2019

OREGON ADMINISTRATIVE RULES COMPILATION

CHAPTER 734

Department of Transportation

Highway Division

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DIVISION 1
PROCEDURAL RULES

734-001-0003
Public Hearing for New State Highway Route or Corridor

The Oregon Transportation Commission, pursuant to ORS 366.215, may, 30 days or more after a public hearing covering the selection of any new State Highway route or corridor, which said hearing shall be publicly advertised in newspapers of general circulation not less than three weeks in advance of such hearing, adopt said route or corridor at any Transportation Commission meeting. Interested persons may submit data, views or arguments concerning any proposed route or corridor to the Region Office of the Department of Transportation within 10 days following any public hearing.
Statutory/Other Authority: ORS 366
Statutes/Other Implemented: ORS 366.215
History: HWY 4-1990, f. & cert. ef. 3-8-90; HC 1267, f. 12-6-71

734-001-0025
Relocation Appeal Procedures for Land Acquisition

(1) Within 60 days of a final determination granting or denying eligibility for a Relocation payment, or of an amount of payment under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) and any regulations adopted thereunder, any person dissatisfied with such determination may file a "request for appeal" upon forms provided by the Department of Transportation.
(2) The Relocation appeal process and hearing concerning the determination of eligibility or amount of payment shall be conducted as a contested case pursuant to the Oregon Administrative Procedures Act, ORS 183.310 to 183.550.
(3) Optional Reconsideration Conference. Within 60 days of a final determination granting or denying eligibility for a Relocation payment or of an amount of payment under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies of 1970 (P.L. 91-946) and any regulations adopted thereunder, a person dissatisfied with such final determination may petition for a “reconsideration conference” upon forms provided by the Department of Transportation. A reconsideration conference is an optional process, which must be agreed to by both the claimant and the Department of Transportation, that occurs prior to the formal appeal process identified in (1) and (2) and is an opportunity for a claimant to provide additional relevant information that was not considered by the department or to correct factual errors and for the department to reconsider the claim with the new or corrected information. The time period to file a request for an appeal pursuant to subsection (1) of this rule shall be stayed from the date of request for a reconsideration conference until ODOT either issues a decision to decline the request for a reconsideration conference or until ODOT issues a determination after the reconsideration conference. If the claimant is dissatisfied with the revised final determination, the claimant may file an appeal pursuant to (1) above.
Statutory/Other Authority: ORS 366
Statutes/Other Implemented: ORS 366.324, PL 91-646 (Federal Law)
History: HWD 2-2008, f. & cert. ef. 4-24-08; 2HD 2-1982, f. & ef. 7-20-82

DIVISION 5
OREGON COORDINATE SYSTEMS

734-005-0005
Purpose

The purpose of this administrative rule is to define the Oregon Coordinate System, consisting of three mapping projection coordinate systems that are authorized for use in the State of Oregon.
Statutory/Other Authority: ORS 184.616, 184.619, Ch.179 OL 2011
Statutes/Other Implemented: ORS 209.130, 209.155, 209.250, 390.770, Ch.179 OL 2011
History: HWD 13-2011, f. 12-22-11, cert. ef. 1-1-12

734-005-0010

Oregon Coordinate Systems

(1) The Oregon State Plane Coordinate System of 1927 consists of two zones of mapping projections defined by the National Geodetic Survey of the National Ocean Service, one for the Oregon North Zone and one for the Oregon South Zone.

(2) The Oregon State Plane Coordinate System of 1983 consists of two zones of mapping projections defined by the National Geodetic Survey of the National Ocean Service, one for the Oregon North Zone and one for the Oregon South Zone.

(3) The Oregon Coordinate Reference System consists of multiple zones developed by an Oregon Department of Transportation committee of private and public land surveying, geographic information system, and academic professionals to define a system of low distortion mapping projections wherein distances computed between points on the grid plane will represent the distances measured between the same points on the ground within published zone tolerances.

Statutory/Other Authority: ORS 184.616, 184.619, Ch.179 OL 2011

Statutes/Other Implemented: ORS 209.130, 209.155, 209.250, 390.770, Ch.179 OL 2011

History: HWD 13-2011, f. 12-22-11, cert. ef. 1-1-12

734-005-0015

Coordinate System Parameters

(1) Oregon State Plane Coordinate System Of 1927

(a) North Zone:

(b) South Zone:

(2) Oregon State Plane Coordinate System Of 1983

(a) North Zone;

(b) South Zone:

(3) Oregon Coordinate Reference System Zones.

(a) Baker Zone:

(b) Bend-Burns Zone: (former name: Bend-Vale Zone):

(c) Bend-Klamath Falls Zone:

(d) Bend-Redmond-Prineville Zone:

(e) Burns-Harper Zone:

(f) Canyon City-Burns Zone:

(g) Canyonville-Grants Pass Zone:

(h) Coast Range North Zone:

(i) Columbia River East Zone:

(j) Columbia River West Zone:

(k) Cottage Grove-Canyonville Zone:

(L) Dayville-Prairie City Zone:

(m) Denio-Burns Zone:

(n) Dufur-Madras Zone:

(o) Eugene Zone:

(p) Grants Pass-Ashland Zone:

(q) Gresham-Warm Springs Zone:

(r) Halfway Zone:

(s) La Grande Zone:

(t) Medford-Diamond Lake Zone:

(u) Mitchell Zone:

(v) North Central Zone:

(w) Ochoco Summit Zone:

(x) Ontario Zone:

(y) Oregon Coast Zone:

(z) Owyhee Zone:

(aa) Pendleton Zone:

(bb) Pendleton-La Grande Zone:

(cc) Pilot Rock-Ukiah Zone:

(dd) Portland Zone:

(ee) Prairie City-Brogan Zone:

(ff) Riley-Lakeview Zone:

(gg) Salem Zone:

(hh) Santiam Pass Zone (former name: Sweet Home-Sisters Zone):

(ii) Siskiyou Pass Zone:

(jj) Ukiah-Fox Zone:

(kk) Wallowa Zone:

(LL) Warner Highway Zone:

(mm) Willamette Pass Zone:

Statutory/Other Authority: ORS 184.616, 184.619, Ch.179 OL 2011

Statutes/Other Implemented: ORS 209.130, 209.155, 209.250, 390.770, Ch.179 OL 2011

History: HWD 5-2016, f. & cert. ef. 12-16-16; HWD 13-2011, f. 12-22-11, cert. ef. 1-1-12

734-005-0015
Coordinate System Parameters

(1) Oregon State Plane Coordinate System Of 1927
(a) North Zone
North American Datum of 1927
Reference Ellipsoid: Clarke Spheroid of 1866
Projection: Lambert Conformal Conic (Two Standard Parallel - Secant)

Central Meridian:	120° 30’ West
Latitude of Origin:	43° 40’ North
Standard Parallel (South):	44° 20’ North
Standard Parallel (North):	46° 00’ North
False Northing:	0 US Survey Feet
False Easting:	2 000 000 US Survey Feet

One U.S. Survey foot = 1200/3937 meters exactly

County Coverage of North Zone:
The area included in the following counties on June 16, 1945, constitutes the north zone: Baker, Benton, Clackamas, Clatsop, Columbia, Gilliam, Grant, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler and Yamhill.

(b) South Zone
North American Datum of 1927
Reference Ellipsoid: Clarke Spheroid of 1866
Projection: Lambert Conformal Conic (Two Standard Parallel - Secant)

Central Meridian:	120° 30’ West
Latitude of Origin:	41° 40’ North
Standard Parallel (South):	42° 20’ North
Standard Parallel (North):	44° 00’ North
False Northing:	0 US Survey Feet
False Easting:	2 000 000 US Survey Feet

One U.S. Survey foot = 1200/3937 meters exactly

County Coverage of South Zone:
The area included in the following counties on June 16, 1945, constitutes the south zone: Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake, Lane and Malheur.

(2) Oregon State Plane Coordinate System Of 1983
(a) North Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Lambert Conformal Conic (Two Standard Parallel - Secant)

Central Meridian:	120° 30’ West
Latitude of Origin:	43° 40’ North
Standard Parallel (South):	44° 20’ North
Standard Parallel (North):	46° 00’ North
False Northing:	0.000 meters
False Easting:	2 500 000.000 meters

One International Foot = 0.3048 meters exactly

County Coverage of North Zone:
The area included in the following counties on June 16, 1945, constitutes the north zone: Baker, Benton, Clackamas, Clatsop, Columbia, Gilliam, Grant, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler and Yamhill.

(b) South Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Lambert Conformal Conic (Two Standard Parallel - Secant)

Central Meridian:	120° 30’ West
Latitude of Origin:	41° 40’ North
Standard Parallel (South):	42° 20’ North
Standard Parallel (North):	44° 00’ North
False Northing:	0.000 meters
False Easting:	1 500 000.000 meters

One International Foot = 0.3048 meters exactly

County Coverage of South Zone:
The area included in the following counties on June 16, 1945, constitutes the south zone: Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake, Lane and Malheur.

(3) Oregon Coordinate Reference System Zones
(a) Baker Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	44°30’00” North
Central Meridian:	117°50’00” West
False Northing:	0 meters
False Easting:	40 000 meters
Central Meridian Scale:	1.000 160 (exact)

One International Foot = 0.3048 meters exactly

(b) Bend-Burns Zone (former name: Bend-Vale Zone)
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Lambert Conformal Conic (Single Parallel - Tangent)

Standard Parallel and Grid Origin:	43°40’00” North
Central Meridian:	119°45’00” West
False Northing:	60 000 meters
False Easting:	120 000 meters
Standard Parallel Scale:	1.000 200 (exact)

One International Foot = 0.3048 meters

(c) Bend-Klamath Falls Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	41°45’00” North
Central Meridian:	121°45’00” West
False Northing:	0 meters
False Easting:	80 000 meters
Central Meridian Scale:	1.000 200 (exact)

One International Foot = 0.3048 meters

(d) Bend-Redmond-Prineville Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Lambert Conformal Conic (Single Parallel - Tangent)

Standard Parallel & Grid Origin:	44°40’00” North
Central Meridian:	121°15’00” West
False Northing:	130 000 meters
False Easting:	80 000 meters
Standard Parallel Scale:	1.000 120 (exact)

One International Foot = 0.3048 meters

(e) Burns-Harper Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	43°30’00” North
Central Meridian:	117°40’00” West
False Northing:	0 meters
False Easting:	90 000 meters
Central Meridian Scale:	1.000 140 (exact)

One International Foot = 0.3048 meters

(f) Canyon City-Burns Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	43°30’00” North
Central Meridian:	119°00’00” West
False Northing:	0 meters
False Easting:	20 000 meters
Central Meridian Scale:	1.000 220 (exact)

One International Foot = 0.3048 meters

(g) Canyonville-Grants Pass Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	42°30’00” North
Central Meridian:	123°20’00” West
False Northing:	0 meters
False Easting:	40 000 meters
Central Meridian Scale:	1.000 070 (exact)

One International Foot = 0.3048 meters

(h) Coast Range North Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Lambert Conformal Conic (Single Parallel- Tangent)

Standard Parallel & Grid Origin:	45°35’00” North
Central Meridian:	123°25’00” West
False Northing:	20 000 meters
False Easting:	30 000 meters
Standard Parallel Scale:	1.000 045 (exact)

One International Foot = 0.3048 meters

(i) Columbia River East Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Lambert Conformal Conic (Single Parallel- Tangent)

Standard Parallel & Grid Origin:	45°40’00” North
Central Meridian:	120°30’00” West
False Northing:	30 000 meters
False Easting:	150 000 meters
Standard Parallel Scale:	1.000 008 (exact)

One International Foot = 0.3048 meters

(j) Columbia River West Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Oblique Mercator (Rectified Skewed Orthomorphic)

Latitude of Local Origin:	45°55’00” North
Longitude of Local Origin:	123°00’00” West
Skew Axis Azimuth at Origin:	-65° 00’ 00”
False Northing:	-3 000 000 meters
False Easting:	7 000 000 meters
Projection Skew Axis Scale:	1.000 000 (exact)

One International Foot = 0.3048 meters

(k) Cottage Grove-Canyonville Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	42°50’00” North
Central Meridian:	123°20’00” West
False Northing:	0 meters
False Easting:	50 000 meters
Central Meridian Scale:	1.000 023 (exact)

One International Foot = 0.3048 meters

(L) Dayville-Prairie City Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	44°15’00” North
Central Meridian:	119°38’00” West
False Northing:	0 meters
False Easting:	20 000 meters
Central Meridian Scale:	1.000 120 (exact)

One International Foot = 0.3048 meters

(m) Denio-Burns Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	41°45’00” North
Central Meridian:	118°25’00” West
False Northing:	0 meters
False Easting:	80 000 meters
Central Meridian Scale:	1.000 190 (exact)

One International Foot = 0.3048 meters

(n) Dufur-Madras Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	44°30’00” North
Central Meridian:	121°00’00” West
False Northing:	0 meters
False Easting:	80 000 meters
Central Meridian Scale:	1.000 110 (exact)

One International Foot = 0.3048 meters

(o) Eugene Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	43°45’00” North
Central Meridian:	123°10’00” West
False Northing:	0 meters
False Easting:	50 000 meters
Central Meridian Scale:	1.000 015 (exact)

One International Foot = 0.3048 meters

(p) Grants Pass-Ashland Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	41°45’00” North
Central Meridian:	123°20’00” West
False Northing:	0 meters
False Easting:	50 000 meters
Central Meridian Scale:	1.000 043 (exact)

One International Foot = 0.3048 meters

(q) Gresham-Warm Springs Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	45°00’00” North
Central Meridian:	122°20’00” West
False Northing:	0 meters
False Easting:	10 000 meters
Central Meridian Scale:	1.000 050 (exact)

One International Foot = 0.3048 meters

(r) Halfway Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Lambert Conformal Conic (Single Parallel- Tangent)

Standard Parallel & Grid Origin:	45°15’00” North
Central Meridian:	117°15’00” West
False Northing:	70 000 meters
False Easting:	40 000 meters
Standard Parallel Scale:	1.000 085 (exact)

One International Foot = 0.3048 meters

(s) La Grande Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	45°00’00” North
Central Meridian:	118°00’00” West
False Northing:	0 meters
False Easting:	40 000 meters
Central Meridian Scale:	1.000 130 (exact)

One International Foot = 0.3048 meters

(t) Medford-Diamond Lake Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Lambert Conformal Conic (Single Parallel- Tangent)

Standard Parallel & Grid Origin:	42°00’00” North
Central Meridian:	122°15’00” West
False Northing:	-60 000 meters
False Easting:	60 000 meters
Standard Parallel Scale:	1.000 040 (exact)

One International Foot = 0.3048 meters

(u) Mitchell Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Lambert Conformal Conic (Single Parallel- Tangent)

Standard Parallel & Grid Origin:	47°00’00” North
Central Meridian:	120°15’00” West
False Northing:	290 000 meters
False Easting:	30 000 meters
Standard Parallel Scale:	0.999 270 (exact)

One International Foot = 0.3048 meters

(v) North Central Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Lambert Conformal Conic (Single Parallel- Tangent)

Standard Parallel & Grid Origin:	46°10’00” North
Central Meridian:	120°30’00” West
False Northing:	140 000 meters
False Easting:	100 000 meters
Standard Parallel Scale:	1.000 000 (exact)

One International Foot = 0.3048 meters

(w) Ochoco Summit Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Lambert Conformal Conic (Single Parallel- Tangent)

Standard Parallel & Grid Origin:	43°30’00” North
Central Meridian:	120°30’00” West
False Northing:	-80 000 meters
False Easting:	40 000 meters
Standard Parallel Scale:	1.000 060 (exact)

One International Foot = 0.3048 meters

(x) Ontario Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	43°15’00” North
Central Meridian:	117°00’00” West
False Northing:	0 meters
False Easting:	80 000 meters
Central Meridian Scale:	1.000 100 (exact)

One International Foot = 0.3048 meters

(y) Oregon Coast Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Oblique Mercator (Rectified Skewed Orthomorphic)

Latitude of Local Origin:	44°45’00” North
Longitude of Local Origin:	124°03’00” West
Skew Axis Azimuth at Origin:	+5° 00’ 00”
False Northing:	-4 600 000 meters
False Easting:	-300 000 meters
Projection Skew Axis Scale:	1.000 000 (exact)

One International Foot = 0.3048 meters

(z) Owyhee Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	41°45’00” North
Central Meridian:	117°35’00” West
False Northing:	0 meters
False Easting:	70 000 meters
Central Meridian Scale:	1.000 180 (exact)

One International Foot = 0.3048 meters

(aa) Pendleton Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	45°15’00” North
Central Meridian:	119°10’00” West
False Northing:	0 meters
False Easting:	60 000 meters
Central Meridian Scale:	1.000 045 (exact)

One International Foot = 0.3048 meters

(bb) Pendleton-La Grande Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	45°05’00” North
Central Meridian:	118°20’00” West
False Northing:	0 meters
False Easting:	30 000 meters
Central Meridian Scale:	1.000 175 (exact)

One International Foot = 0.3048 meters

(cc) Pilot Rock-Ukiah Summit Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Lambert Conformal Conic (Single Parallel- Tangent)

Standard Parallel & Grid Origin:	46°10’00” North
Central Meridian:	119°00’00” West
False Northing:	130 000 meters
False Easting:	50 000 meters
Standard Parallel Scale:	1.000 025 (exact)

One International Foot = 0.3048 meters

(dd) Portland Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Lambert Conformal Conic (Single Parallel - Tangent)

Standard Parallel & Grid Origin:	45°30’00” North
Central Meridian:	122°45’00” West
False Northing:	50 000 meters
False Easting:	100 000 meters
Standard Parallel Scale:	1.000 002 (exact)

One International Foot = 0.3048 meters

(ee) Prairie City-Brogan Summit Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Lambert Conformal Conic (Single Parallel- Tangent)

Standard Parallel & Grid Origin:	44°00’00” North
Central Meridian:	118°00’00” West
False Northing:	0 meters
False Easting:	60 000 meters
Standard Parallel Scale:	1.000 170 (exact)

One International Foot = 0.3048 meters

(ff) Riley-Lakeview Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	41°45’00” North
Central Meridian:	120°20’00” West
False Northing:	0 meters
False Easting:	70 000 meters
Central Meridian Scale:	1.000 215 (exact)

One International Foot = 0.3048 meters

(gg) Salem Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	44°20’00” North
Central Meridian:	123°05’00” West
False Northing:	0 meters
False Easting:	50 000 meters
Central Meridian Scale:	1.000 010 (exact)

One International Foot = 0.3048 meters

(hh) Santiam Pass Zone (former name: Sweet Home-Sisters Zone)
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	44°05’00” North
Central Meridian:	122°30’00” West
False Northing:	0 meters
False Easting:	0 meters
Central Meridian Scale:	1.000 155 (exact)

One International Foot = 0.3048 meters

(ii) Siskiyou Pass Summit Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Lambert Conformal Conic (Single Parallel- Tangent)

Standard Parallel & Grid Origin:	42°30’00” North
Central Meridian:	122°35’00” West
False Northing:	60 000 meters
False Easting:	10 000 meters
Standard Parallel Scale:	1.000 150 (exact)

One International Foot = 0.3048 meters

(jj) Ukiah-Fox Summit Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Lambert Conformal Conic (Single Parallel- Tangent)

Standard Parallel & Grid Origin:	45°15’00” North
Central Meridian:	119°00’00” West
False Northing:	90 000 meters
False Easting:	30 000 meters
Standard Parallel Scale:	1.000 140 (exact)

One International Foot = 0.3048 meters

(kk) Wallowa Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	45°15’00” North
Central Meridian:	117°30’00” West
False Northing:	0 meters
False Easting:	60 000 meters
Central Meridian Scale:	1.000 195 (exact)

One International Foot = 0.3048 meters

(LL) Warner Highway Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Lambert Conformal Conic (Single Parallel- Tangent)

Standard Parallel & Grid Origin:	42°30’00” North
Central Meridian:	120°00’00” West
False Northing:	60 000 meters
False Easting:	40 000 meters
Standard Parallel Scale:	1.000 245 (exact)

One International Foot = 0.3048 meters

(mm) Willamette Pass Zone
North American Datum of 1983
Reference Ellipsoid: Geodetic Reference System of 1980
Projection: Transverse Mercator

Latitude of Grid Origin:	43°00’00” North
Central Meridian:	122°00’00” West
False Northing:	0 meters
False Easting:	20 000 meters
Central Meridian Scale:	1.000 223 (exact)

One International Foot = 0.3048 meters

Stat. Auth.: ORS 184.616, 184.619, Chapter 179 OL 2011
Stats. Implemented: ORS 209.130, 209.155, 209.250, 390.770 and Chapter 179 OL 2011

DIVISION 10
HIGHWAY AND BRIDGE CONSTRUCTION CONTRACTORS

734-010-0285
Definitions

The following definitions apply to terms used in OAR 734-010-0290 to OAR 734-010-0380:

(1) “Authorized contractor representative” means the person authorized by the contractor to sign the prime contractor performance evaluation.

(2) “CAE” means ODOT’s Contract Administration Engineer.

(3) “Contract” means public improvement contracts, as defined in ORS 279A.010(1)(bb), awarded by the Oregon Department of Transportation under authority of ORS 279A.050 and 366.205.

(4) “Contractor” means the individual or legal entity that has entered into a contract with ODOT.

(5) “CPM” means the Construction Project Manager who represents ODOT on the contract. The CPM may be an ODOT employee, local government representative, or consultant employed by ODOT or a local government.

(6) “DAS” means Oregon Department of Administrative Services.

(7) “Date of Second Notification” means the date on which required construction work, including change order work and extra work, has been satisfactorily completed, except for minor corrective work, and the recording of daily time charges cease.

(8) “Notice to Proceed” means written notice from ODOT authorizing the contractor to begin the work.

(9) “Occurrence” means each time a category or project total score falls within Performance Level 2 or Performance Level 3 on any performance evaluation.

(10) “ODOT” means the Oregon Department of Transportation.

(11) “OPO” means the ODOT Procurement Office.

(12) “Performance Level 1” is a performance evaluation range in which all of the scores on the performance evaluation set out under this rule fall into the acceptable category and do not require any corrective actions.

(13) “Performance Level 2” is a performance evaluation range designating a performance evaluation that has one or more scores that have fallen below Performance Level 1 and requires some level of corrective action depending on the cumulative number of occurrences on all contracts within a 36-month period.

(14) “Performance Level 3” is a performance evaluation range designating a performance evaluation that has one or more scores below the ranges set in Performance Level 2 and requires a higher level of corrective action beyond those required for Performance Level 2 depending on the cumulative number of occurrences on all contracts within a 36-month period.

(15) “SCME” means ODOT’s State Construction and Materials Engineer.

(16) “Suspension” means action taken by ODOT to temporarily suspend a contractor's prequalification for a specified period of time.

(17) “Verifiable Receipt” means confirmation of receipt of email, facsimile or certified mail.

Statutory/Other Authority: ORS 184.616, 184.619, 279A.050, 279A.065, 279C.430

Statutes/Other Implemented: ORS 279C.430

History: HWD 3-2016, f. & cert. ef. 11-28-16

734-010-0290
Contractor Performance Evaluations

(1) This rule applies to contractors who must be prequalified to bid on ODOT contracts.

(2) Contractors who enter into contracts with ODOT shall have their performance evaluated on each contract. The evaluation will be scored on the basis of a numeric score and on an evaluation form provided by ODOT.

(3) The CPM shall complete the evaluation using the current version of ODOT Form 734-2884, “Prime Contractor Performance Evaluation.” The form will also include a Contractor Evaluation Submittal page to document the results of the evaluation process.

(4) Contractor performance will be evaluated under five categories: management, safety, administration, regulatory compliance, and workforce and small business equity programs and on a total score of these five categories.
(5) The evaluation shall be conducted as follows:
(a) If the duration of a contract is 12 months or less, the CPM will complete one evaluation within 60 days of date of Second Notification for the contract; or
(b) If the duration of a contract is over 12 months, the CPM will complete an evaluation within 30 days of the anniversary date of the Notice to Proceed. In addition to annual evaluations, the CPM will complete an evaluation within 60 days of the date of Second Notification for the contract.
(6) Evaluations are valid for 36 months for purposes of determining the number of occurrences at Performance Level 2 or 3.
Statutory/Other Authority: ORS 184.616, 184.619, 279A.050, 279A.065, 279C.430
Statutes/Other Implemented: ORS 279C.430
History: HWD 3-2016, f. & cert. ef. 11-28-16; HWD 12-2012, f. & cert. ef. 11-21-12; HWD 1-2005, f. 2-16-05, cert. ef. 3-1-05

734-010-0300
Scoring Contractor Performance Evaluation
(1) Each evaluation will result in six numeric scores. Scores will be assessed for each of the five specific performance categories, as well as an overall score. The overall score is a total amount of all five of the category scores. The evaluation scoring shall be conducted as follows:
(a) If the duration of a contract is 12 months or less, the CPM will score the evaluation for the entire duration of the project, or
(b) If the duration of a contract is over 12 months, the CPM will score the evaluation for the preceding year within 30 days of the anniversary date of the Notice to Proceed. The scores shall reflect only that time period and will not be a cumulative score for the project duration. The final evaluation shall be prepared within 60 days of the date of Second Notification and will reflect only that time period between the latest annual evaluation and the date of Second Notification.
(2) After the evaluation score has been calculated, the CPM will send the evaluation score by email, facsimile or certified mail to the authorized contractor representative. Within 14 days of the date of verifiable receipt of the evaluation, the contractor's authorized representative may sign and return the evaluation to the ODOT CPM or schedule a meeting with the CPM to review the evaluation. Signature and return of the form represents the contractor's acceptance of the evaluation.
(3) At the Review or Mandatory meeting with the CPM, the consequences and corrective actions should be discussed, in an effort to improve contractor performance on future projects and prevent future scores from falling into Performance Level 2 or 3.
(a) If an authorized contractor representative refuses to sign the evaluation form within 14 days of verifiable receipt or within 7 days following the meeting with the CPM, the CPM will sign and date the evaluation, note in the contractor's signature area "did not respond," and transmit a copy to the SCME.
(b) Following a Review meeting with the CPM, the authorized contractor representative may sign the evaluation or request an Appeal meeting with the CAE. The request for an Appeal meeting must be made within 7 days after the Review meeting with the CPM.
(c) If the contractor does not sign the form following the Review meeting with the CPM and does not request an appeal meeting with the CAE within 7 days after the review meeting with the CPM, the score is final and no appeal to the CAE for that evaluation shall be available.
(4) ODOT's Construction Section will forward the final evaluation to the authorized contractor representative by email, facsimile or certified mail with verifiable receipt indicating the date score became final.
Statutory/Other Authority: ORS 184.616, 184.619, 279A.050, 279A.065, 279C.430

Statutes/Other Implemented: ORS 279C.430
History: HWD 3-2016, f. & cert. ef. 11-28-16; HWD 12-2012, f. & cert. ef. 11-21-12; HWD 1-2005, f. 2-16-05, cert. ef. 3-1-05

734-010-0320

Scoring Ranges and Corrective Actions

(1) There are three performance levels. The CPM will score each of the five evaluation categories as well as an overall evaluation score in one of the three performance levels. The contractor's authorized representative may request a Review meeting with the CPM within 14 days of verifiable receipt of the evaluation to discuss the evaluation score with the CPM.
(2) The following describes each performance level by identifying the scoring matrix for remedial actions and consequences depending on the cumulative number of occurrences during a 36-month period on all evaluations on all contracts.
(a) For all performance levels, scores are assessed on a per category basis, as well as a project total.
(b) Occurrences are considered on a per category basis, as well as the project total. [Table not included. See ED. NOTE.]
(4) The options available to the contractor at Performance Levels 2 and 3 are:
(a) Sign and return the evaluation to the CPM.
(b) Request a Review meeting with the CPM to discuss the evaluation score within 14 days of verifiable receipt. Following the Review meeting with the CPM, sign and return the evaluation to the CPM.
(c) Request an Appeal meeting with the CAE within 7 days from CPM Review meeting, to appeal the CPM's evaluation score.
(5) The CAE will schedule a meeting with the contractor within 14 days of receiving the contractor's request to appeal the score. Following the Appeal meeting, the CAE may uphold the CPM's evaluation score or adjust the score. The CAE's decision shall be made within 14 days of the Appeal meeting and the score is considered the final score.
(a) The contractor may choose to sign the evaluation form following the appeal to the CAE. Should the contractor choose not to sign the evaluation within 14 days of the appeal decision, the score becomes final without the contractor's signature.
(b) Following the Appeal meeting, the CAE will send the final evaluation/score by verifiable receipt to the authorized contractor representative indicating the date the score became final.
(6) The following table identifies the actions required for a final score under Performance Level 2 depending on the number of the occurrences in Level 2. Occurrences are considered on a per category basis, on a project total, and on the cumulative number of occurrences in Level 2 during the prior 36 month period on all evaluations on all contract. [Table not included. See ED. NOTE.]
(7) If the final evaluation score warrants any prequalification suspension, the contractor may appeal the suspension to DAS under OAR 734-010-0380.
(8) The following table identifies the actions required for a final score under Performance Level 3 depending on the number of the occurrences in Level 3. Occurrences are considered on a per category basis, on a project total, and on the cumulative number of occurrences in Level 3 during the prior 36 month period on all evaluations an all contracts. [Table not included. See ED. NOTE.]
(9) If the evaluation identifies that the contract was terminated for default, there is an automatic prequalification suspension for 6 months.
(10) If the final evaluation score warrants any prequalification suspension the contractor may appeal the suspension to DAS under OAR 734-010-0380.
[ED. NOTE: Tables referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619, 279A.050, 279A.065, 279C.430
Statutes/Other Implemented: ORS 279C.430
History: HWD 3-2016, f. & cert. ef. 11-28-16; HWD 12-2012, f. & cert. ef. 11-21-12; HWD 1-2005, f. 2-16-05, cert. ef. 3-

1-05

734-010-0320
Scoring Ranges and Corrective Actions

Table 1: PERFORMANCE LEVEL 1
The following table indicates the scores by category allowed for Performance Level 1.

Category	Score
Management	>-8
Safety	>-8
Administration	>-9
Regulatory Compliance	>-6
Workforce and Small Business Equity Programs	>-6
Project Total	>-28

Table 2: PERFORMANCE LEVEL 2
The following table indicates the range of scores by category that result in a Performance Level 2 occurrence.

Category	Score
Management	-8 to -11
Safety	-8 to -10
Administration	-9 to -12
Regulatory Compliance	-6 to -7
Workforce and Small Business Equity Programs	-6 to -7
Project Total	-28 to -38

Table 3: The following table indicates the required actions for Performance Level 2 occurrences.

Occurrence	Required Action
1st Occurrence	Mandatory meeting with the CPM
2nd Occurrence	SCME contact (phone call or meeting)
3rd Occurrence	Mandatory meeting with the SCME requiring written corrective action plan prepared by contractor per 734-010-0330
4th Occurrence	Mandatory 3 month prequalification suspension requiring written corrective action plan at least 30 days prior to the end of suspension per 734-010-0330
Each Subsequent Occurrence	Doubles the previous length of suspension (6 month, 12 month, 24 month, etc.)

Table 4: PERFORMANCE LEVEL 3
The following table indicates the scores by category that result in a Performance Level 3 occurrence.

Category	Score
Management	<-11
Safety	<-10
Administration	<-12
Regulatory Compliance	<-7
Workforce and Small Business Equity Programs	<-7
Project Total	<-38

Table 5: The following table indicates the required actions for Performance Level 3 occurrences.

Occurrence	Required Action
1st Occurrence	SCME contact (phone call or meeting)
2nd Occurrence	Mandatory meeting with the SCME requiring written corrective action plan prepared by contractor per 734-010-0330
3rd Occurrence	Mandatory 3 month prequalification suspension requiring written corrective action plan at least 30 days prior to the end of suspension per 734-010-0330
Each Subsequent Occurrence	Doubles the previous length of suspension (6 month, 12 month, 24 month, etc.)

734-010-0330

Corrective Action Plan

(1) The purpose of the corrective action plan and the meeting with the SCME is to help the contractor improve performance, project delivery, and avoid low ratings in the future. The tables shown in OAR 734-010-0320 identify remedial actions based on the number of occurrences using cumulative category and total project scores for 36 months on all evaluations on all contracts. If a contractor's performance requires submission and approval of a corrective action plan, the SCME will notify the contractor in writing.

(a) The authorized contractor representative must contact the SCME within 14 days of verifiable receipt of notice from the SCME to schedule a meeting to present a written corrective action plan. The parties must meet within 21 days of the date the contractor's representative contacts the SCME or within an otherwise agreed timeframe.

(b) The contractor will be allowed to bid and receive award for any proposal submitted until the parties meet within 21 days or otherwise agreed timeframe.

(c) After the 21 days or otherwise agreed timeframe has expired, if the contractor has not presented a corrective action plan acceptable to the SCME, the contractor will not be allowed to bid or receive award again until a corrective action plan has been submitted and approved by the SCME.

(2)(a) If a contractor's evaluation score requires suspension of the contractor's prequalification, a written corrective action plan must be submitted to and approved by the SCME no later than 30 days prior to the end of the prequalification suspension period.

(b) If the corrective action plan is not submitted and approved by the SCME at least 30 days prior to the end of suspension, the contractor's prequalification will remain suspended until the corrective action plan is approved by the SCME.

(3) When the SCME approves the corrective action plan submitted by the contractor, the SCME shall notify by verifiable receipt the authorized contractor representative and the OPO Construction Contracts Manager.

(4) The OPO Construction Contracts Manager will notify by verifiable receipt the authorized contractor representative, once the contractor's prequalification is reinstated.

Statutory/Other Authority: ORS 184.616, 184.619, 279A.050, 279A.065, 279C.430

Statutes/Other Implemented: ORS 279C.430

History: HWD 3-2016, f. & cert. ef. 11-28-16; HWD 12-2012, f. & cert. ef. 11-21-12; HWD 1-2005, f. 2-16-05, cert. ef. 3-1-05

734-010-0340

Notification of Suspension from Bidding

(1) The SCME will notify OPO's Construction Contracts Manager when a contractor's evaluation scores result in suspension of pre-qualification.

(2) The OPO Construction Contracts Manager will notify by verifiable receipt the authorized contractor representative that its score has fallen below an acceptable level and that its prequalification has been suspended.

(3) The contractor may appeal a suspension through DAS by requesting a DAS appeal within 7 days of receipt of the suspension notice, as specified in OAR 734-010-0380.

(4) In all cases, any notification of suspension and reinstatement shall be made in writing and sent to the authorized contractor representative by the OPO Construction Contracts Manager.

(5) The effective date of a suspension will be:

(a) 10 days after the date of the OPO Construction Contracts Manager's notification; or

(b) 10 days after the date any appeal becomes final when the decision to suspend is upheld by DAS.

Statutory/Other Authority: ORS 184.616, 184.619, 279A.050, 279A.065, 279C.430

Statutes/Other Implemented: ORS 279C.430

History: HWD 3-2016, f. & cert. ef. 11-28-16; HWD 12-2012, f. & cert. ef. 11-21-12; HWD 1-2005, f. 2-16-05, cert. ef. 3-1-05

734-010-0360

Effect of Suspension on Business

(1) Any prequalification suspension shall be binding upon the following:

(a) Any contractor suspended according to 734-010-0320;

(b) Any business with which such contractor's owners, officers, directors or managing agents are associated;

(c) Any subsidiaries, affiliates, parent corporations, joint ventures, successors, assigns of the contractor; and

(d) Any entity in which the contractor, its owners, officers, directors and managing agents are owners, majority shareholders or such persons own in the aggregate a majority of shares, partners, directors, officers or agents, other than in a capacity solely as an employee of that other entity or business.

(2) Such suspensions of these other entities and businesses shall apply continuously during the contractor's period of suspension.

Statutory/Other Authority: ORS 184.616, 184.619, 279A.050, 279A.065, 279C.430

Statutes/Other Implemented: ORS 279C.430

History: HWD 3-2016, f. & cert. ef. 11-28-16; HWD 1-2005, f. 2-16-05, cert. ef. 3-1-05

734-010-0380

DAS Appeal Process Covering Contractor Evaluations

(1) In the event that a contractor's prequalification is suspended by ODOT, the contractor may appeal the suspension to DAS in accordance with ORS 279C.445 and 279C.450. If the contractor wishes to appeal suspension of its prequalification as a bidder to DAS, the contractor must, within 7 business days after receipt of notice of suspension, notify the OPO Construction Contracts Manager in writing.

(2) Upon receipt of such notice of appeal, the OPO Construction Contracts Manager will immediately notify the Director of DAS and the SCME.

(3) The Director of DAS will notify the appealing party and ODOT of the time and date of the hearing. The hearings appeal and final decision will take place in accordance with the statutory requirements and applicable DAS rules.

(4) If the suspension is upheld, the OPO Construction Contracts Manager will notify the contractor and the SCME that the suspension of the contractor's prequalification will begin 10 days after the contractor is notified.

Statutory/Other Authority: ORS 184.616, 184.619, 279A.050, 279A.065, 279C.430

Statutes/Other Implemented: ORS 279C.430

History: HWD 3-2016, f. & cert. ef. 11-28-16; HWD 12-2012, f. & cert. ef. 11-21-12; HWD 1-2005, f. 2-16-05, cert. ef. 3-1-05

734-010-0400

Records Maintenance; Right to Audit Records

(1) Contractors; all subcontractors at all tiers; all material suppliers at all tiers of aggregates, asphalt cement concrete, Portland cement concrete, and the supply and fabrication of structural steel items; and all Related Entities as defined by this rule, (collectively referred to in this Rule as “Record Keepers”) shall maintain all records, including fiscal records, regardless of when created, relating to their:

(a) Performance of the Contract or a subcontract;

(b) Ability to continue performance of the Contract or a subcontract; and

(c) Claims arising from or relating to performance under the Contract or a subcontract.

