



Vol. XXV, Issue 1

"The Newsletter"

April, 2005

From the Prez...

There have been a couple of very important developments in the Club this month. First, we now have a complete Executive Board as a result of the Election of Officers at our last meeting. Second, the Club's website has been revitalized with a fresh new look and up-to-date information.



New to the Club's Executive Board: Serving as Vice-President is Harley Blake, a long-time member. Serving as Secretary is Carla Cay Krull, also a member with many years with the Club. Serving as Treasurer is Ken Korn, another long-time member. Del Grosenheider continues as Sergeant-of-Arms, and I will continue as President. Harley, Carla Cay and Ken have been instrumental in helping Del and I rebuild the Club over the past six months. And we're all enthusiastic about the Club's future.

I'm quite pleased with the response we've received about the new website. My intent was to make the website entertaining, informative and timely. It contains news and announcements, a calendar of events, member ride reports and photo albums, plus an online archive for "The Newsletter". We'll be adding a Club History, currently being developed by Brough Bailey, our Club Historian. The Board is also looking into the feasibility of incorporating advertising on the website.

I'd like to bring your attention to the Special Olympics Texas Summer Games coming to San Marcos. We've selected this as our Club event for the month of May. It'll be a wonderful opportunity to share your bike, and riding experiences, with some very special people. For details, check 'Upcoming Events' in this Newsletter and on the website.

Take care - enjoy the ride,
Tom Soutter

2005 HCBMWR Officers

President:	Tom Soutter	Tom
Vice President:	Harley Blake	Harley
Secretary:	Carla Cay Krull	Carla Cay
Treasurer:	Ken Korn	Ken
Sgt. at Arms:	Del Grosenheider	Del

There's trailering and then there's TRAILERING!

Nothing like turning a 200-mile ride to check out new equipment, into a 525-mile adventure. What was to be a trip from Austin to Lost Maples State Park to see how my 2001 K1200 LT performed pulling a fully loaded trailer, ended up being the long way around to Houston one Friday afternoon (and well into that evening).

A little background first. After taking a 25-year leave of absence from motorcycling, I recently acquired a slightly used (< 10,000 miles) 2001 K1200LTi. Two goals that



This in one coordinated rig! Lookin' sharp, Tom!

drove the selection of this motorcycle were (1) the ability to comfortably cover long distances and (2) the ability to pull a trailer enabling me to take my bikes (the kind without engines!) with me on trips around town, around the state and on occasion, around the country. I don't think I could have made a better choice in two-wheeled transportation.

Unable to find someone in Austin to fabricate a trailer to my specifications, I found an ad for Scooter Trailers <http://scootertrailer.net/> in Ride Texas magazine. The "large" version of their trailer provided an ample "deck" to mount a Yakima rack system, allowing me to carry up to 2 bikes, in addition to storage space inside the trailer for camping gear that will allow some extended trips from home. The boxes of these trailers are built from heavy gauge aluminum that allows for a structurally strong design, lightweight, low maintenance and a long lasting, durable trailer. Empty, my trailer weighs about 150 pounds (with Yakima rack). For my maiden voyage, I carried 2 bikes, tools, cooler, camping gear and

clothing for a variety of weather conditions over the 3-day weekend that weighed in at 199 pounds.

The trailer hitch I started with was from Hitch-Doc <http://3aweb.com/hd/>, located in Round Lake, MN. While a good concept for the design, I cannot recommend their product in its current form for the LT. This hitch mounts just behind the rider's right foot (using existing bolts holes) with a bar running to the rear of the motorcycle providing horizontal rigidity / stability. A vertical plate mounting above/behind the license plate provides vertical support.

Problem with this design (as described and recognized in a phone conversation with the Hitch-Doc owner) is the distance from centerline of the LT to the mounting location at the rider's right foot, differs from year to year. On my 2001 year model, I was told I'd need to shim (outward) the forward portion of the mount at the right foot, allowing the bar running parallel to the drive shaft to pivot inward and toward the center line of the bike at the hitch. This is nothing but a sloppy work-around for a design that isn't specific to the year model of a particular motorcycle. The end result has allowed the arm (horizontal bar) of the hitch assembly to rub against the housing of the drive shaft/swing arm. I'm not impressed.

In place of the hitch from Hitch-Doc, I have installed a hitch Dauntless Motor Corporation http://www.dauntlessmotors.com/bmwk120olt_hitch.htm that will eliminate the above-mentioned problems and allow easier access to service the rear wheel. An impressive improvement, complete with wiring harness. More about my experience with that hitch in a future issue.

