

## STATUTES PERTAINING TO PEDESTRIANS AND BICYCLES

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### Notes

- Some references to *pedestrians* and bicycles are part of a Statute governing other items. These Statutes have been abridged in this listing; missing sections are indicated thusly: <...>
- The words *bicycle*, *bicyclist*, *footpath*, *pedestrian*, *sidewalk* and *crosswalk* have been italicized for easy reference.
- References to “department” mean Oregon Department of Transportation (ODOT), unless otherwise noted.
- This listing is NOT comprehensive. Statutes pertaining to ALL vehicles, without special mention of *bicycles* or *pedestrians* are not included here.
- Oregon Revised Statutes (ORS) are available on line: <http://www.leg.state.or.us/ors/>
- Oregon Administrative Rules (OAR) are available on line: <http://arcweb.sos.state.or.us/banners/rules.htm>
- Oregon Bicycle & Pedestrian Plan is available on line: <http://www.oregon.gov/ODOT/HWY/BIKEPED/planproc.shtml>
- This listing was last updated September 9, 2008.

## COMMON TERMS

Can't find what you're looking for? Try using this list of more common titles.

Note: The hyperlinks below will take you directly to the selected ORS.

### **By Topic:**

Street Crossing and Crosswalk Laws [801.220](#), [810.080](#), [811.028](#), [811.360](#), [811.550](#), [814.040](#), & [811.015](#)

Sidewalk Laws [332.405](#), [811.550](#), [814.410](#)

Bike Lane Laws [352.360](#), [801.155](#), [811.050](#), [811.435](#), [811.440](#), [811.550](#) & [814.420](#)

Shoulder Laws [811.490](#), [811.550](#), & [811.570](#)

Path & Trail Laws [390.010](#), [390.962](#), [801.160](#) & [814.420](#)

Laws governing how/where to ride bicycles [810.020](#), [810.090](#), [811.395](#), [811.400](#), [811.405](#), [811.415](#), [813.010](#), [814.400](#), [814.410](#), [814.420](#), [814.430](#), [814.440](#), [814.522](#)

Laws governing pedestrians [801.385](#), [801.259](#), [811.550](#), [814.010](#), & [814.070](#)

Funding Laws: [332.405](#), [352.360](#) & [366.514](#)

Bicycle Equipment Laws

[811.405](#), [814.400](#), [814.484](#), [814.485](#), [814.486](#), [814.487](#), [814.488](#), [814.489](#), [815.052](#), [815.280](#), & [815.281](#)

### **Alphabetical:**

Banning Bicyclists and Pedestrians from Freeways = [810.020](#)

Bicycle Bill = [366.514](#)

Bicycle Lane = [811.028](#), [811.050](#), [811.435](#), and [811.440](#)

Bicycle Lights, brakes, etc. = [815.280](#), [811.405](#)

Bicycle Racing = [810.090](#)

Bicycle Safe Drainage grates = [810.150](#)

Bicycles on Sidewalks = [814.410](#)

Bicycle is a Vehicle = [814.400](#)  
Construction Activities in the Right-of-way = [374.307](#) and [374.320](#)  
Crosswalk Definition = [801.220](#) (see fig 69, pg 105 in the [Oregon Bicycle and Pedestrian Plan](#))  
Crosswalk, establishing or closing = [810.080](#)  
Drunk Bicycling = [813.010](#)  
Hand Signals = [811.335](#), [811.395](#), [811.400](#), [811.405](#), [811.415](#), [814.440](#), and [814.522](#)  
Helmet Laws = [814.484](#), [814.485](#), [814.486](#), [814.487](#), [814.488](#), [814.489](#), [815.052](#) and [815.281](#)  
Hitchhiking = [814.070](#)  
Mid-block street crossing = [814.040](#)  
Obeying Crossing Guards = [811.015](#)  
Parking in bike lane, crosswalk or sidewalk = [811.550](#)  
Pass on the Right = [811.415](#) (modified effective 1 Jan '06)  
Person in a Wheelchair is a Pedestrian = [801.385](#)  
Recreational trails = [390.010](#) and [390.962](#)  
Ride on Right = [814.430](#)  
Segway = [801.259](#) and [811.550](#)  
Shared Use path = [801.155](#)  
Shoulder = [811.490](#), [811.550](#), and [811.570](#)  
Stopping for Pedestrians in Crosswalks = [811.360](#) & refers to [811.028](#) (modified effective 1 Jan '06)  
Traffic lights and Pedestrians = [814.010](#)  
Use of school parking fines to finance bike lanes and bike parking = [352.360](#)  
Use of school transportation funds to build sidewalks = [332.405](#)  
Where to walk when there's no sidewalk = [814.070](#)  
Walking against traffic = [814.070](#)  
Bicycle Racing = [810.090](#)  
Bicycle Safe Drainage grates = [810.150](#)  
Construction Activities in the Right-of-way = [374.307](#) and [374.320](#)

## DEFINITIONS

Note: the following are official legal definitions; they may differ from definitions used in engineering design manuals.

**801.150 "Bicycle."** "Bicycle" means a vehicle that:

- (1) Is designed to be operated on the ground on wheels;
- (2) Has a seat or saddle for use of the rider;
- (3) Is designed to travel with not more than three wheels in contact with the ground;
- (4) Is propelled exclusively by human power; and
- (5) Has every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter. [1983 c.338 §22]

**801.155 "Bicycle lane."** "Bicycle lane" means that part of the highway, adjacent to the roadway, designated by official signs or markings for use by persons riding *bicycles* except as otherwise specifically provided by law. [1983 c.338 §23]

**801.160 "Bicycle path."** "Bicycle path" means a public way, not part of a highway, that is designated by official signs or markings for use by persons riding *bicycles* except as otherwise specifically provided by law. [1983 c.338 §24]

**801.220 "Crosswalk."** (see fig 69, pg 105 in the [Oregon Bicycle and Pedestrian Plan](#)) "Crosswalk" means any portion of a roadway at an intersection or elsewhere that is distinctly indicated for *pedestrian* crossing by lines or other markings on the surface of the roadway that conform in design to the standards established for *crosswalks* under ORS 810.200. Whenever marked *crosswalks* have been indicated, such *crosswalks* and no other shall be deemed lawful across such roadway at that intersection. Where no marked *crosswalk* exists, a *crosswalk* is that portion of the roadway described in the following:

- (1) Where *sidewalks*, shoulders or a combination thereof exists, a *crosswalk* is the portion of a roadway at an intersection, not more than 20 feet in width as measured from the prolongation of the lateral line of the roadway toward the prolongation of the adjacent property line, that is included within:
  - (a) The connections of the lateral lines of the *sidewalks*, shoulders or a combination thereof on opposite sides of the street or highway measured from the curbs or, in the absence of curbs, from the edges of the traveled roadway; or
  - (b) The prolongation of the lateral lines of a *sidewalk*, shoulder or both, to the *sidewalk* or shoulder on the opposite side of the street, if the prolongation would meet such *sidewalk* or shoulder.

(2) If there is neither *sidewalk* nor shoulder, a *crosswalk* is the portion of the roadway at an intersection, measuring not less than six feet in width, that would be included within the prolongation of the lateral lines of the *sidewalk*, shoulder or both on the opposite side of the street or highway if there were a *sidewalk*. [1983 c.338 §36]

**801.258 “Electric assisted bicycle.”** “Electric assisted *bicycle*” means a vehicle that:

- (1) Is designed to be operated on the ground on wheels;
- (2) Has a seat or saddle for use of the rider;
- (3) Is designed to travel with not more than three wheels in contact with the ground;
- (4) Has both fully operative pedals for human propulsion and an electric motor; and
- (5) Is equipped with an electric motor that:
  - (a) Has a power output of not more than 1,000 watts; and
  - (b) Is incapable of propelling the vehicle at a speed of greater than 20 miles per hour on level ground. [1997 c.400 §2; 1999 c.59 §233]

**801.259 “Electric personal assistive mobility device.”** “Electric personal assistive mobility device” means a device that:

- (1) Is self-balancing on two nontandem wheels;
- (2) Is designed to transport one person in a standing position;
- (3) Has an electric propulsion system; and
- (4) Has a maximum speed of 15 miles per hour. [2003 c.341 §2]

**801.345 “Moped.”** “Moped” means a vehicle, including any *bicycle* equipped with a power source, other than an electric assisted *bicycle* as defined in ORS 801.258 or a motor assisted scooter as defined in ORS 801.348, that complies with all of the following:

- (1) It is designed to be operated on the ground upon wheels.
- (2) It has a seat or saddle for use of the rider.
- (3) It is designed to travel with not more than three wheels in contact with the ground.
- (4) It is equipped with an independent power source that:
  - (a) Is capable of propelling the vehicle, unassisted, at a speed of not more than 30 miles per hour on a level road surface; and
  - (b) If the power source is a combustion engine, has a piston or rotor displacement of 35.01 to 50 cubic centimeters regardless of the number of chambers in the power source.
- (5) It is equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the system is engaged. [1983 c.338 §59; 1985 c.16 §19; 1997 c.400 §5; 2001 c.749 §25]

**801.348 “Motor assisted scooter.”** “Motor assisted scooter” means a vehicle that:

- (1) Is designed to be operated on the ground with not more than three wheels;
- (2) Has handlebars and a foot support or seat for the operator’s use;
- (3) Can be propelled by motor or human propulsion; and
- (4) Is equipped with a power source that is incapable of propelling the vehicle at a speed of greater than 24 miles per hour on level ground and:
  - (a) If the power source is a combustion engine, has a piston or rotor displacement of 35 cubic centimeters or less regardless of the number of chambers in the power source; or
  - (b) If the power source is electric, has a power output of not more than 1,000 watts. [2001 c.749 §2]

**801.385 “Pedestrian.”** “Pedestrian” means any person afoot or confined in a wheelchair. [1983 c.338 §69]

**801.440 “Right of way”** “Right of way” means the right of one vehicle or *pedestrian* to proceed in a lawful manner in preference to another vehicle or *pedestrian* approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. [1983 c.338 §81]

**801.450 “Roadway.”** “Roadway” means the portion of a highway that is improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term “roadway” shall refer to any such roadway separately, but not to all such roadways collectively. [1983 c.338 §83]

**801.451 “Roundabout.”** “Roundabout” means an intersection characterized by a circulatory roadway, channelized approaches and yield control of entering traffic. A roundabout encompasses the area bounded by the outermost curb line or, if there is no curb, the edge of the pavement, and includes *crosswalks* on any entering or exiting roadway. [2001 c.464 §2]

**801.462 “School zone.”** (1) “School zone” means both of the following:

(a) A specific segment of highway that is adjacent to school grounds and that is marked by signs described in subsection (2) of this section.

(b) A *crosswalk* that is not adjacent to school grounds and that is marked by signs described in subsection (2) of this section.

(2) Signs marking a school zone may include any words, symbols or combination of words and symbols that gives notice of the presence of the school zone. [2003 c.397 §2]

**801.480 "Shoulder."** "Shoulder" means the portion of a highway, whether paved or unpaved, contiguous to the roadway that is primarily for use by *pedestrians*, for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses. [1983 c.338 §88]

**801.485 "Sidewalk."** "*Sidewalk*" means the area determined as follows:

(1) On the side of a highway which has a shoulder, a *sidewalk* is that portion of the highway between the outside lateral line of the shoulder and the adjacent property line capable of being used by a *pedestrian*.

(2) On the side of a highway which has no shoulder, a *sidewalk* is that portion of the highway between the lateral line of the roadway and the adjacent property line capable of being used by a *pedestrian*. [1983 c.338 §89]

**801.524 "Throughway."** "Throughway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the road authority having jurisdiction over the highway, street or roadway. [Formerly 801.535]

**383.003 Definitions for ORS 383.003 to 383.027.** As used in ORS 383.003 to 383.027: <abridged>

<...> (5) "**Tollway**" means any roadway, *path*, highway, bridge, tunnel, railroad track, *bicycle path* or other paved surface or structure specifically designed as a land vehicle transportation route, the construction, operation or maintenance of which is wholly or partially funded with toll revenues resulting from an agreement under ORS 383.005. <...> [1995 c.668 §2]

**801.590 "Vehicle."** "Vehicle" means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means. [1983 c.338 §109]

**Note:** The amendments to 801.590 by section 94, chapter 655, Oregon Laws 2003, become operative May 1, 2005. See section 147, chapter 655, Oregon Laws 2003. The text that is operative on and after May 1, 2005, is set forth for the user's convenience.

**801.590.** "Vehicle" means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means. "Vehicle" does not include a manufactured structure.

