

COMMITTEE ON JUDICIARY
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O R E G O N V E H I C L E C O D E

PART III RULES OF THE ROAD

ARTICLE 15. POWERS OF STATE AND LOCAL AUTHORITIES

Preliminary Draft No. 1; May 1974

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Subcommittee on Revision

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OREGON VEHICLE CODE

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PART I. RULES OF THE ROAD

ARTICLE ____ . POWERS OF STATE AND LOCAL AUTHORITIES

Preliminary Draft No. 1; May 1974

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3 Art. 1, General Provisions

Section 1. (Provisions uniform throughout state.) (1) The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and on the ocean shore which has been or may hereafter be declared a state recreation area, and no local authority may enact or enforce any rule or regulation in conflict with the provisions of this chapter.

COMMENTARY

A. Summary

This section is a restatement of subsection (1) of ORS 483.036 that traffic law is to apply throughout the state and provisions inconsistent with the chapter may not be enacted by local authorities.

B. Derivation

The section is based on UVC § 15-101 (Revised, 1971) and Wis Stat Ann § 349.03 (1971).

C. Relationship to Existing Law

ORS 483.036 would be repealed. The provisions of subsection (2) of ORS 483.036 have been incorporated into this draft section.

Section 2. (Transportation Commission to adopt sign manual.)

The Transportation Commission shall adopt a manual and specifications for a uniform system of traffic control devices consistent with the provisions of this chapter for use upon highways within this state. The uniform system shall correlate with and so far as possible conform to the system set forth in the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways and other standards issued or endorsed by the Federal Highway Administrator.

COMMENTARY

A. Summary

The Transportation Commission is required to adopt a manual and specifications for a uniform system of traffic control devices. They are to be consistent with the traffic rules enacted and to conform to the standards of the Federal Highway Administrator.

B. Derivation

The section is based on UVC s 15-104. (Revised, 1971.)

C. Relationship to Existing Law

ORS 483.040, subsection (1), is verbatim identical to the 1930 version of this rule. Its requirement of uniformity is restated in this draft section. Its requirement for conformity to the rules of other states is amended to conform with standards of the Federal Highway Administrator. The system of marking and signing referred to in subsection (1), ORS 483.040, is amended to conform to the uniform system of traffic control devices.

The provisions of subsection (2), ORS 483.040, are set out in the following proposed draft section.

Section 3. (Authority of Transportation Commission to mark highways and control traffic.) (1) Except at railroad-highway grade crossings, the Transportation Commission shall place and maintain traffic control devices conforming to its manual and specifications upon state highways and upon the ocean shore declared to be a state recreation area at places where the commission considers it necessary to indicate and to carry out the provisions of this chapter or to regulate, warn or guide traffic.

(2) A local authority shall not place or maintain any traffic control device upon any state highway or recreation area, except with the written approval of the Transportation Commission or, in the case where a state highway crosses a railroad at grade, with the written approval of the Public Utility Commissioner.

COMMENTARY

A. Summary

Subsection (1) authorizes the placement and maintenance by the Transportation Commission of traffic control devices on the state highways and on the ocean shore which is a state recreation area. The devices are to conform to the manual and specifications of the commission. They are to be placed as necessary to carry out the chapter provisions and regulate traffic. The commission's authority does not include railroad-highway grade crossings.

Subsection (2) prohibits the local authority from placing any traffic control devices on state highways or recreation areas except with the written approval of the commission. In the case of the railroad-highway grade crossing, the written approval of the Public Utility Commissioner must be obtained.

B. Derivation

This section is based on UVC s 15-105.

C. Relationship to Existing Law

Except for the special rule for railroad-highway grade crossings, subsection (2), ORS 483.040, is verbatim the same as the 1930 version of the comparable UVC provision. The 1968 revision allows local authority to place traffic control devices on state highways with permission of the state agency which has jurisdiction as compared to the written approval required by the earlier UVC rule as well as by this draft section. Under the draft section and UVC s 15-105, the authority of the State Transportation Commission or other named state agency is mandatory rather than discretionary as it is in subsection (2), ORS 483.040.

The duty of the Transportation Commission to place and maintain traffic control devices on state highways is broadened in this draft section to include ocean shore that has been declared a state recreation area. The exclusion of local authority from placing traffic control devices on state highways is similarly extended to include state recreation areas.

ORS 483.040 would be repealed. The provisions of subsection (3) of that section are already included in ORS 484.100.

Section 4. (Authority of Public Utility Commissioner over railroad-highway crossings.) (1) As used in subsection (2) of this section, "protective device" is a sign, signal, gate or other device to warn or protect the public, installed at a railroad-highway crossing.

