

An aerial photograph of a complex highway interchange. The main road runs vertically through the center, with several ramps and overpasses branching off to the left and right. The image shows multiple lanes of traffic, with some vehicles visible on the roads. The surrounding area includes some greenery and what appears to be a parking lot or service area on the right side. The overall scene is a detailed view of a major transportation hub.

APPENDICES

APPENDIX A: GLOSSARY OF TERMS & ABBREVIATIONS USED IN THIS PLAN

AASHTO: American Association of State Highway and Transportation Officials.

ACCESS MANAGEMENT: The principles, laws and techniques used to control access to a highway.

ADA: The Americans with Disabilities Act; civil rights legislation passed in 1990, effective July 1992.

ADT: Average Daily Traffic. The measurement of the average number of vehicles passing a certain point each day on a highway, road or street.

ARTERIAL (STREET): A street designated to carry traffic, mostly uninterrupted, through an urban area, or to different neighborhoods within an urban area.

BICYCLE: A vehicle having two tandem wheels, a minimum of 14" (35 cm) in diameter, propelled solely by human power, upon which any person or persons may ride. A three-wheeled adult tricycle is considered a bicycle.

BICYCLE FACILITY: Any facility provided for the benefit of bicycle travel, including bikeways and parking facilities as well as all other roadways not specifically designated for bicycle use.

BIKE LANE: A portion of a roadway which has been designated by striping and pavement markings for the preferential or exclusive use of bicyclists.

BIKEWAY: A bikeway is created when a road has the appropriate design treatment for bicyclists, based on motor vehicle traffic volumes and speeds: shared roadway, shoulder bikeway, bike lane or bicycle boulevard. Another type of facility is separated from the roadway: multi-use path.

CBD: Central Business District - A traditional downtown area usually characterized by established businesses fronting the street, sidewalks, slow traffic speeds, on-street parking and a compact grid street system.

CLEARANCE, LATERAL: The width required for safe passage as measured in a horizontal plane.

CLEARANCE, VERTICAL: The height required for safe passage as measured in a vertical plane.

COG: Council of Governments

COLLECTOR (STREET): A street designated to carry traffic between local streets and arterials, or from local street to local street.

CROSS SECTION, or TYPICAL CROSS-SECTION or TYPICAL: Diagrammatic presentation of a highway profile at right angles to the centerline at a given location.

CROSSWALK: Portion of a roadway designated for pedestrian crossing, marked or unmarked. Unmarked crosswalks are the natural extension of the shoulder, curb line or sidewalk.

DLCD: Department of Land Conservation and Development.

FRONTAGE ROAD: A road designated and designed to serve local traffic parallel and adjacent to a highway or arterial street.

GRADE: A measure of the steepness of a roadway, bikeway or walkway, expressed in a ratio of vertical rise per horizontal distance, usually in percent; e.g. a 5% grade equals 5 m of rise over a 100 m horizontal distance.

GRADE SEPARATION: The vertical separation of conflicting travelways with a structure.

HIGHWAY: A general term denoting a public way for purposes of travel, including the entire area within the right-of-way.

ISTEA: The Intermodal Surface Transportation Efficiency Act.

JAY-WALKING: Crossing a street illegally; includes walking against a traffic control device, or stepping out in front of a moving vehicle so as to present an immediate danger, whether in a crosswalk or not, or crossing at an intersection outside of a crosswalk.

LCDC: Land Conservation and Development Commission.

LEGEND: Words, phrases or numbers appearing on all or part of a traffic control device; also the symbols that appear on maps.

LOCAL STREET: A street designated to provide access to and from residences or businesses.

MOTOR VEHICLE: A vehicle that is self-propelled or designed for self-propulsion.

MPO - Metropolitan Planning Organization: An agency that combines the governing bodies of neighboring cities whose combined population exceeds 50,000.

MULTI-USE PATH: A path physically separated from motor vehicle traffic by an open space or barrier and either within a highway right-of-way or within an independent right-of-way, used by bicyclists, pedestrians, joggers, skaters and other non-motorized travelers.

MUTCD: The "Manual on Uniform Traffic Control Devices," approved by the Federal Highway Administration as a national standard for placement and selection of all traffic control devices on or adjacent to all highways open to public travel.

OAR: Oregon Administrative Rule - A rule written by an affected government agency, intended to clarify the intent of an ORS.

OBPAC: Oregon Bicycle and Pedestrian Advisory Committee; an eight-member, Governor appointed committee, which advises ODOT on the regulation of bicycle and pedestrian traffic and the establishment of bikeways and walkways.

ODOT: Oregon Department of Transportation.

ORS - Oregon Revised Statute: The laws that govern the state of Oregon, as proposed by the legislature and signed by the Governor.

OTC- Oregon Transportation Commission: a five-member, Governor-appointed commission, whose primary duty is to develop and maintain a state transportation policy and a comprehensive, long-term plan for a multimodal transportation system.

OTP: Oregon Transportation Plan.

PAVEMENT MARKINGS: Painted or applied lines or legends placed on a roadway surface for regulating, guiding or warning traffic.

PEDESTRIAN: A person on foot, in a wheelchair or walking a bicycle.

PEDESTRIAN FACILITY: A facility provided for the benefit of pedestrian travel, including walkways, crosswalks, signs, signals, illumination and benches.

RIGHT-OF-WAY: A general term denoting publicly-owned land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

RIGHT OF WAY: The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian.

ROADWAY: The paved portion of the highway.

RULES OF THE ROAD: The portion of a motor vehicle law that contains regulations governing the operation of vehicular and pedestrian traffic.

SHARED ROADWAY: A type of bikeway where bicyclists and motor vehicles share a travel lane.

SHOULDER: The portion of a highway that is contiguous to the travel lanes provided for pedestrians, bicyclists, emergency use by vehicles and for lateral support of base and surface courses.

SHOULDER BIKEWAY: A type of bikeway where bicyclists travel on a paved shoulder.

SHY DISTANCE: The distance between the edge of a travelway and a fixed object.

SIDEWALK: A walkway separated from the roadway with a curb, constructed of a durable, hard and smooth surface, designed for preferential or exclusive use by pedestrians.

SIGHT DISTANCE: The distance a person can see along an unobstructed line of sight.

SKEW ANGLE: The angle formed between a roadway, bikeway or walkway and an intersecting roadway, bikeway, walkway or railway, measured away from the perpendicular.

STRUCTURE: A bridge, retaining wall or tunnel.

TPR: Transportation Planning Rule 12 (OAR 660-12).

TRAFFIC CONTROL DEVICES: Signs, signals or other fixtures, whether permanent or temporary, placed on or adjacent to a travelway by authority of a public body having jurisdiction to regulate, warn or guide traffic.

TRAFFIC VOLUME: The given number of vehicles that pass a given point for a given amount of time (hour, day, year). See ADT.

TSP: Transportation System Plan: the overall plan for all transportation modes for a given area (usually city, county or MPO).

UGB: Urban Growth Boundary: the area surrounding an incorporated city in which the city may legally expand its city limits.

URBAN AREA: The area immediately surrounding an incorporated city or rural community that is urban in character, regardless of size.

VEHICLE: Any device in, upon or by which any person or property is or may be transported or drawn upon a highway, including vehicles that are self-propelled or powered by any means.

WALKWAY: A transportation facility built for use by pedestrians, including persons in wheelchairs. Walkways include sidewalks, paths and paved shoulders.

WIDE OUTSIDE LANE: A wider than normal curbside travel lane that is provided for ease of bicycle operation where there is insufficient room for a bike lane or shoulder bikeway.

APPENDIX B: OTHER DOCUMENTS RELATED TO BICYCLING AND WALKING

For information on **bicycle racing** in Oregon, please obtain the "*Guidelines for Administration of Bicycle Racing on Oregon Roads*" from:

Bicycle/Pedestrian Program
Room 210, Transportation Building
Salem, OR 97310-1354

National standards for bikeway and walkway design are contained in several documents:

AASHTO (American Association of State Highway and Transportation Officials) publishes the "Policy on Geometric Design of Highways and Streets" and the "Guide for the Development of Bicycle Facilities." These can be obtained from:

AASHTO
444 North Capitol Street, NW, Suite 225
Washington, DC 20001

Design standards for highways are contained in the "Highway Design Manual," available from the ODOT Library by calling (503) 986-3280.

Information on **signing and pavement markings** is contained in the "*Manual on Uniform Traffic Control Devices*" (MUTCD). It is available from:

Federal Highway Administration
400 Seventh Street, SW
Washington, DC 20590

ODOT has adopted signs for use in Oregon; these are published in the "*Sign Policies and Guidelines for the State Highway System*" available from:

Traffic Management Section
Transportation Building
Salem, OR 97310-1354

The most current information regarding **ADA standards** is contained in the Federal Register, Volume 59, No. 117, dated Monday, June 20, 1994.

Designs for **interfacing transit with pedestrians** have been developed by Tri-Met in their "Planning and Design for Transit Handbook," available from:

Tri-Met Technical Services Division
710 NE Holladay Street
Portland, OR 97232

The Oregon Department of Transportation publishes **surveys and reports** such as the "Bicycle/Motor Vehicle Crash Report" and the "Bicycle and Pedestrian Counts." These are available from the Bicycle/Pedestrian Program.

Other groups and agencies also publish **research data**, including, for example, "The Pedestrian Environment," published by 1000 Friends of Oregon.

The Oregon Chapter of the American Planning Association publishes "*Recommendations for Pedestrian, Bicycle and Transit Friendly Development Ordinances*," available from the Bicycle and Pedestrian Program

The Bicycle Federation of America runs the National Bicycle and Pedestrian Clearing House, which tracks all currently available documents. They can be reached at (800) 760-6272.

Research data and other background information are available from FHWA, including the "Planning, Design and Maintenance of Pedestrian Facilities" and the "Synthesis of Safety Research - Pedestrians." Other information is contained in the 24 Case Study Reports of the "National Bicycling and Walking Study:"

1. Reasons Why Bicycling and Walking are and are Not Being Used More Extensively as Travel Modes, FHWA-PD-93-041
2. The Training Needs of Transportation Professionals Regards the Pedestrian and Bicyclist, FHWA-PD-93-038
3. What Needs to be Done to Promote Bicycling and Walking, FHWA-PD-93-039
4. Measures to Overcome Impediments to Bicycling and Walking, FHWA-PD-93-031

5. An Analysis of Current Funding Mechanisms for Bicycle and Pedestrian Programs at the Federal, State and Local Levels, FHWA-PD-93-008
6. Analysis of Successful Grass-roots Movements Relating to Pedestrians and Bicyclists and a Guide on How to Initiate a Successful Program, FHWA-PD-93-024
7. Transportation Potential and Other Benefits of Off-Road Bicycle and Pedestrian Facilities, FHWA-PD-92-040
8. Organizing Citizen Support and Acquiring Funding for Bicycle and Pedestrian Trails, FHWA-PD-93-007
9. Linking Bicycle/Pedestrian Facilities with Transit, FHWA-PD-93-012
10. Trading Off Among the Needs of Motor Vehicle Users, Pedestrians, and Bicyclists, FHWA-PD-94-012
11. Balancing Engineering, Education, Law Enforcement, and Encouragement, FHWA-PD-93-009
12. Incorporating Consideration of Bicyclists and Pedestrians into Education Programs, FHWA-PD-92-036
13. A Syntheses of Existing Bicyclist and Pedestrian Related: Laws and Enforcement Programs, FHWA-PD-93-009
14. Benefits of Bicycling and Walking to Health, FHWA-PD-93-025
15. The Environmental Benefits of Bicycling and Walking, FHWA-PD-93-015
16. A Study of Bicycle and Pedestrian Programs in European Countries, FHWA-PD-92-037
17. Bicycle and Pedestrian Policies and Programs in Asia, Australia, and New Zealand, FHWA-PD-93-016
18. Analyses of Successful Provincial, State, and Local Bicycle and Pedestrian Programs in Canada and the United States, FHWA-PD-93-010
19. Traffic Calming, Auto Restricted Zones, and Other Traffic Management Techniques: Their Effect on Bicyclists and Pedestrians, FHWA-PD-93-028
20. The Effects of Environmental Design on the Amount and Type of Bicycling and Walking, FHWA-PD-93-037
21. Incorporating Bicycle and Pedestrian Considerations Into State and Local Transportation Planning, Design, and Operations, FHWA-PD-93-017
22. The Role of State Bicycle/Pedestrian Coordinators, FHWA-PD-93-019
23. The Role of Local Bicycle/Pedestrian Coordinators, FHWA-PD-93-014
24. Current Planning Guidelines and Design Standards Being Used by State and Local Agencies in the Design of Pedestrian/Bicycle Facilities, FHWA-PD-93-006

APPENDIX C: ODOT INTERPRETATION OF ORS 366.514

Notes:

- The bill is divided into Sections (1)-(5).
- *The original language of the bill is written in italics, with ODOT's interpretation following in regular print.*
- The terminology of the original bill is outdated: *"footpaths and bicycle trails"* should read *"walkways and bikeways."*

(1) *Out of the funds received by the department or by any county or city from the State Highway Fund reasonable amounts shall be expended as necessary to provide footpaths and bicycle trails, including curb cuts or ramps as part of the project.*

The law requires that *reasonable amounts* of State Highway Funds be expended by the Department of Transportation, counties and cities to provide walkways and bikeways. *Reasonable amounts* are related to the need for bikeways and walkways; if there is a need, the governing jurisdiction shall expend a reasonable amount to construct the needed facilities.

When the bill was introduced in 1971, most road projects were funded through the highway fund. While the law itself refers to the highway fund, several drafters of the original bill have indicated that the intent was not to limit this requirement to the highway fund only, but rather to make this fund available for the construction of walkways and bikeways, to benefit all users of the highway.

Footpaths and bicycle trails, including curb cuts or ramps as part of the project, shall be provided wherever a highway, road or street is being constructed, reconstructed or relocated.

The law requires the Department of Transportation, counties and cities to provide walkways and bikeways on all roadway construction, reconstruction or relocation projects. The funding source or amount are not the determining factors; what is important is that pedestrian and bicycle facilities be provided as part of road improvements.

"Construction, reconstruction and relocation" refers to all projects where a roadway is built or upgraded. Walkways and bikeways don't necessarily have to be provided on projects such as signal or signing improvements, landscaping and other incidental work. Preservation overlays are also excluded if the only intent of the project is to preserve the riding surface in usable condition, without any widening or realignment. Projects where the entire depth of the roadway bed is replaced are usually considered reconstruction projects.

Funds received from the State Highway Fund may also be expended to maintain footpaths and trails and to provide footpaths and trails along other highways, roads and streets and in parks and recreation areas.

The law also allows highway funds to be used for maintenance and to provide walkways and bikeways independently of road construction. The Department, a city or a county may use its highway funds for projects whose primary purpose is to provide improvements for pedestrians and bicyclists.

The 1980 Constitutional Amendment (Article IX, section 3a) now prohibits the expenditure of highway funds in parks and recreation areas. A subsequent Oregon Supreme Court opinion, **Rogers v. Lane County**, supports continued use of highway funds to construct and maintain walkways and bikeways within the highway right-of-way, but allows such use only when they are within the highway right-of-way.

- (2) *Footpaths and trails are not required to be established under subsection (1) of this section:*
- (a) *Where the establishment of such paths and trails would be contrary to public safety;*
 - (b) *If the cost of establishing such paths and trails would be excessively disproportionate to the need or probable use; or*
 - (c) *Where sparsity of population, other available ways or other factors indicate an absence of any need for such paths and trails.*

The law provides for reasonable exemptions. The determination that one or more exemption is met should be well-documented. The decision should allow opportunities for public review and input by interested parties. Exemptions (b) and (c) refer back to the need. The burden is on the governing jurisdiction to show the lack of need to provide facilities; the need is legislatively presumed but can be rebutted.

... contrary to public safety: this exemption applies where the safety of any group of highway users would be jeopardized by the inclusion of walkways or bikeways. In most instances, the addition of walkways and bikeways improves safety, both for motorists and non-motorized users, but there may be instances where the inclusion of a walkway or bikeway decreases safety, for example, sidewalks on a limited access freeway would be considered unsafe.

... cost is excessively disproportionate to need or probable use: this exemption applies if it can be shown that there is insufficient need or probable use to justify the cost. Probable use must extend to cover the anticipated life of the project, which can be twenty years or longer for roadway projects, fifty years or longer for bridge projects. It is not sufficient to claim that there is little or no current pedestrian or bicycle use. This is often due to the lack of appropriate facilities. The law does not provide guidelines for determining when costs are excessively disproportionate.

