Called to order February 13, 2019 9:30 am.

**Attendance:**

- **OBPAC Members:** Michael Black, Cadell Chand (phone), Elliot Crowder, Hau Hagedorn, Mavis Hartz (phone), Jeff Monson (phone), Robert Spurlock, Emma Newman (phone)
- **ODOT Staff:** Amanda Pietz, Susan Peithman, Jessica Horning,
- **Invited Guests:** Brendan Finn, Heidi Guenin, Chris Cheng, Kelly Hawley (phone)
- **Visitors:** Adam Argo
- **Absent:** None

**Introductions, Agenda review:**

- Michael Black provided an overview of the meeting agenda and update on committee actions
- Emma Newman, new at large OBPAC member, introduced herself to the committee. Emma is currently a Transportation Planner with the City of Springfield.
- Chris Cheng, new Region 4 Active Transportation Liaison, introduced himself to the committee. Chris was previously the Region 4 Traffic Safety Coordinator. Chris is serving as the interim Region 4 ATL while David Amiton completes a 1 year rotation as interim Region 4 Planning and Programs Manager.

**Public comment:**

- Jessica Horning shared two public comments that were received in the OBPAC email inbox.
- Chris Billman of Forest Gove OR copied OBPAC on a request to Senator Betsy Johnson to revise Oregon’s bike lane laws to require bike lanes to meet ADA requirements. Jessica mentioned that there is currently a bill being considered by the legislature to revise the definition of “bicycle lane” to include the extension of the bike lane through the intersection, even if it is not striped. ODOT has proposed revised language that is more similar to crosswalk law. Discussion:
  - Could this be an opportunity to clarify definition of “bicycle trail” for Bike Bill as well? Proposed Bill is specific to “bicycle lane” definition, which is elsewhere in statute.
  - How does this apply to rural areas with shoulder or no striping? People biking in shoulder would still not have protection of bike lane.
  - This change would address several recent cases where court has overturned charges of failing to yield to bicyclist in bike lane after person biking was hit by a right-turning vehicle.
- Michael Williams would like to give OBPAC a presentation on advisory bike lanes. Michael is a consultant who has led research on this topic.
- Jessica posted copy of Michael’s report online: [https://drive.google.com/open?id=1IqQucosOcD8LMWTCglNlbY4zkWXsydNo](https://drive.google.com/open?id=1IqQucosOcD8LMWTCglNlbY4zkWXsydNo)
Added to work plan for potential future presentation. Presentation would be on state of the practice and how communities can use

**Brendan Finn (Governor’s Transportation Policy Advisory) Meet & Greet:**

- Brendan spent the last 20 years in Portland Commissioner Dan Saltzman’s office. MURP. Bike rider & Active Transportation advocate. Obtained partial funding for permanent Better Naito. Excited about working on mobility options across state. Working on potential cap & trade/invest legislation and transportation funding. Transportation agenda for the governor in the fall was light on Active Transportation.

- Hau – transportation is responsible for 40% of GHG emissions, but at least 3 highway widening projects on Governor’s transportation agenda.

- Legislature decided to fund those 3 projects. Rose Quarter is possibility for AT improvements on top of highway. Projects are happening and we should work on making the best of them. GHG impact will be from behavior change, congestion pricing, moving away from gas tax. Needs to be a comprehensive approach to change. OreGO is wave of future and DeFazio agrees. Moving to electrification of system. Dynamic pricing that addresses equity issues.

- Hau – encourage Governor’s office to encourage ODOT to look at highway widening projects as opportunity to improve bike facilities and move people.

- No clear pathway right now to fund I-205 project. Still a lot of unanswered questions on all 3 projects. ODOT is dealing with some legislative mandates on what and how they need to do things. Brendan would like to work with OBPAC and Governor’s office to identify and work on issues. Keep him apprised of legislation that is coming up and how it intersects with AT issues.

- Hau- feeling disconnect with governor’s office and wants understanding of role of OBPAC. Where to insert ourselves?

- Brendan – considers OBPAC expert resource. Will need to follow-up with Lindsay (Gov Relations). Set up legislative recommendations/updates? Governor wants to lead nation on transportation across all modes. Relies on OBPAC as advisors. E.g. What types of investments should be funded to reduce GHG through cap and trade legislation?

- Jeff – talk to Governor about including AT themes in speeches.

