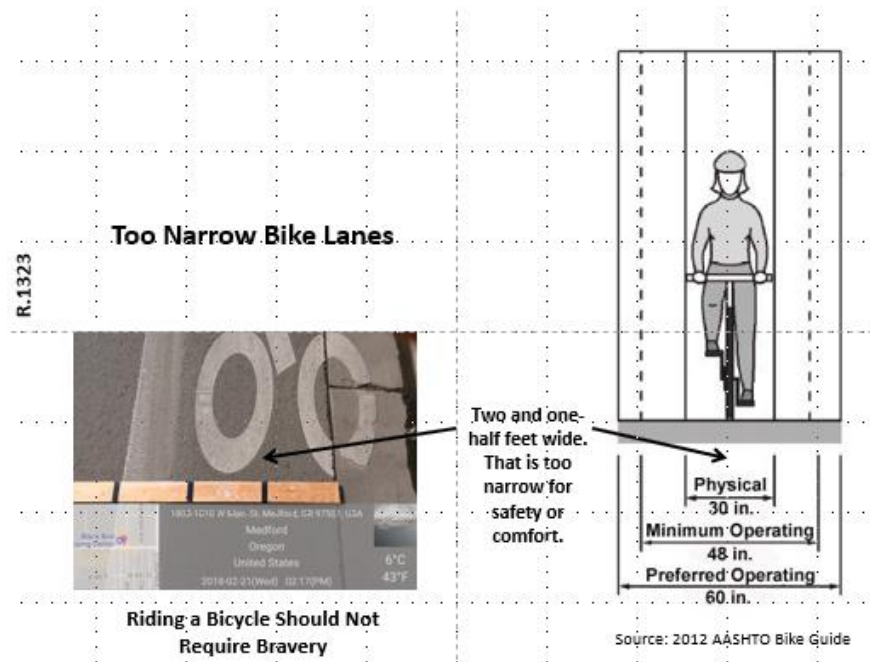


Joint Committee on Transportation:

Siskiyou Velo supports the amendment of **ORS 801.155, definition of bike lane**, to explicitly provide that the bike lane “continues in and through intersection where markings are interrupted by intersection.”

That change will ensure that the liability for collisions involving a through bicyclists and turning motor vehicles will rest with the motor vehicle driver. The change is welcome and will solve one of the many challenges that people face when riding a bicycle for transportation.

A widespread problem in the State is the construction of overly narrow bike lanes. The right-hand side of the illustration, below, shows the American Association of State Highway and Transportation Officials’ (AASHTO) standards for 1) the physical space required by a bicycle and its operator, 2) the minimum width for a bicycle and its operator, and 3) the preferred width for bicycle operation. It should be noted, that these are not bike lane widths but are simply the width requirements of the bicycle and its operator.



People riding bicycle, because they are two wheeled vehicles, wobble, oscillate, or weave as they pedal and counter street to maintain a generally “straight” line. The lower the skill level the more accentuated the weave and, consequently, the wider the area needed for operation. Too often local governments install too narrow of bike lanes. They are sometimes, as pictured above on the left-hand side, so narrow that they aren’t even as wide as the physical space required by a bicyclist. Clearly that is unacceptable. AASHTO’s established minimum is four feet. ODOT’s multi-modal analysis utilizes AASHTO’s minimum width requirement for the bicycle and its operator. “Bike lanes less than 4’ do not provide adequate separation from motor vehicles.” ([ODOT, Multimodal Analysis Procedure Manual Version 2](#), page 14-13).

ORS 811.440 allows motorist to drive anywhere in their lane including immediately adjacent to but in the bike lane. Consequently, any separation distance between a bicyclists and a passing motor vehicle must be included in the bike lane itself. A five-foot wide bike lane provides only ½ foot of separation from passing motor vehicles if the person riding the bicycle positions

themselves in the center of their lane (five-foot wide bike lane minus the minimum operating width, divided by two, equals ½ foot separation from passing motor vehicles). Would you encourage a family member or a friend to step off of the curb and have motorists speeding by at a distance as close as six inches? No, it is not safe! Bike lanes must, therefore, be at least six feet wide in order to provide a minimum of one foot of separation between passing motor vehicles and persons riding a bicycle. We recommend that HB 2682 include an explicit acknowledgement that roadway jurisdictions' are liable for injuries to bicyclist where the bike lanes are less than five feet wide (excluding the gutter pan – which is not a rideable surface).

