

**Chapter 734 Department of Transportation, Transportation Operations**  
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### DIVISION 1

#### PROCEDURAL RULES

#### 734-001-0003

##### Public Hearing for New State Highway Route or Corridor

The Oregon Transportation Commission, pursuant to ORS 366.215, may, 30 days or more after a public hearing covering the selection of any new State Highway route or corridor, which said hearing shall be publicly advertised in newspapers of general circulation not less than three weeks in advance of such hearing,



adopt said route or corridor at any Transportation Commission meeting. Interested persons may submit data, views or arguments concerning any proposed route or corridor to the Region Office of the Department of Transportation within ten days following any public hearing.

Stat. Auth.: ORS Ch. 366

Stats. Implemented: ORS 366.215

Hist.: HC 1267, f. 12-6-71; HWY 4-1990, f. & cert. ef. 3-8-90

### **Contested Case Hearings**

#### **734-001-0010**

##### **Evidence**

(1) Only testimony of persons who have taken an oath or affirmation before the Examiner, or Commission or Engineer, as the case may be, shall be admitted.

(2) Every party has the right to present his case or defense by oral, documentary or other satisfactory evidence, to submit evidence in rebuttal, and to conduct such cross-examination as may be required for a full and complete disclosure of the facts.

(3) The petitioner shall bear the burden of proof.

(4) Admission and exclusion of evidence:

(a) The rules of evidence and requirements of proof shall conform, to the extent practicable, with those in civil nonjury cases in the circuit courts, except as otherwise provided by ORS Chapter 183;

(b) Hearsay evidence in the discretion of the hearings officer or body, may be received if the hearings officer or body determines that the evidence is of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs;

(c) Irrelevant, immaterial and merely cumulative evidence may be excluded and must be excluded upon objection;

(d) Expert and opinion evidence may be limited in the discretion of the Examiner or Commission or Engineer conducting the hearing;

(e) The hearings officer or body may rule upon the admission or exclusion of evidence at the hearing or may defer any such ruling until incorporated in the order; and

(f) Unless specifically excluded by the hearings officer or body, exhibits and items of tangible evidence offered at the hearing shall be deemed admitted into evidence.

(5) Objections. If a party objects to the admission or rejection of any evidence or to the limitations of the scope of any examination or cross-examination, he shall state briefly the grounds of such objection, whereupon the party adversely affected by the ruling on the objection shall be granted an automatic exception.

(6) Judicial notice. The Examiner, Commission or Engineer, after first advising all parties of its intention to do so, may take notice of judicially cognizable facts as is provided by law (ORS 183.450) and of general, technical or scientific facts within the specialized knowledge of the official(s) conducting the hearing.

Stat. Auth.: ORS Ch. 183 & 184

Stats. Implemented: ORS 183.341

Hist.: 1 OTC 21-1980(Temp), f. & ef. 12-1-80; 1 OTC 1-1981, f. & ef. 4-1-81;

HWY 5-1990, f. & cert. ef. 3-9-90

#### **734-001-0015**

##### **Close of Hearing and Final Briefs**

(1) Within 15 business days following the close of the hearing or the filing of final briefs, if any, the hearings officer or body shall either prepare a proposed order, direct the parties to submit proposed orders, or direct the prevailing party, as determined by the hearings officer or body, to submit a proposed order. Should the hearings officer or body direct the preparation of a proposed order(s) it shall do so by letter, with copies to all parties appearing at the hearing. The letter shall also set a date within which the order(s) must be submitted.

(2) Upon the preparation or submission of a proposed order, the hearings officer or body may accept an order or modify an order to comply with its findings and conclusions. The hearings officer or body shall thereupon serve the proposed order upon all parties appearing at the hearing. If the officer or body is not the

entity charged with administering the statutes involved in the hearing, and has not been delegated authority to issue a final order, it shall forward the case file, transcripts and exhibits, together with its proposed order, to the officer or entity charged with administering the relevant statutes.

(3) Upon mailing the proposed order to the parties, the parties shall have 20 days in which to file exceptions to the proposed order. If the proposed order has been forwarded to the officer charged with administering the relevant statutes, the parties may also request oral argument before that officer or body.

(4) Within 30 days of either the service of the proposed order, the filing of exceptions, or oral argument, as the case may be, the hearings officer or body, or the officer or entity charged with administering the relevant statutes, shall issue and mail a final order to all parties. The officer, body or entity may adopt, reverse or modify the proposed order in issuing a final order.

Stat. Auth.: ORS Ch. 183 & 184

Stats. Implemented: ORS 183.341

Hist.: 1 OTC 21-1980(Temp), f. & ef. 12-1-80; 1 OTC 1-1981, f. & ef. 4-1-81

### **Procedures for Land Acquisition**

#### **734-001-0025**

##### **Relocation Procedures for Land Acquisition**

(1) Within 90 days of having been notified of a determination granting or denying eligibility for a Relocation payment, or of an amount of payment under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) and any regulations adopted thereunder, any person dissatisfied with such determination may file a "request for appeal" upon forms provided by the Department of Transportation.

(2) Within 30 days after receipt of the request for appeal, a pre-hearing conference shall be held involving the individual requesting the appeal, the Regional Right of Way Supervisor and the Relocation Supervisor.

(3) Within 45 days after receipt of the request for appeal, a contested case hearing shall take place before a hearings board or hearings officer as established or appointed by the Chief Engineer or Director if the matter was not resolved by the prehearing conference.

(4) The Relocation appeal process and hearing concerning the determination of eligibility or amount of payment shall be conducted as a contested case pursuant to the Oregon Administrative Procedures Act, ORS 183.310 to 183.550.

Stat. Auth.: ORS Ch. 366

Stats. Implemented: ORS 366.324 & PL 91-646 (Federal Law)

Hist.: 2HD 2-1982, f. & ef. 7-20-82

### **DIVISION 10**

### **PREQUALIFICATION FOR BIDDING**

#### **734-010-0005**

##### **Mandatory Prequalification for Bidding**

(1) Pursuant to ORS 279.039(1) the Oregon Transportation Commission, hereinafter referred to as Commission, requires that all persons desiring to bid on contracts after July 1, 1976, for the construction of classes of public improvements designated in section (8) of this rule, shall submit a new prequalification statement with the annual \$100 filing fee at least ten days prior to the opening of bids on the contract.

(2) All persons presently prequalified with the Commission shall remain prequalified until July 1, 1976, without submitting new prequalification statements.

(3) All persons desiring to prequalify shall do so on forms furnished by the Commission.

(4) Prequalification statements submitted on or after July 1, 1976, and on or after March 1, of each succeeding year shall be operative until March 1, of the next succeeding year.

(5) Prequalification requirements for contracts for the construction of public improvements may be waived by the Chief

Engineer in the case of an emergency.

(6) Prequalification requirements for contracts for the construction of public improvements under \$50,000 may be waived by the Chief Engineer.

(7) Prequalification statements, along with \$100 filing fee, shall be addressed to: Department of Transportation, Room 307 — Transportation Building, Salem, OR 97310.

(8) Classes of work (Highway, Roads, Streets, Airports) for which prequalification is required (Class — Maximum Dollar Amount):

(a) Land Clearing — Highways, Roads, Streets and Airports;  
(b) Earthwork and Drainage — Highways, Roads, Streets and Airport Runways;

(c) Aggregate Crushing;

(d) Aggregate Bases — Highways, Roads, Streets and Airport Runways;

(e) Asphalt Concrete Pavement and Oiling — Highways, Roads, Streets and Airport Runways;

(f) Portland Cement Pavement — Highways, Roads, Streets and Airport Runways;

(g) Reinforced Concrete, and Structural Steel Bridges and Grade Separation Structures;

(h) Painting Steel Bridges and Grade Separation Structures;

(i) Miscellaneous Highway Appurtenances (Guardrails, Median Barriers, Curbs, Retaining Walls, Walks, Fences, Riprap);

(j) Signing — Temporary and/or permanent for Highways, Streets and Roads;

(k) Illumination — Highways, Streets, Roads, Airports, Parks and Rest Areas;

(l) Traffic Signals — Highways, Streets and Roads;

(m) Landscaping — Highways, Streets, Roads, Parks and Rest Areas (Roadside Seeding, Lawns, Shrubs, Trees, Irrigation Systems);

(n) Buildings — Highways, Rest Areas, Parks, (Toilets, Bathhouses, Maintenance, Sand Sheds).

(9) A \$100 filing fee shall be required for prequalification beginning January 1, 1988, and for each succeeding year. The fee must be submitted with the prequalification statement.

Stat. Auth.: ORS Ch. 184 & 279

Stats. Implemented: ORS 279.039

Hist.: 1 OTC 65(Temp), f. 12-22-75, ef. 1-1-76; 1 OTC 69, f. & ef. 2-25-76; 1 OTC 72(Temp), f. & ef. 3-30-76; 1 OTC 76, f. & ef. 6-30-76; 2HD 6-1985(Temp), f. 12-20-85, ef. 1-1-86; 2HD 2-1986, f. & ef. 2-14-86; HWY 6-1987, f. 12-18-87 & ef. 1-1-88

## DIVISION 17

### TRACTION TIRES AND TRACTION DEVICES ON CERTAIN PORTIONS OF STATE HIGHWAYS

#### 734-017-0005

##### Definitions

As used in OAR 734-017-0005 through 734-017-0025, the following definitions apply:

(1) "Traction Tire" — All weather tires specially constructed to provide more traction than conventional tires under conditions posted pursuant to ORS 815.045 and Division 17 rules, and in a condition and with sufficient tread to provide such traction.

(2) "Traction Device" — Is any device that attaches to the tire, wheel or vehicle that augments the traction of a vehicle under adverse ice or snow conditions. Tires with studs allowed under ORS 815.165 are considered to be tires with a traction device attached.

Stat. Auth.: ORS 184.616 & 815.045

Stat. Implemented: ORS 815.045 & 815.140

Hist: 2 HD 15-1981, f. & ef. 11-20-81; HWY 4-1995, f. & cert. ef. 10-17-95

#### 734-017-0010

##### Minimum Traction Devices Required

When traction devices are required and the appropriate signs are posted the traction devices shall be placed on the tires as

described in this rule and shown marked in black on **Exhibit 1, Minimum Traction Devices Required**:

(1) An automobile or light truck shall have traction devices on both tires of the drive axle.

(2) An automobile or light truck towing a brake-equipped trailer shall have traction devices on both tires of the drive axle and on two outside tires of at least one of the axles of the trailer.

(3) Buses:

(a) A single-drive axle bus shall have traction devices on the two outside tires of the drive axle;

(b) A tandem-drive axle bus shall have traction devices on the four outside tires of the drive axles; and

(c) A tandem-drive axle bus configured with one single-wheel axle and one dual-wheel axle shall have traction devices on the two outside tires of the dual-wheel axle.

(4) Solo trucks:

(a) A single-drive axle solo truck shall have traction devices on the two outside tires of the drive axle; and

(b) A tandem-axle solo truck shall have traction devices on:

(A) All four tires of the primary drive axle; or

(B) If both axles are powered by the drive line, on either all four inside tires or all four outside tires on both drive axles.

(5) Single-drive axle trucks with trailers:

(a) A single-drive axle truck towing a two or three-axle trailer shall have traction devices on all four tires of the drive axle and at least one tire on the front axle of the trailer and one tire on one of the rear axle(s) of the trailer;

(b) A single-drive axle truck tractor towing a semi trailer shall have traction devices on all four tires of the drive axle and two tires on either side of any axle of the semi trailer; and

(c) A single-drive axle truck tractor towing both a semi trailer and a trailer shall have traction devices on all four tires of the drive axle, two tires on either side of any axle of the semi trailer, and at least one tire on each axle of the trailer.

(6) Tandem-drive axle trucks with trailers:

(a) A tandem-drive axle truck towing a two or three-axle trailer shall have traction devices on at least two tires on each side of the primary drive axle, one tire of the front axle of the trailer, and one tire on one of the rear axles of the trailer;

(b) A tandem-drive axle truck tractor towing a semi trailer shall have traction devices on at least two tires on each side of the primary drive axle and two tires on either side of either axle on the semi trailer;

(c) A tandem-drive axle truck tractor towing both a semi trailer and two or three-axle trailer shall have traction devices on all four tires of the primary drive axle and on two tires of the secondary drive axle. Traction devices shall also be placed on two tires of either axle on the semi trailer and at least one tire on front and rear axle(s) of the trailer; and

(d) A tandem-drive axle truck tractor towing a semi trailer and a semi-trailer that are connected by kingpin-to-fifth wheel assemblies, commonly referred to as a "B Train," shall have traction devices on all four tires of the primary drive axle and on two tires of the secondary drive axle. Traction devices shall also be placed on two tires on either side of any axle of the semi trailer at the B train connection, and on two tires on either side of either axle of the rear semi-trailer.

(7) Alternate tandem-drive axle trucks with trailers: When tandem-drive axle truck tractor wheel clearance does not allow compliance with this rule, traction devices shall be placed on at least two tires on each side of the drive axles.

[ED. NOTE: Exhibit 1 referenced in this rule is available from the Highway Division, Department of Transportation.]

Stat. Auth.: ORS 184.616 & 815.045

Stats. Implemented: ORS 815.045 & 815.140

Hist: 2 HD 15-1981, f. & ef. 11-20-81; HWY 4-1995, f. & cert. ef. 10-17-95; HWY 1-1996(Temp), f. & cert. ef. 2-14-96; HWY 5-1996, f. & cert. ef. 10-10-96

#### 734-017-0015

##### Use of Traction Devices

The Director of the Department of Transportation or persons authorized by the Director shall authorize the posting of

appropriate signs and determine when weather conditions require the following:

- (1) Vehicle traction devices are recommended and must be carried but are not required to be used;
- (2) Traction devices must be used on vehicles over 10,000 pounds gross vehicle weight (GVW); and
- (3) Traction devices must be used on all vehicles except those vehicles exempt in ORS 815.145 and Division 17 rules.

Stat. Auth.: ORS 184.616 & 815.045

Stats. Implemented: ORS 815.045 & 815.140

Hist: 2 HD 15-1981, f. & ef. 11-20-81; HWY 4-1995, f. & cert. ef. 10-17-95;  
HWY 5-1996, f. & cert. ef. 10-10-96

#### **734-017-0020**

##### **Vehicles Exempt**

Vehicles operated by the Department of Transportation and used in the maintenance of State Highways are exempt from the provisions of ORS 815.140 and Division 17 rules.

Stat. Auth.: ORS 184.616 and 815.045

Stat. Implemented: ORS 815.045 & 815.145

Hist: 2 HD 15-1981, f. & ef. 11-20-81; HWY 4-1995, f. & cert. ef. 10-17-95

#### **734-017-0025**

##### **Signs**

Signs to be used to post areas delineated by ORS 815.150 and the requirements relating to traction devices are shown in detail in Exhibit 2, Signing.

[ED. NOTE: Exhibit 2 referenced in this rule is available from the Highway Division, Department of Transportation.]

Stat. Auth.: ORS 184.616 & 815.045

Stats. Implemented: ORS 815.045 & 815.150

Hist: 2 HD 15-1981, f. & ef. 11-20-81; HWY 4-1995, f. & cert. ef. 10-17-95;  
HWY 5-1996, f. & cert. ef. 10-10-96

## **DIVISION 20**

### **TRAFFIC CONTROL**

#### **734-020-0005**

##### **Manual on Uniform Traffic Control Devices**

(1) In accordance with ORS 810.200, the **1988 Edition** of the **Manual on Uniform Traffic Control Devices**, (U.S. Department of Transportation, Federal Highway Administration) is hereby adopted by reference as the manual and specifications of uniform standards for traffic control devices for use upon highways within this state.

(2) The **June 1990 Edition** of the Oregon Supplements to the **Manual on Uniform Traffic Control Devices** is hereby adopted by reference as a register of supplements and exceptions to the **1988 Edition** of the **Manual on Uniform Traffic Control Devices**.

(3) The Oregon State Highway Division Signing and Flagging Standards for Short-Term Work Zones is hereby adopted by reference as a standard for signing and flagging of short-term work zones.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Traffic Section.]

Stat. Auth.: ORS Ch. 184 & 810

Stats. Implemented: ORS 810.200

Hist.: HC 1270, f. & ef. 1-18-72; HC 1277, f. & ef. 3-3-72; 1 OTC 80, f. & ef. 12-27-76; 1 OTC 7-1978, f. & ef. 4-27-78; 1 OTC 15-1979(Temp), f. & ef. 7-18-79; 1 OTC 25-1979, f. & ef. 10-30-79; 1 OTC 16-1980, f. & ef. 9-18-80; 1 OTC 22-1980, f. & ef. 11-26-80; 1 OTC 23-1980, f. & ef. 11-26-80; 2HD 9-1983(Temp), f. & ef. 4-20-83; 2HD 16-1983, f. & ef. 9-23-83; 2HD 9-1984(Temp), f. & ef. 10-4-84; 2HD 1-1985, f. & ef. 3-29-85; 2HD 3-1985, f. & ef. 9-13-85; 2HD 1-1986, f. & ef. 2-14-86; 2HD 6-1986(Temp), f. & ef. 7-29-86; HWY 1-1987, f. & ef. 1-9-87; HWY 2-1988(Temp), f. & cert. ef. 5-27-88; HWY 7-1988, f. & cert. ef. 12-2-88; HWY 2-1990(Temp), f. & cert. ef. 2-1-90; HWY 10-1990, f. & cert. ef. 6-29-90

#### **734-020-0010**

##### **Locations of 65 MPH Speed**

Under the provisions of ORS 811.112, the following sections

of interstate rural highway are established as 65 MPH maximum speed:

##### **Highway — Mile Post**

- (1) I-5 — MP 11.00 to MP 27.00;
- (2) I-5 — MP 33.35 to MP 107.83;
- (3) I-5 — MP 108.86 to MP 190.40;
- (4) I-5 — MP 196.00 to MP 251.00;
- (5) I-5 — MP 261.03 to MP 288.60;
- (6) I-82 — Washington State Line to MP 11.21;
- (7) I-84 — MP 18.25 to Idaho State Line;
- (8) I-205 WB — MP 0.30 to MP 6.00;
- (9) I-205 EB — MP 0.90 to MP 6.00;
- (10) Connection — I-205 MP 0.58 SB to I-5-MP 287.93 SB;
- (11) Connection — I-5 MP 288.21 NB to I-205 MP 1.11 EB.

Stat. Auth.: ORS 184.616 & 810.180

Stat. Implemented.: ORS 810.180 & 811.112

Hist.: 1 OTC 7(Temp), f. & ef. 11-15-73; 1 OTC 20, f. 1-28-74, ef. 2-11-74; 1 OTC 24(Temp), f. & ef. 3-1-74; 1 OTC 28, f. 6-5-74, ef. 6-25-74; HWY 5-1987, f. & ef. 12-8-87; HWY 3-1989, f. & cert. ef. 5-23-89; HWY 7-1990, f. & cert. ef. 4-18-90; HWY 3-1996, f. & cert. ef. 8-15-96

#### **734-020-0015**

##### **Establishment of Speed Zones on Public Roads Except Low Volume or Non-Hard Surfaced**

(1) Definitions:

(a) "Speed zone" means a lineal section of roadway with regulatory speed signs legally posted;

(b) "School zone exception" means that portion of a speed zone or speed zone section with appropriate signing to indicate a school zone or school crossing, where by statute the speed is 20 mph when children are present;

(c) "Transition speed" means a speed zone(s) established to make the change in legal speeds less abrupt for drivers. As an example, instead of going directly from a 55 mph section to 25 mph, it may be necessary to establish one or more transition speed zones in between, such as 45 mph and 35 mph;

(d) "Written order" means the official document which describes the limits and designates the speed in a speed zone or speed zones established;

(e) "Statutory speed zone" means a speed zone section with speeds based on the statutory definitions, as established in ORS 811.105 and ORS 811.123;

(f) "Eighty-five percent speed" means the speed at or below which 85 percent of the vehicles for which speeds were recorded are traveling;

(g) "Average daily traffic volume" (ADT) means the number of vehicles in all lanes of traffic on a roadway regardless of direction at a spot location which reflects the total annual volume divided by the number of days in the year;

(h) "Accident rate" means the number of accidents per million vehicle miles traveled on a lineal section of roadway;

(i) "Arterial roadway" is a public facility linking regional or local residence or business districts to each other;

(j) "Collector roadway" is a public facility which functions to connect local residential streets to arterial roadways;

(k) "Highway" is a through road normally available for public use; and

(l) "Department" is the Oregon Department of Transportation.

(2) Speed Zone Criteria:

(a) The following rules apply for the placing of speed zones on rural state highways under normal conditions:

(A) The 85 percentile speed of existing traffic shall be determined;

(B) The average accident rate for similar areas statewide shall be determined;

(C) The accident rate for the specific section being considered shall be determined;

(D) The algebraic difference between the accident rate for similar statewide sections and the accident rate for the section being considered shall be determined;

(E) The safe speed shall be established as the algebraic difference of the 85 percent speed and the accident rate above the



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average accident rate as determined in paragraph (D) of this subsection; and

(F) The speed may be varied not to exceed five miles per hour, plus or minus, from that determined in paragraph (E) of this subsection as may be prudent due to volume of traffic, natural topographic or physical impediments, or for such other reasons as the Department may deem appropriate.

(b) Speed zones for state highways within city limits, arterial roadways with statewide or regional significance and major collector roadways of local significance and with average daily traffic volume greater than 500 vehicles per day shall be determined as follows:

(A) Engineering and traffic studies shall be made for determining the recommended speed for the proposed speed zone;

(B) A major factor in determining the recommended speed shall be the speed at or below which 85 percent of the vehicles sampled were traveling;

(C) The recommended speed may be reduced if the accident rate indicates that it is necessary;

(D) The recommended speed shall not normally be reduced more than 10 mph below the 85 percent speed;

(E) The section length used for speed zoning shall be at least one-quarter of a mile in length except transition speed zones may be a minimum of 1,000 feet in length; and

(F) The following items may also be considered in determining a recommended speed:

(i) National and state policies on energy conservation;

(ii) Local attitudes and enforcement;

(iii) Pedestrian and bicycle movements;

(iv) Environmental considerations (noise, dust);

(v) Kind and amount of adjacent lane use; and

(vi) Public testimony.

(3) Speed Zone Procedures:

(a) The Department of Transportation is subject to the following procedures while exercising its authority for speed zoning on rural state highways under ORS 810.180 unless otherwise provided under ORS 810.180:

(A) Written application to conduct an investigation with respect to speed on a highway under ORS 810.180 must be made to the Department, to the State Traffic Engineer or Region Manager. This application shall state the reason for the requested change in speed zoning;

(B) The Department shall determine the speed to designate under its authority by making or causing to be made an engineering and traffic investigation with respect to the existing speed on the highway;

(C) The Department may change the existing speed on the highway if the investigation establishes to the satisfaction of the Department that the existing designated speed is greater or less than reasonable or safe under the conditions at the area;

(D) The Department shall give written reply to the original request of the Department's determination concerning a designated speed;

(E) Written objections may be filed with the Department to any speed established by the Department under the procedures established in this section; and

(F) The original written order shall be retained in the Department of Transportation's records for each speed zone established. The speed zone becomes enforceable when signs are in place.

(b) The Department of Transportation is subject to the following procedures while exercising its authority under ORS 810.180 on state highways within city limits, arterial roadways with statewide or regional significance and major collector roadways of local significance and with average daily traffic volume greater than 500 vehicles per day unless otherwise provided under ORS 810.180:

(A) The road authority shall make written application to the State Traffic Engineer for the Department to conduct an investigation with respect to speed on a highway under ORS 810.180. This application shall state the speed recommended for the highway or section of highway by the requesting road authority;

(B) The Department shall determine the speed to designate under its authority by making or causing to be made an engineering and traffic investigation with respect to the existing speed on the highway;

(C) The Department may make the investigation required or, when requested by the road authority, may allow the road authority to make the investigation and make a report of the investigation to the Department;

(D) The Department shall allow any road authority that is requesting an investigation under this section to participate with the Department in the investigation;

(E) The Department may change the existing speed on the highway if the investigation establishes to the satisfaction of the Department that the existing designated speed is greater or less than reasonable or safe under the conditions at the area;

(F) The Department shall give written notice to the affected road authority of the Department's determination concerning a designated speed;

(G) The Department shall issue a Speed Zone Order if the designated speed is mutually agreeable to all affected jurisdictions. When differences of opinion between the State and local agency(ies) occur, the Department standard criteria as set forth by rule shall be used in reaching a mutually agreeable compromise. If mutual agreement cannot be reached, the matter shall be referred to the Speed Zone Review Panel;

(H) An affected road authority may file written objections to any speed established by the Department under the procedures in this section. If the road authority files a written objection and requests a hearing not more than 10 days after signs establishing the speed are posted, the Department shall refer the contested speed zone to the Speed Zone Review Panel. The Speed Zone Review Panel shall hold a hearing to reconsider and establish the speed after giving written notice of the hearing to the affected road authority. The hearing shall be held more than ten days after giving the written notice; and

(I) A copy of the written speed zone order shall be filed with the local agency as appropriate and the original retained in the Department of Transportation's records for each speed zone established. The speed zone becomes enforceable when signs are in place.

(4) Emergency Speed Zones: An emergency may be declared by the Department or State Traffic Engineer due to natural or other disasters. Once an emergency has been declared, the State Traffic Engineer may establish an emergency speed zone under the provision of this section:

(a) The following rules are for placing speed zones on rural state highways under emergency conditions:

(A) Speed shall be established at such levels as the State Traffic Engineer deems prudent;

(B) In establishing such speeds, the State Traffic Engineer shall consider the volume of traffic, the condition of the roadway, the weather, or any other conditions which should be considered to insure that traffic passes through the area in safety;

(C) The speed zone shall have the full force and effect of law as long as needed to insure safe traffic conditions in the area; and

(D) Such speed zones shall be removed when the condition necessitating their designation has been removed or corrected.

(b) An emergency speed zone on state highways within city limits, arterial roadways with statewide or regional significance and major collector roadways of local significance and with average daily traffic volume greater than 500 vehicles per day shall be established after mutual telephonic agreement between the local agency having jurisdiction (with mutual concurrence in the case of joint jurisdiction) and the State Traffic Engineer. The emergency speed zone becomes effective upon posting by the appropriate agency:

(A) If an emergency speed zone is established on a local agency's facility as a temporary route of a state highway, the procedure as outlined in subsection (4)(b) of this rule shall be followed, except the actual posting may be accomplished by state forces and state materials with the mutual consent of the local agency or agencies involved;

(B) The Department's standard criteria shall be adhered to in



so much as practical in such a determination;

(C) After establishment of a temporary emergency speed zone on a specific section of roadway where the speed of traffic is connected with or contributes to the relief of a problem, a field investigation shall be initiated. The findings of the investigation shall be utilized to provide the basis for termination of the temporary emergency speed zone by the end of the 120-day limit or the Department's decision to make the temporary action permanent;

(D) In the event that the investigation is not completed by the end of the 120 day period, the temporary speed zone shall terminate and the previously posted speed shall be re-established by the appropriate agency; and

(E) When an emergency speed zone is established, the Department shall file a copy with the local agency affected and retain the original in the Department's records.

(5) Speed Zone Review Panel:

(a) The Speed Zone Review Panel is created to conduct hearings for deciding contested speed zone recommendations on state highways within city limits, arterial roadways with statewide or regional significance and major collector roadways of local significance and with average daily traffic volume greater than 500 vehicles per day under ORS 810.180. The panel shall consist of the following five persons:

(A) The Chair of the Transportation Safety Committee or a representative designated by the Chair;

(B) The Superintendent of State Police or a representative designated by the superintendent;

(C) The Chief Engineer of the Department of Transportation or a representative designated by the engineer;

(D) Two additional members, one representative of the interests of cities and one representative of the interests of counties. The League of Oregon Cities and the Association of Oregon Counties may each appoint a member representing the interests of cities and counties respectively. Each additional member appointment shall be for two years.

(b) The Department shall be responsible for and pay from the State Highway Fund all of the following expenses: the per diem travel and other expenses of the members of the Speed Zone Review Panel for the purpose of conducting hearings on speed zone appeals;

(c) The Speed Zone Review Panel shall conduct a hearing to decide speed zone appeals on city and county roads when a reasonable agenda of contested speed zone recommendation is accrued:

(A) The State Traffic Engineer shall arrange the hearing date and present the speed zone appeals;

(B) All affected jurisdictions and any known interested parties shall be notified of the hearing in writing at least 30 days prior to the hearing. The opportunity to present testimony in person or in writing shall be included in the notice of hearing date;

(C) Written testimony received by the State Traffic Engineer at least three days prior to the hearing shall be considered in the speed zone appeal review; and

(D) The criteria and procedures established under ORS 810.180 and by rule for determining speed zoning shall be followed in deciding the appeals. The decision of the panel is final and any speed zone order shall be issued accordingly. The order is effective when signs are installed.

Stat. Auth.: ORS 184.616 & 810.180

Stats. Implemented: ORS 810.180

Hist.: HC 1277, f. 3-3-72; HWY 4-1994, f. 9-19-94, cert. ef. 1-1-95

#### **734-020-0020**

##### **Warrants for Parking and Turn Prohibitions**

(1) Parking prohibitions and turn prohibitions shall be warranted if:

(a) An engineering investigation indicates that such prohibitions will improve safe traffic operating conditions; or

(b) An engineering investigation indicates that such prohibitions are necessary to increase the capacity of the roadway or to otherwise expedite the movement of traffic.

(2) The engineering investigation will include a review and

analysis of the past accident history, a study of the traffic volumes, patterns and turning movements when appropriate. A field investigation of the physical conditions will be made when required.

Stat. Auth.: ORS Ch. 184 & 810

Stats. Implemented: ORS 810.160 & 810.210

Hist.: 1 OTC 53, f. 3-3-75, ef. 3-25-75

#### **734-020-0025**

##### **U-Turn Designation**

The Chief Engineer may, in his discretion, designate specific signalized intersections in which U-turns shall be permitted if the following criteria are met:

(1) The turning radii are adequate.

(2) The signal operation consists of three or more phases.

(3) A turning movement is possible with a reasonable degree of safety.

(4) A traffic engineering investigation shows a need for the U-turn movement.

Stat. Auth.: ORS Ch. 184 & 810.130

Stats. Implemented: ORS 810.130(3)

Hist.: 1 OTC 78(Temp), f. & ef. 9-3-76; 1 OTC 79, f. & ef. 12-9-76

##### **Guidelines and Equipment Specifications for Portable Traffic Signals**

#### **734-020-0032**

##### **Definitions**

(1) "Portable Traffic Signals" means any device that complies with the adopted guidelines for portable traffic signals.

(2) "User" means the agency, contractor, or utility that is physically responsible for the operation of the portable traffic signal.

(3) "Operator" means the individual employed by the user that will actually control the portable traffic signal.

(4) "Agency" means the governing institution which has authority over the effected roadway.

Stat. Auth.: ORS Ch. 184 & 810.200

Stats. Implemented: ORS 810.200

Hist.: 2HD 14-1983(Temp), f. & ef. 8-18-83; 2HD 3-1984, f. & ef. 3-14-84

#### **734-020-0034**

##### **Guidelines**

(1) Portable traffic signals shall only be used in accordance with the appropriate permit or contract specifications as issued by the governmental agency.

(2) The permit or contract specifications may specify the hours, days, and periods of operation.

(3) The permittee or contractor shall provide a traffic control plan showing the locations of all portable traffic signal equipment, as well as any other traffic control devices to be used in conjunction with the portable traffic signal, to the Project Manager for approval prior to obtaining the permit.

(4) The permittee or contractor shall maintain a daily log at the signal site which shall include, but is not limited to, hours of operation, type and time of any equipment malfunctions, and type and time of any accidents that may have occurred during the operation of the portable traffic signal. A copy of the completed log shall be presented to the agency upon completion of the project or as required by the Project Manager.

(5) Operators shall be properly instructed in the safe and efficient operation of the system by the manufacturer and so certified in writing to the Project Manager.

(6) Portable traffic signal equipment, as well as other traffic control devices used in conjunction with the project, shall conform to portable traffic signal equipment specifications, as published by the Oregon Department of Transportation, as well as applicable portions of the **Manual on Uniform Traffic Control Devices**.

(7) Portable traffic signals shall not be used at locations where the posted construction speed is in excess of 35 MPH.

(8) Portable traffic signals should not be used at locations where there is more than one travel lane in each direction.

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However, they may be permissible on divided four-lane roadways, two lanes in each direction, if a separate set of signal heads is provided for each additional travel lane.

(9) The user may request specific signal phasing, as well as the length of amber and the minimum green and red periods. Final approval for timing will be given by the appropriate local agency or by the Department of Transportation's Region office, if the location is on the State Highway System. Signal timing will conform to the **Manual on Uniform Traffic Control Devices**. A preemption input that will terminate the existing green phase, provide a yellow clearance interval, and rest in an all red phase shall be available to the operator during emergency conditions.

(10) Minimum sight distances shall be maintained as specified in the **Manual on Uniform Traffic Control Devices**. At locations where only minimum sight distances can be obtained and where varying queue sizes are anticipated, the user shall also furnish a queue flagger who shall maintain direct communication with the operator.

(11) Portable traffic signal controllers and related control equipment shall be certified as having passed the Oregon Department of Transportation laboratory tests. Successfully tested controllers and related control equipment will be assigned permanent certification tags.

(12) The user shall either remove or cover all signal indications and related traffic signs when not in use.

(13) All radio equipment used as part of a portable traffic signal shall meet Federal Communications Commission regulations.

(14) Failure to comply with any of the specifications shall be justification for requiring an alternative type of traffic control.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Traffic Section.]

Stat. Auth.: ORS Ch. 184 & 487

Stats. Implemented: ORS 810.200 & 810.210

Hist.: 2HD 14-1983(Temp), f. & ef. 8-18-83; 2HD 3-1984, f. & ef. 3-14-84

### High Occupancy Vehicle Lanes

#### 734-020-0045

##### Prohibition of Non-Motorized Vehicles on Freeways

(1) Non-motorized vehicles are prohibited upon the following segments of freeways within the State of Oregon:

(a) Portland area:

(A) The Columbia River Highway No. 2 (Banfield/ I-84) from its intersection with I-5, M.P. 0.00, to 122nd Avenue, M.P. 10.25, east bound, and to Sandy Boulevard, M.P. 15.14, west bound;

(B) The Sunset Highway No. 47 easterly of the Jefferson Street Interchange, M.P. 73.35;

(C) Interstate 5 (Hwy. No. 1) from the Beaverton- Tigard Highway Interchange, M.P. 292.20, to the Delta Park Interchange, M.P. 306.70;

(D) Interstate 205 (Hwy. No. 64) northerly of the Overcrossing of the Oswego Highway No. 3, M.P. 8.82;

(E) Interstate 405 (Hwy. No. 61) in its entirety; and

(F) Lower Columbia Highway No. 2W from its intersection with I-405, M.P. 0.00, to 23rd Street, M.P. 1.99.

(b) Medford area: Interstate 5 (Pacific Highway No. 1) from the Barnet Road Interchange, M.P. 27.58, to the Crater Lake Highway Interchange, M.P. 30.29 (in Medford).

(2) The closure of the above sections to non-motorized vehicles shall become effective following the erection of adequate signing.

Stat. Auth.: ORS Ch. 184.619, 810.020 & 810.030

Stats. Implemented: ORS 810.020 & 810.030

Hist.: HC 1280, f. & ef. 4-5-72; HWY 2-1987, f. & ef. 2-6-87; HWY 4-1987, f. & ef. 11-24-87; HWY 2-1996(Temp), f. 3-7-96, cert. ef. 5-1-96; HWY 2-1996(Temp), f. 3-7-96, cert. ef. 5-1-96

### Bicycle Lanes and Paths

#### 734-020-0055

##### Bicycle Lane Definition

A bicycle lane as defined by ORS 801.155(6) shall be separated from the adjacent roadway by a single, solid eight-inch wide white stripe.

Stat. Auth.: ORS Ch. 810

Stats. Implemented: ORS 810.200

Hist.: 1 OTC 9-1979(Temp), f. & ef. 5-17-79; 1 OTC 19-1979, f. & ef. 9-14-79

#### 734-020-0060

##### Design and Construction of Bikeways

(1) The Department of Transportation adopts by reference The American Association of State Highway and Transportation Officials, **"Guide for the Development of Bicycle Facilities"**, (Guide), dated August, 1991, to establish bikeway design and construction standards, to establish guidelines for traffic control devices on bikeways including location and type of traffic warning signs and to recommend illumination standards, all in accordance with and pursuant to ORS 366.514, 184.616, 184.619, and 366.205.

(2) The following constitute supplements and exceptions to the August, 1991 Edition of the **"Guide for the Development of Bicycle Facilities"**:

(a) Signing and Marking:

(A) All bicycle signing and markings on the State Highway System or installed on local city streets or county roads under state contract or agreement shall be in conformance with the current Department of Transportation **"Sign Policy and Guidelines for the State Highway System"** and the **"Traffic Line Manual"**. Any signing or markings not included in these guidelines or manual, but which is deemed necessary and required for the bicycle facility shall conform to the **Manual on Uniform Traffic Control Devices** as adopted by the Oregon Transportation Commission;

(B) The standard width longitudinal painted solid line separating the motor vehicle travel way and a bike lane shall be a solid nominal eight-inch wide white stripe as required by OAR 734-020-0055; and

(C) The desirable width for a one-way bike lane on the State Highway System or installed on local city streets or county roads under state contract or agreement is six feet. Where six feet is not practical to achieve because of physical or economic constraints, a minimum width of four feet may be designated as a bike lane.

(b) Definitions: For the purpose of this rule and the **Guide**, the definitions on pages two and three of the **Guide** shall control, rather than any conflicting statutory or rule definitions. Terms not defined in the **Guide** shall be given their ordinary every day interpretation, even if defined otherwise for use in specific chapters in the Oregon Revised Statutes.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Traffic Section.]

Stat. Auth.: ORS 184.616, 184.619, 366.205 & 366.514

Stats. Implemented: ORS 366.514(4) & 810.200

Hist.: 1 OTC 38, f. 9-26-74, ef. 10-25-74; 2HD 7-1983, f. & ef. 2-18-83; HWY 3-1988, f. & cert. ef. 5-27-88; HWY 1-1992, f. & cert. ef. 2-11-92

### Winter Recreation Parking Areas

#### 734-020-0070

##### Fee for Issuance of Parking Permits

The fee for parking permits in winter recreation parking areas shall be as follows:

(1) One day — \$1.50;

(2) Three consecutive days — \$2.50; or

(3) Annual, beginning each November — \$9.

Stat. Auth.: ORS 184.616, 811.595, 811.600 & Ch. 245, OL 1993

Stats. Implemented: ORS 811.600

Hist.: 1 OTC 23-1979(Temp), f. & ef. 9-24-79; 1 OTC 28-1979, f. & ef. 11-26-79; 2HD 4-1982, f. & ef. 10-5-82; 2HD 17-1983, f. & ef. 9-23-83; HWY 13-1992, f. & cert. ef. 10-20-92; HWY 7-1993, f. & cert. ef. 10-27-93

### State Highway Right-of-Way Parking

#### 734-020-0080

### General Policy

It is the policy of the Oregon Transportation Commission to permit the Chief Engineer to define areas within the state highway rights-of-way in which overnight parking of any motor vehicle shall be prohibited. Accessible areas are provided and motorist usage will be permitted for reasons of safety and rest by drivers in need thereof and to permit viewing of scenic vistas.

Stat. Auth.: ORS Ch. 366, 390 & 810

Stats. Implemented: ORS 810.030 & 810.160

Hist.: 2HD 4-1981(Temp), f. 7-22-81, ef. 7-23-81; 2HD 8-1981, f. & ef. 10-2-81

### 734-020-0085

#### Parking Regulations

(1) At defined areas requiring parking regulation, the Chief Engineer shall install signs using the legend **"NO OVERNIGHT PARKING — PARKING (Between 1:00 a.m. and 5:00 a.m.) PROHIBITED"**. Such signs shall be installed at locations visible to a driver and frequently enough at any one area to properly advise a driver of the parking restriction.

(2) Emergency parking shall be permitted in areas of regulated parking.

Stat. Auth.: ORS Ch. 366, 390 & 811

Stats. Implemented: ORS 810.030 & 810.160

Hist.: 2HD 4-1981(Temp), f. 7-22-81, ef. 7-23-81; 2HD 8-1981, f. & ef. 10-2-81

### 734-020-0090

#### Criteria for Parking Regulation

(1) If overnight parking in waysides, rest areas and winter recreational parking areas creates traffic and/or personal safety hazards, visible sanitation problems, sanitation problems not directly discernible, interferes with normal highway maintenance procedures or interferes with public usage for reasons of traffic safety or the intended use of the location, then the Chief Engineer shall regulate parking.

(2) If parking overnight or otherwise on beach access roads and all other accessible areas on state highways creates any type of safety hazard, visible sanitation problems, sanitation problems not directly discernible or interferes with normal highway maintenance procedures, or the intended use of the location, then the Chief Engineer shall regulate parking.

(3) The extent of parking regulation and the areas to be regulated shall be determined by a study of the areas.

Stat. Auth.: ORS Ch. 366, 390 & 811

Stats. Implemented: ORS 810.030 & 810.160

Hist.: 2HD 4-1981(Temp), f. 7-22-81, ef. 7-23-81; 2HD 8-1981, f. & ef. 10-2-81

### Prohibited Activities on State Highway Right-of-Way

### 734-020-0095

#### Prohibited Activities

(1) The following activities are prohibited on the right-of-way of any state highway as defined by ORS 377.710(34):

(a) Lighting of fires;

(b) Depositing refuse of any kind except in designated containers;

(c) Camping or staying overnight, or any establishment of occupancy or of a residence, whether temporary or permanent; and

(d) Erection of any building or facility, including but not limited to tents, shacks, lean-tos, stands or shelters of any kind.

(2) This rule does not apply to rest areas covered under OAR Chapter 734, Division 30.

(3) Violation of subsection (1)(c) or (d) of this rule will subject the violating party to a possible citation for criminal trespass under the laws of this state.

Stat. Auth.: ORS Ch. 366

Stats. Implemented: ORS 810.030

Hist.: 2HD 9-1981(Temp), f. & ef. 10-2-81; 2HD 18-1981, f. & ef. 11-24-81

### Use of Freeway Median Crossovers

### 734-020-0100

#### Definitions

(1) "Freeway" means a fully access controlled throughway.

(2) "Median" means the space between inside shoulders of the separated one-way roadways of a freeway.

(3) "Crossover" means a surfaced roadway crossing the median and located generally at right angles to, between and connecting the inside or median shoulders of the separate through roadways of a freeway.

Stat. Auth.: ORS Ch. 184 & 366

Stats. Implemented: ORS 810.030

Hist.: 2HD 5-1981, f. & ef. 10-2-81

### 734-020-0105

#### Criteria for Approval of Freeway Median Crossovers

(1) A freeway median crossover may be approved and constructed if the following criteria are met:

(a) The median is 40 or more feet in width measured at right angles between the edges of the inside paved shoulder and does not have a metal or concrete median barrier;

(b) The crossover is in a location providing adequate vehicle stopping and sight distance and other safety requirements;

(c) The crossover is three or more miles distant in either direction from an interchange, measured to the center of the undercrossing or overcrossing structure; and

(d) The crossover is one or more miles distant in either direction from any other entrance or exit ramp, (i.e., safety rest area), and 1/2 mile or more distant in either direction from an undercrossing or overcrossing structure measured to the center of the structure.

(2) The criteria of section (1) of this rule establishes the standards for all freeway median crossovers in this state. However, if one or more of those criteria are not met, the Chief Engineer, considering need and safety, may approve and order the construction and installation of a freeway median crossover following and based upon an engineering investigation.

Stat. Auth.: ORS Ch. 184 & 366

Stats. Implemented: ORS 810.030

Hist.: 2HD 5-1981, f. & ef. 10-2-81; 2HD 8-1982(Temp), f. & ef. 12-28-82; 2HD 12-1983, f. & ef. 5-18-83

### 734-020-0110

#### Conditions Under Which Crossovers May be Utilized

(1) In a bona fide emergency (emergency means a serious physical injury or substantial property damage requiring immediate response).

(2) Under fully signed and protected traffic control conditions, or under official pilot car or traffic escort conditions which are under the direction and control of highway or police personnel.

