

**Sheriff Timothy M. Evinger (ret.)**  
**PO Box 1**  
**Klamath Falls, OR 97601**  
**541-708-1765**

*Oregon Senate Bill 422 Written Testimony March 1st, 2023*

My name is Tim Evinger, by way of background, I am a three-term elected Sheriff. I served in Klamath County, with a total of 24 years in law enforcement and 8 additional years as an investigator and a criminal justice professor. I am not only a career law enforcement officer, administrator, and investigator, I am also a motorcycle rider- both as a civilian, often as my primary vehicle for transportation, and as a police officer.

I support Senate Bill 422. My comments and testimony today address enforcement and safety from a police officer's perspective.

During my 24-year law enforcement career, I served 11 years riding as a police motor officer. During that time, I was certified by the Oregon State Police motorcycle division. I went on to become a motor instructor- teaching and certifying other police officers throughout the State of Oregon. During my instructor training, a seasoned California Highway Patrol (CHP) motor officer taught us that lane sharing can be done correctly and safely. This training officer taught us how, and why, lane sharing should be done.

SB 422 is full of safeguards, indicative of a traffic law that is proceeding cautiously. Lane sharing can be done safely, and can be legally enforced. Officers can be easily trained on the bill. I also understand that there is a proposed Amendment that would increase the penalties for motorcyclists that commit lane violations not authorized by this bill.

#### ENFORCEMENT AND SAFEGUARDS

- 1) This bill does not really change anything from what law enforcement officers currently enforce. Considering enforcement, I am only left with a few hypothetical situations that really *do not change anything* from current practice. These are:
  - a. Unsafe Lane Changes: This law does not offer any asylum from a motorcyclist making unsafe lane changes. I understand that there is a proposed Amendment that would increase the penalties for such violations.
  - b. Careless Driving: The law specifies that the operator will drive in a "cautious and prudent manner" while utilizing the space between vehicles, where available, legal, and appropriate.
  - c. Speed Measurement: Officers have electronic and mechanical tools to measure speed, including their own estimation of speed. Officers utilize these tools daily and recognizing motorcycle operators traveling in excess of 20 mph is a familiar task.
  - d. Eluding a Stop for Enforcement: Whether an individual is operating a motorcycle today, or after this law change occurs, if the operator has disregard for the law to the level to attempting to elude, he/she has the same ability today to filter lanes and attempt to avoid enforcement.

- 2) The types of roadways proposed and subject to lane sharing are typically divided and are well-travelled. They are often a traffic patrol priority and law enforcement is adept at utilizing their radios to alert other patrols, who may be in a position to intercept a careless driver, regardless of the type of vehicle being sought.
- 3) As previously mentioned, this law proceeds cautiously. Motorcycles are more difficult to see, simply because of their size and their required one DOT approved brake light and taillight. They should not be left as a sitting duck on the state's fastest, and most congested, roads during a slowdown.
- 4) I also understand that there is a proposed Amendment that would change the current Class B Violation for motorcycle lane violations to a Class A violation, which would provide law enforcement the ability to more strictly enforce the new law, if it goes into effect with this Amendment. I would note that this would make such lane violations more serious than Careless Driving (Class B), and less serious than Reckless Driving (Class A Misdemeanor). In short, it would make violating the new law subject to the harshest traffic penalties under Oregon law, short of being an actual crime.

In closing, motorcycles are maneuverable. The maneuverability is an inherent part of the safety system of these two-wheeled vehicles for collision avoidance. We should be encouraging them to use this safety feature rather than prohibiting it. Lane sharing is a primary example of utilizing this maneuverability. Oregon is a progressive and innovative state. Transportation is no exception. Whether it is bicycles, motorcycles, implements of husbandry, commercial trucks, or passenger cars, we need to continue to find ways to safely share the road and keep Oregon moving