... sparsity of population ... indicates an absence of any need: This exemption most commonly applies to rural roads or highways where walkways and bikeways would get very little use.

... other available ways ... indicate an absence of any need: For this exemption to apply, it must be shown that the “other available ways” serve bicyclists and pedestrians as well as or better than would a facility provided on the road, street or highway in question. The “other available ways” must provide equal or greater access and mobility than the road, street or highway in question. An example sufficient to indicate other available ways would be providing sidewalks and bike lanes on a parallel or adjacent street rather than along a freeway. An example not sufficient would be

choosing not to provide bike lanes and sidewalks on an arterial street and encouraging use of local side streets that do not include bicycle and pedestrian facilities nor offer the equivalent direct route or access as the arterial street.

... other factors ... indicate an absence of any need: This exemption allows consideration of other factors that are particular to a project. A common example is the acceptability of cyclists sharing the roadway with automobiles on low volume, low traffic local streets. Again, the absence of any need must be found.

- (3) *The amount expended by the department or by a city or county as required or permitted by this section shall never in any one fiscal year be less than one percent of the total amount of the funds received from the highway fund. However:*
 - (a) *This subsection does not apply to a city in any year in which the one percent equals \$250 or less, or to a county in any year in which the one percent equals \$1500 or less.*
 - (b) *A city or county in lieu of expending the funds each year may credit the funds to a financial reserve or special fund in accordance with ORS 280.100, to be held for not more than 10 years, and to be expended for the purposes required or permitted by this section.*
 - (c) *For purposes of computing amounts expended during a fiscal year under this subsection, the department, a city or county may record the money as expended:*
 - (A) *On the date actual construction of the facility is commenced if the facility is constructed by the city, county or department itself; or*
 - (B) *On the date a contract for the construction of the facilities is entered with a private contractor or with any other governmental body.*

The law requires that in any given fiscal year, the amounts expended to provide walkways and bikeways must be a minimum of 1% of the state highway fund received by the Department, a city or county. The law does not establish a special fund (“bicycle fund”), nor does it limit the expenditures to 1%: section (1) requires that “reasonable amounts” be expended. 1% is only a minimum.

Cities and counties are not required to spend a minimum of 1% each year; they may credit this amount to a reserve fund and expend these amounts within a period not to exceed ten years.

The 1% minimum requirement is independent from the requirement to provide bikeways and walkways as part of road construction. A jurisdiction spending more than 1% of its funds on walkways and bikeways must still provide bikeways and walkways as part of all new construction projects, unless determined not to be otherwise required pursuant to section (2).

The 1% minimum requirement does not apply to cities receiving less than \$25,000 a year, or to counties receiving less than \$150,000 a year from the fund. However, bikeways and walkways must be provided wherever roads are constructed, as required in Section 1, subject to the exemptions in Section 2.

(4) For the purposes of this chapter, the establishment of paths, trails and curb cuts or ramps and the expenditure of funds as authorized by this section are for highway, road and street purposes.

This section is the legislature's statement of intent that these uses would qualify under the Constitution as highway uses. This is reinforced in the 1980 constitutional amendment (Article IX, section 3a) and by **Rogers v. Lane County**.

The department shall, when requested, provide technical assistance and advice to cities and counties in carrying out the purpose of this section. The division shall recommend construction standards for footpaths and bicycle trails. Curb cuts or ramps shall comply with the requirements of ORS 447.310. The

division shall, in the manner prescribed for marking highways under ORS 810.200, provide a uniform system of signing footpaths and bicycle trails which shall apply to paths and trails under the jurisdiction of the department and cities and counties.

One of the purposes of this Bicycle/Pedestrian Plan is to implement this section. ODOT develops standards and designs for bikeways and walkways. ODOT staff is available to assist cities and counties with technical problems, as well as with planning and policy issues.

The department and cities and counties may restrict the use of footpaths and bicycle trails under their respective jurisdictions to pedestrians and non-motorized vehicles.

Motor vehicles are generally excluded from using bike lanes, sidewalks and multi-use paths.

(5) As used in this section, "bicycle trail" means a publicly owned and maintained lane or way designated and signed for use as a bicycle route.

A "bicycle trail" is currently defined as a "bikeway."

The Oregon Court of Appeals upheld the intent of this statute in **Bicycle Transportation Alliance v. City of Portland** (9309-05777; CA A82770). The judge's summary was: "Read as a whole, ORS 366.514 requires that when an agency receives state highway funds and constructs, reconstructs or relocates highways, roads or streets, it must expend a reasonable amount of those funds, as necessary, on bicycle and pedestrian facilities. The statute also requires the agency to spend no less than one percent per fiscal year on such facilities, unless relieved of that obligation by one of the exceptions in subsection (2)."

APPENDIX D: OREGON TRANSPORTATION PLAN: SELECTED GOALS, POLICIES & ACTIONS RELATING TO BICYCLING & WALKING

THE GOALS OF THE OREGON TRANSPORTATION PLAN

The purpose of the Oregon Transportation Plan is to guide the development of a safe, convenient and efficient transportation system which promotes economic prosperity and livability for all Oregonians.

GOAL 1 - CHARACTERISTICS OF THE SYSTEM: To enhance Oregon's quality of life and comparative economic advantage by the provision of a transportation system with the following characteristics:

- **Balance**
- **Efficiency**
- **Accessibility**
- **Environmental Responsibility**
- **Connectivity among Places**
- **Connectivity among Modes and Carriers**
- **Safety**
- **Financial Stability**

POLICY 1A - Balance: It is the policy of the State of Oregon to provide a balanced transportation system. A balanced transportation system is one that provides transportation options at appropriate minimum service standards, reduces reliance on the single occupant automobile where other modes or choices can be made available, particularly in urban areas, and takes advantage of the inherent efficiencies of each mode.

ACTION 1A.1: Design systems and facilities that accommodate multiple modes within corridors, where appropriate, and encourage their integrated use in order to provide users with cost-effective choices of travel and shipping within corridors.

POLICY 1B - Efficiency: It is the policy of the State of Oregon to assure provision of an efficient transportation system. The system is efficient when (1) it is fast and economic for the user; (2) users face prices that reflect the full costs of their transportation choices; and (3) trans-

portation investment decisions maximize the net full benefits of the system. (Full benefits and costs include social and environmental impacts, as well as the benefits of mobility to users, and construction, operations and maintenance costs.)

ACTION 1B.3: Use demand management techniques to reduce vehicle miles traveled in single occupant automobiles, especially during peak hours of highway use. These measures include the use of *alternative modes* such as transit, *bicycling* and *walking*, ridesharing, vanpooling, telecommuting and projects that promote efficient urban design.

ACTION 1B.4: Preserve corridors for future transportation development. Consider obtaining, developing and using those abandoned rail rights-of-way that are in the public interest for transportation system improvements. Consider using abandoned rail corridors for *bicycle* and *walking* trails and for utility and communication corridors as interim uses.

POLICY 1C - Accessibility: It is the policy of the State of Oregon to promote a transportation system that is reliable and accessible to all potential users, including the transportation disadvantaged, measured by availability of modal choices, ease of use, relative cost, proximity to service and frequency of service.

ACTION 1C.1: Cooperatively define acceptable levels of accessibility through the establishment of standards in transportation system plans for minimum levels of service and system design for passengers and freight for all modes.

ACTION 1C.2: Encourage multimodal accessibility to employment, shopping and other commerce, medical care, housing and leisure, including adequate public transit access for the transportation disadvantaged.

ACTION 1C.3: Implement the accessible transportation requirements established by the Americans with Disabilities Act of 1990.

ACTION 1C.4: Develop public transit, *bicycle* and *pedestrian* systems in urban and rural areas.

ACTION 1C.5: Assure that the services of private and public transportation providers are coordinated. Integrate public and special purpose transportation services.

POLICY 1D - Environmental Responsibility: It is the policy of the State of Oregon to provide a transportation system that is environmentally responsible and encourages conservation of natural resources.

ACTION 1D.1: Minimize transportation-related energy consumption through improved vehicle efficiencies, use of clean burning motor fuels, and increased use of fuel efficient modes which may include railroads, transit, carpools, vanpools, *bicycles* and *walking*.

ACTION 1D.4: Cooperate with the Oregon Department of Environmental Quality in carrying out the transportation-related requirements of the federal and state clean air standards consistent with the long-term air quality goals of the Oregon Benchmarks.

POLICY 1E - Connectivity among Places: It is the policy of the State of Oregon to identify and develop a statewide transportation system of corridors and facilities that ensures appropriate access to all areas of the state, nation and the world.

ACTION 1E.1: Identify a multimodal network of facilities to meet requirements for the movement of people, goods and services throughout Oregon and develop a plan to implement that system.

ACTION 1E.3: Develop and promote service in statewide transportation corridors by the most appropriate *mode* including intercity bus, truck, rail, airplane, passenger vehicle and *bicycle*.

ACTION 1E.4: Complete the Access Oregon Highways Program.

POLICY 1F - Connectivity among Modes and Carriers: It is the policy of the State

of Oregon to provide a transportation system with connectivity among modes within and between urban areas, with ease of transfer among modes and between local and state transportation systems.

ACTION 1F.1: Require local and regional transportation plans to identify (a) major transportation terminals and facilities and (b) routes and modes connecting passenger and freight facilities with major highways and intermodal facilities.

ACTION 1F.2: Encourage development of a system of open access passenger facilities throughout the state to expedite transfers between modes, routes and carriers.

POLICY 1G - Safety: It is the policy of the State of Oregon to improve continually the safety of all facets of statewide transportation for system users including operators, passengers, *pedestrians*, recipients of goods and services, and property owners.

ACTION 1G.1: Develop a Transportation Safety Action Plan addressing air, land and water transportation to reduce fatal, injury and property damage accidents among system users.

ACTION 1G.2: Improve the enforcement of transportation safety laws and regulations intended to reduce injury and property damage. Emphasize enforcement of laws and regulations involving excessive speed, alcohol and other drug use, use of safety belts, and use of helmets for motorcycle drivers and passengers.

ACTION 1G.3: Develop and deliver a comprehensive safety awareness, education and training program for all system users.

ACTION 1G.4: Improve the safety in design, construction and maintenance of new and existing systems and facilities for the users and benefactors including the use of techniques to reduce conflicts between modes using the same facility or corridor. Target resources to dangerous routes and locations in cooperation with local and other state agencies.

ACTION 1G.7: Develop and implement a comprehensive and coordinated transportation records and accident reporting program to manage and evaluate transportation safety.

ACTION 1G.9: Build, operate and regulate the transportation system so that users feel safe and secure as they travel.

POLICY 1H - Financial Stability: It is the policy of the State of Oregon to ensure a transportation system with financial stability. Funding programs should not bias transportation decision making.

ACTION 1H.1: Provide balanced funding for transportation facilities and services and seek legislative and voter approval where necessary.

ACTION 1H.3: Give priority to funding those transportation needs identified in state, regional and local transportation system plans.

GOAL 2: LIVABILITY: To develop a multi-modal transportation system that provides access to the entire state, supports acknowledged comprehensive land use plans, is sensitive to regional differences, and supports livability in urban and rural areas.

POLICY 2A - Land Use: It shall be the policy of the State of Oregon to develop transportation plans and policies that implement Oregon's Statewide Planning Goals, as adopted by the Land Conservation and Development Commission.

ACTION 2A.1: Support local land use planning with system plans that implement this policy, with the objective of providing the needed level of mobility while minimizing automobile miles traveled and number of automobile trips taken per capita.

ACTION 2A.3: Coordinate state transportation planning with local and regional land use plans as described in the certified ODOT/LCDC State Agency Coordination Agreement.

ACTION 2A.4: Provide technical assistance to local and regional governments in the implementation of Oregon Administrative Rule 660-12 that sets forth the requirements for transportation planning within the state.

POLICY 2B - Urban Accessibility: It is the policy of the State of Oregon to define minimum levels of service and assure balanced, multimodal accessibility to existing and new development within urban areas to achieve the state goal of compact, highly livable urban areas.

ACTION 2B.1: Cooperate with local governments and metropolitan planning organizations to develop integrated transportation plans for urban areas that meet the needs for urban mobility, and intercity, interstate and international travel within and near each urban area.

ACTION 2B.2: Give preference to projects and assistance grants that support compact or infill development or mixed use projects.

ACTION 2B.3: Increase the availability and use of transit, *walking*, *bicycling* and *ridesharing*. Promote the design and development of infrastructure and land use patterns which encourage alternatives to the single occupant automobile.

POLICY 2C - Relationship of Interurban and Urban Mobility: It is the policy of the State of Oregon to provide interurban mobility through and near urban areas in a manner which minimizes adverse effects on land use and urban travel patterns.

ACTION 2C.2: Promote *alternative modes* and preservation and improvement of parallel arterials so that local trips have alternatives to the use of intercity routes.

POLICY 2D - Facilities for Pedestrians and Bicyclists: It is the policy of the State of Oregon to promote safe, comfortable travel for *pedestrians* and *bicyclists* along travel corridors and within existing communities and new developments.

ACTION 2D.1: Make *walkways*, *pedestrian shelters* and *bikeways* an integral part of the circulation pattern within and between communities to enhance safe interactions between motor vehicles and *pedestrians* and *bicyclists*, using techniques such as:

- Renovating arterials and major collectors with *bike lanes* and *walkways* and

designing intersections to encourage *bicycling* and *walking* for commuting and local travel.

- Developing all transit centers near residential areas to be safely and expeditiously accessible to *pedestrians* and *bicyclists*.

POLICY 2E - Minimum Levels of Service: It is the policy of the State of Oregon to define and assure minimum levels of service to connect all areas of the state.

ACTION 2E.1: Define appropriate minimum levels of service for all modes and for all potential users.

POLICY 2F - Rural Mobility: It is the policy of the State of Oregon to facilitate the movement of goods and services and to improve access in rural areas.

ACTION 2F.1: Improve rural highways, minimizing the interaction of passenger vehicles, *bicycles*, recreational vehicles and freight vehicles by providing passing lanes and paved shoulders, wherever practical.

ACTION 2F.2: Implement a statewide system of *bikeways* using current rights-of-way and creating new paths along rail beds, open spaces, and other public and private lands held by cooperating landowners.

ACTION 2F.3: Encourage modal alternatives to the automobile and truck where feasible in rural areas.

POLICY 2H - Aesthetic Values: It is the policy of the State of Oregon to protect and enhance the aesthetic value of transportation corridors in order to support economic development and preserve quality of life.

ACTION 2H.1: Include aesthetic considerations in the design, maintenance and improvement of corridors and rights-of-way for all modes.

GOAL 3 - ECONOMIC DEVELOPMENT: To promote the expansion and diversity of Oregon's economy through the efficient and effective movement of goods, services and passengers in a safe, energy efficient and environmentally sound manner.

POLICY 3E - Tourism: It is the policy of the State of Oregon to develop a transportation system that supports intrastate, interstate and international tourism and improves access to recreational destinations.

ACTION 3E.1: Develop a tourism transportation action plan to identify facilities and services to serve tourism and incorporate in state and local transportation plans.

ACTION 3E.2: Identify certain transportation corridors as scenic routes and consider scenic values in corridor planning, improvements and maintenance.

GOAL 4 - IMPLEMENTATION POLICIES: To implement the Transportation Plan by creating a stable but flexible financing system, by using good management practices, by supporting transportation research and technology, and by working cooperatively with federal, regional and local governments, Indian tribal governments, the private sector and citizens.

POLICY 4A - Adequate Funding: It is the policy of the State of Oregon to develop and maintain a transportation finance structure that provides adequate resources for demonstrated and proven transportation needs. This funding package should incorporate federal, state, local and private funding and should provide adequate funding for all transportation modes and jurisdictions.

POLICY 4B - Efficient and Effective Improvements: It is the policy of the State of Oregon to develop and maintain a transportation finance structure that promotes funding by the state and local governments of the most appropriate improvements in a given situation and promotes the most efficient and effective operation of the Oregon transportation system.

POLICY 4D - Flexibility: It is the policy of the State of Oregon to change the structure of the transportation finance system to provide more flexibility in funding, investment and program options.

POLICY 4E - Achievement of State Goals: It is the policy of the State of Oregon to

plan and manage the transportation finance structure to contribute to the accomplishment of the state's environmental, land use and economic goals and objectives.

POLICY 4F - Equity: It is the policy of the State of Oregon to develop a transportation finance system which consciously attempts to provide equity among competing users, payers, beneficiaries, providers of the transportation system and regions of the state.

