

**MINUTES OF THE  
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-Seventh Session  
April 26, 2013**

The Senate Committee on Transportation was called to order by Chair Mark A. Manendo at 10:03 a.m. on Friday, April 26, 2013, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Mark A. Manendo, Chair  
Senator Kelvin Atkinson, Vice Chair  
Senator Pat Spearman  
Senator Joseph P. Hardy  
Senator Donald G. Gustavson

**GUEST LEGISLATORS PRESENT:**

Assemblyman Skip Daly, Assembly District No. 31

**STAFF MEMBERS PRESENT:**

Jered McDonald, Policy Analyst  
Darcy Johnson, Counsel  
Melodie Swan-Fisher, Committee Secretary

**OTHERS PRESENT:**

Ernie Adler, Northern Nevada Confederation of Clubs  
Rick Eckhardt, Northern Nevada Confederation of Clubs  
Jim Edwards  
Peter Vander Aa, Program Administrator, Program for the Education of  
Motorcycle Riders, Office of Traffic Safety, Department of Public Safety  
Brian O'Callaghan, Las Vegas Metropolitan Police Department

**Chair Manendo:**

I open the meeting with Assembly Bill (A.B.) 236.

**ASSEMBLY BILL 236 (1st Reprint)**: Makes changes to the rules of the road regarding motorcycles. (BDR 43-659)

**Assemblyman Skip Daly (Assembly District No. 31):**

I support A.B. 236. The bill would change the rules of the road. Under certain conditions, motorcycles would be allowed to split lanes. There was a lot of testimony on the bill when it was heard in the Assembly. Our recommendations for passage are based on information from the California Highway Patrol. In California, there is a lower miles-per-hour threshold in which lane splitting is allowed. Motorcycle drivers can split lanes at speeds of up to 39 miles per hour (mph). Our bill proposes motorcyclists could lane split at speeds of up to 30 mph. There could be no more than a 10 mph difference between what motorcycle drivers are traveling and that of the surrounding traffic. If traffic were going 0 mph, for example, motorcycle drivers could lane split up to 10 mph. If traffic were going 10 mph, motorcyclists could lane split up to 20 mph. However, motorcyclists could not go faster than 30 mph in any lane-splitting situation.

Language was added to A.B. 236 to mirror the due care standard in existing law. The due care standard has been time tested. All drivers on the road have the responsibility for due care. The bill does not imply drivers of other vehicles should take advantage of motorcycle drivers who are splitting lanes.

Allowing motorcycles to split lanes would be reasonable because half the motorcycles on the road are air-cooled. Motorcycles can overheat when stopped in traffic during hot weather. Because of the helmets and protective apparel motorcycle riders wear, they can also become overheated easily when stopped in traffic.

Allowing motorcyclists to split lanes would improve safety for them. There are safety issues related to lane splitting. Rear-end crashes of motorcycles by cars are not usually favorable to motorcycle riders. When traffic is stopped, motorcyclists are less likely to be struck if they split lanes.

**Senator Gustavson:**

Hot weather causes motorcycle engines to overheat. Motorcycle helmets also add to the overheating of riders. I read and listened to some of the testimony you gave when A.B. 236 was heard in the Assembly, Assemblyman Daly. Motorcyclists also inhale more exhaust fumes when stopped in traffic. Heat is a problem, especially in Clark County. Do you agree that helmets add to the problem of overheating?

**Assemblyman Daly:**

No. I am speaking mainly about the overall safety issues. I believe motorcycle riders should wear helmets as well as leathers and other protective gear. Scenarios in which motorcyclists are stopped in traffic during hot weather are one factor of interest. The possibility of riders being rear-ended is another. I do not see lane splitting as a problem. I am not a motorcycle rider myself, but when I first considered this bill, pursuant to Ernie Adler contacting me, I talked to several persons who are motorcycle riders. They gave me information and expressed their desire to split lanes. Some riders told me they had ridden in the Los Angeles, California, area and for years had practiced lane splitting. Other riders told me they would not lane split even if law allowed it. It would be a matter of personal preference for motorcyclists.

One of the proposed ideas is to have the law go into effect in January 2014 to allow time to educate the public. I agree with this idea.

