

Review of Oregon Vehicle Code Statutes Related to Advisory Bicycle Lanes

Introduction

One of the high priority tasks in furthering the adoption of advisory bicycle lanes (ABLs) is to identify legal and regulatory obstacles. This document is one step toward completion of that task. The intent of this paper is to identify legal issues around ABLs by examining one state's vehicle code statutes and abstracting those issues into areas which should be addressed to properly support ABLs in the US.

This document contains the results of a review of the Oregon State Vehicle Code with the intent of identifying passages and issues that concern the use of advisory bicycle lanes (ABLs). ABLs are defined as an entire roadway consisting of a single center lane intended for two-way motor vehicle use and a lane on either side, known as edge lanes, preferentially intended for one-way bicycle and pedestrian use.

The Oregon Vehicle Code passages were excerpted from the Oregon State Vehicle Code found at <https://www.oregonlaws.org/ors/volume/17> between February 1, 2018 and February 6, 2018. This source purports to contain the 2015 ORS with 2016 Amendments.

The process followed to produce this document consisted of three steps:

1. Review Title 59, Volume 17 of 2015 Oregon Revised Statutes with 2016 Amendments,
2. Excerpt passages which could bear on ABL use,
3. Distill from these passages broader issues and requirements for legislation supporting ABLs.

The excerpts created in Step 2 were an attempt to find all:

- pertinent definitions,
- laws which may be useful in illuminating a model piece of legislation,
- laws which may bear on the conduct of motorists, cyclists and pedestrians, and
- laws which pertain to use of shoulder, sidewalk, travelway, etc.

The results from Step 3 are presented first in this paper, followed by the results of Step 2.

One key issue which should be kept in mind is that the resolution of ABL-related legal issues depends upon the definition of the bikeped area of ABLs, what I call the "edge lanes". Solutions will vary depending on whether this area is defined as a bicycle lane, a shoulder, a sidewalk, a substandard travel lane, or a unique entity.

Disclaimers

- I am not an attorney; I do not even play one on TV. My legal opinion is only opinion.
- To some extent I ignored laws pertaining specifically to mopeds, electric bikes, personal mobility devices, etc. This document concentrates on laws affecting pedestrians and cyclists.
- Only vehicle code statutes are considered here. Federal law, ADA requirements and statutes which restrict funding to protected or dedicated bikeped infrastructure are not addressed here.

Summary of ABL-Related Legislative Issues

This list is the executive summary of the statute review process. The following issues, at a minimum, need to be addressed by legislation to fully support ABLs.

- Define yield responsibilities of motor vehicles (MVs) and non-motorized users, primarily cyclists and pedestrians. Allow cyclists and pedestrians to travel in the bikeped area (i.e. on the roadway) even if sidewalks or shoulders are available. Require MVs to yield to non-motorized users on an ABL. Some agencies may wish to restrict non-cyclist use of bikeped area when sidewalks are available.
- Define proper passing behavior for oncoming MVs and for MVs passing non-motorized users; prohibit MV-MV passing for MVs traveling in the same direction.
- Modify requirements for MVs to travel on right side of road and to stay within a single lane.
- Prohibit parked, stopped and standing vehicles in the bikeped area.
- If designated as a pedestrian facility, allow pedestrians and other non-motorized users to travel in the bikeped area and eliminate requirement for pedestrians to walk on left side of road when sidewalks are not present.
- Address use of motorized wheelchairs, scooters, e-bikes, and personal mobility devices on ABLs.

Table of ABL-Related Legislative Issues

This section consists of a table containing the results from my review of the excerpted statutes. The table contains a title for each issue, a summary of what the existing law requires, requirements for any new legislation to support ABL operation, notes and questions on each issue and a pointer to the passages which generated the issue.

Abbreviations and terms used in the table below are:

- MV = motor vehicle,
- Bikeped = a concatenation of the words “bike” and “pedestrian” which can refer to a bicycle, a cyclist, a pedestrian, or an item related to cyclists and pedestrians, and
- Bikeped area = A connotation-free name for the outside lanes of an ABL, AKA edge lanes.