**801.608 "Vulnerable user of a public way."** "Vulnerable user of a public way" means a pedestrian, a highway worker, a person riding an animal or a person operating any of the following on a public way, crosswalk or shoulder of the highway:

- (1) A farm tractor or implement of husbandry without an enclosed shell;
- (2) A skateboard;
- (3) Roller skates;
- (4) In-line skates;
- (5) A scooter; or
- (6) A bicycle. [2007 c.784 §2]

## THE PROVISION OF BICYCLE & PEDESTRIAN FACILITIES

**223.880 Public roads included in *sidewalk* improvement district; assessment on property benefited.** Any incorporated city, in addition to powers granted by law or charter, may include in any *sidewalk* improvement district within the city all county roads or state highways or any part thereof which are located within the improvement district. It may cause to be built on the county roads or state highways or portions thereof within the improvement district, *sidewalks* for *pedestrian* travel, and may assess the cost thereof upon the property benefited thereby, in the manner provided by charter or law. [Formerly 223.850]

**276.095 Use of buildings by state and public.** (Abridged) With respect to operating, maintaining, altering and otherwise managing or acquiring space to meet the office needs of state government and to accomplish the purposes of ORS 276.094, the Director of the Oregon Department of Administrative Services may: <...>

(2) Provide and maintain space, facilities and activities to the extent practicable that encourage public access to and stimulate public *pedestrian* traffic around, into and through state buildings, permitting cooperative improvements to and uses of the area between the building and the street, thereby complementing and supplementing commercial, cultural, educational and recreational resources in the neighborhood of state buildings. [1977 c.599 §3; 1999 c.387 §1]

**332.405 Transportation; board and room; pedestrian facilities.** (Abridged) (1) The district school board shall provide transportation for pupils or combinations of pupils and other persons to and from school-related activities where required by law or when considered advisable by the board. <...> (4) The district school board may expend district funds to improve or provide for *pedestrian* facilities off district property if the board finds that the expenditure reduces transportation costs of the district and enhances the safety of pupils going to and from schools of the district. [Formerly 338.010; 1981 c.237 §1; 1981 c.403 §3; 1993 c.45 §53; 1999 c.961 §4]

**352.360 Traffic control on properties under state board; enforcement; fees; use.** (Abridged) <...> (4) All fees and charges for parking privileges and violations are hereby continuously appropriated to the State Board of Higher Education to be used to defray the costs of constructing *bicycle* racks and *bicycle* lanes and of traffic control, enforcement of traffic and parking regulations, and maintenance and operation of parking facilities and for the purpose of acquiring and constructing additional parking facilities for vehicles at the various institutions, department or activities under the control of the board, and may also be credited to the Higher Education Bond Sinking Fund provided for in ORS 351.460. Parking fees shall be established at levels no greater than those required to finance the construction, operation and maintenance of parking facilities on the same campus of the institution of the state institution of higher education on which the parking is provided. Notwithstanding ORS 351.072, parking fees or changes in fees shall be adopted by rule of the state board subject to the procedure for rules adopted in ORS 183.310 to 183.550.

**366.460 Construction of sidewalks within highway right of way.** The department may construct and maintain within the right of way of any state highway or section thereof *sidewalks*, *footpaths*, *bicycle* paths or trails for horseback riding or to facilitate the driving of livestock. Before the construction of any of such facilities the department must find and declare that the construction thereof is necessary in the public interest and will contribute to the safety of *pedestrians*, the motoring public or persons using the highway. Such facilities shall be constructed to permit reasonable ingress and egress to abutting property lawfully entitled to such rights.

**366.550 “Historic Columbia River Highway” defined.** As used in ORS 366.550 to 366.553, “Historic Columbia River Highway” means all parts of the original Columbia River Highway, constructed between 1913 and 1922, in Multnomah, Hood River and Wasco Counties, that have been designated as a “Historic and Scenic Highway” under ORS 377.100 and all properties and structures that are within the Columbia River Highway Historic District, National Register of Historic Places. [1987 c.382 §1]

**Note:** 366.550 to 366.553 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 366 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**366.514 Use of highway fund for footpaths and bicycle trails.** (1) Out of the funds received by the Department of Transportation or by any county or city from the State Highway Fund reasonable amounts shall be expended as necessary to provide *footpaths* and *bicycle* trails, including curb cuts or ramps as part of the project. *Footpaths* and *bicycle* trails, including curb cuts or ramps as part of the project, shall be provided wherever a highway, road or street is being constructed, reconstructed or relocated. Funds received from the State Highway Fund may also be expended to maintain *footpaths* and trails and to provide *footpaths* and trails along other highways, roads and streets.

(2) *Footpaths* and trails are not required to be established under subsection (1) of this section:

(a) Where the establishment of such paths and trails would be contrary to public safety;

(b) If the cost of establishing such paths and trails would be excessively disproportionate to the need or probable use;

or

(c) Where sparsity of population, other available ways or other factors indicate an absence of any need for such paths and trails.

(3) The amount expended by the department or by a city or county as required or permitted by this section shall never in any one fiscal year be less than one percent of the total amount of the funds received from the highway fund. However:

(a) This subsection does not apply to a city in any year in which the one percent equals \$250 or less, or to a county in any year in which the one percent equals \$1,500 or less.

(b) A city or county in lieu of expending the funds each year may credit the funds to a financial reserve fund in accordance with ORS 294.525, to be held for not more than 10 years, and to be expended for the purposes required or permitted by this section.

(c) For purposes of computing amounts expended during a fiscal year under this subsection, the department, a city or county may record the money as expended:

(A) On the date actual construction of the facility is commenced if the facility is constructed by the city, county or department itself; or

(B) On the date a contract for the construction of the facilities is entered with a private contractor or with any other governmental body.

(4) For the purposes of this chapter, the establishment of paths, trails and curb cuts or ramps and the expenditure of funds as authorized by this section are for highway, road and street purposes. The department shall, when requested, provide technical assistance and advice to cities and counties in carrying out the purpose of this section. The department shall recommend construction standards for *footpaths* and *bicycle* trails. Curb cuts or ramps shall comply with the requirements of ORS 447.310 and rules adopted under ORS 447.231. The department shall, in the manner prescribed for marking highways under ORS 810.200, provide a uniform system of signing *footpaths* and *bicycle* trails which shall apply to paths and trails under the jurisdiction of the department and cities and counties. The department and cities and counties may restrict the use of *footpaths* and *bicycle* trails under their respective jurisdictions to *pedestrians* and nonmotorized vehicles, except that motorized wheelchairs shall be allowed to use *footpaths* and *bicycle* trails.

(5) As used in this section, “*bicycle* trail” means a publicly owned and maintained lane or way designated and signed for use as a *bicycle* route. [1971 c.376 §2; 1979 c.825 §1; 1983 c.19 §1; 1983 c.338 §919; 1991 c.417 §7; 1993 c.503 §12; 1997 c.308 §36; 2001 c.389 §1]

**366.552 Historic road program for Historic Columbia River Highway; *footpaths* and *bicycle* trails; acquisition of property; cooperation with other agencies.** (1) The Department of Transportation and the State Parks and Recreation Department shall prepare and manage a historic road program, in consultation with the Historic Columbia River Highway Advisory Committee and other affected entities, consistent with the purposes of the Columbia River Gorge National Scenic Area Act of 1986 and the public policy of this state declared in ORS 366.551.

(2) The departments shall inform the advisory committee of those activities of the departments which may affect the continuity, historic integrity and scenic qualities of the Historic Columbia River Highway.

(3) The departments shall undertake efforts to rehabilitate, restore, maintain and preserve all intact and usable segments of the Historic Columbia River Highway and associated state parks. The Department of Transportation may expend funds dedicated for *footpaths* and *bicycle* trails under ORS 366.514 to construct *footpaths* and *bicycle* trails on those portions of the Historic Columbia River Highway that are parts of the state highway system or that are county roads or city streets and the State Parks and Recreation Department may incorporate those segments into the Oregon recreation trails system under the provisions of ORS 390.950 to 390.989 and 390.990 (4).

(4) The departments may acquire real property, or any right or interest therein, deemed necessary for the preservation of historic, scenic or recreation qualities of the Historic Columbia River Highway, for the connection of intact and usable segments, or for the development and maintenance of parks along or in close proximity to the highway. The departments shall encourage the acquisition of lands, or interests in lands, by donation, agreement, exchange or purchase.

(5) The departments shall assist and cooperate with other agencies and political subdivisions of the state, state agencies, the Federal Government, special purpose districts, railroads, public and private organizations and individuals to the extent necessary to carry out the provisions of ORS 366.550 to 366.553. The departments may enter into such contracts as are necessary to carry out these provisions. [1987 c.382 §3; 1989 c.904 §37]

**Note:** See note under 366.550.

**374.307 Removal or repair of installation constructed without permission.** (1) If any person, firm or corporation builds or constructs on the right of way of any state highway or county road any approach road or any other facility, thing or appurtenance without first obtaining the written permission required by ORS 374.305, the Department of Transportation or the county governing body shall, after the expiration of 30 days following the transmittal of a written notice to such person, firm or corporation, at the expense of such person, firm or corporation, remove all such installations from the right of way or reconstruct, repair or maintain any such installation in accordance with or as required by the rules and regulations. This expense may be recovered from such person, firm or corporation by the state or county in any court of competent jurisdiction.

(2) Notwithstanding subsection (1) of this section, if the Department of Transportation, county governing body or designated agent of the department or governing body, whichever is applicable, determines that a traffic or *pedestrian* hazard is created by the construction which causes imminent danger of personal injury, it may:

(a) Order the construction removed, repaired or maintained to eliminate the hazard, within 24 hours after delivery of written notice to the person, firm or corporation which caused the construction, and to the owner of the property on which the construction occurred.

- (b) If the hazard is not removed within the time set under paragraph (a) of this subsection, remove the hazard and recover the expenses of any removal, repair or maintenance from any such person, firm or corporation in any court of competent jurisdiction. [1955 c.424 §5; 1979 c.873 §1]

**374.320 Removal or repair of installation on right of way at expense of applicant.** (1) Upon failure of the applicant to construct or maintain the particular approach road, facility, thing or appurtenance in accordance with the rules and regulations and the conditions of the permit, the Department of Transportation or the county governing body shall, after the expiration of 30 days following the transmittal of a written notice to the applicant, at applicant's expense, remove all such installations from the right of way or reconstruct, repair or maintain any such installation in accordance with or as required by such rules and regulations and the conditions of such permit. This expense may be recovered from the applicant by the state or county in any court of competent jurisdiction. (2) Notwithstanding subsection (1) of this section, if the Department of Transportation, county governing body or designated agent of the department or governing body, whichever is applicable, determines that a traffic or *pedestrian* hazard is created by the noncompliance which causes imminent danger of personal injury, it may:

- (a) Order the construction removed, repaired or maintained to eliminate the hazard, within 24 hours after delivery of written notice to the applicant, and to the owner of the property on which the noncompliance occurred.
- (b) If the hazard is not removed within the time set under paragraph (a) of this subsection, remove the hazard and recover the expenses of any removal, repair or maintenance from the applicant in any court of competent jurisdiction. [Amended by 1955 c.424 §3; 1979 c.873 §2]

**376.605 Construction of trails and bridle paths to Pacific shore.** [Amended by 1971 c.741 §26; repealed by 2001 c.388 §1]

**381.088 Tolls and franchise fees.** The Department of Transportation may impose and collect tolls and franchise fees for the use of said bridge by all vehicles, *pedestrians*, public utilities and telecommunications utilities, including power, light, telephone and telegraph wires, and water, gas and oil pipes. [1953 c.389 §2; 1987 c.447 §123]

**383.013 Tollway design.** <abridged> (1) The design of each tollway shall at least meet the minimum design standards generally applicable, at the time the Department of Transportation authorizes the tollway, to the state and other units of government authorized to build and own roads, highways, bridges, tunnels, railways and related facilities. <...>(3) In considering the design of a tollway, the department shall solicit the recommendation of state and local parks departments to consider whether parks or campsites for travelers or *bicyclists* should be incorporated into the tollway design. The department may enter into agreements for the use of state and local funding for the acquisition and construction of such parks and campsites. The land on which such parks and campsites shall be located may be owned or leased in any manner in which any other tollway property may be owned or leased and shall be managed by any entity chosen by the department for such purpose, including the entity that operates or maintains the tollway. The allocation of revenues derived from the ownership or operation of any park or campsite shall be in accordance with any arrangement the department deems desirable. [1995 c.668 §6; 2001 c.844 §3]

**390.010 Policy of state toward outdoor recreation resources.** The Legislative Assembly recognizes and declares:

- (1) It is desirable that all Oregonians of present and future generations and visitors who are lawfully present within the boundaries of this state be assured adequate outdoor recreation resources. It is desirable that all levels of government and private interests take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of all the people.
- (2) The economy and well-being of the people are in large part dependent upon proper utilization of the state's outdoor recreation resources for the physical, spiritual, cultural, scientific and other benefits which such resources afford.
- (3) It is in the public interest to increase outdoor recreation opportunities commensurate with the growth in need through necessary and appropriate actions, including, but not limited to, the following:
- <...> (h) Provision of trails for horseback riding, hiking, *bicycling* and motorized trail vehicle riding. <...>
- (5) It shall be the policy of the State of Oregon to supply those outdoor recreation areas, facilities and opportunities which are clearly the responsibility of the state in meeting growing needs; and to encourage all agencies of government, voluntary and commercial organizations, citizen recreation groups and others to work cooperatively and in a coordinated manner to assist in meeting total recreation needs through exercise of their appropriate responsibilities. [Formerly 184.310]

**390.962 Criteria for establishing trails; location; statutes authorizing trails for motorized vehicles unaffected.** (1) Upon finding that such trails will meet the criteria established in ORS 390.950 to 390.989 and 390.990 (4) and such supplementary criteria as the department may prescribe, the department is encouraged and empowered to establish and designate Oregon recreation trails:

- (a) Over lands owned by the State of Oregon, by the Federal Government or by any county, municipality or other local governmental body, with the consent of the state agency, federal agency, county, municipality or other local governmental body having jurisdiction over the lands involved; or
  - (b) Over lands owned by private persons, in the manner and subject to the limitations provided in ORS 390.950 to 390.989 and 390.990 (4).
- (2) In establishing such trails, the department shall give special recognition to the need for the establishment of recreation trails in or near, or reasonably accessible to, urban areas. Upon the establishment of any such trail, the department shall designate the primary kind of trail it is to be, based upon the mode or modes of travel to be permitted on such trail, including one or more of the following:
- (a) *Footpath*.
  - (b) Horseback riding trail.
  - (c) *Bicycle* path.
- (3) Nothing in ORS 390.950 to 390.989 and 390.990 (4) affects any other statute authorizing trails for motorized vehicles which is not inconsistent with ORS 390.950 to 390.989 and 390.990 (4). [1971 c.614 §5]

**447.310 Standards for curbing.** (1) The standard for construction of curbs on each side of any city street, county road or state highway, or any connecting street, road or highway for which curbs and *sidewalks* have been prescribed by the governing body of the city or county or Department of Transportation having jurisdiction thereover, shall require not less than two curb cuts or ramps per lineal block to be located on or near the *crosswalks* at intersections. Each curb cut or ramp shall be at least 48 inches wide, where possible, and a minimum of 36 inches wide where a 48-inch width will not fit, at a slope not to exceed one-inch rise per 12-inch run. If a slope of 1:12 will not fit, a slope between 1:10 and 1:12 is allowed for a maximum rise of six inches and a slope between 1:8 and 1:10 is allowed for a maximum rise of three inches. In no case shall the slope exceed 1:8.