POLICY 4G - Management Practices: It is the policy of the State of Oregon to manage effectively existing transportation infrastructure and services before adding new facilities.

ACTION 4G.3: Use demand management and other transportation systems operation techniques that reduce peak period single occupant automobile travel, that spread traffic volumes away from the peak period, and that improve traffic flow. Such techniques include HOV (high occupancy vehicle) lanes with express transit service, carpools, parking management programs, peak period pricing, ramp metering, motorist information systems, route diversion strategies, incident management, and enhancement of *alternative modes* of transportation including *bicycling* and *walking*.

POLICY 4H - Research and Technology Transfer: It is the policy of the State of Oregon to promote the development of innovative management practices, technologies and regulatory techniques and safety measures that will further implementation of the Oregon Transportation Plan and lead to new approaches to meeting mobility needs.

ACTION 4H.2: Broaden the Oregon Department of Transportation's research responsibilities to include research for all modes.

ACTION 4H.3: Prepare and implement a transportation research agenda for the State of Oregon which includes analysis of the relative costs of implementation measures put forth in this plan.

ACTION 4H.5: Establish a demonstration program to encourage alternatives to the use of the automobile.

POLICY 4I - State Responsibilities: It is the policy of the State of Oregon that the Oregon Department of Transportation shall define a transportation system of statewide significance that:

- Accommodates international, interstate and intercity movements of goods and passengers that move into and through urban and rural areas;
- Accommodates connections between different parts of the system, including intermodal transfers of goods and passengers on the system;
- Provides a minimum level of mobility within the state, including access to the system;
- Recognizes that maintaining an acceptable level of transportation mobility in Oregon's four metropolitan planning organization (MPO) regions is a matter of special statewide concern.

ACTION 4I.1: Establish criteria in the Oregon Transportation Plan and modal plans to guide the development of MPO and other regional transportation plans.

ACTION 4I.2: Adopt MPO and other regional plans when they meet established criteria.

ACTION 4I.3: Carry out Oregon Department of Transportation responsibilities for transportation planning and development as described in the Land Conservation and Development Commission's Transportation Planning Administrative Rule (OAR 660-12).

State transportation project plans shall be compatible with acknowledged local comprehensive plans.

POLICY 4J - MPO and Other Regional Responsibilities: It is the policy of the State of Oregon that:

- MPO's and counties outside of MPO's shall define a transportation system of regional significance adequate to meet identified needs for the safe move-

ment of people and goods between and through communities and to regional destinations within their jurisdictions; and

- **Regional transportation plans shall be consistent with the adopted elements of the state transportation system plan.**

ACTION 4J.1: Regional transportation plans shall establish criteria for applicable local government transportation plans. MPO's and counties shall:

- Ensure local plans conform to state and regional system plans; and
- Assure consistency and appropriate linkages of local plans with regional plans to meet local needs.

ACTION 4J.2: MPO's and counties shall carry out their responsibilities for transportation planning and development as described in the LCDC Transportation Rule (OAR 660-12).

POLICY 4K - Local Government Responsibilities: It is the policy of the State of Oregon that:

- Local governments shall define a transportation system of local significance adequate to meet identified needs for the movement of people and goods to local destinations within their jurisdictions; and
- Local government transportation plans shall be consistent with regional transportation plans and adopted elements of the state transportation system plan.

ACTION 4K.1: Cities and counties shall adopt regional and local transportation plans as part of their comprehensive plans.

ACTION 4K.2: Local governments shall carry out their responsibilities for transportation planning and development as described in the LCDC Transportation Rule (OAR 660-12).

POLICY 4N - Public Participation: It is the policy of the State of Oregon to develop programs that ensure the opportunity for citizens, businesses, local governments and state agencies to be

involved in all phases of transportation planning processes.

ACTION 4N.1: When preparing and adopting a transportation plan, transportation plan element, modal plan, facility plan or transportation improvement program, conduct and publicize a program for citizen, business, local government and state agency involvement that clearly defines the procedures by which these groups will be involved.

ACTION 4N.2: Make information about proposed transportation policies, plans and programs available to the public in an understandable form.

POLICY 4O - Public Information and Education: It is the policy of the State of Oregon to provide a program of public information and education for the implementation of the Oregon Transportation Plan.

ACTION 4O.1: Implement a public information strategy for the Transportation Plan, including educational and informational programs on :

- Land use choices and development pattern issues, targeting architects, planners, developers and financiers;
- Transportation choices and the ways to use them;
- Transportation-related maintenance requirements and benefits;
- Economic and environmental benefits and costs of transportation alternatives, targeting school children;
- *Bicycle* use and safety, targeting both vehicle drivers and *bicyclists*;
- *Pedestrian* safety issues, targeting the under 25 and over 65 age groups in their roles both as vehicle drivers and *pedestrians*.

ACTION 4O.2: Through the Safety Action Plan and other means, expand public awareness of travel safety to reduce transportation-related accidents. Provide information on the primary causes of accidents including drug and alcohol abuse, driver error and vehicle maintenance neglect, and their results in deaths, injuries and economic loss.

APPENDIX E: PROJECTS IDENTIFIED IN THE 1996-1998 STIP

The following projects on ODOT highways are identified in the construction section of the STIP. ISTEA Enhancement and other local grant projects on city and county facilities requiring local match are not included.

1. BIKEWAY & WALKWAY PROJECTS

Region	Highway	Project Limits	Project Description	Length
1	OR-99W	SW Hamilton-SW Miles (Portland)	Construct Bikeway & Sidewalks	1.55
1	OR 99W	SW Front-SW Hamilton (Portland)	Construct Bikeway & Sidewalks	0.34
1	Hall Blvd	SPRR X'ing-SW Greenburg Rd (Tigard)	Construct Bikeway & Sidewalks	0.73
1	Hall Blvd	Lwr Boones Fry-Tualatin (Tualatin)	Construct Bikeway & Sidewalks	0.79
1	OR-99W	Pacific Highway W-SW McDonald (Tigard)	Construct Bikeway	1.10
1	OR-43	Mcvey Ave-Burnham Rd (Lake Oswego)	Construct Shoulder Bikeway	0.39
2	OR-126	Pacific Hwy-Glenwood (Eugene)	Construct Multi-use Path & Bike Lanes	0.50
4	I-84	Port Access-River Front Park (The Dalles)	Construct Multi-use Path	0.60

2. RURAL HIGHWAY PROJECTS THAT WILL INCLUDE SHOULDER WIDENING

Region	Highway	Project Limits	Project Description	Length
1	I-5	Stafford Inchge	Reconstruct Interchange	1.28
1	OR-210	Scholls @ Beef Bend Road	Realign & Add Left Turn	0.70
1	OR-211	MP 26.5-Clear Creek Canyon	Realign Three Curves	0.50
2	OR-22	Joseph St Intchge-Stayton NCL	Four Lane Widening	8.08
2	OR-22	Whitewater Creek Bridge	Replace Structure on New Alignment	0.20
2	OR-22	Wallace Bridge-Perrydale Road	Surface Preservation	11.70
2	OR-34	N Fork Alsea River Bridge	Replace Structure	0.14
3	OR-38	Elk Creek-Brush Creek Road (Tunnel)	Realign Road, Construct Bridges & Tunnel	2.20
3	OR-42	\Chrome Plant-Cedar Point Road	Widen Section To 4-Lanes W/8' Shoulders	2.30
2	US-20	Eddyville-Cline Hill	Reconstruct Hwy on new Alignment	4.65
2	OR-58	Kitson Ridge Rd-MP 47.0	Construct Passing Lanes	3.50
2	OR-58	Salt Cr. Falls Camp-Klamath Cty Line	Construct Passing Lanes	5.42
2	US-30	Fernhill-John Day River Bridge	Reconstruct to Current Standards	2.95
2	US-101	Big Creek Bridge	Replace Structure	0.04
2	OR-58	Black Canyon-WCL Oakridge	Overlay; Widen Shoulders & Bridge	7.13
2	OR-99W	Crowley Rd-Salem/Willamina Hwy	Surface Preservation	3.50
2	OR-18	Longfiber Road-A. R. Ford Road	Surface Preservation	8.73
2	US-101	Hobsonville Point Rd-Wilson River Br	Surface Preservation	6.71
2	OR-126	Greenwood Drive-Vida	Widen Shoulders, Overlay Road	3.30
2	US-101	Lake Lytle Outlet	Replace Structure	0.20
2	US-20	Burkhart Creek Bridge	Replace Structure	0.20
3	US-101	Haynes Inlet Slough Bridge	Replace Structure, Add Climbing Lane	0.68
3	OR-238	Applegate River Bridge	Replace Structure	0.16
3	US-101	Brush Creek Bridge	Replace Structure	0.20
3	OR-42	Manning Gulch Slough-Greenacres	Realign Road, Install New Structure	1.20
3	US-101	Smith River Br Stage 1	Replace Bridges on New Alignment	1.29
3	OR-62	Dutton Road-Linn Road	Widen Highway to 3 & 4 Lanes	2.80
3	US-199	Grants Pass-Applegate River	Widen Shoulders and Overlay	6.57
3	OR-42	Olalla Creek Bridge-Hoover Hill Road	Widen Structure & Add Passing Lane	1.83

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3	US-101	OR Coast Hwy @ Coquille/Bandon Hwy	Construct A New Connection	0.38
3	OR-38	Paradise Creek Bridge	Widen Structure	0.06
3	OR-38	Weatherly Creek Bridge	Replace Structure on New Alignment	0.40
3	OR-62	Linn Road-Jct. Hwy 234	Overlay Roadway	3.57
3	OR-199	Applegate River-Chandler Creek	Overlay Roadway	18.64
4	OR-140	Paradise Creek Rd-Klamath County Line	Widen, Realign Highway, & Overlay	4.00
4	US-97	Crooked River Gorge Bridge	Construct New 4 Lane Bridge	1.00
4	US-197	Wapinitia Jct.-Maupin	Realign & Widen Roadway	0.51
4	US-97	Madras-Crooked River	Widen Shoulders and Overlay	12.00
4	US-26	Warm Springs River Bridge	Replace Structure and Widen Roadway	0.90
4	US-97	Deschutes Market Road Overcrossing	Construct Overcrossing	0.55
5	US-20	Hines Section	Widen and Overlay Roadway	1.85
5	US-395	Cooper Creek-Ukiah/Hilgard Hwy	Widen and Reconstruct Roadway	7.07
5	US 20	US-20 @ JCT. US 395	Raise Roadway, Reconstruct Intersection	0.65
5	US-26	Fields Creek Road-Mt. Vernon	Construct 4' Shoulders on each Side	4.70
5	US-26	Picture Gorge-Dayville	Widen & Realign Roadway	7.00
5	OR-82	Enterprise Wallowa Lake	Upgrade Surfacing and Roadway Width	5.62
5	OR-37	S Fork Cold Springs (Grange Hall)	Realign & Widen Roadway	0.78

3. URBAN HIGHWAY PROJECTS WITH PEDESTRIAN & BICYCLE IMPROVEMENTS

Region	Highway	Project Limits	Project Description	Length
1	I-5	Wilsonville Interchange (Unit 1)	Reconstruct Interchange	N/A
1	I-5	Hwy 217/Kruse Way (Unit 1)	Reconstruct Ramps/Lanes	N/A
1	US-30	Columbia City NCL-Warren (St Helens)	Widen Highway, Add Curbs & Sidewalks	6.50
1	US-30	NE Columbia Blvd @ I-205	Widen Highway and Restripe	0.10
1	US-30	NE 102nd-NE 121st	Remove Parking and Restripe	1.00
1	OR-10	172nd Ave Murray Blvd (Wash. Co.)	Widen To 5 Lanes	1.17
1	US-26	Sylvan Inchg-Highlands Inchg (Wash. Co.)	Replace Structures	1.03
1	I-205	E Ptdl Fwy @ Sunnybrook (Clack Co.)	Construct Split Diamond Interchange	2.66
1	OR-8	SW 117th Ave-SW 110th Ave (Beaverton)	Relocate Signal, Raise Median And Widen	0.40
1	US-26	Camelot Intch-Sylvan Intch (Portland)	Replace Structure, Realign Local Streets	1.57
1	OR-8	TV Hwy @ Esplanade Ctr (Hillsboro)	Widen Hwy., Move Bus Stop	0.10
1	OR-8	Shute Park-21st Avenue (Hillsboro)	Widen Hwy	0.67
1	OR-99W	Ped. overcrossing-SW 60th	Overlay and Restripe	5.80
2	OR-99W	Edmunston St-Salmon R Hwy (McMinnvl)	Widen and Realign Highway	0.89
2	OR-99W	Brutscher St.-Everest St. (Newberg)	Surface Preservation Overlay	1.02
2	OR-126	W 11th St-Garfield St (Eugene) Unit 1	4-Lane New Construction	1.63
2	OR-99W	Everest St-Main St (Newberg)	Construct Left Turn Lane & Add'l SB Lane	1.15
2	OR-99	Walnut Street- Mill Street (Eugene)	Access Road & Street Improvements	1.46
2	OR-99E	Pacific Blvd-9th Ave Couplet (Albany)	Construct 3 Lane Couplet	0.94
2	OR-126	West 11th Ave-NCL (Eugene)	Construct Interchange @ Barger	3.20
2	US-101	Wilson R Br-Dougherty Slough (Tillamook)	Widen To 4 Lanes	0.88
3	US-199	6th St/7th St Couplet (Grants Pass)	Reconstruct 6th & 7th Streets	2.70
3	OR-238	Highway 238-Jackson Street(Medford)	Extend McAndrews Rd	1.20
3	OR-138	Elkton/Sutherlin Hwy @ I-5 (Sutherlin)	Construct Sidewalk & Shoulder Barrier	0.31
3	I-5	North Medford Interchange (Medford)	Reconstruct Interchange	N/A
4	US-97	Bend Parkway, Unit 2 (Bend)	Construct New Roadway	7.00
4		Hilyard Ave-Laverne Ave (Klamath Falls)	Widen Roadway And Install Signal	0.55
4	OR-140	S Klamath Falls Hwy @ Washburn Way	Construct Interchange	1.08
5	US-30	East Idaho Avenue (Ontario)	Signal, Paving	1.15
5		Halfway Section	Reconstruct City Street	0.50
5	OR-74	Heppner Section	Reconstruct City Street	0.50
5	I-84	North Ontario Interchange	Raise & Widen Structure	N/A

APPENDIX F: ADMINISTRATIVE ORGANIZATION

To fulfill the various requirements to provide bikeways and walkways, ODOT has established various processes within the organization.

OREGON DEPARTMENT OF TRANSPORTATION (ODOT)

The need to provide well-designed bikeways and walkways is established throughout the Department. ODOT also cooperates with cities and counties in the development of their walkway and bikeway systems. Much of this task is assigned to the Bicycle and Pedestrian Program, and much of the work is carried out at other levels within the Department.

OREGON TRANSPORTATION COMMISSION (OTC)

Before implementation, all major transportation policies, programs and projects must be approved by the Commission, which is appointed by the governor and has the authority to set policy and approve expenditure of funds for the Department. ODOT staff recommends policies or programs to the Commission for their approval. If approved, they are returned to the Department for implementation.

OREGON BICYCLE & PEDESTRIAN ADVISORY COMMITTEE (OBPAC)

OBPAC's primary function is to advise ODOT in regulating bicycle and pedestrian traffic and establishing bikeways and walkways. The OBPAC reviews public and Department policy, forwards proposals and makes recommendations to the Department for further consideration. The Committee meets quarterly in various locations around the state, to listen to the views and concerns of interested citizens, local officials and ODOT Region staff.

TRANSPORTATION DEVELOPMENT BRANCH (TDB)

The Transportation Development Branch is responsible for the long-range planning of Oregon's state transportation system. One of

its responsibilities is implementing the Oregon Transportation Plan. The Bicycle and Pedestrian Program cooperates closely to ensure that policies and plans reflect the need to provide for bicyclists and pedestrians.

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)

After a need has been identified, a project on a state highway can be forwarded for approval by the OTC and construction only if it is included in the STIP. This document is revised every two years and is open for public review and comment. Projects with strong local support that implement the stated goals of local, regional and statewide plans have the best chances of being advanced through the STIP process.

TECHNICAL SERVICES BRANCH

The Technical Services Branch of ODOT is responsible for transportation design and engineering. All construction plans for roadway projects, including bikeways and walkways, are reviewed for compliance with established standards. All new design proposals must be approved by the Technical Services Branch.