ABL-Related Motor Vehicle Code Issues

Issue	Current Law	ABL Requirement	Notes	ORS Passage
MV In Bike Lane	MV not allowed in bike lanes except in well-defined instances	Needs to allow MV in the bikeped area when passing other MVs and bikepedes.	If the bikeped area is not defined as a bike lane, this statute is not an issue. If the bikeped area is defined as a bike lane, MVs must be allowed to be in this bike lane when necessary.	811.440 811.435
Yield Responsibilities Of MVs & Bikepedes in the Roadway	MV must yield to bikepedes in bike lanes and sidewalks. Pedestrians must yield to MVs when on the road other than crosswalk.	MV must always yield to bikepedes in the bikeped area.	An outstanding question is the yield responsibility in the center lane. Should bikepedes yield to MVs in the center lane or vice versa? Is the center lane treated as a normal travel lane or as something else? Need to accommodate mid-segment left turns and crossing movements.	814.040 811.050 811.055 811.025
MV Passing Vehicle/Bike Traveling In Same Direction	Pass vehicle at safe distance, move back to right after clear. Requires vehicle being passed to give way to the right. Passing a bike in a travel lane in a no-passing zone is prohibited. Pedestrians are not addressed.	Pass bikeped at safe distance until clear. Eliminate reference to area left of road's center. No requirement on passed bikeped other than to move into or stay in bikeped area. Allow 2 cyclists abreast.	These laws assume a two-lane road and refer to the area left of the road's center. No law exists regarding MV passing pedestrians; they assume only a bike lane and a travel lane. How to deal with an MV passing a bike turning left from left side of center lane? With respect to MV-MV passing, new legislation should assume that entire length of ABL is a no-passing zone.	811.410 811.065
MV Passing Oncoming MV And Bikepedes	Requires MVs to pass approaching MVs to the right and to share the road in cases of limited width. No mention of oncoming bikepedes.	Bikeped area is available for MVs when passing oncoming MVs. Any MV moving into the bikeped area must yield to bikepedes. Allow use of bikeped area by MV when passing oncoming bikepedes.	The current law does not account for bikepedes in its description of legal passing and may be fine as it stands for passing of opposing MVs.	811.300

Issue	Current Law	ABL Requirement	Notes	ORS Passage
MVs Required To Drive On Right	Requires MVs to drive on right half of road except in well-defined instances.	Require MVs to travel in center lane, allow movement into edge lanes when passing an oncoming MV or bikepeds. Need to consider movements at intersections, mid-segment left turns, etc.	Existing laws assume a two-lane road. Current law could be interpreted as always requiring MVs to drive in the edge lanes.	811.295
MVs Required To Stay In Lane	Requires MVs to stay within a single lane	Allow MVs to “split lanes” between center lane and bikeped area	This law applies to a roadway that has “2 or more clearly marked lanes for traffic”. This issue may not be an issue if the bikeped area is not legally defined to be its own lane.	811.370
Parked, Stopped And Standing Vehicles Prohibited	Prohibits parked/stopped/standing vehicles in defined areas of the roadway.	Needs to treat bikeped area as a travel lane with respect to stopped vehicles, i.e. no parking allowed anywhere within the bikeped area.	The definition of the bikeped area – shoulder, travel lane, bike lane, sidewalk, etc. will have an impact on how this issue is addressed.	811.550
Position Of Bikepeds On Road	Prohibits pedestrians in road if sidewalk or shoulder is available. Requires walking on left side if no sidewalk or shoulder.	Needs to allow bikepeds to be in bikeped area of road. Recommend or require traveling on right hand side of road for all bikepeds.	It isn't clear what is needed with respect to bikepeds in the center lane - should it be the same as bikepeds in a normal travel lane or a higher bar? Need to accommodate mid-segment left turns. Bikepeds traveling in wrong direction in bikeped area should be recommended against but should it be illegal? Some agencies may want to restrict pedestrian use of the bikeped area, especially if a sidewalk is available.	814.070
(Unsafe) Operation Of Bikes On Sidewalks	Prohibits unsafe operation of bikes on sidewalks and crosswalks. Prohibits e-bikes on sidewalks.	If the bikeped area is defined to be a sidewalk, then must allow free operation of bicycles on it.	This issue is only a concern if the bikeped area is defined to be a sidewalk. This seems unlikely as it would require all sidewalks to also perform as a bike lane.	814.410
Motorized Wheelchairs, Scooters, E-Bikes, Personal Mobility Devices	Motorized wheelchairs allowed in bike lanes; operators have same rights and duties as bike. Requires motorized scooters to use bike lanes.	Require motorized scooters to use bikeped area. Always allow motorized wheelchairs and personal mobility devices to use bikeped area. Same requirements for e-bikes as for normal bicycles.	Legal definition of motorized wheelchairs, scooters and personal mobility devices need to be considered. Some agencies may want to restrict use of the bikeped area by these devices, especially if a sidewalk is available.	814.500 814.514

