

APPROVED
3-16-2023

GOVERNOR'S ADVISORY COMMITTEE ON MOTORCYCLE SAFETY
Thursday, February 16, 2023 Meeting Minutes
Transportation Safety Office
In-Person and Virtual Hybrid Meeting

Members Present: Chair Don Hamon, Chris Henry, CJ Strauss, Ethan Lodwig, Debbie Weber, Graham Munsell
Staff: Jeff Greiner, Miguel H. Lopez, Alycen Ozawa, Suzanne Gill
Liaisons/Guests: Hanna Braziel (Oregon DMV), Officer Chris Cass (Portland Police Bureau), Pedro Velasquez (National Guard), Deb Erye (Harley Davidson), Toni Rahlf (Harley Davidson), Jason Tolleson (Harley Davidson), Anna Dahl (SE Portland ABATE), Mike Friend (Bikers for Christ), Dave Ganslein (ABATE and Concerned Motorcyclist Coalition), Roger Hendricks, (ABATE), Paula Leslie (BikePac/ABATE), Bob Thomas (ABATE), Craig Blair (ABATE), Robert Cotter (SE Chapter ABATE), Aria Minu-Sepehr (Team Oregon)

I. Welcome and Introductions

Chair Don Hamon called the meeting to order at 4:00 p.m. and introduced himself as the new Chair. Some members and liaisons were present in person at the Oregon Department of Transportation, TLC (Technical Leadership Center) Building, and others joined the meeting via Teams. Chair Hamon then asked for a roll call and introductions. He reminded everyone this meeting was being recorded.

II. Approval of Minutes from Previous Meeting (January 19, 2023)

Chair Hamon mentioned the corrections have been submitted and asked if there were any other corrections. No new corrections suggested. Chair Hamon asked if there was a motion to approve the corrected January meeting minutes.

MOTION: CJ Strauss motions to approve the January minutes with corrections. Vice Chair Chris Henry seconded. No opposition. Unanimous approval. Motion passed.

III. Chair and Committee Member Reports

Chair Hamon read out of the Governor's Order to remind the committee that they have a broad range to cover and that they need to focus to get everything done in the end. The Order states "The Committee represents the voice of Oregon motorcyclists and advises the Governor of the State of Oregon on safety for motorcyclists and for those with whom they share the road." In the context of all road users, we are the people that represent or speak for motorcyclists. "The Committee shall focus its efforts upon riders' education, impaired riding, road hazards, unique motorcycles, and motorist awareness of other motorcycles and sharing the road with all users." Chair Hamon reiterated, these five charges are there for us to address and I hope we address these specifically every time.

Vice Chair Chris Henry shared that through some recent crashes that friends have experienced internationally and domestically he has realized the need for medical transport. Vice Chair Henry shared there are insurance policies you can purchase for a reasonable price that can pay for medical transport coverage, saving hundreds to hundreds of thousands of dollars in expenses and encouraged everyone to consider this for themselves and their friends.

Graham Munsell reported again on Highway 213 and 214 and how they are working on both and reminded everyone to be safe.

CJ Strauss shared that Highway 217 is presently under heavy construction, but that the roads still have some of the worst disrupted pavement she has ever ridden a bike on. Ms. Strauss expressed she is grateful there aren't

many motorcyclists on the road at this time with all that needs to be done to make that road construction happen.

Debbie Weber reported she has a torn rotator cuff and is still not riding.

Ethan Lodwig commented that we are seeing nice riding days in the valley and wanted to remind everyone of the fourth “E” in injury prevention is Emergency Medical Services (EMS) response. Mr. Lodwig shared a story of a friend who was riding at the coast alone in a remote area, hit ice and went down but was ok. Mr. Lodwig mentioned the many products available for these situations including personal locator beacons have come down in price and are widely available. Mr. Lodwig reminded everyone that these locators bring faster EMS response and transport time to a trauma center and encouraged anyone riding where there is no cellular service to please get one and asked everyone to stay safe.