(2) Standards set for curb cuts and ramps under subsection (1) of this section shall apply whenever a curb or *sidewalk* is constructed or replaced at any point in a block which gives reasonable access to a *crosswalk*. [1973 c.176 §1; 1975 c.468 §1; 1989 c.224 §117; 1993 c.503 §13]

**810.150 Drain construction; compliance with *bicycle* safety requirements; guidelines.** (1) Street drains, sewer drains, storm drains and other similar openings in a roadbed over which traffic must pass that are in any portion of a public way, highway, road, street, *footpath* or *bicycle* trail that is available for use by *bicycle* traffic shall be designed and installed, including any modification of existing drains, with grates or covers so that *bicycle* traffic may pass over the drains safely and without obstruction or interference.

(2) The department shall adopt construction guidelines for the design of public ways in accordance with this section. Limitations on the applicability of the guidelines are established under ORS 801.030. [1983 c.338 §159]

## THE REGULATION OF PEDESTRIAN & BICYCLE TRAFFIC

**166.025 Disorderly conduct.** (Abridged) (1) A person commits the crime of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, the person: <...> (d) Obstructs vehicular or *pedestrian* traffic on a public way; (2) Disorderly conduct is a Class B misdemeanor. [1971 c.743 §220; 1983 c.546 §5; 2001 c.104 §55]

**810.020 Regulating use of throughway.** (1) Each road authority may prohibit or restrict the use of a throughway in its jurisdiction by any of the following:

- (a) Parades.
- (b) *Bicycles* or other nonmotorized traffic.
- (c) Motorcycles or mopeds.

(2) Regulation under this section becomes effective when appropriate signs giving notice of the regulation are erected upon a throughway and the approaches to the throughway.

(3) Penalties for violation of restrictions or prohibitions imposed under this section are provided under ORS 811.445.

(4) The commission shall act as road authority under this section in lieu of the department. [1983 c.338 §146]

**810.080 Pedestrian traffic.** (1) Road authorities may regulate the movement of *pedestrians* upon highways within their jurisdictions by doing any of the following:

- (a) Establishing marked *crosswalks* and designating them by appropriate marking.



- (b) Closing a marked or unmarked *crosswalk* and prohibiting *pedestrians* from crossing a roadway where a *crosswalk* has been closed by placing and maintaining signs giving notice of closure.
- (c) Prohibiting *pedestrians* from crossing a highway at any place other than within a marked or unmarked *crosswalk*.
- (2) This section neither grants authority to nor limits the authority of the department. [1983 c.338 §152]

**810.090 Bicycle racing.** *Bicycle* racing is permitted on any highway in this state upon the approval of, and under conditions imposed by, the road authority for the highway on which the race is held. [1983 c.338 §153]

**810.230 Unlawful sign display; exceptions; penalty.** (Abridged) (1) A person commits the offense of unlawful sign display if the person does any of the following: (a) Without authority under ORS 810.200 or 810.210, places, maintains or displays upon or in view of any highway any sign, signal, marking or device that: <...> (B) Attempts to direct the movement of animal, *pedestrian*, vehicle or any other traffic; <...> (3) Every prohibited sign, signal, marking or device is hereby declared to be a public nuisance and the authority with jurisdiction over the highway, without notice, may remove it or cause it to be moved. (4) The offense described in this section, unlawful sign display, is a Class C traffic infraction. [1983 c.338 §708; 1985 c.16 §342; 1995 c.383 §41]

**814.500 Rights and duties of person riding motorized wheelchair on *bicycle* lane or path.** Every person riding a motorized wheelchair on a *bicycle* lane or path is subject to the provisions applicable to and has the same rights and duties as the driver of a *bicycle* when operating on a *bicycle* lane or path, except:

- (1) When those provisions which by their very nature can have no application.
- (2) When otherwise specifically provided under the vehicle code. [1991 c.417 §3]

## THE DUTIES OF PEDESTRIANS

**814.010 Appropriate responses to traffic control devices.** This section establishes appropriate *pedestrian* responses to specific traffic control devices for purposes of ORS 814.020. Authority to place traffic control devices is established under ORS 810.210. Except when acting under the direction of a police officer, a *pedestrian* is in violation of ORS 814.020 if the *pedestrian* makes a response to a traffic control device that is not permitted under the following: (1) A *pedestrian* facing a traffic control device with a green light may proceed across the roadway within any marked or unmarked *crosswalk* unless prohibited from doing so by other traffic control devices.

(2) A *pedestrian* facing a traffic control device with a green arrow signal light may proceed across the roadway within any marked or unmarked *crosswalk* unless prohibited from doing so by other traffic control devices.

(3) A *pedestrian* facing a traffic control device with a steady yellow light shall not enter the roadway unless otherwise directed by a *pedestrian* control signal.

(4) A *pedestrian* facing a traffic control device with a steady red light shall not enter the roadway unless otherwise directed by a *pedestrian* control signal.

(5) If a traffic control device is erected and maintained at a place other than an intersection, the provisions of this section are applicable.

(6) When a *pedestrian* control signal showing the words "Walk" and "Wait" or "Don't Walk" or any other *pedestrian* symbol approved by the Oregon Transportation Commission under ORS 810.200 and 810.210 for the purpose of controlling *pedestrian* crossing is in place, the signal indicates and applies as follows:

(a) If a *pedestrian* is facing a "Walk" signal or other symbol approved under ORS 810.200 and 810.210 indicating that the *pedestrian* may proceed, the *pedestrian* may proceed across the roadway in the direction of the signal.

(b) A *pedestrian* shall not start to cross the roadway in the direction of a signal showing a "Wait" or "Don't Walk" or any other symbol approved under ORS 810.200 and 810.210 indicating that the *pedestrian* may not proceed. A *pedestrian* who has started crossing a roadway on a signal showing "Walk" or any other approved symbol to proceed shall proceed with dispatch to a *sidewalk* or safety island while a signal is showing "Wait" or "Don't Walk" or any other approved symbol indicating not to proceed. [1983 c.338 §553; 1985 c.16 §282]

**814.020 Failure to obey traffic control device; penalty.** (1) A *pedestrian* commits the offense of *pedestrian* failure to obey traffic control devices if the *pedestrian* does any of the following:

(a) Fails to obey any traffic control device specifically applicable to the *pedestrian*.

(b) Fails to obey any specific traffic control device described in ORS 814.010 in the manner required by that section.

(2) A *pedestrian* is not subject to the requirements of this section if the *pedestrian* complies with directions of a police officer.

3) The offense described in this section, *pedestrian* failure to obey traffic control devices, is a Class D traffic violation. [1983 c.338 §552; 1995 c.383 §82]

**814.030 Failure to obey bridge or railroad signal; penalty.** (1) A *pedestrian* commits the offense of *pedestrian* failure to obey bridge or railroad signal if the *pedestrian* does any of the following:

- (a) Enters or remains upon a bridge or approach to a bridge beyond the bridge signal, gate or barricade after a bridge operation signal has been given.
  - (b) Passes through, around, over or under any crossing gate or barrier at a bridge or railroad grade crossing while the gate or barrier is closed or being opened or closed.
- (2) The offense described in this section, *pedestrian* failure to obey bridge or railroad signal, is a Class D traffic violation. [1983 c.338 §554; 1995 c.383 §83]

**814.040 Failure to yield to vehicle; penalty.** (1) A *pedestrian* commits the offense of *pedestrian* failure to yield to a vehicle if the *pedestrian* does any of the following:

- (a) Suddenly leaves a curb or other place of safety and moves into the path of a vehicle that is so close as to constitute an immediate hazard.
  - (b) Fails to yield the right of way to a vehicle upon a roadway when the *pedestrian* is crossing the roadway at any point other than within a marked *crosswalk* or an unmarked *crosswalk* at an intersection.
  - (c) Except as otherwise provided under the vehicle code, fails to yield the right of way to all vehicles upon the roadway.
- (2) The offense described in this section, *pedestrian* failure to yield to a vehicle, is a Class D traffic infraction. [1983 c.338 §555; 1995 c.383 §84]

**814.050 Failure to yield to ambulance or emergency vehicle; penalty.** (1) A *pedestrian* commits the offense of *pedestrian* failure to yield to an ambulance or emergency vehicle if the *pedestrian* does not yield the right of way to:

- (a) An ambulance used in an emergency situation; or
  - (b) An emergency vehicle or an ambulance upon the approach of the vehicle using a visual signal or audible signal or both according to requirements under ORS 820.300, 820.310 or 820.320.
- (2) This section does not relieve the driver of an ambulance or emergency vehicle from the duty to:
- (a) Drive with due regard for the safety of all persons using the highway; and
  - (b) Exercise due care to avoid colliding with any *pedestrian*.
- (3) The offense described in this section, *pedestrian* failure to yield to an ambulance or emergency vehicle, is a Class D traffic infraction. [1983 c.338 §556; 1995 c.209 §4; 1995 c.383 §85]

**814.060 Failure to use *pedestrian* tunnel or overhead crossing; penalty.** (1) A *pedestrian* commits the offense of failure to use *pedestrian* tunnel or overhead crossing if the *pedestrian* crosses a roadway other than by means of a *pedestrian* tunnel or overhead *pedestrian* crossing when a tunnel or overhead crossing serves the place where the *pedestrian* is crossing the roadway.

(2) The offense described in this section, failure to use *pedestrian* tunnel or overhead crossing, is a Class D traffic infraction. [1983 c.338 §557]

**814.070 Improper position upon or improperly proceeding along highway; penalty.** (1) A *pedestrian* commits the offense of *pedestrian* with improper position upon or improperly proceeding along a highway if the *pedestrian* does any of the following:

- (a) Takes a position upon or proceeds along and upon the roadway where there is an adjacent usable *sidewalk* or shoulder.
- (b) Does not take a position upon or proceed along and upon the shoulder, as far as practicable from the roadway edge, on a highway that has an adjacent shoulder area on one or both sides.
- (c) Except in the case of the divided highway, does not take a position upon or proceed along and upon the left shoulder and as far as practicable from the roadway edge on a two-way highway that has no *sidewalk* and that does have an adjacent shoulder area. This paragraph does not apply to:
  - (A) A hitchhiker who takes a position upon or proceeds along and upon the right shoulder so long as the hitchhiker does so facing the vehicles using the adjacent lane of the roadway; or
  - (B) A member of a group that has adopted that section of highway under the provisions of ORS 366.158 and who is obeying the rules of the Department of Transportation for picking up litter on either side of the roadway.
- (d) Does not take a position upon or proceed along and upon the right highway shoulder, as far as practicable from the roadway edge, on a divided highway that has no *sidewalk* and does have a shoulder area. This paragraph does not apply to a member of a group that has adopted that section of highway under the provisions of ORS 366.158 and who is obeying the rules of the Department of Transportation for picking up litter on either side of the roadway.
- (e) Fails to take a position upon or proceed along and upon a highway that has neither *sidewalk* nor shoulder available, as near as practicable to an outside edge of the roadway, and, if the roadway is a two-way roadway, only on the left side of it.

- (2) This section is subject to the provisions of ORS 814.100.
- (3) The offense described in this section, *pedestrian* with improper position upon or improperly proceeding along a highway, is a Class C traffic infraction. (3) The offense described in this section, *pedestrian* with improper position upon or improperly proceeding along a highway, is a Class D traffic infraction. [1983 c.338 §558; 1991 c.486 §4; 1995 c.383 §86]

**814.100 Rights of driver and passengers of disabled vehicle on freeway.** On a freeway on which *pedestrian* traffic is prohibited, the driver and passengers of a disabled vehicle stopped on the freeway may walk to the nearest exit, in either direction, on that side of the freeway upon which the vehicle is disabled, from which telephone or motor vehicle repair services are available. [1983 c.338 §561]

**814.110 Rights for blind or blind and deaf pedestrians.** (1) This section establishes rights for *pedestrians* who are blind or blind and deaf. The rights established by this section are enforced by ORS 811.035 and 814.120. The following definitions apply to this section and to ORS 811.035 and 814.120:

- (a) "Blind person" means a person who has 20/200 vision or less, or a visual field of 20 degrees or less.
- (b) "Dog guide" means a dog that is wearing a dog guide harness and is trained to lead or guide a blind person.
- (c) "White cane" means a cane or walking stick that is white in color or white with a red tip.
- (2) This section and ORS 811.035 and 814.120 grant and enforce the following rights for *pedestrians* who are blind or blind and deaf:
- (a) A blind or blind and deaf person may carry and use a white cane on the highways and other public places of this state for the purposes of identification and mobility.
- (b) Any blind person who is deaf may use a white cane marked by a six-inch wide chartreuse colored strip at the tip end.
- (3) A blind or blind and deaf *pedestrian* who is not carrying a white cane or not accompanied by a dog guide has all the rights and privileges granted by law to all *pedestrians*. [1985 c.16 §284]

**814.120 Unlawful use of white cane; penalty.** (1) A person commits the offense of unlawful use of a white cane by a sighted person if the person uses or carries a white cane on the highways or any other public place of this state and the person is not blind or blind and deaf.

(2) This section is subject to the provisions and definitions relating to the rights of *pedestrians* who are blind or blind and deaf under ORS 814.110.