**Ernie Adler (Northern Nevada Confederation of Clubs):**

I represent the Northern Nevada Confederation of Clubs (NNVCOC), a motorcycle rights organization. I will give highlights of A.B. 236 and indicate changes the Assembly made to the original draft. There are no changes on page 1. The bill originally included mopeds and motor scooters in the provision for lane splitting. It was changed, however, to exempt those vehicles not required to be registered with the State and whose riders are not required to wear helmets or carry insurance. On page 2, lines 44 and 45 specify motorcycles and mopeds are not included in the proposal to allow lane splitting.

The Las Vegas Metropolitan Police Department (Metro) strongly objected to including motor scooters and mopeds in A.B. 236 because lane splitting poses a substantial safety risk for the riders of those vehicles.

Page 3 contains the majority of the bill's tenets. The language on lines 8 through 10 came from the Legislative Counsel Bureau, Legal Division, and is a modification of the State's basic due care and speed law. Under the specifications, even motorcyclists splitting lanes while driving less than 30 mph could still be ticketed if they were driving too fast for conditions. The provision on page 3, lines 12 and 13, addressing a motorcyclist traveling "at a speed which is more than 10 mph faster than the speed of those other vehicles," was suggested by law enforcement officials and is a part of the guidelines suggested by the California Highway Patrol. Collisions resulting from motorcyclists lane splitting and traveling 30 mph while the remainder of traffic is stopped would be more destructive than those in which motorcyclists were traveling only 10 mph. The California Highway Patrol's guidelines suggest a maximum speed of 39 mph. The State of California does not have a speed limit for lane splitting other than the posted maximum speed limit. Despite California's law, the California Highway Patrol's guidelines advise the maximum speed of 39 mph. The sponsor of A.B. 236 proposed the maximum speed limit be only 30 mph.

Lane splitting is also practiced throughout much of the Western world, including Europe and the United Kingdom. In the United States, there are approximately 225 fatal crashes with motorcycles per year. A large portion of the fatalities is from rear-end collisions. If the United States had the same number of crashes annually as Great Britain, we would save approximately 100 lives per year. Motorcyclists traveling outside what is called "the crash zone," the area between a car in front and one behind a motorcycle, are safer. Motorcyclists traveling in front of inattentive drivers can be hit and severely injured or killed. However, even motorcyclists who brush or bump vehicles traveling beside them may be able to right their machines and avoid serious injury. The impact is more of a bounce than that experienced in a more direct collision.

Assembly Bill 236 is a safety bill whose tenets would enable motorcyclists to be placed in positions that would decrease the likelihood of being rear-ended. Allowing motorcyclists to move cautiously to one side of a lane would have other benefits. One would be that motorcyclists stopped in traffic when temperatures are high could move and stay cooler and thereby increase their personal safety. Another benefit would be that of relieving traffic congestion. Motorcyclists could move forward, which would open space for cars to fill. The bill is timely because of the increase in distracted driving. Distraction is more likely in traffic jams. When stopped or going slowly, people are more likely to text or talk on their phones. In such situations, motorcyclists are at increased

risk of being rear-ended. A car traveling even at slow speeds can cause severe damage to a motorcycle and its rider. Even a collision caused by a vehicle traveling 5 or 10 mph can cause severe injuries or even death.

**Senator Hardy:**

How would a highway patrol officer catch up with someone riding a motorcycle?

**Mr. Adler:**

The police ride motorcycles as well.

**Senator Hardy:**

According to the bill, police would not be allowed to split lanes.

**Mr. Adler:**

The bill provides for law enforcement to split lanes. Motorcycle officers have been splitting lanes for years. It is common practice.

**Senator Hardy:**

Is it true they are not allowed to travel to the right side of traffic, but they can travel between moving, semi-stationary or stationary traffic?

**Mr. Adler:**

That is true. You are correct.

**Senator Hardy:**

To what streets would lane splitting apply? We speak of highways. Would Sahara Avenue, in Las Vegas, be considered a highway, for example? Would only the freeways be included? Which streets would be included, and which would not?

**Mr. Adler:**

Any highway that is a main street or highway would be included.

**Senator Hardy:**

The Nevada Department of Transportation (NDOT) has a list of State highways. We consider some of them big urban streets.

**Mr. Adler:**

The provision in A.B. 236 regarding due care is intended to address the question of where motorcyclists could split lanes. Motorcyclists would not be allowed to split lanes unless they were traveling in safe areas and under safe conditions.