IV. Liaison/Stakeholder Reports and Public Comment

Portland Police Bureau (PPB) – Officer Cass

Officer Cass reported there have not been any major motorcycle crashes or fatalities since the last meeting.

Dave Ganslein asked about the Portland arrest where a motorcyclist was fatally run down and if there were any new updates on the driver. Officer Cass responded no; he was not able to talk with investigation about that.

Oregon State Police (OSP) – Jason Lindland

Lieutenant Lindland referenced documents he sent in showing the Motorcycle Crash Data from January 1, 2022, through February 1, 2023. The document is broken down by county and there was a total of 251 crashes with 44 fatalities. There have been four significant crashes since January 1st with zero fatalities. Lieutenant Lindland asked if any more information was needed, and if so, he would be happy to provide it.

Driver and Motor Vehicle Services (DMV) – Hanna Braziel

Ms. Braziel reported they have been busy tracking bills coming through legislation and that she has been tracking twenty for her twelve program areas.

Team Oregon – Aria Minu-Sepehr

Mr. Minu-Sepehr shared a report highlighting operations and training. They have a new site in Hillsboro that will be serving West Portland and will be coming online this year. Mr. Minu-Sepehr referenced vehicle theft which is a problem recently and their solution was to put steel gates over their building entryway to deter the theft.

Instructor updates are coming up this Saturday and throughout the state. They will also be recorded for those that can't attend in person as they are mandatory. They are also adding a Professional Development Workshop, another two hours, to address the skills tests they offer as well as a presentation on equity and access. There will also be a Skills Test Audit which will have a third instructor at the range evaluating the students independently to make sure the scores are consistent with the standards. Finally, they are offering twelve free public seminars to the public, ten on Zoom and two in person. These will be two-hour sessions. Chair Hamon asked who this is for and how are you publicizing this. Mr. Minu-Sepehr responded these are for anyone but will be pitched to riders and graduates. They are advertising through social media and direct messaging to graduates.

For years they have actively been trying to work with states that offer the same curriculum they offer to get engaged in some best practices. So far, they have been to Idaho and California. In Idaho, they were asked to

present the Equity and Access Presentation and attended their update. In California, they did the same and attended their sponsors meeting and were able to see how their operation is running. They pitched E-Rider to the states as they were trying to see if they could get more providers online so they can generate more revenue to update the software that E-Rider is based on. After the positivity of these two activities, they are now planning an April Summit to bring California, Idaho, Ohio, South Dakota, Pennsylvania and parts of Indiana together to engage in the first in the industries best practices summit.

CJ Strauss asked how many at the meeting have heard of the twelve free seminars. Chair Hamon asked everyone to get the word out. Mr. Minu-Sepehr thanked Ms. Strauss for the error she caught at the last meeting in the data. The error was corrected, and the December figures are now accurate.

ODOT - Transportation Safety Office, Motorcycle Safety Program – Jeff Greiner

Mr. Greiner reported that the TSO is reviewing the National Highway Traffic Safety Association (NHTSA) rules for the new federal funding package and will be completing an hour and a half long training over the next two weeks and shared there are new requirements. The new requirements will have stakeholders and interested parties share with us everything they think we should consider and then moving forward the Program Managers will consider those recommendation and consider them in light with the problems of the state and start programming. Mr. Greiner shared he had the wrong dates for the TSO Safety Conference for next month, the correct dates are March 14th and 15th. Mr. Greiner suggested for anyone riding a motorcycle to invest in statewide coverage for fixed wing, helicopter and ground transportation through Air Life, Life Flight, Reach Air and Mercy Flight.

Vice Chair Henry asked Mr. Greiner about the change in goals and performance measures; is that something new from the USDOT or their expectations and how did that change come. Mr. Greiner responded that the federal guidelines for the new federal funding is placing more emphasis on community engagement, community participation in learning about the problems and providing guidance and recommendations to the DOT's and to the state highway safety offices. Mr. Greiner adds that if anyone has recommendations on training, reciprocity, student reimbursement versus straight grants, etcetera to please bring these to the table, both for federal dollars as well as state dollar programming.