☐ **ACTION:** Add invitation Brendan to future meetings for updates

**Review & approve October & December minutes**

- Pending action items from previous meetings:
  - Need volunteer for new Scenic Bikeway Advisory Committee Representative. Elliott can tentatively be new representative, but may need backup member for summer meetings. Jessica will coordinate with OPRD on adding Elliott to mailing list.
  - OTC outreach - Amanda will follow-up with OTC on modal committee time on OTC agenda.
  - Cap & Trade letter – Michael will draft. Joint committee on Carbon is no longer interim. Co-chaired by Sen Dembrow and Rep Power now. Draft bill is out HB2020. Transportation sector is where they anticipate getting revenues right away. Legislature or OTC has authority over how revenue is spent, depending on how bill changes. More mitigation and adaptation activities needed in different areas, so even split of funding is not likely. Amanda Pietz has been working on spending scenarios that aren’t ready to release yet. Also providing clarification on what funds can be spent on and needs and asks for how funding might be distributed. Requesting 25% of
funds go to Bike/Ped to double SRTS, reinstitute local grants, improve ADA. Joint committee is doing public meetings tour. Revenue has to go into highway fund, but can be subject to longer term debate...going into subaccount for now so can be focused on GHG reduction strategies. Could be $1-5m/year for grant program.

- OPRD Legislative Concept letter – sunset provision in 2025 and taking funding from Local Government Grants is a concern. AOC is against taking funding out of grant program. Robert will reach out to ORPA and draft comment letter, if needed. Staff will update OBPAC regarding timing.
- Robert moved to approve October minutes. Elliott seconds. All approve. No discussion, no objections.
- Elliott moved to approve December minutes. Robert seconds. All approve. No discussion, no objections.

ACTION: Amanda will follow-up with OTC on modal committee time on OTC agenda.
ACTION: Michael will draft letter supporting bike/ped funding in Cap and Trade Legislation
ACTION: Michael and Robert will draft letter sharing OBPAC comments on OPRD legislative concept and desired legislative fixes to Connect Oregon (waiting for update from staff re: timing)

**Urban Design Initiative Update**

- Susan provided an overview presentation on the ODOT Urban Design Initiative (UDI). The UDI is an effort to reevaluate ODOT’s design approach and standards for state highways in urban areas. The primary deliverables from UDI are a “Bridging document” that develops and expands definitions of urban contexts that will be used to update ODOT’s design guidance, and topical memos on bike facility selection, ped/bike crossing spacing, and target/design speed.
- Public comments on design related topics that ODOT received on the state bicycle and pedestrian plan were forwarded to the staff working on UDI and have helped inform the work. Staff would like OBPAC’s early input on draft UDI materials, particularly the draft Bicycle Facility Selection & Crossing Spacing Guidance. OBPAC can choose level of involvement with UDI review:
  - Level 1: just receive updates,
  - Level 2: review policies and provide feedback,
  - Level 3: review topical memos and bridging document and provide feedback
- Committee members agreed they would like a higher level of involvement in UDI review, if their input will have an impact on the final product. UDI is an opportunity to ask for changes to address some of the design and Bike Bill interpretation concerns that have been discussed at previous OBPAC meetings. The drafts that staff will be providing to OBPAC for review have not been broadly distributed internally or externally yet, so OBPAC is getting involved as early in the process as possible.
- Susan will prepare draft versions of critical charts and send to OBPAC before April meeting. Send memos 1-2 weeks before meeting with email outlining specific tables, etc to focus on. Staff requests that these early draft materials not be shared outside OBPAC.

ACTION: Susan/Jessica will share draft versions of UDI materials for OBPAC review prior to April 17th meeting.

**OR217 Auxiliary Lane Project Overview**
Kelly Hawley provided an overview of pedestrian and bicycle facility improvements being planned in conjunction with the OR217 Auxiliary Lane project. Project will include improvements to Fanno Creek Trail connections and replacement of southern Hall Blvd/217 overcrossing with new bridge with improved pedestrian and bicycle facilities. Widening of northern Hall Blvd/217 overcrossing to provide sidewalks and bike lanes in both directions is being designed as part of the project and construction funding is being pursued. Will likely be funded in large part with ODOT Active Transportation Leverage funds. Project has been example of good collaboration between ODOT, City of Beaverton, Tualatin Hills, Parks and Recreation, and developer.

Will wayfinding be consistent with Intertwine signage on rest of Fanno Creek Trail? THPRD is providing the design for the wayfinding.

When will project website be updated with ped/bike info? Soon. Just got new Public Involvement firm on board. Kelly will send link to site when updated.

How to stay informed on project? Website will have option to sign up for project updates. In meantime, send Kelly your contact info and she will sign you up for listserv.

ACTI0N: Send 217 project website link to OBPAC when updated.