(2) Records to be maintained shall include, but are not limited to the following:

(a) Bidding estimates, worksheets, tabulations or similar documents;

(b) Job cost detail reports, including monthly totals;

(c) Payroll records (including without limitation, the ledger or register, and tax forms) and all documents which establish the time periods, individuals involved, the hours for the individuals and the rates for the individuals;

(d) Records that identify the equipment used by the Contractor and subcontractors at all tiers in the performance of Contract or subcontracts, including without limitation, equipment lists, rental contracts, and any records used in setting

rental rates;
(e) Invoices from vendors, rental agencies, subcontractors, and lower tier subcontractors;
(f) Material quotes, invoices, purchase orders and requisitions;
(g) Contracts with subcontractors at all tiers and with suppliers;
(h) Contracts or documents of other arrangements with any Related Entity;
(i) General ledger;
(j) Trial Balance;
(k) Any financial statements kept or maintained (e.g., balance sheet, income statement, statement of cash flows and financial statement notes);
(L) Income tax returns;
(m) All worksheets used to prepare bids or claims, or to establish the cost components for the Pay Items, including without limitation, the labor, benefits and insurance, materials, equipment and subcontractors; and
(n) Other records further identified in the Contract.
(3) Such records must be maintained in accordance with generally accepted accounting principles or other accounting principles, that are accepted accounting principles and practices for the subject industry, and that satisfy all applicable state and federal tax law and regulation.
(4) Record Keepers shall maintain the records and keep the records accessible and available at reasonable times and places for a minimum period of three years from the date of final payment under the Contract, or until the conclusion of any audit, controversy, administrative proceeding or litigation arising out of or related to the Contract or a subcontract, whichever date is later, unless a shorter period is otherwise authorized in writing by the ODOT Contract Administration Engineer.
(5) Record Keepers are responsible for maintaining their own records and records relating to their own performance, their own ability to continue performance, and their own claims. Contractors submitting disputes or contract claims to ODOT shall provide ODOT access to records supporting such dispute or claims, or that are otherwise relevant to a dispute or claim, whether maintained by the Contractor, subcontractors, material suppliers or Related Entities.
(6) Except to the extent limited by section (9) of this Rule, ODOT and its authorized representatives shall, at reasonable times and places, have access to and an opportunity to inspect, examine, copy, and audit the Records identified in section (2) of this rule, or shall be provided a copy of such records upon request. Except for Records requested in connection with a dispute or contract claim issue, ODOT shall pay copy costs according to the rates used for public records requests under OAR 731-001-0025. Where such records are stored electronically, ODOT may request, and the Record Keeper shall promptly provide, access to or a copy of the electronically stored records and, if necessary to access or read such records, access to or use of software, as needed to allow ODOT to efficiently audit, inspect or copy the records.
(7) A “Related Entity,” as referred to in this rule, is an entity that furnishes any goods or services in fulfillment of any obligation of the Contractor under the Contract with ODOT, regardless of whether the entity qualifies as a subcontractor or a material supplier otherwise required to maintain records and provide access to said records under this rule, and
(a) Where 10% or more of the stock, partnership interest, beneficial interest or voting rights of the Entity are held by a Contractor; or
(b) Where a separate Entity holds 10% or more of the stock, partnership interest, beneficial interest or voting rights of a Contractor.
(8) Confidentiality of Communications
(a) Nothing in this Rule is intended to operate as a waiver of the confidentiality of any communications privileged under the Oregon Evidence Code. Nothing in this Rule limits records or documents that can be obtained by legal process.
(b) If records, identified in section (2) and provided under this rule, contain any information that may be considered exempt from disclosure as a trade secret under either ORS 192.501(2) or 646.461(4), or under other grounds specified in Oregon Public Records Law, ORS 192.410 through 192.505, the Record Keeper must clearly designate on or with the records those portions that the Record Keeper believes are exempt from disclosure, along with a justification and

citation to the authority relied upon. To the extent allowed by the Oregon Public Records Law or some other applicable law related to the disclosure of public records, ODOT will not disclose records or portions of records the Record Keeper has designated as trade secrets to a third party, who is not a representative of ODOT, to the extent the records are exempt from disclosure as trade secrets under the Oregon Public Records Law or other applicable law, except to the extent ODOT is ordered to disclose in accordance with the Oregon Public Records Law or by a court of competent jurisdiction. Application of the Oregon Public Records Law or other applicable law shall determine whether any record or portion thereof is actually exempt from disclosure.
(9) An ODOT Project Manager's authority to request or require access to the records identified in this rule shall be limited to items under section (2)(a) through (h), and (n) for purposes of reviewing a dispute or claim under the Contract, and performance and contract compliance issues. The ODOT Contract Administration Engineer (CAE), or the CAE's designee, shall have access to all items under section (2) of this rule for purposes of reviewing a dispute or claim, performance under the Contract or a subcontract, contract compliance, general auditing, checking for collusive bidding, and reviewing qualifications.
Statutory/Other Authority: 184.619, 279A.050, 279A.065, ORS 184.616
Statutes/Other Implemented: ORS 279A.030, 279C.375, 279C.440
History: DOT 1-2018, renumbered from 731-005-0780, filed 02/26/2018, effective 02/26/2018; DOT 3-2013, f. & cert. ef. 7-18-13; DOT 2-2005, f. 2-16-05, cert. ef. 3-1-05

734-010-0410
Termination of Contract
Termination of the Contract shall not relieve the Contractor of responsibility for completed portions of the Work, or the Contractor's surety from the obligations arising from the Work performed. The Solicitation Document shall describe the terms and conditions of termination.
Statutory/Other Authority: ORS 184.616, 184.619, 279A.050, 279A.065
Statutes/Other Implemented: ORS 279C.365, 279C.375, 279C.390
History: DOT 1-2018, renumbered from 731-005-0790, filed 02/26/2018, effective 02/26/2018; DOT 2-2005, f. 2-16-05, cert. ef. 3-1-05

DIVISION 17
CHAINS OR TRACTION TIRES

734-017-0005
Definitions
(1) As used in OAR 734-017-0005 through 734-017-0025, the following definitions apply:
(a) "Traction Tire":
(A) Tires with studs including retractable studded tires allowed under ORS 815.165;
(B) Tires marked as mud and snow or all-season radial tires when used on vehicles exempt under ORS 815.145(4); and
(C) Tires identified by the Rubber Manufacturers Association as meeting tests indicating the tire provides greater traction than mud and snow tires under winter driving conditions.
(b) "Chains" — Link chains, cable chains or another device that attaches to the wheel, vehicle or outside of the tire that is specifically designed to augment the traction of a vehicle under ice or snow conditions.
(c) "Retractable studded tires" are tires with embedded studs of metal or other material that retract to at or below the wear bar of the tire and project not less than four-hundredths (0.04) inch beyond the tread surface of the tire when extended.
(2) As used in ORS 815.165(10), "motor vehicles used for regularly scheduled medical transport services" means a vehicle used for regularly scheduled, point-to-point transportation for medical purposes and is not a vehicle described by either of the following:
(a) A vehicle regulated by a political subdivision under ORS 221.485.

(b) A vehicle, commonly known as a private passenger car or private passenger van, that is used by the owner of the vehicle or a relative of the owner of the vehicle for personal transportation for medical purposes.
Statutory/Other Authority: ORS 184.616, 184.619, 815.045
Statutes/Other Implemented: ORS 815.045, 815.140, 815.165
History: HWD 6-2008, f. & cert. ef. 7-28-08; HWD 7-2005, f. & cert. ef. 9-16-05; HWD 1-2004, f. & cert. ef. 1-20-04; TO 8-1998, f. & cert. ef. 9-14-98; Reverted to HWY 4-1995, f. & cert. ef. 10-17-95; HWY 10-1997(Temp), f. 10-21-97, cert. ef. 11-1-97; HWY 4-1995, f. & cert. ef. 10-17-95; 2HD 15-1981, f. & ef. 11-20-81

734-017-0010

Minimum Chains Required

When signs are posted in accordance with division 17 rules requiring chains on all or certain classes of vehicles, chains shall be placed as described in this rule. Exhibit 1, Minimum Chains Required, is illustrative of chain placement.
(1) Light duty vehicles — vehicles with a gross vehicle weight rating of 10,000 pounds or less, such as a passenger car or light truck, shall have chains on one tire on each side of the primary drive axle. Chains shall also be placed on a vehicle or trailer being towed as described in section (3) of this rule. Traction tires may be used in place of chains when the vehicle is not towing or being towed.
(2) Medium duty vehicles — vehicles with a gross vehicle weight rating of more than 10,000 pounds but less than 26,001 pounds such as buses, recreational vehicles, and cargo vehicles:
(a) A single-drive axle medium duty vehicle shall have chains on one tire on each side of the drive axle;
(b) A tandem-drive axle medium duty vehicle shall have chains on:
(A) Two tires on each side of the primary drive axle; or
(B) If both axles are powered by the drive line, one tire on each side of each drive axle; and
(c) A tandem-drive axle medium duty vehicle configured with one single-wheel axle and one dual-wheel axle shall have chains on one tire on each side of the dual-wheel axle. Chains shall also be placed on a vehicle or trailer being towed as described in section (3) of this rule.
(3) A vehicle or trailer towed by a light or medium duty vehicle described in sections (1) or (2) of this rule shall have chains on one tire on each side of one axle if the tow item is equipped with a brake.
(4) Solo commercial vehicles — vehicles with a gross vehicle weight rating of 26,001 pounds or more that are not towing:
(a) A single-drive axle solo commercial vehicle shall have chains on one tire on each side of the drive axle; and
(b) A tandem-drive axle solo commercial vehicle shall have chains on:
(A) Two tires on each side of the primary drive axle; or
(B) If both axles are powered by the drive line, on one tire on each side of each drive axle.
(5) Commercial vehicles with trailers — vehicles with a gross vehicle weight rating of 26,001 pounds or more that are towing one or more trailers:
(a) A single-drive axle commercial vehicle towing a trailer shall have chains on two tires on each side of the drive axle and one tire on the front axle and one tire on one of the rear axles of the trailer;
(b) A single-drive axle commercial vehicle towing a semitrailer shall have chains on two tires on each side of the drive axle and two tires, one on each side, of any axle of the semitrailer;
(c) A single-drive axle commercial vehicle towing both a semitrailer and a trailer shall have chains on two tires on each side of the drive axle, two tires, one on each side, of any axle of the semitrailer, and one tire on the front axle and one tire on one of the rear axles of the trailer;
(d) A tandem-drive axle commercial vehicle towing a trailer shall have chains on two tires on each side of the primary drive axle, or if both axles of the vehicle are powered by the drive line, one tire on each side of each drive axle. Chains shall also be placed on one tire of the front axle and one tire on one of the rear axles of the trailer;
(e) A tandem-drive axle commercial vehicle towing a semitrailer shall have chains on two tires on each side of the primary drive axle; or if both axles of the vehicle are powered by the drive line, one tire on each side of each drive axle. Chains shall also be placed on two tires, one on each side, of any axle of the semitrailer;

(f) A tandem-drive axle commercial vehicle towing both a semitrailer and a trailer shall have chains on two tires on each side of the primary drive axle or if both axles of the vehicle are powered by the drive line, one tire on each side of each drive axle. Chains shall also be placed on two tires, one on each side of any axle on the semitrailer and one tire on the front axle and one tire on one of the rear axles of the trailer; and
(g) A tandem-drive axle commercial vehicle towing a semitrailer and a semitrailer that are connected by kingpin-to-fifth wheel assemblies, commonly referred to as a "B-Train," or connected by kingpin-to-fifth wheel “C-dolly” assemblies, commonly referred to as a “C-Train”, shall have chains on two tires on each side of the primary drive axle; or if both axles of the vehicle are powered by the drive line, one tire on each side of each drive axle. Chains shall also be placed on two tires, one on each side, of any axle of the semitrailer at the B-train or C-train connection, and on two tires, one on each side, of any axle of the rear semitrailer.
[ED. NOTE: Exhibits referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619, 815.045
Statutes/Other Implemented: ORS 815.045, 815.140
History: HWD 7-2005, f. & cert. ef. 9-16-05; TO 8-1998, f. & cert. ef. 9-14-98; Reverted to HWY 1-1997, f. & cert. ef. 2-24-97; HWY 10-1997(Temp), f. 10-21-97, cert. ef. 11-1-97; HWY 1-1997, f. & cert. ef. 2-24-97; HWY 5-1996, f. & cert. ef. 10-10-96; Reverted to HWY 4-1995, f. & cert. ef. 10-17-95; HWY 1-1996(Temp), f. & cert. ef. 2-14-96; HWY 4-1995, f. & cert. ef. 10-17-95; 2HD 15-1981, f. & ef. 11-20-81

734-017-0012
Requirement to Carry Chains or Traction Tires
When chains or traction tires are required to be carried and the appropriate signs are posted, chains or traction tires of sufficient size and number to comply with division 17 rules must be in or on the vehicle.
Statutory/Other Authority: ORS 184.616, 184.619, 815.045
Statutes/Other Implemented: ORS 815.045, 815.140
History: HWD 7-2005, f. & cert. ef. 9-16-05; TO 8-1998, f. & cert. ef. 9-14-98

734-017-0015
Use of Chains or Traction Tires
A Department of Transportation District Manager or persons authorized by a District Manager shall authorize the posting of appropriate signs and determine when weather conditions require the following:
(1) Chains or traction tires must be carried but are not required to be used;
(2) Chains to be used on vehicles with a rated gross vehicle weight (GVW) of 10,000 pounds or less that are towing and single drive axle vehicles with a rated gross vehicle (GVW) over 10,000 pounds.
(3) Chains must be used on vehicles towing or with a rated gross vehicle weight (GVW) over 10,000 pounds;
(4) Chains or traction tires must be used on all vehicles except those vehicles exempt in ORS 815.145 and division 17 rules.
Statutory/Other Authority: ORS 184.616, 184.619, 815.045
Statutes/Other Implemented: ORS 815.045, 815.140
History: HWD 8-2009, f. & cert. ef. 9-29-09; TO 8-1998, f. & cert. ef. 9-14-98; Reverted to HWY 5-1996, f. & cert. ef. 10-10-96; HWY 10-1997(Temp), f. 10-21-97, cert. ef. 11-1-97; HWY 5-1996, f. & cert. ef. 10-10-96; HWY 4-1995, f. & cert. ef. 10-17-95; 2HD 15-1981, f. & ef. 11-20-81

734-017-0020
Vehicles Exempt
In addition to the vehicles described in ORS 815.145, the following vehicles are completely or partially exempt from the provisions of ORS 815.140 and division 17 rules:
(1) Vehicles operated by the Department of Transportation and used in the maintenance of State Highways are exempt from the provisions of ORS 815.140 and division 17 rules.

(2) Vehicles operated by a utility company, such as water, power, or heat, when providing emergency response services are exempt from the provisions of ORS 815.140 and division 17 rules.
(3) Buses that are not towing or being towed, are exempt from the requirement to use chains when chains are required on vehicles over 10,000 GVW if modifications to make the bus fully accessible to passengers with disabilities is the sole reason for the vehicle being rated over 10,000 GVW.
(4) Motorcycles are exempt from the requirement to carry chains or traction tires and may not travel when signs are posted in accordance with division 17 rules requiring chains or traction tires on all or certain classes of vehicles.
Statutory/Other Authority: ORS 184.616, 184.619, 815.045
Statutes/Other Implemented: ORS 815.045, 815.145
History: HWD 7-2005, f. & cert. ef. 9-16-05; TO 8-1998, f. & cert. ef. 9-14-98; Reverted to HWY 4-1995, f. & cert. ef. 10-17-95; HWY 10-1997(Temp), f. 10-21-97, cert. ef. 11-1-97; HWY 4-1995, f. & cert. ef. 10-17-95; 2HD 15-1981, f. & ef. 11-20-81

734-017-0025

Signs

Signs to be used to post areas requiring “chains” or “chains or traction tires” are shown in detail in Exhibit 2-A, Signing for Post Mounted Signs and Exhibit 2-B, Signing for Variable Message Signs.
[ED. NOTE: Exhibits referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619, 815.045
Statutes/Other Implemented: ORS 815.045
History: HWD 8-2009, f. & cert. ef. 9-29-09; TO 8-1998, f. & cert. ef. 9-14-98; Reverted to HWY 5-1996, f. & cert. ef. 10-10-96; HWY 10-1997(Temp), f. 10-21-97, cert. ef. 11-1-97; HWY 5-1996, f. & cert. ef. 10-10-96; HWY 4-1995, f. & cert. ef. 10-17-95; 2HD 15-1981, f. & ef. 11-20-81

EXHIBIT 2-A
(734-017-0025)

Signing for Post Mounted Signs

SNOW ZONE

CARRY CHAINS
OR
TRACTION TIRES

CHAINS REQUIRED
ON VEHICLES TOWING
OR SINGLE DRIVE AXLE
OVER 10,000 GVW

CHAINS REQUIRED
ON VEHICLES TOWING
OR OVER 10,000 GVW

CHAINS REQUIRED
TRACTION TIRES
ALLOWED ON VEHICLES
UNDER 10,000 GVW

EXHIBIT 2-B
(734-017-0025)

Signing for Variable Message Signs

Panel 1	SNOW ZONE
Panel 2	Carry Chains Or Traction Tires

Panel 1	SNOW ZONE Chains Reqd When
Panel 2	Towing Or Single Drive Over 10000

Panel 1	SNOW ZONE Chains Required On
Panel 2	Vehicles Towing or Over 10000

Panel 1	SNOW ZONE Chains Required
Panel 2	Tract Tires Allowed Under 10000

DIVISION 20
TRAFFIC CONTROL

734-020-0005
Traffic Control Devices

(1) Manual on Uniform Traffic Control Devices:
(a) In accordance with ORS 810.200, the 2009 Edition of the Manual on Uniform Traffic Control Devices dated December 2009 (U.S. Department of Transportation, Federal Highway Administration) is hereby adopted by reference as the manual and specifications of uniform standards for traffic control devices for use upon highways within this state.
(b) The Oregon Supplement to the Manual on Uniform Traffic Control Devices dated December 2011 is hereby adopted by reference as a register of deviations to the 2009 Edition of the Manual on Uniform Traffic Control Devices.
(c) The Oregon Temporary Traffic Control Handbook dated December 2011 is hereby adopted by reference as a standard for temporary traffic control for operations of three days or less.
(2) Traffic Control Devices Committee
(a) The Traffic Control Devices Committee is created to serve as an advisory body to the State Traffic Engineer on uniform standards for traffic control devices in this state. The committee shall consist of the following persons:
(A) The State Traffic Engineer of the Department of Transportation;
(B) A State Region Traffic Manager appointed by the Department of Transportation;
(C) The Superintendent of State Police or a representative designated by the superintendent;
(D) Three City Traffic Engineers appointed by the League of Oregon Cities;
(E) Three County Traffic Engineers appointed by the Association of Oregon Counties; and
(F) A Transportation Engineer appointed by the Oregon Sections of the Institute of Transportation Engineers;
(b) Committee members serve a maximum three-year term and may be re-appointed to serve an additional three-year term.
(c) Six Committee members constitute a quorum.
(d) A Chair and Vice-Chair shall be elected by the Committee to serve for the calendar year. The Chair shall prepare the agenda and moderate the meetings. The Vice-Chair shall preside in the absence of the Chair. If both are absent, a temporary Chair shall be chosen by the Committee at the meeting.
(e) The State Traffic Engineer shall serve as Secretary to the Committee assisting the Chair in preparing the agenda, publishing an agenda prior to each meeting, maintaining Committee files, and publishing minutes of meetings.
(f) The Committee shall meet every other month and at such additional times as designated by the Chair or as requested by six or more members of the Committee.
[Publications: Publications referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619, 366.205, 810.200, 810.210
Statutes/Other Implemented: ORS 810.200, 810.210
History: HWD 14-2011, f. & cert. ef. 12-22-11; HWD 4-2006, f. & cert. ef. 5-26-06; HWD 10-2005(Temp), f. & cert. ef. 12-14-05 thru 6-11-06; HWD 6-2005, f. & cert. ef. 7-22-05; TO 3-2002, f. & cert. ef. 4-15-02; HWY 10-1990, f. & cert. ef. 6-29-90; HWY 2-1990(Temp), f. & cert. ef. 2-1-90; HWY 7-1988, f. & cert. ef. 12-2-88; Reverted to HWY 1-1987, f. & ef. 1-9-87; HWY 2-1988(Temp), f. & cert. ef. 5-27-88; HWY 1-1987, f. & ef. 1-9-87; 2HD 6-1986(Temp), f. & ef. 7-29-86; 2HD 1-1986, f. & ef. 2-14-86; 2HD 3-1985, f. & ef. 9-13-85; 2HD 1-1985, f. & ef. 3-29-85; 2HD 9-1984(Temp), f. & ef. 10-4-84; 2HD 16-1983, f. & ef. 9-23-83; 2HD 9-1983(Temp), f. & ef. 4-20-83; 1OTC 23-1980, f. & ef. 11-26-80; 1OTC 22-1980, f. & ef. 11-26-80; 1OTC 16-1980, f. & ef. 9-18-80; 1OTC 25-1979, f. & ef. 10-30-79; 1OTC 15-1979(Temp), f. & ef. 7-18-79; 1OTC 7-1978, f. & ef. 4-27-78; 1OTC 80, f. & ef. 12-27-76; HC 1277, f. & ef. 3-3-72; HC 1270, f. & ef. 1-18-72

734-020-0010
Establishment of Speed Limits on Interstate Highways (Except Variable Speed Zones, see OAR 734-020-0018)

(1) Definitions:
(a) “Commission” means the Oregon Transportation Commission.

(b) “Department” means the Oregon Department of Transportation.
(c) “Trucks” means a motor vehicle with a gross vehicle weight greater than 8,000 pounds that is primarily designed or used for carrying or drawing loads other than passengers.
(d) “Interstate congestion level” means the ratio of average daily traffic volumes to capacity for an interstate highway as reported by the Department's congestion management system.
(e) “Rate” means the number of crashes, injuries, or fatalities per vehicle miles traveled on a lineal section of roadway.
(f) “Speed Zone Review Panel” means the advisory committee created (by OAR 734-020-0015) to hear contested speed zone cases on public roadways in Oregon. Membership consists of representatives from the Oregon State Police, the Oregon Transportation Safety Committee, the League of Oregon Cities, the Association of Oregon Counties and the Department of Transportation.
(2) Process for Establishing a Speed Limit on Sections of Interstate Highway Exceeding One Mile in Length. The following procedures apply when the Department of Transportation proposes to establish a speed limit on any section of interstate highway more than one mile in length under ORS 810.180 (for less than one mile see Section (3) of this rule):
(a) The Department will establish sections of interstate highway for investigation based on the site specific characteristics such as crash history, physical conditions and traffic conditions. Sections will be as long as possible in order to achieve consistency in speed zoning on interstate highways. For each section of interstate highway under consideration the Department will prepare an engineering investigation report that will include all of the following:
(A) The average speed and the speed at or below which 85 percent of the vehicles sampled were traveling.
(B) Crash data to include the total number and rates for all crashes, injuries and fatalities.
(C) Law enforcement review and input including enforcement levels.
(D) The speeds, the crash data, and the law enforcement input required by paragraphs (A) through (C) of this subsection collected separately for trucks and for all other vehicles.
(E) Roadway geometry and physical characteristics, including curvature, interchange spacing, lane widths, and shoulder widths.
(F) Traffic characteristics, including the interstate congestion levels, average daily volumes, and the percentage of trucks.
(G) Emergency medical services availability, including response times.
(H) Trucking restrictions, including weight and height restrictions.
(I) Type and frequency of adverse road conditions, including weather, environment, and visibility.
(b) The Speed Zone Review Panel will determine if an issues report documenting potential impacts, benefits, and issues related to changes in interstate highway speed limits will be required and what items need to be included. The report will be applicable to all sections of interstate highway under consideration. The Speed Zone Review Panel may require the Department to include one or more of the following items, but this does not limit the Department to include only those items the Panel selects within the issues report:
(A) Current available local, national and international research on interstate highway speed limits changes as it relates to:
(i) Changes in fatalities and injuries and their corresponding impacts to emergency medical services and trauma care;
(ii) Environmental pollution and fuel efficiency issues; and
(iii) Economic effects, including changes in travel efficiency and movement of goods.
(B) Speed enforcement practices.
(c) The Department will recommend a speed that is indicated by the engineering investigation report required by subsection (a) and an issues report if required by the Speed Zone Review Panel in subsection (b) of this section to be reasonable and safe under the conditions found to exist for each section of interstate highway being considered.
(d) If the speed recommended in subsection (c) of this section is greater or less than the existing speed, the Department will prepare a draft rule specifying the recommended speed(s) and present it to the Speed Zone Review Panel.
(e) The Speed Zone Review Panel will determine if one or more public meetings in the same region as the section(s) of interstate highway under consideration are required for the purpose of receiving comments from the public. If public meetings are required, the Department will provide notification to the public at least 30 days prior to any such meeting.
(f) The Department will prepare a report of the comments received at the public meeting(s) required by subsection (e) of

this section, including both general comments and those for a specific section of interstate highway.
(g) The Speed Zone Review Panel will make a recommendation to the Commission of a reasonable and safe speed for a section of interstate highway under the conditions found to exist and as indicated by the engineering investigation report, the issues report if required, and comments received at the public meetings. A Panel report shall explain the basis of the recommendation.
(h) The Commission will hold a public hearing prior to adopting the final rule. The Commission, after consideration of the recommendation and explanation from the Speed Zone Review Panel, will make the final determination of a reasonable and safe speed for a section of interstate highway under the conditions found to exist and as indicated by the engineering report, the issues report if required, and comments received at the public hearing. The Commission will then adopt a rule establishing the interstate highway speed limit for each section(s) of interstate highway under consideration.
(i) The new speed limit becomes enforceable when signs are posted.
(3) Process for Establishing a Speed Limit for Sections of Interstate Highway One Mile or Less. The following procedures apply when the Department of Transportation proposes to designate a speed limit or extend, shorten or otherwise modify the boundaries on any section of designated speed limits for interstate highways which are currently listed in OAR 734-020-0011, not to exceed one mile:
(a) The Department will establish sections of interstate highway for investigation based on the site-specific characteristics such as crash history, physical conditions and traffic conditions. For each section of interstate highway under consideration the Department will prepare an engineering investigation report that will include all of the following:
(A) The average speed and the speed at or below which 85 percent of the vehicles sampled were traveling;
(B) The crash rate for the specific section of highway being considered;
(C) The average crash rate for similar functional classification highways (if available);
(D) Roadway geometry and physical characteristics, including number of lanes, curvature, interchange spacing, lane widths, shoulder widths, and adjacent land use;
(E) Traffic characteristics, including the interstate congestion levels, average daily volumes, and the percentage of trucks.
(b) The maximum length is one mile when establishing or modifying the boundaries of an existing speed limit on the interstate under section (3) of this rule.
(c) The Department will recommend a speed that is indicated by the engineering investigation report required by subsection (a) of this section to be reasonable and safe under the conditions found to exist for each section of interstate highway being considered to be established, extended, shortened or modified.
(d) If the recommended speed limit boundary in subsection (c) of this section exceeds the maximum length described in subsection (b) of this rule, the Department will follow the applicable portions of Section (2) of this rule to amend OAR 734-020-0011.
(e) For speed limit boundary changes, if the speed recommended in subsection (c) of this section is greater or less than the existing speed limit specified in OAR 734-020-0011, the Department will prepare a draft rule specifying the changes to the boundaries and speed limits depending on the recommendation.
(A) The Speed Zone Review Panel will make a recommendation to the Commission of a reasonable and safe speed for a section of interstate highway under the conditions found to exist and as indicated by the engineering investigation report. A Panel recommendation shall explain the basis of the proposal.
(B) The Commission may hold a public hearing prior to adopting the final rule. The Commission, after consideration of the recommendation and explanation from the Speed Zone Review Panel, will make the final determination of appropriate boundaries for a section of interstate highway under the conditions found to exist and as indicated by the engineering report. The Commission may then adopt an amended rule establishing a speed limit or modifying the existing interstate highway speed limit boundaries for each section(s) of interstate highway under consideration.
(f) The new speed limit becomes enforceable when signs are posted.
(4) Process for review of interstate highway speed limit:
(a) The Department will, for the first four years after the establishment of any speed limit on interstate highways under

section (2), conduct an annual review of crash and fatality history. A written record of the annual review will be provided to the Governor's office and maintained by the Department.
(b) At any time that interstate highway crash trends significantly change, the Department will perform an analysis of the crash patterns on affected sections of interstate highway to determine if a review of speed limits is appropriate.
(c) The Department may review an interstate highway speed limit at any time at the discretion of the Commission or the State Traffic-Roadway Engineer.
(d) If appropriate, the Department will follow the process in section (2) or (3) as appropriate to initiate rulemaking to make changes to the interstate speed designations.
Statutory/Other Authority: ORS 184.616, 184.619, 810.180, Ch. 819 OL 2003
Statutes/Other Implemented: ORS 810.180, Ch. 819 OL 2003
History: HWD 3-2015, f. & cert. ef. 5-26-15; HWD 1-2014, f. & cert. ef. 2-21-14; HWD 3-2011, f. & cert. ef. 5-27-11; HWD 4-2004, f. & cert. ef. 5-6-04; HWY 3-1996, f. & cert. ef. 8-15-96; HWY 7-1990, f. & cert. ef. 4-18-90; HWY 3-1989, f. & cert. ef. 5-23-89; HWY 5-1987, f. & ef. 12-8-87; 1OTC 28, f. 6-5-74, ef. 6-25-74; 1OTC 24(Temp), f. & ef. 3-1-74; 1OTC 20, f. 1-28-74, ef. 2-11-74; 1OTC 7(Temp), f. & ef. 11-15-73

734-020-0011

Locations of Interstate Speed Limits Other Than Set in Statute

(1) All locations of mainline interstate highways not specifically listed in section (2) of this rule have maximum speed limits listed in ORS 811.111.
(2) Under the provisions of ORS 810.180(3), the speed limits on the following sections of interstate highways are established as follows:
(a) Pacific Highway (I-5):
(A) Mile Post 0.00-10.08 – 55 MPH (All VEHICLES);
(B) Mile Post 10.08-27.00 – 60 MPH (Vehicles as described in 811.111(1)(b));
(C) Mile Post 27.00-30.85 – 55 MPH (ALL VEHICLES);
(D) Mile Post 30.85-73.18 (Southbound) – 60 MPH (Vehicles as described in 811.111(1)(b));
(E) Mile Post 73.18-73.95 (Southbound) – 55 MPH (ALL VEHICLES);
(F) Mile Post 73.95-107.86 (Southbound) – 60 MPH (Vehicles as described in 811.111(1)(b));
(G) Mile Post 30.85-107.83 (Northbound) – 60 MPH (Vehicles as described in 811.111(1)(b));
(H) Mile Post 107.83-108.85 (Northbound) – 50 MPH (ALL VEHICLES);
(I) Mile Post 108.85-123.43 (Northbound) – 60 MPH (Vehicles as described in 811.111(1)(b));
(J) Mile Post 123.43-127.48 (Northbound) – 60 MPH (All Vehicles except as described in 811.111(1)(b));
(K) Mile Post 127.48-190.41 (Northbound) – 60 MPH (Vehicles as described in 811.111(1)(b));
(L) Mile Post 107.86-108.67 (Southbound) – 50 MPH (ALL VEHICLES);
(M) Mile Post 108.67-123.32 (Southbound) – 60 MPH (Vehicles as described in 811.111(1)(b));
(N) Mile Post 123.32-126.96 (Southbound) – 60 MPH (All Vehicles except as described in 811.111(1)(b));
(O) Mile Post 126.96-190.41 (Southbound) – 60 MPH (Vehicles as described in 811.111(1)(b));
(P) Mile Post 190.41-196.00 – 60 MPH (All Vehicles except as described in 811.111(1)(b));
(Q) Mile Post 196.00-251.00 – 60 MPH (Vehicles as described in 811.111(1)(b))
(R) Mile Post 251.00-260.85 (Northbound) – 60 MPH (All Vehicles except as described in 811.111(1)(b));
(S) Mile Post 260.85-288.60 (Northbound) – 60 MPH (Vehicles as described in 811.111(1)(b));
(T) Mile Post 251.00-259.86 (Southbound) – 60 MPH (All Vehicles except as described in 811.111(1)(b));
(U) Mile Post 259.86-288.60 (Southbound) – 60 MPH (Vehicles as described in 811.111(1)(b))
(V) Mile Post 288.60-296.34 – 55 MPH (ALL VEHICLES);
(W) Mile Post 296.34-298.02 – 50 MPH (ALL VEHICLES);
(X) Mile Post 298.02-299.53 – 55 MPH (ALL VEHICLES);
(Y) Mile Post 299.53-303.49 – 50 MPH (ALL VEHICLES);

(Z) Mile Post 303.49-307.30 – 55 MPH (ALL VEHICLES);
(AA) Mile Post 307.30-308.38 – 50 MPH (ALL VEHICLES).
(b) Columbia River Highway (I-84):
(A) Mile Post 0.00-0.84 – 50 MPH (ALL VEHICLES);
(B) Mile Post 0.84-9.94 – 55 MPH (ALL VEHICLES);
(C) Mile Post 9.94-18.25 – 60 MPH (All Vehicles except as described in 811.111(1)(b));
(D) Mile Post 18.25-87.85 – 60 MPH (Vehicles as described in 811.111(1)(b)).
(c) Eugene-Springfield Highway (I-105):
(A) Mile Post 0.00-0.54 – 45 MPH (ALL VEHICLES);
(B) Mile Post 0.54-3.49 – 55 MPH (ALL VEHICLES).
(d) East Portland Freeway (I-205):
(A) Mile Post 0.00-6.00 – 60 MPH (Vehicles as described in 811.111(1)(b));
(B) Mile Post 6.00-26.60 – 55 MPH (ALL VEHICLES).
(e) Stadium Freeway (I-405): Mile Post 0.00-4.21 – 50 MPH (ALL VEHICLES).
Statutory/Other Authority: ORS 184.616, 184.619, 810.180, 811.111
Statutes/Other Implemented: ORS 810.180, 811.111
History: HWD 8-2017, amend filed 12/19/2017, effective 12/19/2017; HWD 2-2017, amend filed 09/26/2017, effective 09/26/2017; HWD 3-2015, f. & cert. ef. 5-26-15; HWD 6-2004, f. & cert. ef. 10-6-04

734-020-0014
Speed Zone Definitions

The following definitions apply to OAR 734-020-0014 through 734-020-0017.
(1) “Average daily traffic” (ADT) means the total number of vehicles during a given time period greater than one day and less than one year, divided by the number of whole days in that time period.
(2) “Crash rate” means the number of crashes per million vehicle-miles (MVM) traveled on a section of road.
(3) “Computed Speed” means the eighty-fifth percentile speed minus the crash rate above the average statewide crash rate for similar functional classification highways.
(4) “Department” means the Oregon Department of Transportation.
(5) “Designated speed” means the speed that is designated under ORS 810.180 as the maximum permissible speed for a highway. The designated speed is established through a speed zone order. Designated speeds shall be in multiples of 5 mph. The designated speed supersedes the statutory speed that would be in effect if no designated speed was established except for school speed zones.
(6) “Eighty-fifth percentile speed” means the speed at or below which 85 percent of the motorists drive on a section of road for which speeds were measured.
(7) “Free flow speed” means the speed of vehicles when drivers tend to drive at their chosen speed unrestricted by conditions such as congestion, inclement weather, road work, law enforcement activity or traffic control such as traffic signals, stop or yield signs or by road geometry such as infrequent curves or hills.
(8) “Engineering study” means a documented investigation with analysis and evaluation of the pertinent information and applicable engineering principles.
(9) “Gravel road” means an unpaved road which has a running surface of small rock, gravel or other approved aggregate road surfacing material and may have a dust palliative applied.
(10) “Highway” means every public way, road, street, thoroughfare and place as described in ORS 801.305.
(11) “Interested jurisdiction” means any governing agencies, other than the Road Authority, which may have interest in the speed on a highway by virtue of being within the city limits, or having responsibility for maintaining the highway.
(12) “Low volume road” means any road, street or thoroughfare which has an average daily traffic of less than 400 vehicles, and is open to travel by the public. State highways are not considered low volume roads, regardless of ADT.
(13) “Pace limits” means the ten mile-per-hour range containing the largest number of sample vehicles observed in a spot

speed check.
(14) “Paved road” means a regularly maintained solidified hard surfaced road typically solid bituminous (asphalt concrete), oil mat or Portland cement concrete.
(15) “Recommended Speed” is the speed that has been determined from an engineering study. Recommended speeds shall be in multiples of 5 mph.
(16) “Road authority” means the governing agency which has the jurisdiction to place, maintain and operate traffic control devices as defined in Oregon Revised Statute 810.010.
(17) “Rural state highway” means a section of highway under the jurisdiction of the Department and outside the city limits of an incorporated city.
(18) “School zone exception” means a specific section of highway where a statutory school speed limit (20 mph) is posted as specified in ORS 811.111.
(19) “Speed zone” means a specific section of highway where a designated speed is posted under ORS 810.180.
(20) “Speed Zone Review Panel” means the hearings panel created in OAR 734-020-0015.
(21) “Statutory speed” means the speed that is established in statute, under ORS 811.111 or 811.105.
(22) “Transition speed zone” means a speed zone(s) established to make the change in legal speeds less abrupt for drivers. As an example, instead of going directly from a 55 mph section to a 25 mph section, it may be desirable to establish one or more transition speed zones in between, such as 45 mph and 35 mph.
(23) “Unpaved road” means a road which has a surface that does not meet the definition of a paved road. The road surface may be dirt, rock, gravel, or other non-solidified material and may have a dust palliative applied.
(24) “Written order” means the official document prepared and issued by the Department or the Road Authority as per ORS 810.180 that delineates the roadway segment(s) and designates the speed in a speed zone or speed zones established. This is commonly known as a speed zone order.
Statutory/Other Authority: ORS 184.616, 184.619, 810.010, 810.180
Statutes/Other Implemented: ORS 810.180
History: HWD 2-2017, amend filed 09/26/2017, effective 09/26/2017; HWD 3-2011, f. & cert. ef. 5-27-11; HWD 3-2007, f. & cert. ef. 6-25-07

734-020-0015

Establishment of Speed Zones on Public Roads Except Public Paved Low Volume or Public Unpaved Roads

(1) Purpose: This rule is adopted for the purpose of establishing speed zones on public roads by the Department and other road authorities under ORS 810.180. This rule applies to all public roads except for the establishment of speed limits on interstate highways under OAR 734-020-0010 or where the Department may delegate its authority to establish designated speeds on low volume or unpaved roads under ORS 810.180(5) (f). The delegation of authority for low volume roads and unpaved roads is covered in OAR 734-020-0016 and OAR 734-020-0017. Establishment of speed zones on low volume roads may follow the standard method described in this rule or the procedures described in OAR 734-020-0016. The State Traffic-Roadway Engineer may approve an experimental alternative investigation method that could be used instead of the standard engineering study identified in section (2) of this rule after consideration of the recommendation of the Speed Zone Review Panel.
(2) Speed Zone Standard Method:
(a) An engineering study must be performed to determine the recommended speed for proposed speed zoning. The standard engineering study will use the following criteria:
(A) Analysis of the speed of free flowing traffic to include the eighty-fifth percentile speed and pace limits;
(B) The crash rate for the specific section of highway being considered;
(C) The average crash rate for similar functional classification highways (if available);
(D) The difference between the crash rate for the specific section being considered and the average crash rate for similar functional classification highways; and
(E) The computed speed, which is the eighty-fifth percentile speed minus the crash rate above the average rate as

determined in paragraph (D) of this subsection.
(b) The following additional factors may be considered in the standard engineering study:
(A) Accesses;
(B) Crash history;
(C) Enforcement;
(D) Geometric features;
(E) Pedestrian and bicycle movements;
(F) Public testimony;
(G) Traffic volumes;
(H) Type and density of adjacent land use; and
(I) Other applicable factors.
(c) Speed Zone Recommendation. The Department is subject to the following guidelines when determining the recommended speed using the standard engineering study:
(A) The recommended speed may be varied a maximum of 10 miles per hour above or below the computed speed on all public roads except for state highways outside city limits.
(B) The recommended speed may not be varied, except under paragraph (2)(c)(C), more than five miles per hour above or below the computed speed on rural state highways.
(C) The recommended speed may be varied a maximum of 10 miles per hour below the computed speed on state highways outside city limits for one or more of the following reasons:
(i) The crash rate for the specific section exceeds the average crash rate for similar functional classification highways;
(ii) There has been more than one fatal or serious injury crash in the last three years;
(iii) The specific section meets the definition of a “business district” under ORS 801.170 or a “residence district” under ORS 801.430;
(iv) There are residences, businesses, or other public service facilities that front the specific section, and the section is located within an area that has been identified by the Oregon Department of Land Conservation and Development as an Unincorporated Community, and is listed in the Survey of Oregon Unincorporated Communities;
(v) The specific section has urban character and environment and pedestrian attractions such as businesses, schools, parks or other facilities; or
(vi) There is limited stopping sight distance which has contributed to crashes or near misses.
(d) Transition speed zones should be considered when the difference between two adjoining posted speeds would otherwise exceed 20 miles per hour:
(A) The recommended speed for transition speed zones may exceed 10 miles per hour above or below the computed speed as deemed appropriate by the Department; and
(B) The Department is not restricted by paragraphs (A) through (C) of subsection (2)(c) when determining the recommended speed for transition speed zones.
(e) The section length used for speed zoning should be at least one-quarter of a mile in length except transition speed zones may be a minimum of one thousand feet in length.
(f) An existing designated speed zone may, at the discretion of the State Traffic-Roadway Engineer, be extended or shortened up to 500 feet without obtaining a spot speed check within that section.
(3) An experimental alternative investigation to replace the standard engineering study in order to determine a speed zone recommendation on certain City of Portland streets (not state highways) may be approved for a two-year trial period by the State Traffic-Roadway Engineer. The alternative method must include an evaluation plan for the City of Portland to provide a review and report to the Speed Zone Review Panel at the end of the trial period for a recommendation on the suitability of the City’s alternative method.
(a) After the two-year trial period, the State Traffic-Roadway Engineer will decide whether to continue or terminate the alternative method.
(A) The Speed Zone Review Panel will review the evaluation of the alternative method and make a recommendation on

whether or not to adopt the alternative method as an additional standard (not experimental) method, extend the evaluation period an additional year or terminate the use of the alternative method.
(B)The State Traffic-Roadway Engineer will consider the Speed Zone Review Panel recommendation in the final decision.

