

Minutes

Travel Lane Widths Work Group Session (SMPAC)

Meeting Date & Time: Monday, May 1, 2023
2:00 p.m. – 3:30 p.m.

Attendees:

Stakeholders	ODOT	
✓ Marie Dodds	✓ Rich Crossler-Laird	✓ Jessica Horning
✓ Walt Gamble	✓ Bill Gross	✓ Christy Jordan
✓ Mark Gibson	✓ Erik Havig	✓ Mike Kimlinger
✓ Erik Zander		

Discussion Summary

Potential Statutory Changes Discussion:

The work group reviewed some language to modify ORS 811.370 to allow for a vehicle to use a safety buffer outside of its designated lane. The group landed on the following change (edits shown in blue), posted by Mike Kimlinger. Upon further discussion, the group decided to insert the word *safety* before buffer:

811.370 Failure to drive within lane; exception; penalty. (1) Except as provided in subsection (2) **or (3)** of this section, a person commits the offense of failure to drive within a lane if the person is operating a vehicle upon a roadway that is divided into two or more clearly marked lanes for traffic and the driver does not:

(a) Operate the vehicle as nearly as practicable entirely within a single lane; and

(b) Refrain from moving from that lane until the driver has first made certain that the movement can be made with safety.

(2) A person who operates a commercial motor vehicle within a multilane roundabout that is divided into two or more clearly marked lanes for traffic may operate the commercial motor vehicle in more than one lane when it is not practicable to remain entirely within one lane.

(3) A person may operate a vehicle within a marked **safety** buffer area between two marked lanes or between a vehicle lane and a bicycle lane when it is not practicable to remain entirely within one lane and the driver has first made certain that the movement can be made with safety.

(4) The offense described in this section, failure to drive within a lane, is a Class B traffic violation. [1983 c.338 §630; 2011 c.85 §2]

Mike said there is some concern from his team that the statutory changes could cause issues in other statutes, such as ORS 814.430. Mike offered the following edit to that statute (edit shown in blue):

814.430 Improper use of lanes; exceptions; penalty. (1) A person commits the offense of improper use of lanes by a bicycle if the person is operating a bicycle on a roadway at less than the normal speed of traffic using the roadway at that time and place under the existing conditions and the person does not ride as close as practicable to the right curb or edge of the roadway.

(2) A person is not in violation of the offense under this section if the person is not operating a bicycle as close as practicable to the right curb or edge of the roadway under any of the following circumstances:

.....

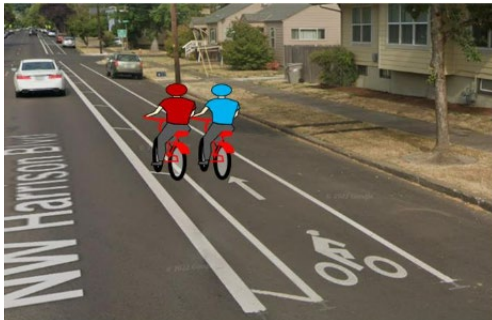
(g) *When operating within a marked safety buffer area between two lanes.*

(3) The offense described in this section, improper use of lanes by a bicycle, is a Class D traffic violation. [1983 c.338 §701; 1985 c.16 §339]

The group discussed developing questions to provide to the Oregon Department of Justice (DOJ), when proposing the statutory change. Potential questions include the following:

- Are there other places in statute where we need to consider minor modifications, so we avoid unintended consequences?
- Is the word “*practicable*” an appropriate term to use in the new subsection #3 of ORS 811.370, or is there a more definitive term that would be better?
- Does the “*Refrain from moving*” reference in (1)(b) of ORS 811.370 mean that some specific action (e.g. turn signal?) needs to happen before the driver decides to use the buffer space?
- If this statute is adopted, how can law enforcement and the court system be informed that this statutory change should be considered when they do enforcement (e.g. if a large vehicle encroaches into the buffer, at least they have a reason that’s been recognized in law)?
- Should we include a definition for a “*safety buffer*” in Chapter 801, that can be referenced in ORS 811.370? For instance, “*A safety buffer, also sometimes called a bicycle lane buffer, is a neutral space between a bicycle lane and a motor vehicle lane delineated by two longitudinal stripes. This space improves road user safety and comfort by separating cyclists from motor vehicles more than a single standard bike lane stripe. A person may operate a vehicle within a marked safety buffer when it is not practicable to remain entirely within one lane and the driver or bicyclist has first made certain that the movement can be made with safety per ORS 811.370 and ORS 814.420.*”

Mike also shared the following image of a potential safety buffer in the meeting chat for conversation and comments:



- Mike said the image shows an 8-inch line, a buffer space, then a narrower 4-inch line, followed by the bike lane. Mike said his concern with this scenario is that in statute, an 8-inch line with the bike symbol or bike lane sign automatically means

everything to the right of the line is a bike lane – which is not what we’re aiming for. He said we want a space that can be used by bikes or vehicles, so we’ll need to be careful of unintended consequences.

