

NOTICE

Committee on Judiciary
Reference Paper

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Instead of a "Preliminary Draft,"
the subcommittee will henceforth be
using this "Reference Paper" style
for comparison of the UVC and Oregon
law and for initial subcommittee
discussion.

SUBJECT: Comparison of Uniform Vehicle Code and Oregon Law

UVC ARTICLE V . PEDESTRIANS' RIGHTS AND DUTIES

**§ 11-501—Pedestrian obedience to traffic-control devices and
traffic regulations**

(a) A pedestrian shall obey the instructions of any official
traffic-control device specifically applicable to him, unless other-
wise directed by a police officer. (NEW, 1968.)

(b) Pedestrians shall be subject to traffic and pedestrian-
control signals as provided in §§ 11-202 and 11-203. (REVISED,
1968.)

(c) At all other places, pedestrians shall be accorded the privi-
leges and shall be subject to the restrictions stated in this chap-
ter.

OREGON LAW

NO COMPARABLE PROVISION

Cases: No cases interpreting this section.

Analysis:

Subsection (a) of UVC s 11-501 which was added to the UVC
in 1968 covers all traffic control devices including special
markings for pedestrian use of crosswalks. The provisions of
subsection (b) appear to duplicate those of subsection (a). If
subsection (a) were amended to state a duty to obey those
instructions of an official traffic control device which are
applicable to him as a pedestrian, perhaps the need for sub-
section (b) would be totally eliminated. Subsection (c) makes
the privileges and the restrictions as stated in the chapter
applicable to pedestrians.

UVC ARTICLE V. PEDESTRIANS' RIGHTS AND DUTIES

§ 11-502—Pedestrians' right of way in crosswalks

(a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(c) Paragraph (a) shall not apply under the conditions stated in § 11-503(b).

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

OREGON LAW

PEDESTRIANS

483.210 Rights of pedestrian when no traffic signals. (1) When traffic control signals, if any, are not in operation, a driver of a vehicle shall stop and yield the right of way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, if the pedestrian is on the half of the roadway on and along which the vehicle is traveling or is approaching such half from the other half of the roadway so closely as to be in danger; but in proceeding to cross, or in crossing, the roadway the pedestrian shall not leave a curb or other place of safety suddenly and move into the path of a vehicle which is so close that it is impossible for the driver to yield.

(2) Any pedestrian crossing a roadway at any point where a pedestrian tunnel or overhead crossing is available for use shall yield the right of way to all vehicles upon the roadway.

(3) Whenever any vehicle has stopped in compliance with this section at a marked crosswalk or at an unmarked crosswalk at

an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not cause or allow the front end of his vehicle to pass beyond the front end of the stopped vehicle.

(4) Every pedestrian crossing a roadway at any place other than within a marked or unmarked crosswalk shall yield the right of way to vehicles upon the roadway. Local authorities in their respective jurisdictions may by ordinance prohibit any pedestrian from crossing any street or highway at any place other than within a marked or unmarked crosswalk.

(5) This section does not relieve the driver of a vehicle or a pedestrian from the duty to exercise due care.

(6) The commission and local authorities in their respective jurisdictions may establish marked crosswalks and designate them upon the street or highway area by proper marking signs or signals, or both, and may close any marked or unmarked crosswalk and prohibit pedestrians from crossing the roadway at such closed crosswalk by erecting proper signs or signals, or both.

[Amended by 1953 c.18 §2]

UVC s 11-502; ORS 483.210 (Cont'd.)

Cases:

This statute was intended to promote the safety of pedestrians and should be construed in furtherance of that object. Myhre v. Peterson, 233 Or 470, 378 P2d 1002 (1963).

A person is engaged in "crossing" a street even though he does not traverse it from curb to curb. Id.

The rights given in this section are to be exercised with the care a reasonably prudent person would use under similar circumstances and conditions. Keys v. Griffith, 153 Or 190, 55 P2d 15 (1936).