**Assemblyman Daly:**

Senator Hardy, under the definition of highway, any street could be included. Limitations would include situations in which the speed limit is lower than 30 mph or the roadway included fewer than three lanes. As I understand the bill, lane splitting would be allowed on Sahara Avenue, for example, in places where there are four, three or even two lanes, as long as traffic is traveling less than 30 mph. It would, of course, be allowed on freeways where there are multiple lanes. Lane splitting would not be permitted on U.S. Route 95, between here and Las Vegas, though. The speed limit is higher than 30 mph, but there is only one lane in each direction. Such conditions will limit where lane splitting will be practiced.

**Senator Hardy:**

I would like to see the definition of highway in order to understand how the bill would apply.

**Chair Manendo:**

We will find the definition.

**Senator Gustavson:**

Senator Hardy asked one of my questions. I am still concerned, however, about the possibility of motorcyclists sideswiping cars while splitting lanes. Motorcyclists traveling faster than they should could get away. Most law enforcement officers do not ride motorcycles but are in four-wheeled vehicles. Motorcyclists committing hit-and-run violations would be difficult to catch or even to report because motorcycle license plates are small. Can you please address this?

**Mr. Adler:**

Less than 5 percent of all motorcycle collisions occur as a result of lane splitting. The odds of an accident happening as a result of lane splitting are low when compared to the likelihood of a motorcyclist being rear-ended. I do not think this Committee or any other committee can design a law with sanctions everyone would obey. We could look outside on Carson Street and see

motorists speeding. We could say, "They should not be doing that." My point is we cannot have full control of human behavior. I do not think the tenets of A.B. 236 are different from any other traffic law. Sometimes people obey them, and sometimes they do not.

**Senator Gustavson:**

We make many laws here, and their enforcement is difficult. I am just worried about the scenario I described becoming a problem. How many rear-end accidents happen each year in the State? Are they primarily in Las Vegas, or are they in northern Nevada? Before determining lane splitting is a good idea, I would like to know more statistics about accidents in which motorcyclists have been rear-ended.

**Chair Manendo:**

Perhaps you do not have such information, Mr. Adler, but Peter Vander Aa, from the Department of Public Safety is here. Hopefully, he can furnish some answers.

**Mr. Adler:**

Yes. Mr. Vander Aa oversees the Program for the Education of Motorcycle Riders, and he has data on rear-end collisions.

**Chair Manendo:**

If A.B. 236 passes, would the law address some of the instances in which it is difficult to determine who is at fault for accidents? What if a motorcycle were hit by a car while trying to split a lane? The motorcyclist could claim the car driver had been trying to block the motorcycle. Maybe the motorcyclist had decided to split the lane to avoid being hit. The motorcyclist could still be hit by another car. The original car traveling to one side or the other of the lane could have been the impetus for the motorcyclist's decision to split the lane and go around the car. The car could have then moved into the center of the lane in a split second, though, and hit the motorcycle. It could be difficult to analyze fault in such scenarios.

**Assemblyman Daly:**

Mr. Adler is right. We enact laws, and people still exceed the speed limit. We have all witnessed motorcyclists speeding and darting in and out of traffic. I do know that a police officer can drive on the shoulder of the road to pass and catch up to violators. They use the due care standard. Motorists cannot escape

police officers' radios; officers can communicate and coordinate with each other. You are right, Senator Gustavson, license plates on motorcycles are small. More often than not, though, violators will be caught. Of course, the police cannot be everywhere. A motorcyclist exhibiting such reckless practices, and even attempting to evade the police, will usually end up in a ditch down the road.

Chair Manendo, we put the due care condition in the bill to address the question of who would be at fault in scenarios like those you detailed. Law enforcement officials would determine fault based on due care. Based on anecdotes I have heard, motorcyclists are usually the ones cited when the issue of due care is considered.

When drafting the bill, we wanted to address due care. We did not include situations in which car drivers would intentionally block motorcycles to prevent them from splitting lanes. In such situations, car drivers would be at fault.

**Senator Hardy:**

I think about the areas in Las Vegas in which there are many accidents on the freeway. In certain congested areas, motorists jockey to move over to the far left lanes to avoid being trapped in traffic trying to merge onto interchanges. On residential streets, drivers approximate distances based on visual markers like driveways, but there are no markers for distance on freeways. Drivers try to move over when they see gaps between cars. Is there a mandated minimal distance between where drivers signal and where they begin to move? What would constitute due care?