BikePAC/ABATE – Paula Leslie

Ms. Leslie introduced herself and shared BikePAC is currently working with members of the Senate Judiciary Committee to get Senate Bill 422 into committee as well as working closely with Senator Dembrow. Ms. Leslie has requested a map of highlighted highways and interstates where Senate Bill 422 is designated to do or to practice from Mr. Greiner.

ABATE – Bob Thomas

Mr. Thomas introduced himself and urged everyone to remain neutral or positive on Senate Bill 422 and stated that they are opposed to any changes that are being proposed for the helmet definition and that they will provide testimony against that.

Debbie Webber commented on the opposition to the helmet definition and the comment from last month's meeting regarding the extra cost to motorcyclists to purchase a helmet that meets federal standards. She stated she priced helmets and that she was finding a good selection at reasonable prices meeting the federal standards from USDOT.

Harley Davidson – Jason Tolleson

Mr. Tolleson thanked everyone for their time and stated since the meeting last month they have done some additional internal and external outreach as they continue to map out some potential ideas that were shared with the committee at the previous meeting.

Public Comment – Helmet Definition

Anna Dahl asked how a person would find out the guidelines they are putting on the helmets and is there a weight restriction as she is not able to wear a heavy helmet.

Debbie Webber responded the best way to find this out is to reach out to the distributor or manufacturer for that information. Ms. Webber wears a full coverage helmet that weighs three pounds, that is aerodynamic with zero wind resistance and recommended trying on many helmets to see what works and to not assume a half helmet is the only option if you are not able to wear a heavy helmet.

Jeff Greiner added he will get a word document out to everyone showing the standards and that will have a link to the online version of the federal requirements. He added that some shops do carry novelty helmets and to be aware that not all helmets sold are not up to the federal requirements.

Craig Blair commented that in Oregon we have the option to choose the helmet and rather than changing it to be in sync with California and Washington where you don't have the choice, he believes in keeping the choice up to the individual.

CJ Strauss commented on the use of the word choice and added this is a very personal topic. Ms. Strauss stated we are talking about what individuals want for themselves and for the people around them and to not pretend we are talking about logic and facts. Everyone has their own reasons for their choices.

Chair Hamon added it's not about the helmet law, it's about the standard that exists and trying to standardize it with the federal standard which NHTSA has asked us to do. The process is there to change the law and that is what we are trying to do. He acknowledges that we will not always agree but asked everyone to be respectful.

Dave Ganslein asked if the request to modify Oregon's existing helmet law, was this organic that came from the committee. Chair Hamon responded it has been on the strategic plan since 2018 and the committee hasn't acted on it. Vice Chair Chris Henry added that it was mentioned as an action in the Oregon Transportation Action Plan, in the most recent version. Vice Chair Henry added that it's been in this committee's strategic action plan and it's in the statewide Transportation Safety Action plan as an action to change the definition of helmet to meet the federal motor vehicle safety standard 218. Mr. Ganslein wanted to go on record saying that on behalf of the concerned motorcyclist coalition, he would speak against a modification of the law as he was targeted, pulled over and searched under the premise of an unapproved helmet and that when he informed the officer that the law had been changed, he was told you have your interpretation of the law, and we have ours.

Debbie Weber added that she has been on this committee for nine years and that they have been talking about the helmet changes since then. Ms. Weber added the only helmet you will find not meeting the standards would be a novelty helmet.

