

Senate Bill 604

Sponsored by Senator BURDICK

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Permits person operating bicycle to enter intersection with specified traffic control device without stopping, provided that person operating bicycle slows to safe speed and yields right of way to traffic or pedestrians. Permits person operating bicycle to turn without stopping at intersection with specified traffic control device, provided that person operating bicycle slows to safe speed and yields right of way to traffic or pedestrians.

Creates offense of improper entry into intersection where traffic is controlled by stop sign. Punishes by maximum fine of \$360.

Creates offense of improper entry into intersection where traffic is controlled by flashing red signal. Punishes by maximum fine of \$360.

A BILL FOR AN ACT

1 Relating to bicycles; creating new provisions; and amending ORS 811.260 and 811.265.

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

3 **SECTION 1. Sections 2 and 3 of this 2011 Act are added to and made a part of the Oregon**
4 **Vehicle Code.**

5 **SECTION 2. (1) A person operating a bicycle who is approaching an intersection where**
6 **traffic is controlled by a stop sign may, without violating ORS 811.265, do any of the following**
7 **without stopping if the person slows the bicycle to a safe speed:**

8 (a) **Proceed through the intersection.**

9 (b) **Make a right or left turn into a two-way street.**

10 (c) **Make a right or left turn into a one-way street in the direction of traffic upon the**
11 **one-way street.**

12 (2) **A person commits the offense of improper entry into an intersection where traffic is**
13 **controlled by a stop sign if the person does any of the following while proceeding as described**
14 **in subsection (1) of this section:**

15 (a) **Fails to yield the right of way to traffic lawfully within the intersection or approach-**
16 **ing so close as to constitute an immediate hazard;**

17 (b) **Disobeys the directions of a police officer;**

18 (c) **Fails to exercise care to avoid an accident; or**

19 (d) **Fails to yield the right of way to a pedestrian in an intersection or crosswalk under**
20 **ORS 811.028.**

21 (3) **The offense described in this section, improper entry into an intersection where**
22 **traffic is controlled by a stop sign, is a Class B traffic violation.**

23 **SECTION 3. (1) A person operating a bicycle who is approaching an intersection where**
24 **traffic is controlled by a flashing red signal may, without violating ORS 811.265, do any of the**
25 **following without stopping if the person slows the bicycle to a safe speed:**

26 (a) **Proceed through the intersection.**
27

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) Make a right or left turn into a two-way street.

2 (c) Make a right or left turn into a one-way street in the direction of traffic upon the
3 one-way street.

4 (2) A person commits the offense of improper entry into an intersection where traffic is
5 controlled by a flashing red signal if the person does any of the following while proceeding
6 as described in subsection (1) of this section:

7 (a) Fails to yield the right of way to traffic lawfully within the intersection or approach-
8 ing so close as to constitute an immediate hazard;

9 (b) Disobeys the directions of a police officer;

10 (c) Fails to exercise care to avoid an accident; or

11 (d) Fails to yield the right of way to a pedestrian in an intersection or crosswalk under
12 ORS 811.028.

13 (3) The offense described in this section, improper entry into an intersection where
14 traffic is controlled by a flashing red signal, is a Class B traffic violation.

15 **SECTION 4.** ORS 811.260 is amended to read:

16 811.260. This section establishes appropriate driver responses to specific traffic control devices
17 for purposes of ORS 811.265. Authority to place traffic control devices is established under ORS
18 810.210. Except [*when acting under the direction of a police officer that contradicts this section*] **as**
19 **provided in ORS 811.265 (2)**, a driver is in violation of ORS 811.265 if the driver makes a response
20 to traffic control devices that is not permitted under the following:

21 (1) Green signal. A driver facing a green light may proceed straight through or turn right or left
22 unless a sign at that place prohibits either turn. A driver shall yield the right of way to other ve-
23 hicles within the intersection at the time the green light is shown.

24 (2) Green arrow. A driver facing a green arrow signal light, shown alone or in combination with
25 another signal, may cautiously enter the intersection only to make the movement indicated by such
26 arrow or such other movement as is permitted by other signals shown at the same time.

27 (3) Steady circular yellow signal. A driver facing a steady circular yellow signal light is thereby
28 warned that the related right of way is being terminated and that a red or flashing red light will
29 be shown immediately. A driver facing the light shall stop at a clearly marked stop line, but if none,
30 shall stop before entering the marked crosswalk on the near side of the intersection, or if there is
31 no marked crosswalk, then before entering the intersection. If a driver cannot stop in safety, the
32 driver may drive cautiously through the intersection.

33 (4) Steady yellow arrow signal. A driver facing a steady yellow arrow signal, alone or in com-
34 bination with other signal indications, is thereby warned that the related right of way is being ter-
35 minated. Unless entering the intersection to make a movement permitted by another signal, a driver
36 facing a steady yellow arrow signal shall stop at a clearly marked stop line, but if none, shall stop
37 before entering the marked crosswalk on the near side of the intersection, or if there is no marked
38 crosswalk, then before entering the intersection. If a driver cannot stop in safety, the driver may
39 drive cautiously through the intersection.

