have taken the place of that, but we did get that law changed. We actually are on very good terms with Reno and Sparks police now. Back then though there was a gentleman who thought that since it was illegal, he would go out and use a baton and break people's lenses out so they would change them. That is what urged us to come down and talk to you good folks and get that law changed. Again, I appreciate your comments, sir. Motorcycling is a wonderful freedom

that we enjoy here in Nevada, and we want to do all we can do to keep all the riders out there safe.

Chairman Carrillo:

I asked our committee assistant to see if there is anyone down south in support, but they did not return after the recess so there is no one. We will move on to opposition on A.B. 236. Is there anyone down south in opposition? [There was no one.]

Brian O'Callaghan, representing the Metropolitan Police Department, City of Las Vegas:

We have worked with the sponsor and they have eliminated a lot of our concerns, but there is one concern and that is the inexperienced rider. How do we clarify that? That is a tough one. When you start moving traffic with the inexperienced rider, that causes more problems. I do not know how to fix that, but everything else—mopeds and also the clarification of not over 30, but not more than 10—if this moves forward we would like to have that written into the bill. But all the training and all that was taken care of earlier, we support that. Again, it is the inexperienced rider moving through the traffic that is one of our major concerns.

Assemblywoman Swank:

I just have a suggestion. I am not sure how it works for motorcycle licenses. I know when I first got my driver's license when I was 16, I got a trial license that was good until I was 18. I do not know if it would be helpful to say that for the first two years of your motorcycle license, or first year, whatever would make sense, that you have a different kind of license, and if you have an accident of this nature, then that would have some repercussions. Just a suggestion.

Brian O'Callaghan:

I do not want to project something into a bill that is going to really hurt that. It does sound like a good idea, but I would really like to stay out of that right now.

Chairman Carrillo:

Are there any other questions from Committee members? My question, of course, is that I want to understand how officers are allowed to do the lane splitting, lane sharing. Not that it was ever going to be a debate, I just want to clarify the safety of it. If an officer was to come in between two people who were unaware, they may see the officer, but be taken aback because they do not expect the officer to ride between them. What I would like to hear from

you, Mr. O'Callaghan, is what is the process for why it is legal for police officers to do a lane split?

Brian O'Callaghan:

It actually has to do with them working when there is an emergency or accident and the traffic is backed up. Again, let me clarify that we go through a lot of training. Officers go through a lot more training on how to lane split and how to notify, even when people are stopped at a light. But the officers need to move forward to get to the accident. Typically on these they do not move forward while the traffic is moving; they do not like to lane split. If they are going to lane split while they are moving, and on some occasions they might, they will turn their red lights and sirens on. They would rather have it stopped when they do the lane split.

Chairman Carrillo:

I have seen traffic stopped, and I was not necessarily on my bike, and motorcyclists worked their way to the front. To me that is one of the safety aspects of you putting yourself in the front. When you have somebody who is taking off on a bike, they are probably going to take off a little quicker than traffic, and it is not a race but is basically to put yourself out where you are at least visible and out of the way. But I appreciate you letting Committee members be aware of what that process is, so thank you.

Chairman Carrillo:

Any other questions? [There were none.] I want to go ahead and move on to anybody else in opposition to A.B. 236? [There was no one.] We move to neutral.

James Edwards, Private Citizen, Reno, Nevada:

I am kind of ambivalent on the whole subject of lane splitting or sharing. I have been a rider for 47 years. I have always been very wise to my surroundings. I know that lane sharing, just for the sake of lane sharing is not something that I do. I do it when the traffic gets to a stop-and-go phase, when the motor is starting to overheat. Keeping the air flowing across the motor is my big reason for doing it. Right now everybody here sees me. When I put on my helmet and my riding suit and hop on the bike, I become invisible and nobody sees me. When we are in stop-and-go traffic or slow moving traffic, it has been my experience that I am basically moving from one car driver's blind spot to some other car driver's blind spot. It is always kind of a chancy thing and occasionally I will share a lane, not in Nevada of course, but in California, just to get through that hopefully small distance that slowed down the traffic in the first place. For example, it might be somebody who is changing a tire on the side of the road that seems to be interesting, and everybody has to slow down.

Of course, as it gets farther and farther back, the traffic gets slower and slower. I think lane sharing is a tremendous option; I think it is something that is worthwhile pursuing. Whatever the Legislature decides, I am sure I can live with. But I did want to express the fact that those blind spots are not a good place to hang out.

Chairman Carrillo:

Thank you, Mr. Edwards, and I understand that not everybody would feel comfortable doing this, but as an experienced rider, more than likely, you are going to opt for that.

Do any of the Committee members have any questions? I see none.

We are going to close A.B. 236. We will now open Assembly Bill 242, and I would like to welcome Assemblyman Elliot Anderson. Thank you for coming today and thank you for dealing with the late hour, I know you were here last night as well.