Crossing a street in violation of an ordinance enacted pursuant to the authority given in this section is negligence per se, barring recovery of damages if the violation contributes to the accident. Leap v. Royce, 203 Or 566, 279 P2d 887; Senkirik v. Royce, 192 Or 583, 235 P2d 886 (1951).

Subsection (4) of this section does not prohibit a pedestrian from crossing at other than a crosswalk but requires that the pedestrian yield the right of way. The motorist is not relieved of the duty to exercise due care. Martin v. Harrison, 182 Or 121, 180 P2d 119, 186 P2d 534 (1947); Simpson v. Hillman, 163 Or 357, 97 P2d 527 (1940).

When a pedestrian is crossing a street in a marked crosswalk, a driver must yield to the pedestrian only when the pedestrian is on the half of the roadway on and along which the driver is traveling or when the pedestrian is approaching this half of the roadway from the other half, so closely as to be in danger. Plasker v. Fazio, 259 Or 171, 485 P2d 1075 (1971).

A pedestrian who moves into the path of a dangerously close vehicle from a place of safety forfeits his right of way. The pedestrian duty not to leave a place of safety applies not only to the pedestrian who is proceeding to cross roadway but also he who is crossing the roadway.

The phrase "other place of safety" used in subsection (1) of ORS 483.210 includes positions of relative safety such as the center line area of a roadway. Id.

Suddenly means unexpectedly. Id.

UVC s 11-502; ORS 483.210 (Cont'd.)

Analysis:

Subsection (1) of ORS 483.210 differs from subsections (a) and (b) of UVC s 11-502 in that the former requires a driver to stop when a pedestrian is crossing the roadway within a marked or unmarked crosswalk while UVC s 11-502 requires only that a driver yielding the right of way to a pedestrian slow and stop "if need be." Subsection (1) of ORS 483.210 includes the provisions of both subsections (a) and (b) of UVC s 11-502. There is no wording in the UVC provision analogous to the wording ". . . in proceeding to cross, or in crossing" which is used to describe the pedestrian's action for the pedestrian duty not to leave the curb. The words of subsection (1) of ORS 483.210 "so close that it is impossible for the driver to yield" were used in the UVC until its revision in 1971 when the present language "so close as to constitute an immediate hazard" was substituted.

The interpretation made in the case Plasker v. Fazio, 259 Or at 178-179, of subsection (1), ORS 483.210, of the rights of the pedestrian is that if he is on the center line area of a roadway as he crosses in a crosswalk, this is a place of safety, and he is not to continue crossing if a vehicle is approaching so close that "it" is impossible for the driver to yield.

Neither the UVC section nor ORS 483.210 give a pedestrian a curb to curb right of way.

Subsection (2) of ORS 483.210 is almost verbatim the same as subsection (b) of UVC s 11-503. The Oregon law wording is when a pedestrian tunnel or overhead crossing is available and the UVC wording used is has been provided.

The rule of subsection (b) of UVC s 11-503 that a pedestrian in a crosswalk has no right of way when there is a pedestrian tunnel or overhead crossing, has no counterpart in Oregon law.

Subsection (3) of ORS 483.210 contains substantially the same rule as subsection (d) of UVC s 11-502. The Oregon provision is that the driver of another car approaching from the rear a vehicle which has stopped at a crosswalk as required by subsection (1) shall not cause or allow the front end of his vehicle to pass beyond the front end of the stopped vehicle. The UVC wording is that the driver of another vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

The rule of subsection (4) of ORS 483.210 is contained in UVC s 11-503 as discussed below.

UVC ARTICLE V. PEDESTRIANS' RIGHTS AND DUTIES

§ 11-503—Crossing at other than crosswalks

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements. (NEW, 1962.)

OREGON LAW

ORS 483.210 (2), (4)

(2) Any pedestrian crossing a roadway at any point where a pedestrian tunnel or overhead crossing is available for use shall yield the right of way to all vehicles upon the roadway.