(C) Establishment of the alternative method as an additional standard speed zoning procedure after the two-year trial period requires Department adoption by administrative rule.
(b) The alternative method shall include the following factors as a minimum:
(A) Street classification;
(B) Street character and roadside development;
(C) Traffic volumes;
(D) Street width and lane configuration; and
(E) An analysis of the current speed distribution of free-flowing vehicles.
(c) The alternative method will not be used on streets that are state highways or ones that are classified as Arterials in the Federal Functional Classification System. Federal Functional Classification is shown on ODOT City and County maps.
(d) The Department could determine that the standard engineering method, not the alternative method, is to be used on any street.
(e) If another local agency is involved in the jurisdiction of the street (an interested jurisdiction), the local agency using the alternative method must obtain the interested jurisdiction's concurrence with the use of the alternative method and the speed zone recommendation.
(f) The road authority shall perform the alternative investigation and submit the report containing the recommended speed to the Department for review and approval. The road authority shall refer to the Department for accepted report format and content.
(4) Speed Zone Procedures:
(a) The Department of Transportation is subject to the following procedures while exercising its authority for establishing the designated speed, using the standard engineering study method, on state highways within city limits, city streets, county roads and any other rural roads under ORS 810.180 unless otherwise provided under ORS 810.180:
(A) The road authority and interested jurisdiction, if any, must make written request to the State Traffic-Roadway Engineer in order for the Department to perform an engineering study with respect to establishing a designated speed on a highway under ORS 810.180. The application must state the recommended designated speed for the highway or section of highway by the road authority and interested jurisdiction, if any;
(B) The Department must determine the recommended speed by performing or causing to be performed an engineering study;
(C) The Department, when requested by the road authority and interested jurisdiction, if any, may allow the requestors to perform or cause to be performed an engineering study of the roadway section under its own jurisdiction and remit a copy of the investigation to the Department for review. Refer to the Department for acceptable methodologies and procedures for an engineering study of speed zones;
(D) The Department must allow the road authority and interested jurisdiction, if any, that is requesting an investigation under this section to participate with the Department in the investigation;
(E) The Department may recommend a change in the existing designated or statutory speed for a specific section of highway if the investigation establishes to the satisfaction of the Department that the existing speed is greater or less than reasonable or safe under the conditions found in the specific section in question;
(F) The Department must give written notice to the road authority and interested jurisdiction, if any, of the Department’s determination concerning a recommended speed;
(G) The Department must issue a Speed Zone Order if the recommended speed is mutually agreeable to the road authority and interested jurisdiction, if any;
(H) If mutual agreement cannot be reached, the road authority may take the matter to the Speed Zone Review Panel;

(I) A written speed zone order must be issued to establish a designated speed;
(J) A copy of the written speed zone order must be provided to the road authority and interested jurisdiction, if any, as appropriate, and the original retained in the Department of Transportation's records for each speed zone established; and
(K) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the highway where the designated speed is imposed.
(b) The Department of Transportation is subject to the following procedures while exercising its authority for establishing the designated speed on rural state highways under ORS 810.180 unless otherwise provided under ORS 810.180:
(A) A Government agency or citizen must make written request for the Department to perform an engineering study with respect to speed on a highway under ORS 810.180. The request must be made to the State Traffic-Roadway Engineer or Region Traffic Manager. The request must state the reason for the requested change in speed zoning;
(B) The Department may perform or cause to be performed an engineering study. If the engineering study is performed by someone other than the Department, that person should refer to the Department for accepted methodologies and procedures for an engineering study of speed zones;
(C) The Department may change the existing designated or statutory speed for a specific section of highway if the engineering study establishes to the satisfaction of the Department that the existing speed is greater or less than reasonable or safe under the conditions found in the specific section in question;
(D) The Department must give a written reply to the original requestor of the Department's determination concerning a designated speed;
(E) Written objections by the requestor may be filed with the Department to any speed established by the Department;
(F) If the recommended speed exceeds the guidelines established under paragraph(2)(c)(B) or (2)(c)(C) of this rule, the Department may refer the matter to the Speed Zone Review Panel;
(G) A written speed zone order must be issued to establish a designated speed;
(H) The original written order must be retained in the Department of Transportation's records for each speed zone established; and
(I) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the highway where the designated speed is imposed.
(c) The Department of Transportation is subject to the following procedures while exercising its authority for establishing the designated speed using the alternative method in the City of Portland,
(A) The Department will evaluate the recommendation on the report using the factors from (3)(b) as approved by the State Traffic-Roadway Engineer for the alternative method. The Department may change the existing designated or statutory speed for a specific section of highway if the alternative method establishes to the satisfaction of the Department that the existing speed is greater or less than reasonable or safe.
(B) If the recommended speed is mutually agreeable to the road authority, the Department and any interested jurisdictions, the Department will issue a written speed zone order.
(C) When differences of opinion about the recommended speed occur among the Department, the road authority and any interested jurisdictions, the road authority may take the matter to the Speed Zone Review Panel for decision.
(D) A written speed zone order must be issued to establish a designated speed. A copy of the written speed zone order must be provided to the road authority and any interested jurisdictions, and the original retained in the Department's records.
(E) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the street where the designated speed is imposed.
(F) A speed zone established under the approved alternative method shall be considered as duly established under ORS 810.180 whether the alternative method becomes permanent or is terminated.
(G) Subsections (2)(d), (e), and (f) and Sections 5 and 6 of this rule apply to the alternative method process (as well as the standard engineering study method).

(5) Speed Zone Review Panel:
(a) The Speed Zone Review Panel is created to conduct hearings for deciding contested speed zone recommendations and to serve as an advisory body to the Department. The panel must consist of the five following persons:
(A) The Chair of the Governor's Transportation Safety Committee or a representative designated by the Chair;
(B) The Superintendent of State Police or a representative designated by the superintendent;
(C) The Chief Engineer of the Department of Transportation or a representative designated by the Engineer; and
(D) Two additional members, one representative of the interests of cities and one representative of the interests of counties. The League of Oregon Cities and the Association of Oregon Counties must each appoint a member representing the interest of cities and counties respectively. City and county representatives may serve a maximum three-year term. City and county representatives may be re-appointed to serve an additional three-year term.
(b) Three Speed Zone Review Panel members attending a hearing constitute a quorum.
(c) The State Traffic-Roadway Engineer will designate the Chairperson.
(d) The Department is responsible to pay from the State Highway Fund the per diem travel and other expenses of the members of the Speed Zone Review Panel for the purpose of conducting hearings on speed zone appeals.
(e) The Speed Zone Review Panel must conduct a hearing when the State Traffic-Roadway Engineer determines the Department has received a sufficient number of appeals to convene the panel:
(A) The State Traffic-Roadway Engineer must arrange the hearing date and present the speed zone appeals;
(B) The Department must notify the road authority, interested jurisdiction, if any, and any citizen having expressed an interest to the Department regarding the contested speed zone of the hearing in writing at least 30 days prior to the hearing. The 30-day hearing notification may be waived if it is mutually agreeable among the Department, road authority and any interested jurisdiction;
(C) The opportunity to present testimony in person or in writing must be included in the notice of hearing date;
(D) Written testimony received by the State Traffic-Roadway Engineer at least three days prior to the hearing must be considered in the speed zone appeal review;
(E) The criteria and procedures established under ORS 810.180, OAR 734-020-0015, OAR 734-020-0016 and OAR 734-020-0017 for determining speed zoning will be considered in deciding the appeals;
(F) The decision of the panel is final and any speed zone order must be issued accordingly; and
(G) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of highway where the designated speed is imposed.
(6) Rescission.
(a) A designated speed established in a speed zone order created under ORS 810.180 supersedes the statutory speed except for school speed zones that would otherwise apply, until or unless the speed zone order is rescinded.
(b) A road authority may request that the Department rescind an established speed zone order if the road authority has determined that the statutory speed is more appropriate for the roadway and the roadway meets the statutory definition of the proposed statutory speed.
(c) When a speed zone order has been formally rescinded, the road authority may post the statutory speed.
Statutory/Other Authority: 184.616, 184.619, 810.010, 810.180
Statutes/Other Implemented: ORS 810.180
History: HWD 2-2017, amend filed 09/26/2017, effective 09/26/2017; HWD 3-2011, f. & cert. ef. 5-27-11; HWD 3-2007, f. & cert. ef. 6-25-07; HWY 4-1994, f. 9-19-94, cert. ef. 1-1-95; HC 1277, f. 3-3-72

734-020-0016

Establishment of Speed Zones on Public Paved Low Volume Roads

(1) Purpose. This rule is adopted for the purpose of establishing speed zones on public paved low volume roads by the Department and other road authorities and interested jurisdictions when appropriate. Establishment of speed zones on low volume roads may follow the standard method described in OAR 734-020-0015 or the method described in this rule.
(2) Delegation of Authority.

(a) Upon the request of a road authority, the Department may delegate its authority under ORS 810.180 for public paved low volume roads if the road authority agrees to exercise the authority according to this rule. The written application must:
(A) Be made to the State Traffic Engineer requesting delegated authority to determine and establish speed zones for public paved low volume roads under their jurisdiction;
(B) Include a specific roadway or all roadways under their jurisdiction for which the road authority is requesting delegation;
(C) If there is an interested jurisdiction on any public paved low volume roads within the boundaries of the road authority, the written application from the road authority must include a statement that the road authority and interested jurisdiction have agreed to the need to perform an engineering study and if appropriate, establish a designated speed according to this rule; and
(D) Specify that the road authority will perform or cause to be performed an engineering study to determine the appropriate designated speed.
(b) If the Department determines that the road authority has established a speed zone without complying with this rule, the Department may withdraw the delegation of authority and the road authority must remove existing speed zone signing and post the section of roadway at the speed that was posted preceding the engineering study.
(c) The Department may perform the engineering study at the request of the road authority following the procedures set forth in OAR 734-020-0015(4)(a).
(3) Speed Zone Criteria. A road authority granted speed zone authority under section (2) of this rule is subject to the following:
(a) Perform or cause to be performed an engineering study to determine the recommended speed for the proposed speed zone using the eighty-fifth percentile speed.
(b) The following additional factors may be considered in the engineering study:
(A) Accesses;
(B) Crash history;
(C) Enforcement;
(D) Geometric features;
(E) Pedestrian and bicycle movements;
(F) Public testimony;
(G) Traffic volumes;
(H) Type and density of adjacent land use; and
(I) Other applicable factors.
(c) Speed Zone Recommendation. The road authority is subject to the following guidelines when determining the recommended speed:
(A) The recommended speed may be varied a maximum of 10 miles per hour above or below the eighty-fifth percentile speed; and
(B) The section investigated for speed zoning should be at least one-quarter of a mile in length except transitions speed zones may be a minimum of one thousand feet in length.
(4) Speed Zone Procedures.
(a) The road authority may establish a different speed on a specific section of highway if the engineering study finds that the existing designated or statutory speed is greater or less than reasonable or safe under the conditions found in the specific section in question unless any part of subsections (b) or (c) of this section apply.
(b) If the recommended speed exceeds 10 mph above or below the eighty-fifth percentile speed, the road authority must notify the Department and the matter will be presented to the Speed Zone Review Panel.
(c) If there is an interested jurisdiction on the section of road, the following procedures must be followed:
(A) If the recommended speed is within 10 mph difference from the eighty-fifth percentile speed and it is mutually agreed to by the road authority and interested jurisdiction then the road authority may issue a written order to establish

the speed zone; or
(B) When differences of opinion between the road authority and interested jurisdiction occur, the road authority must notify the Department and the matter will be presented to the Speed Zone Review Panel.
(d) The road authority and interested jurisdiction, if any, should refer to the Department for further guidance on acceptable methodologies for an engineering study of speed zones.
(e) The road authority must file with the Department a copy of the written speed zone order and engineering study.
(f) The road authority must retain the original speed zone order and engineering study.
(g) The road authority may authorize the Department to issue the speed zone order by submitting a copy of the engineering study.
(h) The road authority is responsible for installing speed zone signing.
(i) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the highway where the designated speed is imposed.
(5) Rescission.
(a) A designated speed established in a speed zone order created under ORS 810.180 supersedes the statutory speed that would otherwise apply, until or unless the speed zone order is rescinded.
(b) A road authority may request that the Department rescind an established speed zone order if the road authority has determined that the statutory speed is more appropriate for the roadway and the roadway meets the statutory definition of the proposed statutory speed.
(c) When a speed zone order has been formally rescinded, the road authority may post the statutory speed.
Statutory/Other Authority: ORS 184.616, 184.619, 810.010, 810.180
Statutes/Other Implemented: ORS 810.180
History: HWD 3-2011, f. & cert. ef. 5-27-11; HWD 3-2007, f. & cert. ef. 6-25-07

734-020-0017
Establishment of Speed Zones on Public Unpaved Roads
(1) Purpose. This rule is adopted for the purpose of establishing speed zones on unpaved roads by the Department when appropriate.
(2) Guidance. ODOT provides the following guidance to assist the road authority in determining if creation of a speed zone is appropriate:
(a) Establishing speed zones on unpaved roads is generally discouraged:
(A) The risk with establishing a specific speed zone is that a “Speed Zone” sign creates an expectation by the driver that the roadway is safe to drive at the posted speed. Since unpaved roadway conditions can change rapidly depending on weather, season, traffic volumes and amount of road maintenance, establishing the appropriate speed zone for all conditions is difficult, if not impossible; and
(B) Oregon’s basic rule speed law requires drivers to adopt a reasonable and prudent speed. The driver should rely primarily on their visual observation of the roadway conditions, rather than a speed zone sign to determine the safe speed to drive a road.
(b) There are other factors that reduce the effectiveness of, or necessity for setting speeds on unpaved roads:
(A) Enforcement is minimal on unpaved roads. There would be poor compliance with speed zoning without enforcement commitment; and
(B) Risks of vehicle conflict are very low on these roads; most are used by travelers who are familiar with the roads and their condition.
(c) Given the factors in subsections (2)(a) and (2)(b), speed zones will only be established for unpaved roads that are gravel roads as defined in OAR 734-020-0014. Speed zones will not be established under ORS 810.180 for other unpaved roads except for speed zones established by a road authority under ORS 810.180(7), (8) or (9).
(3) Speed Zone Application Process. The road authority must do all of the following:
(a) Make written application to the State Traffic Engineer requesting authority to perform or cause to be performed an

engineering study for a specific unpaved road under their jurisdiction;
(b) State the reason for the requested change in speed;
(c) Specify that the engineering study will be performed; and
(d) Submit the following documentation:
(A) Evidence of crash history;
(B) Written commitment from law enforcement that the subject roadway will be part of routine patrols;
(C) Written commitment from the road authority and interested jurisdiction, if any, that the roadway will be graded a minimum of every six months when open to normal traffic; and
(D) If there is an interested jurisdiction on the specified unpaved road within the boundaries of the road authority, the written application must include a statement that the road authority and interested jurisdiction have agreed to the need to perform an engineering study and if appropriate, establish a designated speed according to this rule.
(4) Delegation of Authority.
(a) The Department will delegate authority to perform the engineering study if the road authority satisfactorily completes the application process as outlined in section (3) of this rule; and
(b) The road authority will proceed with the engineering study upon review and approval of the application by the Department.
(5) Speed Zone Criteria. A road authority granted authority under section (4) of this rule is subject to the following:
(a) Perform or cause to be performed an engineering study to determine the recommended speed for the proposed speed zone using the following criteria:
(A) The eighty-fifth percentile speed; and
(B) Documented history of crashes related to excessive speed in the section of unpaved road for which a speed zone is requested.
(b) The following additional factors may be considered in the recommended speed:
(A) Accesses;
(B) Crash history;
(C) Enforcement;
(D) Geometric features;
(E) Pedestrian and bicycle movements;
(F) Public testimony;
(G) Traffic volumes;
(H) Type and density of adjacent land use; and
(I) Other applicable factors
(6) Speed Zone Recommendation. The road authority is subject to the following guidelines when determining the recommended speed:
(a) The recommended speed may be varied a maximum of 10 miles per hour above or below the eighty-fifth percentile speed; and
(b) The section considered for speed zoning should be at least one-quarter of a mile in length except transition speed zones may be a minimum of one thousand feet in length.
(7) Speed Zone Procedures. The following procedures apply to consideration and approval or denial of a speed zone recommendation:
(a) The road authority must submit two copies of the completed engineering study to the Department.
(b) The road authority should refer to the Department for acceptable methodologies and procedures for an engineering study of speed zones.
(c) The Department:
(A) May change the existing designated or statutory speed on a specific section of highway if the engineering study establishes to the satisfaction of the Department that the existing speed is greater or less than reasonable or safe for the specific section in question;

(B) Must give written notice to the road authority and interested jurisdiction, if any, of the Department's determination regarding the designated speed; and
(C) May issue a speed zone order if the recommended speed is mutually agreeable to the road authority and any interested jurisdiction.
(d) The Department will refer the matter to the Speed Zone Review Panel when:
(A) There are differences of opinion among the Department and the road authority or interested jurisdiction;
(B) There are differences of opinion between the road authority and interested jurisdiction; or
(C) The recommended speed exceeds 10 mph above or below the eighty-fifth percentile speed.
(e) A copy of the written speed zone order must be filed with the road authority and any interested jurisdiction, as appropriate, and the original retained in the Department's records for each speed zone established.
(f) The road authority is responsible for installing speed zone signing.
(g) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the highway where the designated speed is imposed.
(8) Rescission.
(a) A designated speed established in a speed zone order created under ORS 810.180 supersedes the statutory speed that would otherwise apply, until or unless the speed zone order is rescinded.
(b) A road authority may request that the Department rescind an established speed zone order if the road authority has determined that the statutory speed is more appropriate for the roadway and the roadway meets the statutory definition of the proposed statutory speed.
(c) When a speed zone order has been formally rescinded, the road authority may post the statutory speed.
Statutory/Other Authority: ORS 184.616, 184.619, 810.010, 810.180
Statutes/Other Implemented: ORS 810.180
History: HWD 3-2011, f. & cert. ef. 5-27-11; HWD 3-2007, f. & cert. ef. 6-25-07

734-020-0018
Establishment of Variable Speed Zones
(1) Purpose:
(a) This rule is adopted for the purpose of the Department and other road authorities establishing variable speed zones on public roads under ORS 810.180. A variable speed zone may be established on a section of highway when an engineering study determines that a range of speeds in response to recurring conditions provides for better traffic safety and operation than a single set speed.
(b) A variable speed zone is established by a written order or rule defining the criteria, boundaries and procedures for speed changes in a designated manner over a given range of speeds at minimum specified intervals. At a particular time and place, the applicable speed zone reflects some of the same factors a prudent driver also considers. Examples include the effects of congestion, road conditions, reduced visibility or weather conditions. Improving the consistency between a responsible driver's speed selection and the speed zone can keep traffic moving smoothly and improve safety. An engineering study is required.
(c) This rule applies to all public roads except where the Department has delegated its authority to establish designated speeds on low volume or unpaved roads under ORS 810.180(5) (f). The delegation of authority for low volume roads and unpaved roads is covered in OAR 734-020-0016 and OAR 734-020-0017.
(2) The State Traffic Engineer may apply this rule to establish a limited number of Variable Speed Zone pilot projects around the state. The State Traffic Engineer, subject to the following limitation, will decide the appropriate number of pilot projects to test the criteria and procedures in this rule. There may be pilot projects for a particular recurring condition such as congestion, road conditions, reduced visibility or weather conditions.
(a) An evaluation of each pilot project Variable Speed Zone will be completed by the State Traffic Engineer after two years from the start of operation of that pilot project until each pilot project has been evaluated for an identified recurring condition under Section (1).

(b) The Speed Zone Review Panel will review the evaluations for each identified recurring condition. The Speed Zone Review Panel will make a recommendation to the State Traffic Engineer to continue the evaluation period, terminate the evaluation, amend this rule to revise the criteria and procedures or remove the pilot project requirement.
(c) The State Traffic Engineer will consider the recommendation of the Speed Zone Review Panel and decide whether to continue the evaluation period, terminate the evaluation, amend this rule to review the criteria and procedures or remove the pilot project requirement.
(d) The State Traffic Engineer may continue the established pilot projects pending further evaluation, Speed Zone Review Panel review and final decision on establishing Variable Speed Zones.
(3) Definitions: the following definitions apply to this rule in addition to the speed zone definitions in OAR 734-20-0010 and 734-020-0014,
(a) “Algorithm” means the method or procedure by which the optimum speed is determined based on road, traffic or weather conditions.
(b) “Maximum Speed” means the maximum designated speed or statutory speed that may be posted in the variable speed zone, typically when conditions such as congestion, road conditions, reduced visibility or weather conditions are not present to support a reduced variable speed. A maximum designated speed is determined per OAR 734-020-0010, 734-020-0015 or 734-020-0016. A maximum statutory speed is established as a speed limit under ORS 811.111 or basic speed rule under 811.105.
(c) “Speed Change Interval” means the magnitude of allowed change in miles-per-hour when the posted speed is changed in response to conditions.
(d) “Speed Change Record” is the long term storage of each activated change including the reason or condition, in the posted speed at each variable speed sign in a manner such that the posted speed at a given location and time within a variable speed zone can be determined and reported.
(e) “Transportation Operations Center (TOC)” (also called a Traffic Management Center or Traffic Management Operations Center) means the facility through which the road, traffic and/or weather conditions are monitored and collected, processed, distributed and communicated to the variable speed signs.
(f) “Variable Speed Zone” means a designated speed that changes based on congestion, road conditions, reduced visibility or weather conditions.
(4) Establishing a Variable Speed Zone on Interstate Highways: the following procedures apply when the Department of Transportation proposes establishing a variable speed zone on any section of interstate highway under ORS 810.180:
(a) The Department may establish variable speed zones on a section of interstate highway based on an engineering study of the characteristics such as congestion, road conditions, reduced visibility or weather conditions. For each section of interstate highway under consideration the Department will prepare an engineering study that will include all of the following:
(A) The Maximum speed.
(B) Crash patterns in the section of highway under consideration by time of day, day of week, season of year or other period exhibiting recurring crash patterns.
(C) Law enforcement consultation and input.
(D) Traffic characteristics by time of day, day of week, season of year or other periods where recurring congestion levels and reduced average speeds occur, such as hourly congestion levels and calculated eighty-fifth percentile speeds (85% speeds).
(E) Type and frequency of adverse road conditions, including weather, environment, and visibility.
(b) The Department will prepare a written analysis and recommendation of the boundaries and algorithms for the variable speed zone. The recommendation will include:
(A) Locations of each sign,
(B) Set of algorithms,
(C) The speed change intervals,
(D) The means, responsibilities and procedures for changing posted speed and

(E) The means, responsibilities and procedures for keeping the speed change records.
(c) If appropriate, the Department will institute rulemaking to make changes to the interstate speed designations which are included in OAR 734-020-0019.
(d) The speed change record must be retained and maintained for at least 5 years.
(e) The speed zone becomes enforceable when variable speed signs are installed and operated.
(5) Establishing a Variable Speed Zone on rural state highways except unpaved roads: the following apply when the Department of Transportation proposes to establish variable speed zones on sections of state highway outside city limits:
(a) The Department may establish variable speed zones on a section of rural state highway based on an engineering study of the characteristics such as congestion, road conditions, reduced visibility or other weather conditions. For each section of rural state highway under consideration the Department will prepare an engineering study that will include all of the following:
(A) The Maximum speed.
(B) Crash patterns in the section of highway under consideration by time of day, day of week, season of year or other period exhibiting recurring crash patterns.
(C) Law enforcement consultation and input.
(D) Traffic characteristics by time of day, day of week or season of year or other periods where recurring congestion levels and reduced speeds occur, such as hourly congestion levels and calculated eighty-fifth percentile speeds (85% speeds).
(E) Type and frequency of adverse road conditions, including weather, environment, and visibility.
(b) The Department will prepare a written analysis and recommendation of the boundaries and algorithms for the variable speed zone. The recommendation will include all of the following:
(A) Locations of each sign,
(B) Set of algorithms,
(C) The speed change intervals,
(D) The means, responsibilities and procedures for changing posted speed and
(E) The means, responsibilities and procedures for keeping the speed change records.
(c) A written variable speed zone order must be issued by the department to establish a variable speed zone.
(d) The original written variable speed zone order must be retained in the Department of Transportation's records for each speed zone issued.
(e) The speed change record must be retained and maintained for at least 5 years.
(f) The speed zone becomes enforceable when variable speed signs are installed and operated.
(6) Establishing a Variable Speed Zone on state highways inside city limits, city streets, county roads and any other rural public roads except unpaved public roads: the following procedures apply when the applicable Road Authority proposes to establish variable speed zones on sections of state highways inside city limits, city streets, county roads and any other rural public roads except unpaved public roads:
(a) The road authority must make a recommendation to the State Traffic Engineer to establish a variable speed zone. The recommendation will include all of the information required in this section including the engineering study.
(b)The Department may establish variable speed zones on a section of state highways inside city limits, city streets, county roads and any other rural public roads except unpaved public roads based on an engineering study of the characteristics such as congestion, road conditions, reduced visibility or other weather conditions. For each section of public road under consideration an engineering study must be completed that will include all of the following:
(A) The Maximum speed.
(B) Crash patterns in the section of highway under consideration by time of day, day of week or season of year or other period exhibiting recurring crash patterns.
(C) Law enforcement consultation and input.
(D) Traffic characteristics by time of day, day of week or season of year or other periods where recurring congestion

levels and reduced average speeds occur, such as hourly congestion levels and calculated eighty-fifth percentile speeds (85% speeds).

(E) Type and frequency of adverse road conditions, including weather, environment, and visibility.

(c) The road authority, or the Department on state highways, will submit an engineering study to the State Traffic Engineer, which includes the analysis and recommendation of the boundaries and algorithms for the variable speed zone. The recommendation will include all of the following:

(A) Locations of each sign,

(B) Set of algorithms,

(C) The speed change intervals,

(D) The means, responsibilities and procedures for changing posted speed and

(E) The means, responsibilities and procedures for keeping the speed change records.

(d) A written variable speed zone order must be issued by the department to establish a variable speed zone.

(e) The original written variable speed zone order must be retained in the Department of Transportation's records for each speed zone issued.

(f) The speed change record must be retained and maintained for at least 5 years.

(g) The speed zone becomes enforceable when variable speed signs are installed and operated.

Statutory/Other Authority: ORS 184.616, 184.319, 810.180, Ch. 819, OL 2003

Statutes/Other Implemented: ORS 810.180, Ch. 819, OL 2003

History: HWD 5-2015, f. & cert. ef. 11-20-15; HWD 1-2012, f. & cert. ef. 1-27-12

VARIABLE POSTED SPEED TABLE

85TH percentile speed (MPH)	Posted Speed (MPH)
➢ 55	50
➢ 50-54	45
➢ 40-49	40
➢ 30-39	35
➢ Less than 30	30

734-020-0019

Locations and Criteria of Variable Interstate Speed Limits

This rule is applicable only to regulatory systems and not to advisory systems.

(1) All locations of interstate highways have maximum speed limits set in section (2) of OAR 734-020-0011 or statutory maximum speed limits per ORS 811.111.

(2) Variable speed limits on the following sections of interstate highways are established as follows:

(a) I-84 Eastbound, MP 277.49 – MP 305.00: The following sections each may have different speed limits based on the criteria in section (3) of this rule:

(A) 1.15 mile west of Clover Creek Interchange Structure (MP 277.49) to 0.30 mile east of North Powder River (MP 286.50).

(B) 0.30 mile east of North Powder River (MP 286.50) to 100 feet west of Culley Lane Structure (MP 295.65).

(C) 100 feet west of Culley Lane Structure (MP 295.65) to 0.86 mile east of Campbell Street Interchange Structure (MP 305.00).

(b) I-84 Westbound, MP 277.88 – MP 306.40: The following sections each may have different speed limits based on the criteria in section (3) of this rule:

(A) 0.76 mile west of Clover Creek Interchange Structure (MP 277.88) to 0.67 mile west of North Powder Interchange Structure (MP 285.01).

(B) 0.67 mile west of North Powder Interchange Structure (MP 285.01) to 0.24 mile west of Culley Lane Structure (MP 295.43).

(C) 0.24 mile west of Culley Lane Structure (MP 295.43) to 0.13 mile west of S. Baker Interchange Structure (MP 306.40).

(3) Criteria for Changing Speeds. The Variable Speed Limit system has two automated subsystems, 1) a congestion subsystem and 2) a weather subsystem, each determining a recommended speed based on criteria set forth below in (a) and (b). The system also includes a manual control subsystem with criteria for use as described below in (c). The system automatically displays the lowest recommended speed from the automated subsystems with the ability for limited manual intervention when appropriate.

(a) Automated variable speed limits for congestion:

(A) During periods of free flow or near free flow when there is little or no congestion and drivers are not impeded by other vehicles, the subsystem will be programmed to select the maximum speed limit.

(B) During periods of congestion characterized by slower speeds on the roadway the subsystem will be programmed to select recommended reduced speeds corresponding to the congested conditions.

(C) The 85th percentile speed will be calculated from traffic sensor data. The variable posted speed limit shall be the 85th percentile speed rounded to within 5 mph. If there are multiple traffic sensors within the segment, the 85th percentile speed will be taken from the speed sensor with the lowest speed.

(D) If the subsystem does not have sufficient data to calculate the 85th percentile speeds, occupancy data (percent of time a vehicle was on the sensor) shall be used to determine if vehicles are stopped at the sensors. If the presence of vehicles is indicated, then the subsystem will assume traffic is stopped and display the minimum speed limit.

(E) If the subsystem is unable to determine a recommended speed due to the lack of data, the subsystem will use the last valid speed until a new speed is calculated.

(b) Automated variable speed limits for adverse weather conditions:

(A) The weather responsive subsystem will select recommended reduced speeds during periods where speeds are required to be at least 10 mph below the maximum speed limit due to either adverse weather conditions or other safety hazards.

(B) Weather sensors must be installed within the corridor. These sensors may measure such elements as the friction of the roadway (grip factor), classify roadway surface conditions (ice or snow present), measure visibility, or other factors related to weather depending on the corridor and reoccurring conditions.

