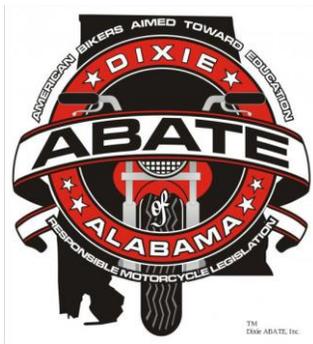


DIXIE ABATE BOARD OF DIRECTORS:

Matthew Schroeder: State Director
Shane Coker: Assistant State Director
Larry Lindsey: Education Director
Freddy Wheeler: Acting Legislative Director
Kris Cook: Secretary/Treasurer

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NORTHEAST REGION, NOCCALULA
FALLS CHAPTER
BOARD OF DIRECTORS:

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EAST CENTRAL REGION, TRI-COUNTY
CHAPTER (Montgomery area)

Ira "Cowboy" Jones, Organizer
Jeffrey Meck, Assistant Organizer

MEETING NOTES: 10/13/18: Redstone Harley Davidson, Madison, AL

In attendance:

Matthew Schroeder
Kris Cook
Brenda Matney
Justin Matney

Kris passed out meeting notes from the last meeting and the treasurer's reports for both Dixie ABATE, Inc. and Dixie ABATE Awareness & Education, Inc. All were approved and will be entered into Dixie ABATE's permanent records.

We discussed the proposed Virginia wording for a shoulder bill. The wording follows:

Be it enacted by the General Assembly of Virginia:

1. That § [46.2-841](#) of the Code of Virginia is amended and reenacted as follows:

§ [46.2-841](#). [When overtaking vehicle may pass on right.](#)

A. The driver of a vehicle may overtake and pass to the right of another vehicle only:

1. When the overtaken vehicle is making or about to make a left turn, and its driver has given the required signal;
2. On a highway with unobstructed pavement, not occupied by parked vehicles, of sufficient width for two or more lines of moving vehicles in each direction;
3. On a one-way street or on any one-way roadway when the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle on the right only under conditions permitting such movement in safety. Except where driving on paved shoulders is permitted by lawfully placed signs, no such movement shall be made by driving on the shoulder of the highway or off the pavement or main traveled portion of the roadway.

C. Notwithstanding paragraph B of this section, the operator of a motorcycle may drive on the right shoulder of any limited access highway as defined by § 33.2-400, provided that:

- (i) Traffic on such limited access highway is stopped or traveling at a speed of no greater than ten miles per hour;
- (ii) The operator of such motorcycle travels at a speed of no greater than fifteen miles per hour;
- (iii) The operator of such motorcycle drives on the right shoulder in the same direction as vehicular traffic in the adjacent lanes of travel only as far as the first available exit and uses such exit to leave the limited access highway.

We will discuss this at the December meeting, when we have Larry and Freddy at the meeting. Tennessee's similar bill failed to gain traction this past year.

Following is Hawaii's similar statute:

Schwear, Daisha 10/9/2018

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§ 291C- . Driving on designated shoulder; two-wheeled motorcycles, HI ST § 291C-

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West's Hawai'i Revised Statutes Annotated

2018 Legislative Session Undesignated Enactments

Laws 2018, Act 218

Chapter 291C. [Statewide Traffic Code]

HRS § 291C-

§ 291C- . Driving on designated shoulder; two-wheeled motorcycles

Effective: January 1, 2019

[Currentness](#)

<Official classification pending>

<Effective January 1, 2019>

(a) The department of transportation, in its sole discretion, may designate one or more shoulders upon which the department of transportation may authorize the driving of two-wheeled motorcycles; provided that:

(1) Any shoulder so designated shall be the shoulder of a roadway with at least two lanes for vehicular traffic moving in the same direction;

(2) The department of transportation shall not authorize:

(A) Drivers of two-wheeled motorcycles to maneuver their vehicles onto a shoulder unless vehicular traffic on the roadway is stopped as a result of a marked or unmarked intersection or congestion;

(B) The driving of two-wheeled motorcycles upon a shoulder:

(i) At any speed exceeding ten miles per hour; or

(ii) In a direction other than the direction of vehicular traffic in the adjacent roadway; or

(C) Drivers of two-wheeled motorcycles to make any turn from any shoulder;

(3) The department of transportation may impose additional restrictions on the maneuvering and driving of two-wheeled motorcycles onto and upon designated shoulders, including restrictions that are more stringent than those

described in paragraph (2); and

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§ 291C- . Driving on designated shoulder; two-wheeled motorcycles, HI ST § 291C-

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(4) The department of transportation shall clearly mark any designated shoulder with appropriate official traffic control devices, including traffic-control devices that indicate the:

(A) Points along the shoulder at which two-wheeled motorcycles may begin to enter the shoulder and shall begin to exit the shoulder; and

(B) Maximum speed at which two-wheeled motorcycles may be driven in the shoulder.

