

Submitter: David Philbrick
On Behalf Of: SBC Board of Directors
Committee: Senate Committee On Judiciary
Measure: SB895

The Salem Bicycle Club strongly endorses the statutory changes proposed in SB 895. SB 895 adds important language to ORS 811.420 to eliminate existing uncertainty regarding a driver's ability, when it is safe, to use the whole road to safely pass a cyclist in a no passing zone. The proposal is a win for both cyclists and for drivers.

Currently, there is ambiguity as to whether a driver can, when it is otherwise safe, cross a double yellow line to pass a bicycle. On most two-lane roads, when Oregon's "safe passing" law, ORS 811.065, applies, vehicles cannot safely and legally pass a cyclist unless they move, at least partly, into the oncoming traffic lane. If there is a double yellow line and a driver cannot cross it, the driver must slow and stay behind the cyclist until the double yellow line ends and it is safe to pass. Cyclists are generally drivers and do not want to unnecessarily slow traffic. When it is safe, cyclists would prefer vehicles to pass safely than to delay a driver and be followed closely by a vehicle. Vehicles frequently encounter cyclists in no-passing zones at times when there is no oncoming traffic and in locations where there is sufficient line-of-sight to permit a vehicle to safely move into the oncoming traffic lane and safely pass a cyclist. In practice, many drivers resist crossing a double yellow line and do not stay behind the cyclist, but pass illegally and dangerously close to cyclists. In situations when and where it is safe to cross a double yellow line and provide the space between the vehicle and the cyclist that is both required by law and for safety, it should be clear that this is allowed. Cyclists are currently less safe in areas with restrictive lane markings than where passing is openly allowed.

Reducing speed in these situations, as would be required by SB 895 is also a good idea. It reduces speed differentials, increases time for a driver to assess whether a specific passing situation is safe, and communicates that a driver, when approaching a potential passing situation because of a slow-moving cyclist or other "obstruction" needs to slow down and assess whether or not it is safe to pass. All of these promote good practice and improve safety.

This bill removes the current ambiguity and enables driver education materials and law enforcement to deliver a clear message re-enforcing existing best practice. That a driver can, when it is safe, cross to the oncoming traffic lane in a no passing zone to legally and safely pass a cyclist or other obstruction. This promotes safety and decreases unnecessary vehicle delay; a win-win