

Senate Bill 721

Sponsored by Senators SHIELDS, GIROD

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**.

Directs Department of Transportation to create Livable Roadway Program for purpose of allowing volunteer groups to plant trees and shrubs along roadside.

Appropriates moneys from General Fund to department for program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to vegetation within the highway right-of-way; creating new provisions; amending ORS
3 814.070; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS chapter 366.**

6 **SECTION 2. (1) The Department of Transportation shall administer a program aimed**
7 **toward planting and caring for appropriate trees and shrubs that are predominantly native**
8 **to Oregon along roadsides. The program shall include public informational activities, but**
9 **shall be directed primarily toward encouraging and facilitating involvement of volunteer**
10 **groups in planting and caring for trees and shrubs on a specific section of highway. The**
11 **program shall be called the Livable Roadway Program.**

12 **(2) An agreement entered into between the department and a volunteer group pursuant**
13 **to subsection (1) of this section shall include but need not be limited to provisions for:**

14 **(a) Identification of the designated section of highway. The volunteer group may request**
15 **a specific section of highway it wishes to adopt, but the department shall determine the lo-**
16 **cation of the planting sites.**

17 **(b) Selection of appropriate tree and shrub species for planting along the roadside. The**
18 **volunteer group may propose certain species of trees and shrubs to plant, but the final se-**
19 **lection shall be determined by the department.**

20 **(c) Determination of and planning for an appropriate planting regime, noxious weed re-**
21 **moval and site preparation.**

22 **(d) Determination of an appropriate maintenance schedule for the trees and shrubs. The**
23 **volunteer group may propose a maintenance schedule for the trees and shrubs, subject to**
24 **approval of the department.**

25 **(e) Specification of the responsibilities of the volunteer group. The group shall agree to:**

26 **(A) Recruit and properly train volunteers for a specified number of planting and main-**
27 **tenance events per year; and**

28 **(B) Abide by all rules related to the program that are adopted by the department.**

29 **(f) Duration of the agreement. The volunteer group may contract to care for the desig-**
30 **nated section of highway for one or more years.**

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 **(3) Moneys for the program shall be provided to the volunteer group from funds available**
 2 **to the department for all tree planting and maintenance activities.**

3 **(4) The department may adopt any rules it considers necessary for implementation of the**
 4 **Livable Roadway Program.**

5 **SECTION 3. In addition to and not in lieu of any other appropriation, there is appropri-**
 6 **ated to the Department of Transportation, for the biennium beginning July 1, 2015, out of the**
 7 **General Fund, the amount of \$1.8 million, which may be expended for carrying out the pro-**
 8 **visions of section 2 of this 2015 Act.**

9 **SECTION 4.** ORS 814.070 is amended to read:

10 814.070. (1) A pedestrian commits the offense of pedestrian with improper position upon or im-
 11 properly proceeding along a highway if the pedestrian does any of the following:

12 (a) Takes a position upon or proceeds along and upon the roadway where there is an adjacent
 13 usable sidewalk or shoulder.

14 (b) Does not take a position upon or proceed along and upon the shoulder, as far as practicable
 15 from the roadway edge, on a highway that has an adjacent shoulder area on one or both sides.

16 (c) Except in the case of the divided highway, does not take a position upon or proceed along
 17 and upon the left shoulder and as far as practicable from the roadway edge on a two-way highway
 18 that has no sidewalk and that does have an adjacent shoulder area. This paragraph does not apply
 19 to:

20 (A) A hitchhiker who takes a position upon or proceeds along and upon the right shoulder so
 21 long as the hitchhiker does so facing the vehicles using the adjacent lane of the roadway; [or]

22 (B) A member of a group that has adopted that section of highway under the provisions of ORS
 23 366.158 who is obeying the rules of the Department of Transportation for picking up litter or re-
 24 moving noxious weeds on either side of the roadway[.]; **or**

25 **(C) A member of a group that has adopted that section of highway under the provisions**
 26 **of section 2 of this 2015 Act who is obeying the rules of the Department of Transportation**
 27 **for planting and caring for trees and shrubs on either side of the roadway.**

28 (d) Does not take a position upon or proceed along and upon the right highway shoulder, as far
 29 as practicable from the roadway edge, on a divided highway that has no sidewalk and does have a
 30 shoulder area. This paragraph does not apply to a member of a group that has adopted that section
 31 of highway under the provisions of ORS 366.158 **or section 2 of this 2015 Act** who is obeying the
 32 rules of the Department of Transportation for picking up litter, [or] removing noxious weeds **or**
 33 **planting and caring for trees and shrubs** on either side of the roadway.

34 (e) Fails to take a position upon or proceed along and upon a highway that has neither sidewalk
 35 nor shoulder available, as near as practicable to an outside edge of the roadway, and, if the roadway
 36 is a two-way roadway, only on the left side of it.

37 (2) This section is subject to the provisions of ORS 814.100.

38 (3) A pedestrian does not commit the offense of pedestrian with improper position upon or im-
 39 properly proceeding along a highway if the pedestrian:

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

41 (b) Posts advance warning signs in compliance with standards adopted by the Oregon Trans-
 42 portation Commission under ORS 810.200;

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

45 (d) Has a permit or belongs to a group that has a permit issued under ORS 814.072.

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

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

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

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

9 **SECTION 5. This 2015 Act being necessary for the immediate preservation of the public**
10 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
11 **on its passage.**

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