V. 2024 Highway Safety Plan Discussion– Jeff Greiner

Jeff Greiner reported on the Highway Safety Plan (HSP) that the Transportation Safety Office (TSO) is working on developing next years HSP for 2024. Mr. Greiner stated that he will be showing the committee a draft chapter for the motorcycle safety program and that following the guidelines of the new federal standards for using federal dollars he will be seeking engagement and comment from the stakeholders. Mr. Greiner shared a PowerPoint starting with the Federal Fund and the rules on what the federal dollars can be spent on annually. Mr. Greiner highlighted improvements they can make including motorcycle safety training curriculum, improving the program delivery to urban and rural areas, purchasing instructional materials, purchasing mobile training units and sharing public awareness for drivers. Mr. Greiner shared the State endorsement funds for Oregon motorcycle riders and what those funds could cover, including motorcycle safety promotion and public education, training sites, classroom instruction/driving instruction, mobile training units and accident prevention. Mr. Greiner showed the Code of Federal Regulations related to the highway safety planning process and shared his goal of getting public participation and engagement and added everyone is welcome to engage anytime in the next two months to provide guidance for the program. Mr. Greiner presented the 2020 crash data from the Federal Government and the fatalities for the years 2011 through 2020 for Oregon and unfortunately the trend is rising as 2021-2022 showed higher numbers as well. The data shows the average age/gender for last year for fatalities are 44-year-old males. Mr. Greiner shared a slide showing the most harmful events riders were involved in. 56% of our fatal crashes involved another motor vehicle, 25% were with a fixed object, 15% were non-collision with nature and 4% fatal collisions were with non-fixed objects. Most crashes are not on interstates, but the 37% of our crashes are occurring on no-interstate arterial roads or minor arterials roads such as county roads and they are also occurring in the daylight. Mr. Greiner presented information showing the deceased riders previous riding or driving history. 19% of motorcyclists that were killed were involved in recorded crashes prior to their fatal crash. 6% of riders had a previous DWI conviction on their record. 28% of motorcycle riders that were killed had at least one speeding conviction prior to their fatal crash. Debbie Weber asked on all these convictions was there a specific length of time in between the convictions and the fatal crash. Could the offense have been 20 years ago or within a shorter time period, perhaps the last three years. Mr. Greiner responded the way the federal government looks at it, it's how far back the states records allowed for the maintenance of the record or how long that record has been alive. Mr. Greiner defered to Hanna Braziel to get information on Oregon, and she responds she would need to follow up with this information. 36% of the riders involved in fatal crashes had recorded suspension and revocations. 2020 data showed 81% of the riders were helmeted at the time of their fatal crash. 58% of riders in 2020 had some level of alcohol impairments at the time of their death. .01-.08 was 38%, 48% had .08 or higher and 17% that were killed had a BAC of .15. Summarizing the issues, you can see what has been happening over the last five years. Impaired driving, speeding, noncompliance with existing laws and right of way violations. Mr. Greiner is open to committee recommendations over the next month and a half. July 1st is the first deadline but the sooner he can get your recommendations the better. We have previously used funds for the following: Motorist Awareness Media Campaign, Replacement Motorcycles, and Support Equipment. Mr. Greiner added that again he is open to any suggested you have regarding where the federal dollars should go. Chair Hamon asked if this will be presented at the TSO Conference. Mr. Greiner responded yes and confirms the dates March 14th and 15th. Mr. Lodwig asked if there is any room to cover technology or enforcement of any kind. Mr. Greiner responds with federal dollars, no, but he is not sure about state dollars.

VI. Senator Dembrow – Senate Bill 422

Senator Dembrow presented a PowerPoint on Senate Bill 422 and shared this was to get us to a program that many of us believe will make Oregon a safer place. Two years ago, Senate Bill 574 passed the Senate and House 3-1 from both parties and was supported by over 600 motorcyclists and endorsed by multiple businesses and organizations. On May 6, 2021, that bill was vetoed by Governor Kate Brown due to fears that people would not follow the law on that bill. This current SB422 is almost identical to SB574, with the chief sponsors being senators and representatives from both Republican and Democratic parties. Senate Bill 422 legalizes lane sharing under limited conditions. These limitations include highways only where the speed limit is 55mph or higher. Traffic must be stopped or moving at 10mph or less. Riders may not go over 10mph faster than traffic, they must not impede the normal and reasonable movement of traffic. They must safely merge with traffic, if traffic speed exceeds 10mph and they must pass traffic traveling in the same direction. Riders are not allowed to lane share in the following circumstances: between a traffic lane and the curb or in a bicycle lane, between a traffic lane and a row of parked vehicles on either side, on the right side of the rightmost lane of traffic, or the left side of the leftmost lane of traffic and in a school zone. Benefits of lane sharing include improving rider safety (collisions from the rear), reducing congestion and reducing emissions. Other states have had successful lane splitting bills passed including Montana (2021), Arizona (2022), Utah (2019) and California (2016). Anyone needing more information can go to [Laneshareoregon.com](http://laneshareoregon.com) and this website also includes links to all the bills in the other states.

