

A Conversation by email about 2016 Progress in California

Subject: California senate passes lane splitting bill

Participants: Tom Day (Columist, Minnesota Motorcycle Monthly), Surj Gish (Editor and publisher, City Bike in SF CA) and Andy Goldfine (Organizer, Ride to Work Day, RidetoWork.org)

From: Andy Goldfine

To: Tom Day, Surj Gish and a few Minnesota (and elsewhere) riding friends and associates.

<http://www.motorcycle.com/safety/lane-splitting.html>

This means now it has passed the transportation committee and the state senate. Next it needs to pass California's house of representatives. Then the governor signs it.

And then we take it to the Minnesota legislature...

This is I hope like the first crack in the Berlin Wall. I think that's the right analogy. When walls like this fall, there sometimes (usually?) is a domino effect and things afterward can happen pretty quickly. One crack and a few weeks later the whole wall is gone.

If this passes and is signed this summer in California, other states will try to use this in passing similar laws that 'bless' this practice in their state. And if a rally here on the steps of the MN capital is organized for supporting this, all the riders at Aerostich would probably ride down for it.

There is a tremendous difference in something being 'tolerated' in the absence of law, and something 'blessed' by the sanction of law.

Think positive thoughts.

On Aug 3, 2016, at 8:10 AM, Thomas Day wrote:

Having lived in CA for a decade in the 80's and spending so much time on my motorcycle in those years that I could barely drive a cage, I sorta agree with this guy: <http://www.motorcycle.com/features/skidmarks-splitting-headache.html>. The deal in CA was that there was no legislation that limited the number of vehicles in a lane. CHP logically decided that about 15mph over the traffic speed, up to the speed limit, was safe and reasonable. We also had vehicle inspections then and illegal (aftermarket) pipes and alterations to the fuel and air systems were illegal (had cleaner air then, too), so nobody was blowing up eardrums splitting lanes.

It would be interesting to hear from a CA legislator why this became a topic of discussion. It's not like motorcyclists in CA are any sort of significant constituency.

Thomas Day

[Minnesota Motorcycle Monthly Magazine](#)

Date: August 4, 2016 at 1:03:44 PM CDT

To: Tom Day, Surj Gish, others

Tom,

Gabe, the author of the story you've linked to, is a smart, nice and funny guy, and a customer and a friend. For quite a while he owned and edited the SF-based moto newspaper 'City Bike'. He sold it about a year ago to another good guy who is doing a similarly good job keeping this paper relevant, and from outward appearances, successful.

This is not about legislation to take care of a constituency having power, money, or influence. It's exactly the opposite. This is about formally empowering a minority, for the greater good of everyone. And I don't share Gabe's libertinism about this one. Over simplistically, I see choosing to ride as essentially one

choosing to become part of an elective minority. As if one could choose to become a native American, black, disabled or Jewish person. I've had personal experience with the latter, and this is what makes me want to see lane-splitting formally blessed by the government. I have watched as various subsets of civil rights movements have progressed during my lifetime, and overall I like what has happened.

I believe that without the force of law there would be far less civil rights for so many different minorities. Voting rights. Integration rights. Special-needs persons (disabled, etc) rights. The list goes on and on. I believe this progress, in aggregate, is the greatest value of the United States to the world. This quest is our core greatness as a people. It is what makes our country so exceptional, and so important to the future of all of humanity. No other place on the planet has a melting pot of minority groups to the degree we do. And no other place has such high aspirations about fairness, equality, inclusion and accommodation for all.

To me this journey toward the administrative furtherance of civil rights has been the overarching definitional accomplishment of my generation, far exceeding all the wars and scientific and technological advances which have also occurred during my lifetime. As difficult as it is to compare apples and oranges, the moon landing was cool, and is very important in many ways, but raising one more person without racial hate trumps it as a national accomplishment to be proud of.

Which brings me back to lane-splitting. People who are entitled to vote sometimes don't get to vote in some places without some kind of formal affirmative action law sanctioning it for them, and people with disabilities don't always get full access (from curb-cuts at sidewalks to 10,000 other accommodations) without some kind of formal affirmative action law. Similarly, leaving lane-splitting alone based on libertarian values will not help riders who want to do this.

In some imperfect way (as all laws almost by definition are) this practice needs to be formally blessed and affirmed, so the majority (car drivers) can learn to better tolerate and accommodate the minority (riders). This accommodation and tolerance needs to be sanctified for one reason only. Because it is the right thing to do. For everyone. For reasons you as a rider can appreciate. Which I don't need to enumerate here.

So now if one US state formally legalizes it, this law should become a powerful tool which can be used as a lever elsewhere, to help obtain similar legalizations in other states. Which is why the California legalization situation is so important. It has zilch to do with accommodating any significant constituency, and everything to do with accommodating an insignificant one, us riders, for the ultimate benefit of all.