(C) The variable speed determined by weather sensor data shall generally be 10 to 20 mph lower than maximum speed limit in the segment depending on severity and number of conditions present. If the maximum speed limits on the

highways are above 65 mph (i.e., speeds on interstate are 70 or 75 mph) then the variable speeds shall be lowered to 55 mph and 45 mph depending on severity and number of conditions present. The minimum speed limit of 30 mph will be reserved for the most severe weather conditions in combination with low visibility or where significant traction problems are present.
(D) The TOC has authority to disable the weather responsive subsystem when necessary or override the speed if other conditions are present and not being detected by weather sensors.
(E) The subsystem shall also consider the snow zone chain condition in place during inclement weather conditions. ODOT establishes the chain conditions based on OAR 734-017-0005 thru 0025.
(i) When chains are required on some classes of vehicles, but not all, the subsystem will recommend a 45 mph speed.
(ii) When chains are required on all vehicles the subsystem will recommend a 35 mph speed.
(F) When a chain condition is present and a weather event is being detected the slowest recommended speed shall be used.
(c) When sensors are not detecting properly or conditions are such that the automated system does not adequately address the conditions present on the roadway the TOC may establish variable speed limits other than those established by either the weather subsystem or the congestion subsystem in accordance with the following:
(A) The TOC shall have the ability to temporarily override the system when in the judgement of the Department it is necessary to protect the safety of the public or workers, or avoid damage to any portion of the highway.
(B) Key information such as weather and displayed speeds from the automated systems, if available, should be used to provide information for decision making.
(C) The minimum period for changing speeds may be overridden by the TOC and the posted speed changed immediately.
(D) Unforeseen conditions not covered by the automated system may necessitate overriding the automated system such as a major natural disaster or evacuation.
(E) Other conditions include setting the variable speed system to a lower speed for properly documented reduced speeds. Examples include construction work zones or emergency conditions such as landslides.
(F) When manual control is requested, the TOC shall record who made the request and the reason for the request.
(d) General conditions for variable speed limits:
(A) Speed signs shall not display a speed greater than the designated speed limit for the segment as set in OAR 734-020-0011 and if none, then the statutory maximum speed limit in ORS 811.111.
(B) Speed Limits displayed shall be the lowest of the two automated subsystems, congestion or weather, unless overridden by the TOC.
(C) Speed limits between subsequent highway speed change segments typically shall not be reduced by more than 10 to 15 MPH between adjacent segments. These may be urban situations where speed signs are separated by no more than a few miles. In some cases (such as rural locations) where there are relatively long distances between speed signs, the speed change between subsequent sections may be much greater since there may be free flow speeds in adjacent segments and thus no reason for reduced speeds.
(D) The speed limit shall be displayed in 5 MPH increments.
(E) The speed limit shall not be decreased more than once within a 2 minute period, unless overridden by the TOC.
(F) The speed limit shall not be increased more than once within a 3 minute period, unless overridden by the TOC.
(G) The minimum variable speed limit shall not be less than 30 MPH.
(H) Variable speed signs should be posted near, and downstream of interstate entrances, typically within about 1500 to 2000 feet.
(I) Variable speed signs for urban areas should be placed at frequent intervals. For rural areas the sign interval should be at least every five miles but no more than every ten miles.
(J) The TOC shall log the speed limit being displayed on the variable speed signs and keep the log for a minimum of five years.
(K) Static signs giving warning of entering the variable speed corridor shall be placed at the beginning of the corridor.
(L) Static signs giving notice of the end of the variable speed limit may be placed at the exit points. A static speed sign

shall be placed at the end of the corridor to establish the end of the variable speed and the beginning of the fixed speed limit.
Statutory/Other Authority: ORS 184.616, 184.619, 810.180, 811.111
Statutes/Other Implemented: ORS 810.180, 811.111
History: HWD 5-2015, f. & cert. ef. 11-20-15; HWD 10-2012, f. & cert. ef. 9-27-12; HWD 1-2012, f. & cert. ef. 1-27-12

734-020-0020

Warrants for Parking and Turn Prohibitions

The State Traffic/Roadway Engineer (STRE) is delegated the authority to establish parking or turn prohibitions on state highways for state wide consistency. Region Traffic Engineers (RTE) are delegated the authority to establish parking or turn prohibitions on state highways within their respective Regions. RTE may consult with the STRE prior to establishing prohibitions. RTE will notify the STRE of the prohibitions.
(1) Parking prohibitions and turn prohibitions shall be warranted if:
(a) An engineering investigation indicates that such prohibitions will improve safe traffic operating conditions; or
(b) An engineering investigation indicates that such prohibitions are necessary to increase the capacity of the roadway or to otherwise expedite the movement of traffic.
(c) The engineering investigation will include a review and analysis of the past accident history, a study of the traffic volumes, patterns and turning movements when appropriate. A field investigation of the physical conditions will be made when required.
(2) Parking prohibitions shall be warranted if an engineering investigation indicates that such parking prohibitions are necessary:
(a) to prevent the imminent damage to the facility. Where parked vehicles could damaged the pavement surface; or
(b) to prevent facility conflicts with maintenance; or
(c) for time limit restrictions or loading zones.
(3) Turn prohibitions shall be warranted if an engineering investigation indicates that such turn prohibitions are necessary for safety or operations.
Statutory/Other Authority: ORS 184, 810
Statutes/Other Implemented: ORS 810.160, 810.210
History: HWD 5-2012, f. & cert. ef. 3-26-12; 1OTC 53, f. 3-3-75, ef. 3-25-75

734-020-0043

High Occupancy Vehicle Lane on Interstate 5

(1) One northbound lane of Interstate 5 from milepoint 303.98 to milepoint 307.49 is reserved for exclusive use by high occupancy-use passenger vehicles as designated.
(2) For purposes of this rule, the following definitions apply:
(a) “Designated” means signed as specified in section (4) of this rule;
(b) “High occupancy-use passenger vehicle” means passenger vehicles of 8,000 pounds or less carrying the driver and one or more additional passengers, and motorcycles or buses regardless of occupancy level;
(c) “High occupancy vehicle lane” or “HOV lane” means a lane reserved only for high occupancy-use passenger vehicles; and
(d) “Reserved for exclusive use” means only high occupancy-use passenger vehicles may use the lane when so indicated by signs or pavement markings specified in section (4) of this rule.
(3) Emergency vehicles may use the HOV lane when engaged in emergency action.
(4) The HOV lane shall be designated by signs or pavement markings as defined in the Manual on Uniform Traffic Control Devices or other approved signs and markings not in conflict with Oregon or Federal Highway Administration regulations. Signs may specify the times or days when the lane is designated as a HOV lane.
Statutory/Other Authority: ORS 184.616, 184.619, 810.140
Statutes/Other Implemented: ORS 810.140

History: TO 9-1998, f. & cert. ef. 9-14-98

734-020-0045

Prohibition of Bicycles and Pedestrians on Freeways

(1) Bicycles and pedestrians as defined in ORS 801.150 and 801.385, are prohibited upon the following segments of freeways within the State of Oregon:

(a) Portland area:

(A) The Columbia River Highway No. 2 (Banfield/I-84) from its intersection with I-5, M.P. 0.00, to 238th Drive, M.P. 15.96;

(B) The Sunset Highway No. 47 easterly of the Jefferson Street Interchange, M.P. 73.35;

(C) Interstate 5 (Hwy. No. 1) northerly of the Beaverton-Tigard Highway Interchange, M.P. 292.20;

(D) Interstate 205 (Hwy. No. 64) northerly of the Overcrossing of the Oswego Highway No. 3, M.P. 8.82;

(E) Interstate 405 (Hwy. No. 61) in its entirety; and

(F) Lower Columbia Highway No. 2W from its intersection with I-405, M.P. 0.00, to 23rd Street, M.P. 1.99.

(b) Medford area: Interstate 5 (Pacific Highway No. 1) from the South Medford Interchange, M.P. 27.16, to the North Medford Interchange, M.P. 30.29 (in Medford).

(2) The closure of the above sections to bicycles and pedestrians shall become effective following the erection of adequate signing.

(3) The prohibition of pedestrians from the above segments of freeways does not prohibit the driver and passengers of a disabled vehicle from walking to the nearest freeway exit in accordance with ORS 814.100.

Statutory/Other Authority: ORS 184.619, 810.020, 810.030

Statutes/Other Implemented: ORS 810.020, 810.030

History: HWD 13-2010, f. & cert. ef. 10-25-10; Reverted to HWY 4-1987, f. & ef. 11-24-87; HWY 2-1996(Temp), f. 3-7-96, cert. ef. 5-1-96; HWY 4-1987, f. & ef. 11-24-87; HWY 2-1987, f. & ef. 2-6-87; HC 1280, f. & ef. 4-5-72

734-020-0060

Design and Construction of Bikeways

(1) The Department of Transportation adopts by reference The American Association of State Highway and Transportation Officials, “Guide for the Development of Bicycle Facilities,” (Guide), dated August, 1991, to establish bikeway design and construction standards, to establish guidelines for traffic control devices on bikeways including location and type of traffic warning signs and to recommend illumination standards, all in accordance with and pursuant to ORS 366.514, 184.616, 184.619, and 366.205.

(2) The following constitute supplements and exceptions to the August, 1991 Edition of the “Guide for the Development of Bicycle Facilities”:

(a) Signing and Marking:

(A) All bicycle signing and markings on the State Highway System or installed on local city streets or county roads under state contract or agreement shall be in conformance with the current Department of Transportation “Sign Policy and Guidelines for the State Highway System” and the “Traffic Line Manual.” Any signing or markings not included in these guidelines or manual, but which is deemed necessary and required for the bicycle facility shall conform to the Manual on Uniform Traffic Control Devices as adopted by the Oregon Transportation Commission;

(B) The standard width longitudinal painted solid line separating the motor vehicle travel way and a bike lane shall be a solid nominal eight-inch wide white stripe as required by OAR 734-020-0055; and

(C) The desirable width for a one-way bike lane on the State Highway System or installed on local city streets or county roads under state contract or agreement is six feet. Where six feet is not practical to achieve because of physical or economic constraints, a minimum width of four feet may be designated as a bike lane.

(b) Definitions: For the purpose of this rule and the Guide, the definitions on pages two and three of the Guide shall control, rather than any conflicting statutory or rule definitions. Terms not defined in the Guide shall be given their ordinary every day interpretation, even if defined otherwise for use in specific chapters in the Oregon Revised Statutes.

[Publications: Publications referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619, 366.205, 366.514
Statutes/Other Implemented: ORS 366.514(4), 810.200
History: HWY 1-1992, f. & cert. ef. 2-11-92; HWY 3-1988, f. & cert. ef. 5-27-88; 2HD 7-1983, f. & ef. 2-18-83; 1OTC 38, f. 9-26-74, ef. 10-25-74

734-020-0070

Fee for Issuance of Winter Recreation Parking Sno-Park Permits

(1) The fee for parking permits in winter recreation parking areas (Sno-Parks) shall be as follows:
(a) One day — $4;
(b) Three consecutive days — $9;
(c) Annual, beginning each November — $25.
(2) Sno-Park permits may be issued by the Department or persons appointed by the Department as provided in ORS 811.595.
Statutory/Other Authority: ORS 184.616, 811.595, 811.600
Statutes/Other Implemented: ORS 811.600
History: HWD 3-2013, f. & cert. ef. 8-26-13; HWD 11-2011, f. & cert. ef. 10-26-11; HWD 7-2010, f. 7-30-10, cert. ef. 8-1-10; HWD 7-2007, f. & cert. ef. 10-17-07; TO 1-2000, f. & cert. ef. 1-19-00; TO 2-1999(Temp), f. & cert. ef. 9-3-99 thru 2-29-00; HWY 9-1997, f. & cert. ef. 9-22-97; HWY 7-1993, f. & cert. ef. 10-27-93; HWY 13-1992, f. & cert. ef. 10-20-92; 2HD 17-1983, f. & ef. 9-23-83; 2HD 4-1982, f. & ef. 10-5-82; 1OTC 28-1979, f. & ef. 11-26-79; 1OTC 23-1979(Temp), f. & ef. 9-24-79

734-020-0080

State Highway Right of Way Parking; General Policy

It is the policy of the Oregon Transportation Commission to permit the Chief Engineer to define areas within the state highway rights-of-way in which overnight parking of any motor vehicle shall be prohibited. Accessible areas are provided and motorist usage will be permitted for reasons of safety and rest by drivers in need thereof and to permit viewing of scenic vistas.
Statutory/Other Authority: ORS 366, 390, 810
Statutes/Other Implemented: ORS 810.030, 810.160
History: 2HD 8-1981, f. & ef. 10-2-81; 2HD 4-1981(Temp), f. 7-22-81, ef. 7-23-81

734-020-0085

Parking Regulations

(1) At defined areas requiring parking regulation, the Chief Engineer shall install signs using the legend “NO OVERNIGHT PARKING — PARKING (Between 1:00 a.m. and 5:00 a.m.) PROHIBITED.” Such signs shall be installed at locations visible to a driver and frequently enough at any one area to properly advise a driver of the parking restriction.
(2) Emergency parking shall be permitted in areas of regulated parking.
Statutory/Other Authority: ORS 366, 390, 811
Statutes/Other Implemented: ORS 810.030, 810.160
History: 2HD 8-1981, f. & ef. 10-2-81; 2HD 4-1981(Temp), f. 7-22-81, ef. 7-23-81

734-020-0090

Criteria for Parking Regulation

(1) If overnight parking in waysides, rest areas and winter recreational parking areas creates traffic and/or personal safety hazards, visible sanitation problems, sanitation problems not directly discernible, interferes with normal highway maintenance procedures or interferes with public usage for reasons of traffic safety or the intended use of the location, then the Chief Engineer shall regulate parking.
(2) If parking overnight or otherwise on beach access roads and all other accessible areas on state highways creates any

type of safety hazard, visible sanitation problems, sanitation problems not directly discernible or interferes with normal highway maintenance procedures, or the intended use of the location, then the Chief Engineer shall regulate parking.
(3) The extent of parking regulation and the areas to be regulated shall be determined by a study of the areas.
Statutory/Other Authority: ORS 366, 390, 811
Statutes/Other Implemented: ORS 810.030, 810.160
History: 2HD 8-1981, f. & ef. 10-2-81; 2HD 4-1981(Temp), f. 7-22-81, ef. 7-23-81

734-020-0095
Prohibited Activities on State Highway Right of Way

(1) The following activities are prohibited on the right-of-way of any state highway as defined by ORS 377.710(34):
(a) Lighting of fires;
(b) Depositing refuse of any kind except in designated containers;
(c) Camping or staying overnight, or any establishment of occupancy or of a residence, whether temporary or permanent; and
(d) Erection of any building or facility, including but not limited to tents, shacks, lean-tos, stands or shelters of any kind.
(2) This rule does not apply to rest areas covered under OAR chapter 734, division 30.
(3) Violation of subsection (1)(c) or (d) of this rule will subject the violating party to a possible citation for criminal trespass under the laws of this state.
Statutory/Other Authority: ORS 366
Statutes/Other Implemented: ORS 810.030
History: 2HD 18-1981, f. & ef. 11-24-81; 2HD 9-1981(Temp), f. & ef. 10-2-81

734-020-0100
Definitions for Freeway Median Crossovers

(1) “Freeway” means a fully access controlled throughway.
(2) “Median” means the space between inside shoulders of the separated one-way roadways of a freeway.
(3) “Crossover” means a surfaced roadway crossing the median and located generally at right angles to, between and connecting the inside or median shoulders of the separate through roadways of a freeway.
Statutory/Other Authority: ORS 184, 366
Statutes/Other Implemented: ORS 810.030
History: 2HD 5-1981, f. & ef. 10-2-81

734-020-0105
Criteria for Approval of Freeway Median Crossovers

(1) A freeway median crossover may be approved and constructed if the following criteria are met:
(a) The median is 40 or more feet in width measured at right angles between the edges of the inside paved shoulder and does not have a metal or concrete median barrier;
(b) The crossover is in a location providing adequate vehicle stopping and sight distance and other safety requirements;
(c) The crossover is three or more miles distant in either direction from an interchange, measured to the center of the undercrossing or overcrossing structure; and
(d) The crossover is one or more miles distant in either direction from any other entrance or exit ramp, (i.e., safety rest area), and 1/2 mile or more distant in either direction from an undercrossing or overcrossing structure measured to the center of the structure.
(2) The criteria of section (1) of this rule establishes the standards for all freeway median crossovers in this state. However, if one or more of those criteria are not met, the Chief Engineer, considering need and safety, may approve and order the construction and installation of a freeway median crossover following and based upon an engineering investigation.
Statutory/Other Authority: ORS 184, 366

Statutes/Other Implemented: ORS 810.030
History: 2HD 12-1983, f. & ef. 5-18-83; 2HD 8-1982(Temp), f. & ef. 12-28-82; 2HD 5-1981, f. & ef. 10-2-81

734-020-0110

Conditions under which Crossovers May Be Utilized

(1) In a bona fide emergency (emergency means a serious physical injury or substantial property damage requiring immediate response).
(2) Under fully signed and protected traffic control conditions, or under official pilot car or traffic escort conditions which are under the direction and control of highway or police personnel.
(3) For official state police operations, i.e., accident or incident response and expeditious, fuel efficient law enforcement.
Statutory/Other Authority: ORS 184, 366
Statutes/Other Implemented: ORS 810.030
History: 2HD 5-1981, f. & ef. 10-2-81

734-020-0115

Persons Authorized to Use Crossovers

(1) Personnel operating Department of Transportation maintenance vehicles.
(2) Police officers.
(3) Personnel operating any fire department emergency response vehicle.
(4) Personnel operating public or privately owned ambulances, paramedic or authorized emergency service vehicles, if the agency or firm has received prior approval from the Department of State Police or the Department of Transportation.
(5) Any personnel operating public or privately owned towing vehicles or towing equipment, if the agency or firm has received prior approval from the Department of State Police or the Department of Transportation.
Statutory/Other Authority: ORS 184, 366
Statutes/Other Implemented: ORS 810.030
History: 2HD 5-1981, f. & ef. 10-2-81

734-020-0120

General Policy for One-Way Operation for Trucks and Buses

It is the policy of the Oregon Transportation Commission to establish one-way operation for trucks and buses on certain sections of the State Highway System on which there has been a demonstrated need due to accidents.
Statutory/Other Authority: ORS 184, 366
Statutes/Other Implemented: ORS 810.030
History: 2HD 6-1981, f. & ef. 10-2-81

734-020-0125

One-Way Traffic Regulations for Trucks and Buses

On defined sections of state highways the Chief Engineer shall install signs for each direction of traffic using the legend “ONE-WAY TRAFFIC FOR TRUCKS AND BUSES AHEAD” and “ONE-WAY TRAFFIC FOR TRUCKS AND BUSES” at the beginning of the defined section.
Statutory/Other Authority: ORS 184, 366
Statutes/Other Implemented: ORS 810.030
History: 2HD 6-1981, f. & ef. 10-2-81

734-020-0130

Criteria for One-Way Operation for Trucks and Buses

(1) A field investigation shall be made for each section of highway on which one-way operation may be required. The following field data shall be recorded:

(a) Curb to curb width for the bridge tunnel or underpass;
(b) Sight distance on both approaches based on geometric design and/or other obstructions;
(c) Typical cross-sections;
(d) Location of the striped centerline with respect to pavement edge or curb; and
(e) Approach speeds.
(2) The following cases may be considered:
(a) If curb to curb distance or roadway width is more than 20 feet and the painted centerline is centered in the roadway, one-way operation will not normally be established if there are no speed restrictions (i.e., 55 MPH maximum basic rule under 55 maximum);
(b) Curb to curb or roadway width 20 feet or less may be considered for one-way operation;
(c) Any consideration of one-way operation shall consist of a review of the past accident history for the section involved including structural damage accidents;
(d) Sections of existing roadway already signed for one-way truck and bus operation shall be reviewed based on these rules and engineering judgment. No existing one-way operation for trucks and buses shall be removed without prior approval of the Chief Engineer;
(e) A written report shall be prepared.
(3) The Traffic Engineer shall maintain a complete file of all investigations and reports and a record of approved sections on the State Highway System. As needed, a report under delegated authority will be prepared for the Chief Engineer by the Traffic Engineer.
Statutory/Other Authority: ORS 184, 366
Statutes/Other Implemented: ORS 810.030
History: 2HD 6-1981, f. & ef. 10-2-81

734-020-0145

Removal of Cargo or Debris from State Highways

(1) Whenever cargo is spilled or lost, or any other debris or items are deposited or left upon a state highway, any and all items, including wrecked, stalled or struck vehicles, trailers or cargo, which prevent safe passage in at least one lane of a two lane highway or one or more lanes in one direction of a multi-lane highway, are deemed to be obstructions which interfere with the maintenance and operation of state highways. As obstructions, these items are further deemed to interfere with the free flow of traffic and are a hazard to the motoring public. Such obstructions are found to be a threat to public safety (e.g., are impediments to emergency vehicles, create dangers of spillage of flammable materials and toxic substances, result in unexpected congestion and quick stops, and draw crowds of onlookers); and to result in public inconvenience; and, therefore, should be removed in the most expedient manner possible for the protection of the public. Under the general police power the Oregon Department of Transportation may remove such items or vehicles, or order such removed.
(2) Whenever such obstruction occurs, except in instances where the obstruction can be removed within a reasonable time without damage to the cargo or vehicles, the District Manager, or Assistant District Manager, or if both are not available, the Region Manager or other appropriate members of the Region Manager's staff, should be notified at once. A decision shall be made and approval must be received from one of the above individuals before department employees may take any action to remove the obstruction. In making the determination to remove the obstruction by department employees, and to return the highway to normal traffic operations the following considerations may be made, however, this list may not be exhaustive of all considerations and some may not be appropriate considerations in each instance:
(a) Time of day the obstruction occurred and was discovered;
(b) Location of the obstruction;
(c) The hazard which it creates;
(d) Weather conditions;
(e) The type and condition of highway;

(f) Traffic volume;
(g) The type of vehicle, and the nature of the cargo or other items and any special characteristics of each which may impact on the extent of the hazard; and
(h) Availability of equipment for removal of the hazard and types of equipment which may be reasonably available.
(3) If, after consideration of the above factors, a determination is made that removal of the obstruction by highway employees would be in the interest of the general public, the removal may be ordered. The method of removal and guidelines for the safe keeping of the vehicle, cargo or item shall be discretionary and are to be determined by the District Manager, in conjunction with law enforcement and environmental protection agencies when appropriate, and shall be immediately transmitted to the department employees at the scene of the obstruction.
(4) Alternative methods of removal by other than department employees may be considered. In considering this alternative, in addition to the above criteria, other considerations may include whether removal of the obstruction by the owner of the vehicle or cargo will result in further interference with highway traffic; protection of the cargo, vehicle or other items; resulting damage to highway property, including highway surface; the time required for removal and the likelihood of successful removal.
(5) The safety and convenience of highway traffic shall always be the major consideration; however, once the method of removal has been determined, the department employee shall take reasonable care to ensure that unnecessary damage does not occur to the vehicle, cargo or item which is being removed, while still utilizing the method of removal directed and taking reasonable precautions for removed items. All discretionary decisions for removal and method of removal shall be made in light of the nature of the hazard and the need for speedy removal, and the resources and equipment available for speedy removal.
Statutory/Other Authority: ORS 184, 366
Statutes/Other Implemented: ORS 366.445, 810.030
History: 2HD 11-1981, f. & ef. 10-2-81

734-020-0147

Disabled, Abandoned, and Otherwise Unattended Vehicles on State Highways Constituting Hazards or Obstructions to Motor Vehicle Traffic

(1) As used in this rule, the following definitions apply:
(a) “Freeway” means a highway for through traffic; access to the highway is fully controlled except as may be allowed at designated interchanges;
(b) “Expressway” means a highway for through traffic where access to the highway is partially controlled;
(c) “Interstate” means the National System of Interstate and Defense Highways that are marked with the distinctive red/white/ blue route shields; and
(d) “State Highway” means the public way for vehicular travel that is under the jurisdiction of the Oregon Department of Transportation, including the Interstate system.
(2) Pursuant to ORS 819.120, a vehicle that is disabled, abandoned, parked or left standing unattended on a state highway constitutes a hazard or obstruction to motor vehicle traffic and may be taken into immediate custody and removed by an appropriate authority as defined in ORS 819.140, when such vehicle meets any of the following criteria:
(a) Any vehicle, any part of which is on or extends within the travel portion of any state highway as identified by painted edge lines, or when there are no edge lines, other clear delineation of the travel portion from the highway shoulder;
(b) Any vehicle, any part of which is on or extends onto the inside or median paved shoulder (i.e., next to the high speed lane) of a freeway; or
(c) Any vehicle, any part of which is on or extends within a paved shoulder of:
(A) Any freeway or expressway within the city limits of any city in this state during the hours of 5 a.m. to 9 a.m. and 2:30 p.m. to 7 p.m. local time if the vehicle has a gross vehicle weight of more than 26,000 pounds;
(B) Any freeway or expressway within the city limits of any city in this state at any time if the vehicle has a gross vehicle weight of 26,000 pounds or less;

(C) Any freeway or expressway within 1,000 lineal feet of a freeway exit or entrance ramp gore area (the area where the ramp first enters or leaves the freeway);
(D) Any freeway ramp;
(E) Any state highway during or into a period between sunset and sunrise; or
(F) Any state highway where the sight distance is limited to 500 feet or freeway where the sight distance is limited to 1,000 feet because of roadway horizontal or vertical curvature.
(d) Any vehicle, any part of which is on or extends within a bicycle lane, or within a bicycle path which is immediately adjacent to a state highway.
(3) Section (2) of this rule, except for subsection (2)(a) of this rule, does not apply to vehicles for which there is an indication that the vehicle's position is temporary in nature, e.g., hazard flashers are operating, the hood of the vehicle is up, the vehicle engine remains running, or there is advance warning such as emergency flares or emergency signing in place. The indication of the vehicle's position being temporary in nature may be overcome by the passage of time, or a change in the condition or appearance of the vehicle. Section (2) of this rule also does not apply to appropriately signed or indicated parking areas including scenic viewpoints, winter recreation parking areas, rest areas and other locations or to areas where traffic has been restricted by an appropriate authority because of a special event.
(4) Section (2) of this rule, defining a vehicle on a state highway which is a hazard or obstruction to motor vehicle traffic, is not intended to impose a legal obligation upon any appropriate authority to remove the vehicle from a state highway. Removal of a vehicle defined under this rule as constituting a hazard or obstruction to motor vehicle traffic may be accomplished by an appropriate authority consistent with law enforcement priorities and budgetary constraints on the appropriate authority.
Statutory/Other Authority: ORS 184.616, 184.619, 819.120(9)
Statutes/Other Implemented: ORS 819.120
History: HWD 7-2008, f. & cert. ef. 8-26-08; HWY 2-1997, f. & cert. ef. 3-24-97; HWY 3-1987, f. & ef. 4-17-87; 2HD 5-1986, f. & ef. 7-28-86

734-020-0148

Disabled, Abandoned, and Otherwise Unattended Vehicle Tow Hearing Process

If a vehicle has been taken into custody by The Oregon Department of Transportation (department) in accordance with ORS 819.110 or 819.120, the department shall provide written notice to the owner of the vehicle in accordance with ORS 819.170 or 819.180. The vehicle owner(s), person entitled to possession or any person with an interest recorded on the title of the vehicle, may request a hearing in writing, which must be received by the department at the address identified in the notice, within 5 days (Saturdays, Sundays, and holidays excluded) from the date of the posting or mailing of the notice, to contest the validity of the towing and custody of the vehicle, and subject to subsection 7 below, the reasonableness of the charges for towing and storage. The hearing shall comply with all of the following:
(1) The department shall set a time for the hearing within 72 hours of the receipt of the request and shall provide notice of the hearing to the person requesting the hearing and to the owner(s) of the vehicle, and any lessors or security interest holders shown in the department records. The 72 hour period of time does not include Saturdays, Sundays, or Holidays.
(2) Actions taken by department, including conducting the hearing, are not subject to ORS chapter 183; and are therefore, not subject to the Administrative Procedures Act and the hearings are not conducted by the Office of Administrative Hearings.
(3) The department District Manager for the district within which the tow occurred is hereby designated to act as the department's hearings officer. In the event the District Manager is unable or unavailable to conduct the hearing, a department employee shall be designated by the District Manager to act as hearings officer.
(4) The hearing shall be conducted via telephone unless the person requesting the hearing requests other accommodations with justification for the request in which case the hearing shall be held at the District Manager's or the designee's office.
(5) If the District Manager, or designee, determines the towing of the vehicle was invalid, the vehicle shall be immediately

released upon payment by the department of the towing and storage fees, which shall occur as quickly as reasonably possible. The person to whom the vehicle is released is not liable for any towing or storage charges. If the towing and storage fee has already been paid, the department shall reimburse the person who paid the fee for the charges upon presentation of satisfactory proof of payment.
(6) If the District Manager, or designee, determines the custody and towing of the vehicle was valid, the department shall order the vehicle to be held in custody until the costs of the hearing and all towing and storage costs are paid by the party claiming the vehicle.
(7) If the person requesting the hearing contests the reasonableness of the charges for towing and storage, the District Manager, or designee, shall consider such request only when the department has used its own personnel, equipment and facilities for the towing and storage of vehicles and shall provide a determination concerning the reasonableness of the department's charges in the written statement of the results of the hearing.
(8) The department shall only conduct one hearing for each vehicle custody and tow even if the person requesting the hearing, or any other interested party or witness fails to appear at the scheduled hearing unless the person provides reasons satisfactory to the District Manager or designee for such failure to appear.
(9) Hearings shall be informal in nature, and the presentation of evidence shall be consistent with the requirements of ORS 183.450.
(10) The District Manager, or designee, shall provide a written statement of the results of the hearing to the person requesting the hearing.
(11) The determination of a hearing is final and is not subject to appeal.
Statutory/Other Authority: ORS 184.616, 184.619, 819.120, Ch. 371 OL 2009
Statutes/Other Implemented: ORS 819.110 - 819.215, Ch. 371 OL 2009
History: HWD 4-2010, f. & cert. ef. 5-18-10; HWD 1-2010(Temp), f & cert. ef. 1-28-10 thru 7-19-10

734-020-0150

Temporary Closure or Conditional Closure of Highways

(1) When weather conditions or road conditions constitute a danger of highway damage or a danger to the safety of the driving public, the Chief Engineer, Region Manager, or District District Manager or Assistant District Manager may prohibit the operation upon such highway or section of a highway of any or all vehicles, or any class or kind of vehicles.
(2) Such prohibition of vehicles may result in total closure or conditional closures of highways or highway sections. Conditional closures may, in the discretion of the Chief Engineer, Region Manager, District Manager or Assistant District Manager, include but not be limited to prohibition of the following classes or kinds of vehicles:
(a) Vehicles or combinations exceeding a specified gross weight;
(b) Vehicles in combinations exceeding a specified length;
(c) Vehicles and loads exceeding a specified height;
(d) Combinations of vehicles or vehicles pulling trailers; or
(e) Vehicles, or certain classes of vehicles or combinations without tire chains.
(3) Closures or conditional closures should be accomplished by physically barricading or blocking the highway, with placement of appropriate warning signs or devices, and where possible signing indicating conditional closure with types of vehicles allowed or prohibited. Department of Transportation employees may be stationed, when practical, at the barricade to offer information and assistance, and to enforce a conditional closure. Whenever possible, law enforcement agencies should be contacted and their assistance requested to aid in the enforcement of the closure or conditional closure.
(4) Road closures and conditional closures are to exist only on a temporary basis and should be removed as soon as road conditions or weather conditions permit, the hazard has been removed, and the danger to the highway or the driving public no longer exists.
Statutory/Other Authority: ORS 184.619, 810.030
Statutes/Other Implemented: ORS 810.030

History: Reverted to 2HD 1-1983, f. & ef. 1-7-83; HWY 2-1996(Temp), f. 3-7-96, cert. ef. 5-1-96; 2HD 1-1983, f. & ef. 1-7-83

734-020-0200

Yield Signs Attached to Transit Buses

OAR 734-020-0200 through 734-020-0220 establish specifications for a yield sign to be attached to the back of transit buses as directed by ORS 811.167. The yield sign shall warn a person operating a vehicle approaching the rear of the transit bus that the person must yield when the transit bus in entering traffic.

Statutory/Other Authority: ORS 184.616, 184.619, 811.167

Statutes/Other Implemented: ORS 811.167

History: TO 3-1998, f. & cert. ef. 4-16-98

734-020-0210

Yield Sign Specifications for Transit Buses

The specifications for yield signs on transit buses as required by ORS 811.167 are as follows:

(1) The sign housing shall be of adequate size to accommodate the yield symbol.

(2) A flashing light shall internally illuminate the yield sign when the bus is signaling an intention to enter a traffic lane after stopping to receive or discharge passengers.

(3) When flashing the legend shall resemble a yield sign with a downward pointing, equilateral triangle having a red border band and the word “YIELD” in red inside the border band.

(4) The message shall flash at a rate between 30 and 80 flashes per minute.

(5) The sign shall be designed to minimize the visibility of the message when not lighted.

(6) The background shall be flat black.

(7) The lettering shall be all capitols and a minimum of 1-11/16 inches tall.

(8) The equilateral triangle shall be a minimum of 6-3/4 inches tall.

(9) The sign shall have a minimum candlepower of 30 candela and provide uniform lighting throughout the lighted area.

(10) The size, shape and color shall be as provided in this rule and as shown in Exhibit 1.

[ED. NOTE: Exhibits referenced are available from the agency.]

Statutory/Other Authority: ORS 184.616, 184.619, 811.167

Statutes/Other Implemented: ORS 811.167

History: TO 3-1998, f. & cert. ef. 4-16-98

734-020-0220

Yield Sign Placement for Transit Buses

The yield sign shall be located on the rear of the bus, to the left of center and in the lower two-thirds. Preferably the yield sign would be located next to or near the left turn indicator lamp. If receiving or discharging passengers to the left side of the bus and entering traffic lanes to the right, the sign shall also be placed right of center in the lower two thirds, preferably next to or near the right turn indicator lamp. A transit agency may place a single sign near the center of the rear of the bus, in the lower two thirds of the bus, which would signal for right and left merges, instead of having two separate signs.

Statutory/Other Authority: ORS 184.616, 184.619, 811.167

Statutes/Other Implemented: ORS 811.167

History: HWD 5-2005, f. & cert. ef. 6-16-05; TO 3-1998, f. & cert. ef. 4-16-98

734-020-0300

Standards for Installation, Operation and Use of Traffic Control Signal Operating Devices

The Department of Transportation is responsible for establishing standards for signal preemption devices and the use of traffic control signal operating devices for use upon the highways within the state. The Department is also responsible for establishing priorities among authorized operators of traffic control signal operating devices. Authorized operators

include operators of emergency vehicles, buses and traffic signal maintenance vehicles. These standards consider safety, the efficiency and response times of emergency response operations, requirements for traffic signal maintenance, the efficiency of public transit operations and traffic flow. OAR 734-020-0300 through 734-020-0330 do not apply to rail vehicles.
Statutory/Other Authority: ORS 184.616, 184.619, 810.260
Statutes/Other Implemented: ORS 810.260, 815.440, 815.445
History: TO 4-1998, f. & cert. ef. 4-16-98

734-020-0310

Definitions for Traffic Control Signal Operating Devices

For the purposes of OAR 734-020-0300 through 734-020-0330, the following definitions apply:
(1) “Authorized user” or “user” means an emergency vehicle, a bus or a traffic signal maintenance vehicle that is equipped with a traffic control signal operating device and operated by a driver who has been trained in the proper use of a traffic control signal operating device as established by OAR 734-020-0330 and is operating an approved system.
(2) “Bus” is as defined in ORS 184.675. Only buses with pneumatic tires are subject to OAR 734-020-0300 through 734-020-0330.
(3) “Bus priority system” is a traffic control signal system that includes a traffic control signal operating device and signal preemption device designated to provide buses the capability to modify the green intervals but not the display sequence of a traffic control signal. The system can be implemented for an intersection, an arterial corridor or a defined geographic area.
(4) “Emergency preemption system” is a traffic control signal system that includes a traffic control signal operating device and signal preemption device for the purpose of providing emergency vehicles the capability to modify the green intervals of a traffic control signal or change the display sequence. The system can be implemented for an intersection, an arterial corridor or a defined geographic area.
(5) “Emergency vehicle” is as defined in ORS 801.260.
(6) “Fire emergency vehicle” is an emergency vehicle operated by a public fire agency.
(7) “Signal preemption device” means traffic control signal equipment that reacts to a traffic control signal operating device and produces signal preemption and/or signal priority. A signal preemption device may respond to a single activation or may respond in recognition of priorities assigned to different users.
(8) “Traffic control signal” means a type of highway traffic signal by which traffic is alternately directed to stop and permitted to proceed.
(9) “Traffic control signal operating device” means any active or passive device that is affixed to, or carried within, a vehicle that causes a change in the operation of a traffic control signal located at an intersection.
(10) “Traffic control signal owners” means the road authority that owns the traffic control signal.
(11) “Traffic control signal operators” or “operator” means an entity other than the owner that operates or maintains the traffic control signal for the owner.
(12) “Traffic signal maintenance vehicle” means a vehicle used to maintain traffic control signals.
Statutory/Other Authority: ORS 184.616, 184.619, 810.260
Statutes/Other Implemented: ORS 810.260, 815.440, 815.445
History: HWD 9-2010, f. & cert. ef. 8-27-10; TO 4-1998, f. & cert. ef. 4-16-98

734-020-0320

Standards for Installation and Operation of Emergency Preemption and Bus Priority Systems

(1) The traffic control signal owner is responsible for the installation, operation and maintenance of signal preemption devices unless otherwise agreed to by a traffic control signal owner and a traffic control signal operator.
(2) The traffic control signal owner or operator may install signal preemption devices to control signal operations at specific intersections, for arterial corridors or for defined geographic areas.
(3) The emergency preemption and bus priority system approval authority and process is as follows:

(a) The traffic control signal owner has approval authority for emergency preemption systems. Entities operating emergency vehicles must make a written request to the traffic control signal owner for authorization to use a traffic control signal operating device. If this is an additional use, the incremental cost, if any, shall be allocated to the additional users;
(b) The traffic control signal owner has approval authority for bus priority systems. The traffic control signal owner and transit authority shall sign an agreement that covers cost, installation, operation, maintenance and use. If this is an additional use, the incremental cost, if any, shall be allocated to the additional users; and
(c) No emergency preemption system or bus priority system shall be installed until an engineering study has been approved by the traffic control signal owner. The study should consider the needs of the road authority; local transportation plans; and the impact on safety, the efficiency and response times of emergency response operations and traffic flow. If a bus priority system is being considered, the engineering study must also consider the impact on the efficiency of public transit operations.
(4)(a) The traffic control signal owners and operators will operate the preemption system giving the priority established by OAR 734-020-0330 unless they enter into a signed Memorandum of Understanding with authorized users that documents the following:
(A) Agreement on the use and operation of the emergency preemption system by authorized users and the traffic control signal systems owners and operators. Agreement can include any concessions or operational adjustments including but not limited to addressing the weight, operating speed, and braking distance of vehicles, corridor congestion impacts, or assigning multiple priorities to different classes or types of emergency vehicles.
(B) When considering assigning multiple priorities for emergency vehicles, entities using emergency vehicles and traffic control signal system owners and operators will address allocating additional costs to users and the signal system owners and operators.
(b) New authorized users wanting to operate within the emergency preemption system agreed upon and documented within a signed Memorandum of Understanding must do so within the bounds of the Memorandum unless the traffic signal owner agrees to reopen the Memorandum.
(5) Operating requirements for signal preemption devices and traffic control signal operating devices are as follows:
(a) All signal preemption devices and traffic control signal operating devices shall be tested by the Oregon Department of Transportation and approved for use;
(b) Where multiple users of traffic control signal operating devices are authorized, the signal preemption device shall recognize and respond to the priority of each user as established by OAR 734-020-0330;
(c) Actuation of a bus priority system is available only if the system has not been preempted by an emergency vehicle call. Bus priority operation will be immediately canceled when an emergency preemption call is received;
(d) A traffic control signal operating device shall not continue to control the traffic control signal once the vehicle has entered the intersection or if a vehicle remains stationary for more than two minutes; and
(e) Neither emergency preemption nor bus priority shall terminate an active pedestrian or vehicular clearance interval.
(f) Entities operating emergency vehicles will provide training for all drivers in the operation and limitations of emergency preemption systems.
(g) Lights and sirens on emergency vehicles must be activated when the traffic control signal operating device is activated.
(h) Traffic control signal operating devices shall be deactivated when the emergency vehicle's transmission is set in park or the parking brake is engaged.
Statutory/Other Authority: ORS 184.616, 184.619, 810.260
Statutes/Other Implemented: ORS 810.260, 815.440, 815.445
History: HWD 9-2010, f. & cert. ef. 8-27-10; TO 4-1998, f. & cert. ef. 4-16-98

734-020-0330
Standards for Use of Traffic Control Signal Operating Devices

(1) Only authorized users may use a traffic control signal operating device:
(a) Emergency vehicles may use an authorized emergency preemption system;
(b) Buses may use an authorized bus priority system. Use must be according to the signed agreement described in OAR 734-020-0320(3)(b); and
(c) Traffic signal maintenance vehicles may use traffic control signal operating devices to test and maintain emergency preemption systems or bus priority systems.
(2) Priority for the actuation of emergency preemption and bus priority systems is as follows:
(a) First priority will be given to emergency vehicles. Authorized users and the traffic control signal system owners and operators may agree as described in OAR 734-020-0320 to assign multiple priorities for emergency vehicles, by type or class within their service areas.
(b) Secondary priority will be given to buses authorized to use a bus priority system.
Statutory/Other Authority: ORS 184.616, 184.619, 810.260
Statutes/Other Implemented: ORS 810.260, 815.440, 815.445
History: HWD 9-2010, f. & cert. ef. 8-27-10; TO 4-1998, f. & cert. ef. 4-16-98

734-020-0400
Traffic Signal Approval Process
The purpose of OAR 734-020-0400 through 734-020-0500 is to establish the approval process for installation, modification, or removal of traffic signals under the authority of the Oregon Department of Transportation.
Statutory/Other Authority: ORS 184.616, 184.619, 366.205, 810.200
Statutes/Other Implemented: ORS 810.200, 810.210
History: HWD 5-2012, f. & cert. ef. 3-26-12; TO 5-1999, f. & cert. ef. 12-17-99

734-020-0410
Authority to place Traffic Control Devices
OAR 734-020-0400 through 734-020-0500 are adopted pursuant to ORS 184.616, 184.619 and 810.210. The Oregon Transportation Commission has authority to place, maintain and operate traffic control devices on state highways. By this rule, the Oregon Transportation Commission delegates to the State Traffic Engineer the authority to approve the installation of traffic control devices on state highways.
Statutory/Other Authority: ORS 184.616, 184.619, 366.205, 810.200
Statutes/Other Implemented: ORS 810.200, 810.210
History: TO 5-1999, f. & cert. ef. 12-17-99

734-020-0420
Definitions for Traffic Signal Approval Process
For the purposes of OAR 734-020-0400 through 734-020-0500, the following definitions apply:
(1) “Approach” means all lanes of traffic moving toward an intersection or a mid-block location from one direction.
(2) “MUTCD” means the Manual on Uniform Traffic Control Devices as adopted by OAR 734-020-0005.
(3) “Private approach “ means a private roadway or connection that is legally constructed and recognized by the Department in accordance with OAR 734-051.
(4) “Public road” means a public roadway, or similar facility under the jurisdiction of a public entity and open to public travel.
(5) “Roadway improvement project” means a major construction, reconstruction or realignment of a section of state highway.
(6) “State Highway System” means the group of roads and highways, so designated by law or by the Oregon Transportation Commission pursuant to ORS 366.220.
(7) “Traffic signal” means any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed.