**Emerging Trends/Technologies Follow-Up**

- Adam Argo provided an update on the Emerging Trends Impact Assessment Report. Report will be available and shared with committee next week. Would like to schedule time to discuss at future meeting. There will be work sessions in Bend and Eugene coming up. Send dates to OBPAC.

- Cadell provided an overview of HB2671, which would revise statute to only require people under 16 to wear helmets on e-scooters. Number 1 complaint that PBOT received from pilot was people not wearing helmets. Helmet requirement limits growth of e-scooters as micro mobility, active option. Robert, Michael, and Hau support. Minimum age for e-scooter helmet requirement should be consistent with bike helmet statute. Where is minimum age for e-scooters in statute? Need to update DMV e-bike guide if passes. Move to write letter of support to legislature in support of bill. All support. No objections.

ACTI0N: Jessica send ETIA work session dates to OBPAC

ACTI0N: Cadell will write letter: OBPAC is in support of HB2671 and revising helmet requirement to under 16 would match requirements for bikes/e-bikes and make e-scooters more accessible to a wider audience.

ACTI0N: ODOT update DMV e-bike guide and OR Bicyclist Manual to reflect any statutes revised during session. OBPAC to review.

**I-205 Subcommittee Update**

- Hau and Robert provided a presentation summarizing discussions & lessons learned by the I-205 Project Subcommittee since December 11 OBPAC meeting.
  - Transportation sector emissions accounted for nearly 40% of total statewide emissions of greenhouse gases in 2016 according to Gov. Kate Brown’s Transportation Policy Agenda
  - OBPAC’s mission focuses on the goals of safety, equity, and connectivity.
  - OBPAC Bike Bill Subcommittee was formed to help understand ODOT’s interpretation and implementation of Bike Bill.
I-205 Stafford Rd to OR213 Case Study

Why does this matter? All HB2017 will trigger bill
ORS 366.112 states that: “There is created in the Department of Transportation an advisory committee to be appointed by the Governor to advise the department regarding the regulation of bicycle traffic and the establishment of bicycle lanes and paths...”

I-205 Case Study:
- $500M reconstruction project
  - Study done to look at multi-use path on the Abernethy Bridge
    - New bridge north $20-25M
    - New bridge south $20-25M
    - North cantilever $30-35M
    - South cantilever $25-30M
  - Two parallel route alternatives from Abernethy Bridge to Stafford Road
    - MUP NW side of I-205 from OR43 to Stafford Road $40M
    - Miscellaneous shoulder bike lanes $53M
- Options between 4% (new bridge) to 17.6% (N cantilever + Misc) of budget

ODOT’s 2016 FASTLANE grant application for the I-205 project IDs need for pedestrian and bicycle network connection via Abernethy Bridge

- What was the outcome?
  - No bike/ped options proposed on Abernethy Bridge
  - OAR restriction: People biking & walking NOT allowed on shoulder on bridge
  - No multiuse path or any facilities or alternatives for people who walk or bike

- OAR 734-020-0045
  - Prohibition of Bikes and Peds on Freeways: (1) Bicycles and pedestrians as defined in ORS 801.150 and 801.385, are prohibited upon the following segments of freeways within the State of Oregon: (a) Portland area: (D) Interstate 205 (Hwy. No. 64) northerly of the Overcrossing of the Oswego Highway No. 3, M.P. 8.82;
  - Per DOJ, this OAR satisfies Bike Bill exemption requirements by showing that a multi-use path would be contrary to public safety.
  - Other freeways listed in this OAR have parallel multi-use paths, but these paths predate the establishment of the OAR.

I-205: Abernethy Bride to Stafford Road
- Bike Bill met! A shoulder is considered a “bike trail”.
- ODOT states the “cost is disproportionate to the use and need” of a path.
- People biking & walking allowed on 12’ shoulder
- Proposed width exceeds design standards

Where has ODOT gotten it right?
- I-5 North Portland to Hayden Island – Same OAR restriction, people walking & biking not allowed on shoulder, separate multi-use path for people biking & walking
- I-205 Glenn Jackson Bridge – Same OAR restriction, people walking & biking not allowed on shoulder, separate multi-use path for people biking & walking
- OR217/Kruse Way – No shoulder, separate multi-use path for people biking & walking
- I-84 over Sandy River - people walking & biking allowed on shoulder, separate multi-use path for people biking & walking, not required by Bike Bill, build because of advocacy

The ODOT screening process for the Bike Bill:
- Draft process.
- Difficult to get any information from ODOT regarding any of these steps
- There are very projects that will require an exemption.
Even if a project triggers the Bike Bill, ODOT can invoke the “shoulder as bike trail” in any situation.