Discussion

Ethan Lodwig asked if there was a fiscal impact study done on the last bill and if so, how much is it expected to cost the state. Senator Dembrow asked for time to look for this information. Patrick Layshaw introduced himself and stated there was a fiscal impact statement done and it showed little impact. Debbie Weber asked what kind of campaigns are going to be made to educate the public on lane sharing. Senator Dembrow replied that this will be important and commented on a link he recently read about Arizona and how they worked with the motorcycle community to get this out to the public. We need everyone to know what it allows and what it does not allow. If you don't adhere to the restrictions in the bill, you will be subject to a violation. Vice Chair Chris Henry asks law enforcement liaisons how this would be enforced. Officer Cass responded that in Portland they do not have the resources for this. With the shortage of officers and with no traffic division he is not sure how that law would be enforced. Ms. Weber clarified, she is asking about the public in motor vehicles, not the riders, how will they get this information out to them. Mr. Layshaw responded that Utah legalized this in 2019 and the bill had a sunset clause, but they got rid of the clause because it worked so well. The motorcyclists in Utah also worked with their department of safety and put out an excellent online resource to educate both riders and drivers. Driver education would be notified they would use education campaigns as we saw with bicyclists. Ms. Weber asks what the percentage of motorcycles on the road in comparison to motor vehicle and is this enough to reduce congestion. Mr. Layshaw responded that this will create an incentive for people to ride more and that it will be another tool, like cycling, walking or public transportation to help reduce congestion. Senator Dembrow shared he found the fiscal impact statement and it said it was determined to have minimal impact on state or local government. The impact statewide would be around \$10,000. Senator Dembrow encouraged everyone to look at other states with this program in place and that he has not heard of any problems with the implementation of this. Vice Chair Chris Henry asked, if it's fair to say there was minimal impact of the legislation, and possible minimal reduction in congestion and emissions, as well as minimal reduction in safety than what is the benefit. Mr. Layshaw responded that if we can save one life by doing this, that's worth \$10,000. Graham Munsell commented that in his opinion it's not possible to educate the public on this with only \$10,000; and that, he felt, way more funds would be needed to get the word out to all Oregonians.

Vice Chair Henry asked if there was any crash data, especially from Utah. Mr. Layshaw responds that he can't speak to that data, but that the Legislature felt confident enough to vote twice on the bill once in 2019 and once again to reaffirm. Ms. Webber inquired about liability, if they are changing the motor vehicle laws, that will bring liability into effect. Mr. Layshaw states that Christopher Slater, an attorney in Portland said no, there will not be a change. Driver and rider will still need to follow the laws as written, if the motorcyclist is violating the law and it's the same with the driver. We still interact the same way, no matter what the law says. Senator Dembrow added, we could look at the states to see if insurance rates rose due to increased liability. Chair Hamon commented that he will support this bill and supports lane sharing.

VII. Next Meeting: March 16, 2023 – Possible Topics:

- 2023 Legislative Session Update
- Oregon Health Authority Trauma Registry Update
- Diversity, Equity, Inclusion and Reciprocity – Equity Lens and the Motorcycle Safety Program of Oregon – ODOT/Committee
- GAC MS Publications and Outreach Materials Update
- GAC MS Strategic Action Plan

VIII. Adjournment

With no further business, the committee was adjourned at 6:00 p.m.