(8) “Engineering study” is a documented comprehensive analysis and evaluation of available pertinent information, and the application of appropriate principles, standards, guidance, and practices as contained in the MUTCD and other sources, for the purposes of deciding upon the applicability, design, operation, or installation of a traffic control device.
Statutory/Other Authority: ORS 184.616, 184.619, 366.205, 810.200
Statutes/Other Implemented: ORS 810.200, 810.210
History: HWD 5-2012, f. & cert. ef. 3-26-12; TO 5-1999, f. & cert. ef. 12-17-99

734-020-0430

Traffic Signal Approval

(1) No traffic signal shall be designed for, or constructed on, the State Highway System, regardless of the funding source, without the prior approval of the State Traffic/Roadway Engineer (STRE).
(2) Regardless of any ODOT approved documents, such as land use documents, transportation system plans, corridor plans or other agreements a traffic signal shall not be designed or constructed unless first approved by the STRE.
(3) An engineering study is required for approval. The study shall indicate the need for the traffic signal and demonstrate that the installation of a traffic signal would improve the overall safety and operation of the intersection.
(4) Intersections shall meet MUTCD traffic signal warrants, unless the STRE finds special conditions documented in the engineering study where no existing warrant is applicable.
(5) Traffic signal warrants should be met within three years after construction when a traffic signal is constructed as part of a roadway improvement project.
(6) Traffic signal warrants should be met on day of opening to accommodate additional traffic from a public or private development. The traffic signal shall not be turned-on more than one month in advance of day of opening.
(7) If traffic signal is not advanced to construction within five years the STRE traffic signal approval is automatically rescinded.
(8) For private approaches, assess the ability of the existing, planned, and proposed public roads to accommodate the traffic at another location.
(9) The STRE traffic signal approval does not assure the eventual design, installation, or operation of a traffic signal.
Statutory/Other Authority: ORS 184.616, 184.619, 366.205, 810.200
Statutes/Other Implemented: ORS 810.200, 810.210
History: HWD 5-2012, f. & cert. ef. 3-26-12; HWD 6-2005, f. & cert. ef. 7-22-05; TO 5-1999, f. & cert. ef. 12-17-99

734-020-0470

Traffic Signal Spacing Requirement

The desirable spacing of signalized intersections on statewide and regional highways is 1/2 mile. The STRE may approve the installation of a traffic signal at locations where 1/2-mile spacing is inappropriate or infeasible due to:
(1) Topography;
(2) Existing or proposed road layout;
(3) Identified traffic crash pattern;
(4) Unique physical constraints; or
(5) Existing or proposed land use patterns.
Statutory/Other Authority: ORS 184.616, 184.619, 366.205, 810.200
Statutes/Other Implemented: ORS 810.200, 810.210
History: HWD 5-2012, f. & cert. ef. 3-26-12; TO 5-1999, f. & cert. ef. 12-17-99

734-020-0480

Traffic Signal Progression Analysis for Traffic Signal Approval

(1) A traffic signal progression analysis is required for both existing and future conditions when a proposed traffic signal location is within one half mile of any existing or proposed new traffic signal. The STRE may require traffic signal progression analysis for spacing greater than one half mile.

(2) A traffic signal progression analysis for all new or modified approaches at traffic signals on state highways may be required for both existing and future conditions.
Statutory/Other Authority: ORS 184.616, 184.619, 366.205, 810.200
Statutes/Other Implemented: ORS 810.200, 810.210
History: HWD 5-2012, f. & cert. ef. 3-26-12; TO 5-1999, f. & cert. ef. 12-17-99

734-020-0485
Design Standards for Installation or Modification of a Traffic Signal

The following design standards apply to new, replaced, or significantly modified signal installations:
(1) The traffic signal design plans shall conform to the conditions listed in the STRE traffic signal approval.
(2) All approaches to a traffic signal controlled intersection shall be signalized.
(3) Design geometry of a private approach shall be consistent with that of public road intersections including curbs, appropriate lane widths, pavement markings, and vertical alignment.
Statutory/Other Authority: ORS 184.616, 184.619, 810.200
Statutes/Other Implemented: ORS 810.200, 810.210
History: HWD 5-2012, f. & cert. ef. 3-26-12

734-020-0490
Conditions of Approval

The following conditions apply when installation of a traffic signal has been approved:
(1) A traffic signal warrant shall be met within three years after construction when a traffic signal is constructed as part of a roadway improvement project.
(2) A traffic signal warrant shall be met within one month after the traffic signal is put into operation when a traffic signal is being constructed to accommodate additional traffic from a public or private development. If it is projected that a warrant will be met at a later time, operation of the traffic signal should be correspondingly delayed.
(3) All approaches to a traffic signal controlled intersection must be signalized, unless a traffic engineering investigation shows that signalizing a minor public or private road is not justified.
Statutory/Other Authority: ORS 184.616, 184.619, 366.205, 810.200
Statutes/Other Implemented: ORS 810.200, 810.210
History: TO 5-1999, f. & cert. ef. 12-17-99

734-020-0500
Removal of Traffic Signals

An existing traffic signal may be removed if MUTCD traffic signal warrants are no longer met or a proposed change in geometry or traffic flow pattern will eliminate the need for the traffic signal. No traffic signal shall be removed from the State Highway System without prior approval of the STRE. A traffic control engineering study is required for approval, which shall include all of the following:
(1) A comprehensive investigation of traffic and safety conditions.
(2) Assessment of needs of the local community.
(3) Public opinion considerations.
Statutory/Other Authority: ORS 184.616, 184.619, 366.205, 810.200
Statutes/Other Implemented: ORS 810.200, 810.210
History: HWD 5-2012, f. & cert. ef. 3-26-12; TO 5-1999, f. & cert. ef. 12-17-99

DIVISION 24
ENVIRONMENTAL PERFORMANCE STANDARDS

734-024-0005
Purpose

The Department of Transportation (Department) is required by Oregon Laws 2009, Ch. 865, Section 18 to take into consideration (a) incorporation of environmental performance standards into the design and construction of all state highway construction projects, including local government highway construction projects funded by the Department, and (b) improving the environmental permitting process for all state highway construction projects. The purpose of OAR 734-024-0005 through 734-024-0040 is to provide the applicability, guidance, and management structure for development of environmental performance standards and improve the environmental permitting process.
Statutory/Other Authority: ORS 184.616, 184.619, OL 2009, Ch. 865, sec 18
Statutes/Other Implemented: OL 2009, Ch. 865, sec 18
History: HWD 4-2011, f. & cert. ef. 5-27-11

734-024-0015
Definitions
As used in this division, unless the context otherwise requires:
(1) "Commission" means the Oregon Transportation Commission.
(2) "Context sensitive and sustainable solutions" means a philosophy that combines the principles of context sensitive design and sustainability. A framework for implementing the goals that reflect social values (community values; cultural, aesthetic, and historic resources; and diversity), maintain safety and mobility, support economic prosperity, achieve responsible stewardship of the natural environment, and facilitate cost-effective solutions.
(3) "Department" means the Oregon Department of Transportation.
(4) "Department Region" means the five (5) established Regions of the Department responsible for development and delivery of the Department's highway construction projects.
(5) "Director" means the Director of the Oregon Department of Transportation.
(6) "Enhancement" means, with respect to the environment, an opportunity to be considered, not a requirement. Enhancement includes activities that go beyond the agreed-upon regulatory requirements whether in planning, design, construction, maintenance, or operations.
(7) "Environmental Guiding Principles" means organizational values that help the Department maintain a strong commitment to environmental stewardship. For highway construction project design and construction activities, ODOT must consider the following principles:
(a) Select, design, and construct state highway construction projects in a context sensitive and sustainable manner.
(b) Mitigate impacts to natural and cultural resources, to the extent practicable.
(c) Consider cost-effective resource enhancement opportunities to support natural and cultural resource functions.
(d) Improve environmental permitting processes to efficiently meet both the needs and expectations of project delivery and the Department's environmental commitments.
(e) Collaborate and seek consensus with internal and external stakeholders to find balance between resource impacts and achieving the purpose and need of highway construction projects.
(f) Maintain accountability and transparency for decisions and actions that affect the resources entrusted to the Department and for the environmental outcomes that result from Department projects.
(8) "Environmental performance standards" means acceptable levels of environmental performance specified for project activities.
(9) "Environmental permit" means an approval or clearance that is needed to comply with an environmental law or regulation.
(10) "Environmental permitting process" means all the Department and regulatory agency activities and tasks that produce environmental compliance products for state highway construction projects to meet environmental laws, rules, and regulations.
(11) "Environmental stewardship" means the responsibility for environmental quality while developing and managing the transportation infrastructure. It means actively working to protect and enhance our natural and cultural resources for current and future generations. It is demonstrated through continuous improvement of environmental performance

while conducting the scope and purpose of ODOT's mission.
(12) "Foreign oil" means oil or its derivatives that are imported to the United States from other countries.
(13) "Highway," as defined by ORS 801.305, means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.
(14) "Local Government Highway Construction Projects Funded by the Department" means a public improvement project on highways under the jurisdiction, control, and management of local governmental bodies that are funded either in whole or in part with either state or federal funds. Local government funding programs administered by the Department include highway construction projects to which this rule would apply.
(15) "Mitigation" means:
(a) Avoiding the impact altogether by not taking a certain action or parts of an action.
(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
(e) Compensating for the impact by replacing or providing substitute resources or environments.
(16) "Programmatic agreement" means a document that specifies the terms of a formal, legally binding agreement between a state Department of Transportation and other state and/or federal agencies. A programmatic agreement establishes a process for consultation, review, and compliance with one or more federal or state laws.
(17) "Programmatic permit" means a permit or other authorization that
(a) Covers a geographic or statewide area and applies to a variety of projects, activities, or locales; or
(b) Covers certain activities within specific size or impact thresholds. A programmatic approach may allow actions to proceed without project-specific approval by each permit decision-making agency.
(18) "State highway construction project" means a public improvement project on state highways under the jurisdiction, control, and management of the Department, including interstate highways within the State of Oregon.
(19) "Sustainability," as defined by ORS 184.421, means using, developing, and protecting resources in a manner that enables people to meet current needs while providing for future generations to meet their needs, from the joint perspective of environmental, economic, and community objectives.
Statutory/Other Authority: ORS 184.616, 184.619, OL 2009, Ch. 865, sec 18
Statutes/Other Implemented: OL 2009, Ch. 865, sec 18
History: HWD 4-2011, f. & cert. ef. 5-27-11

734-024-0020
Applicability
The provisions of division 24 apply as follows:
(1) Environmental performance standards developed and adopted by the Department must be incorporated into the design and construction of all state highway construction projects, including local government highway construction projects funded by the Department.
(2) Permitting process improvements developed and adopted by the Department in cooperation with state and federal resource agencies must be incorporated into all state highway construction projects.
(3) These rules are in addition to and not in lieu of all other applicable state and federal laws and regulations.
Statutory/Other Authority: ORS 184.616, 184.619, OL 2009, Ch. 865, sec 18
Statutes/Other Implemented: OL 2009, Ch. 865, sec 18
History: HWD 4-2011, f. & cert. ef. 5-27-11

734-024-0030
Environmental Performance Standards
Environmental performance standards implement the Environmental Guiding Principles at the project design and

construction phases of project development.
(1) When considering incorporation of environmental performance standards into the design and construction of state highway construction projects, the Department must consider:
(a) Environmental performance standards from current Department manuals and policies, as well as from applicable state and federal regulatory requirements.
(b) Incorporating environmental performance standards into construction specifications and special provisions.
(c) Design exception criteria to specific environmental performance standards as specified by current Department manuals and policies and state and federal regulatory requirements.
(2) The Director may designate committees to provide direction and oversight to environmental performance standards development, implementation, and modification.
(a) These designated committees may establish collaborative working groups to develop environmental performance standards. The working groups may be composed of internal Department stakeholders and external stakeholders.
(b) The working groups must use Department approved protocols and criteria for adoption and amendment of environmental performance standards or develop new protocols and criteria subject to the direction and oversight of the designated committees.
(3) For efficient consideration of environmental performance standards in the design and construction of state highway construction projects, the Department may use existing planning and project development processes or develop new processes as necessary.
(4) Department project teams for state highway construction projects must implement and document incorporation of Environmental Guiding Principles and applicable environmental performance standards at appropriate milestones in the project development and delivery process.
(5) Local government highway construction projects funded by the Department must implement and document incorporation of Environmental Guiding Principles and applicable environmental performance standards from current Department manuals and policies at appropriate milestones in the project development and delivery process. This requirement will be incorporated into local agency agreements.
(6) The Department must develop and publish periodic progress reports on Department and local government performance for incorporation of environmental performance standards in the design and construction of state highway construction projects and local government highway construction projects funded by the Department.
Statutory/Other Authority: ORS 184.616, 184.619, OL 2009, Ch. 865, sec 18
Statutes/Other Implemented: OL 2009, Ch. 865, sec 18
History: HWD 4-2011, f. & cert. ef. 5-27-11

734-024-0040

Improving the Environmental Permitting Process

(1) The Department must consider improvements to the environmental permitting process for state highway construction projects in order to achieve the following outcomes:
(a) Reduce the time required to design projects associated with meeting environmental requirements;
(b) Reduce the time required to obtain environmental permits;
(c) Reduce the cost and delay associated with redesigning projects to meet environmental requirements;
(d) Maintain a strong commitment to environmental stewardship; and
(e) Reduce this state's dependence on foreign oil.
(2) In order to achieve these outcomes, the Department must, but is not limited to:
(a) Work with state and federal resource and regulatory agencies to develop programmatic agreements and permits.
(b) Develop performance measures, goals, and improvement strategies and initiatives.
(c) Develop and publish periodic progress reports on Department performance in achieving these environmental permit process outcomes.
Statutory/Other Authority: ORS 184.616, 184.619, OL 2009, Ch. 865, sec 18

Statutes/Other Implemented: OL 2009, Ch. 865, sec 18
History: HWD 4-2011, f. & cert. ef. 5-27-11

DIVISION 26
ROADSIDE MEMORIAL SIGN PROGRAM

734-026-0010
Purpose and Scope
The purpose of the Roadside Memorial Sign program is to provide an opportunity for citizens of the State of Oregon, through individuals or organizations identified as “Applicant” in division 26 rules, to commemorate police officers killed in the line of duty or those who were killed in action or who died as a result of wounds received in action while serving in the Armed Forces of the United States with a sign installed along the State Highway System in accordance with Chapter 668, OL 2011, and to request a preferred location for such sign.
Statutory/Other Authority: ORS 184.616, 184.619, 2011 OL Ch. 668, 2013 OL Ch. 381, 391
Statutes/Other Implemented: 2011 OL Ch. 668, 2013 OL Ch. 381, 391
History: HWD 5-2013, f. & cert. ef. 11-25-13; HWD 15-2011, f. 12-22-11, cert. ef. 1-1-12

734-026-0020
Definitions
As used in division 26 rules, the following definitions shall apply:
(1) “Applicant” means the individual or organization seeking to commemorate a police officer killed in the line of duty or person killed in action or who died as a result of wounds received in action while serving in the Armed Forces of the United States, and named in and signing the application.
(2) “Department” means the Oregon Department of Transportation.
(3) “MUTCD” means the Manual on Uniform Traffic Control Devices as adopted in OAR 734-020-0005.
(4) “Region Traffic Engineer” means a professional engineer employed by the Department who by training and experience has comprehensive knowledge of the Department’s traffic engineering standards, policies, and procedures.
(5) “Roadside Memorial Sign” means a sign including the name of the police officer killed in the line of duty or person killed in action or who died as a result of wounds received in action while serving in the Armed Forces of the United States and complying with the requirements of the MUTCD.
(6) “State Highway System” means the public way for vehicular travel that is under the jurisdiction of the Department. It also includes medians, highway shoulders, improvements appurtenant to the highway, such as support or tunnel structures, bicycle ways or sidewalks, and right of way used for the operation of the roadway.
(7) “State Traffic Engineer” means a professional engineer, or designated representative, employed by the Department in charge of the Department’s traffic engineering standards, policies, and procedures.
(8) “Armed Forces of the United States” has the meaning given that term in ORS 348.282.
Statutory/Other Authority: ORS 184.616, 184.619, 2011 OL Ch. 668, 2013 OL Ch. 381, 391
Statutes/Other Implemented: 2011 OL Ch. 668, 2013 OL Ch. 381, 391
History: HWD 5-2013, f. & cert. ef. 11-25-13; HWD 15-2011, f. 12-22-11, cert. ef. 1-1-12

734-026-0030
General Requirements
(1) The Applicant shall submit a written request to the State Traffic Engineer containing the following information:
(a) Name, address, and telephone number of the Applicant;
(b) A brief description of the concurrent resolution adopted by the Legislative Assembly recognizing the police officer killed in the line of duty or the measure adopted by the Legislative Assembly recognizing the person killed in action or who died as a result of wounds received in action while serving in the Armed Forces of the United States;
(c) The preferred location on the State Highway System for a Roadside Memorial Sign to commemorate the police officer killed in the line of duty or person killed in action or who died as a result of wounds received in action while serving in the

Armed Forces of the United States; and
(d) Payment of the fee specified in OAR 734-026-0045.
(2) If the request meets the requirements of Chapter 668, OL 2011, or Ch. 381 or 391, OL 2013, and Division 26, the Applicant shall be granted placement of a single Roadside Memorial Sign on the State Highway System.
Statutory/Other Authority: ORS 184.616, 184.619, 2011 OL Ch. 668, 2013 OL Ch. 381, 391
Statutes/Other Implemented: 2011 OL Ch. 668, 2013 OL Ch. 381, 391
History: HWD 5-2013, f. & cert. ef. 11-25-13; HWD 15-2011, f. 12-22-11, cert. ef. 1-1-12

734-026-0040
Specific Requirements
(1) The Department shall install Roadside Memorial Signs based on a standard design maintained by the Department that conforms to the requirements in the MUTCD.
(2) Roadside Memorial Signs shall not be installed on ramps, bridges, or urban freeways on the State Highway System.
(3) Roadside Memorial Signs shall be mounted on only one side of a support post, facing oncoming traffic, and only on the side of the road nearest the lane of that oncoming traffic.
(4) The Region Traffic Engineer shall investigate the location requested by the Applicant and make a recommendation to the State Traffic Engineer regarding sign placement based on sign priority and spacing requirements in accordance with the MUTCD. If the location requested by the Applicant does not meet MUTCD requirements, the Region Traffic Engineer may recommend an alternate location based upon an engineering investigation.
(5) The State Traffic Engineer shall determine the location of all Roadside Memorial Signs based upon the recommendation of the Region Traffic Engineer and approve a request by an Applicant that meets all the requirements in Division 26.
Statutory/Other Authority: ORS 184.616, 184.619, Ch. 668, OL 2011
Statutes/Other Implemented: Ch. 668, OL 2011
History: HWD 15-2011, f. 12-22-11, cert. ef. 1-1-12

734-026-0045
Fee for Roadside Memorial Signs
(1) In accordance with Chapter 668, OL 2011, a fee of $600 shall be submitted to the Department with the application to cover the direct and indirect expenses associated with erecting, maintaining and removing a Roadside Memorial Sign.
(2) Roadside Memorial Signs shall remain in place for a period of ten years or until such time that the sign becomes damaged or is no longer in serviceable condition. The Department shall replace a Roadside Memorial Sign that is damaged or is no longer in serviceable condition if the Applicant pays the fee specified in section (1) to cover the cost of replacing the sign. Replaced Roadside Memorial Signs shall remain in place for a period of ten years or until such time that the sign becomes damaged or is no longer in serviceable condition.
(3) The Department may remove a Roadside Memorial Sign that becomes damaged, is no longer in serviceable condition, or has been in place for a period of ten years.
(4) The Department may move and relocate a Roadside Memorial Sign if the Department determines such relocation is necessary for highway or other transportation purposes.
Statutory/Other Authority: ORS 184.616, 184.619, Ch. 668, OL 2011
Statutes/Other Implemented: Ch. 668, OL 2011
History: HWD 15-2011, f. 12-22-11, cert. ef. 1-1-12

DIVISION 29
ADOPT-A-HIGHWAY PROGRAM

734-029-0005
Purpose
The purpose of the Adopt-A-Highway program is to provide citizens of Oregon an opportunity to pick up litter, remove

noxious weeds, and improve the appearance of the State Highway System in accordance with ORS 366.158.
Statutory/Other Authority: ORS 184.616, 184.619, 366.158
Statutes/Other Implemented: ORS 366.158
History: HWD 5-2010, f. 6-16-10, cert. ef. 7-1-10; HWY 6-1992, f. & cert. ef. 3-26-92

734-029-0010
Scope
Any volunteer group, identified as “Applicant” in Division 29 rules, may adopt a section of highway on the State Highway System for the purpose of picking up litter, removing noxious weeds, or both. Work activities, when approved, may also include graffiti removal or maintenance of landscaped areas.
Statutory/Other Authority: ORS 184.616, 184.619, 366.158
Statutes/Other Implemented: ORS 366.158
History: HWD 5-2010, f. 6-16-10, cert. ef. 7-1-10; HWY 6-1992, f. & cert. ef. 3-26-92

734-029-0020
Definitions
As used in division 29 rules, the following definitions will apply:
(1) “Applicant” means the individual or individuals, corporation, company, firm, business, partnership, or public agency volunteering their time by adopting a section of highway, and named in and signing the application, and to whom the Permit is issued.
(2) “DM” means the Department District Manager or designee. DMs are responsible for highway maintenance, operations, and issuing permits for use of operating right of way for all State highways within a specific geographic area or “District”.
(3) “Department” means the Oregon Department of Transportation.
(4) “Highway” means the public way for vehicular travel that is under the jurisdiction of the Department. It also includes medians, highway shoulders, improvements appurtenant to the highway, such as support or tunnel structures, bicycle ways or sidewalks, and right of way used for the operation of the roadway.
(5) “Noxious Weed” means any plant identified by Department of Agriculture in OAR chapter 603, division 52 “Quarantine; Noxious Weeds” or the appropriate county governing body as described in ORS 569.
(6) “Participant” means the individual or member of the Applicant actually performing work on the highway under a Permit issued pursuant to Division 29 rules.
(7) “Permit” means the application as a fully executed form signed, issued and controlled by the DM on behalf of the Department allowing Applicant and its Participants to perform activities as approved and deemed necessary by the DM. A Permit includes all attached provisions and exhibits. A Permit does not convey any property right or interest.
(8) “Work Site” means the area where the permitted work is to be conducted.
Statutory/Other Authority: ORS 184.616, 184.619, 366.158
Statutes/Other Implemented: ORS 366.158
History: HWD 5-2010, f. 6-16-10, cert. ef. 7-1-10; HWY 6-1992, f. & cert. ef. 3-26-92

734-029-0030
General Requirements
(1) The Applicant must apply in writing on the form provided by the Department to the DM for the District in which the section of highway requested to be adopted is located. When noxious weed removal is a desired work activity, the Applicant must also provide the DM with a plan approved in writing by the Oregon Department of Agriculture or the appropriate county governing body. The plan shall include the species of plant to be removed, the method of removal that does not include the use of pesticides, herbicides, or machine powered equipment, and the timing and frequency of noxious weed removal.
(2) An “Adopt-A-Highway” permit will be executed by the Applicant and the DM under the authority of OAR Chapter

734, Division 55 and Division 29. In the event of a conflict, Division 29 rules will prevail. The Permit will list the specific requirements and obligations of both the Applicant and its Participants, and the Department.
(3) An application is not a Permit until it is approved and signed by the DM. No work is to be done along the highway until the Applicant has obtained a valid Permit. The approved Permit must be physically at the work site when the work is being performed.
(4) The section of highway adopted will be at least two miles in length for litter pickup or noxious weed removal. This minimum may be modified at the discretion of the DM where there are unique or unusual situations or features having to do with allowed work activities on a specific highway section.
(5) The term of the permit will be for a period of one, two, or three years.
(6) A section of highway may be adopted by more than one Applicant with only one Applicant for litter pick up and one Applicant for noxious weed removal. If more than one Applicant requests the same section of highway for the same work activity, the DM may make the selection by earliest date of application or by a random drawing.
(7) Assignment of a specific section of highway shall be at the discretion of the DM.
(8) The DM may consider factors such as width of right-of-way, geometrics, congestion, and sight distance in determining which highways or sections of highway will be eligible for adoption under Division 29 rules.
(9) Subcontracting or assigning work, or hiring or paying a wage or salary for work on the adopted section by the Applicant to any party is prohibited and will result in cancellation of the permit.
(10) The DM may cancel a Permit for any reason including, but not limited to safety considerations concerning highway operations, failure of the Applicant to perform the work described in the Permit, or failure of the Applicant to comply with provisions of the Permit. This cancellation will be issued in writing.
(11) The Applicant may cancel the permit with 30 days written notice to the DM.
(12) An Applicant has the option of renewing the permit for subsequent terms subject to the approval of the DM. Such request must be submitted in writing, signed by the Applicant and submitted to the DM at least 30 days prior to the permit expiration date.
(13) The Applicant shall not use state highways to display advertising signs or display or sell merchandise of any kind.
Statutory/Other Authority: ORS 184.616, 184.619, 366.158
Statutes/Other Implemented: ORS 366.158
History: HWD 5-2010, f. 6-16-10, cert. ef. 7-1-10; HWY 6-1992, f. & cert. ef. 3-26-92

734-029-0040
Specific Requirements
(1) Applicant and Participant Responsibilities:
(a) The Applicant will be responsible and liable for the care, control, supervision and assurance of safety of all Participants. Each Participant will be required to execute a Department liability release form reflecting awareness and acknowledgement of the potentially hazardous nature of the work involved;
(b) The Applicant and each Participant must comply with and abide by all laws, rules, and regulations relating to safety and use of the highway, and such other terms and conditions as may be required in the Permit. The Applicant or individual Participants may be excluded from participation or the permit canceled, at the discretion of the DM for violation of the terms of the Permit or Division 29 rules;
(c) The Applicant will provide adult supervision at the work site by at least one Participant over 18 years of age. Each Participant must be at least 16 years of age. Presence at the work site of individuals under 16 years of age is not allowed;
(d) The Applicant and each Participant must review the safety information provided by the Department at least once a year prior to participating in the actual work;
(e) The Applicant is to pick up litter at least four times a year; noxious weeds are to be removed at least two times a year. This frequency may be increased by written notice of the DM dependent on condition and appearance of the highway section;
(f) If maintenance of landscape improvements, or graffiti removal are included as a planned work activity, the scope of

work and specific requirements and limitations will be agreed to by the Applicant and the DM, and identified in the permit;
(g) Supplies, materials, and work area signs furnished by the DM on behalf of the Department will be obtained from and returned to the DM during regular business hours. The Applicant may furnish its own additional supplies for its exclusive use such as a first-aid kit and drinking water.
(h) The Applicant will be responsible for appointing or selecting a spokesperson to act as the representative of the Applicant in matters relating to the Permit. The Applicant or its spokesperson is responsible for assuring compliance by Participants with safety procedures, proper Participant clothing and footwear, proper parking of vehicle(s) along the highway, arranging transportation of the Participants to and from the work site, notifying the DM of the location of large, heavy, or potentially hazardous items found along the highway, checking out and returning supplies provided by the Department, and assuring that a signed liability release has been provided to the Department for each Participant;
(i) The Applicant will be responsible for placing litter and noxious weeds in trash bags furnished by the DM and conducting other work activities as described in the Permit.
(j) Vehicles used by the Applicant to transport Participants to and from the work site must be parked so as not to create a hazard to motor vehicle traffic or interfere with the regular maintenance of the roadway. Vehicles must be moved by the Applicant upon request of the DM or law enforcement personnel.
(2) Department Responsibilities:
(a) The DM will consult with an Applicant to determine the specific section of highway to be adopted;
(b) The DM will furnish work area signs, trash bags, reflective vests, colored flags to mark large, heavy or potentially hazardous litter, and safety awareness information for Applicant safety meetings;
(c) The DM will furnish and erect two acknowledgement signs, one at each end of the adopted highway section, with the Applicant's name or acronym displayed. When the section of highway adopted is not linear to the highway a lesser number of signs may be placed;
(d) If the Department determines that the sign(s) would create an unsafe condition for persons using the highway, it may choose not to erect the sign(s). Acknowledgement signs that are repeatedly vandalized or stolen may not be replaced at the discretion of the DM;
(e) The DM will be responsible for removal of litter that is large, heavy or potentially hazardous that has been flagged by the Applicant. The removal and disposal of filled litter bags, landscape debris, and noxious weeds will be as described in the Permit.
Statutory/Other Authority: ORS 184.616, 184.619, 366.158
Statutes/Other Implemented: ORS 366.158
History: HWD 5-2010, f. 6-16-10, cert. ef. 7-1-10; HWY 6-1992, f. & cert. ef. 3-26-92

734-029-0045

Acknowledgement Signs

(1) Signs may be placed by the Department as described in OAR 734-029-0040(2) acknowledging the Applicant's volunteer contribution with the Applicant's name or acronym. The Applicant may be required to provide evidence of the Applicant's existence such as the Applicant's organizational bylaws, website, or letterhead. When the Applicant is an individual or family group, the individual's name (first name or initial and last name) or the family name (e.g. Smith Family) will be used.
(2) The acknowledgement sign is not intended for advertising or as a memorial; items such as an internet address, website, or telephone number will not be allowed. The Applicant's name may be verified with the Secretary of State's business name registry or other information available to the Department.
(3) The acknowledgement sign(s) may be installed after the Applicant has successfully performed the work activities described in the Permit at least once as determined by the DM.
(4) The sign(s) will remain the property of the Department and be removed by the DM when the permit is cancelled or has expired.

Statutory/Other Authority: ORS 184.616, 184.619, 366.158
Statutes/Other Implemented: ORS 366.158
History: HWD 5-2010, f. 6-16-10, cert. ef. 7-1-10

DIVISION 30
REST AREAS

734-030-0005
Definitions

The following definitions apply to OAR 734-030-0005 through 734-030-0025:
(1) “Police Officer” means a member of the Oregon State Police, sheriff, deputy sheriff, city police officer, or other person as may be designated by law.
(2) “Rest Area” includes safety rest areas, scenic overlooks and similar roadside areas which are under the jurisdiction of the Department of Transportation (ODOT). Other than when issuing “free coffee” permits under OAR 734-030-0025, when a Rest Area is sited on both sides of the highway, the two sides will be considered a single Rest Area.
(3) “Rest Area Attendant” means a Department of Transportation employee or contractor working in or responsible for the Rest Area; or for Rest Areas managed by Travel Information Council by agreement with ODOT a Travel Information Council employee or contractor working in or responsible for the Rest Area.
(4) “Rest Area Enforcement Officer” means a person specifically designated by the director of the Travel Information Council as described in Section 1, Chapter 328, Oregon Laws 2011 to issue citations and enforce rest area rules.
(5) “Service Animal” means any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.
(6) “Visitor” means a person within the Rest Area who is not a Department of Transportation or Travel Information Council employee, Police Officer, Rest Area Enforcement Officer, or a Rest Area Attendant.
Statutory/Other Authority: ORS 184.616. 184.619, 366.205, 366.493
Statutes/Other Implemented: ORS 164.805, 366.205, 366.493, 374.305, 377.030, 810.030
History: HWD 1-2013, f. 1-17-13, cert. ef 3-1-13; HWD 10-2010, f. 9-27-10, cert. ef. 10-1-10; HWD 3-2010(Temp), f. & cert. ef. 4-28-10 thru 10-15-10; HWY 2-1993, f. & cert. ef. 4-15-93; 2HD 5-1984, f. & ef. 4-18-84; 1OTC 70, f. & ef. 3-5-76; HC 801, f. 11-24-59, ef. 1-1-60; HC 476a, f. & ef. 10-7-54

734-030-0010
Prohibited Activities

To preserve state property and increase health and safety in Rest Areas, the following activities are prohibited by Visitors to a Rest Area:
(1) Lighting a fire of any kind, other than propane or gas fueled camp stoves and grills.
(2) Picking, removing, or damaging plant life or forest products.
(3) Hunting, trapping, or injuring birds or animals.
(4) Discharging a firearm, bow and arrow, or other weapon or discharging fireworks, explosives, or other similar devices.
(5) Mutilating, defacing, damaging or removing any property, garbage, recycling, structure or facility.
(6) Digging up, defacing, or removing any dirt, stone, rock, or other natural substance.
(7) Operating a concession or selling merchandise, food, or services, except for a permitted "free coffee" service, public telephones, or articles dispensed by vending machines pursuant to an agreement with the Department of Transportation, or Travel Information Council for the Rest Areas managed by Travel Information Council by agreement with ODOT.
(8) Blocking or physically interfering with access to the restroom by other Visitors or blocking motor vehicle or pedestrian movement in the Rest Area.
(9) Smoking or carrying a lighted cigar, cigarette, pipe or other smoking implement in a restroom building or within 20 feet of a restroom building in the Rest Area.

