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CHAPTER 734

DEPARTMENT OF TRANSPORTATION

HIGHWAY DIVISION

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FILING CAPTION: Bus Shoulder Lanes on Freeways

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RULE SUMMARY: Establishes a process for designating bus shoulder lanes on congested freeways.

CHANGES TO RULE:

734-020-0044

Bus Shoulder Lanes on Freeways

(1) For purposes of this rule, the following definitions apply:

(a) "Authorized bus" means an automotive vehicle, either publicly or privately owned, that is operated by or on behalf of a public transportation service provider for the provision of public transportation services.

(b) "Bus shoulder lane" means a freeway shoulder designated for use by an authorized bus.

(c) "Department" or "ODOT" means the Oregon Department of Transportation.

(d) "Designated" means signed or marked as specified in section (5) of this rule.

(e) "Freeway" means a highway for through traffic in which access to the highway is fully controlled except as may be allowed at interchanges.

(f) "Indian tribe" has the meaning set forth in OAR 732-040-0005.

(g) "Intergovernmental entity" has the meaning set forth in OAR 732-040-0005.

(h) "Mass transit district" has the meaning set forth in OAR 732-040-0005.

(i) "Public transportation service provider" means a provider organized in this or another state that is a mass transit district, a transportation district, an Indian tribe, a city, county, special district, intergovernmental entity, or any other political subdivision or municipal or public corporation that provide public transportation services.

(j) "Public corporation" has the meaning set forth in OAR 732-040-0005.

(k) "Public transportation services" means passenger transportation service to the general public on a regular and continuing basis that is designed and advertised as shared-ride service. "Public transportation services" does not include charter, sightseeing, exclusive school bus service, or services designed to meet the needs of a specific user group.

(L) "Shared-ride service" means a service where neither the operator nor any passenger may refuse to permit additional passengers that are otherwise complying with the operator's rules and policies.

(m) "Special district" has the meaning set forth in OAR 732-040-0005.

(n) "Transportation district" has the meaning set forth in OAR 732-040-0005.

(2) The ODOT chief engineer or their designee may designate a bus shoulder lane on a freeway by order, as described in ORS 810.140, when ODOT and a public transportation service provider have signed an agreement as

described in section (3) of this rule. The chief engineer or their designee, considering need and safety, may establish criteria for designating a bus shoulder lane in addition to criteria described in section (3) of this rule, as necessary.

(3) Upon entering an agreement with a public transportation service provider on the use and operation of the bus shoulder lane, a public transportation service provider may operate in a designated bus shoulder lane. The agreement must include, but not be limited to, the following:

(a) A requirement that an authorized bus must be operated by a driver who has been trained, or is being trained, in the proper use of bus shoulder lanes.

(b) A description of where the bus shoulder lane begins and ends.

(c) A description of the type of bus or buses authorized to operate in the bus shoulder lane.

(d) A plan for communicating the operating conditions of the bus shoulder lane between the road authority, transportation service provider, and any other public transportation service provider operating in the same bus shoulder lane. This plan may include, but is not limited to, communicating the location of obstructions in the bus shoulder lane, inclement weather, temporary closures of the bus shoulder lane, and other incidents.

(e) A description of the roles and responsibilities of the road authority and public transportation service provider to execute the agreement.

(f) Conditions for operating an authorized bus in the bus shoulder lane, including but not limited to, the following:

(A) Developing and executing a training plan by the public transportation service provider for bus drivers on the proper use of the bus shoulder lane.

(B) Operating an authorized bus in the bus shoulder lane only when traffic in the lane adjacent to the bus shoulder lane operates below a speed established in the agreement and the authorized bus is not leaving or returning to the authorized bus's garage or yard facility.

(C) Operating in the bus shoulder lane in accordance with the speed established in the agreement, including a speed established for traveling faster than vehicles in the adjacent lane.

(D) Operating in the bus shoulder lane with hazard lights on.

(E) Requiring an authorized bus to yield to merging, entering, and exiting traffic, and to allowable uses and other obstructions in the bus shoulder lane.

(4) A bus shoulder lane may be used by pedestrians, people operating bicycles, stopped vehicles, or emergency use unless otherwise prohibited in the order issued under ORS 810.140 and this administrative rule.

(5) Bus shoulder lanes must be established using traffic control devices that conform to the Manual on Uniform Traffic Control Devices adopted in OAR 734-020-0005.

Statutory/Other Authority: ORS 184.619, 810.140

Statutes/Other Implemented: ORS 810.140