Statute Excerpts

This section of the document contains the results of Step 2. It is a list of statutes excerpted from the Oregon Vehicle Code that were deemed to impact the use of ABLs.

The excerpts are grouped into two sections, titled Definitions and Offenses. The first section contains the passages which define terms and the second section contains the excerpts considered applicable to ABLs. I've added a title to each passage and some have notes for my use during their compilation. The excerpted statute begins with the "2015 ORS" text. The shading is formatting from the source website which I elected to keep and highlights the text of the statute.

Definitions

Vulnerable User

2015 ORS 801.608¹

"Vulnerable user of a public way"

"Vulnerable user of a public way" means a pedestrian, a highway worker, a person riding an animal or a person operating any of the following on a public way, crosswalk or shoulder of the highway:

- (1) A farm tractor or implement of husbandry;
- (2) A skateboard;
- (3) Roller skates;
- (4) In-line skates;
- (5) A scooter; **or**
- (6) A bicycle. [2007 c.784 §2; 2009 c.301 §1]

Pedestrian – includes wheelchair users 2015 ORS 801.385¹

"Pedestrian"

"Pedestrian" means any person afoot or confined in a wheelchair. [1983 c.338 §69]

Bicycle – usual definition, excludes e-bikes 2015 ORS 801.150¹

"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. [1983 c.338 §22]

E-Bike – same as a bike except when stated otherwise

2015 ORS 814.405¹

Status of electric assisted bicycle

An electric assisted bicycle shall be considered a bicycle, rather than a motor vehicle, for purposes of the Oregon Vehicle Code, except when otherwise specifically provided by statute. [1997 c.400 §4]

Bicycle Lane

2015 ORS 801.155¹

"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. [1983 c.338 §23]

Vehicle – includes bicycles per 814.400

2015 ORS 801.590¹

"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. "Vehicle" does not include a manufactured structure. [1983 c.338 §109; 2003 c.655 §94]

Motor Vehicle

2015 ORS 801.360¹

"Motor vehicle"

"Motor vehicle" means a vehicle that is self-propelled or designed for self-propulsion. [1983 c.338 §62]

Sidewalk

2015 ORS 801.485¹

"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. [1983 c.338 §89]

Shoulder

2015 ORS 801.480¹

"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. [1983 c.338 §88]

Roadway

2015 ORS 801.450¹

"Roadway"

"Roadway" means the portion of a highway that is improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term "roadway" shall refer to any such roadway separately, but not to all such roadways collectively. [1983 c.338 §83]

Highway

2015 ORS 801.305¹

"Highway"

(1)"Highway" means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state,

open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

(2)For the purpose of enforcing traffic offenses contained in the Oregon Vehicle Code, except for ORS **810.230 (Unlawful sign display)**, "highway" includes premises open to the public that are owned by a homeowners association and whose boundaries are contained within a service district established on or before July 1, 2002, under ORS **451.410 (Definitions for ORS 451.410 to 451.610)** to **451.610 (Advisory committee for emergency communications system)**. [1983 c.338 §51; 2007 c.561 §1]

Narrow Residential Road – 18' wide or less 2015 ORS 801.368¹

"Narrow residential roadway"

"Narrow residential roadway" means a two-way roadway that is:

(1) Located in a residence district; **and**

(2) Not more than 18 feet wide at any point between two intersections or between an intersection and the end of the roadway. [2007 c.367 §2]

Traffic Control Device 2015 ORS 801.540¹

"Traffic control device"

"Traffic control device" means:

(1) Any sign, signal, marking or device placed, operated or erected by authority under ORS **810.210 (Placement and control of traffic control devices)** for the purpose of guiding, directing, warning or regulating traffic.

