To: Jackson County elected and appointed officials and TSP Update citizen volunteers

From: Victoria Brown, ML Moore, Matt Walker, Edgar Hee, Gary Shaff, Tom Ryan, Donald Coker, Dennis Cramer, Harlan Bittner, David Chapman

Date: November 4, 2015

RE: Cycling and Roadway Facilities

John Vale’s 10/30/14 memo justifying the County’s policy to not place bike lanes on roads except where sidewalks are present on both sides of the road relies upon an incomplete reading of State statutes.

A quick review of other statutes included in Oregon Revised Statutes (ORS) 814 makes clear that pedestrians have the right-of-way on paved shoulders as well as bike lanes. Both [ORS 814.420](http://www.oregonlaws.org/ors/814.420) and [ORS 814.430](http://www.oregonlaws.org/ors/814.430) explicitly acknowledge that people riding bikes will encounter a “pedestrian that is in the bicycle lane or path” and they can deviate from the bike lane or right edge of the roadway to safely pass pedestrians.  These statutes plus ORS 814.400 makes clear that operating a bike whether in a bike lane or on a shoulder “does not relieve a bicyclist or motorist from the duty to exercise due care.” Additionally, had the legislature intended to prohibit pedestrians from using bike lanes there would be a State statute identifying it as a violation of the motor vehicle code and establishing a penalty for violation as with there are for motor vehicles drivers (see [ORS 811.435](http://www.oregonlaws.org/ors/811.435)). Additional defects in the County’s arguments are described in Part I of the attached Technical Paper – Bike Lanes and Why They are Necessary.

It is not that bike lanes are the only “solution.” Rather, they are part of a system of bike facilities that include shared roads, greenways, and separated paths. The key is creating a network (one connecting neighborhoods, communities, schools, employment and shopping areas, and parks and other recreational areas) and matching the facility to the environment (the higher the volume/speeds the greater the need for bike/auto separation). In rural areas, where there are few roadway intersections and driveways and the bike passing laws (see below) apply, the level of traffic stress (LTS) is lower and thus the need for separated path reduced. Additionally, the more rural a location the lower the bicycle volume due, in large part, to the distance from urban areas and thus the relatively higher cyclists tolerance for LTS. Such factors should be considered in identifying which type of facility will best serve future travel demand. In most suburban and rural areas, a six foot bike lane will meet those needs.

Please reconsider the Road and Parks Department’s position on bike lanes and amend the TSP’s standard cross-section for arterial and collector streets to include bike lanes as opposed to paved shoulders.

State law is quite clear; auto drivers, bicycles and pedestrians must all conform to the requirements of the law in order to ensure the safety for all road users. It works reasonably well but there are two key problems:

1. Too many cyclists aren’t aware of or violate the rules of the road, and
2. Motorists are ignorant of or otherwise ignore the State bicycle passing law ([ORS 811.065](http://www.oregonlaws.org/ors/811.065)).

Siskiyou Velo established a bike education and training program in 2011 in an attempt to address the first problem. Partially, through the Club’s efforts, there are currently seven League of American Bicycles (LAB), League Certified Instructors in Jackson County. The LAB curriculum focuses on two key principals: 1) cyclists need to know and follow the “rules of the road” and, 2) that “cyclists fare best when they act and are treated as drivers of vehicles.”

Motorists’ violation of ORS 811.065 is probably the single greatest reason more people don’t bicycle in rural Jackson County and the State as a whole. Cyclists on rural roads are routinely passed by motorists at speeds greater than 35 MPH with less than three feet between their bike and car/truck. But most drivers (and this includes cyclists) aren’t aware of the law. Signs to inform, and police officers/deputies to enforce the bicycle passing law should be a top priority. Please sign roads with center line markings without bike lanes (i.e. with 8 inch solid strip & bike stencils) with the following sign: “**Change Lanes to Pass Bicycles**” which is explicitly permitted in the Manual of Uniform Traffic Control Devices (MUTCD). Please refer to Part II, Section D of the attached Technical Paper – Bike Lanes and Why They are Necessary.