(3) For official state police operations, i.e., accident or incident response and expeditious, fuel efficient law enforcement.

Stat. Auth.: ORS Ch. 184 & 366

Stats. Implemented: ORS 810.030

Hist.: 2HD 5-1981, f. & ef. 10-2-81

### 734-020-0115

#### Persons Authorized to Use Crossovers

(1) Personnel operating Department of Transportation maintenance vehicles.

(2) Police officers.

(3) Personnel operating any fire department emergency response vehicle.

(4) Personnel operating public or privately owned ambulances, paramedic or authorized emergency service vehicles, if the agency or firm has received prior approval from the Department of State Police or the Department of Transportation.

(5) Any personnel operating public or privately owned towing vehicles or towing equipment, if the agency or firm has received prior approval from the Department of State Police or the Department of Transportation.

Stat. Auth.: ORS Ch. 184 & 366



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Stats. Implemented: ORS 810.030  
Hist.: 2HD 5-1981, f. & ef. 10-2-81

#### One-Way Operation for Trucks and Buses

##### 734-020-0120

###### General Policy

It is the policy of the Oregon Transportation Commission to establish one-way operation for trucks and buses on certain sections of the State Highway System on which there has been a demonstrated need due to accidents.

Stat. Auth.: ORS Ch. 184 & 366  
Stats. Implemented: ORS 810.030  
Hist.: 2HD 6-1981, f. & ef. 10-2-81

##### 734-020-0125

###### One-Way Traffic Regulations

On defined sections of state highways the Chief Engineer shall install signs for each direction of traffic using the legend **"ONE-WAY TRAFFIC FOR TRUCKS AND BUSES AHEAD"** and **"ONE-WAY TRAFFIC FOR TRUCKS AND BUSES"** at the beginning of the defined section.

Stat. Auth.: ORS Ch. 184 & 366  
Stats. Implemented: ORS 810.030  
Hist.: 2HD 6-1981, f. & ef. 10-2-81

##### 734-020-0130

###### Criteria for One-Way Operation

(1) A field investigation shall be made for each section of highway on which one-way operation may be required. The following field data shall be recorded:

- (a) Curb to curb width for the bridge tunnel or underpass;
- (b) Sight distance on both approaches based on geometric design and/or other obstructions;
- (c) Typical cross-sections;
- (d) Location of the striped centerline with respect to pavement edge or curb; and
- (e) Approach speeds.

(2) The following cases may be considered:

(a) If curb to curb distance or roadway width is more than 20 feet and the painted centerline is centered in the roadway, one-way operation will not normally be established if there are no speed restrictions (i.e., 55 MPH maximum basic rule under 55 maximum);

(b) Curb to curb or roadway width 20 feet or less may be considered for one-way operation;

(c) Any consideration of one-way operation shall consist of a review of the past accident history for the section involved including structural damage accidents;

(d) Sections of existing roadway already signed for one-way truck and bus operation shall be reviewed based on these rules and engineering judgment. No existing one-way operation for trucks and buses shall be removed without prior approval of the Chief Engineer;

(e) A written report shall be prepared.

(3) The Traffic Engineer shall maintain a complete file of all investigations and reports and a record of approved sections on the State Highway System. As needed, a report under delegated authority will be prepared for the Chief Engineer by the Traffic Engineer.

Stat. Auth.: ORS Ch. 184 & 366  
Stats. Implemented: ORS 810.030  
Hist.: 2HD 6-1981, f. & ef. 10-2-81

#### Multiple Right or Left Turns at Highway Intersections

##### 734-020-0135

###### General Policy

The Oregon Transportation Commission has delegated the authority to the Chief Engineer to designate intersections on the State Highway System to and from which multiple right or left turns may safely be accomplished and where vehicle capacity dictates this traffic engineering feature for the convenience of the

motoring public.

Stat. Auth.: ORS Ch. 184, 366 & 810  
Stats. Implemented: ORS 810.200

Hist.: 2HD 7-1981, f. & ef. 10-2-81; 2HD 7-1984, f. & ef. 4-18-84

##### 734-020-0140

###### Criteria for Multiple Left or Right Turn Movements

(1) Multiple left or right turns will only be authorized on the basis of an engineering study to review any accident or safety problems that might result. The study may include the following items:

(a) The engineering study may include a capacity analysis. The analysis must clearly demonstrate an improved level of service with multiple turning movements and/or with other considerations not to lower the level of service;

(b) Delay and backup of traffic in the approach under consideration will be a factor in the engineering study to implement the multiple turn treatment;

(c) The multiple-turn engineering study may involve turns from the local agency street or roadway system at the approaches to the State Highway System;

(d) The engineering study will consider truck or other wide turning path vehicles and adequate multiple turning lane widths; and

(e) A part of every study will consider special striping or raised pavement markers to delineate the multiple turning movement and advance signing as required.

(2) The Traffic Engineer will maintain a file on all new approved locations.

(3) Proposed locations involving traffic on side streets at the approach to the State Highway System will have as a part of the file a written notification of intent to the local agency.

Stat. Auth.: ORS Ch. 184, 366 & 810  
Stats. Implemented: ORS 810.200

Hist.: 2HD 7-1981, f. & ef. 10-2-81; 2HD 7-1984, f. & ef. 4-18-84

#### Removal of Spilled Vehicle Loads and Wrecked Vehicles from Traveled Portion of State Highways

##### 734-020-0145

###### Removal of Cargo or Debris

(1) Whenever cargo is spilled or lost, or any other debris or items are deposited or left upon a state highway, any and all items, including wrecked, stalled or struck vehicles, trailers or cargo, which prevent safe passage in at least one lane of a two lane highway or one or more lanes in one direction of a multi-lane highway, are deemed to be obstructions which interfere with the maintenance and operation of state highways. As obstructions, these items are further deemed to interfere with the free flow of traffic and are a hazard to the motoring public. Such obstructions are found to be a threat to public safety (e.g., are impediments to emergency vehicles, create dangers of spillage of flammable materials and toxic substances, result in unexpected congestion and quick stops, and draw crowds of onlookers); and to result in public inconvenience; and, therefore, should be removed in the most expedient manner possible for the protection of the public. Under the general police power the Oregon Department of Transportation may remove such items or vehicles, or order such removed.

(2) Whenever such obstruction occurs, except in instances where the obstruction can be removed within a reasonable time without damage to the cargo or vehicles, the District Manager, or Assistant District Manager, or if both are not available, the Region Manager or other appropriate members of the Region Manager's staff, should be notified at once. A decision shall be made and approval must be received from one of the above individuals before department employees may take any action to remove the obstruction. In making the determination to remove the obstruction by department employees, and to return the highway to normal traffic operations the following considerations may be made, however, this list may not be exhaustive of all considerations and some may not be appropriate considerations in each instance:



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- (a) Time of day the obstruction occurred and was discovered;
- (b) Location of the obstruction;
- (c) The hazard which it creates;
- (d) Weather conditions;
- (e) The type and condition of highway;
- (f) Traffic volume;
- (g) The type of vehicle, and the nature of the cargo or other items and any special characteristics of each which may impact on the extent of the hazard; and

(h) Availability of equipment for removal of the hazard and types of equipment which may be reasonably available.

(3) If, after consideration of the above factors, a determination is made that removal of the obstruction by highway employees would be in the interest of the general public, the removal may be ordered. The method of removal and guidelines for the safe keeping of the vehicle, cargo or item shall be discretionary and are to be determined by the District Manager, in conjunction with law enforcement and environmental protection agencies when appropriate, and shall be immediately transmitted to the department employees at the scene of the obstruction.

(4) Alternative methods of removal by other than department employees may be considered. In considering this alternative, in addition to the above criteria, other considerations may include whether removal of the obstruction by the owner of the vehicle or cargo will result in further interference with highway traffic; protection of the cargo, vehicle or other items; resulting damage to highway property, including highway surface; the time required for removal and the likelihood of successful removal.

(5) The safety and convenience of highway traffic shall always be the major consideration; however, once the method of removal has been determined, the department employee shall take reasonable care to ensure that unnecessary damage does not occur to the vehicle, cargo or item which is being removed, while still utilizing the method of removal directed and taking reasonable precautions for removed items. All discretionary decisions for removal and method of removal shall be made in light of the nature of the hazard and the need for speedy removal, and the resources and equipment available for speedy removal.

Stat. Auth.: ORS Ch. 184 & 366

Stats. Implemented: ORS 366.445 & 810.030

Hist.: 2HD 11-1981, f. & ef. 10-2-81

### Disabled, Abandoned, or Otherwise Unattended Vehicles on State Highways

#### 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 fully access-controlled thoroughway;

(b) "Expressway" means limited access-controlled thoroughway;

(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 State Highway System as designated by the Oregon Transportation Commission, 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 7 to 9 a.m. and 4 to 6 p.m. local time;

(B) 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);

(C) Any freeway ramp;

(D) Any state highway not illuminated by highway pole mounted luminaries and the vehicle remains during or into a period between sunset and sunrise; or

(E) 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; or

(d) Any vehicle, any part of which is on or extends within a bicycle lane or 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 that appropriate authority.

Stat. Auth.: ORS Ch. 184 & 819

Stats. Implemented: ORS 810.120 & 819.120

Hist.: 2HD 5-1986, f. & ef. 7-28-86; HWY 3-1987, f. & ef. 4-17-87

### Closure of Highways

#### 734-020-0150

#### Temporary Closure or Conditional Closure of Highways

(1) When weather conditions or road conditions constitute a danger of highway damage or a danger to the safety of the driving public, the Chief Engineer, Region Manager, or District Manager or Assistant District Manager may prohibit the operation upon such highway or section of a highway of any or all vehicles, or any class or kind of vehicles.

(2) Such prohibition of vehicles may result in total closure or conditional closures of highways or highway sections. Conditional closures may, in the discretion of the Chief Engineer, Region Manager, District Manager or Assistant District Manager, include but not be limited to prohibition of the following classes or kinds of vehicles:

(a) Vehicles or combinations exceeding a specified gross weight;

(b) Vehicles in combinations exceeding a specified length;

(c) Vehicles and loads exceeding a specified height;

(d) Combinations of vehicles or vehicles pulling trailers; or

(e) Vehicles, or certain classes of vehicles or combinations without tire chains.

(3) Closures or conditional closures should be accomplished by physically barricading or blocking the highway, with placement of appropriate warning signs or devices, and where possible signing indicating conditional closure with types of vehicles allowed or prohibited. Department of Transportation employees may be stationed, when practical, at the barricade to offer information and assistance, and to enforce a conditional closure. Whenever possible, law enforcement agencies should be

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contacted and their assistance requested to aid in the enforcement of the closure or conditional closure.

(4) Road closures and conditional closures are to exist only on a temporary basis and should be removed as soon as road conditions or weather conditions permit, the hazard has been removed, and the danger to the highway or the driving public no longer exists.

Stat. Auth.: ORS Ch. 184.619 & 810.030

Stats. Implemented: ORS 810.030

Hist.: 2HD 1-1983, f. & ef. 1-7-83; HWY 2-1996(Temp), f. 3-7-96, cert. ef. 5-1-96; HWY 2-1996(Temp), f. 3-7-96, cert. ef. 5-1-96

### Bicycle Racing

#### 734-020-0155

##### General Policy

It is the policy of the Oregon Transportation Commission to establish uniform statewide criteria for conducting bicycle racing on the state highway system. Pursuant to ORS 810.090, all persons or organizations desiring to conduct any form of bicycle racing on the state highway system shall comply with the regulations, conditions, and guidelines imposed by these administrative rules.

Stat. Auth.: ORS Ch. 338 & 810

Stats. Implemented: ORS 810.090

Hist.: HWY 11-1990, f. & cert. ef. 6-29-90

#### 734-020-0160

##### Definitions

“Bicycle Racing” means any competitive or timed-bicycle event. These rules apply to the following bicycle racing definitions:

(1) Biathlons/Triathlons and Other Competitions — Biathlons/Triathlons and other competitions which have a competitive or timed-bicycle component are included as a form of bicycle racing.

(2) Criteriums — Criteriums are massed-start, high-speed bicycle events in which riders race around a closed-circuit course to compete for order of finish. Criteriums are usually held on closed urban or suburban public streets and the circular course is normally one-half to one mile in length.

(3) Road Races — Road races are massed-start, point-to-point bicycle events in which riders compete for order of finish. They are usually held on suburban or rural courses which may be point-to-point, one large circuit, or repeated shorter circuits.

(4) Time Trials — Time trials are events in which each bicycle rider rides the same route and distance (usually on an out-and-back or circuit course) separately, with individual times being recorded to determine finish order. Normally, the riders are started at pre-set intervals.

Stat. Auth.: ORS Ch. 338 & 810

Stats. Implemented: ORS 810.090

Hist.: HWY 11-1990, f. & cert. ef. 6-29-90

#### 734-020-0165

##### Bicycle Racing Permit Required

All persons or organizations desiring to conduct any form of bicycle racing on the state highway system shall apply for a bicycle race permit from the appropriate Department District Manager at least 60 days prior to the event. The District Manager may waive this 60-day requirement under special conditions. No bicycle race event may be held without an approved bicycle race permit.

Stat. Auth.: ORS Ch. 338 & 810

Stats. Implemented: ORS 810.090

Hist.: HWY 11-1990, f. & cert. ef. 6-29-90

#### 734-020-0170

##### Permit Conditions

(1) Approval of bicycle racing events shall be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would

seriously inconvenience other highway uses. Reasonable safety implies that the racers, spectators and other highway users have been accommodated in planning in such a manner as to minimize the possibility of placing one in conflict with the other.

(2) Requests for approval of bicycle race events must include a race description stating all information pertinent to an understanding of the event. The request must include a map showing the roadways on which the race will be held.

(3) If the race course involves other road authorities, approvals must also be obtained and coordinated with those road authorities.

(4) In the event the race course only crosses a state highway, the District Manager may waive the need for a state bicycle race permit, providing the race permit from the other road authority assures reasonable traffic control and safety at that highway crossing.

(5) Bicycle racing will normally not be allowed on the Interstate Highway System.

(6) The permittee shall provide indemnification for the State of Oregon.

(7) The permittee shall provide insurance coverage in an amount and to the extent required in the permit.

(8) Requests for bicycle race permits must comply with the current Department of Transportation “**Guidelines for Administration of Bicycle Racing on Oregon Roads**”. A copy of the referenced guidelines may be obtained from any Department of Transportation District office or from the Bikeway/Pedestrian Program Manager, 210 Transportation Building, Salem, OR 97310.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Bikeway/Pedestrian Program Manager.]

Stat. Auth.: ORS Ch. 338 & 810

Stats. Implemented: ORS 810.090

Hist.: HWY 11-1990, f. & cert. ef. 6-29-90

## DIVISION 29

### ADOPT-A-HIGHWAY PROGRAM

#### 734-029-0005

##### Purpose

The purpose of this program is to provide citizens of Oregon an opportunity to control litter and improve the appearance of the State Highway System in accordance with Oregon Laws 1991, Chapter 486.

Stat. Auth.: ORS Ch. 366

Stats. Implemented: ORS 366.158

Hist.: HWY 6-1992, f. & cert. ef. 3-26-92

#### 734-029-0010

##### Scope

Any person, as defined by ORS 174.100(4) and these rules, may adopt a section of highway on the State Highway System for the purpose of picking up and removing litter and trash from the right-of-way. Work activities may also include maintenance of landscaping improvements.

Stat. Auth.: ORS Ch. 366

Stats. Implemented: ORS 366.158

Hist.: HWY 6-1992, f. & cert. ef. 3-26-92

#### 734-029-0020

##### Definitions

As used in these rules:

(1) A “Person” is defined as including individuals, corporations, associations, firms, partnerships, and joint stock companies.

(2) An “Applicant” is defined as the individual, group or person adopting the section of highway.

(3) A “Spokesperson” is defined as the individual chosen by an applicant group to represent the group.

(4) A “Participant” is defined as an individual or member of an applicant group actually performing work on the highway

under this program.

Stat. Auth.: ORS Ch. 366

Stats. Implemented: ORS 366.158

Hist.: HWY 6-1992, f. & cert. ef. 3-26-92

#### **734-029-0030**

##### **General Requirements**

(1) The applicant's spokesperson must apply in writing to the District Manager of the Department of Transportation (department) for the district in which the section of highway being adopted is located.

(2) An "Adopt-A-Highway" miscellaneous permit (reference OAR Chapter 734, Division 55) will be executed by the applicant's spokesperson and the department. The permit will list the specific requirements and obligations of both the applicant and/or its participants and the department.

(3) The section of highway adopted shall be at least two miles in length for litter pickup work. (If there are unique or unusual situations or features having to do with litter pickup on a specific highway section or for maintenance of landscaping improvements, the District Manager may modify this minimum.)

(4) The term of the permit will be for a period of one, two, or three years.

(5) If more than one applicant requests the same section of highway, the District Manager may make the selection by earliest date of application or by a drawing.

(6) Assignment of a specific section of highway shall be at the discretion of the District Manager.

(7) The District Manager may consider factors such as width of right-of-way, geometrics, congestion, and reduced sight distance in determining which highways or highway sections will be eligible for this program.

(8) Subcontracting or assigning the adopted section by the applicant is prohibited and will result in cancellation of the permit.

(9) This program may, at any time and for any reason, be canceled, modified in scope, or altered in any other manner at the sole discretion of the Chief Engineer. Such alteration of the program shall apply to all permits issued prior to such date unless otherwise specified.

(10) The District Manager may cancel a permit for any reason including, but not limited to safety considerations concerning highway operations, failure of the applicant to perform and failure of the applicant or its participants to comply with provisions of the permit. This cancellation will be issued in writing.

(11) The applicant may cancel the permit with 30 days written notice to the department.

(12) An applicant has the option of renewing the permit for subsequent terms, subject to the approval of the District Manager.

(13) The department shall not issue a permit under this program to any applicant whose objectives and values are determined to be inconsistent with the public interest and the department's charge and responsibilities under Oregon law. To make this determination, the District Manager will rely on:

(a) Oregon Department of Transportation published mission and values;

(b) All of the information provided in the application and any other information considered to be common knowledge of the general public in the District or in the geographic area of the highway section to be adopted;

(c) Information which may be requested of the applicant by the District Manager. This information may include bylaws, articles of incorporation, or literature of the applicant. Failure to provide such information upon request may be grounds for denial of a permit.

Stat. Auth.: ORS Ch. 366

Stats. Implemented: ORS 366.158

Hist.: HWY 6-1992, f. & cert. ef. 3-26-92

#### **734-029-0040**

##### **Specific Requirements**

(1) Applicant Organization and Participant Responsibilities:

(a) Each participant will be required to execute a liability

release form reflecting the participant's awareness and acknowledgement of the potentially hazardous nature of the work involved;

(b) Each participant will be required to comply with and abide by all laws, rules, and regulations relating to safety and use of the highway, and such other terms and conditions as may be required by the District Manager for special conditions on a particular adopted highway section. Individual participants may be excluded from participation or the permit canceled, at the discretion of the District Manager for violation of this section;

(c) Adult supervision is required. Participation by or presence at the work site of individuals under 16 years of age is not permitted;

(d) Each applicant is required to conduct at least two safety meetings per year to inform each participant concerning personal, group, and motorist safety. Each participant is required to attend a safety meeting before participating in the actual work;

(e) Each applicant is required to pick up litter a minimum of four times a year. This frequency may be modified (increased or decreased) by the District Manager dependent on condition and appearance of the highway section;

(f) If maintenance of landscaping improvements is a planned work activity, the scope of work and specific requirements and limitations will be agreed to by the applicant's spokesperson and the District Manager, and identified in the permit;

(g) Supplies, materials, and work area signs furnished by the Department of Transportation (department) will be obtained from and returned to the department during regular business hours. An applicant may furnish its own supplies for its exclusive use;

(h) Each applicant will be responsible for appointing or selecting a spokesperson. The spokesperson's responsibilities include assuring compliance by participants with safety procedures, proper participant clothing and footwear, proper parking of vehicle(s) along the highway, providing a first-aid kit and adequate drinking water, and arranging transportation of the participants to and from the work site;

(i) Each group participant will be responsible for placing litter in trashbags furnished by the department.

(2) Department Responsibilities:

(a) The department will consult with an applicant to determine the specific section of highway to be adopted;

(b) The department will furnish work area signs, trashbags, reflective vests, and safety awareness information for applicant safety meetings;

(c) The department will furnish and erect two acknowledgement signs, one at each end of the adopted highway section with the group's name or acronym displayed. If the department determines that the sign(s) would create an unsafe condition for persons using the highway, it may choose not to erect the sign(s). The signs will be removed when the permit is canceled or terminated;

(d) The department will be responsible for removal of the filled bags from the highway and for removing litter from the adopted section under *unusual* circumstances, i.e., to remove large, heavy, or hazardous items. The department will remove landscaping debris if it is bagged and/or piled at a location as directed by the District Manager.

Stat. Auth.: ORS Ch. 366

Stats. Implemented: ORS 366.158

Hist.: HWY 6-1992, f. & cert. ef. 3-26-92

## **DIVISION 30**

### **REST AREAS**

#### **734-030-0005**

##### **Definitions**

For the purpose of these regulations OAR 734-030-0005 through 734-030-0025 the term "rest area" includes safety rest areas, scenic overlooks and similar roadside areas which are under the jurisdiction of the Department of Transportation.

Stat. Auth.: ORS 184.616, 184.619, 366.205, Ch. 374, 377, 390 & 815



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Stats. Implemented: ORS 810.030

Hist.: HC 476a, f. & ef. 10-7-54; HC 801, f. 11-24-59, ef. 1-1-60; 1 OTC 70, f. & ef. 3-5-76; 2HD 5-1984, f. & ef. 4-18-84; HWY 2-1993, f. & cert. ef. 4-15-93

#### 734-030-0010

##### Prohibited Activities

The following activities are prohibited in a rest area:

(1) Lighting a fire except at locations where fireplaces are provided.

(2) Picking up or removing plant life or forest products.

(3) Hunting birds or animals or discharging firearms.

(4) Mutilating, defacing, damaging or removing any structure or facility.

(5) Digging up, defacing, or removing any dirt, stone, rock, or other natural substance.

(6) Operating a concession or selling merchandise, except for a permitted "free coffee" program or pursuant to an agreement between the Department of Transportation and the Oregon Commission for the Blind.

(7) Operating a motor vehicle in any area not constructed or designed for motor vehicles. All motor vehicles shall be parked in designated areas only.

(8) Allowing a pet to run loose. Allowing a pet on a leash except a seeing-eye dog in any area except designated pet areas. Allowing any pet, except a seeing-eye dog, in any building. Allowing livestock to run at large.

(9) Depositing refuse of any kind except in designated containers.

(10) Dumping, spilling or allowing to leak any sewage or waste water from the vehicle.

(11) Using restroom facilities to bathe, wash clothing, dishes or other materials.

(12) Participating in a public demonstration, disturbance or riotous behavior which interferes with the reasonable use of the rest area by other rest area visitors.

(13) Camping overnight or remaining in a rest area for more than 12 hours within any 24-hour period, or setting up a tent in a rest area.

(14) Creating noise by any means which interferes with the reasonable use of the rest area by other rest area visitors.

Stat. Auth.: ORS Ch. 184, 366, 374, 377, 390 & 815

Stats. Implemented: ORS 810.030

Hist.: HC 476a, f. & ef. 10-7-54; HC 801, f. 11-24-59, ef. 1-1-60; 1 OTC 70, f. & ef. 3-5-76; 2HD 5-1984, f. & ef. 4-18-84; HWY 8-1990(Temp), f. & cert. ef. 4-20-90; HWY 14-1990, f. & cert. ef. 12-5-90

#### 734-030-0015

##### Compliance

The rest area attendant in charge of any rest area is authorized to require compliance with these regulations and is authorized to order any person violating these regulations to leave the rest area.

Stat. Auth.: ORS 184.616, 184.619, 366.205 & Ch. 390

Stats. Implemented: ORS 810.030

Hist.: HC 476a, f. & ef. 10-7-54; HC 801, f. 11-24-59, ef. 1-1-60; 1 OTC 70, f. & ef. 3-5-76; HWY 2-1993, f. & cert. ef. 4-15-93

#### 734-030-0020

##### Notice

OAR 734-030-0005 through 734-030-0015 shall be posted in each rest area.

Stat. Auth.: ORS Ch. 366 & 390

Stats. Implemented: ORS 810.030

Hist.: HC 476a, f. & ef. 10-7-54; HC 801, f. 11-24-59, ef. 1-1-60; 1 OTC 70, f. & ef. 3-5-76

#### 734-030-0025

##### "Free Coffee" Program

"Free coffee" programs sponsored by nonprofit organizations in rest areas are found in certain instances to be in the interest of public safety, and are permissible under federal regulations and state law and will be permitted subject to the following con-

ditions:

(1)(a) Non profit organizations may make written requests for permission to sponsor the activity at specific rest areas directed to the District Manager (DM) for the district in which the rest area is located not more than 60 days prior to the date(s) requested;

(b) The DM will grant permission for the activity by way of a standard permit issued to the selected nonprofit organization. The selection will be made not less than 30 days in advance of the date(s) requested from all written requests received, and will be based on a random drawing conducted by the DM if multiple requests for the same date(s) and location are received;

(c) Permits will be issued in 24-hour increments with a maximum of 72 hours. No more than three permits will be issued to one organization in a calendar month;

(d) Only one organization will be granted a permit for a rest area for any particular date or time;

(e) The DM may decline to issue any permits for particular rest areas or for any particular date or time; and

(f) A copy of the permit must be on-site during operation of the "free coffee" service.

(2) The activity will be located in a designated area of the rest area. The area will be designated by the DM or the rest area attendant. Area is to be kept neat and free of litter, cups, etc., associated with the service.

(3) The distribution of "free coffee" may include any non-alcoholic beverage and cookies but may not include other food items. Cookies offered must come from a licensed facility. The nonprofit organization shall comply with all state and local health department rules and regulations. For the purposes of this rule, "cookie" will include brownies but not cake, bagels, donuts, coffee cake, etc., which are pastries.

(4) Carbonated beverages shall not be distributed under the "free coffee" program in rest areas where vending machines are available.

(5) Donations may be received but shall not be solicited. One opaque container with the words "donations" or "contribution" in one-inch letters will be allowed.

(6) Signs or posters identifying the activity and the sponsoring organization by name only are permitted, however, they are limited to a maximum area of ten square feet each and to two in number, and may only be placed on vehicles used in connection with the activity or located in the area designated for the activity. No signs are to be placed outside the rest area confines by the organization.

(7) The activity is not permitted to use, to be within or to obstruct access to any rest area building or other structure.

(8) Permits are revocable for non-compliance with any state statute or any rest areas rules.

Stat. Auth.: ORS 184.616 & Ch. 738, OL 1993

Stats. Implemented: ORS 366.490

Hist.: 2HD 5-1984, f. & ef. 4-18-84; 2HD 8-1986, f. & ef. 11-24-86; HWY 2-1993, f. & cert. ef. 4-15-93; HWY 2-1994, f. & cert. ef. 2-28-94

## DIVISION 32

### OREGON SCENIC BYWAYS PROGRAM

#### 734-032-0000

##### Purpose of and Need for the Scenic Byway Program

Administrative rules OAR 734-032-0000 through OAR 734-032-0070 establish the Scenic Byway Program as authorized by ORS 184.617 and 184.619. The program consists of a multistep process starting with an idea (citizen, special interest group, local, state or federal agency) to designate transportation corridor as an Oregon Scenic Byway and progressively move that idea through a series of reviews culminating, if warranted, in a designation of an Oregon Scenic Byway by the Oregon Transportation Commission and the Economic Development Tourism Council. The program is intended to recognize scenic byways across jurisdictional boundaries, to orient and focus on the tourist or motorist and to show off the best in the way of scenic byways. The stimulus for



this program has come from the Intermodal Surface Transportation Efficiency Act of 1991.

Stat. Auth.: ORS 184.617 & 184.619

Stats. Implemented: Intermodal Surface Transportation Efficiency Act of 1991

Hist.: HWY 6-1994, f. & ef. 12-29-94

### **734-032-0010**

#### **Goals and Objectives of the Scenic Byway Program**

(1) The goals of the Scenic Byway Program are to:

(a) Create a comprehensive statewide multi-agency program to identify and manage Oregon's most outstanding scenic transportation corridors;

(b) Preserve and/or enhance Oregon's most outstanding scenic transportation corridors; and

(c) Provide meaningful tourism opportunities for the traveling public.

(2) The following objectives are intended to accomplish these goals:

(a) Develop a process and criteria for evaluating and designating scenic transportation corridors;

(b) Develop guidelines for producing management strategies to preserve and/or enhance designated scenic transportation corridors; and

(c) Develop a guide and/or map of scenic transportation corridors for public information.

Stat. Auth.: ORS 184.617 & 184.619

Stats. Implemented: Intermodal Surface Transportation Efficiency Act of 1991

Hist.: HWY 6-1994, f. & ef. 12-29-94

### **734-032-0020**

#### **Terminology**

The following terminology shall be used when applying the criteria in this division:

(1) Agriculture/Forestry - Crops, wineries, vineyards, ranches, fisheries, old-growth and reforested lands.

(2) Color - Overall color(s) of the basic components of the landscape (e.g., soil, rock, vegetation, etc.) as they appear during the seasons or periods of high use. Key factors are variety, contrast and harmony.

(3) Driveability - Driving safety, ease and pleasure as related to road standards (e.g., lane and shoulder width, traffic character, etc.)

(4) Landform - Topography becomes more interesting as it gets steeper or more massive, or more severely sculptured. Outstanding landforms may be monumental or exceedingly artistic and subtle.

(5) Modifications - Modifications in the landform, water, vegetation or addition of structures that detract from or complement the scenic quality.

(6) Natural - This includes natural features such as geologic formations, wildlife sites, waterfalls, lake basins, old-growth stands, mountain meadows, etc.

(7) Paved - Hard surfaces such as concrete or bituminous.

(8) Uniqueness/Scarcity - The relative scarcity or abundance of a particular unique scenic resource or combination of features within the geographic region.

(9) Vegetation - Forest, prairies, orchards, active farm cropland and tree farms. Consider variety of patterns, form and textures created by plant life. Consider smaller scale vegetational features which add striking and intriguing detail elements to the landscape.

(10) Water - Ocean, rivers, lakes, waterfalls, rapids, marshes, canals and harbors. That ingredient which adds movement or serenity to a scene. The degree to which water dominates the scene.

Stat. Auth.: ORS 184.617 & 184.619

Stats. Implemented: Intermodal Surface Transportation Efficiency Act of 1991

Hist.: HWY 6-1994, f. & ef. 12-29-94

### **734-032-0030**

#### **Categories of Routes**

There are two categories of routes in the Scenic Byways system. Scenic Byways include the most scenic routes with road

standards that would accommodate most travelers. These routes encompass scenic, historic, recreational and cultural values of not only the roadway right-of-way, but also the adjacent visual resources. Tour Routes include all the other purely scenic routes with limited driveability as well as routes with special features. Further definition of these routes are:

(1) Scenic Byways encompass national or statewide known scenic values of the roadway and adjacent visual resources. In general, scenic routes are paved, passable by passenger car and meet certain road and safety standards. This classification contains examples of truly spectacular routes with national or statewide recognition and the best scenic drives in Oregon. The Scenic Byways shall include the many varieties of the Oregon landscape and shall be distributed throughout the state. The number of routes shall be limited so the state is not saturated with scenic drives. The pattern of routes shall not be confusing to the public. Crisscrossing or overlap of designated routes shall be avoided.

(2) Tour Routes encompass regionally or locally known scenic, cultural or historic values which also have features or points of interest that tend to draw people out of their cars. These could include wine tours, covered bridge tours or resource management tours. Tour routes may also be more primitive routes requiring high-clearance vehicles, with scenery ranging from national to local. Tour Routes may be paved, but some are not, and a few require four-wheel drive vehicles, while others are driveable by normal passenger car. The routes shall be safe for the prescribed season and required type of vehicle.

Stat. Auth.: ORS 184.617 & 184.619

Stats. Implemented: Intermodal Surface Transportation Efficiency Act of 1991

Hist.: HWY 6-1994, f. & ef. 12-29-94

### **734-032-0040**

#### **Oregon Scenic Byway Designation Process - Initial Screening of Scenic Byway Proposal**

(1) To be considered as a scenic byway the proponent must submit the following:

(a) Written narrative statement of the route identifying items of significance or interest in relation to the established criteria;

(b) Documentation of conceptual support by jurisdictional agencies in the corridor;

(c) Map of route, showing beginning and ending points, length and width of corridor; and

(d) Definition of the location of points of interest or significance.

(2) The Oregon Scenic Byway Committee shall review the proposal against the criteria and determine whether it shall proceed through the designation process. The committee shall also review the proposed route against currently designated routes and other pending proposals to assure that the pattern of designated routes shall not be confusing and are not becoming saturated. If the committee recommends not to proceed it shall provide comments to the applicant on weaknesses of the proposal and possible improvements where applicable.

Stat. Auth.: ORS 184.617 & 184.619

Stats. Implemented: Intermodal Surface Transportation Efficiency Act of 1991

Hist.: HWY 6-1994, f. & ef. 12-29-94

### **734-032-0050**

#### **Oregon Scenic Byway Designation Process - Formal Proposal**

(1) If the proposal is recommended to proceed, the proponent must make a formal presentation to the committee presenting the following information in addition to providing additional detail of the requirements in OAR 734-032-0040(1):

(a) Detail the management strategy which shall be employed for the route. This should include the following:

(A) How the Scenic or Tour Route Criteria values shall be protected;

(B) How the Scenic or Tour Route Criteria values shall be interpreted for the public;

(C) How the road and parking shall be maintained to enhance value and for public safety; and

(D) How values shall be enhanced.

(b) Discussion of the funding commitment including a letter

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stating the amount committed and when available;

(c) A statement demonstrating that designation of the route shall be consistent with applicable land use plans including a letter from the local governments having jurisdiction over the route;

(d) A letter from the road agencies having jurisdiction over the route showing that the proposed designation has been coordinated with these agencies;

(e) Demonstrate how new or relocated billboards shall be prohibited in the scenic byway corridor; and

(f) A marketing plan which is coordinated with local/regional convention and visitors bureau and/or chambers of commerce.

(2) Based on the information presented the committee may determine that the route does not qualify as a Scenic Byway or Tour Route category.

(3) The committee shall review driveability of a route to determine if it is satisfactory for the Scenic Byway Category. If the route does not meet the driveability requirement it may be considered in the Tour Route category.

(4) Representatives of the Oregon Scenic Byway Committee shall conduct a field review of the proposed route and rate the route against the Scenic and Tour Route Criteria. These criteria are in **Tables 1 and 2**, Scenic Byway Criteria and Tour Route Criteria, respectively.

(5) In order to be recommended for designation as a Scenic Byway, the route must achieve a threshold score in the evaluation against the Scenic Byway Criteria.

(6) In order to be recommended for designation as a Tour Route, the route must receive a minimum score in the evaluation against the Scenic Byway Criteria. The route must also receive enough additional points in the evaluation against the Tour Route Criteria to reach the threshold score.

(7) Prior to accepting applications for scenic byways or tour routes, the Scenic Byway Committee shall assign points to the Scenic Byway and Tour Route Criteria in **Tables 1 and 2**, and shall establish threshold scores and minimum scores for Scenic Byways and Tour Route designation. This information shall be made available to all proponents.

(8) If the full committee agrees to recommend a route to be designated either as a Scenic Byway or Tour Route, the recommendations of the committee shall be forwarded to the Transportation Commission and the Economic Development Tourism Council for final action. Both the commission and council must adopt the recommendation for the route by at least a two-thirds majority for the route to receive the designation.

(9) If the proposed route is not recommended for designation by the committee, comments shall be provided to the proponent. This information shall state the reasons why this route was not designated and possible improvements along the route that would help it meet the required standards if the proponent opts to reapply. The route may be resubmitted for consideration of designation 90 days after comments are provided to the proponent.

[ED NOTE: Tables 1 & 2 referenced in this rule is available from the Transportation Development Branch, Department of Transportation.]

Stat. Auth.: ORS 184.617 & 184.619

Stats. Implemented: Intermodal Surface Transportation Efficiency Act of 1991

Hist.: HWY 6-1994, f. & ef. 12-29-94

### 734-032-0060

#### Monitoring Designated Oregon Scenic Byways and Tour Routes

The Oregon Scenic Byway Committee shall review field inventories against current conditions at least once every five years. The committee may recommend the removal of routes that no longer meet the criteria due to changed conditions at the completion of the five year review or at any time there is a significant change in the conditions of the route.

Stat. Auth.: ORS 184.617 & 184.619

Stats. Implemented: Intermodal Surface Transportation Efficiency Act of 1991

Hist.: HWY 6-1994, f. & ef. 12-29-94

### 734-032-0070

#### Scenic Byway Committee

The Oregon Scenic Byway Com-mittee shall consist of a representative from each of the entities listed below with the Oregon Department of Transportation representative chairing the committee:

- (1) Oregon Department of Transportation;
- (2) Oregon Economic Development Department;
- (3) Oregon Parks and Recreation Department;
- (4) U.S. Forest Service;
- (5) Bureau of Land Management;
- (6) Association of Oregon Counties;
- (7) Oregon Association of Convention and Visitors Bureaus;

and

- (8) League of Oregon Cities.

Stat. Auth.: ORS 184.617 & 184.619

Stats. Implemented: Intermodal Surface Transportation Efficiency Act of 1991

Hist.: HWY 6-1994, f. & ef. 12-29-94

## DIVISION 35

### RIGHT OF WAY AND REAL PROPERTY

#### 734-035-0005

##### Property Grants to Cities and Counties for Streets and Roads

(1) General Policy: The grant of property or property rights acquired by highway funds is subject to statutory and constitutional restrictions. This administrative rule is enacted in order to assure that those restrictions are satisfied when property or property rights are granted to cities or counties for street or road purposes by ensuring that such transfer is in the public interest and that the highway funds are being adequately conserved.

(2) The Department of Transportation receives requests from cities and counties for grants of property owned by the department for construction of streets and roads which are not part of the state highway system. Subject to the following conditions, the department may sell or transfer property not on operating right of way if the property is declared surplus to the needs of the department and may grant easements on operating right of way for such street and road purposes:

(a) Sale or transfer of property not on operating right of way declared surplus:

(A) If the proposed street or road is determined not to benefit the state highway system the property shall be appraised and that value must be paid before property rights are transferred; and

(B) If the proposed street or road is determined to be a distinct and direct benefit to the state highway system the property shall be appraised, the value of the proposed street or road to the state highway system shall be determined and if the values are approximately equal the grant shall be given at no cost to the city or county, otherwise the difference between the appraised value and value to the state highway system must be paid before the property rights are transferred.

(b) Grant of easement on operating right of way:

(A) The property will be reviewed for the possibility of revenue production, and if there is such a possibility, the property will be appraised by the right of way section and an appraised value given:

(i) If the proposed street or road is determined to directly and distinctly benefit the state highway system the easement may be granted at no cost to the city or county;

(ii) If there is determined to be no possibility of revenue production the easement may be granted at no cost to the city or county; and

(iii) If there is determined to be a possibility of revenue production and the proposed street or road is determined not to be a benefit to the state highway system the appraised value must be paid by the city or county prior to a grant of easement.

(B) A grant of easement on operating right of way are also subject:

- (i) Review and approval by Federal Highway Administration;
- (ii) Review and approval by the department of the street or road design and its effect on the safety and operation of the highway; and

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(iii) Compliance with section (3) of this rule, including payment of administrative costs.

(3) A grant of easement, and sale or transfer of department property is also subject to the following:

(a) Payment by the city or county of administrative costs, incurred by the department in processing and reviewing the request, including the proposed design, and in appraising value and determining revenue production possibilities. The administrative costs will be based on actual documented costs incurred plus a ten percent charge for general administration;

(b) Prior to the transfer of any property rights a fully approved and executed written agreement must be entered into between the department and the city or county outlining details of design, construction and cost responsibility; and

(c) All grants or transfers constitute only a transfer of a property right, and do not excuse the city or county from complying with any other requirements or obtaining approvals necessary under existing law for street or road construction.

Stat. Auth.: ORS Ch. 184 & 366

Stats. Implemented: ORS 366.395

Hist.: 2HD 8-1984, f. & ef. 5-23-84

#### Procedures for Removing Personal Property From Illegal Campsites on States Rights-of-Way

##### 734-035-0010

###### Purpose

The purpose of this rule is to implement the procedures of ORS 377.650 in the case of illegal campsites on state rights-of-way. Personal property, as defined in this rule, which is found at the illegal campsite at the time of a cleanup will be stored for 30 days.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.650

Hist.: HWY 12-1990(Temp), f. & cert. ef. 7-20-90; HWY 16-1990, f. & cert. ef. 12-28-90

##### 734-035-0020

###### Definition of Personal Property

(1) Personal property includes items which are reasonably recognizable as belonging to individual persons and which have apparent utility. Items which have no apparent utility or are in an unsanitary condition are considered junk and will be discarded.

(2) Weapons, drug paraphernalia, and items which reasonably appear to be either stolen or evidence of a crime will be turned over to the appropriate law enforcement agency.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.650

Hist.: HWY 12-1990(Temp), f. & cert. ef. 7-20-90; HWY 16-1990, f. & cert. ef. 12-28-90

##### 734-035-0030

###### Removal, Storage and Retrieval

(1) Personal property (as defined in OAR 734-035-0020) will be separated during cleanups from trash/debris/junk (which will be immediately discarded) and items to be turned over to law enforcement officials and stored. The personal property shall be stored for no less than 30 days. During that period it will be reasonably available to persons claiming ownership of the personal property.

(2) Each district will arrange in advance for a location to store personal property. The storage facility should be reasonably secure. The location should be reasonably accessible to the cleanup area and preferably served by public transportation. If a Department of Transportation facility is used, the address of the facility will not be publicized. Instead, a telephone number to arrange an appointment to pick up claimed personal property will be provided. The telephone number should reach an office which is staffed during normal business hours (8 a.m. to 5 p.m. weekdays). A person claiming property must be able to schedule an appointment at a convenient time (also during business hours).

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.650

Hist.: HWY 12-1990(Temp), f. & cert. ef. 7-20-90; HWY 16-1990, f. & cert. ef. 12-28-90

##### 734-035-0040

###### Scheduling and Notice; Costs

(1) Cleanups will be scheduled on an as-needed basis. In locations where campsites are regularly established, permanent signs can be posted announcing that personal property will be removed and stored. Once the permanent sign is erected, no further notice is required. In areas where no permanent sign is posted, notice will be posted and distributed in the area of the cleanup at least ten days before the cleanup, notifying all persons of the date of the cleanup. At the time of the cleanup, written notice will be posted and distributed announcing the telephone number where information on picking up the stored property can be obtained. Cleanups at sites where permanent signs are posted cannot occur any more frequently than once every ten days.

(2) Written notices, including permanent signs, will be in both English and Spanish.

(3) A \$2 charge shall be made for the cost of removal and storage of the personal property. No charge shall be made for the cost of the cleanup generally.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.650

Hist.: HWY 12-1990(Temp), f. & cert. ef. 7-20-90; HWY 16-1990, f. & cert. ef. 12-28-90

#### Disposition of Surplus Property

##### 734-035-0050

###### General Policy

It is the general policy of the Department of Transportation to efficiently and economically dispose of real property that is determined by the agency to be surplus.

Stat. Auth.: ORS Ch. 184 & 366

Stats. Implemented: ORS 270.100

Hist.: HWY 9-1990, f. & cert. ef. 5-24-90

##### 734-035-0060

###### Determination That Property is Surplus

The following criteria may be used to determine real property is surplus: The property is no longer needed by the agency for public purposes.

Stat. Auth.: ORS Ch. 184, 273 & 366

Stats. Implemented: ORS 270.110

Hist.: HWY 9-1990, f. & cert. ef. 5-24-90

##### 734-035-0070

###### Notice to Department of Administrative Services

Upon declaring property to be surplus to its needs, the Department of Transportation shall notify the Department of Administrative Services of the intent to sell the property.

Stat. Auth.: ORS Ch. 184 & 273

Stats. Implemented: ORS 270.100

Hist.: HWY 9-1990, f. & cert. ef. 5-24-90

##### 734-035-0080

###### Appraisal of Surplus Property

(1) Before offering for sale any real property or equitable interest therein owned by the Department of Transportation, the Department shall cause the property to be appraised by one or more competent appraisers. All appraisals so obtained shall be reviewed in compliance with the Department's **Right of Way Manual** to insure accuracy and adequacy of the value reported for the real property.