(2) The Public Utility Commissioner is vested with exclusive jurisdiction over the installation of protective devices at railroad-highway grade crossings.

COMMENTARY

This section restates the rule of subsection (3), ORS 483.040, enacted by section 3, chapter 615, Oregon Laws 1973, vesting authority over highway-railroad crossings in the Public Utility Commissioner.

"Protective device" is defined in subsection (4), ORS 763.010. This definition was enacted by chapter 717, Oregon Laws 1973. It is repeated verbatim in subsection (1) of this draft section.

Section 5. (Local traffic control devices.) (1) Local authorities shall place and maintain traffic control devices upon highways under their respective jurisdictions as they consider necessary to indicate and to carry out the provisions of this chapter or local traffic ordinances or to regulate, warn or guide traffic. All traffic control devices hereafter erected shall conform to the state manual and specifications.

(2) The Transportation Commission shall have general supervision with respect to the erection by local authorities of official traffic control devices for the purpose of obtaining, so far as practicable, uniformity as to type and location of such devices throughout the state, and no local authority shall place or erect any traffic control device unless of a type conforming to specifications and location criteria approved by the commission.

COMMENTARY

A. Summary

Under subsection (1), local authorities shall place and maintain traffic control devices on highways under their respective jurisdictions as considered necessary to carry out the chapter provisions and regulate traffic. The devices shall conform to the state manual and specifications.

Subsection (2) gives general supervisory authority to the Transportation Commission over placing by local authorities of traffic control devices for the purpose of achieving statewide uniformity in both type of device and location made. Local authority is prohibited from using a traffic control device not conforming to the specifications and location criteria approved by the commission.

B. Derivation

The section is based on UVC s 15-106.

C. Relationship to Existing Law

The provisions of subsections (1) and (3), ORS 483.044, are almost verbatim the same as the 1930 version of the rules of subsections (a) and (b) of UVC s 15-106. The draft section states the rule of subsection (1) in the present UVC form and subsection (3) as stated in the earlier version. The exception for cities of more than 50,000 inhabitants is removed to achieve uniformity in traffic regulation.

The rule of subsection (2), ORS 483.044, is restated in the following draft section.

ORS 483.044 would be repealed.

Section 6. (Placement of official traffic control device an administrative act.) The placement and maintenance of official traffic control devices by the Transportation Commission or by local authorities shall be considered an administrative act to be performed under general authority by the commission or local authorities. Placement and maintenance of official traffic control devices by local authorities shall be performed by the agency of the authority charged with traffic engineering or traffic law enforcement.

COMMENTARY

This section is a restatement of the rule of subsection (2), ORS 483.044. There is no comparable UVC rule.

Section 7. (Regulating use of freeway by parades, pedestrians.)

(1) The department and local authorities with respect to a freeway under their respective jurisdictions may by order, ordinance or resolution prohibit or restrict the use of the freeway:

(a) By parades;

(b) By persons riding bicycles or other nonmotorized traffic, power driven cycles or motor bicycles; and

(c) By pedestrians, except to obtain emergency services for a disabled motor vehicle that is on the freeway.

(2) A regulation enacted under subsection (1) of this section shall be effective when appropriate signs giving notice thereof are erected upon any freeway and the approaches thereto.

COMMENTARY

A. Summary

The provisions of subsections (1) and (2), ORS 483.041, are restated to augment the traffic subject to restriction or prohibition on a freeway to extend to persons riding bicycles or other nonmotorized traffic, power driven cycles or motor bicycles. The definition of "freeway" is removed from the section for placement in the Article on definitions.

B. Derivation

This section is based on Wis Stat Ann s 349.105 and UVC s 11-313. (Revised, 1968.)

C. Relationship to Existing Law

"Controlled-access highway" is defined in UVC s 1-110 as follows:

"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 public authority having jurisdiction over such highway, street or roadway."

There is no definition for "freeway" or "controlled-access highway" in the initial definitions of ORS chapter 483.

"Throughway" is defined in ORS 374.010 as follows:

"As used in ORS 374.005 to 374.095, 'throughway' means a highway or street especially designed for through traffic, over, from or to which owners or occupants of abutting land or other persons have no easement of access or only a limited easement of access, light, air or view, by reason of the fact that their property abuts upon the throughway or for any other reason."

The provision of the UVC comparable to ORS 483.041 authorizes regulation or prohibition of any class or kind of traffic found incompatible with the normal and safe movement of traffic.

