

Meeting Minutes  
Durham Bicycle and Pedestrian Commission  
February 20, 2007

Members Present: Phillip Barron, Scott Carter, Dan Clever, Diane Daniel, Alan Dippy, George Dubay, Heather Fisher, Bo Glenn, Judy Martell, Pete Schubert

Excused Absences: Tim Griffin, Mary Malicki

Staff: Dale McKeel, Felix Nwoko

Guests: Corporal Stan McHenry, Jim Dunlop

1. Call to Order – Dan Clever called the meeting to order at 7:02 pm.
2. Meeting Minutes – In reviewing the January 16, 2007 meeting minutes, there was a correction to the time that the meeting started, from 7:35 to 7:05. With this correction, Judy moved to adopt the minutes, Pete seconded the item, and it passed unanimously. Dale noted that the minutes from October are not yet completed.
3. Introductions – Members and guests introduced themselves.
4. Announcements – Dan announced that Bo has been appointed to the Joint Advisory Committee for the Fresh Look at Transit in the Triangle. Dan requested that this committee be added to the future agenda so that Bo can report on the committee's activities. Pete announced that he has been asked to do a "Lunch'n'Learn" on how to share the road at one of the Smart Commute participants in RTP.
5. Public Comments – None
6. Law Enforcement Update – Cpl. Stan McHenry of the Durham Police Department was introduced by Diane Daniel, who noted that Cpl. McHenry does accident investigation and helps train new recruits.

Cpl. McHenry said he has been a police officer in Durham for 25 years, for 15 years he has been assigned to the traffic unit, that his background is in crash investigation and reconstruction, and he has training in bicycle and pedestrian crashes. Cpl. McHenry stated that his unit investigates any fatal crash, any crash with serious injuries, a crash involving a police officer, and usually a crash involving a city employee in a city vehicle.

Cpl. McHenry stated that Master Officer Goodwin investigated the bicycle crash at Duke University in December. [The collision with a turning dump truck occurred at the intersection of Science Drive and Whitford Drive.] Cpl. McHenry stated that the evidence at the scene led him officer Goodwin to make findings and draw

conclusions, including the following: (1) the dump truck was moving at 1-2 mph and had on its turn signal, (2) the bicyclist was not in the bike lane, and (3) the bicyclist attempted to pass a vehicle on the right, which is not allowed by NC law. Cpl. McHenry concluded by saying that the bicyclist put himself into that position and did not allow the dump truck any options.

Cpl. McHenry shared details of a collision between a car and bicyclist that occurred on Hope Valley Road. The police department charged the driver with not reducing speed to avoid a collision because he should have seen the bicycle and reacted appropriately. However, the judge found the driver not guilty.

Cpl. McHenry noted that the state statutes define a bicycle as a vehicle. He said there is not a legal definition of a bicycle lane in the state statutes and there is a question about the whether a bicyclist in a bicycle lane can pass a car, because generally a vehicle cannot pass or overtake on the right side. He noted that many references he found on the internet stated that bike lanes can give a false sense of security. He stated that according to state records there has not been a bike fatality in Durham this decade. Phillip noted that there was a fatality in the parking lot of Hillside High School. Cpl. McHenry stated that this was a private parking lot and would not be included in the data he was reviewing. Cpl. McHenry also said that 50 percent of the traffic fatalities in Durham are pedestrians.

Diane drew a scenario of a motorist turning right in front of a bicyclist, often called a "right hook." Cpl. McHenry stated that in this scenario, whether a motorist is at fault depends on the proximity of the bike to the car. He discussed the concept of "perception-reaction time," and said the clinical reaction time is 1.5 seconds but in actual conditions is closer to 2 seconds. Bo asked if there are any legal rights to being in a bike lane. Cpl. McHenry stated that if a motorist turned in front of a bicyclist and it was clear that the motorist should have known that the bicyclist was there, then the motorist could be charged with "failure to see before turning in a direct line."

There was a question about instruction on bicycle laws for new recruits. Cpl. McHenry said there currently is nothing in the training curriculum that addresses bicycles. Bo asked what the commission could do to change that. Cpl. McHenry said that he had seen several good PSAs on the internet. Cpl. McHenry reiterated that he can only teach what is in the training curriculum, but at the same time, he now feels compelled to bring bicycle and pedestrian issues to the attention of new recruits. Pete stated that the Highway Safety Working Group that he is a part of is working to develop a bicycle and pedestrian curriculum that will be part of the mandatory training for police officers.

Cpl. McHenry stated that given the higher priorities of the Durham Police Department, as it allocates resources, particularly manpower, and as it relates to the overall crime problem, perceived or real, that enforcing traffic laws on bicyclists is probably not a very high priority. Bo asked if officers ticket for cyclists riding on the wrong side of the road because this is something the committee would like to advise

people not to do. Cpl. McHenry stated that police departments allocate resources based on public perception. If the police department heard from the city manager or council, then officers might be asked to pay more attention to it. Peter reiterated that there is a lot of value in stopping wrong-way riding.

