

**Enrolled**  
**Senate Bill 345**

Sponsored by Senator BURDICK, Representative TOMEI; Senators JOHNSON, THOMSEN, Representative GORSEK (Pre-session filed.)

CHAPTER .....

AN ACT

Relating to narrow residential roadways; creating new provisions; amending ORS 814.070; and declaring an emergency.

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

**SECTION 1.** ORS 814.070 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 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 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 ORS 814.072.

**(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.**

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

**SECTION 2. The amendments to ORS 814.070 by section 1 of this 2013 Act apply to offenses committed on or after the effective date of this 2013 Act.**

**SECTION 3. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.**

**Passed by Senate February 28, 2013**

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 13, 2013**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2013

**Approved:**

.....M.,....., 2013

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2013

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Kate Brown, Secretary of State