40 (5) Steady circular red signal. A driver facing a steady circular red signal light alone shall stop
41 at a clearly marked stop line, but if none, before entering the marked crosswalk on the near side
42 of the intersection, or if there is no marked crosswalk, then before entering the intersection. The
43 driver shall remain stopped until a green light is shown except when the driver is permitted to make
44 a turn under ORS 811.360.

45 (6) Steady red arrow signal. A driver facing a steady red arrow signal, alone or in combination

1 with other signal indications, may not enter the intersection to make the movement indicated by the
 2 red arrow signal. Unless entering the intersection to make some other movement which is permitted
 3 by another signal, a driver facing a steady red arrow signal shall stop at a clearly marked stop line,
 4 but if none, before entering the marked crosswalk on the near side of the intersection, or if there
 5 is no marked crosswalk, then before entering the intersection. The vehicle shall remain stopped until
 6 a green light is shown except when the driver is permitted to make a turn under ORS 811.360.

7 (7) Traffic control devices at places other than intersections. If a traffic control device that is
 8 a signal is erected and maintained at a place other than an intersection, the provisions of this sec-
 9 tion relating to signals shall be applicable. A required stop shall be made at a sign or marking on
 10 the roadway indicating where the stop shall be made, but in the absence of such sign or marking
 11 the stop shall be made at the signal.

12 (8) Flashing red signal. When a driver approaches a flashing red light used in a traffic control
 13 device or with a traffic sign, the driver shall stop at a clearly marked stop line, but if none, before
 14 entering the marked crosswalk on the near side of the intersection, or if there is no marked cross-
 15 walk, then at the point nearest the intersecting roadway where the driver has a view of approaching
 16 traffic on the intersecting roadway before entering it. The right to proceed shall be subject to the
 17 rules applicable after making a stop at a stop sign. This subsection does not apply to:

18 (a) **Drivers** at railroad grade crossings. Conduct of a driver approaching a railroad grade
 19 crossing is governed by ORS 811.455.

20 (b) **A person operating a bicycle.**

21 (9) Flashing yellow signal. When a driver approaches a flashing yellow light used as a signal in
 22 a traffic control device or with a traffic sign, the driver may proceed through the intersection or
 23 past the signal only with caution. This subsection does not apply at railroad grade crossings. Con-
 24 duct of a driver approaching a railroad grade crossing is governed by ORS 811.455.

25 (10) Lane direction control signals. When lane direction control signals are placed over the in-
 26 dividual lanes of a highway, a person may drive a vehicle in any lane over which a green signal
 27 light is shown, but may not enter or travel in any lane over which a red signal light is shown.

28 (11) Stop signs. A driver approaching a stop sign shall stop at a clearly marked stop line, but
 29 if none, before entering the marked crosswalk on the near side of the intersection or, if there is no
 30 marked crosswalk, then at the point nearest the intersecting roadway where the driver has a view
 31 of approaching traffic on the intersecting roadway before entering it. After stopping, the driver shall
 32 yield the right of way to any vehicle in the intersection or approaching so closely as to constitute
 33 an immediate hazard during the time when the driver is moving across or within the intersection.

34 **This subsection does not apply to a person operating a bicycle.**

35 (12) Yield signs. A driver approaching a yield sign shall slow the driver's vehicle to a speed
 36 reasonable for the existing conditions and if necessary for safety, shall stop at a line as required for
 37 stop signs under this section, and shall yield the right of way to any vehicles in the intersection or
 38 approaching so closely as to constitute an immediate hazard.

39 **SECTION 5.** ORS 811.265 is amended to read:

40 811.265. (1) A person commits the offense of driver failure to obey a traffic control device if the
 41 person drives a vehicle and the person does any of the following:

42 (a) Fails to obey the directions of any traffic control device.

43 (b) Fails to obey any specific traffic control device described in ORS 811.260 in the manner re-
 44 quired by that section.

45 (2) A person is not subject to this section if the person is doing any of the following:

1 (a) Following the directions of a police officer.

2 (b) Driving an emergency vehicle or ambulance in accordance with the privileges granted those
3 vehicles under ORS 820.300.

4 (c) Properly executing a turn on a red light as authorized under ORS 811.360.

5 (d) Driving in a funeral procession led by a funeral lead vehicle or under the direction of the
6 driver of a funeral escort vehicle.

7 **(e) Properly entering an intersection or executing a turn at a stop sign as authorized**
8 **under section 2 of this 2011 Act.**

9 **(f) Properly entering an intersection or executing a turn at a flashing red signal as au-**
10 **thorized under section 3 of this 2011 Act.**

11 (3) The offense described in this section, driver failure to obey a traffic control device, is a Class
12 B traffic violation.

13 **SECTION 6. Sections 2 and 3 of this 2011 Act and the amendments to ORS 811.260 and**
14 **811.265 by sections 4 and 5 of this 2011 Act apply to offenses that occur on or after the ef-**
15 **fective date of this 2011 Act.**

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