Back to the test ride. Why might you be thinking, did I ride from Austin to Lost Maples State Park and end up in Houston? Well, I left early on Friday, 5 March in order run some errands; make a stop in Kerrville for lunch with a friend, before continuing on to the State Park. Little did I know, the weekend of camping & cycling (again, the type where I'm the motor!) with some of the top triathletes in Austin was cancelled due to the worsening weather forecast, after I left my apartment. I didn't find out about the cancellation until I arrived at the State Park at 4:30 pm.

My choice became one of staying at the Park by myself and likely getting rained on (not my idea of fun camping), or turn the motorcycle south, picking up Highway 90 in Hondo out west of San Antonio and motoring east on I-10 to Houston where my brother, sister and her husband were meeting at my Mom's in the Clear Lake area for the weekend.

I'm happy to say that pulling 350 pounds of trailer, bikes and camping gear didn't do much to slow down the K1200LT. Acceleration was slightly slower (still beat the cagers off the line at stop lights!), fuel economy dropped to around 33 mpg, shall we say, when cruising at a speed somewhat above the posted speed limit on Hwy 290 and on the Interstate to Houston, but held at a respectable 38 to 39 mpg when speeds were held at 50 mph or less. Not much different than what I'm getting around town without the trailer. Braking distance was a little longer but I don't have a quantitative number to describe it. Like when pulling a trailer with any vehicle, these are things that are easy to accommodate by giving you a little more time and space.

The overall width of this trailer is almost the same as the width of the LT as measured between rear view mirrors. To catch a trailer wheel on a curb while making a turn would force you to get closer to the curb than most riders will normally venture. It just hasn't been an issue.

Handling of the LT and trailer through the twisties south of Kerrville on Hwy 16 and between Medina and Vanderpool on Ranch Road 337 was comfortable and fun. Not having previously run the LT along these type roads without the trailer I don't have anything to compare it to. While I'm sure it was slower than speeds taken by sport bikes, I felt any reduction in speed that I carried through the turns was a matter of my inexperience on an 835-pound motorcycle, rather than additional forces being created by the trailer itself. Only way I knew the trailer was back there was when I saw it in my mirrors.

In the end, I enjoyed many firsts for my K1200LT and myself. First long trip, through some good twisty roads, navigating I-10 and I-45 through Houston on a Friday night, while pulling a fully loaded trailer! All in all, I think having the trailer behind me was anticlimactic but one hell of a conversation piece while stopped.

I look forward to hearing from others with their experiences with trailers and am more than happy to share my experience and developing knowledge about the equipment and skills necessary to get around with a little extra behind you. If you have questions, drop me a note at thaycraft@grandecom.net.

Newsletter submission due the Friday after the Club Meeting.

Submit to Carla Cay Krull at carlak2@texas.net

It's all about the ride... So we rode to Vanderpool...

Yesterday was the club ride. There are lots of miles of wonderful roads. The 15-mile section of 337 from Van-



derpool west to Leakey (pronounced La-key) is especially challenging... lots of ups and downs, blind curves, and guardrails to keep you from deep drop-offs into canyons. Quite a few people have crashed over the years by overcooking it into some blind off-camber decreasing radius curve. I suspect one would have to ride it MANY times to learn it all... and then you still don't know what's coming the other way. (People talk about doing the 3's... 335, 336, and 337... all great roads.) Ducati Austin organizes a weekend ride out there... they stay overnight somewhere around Bandera or Kerrville so they can do more riding.



We started at a favorite restaurant in Blanco, about 1 1/2 hours from my home, taking really nice roads including one called Crabapple Road that is one of the prettiest I've seen... somewhere between 5 and 10 miles wandering along creek beds and through canyons. The weather was great... started at about 58 and went up to over 70 by the time we got to Vanderpool, close to noon. We spent about an hour (or two) there viewing the bikes, eating some lunch, and just yakking. We started home by do-

Upcoming Events...

- ☑ **Monthly Business Meeting**
Tues., May 10th, 7:00 P.M.
* **Note the new day & time!**
Springhill Restaurant, Hwy 71 at Hwy 620.
- ☑ **Traditional Club Breakfast**
Sat., May 14th, 9:00 A.M.
Ross' Old Austin Café, 11800 N. Lamar Blvd.
- ☑ **Special Olympics Texas Summer Games**
Fri.-Sat., May 20-21, 10:00 A.M. - 4:00 P.M.
Athletic Village, Sewell Park, San Marcos
Athlete Village, a recreational activity area for athletes, coaches and families, will be open and free to all that come out for the Games. The Club will be visiting the Athlete Village area and sharing their motorcycles with the athletes, allowing the athletes to sit on the bikes and have their photos made.
- ☑ **Proposed HCBMWR Club Rally**
Jail Bird Rally '05 is being developed and coordinated by club members Bill Vaughan and Bob Buffington of Kerrville. The guys are busy refining the rally but here's a tentative outline.

