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To: **Members of the Senate Judiciary Committee**

From: Sgt. Joshua Wilson, Washington County Sheriff's Office
Oregon State Sheriffs' Association & Oregon Association Chiefs of Police
joshua_wilson@washingtoncountyor.gov

Date: March 2nd, 2023

Re: **Testimony in Opposition to SB 422**

Chair Prozanski, Vice-Chair Thatcher and members of the committee,

Thank you for the opportunity to provide testimony today on Senate Bill 422. My name is Joshua Wilson. I am a Sergeant with the Washington County Sheriff's Office, and I'm here today on behalf of the Oregon State Sheriffs' Association and the Oregon Association Chiefs of Police to oppose Senate Bill 422.

Since I first started in law enforcement as a Reserve Deputy over 20 years ago, I have dedicated nearly my entire career to traffic safety. During that time, I have served as a commercial vehicle enforcement deputy, a Drug Recognition Expert and Drug Recognition Expert Instructor, and an impaired driving enforcement deputy on my office's Traffic Safety Unit. Now, as a Sergeant, I lead the county's interagency major crash reconstruction team and the Traffic Safety Unit, a team which includes five motorcycle units. I am also a member of various traffic safety committees in this state and work with the National Highway Traffic Safety Administration in state highway safety assessments.

My two decades of police experience have put me in a position to see far too many crashes and far too many injuries and deaths due to those crashes. Many of those seriously injured and killed are motorcyclists, since they often have the least amount of protection on the road. I firmly believe that allowing lane splitting, or lane filtering, will only decrease highway safety and increase the amount of injuries and deaths.

Written testimony in support of this bill has repeatedly suggested that allowing lane splitting will reduce highway congestion and improve rider safety, in part by reducing the chances of rear-end collisions in heavy traffic. I disagree with those notions for several reasons.

First, our highways are simply not designed for this. Lanes are clearly marked, and drivers expect that others will have an adjacent lane to pass them with a safe, reasonable distance on each side. Lane splitting effectively eliminates that safe buffer.

Second, drivers simply don't expect motorcyclists to do this. It can be startling—especially for older drivers—having a motorcycle pass by while traffic is stopped. For some who do see the rider approaching, some motorists respond in frustration by intentionally moving their car closer to the lane line to close the gap and prevent the motorcycle from passing through. I have personally seen that happen dozens of times on I-205 in afternoon rush hour.

Next, even the best rider cannot predict when an unsuspecting driver is going to change lanes in front of them as that rider passes in between. Motorcycle safety organizations like TEAM Oregon and other traffic safety advocates teach that staying visible to other motorists is paramount. Motorcyclists themselves frequently espouse the importance of other drivers looking out for them. Yet filtering puts them in the most vulnerable position possible—in a narrow channel between two rows of vehicles with no avenue for crash avoidance, and directly in a driver's blind spot as they approach those cars from the rear. Moreover, in times of poor visibility, such as the sun shining in the rear-view mirror on a summer afternoon, it can make seeing these riders nearly impossible.

Even with the lawful authority to do so, and with forward-facing emergency lights to increase their visibility, police motorcycle trainers do not train officers in this practice because of the inherent dangers in doing so.

Contrary to the belief of some, this bill is not necessary to prevent rear-end crashes to motorcyclists. Motorcyclists are taught to be hyper-aware of their surroundings, including what's behind them. The size of their vehicles gives them a unique advantage to position themselves when stopped so that they are less likely to be rear-ended, and they also can quickly move to the shoulder for refuge in the event of any potential crash.

To those who claim that filtering will reduce congestion: even in the summer with more motorcycles on the road, that amount of relief would be negligible. And because serious-injury and fatal crashes can frequently cause hours-long road closures during the ensuing investigation, any serious crash would immediately eliminate that potential congestion relief. Motorcyclists are approximately 25% more likely to die in a crash, and almost half of all motorcycle crashes nationwide involve collisions with other vehicles. The increased risk of crashes caused by lane-splitting will likely increase the risk of highway congestion—not reduce it.

Law enforcement's ability to enforce any violations of this statute is difficult at best, and impossible at worst. Officers working highway traffic enforcement will typically not spend time in areas of congestion—which is exactly the type of area this bill would affect—because the lack of speeding violations and dangerous behavior outweighs any potential benefit of enforcement

in those locations and takes up resources that could be better used elsewhere. If police do witness a violation, because of the logistics of a lane-splitting situation and the aforementioned danger to police motorcyclists, apprehension of that violator would be highly unlikely.

Finally, this bill does not address fault in the event of a collision. Motorcyclists are vulnerable roadway users, and as such, are further protected in Oregon Revised Statutes, creating higher penalties for drivers who injure those vulnerable users in certain situations. By allowing motorcyclists to drive in a manner that would be otherwise unlawful, it inequitably subjects drivers to potentially higher penalties for situations that motorcyclists create by lane filtering.

As you can see, while lane filtering might sound to some like a good idea on its face, the number of potential negative outcomes outweighs any benefit to a select group of drivers. For all these reasons, we oppose Senate Bill 422.

Thank you.