Other Legislative Changes:

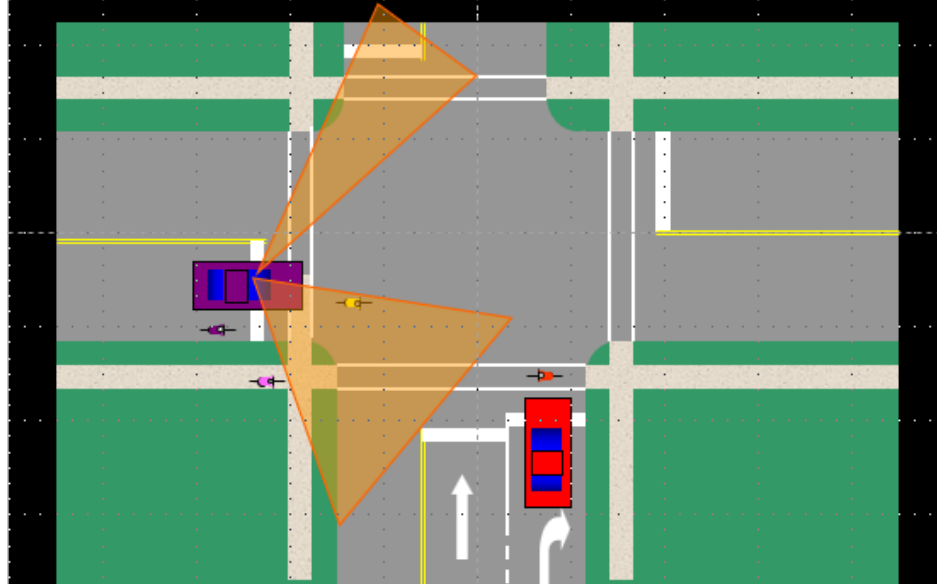
The legislature should also include, as a part of HB 2682, amendments to several other existing statutes in order to improve the safety of people traveling by bicycle. These include ORS 814.420 and ORS 811.065 which are discussed, below.

OSR 814.420, OFFENSE OF FAILURE TO USE A BICYCLE LANE OR PATH, should be amended to 1) allow bicyclists to leave the bike lane in advance of an intersection where a vehicle driver may (as contrasted with “must”) turn right and 2) allowing a person riding a bicycle to not use a bicycle lane that it is too narrow as to provide no separation from adjacent motor vehicles.

- 1) The Legislature should allow, by law, for bicyclists to leave the bike lane to protect themselves, by merging into the through lane. While HB 2682 places the liability on auto drivers in the event of collision with a cyclists, it is far better for everyone to avoid the accident in the first place. The graphic below illustrates why it is so important for a bicyclists to be allowed to leave the bike lane at intersections.

Allowing bicyclists to merge into the adjacent auto travel lane, from the bike lane, in advance of intersections allows all vehicles (both motor and bicycles) to proceed through the intersection in an orderly que. This is the approach or “best practice” for people riding bicycles when approaching an intersection when there isn’t a bike lane. Providing bicyclists with the legal flexibility to protect themselves from turning motor vehicles is essential to ensure the safety of all road users. It is always better to avoid a collision than to be injured on a bike because of someone’s negligence