Visit 34 historic jails scattered about the state

Picture of motorcycle at each jail - 1 point each

Four corners bonus - North, East, South and West - 5 points each (furthest from Austin)

Total possible points - 50 (30 plus 20 for the four corners)

Propose \$20 entry fee

Top 4 positions win percentages of total fees collected - 50% 1st, 30% 2nd, 15% 3rd, 5% 4th

Rally shirts for all entrees - Jail Bird Rally '05 (need a little art work here)

Sponsored by Lone Star BMW/Triumph and HCBMWR Club



ing 337 to Leakey heading north into darkening skies. Not too far north on 87 we could see lightning and what promised heavy rain and the temp dropped abruptly to around 60 and windy. We stopped and put back on some layers that we had taken off in Vanderpool. Soon it was raining... sometimes pretty hard. We decided to head for Fredericksburg and highway 290 to blast for home in the rain. By the time we got to Johnson City, it was

raining really hard and we stopped under a gas station's cover... think there might even have been some hail with the thunder and lightning. When we headed east from there, it was difficult riding because of the wind from the NW and gusting... rain and a fair amount of traffic made visibility not so good. We were running around 70-80... lessens the effect of the crosswinds.



I had left home at 7:30 am and got back around 5 pm... about 350 miles. There were about 20 riders on the way out and 6 of us in the group coming back. Good friends, great roads, nice weather (at least half of the trip), all in all a nice ride. Wish you could've been there.
~Ken Korn



Riders participating in this event:

Brough Bailey, Harley Blake, Eric Brubaker with a guest Art, Brian Collins, Lew Gibb, Del Grosenheider, Ken Korn and Tom Soutter

Photos by Harley Blake

Book Review: Travels with Barley

Travels with Barley: a journey through beer culture in America

By Ken Wells.

A Wall Street Journal Book/Free Press, 2004.

A friend of mine who lives in Beervana (a.k.a. Portland, Oregon) recommended this book to me. Now you might ask yourself, why should I read this book when the word 'motorcycle' is nowhere to be seen in the title? Well, this book describes the author's road trip and search for the Perfect Beer Joint, starting at the source of the Mississippi following the great river road, Highway 61, all the way to the Gulf of Mexico. Think Blue Highways, but without the depressing self-introspection. Ken Wells, a Wall Street Journal reporter from southeast Louisiana, refers to the trip as a journey down the great River of Beer. Along the way he tells of the great lager wars of the twentieth century, why Budweiser is referred to as the "Microsoft of beer", and how the German and Belgian lagers supplanted the English and Irish ales that were the main beer choices of the Founding Fathers. And, if that were not enough, there are side trips to visit yeast rustlers, hop farms, not to mention conversations with beer power industrialists, Beer Geeks, and the search for the mystical Beer Goddess. So, pick up or check out a copy of this book, wait for a rainy day, then pour yourself a cold one, and enjoy!

In case you don't want to buy this (or any other) book for yourself, your local library is always open to suggestions for purchases. If your library does not have this book, then ask them to purchase it, or get it through an inter-library loan. The librarians will be glad to help you. That's why they are librarians.

~ Glen 'Hogeye' Worley

(Editors Note: 'Hogeye' is a librarian - DUH!)



Riding... it's about... Safety... Learning... and Fun!

Quick stops in a curve require both knowledge and skill. Do you know the proper application for stopping quickly in a curve?

Replies to the above question from last month...

- *If at all possible, try to straight-line stop. You'll have to get the bike back in an upright position with the handlebars squared. This gives maximum traction and control. ~ Terry*
- *Well, I am an amateur who knew the IMproper way to do that. ~ Haihao*
- *Stand the bike up straight and apply brakes Hard (full front brake with light trailing rear brake) when/while bike is moving in a straight line. With ABS brake as hard as you can once in a straight line... ABS will keep the wheels from locking.*

Best done as follows: point the bike to the inside of the turn with a quick flick... THEN flick the bike straight up and hit the brakes hard. (as the bike will travel to the outside of the curve once it is straightened up.) This will give you the longest possible distance for your straight-line stop.

If an obstacle in the road makes it impossible to dive to the inside before straightening up... than just be sure to get the bike straight up and down before hitting the brakes, Otherwise you are likely to slide out.