BICYCLE & PEDESTRIAN PROGRAM

The Bicycle and Pedestrian Program has many areas of responsibility:

Policies and Programs:

- Formulating policies;
- Implementing programs;
- Identifying and prioritizing bikeway and walkway projects; and
- Advocating for the increased use of *non-motorized modes of transportation*.

Technical Assistance:

- Providing technical assistance within the Department and to local officials regarding bikeway and walkway design, construction, and maintenance;
- Recommending design standards for bike-ways and walkways;

- Reviewing construction plans to ensure that bicycle and pedestrian needs are met; and
- Reviewing local Transportation Systems Plans for bicycle and pedestrian compatibility.

Information:

- Developing products such as bicycling maps and accident reports;
- Giving presentations and organizing conferences to local government staff and the general public; and
- Coordinating the Bicycle and Pedestrian Advisory Committee activities.

ODOT REGIONS

The five ODOT Regions bear most of the responsibility for developing transportation projects. The Region offices act as liaison to local jurisdictions. Region, city, county and MPO staff cooperate to ensure that transportation systems are well-planned and coordinated. The Bicycle and Pedestrian Program cooperates with Region staff in developing projects and ensuring that bicycle and pedestrian needs are met on all construction projects. Actual construction of roadway projects, including bikeways and walkways, is overseen by Region staff.

Citizens who wish to have bikeway or walkway improvements made on a state highway should contact their Region Manager's office

ODOT DISTRICTS

The Regions are divided into Districts. The District Managers are responsible for the maintenance of state highways. Their tasks also include issuing access permits and performing minor betterments. District Managers play an important role in improving conditions for bicyclists and pedestrians. Some projects are initiated at the district level.

Citizens who have concerns about bikeway or walkway maintenance on a state highway, or suggestions for minor improvements, should contact their District Manager's office.

LOCAL BICYCLE & PEDESTRIAN PROGRAMS

Most cities and counties are aware of the requirements to provide bicycle and pedestrian facilities. These tasks are usually carried out by transportation planning and engineering staff. Many of the larger cities and counties of Oregon have full or part-time staff devoted to bicycle and pedestrian issues. Eugene has a full-time bicycle coordinator; Portland has both a bicycle program and a pedestrian program.

LOCAL ADVISORY COMMITTEES

Many cities and counties have local bicycle or pedestrian citizen advisory committees, who forward their recommendations to local staff and elected officials. In general, cities and counties with advisory committees are more responsive to the needs of bicyclists and pedestrians. Both state and federal legislation mandate participation by the public in planning of transportation systems. Advisory committees are a very effective way of meeting these requirements.

ADVOCACY GROUPS

There are several independent advocacy groups in Oregon that play a role in lobbying elected officials, educating the general public and raising awareness on transportation issues. These tasks support the work of transportation staff, whose primary responsibility is to meet the transportation needs of the public. In general, there is good cooperation between bicycle and pedestrian programs and advocacy groups.



The Oregon Bicycle and Pedestrian Advisory Committee

APPENDIX G: SELECTION CRITERIA FOR BICYCLE & PEDESTRIAN PROJECTS

This guide is designed to assist applicants and reviewers in screening proposed bicycle and pedestrian projects, prior to committing the time and expense required to prepare a full project request. The Yes/No questions bring to light important factors to consider. If some considerations are not met by the proposed project, the applicant should consider seeking technical assistance, to see what can be modified or improved. Applicants may contact the Oregon Bicycle/Pedestrian Program for help (Tel. (503) 986-3555).

ODOT will use these criteria in evaluating and rating projects.

If a question can not be answered with a YES, please provide an explanation.

1) Is this the APPROPRIATE FACILITY for the corridor served?

Inadequate facilities discourage users and overdesign wastes money and resources. Refer to the Oregon Bicycle and Pedestrian Plan for a full description of appropriate facilities. These factors should be considered in determining the appropriateness of a facility:

- A. Is there a bicycle and/or pedestrian transportation problem? Will the proposed solution solve or alleviate the problem?
- B. Is the proposed solution the appropriate treatment for the problem? Refer to the Oregon Bicycle/Pedestrian Plan for appropriate treatments.
- C. Will the facility be part of an existing bikeway or walkway network? Good projects link, complete or extend systems. However, a project that is the first element of a planned bikeway or walkway system is also valued. Avoid isolated projects with no clearly defined origin or destination.
- D. Is the existing road a deterrent to bicycling or walking? Roads with narrow lanes and high levels of traffic, or that are difficult to cross, receive priority treatment. Other factors include high truck volumes, poor sight distance, dangerous intersections or other obstacles to direct travel by bicyclists and walkers.
- E. 1. Does the project upgrade a major roadway? Arterial and major collector streets generally receive highest priority.
or:
2. Does the project bridge an obstacle, provide a more direct route (reducing significant out-of-direction travel) or provide access to important destinations such as schools?
- F. Is the potential daily usage high? Is a population center served? Factors to consider include proximity to residential areas, schools, parks, shopping centers, business and industrial districts.
- G. Does the project meet current design standards? Refer to the Oregon Bicycle and Pedestrian Plan for current design standards.
- H. Will the project primarily enhance transportation? Are there clear origin and destination points along the corridor served? Oregon's statewide goal is to facilitate non-motorized transportation; recreational riders and walkers also benefit from improved facilities. Bikeways and walkways that provide for commuter/utility use will be given priority.

- ___ I. Does the project consider the needs of both bicyclists and pedestrians? In most cases, bicyclists and pedestrians require separate facilities. If the project provides for only one mode, the design should not preclude use by the other mode, now or in the future, where appropriate.
- ___ J. Does the project help meet the needs of the transportation disadvantaged - the young, the elderly, low-income and the disabled?
- ___ K. (Optional) Does the project provide connectivity to other modes? Facilities that provide bicycle and pedestrian access to bus stops, train stations and park-and-ride sites enhance intermodal transportation.
- ___ L. (Optional) Are there other site-specific considerations which make this project appropriate?

___ **2) Are the project costs realistic and reasonable?**

Some projects provide more benefit than others for the same cost. Realistic cost estimates are needed to determine feasibility. Reasonable costs are consistent with other projects of a similar nature. Costs should be considered in relation to the actual improvement of an entire corridor; i.e., an expensive structure to bridge a freeway may provide only a short facility, but may enhance usage of entire system. A reconnaissance design analysis can help determine a cost estimate.

3) Does project satisfy the following requirements:

- ___ A. LCDC's Transportation Planning Rule 12,
- ___ B. The Oregon Transportation Plan, and
- ___ C. Provisions of an existing, adopted local plan.

___ **4) (Where applicable): Is funding available for a local match?**

Many grants require a local match. A funding source needs to be identified, so project construction is not delayed if the project is approved.

___ **5) (Where applicable): Does the responsible agency agree to maintain the facility?**

Many projects, especially separated paths, will require special maintenance to preserve the usefulness of the facility. An agreement or other arrangements may be required to ensure that the bikeway or walkway will be maintained in good condition.

APPENDIX H: BIKEWAY/WALKWAY PROJECT RATING SHEET

Applicant: _____ **Region:** _____
Roadway: _____ **Length:** _____
Section: _____
Cost: _____ **Cost/mile:** _____

Is it the appropriate type of bicycle/pedestrian treatment for the corridor served?

See the Oregon Bicycle and Pedestrian Plan for details.

Does the project satisfy the requirements of: (a) LCDC's Transportation Planning Rule 12, (b) the Oregon Bicycle/Pedestrian Plan, and (c) a recently adopted local plan?

A "No" answer to any of the above questions should disqualify a project from further consideration.

RATING CRITERIA: (circle relevant factors)	POINTS
1. Will it be an important part of a bikeway or walkway system? <i>Points: most direct route which links or completes a system: or essential core route which serves many users = 8; extends existing facility = 6; begins a planned system = 4; isolated project with no linkage = 2.</i>	8
2. What is the classification of the roadway being treated? <i>Points: arterial = 6; major collector = 4; minor collector = 3; local = 2</i>	6
3. Who will the main users be? <i>Points: 2 each for commuter/utility; school children; disabled; recreation/touring</i>	8
4. What is the potential daily usage (relative to projects of a similar nature)? <i>Points: very high = 6; high = 5; average = 4; fairly low = 3; low = 2; very low = 1;</i>	6
5. Current conditions: is the existing roadway a deterrent to bicycling or walking? <i>Points: (add each factor cumulatively: high = 2, moderate = 1, low = 0) Bikeways and walkways along roadway: ADT___; narrow___; curves___; other safety factors___ (trucks, etc.____). Intersection treatments: ADT___; speed___; width___; accesses, other threats___ (i.e. skew, sight distance, etc.____)</i>	8
6. Are ODOT adopted standards used? <i>Points: highest = 8; intermediate = 6; minimum = 4; below standard = 0</i>	8
7. Are the costs reasonable compared to projects of a similar nature? <i>Points: under 80% of usual costs = 6; within 20% either way of usual costs = 5; 20%-50% over usual costs = 4; 50%-100% over usual costs = 2; more than 100% over usual costs=1.</i>	6
BONUS POINTS: <i>Does the project provide for both bicyclists and pedestrians? Points = 5 Does the project reduce out-of-direction travel? (Mostly applicable to paths) Points = 3 Does the project provide a connection to another mode? (transit, car pool) Points = 3</i>	
TOTAL POINTS POSSIBLE = 50 (w/o bonus points)	TOTAL POINTS:

COMMENTS, OTHER CONSIDERATIONS: (any other outstanding features of the project)

EXPLANATION OF THE 9 RATING CRITERIA

(Preliminary) Is it the appropriate type of bicycle/ pedestrian treatment for the corridor served?

Inadequate facilities discourage users and overdesign wastes money and resources. Examples of appropriate facilities include: shoulder bikeways on rural roadways; bike lanes and sidewalks on urban arterials & major collectors; multi-use path to serve as connection or to bridge obstacles; intersection treatments (islands, curb extensions) for pedestrians.

(Preliminary) Does the project satisfy the requirements of LCDC's Transportation Planning Rule 12, the Oregon Bicycle/Pedestrian Plan and a recently adopted local plan?

Both the TPR and the Bicycle/Pedestrian Plan stress the importance of providing access, connectivity and the appropriate type of facility. Older local plans sometimes do not address these concerns, or may have out-dated bike route designation and design.

1. Will it be an important part of a bikeway or walkway system?

Connectivity is important, but a community starting a bikeway or walkway system with its first project should be encouraged. Avoid isolated projects that lead nowhere.

2. What is the classification of the roadway being upgraded?

When providing a network of bikeways or walkways, main roads should be addressed first.

3. Who will the main users be?

One important goal is to offer transportation choices. The primary users should be cyclists and pedestrians using the facility to reach a destination. School children should get special consideration. Well-designed facilities also attract recreational users.

4. What is the potential daily usage?

This is often difficult to determine. Factors include proximity to generators such as schools, parks, shopping centers, places of employment and residential areas. The ratings are not absolute, but should be compared to other facilities in the area.

5. Current conditions: is the existing roadway a deterrent to bicycling or walking?

Not every obstacle to bicycling or walking is identified, only the most common ones. "High, moderate and low" ratings should be viewed from the user's perspective. There may be other situations that can act as obstacles.

6. Are full standards used?

Good design encourages responsible use and increases safety.

7. Are the costs reasonable compared to projects of a similar nature?

This reflects the need to ensure that project costs are in line with standard practices. Cost should not be an overriding factor, but all else being equal, some projects will provide more "bang for the buck." Some projects might appear very expensive for the length constructed, but can provide a missing link in a longer corridor, bridge an obstacle or remove a deterrent to walking and bicycling.

BONUS POINTS: Does the project provide for both bicyclists and pedestrians? Does the project reduce out-of-direction travel? Does the project provide a connection to another mode?

Both bicyclists and pedestrians need access to roads and streets. Projects in urban areas should provide mobility for both modes, and connect to other modes, especially transit, where available. One of the main advantages of paths is that they can reduce out-of-direction travel.

APPENDIX I: STATUTES PERTAINING TO BICYCLES & PEDESTRIANS

NOTES:

- (1) Some statutes that only reference bicycle and pedestrian concerns have been abridged - missing sections are indicated with (...);
- (2) The words *bicycle*, *bicyclist*, *pedestrian*, *footpath*, *sidewalk* and *crosswalk* are italicized for easy reference
- (3) References to “department” mean the Oregon Department of Transportation, unless otherwise noted;
- (4) This listing may not be comprehensive; other statutes may pertain to bicycle and pedestrian matters without direct mention;
- (5) Statutes pertaining to the establishment of pedestrian malls (ORS 376.705-376.825) are not included;
- (6) The statutes are grouped into 11 categories:

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2. Statutes pertaining to the provision of bicycle and pedestrian facilities by public agencies	220
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4. Statutes pertaining to the regulation of bicycle and pedestrian traffic	224
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1. DEFINITIONS

Note: the following are official legal definitions; they may differ from definitions

used in design manuals, which are principally for engineering purposes.

801.150 “Bicycle.” “*Bicycle*” means a vehicle that:

- (1) Is designed to be operated on the ground on wheels;
- (2) Has a seat or saddle for use of the rider;
- (3) Is designed to travel with not more than three wheels in contact with the ground;
- (4) Is propelled exclusively by human power; and
- (5) Has every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter.

801.155 “Bicycle lane.” “*Bicycle lane*” means that part of the highway, adjacent to the roadway, designated by official signs or markings for use by persons riding *bicycles* except as otherwise specifically provided by law.

801.160 “Bicycle path.” “*Bicycle path*” means a public way, not part of a highway, that is designated by official signs or markings for use by persons riding *bicycles* except as otherwise specifically provided by law.

801.220 “Crosswalk.” “*Crosswalk*” means any portion of a roadway at an intersection or elsewhere that is distinctly indicated for *pedestrian* crossing by lines or other markings on the surface of the roadway that conform in design to the standards established for *crosswalks* under ORS 810.200. Whenever marked *crosswalks* have been indicated, such *crosswalks* and no other shall be deemed lawful across such roadway at that intersection. Where no marked *crosswalk* exists, a *crosswalk* is that portion of the roadway described in the following:

- (1) Where *sidewalks*, shoulders or a combination thereof exists, a *crosswalk* is the portion of a roadway at an intersection, not more than 20 feet in width as measured from the prolongation of the lateral line of the roadway toward the prolongation of the adjacent property line, that is included within:
 - (a) The connections of the lateral lines of the *sidewalks*, shoulders or a combination

thereof on opposite sides of the street or highway measured from the curbs or, in the absence of curbs, from the edges of the traveled roadway; or

- (b) The prolongation of the lateral lines of a *sidewalk*, shoulder or both, to the *sidewalk* or shoulder on the opposite side of the street, if the prolongation would meet such *sidewalk* or shoulder.

(2) If there is neither *sidewalk* nor shoulder, a *crosswalk* is the portion of the roadway at an intersection, measuring not less than six feet in width, that would be included within the prolongation of the lateral lines of the *sidewalk*, shoulder or both on the opposite side of the street or highway if there were a *sidewalk*.

801.258 "Electric assisted bicycle." "Electric assisted bicycle" means a vehicle that meets all of the following requirements:

- (1) Is designed to be operated on the ground on wheels.
- (2) Has a seat or saddle for use of the rider.
- (3) Is designed to travel with not more than three wheels in contact with the ground.
- (4) Has both fully operative pedals for human propulsion and an electric motor.
- (5) Is equipped with an electric motor that:
 - (a) Has a power output of not more than 1,000 watts; and
 - (b) Is incapable of propelling the vehicle at a speed of greater than 20 miles per hour on level ground.

801.305 "Highway." "Highway" means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures within the boundaries this state, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

801.345 "Moped." "Moped" means a vehicle, including any bicycle equipped with a power source, other than an electric assisted bicycle as defined in ORS 801.258, that complies with all of the following:

- (1) It is designed to be operated on the ground upon wheels.
- (2) It has a seat or saddle for use of the rider.
- (3) It is designed to travel with not more than three wheels in contact with the ground.
- (4) It is equipped with an independent power source that:

- (a) Is capable of propelling the vehicle, unassisted, at a speed of not more than 30 miles per hour on a level road surface; and

- (b) If the power source is a combustion engine, has a piston or rotor displacement of 3.05 cubic inches or less or 50 cubic centimeters or less regardless of the number of chambers in the power source.

- (5) It is equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the system is engaged.

801.385 "Pedestrian." "Pedestrian" means any person afoot or confined in a wheelchair.

801.440 "Right of way" "Right of way" means the right of one vehicle or *pedestrian* to proceed in a lawful manner in preference to another vehicle or *pedestrian* approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

801.480 "Shoulder." "Shoulder" means the portion of a highway, whether paved or unpaved, contiguous to the roadway that is primarily for use by *pedestrians*, for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses.