**Assemblyman Daly:**

I believe the minimum is 100 feet. Drivers of all vehicles must activate their turn signals and make sure it is safe before they change lanes. None of those laws or responsibilities is being changed.

**Mr. Adler:**

Studies have shown it takes motorcyclists splitting lanes about 1 second to react to sudden movements by cars. Motorcyclists positioned directly behind cars while being approached from behind by cars take about 4 seconds to move out of the way. It is safer for motorcyclists to be on the side even if cars are changing lanes erratically. These details can be found in the report, "Lane



Sharing as a Motorcycle Rider Safety Practice: A Further Evaluation,” by Steve Guderian ([Exhibit C](#)). Mr. Guderian testified on A.B. 236 in the Assembly.

**Jered McDonald (Policy Analyst):**

The definition of “highway” is found in *Nevada Revised Statute* (NRS) 484A.095, which reads:

“Highway” means the entire width between the boundary lines of every way dedicated to a public authority when any part of the way is open to the use of the public for purposes of vehicular traffic, whether or not the public authority is maintaining the way.

**Senator Hardy:**

Is it for roads with two lanes each way? Is it for roads with one lane each way?

**Mr. McDonald:**

It does not specify the number of lanes. It is defined as the “entire width between the boundary lines.”

**Senator Hardy:**

Would that include a residential street in any city? *Nevada Revised Statute* 484A.095 seems to be referring to adjacent traffic lanes, meaning those whose traffic travels in the same direction, as specified in the bill. To me, it means a motorcyclist could split lanes only on roads with a minimum of three lanes. Motorcyclists could split lanes in two of those lanes if they were traveling in the same direction as the traffic in those lanes. This would apply to roads anywhere in the State. It seems to me a highway is a street that has any pavement on it.

**Mr. McDonald:**

Yes, it is, according to the definition. The way I read it, the definition also indicates dirt roads are highways. The phrase “maintained or not” leads me to this conclusion.

**Senator Spearman:**

The California study regarding lane splitting was given to us, [Exhibit C](#). Do you have any other examples or data that show the methodology of the study? What did the data universe look like? How comparable to our State’s conditions, participants and geography were the considerations in the study?

**Mr. Adler:**

The study, [Exhibit C](#), was done by Steve Guderian, who has done three other studies. No study will show factors comparable to Nevada's. Much of the data Mr. Guderian used are from experience with lane splitting in Great Britain. The data show it is safer for a motorcyclist to split lanes than to be positioned directly in front of a driver. The study also compares data on lane splitting practices in California, which allows lane splitting, to two other large states, Texas and Florida. Findings showed markedly lower rates of serious injuries and fatalities in California. People may drive differently in Texas and Florida than they do in California. In England, less than 5 percent of accidents are caused by lane splitting by motorcyclists. Even in England, most of the serious motorcycle accidents are rear-end collisions. The majority of accidents involving motorcycles occur when motorcyclists are traveling forward and straight with cars behind them. This is surprising, as it seems most accidents would occur when motorcycles are turning.

**Senator Hardy:**

For the record, I like the lane-splitting concept. The illustration on page 4 of [Exhibit C](#) shows the motorcyclist reacting in 1.25 seconds to avoid a collision that could be caused by a car driver changing lanes. The motorcyclist is moving into the next lane. The purpose of lane splitting is to allow motorcyclists to travel faster when surrounding traffic is slowed down. The motorcyclist moving into the other lane in the illustration would be in danger of being run over or rear-ended by the car traveling next to him or her in the lane. There must be a study on how the car driver in the side lane would avoid the motorcyclist. If not, the motorcyclist could be run over by the car next to him or her. Does this make sense?

**Mr. Adler:**

I do not understand your question.

**Senator Hardy:**

The way I interpret the possible outcomes of the actions in the illustration is there should be three more cars included in the image. There should be cars shown in the lane to the left of the car that is traveling. The illustration shows the motorcyclist moves from the right lane to the next lane. What are not shown are the other cars that could be in the lane into which the motorcyclist has moved. Did the study address the possibility of motorcyclists being run over by cars traveling in the lanes into which they move?