(3) The offense described in this section, unlawful use of a white cane by a sighted person, is a Class D traffic infraction. [1983 c.338 §562; 1985 c.16 §285; 1995 c.383 §89]

## THE DUTIES OF BICYCLISTS

**811.395 Appropriate signals for stopping, turning, changing lanes and decelerating.** This section establishes appropriate signals, for purposes of the vehicle code, for use when signals are required while stopping, turning, changing lanes or suddenly decelerating a vehicle. This section does not authorize the use of only hand and arm signals when the use of signal lights is required under ORS 811.405. Vehicle lighting equipment described in this section is vehicle lighting equipment for which standards are established under ORS 816.100 and 816.120. Appropriate signals are as follows:

- (1) To indicate a left turn either of the following:
- (a) Hand and arm extended horizontally from the left side of the vehicle.
- (b) Activation of front and rear turn signal lights on the left side of the vehicle.
- (2) To indicate a right turn either of the following:
- (a) Hand and arm extended upward from the left side of the vehicle. A person who is operating a *bicycle* is not in violation of this paragraph if the person signals a right turn by extending the person's right hand and arm horizontally.
- (b) Activation of front and rear turn signal lights on the right side of the vehicle.
- (3) To indicate a stop or a decrease in speed either of the following:
- (a) Hand and arm extended downward from the left side of the vehicle; or
- (b) Activation of brake lights on the vehicle.
- (4) Change of lane by activation of both front and rear turn signal lights on the side of the vehicle toward which the change of lane is made. [1983 c.338 §635; 1985 c.16 §314]

**813.010 Driving under the influence of intoxicants; penalty.** (1) A person commits the offense of driving while under the influence of intoxicants if the person drives a vehicle while the person:

- (a) Has 0.08 percent or more by weight of alcohol in the blood of the person as shown by chemical analysis of the breath or blood of the person made under ORS 813.100, 813.140 or 813.150;

(b) Is under the influence of intoxicating liquor, a controlled substance or an inhalant; or

(c) Is under the influence of any combination of intoxicating liquor, an inhalant and a controlled substance. <...> [1983 c.338 §587; 1985 c.16 §293; 1987 c.138 §5; 1991 c.835 §7; 1999 c.619 §3; 1999 c.1049 §1; 2003 c.14 §495; 2003 c.445 §1]

**814.400 Application of vehicle laws to bicycles.** (1) Every person riding a *bicycle* upon a public way is subject to the provisions applicable to and has the same rights and duties as the driver of any other vehicle concerning operating on highways, vehicle equipment and abandoned vehicles, except:

(a) Those provisions which by their very nature can have no application.

(b) When otherwise specifically provided under the vehicle code.

(2) Subject to the provisions of subsection (1) of this section:

(a) A *bicycle* is a vehicle for purposes of the vehicle code; and

(b) When the term "vehicle" is used the term shall be deemed to be applicable to *bicycles*.

(3) The provisions of the vehicle code relating to the operation of *bicycles* do not relieve a *bicyclist* or motorist from the duty to exercise due care. [1983 c.338 §697; 1985 c.16 §335]

**814.405 Status of electric assisted bicycle.** An electric assisted *bicycle* shall be considered a *bicycle*, rather than a motor vehicle, for purposes of the Oregon Vehicle Code, except when otherwise specifically provided by statute. [1997 c.400 §4]

**811.410 Unsafe passing on left; penalty.** (1) A person commits the offense of unsafe passing on the left if the person violates any of the following requirements concerning the overtaking and passing of vehicles:

(a) The driver of a vehicle that is overtaking any other vehicle proceeding in the same direction shall pass to the left of the other vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted under ORS 811.415, the driver of an overtaken vehicle shall give way to the right in favor of an overtaking vehicle and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.

(c) The driver of a vehicle shall not drive to the left side of the center of the roadway in overtaking and passing a vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completed without interfering with the operation of a vehicle approaching from the opposite direction or a vehicle overtaken.

(d) An overtaking vehicle shall return to an authorized lane of traffic as soon as practicable.

(2) This section does not authorize driving on the left side of the center of the road when prohibited under the following:

(a) Limitations on driving on the left of the center of a roadway under ORS 811.305.

(b) Passing in a no passing zone under ORS 811.420.

(c) ORS 811.295, 811.300 and 811.310 to 811.325 that require driving on the right.

(3) The offense described in this section, unsafe passing on the left, is a Class B traffic violation. [1983 c.338 §637; 1987 c.158 §168a]

**811.415 Unsafe passing on right; penalty.** (1) A person commits the offense of unsafe passing on the right if the person:

(a) Drives a vehicle to overtake and pass upon the right of another vehicle at any time not permitted under this section.

(b) Drives a vehicle to overtake and pass upon the right of another vehicle at any time by driving off the paved portion of the highway.

(2) For purposes of this section, a person may drive a vehicle to overtake and pass upon the right of another vehicle under any of the following circumstances:

(a) Overtaking and passing upon the right is permitted if:

(A) The overtaken vehicle is making or the driver has signaled an intention to make a left turn;

(B) The paved portion of the highway is of sufficient width to allow two or more lanes of vehicles to proceed lawfully in the same direction as the overtaking vehicle; and

(C) The roadway ahead of the overtaking vehicle is unobstructed for a sufficient distance to permit passage by the overtaking vehicle to be made in safety.

(b) Overtaking and passing upon the right is permitted if the overtaken vehicle is proceeding along a roadway in the left lane of two or more clearly marked lanes allocated exclusively to vehicular traffic moving in the same direction as the overtaking driver.

(c) Overtaking and passing upon the right is permitted if the overtaking vehicle is a bicycle that may safely make the passage under the existing conditions.

(3) The offense described in this section, unsafe passing on the right, is a Class B traffic violation. [1983 c.338 §638;

**811.420 Passing in no passing zone; exceptions; penalty.** (1) A person commits the offense of passing in a no passing zone if the person drives a vehicle on the left side of a roadway in a no passing zone that has been established and designated to prohibit such movements by appropriate signs or markings posted on the roadway.

(2) The authority to establish and post no passing zones for purposes of this section is established under ORS 810.120.

(3) The provisions of this section do not apply under any of the following circumstances:

(a) When a driver turns left into or from an alley, intersection, private road or driveway.

(b) When an obstruction or condition exists making it necessary to drive to the left of the center of the roadway provided that a driver doing so shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within a distance that would constitute an immediate hazard.

(4) The offense described in this section, passing in a no passing zone, is a Class B traffic violation. [1983 c.338 §639; 1985 c.16 §316]

**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]

**814.430 Improper use of lanes; exceptions; penalty.** (1) A person commits the offense of improper use of lanes by a *bicycle* if the person is operating a *bicycle* on a roadway at less than the normal speed of traffic using the roadway at that time and place under the existing conditions and the person does not ride as close as practicable to the right curb or edge of the roadway.

(2) A person is not in violation of the offense under this section if the person is not operating a *bicycle* as close as practicable to the right curb or edge of the roadway under any of the following circumstances:

(a) When overtaking and passing another *bicycle* or vehicle that is proceeding in the same direction.

(b) When preparing to execute a left turn.

(c) When reasonably necessary to avoid hazardous conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, *bicycles*, *pedestrians*, animals, surface hazards or other conditions that make continued operation along the right curb or edge unsafe or to avoid unsafe operation in a lane on the roadway that is too narrow for a *bicycle* and vehicle to travel safely side by side. Nothing in this paragraph excuses the operator of a *bicycle* from the requirements under ORS 811.425 or from the penalties for failure to comply with those requirements.

(d) When operating within a city as near as practicable to the left curb or edge of a roadway that is designated to allow traffic to move in only one direction along the roadway. A *bicycle* that is operated under this paragraph is subject to the same requirements and exceptions when operating along the left curb or edge as are applicable when a *bicycle* is operating along the right curb or edge of the roadway.

(e) When operating a *bicycle* along side not more than one other *bicycle* as long as the *bicycles* are both being operated within a single lane and in a manner that does not impede the normal and reasonable movement of traffic.

(f) When operating on a *bicycle* lane or *bicycle* path.

(3) The offense described in this section, improper use of lanes by a *bicycle*, is a Class D traffic infraction. [1983 c.338 §701; 1985 c.16 §339]

**814.440 Failure to signal turn; exceptions; penalty.** (1) A person commits the offense of failure to signal for a *bicycle* turn if the person does any of the following:

- (a) Stops a *bicycle* the person is operating without giving the appropriate hand and arm signal continuously for at least 100 feet before executing the stop.
- (b) Executes a turn on a *bicycle* the person is operating without giving the appropriate hand and arm signal for the turn for at least 100 feet before executing the turn.
- (c) Executes a turn on a *bicycle* the person is operating after having been stopped without giving, while stopped, the appropriate hand and arm signal for the turn.
- (2) A person is not in violation of the offense under this section if the person is operating a *bicycle* and does not give the appropriate signal continuously for a stop or turn because circumstances require that both hands be used to safely control or operate the *bicycle*.
- (3) The appropriate hand and arm signals for indicating turns and stops under this section are those provided for other vehicles under ORS 811.395 and 811.400.
- (4) The offense described under this section, failure to signal for a *bicycle* turn, is a Class D traffic infraction. [1983 c.338 §703; 1985 c.16 §341]

**814.450 Unlawful load on *bicycle*; penalty.** (1) A person commits the offense of having an unlawful load on a *bicycle* if the person is operating a *bicycle* and the person carries a package, bundle or article which prevents the person from keeping at least one hand upon the handlebar and having full control at all times.

(2) The offense described in this section, unlawful load on a *bicycle*, is a Class D traffic infraction. [1983 c.338 §704]

**814.460 Unlawful passengers on *bicycle*; penalty.** (1) A person commits the offense of unlawful passengers on a *bicycle* if the person operates a *bicycle* and carries more persons on the *bicycle* than the number for which it is designed or safely equipped.

(2) The offense described in this section, unlawful passengers on a *bicycle*, is a Class D traffic infraction. [1983 c.338 §705]

**814.470 Failure to use *bicycle* seat; penalty.** (1) A person commits the offense of failure to use a *bicycle* seat if the person is operating a *bicycle* and the person rides other than upon or astride a permanent and regular seat attached to the *bicycle*.

(2) A person operating an electric personal assistive mobility device is not subject to this section.

(3) The offense described in this section, failure to use *bicycle* seat, is a Class D traffic violation. [1983 c.338 §706; 2003 c.341 §13]

**814.480 Nonmotorized vehicle clinging to another vehicle; penalty.** (1) A person commits the offense of nonmotorized vehicle clinging to another vehicle if the person is riding upon or operating a *bicycle*, coaster, roller skates, sled or toy vehicle and the person clings to another vehicle upon a roadway or attaches that which the person is riding or operating to any other vehicle upon a roadway.

(2) The offense described in this section, nonmotorized vehicle clinging to another vehicle, is a Class D traffic infraction. [1983 c.338 §707]

**814.484 Meaning of “*bicycle*,” “operating or riding on a highway.”** (1) For purposes of ORS 814.485, 814.486, 815.052 and 815.281, “*bicycle*” has the meaning given in ORS 801.150 except that:

- (a) It also includes vehicles that meet the criteria specified in ORS 801.150 (1) to (4) but that have wheels less than 14 inches in diameter.
- (b) It does not include tricycles designed to be ridden by children.

(2) For purposes of the offenses defined in ORS 814.485, 814.486 and 815.281 (2), a person shall not be considered to be operating or riding on a *bicycle* on a highway or on premises open to the public if the person is operating or riding on a three-wheeled nonmotorized vehicle on a beach while it is closed to motor vehicle traffic. [1993 c.408 §§3a,3b]

**814.485 Failure to wear protective headgear; penalty.** (1) A person commits the offense of failure of a *bicycle* operator or rider to wear protective headgear if the person is under 16 years of age, operates or rides on a *bicycle* on a highway or on premises open to the public and is not wearing protective headgear of a type approved under ORS 815.052.

(2) Exemptions from this section are provided in ORS 814.487.

(3) The offense described in this section, failure of a *bicycle* operator or rider to wear protective headgear, is a traffic infraction punishable by a maximum fine of \$25. [1993 c.408 §2; 1995 c.581 §1]

**814.486 Endangering *bicycle* operator or passenger; penalty.** (1) A person commits the offense of endangering a *bicycle* operator or passenger if:

- (a) The person is operating a *bicycle* on a highway or on premises open to the public and the person carries another person on the *bicycle* who is under 16 years of age and is not wearing protective headgear of a type approved under ORS 815.052.
- (b) The person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 16 years of age and the child operates or rides on a *bicycle* on a highway or on premises open to the public without wearing protective headgear of a type approved under ORS 815.052.
- (2) Exemptions from this section are provided in ORS 814.487.
- (3) The offense described in this section, endangering a *bicycle* operator or passenger, is a traffic infraction punishable by a maximum fine of \$25. [1993 c.408 §3; 1995 c.581 §2]

**814.487 Exemptions from protective headgear requirements.** A person is exempt from the requirements under ORS 814.485 and 814.486 to wear protective headgear, if wearing the headgear would violate a religious belief or practice of the person. [1995 c.581 §4]

- 814.488 Citations; exemption from requirement to pay fine.** (1) If a child in violation of ORS 814.485 is 11 years of age or younger, any citation issued shall be issued to the parent, legal guardian or person with legal responsibility for the safety and welfare of the child for violation of ORS 814.486, rather than to the child for violation of ORS 814.485.
- (2) If a child in violation of ORS 814.485 is at least 12 years of age and is under 16 years of age, a citation may be issued to the child for violation of ORS 814.485 or to the parent, legal guardian or person with legal responsibility for the safety and welfare of the child for violation of ORS 814.486, but not to both.
  - (3) The first time a person is convicted of an offense described in ORS 814.485 or 814.486, the person shall not be required to pay a fine if the person proves to the satisfaction of the court that the person has protective headgear of a type approved under ORS 815.052. [1993 c.408 §§3c,7]

**814.489 Use of evidence of lack of protective headgear on bicyclist.** Evidence of violation of ORS 814.485 or 814.486 and evidence of lack of protective headgear shall not be admissible, applicable or effective to reduce the amount of damages or to constitute a defense to an action for damages brought by or on behalf of an injured *bicyclist* or *bicycle* passenger or the survivors of a deceased *bicyclist* or passenger if the *bicyclist* or passenger was injured or killed as a result in whole or in part of the fault of another. [1993 c.408 §8]

**814.522 Failure to signal; exception; penalty.** (1) A person commits the offense of failure to signal for a motor assisted scooter maneuver if the person is operating a motor assisted scooter and:

- (a) Stops the motor assisted scooter without giving the appropriate hand and arm signal continuously for at least 100 feet before executing the stop.
- (b) Executes a turn or lane change on the motor assisted scooter without giving the appropriate hand and arm signal for the turn at least 100 feet before executing the turn.
- (c) Executes a turn on the motor assisted scooter after having been stopped without giving, while stopped, the appropriate hand and arm signal for the turn.

