

## **HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS**

**July 13, 2005 Hearing Room 357**

**10:00 A.M. Tapes 28 - 29**

**MEMBERS PRESENT:           Rep. Wayne Krieger, Chair**

**Rep. Jeff Barker, Vice-Chair**

**Rep. Brian Boquist, Vice-Chair**

**Rep. Linda Flores**

**Rep. Greg Macpherson**

**STAFF PRESENT:           Joe O’Leary, Counsel**

**Cletus Moore, Committee Administrator**

**Annetta Mullins, Committee Assistant**

**MEASURES/ISSUES HEARD:**

**SB 591 – Work Session**

**These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker’s exact words. For complete contents, please refer to the tapes.**

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
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<b>TAPE 28, A</b>		
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<b>003</b>	<b>Chair Krieger</b>	
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Calls the meeting to order at 10:10 a.m., announces that SB 899 A will be carried over because another amendment is coming, and opens a work session SB 591.

### **SB 591 – WORK SESSION**

- 013            Sen. Floyd Prozanski SD 4. Explains that SB 591 with the -2 amendments (**EXHIBIT A**) is an attempt to make certain that the bicycle or parking or stop lane next to a lane of travel would be considered part of that “adjacent lane of travel”, making it just one lane. States that the City of Eugene’s reading was that someone may interpret the proposed bill to say the bike lane was an extension of the sidewalk, which is not the case; if the person were in the bike lane, the person was still on the sidewalk. States he and Rep. Macpherson had a discussion before the meeting and feel the area would actually be considered part of the travel lane. The -2 amendments have reworked that part of the language to say that the bike lane or part of the roadway where a vehicle stops, stands or parks, adjacent to the lane of travel is considered part of that adjacent lane of travel. For the purpose of this statute for the pedestrian crosswalk, you consider a bicycle lane, or a stop or parking lane to be an extension of the lane of travel that it is adjacent to. There would be one larger lane of travel. Explains the reason for that is that when someone steps off into the bike lane, at least one court has interpreted that to be a separate distinct lane from the lane of travel and puts people who are in the crosswalks at jeopardy sooner. This other lane will keep them safer by having it as one lane instead of separate lanes across.
- 041            Rep. Barker            Refers to graphic drawn by staff on the chalkboard and asks Sen. Prozanski to explain it.
- Sen. Prozanski            Explains graphic and obligation of drivers to stop for pedestrians on one-and two-way streets including four lanes.
- 065            Rep. Barker            Asks if the area from the center line to the sidewalk is one lane.
- Sen. Prozanski            Responds that on a two-way street that is correct.
- 071            Rep. Macpherson       States he is a strong supporter of the stop and stay-stopped statute that he carried on the Floor of the House last session. Wonders if the change we are making is being more protective than we need to be. The purpose of the statute is to provide a zone of safety around the pedestrian so that not only when they are in an automobile travel lane, but when they are in the adjacent lane they are safe. Questions

whether we need to stop the traffic in the next lane over in order to create the zone of safety.

	Sen. Prozanski	Responds he believes it is a decision for the committee. States they are attempting to give distinction so officers in the field as well courts will understand what our intent was. Adds that another bill that was being considered would have allowed for vehicles to move after a person was six feet away from the vehicle. States he brought the bill forward at the request of the Florence Police Department because they had some questions about how the judge was interpreting it compared to what they thought. States that he will take the position as the prosecutor for the City of Florence that each of those lanes is separate lanes.
108	Chair Krieger	Comments he thinks people have tried to interpret the present law to say that from the time the person leaves the curb until the time they arrived on the curb, the vehicle is not supposed to move.
	Sen. Prozanski	States that the only hesitation he has in saying he agrees is the number of lanes of travel. If it is a two-lane road, he agrees that once they step off the curb, traffic in both directions must stop until the person reaches the sidewalk on the other side. Under the Code, bicycle or parking lanes are "lanes" and they were bring counted as such. States he would differ with Chair Krieger if there were a four-lane road.
139	Rep. Flores	Comments the law is currently being interpreted that if a person steps off a sidewalk, regardless of whether there is a parking lane or a bike lane, traffic is not to proceed until the pedestrian is on the other sidewalk.
	Sen. Prozanski	Responds that under the scenario of having two lanes of travel, Rep. Flores statement is how he would expect this to be interpreted. Currently, there is confusion as to whether it should or should not be interpreted as Rep. Flores has stated. States that under current law there is a difference of opinion as to what the obligations of the drivers are based on multiple lanes, including travel lane for a vehicle, a bike lane and or a parking lane.
145	Rep. Macpherson	Comments he is settled on what the policy choice is and states he wants the statute to work as well as it can because he is a strong supporter of the policy underlying that automobiles should give difference to pedestrians. That means not being too extreme in the way we design it so it makes sense to people and they will be more likely to honor it if they think it makes sense. States the -2 amendment ( <b>EXHIBIT A</b> ) would mean that in the four-lane scenario, when the pedestrian steps off the curb into the row of parked cars and

or bicycle lane, two lanes of traffic have to stop. That may be more protective than we need to be for it to make sense to the traveling public.