(2) Said appraisal(s) and the appraisal review shall be used by the Department's Right of Way Manager to establish the asking price for the real property.

(3) Except as provided in OAR 734-035-0110, if an asking price in excess of \$5,000 is established for any surplus property, the property shall not be sold to any private person until competitive bids have been requested by the Department.

[Publications: The publication(s) referred to or incorporated by reference in



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this rule are available from the Right of Way Manager.]  
Stat. Auth.: ORS Ch. 184 & 366  
Stats. Implemented: ORS 270.100  
Hist.: HWY 9-1990, f. & cert. ef. 5-24-90

#### 734-035-0090

##### Publication of Notice of Sale

(1) Except as provided in OAR 734-035-0110, the Department shall give notice of all sales of real property or interest therein with an asking price in excess of \$5,000.

(2) The notice of sale shall contain:

(a) A description of the property by street address and/or by legal subdivision;

(b) The minimum price for which the property will be sold;

(c) A brief statement of the terms of the sale; and

(d) A source to contact for information about the property.

(3) The notice of sale shall be published in accord with the following minimum time standards:

(a) For properties valued between \$5,001 and \$25,000 — Twice during the two-week period preceding the sale by publication in a newspaper of general circulation in the county in which the property is located; or

(b) For properties valued in excess of \$25,000 — Three times during the three-week period preceding the sale by publication in a newspaper of general circulation in the county in which the property is located, and in such other publications as the Department deems appropriate.

(4) In addition to the minimum standards for publication contained in section (3) of this rule, the Department may provide more extensive notice of sale if such additional exposure is prudent due to value of the property, intense interest on the part of the public, or other factors.

(5) In addition to the public notice by advertisement, the Department shall, as much as is practicable, post properties offered for sale with signs indicating their availability for purchase.

Stat. Auth.: ORS Ch. 284 & 366  
Stats. Implemented: ORS 270.130  
Hist.: HWY 9-1990, f. & cert. ef. 5-24-90

#### 734-035-0100

##### Property Sales to Political Subdivisions

(1) Political subdivisions, as defined in ORS 271.005, and non-profit housing providers/ housing authorities, shall be afforded the first opportunity, after other state agencies, to purchase surplus real property.

(2) The Department may require at the time of sale or transfer of real property to a political subdivision that the property shall be for use of a public purpose or benefit, and not be for resale to a private purchaser.

Stat. Auth.: ORS Ch. 184, 271 & 366  
Stats. Implemented: ORS 270.100  
Hist.: HWY 9-1990, f. & cert. ef. 5-24-90

#### 34-035-0110

##### Exception to Publication of Notice of Sale

7The Department may sell or dispose of real property or an interest therein direct to a private party without publication of a notice of sale when the property, because of its size, shape, location, utility, condition of title, or restriction imposed upon the property by the Department, has minimal value and is useful only to adjacent owners or when, because of local land use ordinances, the property may not be disposed of to anyone other than adjacent property owners.

Stat. Auth.: ORS Ch. 184 & 366  
Stats. Implemented: ORS 184.634  
Hist.: HWY 9-1990, f. & cert. ef. 5-24-90

#### 734-035-0120

##### Determination of Most Advantageous Bid

(1) The decision of the Department on the question of the most advantageous bid shall be final and conclusive.

(2) The Department shall reserve the right to accept or reject

any bid.

Stat. Auth.: ORS Ch. 184 & 366  
Stats. Implemented: ORS 270.135  
Hist.: HWY 9-1990, f. & cert. ef. 5-24-90

#### 734-035-0130

##### Procedure If No Satisfactory Bid Received

(1) At any time during a period of one year after the auction date from which no satisfactory bid was received, the Department may sell the property at a private negotiated sale.

(2) In negotiating a private sale pursuant to section (1) of this rule, the Department shall consider the economic benefit to the Department and the preservation of the Highway Trust Fund.

Stat. Auth.: ORS Ch. 184 & 366  
Stats. Implemented: ORS 270.140  
Hist.: HWY 9-1990, f. & cert. ef. 5-24-90

## DIVISION 40

## JUNKYARDS AND AUTO WRECKING YARDS

### Establishment, Maintenance and Operation of Junkyards Along State Highways

#### 734-040-0005

##### Definitions

Definitions used in these rules and regulations shall be:

(1) "Commission" means the Oregon Transportation Commission.

(2) "Director" means the Director of the Department of Transportation or his duly authorized representative.

(3) "Federal-Aid Primary System" means the system of state highways described in **Section 103(b), Title 23, United States Code**, as selected and designated by the Commission.

(4) "Interstate System" means every state highway that is part of the National System of Interstate and Defense Highways established by the Commission in compliance with **Section 103(d), Title 23, United States Code**.

(5) "Junk" means all the materials described in section (6) of this rule.

(6) "Junkyard" means any establishment or place of business that is maintained, operated or used for storing, keeping, buying or selling old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled, wrecked, scrapped or ruined motor vehicles, or motor vehicle parts, iron, steel or other old scrap, ferrous or nonferrous material, metal or nonmetal materials, and the term includes automobile graveyards, garbage dumps and scrap metal processing facilities.

(7) "Maintain" means to allow to exist.

(8) "Main Traveled Way" means the through traffic lanes, exclusive of frontage roads, auxiliary lanes and ramps.

(9) "State Highway" or "State Highway System" means the entire width between the boundary lines of every road or highway designated as a "state highway" by law or by the Oregon Transportation Commission pursuant to law and includes both primary and secondary state highways including but not limited to the Interstate System and the federal-aid primary system.

(10) "Visible" means capable of being seen without visual aid by a person of normal visual acuity.

(11) "Zoned Industrial Area" is an area adjacent to a state highway or public highway which is zoned industrial under authority of state law.

(12) "Scenic Highway" is any state highway or segment of state highway adjacent to a scenic area established by the Scenic Area Board under the provisions of ORS 377.530.

(13) "Existing Junkyard" is any junkyard in existence prior to June 30, 1967.

(14) "New Junkyard" is any junkyard which came into existence after June 30, 1967.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Department of Transportation.]

Stat. Auth.: ORS Ch. 377



Stats. Implemented: ORS 377.605 - 377.655  
Hist.: HC 1278, f. 5-27-72

#### 734-040-0010

##### New Junkyards

No new junkyard shall be established which is visible from the main traveled way of a scenic highway or which is located within 1,100 feet of the nearest edge of the right of way of any other state highway unless:

(1) The junkyard is hidden or adequately screened by the terrain or other natural objects, or by plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the state highway.

(2) The junkyard is located in a zoned industrial area.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.620 & 377.510

Hist.: HC 1278, f. 5-27-72

#### 734-040-0015

##### Existing Junkyards

No existing junkyard may be maintained within 1,000 feet of the nearest edge of the right of way of any state highway except:

(1) Junkyards that are hidden or adequately screened by the terrain or other natural objects, or by plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the state highway.

(2) Junkyards located in a zoned industrial area.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.620

Hist.: HC 1278, f. 5-27-72

#### 734-040-0020

##### Screening Regulations

Screening by means of plantings, fences, or other appropriate means shall be in accordance with a design approved by the Engineer:

(1) For New Junkyards:

(a) Shall be located off the state highway right of way;

(b) Shall be constructed and maintained by the person owning or operating the junkyard in accordance with a design approved by the Engineer.

(2) For Existing Junkyards:

(a) Shall be located on the state highway right of way or in areas outside the right of way acquired for such purposes by the Commission;

(b) Shall be constructed and maintained by the Commission using funds available to the Commission.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.625

Hist.: HC 1278, f. 5-27-72

#### 734-040-0025

##### State Highways Designated After June 30, 1967

These same rules and regulations will apply to junkyards located within restricted areas adjacent to state highways designated after June 30, 1967, as for those in existence prior to June 30, 1967; however, the definitive date differentiating between new and existing junkyards shall be the date the state highway was designated in place of June 30, 1967.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.620

Hist.: HC 1278, f. 5-27-72

#### 734-040-0030

##### Fencing and Screening Auto Wrecking Yards Not in a Building

All auto wrecking yards in Oregon are to be screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main traveled way of a state highway or an arterial highway:

(1) Definitions:

(a) "Arterial Highway": A county road or a city street designated as a through street by a city or a county.

(b) "Visible": Capable of being seen without visual aid by a person of normal visual acuity from a point 4.5 feet above the pavement of the main traveled way.

(c) "See Through": Refers to the open space between the pickets, boards, slats, mesh or natural plantings.

(2) Facilities within 1,100 feet of interstate and primary highways, except in conforming zones which will accept auto wrecking yards:

(a) "Shall be screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main traveled way of the system, or shall be removed from sight". (Public Law 89-285 Title II, Section 201, #136(c).);

(b) Fencing of man-made materials can have no "see through" tolerance;

(c) Natural plantings must give immediate screening with no "see through" tolerance.

(3) Except on interstate or primary highways facilities within a zoned area which accepts auto wrecking yards must: Screen the view from the highway user to a height of six feet at the fence line and allow not more than 40 percent "see through" by actual measurement.

(4) Except on interstate or primary highways facilities which are a nonconforming use in commercial, agricultural, silvicultural or undeveloped areas must: Screen the view from the highway user and allow not more than 25 percent "see through" by actual measurement.

(5) Except on interstate or primary highways facilities which are a nonconforming use in residential areas must:

(a) Screen the view from the highway user and allow not more than 25 percent "see through" by actual measurement;

(b) Where an auto wrecking yard abuts a nonarterial street, or road, an alley, or is visible from a residence, the fence must screen the view into the enclosure or barrier to a height of six feet at the fence line and allow not more than 25 percent "see through" by actual measurement.

(6) If screening is done with a man-made fence, the fence must:

(a) Be designed and constructed to withstand wind pressure of 20 pounds per square foot;

(b) Be constructed in a workmanlike manner with uniform and balance alignment, in accordance with good fencing industry practice;

(c) Have gates that are kept closed except for actual use for ingress or egress of moving vehicles or have gateways so constructed to screen the inventory and operation from highway user at all times;

(d) Be subject to either county or city ordinances and conform to the most stringent rule;

(e) Be in conformance to above requirement by July 1, 1976. New yards are to be in conformance six months from date of license;

(f) Have regular maintenance consisting of painting, if required, and prompt repair of damage. Allow reasonable time after written notice for the work to be done.

(7) If screening is to be accomplished by natural vegetation, the landscape will be of an evergreen variety, compatible to the area, be planted with a program for watering and maintenance according to good landscape industry practice and planted by July 1, 1976. The vegetation planted shall be of sufficient size to grow to a height capable of screening the yard from view of the highway user by July 1, 1981. New yards shall have five years from the date of establishment.

(8) An auto wrecking yard may have a physical or natural barrier which screens the non-operating vehicles and operation from the view of the highway or arterial user.

(9) Auto wrecking yards and junkyards which are a nonconforming use and in existence prior to June 30, 1967, that can only be practically screened by landscape plantings, man-made fences or other appropriate means placed upon highway right-of-way and/or upon property adjoining the owner's property may be screened at state expense, subject to the availability of State and Federal Highway Administration funds and approval.

Stat. Auth.: ORS Ch. 822

## Chapter 734 Department of Transportation, Transportation Operations

### OREGON ADMINISTRATIVE RULES 1997 COMPILATION

Stats. Implemented: ORS 377.625

Hist.: 1 OTC 64, f. 12-3-75, ef. 12-25-75

#### DIVISION 50

#### HIGHWAY APPROACH ROADS, CROSSINGS, ACCESS CONTROL AND WEIGHT RESTRICTIONS

##### Approach Roads and Private Road Crossings Upon State Highways

##### 734-050-0005

###### Scope

This rule shall apply to and govern the location, construction, maintenance, and use of approach roads and private road crossings upon state highway rights of way and properties under the jurisdiction of the Department of Transportation.

Stat. Auth.: ORS Ch. 374

Stats. Implemented: ORS 374.305 thru 374.325

Hist: 1 OTC 20-1980, f. & ef. 10-22-80

##### 734-050-0010

###### Definitions

As used herein, unless the context requires otherwise:

(1) "Applicant" means the person, firm or corporation having the legal right to apply for a permit. Such legal right is vested only in the owner or lessee of the property abutting the highway or the holder of an easement or similar right to construct and use a facility upon the abutting property; providing the Department has not acquired the rights of access from property.

(2) "Approach Road" means a roadway, or driveway connection between the outside edge of the shoulder or curb line and the right of way line of the highway, intended to provide vehicular access to and from said highway and the adjoining property.

(3) "Commission" means the Oregon Transportation Commission.

(4) "Department" means the Department of Transportation of the State of Oregon.

(5) "District Manager" means the engineer in charge of each of the 16 Highway Districts throughout the State, or his designated representative.

(6) "Engineer" means the Chief Engineer or such person as he shall designate in writing.

(7) "Facility" means either an approach road or private road crossing.

(8) "Permit" means a fully executed form entitled "State of Oregon, Department of Transportation, application or permit to construct approach road or private road crossing", all special permit provisions included in the permit as deemed necessary by the District Manager and all attached exhibits.

(9) "Private Road Crossing" means the crossing of a state highway by a privately owned road which is designed for use by vehicles which are prohibited by law from using state highways, county roads, or other public highways.

(10) "Right of Way" means the entire width between the exterior right of way lines including the paved surface, shoulders, ditches and other drainage facilities in the border area between the ditches or curbs and the right of way line.

Stat. Auth.: ORS Ch. 374

Stats. Implemented: ORS 374.305 thru 374.325

Hist: 1 OTC 43, f. 11-26-74, ef. 12-1-74; 1 OTC 20-1980, f. & ef. 10-22-80

##### 734-050-0015

###### Permit Application Procedure

Application shall be made on the form described under OAR 734-050-0010(8), to the appropriate District Manager.

(2) To facilitate site review, applicant shall place markers such as lath or stakes at the right of way line where it intersects applicant's property lines and the center line of the proposed approach road and furnish the District Manager the approximate distance in feet from each property line to the approach road

center line. If this distance is in excess of 300 feet, marking of the property line may be omitted.

(3) No permit is valid until a copy, approved by the Engineer, has been furnished the applicant. No work on highway right of way is to be started until the applicant obtains a valid permit.

(4) An administrative processing fee of \$50 is required for each permit and must accompany the permit application. The administrative processing fee of \$50 will not be refunded subsequent to the issuance of a permit.

(5) The district manager may waive the fee provided for in section (4) of this rule if the applicant is a state agency, city, county or other public body.

(6) No permit fee shall be charged where the approach road is constructed or reconstructed by the Department or its contractor as a part of a road improvement or construction project.

Stat. Auth.: ORS Ch. 374

Stats. Implemented: ORS 374.310

Hist: 1 OTC 43, f. 11-26-74, ef. 12-1-74; 1 OTC 20-1980, f. & ef. 10-22-80;

2HD 13-1981, f. & ef. 10-2-81

##### 734-050-0020

###### Allocation of Costs

(1) The entire expense of constructing the facility shall be borne by the applicant. This shall include the cost of all materials, labor, signing, signals, structures, equipment, traffic channelization and other permit requirements.

(2) Costs of any items, or portion thereof, described under section (1) of this rule may become the responsibility of the Department provided they are a part of the terms and conditions of a right of way acquisition obligation or other contractual agreement.

(3) In the event reconstruction or widening of any highway requires the removal, alteration or reconstruction of a facility constructed under authority of a permit or constructed prior to August 20, 1957, the cost of such removal or replacement to a like width and condition will be borne by the Department. Any widening or other improvement of the facility at the applicant's request shall be done only under authority of a new permit and at the expense of the applicant.

(4) The cost of maintenance of the approach road from the outside edge of the highway shoulder or curb line to the right of way line shall be the responsibility of the applicant. The cost of maintenance of a private road crossing within the right of way shall be the responsibility of the applicant.

Stat. Auth.: ORS Ch. 374

Stats. Implemented: ORS 374.315

Hist: 1 OTC 43, f. 11-26-74, ef. 12-1-74; 1 OTC 20-1980, f. & ef. 10-22-80

##### 734-050-0025

###### Liability and Control

(1) The applicant shall be responsible and liable for all damage or injury to any person or property resulting from the construction, maintenance, repair, operation or use of the facility for which the applicant has been granted a permit and for which the applicant may be legally liable, and the applicant shall indemnify and hold harmless the State of Oregon, the Commission, the Department, and all officers, employees or agents of the Department against any and all damages, claims, demands, actions, causes of action, costs and expenses of whatsoever nature which they or any of them may sustain by reasons of the acts, conduct or operation of the applicant, his agents or employees in connection with the construction, maintenance, repair, operation or use of said facility.

(2) The applicant shall be responsible for relocating or adjusting any utilities located on highway right of way as required to accommodate the facility applied for. Construction of the facility by the applicant, his agent or contractor, will be permitted only after the applicant has furnished the District Manager evidence that satisfactory arrangements for said relocation or adjustment have been made with the owner of the affected utility facility.

(3) When requested in writing by the District Manager, the applicant or his contractor shall during the period that an approach

road is being constructed, in order to assure responsibility under section (1) of this rule, file with the Department evidence of insurance in the following minimum amounts: \$50,000 for property damage resulting from any single occurrence; and \$100,000 for the death or injury of any person, subject to a limit of \$300,000 for any single occurrence. Said policy or policies shall include as named insureds the State of Oregon, the Commission, the Department, its officers, agents and employees, except as to claims against the applicant, for personal injury to any members of the Commission, Department, or its officers, agents, and employees or damage to any of its or their property. A copy of the policy, or a certificate showing evidence of insurance, shall be filed with the Access and Utility Permit Unit, 800 Airport Road, Salem, OR 97310, prior to commencement of any work.

(4) On each private road crossing during such time as it is under construction or in existence the applicant shall, in order to assure responsibility under section (1) of this rule, file with the Department evidence of insurance in the following minimum amounts: \$50,000 for property damage resulting from any single occurrence; and \$100,000 for the death or injury of any person, subject to a limit of \$300,000 for any single occurrence. Said policy or policies shall include as named insureds the State of Oregon, the Commission, the Department, its officers, agents and employees, except as to claims against the applicant, for personal injury to any members of the Commission, Department, or its officers, agents, and employees, or damage to any of its or their property. A copy of the policy, or a certificate showing evidence of insurance, shall be filed with the Access and Utility Permit Unit, 800 Airport Road, Salem, OR 97310, prior to commencement of any work.

(5) If the highway surface or highway facilities are damaged by applicant, applicant shall replace or restore the highway or highway facilities to a condition satisfactory to the District Manager.

(6) When requested in writing by the District Manager, the applicant or his contractors shall furnish for the period of time necessary to install a facility and to insure that any damage to the highway has been corrected to the satisfaction of the District Manager, a cash deposit or a bond in the amount specified by the permit written, issued by a surety company licensed to do business in the State of Oregon. No work shall be performed until the deposit or bond has been filed with the Access and Utility Permit Unit, 800 Airport Road, Salem, OR 97310.

(7) No unauthorized signs shall be permitted upon any portion of the right of way. Where standard warning signs such as "Trucks" are required by the permit or other regulations, or are ordered by the District Manager to provide warning of the facility, such signs shall be furnished, placed and maintained by the Department at the expense of the applicant.

(8) The work area during any construction or maintenance performed under the permit provisions shall be protected in accordance with the current **"Manual on Uniform Traffic Control Devices for Streets and Highways"** as amended or supplemented by the Commission.

(9) The stopping or parking of vehicles upon the state highway right of way or the servicing of such vehicles or the furtherance of any business transaction or commercial establishment upon state highway right of way is strictly prohibited.

(10) The applicant shall be solely responsible for providing correct and complete information as may be required by the permit form or the District Manager. If the District Manager should determine that any fact required of the applicant which is material to the assessment of the facility's impact upon traffic safety, convenience and/or the legal or property rights of any person (including the State of Oregon) is false, incorrect or omitted, the District Manager may deny or revoke the permit and may require the applicant to remove the facility and restore the facility area to a condition acceptable to the District Manager at the applicant's expense. In such cases the District Manager, in his judgment, may also require the applicant to provide, at the applicant's expense, any additional safeguards and/or facilities required to protect the safety, convenience and rights of the

traveling public and persons (including the state), if such additional requirements are adequate to achieve those purposes, as a condition of the continued validity of the permit.

(11) If, at any time after a permit has been issued, there is a significant increase in the volume of traffic using the approach road or a change in the character of the traffic using the approach road, and it is determined by the Engineer that additional traffic controls are necessary for the safety of the traveling public (e.g., acceleration or deceleration lanes, widening of the highways to provide left turn refuges, traffic warning lights or traffic signals, etc.), applicant shall either construct at its expense or reimburse the Department for the entire cost of designing, constructing or installing, such additional traffic controls at the option of the Department providing, however, that if the applicant is a lessee of real property served by the approach road, the liability of the applicant shall be limited to the cost of constructing or installing the additional traffic controls, which are constructed and installed during the time the lease is in force and effect. In making a determination whether additional traffic controls are reasonably necessary, the Engineer or his designated representative(s) shall:

- (a) Inspect the site of the approach road;
- (b) Investigate the extent and nature of the change of use of the approach road; and
- (c) Determine, in light of current and projected traffic conditions, traffic speeds, sight distances, and the road conditions on both the state highway and the approach road whether additional traffic controls are necessary, and which controls or combinations thereof would be necessary, to adequately insure the safety and convenience of users of the highway and approach road.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Traffic Section.]

Stat. Auth.: ORS Ch. 374

Stats. Implemented: ORS 374.310

Hist: 1 OTC 43, f. 11-26-74, ef. 12-1-74; 1 OTC 20-1980, f. & ef. 10-22-80

### 734-050-0030

#### Location

(1) No facility shall be constructed at locations where rights of access to or from the abutting property have been acquired by the Department.

(2) The number of approach roads to a single property shall be limited to one except where in the judgment of the District Manager additional approach roads are necessary to accommodate and service such traffic as may be reasonably anticipated commensurate with the safety of the traveling public.

(3) Facilities shall be located where they do not create undue interference or hazard to the free movement of normal highway or pedestrian traffic. Locations on sharp curves, steep grades, areas of restricted sight distance or at points which interfere with the placement and proper functioning of traffic control signs, signals, lighting or other devices that affect traffic operation will not be permitted.

Stat. Auth.: ORS Ch. 374

Stats. Implemented: ORS 374.310

Hist: 1 OTC 43, f. 11-26-74, ef. 12-1-74; 1 OTC 20-1980, f. & ef. 10-22-80

### 734-050-0035

#### Design

(1) Facilities shall be designed to allow movement to and from the highway of the vehicles which can reasonably be expected to utilize the approach without undue conflict with other traffic.

(2) In most instances, these requirements can be satisfied by using approaches designed in accordance with Types 1 through 5 as shown in **Exhibits 1 through 5** and/or combinations of the same into dual approaches as described in **Exhibit 5**. Alternate designs are subject to approval by the Engineer.

(3) Definitions of dimensions and desirable limits are shown in the general notes for Types 1 through 5 as shown in **Exhibits 1 through 5** and the method of establishing widths as shown in **Exhibit 6**.



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(4) Approach roads which serve a business or commercial activity which can reasonably be expected to generate traffic of the volume and character requiring additional traffic controls necessary for the safety of the traveling public such as channelization, signalization or the like, are special problems which must be designed on an individual basis. When this type of facility is required the Department may construct the entire facility in accordance with its plans and specifications at the applicant's expense. Facilities other than signalization may be constructed by applicant in accordance with plans and specifications approved by the District Manager if in the judgment of the District Manager the facility can be properly and safely constructed by the applicant.

(5) Applicant may be required to construct curbing along its frontage, base and pave the area between the existing highway pavement and the curbing, and install necessary drainage facilities as a part of the road approach when said approach is to a high traffic volume section of a highway in an urban area. In other areas, the applicant may be required to construct curbing, guardrail, ditches or plantings limiting access to the abutting property to the distances designated in the approach road permit.

(6) Permits for approach roads serving large buildings and/or paved areas may include provisions for storm drain facilities connecting to the highway drainage system if in the judgment of the District Manager the highway system is adequate to handle the accelerated run-off. If in the judgment of the District Manager the highway system is not adequate to handle the accelerated run-off, the applicant shall make suitable provisions to prevent surface run-off from the paved areas into the highway drainage system. All costs for providing drainage from the property shall be borne by the applicant.

(7) Private crossings shall be made by grade separation unless separation is determined by the Engineer to be economically impracticable.

(8) If a grade separation is not required the applicant shall install any such signing, signalization, or combination of traffic safety devices as may be determined necessary by the Engineer. When these facilities are required the Department may construct the entire facility in accordance with its plans and specifications. If the facility is other than signalization the District Manager may authorize the applicant to install the facility in accordance with plans and specifications approved by the District Manager if in the judgment of the District Manager the applicant can install the facility adequately and safely.

(9) The maximum size, gross weight of vehicle and load, gross axle weights and types of vehicles using the private crossing, shall be shown on Exhibits attached to the permit application. The exhibit(s) attached to the permit application shall include diagrams showing type of truck and trailer combinations, maximum width and overall length, distance between axles, maximum axle weights, and size and number of tires per axle.

(10) Structural details of separation structures shall be attached to the permit application.

(11) Upon request by the Engineer the applicant will at its sole expense supply an operated test vehicle of the type and dimension to be used at the proposed private road crossing.

[ED. NOTE: The Exhibit(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the Department of Transportation.]

Stat. Auth.: ORS Ch. 374

Stats. Implemented: ORS 374.310

Hist: 1 OTC 43, f. 11-26-74, ef. 12-1-74; 1 OTC 20-1980, f. & ef. 10-22-80

### 734-050-0040

#### Construction

(1) Applicant or his contractor shall advise the District Manager's office at least 48 hours in advance of commencing construction of a facility approved by permit.

(2) The facility shall be constructed in conformance with the terms of the permit including the Special Provisions of the permit and exhibits attached to the permit.

(3) Applicant shall notify the District Manager when construction of the facility has been completed. The District Manager shall inspect the completed facility and advise applicant

in writing whether or not the facility has been constructed in a satisfactory manner and the applicant shall promptly correct any deficiencies set forth by the District Manager.

(4) The planting or placing of adornments not prohibited by law on the right of way by the applicant shall be limited to low growing shrubs, grass, or flowers that do not attain sufficient height to obstruct clear vision in any direction. No curbs, posts, signs or other structures shall be placed on the highway right of way unless applicant has obtained approval of the District Manager.

Stat. Auth.: ORS Ch. 374

Stats. Implemented: ORS 374.315

Hist: 1 OTC 43, f. 11-26-74, ef. 12-1-74; 1 OTC 20-1980, f. & ef. 10-22-80

### 734-050-0045

#### Maintenance

(1) Prior to performing any maintenance work on the highway facility which will interfere with or interrupt traffic upon or along the highway, applicant shall obtain prior approval from the District Manager.

(2) Applicant may perform minor maintenance work which does not interfere with traffic upon the highway without obtaining approval from the District Manager.

(3) In all cases where traffic signals have been required all maintenance will be performed by the Department at no cost to the applicant unless the Special Provisions in the permit require the applicant to bear the cost of signal maintenance. On private road crossings if the signal is damaged or destroyed by the applicant or a third party, the applicant shall bear the cost of repair or replacement over and above any amount which may be recovered from such third party by the Department.

Stat. Auth.: ORS Ch. 374

Stats. Implemented: ORS 374.315

Hist: 1 OTC 43, f. 11-26-74, ef. 12-1-74; 1 OTC 20-1980, f. & ef. 10-22-80

### 734-050-0050

#### Effective Period

(1) Unless otherwise provided in the Special Provisions, the permit shall be in effect for an indefinite period of time from and after the date issued, unless sooner revoked by mutual consent, or by the Engineer for failure of the applicant to abide by the terms and conditions of the permit, or by operation of law.

(2) Failure of the applicant to comply with any of the terms and conditions of the permit shall be sufficient cause for cancellation of the permit and may result in removal of the facility by the Department at the applicant's expense as provided in ORS 374.320.

(3) The permit, the privileges granted herein and the obligations of the applicant thereby shall be binding upon the successors and assigns of the applicant.

(4) If the applicant fails to complete installation of the facility covered by the permit within the period specified in the permit, the permit shall be deemed null and void and all privileges thereunder forfeited, unless a written extension of time is obtained from the District Manager.

(5) The construction, maintenance, operation and use of the facility is subject to the paramount control of the legislature over the state highway system and not right or privilege granted by the permit shall be deemed or construed to be beyond the power or authority of the legislature to control the state highway system. Applicant in accepting the permit acknowledges that the rights and privileges granted thereby may at any time be changed or abrogated by legislative action.

Stat. Auth.: ORS Ch. 374

Stats. Implemented: ORS 374.310

Hist: 1 OTC 43, f. 11-26-74, ef. 12-1-74; 1 OTC 20-1980, f. & ef. 10-22-80

### 734-050-0055

#### Other Agencies

Issuing of permits under these regulations is not a finding of compliance with the statewide planning goals or the acknowledged comprehensive plan for the area. Permits are issued subject to the approval of city, county, or other govern-



mental agencies having either joint supervision over the section of highway or authority to regulate land use by means of zoning and/or building regulations. It shall be the applicant's responsibility to obtain any such approval including, where applicable, local government determination of compliance with the statewide planning goals.

Stat. Auth.: ORS Ch. 374

Stats. Implemented: ORS 374.310

Hist: 1 OTC 43, f. 11-26-74, ef. 12-1-74; 1 OTC 20-1980, f. & ef. 10-22-80

#### **734-050-0060**

##### **Temporary Approach Roads**

Temporary permits for construction, maintenance and use of an approach road for a specified period of time requires a deposit of not less than \$100 per approach road to guarantee its removal by the applicant on or before the permit expiration date. If no expense is incurred by the Department in the satisfactory removal of the approach road, the entire amount of the deposit will be refunded to the applicant. If expenses are incurred by the Department, the applicant will be billed for the amount in excess of the amount deposited or refunded the difference if said expense is less than the said deposit.

Stat. Auth.: ORS Ch. 374

Stats. Implemented: ORS 374.310

Hist: 1 OTC 43, f. 11-26-74, ef. 12-1-74; 1 OTC 20-1980, f. & ef. 10-22-80

#### **734-050-0065**

##### **Change in Use of an Approach Road**

A permit must be obtained whenever there is a change in use of an approach road even though a permit may not have been required previously because of the grandfather provision of ORS 374.330.

Stat. Auth.: ORS Ch. 374

Stats. Implemented: ORS 374.310

Hist: 1 OTC 20-1980, f. & ef. 10-22-80

#### **Access Control Policy**

#### **734-050-0070**

##### **Categories of Access Control**

Access control is divided into three categories:

(1) "Complete control" allows access only at specified public road at grade connections or at interchanges.

(2) "Limited control" allows public and private accesses at specified locations identified by legal agreements or deeds.

(3) "Uncontrolled" access is where there is no specified restriction of access. Future accesses could be allowed under the Road Approach Permit process subject to the appropriate Oregon Revised Statutes.

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist: 1 OTC 19-1980, f. & ef. 10-22-80

#### **734-050-0075**

##### **General Policy**

It is the policy of the Oregon Department of Transportation to control access to the highway facilities of the state to the degree necessary to maintain functional use, highway safety, and the preservation of public investment. The Department recognizes that access control management varies for each of six existing access management conditions.

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist: 1 OTC 19-1980, f. & ef. 10-22-80

#### **734-050-0080**

##### **Access Management Conditions**

(1) Grant of access to private property where we have previously established Limited Control access: Access may be allowed if all the following conditions are met:

(a) Current geometric design standards can be met which consider such items as safety, capacity, alignment, grades, left turn lanes, signals, etc.;

(b) The terrain is such that it is not practical to construct a frontage road or some other means to provide alternate access to the property;

(c) Is not in conflict with local comprehensive plans for this class of highway;

(d) Payment is made to the Oregon Transportation Commission on the difference of value of the real property affected before the grant and after the grant. This is to be determined by normal appraisal methods;

(e) Has been reviewed by the Region Manager and approved by the Chief Engineer.

(2) Grant of access for a property from which access control was not purchased and does not abut the highway right-of-way: Real property which is not a part of the property from which access control was purchased and does not abut the highway right-of-way will not be considered for any grant of access. These properties must depend upon the county or city road system for access to the State Highway System.

(3) Requested change in use of access from a private party on property which the state purchased access control which allowed points of access subject to a specified use: The removal of the specified use clause will be considered provided the owner re-applies for an approach permit and meets all the conditions of that permit. An exception to this rule will be farm crossings and farm accesses. Any change in either of these will be governed as a new access under subsections (1)(a) through (e) of this rule.

(4) Indentures of Access: Indentures of Access will be allowed provided the owner applies for the indenture and an approach permit and meets all conditions of that permit. The only other restriction will be the cancellation of the original permitted approach.

(5) Grant of access to a public entity such as a city or county for a city street or county road where the Oregon Transportation Commission has previously established limited control access: A new connection under the above condition may be considered after all following provisions or requirements are met:

(a) Justification for the connection must be made based on the following:

(A) Is not in conflict with local comprehensive plans for this class of highway;

(B) The county or city has explored all possible alternatives to the connection including parallel streets which might include the purchase of additional right-of-way;

(C) Current geometric design standards can be met with consider such items as safety, capacity, alignment, grades, left turn lanes, signals, etc.

(b) Plans and specifications which adhere to the geometric design standards presently or contemplated being used on the facility must be prepared by the applicant;

(c) An agreement detailing responsibility is prepared and executed before work begins.

(6) Access control acquisition: A project for access control acquisition may be proposed to preserve integrity of the present system.

(7) It will be the responsibility of the Interdisciplinary Team No. 1, as defined in the Oregon Action Plan, to delineate areas where limited access control should be a part of project development.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from Program/Project Management Services.]

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist: 1 OTC 19-1980, f. & ef. 10-22-80; 2HD 6-1984, f. & ef. 4-18-84

#### **734-050-0085**

##### **Administration of Policy**

(1) Costs incurred by the Department of Transportation in processing a request for access modification, shall be paid by the party requesting the modification. These costs will be based on actual documented costs incurred plus a 10 percent charge for general administration.

(2) Written agreements outlining the details of construction and cost responsibility must be approved by both parties prior to

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the processing of any documents.

(3) A grant of access constitutes the transfer of a property right. It does not excuse the recipient from the duty to obtain and comply with the conditions of any road approach or road crossing permit that may be required under ORS 374.310 and rules adopted by the Department pursuant thereto.

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist: 1 OTC 19-1980, f. & ef. 10-22-80

### Weight Restrictions for Highways

#### 734-050-0090

##### Procedure for Designating Highway Weight Restrictions

(1) The Director may designate any highway or section of highway (including bridges and other structures) which should be subject to weight restrictions. The Director may impose such weight restrictions considered proper subject to the following conditions:

(a) An inspection has indicated that a condition exists which requires action to prevent or reduce damage to the highway or section thereof or which may jeopardize the safety of motorists on the highway or section thereof;

(b) An engineering evaluation has been performed and the safe load carrying capacity of the highway or section thereof has been determined; and

(c) Maximum allowable weights consistent with the finding of the engineering evaluation have been established for vehicles or combinations of vehicles traveling upon the highway or section thereof.

(2) Upon fulfilling the requirements set forth in subsections (1)(a) through (c) of this rule, the Director shall prepare a written order which:

(a) Describes the highway or section of highway which will be affected;

(b) Discloses the results of the required inspection and evaluation; and

(c) Specifies the restriction to be imposed.

(3) Upon the signing of the order by the Director, posting of signs and enforcement of the restriction shall be as provided in ORS Chapters 810 and 818.

(4) The following definitions shall apply to the order and signs posted under section (3) of this rule:

(a) A "Class A" restriction or weight limit means the maximum allowable weight shall be 12,000 pounds for the steering axle and 10,000 pounds for each additional axle; and

(b) "Steering Axle" means the first axle of the truck or tractor which is controlled by the steering wheel of the vehicle.

Stat. Auth.: ORS 184.616 & 810.030

Stats. Implemented: ORS 810.030 & ORS Ch. 818

Hist: 1 OTC 12-1978(Temp), f. & ef. 12-19-78; 1 OTC 7-1979, f. & ef. 4-19-79; HWY 4-1996, f. & cert. ef. 8-15-96

#### 734-050-0095

##### Weight Restrictions for Rocky Creek Bridge

(1) It has been determined by the staff of the Oregon Department of Transportation that severe cracking and spalling of the concrete due to corrosion of the reinforcing steel has deteriorated the structure of the Rocky Creek Bridge beyond economic repair. Further, the Department has determined that weight restriction of 6,000 pounds is necessary to protect the bridge from being unduly damaged and to insure the safety of the traveling public.

(2) Vehicles weighing in excess of 6,000 pounds shall not use the Rocky Creek Bridge on the Oregon Coast Highway, (frontage road) in Lincoln County at M.P. F130.03.

(3) The Department shall immediately post this weight restriction in a conspicuous manner at both ends of the Rocky Creek Bridge and at such other places as may be necessary to inform the users of the Oregon Coast Highway of these restrictions.

Stat. Auth.: ORS Ch. 818

Stats. Implemented: ORS 810.030

Hist: 1 OTC 87(Temp), f. & ef. 8-31-77; 1 OTC 93, f. & ef. 12-30-77

### Land Use Permits

#### 734-050-0105

##### Fee Schedule for Land Use Permits

When, in the determination of the Department's Right-of-Way Manager that use restrictions exist which prevent charging economic rent for lands under the jurisdiction of the Department, the Department may issue a land use permit and shall charge the following administrative processing fee:

(1) Gratis — The monetary benefits to the Department exceed the cost of permit preparation and review;

(2) \$50 for a simple permit preparation with little or no field inspection and no plan review; or

(3) \$150 for a complex permit preparation requiring a plan review and continuing inspection.

Stat. Auth.: ORS Ch. 366

Stats. Implemented: ORS 374.310

Hist: 2HD 1-1982, f. & ef. 5-26-82

### DIVISION 55

#### POLE LINES, BURIED CABLES, PIPE LINES, SIGNS, MISCELLANEOUS FACILITIES AND MISCELLANEOUS OPERATION

#### 734-055-0005

##### Scope

This rule shall apply to and govern the location, installation, construction, maintenance and use of pole lines, buried cables, pipe lines, signs, miscellaneous operations upon State Highway right-of-way and properties under the jurisdiction of the Department of Transportation.

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist.: HC 1176, f. 9-24-68; 2HD 2-1981, f. & ef. 2-25-81

#### 734-055-0010

##### Definition of Terms

(1) "AASHTO" means American Association of State Highway and Transportation Officials. Mailing address: AASHTO, Suite 225, 444 North Capitol Street, N.W., Washington D.C., 20001.

(2) "Access Control Line" means the control line that is defined somewhere between the right-of-way line and the edge of the roadway. When there is no defined access control line, access is controlled at the right-of-way lines.

(3) "Aesthetic Quality" means those desirable characteristics in the appearance of the highway and its environment, such as harmony between or blending of natural and manufactured objects in the environment, continuity of visual form without distracting interruptions, and simplicity of designs which are desirably functional in shape but without clutter.

(4) "Applicant" means the corporation, company, firm, business, partnership, individual or individuals named in and signing the permit and to whom the permit is issued.

(5) "Buried Cable" means any and all cables, wires, conduits, pedestals and/or related fixtures authorized in the permit placed beneath the ground.

(6) "Clear Zone Area" means that portion of the roadside, within the highway right-of-way, free of nontraversable hazards and fixed objects. The purpose of such areas is to provide drivers of errant vehicles which leave the traveled portion of the roadway a reasonable opportunity to stop safely or otherwise regain control of the vehicle. The clear zone area may vary with the type of highway, terrain traversed, and road geometric and operating conditions. AASHTO standards will be applied for establishing clear zone areas for various types of highways and operating conditions.

(7) "Commission" means the Oregon Transportation Commission.

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(8) "Department" means the Department of Transportation of the State of Oregon.

(9) "D.M." means District Manager or his designated representative. There are 16 Highway Districts throughout the State of Oregon.

(10) "Engineer" means the Chief Engineer or such person as he shall designate in writing.

(11) "Facility" means pole line, buried cable, pipe line, sign or miscellaneous facilities as those terms are defined in this section.

(12) "FHWA" means Federal Highway Administration.

(13) "Freeway" means a divided arterial highway for through traffic with access allowed only at interchanges.

(14) "Hardship Case" means an extraordinary case or emergency situation that environmentally and economically prohibits a utility from being located on private property.

(15) "Highway" means the public way for vehicular related facilities which are under the jurisdiction and control of the Oregon Department of Transportation.

(16) "Miscellaneous Operations" means the performance of miscellaneous operations as described in the permit.

(17) "Miscellaneous Facility" means the facility authorized by the permit, other than pole line, buried cable, pipe line or sign.

(18) "M.U.T.C.D." means Manual on Uniform Traffic Control Devices for Streets and Highways.

(19) "Permit" means a fully executed form entitled, State of Oregon, Department of Transportation, application or permit to construct pole line, buried cable, pipe line, signs, and miscellaneous operations, miscellaneous facilities, all special permit provisions included in the permit as deemed necessary by the District Manager and all attached exhibits.

(20) "Pipe Line" means any and all pipe lines, hydrants, valve boxes, manholes, conduit and/or related fixtures authorized in the permit.

(21) "Pole Line" means any and all poles, wires, guys, anchors, and/or related fixtures authorized in the permit.

(22) "Right-of-Way" means the entire width between the exterior right-of-way lines including the paved surface, shoulder, ditches and other drainage facilities in the border area between the ditches or curves and the right-of-way line.

(23) "Roadway" means the portion of a highway, including shoulders, for vehicular use.

(24) "Signs" means non-commercial signs and related fixtures authorized in the permit.

(25) "Special Provisions" means those provisions shown under the heading "Special Provisions" in the permit. In all cases of conflict between the Special Provisions and General Provisions, the Special Provisions shall govern.

(26) "Utility Facility" means privately, publicly or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, cable television, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm, water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system which directly or indirectly serves the public. The term utility shall also mean the utility company inclusive of any substantially owned or controlled subsidiary. For the purposes of these rules, the term includes those utility-type facilities which are owned or leased by a government agency for its own use, or otherwise dedicated solely to governmental use. The term utility includes those facilities used solely by the utility which are a part of its operating plant.

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist.: HC 1176, f. 9-24-68; 2HD 2-1981, f. & ef. 2-25-81; HWY 6-1989, f. & cert. ef. 10-25-89

### 734-055-0015

#### Permit Application Procedure

(1) Application for a permit shall be made on the form described in OAR 734-055-0010(19) which may be obtained from the DM office. Applicant shall complete the application and furnish five copies of all necessary attachments. All permit

attachments shall be 8 1/2 x 11 inches when possible.

(2) Each permit application will be reviewed by the DM and a site review may be required by the DM.

(3) To facilitate site review (if required by the DM), applicant shall place markers such as lath stakes, or other markings as required at the locations where the applicant proposes to work.

(4) In reviewing permit applications, the DM may consider the following objectives:

(a) Accommodation of utility facilities with no adverse affect on traffic safety, operation, maintenance and aesthetic quality of the highway system;

(b) Incorporation of the appropriate industry code standards and AASHTO publications;

(c) Placement of utility installations in locations where they shall be reasonable to construct and maintain;

(d) Safe and unimpaired use of the highway;

(e) Alternate routes of the utility facilities outside of highway right-of-way should be evaluated for the environmental and economic impact of any loss or impairment of productive agricultural land.

(5) No permit is valid until a copy, approved by the Engineer, has been furnished applicant. No work on highway right-of-way or other Department property is to be started until applicant obtains a valid permit. However, a permit may provide that for a facility, customer service drops or laterals may be placed after notice has been provided to the DM.

(6) An applicant to whom a permit has been issued may undertake emergency repairs upon verbal permission from the DM.

(7) The permit may be presented by an agent, employee or contractor of applicant but it must be signed by applicant.

(8) Applications that deviate from the prescribed rules and regulations must be accompanied by a Permit Variance Request.

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist.: HC 1176, f. 9-24-68; 2HD 2-1981, f. & ef. 2-25-81; HWY 6-1989, f. & cert. ef. 10-25-89

### 734-055-0020

#### Allocation of Cost

(1) The entire cost of locating, constructing, installing, maintaining, repairing, operating or using the facility; or performing miscellaneous operations and of any other expense whatsoever incident to the facilities or operations authorized by the permit shall be paid by applicant.

