

MAY 2015

# AMERICAN MOTORCYCLIST

**ADVOCATING  
FOR MOTORCYCLE  
AWARENESS**

**REMEMBERING A  
CONTINENTAL,  
COLD WAR TOUR**



Photo: Matthew James Photographers

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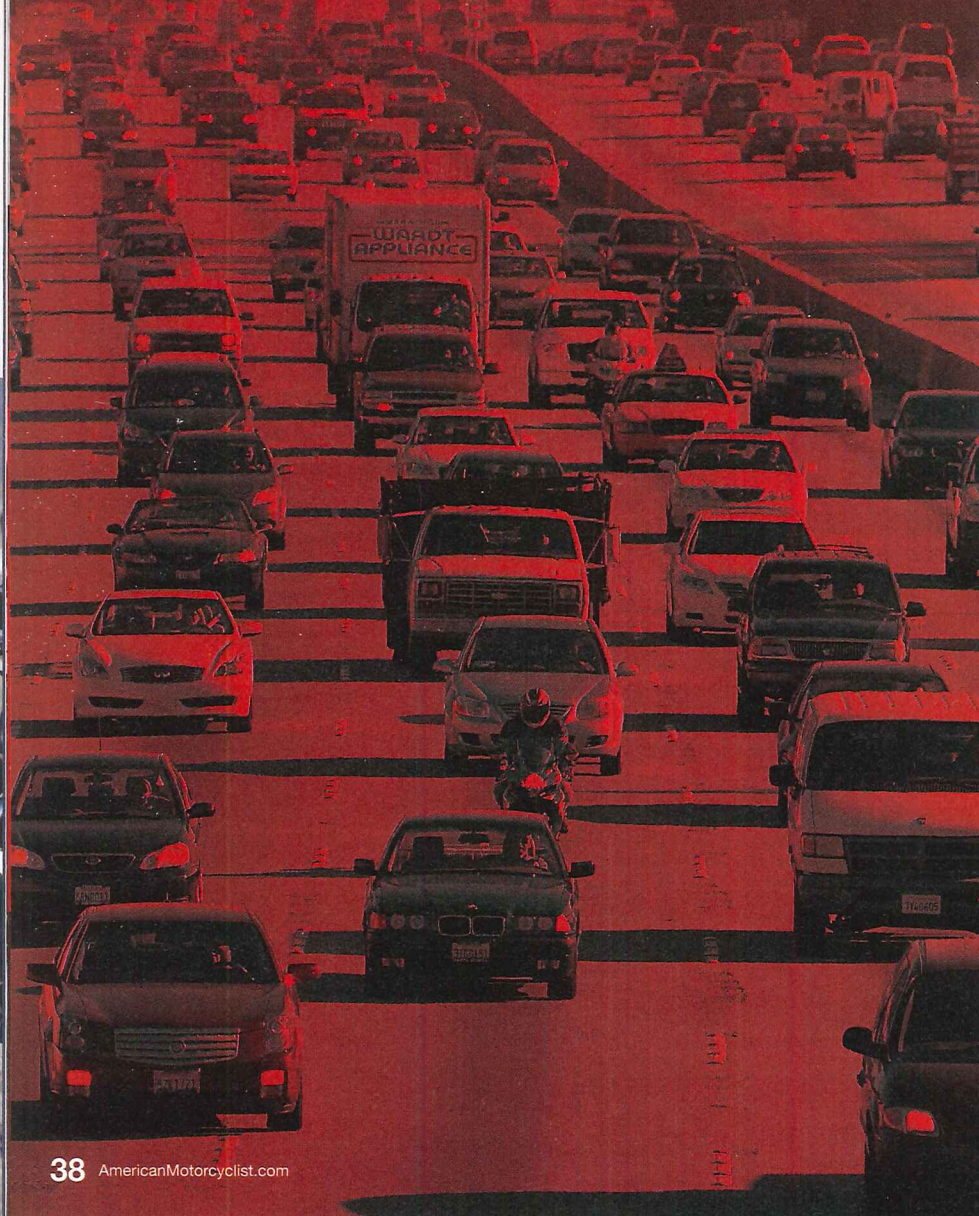




# RIDE AWARE, BE NOTICED, STAY SAFE.

Motorcycle Awareness Month Campaign Alerts  
Motorists, Encourages Rider Safety

By Jim Witters



**D**aniel Gallatin rode his 2009 Kawasaki Vulcan just about everywhere, weather permitting.

So when the 68-year-old volunteer firefighter, member of the local honor guard and 20-year AMA member headed for his daughter's Hickory Township, Pa., home in May 2013, it seemed like a routine trip.