(2) A person is not in violation of this section if the person is operating a motor assisted scooter and does not give the appropriate hand and arm signal continuously for a stop, turn or lane change because circumstances require that both hands be used to safely control or operate the motor assisted scooter.

(3) The appropriate hand and arm signals for indicating stops, turns and lane changes under this section are those provided for other vehicles under ORS 811.395 and 811.400.

(4) The offense described in this section, failure to signal for a motor assisted scooter maneuver, is a Class D traffic violation. [2001 c.749 §10]

**815.052 Rules establishing standards for protective headgear.** The Department of Transportation shall adopt and enforce rules establishing minimum standards and specifications for safe protective headgear to be worn by people operating *bicycles*, by passengers on *bicycles* and by people riding on skateboards or scooters or using in-line skates. The rules shall conform, insofar as practicable, to safety standards and specifications for such headgear issued by the American National Standards Institute, Snell or the United States Department of Transportation. [1993 c.408 §6; 2003 c.106 §2]

**815.280 Violation of bicycle equipment requirements; penalty.** (1) A person commits the offense of violation of *bicycle* equipment requirements if the person does any of the following:

- (a) Operates on any highway a *bicycle* in violation of the requirements of this section.
- (b) Is the parent or guardian of a minor child or ward and authorizes or knowingly permits the child or ward to operate a *bicycle* on any highway in violation of the requirements of this section.

(2) A *bicycle* is operated in violation of the requirements of this section if any of the following requirements are violated:

(a) A *bicycle* must be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement.

(b) A person shall not install or use any siren or whistle upon a *bicycle*.

(c) At the times described in the following, a *bicycle* or its rider must be equipped with lighting equipment that meets the described requirements:

(A) The lighting equipment must be used during limited visibility conditions.

(B) The lighting equipment must show a white light visible from a distance of at least 500 feet to the front of the *bicycle*.

(C) The lighting equipment must have a red reflector or lighting device or material of such size or characteristic and so mounted as to be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

(3) Nothing contained in this section shall be construed to prohibit the use of additional parts and accessories on any *bicycle* consistent with this section.

(4) This section does not apply to electric personal assistive mobility devices. Equipment requirements for electric personal assistive mobility devices are provided in ORS 815.284.

(5) The offense described in this section, violation of *bicycle* equipment requirements, is a Class D traffic violation. [1983 c.338 §502; 1985 c.16 §260; 1985 c.69 §5; 2003 c.158 §15; 2003 c.341 §17]

**815.281 Selling noncomplying *bicycle* headgear; renting or leasing bicycle without having approved headgear available; penalties.** (1) A person commits the offense of selling noncomplying *bicycle* equipment if the person sells or offers for sale any *bicycle* headgear that does not meet the standards established by the Department of Transportation under ORS 815.052.

(2) A person commits the offense of unlawfully renting or leasing a *bicycle* to another if the person:

(a) Is in the business of renting or leasing *bicycles*; and

(b) Does not have *bicycle* headgear approved under ORS 815.052 available for rental for use by persons under 16 years of age.

(3) The offenses described in this section are Class D traffic violations. [1993 c.408 §5; 2003 c.158 §16]

## THE DUTIES OF DRIVERS TO PEDESTRIANS & BICYCLISTS

**742.520 Personal injury protection benefits for motor vehicle liability policies; applicability; definitions for ORS 742.520 to 742.542.** <abridged> (1) Every motor vehicle liability policy issued for delivery in this state that covers any private passenger motor vehicle shall provide personal injury protection benefits to the person insured thereunder, members of that person's family residing in the same household, children not related to the insured by blood, marriage or adoption who are residing in the same household as the insured and being reared as the insured's own, passengers occupying the insured motor vehicle and *pedestrians* struck by the insured motor vehicle. "Personal injury protection benefits" means the benefits described in this section and ORS 742.524 and 742.530.

(2) Personal injury protection benefits apply to a person's injury or death resulting: <...>

(C) A motor vehicle not included in subparagraph (A) or (B) of this paragraph and not a private passenger motor vehicle. However, this exclusion applies only when the injury or death results from such person's operating or occupying the motor vehicle.

(b) In the case of a passenger occupying or a *pedestrian* struck by the insured motor vehicle, from the use, occupancy or maintenance of the vehicle. <...>

(7) As used in ORS 742.520 to 742.542: <...>

(d) "*Pedestrian*" means a person while not occupying a self-propelled vehicle other than a wheelchair or a similar low-powered motorized or mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is determined to be medically necessary for the occupant of the wheelchair or other low-powered vehicle. <...> [Formerly 743.800; 1991 c.768 §6; 1993 c.282 §1; 1993 c.596 §39; 1995 c.658 §114; 1997 c.344 §§1,2; 1997 c.808 §§3,4; 1999 c.434 §1; 2003 c.813 §1]

**742.526 Primary nature of benefits.** <abridged> (1) The personal injury protection benefits with respect to: <...>

(c) The insured and members of family residing in the same household injured as *pedestrians* shall be primary. <...>

(e) *Pedestrians* injured by the insured motor vehicle, other than the insured and members of family residing in the same household, shall be excess over any other collateral benefits to which the injured person is entitled, including but not



limited to insurance benefits, governmental benefits or gratuitous benefits.

(2) The personal injury protection benefits may be reduced or eliminated, if it is so provided in the policy, when the injured person is entitled to receive, under the laws of this state or any other state or the United States, workers' compensation benefits or any other similar medical or disability benefits. [Formerly 743.810]

**742.530 Exclusions from coverage.** <abridged> <...>

(2) The insurer may exclude from the coverage for the benefits required by ORS 742.524 (1)(b) and (c) any person injured as a *pedestrian* in an accident outside this state, other than the insured person or a member of that person's family residing in the same household. [Formerly 743.815]

**807.070 Examinations.** The Department of Transportation shall administer an examination to establish qualification for each class of license and endorsement. The examination for each class of license or endorsement shall include all of the following as described: <...>

(2) A test of the applicant's knowledge and understanding of the traffic laws of this state, safe driving practices and factors that cause accidents. The following all apply to the test under this subsection: <...>

(c) The test under this subsection shall include, but is not limited to, the following subjects:

(A) Rights of blind *pedestrians*. <...>

(E) Practices necessary for safe operation of a vehicle around *pedestrians* and *bicyclists*.

(d) The department may waive the test under circumstances described in ORS 807.072.

(3) A test that is an actual demonstration of the applicant's ability to operate a motor vehicle without endangering the safety of persons or property. <...>

[1983 c.338 §304; 1985 c.608 §17; 1989 c.636 §19; 1993 c.309 §1; 1997 c.83 §2; 1999 c.1051 §87; 2001 c.410 §1; 2003 c.14 §472; 2003 c.277 §6]

**811.005 Duty to exercise due care.** None of the provisions of the vehicle code relieve a *pedestrian* from the duty to exercise due care or relieve a driver from the duty to exercise due care concerning *pedestrians*. [1983 c.338 §543]

**811.010 Failure to stop and remain stopped for *pedestrian* in *crosswalk*; penalty.** [1983 c.338 §544; 1985 c.16 §279; 2003 c.278 §1; repealed by 2005 c.746 §4] **Repealed and replaced with [811.360](#) & refers to [811.028](#)**

**811.015 Failure to obey traffic patrol member; penalty.** (1) The driver of a vehicle commits the offense of failure to obey a traffic patrol member if:

(a) A traffic patrol member makes a cautionary sign or signal to indicate that students have entered or are about to enter the *crosswalk* under the traffic patrol member's direction; and

(b) The driver does not stop and remain stopped for students who are in or entering the *crosswalk* from either direction on the street on which the driver is operating.

(2) Traffic patrol members described in this section are those provided under ORS 339.650 to 339.665.

(3) The offense described in this section, failure to obey a traffic patrol member, is a Class A traffic violation. [1983 c.338 §545; 1995 c.383 §12; 2003 c.278 §2]

**811.020 Passing stopped vehicle at *crosswalk*; penalty.** (1) The driver of a vehicle commits the offense of passing a stopped vehicle at a *crosswalk* if the driver:

(a) Approaches from the rear another vehicle that is stopped at a marked or an unmarked *crosswalk* at an intersection to permit a *pedestrian* to cross the roadway; and

(b) Overtakes and passes the stopped vehicle.

(2) The offense described in this section, passing a stopped vehicle at a *crosswalk*, is a Class B traffic infraction. [1983 c.338 §546]

**811.025 Failure to yield to *pedestrian* on *sidewalk*; penalty.** (1) The driver of a vehicle commits the offense of failure to yield to a *pedestrian* on a *sidewalk* if the driver does not yield the right of way to any *pedestrian* on a *sidewalk*.

(2) The offense described in this section, failure to yield to a *pedestrian* on a *sidewalk*, is a Class B traffic infraction. [1983 c.338 §547; 1995 c.383 §42]

**811.028 Failure to stop and remain stopped for *pedestrian*; penalty.** (1) The driver of a vehicle commits the offense of failure to stop and remain stopped for a *pedestrian* if the driver does not stop and remain stopped for a *pedestrian* when the *pedestrian* is:

(a) Proceeding in accordance with a traffic control device as provided under ORS 814.010 or crossing the roadway in a *crosswalk*, as defined in ORS 801.220; and

(b) In any of the following locations:

(A) In the lane in which the driver's vehicle is traveling;

(B) In a lane adjacent to the lane in which the driver's vehicle is traveling;

(C) In the lane into which the driver's vehicle is turning;

(D) In a lane adjacent to the lane into which the driver's vehicle is turning, if the driver is making a turn at an intersection that does not have a traffic control device under which a pedestrian may proceed as provided under ORS 814.010; or

(E) Less than six feet from the lane into which the driver's vehicle is turning, if the driver is making a turn at an intersection that has a traffic control device under which a pedestrian may proceed as provided under ORS 814.010.

(2) For the purpose of this section, a bicycle lane or the part of a roadway where a vehicle stops, stands or parks that is adjacent to a lane of travel is considered to be part of that adjacent lane of travel.

(3) This section does not require a driver to stop and remain stopped for a pedestrian under any of the following circumstances:

(a) Upon a roadway with a safety island, if the driver is proceeding along the half of the roadway on the far side of the safety island from the pedestrian; or

(b) Where a pedestrian tunnel or overhead crossing has been provided at or near a crosswalk.

(4) The offense described in this section, failure to stop and remain stopped for a pedestrian, is a Class B traffic violation. [2005 c.746 §2]

**Note:** 811.028 was added to and made a part of the Oregon Vehicle Code by legislative action but was not added to ORS chapter 811 or any series therein. See Preface to Oregon Revised Statutes for further explanation.

**811.030 Driving through safety zone; penalty.** (1) The driver of a vehicle commits the offense of driving through a safety zone if the driver at any time drives through or within any area or space officially set apart within a roadway for the exclusive use of *pedestrians* and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(2) The offense described in this section, driving through a safety zone, is a Class B traffic infraction. [1983 c.338 §548; 1995 c.383 §43]

**811.035 Failure to stop and remain stopped for blind *pedestrian*; penalty.** (1) The driver of a vehicle commits the offense of failure to stop and remain stopped for a blind *pedestrian* if the driver violates any of the following:

(a) A driver approaching a blind or blind and deaf *pedestrian* carrying a white cane or accompanied by a dog guide, who is crossing or about to cross a roadway, shall stop and remain stopped until the *pedestrian* has crossed the roadway.

(b) Where the movement of vehicular traffic is regulated by traffic control devices, a driver approaching a blind or blind and deaf *pedestrian* shall stop and remain stopped until the *pedestrian* has vacated the roadway if the blind or blind and deaf *pedestrian* has entered the roadway and is carrying a white cane or is accompanied by a dog guide. This paragraph applies notwithstanding any other provisions of the vehicle code relating to traffic control devices.

(2) This section is subject to the provisions and definitions relating to the rights of *pedestrians* who are blind or blind and deaf under ORS 814.110.

(3) The offense described in this section, failure to stop and remain stopped for a blind *pedestrian*, is a Class B traffic violation. [1983 c.338 §549; 1985 c.16 §280; 2003 c.278 §3]

**811.040 Failure to stop for *pedestrian* proceeding under traffic control device; penalty.** [1983 c.338 §550; 1985 c.16 §281; 2003 c.278 §4; repealed by 2005 c.746 §4] **Repealed and replaced with [811.360](#) & refers to [811.028](#)**

**811.045 Failure to stop for *pedestrian* when making turn at stop light; penalty.** [1983 c.338 §551; 2003 c.278 §5; repealed by 2005 c.746 §4] **Repealed and replaced with [811.360](#) & refers to [811.028](#)**

**811.050 Failure to yield to rider on *bicycle* lane; penalty.** (1) A person commits the offense of failure of a motor vehicle operator to yield to a rider on a *bicycle* lane if the person is operating a motor vehicle and the person does not yield the right of way to a person operating a *bicycle*, electric assisted *bicycle*, electric personal assistive mobility device, moped, motor assisted scooter or motorized wheelchair upon a *bicycle* lane.