(2) Applicant shall, in addition to section (1) of this rule reimburse the Department for any reasonable and necessary expenses that the Department may incur in connection with and related solely to the installation of the facility or conducting the operation authorized by the permit. Payment shall be made within 30 days after receipt of billing from the Department. When required by the permit, an advance deposit shall be filed with the DM before the permit work begins.

(3) Applicant shall pay the current market value for any existing forest products on any state land which are damaged or destroyed as a result of operations authorized by the permit. Payment shall be made within 30 days after receipt of billing from the Department.

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist.: HC 1176, f. 9-24-68; 2HD 2-1981, f. & ef. 2-25-81; HWY 6-1989, f. & cert. ef. 10-25-89

### 734-055-0025

#### Liability and Control

(1) Applicant shall be responsible and liable for all damage or injury to any person or property resulting from the physical location, installation, construction, maintenance, operation or use of the facility or operation for which applicant has been granted a permit. Applicant shall indemnify and hold harmless the State of Oregon, the Commission, the Department against any and all damages, claims, demands, actions, causes of action, costs and



expenses of whatsoever nature which they or any of them may sustain by reasons of the acts, conduct, or operation of applicant, its agents or employees in connection with the physical location, installation, construction, maintenance, repair, operation or use of said facility or in conducting an operation.

(2) Applicant shall be responsible for relocating or adjusting any other facilities located on highway right-of-way as required to accommodate the facility or operation applied for. Construction of the facility or conducting of an operation by applicant, its agent or contractor, will be permitted only after applicant has furnished the DM evidence that satisfactory arrangements for said relocation or adjustment have been made with the owner of the affected other facility.

(3) The Department, the Engineer, or employees shall not be responsible or liable for injury or damage that may occur to the facility covered by the permit by reason of Department maintenance and construction operations or resulting from motorist or road user operations, or Department contractor or permittee operations, except as to injury or damage caused by the negligence of the Engineer or employees of the Department.

(4) Applicant shall employ any and all methods in performing the operations authorized by the permit which the Engineer may require in order to properly protect the public from injury and the highway from damage.

(5) If the highway surface or highway facilities are damaged by applicant, applicant shall replace or restore the highway or highway facilities to a condition satisfactory to the DM, whether discovered at the time of installation or at a later date. The DM at his option may have applicant replace or restore the highway or highway facilities to a condition satisfactory to him or the DM may replace or restore the highway or highway facilities by contractor or state forces and the costs incurred to be paid by applicant under the terms outlined in OAR 734-055-0020(2).

(6) The work area during any construction or maintenance performed under the permit provisions shall be protected in accordance with the current **"Manual on Uniform Traffic Control Devices for Streets and Highways"** as amended or supplemented by the Commission. Necessary signs shall be furnished by applicant unless otherwise specified in the permit. Applicant's traffic control plan shall be reviewed and approved by the DM before work begins.

(7) The stopping or parking of vehicles upon the state highway right-of-way for the servicing of such vehicles or the conducting of any business transaction or commercial activity upon state highway right-of-way is strictly prohibited.

(8) Applicant shall be solely responsible for providing correct and complete information as may be required by the permit or the DM. If the DM should determine that any fact required of applicant which is material to the assessment of the facility or operation's impact upon traffic safety, convenience and/or the legal or property rights of any person (including the State of Oregon) is false, incorrect or omitted, the DM may deny or revoke the permit and may require applicant to remove the facility or terminate the operation and restore the facility area to a condition acceptable to the DM at applicant's expense. In such cases the DM, in his judgment, may also require applicant to provide, at applicant's expense, any additional safeguards and/or facilities required to protect the safety, convenience and rights of the traveling public and persons (including the state), if such additional requirements are adequate to achieve those purposes, as a condition of the continued validity of the permit.

(9) To ensure compliance with the terms and conditions of the permit, the Department reserves the right to inspect the work during such periods as the DM deems necessary, to check compliance with the terms of the permit by applicant and to require applicant to correct all deviations from those terms and conditions. The cost of such inspection shall be paid by applicant under the terms outlined in OAR 734-055-0020(2).

(10) Any supervision and/or control exercised by the Department personnel shall in no way relieve applicant of any duty or responsibility to the general public nor shall such supervision and/or control relieve applicant from any liability for loss, damage or injury to persons or property as provided in

section (1) of this rule.

(11) Facilities shall be located where they do not create undue interference or hazard to the free movement of normal highway or pedestrian traffic. Locations on sharp curves, steep grades, areas of restricted sight distance or at points which interfere with the placement and proper functioning of traffic control signs, signals, lighting or other devices that affect traffic operation will not be permitted. Any revisions to the facility location shall be approved by the DM prior to construction. Applicant shall furnish the DM two sets of "as constructed" drawings that show the facility location revisions.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Traffic Section.]

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist.: HC 1176, f. 9-24-68; 2HD 2-1981, f. & ef. 2-25-81; HWY 6-1989, f. & cert. ef. 10-25-89

### 734-055-0035

#### Insurance and Bond

(1) When requested in writing by the DM, applicant or its contractor shall obtain and carry, for the period that the facility is being located, installed or constructed or any operation conducted, in order to assume responsibility under OAR 734-055-0025(1) including the repair and restoration of the highway facilities, and also during such future period of time when activities are performed involving the repair, relocation or removal of said facilities or operations conducted which have been authorized by the permit, a certificate of self-insurance or liability and property damage insurance policy or policies providing the coverage against any claim, demand, suit or action for property damage, personal injury, or death resulting from any activities of applicant, its officers, employees, agents or contractors in connection with the location, installation, construction, repair, removal or use of the said facilities or operations being conducted as authorized by the permit and the repair and restoration of the highway facilities, and the said certificate of self-insurance or policy or policies, in addition, shall include as named insureds the State of Oregon, the Commission, the Department, and members thereof, its officers, agents and employees, except as to claims against applicant, for personal injury to any members of the Commission, the Department, or its officers, agents, and employees, or damage to any of its or their property. The said self-insurance certificate or policy shall provide proof of coverage of a combined single unit of \$500,000. The said insurance policy or policies shall be in an insurance company duly authorized and licensed to do business in the State of Oregon. A copy of the certificate of self-insurance or policy or policies, or a certificate evidencing the same, shall be submitted to the Access and Utility Permit Unit, 800 Airport Road, Salem, OR 97310 and approved by this office before any work is commenced under the permit.

(2) When requested in writing by the DM, applicant or its contractor shall furnish for the period of time necessary to construct or install a facility or conduct an operation authorized by the permit, including the repair and restoration of the highway facilities, or the conducting of any operations and also during such future periods of time when activities are performed involving the repair, relocation or removal of said facilities authorized by the permit, a bond or cash deposit in the amount specified in the Special Provisions of the permit. If a bond is furnished, it must be written by a surety company duly qualified and licensed to do business in the State of Oregon and in a form satisfactory to the Engineer. No work shall be commenced under the permit until the said bond has been submitted to and approved by, or the said cash deposit has been received by the Access and Utility Permit Unit, 800 Airport Road, Salem, OR 97310.

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist.: HC 1176, f. 9-24-68; 2HD 2-1981, f. & ef. 2-25-81; HWY 6-1989, f. & cert. ef. 10-25-89

### 734-055-0040

#### Construction and Location Details



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(1) Applicant or its contractor shall advise the DM's office at least 48 hours in advance of commencing construction of a facility for which a permit has been issued.

(2) Applicant shall submit with the permit application prints of adequate drawings or sketches showing in detail the location of the proposed facility or operation as described in the permit application with respect to existing and/or planned highway improvement, the roadway, the right-of-way lines, and, where applicable, the access control lines and approved access points:

(a) When attachment to a highway structure is involved, details of the attachment method including type of support, spacing, size of pipe and location of the facility shall be included. The attachment method shall be designed by a professional engineer;

(b) When the proposed facility involves pressure pipe lines the following additional data is required:

(A) Design pressure of pipe;

(B) Normal operating pressure;

(C) Maximum operating pressure.

(3) Applicant's completed facility shall be in substantial conformance with the drawings or sketches referred to in section (2) of this rule unless special permission is obtained from the DM to vary from same during installation. When such permission is obtained, applicant shall furnish the DM two sets of "as constructed" drawings or sketches detailing any such variances.

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist.: HC 1176, f. 9-24-68; 2HD 2-1981, f. & ef. 2-25-81; HWY 6-1989, f. & cert. ef. 10-25-89

### 734-055-0045

#### Removal, Relocation or Repair

(1) The permit is issued pursuant to the law of the State of Oregon which authorizes the Commission to subsequently require applicant to remove, relocate or repair the facility covered by the permit at the sole cost of applicant.

(2) Upon receiving written notice from the Engineer to remove, relocate or repair the said facility, applicant shall within 30 days or within the time frame contained in the notice, provide to the Engineer its time estimated requirements for accomplishing the directed action.

(3) The Engineer, after applicant has provided its estimated time requirement for removal, relocation or repair of said facility, may schedule a preconstruction meeting with all applicants and affected contractors to coordinate the requested activity.

(4) The Engineer in a second notice shall direct applicant, within a specified time frame and consistent with a coordination plan, to complete the removal, relocation or repair of said facility. The time frame outlined in the notice shall take into consideration the applicant's estimated time requirements to accomplish the directed action. Such removal, relocation, or repair shall be at applicant's sole cost in accordance with said second notice and instructions received from the Engineer. Before commencing said removal, relocation or repair, applicant shall furnish such insurance and post such bond as the Engineer may consider necessary at that time in the manner provided for in OAR 734-055-0035 (1) and (2).

(5) Should applicant fail to remove, relocate or repair the facility as provided in section (4) of this rule, the DM may remove, relocate or repair same and submit a statement of total costs for this work to applicant. Applicant upon receiving said statement will immediately, or within a period of time agreed upon between applicant and Engineer, pay to the Department the full amount of said removal, relocation or repair costs.

(6) If the section of highway in which applicant is required by the Engineer to remove, relocate or repair a facility is or will be under construction or reconstruction or improvement under a contract entered into between the Department and an independent contractor and applicant's failure to remove, relocate or repair said pole line, buried cable, pipe line, sign or miscellaneous facility within the time specified in section (4) of this rule, or such other time as may be specified by the Engineer, results in payment by Department to its contractor of any claim for extra

compensation for any work under said contract, applicant shall be liable to the Department for payment of the amount paid to Department's contractor as a direct result of applicants failure to comply with the time requirements of the Engineer.

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist.: HC 1176, f. 9-24-68; 2HD 2-1981, f. & ef. 2-25-81; HWY 6-1989, f. & cert. ef. 10-25-89

### 734-055-0050

#### Maintenance and Operation

(1) Applicant shall at all times keep facilities authorized by the permit in a good state of repair both structurally and, in the case of signs, a clean and neat appearance.

(2) In the event applicant plans to raise the operating pressure for existing pressure pipe lines covered by permit above the "maximum operating pressure" shown in said permit, application for a new permit or an amendment to the existing permit is required.

(3) In the event applicant plans to install additional conductors, or replacement conductors of a higher capacity, on an existing aerial pole line covered by permit, application for a new permit or an amendment to the existing permit is required.

(4) Prior to performing any maintenance work on the facility, applicant shall obtain prior approval from the DM.

(5) All abandoned facilities belonging to the applicant shall be removed from the right-of-way by the applicant, unless the DM allows the facilities to remain by permit.

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist.: HC 1176, f. 9-24-68; 2HD 2-1981, f. & ef. 2-25-81; HWY 6-1989, f. & cert. ef. 10-25-89

### 734-055-0055

#### Other Agencies

(1) Nothing in this permit is intended to grant rights or imply approval in areas not falling within the authority and jurisdiction of the Oregon Department of Transportation. It is the responsibility of applicant to determine the need for and to obtain such licenses, permits or other form of approval which may be required by other state agencies, federal agencies, cities and/or counties of Oregon, utility companies or railroads.

(2) If the section of highway covered by the permit is located within a National Forest, because the Department does not generally have any further rights across National Forest land other than an easement for highway purposes, the permit extends only to such rights as the Department has acquired and may therefore properly give. For National Forest lands where the facility constitutes a servitude on the property of the United States, in addition to the rights of the Department, a permit from the Forest Service must be obtained before a highway occupancy permit will be issued. Unless applicant has evidence satisfactory to the Engineer that the rights of the United States in any National Forest land crossed by the highway right-of-way will not be impaired by the facility covered by this permit, application for a permit should be made to the supervisor of the National Forest in which the facility is to be located.

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist.: HC 1176, f. 9-24-68; 2HD 2-1981, f. & ef. 2-25-81

### 734-055-0060

#### Effective Period of Permit

(1) Unless otherwise provided in the Special Provision, the permit shall be in effect for an indefinite period of time from and after the date issued, unless sooner revoked by mutual consent, or by the Commission or Engineer for failure of the applicant to abide by the terms and conditions of the permit, or by operation of the law, or at the time the applicant to which the permit is issued ceases operation.

(2) Failure of applicant to comply with any of the terms and conditions of the permit shall be sufficient cause for cancellation of the permit.

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(3) The permit and the privileges granted and the obligations of applicant created thereby shall be binding upon the successors and assigns of applicant. Applicant shall give the Engineer written notice of any such assignment or transfer within a reasonable time thereafter.

(4) If the applicant fails to commence installation of the facility covered by the permit within the period specified in the permit, the permit shall be deemed null and void and all privileges thereunder forfeited, unless a written extension of time is obtained from the DM.

(5) The construction, maintenance, operation and use of the facility is subject to the paramount control of the Legislature over the state highway system and no right or privilege granted by this rule or the permit issued in accordance with this rule shall be deemed or construed to be beyond the power or authority of the Legislature to control the state highway system. Applicant accepting the permit acknowledges that the rights and privileges granted thereby may at any time be changed or abrogated by Legislative action.

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist.: HC 1176, f. 9-24-68; 2HD 2-1981, f. & ef. 2-25-81; HWY 6-1989, f. & cert. ef. 10-25-89

### 734-055-0070

#### Conformance with Regulations and Industry Codes

(1) All work in connection with the facility or operation authorized by the permit shall be done in a neat and workmanlike manner to the satisfaction of the DM, and the details of construction of the same shall conform to the established rules and regulations now in effect or which may hereafter be put in effect by the Public Utility Commissioner of the State of Oregon, the Oregon State Board of Health or other governmental agencies having regulatory authority over said facility. In the event the above agencies do not prescribe standards, then the appropriate industry codes shall apply.

(2) The DM may specify requirements in addition to those listed in these rules when it is deemed necessary to adequately protect the public.

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist.: HWY 6-1989, f. & cert. ef. 10-25-89

### 734-055-0080

#### Freeways

(1) All permit applications that request the use of freeway rights-of-way shall reasonably comply with the current AASHTO policy on the Accommodation of Utilities Within the Freeway Right-of-Way. Installations that may be allowed on freeways are generally limited to crossings only, with all of the installation work and maintenance activities performed outside of the access control line. All permit applications must include detailed drawings that show the location of the proposed facility and the freeway access control lines and/or right-of-way lines.

(2) Consideration will be given for new longitudinal installations that can be located between the freeway access control line and the freeway right-of-way line.

(3) Only extreme hardship cases will be considered for new longitudinal installations that are inside the freeway access control lines. Applications of this nature must satisfy the AASHTO Policy requirements regarding the impact on the freeway traffic safety, operations and maintenance; the future freeway design and construction; and applicant must demonstrate that alternate locations are not available. Applicant shall address each of the above subjects on the form provided by the DM, titled Permit Variance Request. The Department will evaluate the Permit Variance Request by applying sound engineering principles and judgment to determine the approval or denial of the permit application.

(4) Ground-mounted facilities shall be located to comply with the current clear zone criteria established by AASHTO.

(5) The following activities and installations are prohibited on Interstate Freeway right-of-way:

(a) Open cutting of the roadway surface;

(b) Service connections.

(6) Generally, applicant shall not have or gain direct access, either ingress or egress, to any of the facilities authorized by the permit from the main traveled way of said freeway or its on or off ramps. Upon notice to the DM that an emergency exists and repairs are needed for the immediate protection of property and prevention of personal injury, applicant may request direct access to said authorized facility except that no vehicular traffic movement will be permitted which would cross traffic or affect the normal traffic movement. A permit will only be granted during the actual time of the emergency when applicant can assure the safety of the freeway users.

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist.: HWY 6-1989, f. & cert. ef. 10-25-89

### 734-055-0090

#### Specific Construction Details

(1) Corrugated metal pipe and concrete pipe used as a conduit or casing pipe or a gravity flow carrier pipe shall as a minimum conform to requirement of the Department's current issue of "Standard Specifications for Highway Construction". Smooth iron or steel pipe used as a conduit or casing pipe shall be the standard type used for pressure pipe.

(2) No trench shall be excavated with a top width in excess of 18 inches more than the outside diameter of the pipe, conduit, or cable to be installed unless permission is first obtained from the DM.

(3) All underground installations shall be buried a minimum of 30 inches unless permission is first obtained from the DM.

(4) Aerial utilities crossing the roadway of the highway shall have a minimum vertical clearance of 18 feet.

(5) The backfilling of all trenches and tunnels must be accomplished immediately after the facility authorized by the permit has been placed therein and must be fully compacted to produce a density in place of not less than 95 percent of relative maximum density.

(6) All debris, refuse and waste of all kinds, which may have accumulated upon the highway right-of-way by reason of the activity of applicant shall be removed immediately upon completion of the said activity, and the said highway right-of-way must be restored to at least as good a condition as it was prior to such activity.

(7) Unless special permission is first obtained from the DM, direct burial of cable placed by the plowing method shall be limited to areas outside the roadway of the highway.

(8) Standard warning signs for buried power or communications cable and for pipe lines carrying gas or flammable liquids shall be placed at each crossing under the highway and at intervals along longitudinal installations as required by current Public Utility Commissioner's Order or as specified by the DM:

(a) Signs shall be placed as near the right-of-way line as practical;

(b) No signs shall be placed between the guardrail and the highway roadway.

(9) Pedestals installed as part of a buried cable installation are to be located one foot from the right-of-way line unless special permission is obtained from the DM to locate elsewhere. In no case shall the pedestals be located within the highway maintenance operating area, including mowing operations, or nearer the pavement edge than any official, highway sign in the same general location.

(10) The buried cable or pipe depth shown on the permit form represents the distance from the top of the surface or ground line to the top of the cable or pipe.

(11) Applicant shall not spray with selective herbicides, cut or trim trees or shrubs growing on the highway right-of-way unless and until written permission and instructions to do so have first been obtained from the DM.

(12) All material installed within highway right-of-way shall be durable and designed for long service life expectancy and shall

be relatively free of routine servicing and maintenance requirements.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Specifications Unit.]  
Stat. Auth.: ORS Ch. 184 & 374  
Stats. Implemented: ORS 374.310  
Hist.: HWY 6-1989, f. & cert. ef. 10-25-89

#### **734-055-0100**

##### **Permit Allowing Open Cut of Road Surface**

(1) Unless special permission is first obtained from the DM to install by open cut, a pipe line or conduit which crosses under the roadway of the highway, including road or street connections, or road approaches or driveways shall either be tunneled, jacked or driven, or placed in a hole bored under the surface for that purpose in accordance with the following provisions:

(a) Trenching in connection with any of these methods shall be no nearer the toe of the fill slope in fill sections or the point where the outer edges of the surfacing meets the subgrade in other sections than specified in the Special Provisions;

(b) If the tunneling method is used it shall be by an approved method which supports the surrounding materials so as to prevent caving or settlement. Areas around the installed pipe or conduit shall be backfilled with moist sand, granular material or cement grout filling all voids and packed in place with mechanical tampers or other approved devices. Lagging, bulkheading and timbering shall be removed as the backfilling progresses;

(c) When the jacking, driving, or boring method is used it shall be by approved means which will hold disturbances of surrounding material to a minimum. Sluicing and jetting is not permitted. Voids or displacement around the outside perimeter of the pipe, conduit or cable shall be filled with sand or cement grout packed in place.

(2) When special permission is granted to open cut the surfaced portion of the highway the following provisions shall be adhered to:

(a) The trench edges in paved areas shall be sawed or cut to neat lines by methods satisfactory to the DM to a depth sufficient to permit removal of pavement without damage to pavement to be left in place. Pavement within the cutting limits together with all other excavated material shall be removed and disposed of outside the highway right-of-way;

(b) In trenching across the highway, no more than 1/2 of the traveled way is to be opened at one time. The opened half shall be completely backfilled before opening the other half;

(c) Closure of intersecting streets, road approaches or other access points will not be permitted. Upon trenching across such facilities, steel running plates, planks or other satisfactory methods shall be used to provide for traffic to enter or leave the highway of adjacent property.

(d) Unless approved by the DM, no more than 300 feet of trench longitudinally along the highway shall be open at one time and no trench shall be left in an open condition overnight;

(e) Immediately after the facility authorized by the permit has been placed in the trench, the trench shall be backfilled to the standard specified by the DM, producing a density in place of not less than 95 percent of relative maximum density. Granular backfill material shall be placed to an elevation which will allow placing the following foundation material and wearing surface:

(A) Where original surface was asphalt concrete or bituminous treatment of mix:

(i) Wearing surface — Asphalt concrete placed to a compacted thickness of 4" or the thickness of the removed pavement, whichever is greater;

(ii) Foundation material — Either 1" - 0" or 3/4" - 0" aggregate placed to a compacted thickness of 12" or the thickness of the removed stone base, whichever is greater.

(B) Where original surface was Portland cement concrete:

(i) Wearing surface — Portland cement concrete placed to a thickness of 6" or the thickness of the removed pavement, whichever is greater;

(ii) Foundation material — same as for asphalt concrete.

(C) Where original surface was crushed rock or gravel:

Wearing surface and foundation material — Either 1" - 0" or 3/4" - 0" aggregate placed to a total compacted thickness of 4" or the thickness of the removed stone base and wearing surface, whichever is greater;

(D) Placement of all materials in subsections (a) through (e) of this section shall conform to the requirements of the current Oregon Department of Transportation Standard Specifications for Highway Construction.

(d) For a period of two years following the patching paved surface, applicant shall be responsible for the condition of said pavement patches, and during that time shall, upon request from the DM, repair to the DM's satisfaction any of the said patches which become settled, cracked, broken or otherwise faulty.

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist.: HWY 6-1989, f. & cert. ef. 10-25-89

#### **734-055-0110**

##### **Special "X" Permits**

Utility facilities that originally occupied a portion of the right-of-way in which the owner had a compensable interest or a prior right to occupy said right-of-way, will be issued a permit titled "X" Permit. Applicant will be responsible for furnishing the DM with the documentation of the prior rights. The special provisions of this permit will identify the obligations and responsibilities of applicant and the Department.

Stat. Auth.: ORS Ch. 184 & 374

Stats. Implemented: ORS 374.310

Hist.: HWY 6-1989, f. & cert. ef. 10-25-89

## **DIVISION 59**

### **PREMISES**

#### **734-059-0005**

##### **Premises**

For the purpose of establishing whether a sign, visible from a State Highway and regulated under ORS Chapter 377, is not an on-premise sign, the following definition shall be used:

(1) The premises on which any activity is conducted is determined by the physical facts rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses.

(2) Except for farms and ranches, the following will not be considered to be a part of the premises on which the activity is conducted and any signs located on such land will be considered outdoor advertising signs:

(a) Any land which is not used as an integral part of the principal activity. This would include, but is not limited to:

(A) Land which is separated from the activity by a public road;

(B) Land which is separated by an obstruction and is not used by the activity; and

(C) Land that is undeveloped highway frontage adjacent to the land actually used by the advertised activity, even though it might be under the same ownership.

(b) Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity would not be part of the premises on which the activity is conducted even though under the same ownership;

(c) Any land which is separated from the principle activity, and is developed or used only at the sign site by structures or uses which are only incidental to the principle activity, and which serves no reasonable or integrated purpose related to the activity other than to attempt to qualify the land for signing purposes;

(d) Where the sign site is located at or near the end of a narrow strip contiguous to the advertised activity, the sign site shall not be considered part of the premises on which the activity being advertised is conducted. A narrow strip shall include any configuration of land which is such that it cannot be put to any



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reasonable use related to the activity other than for signing purposes except the major entrance or exit roadway to or from the premises which serves only the advertised activity.

Stat. Auth.: ORS Ch. 184

Stats. Implemented: ORS 377.710(24)

Hist.: HWY 1-1988, f. & cert. ef. 3-25-88

### DIVISION 60

#### SIGNS

##### 734-060-0005

##### Criteria for Issuance of Permits for Business Identification Signs

(1) A business identification sign may only be erected after a permit has been obtained from the Driver and Motor Vehicle Services Branch of the Department of Transportation (DMV) under the provisions of ORS 377.725. Applications may be made by contacting the DMV, Transportation Permit Unit, 2950 State Street, Salem, OR 97310, Telephone 378-2636:

(a) Location:

(A) Permits for business identification signs may be issued for signs which are visible from state highways and located on private property except:

(i) Where the sign would be visible from the interstate highway system;

(ii) Where the sign would be visible from a full control access highway; or

(iii) Where the sign would be visible from any state highway where the area adjacent to the highway is a designated scenic area.

(iv) No permit shall be issued to locate a business identification sign along any state highway designated as a scenic highway or byway unless it also complies with applicable federal scenic byway laws or regulations in effect on the date of receipt of the permit application or if the permit violates conditions of federal grants relating to scenic byways.

(B) For a sign located on private property, the written permission of the property owner must be obtained; and

(C) A business identification sign must be located within three road miles from the activity identified on the sign.

(b) Size — The maximum allowable size for business identification signs shall be 16 square feet each side, with no one panel dimension (height or length) to exceed six feet, excluding supports;

(c) Height — The top of a sign, erected under these regulations, shall not be higher than 12 feet above the highway grade or property grade, whichever is higher;

(d) Number — For any single activity or business, permits shall not be issued for more than one sign visible to each direction of travel on each highway which bypasses the activity or business. Of these allowed business identification signs, the maximum number of signs requiring a variance or a waiver for the issued permit are two;

(e) Content — The only information which may be contained on a business identification sign is the name of the activity and the direction and/or distance to the activity;

(f) Spacing:

(A) A business identification sign must be located at least 500 feet from any other permitted business identification sign which is located on the same side of the highway;

(B) A business identification sign must be located at least 500 feet from any outdoor advertising sign which is located outside the corporate boundaries of a city and on the same side of the highway; and

(C) A business identification sign must be located at least 100 feet from any outdoor advertising sign which is located within the corporate boundaries of a city and on the same side of the highway.

(g) Eligibility — Permits will be issued to only those activities located away from a state highway where the business and its on-premise and outdoor advertising signs are not visible from the state highway.

(2) Definitions — For the purpose of these regulations, unless the context requires otherwise, or unless the term is specifically defined herein, the definitions set forth in ORS 377.710 are applicable to the terms used in these regulations.

(3) Variances — The Oregon Transportation Commission, or any person delegated such authority by the Commission, may grant a variance waiving the following provisions of section (1) of this rule, if the business owner demonstrates that he will suffer economic loss or undue hardship, for:

(a) Paragraph (1)(a)(C) of this rule — Distance sign is located from the identified activity. A variance shall not permit any business identification sign to be more than 12 miles maximum distance, measured in most direct route road miles, from the activity or business identified on the sign. The business owner will be required to provide a drawing or map showing sign site location, route to, and distance from the business to the proposed business identification sign. If more than one highway bypasses the activity or business, the most direct routes will be considered for business identification signs, of which signs there will be a maximum of two requiring a variance;

(b) Subsection (1)(b) of this rule — size of sign. Variance shall not permit any business identification sign to exceed 32 square feet, each side with no one panel dimension (height or length) to exceed eight feet excluding supports. Consideration for a business identification sign size variance will apply to situations wherein:

(A) Visibility is impaired by highway curves, or topographical obstructions necessitate a sign site location some distance from the highway; or

(B) The sign site area is a high speed highway with heavy traffic.

(c) Subsection (1)(c) of this rule — Height of sign. A variance shall not permit the top of any business identification sign to be higher than 16 feet above the highway grade or property grade, whichever is higher.

(4) Waiver — A signed waiver form must be submitted with a sign permit application for a business identification sign located outside of a commercial or industrial zone. The waiver must be signed by both the sign owner and the sign site property owner agreeing to remove the sign, if required by the provisions of federal law, at their expense and without compensation for the sign to either.

(5) Signs erected under these regulations are also subject to any city or county ordinance or regulation.

(6) Removal — All signs granted permits under these rules are subject to removal in accordance with ORS 377.775.

Stat. Auth.: ORS 184.616, 377.726 & Ch. 268, OL 1993

Stats. Implemented: ORS 377.726

Hist.: 1 OTC 91(Temp), f. & ef. 10-24-77; 1 OTC 5-1978, f. & ef. 3-30-78; 1

OTC 16-1979(Temp), f. & ef. 7-19-79; 1 OTC 27-1979, f. & ef. 11-26-79;

2HD 14-1981, f. & ef. 10-2-81; HWY 5-1993(Temp), f. & cert. ef. 7-23-93;

HWY 6-1993, f. & cert. ef. 10-21-93

##### 734-060-0010

##### Criteria for Issuance of New Permits for Benches Utilized as Outdoor Advertising Signs

(1) A new permit may be issued for benches utilized for outdoor advertising signs (bench signs) and such signs may only be erected after a permit has been obtained from the Driver and Motor Vehicle Services Branch of the Department of Transportation (DMV) under the provisions of ORS 377.725. Application may be made by contacting the DMV, Transportation Permit Unit, 2950 State Street, Salem, OR 97310, Telephone 378-2636:

(a) Location — New permits for bench signs may be issued for such signs which are visible from state highways and located on private property except:

(A) Where such sign would be visible from the interstate highway system;

(B) Where such sign would be visible from a full control access highway; or

(C) Where such sign would be visible from any state highway where the area adjacent to the highway is a designated



scenic area.

(D) No permit shall be issued to locate a bench sign along any state highway designated as a scenic highway or byway unless it also complies with applicable federal scenic byway laws or regulations in effect on the date of receipt of the permit application or if the permit violates conditions of federal grants relating to scenic byways.

(b) Size — A maximum allowable size for a bench sign is 16 square feet and the sign shall not exceed two feet in height or eight feet in length excluding supports;

(c) Height — The top of bench signs erected under these regulations shall not be higher than four feet;

(d) Special Requirements:

(A) Bench signs shall be located in a commercial or industrial zone;

(B) Bench signs must be located inside incorporated city limits and/or urban areas;

(C) Bench signs must be located at a bus stop on a city or urban transit bus system route (a route affidavit showing all bus stops will be required prior to approval of any new permit for a bench sign);

(D) Bench signs shall not be located on state highway right of way; and

(E) Provided, however, if the state highway is routed over a city street as provided in ORS 373.020, the bench sign may be located on that portion of the city street right of way outside of the curb, or if there is no curb, outside of that portion of the right of way utilized for state highway purposes.

(e) Where bench signs are not located adjacent to a city or urban bus route or at an approved bus stop, bench signs on location prior to August 1, 1978 installed because of ignorance of the requirements of ORS 377.725 and where the owner can demonstrate that the removal would create a severe economic loss or undue hardship may remain if otherwise in compliance with ORS 377.700 to 377.780 and these regulations; and

(f) Excluded Benches — These rules and regulations do not apply to any bench signs for which outdoor advertising sign permits have already been issued.

(2) All signs subject to these regulations are also subject to the provisions of ORS 377.700 to 377.840 and to all applicable federal laws, regulations and agreements entered into by the Transportation Commission and the Federal Highway Administration. Signs erected under these regulations are also subject to any city or county ordinance or regulation.

(3) All bench signs granted permits under these rules are subject to removal in accordance with ORS 377.775.

Stat. Auth.: ORS 184.616, 377.726 & Ch. 268, OL 1993

Stats. Implemented: ORS 377.726

Hist.: 1 OTC 17-1979(Temp), f. & ef. 7-19-79; 1 OTC 26-1979, f. & ef. 10-30-79; HWY 5-1993(Temp), f. & cert. ef. 7-23-93; HWY 6-1993, f. & cert. ef. 10-21-93

### Directional Signs

#### 734-060-0015

##### Definitions

(1) "Committee" means the Permit Review Committee established pursuant to these rules.

(2) "Cross-Reader Sign" means a sign with advertising message displayed to opposing lane of traffic.

(3) "Department" means the Department of Transportation.

(4) "Directional Sign" means a sign identifying and containing directional information to one or more public places owned or operated by federal, state or local governments or one of their agencies; a sign identifying and containing directional information to publicly or privately owned natural phenomena or historic, cultural, scientific, educational and religious sites; and a sign identifying and containing directional information to areas of natural scenic beauty or areas naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

(5) "Display Surface" means the area of a sign made available for the purpose of displaying the advertising or information

ational message.

(6) "Erect" means to construct, build, assemble, place, affix, attach, create, paint, draw or in any way bring into being or establish.

(7) "Federal-Aid Primary System" or "Primary Highway" means the system of state highways described by **Section 103(b), Title 23, United States Code**, as selected and designated by the Department.

(8) "Freeway" means a divided arterial highway with four or more lanes available for through traffic with full control of access and grade separation at intersections.

(9) "Governmental Unit" means the Federal Government, the state, or a city, county or other political subdivision or an agency thereof.

(10) "Chief Engineer" or "Engineer" means the Chief Engineer or his duly authorized representative.

(11) "Interstate Highway" or "Interstate System" means every state highway that is a part of the National System of Interstate and Defense Highways established pursuant to **Section 103(d), Title 23, United States Code**.

(12) "Maintain", "maintained", "maintaining" or "maintenance" includes painting, and routine repairs necessary to maintain the sign in a neat, clean, attractive and safe condition, and the term includes allowing to exist.

(13) "Main-Traveled Way" means the through traffic lanes, exclusive of frontage roads, auxiliary lanes and ramps.

(14) "Park Land" means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.

(15) "Protected Area" means an area located within 660 feet of the edge of the right of way of any portion of an interstate highway constructed upon any part of right of way, the entire width of which was acquired by the State of Oregon subsequent to July 1, 1956, and which portion or segment does not traverse:

(a) A commercial or industrial zone within the boundaries of a city, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate highway is subject to municipal regulation or control; or

(b) Other areas where land use, as of September 21, 1959, is established by or pursuant to the laws of this state as industrial or commercial.

(16) "Reconstruction" means replacing a sign totally or partially destroyed, increasing its size or performing any work, except maintenance work, that alters or changes a sign authorized to exist under the provisions of ORS 377.700 to 377.840.

(17) "Regionally Known" means the attraction or activity must be known state-wide and in one or more of the adjoining states.

(18) "Rest Area" means an area established and maintained within or adjacent to a state highway right of way by or under public supervision or control for the convenience of the traveling public, and includes safety rest areas, scenic overlooks or similar roadside areas.

(19) "Secondary Highway" means any state highway other than an interstate highway or primary highway.

(20) "Scenic Area" means an area adjacent to or along a segment of a public highway that is within a federal or state park, is a site of historical significance or affords a view of unusual natural beauty, and has been established as a scenic area by the Scenic Area Board.

(21) "Sign Area" means the overall dimensions of all panels capable of displaying messages on a sign structure.

(22) "Sign Regulations for Protected Areas" means regulations applicable to signs erected within protected areas promulgated by the Department prior to, and in effect on, July 2, 1971, or amendments to such regulations promulgated by the Department.

(23) "Sign Structure" or "Structure" means the supports, uprights, braces, framework and display surfaces of a sign

(24) "State Highway", "Highway" or "State Highway System" means the entire width between the boundary lines of the right of way of every state highway, as defined by ORS 366.005, and the terms also include the interstate system and the federal-aid

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primary system.

(25) "Visible" means capable of being seen without visual aid by a person of normal visual acuity from the main-traveled way of any state highway.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Department of Transportation.]

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.726

Hist.: 1 OTC 28a(Temp), f. & ef. 5-6-74; 1 OTC 32, f. 8-2-74, ef. 8-25-74

### 734-060-0020

#### Scope

ORS 377.700 to 377.840 and the rules adopted pursuant thereto, apply to directional signs erected or maintained outside the right of way along state highways and visible to the traveling public from a state highway. A person may not erect or maintain directional sign visible to the traveling public from a state highway, except where permitted outside the right of way of a state highway unless it complies with the provisions of ORS 377.505 to 377.545, 377.700 to 377.840 and the rules adopted pursuant thereto. A person may not erect or maintain a directional sign on the right of way of a state highway.

Stat. Auth.: ORS Ch. 184 & 377

Stats. Implemented: ORS 377.727

Hist.: 1 OTC 28a(Temp), f. & ef. 5-6-74; 1 OTC 32, f. 8-2-74, ef. 8-25-74; 2HD 17-1981, f. & ef. 11-24-81

### 734-060-0025

#### Permits

(1) Unless an annual permit has been issued therefor, a directional sign shall not be erected, maintained or replaced by any person.

(2) A person may apply for a permit to the engineer on forms furnished by the engineer. The permit application shall include a precise description of the sign and such other information as the engineer considers necessary or desirable to determine compliance with ORS 377.700 to 377.840. Upon approval of the Permit Review Committee the engineer shall issue a permit for a sign that complies with ORS 377.700 to 377.840. A valid permit may be transferred to another person upon written notice to the engineer.

(3) A permit shall not be issued for a directional sign located adjacent to an interstate highway or freeway unless the engineer determines that access to the sign from the interstate highway or freeway can be obtained without violating the access control line of the interstate highway or freeway.

(4) A permit shall be renewed annually on the first day of January. Application for renewal of a permit shall be filed prior to expiration of the term of the permit. If application for renewal of a permit is filed after the expiration of the term and the permit is granted, an additional fee equal to the fee specified by section (5) of this rule shall be paid.

(5) An applicant shall pay an annual permit fee of:

(a) \$10 — For Sign Area up to 50 square feet;

(b) \$15 — For Sign Area 50 to 150 square feet.

(6) A permit may be issued for one year. The applicable fee shall accompany the permit application. A fee shall not be prorated for a fraction of a year or be refunded if the sign is removed.

(7) A permit shall be obtained and the prescribed fee paid if the sign area is increased beyond the size for which a fee was paid or if a sign is relocated or reconstructed.

(8) The engineer shall cancel a permit and require removal of the sign as provided by ORS 377.775 if he finds a sign has been erected, maintained or serviced from the highway right of way at any portion of the right of way where the Department has acquired rights of access to the highway or rights of access have not accrued to the abutting property. In addition, the Department may recover from the owner of the sign or person erecting, maintaining or servicing the sign, the amount of damage to landscaping, sodding, fencing, ditching or other highway appurtenances resulting from such acts.

(9) The engineer may revoke a permit, unless a corrected application is filed or the sign is brought into compliance within

30 days after written notice thereof is mailed to the permittee, if he finds:

(a) The applicant has knowingly supplied materially false or misleading information in his application for a permit or renewal; or

(b) The sign covered by the permit is in violation of ORS 377.700 to 377.840.

(10) The engineer shall cancel a permit immediately upon failure of a permittee to erect or maintain the sign as described by the permit application and to attach a permit tag thereto within 120 days after the date of issuance of the permit therefor.

(11) The engineer shall assign to every permit when issued for a directional sign a permit plate with identification number thereon and a current permit decal. The permittee shall attach the applicable permit plate with the current decal to the sign so as to be visible from the adjacent state highway. The absence of a permit plate and a current decal is prima facie evidence that the sign does not comply with ORS 377.700 to 377.840.

Stat. Auth.: ORS Ch. 184 & 377

Stats. Implemented: ORS 377.727

Hist.: 1 OTC 28a(Temp), f. & ef. 5-6-74; 1 OTC 32, f. 8-2-74, ef. 8-25-74; 2HD 17-1981, f. & ef. 11-24-81

### 734-060-0030

#### Size

(1) Directional signs shall meet the following requirements: The maximum area shall be 150 square feet; the maximum height shall be 20 feet; and the maximum length shall be 20 feet. Dimensions and area under this rule shall be computed to include border and trim, but exclude supports.

(2) Directional signs must be rectangular in shape. No directional sign shall have any extension, cantilever or protrusion extending beyond the edge of the sign panel.

(3) The distance between the highway grade or property grade (whichever is higher) and the bottom of the sign panel shall not exceed seven feet.

(4) No portion of any directional sign shall be of garish colors such as blaze reds, oranges, chartreuse, florescent or phosphorescent.

Stat. Auth.: ORS Ch. 184 & 377

Stats. Implemented: ORS 377.727

Hist.: 1 OTC 28a(Temp), f. & ef. 5-6-74; 1 OTC 32, f. 8-2-74, ef. 8-25-74; 2HD 17-1981, f. & ef. 11-24-81

### 734-060-0035

#### Spacing

(1) No directional sign may be located with 2,000 feet of an interchange or intersection at grade along the interstate system or other freeway measured along the interstate highway or freeway from the nearest point of the beginning or ending or pavement widening at the exit from or entrance to the main traveled ways.

(2) No directional sign may be located within 2,000 feet of a rest area, park land or scenic area.

(3) No directional sign shall be located within one mile of any other directional sign facing the same direction of travel.

(4) No more than two directional signs pertaining to the same attraction or activity and facing the same direction of travel may be erected along a single route approaching the attraction or activity.

(5) No directional signs located adjacent to the interstate system shall be located more than 75 air miles from the attraction or activity.

(6) No directional signs located adjacent to a primary or secondary highway shall be located more than 50 air miles from the attraction or activity.

(7) Directional signs located adjacent to the state highway system must observe the following spacing from legally installed outdoor advertising signs on same side of highway (Outside Incorporated Cities — Within Incorporated Cities, respectively):

(a) Interstate system: 2,000 feet — 500 feet;

(b) Freeway system: 1,000 feet — 500 feet; and

(c) Other state highways: 500 feet — 100 feet.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.727

Hist.: 1 OTC 28a(Temp), f. & ef. 5-6-74; 1 OTC 32, f. 8-2-74, ef. 8-25-74

**734-060-0040**

**Prohibited**

A directional sign may not be erected or maintained if it:

(1) Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt to direct the movement of traffic.

(2) Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic.

(3) Contains, includes or is illuminated by any flashing, intermittent, revolving, rotating or moving light or moves or has any animated or moving parts.

(4) Has any lighting, unless such lighting is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of a state highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operation thereof.

(5) Is located upon a tree, or painted or drawn upon a rock or other natural feature.

(6) Advertises or calls attention to an activity or attraction no longer carried on.

(7) Advertises activities that are illegal under any state or federal law applicable at the location of the sign or of the activities.

(8) Is not maintained in a neat, clean and attractive condition and in good repair.

(9) Is not able to withstand a wind pressure of 20 pounds per square foot of exposed surface.

(10) Is a cross-reader sign.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.727

Hist.: 1 OTC 28a(Temp), f. & ef. 5-6-74; 1 OTC 32, f. 8-2-74, ef. 8-25-74

**734-060-0045**

**Message**

The message on a directional sign shall be limited to identification and name of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route number or exit numbers. Descriptive words or phrases describing the activity or its environs are prohibited. However, one standard size graphic may be placed on each sign if not prohibited by federal statutes or regulations.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.727

Hist.: 1 OTC 28a(Temp), f. & ef. 5-6-74; 1 OTC 32, f. 8-2-74, ef. 8-25-74

**734-060-0050**

**Permit Review Committee**

(1) Applications for directional sign permits shall be reviewed, approved or denied by a five member Permit Review Committee representing:

- (a) Operations Support Section;
- (b) Traffic Engineering Section;
- (c) Communications Branch;
- (d) DMV Transportation Permit Unit; and
- (e) Right of Way Section.

(2) Review Procedure:

(a) Upon the receipt of a directional sign permit application and supporting information, the Permit Review Committee shall make a preliminary assessment of the application materials. The Committee may in writing request the applicant to furnish additional information relating to:

(A) The extent of national or regional recognition of the activity;

(B) The limits of the applicant's advertising program;

(C) The difficulty of the traveling public in finding the activity in the absence of directional signing; and

(D) Any matter relevant to deciding whether the application may qualify for a permit under these directional sign rules.