But, as Gallatin turned into his daughter's driveway, 43-year-old Laura Gargiulo drove her Toyota Sequoia into the rear of his Vulcan, tossing Gallatin and the bike to the street and dragging him for 100 feet.

According to the criminal complaint, Gargiulo told police that she failed to see the motorcycle turn into the driveway because she was texting on her phone.

It's a scene that unfolds far too often, killing or injuring innocent people and devastating families and communities.

Nearly 80 percent of crashes involve some form of driver inattention within three seconds before the event, according to a report from the Virginia Tech Transportation Institute.

"Distracted driving is one of the top issues facing all roadway users, but particularly motorcyclists, who are more vulnerable," says Wayne Allard, AMA vice president for government relations.

Mary Lou Gallatin and her daughter, Michelle Gallatin-Baughman, hold a photo of Dan Gallatin, who died in a 2013 motorcycle crash





## Awareness Campaign

Motorcycle Awareness Month, launched by the AMA in the early 1980s and picked up by many state motorcycle-rights organizations and AMA-sanctioned clubs, is observed every May. The designation presents an opportunity to educate the non-riding public about issues that affect motorcyclists every time we roll out of the driveway or onto a trail.

While the majority of legislative changes that pertain to awareness apply only to highway users, off-road riders can benefit greatly from increased awareness on the trails, as well.

The AMA Government Relations Department is monitoring more than 900 bills in state legislatures that would affect motorcycling safety or rights.

The AMA issues alerts to motorcyclists to share information and call for action in support or opposition to government proposals. The association also writes directly to state and federal elected officials and agency chiefs on behalf of the motorcycling community and initiates and responds to press coverage of topics of interest to riders.

Three issues that are garnering the attention of road riders this year are distracted driving, lane splitting and motorist-awareness training.

Here is an update on the efforts underway, along with some off-road advice from the National Forest Service.

## Distracted Driving

Daniel Gallatin's death left a huge void.

For his family, there was the loss of a father and husband. Gallatin's son, Brian, said during Gargiulo's trial, "What struck me hardest was that there would be no new memories."

But Gargiulo also removed a valuable asset from the community. Gallatin served as a volunteer firefighter and emergency medical technician for more than 40 years. He donated to local charities, participated in blood drives and performed at military funerals as a member of the New Castle Area Honor Guard.

He is gone because Gargiulo was texting while behind the wheel of her SUV.

Court records show that Gargiulo's fine for texting while driving was \$50. Including the penalties for the other charges she pleaded guilty to, Gargiulo was sentenced to nine to 23-1/2 months in jail (with work release); was allowed to petition for release after four months of incarceration; received three years probation; paid an additional \$200 fine, and restitution to Mary Lou Gallatin of \$6,523.

Gargiulo was paroled Sept. 14.

The Gallatin family believes the penalties for killing someone should be

much harsher. The AMA agrees.

Nationally, at any given moment during daylight hours, more than 660,000 vehicles are being driven by someone using a hand-held cell phone, according to [www.distracted.gov](http://www.distracted.gov), the federal government's website dedicated to reducing distracted driving.

But using a cell phone or smartphone to talk or text is just one distraction. The website also lists:

- Eating and drinking
- Grooming
- Reading, including maps
- Using a navigation system
- Adjusting a radio

But, because text messaging requires visual, manual and cognitive attention from the driver, it is by far the most alarming distraction, according to the National Highway Traffic Safety Administration.

Five seconds is the average time a driver's eyes are off the road while texting. At 55 mph, that's enough time to cover the length of a football field. Texting drivers cover that distance virtually blindfolded.

Sean Hutson, AMA's government affairs manager for on-highway issues, says state legislatures are considering nearly 140 bills that deal with distracted driving.