PS. Contrary to some rumors out there, ABS will NOT keep a bike from sliding out if you apply maximum braking while leaning the bike over. ~ Brian

- *When I get into a curve faster than I like (which is practically never) I try to do my heaviest braking while I am as upright as possible, and scrub off enough speed so that I can take the curve w/o fear of an upset or skid. I know that with ABS you ought to be able to brake hard while leaned over, but I only do that as a last resort, because you never know when you will encounter gravel or sand, from which if you are leaned over at a severe angle, the ABS will not save you -*

That's my theory - now lets hear from the experts on the real answer to this question!! ~ Del

- *Stopping and or slowing on a curve requires the same kind of technique: Straighten up the bike and the front wheel then apply the brakes for either stopping or prior to leaning into the curve again. ~Lew*
- *Difficult question, but an important one!*
Here's my crack at it. I'd try to upright the bike, if even for a moment, and apply two-finger front brake of increasing pressure. Minimal rear brake, only what is needed to keep bike balanced. ~ Charles
- *Bring the bike to an upright position then apply the brakes. (hope like heck you don't ever have to do it!) ~Bob*
- *I find that the key to stopping quickly in a curve is to **grab** the front brake lever while still in the curve. After grinding down \$3000 worth of parts it eventually comes to a halt. ~ Jude (Submitted by a soon-to-be **former** MSF Instructor... but he's from Louisiana so what else can you expect!!)*

The MSF method taught for stopping quickly in a curve is:

- Remember to be using an outside-inside-outside path of travel
- Straighten before braking
- Keep head and eyes up
- Do not brake too hard – progressive squeeze
- Have handlebars square when stopped

Next brainteaser...

Crash studies show that running off the road, usually in a curve, accounts for over 40% of total motorcycle fatalities. This is the primary situation in which motorcyclists have single-vehicle crashes. What two basic strategies do you apply for curves?

Again, send your replies to carlak2@texas.net



April Dinner/Meeting was held at the Bakehouse Restaurant - a long time Austin eatery.



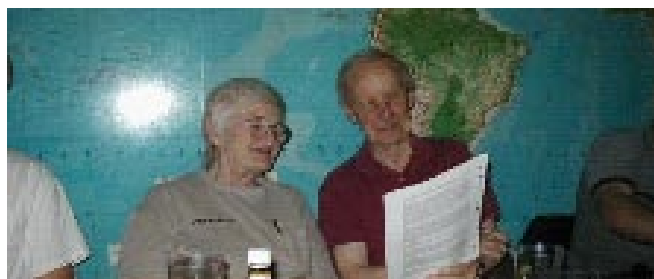
It's exciting to see our club dinner/meetings growing with old and new faces – plus folks are arriving on their bikes! Some even bring extras!



Everyone checking out Tom's rig except Queenie – she just wants to eat!



New member Rick Sweeten looking interested, or dozing, as President Tom presents updates. Wife Becky and Del Grosenheider paying attention, since the food orders hadn't arrived.



Ardys & Del... we almost had to separate these two bickering kids! They couldn't agree on rides, times or dates. They enjoyed every minutes of it!



Eric – nice smile!



Ken & Marilyn – Oh ya!!!



The Happy Couple – Julia & Brough.

Our dinner companions included the following:

Members: Brough Bailey, Harley Blake, Eric Brubaker, Del Grosenheider, Tom Haycraft, Ardys Kellerman, Ken Korn, Carla Cay Krull, Tom Soutter

New Members: Glenn Morris, Jude Schexnyder, Becky Soutter, Rick Sweeten

Guests: Julia Bailey, Marilyn Korn

Legislative Update

HB 264 (filed by Chavez) and its companion bill SB 1310 (filed by Hinojosa) have been referred to committees but have not gone to the floor for vote. They are identical, the text is as follows:

By: Chavez, Keel, Hupp, et al.

H.B. No. 264 Substitute the following for H.B. No. 264:By: Jackson C.S.H.B.

No. 264

A BILL TO BE ENTITLED

AN ACT relating to the wearing of protective headgear by certain motorcycle operators and passengers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 661.003, Transportation Code, is amended to read as follows:

Sec. 661.003. OFFENSES RELATING TO NOT WEARING PROTECTIVE HEADGEAR.

(a) A person commits an offense if the person: (1) is younger than 21 years of age; (2) operates or rides as a passenger on a motorcycle on a public street or highway; and (3) [(2)] is not wearing protective headgear that meets safety standards adopted by the department.

(b) A person commits an offense if the person carries on a motorcycle on a public street or highway a passenger younger than 21 years of age who is not wearing protective headgear that meets safety standards adopted by the department.