Andy,

Thanks for the follow-up. This reply answered all of my questions, including why the CA legislature addressed lane-splitting in the first place. It will be interesting to see if the legislation has the intended effect, since so many things do not. Like Gabe, I still suspect that the majority of drivers are less-than-excited about motorcycles in general and lane-splitting in specific. Having driven in SF a couple of years ago, for the first time in 20 years, having an illegally "muffled" sportbike blast past my window in already quickly moving traffic is unpleasant, at the least, dangerously startling and irritating, highly risky, ear-damagingly and painfully loud, and in no way conducive to the safety of responsible motorcyclists. I will continue to believe that lane-splitting and loud exhausts are mutually exclusive and will be amazed if lane-splitting isn't regulated into oblivion if the exhaust noise problem isn't solved. It will be an interesting experiment in tolerance, responsibility, and self-regulation.

Tom,

The solution to loud pipes is super aggressive enforcement of existing laws and zero tolerance for violations. Rules and standards against this kind of abusive pollution are in already place. And the measuring technology is cheap, compact and available (noise level meters...I have one in the junk drawer in my kitchen from when Aerostich tried to sell them and failed to find any buyers) The will to enforce isn't. I wish someone could please explain this to me.

I enjoy the music of my bikes quite a lot, all of them, and two of the older ones are quite loud on WFO open throttle, but none has an actual straight exhaust pipe. My 78 Can AM has a dinky little aluminum Answer Products fiberglass filled silencer and is rude as hell, since the packing is gone now, but I don't ride it to work in the morning, and the last time it actually ran was maybe ten years ago. And the stock mufflers of both of my old (78 and 81) airhead BMW's were 'relieved' internally with a hole saw, but they only are loud when under heavy load and WFO simultaneously. Which made them rude when pulling around a car on a two lane road at highway speed. Those cars always had their windows up because of wind turbulence. 100%. But sometimes I

still felt bad and was careful on the passing. Other times I deliberately wanted to be as 'in your face' as possible, but not very often.

The problem is law enforcement laziness and priorities following what they apparently feel is public tolerance for loud pipes. Lane splitting laws will increase the practice and that will lead to less public tolerance for loud bikes and maybe then stronger muffler enforcement. One can hope.

Hey Andy,

Thanks for including me on this. For those of you who aren't familiar, I took over from Gabe at CityBike a couple years ago, and had launched a PSA website, LaneSplittingIsLegal.com, in early 2013 to help spread the word about the CHP guidelines. That site has become one of the primary resources online about splitting, and is widely uh.. "borrowed from" every time there's news on the topic—for example, [this week when AB 51 passed the full Senate](#).

Like Andy, I don't agree with Gabe's "do it nicely and STFU" take, in fact, I think I commented as such on that piece. I've also been deeply involved in AB 51, along with a core group including Dennis Kobza (Budman from BARF) and Nick Haris from the AMA—I'm the one that suggested Quirk engage with Dr. Tom Rice of UC Berkeley / SafeTREC to discuss the data and the work his team had done with it, in an in-person meeting at Quirk's office back in Spring of 2015, I think. That led to the bill being amended to include a higher speed limit and delta, based on Rice's research, and Quirk's promise that he would not push through a bill that did not honor that data. Later, due to concerns that a bill with those specific speeds would not get support from the CHP, the [bill was amended to a even more favorable form](#) basically just defining splitting and allowing the CHP to create guidelines again.

Lane splitting became a topic of discussion because DMV wanted to ban it. For more on that, please read the piece on Budman ([starting on page 17 of this big back issue PDF](#)), who in addition to running BARF is on the CMSP advisor board and very involved in moto rights and safety in CA. This proposed ban was the beginning of years of discussion and work that culminated in the CHP guidelines, which were later struck down by the OAL as "underground regulation" that hadn't gone through appropriate legislative process. In 2013, probably as a result of all of this, Senator Jim Beall proposed a bill, [SB 350](#) which would have regulated splitting in CA, but ultimately let it die to wait for the UC Berkeley research to be complete.

The problem with the loss of the guidelines is that the OTS survey data—on the [LSIL resources page here](#)—hell, just read the entire site while you're at it :)—has started to show positive trends in both rider behavior and driver perception of lane splitting. Riders were splitting a little slower, and driver sentiment was slowly shifting to the positive. The OAL shutting down the CHP's ability to educate the public—riders and drivers—about splitting meant that the CHP / OTS / etc could no longer use our money—the CMSP funds—to educate specifically about splitting. We lost the ability to use that money to educate riders on how to be safer splitters, meaning that responsibility falls with individuals like me and Budman and others (who have jobs and lives and don't have public funding) since the MIC, MSF, AMA and all the other orgs looking out for us are basically not doing a goddamn thing.

AB 51 is important because it meets the needs and goals of the moto community, which was represented well in the process along the way: me, Budman, Nick, ABATE, various MCs including even the Hells Angels were directly involved. Most did not support it until the speed limits were removed due to concerns about over-regulation and "losing what we have now," but **this version with very little specificity gets us the ability to use our CMSP money to educate again, without any further actual regulation.**

Happy to provide more background if y'all like. There's tons of background on this stuff on LaneSplittingIsLegal.com as well, including details on efforts in other states over the last few years.

Cheers,
Surj

Surj Gish
Editor In Chief, CityBike Magazine