

ABATE OF WASHINGTON



LEGISLATIVE INFORMATION PACKET
FOR THE 2019 SESSION

“DEFENDING THE FREEDOM OF THE ROAD
WHILE SEEKING EQUITY FOR THE DIVERSE
MOTORCYCLING COMMUNITY OF
WASHINGTON STATE”



INTRODUCTION

ABATE of Washington is a 501 c (4) not-for-profit grassroots organization that is interested in Civil Rights as they apply to motorcyclists in particular, as well as all citizens. ABATE is the largest Motorcycle Rights Organization in Washington State. The members of ABATE of Washington include; Engineers, Ministers, Teachers, Law Enforcement Officers, Doctors, Nurses, Pilots, Construction Workers, Commercial Drivers, Business Owners, Legislators, and many more.

The members of ABATE of Washington are dedicated to Freedom, and preserving it for ourselves and our fellow community members. It is our duty as citizens to provide information to our legislators that they may be able to have the broadest knowledge of each issue possible. Without that knowledge, many laws may be unintentionally restrictive or have unintended effects for certain groups of citizens. ABATE of Washington is performing that duty with this legislative packet. It is our hope that by providing the enclosed information, legislators will obtain the knowledge required to work on and pass effective legislation regarding the issues herein discussed.

MOTORCYCLE PARKING

Since virtually the creation of motorcycles, we have parked on streets with curbs by either backing into the curb or pulling in forward to the curb. For many years the Washington State Department of Licensing even stated in their motorcycle endorsement manuals that this was the proper way for motorcycles to park. However, according to RCW 46.61.575, this may not be legal. This RCW states, in part that; **“every vehicle stopped or parked upon a two-way roadway, shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb.”**



This has led to motorcyclists cited and fined for “illegal parking” simply for parking the way we were taught, and the way that has been the norm for a century or more. Forcing motorcycles to park parallel to the curb increases the already heavy pressure on urban street parking. Allowing motorcycles to park as we have always done, eases pressure on urban parking by permitting motorcycles to park with a wheel to the curb, providing room for multiple motorcycles to be parked in a single parking space. To amend RCW 46.61.575 would simply be a technical clarification, and provide not only parking relief in urban areas but in virtually any parking area within Washington State. The alternative is to force the over 250,000 motorcycles in Washington to each use an individual parking space and vastly restrict parking access to other highway users.

VULNERABLE USER LAW ENHANCEMENT

Highway fatalities in Washington State remain disturbingly high. Especially among members of the “vulnerable public way users” group. Currently; pedestrians, bicyclists, people riding animals, and motorcyclists account for nearly 40% of the highway fatalities. Yet, there is an unevenly enforced penalty for striking and causing “substantial” injury to a member of this group. For example; the usual penalty for failing to stop at a stop light or sign then striking a member of this group and hospitalizing them is a simple traffic citation for “failure to stop”. Meanwhile, the person who was struck is injured and or hospitalized. With all the accompanying financial and medical issues involved. ABATE of Washington is working to have legislation created that would alter this penalty if certain conditions were met. These conditions would help to separate the truly accidental from the reckless collisions on the highways. The most basic condition would be that the operator of the vehicle would already be engaged in a violation of state law at the time of the collision. Whether driving distracted, speeding, failing to stop, driving under the influence, etc., or some other similar violation, ABATE feels that should warrant an enhancement of the penalty to that of a **gross misdemeanor**.

This **enhanced penalty** would, we feel, act as something of a deterrent to dangerous and reckless driving in Washington State. We feel no motorcyclist, pedestrian, bicyclist, or any other member of the “vulnerable public way users” group should be penalized for another's reckless actions while that person only receives a traffic citation.

LANE SHARING

Lane sharing is; according to the California Highway Patrol, “the process of a motorcyclist riding between lanes of stopped or slower moving traffic”. This quote is directly from the guidelines first released by the California Highway Patrol in 2013. The technique is used by motorcyclists around the world, and in those areas is commonly the process motorcyclists are **expected** to use in congested traffic. Since it would only be permissible during congested traffic, its use tends to be primarily during the weekday commute periods.

Since 1981, there have been at least five major in-depth studies on lane-sharing (lane-splitting, lane-filtering) four in the US and one in Europe. These studies looked at actual collisions and the conditions that they happened in. Between 1981 (the famous “Hurt Report” from the University of Southern California) and 2015, the findings have remained nearly the same on two continents. Data from the 1981 Hurt Report showed that more motorcyclists were killed due to roadway defects and animals than were killed in collisions related to lane-sharing. From that time to the present, studies have shown motorcycle collisions involving lane-sharing account for 1% or less, of all motorcycle collisions. Even though the majority of motorcycles observed during these studies were involved in lane-sharing, only 1% of all collisions involved the practice. In the 2009 European MAIDS (Motorcycle Accident In-Depth Study) it was found that only 0.4% of motorcycle collisions involved lane-sharing. The 2014 and 2015 studies performed by the University of California Berkeley not only showed the safety of lane-sharing; but also that the injury severity was much lower for motorcyclists lane-sharing than those that weren't who were involved in collisions.