(2) Any device that remotely controls by electrical, electronic, sound or light signal the operation of any device identified in subsection (1) of this section and installed or operated under authority of ORS **810.210 (Placement and control of traffic control devices)**.

(3) Any stop sign that complies with specifications adopted under ORS **810.200 (Uniform standards for traffic control devices)** that is held or erected by a member of a highway maintenance or construction crew working in the highway. [1983 c.338 §99; 1993 c.203 §1; 1993 c.522 §1]

Offenses

Application of vehicle laws to bicycles

2015 ORS 814.400¹

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. [1983 c.338 §697; 1985 c.16 §335]

Bicycle & Riding on a Highway

2015 ORS 814.484¹

Meaning of "bicycle" and "operating or riding on a highway"

(1) For purposes of ORS **814.485 (Failure to wear protective headgear)**, **814.486 (Endangering bicycle operator or**

passenger), 815.052 (Rules establishing standards for protective headgear) and **815.281 (Selling noncomplying bicycle headgear)**, "bicycle" has the meaning given in ORS **801.150 ("Bicycle")** except that:

(a) It also includes vehicles that meet the criteria specified in ORS **801.150 ("Bicycle")** (1) to (4) but that have wheels that are 14 inches or less 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 (Failure to wear protective headgear), 814.486 (Endangering bicycle operator or passenger)** and **815.281 (Selling noncomplying bicycle headgear)** (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. [1993 c.408 §§3a,3b; 2015 c.138 §28]

Motorized Wheelchair User

2015 ORS 814.500¹

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. [1991 c.417 §3]

Motorized Scooters Must use Bike Lane

2015 ORS 814.514¹

Failure of operator of motor assisted scooter to use bicycle lane or path

(1) Except as provided in subsection (2) of this section, a person commits the offense of failure of a motor assisted scooter operator to use a bicycle lane or bicycle path if the person operates a motor assisted scooter 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 subject to this section if the operation of a motor assisted scooter on a bicycle lane or bicycle path is prohibited by local ordinance.

(3) The offense described in this section, failure of a motor assisted scooter operator to use a bicycle lane or bicycle path, is a Class D traffic violation. [2001 c.749 §6]

Driver Yield to Pedestrians on Sidewalk

2015 ORS 811.025¹

Failure to yield to pedestrian on sidewalk

(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 B traffic violation. [1983 c.338 §547; 1995 c.383 §42]

Driver Yield to Cyclists in Sidewalk

2015 ORS 811.055¹

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 \(Unsafe operation of bicycle on sidewalk\)](#). 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 B traffic violation. [1983 c.338 §702; 1985 c.16 §340; 1995 c.383 §44]

Driver Yield to Cyclists in Bike Lane

2015 ORS 811.050¹

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, electric assisted bicycle, electric personal assistive mobility device, moped, motor assisted scooter or motorized wheelchair upon a bicycle lane.

(2)This section does not require a person operating a moped to yield the right of way to a bicycle or a motor assisted scooter if the moped is operated on a bicycle lane in the manner permitted under ORS [811.440 \(When motor vehicles may operate on bicycle lane\)](#).

(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 violation. [1983 c.338 §698; 1985 c.16 §336; 1991 c.417 §4; 1997 c.400 §8; 2001 c.749 §23; 2003 c.341 §7]

Proper Passing of Cyclist

2015 ORS 811.065¹

Unsafe passing of person operating bicycle

(1)A driver of a motor vehicle commits the offense of unsafe passing of a person operating a bicycle if the driver violates any of the following requirements:

(a)The driver of a motor vehicle may only pass a person operating a bicycle by driving to the left of the bicycle at a safe distance and returning to the lane of travel once the motor vehicle is safely clear of the overtaken bicycle. For the purposes of this paragraph, a "safe distance" means a distance that is sufficient to prevent contact with the person operating the bicycle if the person were to fall into the driver's lane of traffic. This paragraph does not apply to a driver operating a motor vehicle:

(A)In a lane that is separate from and adjacent to a designated bicycle lane;

(B)At a speed not greater than 35 miles per hour; **or**

(C)When the driver is passing a person operating a bicycle on the person's right side and the person operating the bicycle is turning left.