All other requirements to meeting the helmet exemption have been removed. It is my understanding this bill has a good chance of passing.

###

HB 395 filed by Homer would require the initial applicant of a Class M license to take the BRC as follows:

By: Homer H.B. No. 395

A BILL TO BE ENTITLED

AN ACT relating to the eligibility requirements for the issuance or renewal of a driver's license that authorizes the license holder to operate a motorcycle in this state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter G, Chapter 521, Transportation Code, is amended by adding Section 521.148 to read as follows:

Sec. 521.148. APPLICATION FOR CLASS M DRIVER'S LICENSE OR AUTHORIZATION TO OPERATE A MOTORCYCLE.

(a) An applicant for an original Class M driver's license or Class A, B, or C driver's license that includes an authorization to operate a motorcycle must furnish to the department evidence satisfactory to the department that the applicant has successfully completed a basic motorcycle operator training course approved by the department under Chapter 662.

(b) The department may not issue an original Class M driver's license or Class A, B, or C driver's license that includes an authorization to operate a motorcycle to an applicant who fails to comply with Subsection (a).

SECTION 2. Subchapter C, Chapter 522, Transportation Code, is amended by adding Section 522.034 to read as follows:

Sec. 522.034. APPLICATION FOR AUTHORIZATION TO OPERATE A MOTORCYCLE.

(a) An applicant for an original commercial driver's license or commercial driver learner's permit that includes an authorization to operate a motorcycle must furnish to the department evidence satisfactory to the department that the applicant has successfully completed a basic motorcycle operator training course approved by the department under Chapter 662.

(b) The department may not issue an original commercial driver's license or commercial driver learner's permit that includes an authorization to operate a motorcycle to an applicant who fails to comply with Subsection (a).

SECTION 3. This Act takes effect September 1, 2005.

This bill was referred to the House Law Enforcement committee on 2-3-05 and has not moved since. It likely will not be passed to the House floor.

###

HB 995 authored by Vo relates to special offenses related to the operation of a "pocket bike" on a public street or roadway:

By: Vo H.B. No. 995

A BILL TO BE ENTITLED

AN ACT relating to the operation of pocket bikes and minimotorbikes; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 502.001, Transportation Code, is amended by adding Subdivision (25) to read as follows:

(25) "Pocket bike or minimotorbike" means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway, and is ineligible for a certificate of title under Chapter 501. The term does not include: (A) a golf cart, moped, motorcycle, or tractor; (B) an electric bicycle or motor-driven cycle, as defined by Section 541.201; (C) a motorized mobility device, as defined by Section 542.009; (D) an electric personal assistive mobility device, as defined by Section 551.201; or (E) a neighborhood electric vehicle or a motor assisted scooter, as defined by Section 551.301.

SECTION 2. Subchapter A, Chapter 502, Transportation Code, is amended by adding Section 502.0065 to read as follows:

Sec. 502.0065. POCKET BIKES AND MINIMOTORBIKES. A person may not register a pocket bike or minimotorbike for operation on a public highway.

SECTION 3. Subchapter H, Chapter 502, Transportation Code, is amended by adding Section 502.413 to read as follows:

Sec. 502.413. OPERATION OF POCKET BIKE OR MINIMOTORBIKE ON PUBLIC HIGHWAY. (a) A person commits an offense if the person operates, or as the parent or ward of a child younger than 18 years of age permits the child to operate, a pocket bike or minimotorbike on a public highway. (b) An offense under this section is a misdemeanor punishable by a fine of \$750. (c) In lieu of imposing a fine on the defendant under Subsection (b), the judge or justice may order that the pocket bike or minimotorbike be forfeited to and destroyed by the law enforcement agency that employs the peace officer who cited the defendant or took the defendant into custody for the offense.

SECTION 4. Section 521.458, Transportation Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) If the motor vehicle involved in an offense under this section is a pocket bike or minimotorbike, as defined by Section 502.001, an offense under this section is a misdemeanor punishable by a fine of \$750.

(d) In lieu of imposing a fine on the defendant under Subsection (c), the judge or justice may order that the pocket bike or minimotorbike be forfeited to and destroyed by the law enforcement agency that employs the peace officer who cited the defendant or took the defendant into custody for the offense.

SECTION 5. Section 541.201, Transportation Code, is amended by adding Subdivision (25) to read as follows:

(25) "Pocket bike or minimotorbike" has the meaning assigned by Section 502.001.

