

BICYCLES AND THE LAW
By Ray Thomas
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ODOT Proposes Prohibition of Bicycles on Metro Area Freeways

The Oregon Department of Transportation (ODOT) has proposed a ban on bicycles on a number of Portland Metro area freeways. The proposed ban would make it illegal for bicycle riders to travel on or next to certain Metro area freeway sections previously available for bicycle travel. The bans are proposed as a “safety” measure. Oregon’s bicycle leadership needs to step up in opposing this bad idea. Instead of prohibiting bicyclists from road access, ODOT must work with the Oregon bicycle community to design, construct, and maintain safe transportation corridors for bicyclists and pedestrians.

Oregon Revised Statute (ORS) 810.020 provides statutory authority to “each road authority” to prohibit or restrict bicycle and non-motorized use of roadways. ODOT has reportedly been asked by law enforcement agencies and has moved on their own initiative to consider prohibition of bicycle traffic on certain area freeway sections due to increased population and traffic flow to improve safety. ODOT believes further restriction to bicycle access would require changing Oregon Administrative Rule (OAR) 734.020-0045. The proposed rule change has been drafted and will be considered by the Oregon Bicycle Pedestrian Advisory Committee (OBPAC) at a meeting on April 7, 2006, at 10:00 a.m. in Portland City Hall. If ODOT decides to proceed with the rule change, then a formal notice and public hearings will be scheduled, perhaps as early as late Summer 2006 according to Rolland Arney, author of the proposed changes for ODOT.

Text of Proposed Rule Changes

The attached copy shows proposed rule changes in underline and bold print and deleted language in brackets. The attached map shows the changes as well.

Impact of Changes

The proposed rule change would prevent bicyclists from lawful access to additional sections of freeway in the Portland area that are currently in use by bicycle riders. Apparently, ODOT and some law enforcement officers feel that bicyclists should not use these sections of roadway. However, the Highway 217 corridor from Beaverton to Lake Oswego is the only limited access arterial for bicyclists that is available. Further, the freeway and shoulder of the Sunset Highway (Hwy. 26) between the Oregon Zoo and the Jefferson Street interchange in Goose Hollow is the only direct arterial between the Sunset Highway's bike lane/path system (that runs roughly from the Washington Park Zoo to the Sunset Transit Center) and downtown Portland. The wide shoulders on this section of Highway 26 creates an important direct connection for riders.

Why the Bicycle Community Must Unite to Fight These Measures

Access to roads, sidewalks, and public places is the life blood of the freedom to ride where one wishes on a bicycle. Over the past two decades, bicyclists and pedestrians have been viewed as a safety hazard by government officials; but concern about poorly designed and inadequate transportation facilities should not be met by attempts to prohibit user access instead of facility improvement.

For example, when pedestrians and bicyclists complained about the narrow and poorly designed sidewalks on Portland's Steel Bridge, the City of Portland decided to erect signs asking bicyclists not to ride across the bridge. In response, Rex

Burkeholder of the Bicycle Transportation Alliance (BTA) challenged the authority and policy behind the signs which led to their removal from the bridge, and improvement in the bridge sidewalks for non-motorized users. Over the years, we have also helped riders who have been pulled over and ordered by law enforcement officers off of Oregon's freeways because the police (mistakenly) thought it was illegal, (or at the very least a bad idea), for bicyclists to ride on or next to freeways. Through the efforts of the League of American Wheelman (LAW), now the League of American Bicyclists (LAB) and Oregon bicycle rights community, we educated law enforcement about OAR 734-020-0045. A short essay containing a typical example is contained in the Pedal Power book.

Each generation of Oregon bicyclists must carry on this tradition of defending our right to ride where we wish, AND, we must reframe the debate to focus on the inadequacies of present bicycle facilities and the importance to design and build better facilities so that more people ride bicycles in more places, not less.

The Proposed Bicycle Prohibitions are Unnecessary

One of the proposed bans applies to Interstate 205. The proposed ban would make it illegal for bicyclists to use the freeway. However, there is already a law in place which requires that bicyclists use the available I-205 bike path which runs alongside I-205. Contained in ORS 814.420. There is no need for bicyclists to ride on the freeway if a reasonable bicycle friendly alternative is available, and the law provides the legal requirements that if a bike lane or path is available then bicyclists are required to use it.

Conclusion

ODOT's consideration of a ban on bicycles on metro area freeways is legally unnecessary and a restriction on bicyclists' legal rights. ODOT, law enforcement, and

bicyclists must focus on development of practical and safe transportation corridors to encourage non-motorized commuters and travelers, both for the good of the human machine and the metro transportation universe.