Section 8. (Regulation of pedestrian traffic by cities.) A city by ordinance may regulate the movement of pedestrians upon highways within its jurisdiction by:

(1) Establishing marked crosswalks and designating them by appropriate marking;

(2) 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; and

(3) Prohibiting pedestrians from crossing a highway at any place other than within a marked or unmarked crosswalk.

COMMENTARY

A. Summary

This section states the authority of cities over the regulation of pedestrian traffic.

B. Derivation

The section is based on UVC s 15-107 (Revised, 1968) and UVC s 15-108. (New, 1968.)

C. Relationship to Existing Law

The authority to regulate pedestrian traffic of subsections (4) and (6), ORS 483.210, are stated in this draft section. Similar authorization is stated in UVC ss 15-107 and 15-108. ORS 483.210 would be repealed.

Subsection (2), ORS 483.212, authorizes local authorities to require that pedestrians not cross a roadway against a "stop" signal at intersections controlled by police officers and further that where a signal change is augmented by a ringing bell the pedestrian shall proceed across the roadway with the first ring. Subsection (2), ORS 483.212, is obsolete. The section would be repealed.

Section 9. (Speed regulation in public parks by cities.) A city by ordinance may regulate the speed of vehicles in public parks within its jurisdiction and place and maintain at all park entrances signs giving notice of any special speed regulation.

COMMENTARY

A. Summary

The speed of vehicles in city parks may be regulated and signs giving notice of park speeds posted at park entrances.

B. Derivation

This section is derived from the provisions of subsection (3), ORS 483.042.

C. Relationship to Existing Law

ORS 483.042 includes the rule that local authorities may not enact any regulations contrary to the provisions of the chapter, that local authorities may regulate traffic where the traffic is heavy or continuous, and may regulate processions and assemblages. The rule of subsection (3) is an exception to the speed-setting authorization laws whereby the State Transportation Commission sets speeds on state highways and the State Speed Control Board on all other highways, which includes highways within cities.

ORS 483.042 would be repealed by this draft section which states the rule of subsection (3). The rule of subsection (1) is stated in section 1 of this draft Article. The provisions of subsection (2) are stated in revised form in section 5 of this draft Article. The rule of subsection (4) is stated in section 1 of the Article on Signs, Signals and Markings.

Section 10. (Authority to designate through highways and stop intersections.) The Transportation Commission with reference to state highways, and local authorities with reference to highways under their jurisdictions, may designate main traveled or through highways by placing at the entrances thereto from intersecting highways traffic control devices notifying drivers to stop or yield the right of way before entering or crossing such designated highways, or may designate intersections or other roadway junctions at which vehicular traffic on one or more of the roadways should yield or stop and yield before entering the intersection or junction.

COMMENTARY

A. Summary

This section authorizes designation of through highways and stop intersections by state and local authorities having jurisdiction of the highways.

B. Derivation

This section is based on UVC s 15-109. (Revised, 1971.)

C. Relationship to Existing Law

This section states the rule of subsection (1), ORS 483.204. The language is drawn from both the UVC and existing Oregon law provisions.

Section 11. (Authority to designate no-passing zones.) The Department of Transportation and local authorities with reference to highways under their respective jurisdictions may determine, in accordance with standards and procedures adopted by the department, where overtaking or passing or driving to the left of the center of the roadway would be especially hazardous and may, by appropriate signs or by a yellow unbroken line on the pavement on the right-hand side of and adjacent to the center line or a lane line of a roadway, indicate the beginning and end of such zones.

COMMENTARY

A. Summary

The designation of no-passing zones is authorized.

B. Derivation

The section is based on Wis Stat Ann s 349.12 and UVC s 11-307 (a). (Revised, 1971.)

C. Relationship to Existing Law

This authorization provision relates to the statement of the offense or traffic infraction of passing in a no-passing zone. There is not a no-passing zone in the existing Oregon traffic code.

Section 12. (Authority to designate one-way highways, safety zones, turns and lanes.) (1) The Department of Transportation with reference to state highways and local authorities with reference to highways under their jurisdictions may:

(a) Declare by order, ordinance or resolution and designate by appropriate signs any highway or section or specific lanes thereof upon which vehicular traffic shall proceed in one direction at all or such times as may be indicated by official traffic control devices;

(b) Designate by official traffic control devices certain places on highways as safety zones or erect and maintain islands of safety and regulate and control traffic with respect to such safety zones and islands of safety;

(c) Where traffic conditions warrant, prohibit right or left turns at intersections or prohibit U-turns by all vehicles or by certain types of vehicles; and

(d) Place official traffic control devices within or adjacent to intersections and thereby require and direct that a different course from that specified in [section 1, Article ____, Turning and Moving; Signals on Stopping and Turning] be traveled by vehicles making turning movements at, or proceeding through, intersections.