SECTION 6. Subchapter C, Chapter 542, Transportation Code, is amended by adding Section 542.304 to read as follows:

Sec. 542.304. OFFENSE INVOLVING OPERATION OF POCKET BIKE OR MINIMOTORBIKE BY MINOR. (a) A parent or ward of a child younger than 18 years of age who permits the child to operate a pocket bike or minimotorbike in violation of this subtitle commits an offense. (b) An offense under this section is a misdemeanor punishable by a fine of \$750. (c) In lieu of imposing a fine on the defendant under Subsection (b), the judge or justice may order that the pocket bike or minimotorbike be forfeited to and destroyed by the law enforcement agency that employs the peace officer who cited the defendant or took the defendant into custody for the offense.

SECTION 7. Section 542.401, Transportation Code, is amended to read as follows:

Sec. 542.401. GENERAL PENALTY. (a) Except as provided by Subsection (b), a [A] person convicted of an offense that is a misdemeanor under this subtitle for which another penalty is not provided shall be punished by a fine of not less than \$1 or more than \$200. (b) An offense under this subtitle involving the operation of a pocket bike or minimotorbike is a misdemeanor punishable by a fine of \$750. In lieu of imposing a fine on a defendant under this subsection, the judge or justice may order that the pocket bike or minimotorbike be forfeited to and destroyed by the law enforcement agency that employs the peace officer who cited the defendant or took the defendant into custody for the offense.

SECTION 8. Section 661.001(1), Transportation Code, is amended to read as follows:

(1) "Motorcycle" means a motor vehicle designed to propel itself with not more than two wheels in contact with the ground, and having a saddle for the use of the rider. For the purposes of this chapter only, the term includes a pocket bike or minimotorbike, as defined by Section 502.001. The term does not include a tractor or a three-wheeled vehicle equipped with a cab, seat, and seat belt and designed to contain the operator in the cab.

SECTION 9. Section 661.003, Transportation Code, is amended by amending Subsection (h) and adding Subsections (h-1)-(h-3) to read as follows:

(h) Except as provided by Subsections (h-1) and (h-2), an [An] offense under this section is a misdemeanor punishable by a fine of not less than \$10 or more than \$50.

(h-1) An offense under this section committed by the operator of or a passenger on a pocket bike or minimotorbike is a misdemeanor punishable by a fine of \$750.

(h-2) A parent or ward of a child younger than 18 years of age who permits the child to operate or ride on a pocket bike or minimotorbike in violation of this section commits an offense. An offense under this subsection is a misdemeanor punishable by a fine of \$750.

(h-3) In lieu of imposing a fine on the defendant under

Subsection (h-1) or (h-2), the judge or justice may order that the pocket bike or minimotorbike be forfeited to and destroyed by the law enforcement agency that employs the peace officer who cited the defendant or took the defendant into custody for the offense.

This bill was left pending in House Law Enforcement committee on 4-4-05. My understanding is that it will die there because we already have laws prohibiting their operation on public roads. The Transportation Code may be amended to include a specific definition of a pocket bike.

###

HB 1094 authored by Menendez would prohibit an operator of a passenger vehicle or motorcycle from operating that vehicle or motorcycle while using a cell phone, if the operator had a provisional license during the first six months of licensure:

By: Menendez

H.B. No. 1094

A BILL TO BE ENTITLED

AN ACT relating to an offense of using a wireless communications device while operating a motor vehicle by certain minors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 545.424(a) and (b), Transportation Code, are amended to read as follows:

(a) A person under 18 years of age, during the six-month period following issuance of an original Class A, B, or C driver's license to the person, may not operate a motor vehicle: (1) after midnight and before 5 a.m. unless the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency; [or] (2) with more than one passenger in the vehicle under 21 years of age who is not a family member; or (3) while using a wireless communications device.

(b) A person under 17 years of age who holds a restricted motorcycle license or moped license, during the six-month period following the issuance of an original motorcycle license or moped license to the person, may not operate a motorcycle or moped: (1) after midnight and before 5 a.m. unless: (A) [(1)] the person is in sight of the person's parent or guardian; or (B) [(2)] the operation of the vehicle is necessary for the operator to attend or participate in employment or

a school-related activity or because of a medical emergency; or (2) while using a wireless communications device.

SECTION 2. This Act takes effect September 1, 2005.

This bill was left pending in House State Affairs committee on 2-28-05. I don't know why these folks think there is a problem with riders using cell phones. The real problem is that a wireless communications device is not defined in the Transportation Code and therefore could be interpreted as a bike-to-bike communications system. That would be a problem. What makes this bill really goofy is that it does not address instructional permits. It would be perfectly legal for you to operate a vehicle and use a cell phone with a learners permit, but not with a provisional license. What are they thinking? This bill likely will not go anywhere because it discriminates because of age.