- 173      Sen. Prozanski      Using the graphic on the chalkboard, describes when a vehicle must stop for a pedestrian.
- Rep. Macpherson      Questions whether a bike lane and parking land separately or together constitute a lane or separate lanes. States he thinks they should constitute a lane together because they are so relatively narrow that when someone is in that zone, together it should be a travel lane so the nearest automobile lane would be required to stop.
- Sen. Prozanski      Responds that in urban areas, those are distinct lanes—a distinct parking lane with a bike lane adjacent to it, and then the lane of travel for motor vehicles. That is part of the confusion and is one of the things they looked at—that collapsing whatever is there into the first lane of travel.
- 189      Chair Krieger      Gives example of four lanes of traffic going into four lanes in Salem and asks if the vehicle must wait for the person crossing all four lanes of traffic. Comments that the cross walk is sometimes occupied by pedestrians during the entire duration of the signal light and the driver never gets through the intersection.
- Sen. Prozanski      Using the graphic on the chalkboard, explains his understanding of when the vehicles must stop for a pedestrian when there are four lanes of traffic. States he is not familiar with the other bill that provided for the six foot zone. States the City of Portland may have been advocating for that bill because he thinks that is what the City of Portland was look at because in the core downtown areas where there is a lot of pedestrian traffic and multiple lanes. States the legislature must decide on a policy of what works best on a statewide basis and thinks it would become confusing if there were exceptions for urban versus non-urban.
- 259      Rep. Macpherson      Comments there are different issues and the problem of how to make turns on signalized intersections is a separate set of issues and is one the City of Portland had focused on and brought a proposal on. States that as the person who carried the bill on the Floor of the House last session, he thought it did not apply at all to signalized intersections because the initial portion of the statute said that, but became better educated about it. Believes that is a problem that ought to be fixed. It is not in the bill now, but it could be amended in. This bill addresses a much narrower issue, which is where does the cross walk start. States the fix that occurs to him on this narrow issue would be

to say the row of parked cars and the bicycle lane together constitute a lane so that the nearest travel lane has to stop when the pedestrian is in that area but the next over travel lane would not until a person enters the adjacent travel lane.

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| 301 | Joe O’Leary    | Counsel. Advises that a note has been passed to him pointing out that ORS 811.010 speaks to a crossing where there is no traffic control device, and the situation Chair Krieger was discussing would be covered under. 040, which applies when there is a traffic control device.  |
| 315 | Rep. Flores    | Asks what the law says when there is a traffic control device.  |
|     | O’Leary        | Responds he believes ORR 811.040 would apply. Reads ORS 811.040. Adds that SB 591 addresses ORS 811.010 and reads the statute.  |
| 350 | Rep. Flores    | Summarizes that in an area with a traffic control device, a pedestrian has to have gone from sidewalk to sidewalk before the motorist can make a right hand turn. States she believes that creates traffic congestion.  |
| 333 | Rep. Boquist   | Comments if he reads the law correctly, it says proceeding under the control of a traffic control device. If it says walk and it is white, and a pedestrian is crossing, the motorist must wait until the pedestrian gets from sidewalk to sidewalk. If the pedestrian signal changes to don’t walk and orange, and a pedestrian is crossing, the pedestrian is no longer proceeding under the legal control of a device. Asks if that means the motorist can turn. |
| 379 | O’Leary        | Comments there is still a duty of care that applies to drivers under the circumstances and that could be an overriding issue.   |
|     | Sen. Prozanski | Comments there are two sets of rules currently for crosswalks and it is confusing. Agrees that the pedestrian still has the right away if the signal starts flashing when they are proceeding in a normal course. If the pedestrian steps off after the pedestrian signal is flashing they are in violation as a pedestrian.  |
| 420 | O’Leary        | Advises that the liability to a driver turns on whether the pedestrian is lawfully within the crosswalk or not. Adds that the next statute says that if one is making a turn at a red light, the driver commits a traffic violation if he does not stop for a pedestrian that is lawfully within the adjacent crosswalk.  |

	Chair Krieger	Asks if the statute describes lanes adjacent.
	O'Leary	Responds it does not.
440	Rep. Macpherson	States that if the pedestrian must have cleared the entire roadway it would be a serious impediment to traffic in Portland. Adds that he wants the statute to work and would be open to broadening the committee's efforts beyond the bicycle-lane-parked-car lanes.
<b>TAPE 29, A</b>		
025	Rep. Flores	Comments she believes if the committee has an opportunity to do some remedial work covering both components, the committee should proceed with doing it.
032	Chair Krieger	Asks Sen. Prozanski if he would be willing to meet with staff and other people to attempt to clarify the bill.
	Sen. Prozanski	Responds he is more than glad to meet with staff and others. States he thinks the relating clause is broad enough to do anything the committee would like to do.
044	Chair Krieger	Asks that the group meet on the issues and have an amendment drafted to SB 591.
	Chair Krieger	Closes the work session on SB 591, announces that the committee is scheduled to meet at 10:00 a.m. Friday morning and adjourns the meeting at 10:40 a.m.

## **EXHIBIT SUMMARY**

### **A. SB 591, -2 amendments, Sen. Prozanski, 1 p**