(b) The following conditions shall apply to any driver of a two-wheeled motorcycle maneuvering onto or driving upon a shoulder specifically designated by the department of transportation pursuant to subsection (a):

(1) The driver shall not maneuver the motorcycle onto a designated shoulder until vehicular traffic on the roadway has been stopped as a result of a marked or unmarked intersection or congestion;

(2) Unless otherwise prohibited by an official traffic-control device, the driver may traverse lanes on the roadway to the extent necessary to maneuver the motorcycle onto the designated shoulder; provided that the driver shall yield to oncoming traffic when other vehicles on the roadway begin to move forward;

(3) The driver shall not make any turn from the shoulder;

(4) Subject to paragraph (5), the driver shall exit the shoulder:

(A) When vehicles in the adjacent traffic lane that the driver was previously using begin to move forward; or

(B) At any point so designated by an official traffic-control device;

(5) When exiting the shoulder, the driver shall yield to oncoming traffic and maneuver the driver's vehicle completely into the adjacent lane as soon as it is safe to do so;

(6) The driver shall use turn signals provided for in [section 291C-85](#) while entering, exiting, or driving upon a shoulder in the same manner that the driver would be required to use the signals while driving in or changing lanes; and

(7) The driver shall obey all other traffic laws and official traffic-control devices.

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§ 291C- . Driving on designated shoulder; two-wheeled motorcycles, HI ST § 291C-

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Credits

Laws 2018, ch. 218, § 1, eff. Jan. 1, 2019.

Editors' Notes

<This section is repealed December 31, 2020, by [Laws 2018, ch. 218, § 9](#).>

H R S § 291C- , HI ST § 291C

Current through Act 220 of the 2018 Regular Session, pending classification of undesignated material and text revision by the revisor of statutes. For research tips relating to newly added undesignated material, see Searching and Fields under scope.

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Matt spoke with Robert Forbus, of Greenbrier, Tennessee, about Tennessee's attempt to get a shoulder bill. He told Matt, "No, it is still illegal to do the safe and prudent thing. We never made it to Bill status; we had conversations with Transportation (they were fine) and the Department of Safety (they were terrified). They had based their bill on the fact that the legislature passed a Bill to allow Nashville buses to use the breakdown lanes in heavy or stopped traffic. But the bill sponsor could not get enough interest among his fellows and they decided not to run it. Their eventual goal is to be able to legally split lanes when traffic mis moving slowly. Using the breakdown lane was just the first step to prove a point that it can be done safely.

We discussed lane splitting and are still of a mind that Alabama drivers are not ready for that.

Matt reported on our relations with nearby ABATEs. He recently went to the ABATE of Georgia swap meet. He knows "Skinny Bob", Georgia's State Director. They discussed the possibility of a multi-state event. We are always welcome to set up our tent at their swap meet in Helen.

We need to reach out to other southeastern states.

The MRF's MOTM (Meeting of the Minds) is in Michigan next year. They are looking at having it hosted in the Southeast again in 2021 or 2022.

Matt has been communicating with Chris Hilyer, the State TSM&O Administrator with ALDOT, regarding the electronic highway signs. Mr. Hilyer told Matt that ALDOT "is currently developing a 52 week calendar to systematically utilize the DMS for the various national and state safety campaigns, inclusive of motorcycle safety." He told Matt he was uncertain when the next motorcycle safety PSA will run, but "rest assured it is forthcoming in our rotation."

We discussed billboards. It is time to renew our billboard contracts for Montgomery, Birmingham, and Huntsville. Kris will do that in the coming weeks.

Matt presented the MRF report, which included the news that Megan Ekstrom has taken another job. The MRF will be looking for a new lobbyist. Megan has done a good job and we wish her well. Matt also reported on the MRF's legislative priorities for the coming year. He discussed HR 318:

Introduced in House (05/08/2017)

115th CONGRESS

1st Session

H. RES. 318

Promoting awareness of motorcycle profiling and encouraging collaboration and communication with the motorcycle community and law enforcement officials to prevent instances of profiling.

IN THE HOUSE OF REPRESENTATIVES

May 8, 2017

Mr. Walberg (for himself, Mr. Pocan, Mr. Burgess, and Mr. Peterson) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Promoting awareness of motorcycle profiling and encouraging collaboration and communication with the motorcycle community and law enforcement officials to prevent instances of profiling.

Whereas motorcycle ridership has continued to increase over time with registrations growing from 3,826,373 in 1997 to 8,600,936 in 2015;

Whereas, as of August 2016, the ongoing National Motorcycle Profiling Survey 2016, conducted by the Motorcycle Profiling Project, found that approximately ½ of the motorcyclists surveyed felt that they had been profiled by law enforcement at least once;

Whereas motorcycle profiling means the illegal use of the fact that a person rides a motorcycle or wears motorcycle related apparel as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without legal basis under the Constitution of the United States;

Whereas complaints surrounding motorcycle profiling have been cited in all 50 States;

Whereas nationwide protests to raise awareness and combat motorcycle profiling have been held in multiple States;

Whereas in 2011, Washington signed into law legislation stating that the criminal justice training commission shall ensure that issues related to motorcycle profiling are addressed in basic law enforcement training and offered to in-service law enforcement officers in conjunction with existing training regarding profiling;

Whereas reported incidents of motorcycle profiling have dropped approximately 90 percent in the State of Washington since the 2011 legislation was signed into law; and

Whereas in the spring of 2016, Maryland became the second State to pass a law addressing the issue of motorcycle profiling: Now, therefore, be it

Resolved, That the House of Representatives—

(1) promotes increased public awareness on the issue of motorcycle profiling;

(2) encourages collaboration and communication with the motorcycle community and law enforcement to engage in efforts to end motorcycle profiling; and

(3) urges State law enforcement officials to include statements condemning motorcycle profiling in written policies and training materials.