Assembly Bill 242: Authorizes the placement of a designation of veteran status on certain documents issued by the Department of Motor Vehicles. (BDR 43-145)

Assemblyman Elliot T. Anderson, Clark County Assembly District No. 15:

Thank you, Committee members, for hearing Assembly Bill 242. I am here to pinch hit for Teresa Benitez-Thompson, Vice Chairman of our interim committee, the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs, which brought forth this bill. The Committee met during the 2011-2012 Interim and was chaired by Senator Shirley A. Breeden. I had the pleasure to serve as a member of the Committee. During one of our meetings we heard testimony regarding veterans' services and the specific needs relevant to this population. One of the items we discussed was this bill, which relates to changes to *Nevada Revised Statutes* (NRS) 483.292 and 483.852, allowing Nevadans to identify their veteran status on their driver's license. After contemplation and discussion, Senator Joseph P. Hardy moved to approve the recommendation as revised to include a designation on the driver's license and identification card for veterans. Senator Mark A. Manendo seconded the motion, and it passed unanimously.

I want to give a couple personal anecdotes to explain the "why" of this bill. What is going on now is that many companies and businesses are offering veterans' benefits and we discussed ways to help them verify more easily who is a veteran. To do it now you have to bring in a DD Form 214 and haul it around to different retailers or whoever is offering, for example, a Veterans Day

discount, that sort of thing. One of the other goals the State has with the Office of Veterans' Services is to find out who we have in terms of veterans so we can better serve that population, identify who might need some help, and get them connected to the various federal benefits available. This is always a particular problem when you are trying to organize veterans or trying to get them connected to the federal benefits that are due. Unless they identify as a veteran, you just do not know who they are. There are a lot of different groups you can identify by looking at them. But, veterans are all colors. They are men and they are women. They are everyone. They are all of us. They are a subset of society. This bill would help with that and with the Office of Veterans' Services' mission to serve veterans. I know the Committee is here late so I will wrap up. I just wanted to give you more of the context that was discussed and why we brought it forward. With that I would stand for any questions.

Chairman Carrillo:

Any questions from the Committee members?

Assemblywoman Carlton:

I have been told that there is a mirror bill in the Senate that addresses these same issues. Are you familiar with that bill?

Assemblyman Elliot Anderson:

That is correct, that is Senator Brower's bill.

Assemblywoman Carlton:

Okay. I believe there is a fiscal note attached to this, and we do not necessarily get into fiscal discussions, but the discussion on the Senate side has been that they have been able to find someone who might be willing to absorb that note, so that it would go to zero and avoid the other Committees it would have to go to. Are you familiar with that discussion, and can you enlighten us on it?

Assemblyman Elliot Anderson:

I am not in the best position to answer that at this point. I imagine Director Cage could probably answer that better than I could.

Assemblywoman Carlton:

We will ask him. Thank you very much, Mr. Anderson.

Chairman Carrillo:

Any Committee members have any questions? We will move to support on A.B. 242. No one is signed in down south. We will move back up to Carson in

opposition. [There was no one.] Nobody down south. Moving to neutral on A.B. 242?

Caleb S. Cage, Captain, U.S. Army, Executive Director, Office of Veterans' Services:

I did not intend on offering remarks, but there were questions and I thought I would address if that is okay with you, Mr. Chairman? We have been aware of this bill for some time and aware of Senator Brower's Senate Bill 244. That has some other provisions in it for which we have actually worked on the language. We have also worked with the Department of Motor Vehicles (DMV) to provide the funding to offset the fiscal note associated with that bill. There is a different fiscal note for this bill, I believe because of the additional medical designations and that sort of thing you could put on this. But, we have agreed. We have set aside and approved the money through our discretionary account to absorb the cost on S.B. 244.

Assemblywoman Carlton:

Are you familiar with the amount on the other fiscal note? Is it \$55,000?

Caleb Cage:

The other fiscal note, I assume you are talking about S.B. 244, that is \$55,000. That is the amount we have approved through internal processes, yes.

Assemblywoman Carlton:

For the Committee's clarification, A.B. 242 also has the same \$55,000 fiscal note on it. That leads me to the obvious question. Of course we will not pass two bills. One will pass. Does the offer stand for either bill depending upon which one passes?

Caleb Cage:

We want to support the outcome here. We prefer the other bill because it has language in it that allows for information sharing between us and the DMV, but, obviously, we will use that same amount of funds for whatever gets this final piece done.

Chairman Carrillo:

Okay, we also have Terri Carter on neutral?

Terri L. Carter, C.P.M., Administrator, Management Services and Programs Division, Department of Motor Vehicles:

Assemblywoman Carlton was correct that the fiscal notes are identical for both of these similar bills.

Chairman Carrillo:

Are there any further questions? [There were none.] I do not think there is anybody from southern Nevada for neutral so we will go ahead and close the hearing on A.B. 242.

I will open up for public comment. Seeing none, I will adjourn the meeting on transportation [at 6:25 p.m.].

RESPECTFULLY SUBMITTED:

James Fonda
Committee Secretary

APPROVED BY:

Assemblyman Richard Carrillo, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: March 28, 2013

Time of Meeting: 4:04 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Commission on Special License Plates	Bulletin No. 13-20
A.B. 236	D	Ernie Adler	Outline of Testimony of Ernie Adler on Lane Splitting By Motorcycles AB 236 on behalf of NNVCOC
A.B. 236	E	Steve Guderian	Lane-sharing As A Motorcycle Rider Safety Practice; A Further Evaluation
A.B. 236	F	Peter Vander Aa	Assembly Transportation AB 236, Office of Traffic Safety, Department of Public Safety
A.B. 236	G	Peter Vander Aa	Position on Motorcycle Lane Splitting, Motorcycle Industry Council