"These bills range from prohibiting minors from using personal electronic devices to a general prohibition of everyone using personal electronic devices," Hutson says. "Additionally, there are 69 bills that we have labeled under the term 'traffic offense.' These bills include everything from allowing a motorcyclist to proceed through a stoplight that has not recognized the motorcycle to enhanced penalties for vehicular homicide."

Bills in Texas and Florida also would treat motorcyclists as "vulnerable road users," affording extra protections and enacting harsher penalties for violations that result in harm to riders.

The Gallatin family—Brian, his sister, Michelle Gallatin-Baughman and their mother, Mary Lou Gallatin—is slowly healing. And they are working to ensure that fewer families have to hear the news that a loved one has been lost.

"We won't let it destroy us," says Mary Lou. "It made us stronger and so determined to fight for stricter laws involving texting and distracted driving."

"Dan loved God, and he loved his family. And I know he would be so very proud of Michelle, Brian and myself for working to get the laws changed."

The Gallatin family is working with state Rep. Jaret Gibbons to increase the penalties for distracted driving incidents that result in severe injuries or death.

"The higher penalties in my bill, which will be titled 'Daniel's Law' after Mr.

Gallatin, will be on par with those currently provided for injuring or killing another person while driving under the influence of drugs or alcohol," Gibbons says. "It is my hope that these increased penalties will help people to understand the seriousness of the danger created to other motorists and pedestrians by distracted driving."

The AMA supports legislation that would enhance such penalties.

"This approach is promising, because enhanced penalties for violations resulting in injury or death to other roadway users hold violators more accountable for their actions," Allard says.

## Lane-splitting Legislation

In other nations, particularly in Europe and Asia, lane splitting, also called lane filtering, is an accepted—and expected—riding technique. California is the only state where lane splitting is currently allowed and routinely practiced.

Now, California and four other states—Oregon, Tennessee, Texas, Washington—are considering some form of formal, legalized lane splitting in 2015. The legislation is intended to establish maximum speeds and acceptable speed differentials between the motorcyclist splitting lanes and other traffic.

Surj Gish, AMA member, editor in chief at *CityBike Magazine* in the San Francisco Bay Area and "lane splitting advocate guy" at [LaneSplittingIsLegal.com](http://LaneSplittingIsLegal.com), has been splitting lanes since he began riding motorcycles on the street.

"I'm a year-round moto-commuter, so I reckon I take at least 50 percent of my commute time back for living life," Gish says. "I've driven my commute—Oakland to San Francisco—three times in the last three years, and it was never less than 60 minutes. Once, it was 90 minutes. On my bike, it's always about 25 minutes."

But every time the lane splitting idea is floated—even among motorcyclists—two big concerns arise: 1) It's not considered safe; 2) Riders are cutting in line.

"Splitting is safer than not splitting," Gish says. "Sure, if you're splitting badly—too high of a delta, or at excessive speeds—the safety equation starts to get negative. But at a reasonable delta, say 10 to 15 mph, and at reasonable speeds, the data is pretty convincing. Splitting helps keep riders safe. The risks of various types of serious injuries—and most importantly, fatalities—drop by about half."

A 2014 University of California Berkeley study found that lane splitting is no more risky than motorcycling in general. In fact, motorcyclists are less likely to suffer head or torso injury or be killed while lane splitting than other motorcyclists.

The study also found that lane-splitting





Matthew James Photographers

Surj Gish of LaneSplittingIsLegal.com believes lane splitting is safer and more efficient for all motorists.

motorcyclists are less vulnerable to rear-end collisions, spend less time in traffic jams and improve the overall traffic flow.

The AMA emphasizes that when lane splitting is made legal, it remains an option for motorcyclists, not a mandate. Only those who feel safe and comfortable splitting lanes should use this technique.

"I'm disappointed when I hear things like 'splitting lanes is stupid' from some of my fellow riders," Gish says. "If you don't live somewhere with congestion, or if you're not comfortable splitting, no worries—don't do it. But don't insult riders who get it and therefore choose to utilize the excellent tool that lane splitting is."

Gish also discounts the argument that lane-splitting riders are selfish, unwilling to wait their turn.