(2) This section does not require a person operating a moped to yield the right of way to a *bicycle* or a motor assisted scooter if the moped is operated on a *bicycle* lane in the manner permitted under ORS 811.440.

(3) The offense described in this section, failure of a motor vehicle operator to yield to a rider on a *bicycle* lane, is a Class B traffic violation. [1983 c.338 §698; 1985 c.16 §336; 1991 c.417 §4; 1997 c.400 §8; 2001 c.749 §23; 2003 c.341 §7]

**811.055 Failure to yield to bicyclist on sidewalk; penalty.** (1) The driver of a motor vehicle commits the offense of failure to yield the right of way to a *bicyclist* on a *sidewalk* if the driver does not yield the right of way to any *bicyclist* on a *sidewalk*.

(2) The driver of a motor vehicle is not in violation of this section when a *bicyclist* is operating in violation of ORS 814.410. Nothing in this subsection relieves the driver of a motor vehicle from the duty to exercise due care.

(3) The offense described in this section, failure to yield the right of way to a *bicyclist* on a *sidewalk*, is a Class B traffic violation. [1983 c.338 §702; 1985 c.16 §340; 1995 c.383 §44]

**811.060 Vehicular assault of bicyclist or pedestrian; penalty.** (1) For the purposes of this section, “recklessly” has the meaning given that term in ORS 161.085.

(2) A person commits the offense of vehicular assault of a *bicyclist* or *pedestrian* if:

(a) The person recklessly operates a vehicle upon a highway in a manner that results in contact between the person’s vehicle and a *bicycle* operated by a person, a person operating a *bicycle* or a *pedestrian*; and

(b) The contact causes physical injury to the person operating a *bicycle* or the *pedestrian*.

(3) The offense described in this section, vehicular assault of a *bicyclist* or *pedestrian*, is a Class A misdemeanor. [2001 c.635 §5]

**811.065 Unsafe passing of person operating bicycle; penalty.** (1) A driver of a motor vehicle commits the offense of unsafe passing of a person operating a bicycle if the driver violates any of the following requirements:

(a) The driver of a motor vehicle may only pass a person operating a bicycle by driving to the left of the bicycle at a safe distance and returning to the lane of travel once the motor vehicle is safely clear of the overtaken bicycle. For the purposes of this paragraph, a “safe distance” means a distance that is sufficient to prevent contact with the person operating the bicycle if the person were to fall into the driver’s lane of traffic. This paragraph does not apply to a driver operating a motor vehicle:

(A) In a lane that is separate from and adjacent to a designated bicycle lane;

(B) At a speed not greater than 35 miles per hour; or

(C) When the driver is passing a person operating a bicycle on the person’s right side and the person operating the bicycle is turning left.

(b) The driver of a motor vehicle may drive to the left of the center of a roadway to pass a person operating a bicycle proceeding in the same direction only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle safely and avoid interference with oncoming traffic. This paragraph does not authorize driving on the left side of the center of a roadway when prohibited under ORS 811.295, 811.300 or 811.310 to 811.325.

(c) The driver of a motor vehicle that passes a person operating a bicycle shall return to an authorized lane of traffic as soon as practicable.

(2) Passing a person operating a bicycle in a no passing zone in violation of ORS 811.420 constitutes prima facie evidence of commission of the offense described in this section, unsafe passing of a person operating a bicycle, if the passing results in injury to or the death of the person operating the bicycle.

(3) The offense described in this section, unsafe passing of a person operating a bicycle, is a Class B traffic violation. [2007 c.794 §2]

**Note:** 811.065 was added to and made a part of the Oregon Vehicle Code by legislative action but was not added to ORS chapter 811 or any series therein. See Preface to Oregon Revised Statutes for further explanation.

**811.135 Careless driving; penalty.** (1) A person commits the offense of careless driving if the person drives any vehicle upon a highway or other premises described in this section in a manner that endangers or would be likely to endanger any person or property.

(2) The offense described in this section, careless driving, applies on any premises open to the public and is a Class B traffic violation unless commission of the offense contributes to an accident. If commission of the offense contributes to an accident, the offense is a Class A traffic violation.

(3) In addition to any other penalty imposed for an offense committed under this section, if the court determines that the commission of the offense described in this section contributed to the serious physical injury or death of a vulnerable user of a public way, the court shall:

(a) Impose a sentence that requires the person to:

(A) Complete a traffic safety course; and

(B) Perform between 100 and 200 hours of community service, notwithstanding ORS 137.129. The community service must include activities related to driver improvement and providing public education on traffic safety;

(b) Impose, but suspend on the condition that the person complete the requirements of paragraph (a) of this subsection:

- (A) A fine of up to \$12,500, notwithstanding ORS 153.018; and
- (B) A suspension of driving privileges as provided in ORS 809.280; and
- (c) Set a hearing date up to one year from the date of sentencing.
- (4) At the hearing described in subsection (3)(c) of this section, the court shall:

(a) If the person has successfully completed the requirements described in subsection (3)(a) of this section, dismiss the penalties imposed under subsection (3)(b) of this section; or

(b) If the person has not successfully completed the requirements described in subsection (3)(a) of this section:

- (A) Grant the person an extension based on good cause shown; or
- (B) Impose the penalties under subsection (3)(b) of this section.

(5) When a court imposes a suspension under subsection (4) of this section, the court shall prepare and send to the Department of Transportation an order of suspension of driving privileges of the person. Upon receipt of an order under this subsection, the department shall take action as directed under ORS 809.280.

(6) The police officer issuing the citation for an offense under this section shall note on the citation if the cited offense contributed to the serious physical injury or death of a vulnerable user of a public way. [1983 c.338 §570; 1995 c.383 §20; 2007 c.784 §3]

**811.165 Failure to stop for passenger loading of public transit vehicle; penalty.** (1) A person commits the offense of failure to stop for passenger loading of a public transit vehicle if the person is the driver of a vehicle overtaking a public transit vehicle described in this section that is stopped or about to stop for the purpose of receiving or discharging any passenger and the person does not:

- (a) Stop the overtaking vehicle to the rear of the nearest running board or door of the public transit vehicle; and
- (b) Keep the vehicle stationary until all passengers have boarded or alighted therefrom and reached a place of safety.

(2) This section applies to the following public transit vehicles:

- (a) Commercial buses; and
- (b) Rail fixed guideway system vehicles.

(3) A person is not in violation of this section if the person passes a public transit vehicle:

- (a) Upon the left of any public transit vehicle described in this section on a one-way street; or
- (b) At a speed not greater than is reasonable and proper and with due caution for the safety of *pedestrians* when:
  - (A) The public transit vehicle has stopped at the curb; or
  - (B) Any area or space has been officially set apart within the roadway for the exclusive use of *pedestrians* and the area or space is so protected or marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(4) The offense described in this section, failure to stop for passenger loading of public transit vehicle, is a Class B traffic violation. [1983 c.338 §586; 1985 c.16 §292; 1995 c.383 §49; 2001 c.522 §4]

**811.290 Obstructing cross traffic; penalty.** (1) A person commits the offense of obstructing cross traffic if the person is operating a vehicle and the person enters an intersection or a marked *crosswalk* when there is not sufficient space on the other side of the intersection or *crosswalk* to accommodate the vehicle without obstructing the passage of other vehicles or *pedestrians*.

(2) The offense described in this section applies whether or not a traffic control device indicates to proceed.

(3) The offense described in this section, obstructing cross traffic, is a Class D traffic violation. [1983 c.338 §614; 1995 c.383 §56]

**811.335 Unlawful or unsignaled turn; penalty.** (1) A person commits the offense of making an unlawful or unsignaled turn if the person is operating a vehicle upon a highway and the person turns the vehicle right or left when:

- (a) The movement cannot be made with reasonable safety; or
- (b) The person fails to give an appropriate signal continuously during not less than the last 100 feet traveled by the vehicle before turning.

(2) Appropriate signals for use while turning are as designated under ORS 811.395 and 811.400.

(3) The offense described in this section, making an unlawful or unsignaled turn, is a Class D traffic violation. [1983 c.338 §623; 1995 c.383 §59]

**811.355 Improperly executed right turn; penalty.** (1) A person commits the offense of making an improperly executed right turn if the person is operating a vehicle, is intending to turn the vehicle to the right and does not proceed as close as practicable to the right-hand curb or edge of the roadway:

- (a) In making the approach for a right turn; and
- (b) In making the right turn.

(2) The offense described in this section, improperly executed right turn, is a Class B traffic violation. [1983 c.338

§627; 1995 c.383 §62]

**811.360 When vehicle turn permitted at stop light; improper turn at stop light; penalty.** (1) The driver of a vehicle, subject to this section, who is intending to turn at an intersection where there is a traffic control device showing a steady circular red signal or a steady red arrow signal may do any of the following without violating ORS 811.260 and 811.265:

- (a) Make a right turn into a two-way street.
- (b) Make a right or left turn into a one-way street in the direction of traffic upon the one-way street.

(2) A person commits the offense of improper turn at a stop light if the person does any of the following while making a turn described in this section:

- (a) Fails to stop at the light as required.
- (b) Fails to exercise care to avoid an accident.
- (c) Disobeys the directions of a traffic control device or a police officer that prohibits the turn.

(d) Fails to yield the right of way to traffic lawfully within the intersection or approaching so close as to constitute an immediate hazard.

(3) A driver who is making a turn described in this section is also subject to the requirements under ORS 811.028 to stop for a pedestrian while making the turn.

(4) The offense described in this section, improper turn at a stop light, is a Class B traffic violation. [1983 c.338 §628; 1997 c.507 §7; 2003 c.278 §7; 2005 c.746 §3]

**811.435 Operation of motor vehicle on *bicycle* trail; exemptions; penalty.** (1) A person commits the offense of operation of a motor vehicle on a *bicycle* trail if the person operates a motor vehicle upon a *bicycle* lane or a *bicycle* path.

(2) Exemptions to this section are provided under ORS 811.440.

(3) This section is not applicable to mopeds. ORS 811.440 and 814.210 control the operation and use of mopeds on *bicycle* lanes and paths.

(4) The offense described in this section, operation of a motor vehicle on a *bicycle* trail, is a Class B traffic infraction. [1983 c.338 §643]

**811.440 When motor vehicles may operate on *bicycle* lane.** This section provides exemptions from the prohibitions under ORS 811.435 and 814.210 against operating motor vehicles on *bicycle* lanes and paths. The following vehicles are not subject to ORS 811.435 and 814.210 under the circumstances described:

(1) A person may operate a moped on a *bicycle* lane that is immediately adjacent to the roadway only while the moped is being exclusively powered by human power.

(2) A person may operate a motor vehicle upon a *bicycle* lane when:

- (a) Making a turn;
- (b) Entering or leaving an alley, private road or driveway; or
- (c) Required in the course of official duty.

(3) An implement of husbandry may momentarily cross into a *bicycle* lane to permit other vehicles to overtake and pass the implement of husbandry.

(4) A person may operate a motorized wheelchair on a *bicycle* lane or path.

(5) A person may operate a motor assisted scooter on a *bicycle* lane or path.

(6) A person may operate an electric personal assistive mobility device on a *bicycle* lane or path. [1983 c.338 §645; 1991 c.417 §1; 2001 c.749 §24; 2003 c.341 §8]

**811.475 Obstructing rail crossing; penalty.** (1) A person commits the offense of obstructing a rail crossing if the person is operating a vehicle and the person does either of the following:

(a) Drives onto any railroad or rail fixed guideway system grade crossing when there is not sufficient space on the other side of the railroad or rail fixed guideway system grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, *pedestrians*, railroad trains or rail fixed guideway system vehicles; or

(b) While driving a commercial motor vehicle, fails to negotiate the rail crossing because of insufficient undercarriage clearance.

(2) The offense described in this section is applicable whether or not a traffic control device indicates to proceed.

(3) The offense described in this section, obstructing rail crossings, is a Class B traffic violation. [1983 c.338 §652; 1995 c.383 §74; 2001 c.492 §5; 2001 c.522 §8]

**811.490 Improper opening or leaving open of vehicle door; penalty.** (1) A person commits the offense of improper opening or leaving open a vehicle door if the person does any of the following:

(a) Opens any door of a vehicle unless and until it is reasonably safe to do so and it can be done without interference with the movement of traffic, or with *pedestrians* and *bicycles* on *sidewalks* or shoulders.

