

Enrolled House Bill 2424

Sponsored by Representatives WHISNANT, CLEM; Representatives BARNHART, BERGER, BOONE, CAMERON, CANNON, COWAN, DEMBROW, C EDWARDS, D EDWARDS, ESQUIVEL, FREEMAN, GARRARD, GILLIAM, GILMAN, HANNA, HUFFMAN, JENSON, KENNEMER, KOTEK, MAURER, OLSON, ROBLAN, SHIELDS, G SMITH, J SMITH, STIEGLER, THATCHER, THOMPSON, TOMEI, WEIDNER, WINGARD, Senators BATES, BONAMICI, BOQUIST, DINGFELDER, JOHNSON, MORRISETTE, TELFER, WHITSETT (at the request of Deschutes County Weed Advisory Board, Brenda Pace)

CHAPTER

AN ACT

Relating to Oregon Adopt-a-Highway Program; amending ORS 366.158 and 814.070.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 366.158 is amended to read:

366.158. (1) **As used in this section:**

(a) **“Noxious weeds” means any weed the State Department of Agriculture designates by rule as a noxious weed.**

(b) **“Pesticide” has the meaning given that term in ORS 634.006.**

[(1)] (2) The Department of Transportation shall administer a program aimed toward beautifying and cleaning state roadsides. The program shall include public informational activities, but shall be directed primarily toward encouraging and facilitating involvement of volunteer groups in litter cleanup work **and removal of noxious weeds**, *each group* on a specific section of highway. The program shall be called the Oregon Adopt-a-Highway Program. Moneys for the program shall be provided from funds available to the department. The department may adopt any rules it considers necessary for implementation of the Oregon Adopt-a-Highway Program.

[(2)] (3) An agreement entered into between the department and a volunteer group pursuant to subsection [(1)] (2) of this section shall include but need not be limited to:

(a) Identification of the designated section of highway. The volunteer group may request a specific section of highway it wishes to adopt, but the assignment shall be at the discretion of the department.

(b) Specification of the duties of the volunteer group. The group shall **choose one or both of the following activities:**

(A) [Remove] **Removal of** litter along the designated section of highway at least four times each year.

(B) **Removal of noxious weeds, along the designated section of highway at least twice each year, using a method other than pesticide and in accordance with rules adopted by the State Department of Agriculture.**

(c) Specification of the responsibilities of the volunteer group. The group shall agree to abide by all rules related to the program that are adopted by the department.

(d) Duration of the agreement. The volunteer group may contract to care for the designated section of highway for one, two or three years.

[(3)] (4) A sign identifying the group and recognizing the group's contribution shall be placed by the department at each end of the section of highway adopted by the group unless the department determines that doing so would be unsafe to persons using the highway.

[(4)] (5) The department shall provide reflective vests, garbage bags and highway signs for the participating volunteer groups.

SECTION 2. ORS 814.070, as amended by section 1, chapter 47, Oregon Laws 2008, is amended to read:

814.070. (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 **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 [and] 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.

(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;

(c) Wears high-visibility safety apparel in compliance with standards adopted by the Oregon Transportation Commission under ORS 810.200; and

(d) Has a permit or belongs to a group that has a permit issued under section 5, chapter 47, Oregon Laws 2008.

(4) The offense described in this section, pedestrian with improper position upon or improperly proceeding along a highway, is a Class D traffic violation.

SECTION 3. ORS 814.070, as amended by sections 1 and 2, chapter 47, Oregon Laws 2008, is amended to read:

814.070. (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 **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 [and] 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.

(3) The offense described in this section, pedestrian with improper position upon or improperly proceeding along a highway, is a Class D traffic violation.

Passed by House April 7, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 3, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State