"The cutting in line thing is simply false," Gish says. "Splitting takes bikes out of the traffic mix—we go by and essentially disappear from traffic patterns. We don't slow down drivers."

Gish has been working with AMA Western States Representative Nick Haris and other supporters of lane splitting to ensure that the proposed California legislation accomplishes its intent and does not morph into a bill with unreasonable restrictions.

The AMA Board of Directors adopted a position statement that cites California's ongoing success with the practice and "endorses these practices." The AMA will assist groups and individuals working to bring legal lane splitting to their states.

Gish says riders who would like lane splitting in their states should be prepared for some hard work.

"Pay attention to legalization efforts in other states, and copy those playbooks," he says. "Two years ago, in Nevada, AB 236 almost passed. The process that bill went through is worth looking at."

Gish's website offers resources, including studies and data, to help the effort. And the AMA stands ready to assist

motorcyclists and groups seeking to change the laws.

"Get a lot of folks involved, get a sympathetic legislator to first listen, then eventually propose a bill," Gish advises.

And, after lane splitting becomes law, significant efforts will be required to educate the law enforcement community and the general motoring public on the benefits of the technique and the need to be alert for lane-splitting riders, Haris says.

Such a campaign could make use of public service announcements and campaigns, traditional broadcast and print media, social media and other forms of information sharing, Haris says.

## Making Motorists Aware

"I didn't see him."

It's perhaps the most common excuse motorists utter after a crash with a motorcyclist.

The Hurt Report, the most comprehensive motorcycle crash causation study to date, stated in 1981 that the most common cause of motorcycle crashes is another vehicle violating the motorcyclist's right-of-way.

Tammy Bower of Peck, Mich., lost her 19-year-old son, Nathan, when a woman failed to double check traffic before pulling out of a side street in 2009.

She drove directly into Nathan's motorcycle. The impact killed him instantly.

"She hit him so hard that it knocked his helmet off," Bower says. "It took the sole off his shoe."

The woman whose car killed Nathan was not charged.

"The police said it was just an accident, that she just didn't see him coming," Bower says.

Bower family friend Lisa Cook-Gordon was determined that Nathan's death

## Motorcycle Awareness: What You Can Do

Conspicuity—being seen—is a key component to your safety.

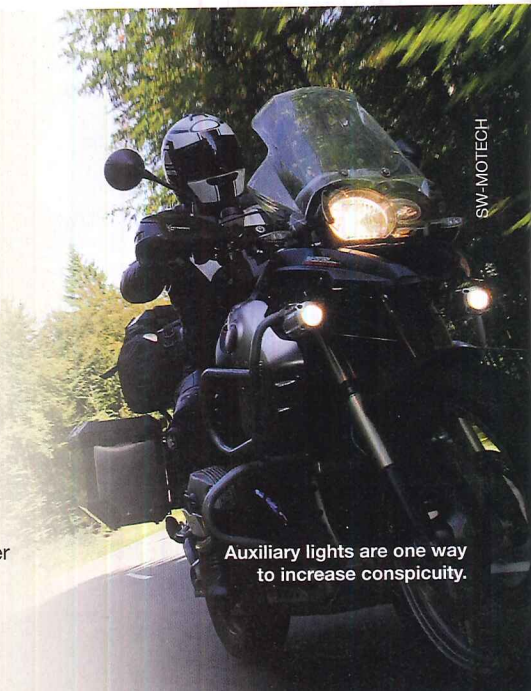
The Motorcycle Safety Foundation's approach is termed "strategic conspicuity," which the organization describes as "a rider-based solution that challenges a rider to be aware, use judgment, have a strategy, and self-reflect on the many possible responses to hazards that are under the control of the motorcyclist."

Sherry Williams—past director of quality assurance and research for the MSF and now chair of the Motorcycles and Mopeds Standing Committee for the Transportation Research Board of the National Academies—explained the concept during a presentation to the AMA International

Women's Conference Carson City, Nev., in July 2012.

Here are some suggestions:

- T shapes are more easily seen and recognized than stock headlights during daytime riding. Auxiliary lighting on the hand guards, front forks and the helmet help other motorists see motorcyclists.
- White reflective helmets are 24 percent more visible than black helmets. Reflective or fluorescent gear increases conspicuity 37 percent.
- Reflective materials on panniers or trunks/bags increase rearward visibility.
- When assessing your riding environment, be aware of traffic controls and roadway features, escape paths, other highway users and surface conditions.



