

Skidmarks – Splitting Headache
California Riders: Do it politely and then STFU already

From Motorcycle.com http://www.motorcycle.com/features/skidmarks-splitting-headache.html?utm_source=mo08212014&utm_medium=email&utm_campaign=weekly

By Gabe Ets-Hokin August 21, 2014



Let me tell you something about lane-splitting: I *love* lane-splitting. It makes my grim little existence a little bit better, at times almost tolerable. When people ask, “What if you didn’t live in California?” I tell them that’s not living: you can’t lane split. If you can’t lane split, what’s the point of enduring rain, fog, heat and psychotic and/or distracted drivers?

So, I must have been thrilled when the California Highway Patrol and the California Office of Traffic Safety posted official [lane-splitting guidelines](#), right? Actually, I wasn’t. Not only do the guidelines make it look like the State is *encouraging* us to lane split – which feels like my elderly aunt giving me love-making advice in a low Barry White voice – it’s redundant information for anybody who has lane-split more than 10 miles, and worst of all, it could open the door to actual legislation regarding the practice.



The most reckless thing here is the lack of socks.
Dude: Foot fungus. Seriously. Google it. Photo: Wikimedia Commons.

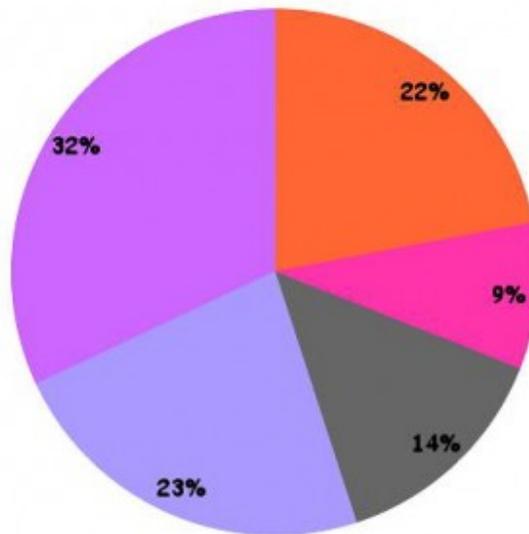
But isn’t that a good thing? Shouldn’t it be regulated? After all, isn’t lane-splitting a gray area? Say “gray area” one more time, and I will *cut you*. Suppose I happen to be an enthusiastic proponent of picking my nose while driving (which, actually, I kind of am, so we don’t have to suppose). Do I need the

government to tell me how deep I can go (One knuckle? Fingertip-deep only?), or how big the boogers need to be to properly flick them? Would I tell people who ask me if I can legally pick my nose in a moving car, "Well...it's kind of a gray area?"

No, and do you know why? Because this is the United States of America, and if something isn't expressly prohibited by law, you can do it. *There is no "gray area."* Like mining your schnoz, lane splitting in California is 100 percent legal, as legal as cuddling a puppy or pleasuring oneself with a blueberry pie while watching "2 Broke Girls" (Caution: Pie filling may be hot).

Driver Attitudes about Lane-Splitting

LOL OMG :(:) OMW!



It's the same with lane-splitting. Nobody is going to credibly state that riding through stopped or slow-moving traffic at a 10 or 15 mph speed differential is unsafe or reckless. Anybody who *has* lane-split on a motorcycle knows it's no more dangerous than just following cars and trucks in stop-and-go traffic. That's why in California, hardly the state with the most sensible regulation, there is no law against travelling between lanes of cars. Because we don't need one.

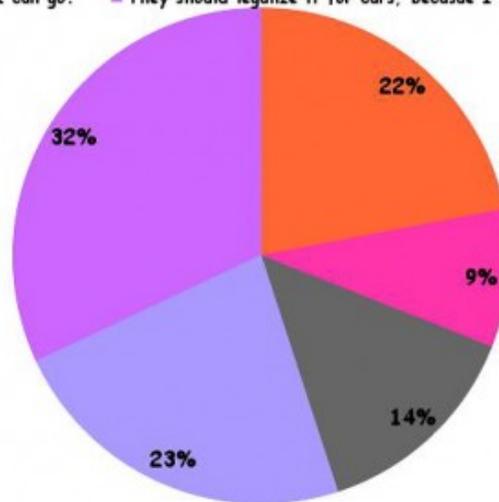
Here's what our four-wheeled friends don't understand: There are already laws against riding like a jackass. California Vehicle Code Sec. 21703 tells us we can't "follow another vehicle more closely than is reasonable and prudent." CVC Sec. 22350 holds *everybody* to the "reasonable and prudent" standard regarding how fast we travel, and 22107 states you can't change lanes or alter course on a roadway without "reasonable safety" and signaling your intent. Then there's the big daddy of traffic citations: CVC 23103, a misdemeanor violation which calls for a fine and a minimum of 5 days wearing an orange jumpsuit and slippers as a guest of the county for "willful or wanton disregard for the safety of persons or property."