**Assemblyman Daly:**

Logic dictates there will be space in the next lane. If there is not, motorcyclists will have to make the decision to apply the brakes or to accelerate. This is just one of many split-second decisions motorcyclists make every time they ride. I discussed such possibilities with a man I know who rides in Southern California. He told me motorcyclists who split lanes are aware of the factors present when they make decisions to split or not to split lanes.

**Mr. Adler:**

Steve Guderian, the author of [Exhibit C](#) and a consultant for the National Highway Traffic Safety Administration (NHTSA), testified on A.B. 236 when it was heard in the Assembly. Mr. Guderian is a former motorcycle police officer who served in Southern California. He testified motorcyclists in these situations get bumped to the side and move laterally slightly but are still able to maintain their motorcycles in the upright position. In this way, they do not usually lose control of the motorcycles.

**Rick Eckhardt (Northern Nevada Confederation of Clubs; Badlands Motorcycle Products):**

I support A.B. 236. I am the general manager of Badlands Motorcycle Products. The company produces lighting modules. Our biggest seller is a lighting module that combines rear turn signals with additional running lights and brake lights. We receive three to five calls per week from motorcycle riders who have been rear-ended. They ask for the brightest and most numerous lights they can get for the backs of their motorcycles. The module we designed incorporates one tail light and two turn signals that change to red. The lights are brake lights and running lights; thus, they increase visibility. The biggest fears facing motorcycle riders are car drivers turning left in front of them and hitting them and car drivers rear-ending them. If A.B. 236 passes, it will increase safety for motorcyclists.

As Mr. Adler said, the drivers of today are different from those of 10 or 15 years ago. They are more distracted. Young drivers text while driving. Yesterday, while stopped at an intersection, I saw in my rearview mirror a woman behind me applying makeup. The visor of her car was down, presumably so she could use the mirror on the back of the visor. The light turned green, and as I pulled forward through the intersection, I saw she was still stopped and still applying makeup. She was holding up all the traffic behind her.

Drivers are supposed to allow two or three car lengths in front of them for every 10 mph they are traveling. The typical car length I have seen while cars are going as much as 60 or 70 is only approximately two car lengths. We motorcycle drivers do not want to be between cars too close to each other moving at high speeds. Lane splitting would also apply to in-town streets. There are many accidents in town in which motorcycles are rear-ended. A close friend of mine nearly died from such an accident. Inattentiveness on the part of a car driver was a factor in the accident. If motorcyclists could move over to the center lane while at a stop light, we would not be sandwiched between two cars, especially in situations when drivers are not paying attention.

I printed some illustrations that show examples of motorcycles being rear-ended when drivers have followed too closely ([Exhibit D](#)). I did not include some of the more graphic images I found on the Internet. Because motorcycles do not have metal around them like cars, motorcyclists involved in accidents take the brunt of the impact. Freeway accidents involving motorcyclists usually result in the death of the motorcyclists.

**Senator Hardy:**

I agree with you. I have seen wise motorcyclists stopped behind cars but positioned to either side of them so they will have a way of escape if someone approaches from behind. This is not addressed in the bill. It is just wise defensive driving, so we do not need to put such a provision in the bill. Wise motorcyclists will not move into the lanes of opposing traffic nor position themselves in the center of the lane. It would be a dangerous place to be.

**Mr. Eckhardt:**

Yes. I agree 100 percent.

**Jim Edwards:**

I have been a motorcycle rider for 45 or 46 years. I have read A.B. 236 and am in favor of it. I testified on the bill in the Assembly, and I was neutral. The original version of the bill said the speed differential between stopped traffic and that of motorcyclists splitting lanes would have to be 30 mph. I understand the speed differential has now been reduced to 10 mph. I also understand the bill to say that once traffic reaches speeds of 30 mph, lane splitting would be prohibited.

Motorcyclists who split lanes would have another option for getting out of crash zones that are common in stop-and-go traffic.