(4) Every pedestrian crossing a roadway at any place other than within a marked or unmarked crosswalk shall yield the right of way to vehicles upon the roadway. Local authorities in their respective jurisdictions may by ordinance prohibit any pedestrian from crossing any street or highway at any place other than within a marked or unmarked crosswalk.

Cases:

Part of the case law under subsection (4) of ORS 483.210 is already set out in the reference paper on UVC s 11-502. The case Martin v. Harrison, 182 Or 121, 180 P2d 119,

UVC s 11-503; ORS 483.210 (2), (4) (Cont'd.)

186 P2d 534 (1947), stating the rule that subsection (4) does not prohibit a pedestrian from crossing at other than a crosswalk, is of course relevant to the rule of subsection (a) of UVC s 11-503.

A pedestrian crossing a street diagonally in the middle of the block is not entitled to the right of way over a motorist. Bakkum v. Holder, 135 Or 387, 295 P 1115 (1931).

A pedestrian crossing a street not in a crosswalk has the duty to yield the right of way to vehicular traffic and violates this duty just as much by colliding with the rear portion of a vehicle as by walking in front of the vehicle. DeWitt v. Sandy Market, Inc., 167 Or 226, 115 P2d 184 (1941).

Analysis:

The first sentence of subsection (4), ORS 483.210, is almost exactly the same as subsection (a), UVC 11-503, in providing that there is no right of way for the pedestrian crossing not in a crosswalk. ORS 483.210 (4) also provides that local authorities may establish marked crosswalks, and may close any marked or unmarked crosswalk and prohibit its use. This provision giving authorization to control pedestrians' use of crosswalks is already implied in ORS 483.044. UVC s 15-107 authorizes local authorities to require pedestrians to use crosswalks in business districts or on any designated highway.

Subsection (2) of ORS 483.210 and subsection (b) of UVC s 11-503 are almost identical.

Subsections (c) and (d) of UVC s 11-503 have no counterpart in Oregon law. The laws of 34 states are in verbatim conformity with subsection (c) of UVC s 11-503. Sixteen states have laws in verbatim conformity with UVC s 11-503 (d).

UVC ARTICLE V. PEDESTRIANS' RIGHTS AND DUTIES

§ 11-504—Drivers to exercise due care

Notwithstanding other provisions of this chapter or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person. (REVISED, 1971.)

OREGON LAW

ORS 483.210 (5) and ORS 483.345

(5) This section does not relieve the driver of a vehicle or a pedestrian from the duty to exercise due care.

483.345 Exercise of reasonable care in driving required; affect on rules of evidence and pleading. (1) The driver of any vehicle shall exercise reasonable control of the vehicle which he is driving as may be necessary to avoid colliding with any object. A collision is not necessary in order to be in violation of this section.

(2) Subsection (1) of this section does not change the rules of pleading and evidence relating to negligence and contributory negligence.

[1971 c.340 §3]

(3) A person who violates this section commits a Class C misdemeanor.

Cases:

Case law under subsection (5) of ORS 483.210 is set out in the reference paper on UVC s 11-502.

The care to be used in exercising the privileges of ORS 483.210 is that of a reasonably prudent person in similar circumstances. Cline v. Bush, 152 Or 63, 52 P2d 652 (1935); Maneff v. Lamer, 152 Or 619, 54 P2d 287 (1936); Keys v. Griffith, 153 Or 190, 55 P2d 15 (1936).

The right of way given pedestrians at nonregulated crossings is not absolute and must be exercised with due care and caution. Hecker v. Union Cab Co., 134 Or 385, 293 P 726 (1930); Keys v. Griffith, 153 Or 190, 55 P2d 15 (1936); DeWitt v. Sandy Market, Inc., 167 Or 226, 115 P2d 184 (1941).

UVC s 11-504; ORS 483.210 (5) and ORS 483.345 (Cont'd.)

