

734-020-0147

Disabled, Abandoned, and Otherwise Unattended Vehicles on State Highways Constituting Hazards or Obstructions to Motor Vehicle Traffic

(1) As used in this rule, the following definitions apply:

(a) “Freeway” means a highway for through traffic; access to the highway is fully controlled except as may be allowed at designated interchanges;

(b) “Expressway” means a highway for through traffic where access to the highway is partially controlled;

(c) “Interstate” means the National System of Interstate and Defense Highways that are marked with the distinctive red/white/ blue route shields; and

(d) “State Highway” means the public way for vehicular travel that is under the jurisdiction of the Oregon Department of Transportation, including the Interstate system.

(2) Pursuant to ORS 819.120, a vehicle that is disabled, abandoned, parked or left standing unattended on a state highway constitutes a hazard or obstruction to motor vehicle traffic and may be taken into immediate custody and removed by an appropriate authority as defined in ORS 819.140, when such vehicle meets any of the following criteria:

(a) Any vehicle, any part of which is on or extends within the travel portion of any state highway as identified by painted edge lines, or when there are no edge lines, other clear delineation of the travel portion from the highway shoulder;

(b) Any vehicle, any part of which is on or extends onto the inside or median paved shoulder (i.e., next to the high speed lane) of a freeway; or

(c) Any vehicle, any part of which is on or extends within a paved shoulder of:

(A) Any freeway or expressway within the city limits of any city in this state during the hours of 5 a.m. to 9 a.m. and 2:30 p.m. to 7 p.m. local time if the vehicle has a gross vehicle weight of more than 26,000 pounds;

(B) Any freeway or expressway within the city limits of any city in this state at any time if the vehicle has a gross vehicle weight of 26,000 pounds or less;

(C) Any freeway or expressway within 1,000 lineal feet of a freeway exit or entrance ramp gore area (the area where the ramp first enters or leaves the freeway);

(D) Any freeway ramp;

(E) Any state highway during or into a period between sunset and sunrise; or

(F) Any state highway where the sight distance is limited to 500 feet or freeway where the sight distance is limited to 1,000 feet because of roadway horizontal or vertical curvature.

(d) Any vehicle, any part of which is on or extends within a bicycle lane, or within a bicycle path which is immediately adjacent to a state highway.

(3) Section (2) of this rule, except for subsection (2)(a) of this rule, does not apply to vehicles for which there is an indication that the vehicle’s position is temporary in nature, e.g., hazard flashers are operating, the hood of the vehicle is up, the vehicle engine remains running, or there is advance warning such as emergency flares or emergency signing in place. The indication of the vehicle’s position being temporary in nature may be overcome by the passage of time, or a change in the condition or appearance of the vehicle. Section (2) of this rule also does not apply to appropriately signed or indicated parking areas including scenic viewpoints, winter recreation parking areas, rest areas and other locations or to areas where traffic has been restricted by an appropriate authority because of a special event.

(4) Section (2) of this rule, defining a vehicle on a state highway which is a hazard or obstruction to motor vehicle traffic, is not intended to impose a legal obligation upon any

appropriate authority to remove the vehicle from a state highway. Removal of a vehicle defined under this rule as constituting a hazard or obstruction to motor vehicle traffic may be accomplished by an appropriate authority consistent with law enforcement priorities and budgetary constraints on the appropriate authority.

Stat. Auth.: ORS 184.616, ORS 184.619 & ORS 819.120(9)

Stats. Implemented: ORS 819.120