Cpl. McHenry noted that bicyclists often run red lights and stop signs. Diane noted that automobile drivers do as well. Committee members added that even the Durham bike police officers are often seen not obeying the rules. As the discussion wrapped up, Diane thanked Cpl. McHenry for coming to the meeting. Cpl. McHenry stated that members of the committee could e-mail additional comments and questions to him at [s.mchenry@durhamnc.gov](mailto:s.mchenry@durhamnc.gov)

7. Development Review Board – Judy Martell reported that there have been no puzzling cases to come before the DRB recently, and that most of her comments have had to do with recommending the use of the u-style bike rack. She stated the need for the Durham Unified Development Ordinance to be modified to make the inverted u-style rack the “recommended” rather than the “preferred” design, and moved that the BPAC adopt a resolution in support of this change. Phillip seconded the motion, and the resolution was adopted unanimously.

Judy shared the annual report from the Development Review Board, which stated that 399 cases were heard in 2006. Judy requested a substitute to attend the DRB meeting on March 2 and Pete volunteered.

8. Alston Avenue NCDOT Project – Dale provided a brief update on the Alston Avenue project and the meeting of Durham and NCDOT staff that occurred on February 7. Dale stated that there had been some modifications to the design in response to the concerns expressed previously, but that there was not agreement on some items, such as removing the right turn lanes and striping bike lanes.

Pete asked that the city staff request that the design engineers walk the length of the project to see the pedestrian nature of the area. Jim Dunlop, a guest in attendance and NCDOT employee, stated that the design engineer has walked the corridor many times and that the design is an effort to find a balance between all the users of the road.

Jim Dunlop stated that he had seen an article in the Herald-Sun about the Alston Avenue project and felt that there were misconceptions in the article. Bo noted that since the time the project was first requested and considered, that Durham has moved further along in seeing neighborhoods as more important.

Jim Dunlop indicated that he has applied to serve on the BPAC and if appointed would like to serve the community and try to change some of the image of NCDOT.

9. Web site – Phillip reported that the BPAC website is now live and can be updated.

10. University Issues – No report.
11. American Tobacco Trail – Pete reported that the city has found about \$100,000 to begin design and public outreach on the remaining phase of the American Tobacco Trail. George said he would encourage citizens interested in the ATT to attend the “Coffee with Council” at Jordan H.S. on February 26.
12. Winter Retreat – Dale asked for input on the retreat. Bo and Dan mentioned that DOST had a retreat last year. The purpose of the retreat would be to discuss goals for the year and how to implement the adopted bicycle and pedestrian plans. Everyone agreed that the retreat date should be set as early as possible in order to ensure good participation. Pete suggested polling via e-mail, and looking at a Saturday morning in March or perhaps late February. Alan will check on the availability of a room at the Nasher Museum. Bo suggested we invite persons who will make presentations, and mentioned Frank Duke, Beth Timson, and Rosetta Radtke. It was agreed that the list of guests should be determined before the next meeting.
13. DOST Update. No report.
14. Annual Report – Dale said he is still working on a draft of an annual report for review by the BPAC.
15. Jordon High School – Judy reported that the minutes from the first meeting have been distributed but that there has not been a follow-up meeting.
16. Old Durham-Chapel Hill Road – BPAC members asked about the sidewalk and road widening associated with a development under construction on Old Durham-Chapel Hill Road, and asked whether site plans in the future would require bike lanes and sidewalks to match what is shown in the Old Durham-Chapel Hill Road plan.
17. Application for Bicycle-Friendly Community Designation – Dale stated that he is working on the application and would prepare a draft for the BPAC to review prior to submission.
18. “Perils for Pedestrians” on Public-Access TV – Dale stated that he is still reviewing the possibility of making arrangements for this program to be televised on the local public access channel in Durham.

Retreat – The BPAC decided on a tentative date and time for the retreat are March 31 from 10 am to 1 or 2 pm. Felix Nwoko reported that the commission would be allowed to spend money for food, but Dale needs to get approval from the Public Works Director. Dan Clever stated that the primary focus of the retreat should be implementing the bike and ped plans. Dan requested that members provide to him 3 to 5 things that you think are important and want to discuss.

Meeting adjourned; 9 p.m. Next meeting: March 20, 2007, at 7 pm in the City Council Committee Room.

Minutes respectfully submitted by Dale McKeel.

Follow-up items:

- Mail “A Guide to North Carolina Bicycle and Pedestrian Laws” to Cpl. Stan McHenry (Dale)
- Prepare a draft annual report (Dale McKeel)
- Contact the City Clerk’s office about BPAC vacancies (Dale McKeel)
- Complete the Bicycle Friendly Community Application (Dale McKeel)
- Inquire about “Perils for Pedestrians” on local access cable TV (Dale McKeel)