801.485 "Sidewalk." "Sidewalk" means the area determined as follows:

- (1) On the side of a highway which has a shoulder, a *sidewalk* is that portion of the highway between the outside lateral line of the shoulder and the adjacent property line capable of being used by a *pedestrian*.

- (2) On the side of a highway which has no shoulder, a *sidewalk* is that portion of the highway between the lateral line of the roadway and the adjacent property line capable of being used by a *pedestrian*.

801.590 "Vehicle." "Vehicle" means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means.

2. THE PROVISION OF BICYCLE & PEDESTRIAN FACILITIES BY PUBLIC AGENCIES

223.880 Public roads included in *sidewalk improvement district*; assessment on property benefited. Any incorporated city, in addition to powers granted by law or charter, may include in any *sidewalk* improvement district within the city all county roads or state highways or any part thereof which are located within the improvement district. It may cause to be built on the county roads or state highways or portions thereof within the improvement district, *sidewalks* for *pedestrian* travel, and may assess the cost thereof upon the property benefited thereby, in the manner provided by charter or law.

276.095 Use of buildings by state and public. (Abridged) With respect to operating, maintaining, altering and otherwise managing or acquiring space to meet the office needs of state government and to accomplish the purposes of ORS 276.094, the Director of the Oregon Department of Administrative Services may: (...)

(2) Provide and maintain space, facilities and activities to the extent practicable that encourage public access to and stimulate public *pedestrian* traffic around, into and through state buildings, permitting cooperative improvements to and uses of the area between the building and the street, thereby complementing and supplementing commercial, cultural, educational and recreational resources in the neighborhood of state buildings

332.405 Transportation; board and room; *pedestrian* facilities. (Abridged) (1) The district school board shall provide transportation for pupils or combinations of pupils and other persons to and from school-related activities where required by law or when considered advisable by the board. (...) (4) The district school board may expend district funds to improve or provide for *pedestrian* facilities off district property if the board finds that the expenditure reduces transportation costs of the district and enhances the safety of pupils going to and from schools of the district.

352.360 Traffic control on properties under state board; enforcement; fees; use. (Abridged) (...) (4) All fees and charges for parking privileges and violations are hereby continuously appropriated to the State Board of Higher Education to be used to defray the costs of constructing *bicycle* racks and *bicycle* lanes and of traffic control, enforcement of traffic and parking regulations, and maintenance and operation of parking facilities and for the purpose of acquiring and constructing additional parking facilities for vehicles at the various institutions, department or activities under the control of the board, and may also be credited to the Higher Education Bond Sinking Fund provided for in ORS 351.460. Parking fees shall be established at levels no greater than those required to finance the construction, operation and maintenance of parking facilities on the same campus of the institution of the state institution of higher education on which the parking is provided. Notwithstanding ORS 351.072, parking fees or changes in fees shall be adopted by rule of the state board subject to the procedure for rules adopted in ORS 183.310 to 183.550.

366.460 Construction of *sidewalks* within highway right of way. The department may construct and maintain within the right of way of any state highway or section thereof *sidewalks*, *footpaths*, *bicycle* paths or trails for horseback riding or to facilitate the driving of livestock. Before the construction of any of such facilities the department must find and declare that the construction thereof is necessary in the public interest and will contribute to the safety of *pedestrians*, the motoring public or persons using the highway. Such facilities shall be constructed to permit reasonable ingress and egress to abutting property lawfully entitled to such rights.

366.514 Use of highway fund for *footpaths* and *bicycle* trails. (1) Out of the funds received by the department or by any county or city from the State Highway Fund reasonable amounts shall be expended as necessary to provide *footpaths* and *bicycle* trails, including curb cuts or ramps as part of the project. *Footpaths* and *bicycle* trails, including curb cuts or ramps as part of the project, shall be provided wherever a highway, road or street is being constructed, reconstructed or relocated. Funds received from the State Highway Fund may also be expended to maintain *footpaths*

and trails and to provide *footpaths* and trails along other highways, roads and streets and in parks and recreation areas.

(2) *Footpaths* and trails are not required to be established under subsection (1) of this section:

- (a) Where the establishment of such paths and trails would be contrary to public safety;
- (b) If the cost of establishing such paths and trails would be excessively disproportionate to the need or probable use; or
- (c) Where sparsity of population, other available ways or other factors indicate an absence of any need for such paths and trails.

(3) The amount expended by the department or by a city or county as required or permitted by this section shall never in any one fiscal year be less than one percent of the total amount of the funds received from the highway fund. However:

- (a) This subsection does not apply to a city in any year in which the one percent equals \$250 or less, or to a county in any year in which the one percent equals \$1,500 or less.
- (b) A city or county in lieu of expending the funds each year may credit the funds to a financial reserve or special fund in accordance with ORS 280.100, to be held for not more than 10 years, and to be expended for the purposes required or permitted by this section.
- (c) For purposes of computing amounts expended during a fiscal year under this subsection, the department, a city or county may record the money as expended:
 - (A) On the date actual construction of the facility is commenced if the facility is constructed by the city, county or department itself; or
 - (B) On the date a contract for the construction of the facilities is entered with a private contractor or with any other governmental body.

(4) For the purposes of this chapter, the establishment of paths, trails and curb cuts or ramps and the expenditure of funds as authorized by this section are for highway, road and street purposes. The department shall, when requested, provide technical assistance and advice to cities and counties in carrying out the purpose of this section. The department shall recommend construction standards for *footpaths* and *bicycle* trails. Curb cuts or ramps shall comply with the requirements of ORS

447.310 and rules adopted under ORS 447.231. The department shall, in the manner prescribed for marking highways under ORS 810.200, provide a uniform system of signing *footpaths* and *bicycle* trails which shall apply to paths and trails under the jurisdiction of the department and cities and counties. The department and cities and counties may restrict the use of *footpaths* and *bicycle* trails under their respective jurisdictions to *pedestrians* and nonmotorized vehicles, except that motorized wheelchairs shall be allowed to use *footpaths* and *bicycle* trails.

(5) As used in this section, "*bicycle* trail" means a publicly owned and maintained lane or way designated and signed for use as a *bicycle* route.

366.552 Historic road program for Historic Columbia River Highway; *footpaths* and *bicycle* trails; acquisition of property; cooperation with other agencies. (1) The Department of Transportation and the State Parks and Recreation Department shall prepare and manage a historic road program, in consultation with the Historic Columbia River Highway Advisory Committee and other affected entities, consistent with the purposes of the Columbia River Gorge National Scenic Area Act of 1986 and the public policy of this state declared in ORS 366.551.

(2) The departments shall inform the advisory committee of those activities of the departments which may affect the continuity, historic integrity and scenic qualities of the Historic Columbia River Highway.

(3) The departments shall undertake efforts to rehabilitate, restore, maintain and preserve all intact and usable segments of the Historic Columbia River Highway and associated state parks. The Department of Transportation may expend funds dedicated for *footpaths* and *bicycle* trails under ORS 366.514 to construct *footpaths* and *bicycle* trails on those portions of the Historic Columbia River Highway that are parts of the state highway system or that are county roads or city streets and the State Parks and Recreation Department may incorporate those segments into the Oregon recreation trails system under the provisions of ORS 390.950 to 390.989 and 390.990 (4).

(4) The departments may acquire real property, or any right or interest therein,

deemed necessary for the preservation of historic, scenic or recreation qualities of the Historic Columbia River Highway, for the connection of intact and usable segments, or for the development and maintenance of parks along or in close proximity to the highway. The departments shall encourage the acquisition of lands, or interests in lands, by donation, agreement, exchange or purchase.

(5) The departments shall assist and cooperate with other agencies and political subdivisions of the state, state agencies, the Federal Government, special purpose districts, railroads, public and private organizations and individuals to the extent necessary to carry out the provisions of ORS 366.550 to 366.553. The departments may enter into such contracts as are necessary to carry out these provisions.

376.605 Construction of trails and bridle paths to Pacific shore. (1) The Department of Transportation may establish, lay out, construct and improve public *pedestrian* trails and bridle paths not exceeding 30 feet in width, connecting legally established streets, roads and public parks with the shore of the Pacific Ocean.

(2) For the purpose set forth in subsection (1) of this section, the department may acquire real property or any interest therein by purchase, donation, agreement or exercise of the power of eminent domain. The provisions of ORS chapter 35 are applicable to proceedings of the department authorized by this subsection.

381.088 Tolls and franchise fees. The Department of Transportation may impose and collect tolls and franchise fees for the use of said bridge by all vehicles, *pedestrians*, public utilities and telecommunications utilities, including power, light, telephone and telegraph wires, and water, gas and oil pipes.

390.010 Policy of state toward outdoor recreation resources. The Legislative Assembly recognizes and declares:

(1) It is desirable that all Oregonians of present and future generations and visitors who are lawfully present within the boundaries of this state be assured adequate outdoor recreation resources. It is desirable that all levels of government and private interests take prompt and coordinated action to the extent practi-

cable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of all the people.

(2) The economy and well-being of the people are in large part dependent upon proper utilization of the state's outdoor recreation resources for the physical, spiritual, cultural, scientific and other benefits which such resources afford.

(3) It is in the public interest to increase outdoor recreation opportunities commensurate with the growth in need through necessary and appropriate actions, including, but not limited to, the following:

(...) (h) Provision of trails for horseback riding, hiking, *bicycling* and motorized trail vehicle riding. (...)

(5) It shall be the policy of the State of Oregon to supply those outdoor recreation areas, facilities and opportunities which are clearly the responsibility of the state in meeting growing needs; and to encourage all agencies of government, voluntary and commercial organizations, citizen recreation groups and others to work cooperatively and in a coordinated manner to assist in meeting total recreation needs through exercise of their appropriate responsibilities.

390.962 Criteria for establishing trails; location; statutes authorizing trails for motorized vehicles unaffected. (1) Upon finding that such trails will meet the criteria established in ORS 390.950 to 390.989 and 390.990 (4) and such supplementary criteria as the department may prescribe, the department is encouraged and empowered to establish and designate Oregon recreation trails:

(a) Over lands owned by the State of Oregon, by the Federal Government or by any county, municipality or other local governmental body, with the consent of the state agency, federal agency, county, municipality or other local governmental body having jurisdiction over the lands involved; or

(b) Over lands owned by private persons, in the manner and subject to the limitations provided in ORS 390.950 to 390.989 and 390.990 (4).

(2) In establishing such trails, the department shall give special recognition to the need for the establishment of recreation trails in or near, or reasonably accessible to, urban areas. Upon the establishment of any such trail, the

department shall designate the primary kind of trail it is to be, based upon the mode or modes of travel to be permitted on such trail, including one or more of the following:

- (a) *Footpath*.
- (b) Horseback riding trail.
- (c) *Bicycle path*.
- (3) Nothing in ORS 390.950 to 390.989 and 390.990 (4) affects any other statute authorizing trails for motorized vehicles which is not inconsistent with ORS 390.950 to 390.989 and 390.990 (4).

447.310 Standards for curbing. (1) The standard for construction of curbs on each side of any city street, county road or state highway, or any connecting street, road or highway for which curbs and sidewalks have been prescribed by the governing body of the city or county or Department of Transportation having jurisdiction thereover, shall require not less than two curb cuts or ramps per lineal block to be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least 48 inches wide, where possible, and a minimum of 36 inches wide where a 48-inch width will not fit, at a slope not to exceed one-inch rise per 12-inch run. If a slope of 1:12 will not fit, a slope between 1:10 and 1:12 is allowed for a maximum rise of six inches and a slope between 1:8 and 1:10 is allowed for a maximum rise of three inches. In no case shall the slope exceed 1:8.

(2) Standards set for curb cuts and ramps under subsection (1) of this section shall apply whenever a curb or sidewalk is constructed or replaced at any point in a block which gives reasonable access to a crosswalk.

801.030 Exemptions from amendments to vehicle code. This section describes exemptions from specific changes to the vehicle code. The exemptions allow some practice or right to continue after the change is made. The exemptions are as follows:

- (1) Nothing contained in ORS 810.150 shall require the redesign, modification or replacement of street drains installed prior to September 13, 1975.
- (2) Sections 2 to 169 of chapter 451, Oregon Laws 1975, shall not apply to or govern the construction of or punishment for any vehicle code offense committed before June 27, 1975, or the construction and application of any defense to a prosecution for such an

offense and do not impair or render ineffectual any court or administrative proceedings or procedural matters which occurred before June 27, 1975.

810.150 Drain construction; compliance with *bicycle* safety requirements; guidelines.

(1) Street drains, sewer drains, storm drains and other similar openings in a roadbed over which traffic must pass that are in any portion of a public way, highway, road, street, *footpath* or *bicycle* trail that is available for use by *bicycle* traffic shall be designed and installed, including any modification of existing drains, with grates or covers so that *bicycle* traffic may pass over the drains safely and without obstruction or interference.

(2) The department shall adopt construction guidelines for the design of public ways in accordance with this section. Limitations on the applicability of the guidelines are established under ORS 801.030.

3. THE PROVISION OF *BICYCLE & PEDESTRIAN* FACILITIES BY OTHERS

374.307 Removal or repair of installation constructed without permission. (1) If any person, firm or corporation builds or constructs on the right of way of any state highway or county road any approach road or any other facility, thing or appurtenance without first obtaining the written permission required by ORS 374.305, the Department of Transportation or the county governing body shall, after the expiration of 30 days following the transmittal of a written notice to such person, firm or corporation, at the expense of such person, firm or corporation, remove all such installations from the right of way or reconstruct, repair or maintain any such installation in accordance with or as required by the rules and regulations. This expense may be recovered from such person, firm or corporation by the state or county in any court of competent jurisdiction.

(2) Notwithstanding subsection (1) of this section, if the Department of Transportation, county governing body or designated agent of the department or governing body, whichever is applicable, determines that a traffic or *pedestrian* hazard is created by the construc-

tion which causes imminent danger of personal injury, it may:

- (a) Order the construction removed, repaired or maintained to eliminate the hazard, within 24 hours after delivery of written notice to the person, firm or corporation which caused the construction, and to the owner of the property on which the construction occurred.
- (b) If the hazard is not removed within the time set under paragraph (a) of this subsection, remove the hazard and recover the expenses of any removal, repair or maintenance from any such person, firm or corporation in any court of competent jurisdiction.

374.320 Removal or repair of installation on right of way at expense of applicant. (1) Upon failure of the applicant to construct or maintain the particular approach road, facility, thing or appurtenance in accordance with the rules and regulations and the conditions of the permit, the Department of Transportation or the county governing body shall, after the expiration of 30 days following the transmittal of a written notice to the applicant, at applicant's expense, remove all such installations from the right of way or reconstruct, repair or maintain any such installation in accordance with or as required by such rules and regulations and the conditions of such permit. This expense may be recovered from the applicant by the state or county in any court of competent jurisdiction.

(2) Notwithstanding subsection (1) of this section, if the Department of Transportation, county governing body or designated agent of the department or governing body, whichever is applicable, determines that a traffic or pedestrian hazard is created by the noncompliance which causes imminent danger of personal injury, it may:

- (a) Order the construction removed, repaired or maintained to eliminate the hazard, within 24 hours after delivery of written notice to the applicant, and to the owner of the property on which the noncompliance occurred.
- (b) If the hazard is not removed within the time set under paragraph (a) of this subsection, remove the hazard and recover the expenses of any removal, repair or maintenance from the applicant in any court of competent jurisdiction.

4. THE REGULATION OF *BICYCLE & PEDESTRIAN* TRAFFIC

810.020 Regulating use of throughway. (1) Each road authority may prohibit or restrict the use of a throughway in its jurisdiction by any of the following:

- (a) Parades.
 - (b) *Bicycles* or other nonmotorized traffic.
 - (c) Motorcycles or mopeds.
- (2) Regulation under this section becomes effective when appropriate signs giving notice of the regulation are erected upon a throughway and the approaches to the throughway.
- (3) Penalties for violation of restrictions or prohibitions imposed under this section are provided under ORS 811.445.
- (4) The commission shall act as road authority under this section in lieu of the department.

810.080 Pedestrian traffic. (1) Road authorities may regulate the movement of *pedestrians* upon highways within their jurisdictions by doing any of the following:

- (a) Establishing marked *crosswalks* and designating them by appropriate marking.
 - (b) Closing a marked or unmarked *crosswalk* and prohibiting *pedestrians* from crossing a roadway where a *crosswalk* has been closed by placing and maintaining signs giving notice of closure.
 - (c) Prohibiting *pedestrians* from crossing a highway at any place other than within a marked or unmarked *crosswalk*.
- (2) This section neither grants authority to nor limits the authority of the department.