(b) The Committee may deny an application if the applicant refuses or fails to supply the requested information within 90 days of the date of the request, and the information is reasonably within the power of the applicant to obtain. The Committee may, upon the written request of an applicant, grant a reasonable extension of time to perform any act required in the course of an application, provided, however, that failure of the applicant or its representative to appear at any scheduled meeting or hearing without good cause therefore and without having requested in writing an extension, received by the Department no less than five days before the date of the scheduled hearing or meeting shall result in denial and in ineligibility to submit a new application for the activity until a period of one calendar year from the scheduled date of the hearing or meeting. For purposes of this section the determination of what constitutes "good cause" for failure to appear shall be subject to the standards applicable to similar determinations made under ORS 18.160;

(c) The applicant, applicant's representative or the Committee may in writing request a meeting in which the applicant or representative shall appear and offer testimony, exhibits and information on behalf of the application; and

(d) After review of the application, and a meeting if one is requested, the Committee shall issue an order recommending approval or denial of the application. Approval of at least two-thirds of the Committee is required for issuance of a permit. If the applicant is dissatisfied with the decision of the Committee, the applicant may request in writing a hearing on the application by the Chief Engineer. Such hearings shall be conducted as contested case hearings under ORS 183.413 to 183.470, and will be presided over by the Chief Engineer or his designated representative. The applicant shall have the burden of proving at the hearing that the activity qualifies for directional signing.

(3) Qualification Criteria: In addition to the foregoing provisions of this rule, the following criteria shall be considered in determining whether a directional sign permit shall be issued:

(a) Under ORS 377.710(8) and 377.727(9) directional signs are intended to serve the interests of the traveling public by providing directions to places of outstanding interest. Directional signs are not intended to create demand for an activity or to serve the purposes of outdoor advertising signs or on-premise signs. In determining whether directional signing for a given activity would be in the interest of the traveling public, the following criteria shall apply:

(A) Whether the activity is located in an isolated area or in an urban or developed area where directions to the activity can easily be obtained by customary means other than directional signing;

(B) Whether outdoor advertising or on-premise signing that is available to the activity can reasonably serve the purpose of providing directions to the activity;

(C) Whether the activity is adjacent to or visible from the state highway system, or is some distance from a state highway and served by only private or local access roads;

(D) Whether there are prominent physical landmarks near the activity which can be cited or referred to in directing the public to the activity; and

(E) Whether there are any other circumstances making the activity extremely difficult or easy to find in the absence of directional signing.

(b) To be eligible for directional signing, privately owned activities must be of outstanding interest to the traveling public and must be nationally or regionally known. In making the eligibility decision, the following criteria apply:

(A) The extent of unsolicited media coverage of the activity, such as articles in magazines, newspapers, television and radio coverage;

(i) Strongest weight shall be given to coverage by nationally distributed publications and by network media of any sort including press wire services — Such information shall be relevant in determining the extent of interest, and whether the attraction is "nationally or regionally known";

(ii) Strong weight shall be given to coverage by regionally distributed publications and by radio/television media which customarily reach persons in two or more states. By way of



example, the Portland Oregonian and broadcast media originating in Portland shall be considered to reach two or more states. Such information shall be considered in determining whether the activity is "regionally known";

(iii) Weight shall also be given to coverage by local newspapers and broadcast media which shall be relevant for determining whether the activity is known "statewide"; and

(iv) For purposes of examining unsolicited media coverage, only coverage of the intrinsic attractive values of the activity and its regular programs will be considered — coverage of extraordinary events such as accidents at the activity shall not be considered.

(B) The extent of paid advertisements of the activity, which shall be considered as under subparagraphs (3)(b)(A)(i) - (iv) of this rule;

(C) The extent of brochure, pamphlet and other materials distributed to advertise the activity;

(D) Visitor book log information, and other records, to the extent they demonstrate significant public interest and attendance, and to the extent they indicate that the activity is known nationally and/or regionally; and

(E) Any other information presented by the applicant tending to demonstrate widespread public knowledge of, and interest in, the activity.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.727

Hist.: 1 OTC 28a(Temp), f. & ef. 5-6-74; 1 OTC 32, f. 8-2-74, ef. 8-25-74; 2HD 12-1981, f. & ef. 10-2-81

#### **Portable Signs on Right of Way**

#### **734-060-0060**

##### **Portable Signs and Repeated Violations of ORS 377.650**

Any sign as defined by ORS 377.710, which is portable in nature and which has been deposited, left or displayed on a state highway in violation of ORS 377.650 may be removed and disposed of in the following manner:

(1) Five days after written notice of the violation of ORS 377.650 is mailed or 24 hours after notice is delivered in person to the person owning or controlling the portable sign, the District Manager (DM) or Assistant District Manager (Asst. DM) may have the sign removed and may charge the owner for the cost of removal and storage. The sign shall be stored for 30 days and if the sign is not claimed within 30 days, it may be sold, destroyed or otherwise disposed of.

(2) If the portable sign is determined by the DM or Asst. DM to create a traffic hazard, (e.g., signs on the paved portion of a highway or gravel shoulder, or signs placed upon state highway signs or appurtenances), the five day advance written notice need not be made but notice is to be made within 24 hours after removal.

(3) If the owner of the portable sign or person in control of the sign is not readily identified, by the sign itself or by contacting adjacent property owners, the sign may be removed immediately without notice. However, notice should be made upon subsequent identification of the sign owner.

Stat. Auth.: ORS Ch. 184 & 377

Stats. Implemented: ORS 377.650

Hist.: 2HD 4-1985, f. & ef. 11-22-85

#### **734-060-0065**

##### **Notice to a Portable Sign Owner**

Notice to a portable sign owner shall include at least the following:

(1) Statement that the sign is in violation of ORS 377.650.

(2) The approximate location of the sign and a description of the sign.

(3) Date the sign will be removed, or date on which the sign was removed.

(4) Statement that the removal and storage costs are the responsibility of the owner.

(5) Statement that sign shall be disposed of after 30 days of storage.

(6) The cost of removal and storage.

(7) A location of where the sign will be stored, or a person to contact concerning the storage.

(8) A statement that the owner may remove the sign at the owner's expense prior to date of removal by the Department.

(9) A statement that further violation will result in immediate removal without prior notification.

Stat. Auth.: ORS Ch. 184 & 377

Stats. Implemented: ORS 377.650

Hist.: 2HD 4-1985, f. & ef. 11-22-85

#### **734-060-0070**

##### **Previous Notice**

If a previous notice has been given that a portable sign or other personal property violates ORS 377.650, and that sign, (a change of legend or message does not constitute a different sign), or property is again placed on a state highway, such items may be removed without further notice and stored for 30 days before further disposal. In such event notice shall be given subsequent to removal and the owner shall be given an opportunity for a hearing before the DM or Asst. DM to contest the violation and removal. The request for a hearing must be made within three working days after removal and the hearing must be held within five working days after such removal. The scope of this hearing shall be limited to whether proper prior notice was given, whether there was a subsequent violation and whether the sign or property was placed on a state highway. A written decision shall be made concerning the violation and removal procedure.

Stat. Auth.: ORS Ch. 184 & 377

Stats. Implemented: ORS 377.650

Hist.: 2HD 4-1985, f. & ef. 11-22-85

#### **734-060-0075**

##### **Removal Provisions**

Signs subject to OAR 734-027-0005 through 734-027-0050 are subject to the removal provisions of those rules and ORS 377.775.

Stat. Auth.: ORS Ch. 184 & 377

Stats. Implemented: ORS 377.650

Hist.: 2HD 4-1985, f. & ef. 11-22-85

#### **Exempt Sign Rules**

[ED. NOTE: If applicable Federal Regulations are not met, the permit requirements of ORS 377.700 to 377.840 do not apply to:]

#### **734-060-0085**

##### **Church and Civic Organization Signs**

Signs erected and maintained by a city, within incorporated cities, outside of highway right of way, showing the place and time of services or meetings of churches and civic organizations in the city.

(1) Location — The above signs may be located on private property adjacent to state highways but are prohibited in protected areas of interstate highways;

(2) Size — The maximum permissible size for church and civic organization signs is as follows:

(a) Height — Eight feet, excluding supports;

(b) Length — Four feet; and

(c) Each panel, height six inches, length four feet.

(3) Number — A city is limited to erecting two signs readable by the traveling public proceeding in any one direction on any one highway;

(4) Signs erected under this rule are subject to the provisions of ORS 377.720; and

(5) Removal — Signs erected under this rule shall be removed as provided in ORS 377.775.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.735

Hist.: HWY 1-1989, f. & cert. ef. 5-2-89

#### **734-060-0095**

##### **Residential Directional Signs**

(1) Residential directional signs must be located on private



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property and are prohibited on fully controlled access highways or in designated scenic areas.

(2) Number — One such sign readable by the traveling public proceeding in any one direction on any one state highway is the maximum number allowed for any one residence.

(3) Size — The maximum permissible size for residential directional signs is as follows:

(a) Height — Two feet, excluding supports; and

(b) Length — Four feet.

(4) Signs erected under this rule are subject to the provisions of ORS 377.720.

(5) Removal — Failure to comply with applicable sections of the statutes and this rule will result in the removal of signs erected under this rule as provided in ORS 377.775.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.735

Hist.: HWY 1-1989, f. & cert. ef. 5-2-89

### 734-060-0105

#### Signs of a Governmental Unit

(1) In order to qualify as a sign of a governmental unit the following criteria must be satisfied:

(a) The sign must be within the territorial or zoning jurisdiction of the governmental unit;

(b) The governmental unit must have the authority to declare, expound, administer, or apply the law within that area;

(c) The sign may only be erected for the purpose of carrying out an official duty or responsibility directed or authorized by law;

(d) The subject matter of the sign must relate to a public function or service; and

(e) The subject matter must not relate to a private commercial product or activity.

(2) Location — Signs permitted by this rule may be erected on private or governmental unit property adjacent to state highways, but are prohibited on state highway rights of way and on designated scenic area highways.

(3) Size — The maximum permissible size for signs of a governmental unit is as follows:

(a) Overall size shall not exceed 200 square feet;

(b) No single dimension shall exceed 20 feet; and

(c) The entire message must be contained on one sign. Fragmentation of messages on separate sign panels is prohibited;

(d) Existing signs not meeting the size limitation must have been in compliance by January 1, 1985.

(4) Number — Two signs are permitted for any one governmental unit. However, existing signs, if meeting all criteria in this rule, may remain. If the limitation on number of signs will cause undue hardship, a waiver for additional signing may be granted by the Chief Engineer, or authorized representative, upon application by the sign owner.

(5) Signs erected under this rule are subject to the provisions of ORS 377.720.

Stat. Auth.: ORS Ch 377

Stats. Implemented: ORS 377.735

Hist.: HWY 1-1989, f. & cert. ef. 5-2-89

### 734-060-0115

#### Temporary Civic Signs

(1) Location — Temporary civic signs may be located as follows:

(a) On private property within view of state highways;

(b) On county, city or state owned property subject to the approval of the controlling authority and the conditions and provisions imposed by such authority; and

(c) Such signs are prohibited on interstate highway right of way or within view of interstate highway protected areas or in designated scenic areas.

(2) Size — The maximum permissible size for temporary civic signs is as follows:

(a) Height — Four feet, excluding supports; and

(b) Length — Eight feet.

(3) Number — One sign readable by the traveling public from each direction of travel on any one highway is the maximum

number of signs allowed for any one activity.

(4) Signs erected under this rule are subject to the provisions of ORS 377.720.

(5) Removal — Signs erected under this rule must be removed within two weeks from date of installation but not later than 24 hours after completion of advertised event. Failure to remove a sign in accordance with this section will result in removal by the Chief Engineer or his duly authorized representative as provided in ORS 377.775.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.735

Hist.: HWY 1-1989, f. & cert. ef. 5-2-89

### 734-060-0125

#### Memorial Signs or Tablets

(1) Location — Memorial signs or tablets may be erected in the following locations:

(a) On private property within view of state highways except interstate highway protected areas;

(b) On county, city, or state owned property with the approval of the controlling authority and subject to the conditions and provisions imposed by such authority; and

(c) Signs erected under this rule are only permitted at site.

(2) Size — The maximum permissible size for memorial signs or tablets is as follows:

(a) Height — Ten feet, excluding supports; and

(b) Length — Fifteen feet.

(3) Number — One sign is permitted at each site.

(4) Signs erected under this rule are subject to the provisions of ORS 377.720.

(5) Removal — Failure to maintain a sign erected under this rule in a neat and attractive manner will be grounds for removal as provided in ORS 377.775.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.735

Hist.: HWY 1-1989, f. & cert. ef. 5-2-89

### 734-060-0135

#### Exposition, Fair, and Rodeo Signs

(1) Location — Exposition, fair, and rodeo signs may be erected in the following locations:

(a) On private property within view of state highways except in designated scenic areas;

(b) On county, city, or state owned property with the approval of the controlling authority and subject to the conditions and provisions imposed by such authority; and

(c) Such signs are prohibited on interstate highway right of way or within view of interstate highways in protected areas.

(2) Size — The maximum permissible size for an exposition, fair, or rodeo sign is as follows:

(a) Height — Ten feet, excluding supports;

(b) Length — Fifteen feet; and

(c) The entire message must be contained on one sign. Fragmentation of messages on separate sign panels is prohibited.

(3) Number — Not more than two such signs may be erected and maintained that are readable by the traveling public proceeding in any one direction on any one highway for any one exposition, fair or rodeo.

(4) Signs erected under this rule are subject to the provisions of ORS 377.720.

(5) Removal — Removal shall be within six weeks after date of erection and no later than 24 hours after closing of advertised event. Failure to remove will result in removal by the Chief Engineer or his duly authorized representative as provided in ORS 377.775.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.735

Hist.: HWY 1-1989, f. & cert. ef. 5-2-89

### 734-060-0145

#### Temporary Agricultural Directional Signs

(1) Location — Temporary agricultural directional signs may be located as follows:

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(a) On private property on which the agricultural products are grown, within view of a state highway; and

(b) Such signs are prohibited in interstate highway protected areas and designated scenic areas unless sign qualifies as an on-premise sign.

(2) Size — The maximum permissible size for temporary agricultural directional signs is as follows:

(a) Height — Four feet, excluding supports;

(b) Length — Eight feet; and

(c) The entire message must be contained on one sign. Fragmentation of messages on separate sign panels is prohibited.

(3) Number — Two signs readable by the traveling public proceeding in any one direction on any one state highway are permitted for any one agricultural site.

(4) Signs erected under this rule are subject to the provisions of ORS 377.720.

(5) Removal — Signs must be removed upon the completion of the sale of the product. Failure to remove such signs will result in removal as provided in ORS 377.775.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.735

Hist.: HWY 1-1989, f. & cert. ef. 5-2-89

### 734-060-0155

#### Property for Sale Signs

(1) Location — Property for sale signs are allowed on the property for sale, adjacent to and within view of a state highway.

(2) Size — The maximum permissible size for property for sale signs is as follows:

(a) Height — Ten feet, excluding supports; and

(b) Length — Fifteen feet.

(3) Number — One sign visible to each direction of travel on any one highway that borders the property for sale is allowed for each property site.

(4) Signs erected under this rule are subject to the provisions of ORS 377.720.

(5) Removal — Signs must be removed upon completion of sale. Failure to remove such signs will result in removal by state forces under the provisions of ORS 377.775.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.735

Hist.: HWY 1-1989, f. & cert. ef. 5-2-89

### 734-060-0165

#### Church Directional Signs

(1) Location — Church directional signs are permitted on private property adjacent to a state highway. Such signs are prohibited in designated scenic areas or park lands; in protected areas of the interstate highway system; at a location more than one mile from the church or the nearest point where the traveling public must leave the state highway for access to the church; and on state highway right of way.

(2) Size — The maximum permissible size for church directional signs is six square feet.

(3) Number — One sign visible to each direction of travel on any one highway approaching the church is allowed for each church.

(4) Signs erected under this rule are subject to the provisions of ORS 377.720.

(5) Removal — Signs erected under this rule shall be removed as provided in ORS 377.775.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.735

Hist.: HWY 1-1989, f. & cert. ef. 5-2-89

### 734-060-0175

#### Temporary Political Signs

(1) Location — Temporary political signs may be erected on private property. Such signs are not permitted on state highway right of way, on trees, utility poles, on right of way fence posts or natural features, in protected areas of the interstate system, in designated scenic areas or park lands. Installing signs from controlled access highway rights of way is not permitted.

(2) Size — Overall size shall not exceed 32 square feet. The entire message must be contained on one sign. Fragmentation of messages on separate sign panels is prohibited.

(3) Erection and Removal — Signs erected under this rule are subject to the following conditions:

(a) Signs must be removed within 30 days after election date; and

(b) Regulations prohibit other than official signs on a state highway right of way. Any temporary political sign located on state highway right of way may be removed without notice. Other non-complying signs will be removed in accordance with ORS 377.775.

(4) Signs erected under this rule are subject to the provisions of ORS 377.720.

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.735

Hist.: HWY 1-1989, f. & cert. ef. 5-2-89

## DIVISION 62

### SIGNS IDENTIFYING CULTURAL AND HISTORICAL FEATURES

### 734-062-0005

#### Applicability and Purpose

(1) The purpose of these regulations is to establish standards for signs identifying cultural and historical features erected within highway rights-of-way to provide directional information to qualified cultural and historical features.

(2) These regulations are applicable to the Interstate System and expressways.

(3) The authority for the issuance of these rules is ORS 366.205(4) and 366.450.

Stat. Auth.: ORS Ch. 366

Stats. Implemented: ORS 366.205 & 366.450

Hist.: ZHD 5-1983, f. & ef. 1-20-83

### 734-062-0010

#### Definitions

As used in these rules the following definitions apply unless the context clearly indicates otherwise:

(1) "Engineer" means the Chief Engineer.

(2) "Qualified Cultural Feature" means a museum approved by the Engineer after consulting with the Oregon Historical Society and the Oregon Museum Association.

(3) "Qualified Historical Feature" means a district or a property currently listed in the National Register of Historic Places or designated nationally significant by the United States Department of the Interior.

(4) "Interstate System" or "interstate highway" means every state highway that is a part of a national system of interstate and defense highways established pursuant to **Section 103(b), Title 23, United State Code**. It also includes fully controlled access freeways on the Primary and Secondary State Highway System.

(5) "Sign" means sign panels, the necessary support structure and break away devices of a size and construction necessary to conform to Interstate Highway Signing Standards.

(6) "Primary System" means all parts of the Primary State Highway System exclusive of the interstate system as defined in section (4) of this rule.

(7) "Expressway" means a primary or secondary highway which has full access control with access allowed only at interchanges or intersections.

(8) "Department" means the Oregon Department of Transportation.

(9) "Owner" means a holder of fee title or lessee.

(10) "Responsible Operator" means a person or entity other than an owner who operates a qualified historical or cultural feature.

(11) "Supplemental Sign" means a sign located on, opposite, or at the terminus of an exit ramp from the Interstate System or an exit ramp at an interchange on an expressway.

[Publications: The publication(s) referred to or incorporated by reference in

this rule are available from the Department of Transportation.]  
Stat. Auth.: ORS Ch. 366  
Stats. Implemented: ORS 366.205 & 366.450  
Hist.: 2HD 5-1983, f. & ef. 1-20-83

#### **734-062-0015**

##### **Criteria For Location**

(1)(a) Signs to be placed on the Interstate Highway System and expressways for qualified cultural or historical features shall conform to all requirements of the **Manual on Uniform Traffic Control Devices** as adopted by the Oregon Transportation Commission.

(b) A requirement of the Manual is a minimum available space of 800 feet from the closest existing sign. This factor may prohibit the installation of any sign. Another limiting factor is the allowable use of only two destinations on any sign, therefore, only two features may be placed on any sign.

(2) Signs for qualified cultural and historical features on the Interstate System and expressways shall not be installed until a thorough investigation by the Engineer determines that no conflict will exist with other official traffic control devices.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Department of Transportation.]

Stat. Auth.: ORS Ch. 366  
Stats. Implemented: ORS 366.205 & 366.450  
Hist.: 2HD 5-1983, f. & ef. 1-20-83

#### **734-062-0020**

##### **Criteria for Information Permitted**

(1) Qualified cultural and historical features that have features within a building or a restricted outdoor area shall include:

(a) Restroom facilities available and drinking water.

(b) Continuous operation at least six hours per day six days a week during its normal operating season.

(c) Licensing where required.

(d) Adequate parking accommodations.

(2) Qualified undeveloped cultural and historical features not located within buildings or a restricted outdoor area shall include:

(a) Adequate parking accommodations.

(b) An informational device to provide public knowledge of the features.

(3) Each qualified cultural and historical feature identified on a sign shall have given written assurance to the Department of its conformity with all applicable laws concerning the provisions of public accommodations without regard to race, religion, color, sex, or national origin, and shall not be in breach of that assurance.

(4) Notwithstanding the requirements of sections (1) and (2) of this rule, a waiver to any of those requirements may be granted by the Engineer under the provisions of OAR 734-062-0040(2).

Stat. Auth.: ORS Ch. 366  
Stats. Implemented: ORS 366.205 & 366.450  
Hist.: 2HD 5-1983, f. & ef. 1-20-83

#### **734-062-0025**

##### **General Provisions**

Upon selection and approval by the Department of an interchange for installation of a historical or cultural feature sign and upon approval of proper application for a permit from one or more qualified cultural or historical feature owner or operator, a sign shall be erected in advance of the interchange in each direction of travel providing space is available for erection of the sign or if a sign is already erected and space is available on the existing sign.

Stat. Auth.: ORS Ch. 366  
Stats. Implemented: ORS 366.205 & 366.450  
Hist.: 2HD 5-1983, f. & ef. 1-20-83

#### **734-062-0030**

##### **State Sign Policy**

(1) Qualified historical or cultural features must be located within one mile of the interchange measured by vehicle distance

from the center point of the exit ramp intersection on an interchange to the nearest point of the intersection of the driveway of the feature and a public highway. However, any qualified cultural or historical feature set out in this section located within 15 miles of an interchange but more than one mile may apply to the Department for a waiver under the provisions of OAR 734-062-0040.

(2)(a) Where any qualified cultural or historical feature is not visible from any part of the exit ramp on the interstate system, a supplemental sign bearing the identification together with a directional arrow, and mileage where needed, shall be placed at the exit ramp terminus. Such supplemental signs shall be placed at such locations as will best serve the motoring public and be commensurate with traffic safety as shall be determined by the engineer.

(b) If the qualified cultural or historical feature is visible from any part of the exit ramp, it shall not be entitled to apply for a supplemental sign unless such supplemental sign is determined by the Engineer to be necessary in order to direct the traveling public to such feature in order to avoid a traffic hazard or misdirection of the traveling public because of the complexity of the particular interchange.

(3) If the qualified cultural or historical feature existing within one mile of an interchange has not applied for a permit for placement of a historical or cultural feature sign at an interchange, then an otherwise eligible cultural or historical feature which is located more than one mile but less than 15 miles from an interchange may apply for a permit. If the otherwise eligible cultural or historical feature is within 15 miles but more than one mile from interchange it must obtain a waiver as provided in OAR 734-062-0040.

Stat. Auth.: ORS Ch. 366  
Stats. Implemented: ORS 366.205 & 366.450  
Hist.: 2HD 5-1983, f. & ef. 1-20-83

#### **734-062-0035**

##### **Application and Eligibility**

(1) If applications are received for any one interchange for more than the maximum allowable identifications to be placed on any one sign, only two applications shall be granted. The order of priority shall be based on the date of receipt of a properly completed application and required fee.

(2) The owner or responsible operator of a qualified historical or cultural feature must file an application for a sign on a form specified by the Department and tender the permit fee and rental for each sign for the first year. If the feature is publicly owned and operated, only the annual permit fee must be tendered. If the feature is publicly owned and privately operated as a profit making venture or if the feature is privately owned and privately operated as a profit making venture then the permit fee and the rental for the first year must be tendered for each sign.

(3) Any grant of a new or renewed permit shall entitle the owner or responsible operator to continuance of its sign for the interchange for a period of one year from the date of placement or renewal.

(4) Eligibility of a qualified cultural or historical feature for continuance of the sign may be reviewed annually before granting a renewal permit. If payment is not made for a renewal permit within 30 days after the due date, the sign may be removed.

(5) Notwithstanding section (3) of this rule, the sign of a qualified cultural or historical feature shall be removed from a panel and may be replaced by another qualified applicant for failure to comply with subsections (a), (b) or (c) of this section:

(a) If the qualified cultural or historical feature fails on a sufficient number of occasions or over a sufficient period of time to provide all of the services required by OAR 734-062-0020(1) and (2), so as to justify a finding by the Department that the business is not in substantial compliance with these regulations.

(b) If the qualified cultural or historical feature fails to open for business for more than 21 consecutive days or for more than 30 days cumulatively during any normal operating season unless the Department finds that closure for such period was beyond the control of the owner or responsible operator, or that the closure



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was justified by extenuating circumstances.

(c) If it fails to comply with OAR 734-062-0020(3), except in isolated instances without the knowledge of the owner, responsible operator, or manager of the feature, or on any occasion unless steps are promptly taken to insure to the fullest extent reasonably possible that such instances will not recur.

(6) If due to fire, accident or similar causes, a qualified cultural or historical feature becomes inoperable for an extended period of time, exceeding seven days, but not more than 90 days, its identification shall be temporarily covered or removed from all signs, but the feature shall not lose its priority, nor be required to reapply prior to the normal time for a renewal application. Further extension may be granted on good cause shown. However, failure of the owner or responsible operator to proceed with necessary repairs as rapidly as possible shall cause loss of the right to continued placement of the identification and require a new application.

(7) Notwithstanding the fact that a qualified historical or cultural feature meets all of the other eligibility requirements of these regulations, an application may be denied by the Department if it is determined after investigation by the Engineer that adequate direction to the feature cannot be given by an allowable supplemental sign.

Stat. Auth.: ORS Ch. 366

Stats. Implemented: ORS 366.205 & 366.450

Hist.: 2HD 5-1983, f. & ef. 1-20-83

### 734-062-0040

#### Waiver

(1) Upon request by an applicant the Department may authorize a waiver upon a showing by applicant that: for qualified cultural or historical features located within 15 miles of an interchange but more than one mile from an interchange, the feature is easily located from the interchange and no additional signs other than an authorized supplemental sign would be necessary to direct the traveling public to the feature or that adequate signing will be provided on the public road system to guide the motorist to the feature.

(2) Upon request by an applicant, the Engineer may authorize a waiver upon a showing by the applicant that the granting of such waiver will benefit the motoring public and not violate the overall intent of these regulations. The sections under which waivers may be granted are OAR 734-062-0020(1) and (2); 734-062-0030(1) and (3); and 734-062-0045(6).

(3) Procedures. Administrative Procedure Act — Any order of the Department denying an application or waiver under these rules, or for removal of a sign under these regulations, may be entered administratively without hearing, subject to requirements of ORS Chapter 183 and the administrative and judicial review as provided therein. The Department shall notify applicants promptly on any application or waiver denial or decision to remove a sign under these regulations.

Stat. Auth.: ORS Ch. 366

Stats. Implemented: ORS 366.205 & 366.450

Hist.: 2HD 5-1983, f. & ef. 1-20-83

### 734-062-0045

#### Fees and Installation

(1) The Department may furnish, erect, and maintain all signs that have been approved for installation.

(2) The Department shall notify applicant promptly when a permit application has been approved.

(3) Fees. The annual permit fee for each cultural or historical feature sign shall be \$150 payable with the application or any renewal application. A separate \$150 permit fee shall be paid for each supplemental sign.

(4) Subject to OAR 734-062-0035(2), in addition to the permit fee, a rental fee of \$120 per year for each cultural or historical feature sign including supplemental signs, shall be paid annually. The initial rental fee must be submitted with the application. The applicant shall be notified when the tourist oriented directional sign is installed.

(5) In case of removal of a sign or supplemental sign, the

rental fee for any months or major portion (16 days or more) of a month remaining to the anniversary of the date of placement of the sign shall be refunded. There shall be no refund of rental for any sign temporarily removed or covered.

(6) Notwithstanding section (4) of this rule, if a qualified cultural or historical feature is publicly owned and operated or has been awarded **501(c)(3)** designation by the United States Internal Revenue Service, only the annual permit fee must be tendered.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Department of Transportation.]

Stat. Auth.: ORS Ch. 366

Stats. Implemented: ORS 366.205 & 366.450

Hist.: 2HD 5-1983, f. & ef. 1-20-83; 2HD 11-1983, f. & ef. 4-20-83

### 734-062-0050

#### Temporary Removal and Reinstallation Fees

After the initial installation of any qualified cultural or historical feature sign, a \$25 fee shall be charged for:

(1) Temporary removal because of temporary or seasonal closure of the qualified cultural or historical feature.

(2) Reinstallation of any qualified cultural or historical feature sign pursuant to section (1) of this rule.

Stat. Auth.: ORS Ch. 366

Stats. Implemented: ORS 366.205 & 366.450

Hist.: 2HD 5-1983, f. & ef. 1-20-83

## DIVISION 63

### RELOCATING OUTDOOR ADVERTISING SIGNS ON A SCENIC BYWAY

### 734-063-0005

#### Relocating Outdoor Advertising Signs on a Scenic Byway

For the purpose of insuring that Oregon does not violate any federal scenic byway laws resulting in the loss of federal funding for its scenic byways:

(1) No permit shall be issued to relocate an outdoor advertising sign to be visible to any portion of US 101, a designated scenic byway, unless it complies with federal scenic byway laws, federal regulations or conditions of federal grants relating to scenic byways.

(2) All signs maintained and reconstructed under these regulations are also subject to the provisions of ORS 377.700 to 377.840 and to all applicable federal laws, regulations and agreements entered into by the Transportation Commission and the Federal Highway Administration. Signs maintained and reconstructed under these regulations are also subject to any city or county ordinance or regulation.

Stat. Auth.: ORS 184.616, 377.726 & Ch. 268, OL 1993

Stats. Implemented: ORS 377.727

Hist.: HWY 5-1993(Temp), f. & cert. ef. 7-23-93; HWY 6-1993, f. & cert. ef. 10-21-93

## DIVISION 65

### ADVERTISING SIGNS ATTACHED TO BUS SHELTERS

### 734-065-0005

#### Scope

Chapter 308, Oregon Laws 1981 (Senate Bill 934) directs the Oregon Transportation Commission to establish, by Administrative Rule, regulations and criteria for permits authorizing the placement of advertising signs on bus waiting shelters.

Stat. Auth.: ORS 377.726

Stats. Implemented: ORS 377.726

Hist.: 2 HD 19-1981, f. & ef. 11-24-81

### 734-065-0010

#### Bus Waiting Shelters

For the purposes of this rule, bus waiting shelters are defined as shelter-type structures erected and maintained for a mass transit

district, transportation district or any other public transportation agency for the use and convenience of the customers of said district or agency and will hereinafter be referred to as shelters.

Stat. Auth.: ORS 377.726  
Stats. Implemented: ORS 377.726  
Hist.: 2 HD 19-1981, f. & ef. 11-24-81

#### **734-065-0015**

##### **Construction of Bus Shelters**

These rules do *not* grant authority to construct or maintain bus shelters but, pertain solely to the placement of advertising signs on said shelters visible from a state highway.

Stat. Auth.: ORS 377.726  
Stats. Implemented: ORS 377.726  
Hist.: 2 HD 19-1981, f. & ef. 11-24-81

#### **734-065-0020**

##### **Sign Location**

(1) Signs cannot be located on state highway right-of-way.  
(2) Signs must be installed so that they are not designed to be primarily visible from the traveled lanes of interstate highways nor a full-control access highways.

(3) Signs cannot be visible from the traveled lanes of any state highway in a designated scenic area.

(4) The shelter on which a sign is placed must be located within a zoned commercial or industrial area or on a city street right-of-way adjoining a commercial or industrial zone.

(5) Not more than one sign visible from the traveled lanes of the highway shall be placed on a shelter.

(6) No permit shall be issued to locate a bus shelter sign along any state highway designated as a scenic highway or byway unless it also complies with applicable federal scenic byway laws or regulations in effect on the date of receipt of the permit application or if the permit violates conditions of federal grants relating to scenic byways.

Stat. Auth.: ORS 184.616, 377.726 & Ch. 268, OL 1993  
Stats. Implemented: ORS 377.726 & 377.767  
Hist.: 2 HD 19-1981, f. & ef. 11-24-81; HWY 5-1993(Temp), f. & cert. ef. 7-23-93; HWY 6-1993, f. & cert. ef. 10-21-93

#### **734-065-0025**

##### **Size and Construction of Sign**

(1) Notwithstanding ORS 377.745, advertising signs attached to bus shelters shall not exceed 16 square feet for a single faced sign or 32 square feet for a back-to-back sign.

(2) A back-to-back sign is a sign with advertising copy mounted on a single sign structure so as to be visible to traffic from opposite directions of travel.

(3) A back-to-back sign shall be considered one sign.

(4) The distance between advertising panels placed back-to-back shall not exceed one foot.

(5) A single faced sign is a sign with advertising copy only on one side of the sign structure.

(6) No portion of the sign shall extend beyond the outer edges of the shelter.

Stat. Auth.: ORS 377.726  
Stats. Implemented: ORS 377.726  
Hist.: 2 HD 19-1981, f. & ef. 11-24-81

#### **734-065-0030**

##### **Permit Fee**

(1) An applicant shall pay an annual permit fee of:

- (a) \$10 — For sign area up to 50 square feet;
- (b) \$15 — For sign area over 50 square feet.

(2) The fee shall accompany the permit application. A fee shall not be prorated for a fraction of a year or be refunded if the sign is removed.

(3) Permits are issued for one year and shall be renewed annually on the first day of January. Application for renewal shall be received prior to the expiration of the permit. If received after the expiration date, the permit shall be renewed at double the permit fee.

Stat. Auth.: ORS 377.726

Stats. Implemented: ORS 377.726  
Hist.: 2 HD 19-1981, f. & ef. 11-24-81

#### **734-065-0035**

##### **Spacing**

For the purpose of determining the spacing, the distance shall be measured linearly along the highway and parallel to the centerline of the highway:

(1) Minimum spacing shall be:

(a) Within the corporate boundaries of a city, 100 feet from any outdoor advertising sign located on the same side of the highway.

(b) Outside the corporate boundaries of a city, 500 feet from any outdoor advertising sign located on the same side of the highway.

(2) If the state highway is routed over a city street (as provided in ORS 373.020) a bus shelter sign may be located on that portion of the city street right-of-way outside of the curb; or, if there is no curb, outside of that portion of the right-of-way utilized for state highway purposes.

Stat. Auth.: ORS 377.726  
Stats. Implemented: ORS 377.726  
Hist.: 2 HD 19-1981, f. & ef. 11-24-81

#### **734-065-0040**

##### **Compliance**

All signs subject to these regulations are also subject to the provisions of ORS 377.700 to 377.840 and to all applicable federal laws, regulations and agreements entered into by the Transportation Commission and the Federal Highway Administration. Signs erected under these regulations are also subject to any city or county ordinance or regulation.

Stat. Auth.: ORS 377.726  
Stats. Implemented: ORS 377.726  
Hist.: 2 HD 19-1981, f. & ef. 11-24-81

#### **734-065-0045**

##### **Upon Written Request by the Sign Owner**

The Chief Engineer may grant a variance from the size restrictions of OAR 734-065-0025(1) not to exceed:

- (1) 32 square feet, one side;
- (2) 64 square feet, back-to-back.

Stat. Auth.: ORS 377.726  
Stats. Implemented: ORS 377.726  
Hist.: 2 HD 19-1981, f. & ef. 11-24-81

#### **734-065-0050**

##### **Removal**

All signs granted permits under these rules are subject to removal in accordance with ORS 377.775.

Stat. Auth.: ORS 377.726  
Stats. Implemented: ORS 377.726  
Hist.: 2 HD 19-1981, f. & ef. 11-24-81

### **DIVISION 70**

## **VEHICLE WEIGHT AND DIMENSION LIMITS — PERMITS**

### **Authorization of Chief Engineer to Restrict Movement of Over-Dimensional Vehicles or Loads**

#### **734-070-0005**

##### **Scope**

(1) Operating under special permits issued by the Department of Transportation pursuant to other rules, many overdimensional vehicles or loads travel on state highways. Such permits may be valid for up to a one-year period, authorize dimensions considerably in excess of those established by statute, and include a route system consisting of a major portion of the state highway system.

(2) Not infrequently, a situation or condition arises which makes it unsafe, impractical, or, at times, impossible for an overdimensional vehicle or load to travel over a given highway or

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section thereof. Such situations or conditions are usually caused by highway construction or repair projects or other local traffic conditions. The purpose of this rule is to provide a means of coping with such situations.

Stat. Auth.: ORS Ch. 184 & 818

Stats. Implemented: ORS 818.220

Hist: 1 OTC 20-1979(Temp), f. & ef. 9-20-79; 1 OTC 8-1980, f. & ef. 3-28-80

### 734-070-0010

#### Authorization of Chief Engineer

(1) The Chief Engineer is authorized to impose time of travel restrictions, to halt the movement of overdimensional vehicles and loads, or to impose other restrictions which alter, rescind, or are in addition to those established under other rules and pertain to the movement of overdimensional vehicles, combinations of vehicles, or loads on state highways. In exercising such authority, the Chief Engineer may impose such restrictions as may be necessary in his judgment to protect the safety and convenience of the traveling public, to protect any highway or section thereof from damage, to avoid conflict with highway construction or repair projects, or to cope with other local traffic conditions.

(2) Any directive or restriction imposed by the Chief Engineer under this authority shall be in the form of a written order signed by him.

(3) Signs giving notice of the restrictions or limitations contained in the order shall be posted at each end of the highway or section of highway affected. Such restrictions or limitations shall be effective when the signs giving notice of them are posted.

Stat. Auth.: ORS Ch. 183 & 818

Stats. Implemented: ORS 818.220

Hist: 1 OTC 20-1979(Temp), f. & ef. 9-20-79; 1 OTC 8-1980, f. & ef. 3-28-80

## DIVISION 71

### LENGTHS OF VEHICLES, LOADS, AND COMBINATIONS OF VEHICLES IN OPERATION WITHOUT NEED OF SPECIAL PERMIT

[ED. NOTE: Administrative Orders HC 1150, HC 1193, 1 OTC 61, and 1 OTC 73 were superseded by 1 OTC 5-1980.]

### 734-071-0005

#### Scope

(1) Oregon's statutes are basically quite restrictive in establishing length of vehicles, loads, and combinations of vehicles. The lengths established are for those vehicles or combinations which can be operated safely upon any highway including older highways not reconstructed to present day standards.

(2) Nearly all of the state highway system can safely accommodate vehicles and combinations with lengths in excess of those established under the basic statutes. The statutes recognize this by allowing longer lengths on designated highways subject to special permits issued pursuant to ORS Chapters 810 and 818 or under the authority of administrative rules adopted by the Oregon Department of Transportation.

(3) OAR 734-071-0005 through 734-071-0030 do not apply to vehicles authorized by the Surface Transportation Assistance Act of 1982 when operating on National Network Highways or highways where reasonable access beyond one mile has been granted. These vehicles are authorized by OAR Chapter 734, Divisions 73 and 74.

(4) OAR 734-071-0005 through 734-071-0030 do not apply to vehicles licensed as recreational vehicles as defined by ORS 446.003(36).

Stat. Auth.: ORS 184.616, 184.619, ORS Chapter 810 & 818

Stat. Implemented: ORS 810.060

Hist: 1 OTC 5-1980, f. & ef. 3-27-80; 2HD 8-1983, f. & ef. 3-30-83; HWY 2-1995, f. & cert. ef. 10-16-95

### 734-071-0010

#### Designated Highways

(1) The types of vehicles or combinations of vehicles listed

in **Table 1** may operate without special permit upon Group 1, Group 2 and Group 3 highways as shown on Group Map 1 as published by the Department when the weights or dimensions do not exceed those listed in **Table 1** for the corresponding highway group. Group Map 1, dated July 1994 is by reference made a part of these rules.

(2) As used in Table 1:

(a) "Dromedary truck-tractor" means a motor truck designed to carry a load and also pull a semitrailer by using a kingpin to fifthwheel connection, and having an unladen weight of more than 8,000 pounds;

(b) "Motor truck" means a motor vehicle that is primarily designed or used for carrying loads other than passengers, and having a weight in excess of 8,000 pounds;

(c) "Overall length" includes the vehicle or combination of vehicles and any load overhangs. Overall length does not include a small fork lift (commonly known as a "spyder") designed to be attached to a semitrailer, which is used exclusively for the loading and unloading of the semitrailer. For purposes of this rule any attachment bracket used to secure the fork lift not in excess of 24 inches shall be excluded from the semitrailer length measurement provided it carries no load other than the fork lift. This fork lift may be attached to the rear of a semitrailer and not be included in determining overall length if:

(A) In a truck tractor and semitrailer combination the fork lift, including attachment brackets, does not extend beyond the rear of the semitrailer by more than seven feet, does not cause the overall length of the semitrailer including fork lift and attachment brackets to exceed 56 feet and does not cause rear overhang to exceed one-third of the wheelbase of the combination; or

(B) In a truck tractor, semitrailer and trailer combination, the fork lift is attached to the rear of the lead semitrailer and does not extend beyond the rear of the semitrailer by more than seven feet including attachment brackets.

(d) "Stinger-steered" means the coupling device is located back of the tread of the tires of the last axle of the towing vehicle; and

(e) "Truck-tractor" means a motor vehicle designed and used primarily for drawing other vehicles and constructed so as not to carry any load other than a part of the weight of the vehicle or load, or both, as drawn.

[ED. NOTE: The Tables referenced in this rule are not printed in the OAR Compilation. Copies are available from the Motor Carrier Transportation Branch, Department of Transportation.]

Stat. Auth.: ORS 184.616, 184.619, Ch. 810 & 818

Stat. Implemented: ORS 810.060

Hist: 1 OTC 5-1980, f. & ef. 3-27-80; 2HD 5-1982(Temp), f. & ef. 10-5-82; 2HD 8-1983, f. & ef. 3-30-83; HWY 3-1993(Temp), f. & cert. ef. 7-13-93; HWY 3-1994(Temp), f. 5-19-94, cert. ef. 5-20-94; HWY 2-1995, f. & cert. ef. 10-16-95

### 734-071-0015

#### Possible Reclassification of Highways Due to Improvements

Improvements may be made to some of the Group 2 and Group 3 highways indicated on Group Map 1. Those improvements may make it appropriate to reclassify the highway or section of highway to a higher group rating which would allow vehicles or combinations of greater dimension. In this respect the Chief Engineer is authorized to reclassify the group rating of such highways as he may consider appropriate when, in his judgment, such a reclassification would not diminish the safety afforded the traveling public. Such reclassification shall be made by a written order signed by the Chief Engineer.

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 810.060

Hist: 1 OTC 5-1980, f. & ef. 3-27-80; HWY 2-1995, f. & cert. ef. 10-16-95

### 734-071-0020 [Renumbered to 734-073-0100]

### 734-071-0030

#### Equipment Requirements

(1) In vehicle combinations featuring more than one trailer or semitrailer, the shortest trailer shall be positioned to the rear of the



combination, except that a motor carrier may position the shortest trailer at the front when it is more than 1,500 pounds heavier than the other trailer or semitrailer.

(2) A tow dolly, designed to support one axle of a towed vehicle, may be utilized when one vehicle is towing another. The towing vehicle must be a full size motor vehicle (e.g., truck, motor home, automobile or pickup). Compact or subcompact motor vehicles shall not be used. It is recommended that the vehicle being towed not exceed the weight

limitations recommended by the tow dolly manufacturer.

Stat. Auth.: ORS 184.616, 184.619, ORS Chapter 810 & 818

Stat. Implemented: ORS 810.060

Hist.: HWY 2-1995, f. & cert. ef. 10-16-95

## DIVISION 72

### TELEPHONIC APPLICATION AND SELF-ISSUANCE OF PERMITS FOR THE MOVEMENT OF OVERSIZE/ OVERWEIGHT VEHICLES AND LOADS

#### 734-072-0005

##### Scope

Division 72 rules establish programs as authorized by ORS 818.220 for self-issuance and facsimile issuance of variance permits. The programs save time, travel and speed delivery of permits directly to the carrier's place of business.

