

From: [Kat Iverson](#)
To: [JCT Exhibits](#)
Subject: Testimony on HB 2682
Date: Tuesday, March 26, 2019 4:36:20 PM

Members of the Joint Committee on Transportation,

I expect that the bill's sponsors will tell you about the court cases in which two different judges ruled that bike lanes cease at intersections. Right-turning motorists who hit through cyclists were found not guilty of failure to yield to a bicyclist in a bicycle lane. This bill, defining a bicycle lane as continuing through the intersection, is meant to clarify who must yield, and, presumably, reduce collisions. It is also meant to prevent such bizarre court rulings in the future. It might or might not succeed in its purposes.

First, the dash one amendment weakens the bill. All bicycle lanes end somewhere. Sometimes they end mid-block because that is where residential or commercial development ended, but often they end at intersections. The street has a bicycle lane up to the crosswalk, then none downstream of the intersection. The dash one amendment creates two different yielding provisions. If the lane continues, then right-turning motorists must yield to bicyclists. If the lane ends, there is an implication that bicyclists must yield to the motorists. This requires bicyclists and motorists to know in advance whether the bicycle lane continues beyond the intersection, yet there is almost never a sign warning that the lane ends. Neither operator may know who must yield until it is too late to take the correct action.

Second, this bill, with or without the dash one amendment, retains the provision that the bicycle lane is adjacent to, rather than part of, the roadway. The right-turning motorists are on the roadway throughout their turns—while approaching the cross street, during the turn, and once on the new street. By the current definition and by this bill's definition, the bicyclists are not on the roadway until they pass through the crosswalk and enter the cross street. By ORS 811.280, anyone entering a roadway must yield to traffic already on the roadway. By this bill's definition will the motorist on the roadway be required to yield to the bicyclist in the bicycle lane, or will the bicyclist in the bicycle lane *adjacent* to the roadway be required to yield to the motorist already on the roadway?

A bicycle lane ought to be defined as part of the roadway. Three current laws contradict the bicycle lane definition by implying that a bicycle lane is part of the roadway:

ORS 801.450, the roadway is where vehicles are supposed to travel

ORS 801.155, a bicycle is a vehicle

ORS 814.420, bicycles are supposed to use bicycle lanes

Therefore a bike lane is part of the roadway.

Further complicating yielding provisions is the proliferation of various new bicycle facilities that are raised, hidden behind parked cars, or separated by posts or curbs. Are they bicycle lanes? Can something six inches above the roadway be considered a lane?

This bill, either the original or the dash one amendment, might help bicyclists or their heirs collect damages after collisions, but it won't reduce the frequency of collisions. Nothing will reduce right hook collisions until you eliminate the practice of requiring motorists to make right turns from left lanes or you eliminate the requirement that bicyclists use these facilities. I would heartily support both of those actions, but, unfortunately, they are not within the

purview of this bill.

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