- (b) Leaves a door open on the side of a vehicle available to traffic, or to *pedestrians* or *bicycles* on *sidewalks* or shoulders for a period of time longer than necessary to load or unload passengers.
- (2) The offense described in this section, improper opening or leaving open a vehicle door, is a Class D traffic infraction. [1983 c.338 §655; 1985 c.16 §320]

**811.550 Places where stopping, standing and parking prohibited.** (Abridged) This section establishes places where stopping, standing and parking a vehicle are prohibited for purposes of the penalties under ORS 811.555. Except as provided under an exemption in ORS 811.560, a person is in violation of ORS 811.555 if a person parks, stops or leaves standing a vehicle in any of the following places:

- (1) Upon a roadway outside a business district or residence district, whether attended or unattended, when it is practicable to stop, park or leave the vehicle standing off the roadway. Exemptions under ORS 811.560 (1), (7) and (9) are applicable to this subsection.
- (2) On a shoulder, whether attended or unattended, unless a clear and unobstructed width of the roadway opposite the standing vehicle is left for the passage of other vehicles and the standing vehicle is visible from a distance of 200 feet in each direction upon the roadway or the person, at least 200 feet in each direction upon the roadway, warns approaching motorists of the standing vehicle by use of flagpersons, flags, signs or other signals. Exemptions under ORS 811.560 (9) are applicable to this subsection.
- (3) On the roadway side of a vehicle stopped or parked at the edge or curb of a highway. Exemptions under ORS 811.560 (7) are applicable to this subsection.
- (4) On a *sidewalk*. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.
- (5) Within an intersection. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.
- (6) On a *crosswalk*. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.
- (7) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs and markings. For purposes of this subsection the safety zone must be an area or space officially set apart within a roadway for the exclusive use of *pedestrians* and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.
- <...> (17) Within 20 feet of a *crosswalk* at an intersection. Exemptions under ORS 811.560 (2) and (4) to (7) are applicable to this subsection.
- <...> (23) On a *bicycle* lane. Exemptions under ORS 811.560 are applicable to this subsection.
- (24) On a *bicycle* path. Exemptions under ORS 811.560 are applicable to this subsection. [1983 c.338 §668; 1987 c.687 §4]

**811.560 Exemptions from prohibitions on stopping, standing and parking.** This section provides exemptions from ORS 811.550 and 811.555. The following exemptions are applicable as provided under ORS 811.550:

- (1) When applicable, this subsection exempts school buses or worker transport buses stopped on a roadway to load or unload workers or children, providing that the flashing school bus safety lights on the bus are operating.
- (2) When applicable, this subsection exempts vehicles stopped, standing or parked momentarily to pick up or discharge a passenger.
- (3) When applicable, this subsection exempts vehicles stopped, standing or parked momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.
- (4) When applicable, this subsection exempts vehicles owned or operated by the state, a county or city when stopping, standing or parking is necessary to perform maintenance or repair work on the roadway.
- (5) When applicable, this subsection exempts vehicles from the prohibitions and penalties when the driver's disregard of the prohibitions is necessary to avoid conflict with other traffic.
- (6) When applicable, this subsection exempts vehicles acting in compliance with law or at the direction of a police officer or a traffic control device.
- (7) When applicable, this subsection exempts the driver of a vehicle that is disabled in such manner and to such extent that the driver cannot avoid stopping or temporarily leaving the disabled vehicle in a prohibited position.
- (8) When applicable, this subsection exempts vehicles owned or operated by the State Department of Fish and Wildlife when stopping, standing or parking is necessary to enable employees to release fish.
- (9) When applicable, this subsection exempts vehicles momentarily stopped to allow oncoming traffic to pass before making a right-hand or left-hand turn or momentarily stopped in preparation for or while negotiating an exit from the road. [1983 c.338 §670; 1985 c.334 §2; 1989 c.433 §3]

**811.570 Improperly positioning parallel parked vehicle; exception; affirmative defense; penalty.** (1) A person commits the offense of improperly positioning a parallel parked vehicle if:

- (a) The person stops or parks a vehicle on a highway where parallel parking is permitted and the vehicle is not parked in accordance with the following:

(A) Upon a two-way highway, the vehicle shall be positioned so that the right-hand wheels are parallel to and within 12 inches of the right curb or, if none, as close as possible to the right edge of the right shoulder.

(B) On a one-way highway where parallel parking is permitted on either side, a vehicle parked or stopped on the right side shall be positioned in accordance with the requirements of subparagraph (A) of this paragraph and a vehicle parked or stopped on the left side shall be positioned so that the left-hand wheels are parallel to and within 12 inches of the left curb or, if none, as close as possible to the left edge of the left shoulder.

(C) Where marked parking spaces are provided, a vehicle shall be positioned so that it faces in the direction in which vehicles in the adjacent lane of the roadway are required to travel and so that the wheels are within the parking space markings which are parallel to the curb or, if none, to the edge of the shoulder; or

(b) The person is the owner of an unattended vehicle parked on a highway in violation of paragraph (a) of this subsection.

(2) The provisions of this section do not apply to the driver of a vehicle that is disabled in such manner and to such extent that the driver cannot avoid stopping or temporarily leaving the disabled vehicle in a position prohibited by this section.

(3) A police officer, under authority granted by ORS 810.430, may move or require to be moved a vehicle that is parked in violation of this section.

(4) It is an affirmative defense to a prosecution of the owner of a vehicle under subsection (1)(b) of this section that the use of the vehicle was not authorized by the owner, either expressly or by implication.

(5) The offense described in this section, improperly positioning a parallel parked vehicle, is a Class D traffic violation. [1983 c.338 §671; 1987 c.687 §5]

**814.210 Operation of moped on sidewalk or bicycle trail; penalty.** (1) A person commits the offense of operation of a moped on a *sidewalk* or *bicycle* trail if the person operates a moped upon a *sidewalk*, a *bicycle* path or a *bicycle* lane.

(2) Exemptions to this section are provided under ORS 811.440.

(3) The offense described in this section, operation of a moped on a *sidewalk* or *bicycle* trail, is a Class D traffic infraction. [1983 c.338 §644]

**814.410 Unsafe operation of bicycle on sidewalk; penalty.** (1) A person commits the offense of unsafe operation of a bicycle on a sidewalk if the person does any of the following:

(a) Operates the bicycle so as to suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.

(b) Operates a bicycle upon a sidewalk and does not give an audible warning before overtaking and passing a pedestrian and does not yield the right of way to all pedestrians on the sidewalk.

(c) Operates a bicycle on a sidewalk in a careless manner that endangers or would be likely to endanger any person or property.

(d) Operates the bicycle at a speed greater than an ordinary walk when approaching or entering a crosswalk, approaching or crossing a driveway or crossing a curb cut or pedestrian ramp and a motor vehicle is approaching the crosswalk, driveway, curb cut or pedestrian ramp. This paragraph does not require reduced speeds for bicycles at places on sidewalks or other pedestrian ways other than places where the path for pedestrians or bicycle traffic approaches or crosses that for motor vehicle traffic.

(e) Operates an electric assisted bicycle on a sidewalk.

(2) Except as otherwise specifically provided by law, a bicyclist on a sidewalk or in a crosswalk has the same rights and duties as a pedestrian on a sidewalk or in a crosswalk.

(3) The offense described in this section, unsafe operation of a bicycle on a sidewalk, is a Class D traffic violation. [1983 c.338 §699; 1985 c.16 §337; 1997 c.400 §7; 2005 c.316 §2]

## **BICYCLE AND PEDESTRIAN EXEMPTIONS FROM THE MOTOR VEHICLE CODE**

**801.026 General exemptions; exceptions.** (Abridged) <...> (6) Devices that are powered exclusively by human power are not subject to those provisions of the vehicle code that relate to vehicles. Notwithstanding this subsection, *bicycles* are generally subject to the vehicle code as provided under ORS 814.400. [1989 c.400 §2 (enacted in lieu of 801.025); 1999 c.1051 §82]

**803.030 Exemptions from title requirement.** (Abridged) This section establishes exemptions from the requirements under ORS 803.025 to obtain title issued by this state. The exemptions are subject to ORS 803.040. The exemptions are in addition to any exemptions under ORS 801.026. Vehicles exempted by this section from the requirements to be titled by

this state are not prohibited from being titled by this state if titling is permitted under ORS 803.035. The exemptions are partial or complete as provided in the following: <...> (7) *Bicycles* are exempt from the requirements for title. [1983 c.338 §177; 1985 c.16 §60; 1985 c.333 §5; 1985 c.401 §1; 1985 c.459 §3; 1985 c.668 §6; 1987 c.25 §1; 1989 c.43 §17; 1989 c.991 §24; 1991 c.284 §13; 1991 c.459 §438f; 1991 c.477 §1; 1993 c.233 §18; 1995 c.774 §10; 1999 c.361 §1; 1999 c.977 §18; 2001 c.827 §1; 2003 c.341 §3]

**803.305 Exemptions from general registration requirements.** (Abridged) This section establishes exemptions from the requirements under ORS 803.300. The exemptions under this section are in addition to any exemptions under ORS 801.026. Vehicles exempted by this section from the requirements to be registered by this state are not prohibited from being registered by this state if registration is permitted under ORS 803.310. The following are exempt, either partially or completely as described, from the registration requirements under ORS 803.300: <...> (2) *Bicycles* are exempt from registration. [1983 c.338 §206; 1985 c.16 §75; 1985 c.333 §7; 1985 c.401 §5; 1985 c.459 §4; 1985 c.668 §7; 1987 c.25 §2; 1989 c.43 §20; 1989 c.991 §25; 1991 c.284 §15; 1991 c.459 §438g; 1993 c.174 §3; 1993 c.303 §2; 1995 c.774 §11; 1999 c.977 §19; 2001 c.749 §20; 2001 c.827 §2; 2003 c.71 §1; 2003 c.341 §4]

**807.020 Exemptions from requirement to have Oregon license or permit.** (Abridged) A person who is granted a driving privilege by this section may exercise the driving privilege described without violation of the requirements under ORS 807.010. A grant of driving privileges to operate a motor vehicle under this section is subject to suspension and revocation the same as other driving privileges granted under the vehicle code. This section is in addition to any exemptions from the vehicle code under ORS 801.026. The following persons are granted the described driving privileges: <...> (12) A person may operate a *bicycle* without any grant of driving privileges. (14) A person may operate an electric assisted *bicycle* without a driver license or driver permit if the person is 16 years of age or older. [1983 c.338 §300; 1985 c.16; 123; 1985 c.608 §13; 1987 c.217 §5; 1993 c.83 §1; 1995 c.774 §14; 1997 c.400 §6; 2001 c.749 §21; 2003 c.14 §468; 2003 c.341 §6]

**809.210 Suspension or restriction of driving privileges for failure to pay fine or obey court order; exceptions.** (Abridged) (1) A court may do any of the following if the defendant is convicted of any traffic offense and fails or refuses to pay a fine imposed by the judge or to comply with any condition upon which payment of the fine or any part of it was suspended: (a) Issue notice to the Department of Transportation to implement procedures under ORS 809.290. (b) Order a defendant's driving privileges restricted. <...> (5) A court shall not issue notice under this section to implement procedures under ORS 809.290 for failure to pay a fine relating to any parking offense, *pedestrian* offense or *bicycling* offense. [1983 c.338 §387; 1985 c.16 §203; 1985 c.669 §13; 1991 c.702 §5; 1993 c.751 §54]

**809.220 Failure to appear; suspension or other procedures.** (Abridged) This section establishes procedures that are applicable if a person fails to comply with ORS 153.540. All of the following apply to this section: (1) If a defendant fails to comply with ORS 153.540, a court: (a) Shall issue notice to the Department of Transportation to suspend for failure to appear if the defendant has not complied with ORS 153.540 (1). If a court issues notice under this paragraph, the department shall suspend the driving privileges of the person as provided under ORS 809.280. (b) Shall issue notice to the department to implement procedures under ORS 809.290 if the defendant has not complied with ORS 153.540 (2). If a court issues notice under this paragraph, the department shall implement procedures under ORS 809.290. <...> (6) A court shall not notify the department under this section for failure to appear on any parking, *pedestrian* or *bicyclist* offense. [1983 c.338 §393; 1985 c.16 §209; 1985 c.669 §15; 1989 c.161 §1; 1991 c.702 §6; 1995 c.142 §3; 1999 c.1051 §281; 2001 c.817 §1; 2001 c.823 §27]

**809.290 When person subject to suspension; duration.** (Abridged) This section establishes circumstances that will make a person subject to suspension under ORS 809.410 (24) and what a person is required to do to make the person no longer subject to suspension. The following apply as described: (1) A person is subject to suspension under ORS 809.410 (24) if the Department of Transportation receives notice from a court to apply this section under ORS 809.220. A person who is subject under this subsection remains subject until the person presents the department with notice issued by the court showing that the person is no longer subject to this section or until five years have elapsed, whichever is earlier. This subsection shall not subject a person to ORS 809.410 (24) for any *pedestrian* offense, *bicycling* offense or parking offense. Upon receipt of notice from a court, the department shall send a letter by first class mail advising the person that the suspension will commence 60 days from the date of the letter unless the person presents the department with the notice required by this subsection. <...> [1983 c.338 §393; 1985 c.16 §209; 1985 c.669 §15; 1989 c.161 §1; 1991 c.702 §6; 1995 c.142 §3; 1999 c.1051 §281; 2001 c.817 §1; 2001 c.823 §27]

**809.280 Procedures following court order or recommendation; length of suspension or revocation.** (Abridged) (1) This section establishes the procedures the Department of Transportation shall follow when a court orders or recommends the suspension or revocation of driving privileges. This section also establishes the period of time the revocation or



suspension will be effective. <...> (5) When a court notifies the department under ORS 809.220 to suspend for failure to appear, the department shall suspend the driving privileges of the person for an indefinite period. The department shall terminate the suspension upon notification by the court or upon the elapse of five years from the date of suspension. A suspension under this subsection shall be placed on the defendant's driving record. The department shall not suspend any driving privileges under this subsection for a person's failure to appear on a *pedestrian* or *bicyclist* offense. [1983 c.338 §362; 1985 c.16 §177; 1985 c.597 §23; 1985 c.669 §12; 1987 c.730 §15; 1991 c.835 §4; 1991 c.860 §3; 1993 c.751 §57; 1993 c.761 §3; 1999 c.359 §3; 1999 c.770 §4; 2001 c.817 §8]

**811.400 Failure to use appropriate signal for turn, lane change, stop or exit from roundabout; penalty.** (1) A person commits the offense of failure to use an appropriate signal for a turn, lane change or stop or for an exit from a roundabout if the person does not make the appropriate signal under ORS 811.395 by use of signal lamps or hand signals and the person is operating a vehicle that is:

- (a) Turning, changing lanes, stopping or suddenly decelerating; or
- (b) Exiting from any position within a roundabout.