Stat. Auth.: ORS 184.616, 184.619 & 818.220

Stats. Implemented: ORS 818.200 & 818.220

Hist.: 1 OTC 9-1980, f. & ef. 4-17-80; HWY 3-1992, f. & cert. ef. 3-25-92;  
HWY 6-1996, f. & cert. ef. 10-10-96

#### 734-072-0010

##### Self-Issuance Program for Variance Permits

(1) The self-issuance program for variance permits provides for two levels of authorization:

(a) Level I authorization allows a motor carrier to self-issue single trip permits following the telephone application process established in OAR 734-072-0015; and

(b) Level II authorization allows a motor carrier to independently self-issue single trip permits without contacting the department.

(2) To qualify for Level I authorization, a motor carrier must make application to the Transportation Permit Unit of the Motor Carrier Transportation Branch located in Salem.

(3) To qualify for Level II authorization, a motor carrier must make application to the Transportation Permit Unit of the Motor Carrier Transportation Branch located in Salem, and the carrier must:

(a) Attend and successfully complete a training program conducted by the Transportation Permit Unit;

(b) Have purchased a minimum of 125 single trip permits for oversize/overweight movements within the 12 months preceding the application for self-issuance of permits; and

(c) Be in good standing with the Motor Carrier Transportation Branch by:

(A) Not having more than one late highway use tax report in the 12 months preceding the application;

(B) Having maintained current vehicle and tax registration with the Department during the 12 months preceding application;

(C) Having no suspensions of tax registration with the Department during the 12 months preceding the application;

(D) Having no more than a five percent under-payment finding on the most current weight-mile tax audit;

(E) Having a satisfactory safety rating with the Motor Carrier Transportation Branch or the Federal Highway Administration;

(F) Signing an agreement of responsibility for the permitted moves; and

(G) Filing a surety bond with the Oregon Department of Transportation in the amount of \$5,000.

(4) Upon approval by the Transportation Permit Unit, the motor carrier may self-issue permits at the level authorized.

(5) Authorized carriers may purchase blank permits for the

purpose of self-issuance from the Motor Carrier Transportation Branch of the Department of Transportation, Transportation Permit Unit office located in Salem. The fee for each blank permit form is the fee required under ORS 818.270

Stat. Auth.: ORS 184.616, 184.619 & 818.220

Stats. Implemented: ORS 818.200 & 818.220

Hist.: 1 OTC 9-1980, f. & ef. 4-17-80; HWY 3-1992, f. & cert. ef. 3-25-92;  
HWY 6-1996, f. & cert. ef. 10-10-96

#### 734-072-0015

##### Telephone Application for Self-Issued Variance Permit

(1) The applicant authorized to self-issue permits at Level I may telephone any of the permit issuing offices listed on the permit form.

(2) During telephone contact, the permit analyst will review the permit request based upon information furnished by the applicant.

(3) The permit analyst determines if it is appropriate to issue the requested permit. In making the determination, the permit analyst compares the request to the rules and statutes relating to oversize/overweight movement. Usually, it will be possible to inform the applicant during the initial telephone conversation if the permit is granted. If the dimensions and weights requested require further investigation, a later call to the applicant may be necessary.

(4) When it is appropriate to issue the requested permit, the permit analyst will inform the applicant of the terms and conditions of the permit. The applicant shall, at that time, enter the terms and conditions upon the blank permit form. The applicant shall furnish the preprinted number of the permit form to the permit analyst.

(5) When the applicant has entered upon the permit form the terms and conditions furnished by the permit analyst, the variance permit is valid.

Stat. Auth.: ORS 184.616, 184.619 & 818.220

Stats. Implemented: ORS 818.200 & 818.220

Hist.: 1 OTC 9-1980, f. & ef. 4-17-80; HWY 3-1992, f. & cert. ef. 3-25-92;  
HWY 6-1996, f. & cert. ef. 10-10-96

#### 734-072-0020

##### Additional Requirements for Self-Issuance of Variance Permits

(1) When self-issuing a variance permit, the carrier must meet all information requirements contained in ORS 818.225.

(2) A carrier self-issuing permits under Level II authorization must coordinate all moves with the appropriate city or county jurisdictions, as required.

(3) Any incident involving damage or potential damage to any roadway or structure resulting from a permitted move under the programs established by Division 72 rules must be reported to the Permit Unit Manager in Salem within 24 hours of the occurrence.

(4) The permit form will consist of an original and one copy. The original permit and attachments must be in the possession of the driver of the permitted vehicle as provided under ORS 818.350. The carrier must mail the Road Use Assessment Fee (RUAF) billing calculation and payment along with the Salem copy of the permit within 15 days from the end of the month in which the permit was issued to the Transportation Permit Unit, 550 Capitol St. NE, Salem, Oregon 97310.

Stat. Auth.: ORS 184.616, 184.619 & 818.220

Stats. Implemented: ORS 818.200 & 818.220

Hist.: 1 OTC 9-1980, f. & ef. 4-17-80; HWY 3-1992, f. & cert. ef. 3-25-92;  
HWY 6-1996, f. & cert. ef. 10-10-96

#### 734-072-0022

##### Program for Single Trip Variance Permits Sent by Facsimile

The program for issuance of permits by facsimile allows carriers to apply for permits by telephone or facsimile. The completed permit is transmitted by the Transportation Permit Unit to the carrier's place of business by facsimile.

Stat. Auth.: ORS 184.616, 184.619 & 818.220

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HWY 3-1992, f. & cert. ef. 3-25-92; HWY 6-1996, f. & cert. ef. 10-10-96

#### **734-072-0023**

##### **Requirements of Carrier to Receive Permits by Facsimile**

In order for a carrier to qualify to receive variance permits by facsimile:

(1) The carrier must enter into an agreement with the Department of Transportation to receive permits by facsimile. The agreement identifies the carrier's business location, procedure for preparing facsimile permits and requirement for attachment of general provisions;

(2) The carrier must provide the Transportation Permit Unit a telephone number that allows for the automatic, unattended reception of transportation permits;

(3) Carriers that are not subject to ORS 825.474 or 825.480 or do not meet the exemption requirements under ORS 818.200(2) are not eligible to receive permits by facsimile;

(4) A person or persons providing permit services must file a surety bond with the Motor Carrier Transportation Branch of the Oregon Department of Transportation in the amount of \$1,500.

Stat. Auth.: ORS 184.616, 184.619 & 818.220

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HWY 3-1992, f. & cert. ef. 3-25-92; HWY 6-1996, f. & cert. ef. 10-10-96

#### **734-072-0025**

##### **Limitations on Self-Issued Permits or Permits Sent by Facsimile**

(1) Self-issued permits or permits sent by facsimile to a carrier's place of business authorize only single trip movement.

(2) Approved routes consist only of those highways specified on the permit. Separate authorization must be obtained for travel over any other highway, road or street.

(3) Unused self-issue permits may be recalled at the discretion of the Chief Engineer. Refund of permit fees for unused permits will be made upon receipt of the permit form and written request.

Stat. Auth.: ORS 184.616, 184.619 & 818.220

Stats. Implemented: ORS 818.200 & 818.220

Hist.: 1 OTC 9-1980, f. & ef. 4-17-80; HWY 3-1992, f. & cert. ef. 3-25-92; HWY 6-1996, f. & cert. ef. 10-10-96

#### **734-072-0030**

##### **Cancellation of Permits or Authorization**

(1) The cancellation authority granted under ORS 818.220 shall apply to and govern the cancellation of self-issue and facsimile permits sent to carrier's place of business. Copies of Level I self-issued permits may be compared to the telephone application for permit provided by the applicant under OAR 734-072-0015.

(2) A motor carrier's Level II authorization to self-issue permits may be canceled if:

(a) The provisions contained in OAR 734-072-0010(3) are not maintained in good standing;

(b) Random checks of variance permits that have been self-issued show that the reported weights or dimensions are not accurate;

(c) The carrier fails to submit a timely payment of a Road Use Assessment Fee (RUAF) billing resulting from a permitted move; or

(d) The carrier is shown to have been involved in an incident causing damage to a roadway or structure while conducting a movement requiring a variance permit, except when operating within the provisions of a variance permit issued directly by the Department of Transportation.

Stat. Auth.: ORS 184.816, 184.819 & 818.220

Stats. Implemented: ORS 818.200 & 818.220

Hist.: 1 OTC 9-1980, f. & ef. 4-17-80; HWY 3-1992, f. & cert. ef. 3-25-92; HWY 6-1996, f. & cert. ef. 10-10-96

### **DIVISION 73**

#### **SPECIAL SIZE AND WEIGHT RULES FOR COMBINATIONS OF VEHICLES REQUIRED BY FEDERAL LAW OR ALLOWED BY STATE PERMIT**

##### **102"-Wide Commercial Vehicles Truck-Tractor with Semitrailer and Truck-Tractor with Semitrailer and Trailer Combinations not Subject to Overall Length Restrictions**

#### **734-073-0050**

##### **Purpose and Scope**

(1) The purpose of OAR Chapter 734, Division 73 is to:

(a) Implement federal laws for combinations of vehicle, sizes and weights; and

(b) Continue issuing permits for similar commercial combinations of vehicles on designated state highways.

(2) Division 73 rules apply to the operation, over designated state highways, of certain vehicles and vehicle combinations described in **Sections 411, 412 and 416 of Public Law 97-424**, also known as the "Surface Transportation Assistance Act of 1982", hereinafter referred to as **STAA 1982** and available from the DMV Transportation Permits Unit. **Section 411 of STAA 1982, 49 U.S.C. secs. 3111-3112**, relates to the lengths of truck-tractor with semitrailer combinations and truck-tractor with semitrailer and trailer combinations. **Section 412(a)(2) of STAA 1982** relates to bus length and reasonable access. **Section 416 of STAA 1982, 49 U.S.C. 3113**, relates to 102-inch-wide vehicles. Division 73 rules also authorize special equipment transporting logs.

(3) In case of conflict with OAR Chapter 734, Division 71, Division 73 rules shall prevail for the specified combinations of vehicles when operating on National Network Highways and those other highways where reasonable access beyond one mile has been granted.

(4) Drivers of all combinations of vehicles authorized by OAR Chapter 734, Division 73, must have a valid commercial driver license appropriate for the combination of vehicles being operated.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Transportation Permit Unit.]

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Imp.: ORS 818.030, 818.200 & 818.220

Hist.: 2HD 20-1983, f. & ef. 9-23-83; HWY 4-1992, f. & cert. ef. 3-25-92; HWY 4-1993, f. & cert. ef. 7-16-93; HWY 1-1995, f. & cert. ef. 9-18-95.

#### **734-073-0051**

##### **Definitions**

As used in Division 73 rules, the following definitions shall apply:

(1) "Automobile transporter" means a combination of vehicles which carries vehicles on a semitrailer and may also include vehicles on the power unit behind the cab or on an over-cab rack.

(2) "Boat transporter" means a combination of vehicles which transports boats on a semitrailer and may also include boats transported on the power unit behind the cab or on an over-cab rack.

(3) "Bus" means a vehicle designed and operated exclusively to transport not less than 10 persons excluding the driver, primarily for hire. The term "bus" does not include motor homes or busses converted or used for any other purpose.

(4) "Drive-away saddlemount vehicle transporter combination" and "drive-away saddlemount with fullmount vehicle transporter" means a combination of vehicles consisting of a truck-tractor which tows not more than three saddlemounted vehicles. These vehicles may also include not more than one full-mounted vehicle.

(5) "Automobile transporter towing stinger-steered semitrailer" means an automobile transporter having the fifth-wheel assembly mounted on a stinger or extension to the framework of the truck. The fifth-wheel connection must be behind and below the axle in front of it.

(6) "Boat transporter towing stinger-steered semitrailer"

means a boat transporter having the fifth-wheel assembly mounted on a stinger or extension to the framework of the truck. The fifth-wheel connection must be behind and below the axle in front of it.

(7) "Traditional automobile transporter" means an automobile transporter having the fifth-wheel assembly over the drive axle(s) and towing a semitrailer. The power unit may include a framework or other assembly which provides the ability to also transport automobiles.

(8) "Traditional boat transporter" means a boat transporter having the fifth-wheel assembly over the drive axle(s) and towing a semitrailer. The power unit may include a framework or other assembly which provides the ability to also transport boats.

(9) "Truck-tractor semitrailer-semi-trailer" means a combination of vehicles consisting of a truck-tractor which also tows two semitrailers connected by kingpin to fifth-wheel assemblies. These combinations of vehicles do not have an intermediate converter dolly between the two semitrailers which is normally used in double trailer operations. This is commonly referred to as a 'B-Train.'

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.030, 818.200 & 818.220

Hist.: HWY 1-1995, f. & cert. ef. 9-18-95

#### 734-073-0056

##### Truck-Tractor and Semitrailer Combinations—National Network Highways

(1) The Federal Highway Administration determined Oregon's grandfathered semitrailer length to be 53 feet, allowed by the **STAA 1982**. The length of a semitrailer operated in Oregon on the National Network Highways designated by the **STAA 1982** shall not exceed 53 feet. The overall length is not restricted.

(2) The length of any load carried on the semitrailer authorized in section (1) of this rule shall not extend beyond the rear of the semitrailer by more than five feet.

(3) The National Network Highways in Oregon approved for operation by this rule consist only of those highways listed in **Code of Federal Regulations Title 23, Part 658, Appendix A**. These routes are shown in green on **Route Map 7**, available from the DMV Transportation Permits Unit. **Route Map 7** dated July 1994 is by reference made a part of these rules.

(4) A permit is not required for the dimensions and routes authorized by this rule.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Transportation Permit Unit.]

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.030, 818.200 & 818.220

Hist.: HWY 4-1992, f. & cert. ef. 3-25-92; HWY 1-1995, f. & cert. ef. 9-18-95

#### 734-073-0060

##### Truck-Tractor with Semitrailer Combinations—State Approved Highways

(1) The length of a semitrailer in a truck-tractor and semitrailer combination shall not exceed 53 feet. The overall length of the combination shall not exceed 65 feet.

(2) The length of any load carried on the semitrailer authorized in section (1) of this rule, shall not extend beyond the rear of the semitrailer by more than five feet.

(3) State approved highways for the movement of combinations of vehicles described in section (1) of this rule, shall consist of the state highways designated by the Chief Engineer. The list of approved highways and types of vehicle combinations authorized are maintained by the Chief Engineer, and are displayed in black on **Route Map 7**.

(4) A permit is required for the dimensions and routes authorized by this rule.

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.200 & 818.220

Hist.: 2HD 20-1983, f. & ef. 9-23-83; HWY 4-1992, f. & cert. ef. 3-25-92; HWY 1-1995, f. & cert. ef. 9-18-95

#### 734-073-0065

##### Truck-Tractor with Semitrailer and Trailer Combinations

##### and Truck-Tractor with Semitrailer and Semitrailer Combinations

(1) The maximum length of any semitrailer or trailer in a truck-tractor with semitrailer and trailer or truck-tractor with semitrailer and semitrailer combination shall not exceed 40 feet.

(2) The overall length of the combination is not restricted; however, the maximum dimension when measured from the front of the first semitrailer to the rear of the second semitrailer or trailer shall not exceed those dimensions set forth in section (3) of this rule.

(3)(a) Provided the distance from the front of the first semitrailer to the rear of the second semitrailer or trailer does not exceed 60 feet, the combination of vehicles may operate over Group 1 highways. Group 1 highways are shown on **Group Map 1**, available from the DMV Transportation Permits Unit. **Group Map 1 dated July 1994** is by reference made a part of these rules;

(b) If the distance from the front of the first semitrailer to the rear of the second semitrailer or trailer is more than 60 feet but does not exceed 68 feet, the combination of vehicles may operate over those state highways listed in **Code of Federal Regulations Title 23, Part 658, Appendix A**, and are displayed on **Route Map 7**;

(c) In no instance shall the distance from the front of the first semitrailer to the rear of the second semitrailer or trailer exceed 68 feet; and

(d) The length of any load carried on the semitrailer or trailer of a truck-tractor with semitrailer and trailer or truck-tractor with semitrailer and semitrailer combination as described in this rule shall not extend beyond the rear of the semitrailer or trailer by more than five feet.

(4) A permit is not required for the dimensions and routes authorized by this rule.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Transportation Permit Unit.]

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.200 & 818.220

Hist.: 2HD 20-1983, f. & ef. 9-23-83; HWY 4-1992, f. & cert. ef. 3-25-92; HWY 1-1995, f. & cert. ef. 9-18-95

#### 734-073-0066

##### Reasonable Access

(1) **Code of Federal Regulations Title 23, Part 658.19** requires Oregon to adopt provisions for Reasonable Access to terminals. For purposes of these rules, "terminal" means, at a minimum, any location where:

(a) Freight either originates, terminates, or is handled in the transportation process; or

(b) Commercial motor carriers maintain operating facilities.

(2) Reasonable access is allowed up to and including one mile on highways intersecting National Network Highways, except where specifically prohibited. OAR 734-073-0067 describes the requirements and procedures for excluding highways, roads and streets from Reasonable Access.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Transportation Permit Unit.]

Stat. Auth.: ORS Ch. 183 & 818.200

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HWY 4-1992, f. & cert. ef. 3-25-92

#### 734-073-0067

##### Procedure for Restricting Reasonable Access

(1) Restricting reasonable access shall only be for reasons of safety and engineering analysis of the route.

(2) The State, City, or County access review process shall include:

(a) An analysis of the proposed access route using observations or other data obtained from the operation of an authorized test vehicle over the route; or

(b) Analysis of the access route proposed by application of vehicle templates to plans of the route.

(3) Denial of access to terminals and services shall be based only on safety and engineering analysis of the access route. Safety criteria include, but are not limited to, sight distance, horizontal



and vertical curvature, safe passing opportunities, rail and utility crossings and accident data for the requested access.

(4) Routes are automatically approved if not acted upon within 90 days of access review application.

(5) Application shall be in the form and manner established by the road authority for access review.

(6) Reasonable access is prohibited where signs prohibiting the access are posted. These signs shall be posted only when access review has been made and the Road Authority determines the access is denied.

(7) Road Authorities may request technical assistance from the Department of Transportation to meet the requirements of this rule.

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.200 & 818.220

Hist.: HWY 4-1992, f. & cert. ef. 3-25-92; HWY 1-1995, f. & cert. ef. 9-18-95

#### 734-073-0070

##### Revisions to Approved Routes

(1) The Chief Engineer, or his designee, may add by written order additional state highways or sections thereof, and specify the type(s) of vehicle combinations allowed by these rules. In taking such action, the Chief Engineer:

(a) Shall determine if the public interests will be served;

(b) Shall determine that the movement can be made in safety; and

(c) Shall have a trial test run conducted if he considers it appropriate.

(2) The Chief Engineer may delete by written order certain highways or sections thereof and may limit the vehicle combinations allowed. Such action may be taken for reasons of safety. The Chief Engineer shall seek the concurrence of the Federal Highway Administration for those highways listed in **Code of Federal Regulations Title 23, Part 658, Appendix A.**

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Transportation Permit Unit.]

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.200 & 818.220

Hist.: 2HD 20-1983, f. & ef. 9-23-83; HWY 4-1992, f. & cert. ef. 3-25-92; HWY 1-1995, f. & cert. ef. 9-18-95

#### 734-073-0080

##### Maximum Weight Limit on Interstate Highways

(1) The following provisions apply to maximum weights allowed on interstate highways without a permit:

(a) The provisions of **Title 23 Code of Federal Regulations, Part 658** are applicable to the National System of Interstate and Defense Highways, and reasonable access thereto.

(b) The maximum gross vehicle weight shall be 80,000 pounds except where lower gross vehicle weight is dictated by **Bridge Weight Table 1.**

(c) The maximum gross weight upon any one axle, including any one axle of a group of axles of a vehicle is 20,000 pounds.

(d) The maximum gross weight on tandem axles is 34,000 pounds.

(e) The maximum gross weight on two or more consecutive axles may not exceed the limitations specified in **Bridge Weight Table 1.** This table of weights was developed using the following formula, referred to as the Bridge Gross Weight Formula:

$$W = 500 \left( \frac{LN}{N-1 + 12N + 36} \right)$$

where L is the distance between two or more axles, N is the number of axles of a group of axles and W is the weight in pounds, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between the first and last axle is 36 feet or more.

(2) Permits may be issued without regard to section (1) through (5) of this rule for vehicles and loads which cannot be dismantled or divided (non-divisible loads) without incurring substantial costs or delay.

(3) Permits may be issued for vehicles or combinations of vehicles authorized by ORS Chapter 818 and OAR Chapter 734,

Division 74.

(4) The provisions of this rule do not apply to single, or tandem axle weights, or gross weights legally authorized under Oregon law on July 1, 1956. The group of axles requirements established in this section shall not apply to vehicles legally grandfathered under Oregon group of axle weight tables or formulas on January 4, 1975.

(5) Permits may be issued for two consecutive tandem axles having a loaded weight of 34,000 pounds each, provided the distance between the first and last axles of the two tandem axles is 30 feet or more.

(6) Permits may be issued for a group of four axles consisting of a set of tandem axles and two axles spaced nine feet or more apart that have a loaded weight of 70,000 pounds provided the distance between the first and last axles of the group is 35 feet or more.

[Publications: The publication(s) and Table 1 referred to or incorporated by reference in this rule are available from the Transportation Permit Unit.]

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.200 & 818.220

Hist.: HWY 4-1993, f. & cert. ef. 7-16-93; HWY 8-1993, f. 12-17-93, cert. ef. 1-1-94; HWY 1-1995, f. & cert. ef. 9-18-95

#### 734-073-0085

##### Statutory Weight Exemptions not Applicable to Interstate Highways

Except when operating under the terms of a variance permit, the weight exemptions authorized by ORS 818.030(8) and (9) do not apply to vehicles operating on any interstate highway.

Stat. Auth.: ORS 184.616, 810.050, 818.030 & Ch. 510, OL 1993

Stats. Implemented: ORS 818.030

Hist.: HWY 8-1993, f. 12-17-93, cert. ef. 1-1-94

#### 734-073-0090

##### Bus Length

When operating on the National Network of Highways established by the **STAA 1982**, and to points of loading and unloading as required by modifications to **Sections 4006(b)(1) and (2) of the Intermodal Surface Transportation Assistance Act of 1992**, a bus operating singly may have a vehicle length of 45 feet. For purposes of this rule, a bus is a vehicle designed to transport ten or more people plus the driver. A bus does not include a motor home or a vehicle designed or modified to include temporary living quarters.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Transportation Permit Unit.]

Stat. Auth.: ORS Ch. 183, 810 & 818

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HWY 4-1993, f. & cert. ef. 7-16-93

#### 734-073-0100

##### 65-Foot Tractor-Semitrailer Combinations

Tractor-semitrailer combinations having an overall length in excess of 60 feet, but not exceeding 65 feet, may operate by permit over certain designated highways. In such combinations the semitrailer may not exceed 48 feet. Designated highways where these combinations may operate are restricted to the following:

(1) Any state highway or section thereof which has tow or more lanes of travel in the same direction.

(2) The highways indicated in solid black on **Route Map 7**, which by this reference is made a part hereof.

(3) Such additional highways which, after investigation and consideration, the Chief Engineer may deem capable of safely accommodating the described combinations of vehicles. Trial test runs may be required in determining additional route approval.

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.030, 818.200 and 818.220

Hist.: 1 OTC 5-1980, f. & ef. 3-27-80; HWY 1-1995, f. & cert. ef. 9-18-95; Renumbered from 734-71-020

#### 734-073-0110

##### Specialized Equipment—Automobile Transporters

The Federal Highway Administration determines Automobile Transporters are Specialized Equipment as provided by **23 CFR 658.13(d)**.

(1) Traditional Automobile Transporters are authorized to operate on National Network Highways without permit or overall length restriction, provided the semitrailer does not exceed 53 feet, and the load does not overhang the rear of the semitrailer by more than five feet.

(2) Automobile transporters towing stinger-steered semitrailers may operate without a permit on National Network Highways with a length of 75 feet, excluding load overhangs, provided the semitrailer does not exceed 53 feet and the load does not overhang the front of the power unit by more than four feet and does not overhang the rear of the semitrailer by more than five feet.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Transportation Permit Unit.]

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.030, 818.200 & 818.220

Hist.: HWY 1-1995, f. & cert. ef. 9-18-95

#### **734-073-0120**

##### **Specialized Equipment—Boat Transporters**

The Federal Highway Administration determines Boat Transporters are Specialized Equipment as provided by **23 CFR 658.13(d)**.

(1) Traditional Boat Transporters are authorized to operate on National Network Highways without permit or overall length restriction, provided the semitrailer does not exceed 53 feet, and the load does not overhang the rear of the semitrailer by more than five feet.

(2) Boat transporters towing stinger-steered semitrailers may operate without a permit on National Network Highways with a length of 75 feet, excluding load overhangs, provided the semitrailer does not exceed 53 feet and the load does not overhang the front of the power unit by more than four feet and does not overhang the rear of the semitrailer by more than five feet.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Transportation Permit Unit.]

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.030, 818.200 & 818.220

Hist.: HWY 1-1995, f. & cert. ef. 9-18-95

#### **734-073-0130**

##### **Specialized Equipment—Drive-Away Operations**

The Federal Highway Administration determines Drive-away saddlemount vehicle transporter combinations are Specialized Equipment as provided by **23 CFR 658.13(d)(iii)**.

(1) A Drive-away saddlemount vehicle transporter combination or a Drive-away saddlemount with fullmount vehicle transporter may operate without permit on National Network Highways with an overall length limit of 75 feet.

(2) All Drive-away saddlemount vehicle transporter combinations must comply with all applicable safety regulations of **49 CFR 393.71**.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Transportation Permit Unit.]

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.030, 818.200 & 818.220

Hist.: HWY 1-1995, f. & cert. ef. 9-18-95

#### **734-073-0140**

##### **Specialized Equipment for Transporting Logs or Poles**

(1) As used in OAR Chapter 734, Division 73, the following two combinations of vehicles are considered the same as a truck-tractor with semitrailer and trailer combinations when operating by permit:

(a) A combination of vehicles capable of carrying no more than two loads of logs placed end to end consisting of a log-truck and pole trailer pulling a trailer; or

(b) A combination of vehicles transporting logs and consisting of a log-truck and two load carrying stinger-steered pole trailers with the first stinger-steered pole trailer supporting

one end of logs loaded on the log-truck and one end of logs loaded on the second stinger-steered pole trailer.

(2) The following conditions apply to the vehicle combinations described in section (1) of this rule:

(a) These combinations of vehicles may not travel unladen and must only be used to transport logs or poles;

(b) The distance measured from the log bunk on the truck to the rear of the second stinger-steered pole trailer or trailer shall not exceed 68 feet;

(c) The reach of a pole trailer may not extend more than five feet from the end of the tunnel housing; and

(d) The overall length is not restricted.

(3) No part of any load carried on the trailer or the second stinger-steered pole trailer shall extend beyond the rear more than five feet.

(4) The routes approved for operation of these combinations of vehicles consist only of those highways listed in **Code of Federal Regulations Title 23, Part 658, Appendix A** and other highways where reasonable access has been granted.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Transportation Permit Unit.]

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.030, 818.200 & 818.220

Hist.: HWY 1-1995, f. & cert. ef. 9-18-95

### **DIVISION 74**

### **THE ISSUANCE OF PERMITS FOR COMBINATIONS OF VEHICLES HAVING GROSS WEIGHTS IN EXCESS OF 80,000 POUNDS**

#### **734-074-0005**

##### **Scope**

(1) OAR Chapter 734, Division 74 shall apply to and govern the issuance of permits for movement of certain vehicle combinations having a total gross weight in excess of 80,000 pounds. The loads carried by these vehicles may be of a nature which are reducible or can be readily dismantled.

(2) OAR Chapter 734, Division 74 does not apply to any power unit with a registered gross weight of less than 26,000 pounds or those power units having an actual weight of 8,000 pounds or less.

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.200 & 818.220

Hist.: 1 OTC 6-1980, f. & ef. 3-27-80; 2HD 6-1983, f. & ef. 2-18-83; HWY 3-1995, f. & cert. ef. 10-16-95

#### **734-074-0006**

##### **Driver Responsible for Operation**

The driver of any combination of vehicles authorized by OAR Chapter 734, Division 74 is responsible for complying with all permit requirements and provisions. If the driver, police officer or Department of Transportation determines conditions are hazardous, the permitted vehicle shall leave the highway at the next available exit, truckstop or rest area and shall not proceed until the hazardous condition abates. Drivers of all combinations of vehicles authorized by Division 74 rules must have a valid commercial driver license appropriate for the combination of vehicles being operated.

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.200 & 818.220

Hist.: HWY 7-1992, f. & cert. ef. 3-27-92; HWY 3-1995, f. & cert. ef. 10-16-95

#### **734-074-0008**

##### **Definitions**

As used in Division 74 rules:

(1) "Booster Axles(s)" means those vehicles or attachments to vehicles which distribute weight from one or more axles to other axles. The booster must bear weight when the permitted vehicle is laden.

(2) "Converter dolly" or "Dolly" means those devices towed

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behind a vehicle and used to convert a semitrailer to function as a self-supporting trailer.

(3) "Dromedary truck-tractor" means a motor truck designed to carry a load and also pull a semitrailer by kingpin to fifthwheel connection, and having a weight of more than 8,000 pounds.

(4) "Lift Axle" means an axle(s) that can raise from or lower to the surface of the ground.

(5) "Log-truck" means a motor vehicle having a weight in excess of 8,000 pounds designed and used in conjunction with a pole trailer to transport one load of logs where one end of the logs rests upon the log truck and one end of the logs rests upon the pole trailer.

(6) "Motor Truck" in accordance with ORS 801.355, means a motor vehicle that is primarily designed or used for carrying loads other than passengers, and having a weight in excess of 8,000 pounds.

(7) "Pole Trailer" means a trailer attached or secured to a log truck and ordinarily used for transportation of long or irregular loads such as logs capable of generally sustaining themselves as beams between the towing vehicle and the pole trailer.

(8) "Reasonably uniform in length" as used in ORS 810.210, means a variance of not more than eight feet from longest to shortest vehicle, including any load, within the authorized combination of vehicles. It does not include the length of a converter dolly when used to convert a semitrailer to a self-supporting trailer.

(9) "Tandem drive axles" means two or more axles spaced more than 40 inches but not more than 54 inches apart, neither of which can be raised from the surface of the ground, and where no one axle carries less than forty percent (40%) of the tandem axle weight. Each axle of a tandem drive axle shall have four tires or each axle may have two tires if tire width is at least 15 inches and each axle transmits motive power to the road surface. Any weight controls for the tandem axles on a power unit must be designed, installed and used such that the axles always distribute the load so no axle, tandem axle or group of axles exceeds the legal weight limits or bridge formula limits. All axle assemblies of the tandem drive axles (including axles, tires, brakes) must be adequate to carry the weight loading but may not have less than a 20,000 pound rating for each axle.

(10) "Truck-Tractor" means a motor vehicle designed and used primarily for drawing other vehicles and constructed so as not to carry any load other than a part of the weight of the vehicle or load, or both, as drawn and having a weight in excess of 8,000 pounds.

(11) "Utility Trailer" means a vehicle without motive power that does not weigh more than 8,000 pounds or is not more than 15-feet long.

(12) "Variable-load suspension axle" means an axle that can vary the amount of weight being transmitted to the surface of the road by adjustments made by the driver. Examples of adjustments available to the driver include, but are not limited to, the use of tool(s), lock and key, pressure regulators with handles or knobs. The term variable load suspension axle does not include use of devices such as height control valves, axles controlled by devices that raise the axle when the vehicle moves backward or pre-set pressure regulators which are not adjustable by the driver.

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.200 & 818.220

Hist.: HWY 3-1995, f. & cert. ef. 10-16-95

### 734-074-0010

#### Vehicle Combinations Eligible for Permits

(1) The following vehicle combinations are eligible for permits issued under OAR Chapter 734, Division 74 as long as they are in compliance with all applicable rules in OAR Chapter 734, Division 74:

(a) Combinations of vehicles described in ORS Chapter 818 that meet the requirements of OAR 734-074-0005;

(b) Combinations of vehicles described in OAR Chapter 734, Division 71;

(c) Combinations of vehicles described in OAR Chapter 734, Division 73;

(d) Combinations of vehicles that include a dromedary truck-tractor having a dromedary box, plate or deck not exceeding 12-feet, 6-inches in length including any load overhang on the dromedary box, plate or deck, provided the overall length does not exceed that authorized by ORS Chapter 818, OAR Chapter 734, Division 71 or OAR Chapter 734, Division 73, whichever is appropriate for the combination of vehicles and the route of travel;

(e) A dromedary truck-tractor having a dromedary box, plate or deck not exceeding 17-feet, 6-inches in length including any load overhang on the dromedary box, plate or deck, towing one stinger-steered semitrailer which is not longer than 48-feet and having an overall length of not more than 75 feet and operating on Group 1 Highways established in OAR Chapter 734, Division 71; and

(f) A laden or unladen combination of vehicles designed and used exclusively to transport overseas marine containers that are enroute to or from a marine port or an intermodal transportation facility. Travel is authorized only on routes indicated in green on **Route Map 7. Route Map 7**, dated July 1994, is by reference made a part of this rule. The semitrailer may not be longer than 53 feet, and overall length must be 105 feet or less. This combination of vehicles may consist of not more than one truck-tractor, one jeep, one overseas marine container trailer and one booster axle.

(2) The maximum allowable overall lengths for vehicles described in subsections (1)(a) through (c) of this rule are as follows:

(a) For combinations of vehicles described under subsection (1)(a) of this rule, those lengths indicated in ORS Chapter 818 that comply with OAR 734-074-0005;

(b) For combinations of vehicles described under subsection (1)(b) of this rule, those lengths described in OAR Chapter 734, Division 71; and

(c) For combinations of vehicles described under subsection (1)(c) of this rule, those lengths described in OAR Chapter 734, Division 73.

(3) Power unit requirements for vehicle combinations authorized by OAR Chapter 734, Division 74:

(a) The power unit of triple trailer combinations, and the power unit of double trailer combinations placed in service prior to April 1, 1983, may be equipped with a single drive axle; and

(b) All other combinations of vehicles operating under permits authorized by these rules must have power units equipped with tandem drive axles.

(4) The use of lift axles or variable load suspension axles will be viewed with scrutiny. Improper use of these axles is detrimental to paved surfaces and the safety of the traveling public. Except for power units on vehicles authorized in subsection (3)(b) of this rule, a lift or variable load axle(s) may be allowed provided that:

(a) The control for the lift or variable load axle(s) is mounted outside the cab of the power unit, and not accessible from the driver compartment;

(b) Axles that allow adjustment to increase or decrease loading on the axle by the driver from inside in the cab are not permitted;

(c) Controls for lift or variable load axles must be mounted on the same vehicle as the axle and not adjustable from the cab;

(d) The axle must always distribute the load so no axle, tandem axle or group of axles exceeds the legal weight limits or bridge formula limits; and

(e) The lift axle assembly (including axles, tires, brakes) must be adequate to carry the weight loading but may not have less than a 10,000 pound rating.

(5) When the weight difference between any trailer or semitrailer of a triple trailer combination is 1,500 pounds or more, the lightest trailer shall be placed in the rear of the combination.

(6) Combinations of vehicles described as "triple trailers" shall have a visible and fully operable method of adjustment to eliminate slack in the hitch mechanism. The device used may be air chamber operated or it may be adjustable by a mechanical cam method.

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.200 & 818.220



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Hist.: 1 OTC 6-1980, f. & ef. 3-27-80; 2HD 6-1983, f. & ef. 2-18-83; HWY 6-1988, f. & cert. ef. 9-22-88; HWY 7-1992, f. & cert. ef. 3-27-92; HWY 12-1992, f. & cert. ef. 10-16-92; HWY 3-1995, f. & cert. ef. 10-16-95

#### 734-074-0020

##### Maximum Allowable Weights

(1) The maximum allowable weights for single axles and tandem axles shall not exceed those specified under ORS 818.010(1) and (2).

(2) When a group of axles or gross weight is 80,000 pounds or less, the maximum allowable weight shall not exceed those specified under ORS 818.010(3).

(3) When a group of axles or gross weight is more than 80,000 pounds, the maximum allowable weights shall not exceed those set forth in **Permit Weight Table 2**, available from the DMV Transportation Permit Unit as **Form 735-8111 (7-94)**. **Permit Weight Table 2**, is by reference made part of these rules. In no case may gross weight exceed the sum of the permissible axle, tandem axle or group of axle weights, whichever is less.

(4) In no case may any tire, rim or wheel carry more weight than that specified by the manufacturer of the tire, rim or wheel.

(5) All single axles of triple trailer combinations must have four tires except for the power unit steering axle and lift axles which may have two tires.

(6) For purposes of Division 74 rules, the axle(s) of a converter dolly or dolly are not included in determining authorized weight unless those axles carry part of the weight of the cargo being transported.

(7) In any triple trailer combination, the first two cargo carrying units may not weigh more than 80,000 pounds unless equipped with tandem drive axles.

[ED. NOTE: The Table referenced in this rule are not printed in the OAR Compilation. Copies are available from the Transportation Permit Unit.]

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.200 & 818.220

Hist.: 1 OTC 6-1980, f. & ef. 3-27-80; 2HD 6-1983, f. & ef. 2-18-83; HWY 7-1992, f. & cert. ef. 3-27-92; HWY 10-1992, f. & cert. ef. 9-16-92; HWY 1-1993, f. & cert. ef. 3-16-93; HWY 3-1995, f. & cert. ef. 10-16-95

#### 734-074-0023

##### Application for Permit

(1) Application for permits may be made in person, at Oregon ports of entry or by mail to the Transportation Permit Unit, 1905 Lana Avenue NE, Salem, Oregon 97314.

(2) Telephone applications for permits may be made by calling toll free 1-800-336-3602 or (503) 945-7903 and the executed permit will be transmitted electronically for pick up by the applicant at the nearest state office equipped with a receiving device.

(3) Routine information such as permittee name, address and vehicle identification must be included for the application.

(4) Permits will not be issued when an application is incomplete.

(5) Carriers who have unsatisfactory safety ratings from the U.S. Department of Transportation or the Oregon Public Utility Commission are not eligible for permits under these rules.

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.200 & 818.220

Hist.: 2HD 6-1983, f. & ef. 2-18-83; HWY 7-1992, f. & cert. ef. 3-27-92; HWY 3-1995, f. & cert. ef. 10-16-95

#### 734-074-0025

##### Permit Duration

At the discretion of the Chief Engineer, permits may be issued for periods of time up to one year.

Stat. Auth.: ORS 184.617, 184.619 & 366.205

Stats. Implemented: ORS 818.200 & 818.220

Hist.: 1 OTC 6-1980, f. & ef. 3-27-80; 2HD 6-1983, f. & ef. 2-18-83

#### 734-074-0027

##### Other Permit Eligibility Requirements

(1) Combinations of vehicles operating under the authority of permits authorized by OAR Chapter 734, Division 74, will not be

eligible to also operate with increased weights authorized under permits issued pursuant to ORS 818.210(4)(b) or (c).

(2) No applicant for a permit may have an unsatisfactory rating from US DOT or the equivalent safety rating from Oregon Public Utility Commission.

(3)(a) An interstate permittee operating triple trailers must have a satisfactory US DOT safety rating, and an intrastate permittee must have an equivalent safety rating from the Oregon Public Utility Commission;

(b) Motor carriers exempt from regulation by US DOT or the Oregon Public Utility Commission shall have a Level 1 safety inspection performed by a Commercial Vehicle Safety Alliance (CVSA) certified safety inspector to be eligible for a triple trailer permit. This safety inspection must determine the driver and vehicles are free of defects. The motor carrier becomes eligible for a permit when all repairs or deficiencies written on the inspection form are corrected and verified by a CVSA-certified safety inspector. The successful completion of the Level 1 safety inspection is used to establish a satisfactory safety rating. Successful completion of this Level 1 safety inspection is required every year before the triple trailer permit may be renewed;

(c) For purposes of this rule, a satisfactory safety rating means a safety rating other than unsatisfactory.

(4) Permits for triple trailers require the permittee to have an established safety program which includes drivers and vehicles.

(5) Triple trailer permits may be suspended or revoked for failure to comply with any of the provisions or conditions of OAR Chapter 734, Division 74. The permittee and driver must comply with all of the motor vehicle laws and the latest motor carrier safety regulations issued by the US DOT.

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.200 & 818.220

Hist.: 2HD 6-1983, f. & ef. 2-18-83; HWY 7-1992, f. & cert. ef. 3-27-92; HWY 1-1993, f. & cert. ef. 3-16-93; HWY 3-1995, f. & cert. ef. 10-16-95

#### 734-074-0028

##### Permit Cancellation

(1) Permits may be canceled for reasons set forth under ORS 818.220(7).

(2) The operation of any combination of vehicles under OAR Chapter 734, Division 74 over highways not authorized shall constitute a serious violation of ORS 818.220(7)(a). The Chief Engineer has authority to cancel all such permits held by any person, company, or firm for such periods of time as the Chief Engineer considers appropriate.

(3) If any of the provisions of OAR Chapter 734, Division 74 are found to be contrary to federal law to the extent that loss of federal-aid funds may result, the Chief Engineer may immediately delete from any otherwise valid permit that portion of the permit in conflict.

(4) This permit is automatically void if the permittee incurs an unsatisfactory rating from US DOT or the equivalent safety rating from Oregon Public Utility Commission.

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Imp.: ORS 818.200 & 818.220

Hist.: 2HD 6-1983, f. & ef. 2-18-83; HWY 7-1992, f. & cert. ef. 3-27-92; HWY 1-1993, f. & cert. ef. 3-16-93; HWY 3-1995, f. & cert. ef. 10-16-95

#### 734-074-0029

##### Insurance Requirements

At the discretion of the Chief Engineer, permit applicants may be required to furnish liability and indemnity insurance as provided for under ORS 818.220(1)(d) and (e).

Stat. Auth.: ORS Ch. 183, 184.617, 184.619, 366.205 & 818.200

Stats. Implemented: ORS 818.200 & 818.220

Hist.: 2HD 6-1983, f. & ef. 2-18-83; HWY 7-1992, f. & cert. ef. 3-27-92

#### 734-074-0030

##### Approved Routes

(1) State highways approved for travel by combinations of vehicles operating under permits issued pursuant to OAR Chapter 734, Division 74, shall be designated by the Chief Engineer. In designating such highways the Chief Engineer shall take into

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consideration the increased gross weights carried by the vehicles and shall, by use of engineering judgment, determine that the highways so approved, and the structures and bridges on those highways, can safely accommodate the increased weights.

(2) Permits shall only authorize travel over highways under State of Oregon, Department of Transportation, jurisdiction. For movement over other streets or roads, separate permission must be obtained from the proper authority.

(3) When designating approved routes for triple trailers, the Chief Engineer may restrict the days and hours of travel.

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.200 & 818.220

Hist.: 1 OTC 6-1980, f. & ef. 3-27-80; 2HD 6-1983, f. & ef. 2-18-83; HWY 1-1993, f. & cert. ef. 3-16-93; HWY 3-1995, f. & cert. ef. 10-16-95

#### 734-074-0035

##### Speeds

(1) Vehicles operating under permits authorized through OAR Chapter 734, Division 74, shall maintain a minimum speed within 20 MPH of the posted truck speed. When encountering steep grades where a minimum speed within 20 MPH of the posted truck speed cannot be maintained, the combination of vehicles shall activate four-way flashers. After January 1, 1993, horsepower must be adequate to maintain a minimum speed of 20 MPH except on grades the Chief Engineer deems are impractical.

(2) Combinations of vehicles authorized by Division 74 rules may not exceed the posted speed or basic speed rule laws described in ORS Chapter 811. The penalty for violation of this rule is that provided by ORS 818.420(2). Exceeding the posted or basic speed limit is a permit violation.

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.200 & 818.220

Hist.: 1 OTC 6-1980, f. & ef. 3-27-80; 2HD 6-1983, f. & ef. 2-18-83; HWY 7-1992, f. & cert. ef. 3-27-92; HWY 10-1992, f. & cert. ef. 9-16-92; HWY 3-1995, f. & cert. ef. 10-16-95

#### 734-074-0040

##### Operating Days and Hours, Prohibitions

(1) Vehicles and combinations of vehicles, except triple trailers, may operate on a 24-hour, seven-day week basis.