810.090 Bicycle racing. *Bicycle* racing is permitted on any highway in this state upon the approval of, and under conditions imposed by, the road authority for the highway on which the race is held.

810.230 Unlawful sign display; exceptions; penalty. (Abridged) (1) A person commits the offense of unlawful sign display if the person does any of the following: (a) Without authority under ORS 810.200 or 810.210, places, maintains or displays upon or in view of any highway any sign, signal, marking or device that: (...) (B) Attempts to direct the movement

of animal, *pedestrian*, vehicle or any other traffic; (...) (3) Every prohibited sign, signal, marking or device is hereby declared to be a public nuisance and the authority with jurisdiction over the highway, without notice, may remove it or cause it to be moved. (4) The offense described in this section, unlawful sign display, is a Class C traffic infraction.

5. THE DUTIES OF PEDESTRIANS

814.010 Appropriate responses to traffic control devices. This section establishes appropriate *pedestrian* responses to specific traffic control devices for purposes of ORS 814.020. Authority to place traffic control devices is established under ORS 810.210. Except when acting under the direction of a police officer, a *pedestrian* is in violation of ORS 814.020 if the *pedestrian* makes a response to a traffic control device that is not permitted under the following: (1) A *pedestrian* facing a traffic control device with a green light may proceed across the roadway within any marked or unmarked *crosswalk* unless prohibited from doing so by other traffic control devices. (2) A *pedestrian* facing a traffic control device with a green arrow signal light may proceed across the roadway within any marked or unmarked *crosswalk* unless prohibited from doing so by other traffic control devices. (3) A *pedestrian* facing a traffic control device with a steady yellow light shall not enter the roadway unless otherwise directed by a *pedestrian* control signal. (4) A *pedestrian* facing a traffic control device with a steady red light shall not enter the roadway unless otherwise directed by a *pedestrian* control signal. (5) If a traffic control device is erected and maintained at a place other than an intersection, the provisions of this section are applicable. (6) When a *pedestrian* control signal showing the words "Walk" and "Wait" or "Don't Walk" or any other *pedestrian* symbol approved by the Oregon Transportation Commission under ORS 810.200 and 810.210 for the purpose of controlling *pedestrian* crossing is in place, the signal indicates and applies as follows: (a) If a *pedestrian* is facing a "Walk" signal or other symbol approved under ORS 810.200

and 810.210 indicating that the *pedestrian* may proceed, the *pedestrian* may proceed across the roadway in the direction of the signal.

- (b) A *pedestrian* shall not start to cross the roadway in the direction of a signal showing a "Wait" or "Don't Walk" or any other symbol approved under ORS 810.200 and 810.210 indicating that the *pedestrian* may not proceed. A *pedestrian* who has started crossing a roadway on a signal showing "Walk" or any other approved symbol to proceed shall proceed with dispatch to a *sidewalk* or safety island while a signal is showing "Wait" or "Don't Walk" or any other approved symbol indicating not to proceed.

814.020 Failure to obey traffic control device; penalty. (1) A *pedestrian* commits the offense of *pedestrian* failure to obey traffic control devices if the *pedestrian* does any of the following:

- (a) Fails to obey any traffic control device specifically applicable to the *pedestrian*.
 (b) Fails to obey any specific traffic control device described in ORS 814.010 in the manner required by that section.
 (2) A *pedestrian* is not subject to the requirements of this section if the *pedestrian* complies with directions of a police officer.
 (3) The offense described in this section, *pedestrian* failure to obey traffic control devices, is a Class C traffic infraction.

814.030 Failure to obey bridge or railroad signal; penalty. (1) A *pedestrian* commits the offense of *pedestrian* failure to obey bridge or railroad signal if the *pedestrian* does any of the following:

- (a) Enters or remains upon a bridge or approach to a bridge beyond the bridge signal, gate or barricade after a bridge operation signal has been given.
 (b) Passes through, around, over or under any crossing gate or barrier at a bridge or railroad grade crossing while the gate or barrier is closed or being opened or closed.
 (2) The offense described in this section, *pedestrian* failure to obey bridge or railroad signal, is a Class C traffic infraction.

814.040 Failure to yield to vehicle; penalty. (1) A *pedestrian* commits the offense of *pedestrian* failure to yield to a

vehicle if the *pedestrian* does any of the following:

- (a) Suddenly leaves a curb or other place of safety and moves into the path of a vehicle that is so close as to constitute an immediate hazard.
 - (b) Fails to yield the right of way to a vehicle upon a roadway when the *pedestrian* is crossing the roadway at any point other than within a marked *crosswalk* or an unmarked *crosswalk* at an intersection.
 - (c) Except as otherwise provided under the vehicle code, fails to yield the right of way to all vehicles upon the roadway.
- (2) The offense described in this section, *pedestrian* failure to yield to a vehicle, is a Class C traffic infraction.

814.050 Failure to yield to ambulance or emergency vehicle; penalty. (1) A *pedestrian* commits the offense of *pedestrian* failure to yield to an ambulance or emergency vehicle if the *pedestrian* does not yield the right of way to:

- (a) An ambulance used in an emergency situation; or
 - (b) An emergency vehicle or an ambulance upon the approach of the vehicle using a visual signal or audible signal or both according to requirements under ORS 820.300, 820.310 or 820.320.
- (2) This section does not relieve the driver of an ambulance or emergency vehicle from the duty to:
- (a) Drive with due regard for the safety of all persons using the highway; and
 - (b) Exercise due care to avoid colliding with any *pedestrian*.
- (3) The offense described in this section, *pedestrian* failure to yield to an ambulance or emergency vehicle, is a Class C traffic infraction.

814.060 Failure to use *pedestrian* tunnel or overhead crossing; penalty. (1) A *pedestrian* commits the offense of failure to use *pedestrian* tunnel or overhead crossing if the *pedestrian* crosses a roadway other than by means of a *pedestrian* tunnel or overhead *pedestrian* crossing when a tunnel or overhead crossing serves the place where the *pedestrian* is crossing the roadway.

(2) The offense described in this section, failure to use *pedestrian* tunnel or overhead crossing, is a Class D traffic infraction.

814.070 Improper position upon or improperly proceeding along highway; penalty. (1) A *pedestrian* commits the offense of *pedestrian* with improper position upon or improperly proceeding along a highway if the *pedestrian* does any of the following:

- (a) Takes a position upon or proceeds along and upon the roadway where there is an adjacent usable *sidewalk* or shoulder.
 - (b) Does not take a position upon or proceed along and upon the shoulder, as far as practicable from the roadway edge, on a highway that has an adjacent shoulder area on one or both sides.
 - (c) Except in the case of the divided highway, does not take a position upon or proceed along and upon the left shoulder and as far as practicable from the roadway edge on a two-way highway that has no *sidewalk* and that does have an adjacent shoulder area. This paragraph does not apply to:
 - (A) A hitchhiker who takes a position upon or proceeds along and upon the right shoulder so long as the hitchhiker does so facing the vehicles using the adjacent lane of the roadway; or
 - (B) A member of a group that has adopted that section of highway under the provisions of ORS 366.158 and who is obeying the rules of the Department of Transportation for picking up litter on either side of the roadway.
 - (d) Does not take a position upon or proceed along and upon the right highway shoulder, as far as practicable from the roadway edge, on a divided highway that has no *sidewalk* and does have a shoulder area. This paragraph does not apply to a member of a group that has adopted that section of highway under the provisions of ORS 366.158 and who is obeying the rules of the Department of Transportation for picking up litter on either side of the roadway.
 - (e) Fails to take a position upon or proceed along and upon a highway that has neither *sidewalk* nor shoulder available, as near as practicable to an outside edge of the roadway, and, if the roadway is a two-way roadway, only on the left side of it.
- (2) This section is subject to the provisions of ORS 814.100.
- (3) The offense described in this section, *pedestrian* with improper position upon or improperly proceeding along a highway, is a Class C traffic infraction.

6. THE DUTIES OF *BICYCLISTS*

811.395 Appropriate signals for stopping, turning, changing lanes and decelerating.

This section establishes appropriate signals, for purposes of the vehicle code, for use when signals are required while stopping, turning, changing lanes or suddenly decelerating a vehicle. This section does not authorize the use of only hand and arm signals when the use of signal lights is required under ORS 811.405. Vehicle lighting equipment described in this section is vehicle lighting equipment for which standards are established under ORS 816.100 and 816.120. Appropriate signals are as follows:

- (1) To indicate a left turn either of the following:
 - (a) Hand and arm extended horizontally from the left side of the vehicle.
 - (b) Activation of front and rear turn signal lights on the left side of the vehicle.
- (2) To indicate a right turn either of the following:
 - (a) Hand and arm extended upward from the left side of the vehicle. A person who is operating a *bicycle* is not in violation of this paragraph if the person signals a right turn by extending the person's right hand and arm horizontally.
 - (b) Activation of front and rear turn signal lights on the right side of the vehicle.
- (3) To indicate a stop or a decrease in speed either of the following:
 - (a) Hand and arm extended downward from the left side of the vehicle; or
 - (b) Activation of brake lights on the vehicle.
- (4) Change of lane by activation of both front and rear turn signal lights on the side of the vehicle toward which the change of lane is made.

814.400 Application of vehicle laws to *bicycles*. (1) Every person riding a *bicycle* upon a public way is subject to the provisions applicable to and has the same rights and duties as the driver of any other vehicle concerning operating on highways, vehicle equipment and abandoned vehicles, except:

- (a) Those provisions which by their very nature can have no application.
 - (b) When otherwise specifically provided under the vehicle code.
- (2) Subject to the provisions of subsection (1) of this section:

- (a) A *bicycle* is a vehicle for purposes of the vehicle code; and
- (b) When the term "vehicle" is used the term shall be deemed to be applicable to *bicycles*.
- (3) The provisions of the vehicle code relating to the operation of *bicycles* do not relieve a *bicyclist* or motorist from the duty to exercise due care.

814.410 Unsafe operation of *bicycle* on sidewalk; penalty. (1) A person commits the offense of unsafe operation of a *bicycle* on a *sidewalk* if the person does any of the following:

- (a) Operates the *bicycle* so as to suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.
 - (b) Operates a *bicycle* upon a *sidewalk* and does not give an audible warning before overtaking and passing a *pedestrian* and does not yield the right of way to all *pedestrians* on the *sidewalk*.
 - (c) Operates a *bicycle* on a *sidewalk* in a careless manner that endangers or would be likely to endanger any person or property.
 - (d) Operates the *bicycle* at a speed greater than an ordinary walk when approaching or entering a *crosswalk*, approaching or crossing a driveway or crossing a curb cut or *pedestrian* ramp and a motor vehicle is approaching the *crosswalk*, driveway, curb cut or *pedestrian* ramp. This paragraph does not require reduced speeds for *bicycles* either:
 - (A) At places on *sidewalks* or other *pedestrian* ways other than places where the path for *pedestrians* or *bicycle* traffic approaches or crosses that for motor vehicle traffic; or
 - (B) When motor vehicles are not present.
- (2) Except as otherwise specifically provided by law, a *bicyclist* on a *sidewalk* or in a *crosswalk* has the same rights and duties as a *pedestrian* on a *sidewalk* or in a *crosswalk*.
- (3) The offense described in this section, unsafe operation of a *bicycle* on a *sidewalk*, is a Class D traffic infraction.

814.420 Failure to use *bicycle* lane or path; exceptions; penalty. (1) Except as provided in subsection (2) of this section, a person commits the offense of failure to use a *bicycle* lane or path if the person operates a *bicycle* on any portion of a roadway that is not a *bicycle*

lane or *bicycle* path when a *bicycle* lane or *bicycle* path is adjacent to or near the roadway.

(2) A person is not required to comply with this section unless the state or local authority with jurisdiction over the roadway finds, after public hearing, that the *bicycle* lane or *bicycle* path is suitable for safe *bicycle* use at reasonable rates of speed.

(3) The offense described in this section, failure to use a *bicycle* lane or path, is a Class D traffic infraction.

814.430 Improper use of lanes; exceptions; penalty.

(1) A person commits the offense of improper use of lanes by a *bicycle* if the person is operating a *bicycle* on a roadway at less than the normal speed of traffic using the roadway at that time and place under the existing conditions and the person does not ride as close as practicable to the right curb or edge of the roadway.

(2) A person is not in violation of the offense under this section if the person is not operating a *bicycle* as close as practicable to the right curb or edge of the roadway under any of the following circumstances:

- (a) When overtaking and passing another *bicycle* or vehicle that is proceeding in the same direction.
- (b) When preparing to execute a left turn.
- (c) When reasonably necessary to avoid hazardous conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, *bicycles*, *pedestrians*, animals, surface hazards or other conditions that make continued operation along the right curb or edge unsafe or to avoid unsafe operation in a lane on the roadway that is too narrow for a *bicycle* and vehicle to travel safely side by side. Nothing in this paragraph excuses the operator of a *bicycle* from the requirements under ORS 811.425 or from the penalties for failure to comply with those requirements.
- (d) When operating within a city as near as practicable to the left curb or edge of a roadway that is designated to allow traffic to move in only one direction along the roadway. A *bicycle* that is operated under this paragraph is subject to the same requirements and exceptions when operating along the left curb or edge as are applicable when a *bicycle* is operating along the right curb or edge of the roadway.

(e) When operating a *bicycle* along side not more than one other *bicycle* as long as the *bicycles* are both being operated within a single lane and in a manner that does not impede the normal and reasonable movement of traffic.

(f) When operating on a *bicycle* lane or *bicycle* path.

(3) The offense described in this section, improper use of lanes by a *bicycle*, is a Class D traffic infraction.

814.440 Failure to signal turn; exceptions; penalty.

(1) A person commits the offense of failure to signal for a *bicycle* turn if the person does any of the following:

- (a) Stops a *bicycle* the person is operating without giving the appropriate hand and arm signal continuously for at least 100 feet before executing the stop.
- (b) Executes a turn on a *bicycle* the person is operating without giving the appropriate hand and arm signal for the turn for at least 100 feet before executing the turn.
- (c) Executes a turn on a *bicycle* the person is operating after having been stopped without giving, while stopped, the appropriate hand and arm signal for the turn.

(2) A person is not in violation of the offense under this section if the person is operating a *bicycle* and does not give the appropriate signal continuously for a stop or turn because circumstances require that both hands be used to safely control or operate the *bicycle*.

(3) The appropriate hand and arm signals for indicating turns and stops under this section are those provided for other vehicles under ORS 811.395 and 811.400.

(4) The offense described under this section, failure to signal for a *bicycle* turn, is a Class D traffic infraction.

814.450 Unlawful load on *bicycle*; penalty.

(1) A person commits the offense of having an unlawful load on a *bicycle* if the person is operating a *bicycle* and the person carries a package, bundle or article which prevents the person from keeping at least one hand upon the handlebar and having full control at all times.

(2) The offense described in this section, unlawful load on a *bicycle*, is a Class D traffic infraction.

814.460 Unlawful passengers on *bicycle*; penalty.

(1) A person commits the offense of

unlawful passengers on a *bicycle* if the person operates a *bicycle* and carries more persons on the *bicycle* than the number for which it is designed or safely equipped.

(2) The offense described in this section, unlawful passengers on a *bicycle*, is a Class D traffic infraction.

814.470 Failure to use *bicycle* seat; penalty. (1) A person commits the offense of failure to use a *bicycle* seat if the person is operating a *bicycle* and the person rides other than upon or astride a permanent and regular seat attached to the *bicycle*.

(2) The offense described in this section, failure to use *bicycle* seat, is a Class D traffic infraction.

814.480 Nonmotorized vehicle clinging to another vehicle; penalty. (1) A person commits the offense of nonmotorized vehicle clinging to another vehicle if the person is riding upon or operating a *bicycle*, coaster, roller skates, sled or toy vehicle and the person clings to another vehicle upon a roadway or attaches that which the person is riding or operating to any other vehicle upon a roadway.

(2) The offense described in this section, nonmotorized vehicle clinging to another vehicle, is a Class D traffic infraction.

814.484 Meaning of “*bicycle*,” “operating or riding on a highway.” (1) For purposes of ORS 814.485, 814.486, 815.052 and 815.281, “*bicycle*” has the meaning given in ORS 801.150 except that.

(a) It also includes vehicles that meet the criteria specified in ORS 801.150 (1) to (4) but that have wheels less than 14 inches in diameter.

