

# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

## Public Hearing ORS 814.420 - Bicycle Lanes

Meeting Date: August 13, 2012  
Hearing

Agenda Section: Public

Department: Public Works  
Messenger

Staff Contact: Nikki

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### ISSUE STATEMENT AND SUMMARY

In order for the Police Department to enforce ORS 814.420 related to bicycles, the Council has to hold a public hearing and find that the bicycle lanes or paths are suitable for safe bicycle use at reasonable rates of speed.

### BACKGROUND

**A. Council Action History.** None.

**B. Analysis.** Public Works staff was approached by Police Department traffic enforcement personnel regarding ORS 814.420 quoted below. The officer indicated that he had encountered individuals violating the statute, but has been unable to enforce the restriction without the required public hearing and related findings by Council specifically outlined in subsection 2.

**814.420 Failure to use bicycle lane or path; exceptions; penalty.** (1) Except as provided in subsections (2) and (3) of this section, a person commits the offense of failure to use a bicycle lane or path if the person operates a bicycle on any portion of a roadway that is not a bicycle lane or bicycle path when a bicycle lane or bicycle path is adjacent to or near the roadway.

(2) A person is not required to comply with this section unless the state or local authority with jurisdiction over the roadway finds, after public hearing, that the bicycle lane or bicycle path is suitable for safe bicycle use at reasonable rates of speed.

(3) A person is not in violation of the offense under this section if the person is able to safely move out of the bicycle lane or path for the purpose of:

(a) Overtaking and passing another bicycle, a vehicle or a pedestrian that is in the bicycle lane or path and passage cannot safely be made in the lane or path.

(b) Preparing to execute a left turn at an intersection or into a private road or driveway.

(c) Avoiding debris or other hazardous conditions.

(d) Preparing to execute a right turn where a right turn is authorized.

(e) Continuing straight at an intersection where the bicycle lane or path is to the right of a lane from which a motor vehicle must turn right.

(4) The offense described in this section, failure to use a bicycle lane or path, is a Class D traffic violation. [1983 c.338 §700; 1985 c.16 §338; 2005 c.316 §3]

The following is a list of existing bike lanes on City streets that staff believes are suitable for safe bicycle use at reasonable rates of speed in the same direction of travel as vehicle traffic:

Airport Road	Stewart Parkway	Exchange Avenue
Alameda Avenue	Sunset Street	Stephens Street
Aviation Drive	Stewart Parkway	General Avenue
Broad Street	Edenbower Blvd	Amanda Avenue
Cedar Street	Garden Valley Blvd	Chestnut Avenue
Chestnut Avenue	Cedar Street	Stephens Street
Edenbower Blvd	Stephens Street	Renann Street
Exchange Avenue	Airport Road	Stephens Street
Garden Valley Blvd	Stephens Street	Lincoln Street
Garden Valley Blvd	UGB	I-5
Harvard Avenue	Lookingglass Road	Old Melrose Road
Harvard Avenue	Madrone Street	Umpqua Street
Keasey Street	Valley View Drive	Harvey Avenue
Lincoln Street	Ross Avenue	Sunset Blvd
Mulholland Drive	Stewart Parkway	Garden Valley Blvd
Oak Avenue	Harvard Avenue	Stephens Street
Pine Street	Stephens Street	Mosher Avenue
Renann Street	Stewart Parkway	Edenbower Blvd
Rifle Range Street	Diamond Lake Blvd	Spencer Court
Rocky Ridge Street	Garden Valley Blvd	Rocky Drive
Stephens Street	Garden Valley Blvd	Keller Road
Stewart Parkway	Stephens Street	Park Entrance
Troost Street	Garden Valley Blvd	Greenley Street
Vine Street	Garden Valley Blvd	Meadow Street
Washington Avenue	Spruce Street	Madrone Street
Winchester Street	Diamond Lake Blvd	Klamath Street

**C. Financial and/or Resource Considerations.** None.

**D. Timing Issues.** The Police Department would have the ability to enforce the statute immediately upon a finding by the Council.

**COUNCIL OPTIONS**

- 1) Adopt the findings and enable the Police Department to begin enforcing ORS 814.420; or
- 2) Suggest changes to the findings; or
- 3) Not adopt the findings.

**STAFF RECOMMENDATION**

Staff recommends that Council adopt the findings which will allow for enforcement of ORS 814.420.

**SUGGESTED MOTION**

*I move to adopt the attached findings declaring the existing bike lanes on the listed City streets safe for bicycle use at reasonable rates of speed in the same direction of travel as the abutting motorized vehicle lane.*

**ATTACHMENTS** Findings.