

COMMITTEE ON JUDICIARY

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PROPOSED ADDITIONAL SECTIONS

POWERS OF STATE AND LOCAL AUTHORITIES

Preliminary Draft No. 1; May 1974

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Section 13. Authority of municipalities and counties to control parking on city, county and state highways. (1) The municipal authorities of incorporated cities and towns shall have exclusive authority to regulate, control or prohibit the parking of motor vehicles upon any city street or highway, including any city street selected and designated as the route of a state highway under ORS 373.010, and subject to the provisions of ORS 483.346, upon any state highway within the corporate limits of an incorporated city or town.

(2) The governing authorities of the counties shall have exclusive authority to regulate, control or prohibit the parking of motor vehicles upon any county highway including any county highway selected as a part of the secondary state highway system under ORS 366.290.

(3) Local authorities, city and county, may permit angle parking on any highway where parking is subject to their respective jurisdictions, except that angle parking shall not be permitted unless the Transportation Commission has determined that the highway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

COMMENTARY

A. Summary

Cities have exclusive authority to regulate parking on city streets, including those designated as a state highway route under ORS 373.010, and on state highways within the incorporated limits of the cities, subject to the rules of ORS 483.346. Counties have jurisdiction over parking regulations on county highways including those selected to be a part of the secondary state highway system under ORS 366.290.

Subsection (3) authorizes local authorities to permit angle parking except on the highways designated a part of the state highway system, unless the Transportation Commission has determined the highway is not sufficiently wide to allow angle parking.

B. Derivation

This section is based on the rules of ORS 483.350 except that the rule relating to angle parking is stated in the same manner as the comparable rule in UVC s 11-1004 (c). (Revised, 1971.) The provision relating to jurisdiction of counties over county roads is new.

C. Relationship to Existing Law

Under ORS 483.350 there is no specific authorization for cities to control and regulate parking on city streets. This draft section states this specific authorization and also the authorization over city streets designated as state highway routes, and state highways, subject to the provisions of ORS 483.346 stating the authority of the Transportation Commission over parking regulations on state highways, within cities and outside of cities.

Authorization to county governing bodies to regulate parking on county roads including those designated a part of the state secondary system, is added to the rules of ORS 483.350, in conformance with the similar authorization of subsection (c), UVC s 11-1004.

The "Transportation Commission" is substituted for the "Department of Transportation" as the body responsible for determining when angle parking will not interfere with the free movement of traffic.

The draft section uses the term "motor vehicle," as does ORS 483.350, whereas the comparable UVC rules use the term "vehicle." A vehicle, of course, includes a bicycle whereas a motor vehicle does not.

ORS 483.350 would be repealed.

Section 14. ORS 483.346 is amended to read:

483.346. (Authority of Transportation Commission to control parking on state highways.) The [Department of Transportation] Transportation Commission shall have exclusive authority to regulate, control or prohibit the parking of motor vehicles upon the right of way of any state highway outside the corporate limits of incorporated cities and towns, and upon the right of way of any section of any state highway within the corporate limits of any incorporated city or town, if access to or from said section of highway and real property abutting thereon was restricted, controlled or prohibited by the [department] commission before said section of highway was included within the corporate limits of an incorporated city or town [, and if said section of highway was included within the corporate limits of an incorporated city or town by incorporation, annexation or extension of corporate limits occurring after July 21, 1953].

#### COMMENTARY

The existing provisions of ORS 483.346 establish a formula for the jurisdiction of the Department of Transportation, over state highways outside of and within city limits. The jurisdiction over state highways within city limits exists if the access rights were controlled by the department before that portion of highway was included within the city limits, and if that portion became included by annexation or incorporation after July 21, 1953. Under this formula the department does not have jurisdiction of parking regulations on state highways within city limits if there was no control of access rights by the department and the highway was not included within the city by annexation or incorporation after 1953.

Regulation of parking on state highways located within city limits wherein the state owns the real property in fee is subject to the city's jurisdiction.

This amendment substitutes "Transportation Commission" for the "Department of Transportation," and deletes the proviso that the Transportation Commission's jurisdiction over state highways in city limits relates to annexation of incorporation into a city after July 21, 1953.

Amendment of ORS 483.346 by addition of the following subsection has been proposed by counsel for the Highway Division:

"(2) The commission shall also have authority to control parking over all state highways within the corporate limits of a city except where such highway is routed over a city street pursuant to ORS 483.350."

Section 15. ORS 483.348 is amended to read:

483.348. (Entry of commission's parking regulations in official records; erecting appropriate signs; regulations as having force of law.) (1) All regulations, restrictions or prohibitions imposed by the [Department of Transportation] Transportation Commission under authority of ORS 483.346 shall be by resolution or order entered in official records of the [Department of Transportation] Transportation Commission.

(2) The [department] commission shall place and maintain appropriate signs or markings giving notice of all such regulations, restrictions or prohibitions at such places as may be necessary to inform the public, and such regulations, restrictions or prohibitions shall be effective and shall have the force of law when the signs or markings giving notice thereof have been placed.

#### COMMENTARY

This section is amended as a matter of housekeeping to use the Transportation Commission instead of Department of Transportation.