(b) It does not include tricycles designed to be ridden by children.

(2) For purposes of the offenses defined in ORS 814.485, 814.486 and 815.281 (2), a person shall not be considered to be operating or riding on a *bicycle* on a highway or on premises open to the public if the person is operating or riding on a three-wheeled nonmotorized vehicle on a beach while it is closed to motor vehicle traffic.

814.485 Failure to wear protective headgear; penalty. (1) A person commits the offense of failure of a *bicycle* operator or rider to wear protective headgear if the person is under 16 years of age, operates or rides on a

bicycle on a highway or on premises open to the public and is not wearing protective headgear of a type approved under ORS 815.052.

(2) Exemptions from this section are as provided in ORS 814.487.

(3) The offense described in this section, failure of a *bicycle* operator or rider to wear protective headgear, is a traffic infraction punishable by a maximum fine of \$25.

814.486 Endangering *bicycle* operator or passenger; penalty. (1) A person commits the offense of endangering a *bicycle* operator or passenger if:

(a) The person is operating a *bicycle* on a highway or on premises open to the public and the person carries another person on the *bicycle* who is under 16 years of age and is not wearing protective headgear of a type approved under ORS 815.052; or

(b) The person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 16 years of age and the child operates or rides on a *bicycle* on a highway or on premises open to the public without wearing protective headgear of a type approved under ORS 815.052.

(2) Exemptions from this section are as provided in ORS 814.487.

(3) The offense described in this section, endangering a *bicycle* operator or passenger, is a traffic infraction punishable by a maximum fine of \$25.

814.487 Exemptions from protective headgear requirements. A person is exempt from the requirements under ORS 814.485 and 814.486 to wear protective headgear, if wearing the headgear would violate a religious belief or practice of the person.

814.488 Citations; exemption from requirement to pay fine. (1) If a child in violation of ORS 814.485 is 11 years of age or younger, any citation issued shall be issued to the parent, legal guardian or person with legal responsibility for the safety and welfare of the child for violation of ORS 814.486, rather than to the child for violation of ORS 814.485.

(2) If a child in violation of ORS 814.485 is at least 12 years of age and is under 16 years of age, a citation may be issued to the child for

violation of ORS 814.485 or to the parent, legal guardian or person with legal responsibility for the safety and welfare of the child for violation of ORS 814.486, but not to both.

(3) The first time a person is convicted of an offense described in ORS 814.485 or 814.486, the person shall not be required to pay a fine if the person proves to the satisfaction of the court that the person has protective headgear of a type approved under ORS 815.052.

814.489 Use of evidence of lack of protective headgear on bicyclist. Evidence of violation of ORS 814.485 or 814.486 and evidence of lack of protective headgear shall not be admissible, applicable or effective to reduce the amount of damages or to constitute a defense to an action for damages brought by or on behalf of an injured bicyclist or bicycle passenger or the survivors of a deceased bicyclist or passenger if the bicyclist or passenger was injured or killed as a result in whole or in part of the fault of another.

815.052 Standards for bicycle headgear. The Department of Transportation shall adopt and enforce rules establishing minimum standards and specifications for safe protective headgear to be worn by people operating bicycles and by passengers on bicycles. The rules shall conform, insofar as practicable, to safety standards and specifications for such headgear issued by the American National Standards Institute, Snell or the United States Department of Transportation.

815.280 Violation of bicycle equipment requirements; requirements; penalty. (1) A person commits the offense of violation of bicycle equipment requirements if the person does any of the following:

- (a) Operates on any highway a bicycle in violation of the requirements of this section.
- (b) Is the parent or guardian of a minor child or ward and authorizes or knowingly permits the child or ward to operate a bicycle on any highway in violation of the requirements of this section.

(2) A bicycle is operated in violation of the requirements of this section if any of the following requirements are violated:

- (a) A bicycle must be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement.

- (b) A person shall not install or use any siren or whistle upon a bicycle.
 - (c) At the times described in the following, a bicycle or its rider must be equipped with lighting equipment that meets the described requirements:
 - (A) The lighting equipment must be used during limited visibility conditions.
 - (B) The lighting equipment must show a white light visible from a distance of at least 500 feet to the front of the bicycle.
 - (C) The lighting equipment must have a red reflector or lighting device or material of such size or characteristic and so mounted as to be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.
- (3) Nothing contained in this section shall be construed to prohibit the use of additional parts and accessories on any bicycle not inconsistent with this section.
- (4) The offense described in this section, violation of bicycle equipment requirements, is a Class D traffic infraction.

815.281 Selling unapproved bicycle headgear; renting bicycle without having approved headgear available; penalties.

(1) A person commits the offense of selling unapproved bicycle equipment if the person sells or offers for sale any bicycle headgear that is not approved by the Department of Transportation under section 6 of this 1993 Act.

(2) A person commits the offense of unlawfully renting or leasing a bicycle to another if the person:

- (a) Is in the business of renting or leasing bicycles; and
- (b) Does not have bicycle headgear approved under section 6 of this 1993 Act available for rental for use by persons under 16 years of age.

(3) The offenses described in this section are Class D traffic infractions.

7. MOTORIZED WHEELCHAIRS

814.500 Rights and duties of person riding motorized wheelchair on bicycle lane or path. Every person riding a motorized wheelchair on a bicycle lane or path is subject to the provisions applicable to and has the same rights and duties as the driver of a bicycle

when operating on a *bicycle* lane or path, except:

- (1) When those provisions which by their very nature can have no application.
- (2) When otherwise specifically provided under the vehicle code.

8. DUTIES OF MOTORISTS TO PEDESTRIANS & BICYCLISTS

807.070 Examinations. (Abridged) The Department of Transportation shall administer an examination to establish qualification for each class of license and endorsement. The examination for each class of license or endorsement shall include all of the following as described: (...) (2) A test of the applicant's knowledge and understanding of the traffic laws of this state, safe driving practices and factors that cause accidents. The following all apply to the test under this subsection: (...) (c) The test under this subsection shall include, but is not limited to, the following subjects: (A) Rights of blind *pedestrians*. (...) Practices necessary for safe operation of a vehicle around *pedestrians* and *bicyclists*. (3) An actual demonstration of the applicant's ability to operate a motor vehicle without endangering the safety of persons or property.

811.005 Duty to exercise due care. None of the provisions of the vehicle code relieve a *pedestrian* from the duty to exercise due care or relieve a driver from the duty to exercise due care concerning *pedestrians*.

811.010 Failure to yield to *pedestrian* in *crosswalk*; penalty. (1) The driver of a vehicle commits the offense of failure to yield to a *pedestrian* in a *crosswalk* if:

- (a) A *pedestrian* is crossing a roadway within a marked or unmarked *crosswalk* where there are no traffic control devices in place or in operation; and
- (b) The driver does not stop before entering the *crosswalk* and yield the right of way to the *pedestrian* when the *pedestrian* is:
 - (A) Approaching so closely to the half of the roadway along which the driver is proceeding so as to be in a position of danger by closely approaching or reaching the center of the roadway; or

(B) On the half of the roadway on and along which the driver is proceeding.

- (2) This section does not require a driver to stop and yield the right of way to a *pedestrian* under any of the following circumstances:
 - (a) Upon a roadway with a safety island, if the driver is proceeding along the half of the roadway on the far side of the safety island from the *pedestrian*; or
 - (b) Where a *pedestrian* tunnel or overhead crossing has been provided at or near a *crosswalk*.
- (3) The offense described in this section, failure to yield to a *pedestrian* in a *crosswalk*, is a Class B traffic infraction.

811.015 Failure to obey traffic patrol member; penalty. (1) The driver of a vehicle commits the offense of failure to obey a traffic patrol member if:

- (a) A traffic patrol member makes a cautionary sign or signal to indicate that students have entered or are about to enter the *crosswalk* under the traffic patrol member's direction; and
 - (b) The driver does not stop and yield the right of way to students who are in or entering the *crosswalk* from either direction on the street on which the driver is operating.
- (2) Traffic patrol members described in this section are those provided under ORS 339.650 to 339.665.
- (3) The offense described in this section, failure to obey a traffic patrol member, is a Class B traffic infraction.

811.020 Passing stopped vehicle at *crosswalk*; penalty. (1) The driver of a vehicle commits the offense of passing a stopped vehicle at a *crosswalk* if the driver:

- (a) Approaches from the rear another vehicle that is stopped at a marked or an unmarked *crosswalk* at an intersection to permit a *pedestrian* to cross the roadway; and
 - (b) Overtakes and passes the stopped vehicle.
- (2) The offense described in this section, passing a stopped vehicle at a *crosswalk*, is a Class B traffic infraction.

811.025 Failure to yield to *pedestrian* on *sidewalk*; penalty. (1) The driver of a vehicle commits the offense of failure to yield to a *pedestrian* on a *sidewalk* if the driver does not yield the right of way to any *pedestrian* on a *sidewalk*.

(2) The offense described in this section, failure to yield to a *pedestrian* on a *sidewalk*, is a Class C traffic infraction.

811.030 Driving through safety zone; penalty. (1) The driver of a vehicle commits the offense of driving through a safety zone if the driver at any time drives through or within any area or space officially set apart within a roadway for the exclusive use of *pedestrians* and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(2) The offense described in this section, driving through a safety zone, is a Class C traffic infraction.

811.035 Failure to yield to blind pedestrian; penalty. (1) The driver of a vehicle commits the offense of failure to yield the right of way to a blind *pedestrian* if the driver violates any of the following:

(a) A driver approaching a blind or blind and deaf *pedestrian* carrying a white cane or accompanied by a dog guide, who is crossing or about to cross a roadway, shall yield the right of way to the blind or blind and deaf *pedestrian* and shall continue to yield the right of way to the blind or blind and deaf *pedestrian*.

(b) Where the movement of vehicular traffic is regulated by traffic control devices, a driver approaching a blind or blind and deaf *pedestrian* shall yield the right of way to the *pedestrian* and stop or remain stationary until the *pedestrian* has vacated the roadway if the blind or blind and deaf *pedestrian* has entered the roadway and is carrying a white cane or is accompanied by a dog guide. This paragraph applies notwithstanding any other provisions of the vehicle code relating to traffic control devices.

(2) This section is subject to the provisions and definitions relating to the rights of *pedestrians* who are blind or blind and deaf under ORS 814.110.

(3) The offense described in this section, failure to yield the right of way to a blind *pedestrian*, is a Class B traffic infraction.

811.040 Failure to yield to pedestrian proceeding under traffic control devices; penalty. (1) The driver of a vehicle commits the offense of failure to yield to a *pedestrian* proceeding under traffic control devices if the

driver does not yield the right of way to a *pedestrian* who is:

(a) Proceeding under a *pedestrian* control signal under ORS 814.010.

(b) Lawfully within an intersection or *crosswalk* in accordance with any traffic control device in a manner that complies with ORS 814.010.

(2) The offense described in this section, failure to yield to a *pedestrian* proceeding under traffic control devices, is a Class B traffic infraction

811.045 Failure to yield to pedestrian when making turn at stop light; penalty.

(1) A person commits the offense of failure to yield to a *pedestrian* when making a turn at a stop light if the person is driving a vehicle that is making a turn at a red light permitted under ORS 811.335 and the person does not yield the right of way to *pedestrians* lawfully within an adjacent *crosswalk*.

(2) The offense described in this section, failure to yield to a *pedestrian* when making a turn at a stop light, is a Class B traffic infraction.

811.050 Failure to yield to rider on bicycle lane.

(1) A person commits the offense of failure of a motor vehicle operator to yield to a rider on a *bicycle* lane if the person is operating a motor vehicle and the person does not yield the right of way to a person operating a *bicycle*, moped or motorized wheelchair upon a *bicycle* lane.

(2) This section does not require persons operating mopeds to yield the right of way to *bicycles* if the mopeds are operated on *bicycle* lanes in the manner permitted under ORS 811.440.

(3) The offense described in this section, failure of a motor vehicle operator to yield to a rider on a *bicycle* lane, is a Class B traffic infraction.

811.055 Failure to yield to bicyclist on sidewalk.

(1) The driver of a motor vehicle commits the offense of failure to yield the right of way to a *bicyclist* on a *sidewalk* if the driver does not yield the right of way to any *bicyclist* on a *sidewalk*.

(2) The driver of a motor vehicle is not in violation of this section when a *bicyclist* is operating in violation of ORS 814.410. Nothing in this subsection relieves the driver of a motor vehicle from the duty to exercise due care.

(3) The offense described in this section, failure to yield the right of way to a *bicyclist* on a *sidewalk*, is a Class C traffic infraction.

811.165 Failure to stop for passenger loading of public transit vehicle; penalty.

(1) A person commits the offense of failure to stop for passenger loading of a public transit vehicle if the person is the driver of a vehicle overtaking a public transit vehicle described in this section that is stopped or about to stop for the purpose of receiving or discharging any passenger and the person does not:

- (a) Stop the overtaking vehicle to the rear of the nearest running board or door of the public transit vehicle; and
 - (b) Keep the vehicle stationary until all passengers have boarded or alighted therefrom and reached a place of safety.
- (2) The following described vehicles are the public transit vehicles that the requirements of this section are applicable to:
- (a) Commercial buses.
 - (b) Trolleys.
 - (c) Streetcars, including every device traveling exclusively upon rails when upon or crossing a street, other than cars or trains propelled or moved by steam engine or by diesel engine.
- (3) A person is not in violation of this section if the person passes a public transit vehicle:
- (a) Upon the left of any public transit vehicle described in this section on a one-way street; or
 - (b) At a speed not greater than is reasonable and proper and with due caution for the safety of *pedestrians* when:
 - (A) The public transit vehicle has stopped at the curb; or
 - (B) Any area or space has been officially set apart within the roadway for the exclusive use of *pedestrians* and the area or space is so protected or marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- (4) The offense described in this section, failure to stop for passenger loading of public transit vehicle, is a Class C traffic infraction.

811.290 Obstructing cross traffic; penalty.

(1) A person commits the offense of obstructing cross traffic if the person is operating a vehicle and the person enters an intersection or a marked *crosswalk* when there is not sufficient space on the other side of the intersection or *crosswalk* to accommodate the vehicle without obstructing the passage of other vehicles or *pedestrians*.

(2) The offense described in this section applies whether or not a traffic control device indicates to proceed.

(3) The offense described in this section, obstructing cross traffic, is a Class C traffic infraction.

811.360 When vehicle turn permitted at stop light; improper turn at stop light; penalty.

(1) The driver of a vehicle, subject to this section, who is intending to turn at an intersection where there is a traffic control device showing a red light may do any of the following without violating ORS 811.260 and 811.265:

- (a) Make a right turn into a two-way street.
 - (b) Make a right or left turn into a one way street in the direction of traffic upon the one-way street.
- (2) A person commits the offense of improper turn at a stop light if the person does any of the following while making a turn described in this section:
- (a) Fails to stop at the light as required.
 - (b) Fails to exercise care to avoid an accident.
 - (c) Disobeys the directions of a traffic control device or a police officer that prohibits the turn.
 - (d) Fails to yield the right of way to traffic lawfully within the intersection or approaching so close as to constitute an immediate hazard.
- (3) A driver who is making a turn described in this section is also subject to the requirements under ORS 811.045 to yield to *pedestrians* while making the turn.
- (4) The offense described in this section, improper turn at a stop light, is a Class B traffic infraction.

811.435 Operation of motor vehicle on bicycle trail; exemptions; penalty.

(1) A person commits the offense of operation of a motor vehicle on a *bicycle* trail if the person operates a motor vehicle upon a *bicycle* lane or a *bicycle* path.

(2) Exemptions to this section are provided under ORS 811.440.

(3) This section is not applicable to mopeds. ORS 811.440 and 814.210 control the operation and use of mopeds on *bicycle* lanes and paths.

(4) The offense described in this section, operation of a motor vehicle on a *bicycle* trail, is a Class B traffic infraction.

811.440 When motor vehicles may operate on bicycle lane. This section

provides exemptions from the prohibitions under ORS 811.435 and 814.210 against operating motor vehicles on *bicycle* lanes and paths. The following vehicles are not subject to ORS 811.435 and 814.210 under the circumstances described: (1) A person may operate a moped on a *bicycle* lane that is immediately adjacent to the roadway only while the moped is being exclusively powered by human power.

(2) A person may operate a motor vehicle upon a *bicycle* lane when:

- (a) Making a turn;
 - (b) Entering or leaving an alley, private road or driveway; or
 - (c) Required in the course of official duty.
- (3) An implement of husbandry may momentarily cross into a *bicycle* lane to permit other vehicles to overtake and pass the implement of husbandry.
- (4) A person may operate a motorized wheelchair on a *bicycle* lane or path.