- I-205 Current Status
  - Project is funded through the design phase
  - $450 million is needed for construction of the Abernethy Bridge and highway widening

Discussion: What is OBPAC’s Advisory Role?
- There are 54 active projects in Region 1. US26 project in Hillsboro and other projects don’t appear to be including ped/bike facilities beyond shoulders.
- OR217 is good example of following Bike Bill. The OAR that prohibits bikes and peds from using the Abernethy Bridge shoulder automatically exempts the bridge portion of the project from the requirements of the bike bill.
- Region 1 project staff have engaged Clackamas County BPAC and will be giving presentation on project at upcoming meeting. May want to let local BPAC focus on project details and OBPAC advise on future changes to design standards, facility selection, and Bike Bill review process.
- As ODOT seeks exemption from Bike Bill, what should that look like? Process similar to reducing freight carrying capacity? OBPAC could help to rewrite ORS interpretation document. Could also advise on administrative rules to clarify ORS. This would establish rules for implementing Bike Bill and could provide clarification on relationship between ped/bike prohibition OAR and Bike Bill.
- How do we work to make sure that we have adequate facilities out there? OBPAC to advise on design guidelines. Urban Design Initiative review is a good starting place.
- How do we evaluate and start working on parallel routes? OBPAC to advise on policies.
- ODOT transparency and public outreach improvements needed, especially on larger projects.
- Should OBPAC write a letter to OTC regarding project before wrapping up subcommittee?
- Letter should focus on policy and best practice to help move future improvement forward and need to consider ped/bike routes as part of mega projects.
- Elliott: doesn’t like automatic out granted by OAR (prohibiting ped/bike traffic on Abernethy Bridge). OBPAC should work on addressing this issue. If concerned about I-205 project, should go to local BPAC. Should move forward on this, but wait on letter.
- Emma: Thinks OBPAC has a role.
- Mavis: Focus on moving forward and developing a policy to ensure that this doesn’t happen again. Process similar to freight. Would like to address this issue because there are lots of freeways in E Oregon and I-84 really isolates La Grande
- Jeff: too focused on region specific project
- Hau: need examples of Bike Bill exemptions (e.g. OR8 in Beaverton, US26, I-5 project, Bend Parkway?, Coos Bay?)
- Michael: good example of what we don’t want to see again but doesn’t feel comfortable sending OTC a letter regarding project specifically, but would like to use as an illustration of missed opportunity.
- Letter should be to Rian Windsheimer instead of OTC if project focused. Letter to OTC would be more future and policy/process solutions focused.

Next steps
- Set time for Region 1 staff to come back and provide update to OBPAC on progress made to move forward parallel route in future.
- What are mechanisms for making sure this doesn’t happen again in future? Review mega projects or ask OTC to create review process.
- Draft diagram to show how things link together – bike bill interpretation, review process, design standards, design exceptions. Create diagram and email that clarifies what all the pieces are and how they are related and how OBPAC can move them forward.
Review diagram at future meeting, revise work program, and create subcommittee to address issues.

ACTION: Hau draft I-205 letter to Rian Windsheimer for OBPAC review
ACTION: Jessica work on OBPAC Bike Bill tasks diagram and outline

Connect Oregon Update

- Michael and Robert provided an update on Connect Oregon Bike/Ped Rulemaking Advisory Committee.
- OPRD Legislative Concept discussion - see what the other groups (Oregon Trails Coalition, ORPA, AOC, etc) are writing and provide a support letter. Robert will find out what other organizations are advocating for and draft letter. Priority is to remove sunset clause. No one disagrees with that.

SRTS Update

- Staff provided an update on the Safe Routes to School Program. 24 infrastructure grants have been awarded and IGAs are underway. Rapid Response and Non-Infrastructure grant timelines will be presented at future meetings. OBPAC would like to see ODOT programs work together to combine and complement infrastructure and non-infrastructure grants. Also would like to see projects incorporate/pilot behavior change theory and programs.

NOAs, Agenda Requests

- April 17 will be short web-meeting focused on Urban Design Initiative review/comment.

Meeting adjourned at 3:45 pm.

Next meeting:
April 17, 1:00-3:00 pm web-meeting

Draft April agenda topics:
- Oregon Coast Bike Route Plan Update – Elliott would like to move to in person meeting
- ADA Program Update and policies
- SRTS Non-Infrastructure Program Update
- “Ped/Bike 1%” Funding Strategy

Future agenda topics:
- ORS 366.514 “Bike Bill” Review Process
- TSAP Implementation Plan & Vulnerable Users Working Group Update
- OFAC and Freight Plan work program updates
OBPAC website & work program: https://www.oregon.gov/ODOT/Get-Involved/Pages/OBPAC.aspx