SW-MOTOTECH

Auxiliary lights are one way to increase conspicuity.



would not be in vain. With the Bowers' consent, she approached a Michigan state legislator with the idea of using driver-training courses as a way to increase awareness of motorcyclists on the roads.

"It's a no-brainer," Cook-Gordon says. "It doesn't cost anything."

The law, called Nathan's Law or Nathan's Act and signed by Gov. Rick Snyder in October, includes motorcycle-awareness and safety instruction in all of the state's courses for new drivers.

"This law informs young drivers about how to drive around motorcycles," Cook-Gordon says. "Once word got out, we got support from ABATE [of Michigan Inc.], from the bicyclist groups and from a group representing people with disabilities."

Cook-Gordon already has been

contacted by ABATE of Indiana and by families in Iowa and Ohio seeking advice on bringing Nathan's Law to their states.

The Bowers, meanwhile, have turned their attention to efforts to ensure that drivers whose actions cause motorcyclist deaths face severe penalties.

"She got no ticket, nothing," Bower says of the woman who hit Nathan.

The Bowers also are launching a foundation to promote Nathan's Law in other states. Bower says she would like a portion of the funding to come from fines paid by drivers who violate motorcyclists' rights of way.

"The next step is to educate all drivers, whether through relicensing tests or through information distributed when people renew their licenses," Cook-

Gordon says. The goal is to alert every driver to the presence of motorcycles and teach them proper techniques for safely traveling with them.

"It's overwhelming to lose a son, then to have something like this law get passed," Bower says. "It means so much. It gives us a sense of why he was taken from us. And it gives us a sense of purpose.

"It's like Nathan is still out there, saving lives."

## Off-Road Awareness

Awareness also plays an important role when riding off road.

Chad Wilberger, forest recreation program manager at Wayne National Forest in southeastern Ohio, says mishaps occur when riders fail to respect other trail users, leave designated trails and encounter unexpected hazards, and when riders operate their vehicles under the influence of alcohol or drugs.

In national forests and other riding areas where the trails support two-way traffic and are wide enough for all-terrain vehicles or even Jeeps, meeting oncoming traffic can pose a danger.

"The Wayne National Forest does not have a posted speed limit on its motorized trail system," Wilberger says. "These trails allow riders of all skill and experience levels on them. Therefore, we ask riders to be cognizant of this fact and ride safely, always being considerate of other riders that may also be using the trails."

Leaving the trails to avoid such encounters is unacceptable, he says.

Off-trail riding harms the water, soil, vegetation and wildlife, as does riding through streams and wet areas.

"These trails belong to the riders. If they take care of them and use them responsibly, the trails will remain open for them and future generations."



The Bower family attended the ceremony during which Michigan Gov. Rick Snyder signed Nathan's Law, which requires motorcycle-awareness training for drivers.

## Ask the Ride 'Invisible'

All the bright-colored clothing, reflective tape and auxiliary lighting won't be enough to protect you unless motorists are attentive.

"Don't count on your efforts to be conspicuous to guarantee others will see you. They must still be looking for you," says Dr. Ray Ochs, vice president of training systems for the Motorcycle Safety Foundation. "Ride as if invisible."

This month's "Ask the MSF" provides more detail about that.

**Q: My uncle was a long-time rider.**

**He always said his accident-free record was because he rides "like I'm invisible." Uncle was big on short sayings but wasn't much for scientific explanations. What's the logic behind this advice?**

**A:** Safe motorcycling is a dynamic blend of physical skills and mental strategies. The MSF and other rider safety organizations have taught the "ride like you're invisible"



Reality...



...and what the driver sees.

concept for years.

Here's why: Every rider eventually realizes that car drivers don't always notice motorcyclists.

During the quick glance that drivers make before turning or changing lanes, they might notice the car or truck behind you, but the narrow profile of a motorcycle may get lost.

To compensate for the limitations of other motorists, maximize your conspicuity and pretend you're invisible. If you assume that others on the road can't see you, you will develop a more aware mindset.