Analysis:

The Uniform Vehicle Code provision specifies that a driver must use due care to avoid colliding with a pedestrian. Subsection (2) of ORS 483.210 states a general duty of due care for both driver and pedestrian. The duty to avoid colliding with any pedestrian has no exact analogy in the Oregon code. Subsection (1) of ORS 483.345 provides that the driver drive with due care to avoid colliding with any object. A modified form of this provision was a part of the basic rule provision of ORS 483.102 until deleted by Chapter 340, Oregon Laws 1971, which enacted the provisions of ORS 483.345. The duty to avoid colliding with any person, vehicle or other conveyance was restated as a duty to avoid colliding with any object.

UVC s 11-504 directs the driver to give the pedestrian warning by sounding horn if necessary and to exercise special care for the young, confused or intoxicated.

UVC ARTICLE V. PEDESTRIANS' RIGHTS AND DUTIES

§ 11-505—Pedestrians to use right half of crosswalks

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

OREGON LAW

483.216 Crossing on right half of crosswalk. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

Cases: No cases interpreting this section.

Analysis:

The UVC and Oregon traffic code provision are identical.

UVC ARTICLE V. PEDESTRIANS' RIGHTS AND DUTIES

§ 11-506—Pedestrians on highways

(a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in this chapter, any pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway. (SECTION REVISED; SUBSECTION (d) NEW, 1971.)

OREGON LAW

483.220 Pedestrians to use left-hand side of rural highway. Pedestrians, when using any highway outside of incorporated cities, shall use the left-hand side of such highway so as to leave the right-hand side free for vehicles passing in the same direction and for safety in meeting vehicles proceeding in the opposite direction.

Cases:

The requirement of ORS 483.220 that pedestrians use the left side of a rural highway is mandatory. A driver has the right to use the entire traversable part of the right hand of the highway, including the shoulder to its full extent. Zahara v. Brandli, 162 Or 666, 94 P2d 718 (1939).

The primary purpose of the statute is to make certain that pedestrians see approaching traffic so that they can either step aside to or remain in a place of safety. Lemons et al v. Holland et al, 205 Or 163, 284 P2d 1041, 286 P2d 656 (1955).

UVC s 11-506; ORS 483.220 (Cont'd.)

A pedestrian walking with his back to the traffic in the lane of travel on his side of the highway in violation of ORS 483.220 and who is injured by a vehicle proceeding on the right hand side of the highway, is barred by contributory negligence from recovery of damages. Dimick v. Linnell, 240 Or 509, 402 P2d 734 (1965). (Testimony in this case indicated the pedestrian was outside the fog line, on the shoulder.) Caveat: The rule of this case would have been superseded by Barnum v. Williams, 96 Adv Sh 89, ___ Or ___, 504 P2d 122 (1972).

A pedestrian on the left side of a highway is not required to be on the highway shoulder as opposed to the paved traveled part. Kellye v. Greyhound Lines, 249 Or 14, 436 P2d 727 (1968).

Analysis:

UVC s 11-506 (a). There is no counterpart in the Oregon traffic code for subsection (a) of this section. Section 36 (use of sidewalks) of the Suggested Uniform Traffic Ordinance for Oregon provides:

"A pedestrian shall not use a roadway for travel when a sidewalk is available."

UVC s 11-506 (b). There is no counterpart in Oregon law for this provision. The rulings in Kellye v. Greyhound Lines, supra, and Aspuria v. Mello, 255 Or 128, 464 P2d 680 (1970), are based on fact situations in which pedestrians are proceeding in the left hand lane of the highway and in the main traveled part of that lane. The court in both cases stated that the law does not require a pedestrian to be on the shoulder.

UVC s 11-506 (c). This subsection limits the duty of the pedestrian to walk on the left side of a roadway to a two-way roadway having no sidewalk or shoulder.

ORS 483.210 applies the pedestrian duty to walk on the left to all highways outside of incorporated cities.