###

HB 1522 filed by Griggs would allow motorcyclists to lane split during periods of traffic congestion as follows:

By: Griggs

H.B. No. 1522

A BILL TO BE ENTITLED

AN ACT relating to the operation and movement of motorcycles during periods of traffic congestion.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 545.060, Transportation Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) An operator on a roadway divided into two or more clearly marked lanes for traffic: (1) shall drive as nearly as practical entirely within a single lane, except as provided by Subsection (e); and (2) may not move from the lane unless that movement can be made safely.

(e) The operator of a motorcycle may operate the motorcycle for a safe distance between lanes of traffic moving in the same direction during periods of traffic congestion if the operator:

- (1) is at least 21 years old;
- (2) has successfully completed a motorcycle operator training and safety course under Chapter 662;
- (3) is covered by a health insurance plan providing the operator with at least \$10,000 in medical benefits for injuries incurred as a result of an accident while operating a motorcycle; and
- (4) operates the motorcycle: (A) at a speed not more than five miles per hour over the speed of the other traffic; (B) in traffic that is moving at a speed of 20 miles per hour or less; and (C) in a location other than a school crossing zone or other than a location where the posted speed limit is 20 miles per hour or less.

SECTION 2. This Act takes effect September 1, 2005.

This bill was referred to House Law Enforcement on 2-28-05 and has not moved since. I do not believe this bill will get out of this committee, although lane splitting is certainly not as dangerous as riding without a skid-lid.

What is interesting about the lane splitting issue is that it is not specifically prohibited anywhere in the transportation code. All references to passing to the left and right address passing in safety or at a safe distance. It defines passing as "to overtake and proceed past another vehicle moving in the same direction as the passing vehicle" and makes no mention of changing lanes to get it done. Nowhere does it state you cannot pass in the same lane. This is similar to the situation in California, which has similar laws. Lane splitting there is widely practiced by motorcyclists (especially those BMW riding motor officers) although there is no law (according to Clif Burdett) specifically allowing this practice. I have included all of the transportation code statutes dealing with passing for your own edification.

CHAPTER 545. OPERATION AND MOVEMENT OF VEHICLES

SUBCHAPTER A. GENERAL PROVISIONS

§ 545.001. DEFINITION. In this chapter, "pass" or "passing" used in reference to a vehicle means to overtake and proceed past another vehicle moving in the same direction as the passing vehicle or to attempt that maneuver.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

§ 545.002. OPERATOR. In this chapter, a reference to an operator includes a reference to the vehicle operated by the operator if the reference imposes a duty or provides a limitation on the movement or other operation of that vehicle.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

SUBCHAPTER B. DRIVING ON RIGHT SIDE OF ROADWAY AND PASSING

§ 545.051. DRIVING ON RIGHT SIDE OF ROADWAY.

(a) An operator on a roadway of sufficient width shall drive on the right half of the roadway, unless: (1) the operator is passing another vehicle; (2) an obstruction necessitates moving the vehicle left of the center of the roadway and the operator yields the right-of-way to a vehicle that: (A) is moving in the proper direction on the unobstructed portion of the roadway; and (B) is an immediate hazard; (3) the operator is on a roadway divided into three marked lanes for traffic; or (4) the operator is on a roadway restricted to one-way traffic.

(b) An operator of a vehicle on a roadway moving more slowly than the normal speed of other vehicles at the time and place under the existing conditions shall drive in the right-hand lane available for vehicles, or as close as practicable to the right-hand curb or edge of the roadway, unless the operator is: (1) passing another vehicle; or (2) preparing for a left turn at an intersection or into a private road or driveway.

(c) An operator on a roadway having four or more lanes for moving vehicles and providing for two-way movement of vehicles may not drive left of the center line of the roadway except: (1) as authorized by an official traffic-control device designating a specified lane to the left side of the center of the roadway for use by a vehicle not otherwise permitted to use the lane; (2) under the conditions described by Subsection (a)(2); or (3) in crossing the center line to make a left turn into or out of an alley, private road, or driveway.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

§ 545.052. DRIVING PAST VEHICLE MOVING IN OPPOSITE DIRECTION.

An operator moving in the opposite direction of the movement of another operator shall:

- (1) move to or remain to the right; and
- (2) on a roadway wide enough for not more than one line of vehicle movement in each direction, give the other operator: (A) at least one-half of the main traveled portion of the roadway; or (B) if complying with Paragraph (A) is not possible, as much of the roadway as possible.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

§ 545.053. PASSING TO THE LEFT; RETURN; BEING PASSED.