(2) Triple trailers may operate on a 24-hour, seven-day week basis unless traveling on a highway which prohibits such movement on holidays or weekends. The holidays include New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day:

(a) When a triple trailer route prohibits movement on weekends, movement is prohibited from 5 p.m. Friday until 10 p.m. Sunday; and

(b) When a triple trailer route prohibits movement on holidays, movement is prohibited during all hours:

(A) Triple trailer movement on any route that has holiday or weekend restriction is prohibited from noon on the Wednesday preceding Thanksgiving Day until sunrise on Monday following Thanksgiving Day;

(B) Triple trailer movement on any route that has holiday or weekend restriction is prohibited between 4 p.m. Thursday and sunrise Monday, when the State observes any of the specified holidays on a Friday;

(C) Triple trailer movement on any route that has holiday or weekend restriction is prohibited between 4 p.m. Friday and sunrise Tuesday, when the State observes one of the specified holidays on a Monday;

(D) Triple trailer movement on any route that has a holiday or weekend restriction is prohibited when a holiday falls on any other day of the week between 4 p.m. on the day preceding the holiday until 12:01 a.m. on the day following the holiday unless it is otherwise restricted.

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.200 & 818.220

Hist.: 1 OTC 6-1980, f. & ef. 3-27-80; 2HD 6-1983, f. & ef. 2-18-83; HWY 1-1993, f. & cert. ef. 3-16-93; HWY 3-1995, f. & cert. ef. 10-16-95

#### 734-074-0045

##### Weather Restrictions

(1) Movement of triple trailer combinations is prohibited when road surfaces are hazardous or when wind or other conditions may cause the unit or any part thereof to swerve, to whip, to sway or fail to follow substantially in the path of the towing vehicle.

(2) Road surfaces are considered hazardous for triple trailers when the surface is other than bare or wet pavement. Examples of "other than bare or wet pavement" include surfaces that have frost, ice, sleet or snow on the roadway.

(3) Triple trailer movement is prohibited when visibility is less than 1,000 feet due to snow, mist, rain, dust, smoke, fog or other atmospheric conditions.

(4) All other combinations of vehicles operating under permits issued by Division 74 rules must comply with the traction device requirements of OAR Chapter 860, Division 65, OAR Chapter 734, Division 17, and any other lawful order requiring the use of traction tires or devices.

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.200 & 818.220

Hist.: 1 OTC 6-1980, f. & ef. 3-27-80; 2HD 6-1983, f. & ef. 2-18-83; HWY 1-1993, f. & cert. ef. 3-16-93; HWY 3-1995, f. & cert. ef. 10-16-95

#### 734-074-0051

##### Splash and Spray Suppressant Devices

(1) The Chief Engineer requires combinations of vehicles operating under OAR Chapter 734, Division 74 when highways are wet, including those surfaces that have rain, frost, ice, sleet or snow to be equipped with devices designed to suppress water splash and spray.

(2) The Chief Engineer is hereby granted authority to approve and require by written order the type, style, design, and installation details of splash and spray devices. These devices may consist of but are not limited to the following:

- (a) Air deflectors mounted on the vehicles;
- (b) Fender flaps behind wheels;
- (c) Side flaps over wheels; and
- (d) Water collection type fenders.

(3) Minimum splash and spray requirements are shown on DMV Form 734-2351 (9-94). This form is available from the DMV Transportation Permits Unit and by reference is made a part of these rules.

(4) The headlights of a triple trailer combination must be illuminated any time windshield wipers are used.

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

Stat. Implemented: ORS 818.200 & 818.220

Hist.: 2HD 6-1983, f. & ef. 2-18-83; 2HD 21-1983, f. & ef. 9-23-83; HWY 7-1992, f. & cert. ef. 3-27-92; HWY 3-1995, f. & cert. ef. 10-16-95

#### 734-074-0060

##### "Long Load" Warning Signs for Triple Trailer Combinations

(1) A warning sign for triple trailer combinations bearing the legend "LONG LOAD" is to be displayed on the back of the rearmost trailer or semitrailer.

(2) The sign shall be positioned at such height as to be readily visible to following drivers and it shall be kept in good repair, free from dirt, grease and "road film" in order that it may be clearly readable to following drivers.

(3) The sign shall meet uniform AASHTO standards which are:

- (a) Size — 7 feet wide by 18 inches high;
- (b) Letters — 10 inches high with 1-5/8 inch stroke width;
- (c) Color — Non-reflective black letters on highway yellow background.

(4) The highway yellow background of the sign shall be made of reflectorized material when operating between sunset and sunrise.

(5) For purposes of this rule, signs made of mesh or other materials that do not provide a continuous background are not permitted.

(6) Combinations of vehicles described in OAR Chapter 734, Division 73 do not require warning signs.

Stat. Auth.: ORS 184.616, 184.619, ORS Ch. 810 & 818

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Stat. Implemented: ORS 818.200 & 818.220

Hist.: 1 OTC 6-1980, f. & ef. 3-27-80; 2HD 6-1983, f. & ef. 2-18-83; HWY 7-1992, f. & cert. ef. 3-27-92; HWY 10-1992, f. & cert. ef. 9-16-92; HWY 3-1995, f. & cert. ef. 10-16-95

**734-074-0070**

**Triple Trailer Driver Requirements**

(1) All triple trailer drivers must have a current Commercial Drivers License with a doubles/triples endorsement and no airbrake restriction.

(2) Triple trailer drivers and all individuals and companies operating triple trailers must comply with **Part 391 — Qualifications of Drivers of the Federal Motor Carrier Safety Regulations (FMCSR)** and **Part 395 — Driver Hours of Service**. Driver exemptions as set forth in **Section 391.67** of the **FMCSR** shall not apply to triple trailer drivers.

(3) Triple trailer drivers must have a minimum of one-year experience driving commercial vehicle combinations.

(4) Triple trailer drivers hired by the permit holder after the effective date of the rule must successfully complete a road test using triple trailers. This shall be the road test established by the Oregon Department of Transportation, Driver and Motor Vehicle Services Branch. The road test must be conducted by an experienced triple trailer driver or trainer. The permittee must maintain a record of the road test for inspection by ODOT or PUC personnel for three years following the road test.

(5) Triple trailer drivers must be directly supervised by the company or individual holding the triple trailer permit.

(6) Triple trailers may not be operated by any driver convicted of two or more speeding violations in Oregon as provided by ORS Chapter 811 within the last three years while operating a triple trailer combination after being informed by ODOT that the driver is disqualified.

(7) Triple trailers may not be operated by a driver if suspension or revocation of driving privileges arises from operation of a commercial motor vehicle in any state or province during the past three years.

Stat. Auth.: ORS Ch. 183 & 818.200

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HWY 1-1993, f. & cert. ef. 3-16-93

**734-074-0090**

**Permit Requirements for Triple Trailer Operators**

(1) The third cargo carrying unit of a triple trailer combination cannot be a liquid cargo tank.

(2) All carriers operating under these rules must report total miles driven since January 1, 1993 in Oregon while operating triple trailer combinations to the Oregon Public Utility Commission in the form they request.

Stat. Auth.: ORS Ch. 183 & 818.200

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HWY 1-1993, f. & cert. ef. 3-16-93

**DIVISION 75**

**MOVEMENT OF OVER-DIMENSIONAL MOBILE HOMES AND MODULAR BUILDING UNITS**

**734-075-0002**

**Exhibits**

The exhibits referred to in OAR Chapter 734, Division 75 are by reference made a part of these rules. The Chief Engineer maintains the exhibits and any amendments authorized by rule.

Stat. Auth.: ORS Ch. 183 & 818

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HWY 6-1990, f. & cert. ef. 3-13-90

**734-075-0005**

**Scope**

OAR Chapter 734, Division 75 regulates the transportation of mobile homes and modular building units on highways under the authority of the Oregon Department of Transportation.

Stat. Auth.: ORS Ch. 183, 184.617, 184.619 & Ch. 818

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HC 1287, f. 3-14-73; 1 OTC 19a, f. & ef. 1-24-74; 1 OTC 9-1978(Temp), f. & ef. 7-19-78; 1 OTC 11-1979(Temp), f. & ef. 6-20-79; 1 OTC 12-1979(Temp), f. & ef. 6-20-79; 1 OTC 13-1979(Temp), f. & ef. 6-20-79; 1 OTC 24-1979, f. & ef. 10-24-79; 2HD 15-1983, f. & ef. 8-18-83; HWY 6-1990, f. & cert. ef. 3-13-90

**734-075-0008**

**Definitions**

(1) "Mobile Home" means a trailer designed as a structure for human habitation or for business, commercial or office purposes, which can be towed upon public highways and is more than 45 feet in length or more than 8 feet in width.

(2) "Modular Building Unit" means a structural building component designed to be used with other modules. These modules create a structure for human habitation or for business, commercial or office purposes, and are more than 45 feet in length or more than 8 feet in width. Modular units are transported or hauled on another vehicle instead of being towed on the unit's own axles or running gear.

(3) "Multi-Lane Highway" means a highway having two or more lanes of travel in the same direction.

(4) "Unit" means a mobile home or modular building unit as defined in sections (1) and (2) of this rule.

(5) "Chief Engineer" means the Chief Engineer of the Oregon Department of Transportation, or a person who has authority to act for the Chief Engineer.

(6) "Eave" means an extension of the roof over the side of the unit. It does not include external accessories or devices attached to the unit.

Stat. Auth.: ORS Ch. 183, 184 & 818

Stats. Implemented: ORS 818.200 & 818.220

Hist.: 2HD 15-1983, f. & ef. 8-18-83; HWY 6-1990, f. & cert. ef. 3-13-90;

HWY 5-1992, f. & cert. ef. 3-25-92

**734-075-0010**

**Maximum Size Limitations**

(1)(a) Length – Not to exceed two vehicles in combination (the towing vehicle and the unit being transported) and with a maximum overall length of 85 feet, except that;

(b) The overall length may be 95 feet on Interstate highways and other State highways approved for the longer overall length by written order of the State Highway Engineer; and

(c) Except as provided in OAR 734-075-0011, the unit being towed shall not be longer than 75 feet including tongue.

(2)(a) Width – Mobile Homes not to exceed 14 feet, except that by single trip permit:

(A) A mobile home may have an eave provided:

(i) The eave is transported on the right side of the unit as viewed from the rear while in-transit;

(ii) The overall width including eave does not exceed 15 feet; and

(iii) The width of the unit, excluding eave, external or safety appurtenances, does not exceed 14 feet.

(B) A mobile home may have an eave on the left side of the unit as viewed from the rear while the unit is in-transit provided:

(i) The distance measured from the center of the coupling device to the outermost extremity to the left, as viewed from the rear while in-transit, does not exceed seven feet; and

(ii) The overall width including the eave does not exceed 15 feet; and

(iii) The width of the unit does not exceed 14 feet.

(b) Width – Modular Building Units not to exceed 16 feet; and

(c) External appurtenances such as doorknobs, window fasteners, eave cap, clearance lights and load securement devices may exceed the width of the unit by a distance not greater than two inches on each side. The word "width" shall mean overall width, inclusive of eave overhang.

(3) Height – While in transit, not to exceed legal height unless proper route clearance has been obtained and so indicated by the permit.



Stat. Auth.: ORS Ch. 183, 184.617, 184.619 & 818.200

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HC 1287, f. 3-14-73; 1 OTC 19a, f. & ef. 1-24-74; 1 OTC 9-1978(Temp), f. & ef. 7-19-78; 1 OTC 11-1979(Temp), f. & ef. 6-20-79; 1 OTC 12-1979(Temp), f. & ef. 6-20-79; 1 OTC 13-1979(Temp), f. & ef. 6-20-79; 1 OTC 24-1979, f. & ef. 10-24-79; 2 HD 7-1982(Temp), f. & ef. 11-22-82; 2HD 15-1983, f. & ef. 8-18-83; HWY 4-1988(Temp), f. & cert. ef. 6-23-88; HWY 4, 1989, f. & cert. ef. 5-23-89; HWY 6-1990, f. & cert. ef. 3-13-90; HWY 5-1992, f. & cert. ef. 3-25-92

#### **734-075-0011**

##### **Chief Engineer Authority to Approve Greater Length**

(1) The Chief Engineer is authorized to issue permits, on an individual basis, to allow transportation of a unit into or through the State when the length exceeds that specified in OAR 734-075-0010.

(2) In issuing permits under this rule, the Chief Engineer shall determine the following:

- (a) The safety of other highways users is not impaired; and
- (b) The adjacent states through which the mobile home is transported also permit the movement.

Stat. Auth.: ORS Ch. 183 & 818.200

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HWY 6-1990, f. & cert. ef. 3-13-90; HWY 5-1992, f. & cert. ef. 3-25-92

#### **734-075-0015**

##### **Mobile Home Towing Vehicle Requirements**

(1) Mobile home towing vehicle requirements are:

- (a) The Drive Axle must be equipped with dual wheels;
- (b) One spare tire (minimum) to be carried, inflated and ready for use, and capable for use on either axle; and
- (c) Engine horsepower shall be enough to maintain minimum speeds of 45 MPH on Interstate highways and 35 MPH on other highways.

(2) Some units such as mobile homes, contractor's mobile field offices and shops, and other such mobile units do not exceed legal width but do exceed legal length. When more than 45 feet in length, including tongue, they must be towed by a vehicle meeting the requirements of section (1) of this rule. Towing vehicle requirements for units not exceeding 45 feet in length are specified in other Department of Transportation rules.

Stat. Auth.: ORS Ch. 183, 184.617, 184.619 & 818.200

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HC 1287, f. 3-14-73; 1 OTC 19a, f. & ef. 1-24-74; 1 OTC 9-1978(Temp), f. & ef. 7-19-78; 1 OTC 11-1979(Temp), f. & ef. 6-20-79; 1 OTC 12-1979(Temp), f. & ef. 6-20-79; 1 OTC 13-1979(Temp), f. & ef. 6-20-79; 1 OTC 24-1979, f. & ef. 10-24-79; 2HD 15-1983, f. & ef. 8-18-83; HWY 6-1990, f. & cert. ef. 3-13-90; HWY 5-1992, f. & cert. ef. 3-25-92

#### **734-075-0020**

##### **Axles, Tires and Brakes for Mobile Homes**

(1) All mobile homes manufactured on or after June 15, 1976, must conform to Federal HUD rules and regulations **Title 24, Chapter II, Subpart J of Part 280**, as in effect on September 1, 1979 if subject to those regulations.

(2) Any mobile home manufactured before June 15, 1976, or not bearing the official HUD label shall comply with the following:

- (a) Over eight feet to ten feet in width:

(A) If equipped with a single axle, shall have brakes on all wheels; and

(B) When equipped with two or more axles, must have brakes on all wheels of two axles unless the towing vehicle has a minimum weight of 9,000 pounds. In this case brakes are required on all wheels of one axle.

- (b) Over 10 feet to 14 feet in width:

(A) Mobile homes more than 60 feet in length (including tongue) shall have a minimum of three axles;

(B) All other mobile homes shall have a minimum of two axles;

(C) All wheels of at least two axles must have brakes regardless of unit length; and

- (D) Tires shall be 8:00 x 14.5 minimum size with 10 ply

minimum rating.

(c) For any mobile home in transit, a minimum of two spare tires must be carried for the unit being towed. They must be inflated and ready for use.

(3) All brakes shall be designed and installed to activate if the unit accidentally breaks away from the towing vehicle.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of Transportation Permits.]

Stat. Auth.: ORS Ch. 183, 184.617, 184.619 & 818.200

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HC 1287, f. 3-14-73; 1 OTC 19a, f. & ef. 1-24-74; 1 OTC 9-1978(Temp), f. & ef. 7-19-78; 1 OTC 11-1979(Temp), f. & ef. 6-20-79; 1 OTC 12-1979(Temp), f. & ef. 6-20-79; 1 OTC 13-1979(Temp), f. & ef. 6-20-79; 1 OTC 24-1979, f. & ef. 10-24-79; 2HD 15-1983, f. & ef. 8-18-83; HWY 6-1990, f. & cert. ef. 3-13-90; HWY 5-1992, f. & cert. ef. 3-25-92

#### **734-075-0025**

##### **Hauling Vehicles for Modular Building Units**

Requirements for vehicles hauling modular building units are:

(1) Modular Building Units must be hauled with a truck-tractor and semitrailer combination.

(2) Equipment weights of the truck-tractor and semitrailer combination and the sizes and ratings of all its components must be comparable to those commonly used by the motor carrier industry in general over-the-road trucking operations.

(3) When operating unladen, the overall length of the truck-tractor and semitrailer combination shall not exceed legal length.

(4) Modifications are permitted to the conventional truck-tractor and semitrailer equipment necessary for hauling modular building units. This may include "stretch-trailer" features, adjustable trailer heights from inflatable air bags, and steering capabilities for the semitrailer axles. These features must be stipulated in the permit.

(5) The unit must be securely fastened to the semitrailer. It may be secured by steel cables and winch tighteners, steel cables or chains and chain binders, or by adequate bolting directly to the semitrailer frame. Alternate securing methods approved by the United States Department of Transportation regulations may be used.

Stat. Auth.: ORS 184.617, 184.619 & Ch. 818

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HC 1287, f. 3-14-73; 1 OTC 19a, f. & ef. 1-24-74; 1 OTC 9-1978(Temp), f. & ef. 7-19-78; 1 OTC 11-1979(Temp), f. & ef. 6-20-79; 1 OTC 12-1979(Temp), f. & ef. 6-20-79; 1 OTC 13-1979(Temp), f. & ef. 6-20-79; 1 OTC 24-1979, f. & ef. 10-24-79; 2HD 15-1983, f. & ef. 8-18-83; HWY 6-1990, f. & cert. ef. 3-13-90

#### **734-075-0030**

##### **Open Sides Covering**

(1) The open side of units transported more than 25 miles must be covered with a rigid material such as plywood, hardboard or similar material. In lieu of rigid material, plastic covering can be used, provided a grillwork of lumber or other material is used to prevent billowing of the plastic material.

(2) The use of plastic side covering described in section (1) of this rule on modular building units does not allow the wind restriction exemption set forth in OAR 734-075-0060 unless the plastic is a non-tearable, cross-laminated polyethylene material. When such material is used the lumber grillwork is not required, provided the material adequately prevents billowing.

Stat. Auth.: ORS Ch. 183, 184.617, 184.619 & Ch. 818

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HC 1287, f. 3-14-73; 1 OTC 19a, f. & ef. 1-24-74; 1 OTC 9-1978(Temp), f. & ef. 7-19-78; 1 OTC 11-1979(Temp), f. & ef. 6-20-79; 1 OTC 12-1979(Temp), f. & ef. 6-20-79; 1 OTC 13-1979(Temp), f. & ef. 6-20-79; 1 OTC 24-1979, f. & ef. 10-24-79; 2HD 15-1983, f. & ef. 8-18-83; HWY 6-1990, f. & cert. ef. 3-13-90

#### **734-075-0035**

##### **Pilot Vehicles**

(1) Pilot vehicles may be needed to insure the safety of the traveling public when vehicle and load movements involve

excessive width, height, length, or projections to the front or rear of vehicles or combinations of vehicles. The configuration of such pilot vehicle(s) shall be a passenger car, pick-up, truck, or truck-tractor of legal size and weight. Combinations of vehicles are not allowed as pilot vehicles. The number of pilot vehicles required for certain movements is shown on **Mobile Home Table 1**.

(2) Pilot vehicles are required to have the following equipment:

(a) Warning signs mounted above the roofline of the vehicle. This sign shall bear the legend **"OVERSIZE LOAD"**. The sign shall be at least five feet wide by ten inches high; have black letters eight inches high with one-inch brush stroke in accordance with Federal Highway Administration series B, on highway yellow background. The sign shall be displayed only during the course of the oversize movement, and shall be removed or retracted at all other times. The sign must be kept clean, legible, and mounted adequately to afford full view at all times when in use to the front or rear depending upon location of pilot vehicle or relative to the oversize unit;

(b) Warning lights are required in addition to those lights that may otherwise be required by law. Strobe lights are not permitted. These lights shall be either:

(A) Two flashing amber lights visible from a distance of 500 feet to the front and rear. These lights shall have a lens diameter of not less than four inches, be rated at not less than 30 candle-power, and emit at least 30 flashes per minute; or

(B) Revolving type amber light that has at least 125 square inches of dome surface, and emits at least 30 flashes per minute.

(c) Two-way radio communications between the oversize vehicle and the pilot vehicle(s) must be maintained at all times;

(d) Two 18-inch-square red flags mounted on three-foot length staffs shall be carried by each pilot vehicle for use in directing traffic. The pilot vehicle operator shall use the flags to warn oncoming or overtaking traffic when the oversize unit is stopped and obstructing traffic;

(e) Eight safety flares or reflectors. Safety flares may not be used when the movement involves hazardous materials.

(3) The Chief Engineer is authorized to alter the number of pilot vehicles from those specified in **Mobile Home Table 1** depending upon local conditions, seasonal traffic, construction projects, or other considerations. Permit will reflect altered requirements.

**Table 1**

**Mobile Home Pilot Vehicles**

Width of Unit	Number of Pilot Vehicles Required		
	Highway Classification		
	Group 1	Group 2	Group 3
a. Over 8' to 9'	None	1	2
b. Over 9' to 10'	1(1)	1	2
c. Over 10' to 11'	1(3)	1	2
d. Over 11' to 12'	2(2)(3)	2	2
e. Over 12' to 14'	2(2)	2	2
f. Over 14' to 16'	2(4)	2	2

(1) None required on routes indicated in green on Route Map 2.

(2) One required on routes indicated in green on Route Map 2.

(3) None required if operation is on a route indicated in green on Route Map 2 and warning lights described under OAR 734-75-040(1) and (2) are used.

(4) One rear pilot required on multi-lane highways having two or more lanes for travel in the same direction if width exceeds 15 feet.

(4) The highway classification groups referred to are established by and maintained by the Chief Engineer.

(5) The Chief Engineer is authorized to make additions or deletions to the group classification of highways, or sections of group highway classifications. Before adding or deleting highways or sections of highways, the Chief Engineer shall investigate the condition of the highway regarding road surface

width, condition, safe passing opportunities, and general sight distance along such highway. If, after consideration of these factors, the Chief Engineer determines that the addition or deletion of a certain highway or section is in the public interest and the safety of the motoring public is not impaired, he may add or delete those highways or highway sections by written order.

(6) Positioning of pilot vehicles — Unless specified otherwise, the pilot vehicle(s) shall be positioned ahead of (when one is required) or to the front and rear of (when two or more are required) the oversize unit at a distance of 300 feet to 500 feet from the unit. In areas where increased traffic congestion is encountered, where traffic is controlled by signals, or where other conditions may so require, the spacing shall be reduced as may be required to properly safeguard the traveling public.

(7) When for any cause the oversize unit is stopped and occupies or encroaches onto the highway's travel lane, the pilot vehicle(s) shall be positioned to warn and safeguard other traffic approaching from any direction from which visibility or sight distance may be limited.

(8) Duties of pilot vehicle operations:

(a) Warn approaching and/or overtaking traffic of the unit's presence on the highway to provide a maximum of protection and safety for the traveling public;

(b) When encountering bridges, structures, tunnels, or other locations where clearances may be limited to the extent that normal two-way traffic cannot be maintained, the pilot vehicle operator shall signal by hand or radio to the towing vehicle driver when the oversize unit can proceed without conflict to approaching traffic. As the oversize unit then proceeds through such areas of impaired clearance, the pilot vehicle operator shall act as flagger to warn approaching traffic;

(c) Pilot vehicle(s) are considered to be under the direct control and supervision of the oversize vehicle operator.

Stat. Auth.: ORS Ch. 183, 184.617, 184.619 & 818.200

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HC 1287, f. 3-14-73; 1 OTC 19a, f. & ef. 1-24-74; 1 OTC 9-1978(Temp), f. & ef. 7-19-78; 1 OTC 11-1979(Temp), f. & ef. 6-20-79; 1 OTC 12-1979(Temp), f. & ef. 6-20-79; 1 OTC 13-1979(Temp), f. & ef. 6-20-79; 1 OTC 24-1979, f. & ef. 10-24-79; 2 HD 7-1982(Temp), f. & ef. 11-22-82; 2HD 15-1983, f. & ef. 8-18-83; HWY 6-1990, f. & cert. ef. 3-13-90; HWY 5-1992, f. & cert. ef. 3-25-92

### **734-075-0040**

#### **Warning Lights for Towing Oversize Units**

(1) In addition to any lights otherwise required by law, two flashing amber lights visible from 500 feet are to be mounted on towing vehicles subject to the following requirements:

(a) Unless operating with two pilot vehicles, warning lights are required when width exceeds ten feet on two-lane highways or 12 feet on four-lane highways; and

(b) Warning lights must have a lens diameter not less than six inches, be rated at 35 candle power minimum and emit at least 30 flashes per minute. On towing vehicle the lights are to be mounted above the roof of the cab as widely spaced laterally as is practical.

(2) Instead of the flashing lights described above, a revolving type amber light that has at least 125 square inches of dome surface, and emits at least 30 flashes per minute may be used.

(3) Units must have rear-mounted turn and stop signals specified in ORS Chapter 816.

Stat. Auth.: ORS Ch. 183, 184.617, 184.619 & 818.200

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HC 1287, f. 3-14-73; 1 OTC 19a, f. & ef. 1-24-74; 1 OTC 9-1978(Temp), f. & ef. 7-19-78; 1 OTC 11-1979(Temp), f. & ef. 6-20-79; 1 OTC 12-1979(Temp), f. & ef. 6-20-79; 1 OTC 13-1979(Temp), f. & ef. 6-20-79; 1 OTC 24-1979, f. & ef. 10-24-79; 2HD 15-1983, f. & ef. 8-18-83; HWY 6-1990, f. & cert. ef. 3-13-90; HWY 5-1992, f. & cert. ef. 3-25-92

### **734-075-0045**

#### **Warning Signs Required**

(1) Warning signs for a towing or hauling vehicle are:

(a) Placement — To be mounted horizontally over the top of the cab or across the front of the vehicle. The bottom edge of the

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sign must be not less than four feet above the road surface;

(b) Legend — Bear the words “**OVERSIZE LOAD**”; and

(c) Size and Color — Seven feet wide by 18 inches high with black letters ten inches high in accordance with Federal Highway Administration standard alphabet series C on highway yellow background.

(2) Warning sign requirements for the unit are:

(a) Placement — To be mounted horizontally on the rear end of the unit. The bottom edge of the sign must be not less than six feet nor more than seven feet above the road surface;

(b) Legend — Bear the words “**OVERSIZE LOAD**”;

(c) Size and Color — Seven feet wide by 18 inches high with black letters ten inches high in accordance with Federal Highway Administration standard alphabet series C on highway yellow background; and

(d) All four lower corners of the unit shall be marked with red flags, 18 inches square. The standard or holder may not extend beyond the sides of the unit.

(3) All warning signs may be displayed only during the course of unit movement. They must be removed or retracted at all other times. Signs must be constructed of a material impervious to water. Signs must be kept clean, legible and mounted with adequate support to provide full visibility at all times when in use.

Stat. Auth.: ORS Ch. 183, 184.617, 184.619 & 818.200

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HC 1287, f. 3-14-73; 1 OTC 19a, f. & ef. 1-24-74; 1 OTC 9-1978(Temp), f. & ef. 7-19-78; 1 OTC 11-1979(Temp), f. & ef. 6-20-79; 1 OTC 12-1979(Temp), f. & ef. 6-20-79; 1 OTC 13-1979(Temp), f. & ef. 6-20-79; 1 OTC 24-1979, f. & ef. 10-24-79; 2HD 15-1983, f. & ef. 8-18-83; HWY 6-1990, f. & cert. ef. 3-13-90; HWY 5-1992, f. & cert. ef. 3-25-92

### 734-075-0050

#### Radio Communication

The towing vehicle and all pilot vehicles must be equipped with two-way radios that provide a continuous communications link at all times between all drivers.

Stat. Auth.: ORS Ch. 183, 184.617, 184.619 & Ch. 818

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HC 1287, f. 3-14-73; 1 OTC 19a, f. & ef. 1-24-74; 1 OTC 9-1978(Temp), f. & ef. 7-19-78; 1 OTC 11-1979(Temp), f. & ef. 6-20-79; 1 OTC 12-1979(Temp), f. & ef. 6-20-79; 1 OTC 13-1979(Temp), f. & ef. 6-20-79; 1 OTC 24-1979, f. & ef. 10-24-79; 2HD 15-1983, f. & ef. 8-18-83; HWY 6-1990, f. & cert. ef. 3-13-90

### 734-075-0055

#### Days of Travel and Peak Traffic Hour Restrictions

(1) Movement of mobile homes or modular building units is prohibited:

(a) On holidays which are: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. When a holiday falls on a Sunday, then the following Monday shall be considered the holiday and movement is not permitted from 2:00 p.m. Friday until daylight Tuesday. Movement is not permitted from noon on the Wednesday preceding Thanksgiving Day until daylight on Monday following Thanksgiving Day;

(b) On Saturday afternoons and Sundays after Memorial Day and before Labor Day; and

(c) When visibility is 500 feet or less and between sunset and sunrise.

(2) In addition to the restrictions in section (1) of this rule, if a unit exceeds 12 feet in width, movement is prohibited in the urban areas of Portland, Salem, Eugene and Medford, on non-interstate highways, between the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.

(3) In addition to the restrictions in sections (1) and (2) of this rule, modular building movements exceeding 14 feet in width are prohibited in the urban areas of Portland, Salem, Eugene and Medford, on all highways, between the hours of 7:00 a.m. to 9:00 a.m., 11:00 a.m. and 1:00 p.m., and 4:00 p.m. to 6:00 p.m.

(4) Movement on Interstate 5 between the Oregon-Washington border and its junction with OR 217, and Interstate 5

between Exit #24 and #32 near Medford is prohibited between the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. Monday through Friday except where otherwise restricted.

(5) The Chief Engineer may impose or alter time of travel restrictions. These may be necessary, to prevent conflict with highway construction or repair projects, or to cope with local or seasonal traffic conditions.

Stat. Auth.: ORS Ch. 183, 184.617, 184.619 & 818.200

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HC 1287, f. 3-14-73; 1 OTC 19a, f. & ef. 1-24-74; 1 OTC 9-1978(Temp), f. & ef. 7-19-78; 1 OTC 11-1979(Temp), f. & ef. 6-20-79; 1 OTC 12-1979(Temp), f. & ef. 6-20-79; 1 OTC 13-1979(Temp), f. & ef. 6-20-79; 1 OTC 24-1979, f. & ef. 10-24-79; 2HD 15-1983, f. & ef. 8-18-83; HWY 6-1990, f. & cert. ef. 3-13-90; HWY 5-1992, f. & cert. ef. 3-25-92

### 734-075-0060

#### Weather Restrictions

(1) Movement is prohibited when road surfaces are hazardous due to ice, snow or frost. Further, movement is not permitted when wind speed exceeds 20 miles per hour or when wind conditions exist which could cause excessive swaying or weaving, or tip-over of the towed unit.

(2) To assist the permittee comply with restrictions caused by weather conditions, the Department of Transportation may place signs in areas where winter weather or wind conditions may cause travel to be hazardous. When restrictions are displayed, movement of units is prohibited.

(3) Modular building units, when transported on a truck-tractor semitrailer under OAR 734-075-0025, are exempt from the wind restrictions described in section (2) of this rule.

Stat. Auth.: ORS Ch. 183, 184, 818 & 818.200

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HC 1287, f. 3-14-73; 1 OTC 19a, f. & ef. 1-24-74; 1 OTC 9-1978(Temp), f. & ef. 7-19-78; 1 OTC 11-1979(Temp), f. & ef. 6-20-79; 1 OTC 12-1979(Temp), f. & ef. 6-20-79; 1 OTC 13-1979(Temp), f. & ef. 6-20-79; 1 OTC 24-1979, f. & ef. 10-24-79; 2HD 15-1983, f. & ef. 8-18-83; HWY 6-1990, f. & cert. ef. 3-13-90; HWY 5-1992, f. & cert. ef. 3-25-92

### 734-075-0065

#### Consideration of Traveling Public

It is the intent of OAR Chapter 734, Division 75 that movement of units be made with maximum consideration for the safety and convenience of the traveling public. All slow-moving lanes and turn-outs must be used to allow following traffic to pass. Convoying of units is not permitted. Except when overtaking or passing, a distance of one-half mile shall be maintained between units traveling in the same direction.

Stat. Auth.: ORS Ch. 183, 184.617, 184.619 & Ch. 818

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HC 1287, f. 3-14-73; 1 OTC 19a, f. & ef. 1-24-74; 1 OTC 9-1978(Temp), f. & ef. 7-19-78; 1 OTC 11-1979(Temp), f. & ef. 6-20-79; 1 OTC 12-1979(Temp), f. & ef. 6-20-79; 1 OTC 13-1979(Temp), f. & ef. 6-20-79; 1 OTC 24-1979, f. & ef. 10-24-79; 2HD 15-1983, f. & ef. 8-18-83; HWY 6-1990, f. & cert. ef. 3-13-90

### 734-075-0070

#### Authorized Routes and Permit Duration

(1) The movement of mobile homes and modular building units is authorized under an annual permit on highways designated under section (2) of this rule.

(2) Width of Unit	Authorized Routes
(a) Over 8' but not in excess of 10'	All state highways

(b) Over 10' but not in excess of 12'	Those highways designated as <b>Group 1</b> .
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(c) Over 12' but not in excess of 14' and those units having a basic width of 14 feet or less plus the eave overhang authorized in OAR 734-075-0010(2).	Those highways approved for this width by the Chief Engineer.
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(3) Movement of any unit over highway routes other than as provided for under section (2) of this rule may be permitted on a



single-trip permit basis.

(4) The Chief Engineer is authorized to make additions or deletions to the highways, or sections of highways, indicated in section (2) of this rule.

Stat. Auth.: ORS Ch. 183, 184.617, 184.619 & 818.200

Stats. Implemented: ORS 818.200 & 818.220

Hist.: 2HD 15-1983, f. & ef. 8-18-83; HWY 6-1990, f. & cert. ef. 3-13-90;

HWY 5-1992, f. & cert. ef. 3-25-92

#### **734-075-0075**

##### **Insurance Requirements**

At the discretion of the Chief Engineer, permit applicants may be required to furnish liability and indemnity insurance as provided for under ORS 818.220(1).

Stat. Auth.: ORS Ch. 183, 184.617, 184.619 & Ch. 818

Stats. Implemented: ORS 818.200 & 818.220

Hist.: 2HD 15-1983, f. & ef. 8-18-83; HWY 6-1990, f. & cert. ef. 3-13-90

#### **734-075-0080**

##### **Permit Cancellation**

Permits may be cancelled for reasons set forth under ORS 818.220(7).

Stat. Auth.: ORS Ch. 183, 184.617, 184.619 & Ch. 818

Stats. Implemented: ORS 818.200 & 818.220

Hist.: 2HD 15-1983, f. & ef. 8-18-83; HWY 6-1990, f. & cert. ef. 3-13-90

### **DIVISION 76**

#### **ISSUANCE OF PERMITS ALLOWING TOW CARS TO TOW OVERSIZE DISABLED VEHICLES OR COMBINATIONS OF VEHICLES ON STATE HIGHWAYS**

#### **734-076-0005**

##### **Scope**

These rules shall apply to and govern the movement of tow cars operating under special permit and engaged in towing disabled or inoperative vehicles and combinations of vehicles when such tow cars, together with the vehicle(s) in tow, exceed the maximum permitted size and weight laws or administratively adopted rules pertaining to vehicles size and weight. These rules shall be adopted as a measure to provide a lawful means of removing disabled or inoperative vehicles from state highways.

Stat. Auth.: ORS Ch. 184 & 483

Stats. Implemented: ORS 818.170

Hist.: 1 OTC 17-1980(Temp), f. & ef. 9-19-80; 2HD 1-1981, f. & ef. 1-28-81

#### **734-076-0010**

##### **Permit Required**

No person shall engage in the towing of any vehicle or vehicles when the combination of the tow car and towed vehicle(s) exceeds the maximum size permitted by ORS 483.504 or the maximum weight permitted by ORS 483.506, unless that person has obtained from the Permit Unit of the State Highway Division a permit to do so, as provided by this rule. No person holding such a permit shall violate the conditions of the permit or any provision of this rule.

Stat. Auth.: ORS Ch. 184 & 483

Stats. Implemented: ORS 818.170

Hist.: 1 OTC 17-1980(Temp), f. & ef. 9-19-80; 2HD 1-1981, f. & ef. 1-28-81

#### **734-076-0015**

##### **Definitions**

“Tow Car” as defined in ORS 483.026(4) shall be a motor vehicle which has been altered or designed and equipped for and used in the business of towing vehicles by means of a crane, hoist, tow bar, tow line or dolly or is otherwise used to render assistance to other vehicles.

Stat. Auth.: ORS Ch. 184 & 483

Stats. Implemented: ORS 818.170

Hist.: 1 OTC 17-1980(Temp), f. & ef. 9-19-80; 2HD 1-1981, f. & ef. 1-28-81

#### **734-076-0020**

##### **Types of Combinations Authorized**

Combinations may consist of the tow car and not more than two additional vehicles.

Stat. Auth.: ORS Ch. 184 & 483

Stats. Implemented: ORS 818.170

Hist.: 1 OTC 17-1980(Temp), f. & ef. 9-19-80; 2HD 1-1981, f. & ef. 1-28-81

#### **734-076-0025**

##### **Maximum Weights**

(1) Tow Car: When towing any vehicles(s) by draw bar or tow chain method, and no weight of the towed vehicle(s) rests upon the tow car, all weights of the tow car shall conform to ORS 483.506.

(2) When towing any vehicle(s) by any method whereby any portion of weight of the towed vehicle(s) rests upon the tow car:

(a) The gross weight of any axle or tandem axles of the tow car may not exceed 21,500 pounds or 43,000 pounds respectively, or 600 pounds per inch of total tire width;

(b) The gross weight of any group of axles of the tow car, where the distance between the first and last axles of the tow car, where the distance between the first and last axles of the group of axles is 18 feet or less, shall not exceed that allowed by the formula  $W = 1,000 \times (L + 40)$ , where W equals gross weight and L equals the distance in feet between the first and last axles of the group.

(3) Towed Vehicle(s):

(a) When being towed by draw bar or tow chain method, and no weight of the towed vehicle(s) rests upon the tow car, all weight of the towed vehicle(s) shall conform to ORS 483.506, or to any Special Transportation Permit pertaining to that vehicle or combination of vehicles, not including the tow car;

(b) When any portion of the weight of the towed vehicle(s) is carried by the tow car, the first axle or tandem axles of the towed vehicle or combination of vehicles may equal, but shall not exceed 21,500 pounds or 43,000 pounds, respectively, or 600 pounds per inch of tire width unless otherwise provided by a Special Transportation Permit applicable to the vehicle(s) in tow.

(4) Gross Combination Weights:

(a) The gross weight of any combination of vehicles, including the tow car, where the distance between the first and last axles of the combination of vehicles is more than 18 feet, shall not exceed that allowed by the formula  $W + 1,200 \times (L + 40)$ , where W equals gross weight and L equals the distance in feet between the first and last axles of the combination of vehicles;

(b) The gross weight of any group of axles consisting of the last axle or tandem axles of the tow car and the first axle or tandem axles of the towed vehicle(s), where the distance between the first and last axles is 18 feet or less, shall not exceed that allowed by the formula  $W = 1,000 \times (L + 40)$ , where W equals gross weight and L equals the distance in feet between the first and last axles of the group.

Stat. Auth.: ORS Ch. 184 & 483

Stats. Implemented: ORS 818.170

Hist.: 1 OTC 17-1980(Temp), f. & ef. 9-19-80; 2HD 1-1981, f. & ef. 1-28-81

#### **734-076-0030**

##### **Maximum Dimensions**

(1) Height and Width: No disabled or inoperative vehicle or combination of vehicles in tow, including load, shall exceed 14 feet in height or eight feet in width, except:

(a) When initially operating under a Special Transportation Permit allowing a greater height or width. In that event, the allowances granted by said permit shall apply, provided that the combination of vehicles shall be limited to movement over such highway routes as may be described in said permit;

(b) Where an accident or collision has resulted in an overall width greater than eight feet, but not exceeding 10 feet. In that event, during daylight hours the outer dimensions shall be marked by red flags not less than 18 inches square, and during the hours of darkness the dimensions shall be marked by clearance lamps mounted in such a manner as to indicate the extreme width.

(2) Length:

(a) The length of any single vehicle within the combination

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of vehicles and the overall length of the disabled or inoperative combination of vehicles being towed shall not exceed the lengths established by statute or those lengths granted in any valid special permit issued for the said combination, whichever may be appropriate;

(b) The overall length of the entire combination, including tow car, shall not exceed the allowable lengths of the towed vehicle(s) as described in the foregoing paragraph, plus the length of the tow car which is limited by statute to 40 feet maximum.

(3) Any valid Special Transportation Permit applicable to the initial movement of a combination of vehicles shall apply to any part of the combination of vehicles in tow, regardless if the power unit of the original combination is separated from the combination. As provided by ORS 483.530, and in addition to any Special Transportation Permit issued pursuant to this rule, the driver or operator of the tow car shall have in his immediate possession that original Special Transportation Permit allowing movement of that part of the combination of vehicles in tow.

Stat. Auth.: ORS Ch. 184 & 483

Stats. Implemented: ORS 818.170

Hist.: 1 OTC 17-1980(Temp), f. & ef. 9-19-80; 2HD 1-1981, f. & ef. 1-28-81

#### 734-076-0035

##### Service Brakes

The service brakes of the tow car in conjunction with the brakes of the vehicle(s) being towed shall be adequate to control the movement of and to stop and hold the combination of vehicles under all conditions and on any grade where operated.

Stat. Auth.: ORS Ch. 184 & 483

Stats. Implemented: ORS 818.170

Hist.: 1 OTC 17-1980(Temp), f. & ef. 9-19-80; 2HD 1-1981, f. & ef. 1-28-81

#### 734-076-0040

##### Safety Chains

When towing a combination of vehicles, a minimum of two safety chains shall be used and shall be of sufficient strength to control the towed vehicle(s) in event of failure of the regular hitch, coupling device or other connection. No more slack shall be left in the safety chains than is necessary to permit proper turning.

Stat. Auth.: ORS Ch. 184 & 483

Stats. Implemented: ORS 818.170

Hist.: 1 OTC 17-1980(Temp), f. & ef. 9-19-80; 2HD 1-1981, f. & ef. 1-28-81

#### 734-076-0045

##### Hitch, Coupling Device or Connection

Every hitch or coupling device used as a means of attaching the towing and towed vehicle(s) shall be properly and securely mounted and be structurally adequate for the weight drawn.

Stat. Auth.: ORS Ch. 184 & 483

Stats. Implemented: ORS 818.170

Hist.: 1 OTC 17-1980(Temp), f. & ef. 9-19-80; 2HD 1-1981, f. & ef. 1-28-81

#### 734-076-0050

##### Compliance With Laws and Rules

All vehicle(s) in tow shall comply with the applicable laws and rules regarding lamps and lighting.

Stat. Auth.: ORS Ch. 184 & 483

Stats. Implemented: ORS 818.170

Hist.: 1 OTC 17-1980(Temp), f. & ef. 9-19-80; 2HD 1-1981, f. & ef. 1-28-81

#### 734-076-0055

##### Approved Routes

(1) Approved highway routes for the operation of vehicle combinations described in this rule shall be those routes indicated on the attached map identified as **"Exhibit A"**, subject to any route limitations which by other rule or special permit may be applicable to the disabled or inoperative vehicle(s).

(2) The disabled or inoperative vehicle(s) shall be towed only the distance required to obtain necessary service or repairs.

(3) The Chief Engineer is authorized to add additional highway routes to those approved for operation. He may also delete from the approved routes any highway or section thereof where, in his opinion, the continued operation of the units thereon

is not in the public's best interest.

(4) These rules do not authorize operation over highways, streets, or roads not under the jurisdiction of the Department of Transportation. For such operations, separate permission must be obtained from the appropriate authority.

[ED. NOTE: The Exhibit referenced in this rule is not printed in the Administrative Rules Compilation. Copies are available from the Motor Carrier Transportation, Department of Transportation.]

Stat. Auth.: ORS Ch. 184 & 483

Stats. Implemented: ORS 818.170

Hist.: 1 OTC 17-1980(Temp), f. & ef. 9-19-80; 2HD 1-1981, f. & ef. 1-28-81

#### 734-076-0060

##### Permit Duration

At the discretion of the Chief Engineer, permits may be issued for periods of time not to exceed one year.