811.475 Obstructing rail crossing; penalty.

(1) A person commits the offense of obstructing a rail crossing if the person is operating a vehicle and the person drives onto any railroad grade crossing when there is not sufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, *pedestrians* or railroad trains.

(2) The offense described in this section is applicable whether or not a traffic control device indicates to proceed.

(3) The offense described in this section, obstructing rail crossings, is a Class C traffic infraction.

811.490 Improper opening or leaving open of vehicle door; penalty.

(1) A person commits the offense of improper opening or leaving open a vehicle door if the person does any of the following:

- (a) Opens any door of a vehicle unless and until it is reasonably safe to do so and it can be done without interference with the movement of traffic, or with *pedestrians* and *bicycles* on *sidewalks* or shoulders.
- (b) Leaves a door open on the side of a vehicle available to traffic, or to *pedestrians* or *bicycles* on *sidewalks* or shoulders for a period of time longer than necessary to load or unload passengers.

(2) The offense described in this section, improper opening or leaving open a vehicle door, is a Class D traffic infraction.

811.505 Failure to stop when emerging from alley, driveway or building; penalty.

(1) A person commits the offense of failure to stop when emerging from alley, driveway or building if the person is operating a vehicle that is emerging from an alley, building, private road or driveway in a business or residence district and the person does not stop the vehicle as follows:

- (a) If there is a *sidewalk* or *sidewalk* area, the person must stop the vehicle before driving onto the *sidewalk* or *sidewalk* area.
- (b) If there is no *sidewalk* or *sidewalk* area, the person must stop at the point nearest the roadway to be entered where the driveway has a view of approaching traffic.

(2) The offense described in this section, failure to stop when emerging from alley, driveway or building, is a class B traffic infraction.

811.550 Places where stopping, standing and parking prohibited.

(Abridged) This section establishes places where stopping, standing and parking a vehicle are prohibited for purposes of the penalties under ORS 811.555. Except as provided under an exemption in ORS 811.560, a person is in violation of ORS 811.555 if a person parks, stops or leaves standing a vehicle in any of the following places:

- (1) Upon a roadway outside a business district or residence district, whether attended or unattended, when it is practicable to stop, park or leave the vehicle standing off the roadway. Exemptions under ORS 811.560 (1), (7) and (9) are applicable to this subsection.
- (2) On a shoulder, whether attended or unattended, unless a clear and unobstructed width of the roadway opposite the standing vehicle is left for the passage of other vehicles and the standing vehicle is visible from a distance of 200 feet in each direction upon the roadway or the person, at least 200 feet in each direction upon the roadway, warns approaching motorists of the standing vehicle by use of flagpersons, flags, signs or other signals. Exemptions under ORS 811.560 (9) are applicable to this subsection.
- (3) On the roadway side of a vehicle stopped or parked at the edge or curb of a highway.

Exemptions under ORS 811.560 (7) are applicable to this subsection.

(4) On a *sidewalk*. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(5) Within an intersection. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(6) On a *crosswalk*. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(7) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs and markings. For purposes of this subsection the safety zone must be an area or space officially set apart within a roadway for the exclusive use of *pedestrians* and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. Exemptions under ORS 811.560 (4) to (7) are applicable to this subsection.

(...) (17) Within 20 feet of a *crosswalk* at an intersection. Exemptions under ORS 811.560 (2) and (4) to (7) are applicable to this subsection.

(...) (23) On a *bicycle* lane. Exemptions under ORS 811.560 are applicable to this subsection.

(24) On a *bicycle* path. Exemptions under ORS 811.560 are applicable to this subsection.

814.210 Operation of moped on *sidewalk* or *bicycle* trail; penalty. (1) A person commits the offense of operation of a moped on a *sidewalk* or *bicycle* trail if the person operates a moped upon a *sidewalk*, a *bicycle* path or a *bicycle* lane.

(2) Exemptions to this section are provided under ORS 811.440.

(3) The offense described in this section, operation of a moped on a *sidewalk* or *bicycle* trail, is a Class D traffic infraction.

9. BICYCLISTS & PEDESTRIANS EXEMPT FROM CERTAIN REQUIREMENTS OF THE VEHICLE CODE

801.026 General exemptions; exceptions. (Abridged) (...) (6) Devices that are powered

exclusively by human power are not subject to those provisions of the vehicle code that relate to vehicles. Notwithstanding this subsection, *bicycles* are generally subject to the vehicle code as provided under ORS 814.400.

803.030 Exemptions from title requirement. (Abridged) This section establishes exemptions from the requirements under ORS 803.025 to obtain title issued by this state. The exemptions are subject to ORS 803.040. The exemptions are in addition to any exemptions under ORS 801.026. Vehicles exempted by this section from the requirements to be titled by this state are not prohibited from being titled by this state if titling is permitted under ORS 803.035. The exemptions are partial or complete as provided in the following: (...) (7) *Bicycles* are exempt from the requirements for title.

803.305 Exemptions from general registration requirements. (Abridged) This section establishes exemptions from the requirements under ORS 803.300. The exemptions under this section are in addition to any exemptions under ORS 801.026. Vehicles exempted by this section from the requirements to be registered by this state are not prohibited from being registered by this state if registration is permitted under ORS 803.310. The following are exempt, either partially or completely as described, from the registration requirements under ORS 803.300: (...) (2) *Bicycles* are exempt from registration.

807.020 Exemptions from requirement to have Oregon license or permit. (Abridged) A person who is granted a driving privilege by this section may exercise the driving privilege described without violation of the requirements under ORS 807.010. A grant of driving privileges to operate a motor vehicle under this section is subject to suspension and revocation the same as other driving privileges granted under the vehicle code. This section is in addition to any exemptions from the vehicle code under ORS 801.026. The following persons are granted the described driving privileges: (...) (12) A person may operate a *bicycle* without any grant of driving privileges.

809.210 Suspension or restriction of driving privileges for failure to pay fine or obey court order; exceptions. (Abridged)

(1) A court may do any of the following if the defendant is convicted of any traffic offense and fails or refuses to pay a fine imposed by the judge or to comply with any condition upon which payment of the fine or any part of it was suspended: (a) Issue notice to the Department of Transportation to implement procedures under ORS 809.290. (b) Order a defendant's driving privileges restricted. (...) (5) A court shall not issue notice under this section to implement procedures under ORS 809.290 for failure to pay a fine relating to any parking offense, *pedestrian* offense or bicycling offense.

809.220 Failure to appear; suspension or other procedures. (Abridged) This section establishes procedures that are applicable if a person fails to comply with ORS 153.540. All of the following apply to this section: (1) If a defendant fails to comply with ORS 153.540, a court: (a) Shall issue notice to the Department of Transportation to suspend for failure to appear if the defendant has not complied with ORS 153.540 (1). If a court issues notice under this paragraph, the department shall suspend the driving privileges of the person as provided under ORS 809.280. (b) Shall issue notice to the department to implement procedures under ORS 809.290 if the defendant has not complied with ORS 153.540 (2). If a court issues notice under this paragraph, the department shall implement procedures under ORS 809.290. (...) (6) A court shall not notify the department under this section for failure to appear on any parking, *pedestrian* or *bicyclist* offense.

809.290 When person subject to suspension; duration. (Abridged) This section establishes circumstances that will make a person subject to suspension under ORS 809.410 (24) and what a person is required to do to make the person no longer subject to suspension. The following apply as described: (1) A person is subject to suspension under ORS 809.410 (24) if the Department of Transportation receives notice from a court to apply this section under ORS 809.220. A person who is subject under this subsection remains subject until the person presents the department with notice issued by the court showing that the person is no longer subject to this section or until five years have elapsed, whichever is earlier. This subsection shall not subject a person to ORS 809.410 (24) for any *pedestrian* offense,

bicycling offense or parking offense. Upon receipt of notice from a court, the department shall send a letter by first class mail advising the person that the suspension will commence 60 days from the date of the letter unless the person presents the department with the notice required by this subsection. (...)

809.280 Procedures following court order or recommendation; length of suspension or revocation. (Abridged) (1) This section establishes the procedures the Department of Transportation shall follow when a court orders or recommends the suspension or revocation of driving privileges. This section also establishes the period of time the revocation or suspension will be effective. (...) (5) When a court notifies the department under ORS 809.220 to suspend for failure to appear, the department shall suspend the driving privileges of the person for an indefinite period. The department shall terminate the suspension upon notification by the court or upon the elapse of five years from the date of suspension. A suspension under this subsection shall be placed on the defendant's driving record. The department shall not suspend any driving privileges under this subsection for a person's failure to appear on a *pedestrian* or *bicyclist* offense.

811.405 Failure to signal with lights; exceptions; penalty. (1) A person commits the offense of failure to signal with lights when required if a person is operating a vehicle and does not use the vehicle lighting equipment described under ORS 811.395 to signal when turning, changing lanes, stopping or suddenly decelerating under any of the following circumstances:

- (a) During limited visibility conditions.
 - (b) At any time the person is operating a vehicle or combination of vehicles in which the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of the vehicle is greater than 24 inches.
 - (c) At any time the person is operating a vehicle or combination of vehicles in which the distance from the center of the top of the steering post to the rear limit of the body or load is greater than 14 feet.
- (2) This section does not require the driver of a moped or *bicycle* that is not equipped with lighting equipment to use lighting equipment when required by this section. A driver of such moped or *bicycle* shall signal by means of appro-

private hand and arm signals described under ORS 811.395 without violation of this section.

(3) The offense described in this section, failure to signal with lights when required, is a Class C traffic infraction.

811.495 Unlawful coasting on downgrade; exception; penalty. (1) A person commits the offense of unlawful coasting on a downgrade if the person is the driver of a vehicle on a downgrade and the person coasts with the gears or transmission of the motor vehicle in neutral or with the clutch disengaged.

(2) This section does not apply to the driver of a motorized *bicycle*.

(3) The offense described in this section, unlawful coasting on a downgrade, is a Class C traffic infraction.

811.525 Exemptions from requirements for use of lights. (Abridged) This section establishes exemptions from ORS 811.515 and 811.520. The exemptions under this section are in addition to any exemptions under ORS 801.026. The exemptions established under this section are partial or complete as described in the following: (...) (4) Lighting equipment on *bicycles* shall be lighted as required under ORS 815.280.

10. STATE COMMITTEES & PROGRAMS

366.112 Bicycle lane and path advisory committee; members, terms, duties and powers; meetings. (1) There is created in the Department of Transportation an advisory committee to be appointed by the Governor to advise the department regarding the regulation of *bicycle* traffic and the establishment of *bicycle* lanes and paths. The committee shall consist of eight members including an employee of a unit of local government employed in land use planning, a representative of a recognized environmental group, a person engaged in the business of selling or repairing *bicycles*, a member designated by the Oregon Recreation Trails Advisory Council, and at least one member under the age of 21 at the time of appointment. Members of the advisory committee shall be entitled to compensation and expenses as provided by ORS 292.495.

(2) The members shall be appointed to serve

for terms of four years each. A vacancy on the committee shall be filled by appointment by the Governor for the unexpired term.

(3) The committee shall meet regularly four times a year, at times and places fixed by the chairman of the committee. The committee may meet at other times upon notice by the chairman or three members of the committee. The department shall provide office space and personnel to assist the committee as requested by the chairman, within the limits of available funds. The committee shall adopt rules to govern its proceedings and may select officers it considers necessary

Note: On June 14, 1995, the Oregon Transportation Commission recognized the committee as the Oregon Bicycle and Pedestrian Advisory Committee, to recognize their contributions to pedestrian issues

802.325 Bicycle safety program; contents; fees.(1) The Department of Transportation, in consultation with the Transportation Safety Committee, shall establish a *bicycle* safety program that complies with this section to the extent moneys are available for such program. The program established may include the following:

- (a) *Bicycle* safety promotion and public education.
- (b) Advice and assistance for *bicycle* safety programs operated by government or non-government organizations.
- (c) Classroom instruction and actual riding instruction necessary to teach safe and proper operation of *bicycles*.
- (d) *Bicycle* education and information that assist police agencies in the enforcement of *bicycle* laws.
- (e) Other education or safety programs the department determines will help promote the safe operation of *bicycles*, promote safe and lawful riding habits and assist in accident prevention.
- (f) The department may charge a fee for services provided under the program. Any fee charged by the department under this paragraph shall be established by rule and shall not be in an amount that will discourage persons from participating in safety programs offered by the department under this section.

(2) The department shall act as a liaison between government agencies and advisory committees and interested *bicyclist* groups.

(3) The department may accept donations and solicit grants to enable the department to carry out the functions of this section.

11. MISCELLANEOUS STATUTES

166.025 Disorderly conduct. (Abridged) (1) A person commits the crime of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, the person: (...) (d) Obstructs vehicular or *pedestrian* traffic on a public way; (2) Disorderly conduct is a Class B misdemeanor.

814.100 Rights of driver and passengers of disabled vehicle on freeway. On a freeway on which *pedestrian* traffic is prohibited, the driver and passengers of a disabled vehicle stopped on the freeway may walk to the nearest exit, in either direction, on that side of the freeway upon which the vehicle is disabled, from which telephone or motor vehicle repair services are available.

814.110 Rights for blind or blind and deaf pedestrians. (1) This section establishes rights for *pedestrians* who are blind or blind and deaf. The rights established by this section are enforced by ORS 811.035 and 814.120. The following definitions apply to this section and to ORS 811.035 and 814.120:

- (a) "Blind person" means a person who has 20/200 vision or less, or a visual field of 20 degrees or less.
- (b) "Dog guide" means a dog that is wearing a dog guide harness and is trained to lead or guide a blind person.
- (c) "White cane" means a cane or walking stick that is white in color or white with a red tip.
- (2) This section and ORS 811.035 and 814.120 grant and enforce the following rights for *pedestrians* who are blind or blind and deaf:
 - (a) A blind or blind and deaf person may carry and use a white cane on the highways and other public places of this state for the purposes of identification and mobility.
 - (b) Any blind person who is deaf may use a white cane marked by a six-inch wide chartrreuse colored strip at the tip end.
 - (3) A blind or blind and deaf *pedestrian* who is not carrying a white cane or not accompanied

by a dog guide has all the rights and privileges granted by law to all *pedestrians*.

814.120 Unlawful use of white cane; penalty. (1) A person commits the offense of unlawful use of a white cane by a sighted person if the person uses or carries a white cane on the highways or any other public place of this state and the person is not blind or blind and deaf.

(2) This section is subject to the provisions and definitions relating to the rights of *pedestrians* who are blind or blind and deaf under ORS 814.110.

(3) The offense described in this section, unlawful use of a white cane by a sighted person, is a Class C traffic infraction.

12. SELECTED OREGON ADMINISTRATIVE RULES (OAR) THAT PERTAIN TO BICYCLISTS & PEDESTRIANS:

Prohibition of Non-Motorized Vehicles on Freeways

734-20-045 (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, MP 0.00, to 122nd Avenue, MP 10.25, east bound, and to Sandy Boulevard, MP 15.14, west bound;
 - (B) The Sunset Highway No. 47 easterly of the Jefferson Street Interchange, MP 73.35;
 - (C) Interstate 5 (Hwy. No. 1) from the Beaverton-Tigard Highway Interchange, MP 292.20, to the Delta Park Interchange, MP 306.70;
 - (D) Interstate 205 (Hwy. No. 64) northerly of the Overcrossing of the Oswego Highway No. 3, MP 8.82;
 - (E) Interstate 405 (Hwy. No. 61) in its entirety; and
 - (F) Lower Columbia Highway No. 2W from its intersection with I-405, MP 0.00, to 23rd Street, MP 1.99.
- (b) Medford area: Interstate 5 (Pacific Highway No. 1) from the Barnet Road

Interchange, MP 27.58, to the Crater Lake Highway Interchange, MP 30.29 (in Medford).

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

Bicycle Lane Definition

734-20-055 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.

Design and Construction of Bikeways

734-20-060 (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 734-20-055; 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.

Bicycle Racing

General Policy

734-20-155 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.

Definitions

734-20-160 "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.

Bicycle Racing Permits Required

734-20-165 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 Highway Division 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.

Permit Conditions

734-20-170 (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 Highway Division "Guidelines for Administration of Bicycle Racing on Oregon Roads". A copy of the referenced guidelines may be obtained from any State Highway Division Maintenance office or from the Bicycle and Pedestrian Program, 210 Transportation Building, Salem, OR 97310.

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