- (a) An operator passing another vehicle: (1) shall pass to the left of the other vehicle at a safe distance; and (2) may not move back to the right side of the roadway until safely clear of the passed vehicle.
- (b) An operator being passed by another vehicle: (1) shall, on audible signal, move or remain to the right in favor of the passing vehicle; and (2) may not accelerate until completely passed by the passing vehicle.
- (c) Subsection (b) does not apply when passing to the right is permitted.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

§ 545.054. PASSING TO THE LEFT: SAFE DISTANCE.

- (a) An operator may not drive on the left side of the center of the roadway in passing another vehicle unless: (1) driving on the left side of the center of the roadway is authorized by this subtitle; and (2) the left side is clearly visible and free of approaching traffic for a distance sufficient to permit passing without interfering with the operation of the passed vehicle or a vehicle approaching from the opposite direction.
- (b) An operator passing another vehicle shall return to an authorized lane of travel: (1) before coming within 200 feet of an approaching vehicle, if a lane authorized for vehicles approaching from the opposite direction is used in passing; or otherwise (2) as soon as practicable.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

§ 545.055. PASSING TO THE LEFT: PASSING ZONES.

- (a) An operator shall obey the directions of a sign or marking in Subsection (c) or (d) if the sign or marking is in place and clearly visible to an ordinarily observant person.
- (b) An operator may not drive on the left side of the roadway in a no-passing zone or on the left side of any pavement striping designed to mark a no-passing zone. This subsection does not prohibit a driver from crossing pavement striping, or the center line in a no-passing zone marked by signs only, to make a left turn into or out of an alley or private road or driveway.
- (c) The Texas Transportation Commission, on a state highway under the jurisdiction of the commission, may: (1) determine those portions of the highway where passing or driving to the left of the roadway would be especially hazardous; and (2) show the beginning and end of each no-passing zone by appropriate signs or markings on the roadway.
- (d) A local authority, on a highway under the jurisdiction of the local authority, may: (1) determine those portions of the highway where passing or driving to the left of the roadway would be especially hazardous; and (2) show the beginning and end of each no-passing zone by appropriate signs or markings on the roadway.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

§ 545.056. DRIVING TO LEFT OF CENTER OF ROADWAY: LIMITATIONS OTHER THAN PASSING.

- (a) An operator may not drive to the left side of the roadway if the operator is: (1) approaching within 100 feet of an intersection or railroad grade crossing in a municipality; (2) approaching within 100 feet of an intersection or railroad grade crossing outside a municipality and the intersection or crossing is shown by a sign or marking in accordance with Section 545.055; (3) approaching within 100 feet of a bridge, viaduct, or tunnel; or (4) awaiting access to a ferry operated by the Texas Transportation Commission.
- (b) The limitations in Subsection (a) do not apply: (1) on a one-way roadway or (2) to an operator turning left into or from an alley or private road or driveway.
- (c) The Texas Transportation Commission shall post signs along the approach to a ferry operated by the commission notifying operators that passing is prohibited if there is a standing line of vehicles awaiting access to the ferry.

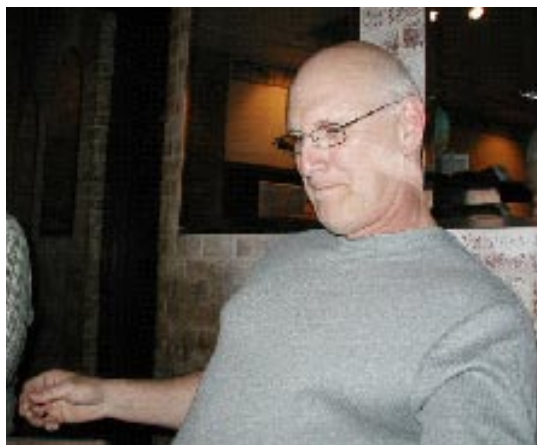
Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

§ 545.057. PASSING TO THE RIGHT.

- (a) An operator may pass to the right of another vehicle only if conditions permit safely passing to the right and:
 - (1) the vehicle being passed is making or about to make a left turn; and
 - (2) the operator is: (A) on a highway having unobstructed pavement not occupied by parked vehicles and sufficient width for two or more lines of moving vehicles in each direction; or (B) on a one-way street or on a roadway having traffic restricted to one direction of movement and the roadway is free from obstructions and wide enough for two or more lines of moving vehicles.
- (b) An operator may not pass to the right by leaving the main traveled portion of a roadway except as provided by Section 545.058.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

Have a nice read.



*Jude Schexnyder, Chief Inspector
Office of Audit and Inspection
Texas Department of Public Safety*