(10) Consuming any alcoholic beverage or possessing an opened container of an alcoholic beverage within the Rest Area.
(11) Operating a motor vehicle in any area not constructed or designed for motor vehicles. Parking a motor vehicle outside the designated parking area or parking in violation of any posted parking regulation.
(12) Allowing a pet or other animal to run loose. All pets and Service Animals must be on a leash 6 feet or shorter and under direct hand control. All livestock must be on a lead of 10 feet or shorter and under direct hand control unless contained within a designated livestock corral.
(13) Allowing an animal, except a Service Animal, to be in any building or in any area except designated pet or livestock areas.
(14) Placing a poster, flyer, sign or other marker in or on any utility pole, sign post, building or other facility in a Rest Area.
(15) Depositing garbage, recyclables, or refuse of any kind except in designated containers.
(16) Dumping, spilling or allowing to leak any sewage, waste water, or other substance from the vehicle.
(17) Using restroom facilities to bathe, or wash clothing, dishes or other materials.
(18) Setting up a tent or other structure, camping, or remaining in a Rest Area for more than 12 hours within any 24-hour period.
(19) Participating in a public disturbance, or riotous or other behavior which interferes with the reasonable use of the Rest Area by other Rest Area Visitors.
(20) Obstructing, harassing or interfering with a Department of Transportation or Travel Information Council employee or Rest Area Attendant in the performance of their duties in the Rest Area.
(21) Creating noise by any means which interferes with the reasonable use of the Rest Area by other Rest Area Visitors.
Statutory/Other Authority: ORS 184.616. 184.619, 366.205, 366.493
Statutes/Other Implemented: ORS 164.805, 366.205, 366.493, 374.305, 377.030, 810.030
History: HWD 1-2013, f. 1-17-13, cert. ef 3-1-13; HWD 10-2010, f. 9-27-10, cert. ef. 10-1-10; HWD 3-2010(Temp), f. & cert. ef. 4-28-10 thru 10-15-10; HWD 1-2006, f. & cert. ef. 1-24-06; HWY 14-1990, f. & cert. ef. 12-5-90; Reverted to 2HD 5-1984, f. & ef. 4-18-84; HWY 8-1990(Temp), f. & cert. ef. 4-20-90; 2HD 5-1984, f. & ef. 4-18-84; 1OTC 70, f. & ef. 3-5-76; HC 801, f. 11-24-59, ef. 1-1-60; HC 476a, f. & ef. 10-7-54

734-030-0015

Compliance

(1) To preserve state property and increase health and safety in Rest Areas, a Department of Transportation or Travel Information Council employee, Police Officer, Rest Area Enforcement Officer, or the Rest Area Attendant is authorized to require compliance with OAR 734-030-0010.
(2) In addition to any other penalty prescribed by law, failure to comply with OAR 734-030-0010 governing health and safety in a Rest Area may result in a Class B violation as stated in ORS 366.991.
(3) A Police Officer may direct a person to leave the Rest Area for a period of up to 1 year when the person violates any Rest Area rule; or violates any federal, state, county or city law or court order. Such exclusion shall be in writing as described in section 5 of this rule. A lesser amount of time may be specified on the exclusion notice based on the frequency, severity, and impact to other Visitors of the violation as described in section 6 of this rule.
(4) A Rest Area Enforcement Officer, within a Rest Area managed by Travel Information Council by agreement with ODOT, may direct a person to leave the Rest Area for a period of up to 1 year when the person violates any rest area rule. Such exclusion shall be in writing as described in section 5 of this rule. A lesser amount of time may be specified on the exclusion notice based on the frequency, severity, and impact to other Visitors of the violation as described in section 6 of this rule.
(5) The notice of exclusion must be in writing and include the conduct leading to the exclusion; the name of the Rest Area; the effective date and length of the exclusion; the name of the person being excluded; the name of the person ordering the exclusion; and information consistent with OAR 734-030-0016 on how to contest the exclusion. If the person being excluded refuses to accept the written notice of exclusion, the exclusion is still valid. Verbal direction to the person as to the length of the exclusion is adequate as notice provided such action is documented on the written notice of exclusion.

(6) A person may be excluded from a Rest Area for up to 1 year as described in this rule. A lesser amount of time may be specified as follows:
(a) A person may be excluded for 1 month (30 days) when the person violates the posted rest area rules, or demonstrates unwillingness to comply or change behavior when requested.
(b) A person may be excluded for 6 months (180 days) when the person repeatedly violates the posted rest area rules, is cited for violation of federal, state, or local laws in the Rest Area, or causes property damage of $2,000 or less.
(c) A person may be excluded for 1 year (365 days) when the person physically attacks another person or thing in the Rest Area, is cited for criminal activity in the Rest Area, intentionally causes property damage, or causes property damage of more than $2,000.
(7) Violation of a notice of exclusion may result in arrest for criminal trespass under ORS 164.245.
Statutory/Other Authority: ORS 184.616. 184.619, 366.205, 366.493
Statutes/Other Implemented: ORS 164.805, 366.205, 366.493, 374.305, 377.030, 810.030
History: HWD 1-2013, f. 1-17-13, cert. ef 3-1-13; HWD 10-2010, f. 9-27-10, cert. ef. 10-1-10; HWD 3-2010(Temp), f. & cert. ef. 4-28-10 thru 10-15-10; HWY 2-1993, f. & cert. ef. 4-15-93; 1OTC 70, f. & ef. 3-5-76; HC 801, f. 11-24-59, ef. 1-1-60; HC 476a, f. & ef. 10-7-54

734-030-0016
Exclusion Review Process

(1) A person excluded from a Rest Area may submit a written request for a review of the exclusion. Only the basis of the exclusion and the length of the exclusion may be contested. The review request must be received at the address listed on the exclusion notice within 7 business days from the date on the exclusion notice.
(2) The written request for review must include the person's name, mailing address and telephone number; the reason the person believes the exclusion should be withdrawn or modified; and be accompanied by a copy of the exclusion notice.
(3) The Travel Information Council Rest Area Operations Manager or Deputy Director not involved in the decision to exclude from TIC managed Rest Areas or the ODOT District Manager or Assistant District Manager not involved in the decision to exclude from ODOT managed Rest Areas will review the information provided along with the facts leading to the exclusion and make a final determination within 21 days of receipt of the written request. The review of the exclusion from a Rest Area is not subject to ORS 183 and is therefore not subject to the Administrative Procedures Act.
(4) Only one review will be conducted for each notice of exclusion. The review will be informal in nature however a written statement of the results of the review will be provided to the person requesting the review. The determination of the exclusion review is final and is not subject to appeal.
Statutory/Other Authority: ORS 184.616. 184.619, 366.205, 366.493
Statutes/Other Implemented: ORS 164.805, 366.205, 366.493, 374.305, 377.030, 810.030
History: HWD 1-2013, f. 1-17-13, cert. ef 3-1-13

734-030-0020
Notice

Notice of conduct consistent with OAR 734-030-0005 through 734-030-0015 shall be posted in each rest area.
Statutory/Other Authority: ORS 184.616. 184.619, 366.205, 366.493
Statutes/Other Implemented: ORS 164.805, 366.205, 366.493, 374.305, 377.030, 810.030
History: HWD 10-2010, f. 9-27-10, cert. ef. 10-1-10; HWD 3-2010(Temp), f. & cert. ef. 4-28-10 thru 10-15-10; 1OTC 70, f. & ef. 3-5-76; HC 801, f. 11-24-59, ef. 1-1-60; HC 476a, f. & ef. 10-7-54

734-030-0025
"Free Coffee" Program

The "free coffee" program is a service sponsored by non-profit organizations in rest areas; permissible under federal regulations and state law; and found by the Department of Transportation (Department), in certain instances, to be in

the interest of public safety. “Free coffee” service will be permitted subject to the following conditions:
(1)(a) Non-profit organizations may make written requests for permission to sponsor a “free coffee” service at a specific rest area directed to the District Manager (DM) for the district in which the rest area is located not more than 60 days prior to the date(s) requested. Requests must be submitted on form 734-2081, “Free Coffee Program Application and Permit” available from the district;
(b) The non-profit organization must certify that the organization is granted non-profit status by the Internal Revenue Service (IRS) and may be required at the discretion of the DM to provide a copy of the IRS determination letter;
(c) The DM will grant permission for the activity by way of a standard permit issued to the selected non-profit organization. The selection will be made not less than 30 days in advance of the date(s) requested from all written requests received, and will be based on a random drawing conducted by the DM if multiple requests for the same date(s) and location are received. For purposes of issuing permits, if a rest area is sited on both sides of the highway, each side of the rest area will be considered a separate location;
(d) Permits will be issued in 24-hour increments with a maximum of 72 hours. No more than three permits will be issued to one organization in a calendar month;
(e) Only one organization will be granted a permit for a rest area location for any particular date or time;
(f) The DM may decline to issue any permits for a particular rest area or for any particular date or time; and
(g) A copy of the permit must be on-site during operation of the "free coffee" service.
(2) The “free coffee” service will be located in a designated area of the rest area. The area will be designated by the DM. The service is not permitted to obstruct access to any building or other structure in the rest area. The area is to be kept neat and free of litter, cups, etc., associated with the service.
(3) The distribution of "free coffee" may include coffee, other non-alcoholic beverages and cookies but may not include other food items. Cookies offered must come from a licensed facility. The non-profit organization shall comply with all state and local health department rules and regulations. For the purposes of this rule, "cookie" will include brownies but not cake, bagels, donuts, coffee cake, candy bars, or other similar items.
(4) Carbonated beverages shall not be distributed under the "free coffee" program in rest areas where carbonated beverages are available in vending machines.
(5) Coffee, other non-alcoholic beverages and cookies are to be free of charge to the public. Donations may be received by the non-profit organization but not sought or requested, except for the allowed use of one opaque container with the words "donations" or "contributions" in a maximum of one-inch letters.
(6) No more than two signs or posters with a maximum area of ten square feet each may be used to identify the “free coffee” service and the non-profit organization by name only i.e. “Free Coffee — Served By — (organization name)”. Signs or posters may only be placed in the area designated for the service including on vehicles within which the service is provided, and must be removed when the service is closed and upon expiration of the permit. No signs are to be placed outside the rest area confines by the organization other than official “Free Coffee” signs that may be provided by the Department at the discretion of the DM.
(7) The non-profit organization is responsible for all products and supplies necessary to provide “free coffee” service in the rest area including any extraordinary costs incurred by the Department as a result of this service. The Department may provide access to limited electricity and water as determined by the DM.
(8) Permits are not transferable and are revocable for non-compliance with any state statute, rest area rules, or the terms of the permit. Repeated failure to comply with the rules and regulations may result in non-profit organization’s forfeiture of right to future participation in the program.
Statutory/Other Authority: ORS 184.616, 184.619, 366.490
Statutes/Other Implemented: ORS 366.490
History: HWD 1-2006, f. & cert. ef. 1-24-06; HWY 2-1994, f. & cert. ef. 2-28-94; HWY 2-1993, f. & cert. ef. 4-15-93; 2HD 8-1986, f. & ef. 11-24-86; 2HD 5-1984, f. & ef. 4-18-84

734-030-0030

Human Trafficking Awareness Information Program

(1) The purpose of the Human Trafficking Awareness program described in OAR 734-030-0030 is to provide information in Department Rest Areas for victims of human trafficking.

(2) As used in this rule, the following definitions will apply:

(a) “Applicant” means the Eligible Non-Profit Organization providing Human Trafficking Awareness Information for placement in a Rest Area, and named in and signing the application, and to whom the Permit is issued.

(b) “DM” means the Department District Manager or designee. DMs are responsible for highway maintenance, operations, and issuing permits for use of operating right of way for all State highways within a specific geographic area or “District”.

(c) “Department” means the Oregon Department of Transportation or ODOT.

(d) “Eligible Non-Profit Organization” means a tax exempt organization under the Internal Revenue Code Section 501(c)(3) formed for the expressed purpose of providing services to victims of human trafficking.

(e) “Human Trafficking” means the action or practice of illegally transporting people from one country or area to another, typically for the purposes of forced labor or commercial sexual exploitation.

(f) “Human Trafficking Awareness Information” means a poster that provides information on services available to victims of Human Trafficking.

(g) “Participant” means a member of the Eligible Non-Profit Organization performing work to install and maintain Human Trafficking Awareness Information in a Rest Area.

(h) “Permit” means the application as a fully executed form signed, issued and controlled by the DM on behalf of the Department allowing Applicant and its Participants to install and maintain Human Trafficking Awareness Information in a Rest Area. A Permit includes all attached provisions and exhibits. A Permit does not convey any property right or interest.

(i) “Rest Area” means a roadside area separated from the main travel way and under the control of the Department which provides rest rooms, drinking water, and other facilities needed for the rest and safety of motorists. For the purposes of this rule, when a Rest Area is sited on both sides of the highway, the two sides will be considered as separate Rest Areas.

(3) An Eligible Non-Profit Organization formed for the purpose of providing assistance to victims of human trafficking may provide, install and maintain posters in a Rest Area. The posters must be laminated and no more than 8-1/2” x 11.”

(4) The posters must contain a statement of the impact of human trafficking, a 24 hour toll free hotline telephone number and a hotline text messaging number to report suspected human trafficking, the name of the organization providing assistance to victims of human trafficking, and be in English and other languages commonly spoken in the State of Oregon. The poster may also include symbols or graphics necessary to convey the message, and the logo of the organization providing assistance but may not contain any other information, advertising or commercial messaging.

(5) The information in the poster must be objectively verifiable as determined by the Department or Travel Information Council. If the Department or Travel Information Council determines the poster has offensive or inappropriate content, or that the poster causes harm to the Rest Area or Rest Area users, the Department or Travel Information Council may refuse to allow the poster to be displayed.

(6) The Eligible Non-Profit Organization may volunteer to provide, install, and maintain Human Trafficking Awareness posters in one or more Rest Areas. Up to one poster may be installed in a conspicuous location inside each Rest Area restroom and one poster inside each toilet stall available to the general public. The posters are to be installed in a vandal resistant manner such as behind at least ¼ inch abrasion resistant polycarbonate cut at least 1 inch larger than the poster and mounted with tamper resistant fasteners. When polycarbonate is used, it must be cut so there are no sharp edges or corners that interfere with the maintenance and operation of the restroom or cause harm to Rest Area users.

(7) The Eligible Non-Profit Organization must establish a schedule to inspect the posters at least once a month and take necessary action to maintain the posters in a neat, clean condition. In the event vandalism or damage to the Human Trafficking Awareness Information is discovered by the Department or Travel Information Council, the Eligible Non-Profit Organization will be notified. The Eligible Non-Profit Organization must repair, replace or remove the Human Trafficking Awareness Information within 48 hours of notification. If the poster is not repaired, replaced, or removed

within the time specified, the Department or Travel Information Council may remove the poster and restore the Rest Area at the sole expense of the Eligible Non-Profit Organization.
(8) The Eligible Non-Profit Organization is responsible for the accuracy of the content of the poster. Should the information contained in the poster change, the Eligible Non-Profit Organization must provide additional copies of the updated poster at no cost to the Department or Travel Information Council.
(9) A Rest Area may have Human Trafficking Awareness Information from no more than one Eligible Non-Profit Organization. If more than one Eligible Non-Profit Organization desires to provide Human Trafficking Awareness Information for the same Rest Area, the selection will be made by earliest date of application or by a random drawing.
(10) The Eligible Non-Profit Organization must work directly with Travel Information Council for placement of Human Trafficking Awareness Information in a Rest Area which is managed by Travel Information Council. In such instances, the Eligible Non-Profit Organization must provide Human Trafficking Awareness Information in accordance with these rules to Travel Information Council. Travel Information Council will determine that such informational posters comply with these rules. Travel Information Council may have a volunteer program, consistent with these rules, for the placement of Human Trafficking Awareness Information in the Rest Areas it manages.
(11) In lieu of volunteering their time, the Eligible Non-Profit Organization may donate to the Department funds for the installation and maintenance of Human Trafficking Awareness Information in Rest Areas. The Department may also receive gifts, grants or contributions from any source donated for the installation and maintenance of Human Trafficking Awareness Information to be placed in Rest Areas. Donated funds will be held in the “Human Trafficking Awareness Fund” and accounted for separately from other funds available to the Department. The Department will allocate funds to Travel Information Council from the Human Trafficking Awareness Fund for the placement of Human Trafficking Awareness Information in Rest Areas managed by Travel Information Council.
(12) If sufficient revenue is available in the Fund or from funds, other than Highway Trust Funds, that may become available to the Department, the Department may agree to install and maintain the posters provided by the Eligible Non-Profit Organization in Rest Areas managed by the Department.
(13) If the Eligible Non-Profit Organization does not install and maintain the Human Trafficking Awareness Information, the Eligible Non-Profit Organization must provide an adequate number of posters for installation of at least one poster inside each Rest Area restroom available to the general public; and must provide additional posters as needed upon request of the Department or Travel Information Council.
(14) When the Rest Area is managed by the Department, the Eligible Non-Profit Organization must volunteer in writing on the form provided by the Department to the DM for the District in which the Rest Area is located.
(a) A Permit will be executed by the Eligible Non-Profit Organization and the DM under the authority of OAR Chapter 734, Division 55 and this rule. In the event of a conflict, this rule will prevail. The Permit will list the specific requirements and obligations of the Applicant including the number of posters to be installed and the approved location for those posters within the Rest Area restroom. When the Department will install the posters, the Permit will include the number of posters to be provided by the Eligible Non-Profit Organization.
(b) The Applicant will be responsible for selecting a spokesperson to act as the representative of the Applicant in matters relating to the Permit. The spokesperson is the primary contact for the Eligible Non-Profit Organization and is responsible for assuring compliance with the Permit by the Applicant and its Participants.
(c) An application is not a Permit until it is approved and signed by the DM. No work is to be done in the Rest Area until the Applicant has obtained a valid Permit. The approved Permit must be physically at the work site when the work is being performed.
(d) The term of the permit will be for a period of at least one year but not more than three years.
(e) The Permit is not transferable. Subcontracting or assigning work to install and maintain the Human Trafficking Awareness Information by the Applicant to any party is prohibited and will result in cancellation of the Permit.
(f) A Permit may be issued at the DM’s discretion. The DM may cancel a Permit for any reason including, but not limited to safety considerations concerning Rest Area operations, failure of the Applicant to perform the work described in the Permit, or failure of the Applicant to comply with provisions of the Permit.

(g) The Applicant may cancel the permit with 30 days written notice to the DM.
(h) The Applicant has the option of renewing the Permit for subsequent terms up to a maximum term of three years subject to the approval of the DM. Such request must be submitted in writing, signed by the Applicant and submitted to the DM at least 30 days prior to the permit expiration date. Beyond the maximum term of three years, the Applicant may reapply for a new Permit as described in section 14.
(A) The Applicant shall not use the Rest Area or the state highway to display advertising signs or display or sell merchandise of any kind.
(B) When the Applicant installs and maintains the posters:
(C) The Applicant will be responsible and liable for the care, control, supervision and assurance of safety of all Participants.
(D) The Applicant and each Participant must comply with and abide by all laws, rules, and regulations relating to safety and use of the Rest Area, and such other terms and conditions as may be required in the Permit.
(E) The Applicant must provide adult supervision at the Rest Area by at least one Participant over 18 years of age. Each Participant must be at least 16 years of age.
(F) The Applicant is responsible for the equipment, supplies and materials required to install and maintain the Human Trafficking Awareness Information.
(G) Vehicles used by the Applicant and its Participants for transportation to and from the Rest Area must be parked only in designated parking areas.
Statutory/Other Authority: ORS 184.619
Statutes/Other Implemented: Chapter 646, 2017 Laws (SB 375) as amended by Chapter 93, 2018 Laws (HB 4059)
History: HWD 6-2018, adopt filed 12/07/2018, effective 02/12/2019; HWD 3-2018, temporary adopt filed 08/17/2018, effective 08/17/2018 through 02/12/2019

DIVISION 31
REST AREA SPONSORSHIP ACKNOWLEDGEMENT SIGN PROGRAM

734-031-0001
Purpose and Scope
(1) The purpose of Division 31 rules is to establish a Rest Area Sponsorship Acknowledgement program in compliance with 23 USC 111 and the Federal Policy on Sponsorship Acknowledgement and Agreements within the Highway Right of Way that provides citizens of Oregon an opportunity to contribute money, Highway Related Services or Products to support the development or ongoing operation and maintenance of the Oregon Department of Transportation's Rest Areas.
(2) An Acknowledgement Sign may be placed to recognize the Contribution when the Contribution represents a commitment of the Participant to provide for development of a Rest Area or ongoing operation or maintenance of a Rest Area. Contributions that do not meet the criteria in Division 31 rules may be recognized by means other than an onsite Acknowledgement Sign such as a letter of recognition, press release or other outreach materials, and web sites as determined appropriate by the Rest Area Operator consistent with federal and state regulations.
(3) When a Rest Area is managed by the Travel Information Council or other entity by agreement with the Department, that agency or entity will be responsible for soliciting sponsorship Contributions and any acknowledgement of those Contributions following the program established in Division 31 rules.
(4) All Contributions received through Rest Area sponsorships are assets of the Highway Trust Fund and shall only be used for highway purposes to facilitate the development or ongoing operation and maintenance of state highway Rest Areas.
Statutory/Other Authority: Federal Policy 5160.1A, ORS 184.616, 184.619, 366.205
Statutes/Other Implemented: ORS 366.205
History: HWD 2-2016, f. & cert. ef. 6-21-16

734-031-0005

Definitions

As used in Division 31 rules, the following definitions will apply:

(1) “Acknowledgment Sign” — A sign that informs the public that a Participant has provided a Contribution for the development or ongoing operation or maintenance of an Oregon Department of Transportation Rest Area. For the purposes of Division 31 rules, an “Acknowledgment Sign” includes an acknowledgement plaque or rider added to an existing sign on the mainline highway.

(2) “Contribution” — The provision of money, highway related service, or product for the development or ongoing operation or maintenance of a Rest Area.

(3) “Department” — The Oregon Department of Transportation (ODOT).

(4) “Highway Related Service” — A service that supports the development, operation or maintenance of the Rest Area. Typical services include but are not limited to litter pickup, landscape maintenance, or brush removal.

(5) “MUTCD” — Manual on Uniform Traffic Control Devices for Streets and Highways along with the Oregon MUTCD Supplements.

(6) “Oregon Temporary Traffic Control Handbook” — The standards adopted by the Department for traffic control operations of three days or less.

(7) “Participant” — An individual, family group, company, business, or volunteer group who provide a Contribution and who has entered into a Sponsorship Agreement. “Participant” includes the organization and its members.

(8) “Product” — Items used in the development, operation or maintenance of the Rest Area by the Rest Area Operator. Typical products include but are not limited to landscape materials or building supplies.

(9) “Rest Area” — A roadside area separated from the main travel way and under the control of the Department. A Rest Area may include rest rooms, drinking water, and other facilities needed for the rest and safety of motorists. For the purposes of Division 31 rules, when a Rest Area is sited on both sides of the highway, the two sides will be considered as separate Rest Areas.

(10) “Rest Area Operator” — The Department or Travel Information Council or other entity responsible for management of the Rest Area by agreement with the Department.

(11) “Sponsorship Agreement” —An agreement between a Participant and the Rest Area Operator where the Participant agrees to provide a Contribution in exchange for the placement of an Acknowledgement Sign in the Rest Area or on the mainline of the adjoining state highway.

Statutory/Other Authority: Federal Policy 5160.1A, ORS 184.616, 184.619, 366.205

Statutes/Other Implemented: ORS 366.205

History: HWD 2-2016, f. & cert. ef. 6-21-16

734-031-0010

Participant Eligibility

(1) An individual, family group, company, business, or volunteer group is eligible to submit proposals to provide a Contribution for the development or ongoing operation or maintenance of Rest Areas. Participants must comply with all applicable state and federal laws concerning the provisions prohibiting discrimination based on race, religion, color, age, sex, and national origin.

(2) When the Participant is a family group, company, business, or volunteer group, the Participant must appoint or select a spokesperson to act as their representative in matters relating to the sponsorship solicitation and Sponsorship Agreement. The Participant and its spokesperson are responsible for assuring compliance with the Sponsorship Agreement.

(3) Participants may provide Contributions for the overall support of one or more Rest Areas or for one or more features of a Rest Area.

Statutory/Other Authority: Federal Policy 5160.1A, ORS 184.616, 184.619, 366.205

Statutes/Other Implemented: ORS 366.205

History: HWD 2-2016, f. & cert. ef. 6-21-16

734-031-0015

Participant Selection

(1) Solicited Contributions

(a) Participants will be identified using an open, competitive solicitation process such as a request for proposal.

(b) Solicitations will provide a description of the sponsorship opportunity being offered stating all information pertinent to an understanding of the offer.

(c) When the offer is for a Highway Related Service that includes removal of noxious weeds, a plan approved in writing by the Oregon Department of Agriculture or the appropriate county governing body must be included with the proposal. The plan must include the species of plant to be removed, the method of removal that does not include the use of pesticides, herbicides, or machine powered equipment, and the timing and frequency of noxious weed removal.

(d) Successful Participants will be selected based on a net benefit for the public. There may be more than one Participant providing Contributions in support of a Rest Area or a Rest Area feature; however only one Participant will be selected for the overall sponsorship of a Rest Area. The Rest Area Operator reserves the right to reject any or all proposals if it determines the proposal is not a reasonable value or is not in the public's best interest.

(2) The decision to solicit Contributions for sponsorship of Rest Areas shall be at the discretion of the Rest Area Operator. The Rest Area Operator may consider factors such as the nature of the offered Product or Highway Related Service and the location of the proposed work in determining eligibility of a Rest Area or Rest Area feature for sponsorship.

(3) A Sponsorship Agreement will be executed by the Participant and the Rest Area Operator. The Sponsorship Agreement will list the specific requirements and obligations of both the Participant and the Rest Area Operator.

Statutory/Other Authority: Federal Policy 5160.1A, ORS 184.616, 184.619, 366.205

Statutes/Other Implemented: ORS 366.205

History: HWD 2-2016, f. & cert. ef. 6-21-16

734-031-0020

Acknowledgement Signs

(1) A sign may be placed by the Rest Area Operator informing the public of the Participant's Contribution with the Participant's name or acronym when the Contribution meets the requirements of Division 31 rules. The Participant may be required to provide evidence of the Participant's existence such as the Participant's organizational bylaws, website, or letterhead. When the Participant is an individual or family group, the individual's name (first name or initial and last name) or the family name (e.g. Smith Family) will be used.

(2) The Acknowledgement Sign shall not be used for advertising or as a memorial and shall not contain items such as contact information, directions, slogans, telephone numbers, website, or internet addresses. The Participant name may be verified with the Secretary of State's business name registry or other information available to the Rest Area Operator.

(3) The Acknowledgement Sign may be installed after the Participant has provided the monetary or product Contribution, or has successfully performed the Highway Related Service described in the Sponsorship Agreement at least once.

(4) In addition to the Contribution, the Participant will be responsible for the Rest Area Operator's cost to manufacture and install the Acknowledgement Sign. The sign will remain the property of the Rest Area Operator and be removed by the Rest Area Operator when the Sponsorship Agreement is cancelled or has expired.

(5) If the Department or Rest Area Operator determines that the Acknowledgement Sign interferes with the maintenance, operation, or use of the Rest Area or the state highway, the sign will be removed. Acknowledgement Signs that are repeatedly vandalized or stolen may not be replaced at the discretion of the Rest Area Operator.

Statutory/Other Authority: Federal Policy 5160.1A, ORS 184.616, 184.619, 366.205

Statutes/Other Implemented: ORS 366.205

History: HWD 2-2016, f. & cert. ef. 6-21-16

734-031-0025

Acknowledgement Sign Design and Placement

(1) When an Acknowledgement Sign is used for sponsorship recognition on the mainline of the adjacent state highway or the Rest Area entrance or exit ramp, or is in a Rest Area and legible to motorists using the Rest Area, it must conform to the signing standards in the MUTCD and design standards adopted by the Department. Such Acknowledgement Signs must not have moving elements or simulate movement, have bold or vibrant colors, or be attached to, imitate or interfere with any traffic control device.

(2) When the sponsorship is for a specific Rest Area feature or a component of a specific Rest Area feature, one Acknowledgement Sign may be installed in the Rest Area placed at or as close as practical to the feature being sponsored. The sign will not be installed in a location where it would obscure a Rest Area visitor's view of traffic control devices, interfere with the regular use of the Rest Area by Rest Area visitors, or be visible from the mainline highway. The sign will say '_____ SPONSORED BY' on the first line and the Participant name or acronym on the next one or two lines.

(3) When the sponsorship is for the overall Rest Area, one Acknowledgement Sign for each direction of travel may be installed on the mainline upon approval of the Department. The Acknowledgement Sign may be an independent sign assembly or an acknowledgement plaque/rider added to an existing sign and placed as close as practicable to the entrance to the Rest Area and will say 'REST AREA SPONSORED BY' on the first line with the Participant name or acronym on the next one or two lines. Acknowledgement Signs on the mainline must be static, non-changeable signs and shall not be overhead installations. When the Acknowledgement Sign on the mainline is an independent sign assembly, it must be located at least 500 feet from any other traffic control device. In addition, one Acknowledgement Sign may be placed in the Rest Area provided the sign is not visible to the mainline highway and does not pose a safety risk to Rest Area users.

Statutory/Other Authority: Federal Policy 5160.1A, ORS 184.616, 184.619, 366.205

Statutes/Other Implemented: ORS 366.205

History: HWD 2-2016, f. & cert. ef. 6-21-16

734-031-0030

Sponsorship Agreement

(1) The Sponsorship Agreement shall be an agreement for the Participant to provide for development, operation or maintenance of a Rest Area. When the Sponsorship Agreement is for a Rest Area within Interstate highway right of way, the Sponsorship Agreement must be approved by Federal Highway Administration to determine consistency with its directives and MUTCD.

(2) The Sponsorship Agreement will include the name of the Rest Area and a full description of the Contribution including the quantity of Product being provided or the frequency that Highway Related Services are to be performed.

(3) The term of the Sponsorship Agreement will be for a period of at least 1 year.

(a) When the Contribution is a Highway Related Service for the Rest Area operation or maintenance, the service must be provided at least twice over the 1-year period. When the Highway Related Service is for development of a Rest Area or Rest Area feature, the Contribution must be for a significant portion of the overall project as identified in the project solicitation.

(b) When the Contribution is for a Product, the quantity of Product must be adequate to meet the expected need for the 1-year period.

(c) When the Contribution is money, the value must be a significant portion of the development cost or the cost to operate or maintain the Rest Area or the specific feature of the Rest Area.

(4) The Sponsorship Agreement is not transferable and may be cancelled by mutual consent of the parties or by the Rest Area Operator for cause including, but not limited to safety considerations concerning Rest Area or highway operations, failure of the Participant to perform the work described in the Sponsorship Agreement, failure of the Participant to comply with provisions of the Sponsorship Agreement, or a determination the sponsorship agreement is no longer in the

public's best interest.
(5) The Participant shall not use the Rest Area or state highway to display advertising signs or display or sell merchandise of any kind. Unauthorized items may be removed at the direction of the Department, Rest Area Operator, or law enforcement personnel.
(6) The Participant shall be bound by all applicable federal, state and local laws, rules, and regulations and such other terms and conditions as may be required in the Sponsorship Agreement.
(7) When the Sponsorship Agreement is for a Highway Related Service, the Participant will have the following additional responsibilities:
(a) The Participant will be responsible and liable for the care, control, supervision and assurance of safety of all Participant members and the safety of Rest Area users.
(b) When work may impact motorists using the Rest Area or the mainline highway, the Participant will protect the work area in accordance with the MUTCD and the Oregon Temporary Traffic Control Handbook in force at the time the work is conducted.
(c) Maintain a copy of the fully signed Sponsorship Agreement at the worksite when the Highway Related Service is being performed and make it available to the Department, Rest Area Operator, or law enforcement personnel upon request. No work activities are to occur in the Rest Area until the Participant has obtained a fully signed Sponsorship Agreement.
(d) Vehicles used to transport Participant or its members to and from the Rest Area must be parked within the Rest Area so as not to interfere with the regular use of the Rest Area or to create a hazard to motor vehicle traffic. Vehicles must be moved by the Participant upon request of the Department, Rest Area Operator, or law enforcement personnel.
(e) The Participant must protect all existing Rest Area features, including but not limited to the paved surfaces, sidewalks, drainage features, landscaping, and fences, from damage as a result of their activity. The Participant shall restore any damaged feature to the satisfaction of the Rest Area Operator whether discovered at the time of damage or at a later date. Unrepaired damage or unrestored features may be repaired or restored by the Rest Area Operator at the expense of the Participant.
Statutory/Other Authority: Federal Policy 5160.1A, ORS 184.616, 184.619, 366.205
Statutes/Other Implemented: ORS 366.205
History: HWD 2-2016, f. & cert. ef. 6-21-16

DIVISION 32
OREGON SCENIC BYWAYS PROGRAM

734-032-0000
Purpose of and Need for the Scenic Byway Program
Administrative rules OAR 734-032-0000 through 734-032-0070 establish the Scenic Byway Program as authorized by ORS 184.617 and 184.619. The program consists of a multistep process starting with an idea (citizen, special interest group, local, state or federal agency) to designate transportation corridor as an Oregon Scenic Byway and progressively move that idea through a series of reviews culminating, if warranted, in a designation of an Oregon Scenic Byway by the Oregon Transportation Commission and the Oregon Tourism Commission. The program is intended to recognize scenic byways across jurisdictional boundaries, to orient and focus on the tourist or motorist and to show off the best in the way of scenic byways. The stimulus for this program has come from the Intermodal Surface Transportation Efficiency Act of 1991.
Statutory/Other Authority: ORS 184.617, 184.619
Statutes/Other Implemented: Intermodal Surface Transportation Efficiency Act of 1991
History: HWY 6-1994, f. & ef. 12-29-94

734-032-0010
Goals and Objectives of the Scenic Byway Program
(1) The goals of the Scenic Byway Program are to:

(a) Create a comprehensive statewide multi-agency program to identify and manage Oregon's most outstanding scenic transportation corridors;
(b) Preserve and/or enhance Oregon's most outstanding scenic transportation corridors; and
(c) Provide meaningful tourism opportunities for the traveling public.
(2) The following objectives are intended to accomplish these goals:
(a) Develop a process and criteria for evaluating and designating scenic transportation corridors;
(b) Develop guidelines for producing management strategies to preserve and/or enhance designated scenic transportation corridors; and
(c) Develop a guide and/or may of scenic transportation corridors for public information.
Statutory/Other Authority: ORS 184.617, 184.619
Statutes/Other Implemented: Intermodal Surface Transportation Efficiency Act of 1991
History: HWY 6-1994, f. & ef. 12-29-94

734-032-0020
Terminology
The following terminology shall be used when applying the criteria in this division:
(1) Agriculture/Forestry — Crops, wineries, vineyards, ranches, fisheries, old-growth and reforested lands.
(2) Color — Overall color(s) of the basic components of the landscape (e.g., soil, rock, vegetation, etc.) as they appear during the seasons or periods of high use. Key factors are variety, contrast and harmony.
(3) Driveability — Driving safety, ease and pleasure as related to road standards (e.g., lane and shoulder width, traffic character, etc.)
(4) Landform — Topography becomes more interesting as it gets steeper or more massive, or more severely sculptured. Outstanding landforms may be monumental or exceedingly artistic and subtle.
(5) Modifications — Modifications in the landform, water, vegetation or addition of structures that detract from or complement the scenic quality.
(6) Natural — This includes natural features such as geologic formations, wildlife sites, waterfalls, lake basins, old-growth stands, mountain meadows, etc.
(7) Paved — Hard surfaces such as concrete or bituminous.
(8) Uniqueness/Scarcity — The relative scarcity or abundance of a particular unique scenic resource or combination of features within the geographic region.
(9) Vegetation — Forest, prairies, orchards, active farm cropland and tree farms. Consider variety of patterns, form and textures created by plant life. Consider smaller scale vegetational features which add striking and intriguing detail elements to the landscape.
(10) Water — Ocean, rivers, lakes, waterfalls,rapids, marshes, canals and harbors. That ingredient which adds movement or serenity to a scene. The degree to which water dominates the scene.
Statutory/Other Authority: ORS 184.617, 184.619
Statutes/Other Implemented: Intermodal Surface Transportation Efficiency Act of 1991
History: HWY 6-1994, f. & ef. 12-29-94

734-032-0030
Categories of Routes
There are two categories of routes in the Scenic Byways system. Scenic Byways include the most scenic routes with road standards that would accommodate most travelers. These routes encompass scenic, historic, recreational and cultural values of not only the roadway right-of-way, but also the adjacent visual resources. Tour Routes include all the other purely scenic routes with limited driveability as well as routes with special features. Further definition of these routes are:
(1) Scenic Byways encompass national or statewide known scenic values of the roadway and adjacent visual resources. In general, scenic routes are paved, passable by passenger car and meet certain road and safety standards. This

classification contains examples of truly spectacular routes with national or statewide recognition and the best scenic drives in Oregon. The Scenic Byways shall include the many varieties of the Oregon landscape and shall be distributed throughout the state. The number of routes shall be limited so the state is not saturated with scenic drives. The pattern of routes shall not be confusing to the public. Crisscrossing or overlap of designated routes shall be avoided.
(2) Tour Routes encompass regionally or locally known scenic, cultural or historic values which also have features or points of interest that tend to draw people out of their cars. These could include wine tours, covered bridge tours or resource management tours. Tour routes may also be more primitive routes requiring high-clearance vehicles, with scenery ranging from national to local. Tour Routes may be paved, but some are not, and a few require four-wheel drive vehicles, while others are driveable by normal passenger car. The routes shall be safe for the prescribed season and required type of vehicle.
Statutory/Other Authority: ORS 184.617, 184.619
Statutes/Other Implemented: Intermodal Surface Transportation Efficiency Act of 1991
History: HWY 6-1994, f. & ef. 12-29-94

734-032-0040

Oregon Scenic Byway Designation Process — Initial Screening of Scenic Byway Proposal

(1) To be considered as a scenic byway the proponent must submit the following:
(a) Written narrative statement of the route identifying items of significance or interest in relation to the established criteria;
(b) Documentation of conceptual support by jurisdictional agencies in the corridor;
(c) Map of route, showing beginning and ending points, length and width of corridor; and
(d) Definition of the location of points of interest or significance.
(2) The Oregon Scenic Byway Committee shall review the proposal against the criteria and determine whether it shall proceed through the designation process. The committee shall also review the proposed route against currently designated routes and other pending proposals to assure that the pattern of designated routes shall not be confusing and are not becoming saturated. If the committee recommends not to proceed it shall provide comments to the applicant on weaknesses of the proposal and possible improvements where applicable.
Statutory/Other Authority: ORS 184.617, 184.619
Statutes/Other Implemented: Intermodal Surface Transportation Efficiency Act of 1991
History: HWY 6-1994, f. & ef. 12-29-94