Matt discussed E15 gasoline, which is illegal to use in a motorcycle. This fuel is approved by the EPA only for use in cars 2001 and newer. E15 is now available in 30 states, at 1430 retail locations. The EPA requires stations that sell E15 to have measures in place to prevent consumers from using it in any vehicles that is not a car newer than 2001. Related to this issue, HR 5855 has been introduced at the federal level:

Introduced in House (05/16/2018)

115th CONGRESS
2d Session

H. R. 5855

To require the Administrator of the Environmental Protection Agency to revise labeling requirements for fuel pumps that dispense E15, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES
May 16, 2018

Mr. Austin Scott of Georgia (for himself and Ms. Frankel of Florida) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the Administrator of the Environmental Protection Agency to revise labeling requirements for fuel pumps that dispense E15, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Short title.

This Act may be cited as the “Consumer Protection and Fuel Transparency Act of 2018”.

SEC. 2. E15 fuel dispenser labeling.

(a) E15 fuel dispenser labeling rule.—

(1) **REVISION OF RULE.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall revise the labeling requirements for fuel pumps that dispense E15, including by revising the rule described in paragraph (3) with respect to such requirements.

(2) **INPUT AND REQUIREMENTS FOR LABEL.**—In revising the labeling requirements for fuel pumps that dispense E15 under paragraph (1), the Administrator shall—

(A) solicit input from—

(i) industries that manufacture vehicles, engines, and equipment that are prohibited from using E15, including boats, lawnmowers, chainsaws, motorcycles, snowmobiles, and pre-2001 model year vehicles;

(ii) consumer groups that represent users of such vehicles, engines, and equipment; and

(iii) any other party that the Administrator determines may be impacted by such labeling requirements;

(B) require that the label for fuel pumps that dispense E15—

(i) include the word “WARNING”;

(ii) include the words “Check your owner’s manual”;

(iii) be 5 × 7 inches or larger;

(iv) include—

(I) indicators with respect to vehicles, engines, and equipment that are prohibited from using E15, including—

(aa) pictograms depicting a boat, lawnmower, chainsaw, motorcycle, and snowmobile; and

(bb) warnings with respect to pre-2001 model year vehicles; and

(II) other indicators developed by the Administrator, in consultation with the American National Standards Institute and the Federal Trade Commission; and

(v) be focus group tested to ensure effectiveness; and

(C) with respect to blender pumps, in addition to the requirements under subparagraph (B), with input from industries, the Federal Trade Commission, and the American National Standards Institute, require an additional warning label on each such blender pump to warn consumers of the residual gasoline left in gasoline pump hoses from the previous individual dispensing.

(3) **RULE DESCRIBED.**—The rule described in this paragraph is the final rule titled “Regulation To Mitigate the Misfueling of Vehicles and Engines With Gasoline Containing Greater Than Ten Volume Percent Ethanol and Modifications to the Reformulated and Conventional Gasoline Programs” published in the Federal Register on July 25, 2011 (76 Fed. Reg. 44406 et seq.).

(b) **Public education.**—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with affected industries, shall develop and commence a public education campaign—

(1) to inform the public regarding—

(A) the risks associated with the improper use of E15; and

(B) the vehicles, engines, and equipment that are prohibited from using E15, including boats, lawnmowers, chainsaws, motorcycles, snowmobiles, and pre-2001 model year vehicles; and

(2) that includes, with respect to an existing fuel pump that displays electronic messages, development of an electronic message inquiring if a consumer is aware that E15 is so prohibited, to be displayed on such fuel pump prior to E15 dispensing from such fuel pump.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the public education campaign commenced under subsection (b), including data and metrics on consumer awareness of E15.

(d) Registration entities education.—The Administrator, in collaboration with State entities responsible for boat registration, shall distribute, at the time of initial registration of a boat and at the time of the renewal of a registration for such boat, educational materials on E15 and its impact on marine engines.

(e) Definitions.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) BLENDER PUMP.—The term “blender pump” means a fuel pump that may dispense multiple blends of fuel, including E15.

(3) E15.—The term “E15” means gasoline containing 15 percent ethanol by volume.

We discussed the MRF’s idea of upgrading their software to help all members keep up with motorcycle-associated legislation in every state. It is \$10,000 a year, and they are asking every ABATE chapter how much they can pledge per month, to offset the cost. We have pledged to support it at \$25.00 per month. This will be a private donation, and will not have any impact on the treasury.

The next state meeting will be our annual Christmas party meeting, at 1 PM at the Original Oyster House on the Causeway, Spanish Fort, Alabama, on Saturday, December 8.