I split lanes in California, depending on the flow of traffic. Two weeks ago, while riding through the San Joaquin Valley, I came upon an accident scene in Davis, California. From what I could gather, drivers had slammed on their brakes to avoid hitting a raccoon. Traffic never stopped completely, but it looked like all the drivers wanted to move to the slow lane to pass. I saw another accident in which traffic was stopped near an airport in California. It was in an area in which there was road construction. The lanes were narrowed, and construction signs were in place. Of course, motorcyclists did not have the option of splitting lanes in these situations. After being stuck in traffic for approximately 15 minutes, I needed to pull off the highway next to a shade tree to wait 20 minutes while my motor cooled. After 20 minutes, traffic resumed moving at the speed limit of 25 mph. I did not need to split lanes.

I am a proponent of the 10 mph differential. It computes to 14 feet per second. When splitting lanes, motorcyclists would travel 14 feet per second and would not be in the zone for long. When I split lanes, I always evaluate a variety of factors. I am mindful of the width of the road, the type of traffic and the kind of vehicles surrounding me. If I am behind two semi-trucks, I will stay behind them until there is a safe opening. If I am behind two full-size cars, I will stay where I am. If I am behind two Mini cars, I will probably pass provided there is a safe amount of space. My handlebars are approximately 36 inches wide, and I want at least 1 to 1.5 feet of clearance on each side. For me, splitting lanes is difficult. I evaluate every car I will pass. I consider the width of the roadway. I look in my rearview mirror to see what the driver behind me is doing. Most of the time drivers behind me pull over a little to give me more room. If the driver behind me is texting or talking on a cell phone, I will stay where I am. Last week, I saw a driver reading a paperback while driving. Experienced motorcycle riders pick up clues to evaluate how to drive, including whether to split lanes. Each motorcycle on the road represents one less car on the road. Traffic flow can increase. On my way here today, I saw several signs in Reno, each with an image of a bicycle and the words "share the road." I look forward to a time when similar signs showing images of motorcycles and cars and the words "share the lane" will be on our roads.

**Senator Hardy:**

How do you treat the bumps in the road when you split lanes? How do lane markers that look like slippery bumps in the road affect motorcycles?

**Mr. Edwards:**

We just roll over them. They are not slippery. If the road surface is wet, they might be slippery. Motorcyclists can feel the lane markers, but the markers do not affect the handling of the motorcycle.

**Chair Manendo:**

You said experienced motorcycle drivers have heightened awareness. The same should be true for car drivers. They should pay attention and watch what others on the road are doing. Drivers should not be reading books while driving, for example. How would lane splitting affect inexperienced motorcycle riders?

**Mr. Edwards:**

When riding, I do not presume to know the ability of other drivers or motorcyclists. I pretend I am invisible. Using the mindset that others on the road cannot see me, I try to anticipate a way out at all times.

**Chair Manendo:**

Do you think the inexperienced motorcycle rider should split lanes? Would it be safe for someone who just obtained his or her motorcycle license?

**Mr. Edwards:**

Motorcycle riding, by its nature, is not considered safe. Hazards are always inherent in riding motorcycles. New riders can take a training course through the Motorcycle Safety Foundation (MSF). The classes are taught by motorcycle law enforcement officers and experienced motorcycle riders.

**Chair Manendo:**

It seems to me someone with more experience would be able to handle the complexities of lane splitting better than someone who does not have experience. I do not have a motorcycle license. If I obtained one, I would not split lanes while inexperienced, but maybe inexperienced riders who are daredevils would. It seems that drivers should be required to have more experience before they are allowed to try such a maneuver. If A.B. 236 passes, perhaps we should contact the appropriate person at the Department of Motor Vehicles (DMV) regarding including information about lane splitting in the

*Nevada Driver's Handbook*. This would let drivers know they need to be aware of the practice. A motorcyclist once passed me and bumped off my rearview mirror. I never caught the person, so I had to foot the bill for repairs.

**Mr. Adler:**

The bill proposes waiting until January 2014 to implement the law. This was the recommendation of officials at DMV to allow for rewriting the *Nevada Driver's Handbook*, something they do after every legislative session.

The MSF could probably incorporate training on lane splitting as soon as this summer, before it would be enacted into statute. Mr. Vander Aa could incorporate the new information into the training curriculum of the Program for the Education of Motorcycle Riders so new riders could learn how to split lanes safely.

**Chair Manendo:**

Are you saying he could include the new information in the Program or that he will include the information?

**Mr. Adler:**

He will include the new information in the Program.