UVC s 11-506 (d). No counterpart in Oregon traffic code. Were the rule of this subsection to be incorporated into the Oregon code, pedestrians on the left side of the highway would have the duty of yielding the right of way to vehicles.

UVC ARTICLE V. PEDESTRIANS' RIGHTS AND DUTIES

§ 11-507—Pedestrians soliciting rides or business

(a) No person shall stand in a roadway for the purpose of soliciting a ride.

(b) No person shall stand on a highway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.

(c) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway. (SECTION REVISED, 1968.)

OREGON LAW

483.218 Standing in roadway to solicit ride. No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.

Cases:

A pedestrian standing in a roadway for the purpose of soliciting a ride is not contributorily negligent if this violation of statute is not a contributing cause of the accident. Foles v. U. S. Fidelity & Guaranty, 259 Or 337, 486 P2d 537 (1971).

The term "roadway" used in ORS 483.218 means that portion of a street or highway on which vehicles actually travel, including the adjacent "shoulder" area which vehicles use for temporary or emergency travel. The legislature did not intend to prohibit hitchhiking entirely but rather intended to prohibit hitchhiking on those portions of a street or highway where hitchhiking would interfere with the flow of traffic or create dangers to the safety of motorists or hitchhikers. 35 Atty Gen Op 833 (1971).

Analysis:

The Oregon statute as interpreted by the Attorney General's opinion prohibits hitchhiking by a person standing on the shoulder

UVC s 11-507; ORS 483.218 (Cont'd.)

of the roadway. It restricts the prohibition to private vehicles. There are no Oregon provisions comparable to subsections (b) and (c) of UVC s 11-507.

The interpretation or definition of roadway seems to conflict with the definition of sidewalk in ORS 483.024. If roadway is defined in the same terms as highway, as seems to be the case under the Attorney General's opinion, then a sidewalk is within the roadway as it is within the highway. A person would not be able to hitchhike from a position on the sidewalk as this is within the roadway. (A sidewalk as defined in ORS 483.024 need not be a paved portion of the highway but is within the highway.)

UVC ARTICLE V. PEDESTRIANS' RIGHTS AND DUTIES

§ 11-508—Driving through safety zone prohibited

No vehicle shall at any time be driven through or within a safety zone. (REPOSITIONED, 1962.)

OREGON LAW

483.334 Driving through or over safety zones. The driver of a vehicle shall not at any time drive through or over a safety zone.

Cases: No cases interpreting this section.

Analysis:

The wording of ORS 483.334 "over a safety zone" rather than the "within a safety zone" of UVC s 11-508 was used in the 1926 Uniform Code edition.

UVC ARTICLE V. PEDESTRIANS' RIGHTS AND DUTIES

§ 11-509—Pedestrians' right of way on sidewalks

The driver of a vehicle shall yield the right of way to any pedestrian on a sidewalk. (REVISED, 1971.)

OREGON LAW

483.222 Stopping before driving onto sidewalk from alley, driveway or building.
The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway.

Cases:

Although sidewalks are intended for pedestrian use, they are part of the street. ORS 483.222 establishes the duty of care for motorists before they cross a sidewalk. The duty is to stop. There is no superior right of way of one party or the other, the driver or the pedestrian, while crossing a sidewalk. Leite v. Sambo's Restaurants, Inc. et al, 96 Adv Sh 841, ___ Or ___ (1973).

This statute requires a driver of a vehicle emerging from a driveway to stop and by lookout to ascertain whether pedestrians are on the sidewalk before proceeding.

Analysis:

The provisions of ORS 483.222 contain no rule for duty to yield right of way. The UVC provisions gives the right of way to a pedestrian on a sidewalk and further is applicable to vehicles emerging from or entering an alley, private road or driveway or a driver approaching from any direction.