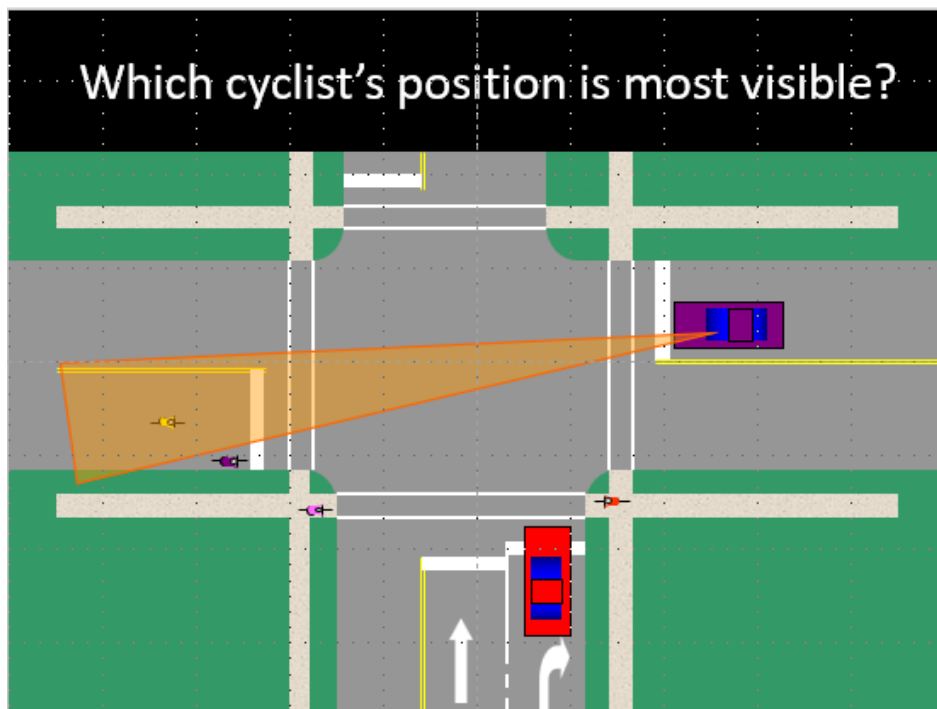
Which cyclist's position is most visible?



The bicyclist, by merging out of the bike lane and into the motor vehicle travel lane, occupies a position that serves to maximize visibility and ensures that he/she/they are seen by following motorists.

The second graphic, shown below further demonstrates that importance of bicyclist to “take the lane” at intersections to avoid collisions involving a “left cross.” The truth is that motor vehicle drivers look for other motor vehicles. They are not looking at the opposing right edge of the roadway where bicycle lanes are located. Consequently, they often proceed to make a left turn as a cyclist enters the intersection; either because they don’t see (i.e. look for) a bicyclists or they mis-judge the speed with which the cyclist is proceeding. The outcome is the same; the cyclist is injured and often is transported to a hospital for treatment.

Which cyclist's position is most visible?



- 2) Narrow bike lanes are inherently unsafe and do not provide any separation between passing motor vehicles and people riding bicycles. Consequently, bicyclists should not be bound by law to use them. Narrow bike lanes serve to simply increase the risk of injury. We ask on behalf of cyclists throughout the State that SECTION 4 of ORS 814.420 be amended.

The proposed amendments to ORS 814.420 are shown below.

814.420 Failure to use bicycle lane or path. (changes are shown in **bold**)

- (1) Except as provided in subsections (2) and (3) of this section, a person commits the offense of failure to use a bicycle lane or path if the person operates a bicycle on any portion of a roadway that is not a bicycle lane or bicycle path when a bicycle lane or bicycle path is adjacent to or near the roadway.
- (2) A person is not required to comply with this section unless the state or local authority with jurisdiction over the roadway finds, after public hearing, that the bicycle lane or bicycle path is suitable for safe bicycle use at reasonable rates of speed.
- (3) A person is not in violation of the offense under this section if the person is able to safely move out of the bicycle lane or path for the purpose of:
 - (a) Overtaking and passing another bicycle, a vehicle or a pedestrian that is in the bicycle lane or path and passage cannot safely be made in the lane or path.
 - (b) Preparing to execute a left turn at an intersection or into a private road or driveway.
 - (c) Avoiding debris or other hazardous conditions.
 - (d) Preparing to execute a right turn where a right turn is authorized.
 - (e) Continuing straight at an intersection where the bicycle lane or path is to the right of a lane from which a motor vehicle [*must*] **may** turn right.
- (d) Where the bike lane is less than four feet wide, excluding the drain pan.**
- (4) The offense described in this section, failure to use a bicycle lane or path, is a Class D traffic violation.