**Mr. Eckhardt:**

I brought an excerpt from a blog ([Exhibit E](#)). In it, riders discuss their opinions about lane splitting. Some say they would not split lanes because they are new riders. Riders are smart enough to know their abilities and limitations. I ride in California a lot. Sometimes I will split lanes, and sometimes I will not. It depends on the conditions, the width of the lane and the speed of traffic. California drivers are becoming accustomed to motorcyclists splitting lanes. They will often pull to the side of the lane and give motorcyclists room for passage. Education will also help raise awareness. I promise you, as vice chair of one of the clubs in the NNVCOC, we will spend a lot of money to educate riders on proper execution of lane splitting. We will try to be the model for the nation. If A.B. 236 passes, lives will be saved.

**Mr. Edwards:**

New riders must learn the mechanics of operating their motorcycles. The judgment required even to consider splitting lanes is important. It would be the same as expecting a novice horse rider to ride in a rodeo. Motorcyclists must

learn by doing, by reading the road and by taking advantage of information in forums on the Internet and more. Their mechanical skills must be fine-tuned.

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

The Office of Traffic Safety is neutral on A.B. 236, but I can offer some information. All motorcycle safety training programs in the State fall under the purview of our Program. Please see my handout ([Exhibit F](#)).

Page 2 of [Exhibit F](#) shows pros and cons of splitting lanes; motorcyclists keeping their engines cooler is one pro. Motorcyclists can also move out of the danger zone when between two cars. Splitting lanes also relieves traffic congestion. Riders off to the side of a given lane or in the next lane can often see what is ahead.

Drivers not aware lane splitting was legal could attempt to block riders. Road rage has become more common in general. Car occupants could open doors while motorcyclists passed them while splitting lanes. As we heard in previous testimony, inexperienced motorcyclists should not split lanes.

Page 3 of [Exhibit F](#) shows information on rear-end crashes. The NDOT provided statistics. I was surprised to learn 22 percent of motorcycle crashes in 2010 were rear-end crashes. In 2011, 20 percent of motorcycle crashes were rear-end crashes. These statistics could represent accidents in which motorcycles hit cars in front of them or cars hit motorcycles from behind. I gathered this information on rear-end crashes because of the argument motorcyclists' safety would be improved if they were allowed to split lanes. Of course, we cannot eliminate all motorcycle crashes. Some riders will choose never to split lanes, and there are other risks that will always be present.

Page 4 of [Exhibit F](#) shows that of the total crashes I cited, 37 percent involved motorcyclists striking the vehicles in front of them. Motorcyclists were struck from behind 63 percent of the time. These figures suggest distracted driving may have been a factor.

Page 5 of [Exhibit F](#) shows facts on why crashes are more dangerous for motorcyclists. The NHTSA recently released their report titled, "Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices, Seventh Edition, 2013." The report mentioned



motorcyclists involved in crashes are 25 times more likely to die than people involved in crashes while riding in passenger vehicles. Motorcyclists have less protection. All they have is their riding gear—their clothing. They have less stability, and the weight and bulk of vehicles that strike motorcycles is greater than the motorcycles' weight and bulk. In most crashes, riders are launched off their motorcycles. Their bodies will hit other vehicles or the ground.

The curriculum we teach in Nevada was developed by the MSF, page 6 of [Exhibit F](#). The MSF does not take a position on lane splitting. In their workbooks, they discuss safety margin, motorcycles' positions with lanes and the space surrounding motorcycles. Motorcycles positioned at the side of given lanes have greater safety margins because of the cushion of space in front of them. Vehicles would not be directly in front of them. In such situations, motorcycles would, however, have less space at the side. In our training classes, we emphasize the importance of motorcyclists having as much space around them as possible.

Page 7 of [Exhibit F](#) shows information on the Motorcycle Industry Council (MIC). The MIC is a not-for-profit national trade association involved in major legislation at the federal level. Pages 10 and 11 of [Exhibit F](#) show the MIC's paper, "Position on Motorcycle Lane Splitting." In it, the MIC endorses lane splitting. Unlike NHTSA, the MIC is not a safety organization. The association consists of dealers, retailers and manufacturers, but they are the first group of which I am aware that has published a paper stating their position on lane splitting.

There was testimony today about Steve Guderian's papers. Senator Spearman, you asked about studies on lane splitting. Mr. Guderian examined comparative data from different states, but I do not know of studies on lane splitting examining conditions similar to those in Nevada.

