



October 2, 2018

Planning and Sustainability Commission
Bureau of Planning and Sustainability
1900 SW 4th Avenue, Suite 7100
Portland, OR 97201-5380

Re: Regulations Requiring Multi-Modal Access to Restaurant Drive-Through Windows

Members of Portland's Planning and Sustainability Commission,

We write on behalf of our members, who operate 437 restaurants in Portland, to express serious concerns about the recently enacted regulations requiring restaurant businesses to serve cyclists and pedestrians through the drive-through window during certain times. Specifically, Ordinance No. 188958, which became effective May 24, 2018, requires Portland restaurants to serve cyclists and pedestrians through a drive-through window any time that service is restricted to the drive through. This ordinance poses a threat to the safety of pedestrians and cyclists and presents significant operational challenges for our members. For these reasons, we respectfully request that the ordinance be reconsidered.

Drivers do not expect to encounter cyclists or pedestrians in a drive-through lane, creating a risk of a collision. The risk of injury to a driver who is hit by another car in a drive-through lane is low due to the slow speed that cars travel in those lanes. However, even traveling at the speed expected in a drive-through lane, a collision between a car and a cyclist or a pedestrian is likely to result in serious injury.

The risk of injury is compounded by the time of day covered by the ordinance. To minimize criminal activity on their premises and to ensure the safety of their employees, many restaurants close their dining rooms at night, restricting service to the drive through. Even well-lit drive-through lanes have shadows at night, creating the possibility that even a driver who expected a pedestrian or cyclist would not see that person and hit them.

Further, these restaurants close their dining rooms at night in part to protect their employees from the risk of criminal activity. These restaurants are not equipped to ensure the safety of cyclists and pedestrians present in a drive-through lane at night. Unlike a driver in a car, who derives some safety from the car and the ability to drive away from a criminal, pedestrians and cyclists would be far more susceptible to robbery and assault.

The ordinance also exposes restaurant employees to a greater risk of criminal activity. In addition to concerns for the customer's safety, restaurants refuse to serve walk-up customers at the drive-through during overnight hours out of a concern of robbery and assault. Based on the current layout and height of most drive-through windows, a customer on foot would have a far easier time to forcibly keep open a drive through window and threaten or harm a restaurant employee than one confined to a car.

In 2014, Salt Lake City, Utah passed an ordinance similar to the one recently passed in Portland, requiring restaurants to serve cyclists through the drive through when the dining room was closed. Citing the same concerns we raise here, the Utah legislature overturned this ordinance a few months later, passing a law leaving the decision of whether to allow cyclists or pedestrians in the drive-through lane to the discretion of individual business owners.

In short, Ordinance No. 188958 creates a significant risk of harm for both customers and employees of our members' restaurant businesses. For these reasons, we respectfully request that the ordinance be reconsidered. Our office is always available to Portland staff who are willing to discuss the matter further. Safety and security of employees and guests will always be a top tier priority for the hospitality industry in Oregon. As a result, we must work together to take a hard look at the unintended consequences created by Ordinance No. 188958.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Brandt". The signature is fluid and cursive, with a large initial "J" and "B".

Jason Brandt
President & CEO
Oregon Restaurant & Lodging Association
Cell Phone: 503-302-5060
Email: jbrandt@oregonrla.org