Stat. Auth.: ORS Ch. 184 & 483

Stats. Implemented: ORS 818.170

Hist.: 1 OTC 17-1980(Temp), f. & ef. 9-19-80; 2HD 1-1981, f. & ef. 1-28-81

## DIVISION 77

### TRANSPORTATION OF FOOD PROCESSING PLANT BY-PRODUCTS FROM WHICH THERE IS FLUID LEAKAGE

#### 734-077-0005

##### Scope

OAR Chapter 734, Division 77 shall apply to and govern the issuance of permits by the Department of Transportation for the movement of vehicles transporting certain agricultural products as identified in OAR 734-077-0007, from which there is fluid leakage as provided in ORS 818.230.

Stat. Auth.: ORS Ch. 184 & 366

Stats. Implemented: ORS 818.230

Hist.: 2HD 6-1982, f. & ef. 10-25-82; 2HD 5-1985, f. & ef. 11-22-85

#### 734-077-0007

##### Authorized Commodities

Permits shall be issued only for the following:

(1) Vehicles transporting food processing plant by-products to be used for livestock feed or fertilizer from which there is a fluid leakage; or

(2) Vehicles transporting agricultural products from which there is fluid leakage, while the vehicles are enroute from the place of harvest to a place where the products will be processed, stored or sold.

Stat. Auth.: ORS Ch. 184, 366 & 818

Stats. Implemented: ORS 818.230

Hist.: 2HD 5-1985, f. & ef. 11-22-85

#### 734-077-0010

##### Application for Permit

(1) Application for a permit may be made in person or by mail to the Transportation Permit Unit, 2950 State Street, Room 216, Salem, OR 97310.

(2) Telephone applications may be made by calling toll free 1-800-336-3602, and the executed permit will be transmitted electronically for pick-up by the applicant at the nearest state office equipped with a receiving device.

(3) In addition to routine information such as permittee name, address and vehicle identification, the application must include:

(a) Identification of food process plant where the movement will originate;

(b) The state highways to be traveled;

(c) The highway mile point or other distinct geographical point where the movement will leave the state highway.

(4) Permits will not be issued when an application is incomplete.

Stat. Auth.: ORS Ch. 184 & 366

Stats. Implemented: ORS 818.230

Hist.: 2HD 6-1982, f. & ef. 10-25-82

#### **734-077-0015**

##### **Authorized Routes**

(1) It is intended that highway routes authorized in the permit will in general be those routes requested in the application. As authorized under ORS 818.220(1)(c), however, the Department of Transportation may, at its discretion, amend permits to designate alternate routes if the amount or character of fluid leakage is such that an alternate route would be in the public interest.

(2) Authority to operate over highways, streets or roads not under Department of Transportation jurisdiction is not granted in this rule or by any permit issued under this rule. For operation on county roads or city streets separate permission must be obtained from appropriate county or city authorities.

Stat. Auth.: ORS Ch. 184 & 366  
Stats. Implemented: ORS 818.230  
Hist: 2HD 6-1982, f. & ef. 10-25-82

#### **734-077-0020**

##### **Authorized Vehicles**

Notwithstanding any limitation imposed under OAR 734-077-0040 a permit may be issued under these rules for the operation of any vehicle or combination of vehicles meeting the requirements of ORS 818.080, 818.110 or rules adopted pursuant to ORS 810.060, provided, however, that combinations of vehicles as described in OAR 734-074-0005 exceeding 75' in overall length are not authorized.

Stat. Auth.: ORS Ch. 184 & 366  
Stats. Implemented: ORS 818.230  
Hist: 2HD 6-1982, f. & ef. 10-25-82

#### **734-077-0025**

##### **Hours and Days of Operation**

Notwithstanding any limitation imposed under OAR 734-077-0040 there is no restriction as to days and hours of operation.

Stat. Auth.: ORS Ch. 184 & 366  
Stats. Implemented: ORS 818.230  
Hist: 2HD 6-1982, f. & ef. 10-25-82

#### **734-077-0030**

##### **Insurance Requirements**

As provided in ORS 818.220(1)(d) and (e) the Department of Transportation may at its discretion require, as a permit condition, the applicant to furnish satisfactory evidence of public liability and property damage insurance.

Stat. Auth.: ORS Ch. 184 & 366  
Stats. Implemented: ORS 818.230  
Hist: 2HD 6-1982, f. & ef. 10-25-82

#### **734-077-0035**

##### **Permit Duration and Cancellation**

(1) Permits may be issued for periods of time up to one year.

(2) Permits may be revoked under the provision of ORS 818.230(4) if the amount or character of the fluid leakage is such that it constitutes a danger to other vehicles.

(3) Permits may be cancelled under the provision of ORS 818.220(7) if:

(a) The permit holder has violated any of the terms of the permit;

(b) The permit was obtained through misrepresentation in the application therefor; or

(c) The public interest requires cancellation.

Stat. Auth.: ORS Ch. 184 & 366  
Stats. Implemented: ORS 818.230  
Hist: 2HD 6-1982, f. & ef. 10-25-82

#### **734-077-0040**

##### **Leakage Restrictions**

(1) Fluid leakage will be permitted only to an extent and under conditions which will not create a safety or health hazard to the general public. Excessive loss of fluid containing residue which can cloud the windshields of other vehicles, the creation of a build-up of residue causing slippery pavement conditions, or the

excessive loss of fluid from parked hauling vehicles causing unsanitary conditions adjacent to restaurants or other businesses, or residences may result in revocation of the permit.

(2) The Chief Engineer may impose additional permit provisions in excess of those required by this rule, but in accordance with ORS 818.220 as he deems necessary to provide a maximum of highway safety for the driving public.

Stat. Auth.: ORS Ch. 184 & 366  
Stats. Implemented: ORS 818.230  
Hist: 2HD 6-1982, f. & ef. 10-25-82

### **DIVISION 78**

## **TRANSPORTATION OF OVERLENGTH LOGS, POLES, PILING, AND STRUCTURAL MEMBERS**

#### **734-078-0005**

##### **Scope**

These rules shall apply to and govern the issuance of permits by the Department of Transportation, for the movement of vehicles transporting logs, poles, piling and structural members which, when loaded, have overall lengths in excess of those permitted by Oregon Revised Statutes or by OAR Chapter 734, Division 71.

Stat. Auth.: ORS Ch. 184, 366 & 818  
Stats. Implemented: ORS 818.220  
Hist: 2HD 4-1983, f. & ef. 1-20-83

#### **734-078-0010**

##### **Application for Permit**

(1) Application for permits may be made in person or by mail to the Transportation Permit Unit, 2950 State Street., Room 216, Salem, OR 97310.

(2) Telephone applications for permits may be made by calling toll free 1-800-336-3602 and the executed permit will be transmitted electronically for pick up by the applicant at the nearest state office equipped with a receiving device.

(3) Routine information such as permittee name, address and vehicle identification must be included for the application.

(4) Permits will not be issued when an application is incomplete.

Stat. Auth.: ORS Ch. 184, 366 & 818  
Stats. Implemented: ORS 818.220  
Hist: 2HD 4-1983, f. & ef. 1-20-83

#### **734-078-0015**

##### **Types of Vehicle Combinations Permitted**

(1) Permits may be issued only for the following types of vehicle combinations:

(a) Log truck and pole trailer coupled together by stinger and reach. The stinger is to be at least five feet in length;

(b) Log truck and independently operated manual or mechanical steered trailer;

(c) Truck and trailer coupled together by means of a stinger and the trailer tongue. The stinger is to be at least five feet in length;

(d) The Chief Engineer may designate other types of vehicle combinations, which in the Chief Engineer's determination fit the scope and purpose of these rules.

(2) A stinger is measured longitudinally from a point located opposite the back of the tread of the tires of the last axle on the truck to the point of coupling.

Stat. Auth.: ORS Ch. 184, 366 & 818  
Stats. Implemented: ORS 818.220  
Hist: 2HD 4-1983, f. & ef. 1-20-83

#### **734-078-0020**

##### **Approved Routes and Allowable Overall Lengths**

(1) The allowable overall lengths for the combinations of vehicles and load subject to these rules shall not exceed those lengths indicated for the various highways listed on attached "Exhibit 1", made a part hereof.



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(2) All state highways approved for operation of vehicle combinations and loads under permit are those indicated on **“Exhibit 1”**. Separate permission must be obtained from proper authorities for operation over county roads, city streets or other roads not under State Highway jurisdiction.

(3) As various state highways or sections thereof are reconstructed or improved to an extent that longer overall vehicle and load lengths can safely travel the highway, the Chief Engineer may by written order and at the Chief Engineer’s discretion authorize lengths in excess of those indicated on **“Exhibit 1”**. In the same manner, the Chief Engineer may add additional highways, or sections thereof with corresponding overall lengths the Chief Engineer deems appropriate to those highways listed on **“Exhibit 1”**.

(4) If the vehicle combination consists of a log truck and independently operated manual or mechanical steered trailer an overall length will be permitted which exceeds by 15 feet those indicated on **“Exhibit 1”**.

[ED. NOTE: The Exhibit(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from Transportation Permits, Department of Transportation.]

Stat. Auth.: ORS Ch. 184, 366 & 818

Stats. Implemented: ORS 818.220

Hist: 2HD 4-1983, f. & ef. 1-20-83

### 734-078-0025

#### Days and Hours of Operation

(1) The combinations of vehicles described in OAR 734-078-0015, which when loaded exceed 80 feet overall length, are prohibited from operation during the hours of dusk to dawn, Saturday afternoons, Sundays, and on the following holidays: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and providing that when any of said holidays fall on a Sunday then the following Monday shall be deemed the holiday, except that

(2) When operating on the Interstate Highway System, movement is authorized during the hours of darkness, except on holidays, as indicated in OAR 734-078-0025(1), provided that intermediate side marker lights as described in ORS Chapter 816 are placed on each side at intervals of not more than 20 feet between the tail lights of the towing vehicle and the tail lights of the trailer.

(3) The Oregon Public Utility Commissioner may impose additional regulations pertaining to days and hours of operation for the transportation of logs, poles and piling. Permittees should determine the existence of any such regulations.

Stat. Auth.: ORS Ch. 184, 366 & 818

Stats. Implemented: ORS 818.220

Hist: 2HD 4-1983, f. & ef. 1-20-83; 2HD 7-1986, f. & ef. 11-21-86

### 734-078-0030

#### Warning Signs

When the combinations of vehicles and load exceed 80 feet in overall length a “Long Load” warning sign must be attached to the rearmost position possible, either on the load or the last vehicle: the intent being to position the sign in a manner most conspicuous to the driver of following vehicles. The sign shall be 7 feet wide by 18 inches high with black letters 10 inches high and having a 1-3/8" wide brush stroke on a highway yellow background.

Stat. Auth.: ORS Ch. 184, 366 & 818

Stats. Implemented: ORS 818.220

Hist: 2HD 4-1983, f. & ef. 1-20-83

### 734-078-0035

#### Pilot Vehicles

(1) A pilot vehicle shall precede the loaded combination of vehicles when operating on the following highway sections:

(a) Alsea Highway, Ore 34, between M.P. 6.93 (Canal Creek Rd) and the Jct of US 20 near Philomath provided the overall length is in excess of 90 feet;

(b) Corvallis-Newport Highway, US 20, between Blodgett and Philomath provided the overall length is in excess of 80 feet;

(c) Coos Bay-Roseburg Highway, Ore 42, between Coos/Douglas County line and Camas Valley provided the overall length is in excess of 80 feet;

(d) Mist-Clatskanie Highway, Ore 47, entire highway, provided the overall length is in excess of 80 feet;

(e) Silver Creek Falls Highway, Ore 214, between M.P. 31.09 (Drakes Crossing) and Silverton provided the overall length is in excess of 80 feet;

(f) Siletz Highway, Ore 229, between M.P. 9.66 and M.P. 15.23 provided the overall length is in excess of 50 feet;

(g) Coos River Highway No. 241, between Jct. US 101 and M.P. 15.04, (near Allegany) provided the overall length is in excess of 70 feet.

(2) As highway conditions may change due to construction, relocation, or other factors and as additional highway sections may be added to the approved routes shown on **“Exhibit 1”**, to OAR 734-078-0020, the State Highway may as deemed appropriate and at the Chief Engineer’s discretion add to, delete, or revise the list of pilot vehicle requirements in section (1) of this rule.

(3) Pilot vehicles shall be a passenger car or pick-up of legal size and weight. They must display flashing warning lights visible from a distance of 500 feet and shall have a sign as described under OAR 734-078-0030 mounted above the roof line.

[ED. NOTE: The Exhibit(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from Transportation Permits, Department of Transportation.]

Stat. Auth.: ORS Ch. 184, 366 & 818

Stats. Implemented: ORS 818.220

Hist: 2HD 4-1983, f. & ef. 1-20-83

### 734-078-0040

#### Permit Cancellation

Permits may be cancelled as provided in ORS 818.220(7).

Stat. Auth.: ORS Ch. 184, 366 & 818

Stats. Implemented: ORS 818.220

Hist: 2HD 4-1983, f. & ef. 1-20-83

### 734-078-0045

#### Permit Duration

At the discretion of the Chief Engineer permits may be issued for periods of time not to exceed one year.

Stat. Auth.: ORS Ch. 184, 366 & 818

Stats. Implemented: ORS 818.220

Hist: 2HD 4-1983, f. & ef. 1-20-83

## DIVISION 79

### PERMIT EXEMPTIONS

### 734-079-0005

#### Permit Exemptions

Vehicles or combinations of vehicles first placed in operation prior to January 1, 1978, and combinations of vehicles consisting of a log truck and trailer equipped for self loading may operate without permits upon all highways under the jurisdiction of the State of Oregon, Department of Transportation, subject to:

(1) Having a gross weight which does not exceed the maximum gross weight provisions of ORS 818.210(4).

(2) Not exceeding the maximum allowable length limitations established in OAR Chapter 734, Division 71, as indicated on the map attached hereto as **Exhibit A** and by reference made a part of this rule; and

(3) Meeting any other restrictions which may be imposed pursuant to ORS Chapter 818.

[ED. NOTE: The Exhibit referenced in the above rule is not published in the Oregon Administrative Rules Compilation. Copies may be obtained from Transportation Permits.]

Stat. Auth.: ORS Ch. 184, 366 & 818

Stats. Implemented: ORS 818.21

Hist.: 2HD 4-1984, f. & ef. 3-14-84

**DIVISION 80**

**DESIGNATED SCENIC AREAS**

[ED. NOTE: Previous rules relating to the Designation of Scenic Areas were adopted by the Bureau of Labor by Administrative Order BL 78, f. 3-15-63. They were statutorily transferred to the Highway Commission.]

**734-080-0005**

**Designated Scenic Areas**

**Table 1** is a listing by petition number of the Administrative Orders of the Department of Transportation indicating those areas that have been designated as Scenic Areas.

[ED. NOTE: The Table referenced in this rule is not printed in the OAR Compilation. Copies are available from the Department of Transportation.]

Stat. Auth.: ORS Ch. 377

Stats. Implemented: ORS 377.540

Hist.: HC 1031 (SAB 2), f. 4-29-64, ef. 6-1-64; HC 1080 (SAB 10), f. 10-29-67; HC 1090 (SAB 11), f. 1-7-66; HC 1112 (SAB 12), f. 10-7-66; HC 1131 (SAB 13), f. 1-5-67; HC 1145 (SAB 14), f. 7-7-67; HC 1146 (SAB 15), f. 8-16-67; HC 1159 (SAB 16), f. 1-5-68; HC 1177 (SAB 17), f. 9-26-68; HC 1178 (SAB 18), f. 10-11-68; HC 1179 (SAB 19), f. 11-6-68; HC 1180 (SAB 20), f. 11-7-68; HC 1185 (SAB 21), f. 1-10-69; HC 1189 (SAB 22), f. 1-30-69; HC 1203 (SAB 23), f. 7-15-69; HC 1237 (SAB 24), f. 11-20-70; HC 1239 (SAB 25), f. 12-28-70; HC 1254 (SAB 26), f. 6-21-71

**DIVISION 82**

**VARIANCE PERMITS ISSUED FOR NON-DIVISIBLE  
LOADS AND ROAD USE ASSESSMENT FEES**

**734-082-0001**

**Scope**

OAR Chapter 734, Division 82 governs permits issued for vehicles or loads having weight or dimension more than that allowed by statute. These rules replace previous policies and supersede any previous permit practice or allowance granted by the Department of Transportation. These rules do not repeal or amend any other rules within OAR Chapter 734.

Stat. Auth.: ORS Ch. 183, 810 & 818

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90

**734-082-0002**

**Duration**

Permits issued under these rules are for a single trip within ten days, multiple trips within 30 days or continuous trips for one year from the effective date.

Stat. Auth.: ORS Ch. 183, 810 & 818

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90

**734-082-0003**

**Fee**

The permit fees required by ORS 818.270 shall be paid to the granting authority for every permit issued, except for permits issued to the federal government, State of Oregon, counties, and cities which are exempt pursuant to ORS 818.200(2):

(1) Motor carriers having valid Oregon Public Utility Commission authority may request that these fees be billed on a monthly basis. Accounts determined to be delinquent by ORS 818.225 will be assigned to the Public Utility Commission for collection.

(2) Motor carriers with delinquent accounts are not eligible for variance permits until all fees are paid.

(3) Road Use assessment fees for gross weights up to 240,000 pounds are shown in a table prepared and maintained by the Chief Engineer. The fee is determined by the motor carrier's declaration of gross weight and number of axles used. If gross

weight exceeds 240,000 pounds, the Road Use Assessment Fees will be computed by the department.

(4) The road use assessment fees may be increased based on actual weighing by State Weigh-masters or through audit by the Oregon Public Utility Commission.

(5) The Road Use Assessment fees are not refundable unless a permit has been issued and the trip is not made.

Stat. Auth.: ORS 183.335(5), Ch. 810 & 818.200

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 2-1991(Temp), f. & cert. ef. 8-23-91; HWY 2-1992, f. & cert. ef. 2-18-92

**734-082-0004**

**Permits Issued to Power Vehicle**

Permits authorized by these rules are issued to the towing or power vehicle. The vehicle or combination of vehicles must be of legal size and weight except when operating under the terms of a permit.

Stat. Auth.: ORS Ch. 183, 810 & 818

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90

**734-082-0005**

**Definitions**

As used in OAR Chapter 734, Division 82:

(1) "Booster Axle(s)" means those vehicles or attachments to vehicles which distribute weight from one or more axles to other axles. The booster must bear weight when the permitted vehicle is laden.

(2) "Convoy Movement" means operating two or more oversize or overweight permit vehicles within one-half mile of the other.

(3) "Dolly" or "Boom Dolly" means those devices towed behind a vehicle and used to support the load being carried, such as the trailing end of a boom or mast. They may not be used as a booster.

(4) "Dromedary Truck" means a motor truck designed to carry a load and also carry or draw a balance trailer, semitrailer, or mobile home, and having a weight of more than 8,000 pounds.

(5) "Equivalent Single-Axle Load" (ESAL) means the relationship between actual or requested weight and an 18,000 pound single-axle load as determined by the American Association of State Highway and Transportation Officials Road Tests reported at the Proceedings Conference of 1962.

(6) "Fire Apparatus" means a vehicle or combination of vehicles designed and used exclusively for fire suppression or rescue operations. These emergency vehicles and associated loads or equipment are necessary to protect the public safety and are considered non-divisible loads.

(7) "Jeep Axle(s)" means a device designed to carry weight from another vehicle connected to it by a kingpin to fifth wheel connection. Jeep axles must be drawn by a motor vehicle by a kingpin to fifth wheel.

(8) "Motor Truck" in accordance with ORS 801.355, means a motor vehicle that is primarily designed or used for carrying loads other than passengers, and having a weight in excess of 8,000 pounds.

(9) "Passenger" or "Light Vehicle" means a motor vehicle, regardless of design or intended use, having a weight of 8,000 pounds or less.

(10) "**Permit Weight Table 1**" is the table of legal weight found in ORS 818.010.

(11) "**Permit Weight Table 2**" is the Extended Weight Table found in OAR Chapter 734, Division 74. This table is used for oversize loads that cannot be reduced in size, and having divisible load weights.

(12) "**Permit Weight Table 3**" is a table based on two wheelbase weight formulas. The first formula is 1,000 times (the wheelbase in feet plus 40) for groups of axles or combinations of vehicles having 18 feet or less wheelbase. The second formula is 1,200 times (the wheelbase in feet plus 40) for groups of axles,

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vehicles or combinations of vehicles having more than 18 feet of wheelbase.

(13) “**Permit Weight Table 4**” is a table based on two wheelbase weight formulas. The first formula is 1,200 times (the wheelbase in feet plus 40) for groups of axles or combinations of vehicles having 18 feet or less wheelbase. The second formula is 1,400 times (the wheelbase in feet plus 40) for groups of axles, vehicles or combinations of vehicles having more than 18 feet of wheelbase.

(14) “**Permit Weight Table 5**” is a table using three wheelbase weight formulas. The first formula is 6,500 times the wheelbase when wheelbase is over eight feet but not more than ten feet. The second formula is 2,200 times (the wheelbase in feet plus 20) when wheelbase is more than ten feet but no more than 30 feet. The third formula is 1,600 times (the wheelbase in feet plus 40) when wheelbase is more than 30 feet.

(15) “Road Use Assessment Fee” means a fee of five cents for each ESAL mile of travel.

(16) “Chief Engineer” means the Chief Engineer of the Oregon Department of Transportation, or a person designated to act for the Chief Engineer.

(17) “Truck-Tractor” in accordance with ORS 801.575, means a motor vehicle designed and used primarily for drawing other vehicles and constructed so as not to carry any load other than a part of the weight of the vehicle or load, or both, as drawn and having a weight in excess of 8,000 pounds.

[ED. NOTE: The Table(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the Transportation Permit Unit.]

Stat. Auth.: ORS 183.335(5), Ch. 810 & 818.200

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 2-1992, f. & cert. ef. 2-18-92

#### 734-082-0006

##### Acceptance of Permit

The receipt of this permit by the permittee and initiation of any movement authorized by the permit is considered acceptance of all descriptions, terms and conditions contained in the permit and permit attachments.

Stat. Auth.: ORS Ch. 183 & 818

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 17-1990, f. & cert. ef. 12-28-90

#### 734-082-0007

##### Cancellation of Permit

This permit may be cancelled at any time by the granting authority upon proof satisfactory to it that the permittee has violated any of the terms of the permit, the permit was obtained through misrepresentation in the application, or when in the judgement of the granting authority the public interest requires cancellation (ORS 818.220).

Stat. Auth.: ORS 183.335(5), Ch. 810 & 818.200

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 17-1990, f. & cert. ef. 12-28-90; HWY 2-1992, f. & cert. ef. 2-18-92

#### 734-082-0009

##### Fire Apparatus Authorization

Fire apparatus operating within the fire district boundary of the owner of the apparatus, including any “mutual aid” agreement area, are authorized to operate provided:

(1) The weight does not exceed:

(a) 600 pounds per inch of tire width;

(b) 24,000 pounds per single axle;

(c) Gross weight not to exceed 98,000 pounds, subject to the weight limits shown in **Permit Weight Table 3**;

(d) The tire manufacturer’s weight limit.

(2) The sizes do not exceed:

(a) 08’06” wide;

(b) 14’00” high;

(c) 50’00” overall length;

(d) 15’00” front overhang; and

(e) Rear overhang equal to wheelbase.

(3) Fire trucks exceeding any of the above require a separate variance permit.

[ED. NOTE: The Table(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the Transportation Permit Unit.]

Stat. Auth.: ORS 183.335(5), Ch. 810 & 818.200

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 2-1992, f. & cert. ef. 2-18-92

#### 734-082-0010

##### Tires

(1) The permitted vehicles must be equipped with tires of sufficient size so the gross weight on any wheel, axle, tandem axle, or group of axles does not exceed 600 pounds per inch of tire width, except that:

(2) By permit, unladen self-propelled or towed fixed-load vehicles, equipped with low pressure flotation tires (15-inch or larger) shall be permitted 700 pounds per inch of tire width to a maximum of 36,000 pounds on any single axle or 43,000 pounds on any tandem axle.

(3) In no case may any tire, rim or wheel carry more weight than that weight specified by the manufacturer of the tire, rim or wheel.

Stat. Auth.: ORS 183.335(5), Ch. 810 & 818.200

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 11-1992, f. & cert. ef. 9-16-92

#### 734-082-0015

##### Weight

(1) The loaded weight of a group of axles, vehicle, or combination of vehicles shall not exceed that specified in the **Permit Weight Table** assigned to the permit. In no case shall the loaded weight exceed:

(a) 21,500 pounds per axle, except as described in OAR 734-082-0010(2);

(b) 43,000 pounds per tandem axle;

(c) 98,000 pounds loaded weight for continuous trip permits;

(d) The weight otherwise specified on the permit; and

(e) The sum of the permissible axle, tandem axle, or group axle weight, whichever is less.

(2)(a) In a combination of two vehicles other than a truck-tractor and semitrailer, the axle and tandem axle weights listed in subsections (1)(a) and (b) of this rule may be allowed by permit for the towing vehicle or the towed vehicle, but not both, if the gross weight does not exceed that authorized in ORS 818.010 except;

(b) When the combination of vehicles is a motor truck and stinger-steered balance trailer, the axle and tandem axle weights listed in subsections (1)(a) and (b) of this rule may be allowed by permit for both vehicles if the load is carried on the balance trailer, and the towing vehicle is unladen.

(3) Overweight permits will be valid only for nondivisible loads. Permits may be issued for a machine with detached accessories included in the load, if the accessories are detached to reduce width, height, length, or a combination of these dimensions, and that an overweight permit could have been issued for the machine in its assembled condition:

(a) Subject to special routing and analysis by the Department of Transportation, single trip permits may be issued for combinations of vehicles having a steering axle followed by four or more consecutive tandem axles, provided the weight does not exceed:

(A) 600 pounds per inch of tire width;

(B) 24,000 pounds per axle, except as described in OAR 734-082-0010(2);

(C) 48,000 pounds per tandem axle;

(D) Groups of axles may not exceed the weights listed in **Permit Weight Table 5**;

(E) In no case may gross weight exceed the sum of the permissible axle, tandem axle, or group of axle weights, whichever is less;

(F) Additional weight for axles and/or tandem axles may be



allowed by permit when the combination of vehicles described in subsection (3)(a) of this rule for axles having four tires and are ten feet wide (10 percent), or for axles having eight tires and are ten feet wide (25 percent). This additional weight must be specified on the permit, and applies only to axles or tandem axles. The weight for groups of axles remains the same.

(b) All movements shall be subject to any posted weight limitation in effect on any highway, highway section, bridge, or structure.

(4) The Road Use assessment fee required in OAR 734-082-0003 is based on the weight requested for the permit. The weight shown on the permit is the maximum weight permitted.

(5) The Department of Transportation may publish tables of weights which may be authorized by these rules, subject to route analysis for each trip.

[ED. NOTE: The Table(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the Transportation Permit Unit.]

Stat. Auth.: ORS 183.335(5), Ch. 810 & 818.200

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 2-1992, f. & cert. ef. 2-18-92

#### **734-082-0020** **Width**

Permits are required for widths more than eight feet (eight feet, six inches for commercial vehicles):

(1) Overwidth permits will not be valid if overwidth is caused by two or more items placed side by side or overlapping, or for items that could be loaded at a legal width.

(2) Items placed side by side or jointed (by spot weld, tack weld, bolting, or strapping, etc.) to facilitate transport, shall be considered to be divisible loads and not eligible for overwidth permits.

Stat. Auth.: ORS Ch. 183, 810 & 818

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90

#### **734-082-0021** **Hauling Hours and Days**

(1)(a) When operating on interstate highways and other highways approved by the Chief Engineer, movement during the hours of darkness is allowed if:

(A) Width is not in excess of ten feet; and

(B) The outermost extremities are illuminated by lamps or markers as described by the requirements of ORS Chapter 816; except that

(b) Overwidth movement is not allowed:

(A) During any hours listed in paragraph (E) of this subsection, or 4 p.m. on days preceding holidays. When a listed holiday is observed by the State of Oregon on Friday, movement is not allowed from 4 p.m. Thursday until daylight Monday. When a holiday is observed by the State of Oregon on Monday, movement is not allowed from 4 p.m. Friday until daylight Tuesday;

(B) From noon on the Wednesday preceding Thanksgiving Day until daylight on Monday following Thanksgiving Day;

(C) During daylight hours Saturday afternoons and Sundays after Memorial Day and before Labor Day; and

(D) During limited visibility conditions described in ORS 801.325, except as provided in section (1) of this rule;

(E) The holidays to which this restriction applies are New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(2)(a) In addition to the restrictions in section (1) of this rule, if width exceeds 12 feet, movement is prohibited in the urban areas of Portland, Salem, Eugene and Medford, on non-interstate highways, between the hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.; and

(b) Movement on Interstate 5 between the Oregon-Washington border and its junction with OR 217, and Interstate 5 between Exit #24 and #32 near Medford is prohibited between the hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.

(3) The outermost extremities of any overwidth load shall be marked, during daylight hours, by red flags not less than 18 inches square, visible to the front and rear.

Stat. Auth.: ORS 183.335(5) & 818.200

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 17-1990, f. & cert. ef. 12-28-90; HWY 2-1992, f. & cert. ef. 2-18-92; HWY 11-1992, f. & cert. ef. 9-16-92

#### **734-082-0025** **Height**

Permits will be required for all vehicles or combinations of vehicles, including any load, which exceeds 14 feet in height. Overheight permits will not be valid for loads or items placed or stacked one on top of another or overlapping. Over-height permits will be valid for a single trip only.

Stat. Auth.: ORS Ch. 183, 810 & 818

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90

#### **734-082-0030** **Overhang**

(1) Permits will be required for excessive front or rear overhang as follows:

(a) Front overhang: When any load, including crane booms, log grapples, conveyors, cement chutes, loading buckets, etc., extends more than four feet beyond the front bumper or foremost part of the vehicle or combination of vehicles;

(b) Rear overhang — Solo or single vehicle: Single trip — If the rear overhang exceeds 3/4 of the wheelbase of the vehicle to a maximum equal to the wheelbase of the vehicle;

(c) Rear overhang — Combination of vehicles:

(A) If rear overhang exceeds 1/3 of the wheelbase of the combination of vehicles, single trip permits only may be issued for a rear overhang not to exceed 1/2 of the wheelbase of the combination of vehicles, except that;

(B) Continuous trip permits for truck-tractor with semitrailer combinations may be issued for rear overhang not to exceed 1/2 of the wheelbase of the combination of vehicles for designated routes when a permit is issued for load length not in excess of 70 feet and overall length is not in excess of 80 feet, and when movement is on routes approved for these permits by the Chief Engineer. The hauling equipment may not exceed 70 feet overall length.

(2) Wheelbase measurement will be from the center of the first axle to the center of the last axle of the vehicle or combination of vehicles.

(3) Rear overhang will be measured from the center of the last axle of the vehicle or combination of vehicles to the end of the load.

Stat. Auth.: ORS 183.335(5), Ch. 810 & 818.200

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 2-1992, f. & cert. ef. 2-18-92

#### **734-082-0035** **Pilot Vehicle(s)**

(1) Pilot vehicles may be needed to insure the safety of the traveling public when vehicle and load movements involve excessive width, height, length, or projections to the front or rear of vehicles or combinations of vehicles. The configuration of such pilot vehicle(s) shall be a passenger car, pick-up, truck, or truck-tractor of legal size and weight. Combinations of vehicles are not allowed as pilot vehicles. The number of pilot vehicles required for certain movements is shown on **Pilot Vehicle Table 1**.

(2) Pilot vehicles are required to have the following equipment:

(a) Warning signs mounted above the roofline of the vehicle. This sign shall bear the legend "**OVERSIZE LOAD**". The sign shall be at least five feet wide by ten inches high; have black letters eight inches high with one-inch brush stroke in accordance with Federal Highway Administration series B, on highway yellow background. The sign shall be displayed only during the course of the oversize movement, and shall be removed or

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retracted at all other times. The sign must be kept clean, legible, and mounted adequately to afford full view at all times, when in use, to the front or rear depending upon location of pilot vehicle or relative to the oversize unit;

(b) Warning lights are required in addition to those lights that may otherwise be required by law. Strobe lights are not permitted. These lights shall be either:

(A) Two flashing amber lights visible from a distance of 500 feet to the front and rear. These lights shall have a lens diameter of not less than four inches, be rated at not less than 30 candle power, and emit at least 30 flashes per minute; or

(B) Revolving type amber lights that have at least 125 square inches of dome surface, and emit at least 30 flashes per minute.

(c) Two-way radio communications between the oversize vehicle and the pilot vehicle(s) must be maintained at all times;

(d) Two 18-inch square red flags mounted on three-foot length staffs shall be carried by each pilot vehicle for use in directing traffic. The pilot vehicle operator shall use the flags to warn oncoming or overtaking traffic when the oversize unit is stopped and obstructing traffic;

(e) Eight safety flares or reflectors. Safety flares may not be used when the movement involves hazardous materials.

(3) The Chief Engineer is authorized to alter the number of pilot vehicles from those specified in **Pilot Vehicle Table 1** depending upon local conditions, seasonal traffic, construction projects, or other considerations. Permit will reflect altered requirements.

(4) The highway classification groups referred to are maintained by the Chief Engineer.

(5) The Chief Engineer is authorized to make additions or deletions to the highway, or sections of highways by OAR 734-082-0055.

(6) Positioning of pilot vehicles — Unless specified otherwise, the pilot vehicle(s) shall be positioned ahead of (when one is required) or to the front and rear of (when two or more are required) the oversize unit at a distance of 300 feet to 500 feet from the unit. In areas where increased traffic congestion is encountered, where traffic is controlled by signals, or where other conditions may so require, the spacing shall be reduced as may be required to properly safeguard the traveling public.

(7) When for any cause the oversize unit is stopped and occupies or encroaches onto the highway's travel lane, the pilot vehicle(s) shall be positioned to warn and safeguard other traffic approaching from any direction from which visibility or sight distance may be limited.

(8) Duties of pilot vehicle operations:

(a) Warn approaching and/or overtaking traffic of the unit's presence on the highway to provide a maximum of protection and safety for the traveling public;

(b) When encountering bridges, structures, tunnels, or other locations where clearances may be limited to the extent that normal two-way traffic cannot be maintained, the pilot vehicle operator shall signal by hand or radio to the towing vehicle driver when the oversize unit can proceed without conflict to approaching traffic. As the oversize unit then proceeds through such areas of impaired clearance, the pilot vehicle operator shall act as flagger to warn approaching traffic; and

(c) Pilot vehicle(s) are considered to be under the direct control and supervision of the towing vehicle operator.

[ED. NOTE: The Table(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the Transportation Permit Unit.]

Stat. Auth.: ORS 183.335(5), Ch. 810 & 818.200

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 2-1991(Temp), f. & cert. ef. 8-23-91; HWY 2-1992, f. & cert. ef. 2-18-92

### 734-082-0037

#### Warning Signs for Oversize Units

(1) Oversize loads and/or towing or hauling vehicles shall display to the front and rear standard signs bearing the words **"OVERSIZE LOAD"**. Signs shall be seven feet side by 18 inches high with black letters ten inches high with 1-5/8 inch

brush stroke in accordance with Federal Highway Administration series C on highway yellow background. All such signs shall be displayed only during the course of the movement of the oversize load and shall be removed or retracted at all other times.

(2) Warning signs for vehicles transporting loads which are wide only and under 80 feet may bear the words **"WIDE LOAD"**.

(3) Warning signs for vehicles transporting loads which are not over 8'6" wide may bear the words **"LONG LOAD"** if the vehicle and overhang are not over 80 feet in total length.

(4) For purposes of these rules, signs made of mesh or other materials that do not provide a continuous background are not permitted.

Stat. Auth.: ORS 183.335(5) & 818.200

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 11-1992, f. & cert. ef. 9-16-92

### 734-082-0040

#### Combination of Vehicles

(1) The following vehicles or combinations of vehicles may be authorized for continuous trip permits provided that the width does not exceed 14 feet, the height does not exceed 14 feet, and the overall length does not exceed that stated below:

(a) Solo vehicle — Shall not exceed 40 feet in overall length;

(b) Truck-tractor and semitrailer combinations shall not exceed 60 feet in overall length, except when operating on routes approved for greater length by the Chief Engineer when overall length shall not exceed 70 feet and the semitrailer shall not exceed 53 feet in length;

(c) Motor truck and trailer — Shall not exceed 75 feet in overall length;

(d) Truck-tractor with semitrailer and trailer combinations shall not exceed 75 feet in overall length;

(e) Passenger or light vehicles towing any trailer shall not exceed 65 feet in overall length;

(f) An unladen combination of vehicles used to transport non-divisible loads may consist of the towing or power unit and not more than one "jeep", one semitrailer and one "booster", provided semitrailer length is not more than 62 feet and overall length is not more than 105 feet. Movement is authorized unladen with fewer vehicles, or with the jeep and/or booster loaded on the semitrailer;

(g) Other combinations of vehicles not exceeding 60 feet overall length.

(2) When the combination of vehicles includes "jeeps", "boosters", other vehicles, or is of a size or weight not authorized by section (1) of this rule, movement shall be by single trip permit only.

Stat. Auth.: ORS 183.335(5), Ch. 810 & 818.200

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 2-1991(Temp), f. & cert. ef. 8-23-91; HWY 2-1992, f. & cert. ef. 2-18-92; HWY 11-1992, f. & cert. ef. 9-16-92

### 734-082-0045

#### Stretch Trailer Provisions

(1) A trailer or semitrailer capable of increasing the distance from the kingpin or coupling device to the rearmost axle shall be designated a stretch trailer. This stretch provision is accomplished by using a "telescoping" principle in the trailer. This does not include fixed or sliding extensions to either end of the trailer or semitrailer.

(2) Permits may be issued for stretch trailers provided that the use of such stretch provisions meets one of the following:

(a) The use of such stretch provisions is needed for a permissible load that may otherwise be damaged by allowing it to overhang the trailer or semitrailer, or by sagging due to insufficient support; and

(b) The stretch trailer is used to reduce the height of a permissible load.

(3) Requests for moves using stretch trailers shall be on an individual basis, and permits will be issued for a single trip only. When not operating under the terms of a permit issued under this

rule the stretch trailer must be reduced to legal dimensions.

(4) All features of the stretch trailer and/or load not otherwise authorized by law, shall be fully described in the permit. This includes the laden dimensions of the trailer and combination of vehicles, the nature of the load (trailer used to reduce height) and shall also include other features of the trailer (side-stretch, etc.).

Stat. Auth.: ORS Ch. 183, 810 & 818

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90

### **734-082-0050**

#### **Load Length**

Single trip permits are required for non-divisible loads that exceed legal length limits, except as provided in OAR 734-082-0030(1)(c)(B). When any load also contains multiple items placed end to end, or overlapping, such multiple items shall not exceed the load length specified in ORS Chapter 818.

Stat. Auth.: ORS Ch. 183 & 818

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 17-1990, f. & cert. ef. 12-28-90

### **734-082-0055**

#### **Approved Routes for Authorized Combinations of Vehicles**

(1) The Chief Engineer, or his designee, may approve, limit or delete by written order the state highways or sections of state highways approved for use by vehicles authorized by OAR Chapter 734, Division 82.

(2) The Chief Engineer may also specify the type(s) of vehicle combinations authorized on approved routes.

(3) The list of approved highways and types of vehicle combinations authorized are maintained by the Chief Engineer.

(4) Trial test runs may be required to revise routes or approved vehicle combinations.

(5) Before adding or deleting highways or sections of highways, the Chief Engineer shall investigate the condition of the highway, and may consider road surface width, condition, safe passing opportunities, bridges, structures, accessibility, general sight distance, and other conditions which he deems appropriate along such highways.

Stat. Auth.: ORS 183.335(5) & 818.200

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 2-1992, f. & cert. ef. 2-18-92

### **734-082-0060**

#### **Chief Engineer's Authority**

Some extraordinary movements may exceed the limits established by these rules. The Chief Engineer may vary from these rules and issue single trip permits if the movement would be in the public interest. Any such deviations may be considered on an individual basis and not be construed as a change in policy. The Chief Engineer will consider potential damage to the highway and the potential hazard to the motoring public by allowing such loads.

Stat. Auth.: ORS 183.335(5), Ch. 810 & 818.200

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 2-1992, f. & cert. ef. 2-18-92

### **734-082-0070**

#### **General Permit Provisions**

(1) Road and Weather — Movement is not permitted when road surfaces are hazardous due to ice, snow or frost or when visibility is restricted to less than 500 feet by fog, smoke or other atmospheric conditions if the width is in excess of eight-feet, six-inches.

(2) Posted Load Limits — The posting of any highway or structure to reduce limits of weights or dimensions shall be to that extent a modification of the weights or dimensions allowed under this permit.

(3) Impaired Clearance — Full responsibility for determining adequate clearance, both vertical and horizontal is hereby imposed upon the permittee and the driver of equipment having a width

and/or height in excess of the legal limit. When the vertical or horizontal clearance of any bridge or structure is impaired to the extent that full two-way traffic cannot be maintained, the permittee shall provide a pilot vehicle whose duty shall be to prevent approaching vehicles from entering the bridge or structure while it is impaired by the movement covered by this permit.

(4) Convoy Movement — The convoy movement of two or more overwidth and/or overlength vehicles and/or combinations of vehicles operating under authority of this permit is strictly prohibited.

(5) Bond — Highway Damage — Permittee shall be held responsible and liable for any and all damage to, or destruction of any highway or any highway structure occasioned by the movement over said highways, and hereby agrees to reimburse the Department of Transportation (Department) for the cost or expense of repairing or restoring any highway structure damaged, or destroyed; such reimbursement to be made by the permittee within ten days after being billed for the same by the Department. When requested to do so, permittee shall furnish the state either a certified check or a surety bond, in any amount to be specified by the Department to guarantee the payment of claim for damages which may result from movement of an unusually large or heavy nature.

(6) Insurance — Permittee shall also be held responsible and liable for any and all injury to persons or damage to property resulting from the movement on said highways, and shall indemnify and hold harmless the State of Oregon, and Oregon Transportation Commission, its members, officers, and employees, jointly and severally, from liability in the event that such injury or damage shall occur. In this connection, the granting authority may require the permittee to furnish to the Department evidence of satisfactory public liability and property damage insurance, in amounts as may be required by the Commission, and evidence of satisfactory indemnity insurance indemnifying the State of Oregon and its Transportation Commission, its members, officers, and employees, jointly or severally against liability in the event of any injury or accident occurring by reason of said permittee's operations on a state highway. This permit shall automatically terminate, and be of no force and effect in the event that any insurance filed under this provision is canceled or is allowed to lapse.

(7) County Roads and City Streets — This permit does not authorize operations over county roads or city streets unless specifically noted. To operate over a county road a permit must be obtained from the county court having jurisdiction over the road; likewise, to operate over a city street other than a state highway route, a permit must be obtained from the proper city authority.

(8) Authorized Commodities — Other items may be included in addition to the commodity authorized by the permit if the weight does not exceed that permitted by statute. A total of two spare tires for the transporting equipment and no more than one spare tire of each size used by the load being transported may be carried without violating the weight provisions of these rules. However, such inclusion shall invalidate the corresponding provisions of the permit when it results in any of the following conditions:

(a) Width in excess of eight-feet, six-inches because of items loaded side by side or overlapping;

(b) Height in excess of 14 feet because of items stacked one on the other.

(9) Cancellation — This permit may be canceled at any time by granting authority upon proof satisfactory to it that the permittee has violated any of the terms of the permit, or that the permit was obtained through misrepresentation in the application therefor, or when in the judgment of the granting authority the public interest requires cancellation (ORS 818.220).

(10) Rear-View Mirrors — Vehicles or combinations of vehicles towing or transporting overwidth vehicles, machines or loads under authority of this permit must be equipped with rear-view mirrors capable of affording the operator a view to the rear of the vehicle and/or combination of vehicles. Such mirrors may exceed width authorized herein by five inches on either side, but must be retracted to legal width when vehicle or combination of



vehicles and/or load is of legal width.

Stat. Auth.: ORS 183.335(5), Ch. 810 & 818.200

Stats. Implemented: ORS 818.220 & 818.225

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef.

12-28-90; HWY 2-1991(Temp), f. & cert. ef. 8-23-91; HWY 2-1992, f. & cert.

ef. 2-18-92; HWY 11-1992, f. & cert. ef. 9-16-92