(2) No local authority of any incorporated city shall designate any highway within its incorporated limits as a one-way highway if the highway is under the jurisdiction of the Department of Transportation or of a county unless the local authority first obtains the written consent of the department or the county court or board of county commissioners, as the case may be.

COMMENTARY

A. Summary

This section authorizes the State Transportation Department and the local authorities having jurisdiction to designate one-way highways and lane directions, to designate and maintain safety zones and islands, to prohibit turns at intersections and U-turns, to require a different course from the rules of proceeding at intersections of section 1 (Article on Turning and Moving; Signals on Stopping and Turning). A city may not designate a city highway under state or county jurisdiction as one-way without written consent of the Department of Transportation or county governing authority.

B. Derivation

This section is based on Wis Stat Ann § 349.10 and UVC §§ 11-309 (c) (New, 1962) and 11-601 (c). (Revised, 1971.)

C. Relationship to Existing Law

Subsection (2) of ORS 483.042 authorizes local authorities to regulate traffic by means of traffic officers, semaphores or other signals when traffic is heavy or continuous, and to prohibit "other than one-way traffic." ORS 483.043 authorizes municipalities to designate one-way streets within the city limits. If the county or Department of Transportation has jurisdiction of the highway in the city limits, the written consent must be obtained. ORS 483.042 and 483.043 would be repealed.

Paragraph (a), subsections (1) and (2) of the draft section, state the one-way authorizations. The provisions of subsection (c), UVC § 11-309, authorizing designation of direction of travel in particular lanes, are also stated in paragraph (a) of subsection (1).

The rules of subsections (2) and (3), ORS 483.316, authorizing the placing of traffic signs to require a different course from the right and left turn rules of subsection (1), ORS 483.316, and to prohibit right or left turns, are contained in paragraphs (c) and (d) of subsection (1) of the draft section.

ORS 483.316 would be repealed.

EXISTING OREGON STATUTES

483.038 Effect of chapter on permissive use of private roadway. Nothing in this chapter shall prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right, from prohibiting such use, or from requiring different or additional conditions than those specified in this chapter, or otherwise regulating such use as may seem best to such owner.

COMMENTARY

This section is verbatim the same as UVC s 15-114.

483.045 Restricting of animal traffic to bridle paths. Each incorporated community within the State of Oregon shall have power, by law or ordinance, duly enacted, to regulate the use of its streets by horses and other animals to the extent that bridle paths may be designated upon certain streets and such animals be prohibited upon other streets.

[1959 c.350 §1]

483.542 Designation of streets, roads or highways as truck routes. The State Highway Commission, with respect to state highways outside the corporate limits of incorporated cities or towns, and the county courts or boards of county commissioners, with respect to county roads outside the corporate limits of incorporated cities or towns, and the municipal authorities of any incorporated city or town, with respect to streets, roads or highways within the limits of an incorporated city or town, may designate any street, road or highway or section thereof as a truck route and may prohibit the operation of trucks, machinery or any other large or heavy vehicles upon any street, road or highway which serves the same route or area served by the said truck route. The municipal authorities of an incorporated city or town shall not designate as a truck route, or prohibit the operation of any vehicle upon, any street, road or highway under the jurisdiction of the State Highway Commission or any county, without the written consent of the highway commission or the county court or board of county commissioners, as the case may be.

[1953 c.257 §1]

483.544 Truck route designation to be by order, resolution or ordinance; erecting appropriate signs; when prohibitions are effective; violation prohibited. The State Highway Commission, any county court or board of county commissioners or any city council making any designation, or prohibiting any operation, as authorized by ORS 483.542, shall do so by a proper order, resolution or ordinance, and shall erect and maintain a sign giving notice of the order, resolution or ordinance, in a conspicuous manner and place at each end of the highway or section of highway affected thereby, and at such other places as may be necessary to inform the public, and the designation or prohibitions shall be effective when the signs giving notice thereof are erected, and no person shall operate any vehicle or combination of vehicles in violation thereof.

[1953 c.257 §2]

483.755 Regulation of snowmobiles by cities, counties, political subdivisions and state agencies. Notwithstanding any of the provisions of ORS 483.725 to 483.740 and subsection (14) of ORS 483.991, any city, county or other political subdivision, or any state agency, may regulate the operation of snowmobiles on public lands, waters and other properties under its jurisdiction, and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body, if such regulations are not inconsistent with ORS 483.725 to 483.740 and subsection (14) of ORS 483.991.

[1971 c.618 §22]