(b)The driver of a motor vehicle may drive to the left of the center of a roadway to pass a person operating a bicycle proceeding in the same direction only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle safely and avoid interference with oncoming traffic. This paragraph does not authorize driving on the left side of the center of a roadway when prohibited under

ORS [811.295 \(Failure to drive on right\)](#), [811.300 \(Failure to drive on right of approaching vehicle\)](#) or [811.310 \(Crossing center line on two-way, four-lane road\)](#) to [811.325 \(Failure to keep camper, trailer or truck in right lane\)](#).

(c)The driver of a motor vehicle that passes a person operating a bicycle shall return to an authorized lane of traffic as soon as practicable.

(2)Passing a person operating a bicycle in a no passing zone in violation of ORS [811.420 \(Passing in no passing zone\)](#) constitutes prima facie evidence of commission of the offense described in this section, unsafe passing of a person operating a bicycle, if the passing results in injury to or the death of the person operating the bicycle.

(3)The offense described in this section, unsafe passing of a person operating a bicycle, is a Class B traffic violation. [2007 c.794 §2]

Note: [811.065 \(Unsafe passing of person operating bicycle\)](#) was added to and made a part of the Oregon Vehicle Code by legislative action but was not added to ORS chapter 811 or any series therein. See Preface to Oregon Revised Statutes for further explanation.

Failure to Drive on Right

2015 ORS 811.295¹

Failure to drive on right

(1)A person commits the offense of failure to drive on the right if the person is operating a vehicle on a roadway of sufficient width and the person does not drive on the right half of the roadway.

(2)A person is not required to drive on the right side of the roadway by this section under any of the following circumstances:

(a)When overtaking and passing another vehicle proceeding in the same direction under the rules governing this movement in ORS [811.410 \(Unsafe passing on left\)](#) to [811.425 \(Failure of slower driver to yield to overtaking vehicle\)](#) or [811.808 \(Exemption from speed limits for funeral escort vehicle\)](#).

(b)When preparing to turn left in an intersection, alley or private road or driveway.

(c)When an obstruction or condition exists making it necessary to drive to the left of the center of the roadway, provided that a driver doing so shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within a distance as to constitute an immediate hazard.

(d)Upon a roadway divided into three marked lanes for traffic under the rules applicable on the roadway under ORS [811.380 \(Improper use of center lane on three-lane road\)](#).

(e)Upon a roadway restricted to one-way traffic.

(3)The offense described in this section, failure to drive on the right, is a Class B traffic violation. [1983 c.338 §615; 1991 c.482 §15]

Must Approach Oncoming Vehicle on the Right 2015 ORS 811.300¹

Failure to drive on right of approaching vehicle

(1)A person commits the offense of failure to drive on the right of an approaching vehicle if the person is operating a vehicle upon a roadway having width for not more than one lane of traffic in each direction and the person does not:

(a) Pass to the right of any other vehicle proceeding on the roadway in the opposite direction; **and**

(b) Give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

(2) This section does not apply to a person operating a vehicle as otherwise directed by a traffic control device.

(3) The offense described in this section, failure to drive on the right of an approaching vehicle, is a Class B traffic violation. [1983 c.338 §616]

Failure to drive within lane

2015 ORS 811.370¹

Failure to drive within lane

(1) Except as provided in subsection (2) of this section, a person commits the offense of failure to drive within a lane if the person is operating a vehicle upon a roadway that is divided into two or more clearly marked lanes for traffic and the driver does not:

(a) Operate the vehicle as nearly as practicable entirely within a single lane; **and**

(b) Refrain from moving from that lane until the driver has first made certain that the movement can be made with safety.

(2) A person who operates a commercial motor vehicle within a multilane roundabout that is divided into two or more clearly marked lanes for traffic may operate the commercial motor vehicle in more than one lane when it is not practicable to remain entirely within one lane.

