

COMMITTEE ON JUDICIARY
Room 14, State Capitol
Salem, Oregon

PROPOSED AMENDMENTS TO
TRAFFIC SIGNS, SIGNALS AND MARKINGS
Preliminary Draft No. 1

Section 5. (Flashing signals.) (1) When a driver approaches a flashing red light used in a traffic signal or with a traffic sign, he shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. The right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) When a driver approaches a flashing yellow light used in a traffic signal or with a traffic sign, he may proceed through the intersection or past the signal only with caution.

(3) This section shall not apply at railroad grade crossings. Conduct of a driver approaching a railroad grade crossing is governed by sections ____ to ____ of this chapter.

(4) A driver who fails to obey a flashing red or yellow signal commits a _____.

COMMENTARY

A. Summary

Subsection (1) provides that a driver approaching a flashing red light used with a traffic signal must stop.

The line at which the driver stops is established in the terms of the prior sections.

Subsection (2) provides that a driver approaching a flashing yellow signal may proceed only with caution.

Subsection (3) states that these rules do not apply to railroad grade crossings.

Subsection (4) classifies the violation of this section.

B. Derivation

This section is based on UVC s 11-204.

C. Relationship to Existing Law

ORS 483.136, which would be repealed, is identical to UVC s 11-204 as it appeared in the 1934 Code. The introductory paragraph of the UVC section, through amendments in 1948 and 1971, was changed from a general reference to flashing red and yellow signals, to illuminated signals used in a traffic signal or with a traffic sign. Since these signals are often not within the boundaries of a sign, this draft section uses the UVC wording to cover both types of flashing light traffic signals.

The rule of subsection (2) of this draft section that a driver proceed through an intersection where there is a flashing yellow light has been held to mean that a driver must stop at this signal when not to do so might endanger the safety of others. Lehr v. Gresham Berry Growers et al, 231 Or 202, 208, 372 P2d 488 (1962).

Subsection (3) states that these rules do not apply to railroad grade crossings.