The fact that these laws are seldom enforced is proof that banning lane splitting is pointless. Our CHP, professional organization that it is, is probably understaffed: In 1970, California had one officer for every 2,000 registered vehicles in the state. In 2009 (the last year I could find with staffing numbers), each brave Chippie had to sheppard 4,693. Texting, talking on the phone while driving or sticking a suction cup to your windshield is also against the law, but you would never guess it in the San Francisco Bay Area, where each and every passenger vehicle driver practices all three activities with great abandon, sometimes simultaneously. ILU. LOL! WTF? KRSH!

The point is: The dangerous and concerning behavior surrounding lane splitting in California is *already* illegal and always has been. If Mr. Gixxer is blasting along at 80 mph in 50 mph traffic, ironic T-shirt riding up his torso as he weaves in and out of lanes of cars, he's not practicing lane-splitting – he's engaged in reckless driving and probably breaking any number of other vehicle-code provisions. Calling what he's doing "lane splitting" is like referring to a random stabbing as "unpermitted surgery" and then calling for a ban on hysterectomies.

Rider Attitudes about Lane-Splitting

- I have to do it at 40 mph faster than stopped traffic when I'm just wearing a t-shirt. That way more people will see my gunz.
- I can do that? Really? ■ Slow down you hooligans! I've decided how fast you can go.
- The louder I am, the faster I can go. ■ They should legalize it for cars, because I hate riding in the rain.



Will banning lane splitting stop that guy? Really? Like anti-gun legislation, it will merely punish the law-abiding. Some VFR-mounted accountant or orthodontist in a faded Aerostich patiently riding 8 mph faster than barely moving cars is hardly the seething cancer to be carved from the living tissue of our transportation system.

So, we don't need a law banning lane splitting. Do we need a law *allowing* it? Well, like I said before, you don't need to legalize something that's already very clearly legal. Here's why: If you "legalize" something, you have to first define the practice. So, some person – okay, not a person, a lawyer, or worse yet, *many* lawyers – will decide what constitutes safe and legal lane-splitting. Will you have to wear a vest? Never go over 15.25 mph? Only do it when there are three or more lanes? Can't do it if you have hard luggage? What about really wide motorcycles, like air-cooled BMWs or guys with knobby knees? Hey, the sky's the limit when it comes to bureaucratic meddling.

Then, say they pass that law, and now we're all lane splitting with some non-rider's idea of what's safe in mind when somebody screws up and is gruesomely crushed between two big rigs. Yet *another* lawyer will point out that if only the law called for a 7.5 mph speed differential instead of 10, little Billy would still have a daddy today. "Billy's Law," as it will no doubt be known, will call for that revision, and all will be well until 18 months later when another hapless motorcyclist is killed going 6 mph faster than stopped traffic and the legislature responds with "Sally's Law," and so on.

At some point, you'll only be able to lane split if you're pushing your motorcycle while completely encased in Nerf foam – but only during morning and afternoon commute hours and if the vehicles you pass

are shut off with transmissions in 'park.' Lane splitting will be legal in one state of the Union, but, really, just in name only.



What can you, the motorcycling public, do to prevent a dystopia where motorcycles will be just as attractive a commuting alternative as a 1965 Ford F-150 with a missing windshield? Four simple words, which I will refrain from typing out: STFU. Seriously, STFU. Don't talk about your "rights," don't brag about how great it is, just say, "Yeah, lane-splitting makes my day a little easier – thanks for putting up with it. I'm sorry if I bothered you." When you actually ride between cars, remember that you're scaring the shit out of thousands of people each day, so try to be nice. Don't go too fast. Don't get too close. Do you *really* need an aftermarket exhaust?

Because at the end of the day, if motorists – who outnumber motorcyclists in California at least is – want to ban lane splitting, they will. If you think you can go protest on the Capitol steps, start making your placard now, but keep in mind there were huge protests against the helmet law before it passed in 1992, sometimes with tens of thousands of bikers showing up.

Good luck with that. You can always get a vest that reads, "Not lane-splitting under protest." Want to keep lane splitting? Stop talking about it.

Gabe Ets-Hokin is a senior partner in the firm of Eeny, Meeny, Miney and Moe, specializing in legislative solutions to non-existent problems. He's best known for writing "Frankie's Law," legislation in 34 states and the District of Columbia which bans dog walking in enclosed parking garages while using Robitussin DM and listening to a "This American Life" podcast on even-numbered Saturdays.