734-032-0050

Oregon Scenic Byway Designation Process — Formal Proposal

(1) If the proposal is recommended to proceed, the proponent must make a formal presentation to the committee presenting the following information in addition to providing additional detail of the requirements in OAR 734-032-0040(1):
(a) Detail the management strategy which shall be employed for the route. This should include the following:
(A) How the Scenic or Tour Route Criteria values shall be protected;
(B) How the Scenic or Tour Route Criteria values shall be interpreted for the public;
(C) How the road and parking shall be maintained to enhance value and for public safety; and
(D) How values shall be enhanced.
(b) Discussion of the funding commitment including a letter stating the amount committed and when available;
(c) A statement demonstrating that designation of the route shall be consistent with applicable land use plans including a letter from the local governments having jurisdiction over the route;
(d) A letter from the road agencies having jurisdiction over the route showing that the proposed designation has been coordinated with these agencies;
(e) Demonstrate how new or relocated billboards shall be prohibited in the scenic byway corridor; and
(f) A marketing plan which is coordinated with local/regional convention and visitors bureau and/or chambers of

commerce.
(2) Based on the information presented the committee may determine that the route does not qualify as a Scenic Byway or Tour Route category.
(3) The committee shall review driveability of a route to determine if it is satisfactory for the Scenic Byway Category. If the route does not meet the driveability requirement it may be considered in the Tour Route category.
(4) Representatives of the Oregon Scenic Byway Committee shall conduct a field review of the proposed route and rate the route against the Scenic and Tour Route Criteria. These criteria are in Tables 1 and 2, Scenic Byway Criteria and Tour Route Criteria, respectively.
(5) In order to be recommended for designation as a Scenic Byway, the route must achieve a threshold score in the evaluation against the Scenic Byway Criteria.
(6) In order to be recommended for designation as a Tour Route, the route must receive a minimum score in the evaluation against the Scenic Byway Criteria. The route must also receive enough additional points in the evaluation against the Tour Route Criteria to reach the threshold score.
(7) Prior to accepting applications for scenic byways or tour routes, the Scenic Byway Committee shall assign points to the Scenic Byway and Tour Route Criteria in Tables 1 and 2, and shall establish threshold scores and minimum scores for Scenic Byways and Tour Route designation. This information shall be made available to all proponents.
(8) If the full committee agrees to recommend a route to be designated either as a Scenic Byway or Tour Route, the recommendations of the committee shall be forwarded to the Transportation Commission and the Oregon Tourism Commission for final action. Both the commission and council must adopt the recommendation for the route by at least a two-thirds majority for the route to receive the designation.
(9) If the proposed route is not recommended for designation by the committee, comments shall be provided to the proponent. This information shall state the reasons why this route was not designated and possible improvements along the route that would help it meet the required standards if the proponent opts to reapply. The route may be resubmitted for consideration of designation 90 days after comments are provided to the proponent.
[ED. NOTE: Tables referenced are available from the agency.]
Statutory/Other Authority: ORS 184.617, 184.619
Statutes/Other Implemented: Intermodal Surface Transportation Efficiency Act of 1991
History: HWY 6-1994, f. & ef. 12-29-94

734-032-0060
Monitoring Designated Oregon Scenic Byways and Tour Routes
The Oregon Scenic Byway Committee shall review field inventories against current conditions at least once every five years. The committee may recommend the removal of routes that no longer meet the criteria due to changed conditions at the completion of the five year review or at any time there is a significant change in the conditions of the route.
Statutory/Other Authority: ORS 184.617, 184.619
Statutes/Other Implemented: Intermodal Surface Transportation Efficiency Act of 1991
History: HWY 6-1994, f. & ef. 12-29-94

734-032-0070
Scenic Byway Committee
The Oregon Scenic Byway Committee shall consist of a representative from each of the entities listed below with the Oregon Department of Transportation representative chairing the committee:
(1) Oregon Department of Transportation;
(2) Oregon Economic and Community Development Department;
(3) Oregon Parks and Recreation Department;
(4) U.S. Forest Service;
(5) Bureau of Land Management;
(6) Association of Oregon Counties;

(7) Oregon Association of Convention and Visitors Bureaus; and
(8) League of Oregon Cities.
Statutory/Other Authority: ORS 184.617, 184.619
Statutes/Other Implemented: Intermodal Surface Transportation Efficiency Act of 1991
History: HWY 6-1994, f. & ef. 12-29-94

DIVISION 35
RIGHT OF WAY AND REAL PROPERTY

734-035-0005
Property Grants to Cities and Counties for Streets and Roads

(1) General Policy: The grant of property or property rights acquired by highway funds is subject to statutory and constitutional restrictions. This administrative rule is enacted in order to assure that those restrictions are satisfied when property or property rights are granted to cities or counties for street or road purposes by ensuring that such transfer is in the public interest and that the highway funds are being adequately conserved.
(2) The Department of Transportation receives requests from cities and counties for grants of property owned by the department for construction of streets and roads which are not part of the state highway system. Subject to the following conditions, the department may sell or transfer property not on operating right of way if the property is declared surplus to the needs of the department and may grant easements on operating right of way for such street and road purposes:
(a) Sale or transfer of property not on operating right of way declared surplus:
(A) If the proposed street or road is determined not to benefit the state highway system the property shall be appraised and that value must be paid before property rights are transferred; and
(B) If the proposed street or road is determined to be a distinct and direct benefit to the state highway system the property shall be appraised, the value of the proposed street or road to the state highway system shall be determined and if the values are approximately equal the grant shall be given at no cost to the city or county, otherwise the difference between the appraised value and value to the state highway system must be paid before the property rights are transferred.
(b) Grant of easement on operating right of way:
(A) The property will be reviewed for the possibility of revenue production, and if there is such a possibility, the property will be appraised by the right of way section and an appraised value given:
(i) If the proposed street or road is determined to directly and distinctly benefit the state highway system the easement may be granted at no cost to the city or county;
(ii) If there is determined to be no possibility of revenue production the easement may be granted at no cost to the city or county; and
(iii) If there is determined to be a possibility of revenue production and the proposed street or road is determined not to be a benefit to the state highway system the appraised value must be paid by the city or county prior to a grant of easement.
(B) A grant of easement on operating right of way are also subject:
(i) Review and approval by Federal Highway Administration;
(ii) Review and approval by the department of the street or road design and its effect on the safety and operation of the highway; and
(iii) Compliance with section (3) of this rule, including payment of administrative costs.
(3) A grant of easement, and sale or transfer of department property is also subject to the following:
(a) Payment by the city or county of administrative costs, incurred by the department in processing and reviewing the request, including the proposed design, and in appraising value and determining revenue production possibilities. The administrative costs will be based on actual documented costs incurred plus a ten percent charge for general administration;

(b) Prior to the transfer of any property rights a fully approved and executed written agreement must be entered into between the department and the city or county outlining details of design, construction and cost responsibility; and
(c) All grants or transfers constitute only a transfer of a property right, and do not excuse the city or county from complying with any other requirements or obtaining approvals necessary under existing law for street or road construction.
Statutory/Other Authority: ORS 184, 366
Statutes/Other Implemented: ORS 366.395
History: 2HD 8-1984, f. & ef. 5-23-84

734-035-0010

Removing Personal Property from Illegal Camping on State Highway Right of Way — Purpose

The purpose of OAR 734-035-0010 through 734-035-0040 is to outline a process for removing personal property from state highway rights of way by the Department of Transportation under ORS 377.650 and 377.653 where the personal property is reasonably believed to be the result of illegal camping.
Statutory/Other Authority: ORS 184.616, 184.619, 377.653
Statutes/Other Implemented: ORS 377.650, 377.653
History: HWD 9-2014, f. 11-26-14, cert. ef. 12-8-14; HWD 5-2014(Temp), f. 7-9-14, cert. ef. 7-10-14 thru 12-21-14; HWD 3-2014(Temp), f. & cert. ef. 6-25-14 thru 12-21-14; HWD 4-2012, f. 2-21-12, cert. ef. 2-24-12; HWY 16-1990, f. & cert. ef. 12-28-90; HWY 12-1990(Temp), f. & cert. ef. 7-20-90

734-035-0020

Removing Personal Property from Illegal Camping on State Highway Right of Way — Definitions

(1) Personal property includes items which are reasonably recognizable as belonging to individual persons and which have apparent utility. Items which have no apparent utility or are in an unsanitary condition are considered junk and will be discarded.
(2) Weapons, drug paraphernalia, and items which reasonably appear to be either stolen or evidence of a crime will be turned over to the appropriate law enforcement agency.
Statutory/Other Authority: ORS 377
Statutes/Other Implemented: ORS 377.650
History: HWY 16-1990, f. & cert. ef. 12-28-90; HWY 12-1990(Temp), f. & cert. ef. 7-20-90

734-035-0030

Removing Personal Property from Illegal Camping on State Highway Right of Way — Removal, Storage, and Retrieval

(1) Personal property (as defined in OAR 734-035-0020) will be separated during cleanups from trash/debris/junk (which will be immediately discarded) and items to be turned over to law enforcement officials and stored. The personal property shall be stored for no less than 30 days. During that period it will be reasonably available to persons claiming ownership of the personal property.
(2) Each district will arrange in advance for a location to store personal property. The storage facility should be reasonably secure. The location should be reasonably accessible to the cleanup area and preferably served by public transportation. If a Department of Transportation facility is used, the address of the facility will not be publicized. Instead, a telephone number to arrange an appointment to pick up claimed personal property will be provided. The telephone number should reach an office which is staffed during normal business hours (8 a.m. to 5 p.m. weekdays). A person claiming property must be able to schedule an appointment at a convenient time (also during business hours).
Statutory/Other Authority: ORS 377
Statutes/Other Implemented: ORS 377.650
History: HWY 16-1990, f. & cert. ef. 12-28-90; HWY 12-1990(Temp), f. & cert. ef. 7-20-90

734-035-0040

Removing Personal Property from Illegal Camping on State Highway Right of Way — Scheduling and Notice; Costs

(1) In locations where camping or staying overnight regularly occurs, signs may be posted by the Department announcing that camping is not allowed according to OAR 734-020-0095. In locations not open to public entry, signs will be posted by the Department according to 734-035-0200. Personal property left on state highway right of way and reasonably believed to be the result of illegal camping may be removed from the right of way after the Department posts proper notice in accordance with this rule.
(2) Written notice will be posted in a conspicuous location in the general vicinity of the personal property to be removed. When the personal property is under a bridge, along a river, and within the urban growth boundary, notice will be posted in a conspicuous location within 30 feet of the personal property. The notice is to be posted at least ten days but not more than 19 days prior to removal of the personal property by the Department. In locations not open to public entry, notice is to be posted at least 24 hours prior to removal of the personal property by the Department.
(3) Notwithstanding subsection (2) of this rule, when the Department determines that either:
(a) personal property on highway right of way in locations not closed to public entry is in violation of environmental laws, the Department may remove the personal property 24 hours after posting notice.
(b) an exceptional emergency exists, personal property may be removed without notice described in this rule. An "exceptional emergency" is a situation which must be immediately addressed to avoid greater harm such as site contamination by hazardous materials or that either the personal property itself of individuals entering the location to retrieve the personal property presents an immediate danger to human life or safety.
(4) The written notice must be laminated or weather resistant and include:
(a) The date the notice was posted; for locations not open to public entry, the date and time the notice was posted;
(b) The date by which personal property must be removed by the property owner;
(c) The time frame in which the Department may remove the personal property; for locations not open to public entry, the Department may remove the personal property within 24 hours to 7 days after the date and time of the posting.
(d) The telephone number where information on recovering the property may be obtained; and
(e) The length of time the property will be stored by the Department.
(5) If the notice is removed during the posting period, the Department may proceed with the removal of the personal property but will replace the notice at the site to inform property owners about how to claim the personal property.
(6) Written notices will be in both English and Spanish.
(7) A $2 charge may be made for the cost of removal and storage of the personal property. No charge will be made for the cost of the personal property removal generally.
Statutory/Other Authority: ORS 184.616, 184.619, 377.653
Statutes/Other Implemented: ORS 377.650, 377.653
History: HWD 9-2014, f. 11-26-14, cert. ef. 12-8-14; HWD 4-2012, f. 2-21-12, cert. ef. 2-24-12; HWY 16-1990, f. & cert. ef. 12-28-90; HWY 12-1990(Temp), f. & cert. ef. 7-20-90

734-035-0050
Disposition of Surplus Property; General Policy
It is the general policy of the Department of Transportation to efficiently and economically dispose of real property that is determined by the agency to be surplus.
Statutory/Other Authority: ORS 184, 366
Statutes/Other Implemented: ORS 270.100
History: HWY 9-1990, f. & cert. ef. 5-24-90

734-035-0060
Determination that Property is Surplus
The following criteria may be used to determine real property is surplus: The property is no longer needed by the agency for public purposes.
Statutory/Other Authority: ORS 184, 273, 366
Statutes/Other Implemented: ORS 270.110

History: HWY 9-1990, f. & cert. ef. 5-24-90

734-035-0070

Notice to Department of Administrative Services

Upon declaring property to be surplus to its needs, the Department of Transportation shall notify the Department of Administrative Services of the intent to sell the property.

Statutory/Other Authority: ORS 184, 273

Statutes/Other Implemented: ORS 270.100

History: HWY 9-1990, f. & cert. ef. 5-24-90

734-035-0080

Appraisal of Surplus Property

(1) Before offering for sale any real property or equitable interest therein owned by the Department of Transportation, the Department shall cause the property to be appraised by one or more competent appraisers. All appraisals so obtained shall be reviewed in compliance with the Department's Right of Way Manual to insure accuracy and adequacy of the value reported for the real property.

(2) Said appraisal(s) and the appraisal review shall be used by the Department's Right of Way Manager to establish the asking price for the real property.

(3) Except as provided in OAR 734-035-0110, if an asking price in excess of $5,000 is established for any surplus property, the property shall not be sold to any private person until competitive bids have been requested by the Department.

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 184, 366

Statutes/Other Implemented: ORS 270.100

History: HWY 9-1990, f. & cert. ef. 5-24-90

734-035-0090

Publication of Notice of Sale

(1) Except as provided in OAR 734-035-0110, the Department shall give notice of all sales of real property or interest therein with an asking price in excess of $5,000.

(2) The notice of sale shall contain:

(a) A description of the property by street address and/or by legal subdivision;

(b) The minimum price for which the property will be sold;

(c) A brief statement of the terms of the sale; and

(d) A source to contact for information about the property.

(3) The notice of sale shall be published in accord with the following minimum time standards:

(a) For properties valued between $5,001 and $25,000 — Twice during the two-week period preceding the sale by publication in a newspaper of general circulation in the county in which the property is located; or

(b) For properties valued in excess of $25,000 — Three times during the three-week period preceding the sale by publication in a newspaper of general circulation in the county in which the property is located, and in such other publications as the Department deems appropriate.

(4) In addition to the minimum standards for publication contained in section (3) of this rule, the Department may provide more extensive notice of sale if such additional exposure is prudent due to value of the property, intense interest on the part of the public, or other factors.

(5) In addition to the public notice by advertisement, the Department shall, as much as is practicable, post properties offered for sale with signs indicating their availability for purchase.

Statutory/Other Authority: ORS 284, 366

Statutes/Other Implemented: ORS 270.130

History: HWY 9-1990, f. & cert. ef. 5-24-90

734-035-0100

Property Sales to Political Subdivisions

(1) Political subdivisions, as defined in ORS 271.005, and non-profit housing providers/housing authorities, shall be afforded the first opportunity, after other state agencies, to purchase surplus real property.

(2) The Department may require at the time of sale or transfer of real property to a political subdivision that the property shall be for use of a public purpose or benefit, and not be for resale to a private purchaser.

Statutory/Other Authority: ORS 184, 271, 366

Statutes/Other Implemented: ORS 270.100

History: HWY 9-1990, f. & cert. ef. 5-24-90

734-035-0110

Exception to Appraisal Requirements and Publication of Notice of Sale

(1) Purpose. The purpose of this rule is to establish criteria and procedures to exempt surplus real properties from the usual appraisal and public notice requirements prior to disposal, as allowed by ORS 184.634.

(2) Definitions. The following definitions apply to this rule:

(a) "Minimal value" means a value of $20,000 or less.

(b) "Formal appraisal" means the appraisal process described in OAR 734-035-0080.

(3) Exempt Properties. Notwithstanding OAR 734-035-0080 and 734-035-0090, the Department may sell or dispose of real property or an interest therein direct to a private party without publication of a notice of sale or formal appraisal when:

(a) The property, because of its size, shape, location, utility, condition of title, or restriction imposed upon the property by the Department, has minimal value and is useful only to adjacent property owners; or

(b) The property may not be disposed of to anyone other than adjacent property owners because of local land use ordinances.

(4) Requirements in lieu of formal appraisal and publication:

(a) When, under this rule, a property is exempt from the formal appraisal process, the Department will determine the value of the property. The Department may use valuations or appraisals of comparable properties, assessors' reports, or any other data that adequately demonstrates the value of the subject property. The Department will include in its file the data it used to determine the value or a summary of the data.

(b) When, under this rule, a property is exempt from the publication requirements of OAR 734-035-0080 or 735-035-0090, the Department will notify adjacent property owners, and the local road authority when the property is adjacent to a road, of the proposed sale of real property at least 21 days before the date of the sale of the real property. The 21 days will be counted from the date the notice is hand delivered to the address, or from the date of mailing. The following apply to notification:

(A) The notification must be in writing and include a description of the property to be sold, the terms of purchase, and an opportunity to bid;

(B) The Department will notify by hand delivery, or by certified or registered mail, at the discretion of the Department. Delivery or mailing will be to the last known residence address of the adjacent property owner(s) of record in the county clerk's office in the county where the property is located. If the Department has another address it believes to be more current, it may use that address in place of the address on file with the county clerk; and

(C) Actual receipt of the notice by the adjacent property owner is not necessary for the Department to meet the requirements of this rule.

Statutory/Other Authority: ORS 184.616, 184.619, 184.634

Statutes/Other Implemented: ORS 184.634

History: HWD 3-2005, f. & cert. ef. 4-26-05; HWY 9-1990, f. & cert. ef. 5-24-90

734-035-0120

Determination of Most Advantageous Bid

(1) The decision of the Department on the question of the most advantageous bid shall be final and conclusive.

(2) The Department shall reserve the right to accept or reject any bid.

Statutory/Other Authority: ORS 184, 366

Statutes/Other Implemented: ORS 270.135

History: HWY 9-1990, f. & cert. ef. 5-24-90

734-035-0130

Procedure If No Satisfactory Bid Received

(1) At any time during a period of one year after the auction date from which no satisfactory bid was received, the Department may sell the property at a private negotiated sale.

(2) In negotiating a private sale pursuant to section (1) of this rule, the Department shall consider the economic benefit to the Department and the preservation of the Highway Trust Fund.

Statutory/Other Authority: ORS 184, 366

Statutes/Other Implemented: ORS 270.140

History: HWY 9-1990, f. & cert. ef. 5-24-90

734-035-0140

Authorization for the Use of Department Real Property in Lieu of a Lease or Easement

(1) The Department may issue written authorization for the use of real property under the jurisdiction of the Department, in lieu of an easement or lease, when in the judgment of the Department's Right of Way Manager any of the following are true:

(a) The fair market value of the real property is difficult to ascertain or is negligible due to the size, location, configuration, or other features of the parcel of real property sought to be used; or

(b) The fair market value of the real property is difficult to ascertain or is negligible as a result of the existence of local land use restrictions on the parcel of real property sought to be used; or

(c) The benefit to the Department in having the real property occupied and maintained exceeds the probable fair market value of the parcel of real property sought to be used.

(2) The charge for use of the real property shall be based on the costs incurred by the Department in the issuance of the written authorization as set forth below. For all authorizations the user of the real property shall pay an initial use charge of $50, $150 or $250, as determined by the Department, based on the amount of research and preparation required to issue the authorization. Thereafter, the user of the real property shall pay an annual use charge at the rate of:

(a) $0 — when the benefits to the Department exceed the probable fair market value of the parcel of real property sought to be used; or

(b) $100 — when little or no field inspection and no plan review is required to issue the authorization, and no on-going inspection of the use is required; or

(c) $250 — when field inspection, plan review, or both, are required to issue the authorization, or when on-going inspection of the use is required.

Statutory/Other Authority: ORS 184.616, 184.619, 366.205

Statutes/Other Implemented: ORS 366.395

History: Renumbered from 734-050-0105, HWD 6-2016, f. & cert. ef. 12-16-16; 2HD 1-1982, f. & ef. 5-26-82

734-035-0150

Notification of Hazardous Tree Removal from Private Property

(1) Pursuant to ORS 366.365, when the Department determines that any tree located on private property creates an immediate and substantial risk of damage or injury by obstructing, hanging over or otherwise encroaching or threatening

to encroach in any manner on a state highway, and the property owner isn't readily available, it may go upon such property to cut down or remove such tree.
(2) For the purposes of this rule, a tree creates an immediate and substantial risk of damage or injury when it is determined by the District Manager, or designee, that such tree interferes with the safe, unrestricted movement of traffic; is encroaching on the state highway; or is in a condition that creates a reasonable likelihood it will, in the foreseeable future, encroach on the state highway to a degree that traffic should be restricted or prohibited from using the highway.
(3) The Department, when cutting down or removing any tree from private property, will take measures reasonable under the circumstances to protect the property upon which such tree is located and the value of the cut or removed tree.
(4) After cutting down or removing any tree as described in this rule, the Department will notify the owner of the private property by sending written notice by certified mail to the property owner listed in the county tax records.
(5) The written notice will include:
(a) A general description of the location of the private property and the date any tree was cut down or removed from the private property; and
(b) Information concerning the location of the tree or how such location can be obtained.
(6)(a) The tree will be left on the private property if it is reasonable to do so and can be accomplished in a safe manner.
(b) If the tree can not reasonably be left on the private property, the notice will also include Department contact information such as a telephone number or address and a contact name to claim any tree removed from the private property.
(A) The property owner will have 30 days from the date of the written notice to claim and recover the tree. Any cost incurred to claim or recover the tree is at the property owner's expense.
(B) The person claiming the tree must be able to show a right to possess the tree; such as a copy of the certified letter sent by the Department. Any tree not claimed within 30 days becomes the property of the Department to be disposed of at the Department's discretion following standard Department practices.
Statutory/Other Authority: ORS 184.616, 184.619, 366.205, 366.365
Statutes/Other Implemented: ORS 366.365
History: HWD 6-2010, f. & cert. ef. 6-16-10

734-035-0200
Designation and Posting of Real Property as Closed to Public Entry
(1) The purpose of this rule is to identify the circumstances under which the Department of Transportation will designate and post real property owned or controlled by the department as closed to public entry for purposes other than those authorized by statute, rule or express permission of the department. This rule does not restrict the use of the highway for transportation purposes or access onto the highway allowed under Oregon Administrative Rule Chapter 734, Division 51.
(a) The department manager responsible for the real property may designate real property as closed to public entry for the following purposes:
(A) To ensure the safe construction, maintenance, operation and use of transportation facilities;
(B) To ensure the health and safety of department employees, contractors, or the general public;
(C) To prevent damage or loss to department property;
(D) To prevent damage to natural resources, including but not limited to soil, water, wetlands, and other environmentally-sensitive lands;
(E) To prevent damage, vandalism, theft or other loss of cultural or archeological resources.
(b) Decisions to designate real property as closed to pubic entry made on or after January 1, 2015 will be documented by the department manager.
(c) The department will provide notice of the designation under section (1) in a manner reasonably calculated to apprise

the public that entry is prohibited, including but not limited to the posting of conspicuous signage.
(d) Signage posted under this section will, at minimum, include the statement of “No Trespass.”
(2) Public entry or placing of any personal property upon department real property designated as closed to public entry under this rule is prohibited. Violators may be subject to citation under the laws of the State or local ordinance and asked to leave the area without delay.
Statutory/Other Authority: ORS 184.616, 184.619, 366.205, 810.030
Statutes/Other Implemented: ORS 366.205, 810.030
History: HWD 10-2014, f. 11-26-14, cert. ef. 12-8-14; HWD 8-2014(Temp), f. & cert. ef. 8-20-14 thru 12-21-14; HWD 6-2014(Temp), f. & cert. ef. 7-9-14 thru 12-21-14; HWD 4-2014(Temp), f. & cert. ef. 6-25-14 thru 12-21-14

DIVISION 40
JUNKYARDS AND AUTO WRECKING YARDS

734-040-0005
Definitions
Definitions used in these rules and regulations shall be:
(1) “Commission” means the Oregon Transportation Commission.
(2) “Director” means the Director of the Department of Transportation or his duly authorized representative.
(3) “Federal-Aid Primary System” means the system of state highways described in Section 103(b), Title 23, United States Code, as selected and designated by the Commission.
(4) “Interstate System” means every state highway that is part of the National System of Interstate and Defense Highways established by the Commission in compliance with Section 103(d), Title 23, United States Code.
(5) “Junk” means all the materials described in section (6) of this rule.
(6) “Junkyard” means any establishment or place of business that is maintained, operated or used for storing, keeping, buying or selling old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled, wrecked, scrapped or ruined motor vehicles, or motor vehicle parts, iron, steel or other old scrap, ferrous or nonferrous material, metal or nonmetal materials, and the term includes automobile graveyards, garbage dumps and scrap metal processing facilities.
(7) “Maintain” means to allow to exist.
(8) “Main Traveled Way” means the through traffic lanes, exclusive of frontage roads, auxiliary lanes and ramps.
(9) “State Highway” or “State Highway System” means the entire width between the boundary lines of every road or highway designated as a “state highway” by law or by the Oregon Transportation Commission pursuant to law and includes both primary and secondary state highways including but not limited to the Interstate System and the federal-aid primary system.
(10) “Visible” means capable of being seen without visual aid by a person of normal visual acuity.
(11) “Zoned Industrial Area” is an area adjacent to a state highway or public highway which is zoned industrial under authority of state law.
(12) “Scenic Highway” is any state highway or segment of state highway adjacent to a scenic area established by the Scenic Area Board under the provisions of ORS 377.530.
(13) “Existing Junkyard” is any junkyard in existence prior to June 30, 1967.
(14) “New Junkyard” is any junkyard which came into existence after June 30, 1967.
Statutory/Other Authority: ORS 377
Statutes/Other Implemented: ORS 377.605 - 377.655
History: HC 1278, f. 5-27-72

734-040-0010
New Junkyards
No new junkyard shall be established which is visible from the main traveled way of a scenic highway or which is located

within 1,100 feet of the nearest edge of the right of way of any other state highway unless:
(1) The junkyard is hidden or adequately screened by the terrain or other natural objects, or by plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the state highway.
(2) The junkyard is located in a zoned industrial area.
Statutory/Other Authority: ORS 377
Statutes/Other Implemented: ORS 377.620, 377.510
History: HC 1278, f. 5-27-72

734-040-0015

Existing Junkyards

No existing junkyard may be maintained within 1,000 feet of the nearest edge of the right of way of any state highway except:
(1) Junkyards that are hidden or adequately screened by the terrain or other natural objects, or by plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the state highway.
(2) Junkyards located in a zoned industrial area.
Statutory/Other Authority: ORS 377
Statutes/Other Implemented: ORS 377.620
History: HC 1278, f. 5-27-72

734-040-0020

Screening Regulations

Screening by means of plantings, fences, or other appropriate means shall be in accordance with a design approved by the Engineer:
(1) For New Junkyards:
(a) Shall be located off the state highway right of way;
(b) Shall be constructed and maintained by the person owning or operating the junkyard in accordance with a design approved by the Engineer.
(2) For Existing Junkyards:
(a) Shall be located on the state highway right of way or in areas outside the right of way acquired for such purposes by the Commission;
(b) Shall be constructed and maintained by the Commission using funds available to the Commission.
Statutory/Other Authority: ORS 377
Statutes/Other Implemented: ORS 377.625
History: HC 1278, f. 5-27-72

734-040-0025

State Highways Designated After June 30, 1967

These same rules and regulations will apply to junkyards located within restricted areas adjacent to state highways designated after June 30, 1967, as for those in existence prior to June 30, 1967; however, the definitive date differentiating between new and existing junkyards shall be the date the state highway was designated in place of June 30, 1967.
Statutory/Other Authority: ORS 377
Statutes/Other Implemented: ORS 377.620
History: HC 1278, f. 5-27-72

734-040-0030

Fencing and Screening Auto Wrecking Yards Not in a Building

All auto wrecking yards in Oregon are to be screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main traveled way of a state highway or an arterial highway:

(1) Definitions:
(a) “Arterial Highway”: A county road or a city street designated as a through street by a city or a county.
(b) “Visible”: Capable of being seen without visual aid by a person of normal visual acuity from a point 4.5 feet above the pavement of the main traveled way.
(c) “See Through”: Refers to the open space between the pickets, boards, slats, mesh or natural plantings.
(2) Facilities within 1,100 feet of interstate and primary highways, except in conforming zones which will accept auto wrecking yards:
(a) “Shall be screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main traveled way of the system, or shall be removed from sight.” (Public Law 89-285 Title II, Section 201, #136(c));
(b) Fencing of man-made materials can have no “see through” tolerance;
(c) Natural plantings must give immediate screening with no “see through” tolerance.
(3) Except on interstate or primary highways facilities within a zoned area which accepts auto wrecking yards must: Screen the view from the highway user to a height of six feet at the fence line and allow not more than 40 percent “see through” by actual measurement.
(4) Except on interstate or primary highways facilities which are a nonconforming use in commercial, agricultural, silvicultural or undeveloped areas must: Screen the view from the highway user and allow not more than 25 percent “see through” by actual measurement.
(5) Except on interstate or primary highways facilities which are a nonconforming use in residential areas must:
(a) Screen the view from the highway user and allow not more than 25 percent “see through” by actual measurement;
(b) Where an auto wrecking yard abuts a nonarterial street, or road, an alley, or is visible from a residence, the fence must screen the view into the enclosure or barrier to a height of six feet at the fence line and allow not more than 25 percent “see through” by actual measurement.
(6) If screening is done with a man-made fence, the fence must:
(a) Be designed and constructed to withstand wind pressure of 20 pounds per square foot;
(b) Be constructed in a workmanlike manner with uniform and balance alignment, in accordance with good fencing industry practice;
(c) Have gates that are kept closed except for actual use for ingress or egress of moving vehicles or have gateways so constructed to screen the inventory and operation from highway user at all times;
(d) Be subject to either county or city ordinances and conform to the most stringent rule;
(e) Be in conformance to above requirement by July 1, 1976. New yards are to be in conformance six months from date of license;
(f) Have regular maintenance consisting of painting, if required, and prompt repair of damage. Allow reasonable time after written notice for the work to be done.
(7) If screening is to be accomplished by natural vegetation, the landscape will be of an evergreen variety, compatible to the area, be planted with a program for watering and maintenance according to good landscape industry practice and planted by July 1, 1976. The vegetation planted shall be of sufficient size to grow to a height capable of screening the yard from view of the highway user by July 1, 1981. New yards shall have five years from the date of establishment.
(8) An auto wrecking yard may have a physical or natural barrier which screens the non-operating vehicles and operation from the view of the highway or arterial user.
(9) Auto wrecking yards and junkyards which are a nonconforming use and in existence prior to June 30, 1967, that can only be practically screened by landscape plantings, man-made fences or other appropriate means placed upon highway right-of-way and/or upon property adjoining the owner’s property may be screened at state expense, subject to the availability of State and Federal Highway Administration funds and approval.
Statutory/Other Authority: ORS 822
Statutes/Other Implemented: ORS 377.625
History: 1OTC 64, f. 12-3-75, ef. 12-25-75

DIVISION 50
WEIGHT RESTRICTIONS FOR HIGHWAYS AND LAND USE PERMITS

734-050-0090
Procedure for Designating Highway Weight Restrictions

(1) The Director may designate any highway or section of highway (including bridges and other structures) which should be subject to weight restrictions. The Director may impose such weight restrictions considered proper subject to the following conditions:

(a) An inspection has indicated that a condition exists which requires action to prevent or reduce damage to the highway or section thereof or which may jeopardize the safety of motorists on the highway or section thereof;

(b) An engineering evaluation has been performed and the safe load carrying capacity of the highway or section thereof has been determined; and

(c) Maximum allowable weights consistent with the finding of the engineering evaluation have been established for vehicles or combinations of vehicles traveling upon the highway or section thereof.

(2) Upon fulfilling the requirements set forth in subsections (1)(a) through (c) of this rule, the Director shall prepare a written order which:

(a) Describes the highway or section of highway which will be affected;

(b) Discloses the results of the required inspection and evaluation; and

(c) Specifies the restriction to be imposed.

(3) Upon the signing of the order by the Director, posting of signs and enforcement of the restriction shall be as provided in ORS Chapters 810 and 818.

(4) The following definitions shall apply to the order and signs posted under section (3) of this rule:

(a) A “Class A” restriction or weight limit means the maximum allowable weight shall be 12,000 pounds for the steering axle and 10,000 pounds for each additional axle; and

(b) “Steering Axle” means the first axle of the truck or tractor which is controlled by the steering wheel of the vehicle.

Statutory/Other Authority: ORS 184.616, 810.030

Statutes/Other Implemented: ORS 810.030, 818

History: HWY 4-1996, f. & cert. ef. 8-15-96; 1OTC 7-1979, f. & ef. 4-19-79; 1OTC 12-1978(Temp), f. & ef. 12-19-78

DIVISION 51
HIGHWAY APPROACHES, ACCESS CONTROL, SPACING STANDARDS AND MEDIANS

734-051-1010
Authority for Rules — General Provisions

Division 51 rules are adopted under the director’s authority contained in ORS 374.310(1).

Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355

Statutes/Other Implemented: ORS 374.300 to 374.360, §27, ch. 330, OL 2011

History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-1020
Purpose and Intent of Rules

(1) Purpose. Division 51 establishes procedures, standards, and approval criteria used by the department to govern highway approach permitting and access management consistent with Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR), statewide planning goals, acknowledged comprehensive plans, and the Oregon Highway Plan (OHP).

(2) Intent. The intent of division 51 is to provide a highway access management system based on objective standards that balances the economic development objectives of properties abutting state highways with the transportation safety and access management objectives of state highways in a manner consistent with local transportation system plans and the land uses permitted in applicable local comprehensive plan(s) acknowledged under ORS Chapter 197.

(3) Oregon Highway Plan. The Oregon Highway Plan serves as the policy basis for implementing division 51 and guides the administration of access management rules, including mitigation and public investment, when required, to ensure highway safety and operations pursuant to this division.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-1030

Administration of Rules

(1) Approaches Subject to division 51. Private approaches in existence and applications for private approaches filed after June 30, 2014 are governed by the rules of division 51. Public approaches do not require an Approach Permit but are subject to the provisions of OAR 734-051-1050.
(2) Grandfathered Approaches. Division 51 rules do not affect existing rights of owners of grandfathered approaches that meet the definition in OAR 734-051-1070(30), except where the rules specifically state their application to grandfathered approaches, such as the rule for changes of use of an approach under 734-051-3020. An approach no longer qualifies as grandfathered once the department issues a Permit to Operate under division 51 rules or the department acquires access control as defined under 734-051-1070.
(3) Compliance with Land Use Requirements. Approval of a property for a particular use is the responsibility of city, county, or other governmental agencies, and an applicant must obtain appropriate approval from city, county, or other governmental agencies having authority to regulate land use. Approval of an application for an approach to a state highway, or issuance of a construction permit or a Permit to Operate for the same, is not a finding of compliance with statewide planning goals or an acknowledged comprehensive plan.
(4) General Requirements for Notices of Appealable Decisions and Other Written Communication. The department will provide notice of appealable decisions by certified mail to the applicant. Notice of non-appealable decisions and other written communication will be by first class mail, unless written agreement is made with the applicant for such communication through electronic means such as email.
(5) Reasonable Access. Pursuant to ORS 374.310, the division 51 rules may not be exercised so as to deny any property that has a right of access reasonable access to the highway. ORS 374.312 authorizes adoption of rules establishing criteria for reasonable access consistent with 374.310. The rules under OAR 734-051-4020 address reasonable access solely in the context of the issuance of approach permits and do not affect whether access may be reasonable for other purposes or under other reviews.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, 2011 OL Ch. 330
History: HWD 7-2014, f. & cert. ef. 7-9-14; HWD 2-2014, f. 6-25-14, cert. ef. 6-30-14; HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-4020(2)(c)(B)
Standards and Criteria for Approval of Private Approaches

Table 2: Intersection Sight Distance Standards (ISD)[1]

Posted Speed (mph)	Assumed Design Speed[2] (mph)	Two-Way Highway -- Number of Lanes Crossed by Vehicle Making Left Turn from Approach[3]			One-Way Highway[4]
		1 Lane	2 Lanes	3 Lanes	
		ISD (ft)			
20	25	280	295	315	240
25	30	335	355	375	290
30	35	390	415	440	335
35	40	445	475	500	385
40	45	500	530	565	430
45	55	610	650	690	530
50	65	720	765	815	625
55	70	775	825	875	670
60	70	775	825	875	670
65	70	775	825	875	670

[1] Standards in Table 2 are based on the methodology for sight distance calculations for passenger vehicles in the 2011 AASHTO Policy on Geometric Design of Highways and Streets.
[2] Assumed design speed is shown for purpose of correlating generally accepted highway design speeds with posted speeds. If the department establishes a higher design speed for a highway segment, the higher design speed, rather than the assumed design speed, shall be used to determine Intersection Sight Distance (ISD) in accordance with the methodology for sight distance calculations in the 2011 AASHTO Policy on Geometric Design of Highways and Streets.
[3] Left turn made from approach to nearest lane in direction of travel. Number of lanes includes right and left turn lanes and traversable medians. Calculation of ISD in this table is based on the methodology for sight distance calculations in the 2011 AASHTO Policy on Geometric Design of Highways and Streets for left turn from stop-controlled minor road. Four or more lanes require calculation of ISD in accordance with AASHTO procedure.
[4] Left or right turn made to nearest lane in direction of travel. Calculation of ISD in this table is based on 2011 AASHTO Policy on Geometric Design of Highways and Streets methodology for the right turn from stop-controlled minor road. Standards also apply to sections of highway where turning movements are restricted to right turns only by a non-traversable median and to approaches that prohibit left turns from the approach across opposing traffic.