(3)The offense described in this section, failure to drive within a lane, is a Class B traffic violation. [1983 c.338 §630; 2011 c.85 §2]

Unsafe passing on left

2015 ORS 811.410¹

Unsafe passing on left

(1)A person commits the offense of unsafe passing on the left if the person violates any of the following requirements concerning the overtaking and passing of vehicles:

(a)The driver of a vehicle that is overtaking any other vehicle proceeding in the same direction shall pass to the left of the other vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b)Except when overtaking and passing on the right is permitted under ORS [811.415 \(Unsafe passing on right\)](#), the driver of an overtaken vehicle shall give way to the right in favor of an overtaking vehicle and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.

(c)The driver of a vehicle shall not drive to the left side of the center of the roadway in overtaking and passing a vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completed without interfering with the operation of a vehicle approaching from the opposite direction or a vehicle overtaken.

(d)An overtaking vehicle shall return to an authorized lane of traffic as soon as practicable.

(2) This section does not authorize driving on the left side of the center of the road when prohibited under the following:

(a) Limitations on driving on the left of the center of a roadway under ORS [811.305 \(Driving on left on curve or grade or at intersection or rail crossing\)](#).

(b) Passing in a no passing zone under ORS [811.420 \(Passing in no passing zone\)](#).

(c) ORS [811.295 \(Failure to drive on right\)](#), [811.300 \(Failure to drive on right of approaching vehicle\)](#) and [811.310 \(Crossing center line on two-way, four-lane road\)](#) to [811.325 \(Failure to keep camper, trailer or truck in right lane\)](#) that require driving on the right.

(3) The offense described in this section, unsafe passing on the left, is a Class B traffic violation. [1983 c.338 §637; 1987 c.158 §168a]

MV Prohibited in Bike Lane

2015 ORS 811.435¹

Operation of motor vehicle on bicycle trail

(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 \(When motor vehicles may operate on bicycle lane\)](#).

(3) This section is not applicable to mopeds. ORS [811.440 \(When motor vehicles may operate on bicycle lane\)](#) and [814.210 \(Operation of moped on sidewalk or bicycle trail\)](#) 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 violation. [1983 c.338 §643]

When MV can be in Bike Lane

2015 ORS 811.440¹

When motor vehicles may operate on bicycle lane

This section provides exemptions from the prohibitions under ORS **811.435 (Operation of motor vehicle on bicycle trail)** and **814.210 (Operation of moped on sidewalk or bicycle trail)** against operating motor vehicles on bicycle lanes and paths. The following vehicles are not subject to ORS **811.435 (Operation of motor vehicle on bicycle trail)** and **814.210 (Operation of moped on sidewalk or bicycle trail)** 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.

(5)A person may operate a motor assisted scooter on a bicycle lane or path.

(6)A person may operate an electric personal assistive mobility device on a bicycle lane or path. [1983 c.338 §645; 1991 c.417 §1; 2001 c.749 §24; 2003 c.341 §8]

Parked, Stopped and Standing Vehicles Prohibited

2015 ORS 811.550¹

Places where stopping, standing and parking prohibited

This section establishes places where stopping, standing and parking a vehicle are prohibited for purposes of the penalties under ORS **811.555 (Illegal stopping, standing or parking)**. Except as provided under an exemption in ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)**, a person is in violation of ORS **811.555 (Illegal stopping, standing or parking)** 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 (Exemptions from prohibitions on stopping, standing or parking)** (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 flaggers, flags, signs or other signals. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (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 (Exemptions from prohibitions on stopping, standing or parking)** (7) are applicable to this subsection.

(4) On a sidewalk. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (4) to (7) are applicable to this subsection.

(5) Within an intersection. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (4) to (7) are applicable to this subsection.

(6) On a crosswalk. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (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 (Exemptions from prohibitions on stopping, standing or parking)** (4) to (7) are applicable to this subsection.

(8) Alongside or opposite a street excavation or obstruction when stopping, standing or parking would obstruct traffic. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (4) to (7) are applicable to this subsection.

(9) Upon a bridge or other elevated structure upon a highway. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (4) to (8) are applicable to this subsection.

(10) Within a highway tunnel. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (4) to (7) are applicable to this subsection.

(11) On any railroad or rail fixed guideway system tracks or within seven and one-half feet of the nearest rail at a time when the parking of vehicles would conflict with operations or repair of the tracks. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)**(4) to (7) are applicable to this subsection.