- Erik Zander commented that it should not be the intention that a user (truck, car or bike) would use the buffer space for the entire time they move down the roadway (e.g. the red bicyclist wouldn’t stay in the buffer space the entire stretch of roadway). Mike Kimlinger agreed, and suggested we call it a “neutral space” or “neutral buffer”. Jessica added that the buffer space would be used by a bicyclist to avoid debris in the bike lane or pass another bicyclist. She said the buffer space is not part of anyone’s lane to be used on a regular basis – you can use the buffer space if you need to, when it’s safe to do so.
- Walt Gamble asked if the 8-inch and 4-inch lines could be reversed, so that the 4-inch line is next to traffic. Mike said it could work, but the line thickness also comes into play when, for example, there is only 2-feet available for the buffer.
- Mike said another consideration is maintenance and budget – we need the ability to regularly refresh the striping.

Below are additional comments and concerns raised by the group during the discussion about the potential statutory changes:

- Jessica Horning suggested the fewer the striping details that are put into administrative rule and statute, the better. She said the guidance changes faster than administrative rules and statute.
- Christy Jordan suggested creating a definition for the buffer. She also asked if we should compare what other states have done. Mike agreed that the more consistent we can be with other states, then we will see a better response out of drivers.
- Erik Zander commented that the challenge is two-fold: one is to come up with the wording in the statute, and the other is pushing it out to drivers so that they know and understand it.
- Christy Jordan suggested looking at the language for ORS 818.200 (Authority to issue variance permits; effect of permit; violation of permit), which has provisions for permitted vehicles to move without violating various statutes (including ORS 811.370).
- Walt suggested the buffer be referred to as a “bike buffer.” Mike said he will have his look at that term and see if it is consistent with how it is described by other states. Jessica said referring to it as a “safety buffer” sounds more appropriate and gets out what this group is trying to accomplish.
- Mike pointed out that there may be times when – even in places with 12-foot travel lanes – that an oversized load will have to use the buffer space.
- Jessica said we might consider creating a legal definition for a safety buffer, such as the definition for a “neutral space” from the line manual. Mike suggested we could add a definition for a safety buffer in the 801 section, rather than adding it to ORS 811.370. After the meeting, Jessica Horning posted the following in the chat, relating to a buffer definition:

I sent an email to FHWA's State Ped/Bike Coordinators' listserv to see how other states define buffers and who's allowed to operate in them when. Will let you know what I hear back. I also mashed together this definition of a "safety buffer" using what we have in the Traffic Line Manual and existing statute... as an alternative to amending ORS 811.370. Will workshop it with Rodger and Eric. Please let me know what you think.

"A safety buffer, also sometimes called a bicycle lane buffer, is a neutral space between a bicycle lane and a motor vehicle lane delineated by two longitudinal stripes. This space improves road user safety and comfort by separating cyclists from motor vehicles more than a single standard bike lane stripe. A person may operate a vehicle within a marked safety buffer when it is not practicable to remain entirely within one lane and the driver or bicyclist has first made certain that the movement can be made with safety per ORS 811.370 and ORS 814.420."

Lane Width Design Guidance Discussion:

Mark Gibson reiterated industry's position that the guidance provided in the Blueprint for Urban Design (BUD) should be changed so that it starts with a 12-foot-wide lane recommendation and requires justification for changing to an 11-foot lane. He said industry feels strongly about this change, or at least providing that guidance on designated freight routes or in certain specific scenarios. Mark asked Mike where ODOT stands on their request.

Mike said he doesn't think ODOT is going to make a direct change to the BUD in the next few weeks or months. He said he is more than happy to keep working on how ODOT changes the perception in the BUD (e.g. just because it says you can go to 11-foot lanes, doesn't change the fact that you need to consider various other factors first). Mike said there's an issue where a designer might start with a particular width, but don't want to move. He said they're trying to train designers so they consider all of the users and functions of the corridor before landing on a design decision. Mike said he's willing to go back to the design document and try an explain the guidance in a different way, but he said the emphasis is going to be to start at a certain level in certain areas, while making sure to account for all other factors.

Erik Zander commented that it can make the discussions difficult when we try to make a truck route a "multimodal" route in an urban area, when there may be a parallel route available for other modes. He also pointed out that while we have traffic counts available for trucks and cars, there are no counts available for bicycles and pedestrians. Erik said if there could be more specific criteria in the manual that might "trigger" a narrower lane, it would help with the discussions.

Mike suggested he could bring in a few of his staff who put the BUD together and have a discussion whether there is a different way to word a particular section. Mark said he is good with that suggestion, but he said he is really interested in a simple wording change related to starting at 11-foot lanes.

Walt Gamble suggested staging trucks and bikes in a parking lot (similar to the roundabout "rodeos") so that people can see firsthand the issues with narrow travel lanes. Mike suggested perhaps OSU could use their simulator to create a model and incorporate an actual cab view into a design tool.

Action Items:

- Mike's team will look at safety buffer definitions from other states. Jessica will also check with Bike/Ped coordinators in other states to see how they define buffers.
- Mike and Bill to meet and review the meeting minutes, the draft statute changes and potential questions to send to DOJ.
- Mike to arrange for someone on his staff to walk the work group members through the process for design in the BUD.