Page 8 of [Exhibit F](#) shows questions. While some of the assertions in support of lane splitting indicate it is effective, I cannot say it is a proven countermeasure that will reduce crashes and save lives. The NHTSA has not endorsed lane splitting.

Chair Manendo, you mentioned making changes to the *Nevada Driver's Handbook* to educate drivers in the event A.B. 236 becomes law. The Office of Traffic Safety would also develop a media campaign to educate the driving

public. Formulating such a campaign would take approximately 2 months, and it would run for 3 or 4 months. Our office could plan and produce a campaign in time for the January 2014 inception.

Mr. Adler mentioned the Program could incorporate new information into our curriculum to inform motorcycle riders about lane splitting. We train approximately 5,500 new riders per year and include discussion on Nevada laws relating to motorcycles. If A.B. 236 passes, we would include instruction and discussion on lane splitting. It is likely we would advise that new riders not practice lane splitting. This would be similar to our recommendations that new riders not participate in group riding. Oftentimes, we also recommend inexperienced riders not carry passengers.

Senator Gustavson, you asked where most of the State's rear-end crashes occur. I do not have the answer now, but I can research the question and provide it to you.

**Chair Manendo:**

Did you say NHTSA has not endorsed lane splitting?

**Mr. Vander Aa:**

Yes, I did. The NHTSA produces a list of countermeasures that work to improve safety and reduce crashes and fatalities.

**Chair Manendo:**

Do you know how many states have laws allowing lane splitting?

**Mr. Vander Aa:**

It is my understanding lane splitting is not illegal in California, but that it is illegal in all other states.

**Senator Gustavson:**

Are you saying California is the only state in which it is legal to split lanes?

**Mr. Vander Aa:**

Technically, it is not illegal. Motorcyclists have been splitting lanes in California for a long time, so it has become accepted practice. The state has not enacted a law prohibiting it.

**Brian O'Callaghan (Las Vegas Metropolitan Police Department):**

I am the only law enforcement representative in this hearing expressing an opinion on A.B. 236. Metro is neutral on A.B. 236. Assemblyman Daly worked with Metro to remove the lane splitting provision for mopeds and to include the limitation that motorcycles could go no more than 10 mph faster than the surrounding traffic. Our one remaining concern involves inexperienced motorcycle riders and those with varying experience. For example, motorcyclists with 2 years' experience riding in Austin, Nevada, will have a different skill set than those who have ridden in Los Angeles, California, for 2 years.

Waiting until January 2014 to begin inception of lane splitting would help, as would making changes to the *Nevada Driver's Handbook*.

**Senator Hardy:**

Does training by the private trade associations, such as MSF, make a difference for new motorcycle drivers?

**Mr. O'Callaghan:**

Any additional training a new rider gets can be helpful.

**Chair Manendo:**

What do you think about mopeds and motor scooters being exempt from the proposed allowance to split lanes? These vehicles also overheat. They are not licensed and insured.

**Mr. O'Callaghan:**

The fact that mopeds and motor scooters are not required to be licensed and insured has been a concern for law enforcement. These vehicles travel in the same lanes as the rest of traffic. The newer ones can travel as fast as 40 to 45 mph.

**Chair Manendo:**

That is true, and those speeds are addressed in this bill.

**Mr. O'Callaghan:**

As you know, I have supported bills that would change the laws and require mopeds and motor scooters to be registered. The bills did not pass. The drafters of A.B. 236 exempted mopeds and motor scooters from the proposal to allow lane splitting, and we support that.

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**Chair Manendo:**

I close the hearing on A.B. 236. We will bring it back to Committee. Seeing no further business before the Committee, we are adjourned at 11:13 a.m.

RESPECTFULLY SUBMITTED:

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Melodie Swan-Fisher,  
Committee Secretary

APPROVED BY:

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Senator Mark A. Manendo, Chair

DATE: \_\_\_\_\_

<b><u>EXHIBITS</u></b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness / Agency</b>	<b>Description</b>
	A	1		Agenda
	B	1		Attendance Roster
A.B. 236	C	8	Ernie Adler	Handout
A.B. 236	D	2	Rick Eckhardt	Handout
A.B. 236	E	1	Rick Eckhardt	Handout
A.B. 236	F	11	Peter Vander Aa	Handout and Slide Presentation