UVC ARTICLE V. PEDESTRIANS' RIGHTS AND DUTIES

§ 11-510—Pedestrians yield to authorized emergency vehicles

(a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of § 12-401 (d) and visual signals meeting the requirements of § 12-218 of this act, or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right of way to the authorized emergency vehicle.

(b) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian. (NEW SECTION, 1971.)

OREGON LAW

NO COMPARABLE PROVISION

Cases:

Case law relates to ORS 483.120 granting certain privileges to authorized emergency vehicles, and to ORS 483.208 requiring drivers to yield the right of way, pull to the right, and stop on the approach of an emergency vehicle.

Analysis:

Only three states have provisions comparable to this section. This section was added to the UVC in its 1971 revision.

Adoption of a modified form of this provision is recommended.

UVC ARTICLE V. PEDESTRIANS' RIGHTS AND DUTIES

§ 11-511--Blind pedestrian right of way

The driver of a vehicle shall yield the right of way to any blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog. (NEW, 1971.)

OREGON LAW

483.214 Rights of blind pedestrian with white cane or dog guide; use of white canes restricted. (1) As used in this section:

(a) "Blind person" means a person who is totally or partially blind.

(b) "Dog guide" means a dog which 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 which is white in color or white with a red tip.

(2) A driver of a vehicle approaching a blind pedestrian who is carrying a white cane in a raised or extended position, or is accompanied by a dog guide, shall immediately come to a full stop and take such precaution before proceeding as may be necessary to avoid accident or injury to the pedestrian. Notwithstanding ORS 483.130 to 483.136, where the movement of vehicular traffic is regulated by traffic control signals, if a blind pedestrian has entered the road-

way and is carrying a white cane in a raised or extended position or is accompanied by a dog guide, the driver of a vehicle approaching such pedestrian shall yield the right of way to the pedestrian and stop or remain stationary until the pedestrian has vacated the roadway.

(3) No person other than a blind person shall carry or use on the streets, highways and public places of this state a white cane. Such canes may be used on the streets and other public places of the state by blind persons as a means of protecting them and for purposes of identification to drivers of vehicles or street cars, and other pedestrians with whom they may come in contact.

(4) Nothing in this section is intended to deprive a blind person who is not carrying a white cane or is not accompanied by a dog guide of the rights and privileges granted by law to all pedestrians.

[Amended by 1963 c.596 §1]

Cases: No cases interpreting this section.

Analysis:

The UVC provision simply requires a driver to yield the right of way to a blind pedestrian with a white cane or guide dog. The Oregon provision requires a driver to stop and take precaution necessary to avoid injury to the blind person. The blind person who has entered the roadway with cane raised, or with a dog, has the right of way until out of the roadway, regardless of regulation of traffic by traffic control signals. Subsection (3) prohibits use of a white cane by persons who are not blind. Subsection (4) provides that nothing in the section is intended to deprive blind persons of all the rights and privileges of pedestrians.

UVC ARTICLE V. PEDESTRIANS' RIGHTS AND DUTIES

§ 11-512—Pedestrians under influence of alcohol or drugs

A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard shall not walk or be upon a highway except on a sidewalk. (NEW, 1971.)

OREGON LAW

NO COMPARABLE PROVISION

Cases: No cases interpreting this section.

Analysis:

The UVC provision was added to the code in 1971, because of the significant number of pedestrian fatalities each year. Alcohol-related violations are currently being considered less as criminal matters and more as disease requiring treatment. Adoption of a provision similar to UVC s 11-512 would be counter to the present trend of the law.

UVC ARTICLE V. PEDESTRIANS' RIGHTS AND DUTIES

§ 11-513—Bridge and railroad signals

(a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.

(b) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed. (NEW SECTION, 1971.)

OREGON LAW

NO COMPARABLE PROVISION

Cases: No cases interpreting this section.

Analysis:

This section appeared in the Model Traffic Ordinance from 1952 to 1968. In 1968 it was deleted from the Ordinance and added to the UVC.