The first change in ORS 814.420(3)e would allow people riding bicycles to merge into the through/right lane in order to ensure all vehicles proceed through the intersection smoothly. Most people riding bicycles are unaware that the right-side bike lane, leading up to an intersection, serves to trap the bicyclists in a dangerous location rather than, as often assumed, afford a level of safety. The law should allow bicyclists to merge into the through lane at the intersection to ensure that they don't become a victim of a turning vehicle.

The second change would add a new subsection to ORS 814.420; ORS 814.420(3)d would simply allow bicyclists to not use the bike lane when it is unsafe to do so. Bike lanes less than four feet should not be designated as bike lanes but when they are, bicyclists should have the option using the adjacent travel lane without violating the law.

One last amendment to existing statutes is needed. Under existing law there is typically too little separation between passing motor vehicles and people riding bicycles. An amendment to OAR 811.065 would solve this problem.

ORS 811.065 Unsafe passing of a person operating bicycle should be amended to provide a minimum passing distance of three feet independent of the presence of a bike lane or motor vehicle speed. Three feet is the required passing distance commonly used by many other states

throughout the nation. The following integrates this provision by adding a new section to ORS 811.065.

811.065 (1) A driver of a motor vehicle commits the offense of unsafe passing of a person operating a bicycle if the driver violates any of the following requirements:

(a) The driver of a motor vehicle may only pass a person operating a bicycle by driving to the left of the bicycle at a safe distance and returning to the lane of travel once the motor vehicle is safely clear of the overtaken bicycle. For the purposes of this paragraph, a “safe distance” means:

A) a minimum three-foot distance, or

B) a distance that is sufficient to prevent contact with the person operating the bicycle if the person were to fall into the driver’s lane of traffic. This paragraph does not apply to a driver operating a motor vehicle:

(1) In a lane that is separate from and adjacent to a designated bicycle lane;

(2) At a speed not greater than 35 miles per hour; **or**

(3) When the driver is passing a person operating a bicycle on the person’s right side and the person operating the bicycle is turning left.

b) The driver of a motor vehicle may drive to the left of the center of a roadway to pass a person operating a bicycle proceeding in the same direction only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle safely and avoid interference with oncoming traffic. This paragraph does not authorize driving on the left side of the center of a roadway when prohibited under ORS 811.295 (Failure to drive on right), 811.300 (Failure to drive on right of approaching vehicle) or 811.310 (Crossing center line on two-way, four-lane road) to 811.325 (Failure to keep camper, trailer or truck in right lane).

(c) The driver of a motor vehicle that passes a person operating a bicycle shall return to an authorized lane of traffic as soon as practicable.

(2) Passing a person operating a bicycle in a no passing zone in violation of ORS 811.420 (Passing in no passing zone) constitutes prima facie evidence of commission of the offense described in this section, unsafe passing of a person operating a bicycle, if the passing results in injury to or the death of the person operating the bicycle.

(3) The offense described in this section, unsafe passing of a person operating a bicycle, is a Class B traffic violation. [2007 c.794 §2]

Thank you very much for the opportunity to share our experience and insights. Bicycling should not require bravery. In too many cities across the State people don't ride bicycles on public roads because they are afraid to share the roadway with motorists. Changes to existing statutes are necessary to create a legal framework to ensure the safety of all modes of travel and ultimately ensure the construction of a safe and convenient bicycle network in all cities and metropolitan areas of the State. That is the only way that bicycles can, in fact, serve as a mode of transportation. Mode choice, in the State, should not force citizens to choose between a safe mode of travel and one that is unsafe. Please ensure that all modes of travel are safe for all ages and abilities.

Sincerely,

Gary Shaff

A handwritten signature in black ink that reads "Gary Shaff". The signature is written in a cursive style with a large, sweeping initial "G".

Secretary, Siskiyou Velo