(2) This section does not authorize the use of only hand signals to signal a turn, change of lane, stop or deceleration when the use of signal lights is required under ORS 811.405.

(3) The offense described in this section, failure to use appropriate signal for a turn, lane change or stop or for an exit from a roundabout, is a Class B traffic violation. [1983 c.338 §634; 1995 c.383 §66; 2001 c.464 §6]

**811.405 Failure to signal with lights; exceptions; penalty.** (1) A person commits the offense of failure to signal with lights when required if a person is operating a vehicle and does not use the vehicle lighting equipment described under ORS 811.395 to signal when turning, changing lanes, stopping or suddenly decelerating under any of the following circumstances:

- (a) During limited visibility conditions.
- (b) At any time the person is operating a vehicle or combination of vehicles in which the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of the vehicle is greater than 24 inches.
- (c) At any time the person is operating a vehicle or combination of vehicles in which the distance from the center of the top of the steering post to the rear limit of the body or load is greater than 14 feet.

(2) This section does not require the driver of a moped or *bicycle* that is not equipped with lighting equipment to use lighting equipment when required by this section. A driver of such moped or *bicycle* shall signal by means of appropriate hand and arm signals described under ORS 811.395 without violation of this section.

(3) The offense described in this section, failure to signal with lights when required, is a Class D traffic violation. [1983 c.338 §636; 1985 c.16 §315; 1995 c.383 §67]

**811.495 Unlawful coasting on downgrade; exception; penalty.** (1) A person commits the offense of unlawful coasting on a downgrade if the person is the driver of a vehicle on a downgrade and the person coasts with the gears or transmission of the motor vehicle in neutral or with the clutch disengaged.

- (2) This section does not apply to the driver of a motorized *bicycle*.

(3) The offense described in this section, unlawful coasting on a downgrade, is a Class D traffic violation. [1983 c.338 §656; 1985 c.16 §321; 1995 c.383 §76]

**811.525 Exemptions from requirements for use of lights.** (Abridged) This section establishes exemptions from ORS 811.515 and 811.520. The exemptions under this section are in addition to any exemptions under ORS 801.026. The exemptions established under this section are partial or complete as described in the following: <...> (4) Lighting equipment on *bicycles* shall be lighted as required under ORS 815.280. [1983 c.338 §661; 1985 c.16 §324; 1985 c.71 §8; 1999 c.497 §2; 2003 c.245 §2; 2003 c.341 §9]

## STATE COMMITTEES AND PROGRAMS

**366.112 Bicycle lane and path advisory committee; members, terms, duties and powers; meetings.** (1) There is created in the Department of Transportation an advisory committee to be appointed by the Governor to advise the department regarding the regulation of *bicycle* traffic and the establishment of *bicycle* lanes and paths. The committee shall consist of eight members including an employee of a unit of local government employed in land use planning, a representative of a recognized environmental group, a person engaged in the business of selling or repairing *bicycles*, a member designated by the Oregon Recreation Trails Advisory Council, and at least one member under the age of 21 at the time of appointment. Members of the advisory committee shall be entitled to compensation and expenses as provided by ORS 292.495. (2)

The members shall be appointed to serve for terms of four years each. A vacancy on the committee shall be filled by appointment by the Governor for the unexpired term.

(3) The committee shall meet regularly four times a year, at times and places fixed by the chairman of the committee. The committee may meet at other times upon notice by the chairman or three members of the committee. The department shall provide office space and personnel to assist the committee as requested by the chairman, within the limits of available funds. The committee shall adopt rules to govern its proceedings and may select officers it considers necessary. [1973 c.716 §1; 1993 c.741 §35]

*Note: On June 14, 1995, the Oregon Transportation Commission recognized the committee as the Oregon Bicycle and Pedestrian Advisory Committee, to recognize their contributions to pedestrian issues*

**802.325 Bicycle safety program; contents; fees.**(1) The Department of Transportation, in consultation with the Transportation Safety Committee, shall establish a *bicycle* safety program that complies with this section to the extent moneys are available for such program. The program established may include the following:

- (a) *Bicycle* safety promotion and public education.
  - (b) Advice and assistance for *bicycle* safety programs operated by government or nongovernment organizations.
  - (c) Classroom instruction and actual riding instruction necessary to teach safe and proper operation of *bicycles*.
  - (d) *Bicycle* education and information that assist police agencies in the enforcement of *bicycle* laws.
  - (e) Other education or safety programs the department determines will help promote the safe operation of *bicycles*, promote safe and lawful riding habits and assist in accident prevention.
  - (f) The department may charge a fee for services provided under the program. Any fee charged by the department under this paragraph shall be established by rule and shall not be in an amount that will discourage persons from participating in safety programs offered by the department under this section.
- (2) The department shall act as a liaison between government agencies and advisory committees and interested *bicyclist* groups.
- (3) The department may accept donations and solicit grants to enable the department to carry out the functions of this section. [1987 c.683 §2; 1991 c.453 §9]

## **OREGON ADMINISTRATIVE RULES (OAR) THAT PERTAIN TO BICYCLISTS & PEDESTRIANS**

### **OAR 734-020-0045**

### **Prohibition of Non-Motorized Vehicles on Freeways**

(1) Non-motorized vehicles are prohibited upon the following segments of freeways within the State of Oregon:

(a) Portland area:

(A) The Columbia River Highway No. 2 (Banfield/I-84) from its intersection with I-5, M.P. 0.00, to 122nd Avenue, M.P. 10.25, east bound, and to Sandy Boulevard, M.P. 15.14, west bound;

(B) The Sunset Highway No. 47 easterly of the Jefferson Street Interchange, M.P. 73.35;

(C) Interstate 5 (Hwy. No. 1) from the Beaverton - Tigard Highway Interchange, M.P. 292.20, to the Delta Park Interchange, M.P. 306.70;

(D) Interstate 205 (Hwy. No. 64) northerly of the Overcrossing of the Oswego Highway No. 3, M.P. 8.82;

(E) Interstate 405 (Hwy. No. 61) in its entirety; and

(F) Lower Columbia Highway No. 2W from its intersection with I-405, M.P. 0.00, to 23rd Street, M.P. 1.99.

(b) Medford area: Interstate 5 (Pacific Highway No. 1) from the Barnet Road Interchange, M.P. 27.58, to the Crater Lake Highway Interchange, M.P. 30.29 (in Medford).

(2) The closure of the above sections to non-motorized vehicles shall become effective following the erection of adequate signing.

Stat. Auth.: ORS 184.619, ORS 810.020 & ORS 810.030

Stats. Implemented: ORS 810.020 & ORS 810.030

Hist.: HC 1280, f. & ef. 4-5-72; HWY 2-1987, f. & ef. 2-6-87; HWY 4-1987, f. & ef. 11-24-87; HWY 2-1996(Temp), f. 3-7-96, cert. ef. 5-1-96; HWY 2-1996(Temp), f. 3-7-96, cert. ef. 5-1-96

## ***Bicycle Lanes and Paths***

### **OAR 734-020-0055**

#### ***Bicycle Lane Definition***

A *bicycle* lane as defined by ORS 801.155(6) shall be separated from the adjacent roadway by a single, solid eight-inch wide white stripe.

Stat. Auth.: ORS 810

Stats. Implemented: ORS 810.200

Hist.: 1 OTC 9-1979(Temp), f. & ef. 5-17-79; 1 OTC 19-1979, f. & ef. 9-14-79

### **OAR 734-020-0060**

#### **Design and Construction of Bikeways**

(1) The Department of Transportation adopts by reference The American Association of State Highway and Transportation Officials, "**Guide for the Development of *Bicycle* Facilities**," (**Guide**), dated August, 1991, to establish bikeway design and construction standards, to establish guidelines for traffic control devices on bikeways including location and type of traffic warning signs and to recommend illumination standards, all in accordance with and pursuant to ORS 366.514, 184.616, 184.619, and 366.205.

(2) The following constitute supplements and exceptions to the August, 1991 Edition of the "**Guide for the Development of *Bicycle* Facilities**":

(a) Signing and Marking:

(A) All *bicycle* signing and markings on the State Highway System or installed on local city streets or county roads under state contract or agreement shall be in conformance with the current Department of Transportation "**Sign Policy and Guidelines for the State Highway System**" and the "**Traffic Line Manual**." Any signing or markings not included in these guidelines or manual, but which is deemed necessary and required for the *bicycle* facility shall conform to the **Manual on Uniform Traffic Control Devices** as adopted by the Oregon Transportation Commission;

(B) The standard width longitudinal painted solid line separating the motor vehicle travel way and a bike lane shall be a solid nominal eight-inch wide white stripe as required by OAR 734-020-0055; and

(C) The desirable width for a one-way bike lane on the State Highway System or installed on local city streets or county roads under state contract or agreement is six feet. Where six feet is not practical to achieve because of physical or economic constraints, a minimum width of four feet may be designated as a bike lane.

(b) Definitions: For the purpose of this rule and the **Guide**, the definitions on pages two and three of the **Guide** shall control, rather than any conflicting statutory or rule definitions. Terms not defined in the **Guide** shall be given their ordinary every day interpretation, even if defined otherwise for use in specific chapters in the Oregon Revised Statutes.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 184.616, ORS 184.619, ORS 366.205 & ORS 366.514

Stats. Implemented: ORS 366.514(4) & ORS 810.200

Hist.: 1 OTC 38, f. 9-26-74, ef. 10-25-74; 2HD 7-1983, f. & ef. 2-18-83; HWY 3-1988, f. & cert. ef. 5-27-88; HWY 1-1992, f. & cert. ef. 2-11-92

## **Bicycle Racing**

### **OAR 734-056-0010**

#### **Purpose**

OAR 734-056-0010 through 734-056-0050 establish statewide criteria for issuing permits for conducting bicycle races and special events on a state highway right-of-way.

Stat. Auth.: [ORS 184.619](#), [ORS 810.020](#), [ORS 810.030](#) & [ORS 810.090](#)  
Stats. Implemented: [ORS 810.020](#), [ORS 810.030](#) & [ORS 810.090](#)  
Hist.: HWY 4-1997, f. & cert. ef. 4-23-97

### **OAR 734-056-0020**

#### **Definitions**

As used in OAR 734-056-0010 through 734-056-0050, the following definitions apply:

- (1) "Applicant" means the individual or individuals, corporation, company, firm, business, partnership or agency named in and signing the permit and to whom the permit is issued.
- (2) "Bicycle Race Permit" means a fully executed Form 734-2214, entitled "State of Oregon, Department of Transportation, Application for Bicycle Race Permit," all special permit provisions included in the permit as deemed necessary by the District Manager and all exhibits, including any provisions of OAR Chapter 734, Division 055.
- (3) "Bicycle race" means any sanctioned, competitive or timed-bicycle event.
- (4) "Department" means the Department of Transportation of the State of Oregon.
- (5) "District Manager" means the person in charge of each of the Highway Districts established by the Department throughout the State or the District Manager's designated representative.
- (6) "Filming activity" means any film, video tape or still photography, including but not limited to movie and commercial filming.
- (7) "M.U.T.C.D." means "Manual on Uniform Traffic Control Devices for Streets and Highways."
- (8) "Permit" means a fully executed Form 734-3457, "State of Oregon, Department of Transportation, Application and Permit to Occupy or Perform Operations Upon a State Highway," all special permit provisions included in the permit as deemed necessary by the District Manager and all attached exhibits, including any provisions of OAR Chapter 734, Division 055.
- (9) "Right-of-way" means the entire width between the exterior public property line including the paved roadway, surface, shoulder area, ditches and other drainage facilities.
- (10) "Special event" means any planned activity that brings together a community or group of people for an expressed purpose, including, but not limited to, parades, bicycle races, road runs and filming activity, that may result in total or partial closure of state highway or state highway sections.
- (11) "Spokesperson" means the individual chosen by an applicant group to represent the group.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]



**OAR 734-056-0040**

**Cancellation of a Permit**

(1) The District Manager may cancel a Bicycle Race Permit or Permit issued a special event for any reason, including, but not limited to, weather conditions, safety considerations, in emergencies (i.e., fire, accidents) or failure of the applicant to comply with the terms of the permit. Cancellation shall be issued in writing, except as provided in section (2) of this rule. Such cancellation may be cause to deny future Bicycle Race Permits or Permits for special events to the applicant.

(2) Cancellation may be verbal and shall be followed by written confirmation of the verbal cancellation.

Stat. Auth.: [ORS 184.619](#), [ORS 810.020](#), [ORS 810.030](#) & [ORS 810.090](#)  
Stats. Implemented: [ORS 810.020](#), [ORS 810.030](#) & [ORS 810.090](#)  
Hist.: HWY 4-1997, f. & cert. ef. 4-23-97

**OAR 734-056-0050**

**Liability and Control**

(1) An applicant shall be responsible and liable for all damage or injury to any person or property resulting from the special event for which the permit is issued. The applicant may have to provide satisfactory insurance coverage. The applicant shall indemnify and hold harmless the State of Oregon, the Commission, the Department, its agents and employees against any and all damages, claims, demands, actions, causes of action, costs and expenses.

(2) Signs not conforming to M.U.T.C.D. with Oregon supplements or from the Department Sign Policy and Guidelines for the State Highway System are unauthorized upon any portion of the right-of-way. When traffic control is required by the District Manager to provide warning of the bicycle race or special event such signs shall be placed and maintained at the cost of the applicant in compliance with M.U.T.C.D. or authorized traffic control plan.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: [ORS 184.619](#), [ORS 810.020](#), [ORS 810.030](#) & [ORS 810.090](#)  
Stats. Implemented: [ORS 810.020](#), [ORS 810.030](#) & [ORS 810.090](#)  
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