

State Vehicle Code: <http://www.leg.state.or.us/ors/> Veh. Code starts in ch. 801. Bicycle 814 & 815, rules of the road ch 811.

This should be checked for provisions that should apply only to motor vehicles (such as following too closely). We need someone to research laws relating to blue bikelanes in Oregon and nonstandard rules concerning turning drivers (both on bicycle & motor vehicle).

Send new info. or direct questions to Fred Oswald, <fredoswald@yahoo.com>

Rating of Oregon Bicycle Traffic Laws

Oregon Bicycle Traffic Laws earn a **TENTATIVE rating of D (57 points)**

Note: A bicycle IS defined as a vehicle in Oregon.

A: 95 to 100 points	(93-94 is A-, over 100 is A+)
B: 81 to 90 points	(91-92 is B+, 79-80 is B-)
C: 67 to 76 points	(77-78 is C+, 65-66 is C-)
D: 53 to 62 points	(63-64 is D+, 51-52 is D-)
F: 39 to 48 points	(49-50 is F+, below 37 points is F-)

Traffic Law Defects	
	Mandates riding wrong way (Automatic failing score) [-100]
	Mandates riding on sidewalk (creates failing score) [-80]
	Prohibits bicycles from all main streets (a "stealth" sidewalk law) [-80]
	Lower deduction if prohibition applies only where speed limit is above 50 mph [-30]
	Lower deduction if engineering study, alternate route & signs reqd. [-30]
	Mandates riding on sidewalk only for under age 16 [-30]
-20	<p>Mandates riding on sidepath, shoulder or bike lane [-40]</p> <p>Lower deduction if applies only where sidepath is "usable" and signed [-25]</p> <p>Restriction only for under age 16 [-25]</p> <p>Lower deduction if includes UVC "far right" type exceptions [-20]</p> <p>Lower deduction if also includes CA "right turn authorized" exceptions [-15]</p> <p>The requirement to use a separate path or lane is discriminatory and often contrary to safety. The exclusion in (2) does not excuse such a provision: How is a cyclist to know whether a path or bike lane has been blessed as "suitable"? What if the conditions then existing make it unsafe? What is the meaning of "reasonable rates of speed"? A sidepath is unsafe except at extremely slow speed.</p> <p>814.420 Failure to use bicycle lane or path; exceptions; penalty.</p> <p>(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.</p> <p>(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.</p> <p>In a 2005 revision, Oregon added exceptions to the bike lane rule similar to the UVC "far right" exceptions. Another exception allows leaving a bike lane that is left of a right turn lane to make a right turn. This is less useful than the CA "where a right turn is authorized".</p>
-1	<p>Unlimited local "regulation of the operation of bicycles" (non-uniform laws) [-30]</p> <p>Lower deduction if allows only local sidepath ordinance. [-20]</p> <p>Allows local bicycle ban only on major highway [-15]</p> <p>Local authorities may mandate registration (rather than voluntary program) [-1]</p> <p>There is no known local registration program presently in operation in the state; however there were required</p>

	registrations in the early twentieth century in some cities like Newport that are probably still on the books.	
-10	<p>“Shall ride within 3 feet of right edge of road” (or similar unsafe rule) [-25] “Shall ride as close as practicable to the right-hand curb”, with no exceptions [-20] Lower deduction if includes all UVC exceptions [-10]</p> <p>The phrase” as close as practicable” in 814.430 is often misinterpreted by police and courts as requiring riding as close as POSSIBLE to the edge of the road. Although the usual position of bicycles is near the right edge of the road, there are situations where this is unsafe and unreasonable. This provision encourages the novice cyclist's mistake of “hugging the curb”. Part (e) can be confused to prohibit one cyclist from passing others who are riding abreast.</p> <p>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: [standard UVC exceptions not shown]</p>	
-3	<p>Mandatory helmet law that includes adult cyclists [-8] Lower deduction if applies only to children under 12 [-3] Additional deduction if law lacks strong “contributory negligence” exclusion [-10]</p> <p>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. 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.</p>	
	Prohibits normal vehicular left turn	[-10]
	<p>“Shall ride single file” (no exceptions) [-10] Lower deduction depending on exceptions [-5]</p>	
-2	Motor vehicle restrictions that should not apply to bicycles: (following too closely, racing, etc.)	[up to -5]
-3	<p>Irresponsible brake requirements (skid braked wheel) [-3]</p> <p>815.280 Violation of bicycle equipment requirements; requirements; penalty. (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.</p>	
	“Nuisance” safety equipment required (bell, front, wheel & pedal reflectors, etc)	[-2]
-1	<p>Right-arm right turn signal not authorized [-2] Unreasonable turn or stop signal requirement (continuous, or even if not safe) [-2]</p> <p>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</p>	

	<p>continuously for at least 100 feet before executing the stop.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	
	Authorizes bicycle-specific traffic control devices	[-2]
	Lacks provision allowing bicycle access to freeway shoulders There is an Oregon administrative rule allowing bicycles on all freeways except a few specific sections like the Sunset highway tunnel and the Fremont bridge.	[-1]
-1	Slow vehicle “as close as practicable to the right-hand curb”	[-1]
-1	Missing language “intent is to facilitate overtaking” in slow veh. rule	[-1]
	Other excessive or unnecessary regulation	[?]
-3	Minor Defects (scored as a group)	
Y	Lacks provision allowing preparing for left turn early	
Y	Lacks exception to no-passing zone rule for passing of slow vehicles	
Y	Lacks language prohibiting “points” for bicycle violations	
	“Give way to the right on audible signal”	
Y	Lacks cycling skills course for violators	
	Police without special training authorized to inspect bicycles	
Y	Lacks child seat or trailer language or allows child in backpack	
	Lacks language authorizing additional lights or reflectors	
	Lacks language saying riding two abreast does not impede traffic if no conflicting traffic	
Y	<p>Poor definition of bicycle (not recognizing recumbents or trikes)</p> <p>801.150 “Bicycle.” “Bicycle” means a vehicle that:</p> <ol style="list-style-type: none"> (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. 	
Positive Factors (points added)		
	Permits <u>and</u> requires motorists to merge into any bike lane before turning.	[+2]
	Expressly permits but does not require cycling on the shoulder.	[+2]
	Local authorities may reduce the fine for bicycling offenses	[+2]

+2	<p>Language to discourage unsafe sidewalk riding [+2]</p> <p><i>The provisions below are the best we have yet seen that deal with the hazard of operating a bicycle on a sidewalk. This is much more reasonable than requiring walking through intersections. It also avoids several other common, serious mistakes, such as allowing local authorities to “regulate the operation of bicycles”. Minor defects: 814.410 implies that a bicycle operator must use care only when motor vehicle is near (should include all vehicles, including other bicycles). The same provision should apply to any path near a roadway, not just sidewalk. (1)(d)(A) is too restrictive, because it implies that all traffic on a path must yield at all road or driveway intersections.</i></p> <p>814.410 Unsafe operation of bicycle on sidewalk; penalty.</p> <p>(1) A person commits the offense of unsafe operation of a bicycle on a sidewalk if the person does any of the following:</p> <p>(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.</p> <p>(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:</p> <p>(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</p> <p>(B) When motor vehicles are not present.</p> <p>(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.</p>
	<p>Other positive factors [?]</p>