(12) On a throughway. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (4) to (7) are applicable to this subsection.

(13) In the area between roadways of a divided highway, including crossovers. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (4) to (7) are applicable to this subsection.

(14) At any place where traffic control devices prohibit stopping. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (4) to (7) are applicable to this subsection.

(15) In front of a public or private driveway. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (2) and (4) to (7) are applicable to this subsection.

(16) Within 10 feet of a fire hydrant. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (2) and (4) to (7) are applicable to this subsection.

(17) Within 20 feet of a crosswalk at an intersection. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (2) and (4) to (7) are applicable to this subsection.

(18) Within 50 feet upon the approach to an official flashing signal, stop sign, yield sign or traffic control device located at the side of the roadway if the standing or parking of a vehicle will obstruct the view of any traffic control device located at the side of the roadway. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (2) and (4) to (7) are applicable to this subsection.

(19) Within 15 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station, within 75 feet of the entrance. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (2) and (4) to (7) are applicable to this subsection.

(20) At any place where traffic control devices prohibit standing. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (2) and (4) to (7) are applicable to this subsection.

(21) Within 50 feet of the nearest rail of a railroad or rail fixed guideway system crossing. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (3) to (7) are applicable to this subsection.

(22) At any place where traffic control devices prohibit parking. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** (3) to (7) are applicable to this subsection.

(23) On a bicycle lane. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** are applicable to this subsection.

(24) On a bicycle path. Exemptions under ORS **811.560 (Exemptions from prohibitions on stopping, standing or parking)** are applicable to this subsection.

[1983 c.338 §669; 1985 c.21 §1; 1985 c.334 §1; 1989 c.433 §2; 1997 c.249 §234; 2001 c.522 §9]

Ped Failure to Yield to Vehicle

2015 ORS 814.040¹

Failure to yield to vehicle

(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 D traffic violation. [1983 c.338 §555; 1995 c.383 §84]

Position of Ped on Highway

2015 ORS 814.070¹

Improper position upon or improperly proceeding along highway

(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 \(Adopt-a-Highway Program\)](#) who is obeying the rules of the Department of Transportation for picking up litter or removing noxious weeds 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 \(Adopt-a-Highway Program\)](#) who is obeying the rules of the Department of Transportation for picking up litter or removing noxious weeds 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 \(Rights of driver and passengers of disabled vehicle on freeway\)](#).

(3)A pedestrian does not commit the offense of pedestrian with improper position upon or improperly proceeding along a highway if the pedestrian:

(a)Does not impede traffic or create a traffic hazard;

(b)Posts advance warning signs in compliance with standards adopted by the Oregon Transportation Commission under ORS [810.200 \(Uniform standards for traffic control devices\)](#);

(c)Wears high-visibility safety apparel in compliance with standards adopted by the Oregon Transportation Commission under ORS [810.200 \(Uniform standards for traffic control devices\)](#); **and**

(d)Has a permit or belongs to a group that has a permit issued under ORS [814.072 \(Issuance of permit to be upon or to proceed along highway\)](#).

(4)A pedestrian does not commit the offense of pedestrian with improper position upon or improperly proceeding along a highway when the pedestrian is on a narrow residential roadway if:

(a)The pedestrian does not create a traffic hazard; **and**

(b)Signs are posted giving notice that pedestrians may be present upon or along the narrow residential roadway. Signs posted under this paragraph shall be posted at each end of the portion of the narrow residential roadway where pedestrians may be present.

(5)The offense described in this section, pedestrian with improper position upon or improperly proceeding along a highway, is a Class D traffic violation. [1983 c.338 §558; 1991 c.486 §4; 1995 c.383 §86; 2008 c.47 §§1,2; 2009 c.547 §§2,3; 2011 c.507 §3; 2013 c.474 §1]

Unsafe operation of bicycle on sidewalk

2015 ORS 814.410¹

Unsafe operation of bicycle on sidewalk

(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 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.

(e)Operates an electric assisted bicycle on a sidewalk.

(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 violation. [1983 c.338 §699; 1985 c.16 §337; 1997 c.400 §7; 2005 c.316 §2]