The 2011 study performed by Dr. J.V. Ouellet from Motorcycle Accident Analysis in Playa del Rey, California (Dr. Ouellet is a traffic safety researcher with over 40 years experience in the field, and co-author of the 1981 “Hurt Report”) studied motorcycle collisions occurring on the Los Angeles freeways, and compared the results to both the 2009 MAIDS, and the 1981 Hurt Report. His findings showed that the data remained consistent regarding the low risk of lane-sharing collisions from 1981 through 2011. That is a span of thirty years, and covering two continents. Dr. Ouellet’s 2011 findings have been supported by the findings of the 2014 and 2015 studies performed for the California Office of Traffic Safety by UC Berkeley. One of Dr. Ouellet’s findings was that the data suggests that lane-sharing is safer than not lane-sharing and that **“laws that effectively ban motorcycle lane splitting may have the unintended effect of increasing motorcycle crashes.”**

It may seem counter-intuitive, but these studies show that lane sharing is no more dangerous than any other normal riding technique motorcyclists may already participate in. A 2011 Belgian study on the process shows that by allowing motorcyclists to lane share, overall commute times for all roadway users can be significantly reduced. As can traffic congestion and overall traffic emissions. A study was done for the USDOT compared motorcycle crash rates in California, Texas, and Florida. The only significant difference between the three states was that California allowed lane sharing. The study showed that California had a 30% lower rate of deaths by rear-end collision than both the other two states and lower than the US average as well. A 30% margin is substantially more than a statistical anomaly. Again, this would go a long way towards helping to reach “Target Zero” with little or no significant expense.

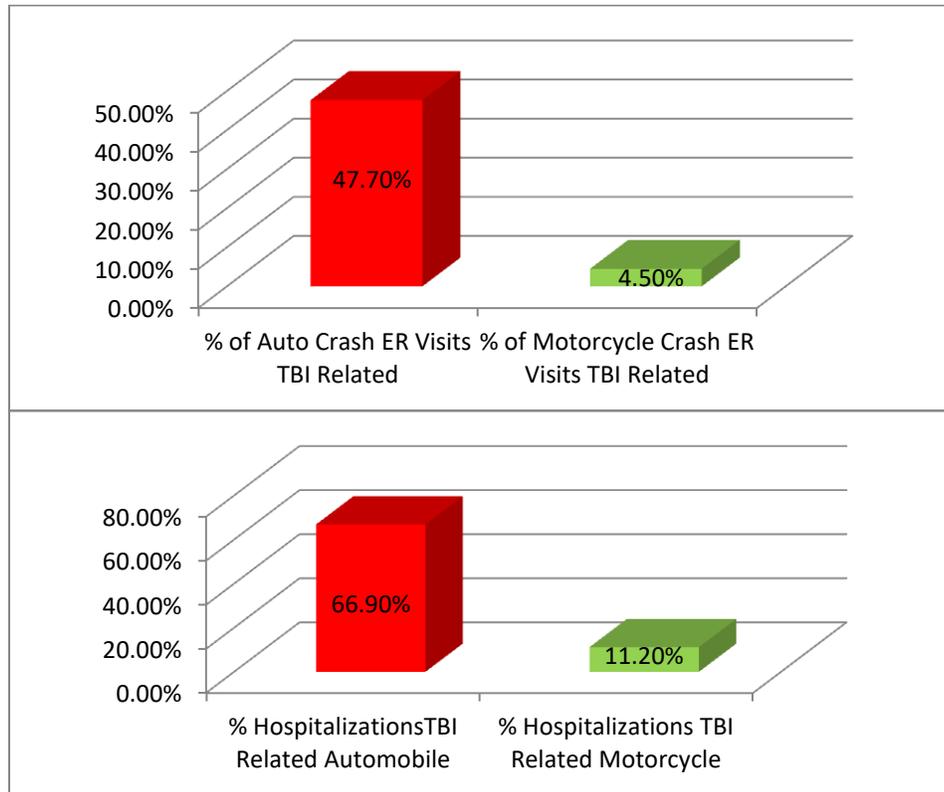
MOTORCYCLE “WEIGHT FEE”

ABATE of Washington finds it highly incongruous to charge the same “weight fee” on a motorcycle with a gross vehicle weight of 1,000 pounds or less the same minimum fee as a recreational vehicle with a gross vehicle weight of 4,000 pounds. Motorcycles produce much less wear and tear on roadways than the significantly heavier recreational vehicles that RCW 46.17.365 charges at annual vehicle registration since it went into effect in July of 2016. We feel that reducing the fee in relation to actual gross vehicle weight would not only be more equitable to Washington’s motorcyclists; it would also have the beneficial effect of incentivizing the use of motorcycles to help reduce greenhouse gas emissions and the wear and tear on the state’s roadways by providing an incentive to use a friendly mode of transportation that will have less impact on the roadways and the environment.

MOTORCYCLE HELMET CHOICE PILOT PROGRAM

The National Highway Traffic Safety Administration data shows that 81% of fatalities among helmeted motorcyclists are due to injuries to body parts other than the head. This same data shows that 64% of fatalities to unhelmeted motorcyclists are to injuries to body parts other than the head. NHTSA also showed there was an overall percentage of only 27% of motorcycle fatalities being due to head injuries.

When that information is combined with the research from the Centers for Disease Control that shows on average the percentage of automobile crash victims being admitted to emergency rooms is **ten times higher** than that of motorcyclists, and **six times higher** than motorcyclists to be hospitalized with head injuries than a motorcyclist. Even the **head injury fatality percentage is over four times higher among automobile occupants than motorcyclists.**



It is for these reasons that ABATE of Washington supports an effort to study effects of motorcycle helmet choice on fatalities on Washington’s highways. We feel it will restore equity among motorcyclists and other highway users, as well as bring Washington State into compliance with the freedoms enjoyed by citizens of the other 31 states in the union that already allow motorcycle helmet choice.

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