734-051-1040

Relationship to Local Jurisdiction Rules and Regulations

(1) Where ODOT and Local Jurisdiction Agree on Standards or Requirements. Where ODOT and a local jurisdiction have agreed to access spacing standards, sight distance standards or channelization requirements in an adopted facility plan that is different than the adopted standards in this rule, the agreed upon standard will be considered consistent with the standards adopted by this rule and with OAR 660-012-0015 and shall be applied to the state highways within that jurisdiction.

(2) Where Local Jurisdiction Standards or Requirements Exceed OAR 734-051. Where a local jurisdiction has adopted access spacing standards, sight distance standards or channelization requirements that are more stringent than the standards adopted by these rules or allow less access to the state highway than the standards adopted in these rules, the local standards shall be considered to be consistent with the state standards and with 660-012-0015 and shall be applied to state highways within that jurisdiction.

(3) Where OAR 734-051 Exceeds Local Jurisdiction Standards or Requirements. Where a local jurisdiction has adopted access spacing standards, sight distance standards or channelization requirements that are less stringent than the standards adopted by these rules or provide greater access to the state highway than those standards adopted by these rules, the local standards shall be deemed to be inconsistent with these rules and with 660-012-0015 and shall not be applied to state highways within the local jurisdiction.

Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355

Statutes/Other Implemented: ORS 374.300–374.360, §27, Ch. 330, OL 2011

History: HWD 7-2014, f. & cert. ef. 7-9-14; HWD 2-2014, f. 6-25-14, cert. ef. 6-30-14; HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-1050

Procedure to Obtain a Permit to Construct or Modify a Public Approach

(1) Purpose. This rule describes the procedures to obtain a Permit to Construct a new public approach or modify an existing public approach on state highway right of way. This rule does not supersede any existing agreements between the department and a local jurisdiction for maintenance or other responsibilities related to a public approach.

(2) Applicability. This rule applies to construction and modification of a public approach as defined in OAR 734-051-1070.

(3) Permit Requirements.

(a) A right of access is required to obtain a Permit to Construct a public approach.

(b) A Permit to Construct is required to construct or modify a public approach on state highway right of way.

(c) A local jurisdiction is not required to obtain an Permit to Operate from the department for ongoing operation of a new or existing public approach. However, the department may issue a Permit to Operate upon agreement with the local jurisdiction that a Permit to Operate is a preferred means of documenting any terms and conditions related to the approach.

(4) Agreements for Public Approaches

(a) The city or county with jurisdiction of the public approach shall contact the department District Office regarding the proposed work within the state highway right-of-way.

(b) The Department shall notify the local jurisdiction of all documents and approvals required to obtain a Permit to Construct.

(c) The city or county with jurisdiction of the public approach may enter into an agreement with the department that addresses responsibilities, obligations and coordination that may include, but is not limited to the following:

(A) Financing for the project;

(B) Development of a traffic impact analysis, with a time horizon sufficient to ensure the approach has adequate operational life.

(C) Preliminary project matters, including but not limited to field surveys, environmental studies, traffic investigations,

acquisition of all necessary right-of-way, and identification and acquisition of required permits;
(D) Determinations regarding the character or type of traffic control devices to be used, and who has the authority to place or erect them upon state highways, and maintain and operate them;
(E) Development and approval of final plans including but not limited to paving, pavement marking, signing, sidewalks, curbs, lighting, storm drain facilities, landscaping and any other construction details;
(F) Responsibility and manner of providing insurance and bonding;
(G) Responsibility for preparation of the contract and bidding documents, advertising for construction bid proposals, award of contracts, payment of contractor costs, furnishing of construction engineering, field testing of materials, technical inspection and project manager services for administration of the contract;
(H) Ownership, maintenance and responsibility for improvements and constructed elements associated with the public approach; and,
(I) Exchange and transmittal of final construction drawings.
(d) The department shall issue a Permit to Construct upon receipt and approval of all required submissions from the local jurisdiction.
(5) Appeals. A local jurisdiction may appeal a department decision to deny a Permit to Construct or the terms and conditions of a Permit to Construct through a contested case hearing as set forth in OAR 137-003-0501 through 137-003-0700.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-1060

Delegation of Permit Authority to Local Jurisdiction

(1) Delegation of Permit Authority. The department and a local government may enter into an intergovernmental agreement setting provisions for and allowing the local government to issue approach permits for private approaches to regional and district highways, when it is determined by the department and a local jurisdiction that it is in the best interest of highway users.
(2) Application of State Requirements. Intergovernmental agreements developed pursuant to OAR 734-051-1060(1) must provide that permits issued by the local government will be consistent with the highway plan; these administrative rules; state statutes; and local transportation system plans acknowledged under ORS 197.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-1065

Restriction of Turning Movements for Existing Private Approaches

(1) Applicability
The department may restrict turning movements onto a state highway from an approach for which a permit was issued under OAR 734-051-3010 or that is deemed to have written permission under 734-051-3015 when the restriction is not required by contract, condemnation judgment, recorded deed or a Permit to Operate.
(2) Procedures and Circumstances
(a) The department may restrict turning movements under this rule for circumstances that include the following:
(A) Safety and highway operations concerns set forth in OAR 734-051-4020(3); or
(B) To prevent roadway departure crashes, particularly head-on type crashes and sideswipe meeting type crashes; or
(C) Where drainage facilities are required in the median of the highway; or
(D) To provide a two-stage or multi-stage pedestrian and/or bicycle crossing; or
(E) Pursuant to local government projects and land use decisions.
(b) When the department is evaluating the need to restrict turning movements under this rule, the department shall

engage the following:
(A) Owners of property abutting the highway that will be affected by the restriction;
(B) Property lessees and business operators abutting the highway that will be affected by the restriction;
(C) The local jurisdiction with land use authority in the area of the restriction;
(D) A representative of the freight industry; and
(E) Other stakeholders as appropriate.
(c) Prior to implementing a turning restriction, the department will provide written notification to the parties listed in (a) of its decision to implement the restriction.
(d) A non-traversable median may not be used as mitigation for an approach road permit unless the department first establishes that no other measures will be effective for the circumstances.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.345, 374.312
History: HWD 7-2014, f. & cert. ef. 7-9-14; HWD 2-2014, f. 6-25-14, cert. ef. 6-30-14

734-051-1070
Definitions
(1) “Access Control” means that the right of access between a property abutting the highway and the highway has been acquired by the department or eliminated by law.
(2) “Access Management Strategy” means a project delivery strategy developed by the Department of Transportation, in collaboration with cities, counties and owners of real property abutting a state highway in the affected area, that identifies the location and type of public and private approaches and other necessary improvements that are planned to occur primarily in the highway right of way and that are intended to improve current conditions on the section of highway by moving in the direction of the objective standards described in ORS 374.311, subject to safety and highway operations concerns.
(3) “Access Management Plan” means a facility plan adopted by the Oregon Transportation Commission in coordination with affected local governments for managing access on a designated section of highway or within the influence area of an interchange. An access management plan may establish a unique access plan and access management standards for the designated section of highway or influence area of an interchange, and may be more stringent than standards adopted under OAR 734-051-4020. It may be developed independent of or in conjunction with a highway or interchange project; however, an access management plan is not a highway or interchange project.
(4) “Alternate Access” means the right to access a property by means other than the proposed approach. It may include an existing public right of way, another location on the subject state highway, an easement across adjoining property, a different highway, a service road, a local road, or an alley, and may be in the form of a single or joint approach. The existence of alternate access is not a determination that the alternate access is “reasonable” as defined in ORS 374.310.
(5) “Annual average daily traffic” means highway traffic volumes as reported in the most recent edition of the transportation volume tables published annually by the department.
(6) “Appealable decision” means a final decision by the department where the applicant has a right to a dispute resolution procedure to review the department’s decision as set forth in OAR 734-051-3080 through 3110. The following are appealable decisions:
(a) A decision to deny an application for an approach permit;
(b) A decision to deny an application for a deviation from approach permitting standards;
(c) A decision to impose mitigation measures as a condition of approval of an approach application or as a condition of approval of a deviation from the general approval criteria set forth in OAR 734-051-4020(2);
(d) A decision to remove a connection for which the department has issued a Permit to Operate or written permission as grandfathered, or which the department deems to have written permission as set forth in OAR 734-051-3015.
(7) “Applicant” means a person, corporation, or other legal entity with a legal property interest, including a lease, option or reservation of access, to land abutting the highway that applies for an approach permit or a deviation from approach

permitting standards, or their designated agent.
(8) “Application” means a completed application form for state highway approach including any required documentation and attachments necessary for the department to determine if the application can be deemed complete.
(9) “Approach” means a legally constructed public or private connection that provides vehicular access to or from a state highway that:
(a) Has written permission under a Permit to Operate issued by the department under OAR 734-051-3010; or
(b) The department has recognized as grandfathered under OAR 734-051-1070(30); or
(c) The department does not rebut as having a presumption of written permission under OAR 734-051-3015.
(10) “Average Daily Trips” means the total of all one-direction vehicle movements with either the origin or destination inside the study site that includes existing, primary, pass by, and diverted linked trips and is calculated in accordance with the procedures contained in Trip Generation Manual, 9th Edition published by the Institute of Transportation Engineers (ITE). Adjustments to the standard rates in the ITE Manual for mode split may be allowed if calculated in accordance with Transportation Planning Rule and the ITE procedures. Adjustments to the standard rates for multi-use internal site trips may be allowed if calculated in accordance with ITE procedures and if the internal trips do not add vehicle movements to the approaches to the highway.
(11) “Channelization” means the roadway lane configuration necessary to safely accommodate turning movements from the highway to an intersecting approach.
(12) “Classification of highways” means the department’s state highway classifications defined in the Oregon Highway Plan.
(13) “Commission” means the Oregon Transportation Commission.
(14) “Connection” means an existing approach as defined in (9) or an unpermitted means of vehicular access to or from a state highway and an abutting private property, city street or county road.
(15) “Construction Permit” means a permit to construct or modify a state highway approach including all attachments, required signatures, and conditions and terms.
(16) “Crash history” means at least the three most recent years of crash data recorded by the department’s crash analysis and reporting unit.
(17) “Day” means calendar day, unless specifically stated otherwise.
(18) “Deemed complete” means acknowledgement by the department that it has received all required information from the applicant for a complete application for an approach permit or for a request for a deviation from approach permit standards.
(19) “Department” or “ODOT” means the Oregon Department of Transportation.
(20) “Deviation” means an exception from the access management spacing, sight distance or channelization standards set forth in OAR 734-051-4020.
(21) “Director” means the director of the Oregon Department of Transportation.
(22) “District highway” means a state highway that has been classified by the commission as a district highway in the Oregon Highway Plan.
(23) “Division 51” (“this division”) means Oregon Administrative Rules (OAR) 734-051-1010 through 734-051-7010.
(24) “Expressway” means a state highway that has been designated by the commission as an expressway in the Oregon Highway Plan.
(25) “Facility Plan” means a plan developed by the department for a state highway facility, including but not limited to corridor facility plans, and transportation refinement plans.
(26) “Fair Market Value” means the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would be sold by a knowledgeable owner willing but not obligated to sell to a knowledgeable purchaser who desired but is not obligated to buy.
(27) “Freeway” means a route or segment of highway that is completely access controlled and access limited to grade separated interchanges.
(28) “Freeway or Expressway ramp” means all types, arrangements, and sizes of turning roadways that connect to a

freeway or expressway interchange.
(29) “Functional Area of an Intersection” means the intersection and the area beyond the intersection that comprises decision and maneuver distance, plus any required vehicle storage length.
(30) “Grandfathered approach” means an approach that the department has recognized in documentation dated prior to January 1, 2014 as having grandfathered status under the rules in effect on the date of the documentation. An approach that is recognized as having grandfathered status is treated in the same manner as a Permit to Operate under Division 51 rules unless otherwise noted.
(31) “Grant of Access” means the conveyance of a right of access from the department to an abutting property owner.
(32) “Highway mobility standards” mean the performance standards for maintaining mobility as adopted by the commission in the Oregon Highway Plan.
(33) “Highway peak hour” means the highest one-hour volume observed on an urban roadway during a typical or average week, or the thirtieth (30th) highest hourly traffic volume on a rural roadway typically observed during a year.
(34) “Highway designation” means a designation made by the Oregon Transportation Commission to a defined route or segment that is in addition to highway classification and that modifies the system management goals for the designated part of the highway. Highway designations include but are not limited to expressways, freight routes, special transportation areas, scenic routes and lifelines.
(35) “Indenture of Access” means a deeded conveyance to the abutting property owner to change the location, width, or use restrictions of a reservation of access. Removal of a farm crossing or farm use restriction from a reservation of access requires a grant of access.
(36) “Infill” (“Infill Development”) means development of vacant or remnant land passed over by previous development and that is consistent with zoning. Infill occurs in urban areas. It may also occur in rural areas on commercial or industrial zoned land where the land has been developed into an urban block pattern including a local street network, and the posted highway speed is at or below forty-five (45) miles per hour.
(37) “Influence area of an interchange” means the area 1,320 feet from an interchange ramp terminal measured on the crossroad away from the mainline.
(38) “Interchange” means a system of interconnecting roadways in conjunction with one or more grade separations that provides for the movement of traffic between two or more roadways or highways on different levels.
(39) “Intersection” means an at-grade connection of a public or private road to the highway.
(40) “Interstate highway” means a state highway that has been classified by the commission as an interstate highway in the Oregon Highway Plan.
(41) “Land Use Action” means an action by a local government or special district concerning the adoption, amendment or application of the statewide planning goals, a comprehensive plan provision or a land use regulation including zoning, development or subdivision codes.
(42) “Land Use Regulations” means local jurisdiction zoning and development codes, including regulation of land use, zoning, subdivisions, land partitions, access, site plans, and similar regulations adopted pursuant to ORS 197, for cities, and ORS 215, for counties.
(43) “Median” means the portion of the roadway separating opposing traffic streams.
(44) “Mitigation Measure” means an improvement, modification, or restriction set forth in OAR 734-051-3070 and required by the department or initiated by an applicant necessary to offset impacts of the development and provide for safe operation of the highway and proposed approach. Mitigation measures may be a condition of approval for a deviation from approach permitting standards or an application for an approach permit.
(45) “Move in the direction of” means a change in an existing private connection that would bring the connection closer to conformity with access spacing, sight distance, or channelization standards set forth in OAR 734-051-4020. The process and criteria for moving in the direction of access spacing, sight distance, or channelization standards are set forth in OAR 734-051-3020(7) through (11).
(46) “Oregon Highway Plan” means the Oregon Highway Plan adopted by the Oregon Transportation Commission, pursuant to ORS 184.618.

(47) “Peak hour”, for the purpose of approach applications made under OAR 734-051-3020 (Change of Use), means the hour during which the highest volume of traffic enters and exits the property during a typical week.
(48) “Permit to Construct” means a permit that is issued by the department that includes all attachments, required signatures, conditions and terms, and any bond and insurance documentation provided by the applicant as required by the department to construct or modify an approach and any related mitigation within the state highway right of way.
(49) “Permit to Operate” means written permission issued by the department to operate, maintain and use an approach to the state highway, including all required signatures and attachments, and conditions and terms. A Permit to Operate is not required for a public approach but the department may issue a Permit to Operate for a public approach upon agreement with the governing city or county.
(50) “Permittee” means a person, corporation, or other legal entity holding a valid Permit to Operate including the owner or lessee of the property abutting the highway or their designated agent.
(51) “Permitted approach” means a legally constructed approach connecting to a state highway for which the department has issued a valid Permit to Operate.
(52) “Planned” road or street means a highway, road, street or alley identified in an adopted corridor plan, comprehensive plan or transportation system plan in accordance with administrative procedures of OAR 660-012 and ORS Chapter 197 but has not been constructed.
(53) “Posted speed” means the statutory speed established by ORS 811.105 or 811.180, or the designated speed established by 810.180.
(54) “Prior use” of an approach means the number of peak hour or average daily trips:
(a) Authorized by the Permit to Operate issued by the department; or
(b) Authorized by the department for a grandfathered approach in the documentation recognizing the approach as grandfathered; or
(c) Based on the use of the property on January 1, 2014 for approaches that the department does not rebut as having a presumption of written permission under OAR 734-051-3015.
(55) “Private approach” means an approach that serves one or more properties and that is not a public approach.
(56) “Private road crossing” means a privately owned road designed for use by trucks that are prohibited by law from using state highways, county roads or other public highways.
(57) “Professional Engineer,” for the purpose of OAR 734-051, means a person who is registered and holds a valid license to practice engineering in the State of Oregon, as provided in ORS 672.002 through 672.325 and OAR 820-001 through 820-040.
(58) “Project Delivery” means the process of programming, designing and constructing modernization and highway improvement projects identified in the Statewide Transportation Improvement Program.
(59) “Public approach” means an existing or planned city street or county road connection that provides vehicular access to and from a highway. An existing city street or county road connection must be under the authority of the city or county to be considered a public approach. A planned city street or county road must be consistent with OAR 734-051-1070(52), included as part of a corridor plan, local transportation system plan or comprehensive plan, and must be or come under the authority of the city or county to be considered a public approach.
(60) “Receipt of an application” means the date the department date-stamps an application as received.
(61) “Redevelopment” (“Infill Redevelopment”) means the act or process of changing an existing development including replacement, remodeling, or reuse of existing structures to accommodate new development that is consistent with current zoning. Redevelopment occurs in urban areas. It may also occur in rural areas on commercial or industrial zoned land where the land has been developed into an urban block pattern including a local street network, and the posted highway speed is at or below forty-five (45) miles per hour.
(62) “Region Access Management Engineer” means a professional engineer employed by the department who by training and experience has comprehensive knowledge of the department’s access management rules, policies, and procedures, or a professional engineer as specified in an intergovernmental agreement delegating permitting authority as set forth in OAR 734-051-1060.

(63) “Region Manager” means the person in charge of one of the department’s Transportation Regions or designated representative.
(64) “Regional highway” means a state highway that has been classified by the commission as a regional highway in the Oregon Highway Plan.
(65) “Reservation of Access” means a right of access to a specific location in an area where the department has acquired access control subject to restrictions that are designated in a deed. A reservation of access may include a use restriction limiting the right of access to a specified use or restriction against a specified use. A reservation of access affords the right to apply for an approach but does not guarantee approval of an application for state highway approach or the location of an approach.
(66) “Right of access” means the property right of an abutting property owner to ingress and egress to the roadway. A right of access includes a common law right of access, or may be conveyed through operation of law or by deed as a reservation of access, or grant of access.
(67) “Right of way” means real property or an interest in real property owned by the department for the purpose of constructing, operating and maintaining public transportation facilities.
(68) “Rule, this” (“this rule”) means the part of OAR 734, division 51, as designated by the four-digit suffix, in which the reference to “this rule” appears. For example, this rule (“Definitions”) is OAR 734-051-1070.
(69) “Rural” means the area outside the urban growth boundary, the area outside a Special Transportation Area in an unincorporated community, or the area outside an Urban Unincorporated Community defined in OAR 660-022-0010.
(70) “Sight distance” means a length of highway that a driver can see with an acceptable level of clarity.
(71) “Signature” means the signature of each property owner or the authorized agent of the corporation.
(72) “Spacing standards” means the access management spacing standards set forth in OAR 734-051-4020.
(73) “Special Use Approach” means an approach that is intended to provide vehicular access for a specific use and for a limited volume of traffic. Such uses are determined by the department and may include emergency services, government, and utility uses. Mitigation required as a part of an approach permit approval or a condition on a construction permit does not by itself create a “special use approach.”
(74) “State highway” means a highway that is under the jurisdiction of the Oregon Department of Transportation.
(75) “Statewide highway” means a state highway that has been classified by the commission as a statewide highway in the Oregon Highway Plan.
(76) “Temporary approach” means an approach that is constructed, maintained, and operated for a specified period of time not exceeding two years, and removed at the end of that period of time.
(77) “Traffic Impact Analysis” means a report prepared by a professional engineer that analyzes existing and future roadway conditions.
(78) “Trip” means a one-way vehicular movement that consists of a motor vehicle entering or exiting a property.
(79) “Unincorporated community” means a settlement that is not incorporated as a city and that lies outside the urban growth boundary of any city.
(80) “Urban” means the area within the urban growth boundary, within a Special Transportation Area of an unincorporated community, or within an Urban Unincorporated Community defined in OAR 660-022-0010.
(81) “Vehicular Access” means the location where motorized vehicles move to and/or from a street, roadway, highway or alley and an abutting property.
(82) “Workday” means Monday through Friday and excludes holidays and days state offices are closed.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 7-2014, f. & cert. ef. 7-9-14; HWD 2-2014, f. 6-25-14, cert. ef. 6-30-14; HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-2010
Rights of Access — General Provisions

(1) Right of Access Required for Private Approach. In order for the department to approve an application requesting a private approach, the property for which application is made must have a right of access to the state highway as defined in OAR 734-051-1070. A right of access or a recorded easement establishing a right of access does not guarantee approval of an approach permit. Where no right of access exists, an application for a grant of access must be submitted before an application for state highway approach will be deemed complete. The department will not approve a grant of access where an application for approach permit cannot be approved.
(2) Right of Access Required for Public Approach. Where no right of access exists, a local jurisdiction must submit an application for a grant of access with its application to construct a public approach. The department will not approve a grant of access where an application to construct a public approach cannot be approved.
(3) Request to Verify Right of Access. Upon request, the department shall verify whether a property abutting the state highway has a right of access and identify any restrictions or limitations of the right.
(4) Removal of Farm Use Restrictions. Removing a farm crossing or farm use restriction from a reservation of access requires a grant of access from the department.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 7-2014, f. & cert. ef. 7-9-14; HWD 2-2014, f. 6-25-14, cert. ef. 6-30-14; HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-2020

Grants of Access

(1) Grant of Access. The department may approve an application for a grant of access only when the provisions in sections (2) through (6) below are fully complied with.
(2) Restricted Areas.
(a) The department shall not approve an application for a grant of access for a private approach:
(A) On an interstate highway or freeway ramp;
(B) On an expressway or expressway ramp;
(C) Opposite a freeway or expressway ramp terminal; or
(D) In the influence area of an interchange.
(b) The department shall not approve an application for a grant of access for a public approach on a freeway, freeway ramp, or an expressway ramp.
(c) The department shall not approve an application for a grant of access to serve a public approach aligned opposite a freeway or expressway ramp or within the influence area of an interchange unless the public approach is included in an interchange area management or facility plan approved by the ODOT chief engineer and adopted by the commission.
(3) Criteria for Grant of Access for a Private Approach. The department may approve an application for a grant of access where all of the following conditions are met:
(a) An applicant submits an application for state highway approach, as set forth in OAR 734-051-3010 through 734-051-3030, with its application for a grant of access, as set forth by this rule;
(b) The applicant meets the requirements for issuance for a construction permit, as set forth in OAR 734-051-5020;
(c) The applicant agrees in writing to meet any mitigation measures, terms, and conditions placed on the approval of the grant of access, construction permit and the Permit to Operate;
(d) One of the following in (A) or (B) occurs:
(A) The department determines that access control is no longer needed at the location specified in the application for a grant of access as set forth in section (5) of this rule; or
(B) The applicant establishes that the grant of access will benefit the state highway system as set forth in OAR 734-051-4030;
(e) Alternate access to the property is not and cannot be made reasonable pursuant to sections (6) and (7) of OAR 734-051-4020;

(f) The property owner must agree to deed restrictions that ensure that future development intensity and trip generation can be safely accommodated by the state transportation system; and
(g) The technical services manager approves an application for a grant of access.
(4) Criteria for Grant of Access for a Public Approach. The department may approve an application for a grant of access for a public approach to a state highway where all of the following conditions are met:
(a) A local jurisdiction submits an application for a grant of access, as set forth in sections (6) through (8) of this rule;
(b) The grant of access is consistent with the Oregon Highway Plan and a local transportation system plan; or, in the absence of a transportation system plan, a grant of access may be considered where the local jurisdiction has explored all practicable alternatives to the connection, including parallel streets and the purchase of additional right of way;
(c) One of the following occurs:
(A) The department determines that access control is no longer needed at the location specified in the application for a grant of access as set forth in section (5) of this rule; or
(B) The local jurisdiction provides sufficient evidence for the department to establish that the grant of access will benefit the state highway system as set forth in (i) or (ii) below:
(i) The proposed connection is a public facility with a functional classification of collector or higher and is identified in an adopted transportation system plan consistent with OAR 660-012-0000 through 660-012-0070; or
(ii) The technical services manager determines that the grant of access will provide a benefit to the state highway pursuant to OAR 734-051-4030.
(d) The department and the local jurisdiction requesting a grant of access for a public approach:
(A) Shall enter into an intergovernmental agreement, as set forth in OAR 734-051-1050, that details the responsibility for construction, maintenance, operation, mitigation measures and cost of the public approach; and
(B) May enter into an intergovernmental agreement that addresses transportation plan and land use amendments or modifications to ensure that trip generation and traffic operations from planned development can be safely supported on the state transportation system.
(5) Factors to Determine if Access Control is Still Needed. For the purposes of determining whether access control is still needed, per subsections (3)(d)(A) and (4)(c)(A) of this rule, at the proposed location for a grant of access, the department shall consider factors including but not limited to those in (a) through (g):
(a) Classification of the highways and highway designations;
(b) Spacing standards;
(c) Highway mobility standards;
(d) State and local transportation system plans;
(e) Comprehensive plan and land uses in the area;
(f) Safety and operational factors; and
(g) Sight distance standards.
(6) Applicant for Grant of Access. The applicant for a grant of access must be the owner of the property abutting the highway right of way or the owner's designated agent.
(7) Complete Application for Grant of Access. A complete application for grant of access to a state highway consists of a completed and signed standard state form, a complete application for a state highway approach, including all required documentation, deposit toward processing fee for a grant of access pursuant to this rule, and a current preliminary title report covering the property to be served by the approach, showing any access easements appurtenant to the property; the department shall not process an application for grant of access that is incomplete.
(8) Fees and Deposit Toward Processing Fee. The applicant shall pay all costs incurred by the department in processing the application for a grant of access. An initial deposit to cover the processing fee is required for an application for a grant of access. The total or final processing fee is based on the actual documented costs incurred by the department plus a ten (10) percent charge for general administration:
(a) The department shall determine the amount of the initial deposit based on the complexity of the request and the anticipated cost of obtaining an appraisal of the grant of access;

(b) The initial deposit is applied towards the total or final processing fee; and
(c) The total or final processing fee includes the cost to secure an appraisal of the fair market value of the grant of access.
(9) Review Process. Upon acceptance of an application for grant of access and any required documentation, the department shall evaluate the application pursuant to division 51, ORS Chapter 374, and any other applicable state statutes, administrative rules, and department manuals for evaluating and acting upon the application for a grant of access, and shall:
(a) Forward the application for grant of access to the state traffic engineer for processing pursuant to section (10) of this rule; or
(b) Based on the applicable rules, statutes, or department manuals, deny the application for grant of access.
(10) Review by State Traffic Engineer. When the application for grant of access is forwarded to the state traffic engineer, the state traffic engineer, with the assistance of department staff, shall:
(a) Evaluate the application for grant of access;
(b) Notify the applicant of any additional information required; and
(c) Make a recommendation to approve or deny the application for a grant of access to the technical services manager and the technical services manager shall conditionally approve or deny the application for grant of access subject to identified conditions of approval, and payment of the appraised value. The technical services manager shall provide written notification of the conditional decision to the applicant.
(11) Appraisal. If the application for grant of access is conditionally approved, the department shall:
(a) Appraise the abutting property to determine the fair market value of the grant of access;
(b) Notify the applicant of the value of the grant of access; and
(c) Provide the applicant with instructions for payment.
(12) Payment for Grant of Access. Except as provided by section (13) of this rule, upon approval of an application for a grant of access and prior to issuance of the deed of the grant of access, payment must be made to the department in an amount equal to the appraised value of the grant of access; this payment is in addition to the processing fee.
(13) Waiver of Payment. The department may waive payment of the appraised value of the grant of access when an application for a grant of access is for a public approach and the department has determined that the public approach will cause a direct and immediate benefit the state highway system as set forth in OAR 734-051-4030.
(14) Execution and Recording. After payment of fair market value is received by the department:
(a) The grant of access will be executed and recorded; and
(b) A copy of the grant of access will be sent to the region manager so that a construction permit may be issued in accordance with OAR 734-051-5020 for a private approach and 734-051-1050 for a public approach.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 7-2014, f. & cert. ef. 7-9-14; HWD 2-2014, f. 6-25-14, cert. ef. 6-30-14; HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-2030

Indentures of Access

(1) General Provisions. Abutting property owners with a reservation of access must apply to the department to indenture or change the location, width or use restrictions of the reservation.
(2) Criteria for Approval of Indenture of Access. The department may approve an application for indenture of access to a property abutting a state or local facility where all of the following criteria are met:
(a) An applicant to indenture a reservation of access for a private approach must submit an application for state highway approach permit as set forth in OAR 734-051-3030 with its application for an indenture of access as set forth in this rule;
(b) The applicant meets the requirements for issuance of a construction permit, as set forth in OAR 734-051-5020;
(c) The applicant agrees in writing to meet any mitigation measures, conditions, and terms placed on the construction permit and the permit to operate;

(d) The property owner agrees to convey one or more existing reservations of access, including the reservation being indentured to the department and close any affected approaches; and
(e) The region manager approves the application for indenture of access.
(3) Mitigation. Approval of an indenture of a reservation of access for a public approach may require mitigation measures to ensure that the state transportation system can safely accommodate the traffic operations at the indentured location. Mitigation measures may include but are not limited to amendments to the comprehensive plan or transportation system plan, or modification to the public street system.
(4) Process. The application procedures for indenture of access are:
(a) A complete application for indenture of access to a state highway consists of a completed and signed standard state form, and the processing fee for indenture of access, except where the region manager, not a designee, waives the processing fee and documents in writing the reasons for the waiver;
(b) The department shall not process an application for indenture of access that is incomplete;
(c) Only the property owner or the owner's designated agent shall submit an application for indenture of access;
(d) Upon acceptance of an application for indenture of access, the department shall evaluate the application pursuant to division 51, ORS Chapter 374, and any other applicable state statutes, administrative rules, and department manuals for evaluating and acting upon the application for an indenture of access; and
(e) The region manager shall approve or deny the application for indenture of a reservation of access and shall notify the applicant.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-3010

Administration of Private Approaches — Permit for Private Approach

(1) Applicability. This rule applies to applications for state highway approach permits for private approaches.
(2) Restricted Areas. The department shall not issue an approach permit to a freeway, a freeway ramp, or an expressway ramp, or an approach that would be aligned opposite a freeway or expressway ramp terminal.
(3) Rules in Effect. An application for an approach permit shall be subject to the rules in effect on the date the application was filed. The department shall use OAR 734, division 51, and ORS 374, and may use other applicable statutes or administrative rules to evaluate and act on an application.
(4) Approach Permit Approval Criteria. The department shall approve an application for an approach based upon a determination that it meets all of the following criteria:
(a) The department determines that a complete application has been submitted pursuant to OAR 734-051-3030;
(b) The department determines that the application is consistent with any applicable facility plans adopted by the Oregon Transportation Commission, including special transportation area plans, facility plans, corridor plans;
(c) Except where paragraphs (A) through (D) of this subsection apply, the department determines that the proposed approach meets the spacing, channelization and sight distance standards of OAR 734-051-4020, or the department approves a deviation from these standards under OAR 734-051-3050 which may include mitigation measures pursuant to OAR 734-051-3070;
(A) OAR 734-051-3020 applies to applications for change of use of a private approach.
(B) OAR 734-051-4020(5) applies to applications for properties with no alternate access.
(C) OAR 734-051-4040 applies to applications for temporary approaches.
(D) OAR 734-051-4050 applies to applications for special use approaches.
(d) The department determines that the approach does not create or contribute to a safety or highway operations concern, as identified in OAR 734-051-4020(3), or such concerns are sufficiently mitigated pursuant to OAR 734-051-3070.
(5) Cooperative Improvement Agreement. A written agreement between the applicant and the department may be

required. The agreement will address transfer of ownership of the improvements to ODOT, work standards that must be followed, any maintenance responsibilities of the applicant, and other requirements that apply to the work. ODOT may withhold issuance of a Permit to Construct under 734-051-5020 or a Permit to Operate, Maintain, and Use an Approach under 734-051-5080 until the agreement is fully executed by all parties. ODOT will work with the applicant to identify the need and develop the provisions for the agreement early in the permitting process in order to avoid delays in obtaining permits.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 7-2014, f. & cert. ef. 7-9-14; HWD 2-2014, f. 6-25-14, cert. ef. 6-30-14; HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-3015

Presumption of Written Permission for an Existing Private Connection

(1) Applicability. This rule applies to those existing private connections for which the department has not:
(a) Issued a Permit to Operate in accordance with OAR 734-051-3010 (Permit for Private Approach); or
(b) Issued a Permit to Operate under section (3) of this rule; or
(c) Issued documentation recognizing the connection as grandfathered under OAR 734-051-1070 (Definitions).
(2) Presumption of Written Permission.
(a) An owner of real property abutting a state highway with a connection to a state highway that existed on January 1, 2014 is presumed to have the Department of Transportation's written permission for the connection based upon documentation for a highway project completed by the department that shows that the connection was built or rebuilt as part of a highway project or that the department intended to issue an approach permit to the property owner for the connection.
(b) An owner of real property abutting a state highway with a connection that was in existence before April 1, 2000, is also presumed to have the department's written permission for the connection based upon documentation in any form that shows:
(A) That the connection was in existence before July 16, 1949; or
(B) That the connection was in existence before the department accepted jurisdiction of the highway from a city or county; or
(C) That the connection was built or rebuilt to the abutting property with the department's knowledge or permission.
(c) There is no presumption of written permission under this rule where there is not a right of access to the state highway as defined in OAR 734-051-1070 (Definitions).
(d) Connections presumed to have written permission under this section are subject to OAR 734-051-3020 (Change of Use of a Private Connection) as set forth in section 4 of this rule.
(e) An owner of real property with a connection presumed to have written permission under this section is responsible for the cost and performance of maintaining the connection in accordance with OAR 734-051-5090 (Maintenance of Approaches).
(f) The department may rebut that an existing connection has a presumption of written permission under section 7 of this rule.
(3) Issuance of a Permit to Operate. The department may issue a Permit to Operate for a connection that it does not rebut as having a presumption of written permission if a change of use has not occurred as set forth in OAR 734-051-3020.
(4) New Application Required for Change of Use. Connections deemed to have a presumption of written permission under section 2 of this rule are subject to the requirements and procedures for change of use as set forth in OAR 734-051-3020.
(a) If the department determines that the connection meets one of more of the criteria for a change of use as set forth in 3020(2), the property owner is required to submit a new application for all approaches to the property as set forth in

OAR 734-051-3020(1) and 734-051-3030 (Application Requirements for State Highway Approach).
(b) For the purposes of OAR 734-051-3020(2)(a) and (b), prior use is the use of the property on January 1, 2014. For the purposes of 734-051-3020(2)(c), the increase in daily use of a connection by vehicles with a gross vehicle weight rating of twenty-six thousand (26,000) pounds or greater is based on the use of the connection on January 1, 2014.
(5) Removal of a Connection. If the department intends to remove a connection that it does not rebut as having a presumption of written permission, the department shall provide notification as set forth in OAR 734-051-5110(2) and the removal shall be subject to the post-decision review processes of 734-051-3080 through 3110 and remedies as set forth in 734-051-6010 through 6070.
(6) Connections Located on Open Frontage. Open frontage refers to a large open area along the highway right of way where the location for entry to or exit from an abutting property is not clearly defined. For the purposes of sections 2 and 3 of this rule, the department shall determine the location and dimensions of the connection within open frontage that it deems to have provided written permission in collaboration with the property owner(s) and, where possible, the property lessees and business operators. The department shall consider the land use served by the connection on January 1, 2014 and the current standards of the Oregon Highway Design Manual.
(7) Department Rebuttal of a Presumption of Written Permission.
(a) The department shall have the burden to establish that the factual basis for a presumption of written permission under sections 2(a) and (b) of this rule does not exist.
(b) The department may rebut the presumptions of written permission by establishing the following:
(A) A search of department as-constructed plans for highway projects where the connection is located do not show a note to build or rebuild the connection as part of a project; and
(B) Neither the department nor the property owner have written documentation indicating that ODOT approved issuance of a permit to construct or a Permit to Operate for the connection; and
(C) For connections that existed prior to April 1, 2000:
(i) Photographic evidence or other historical documentation indicates that the connection was established after July 16, 1949; and
(ii) Photographic evidence or other historical documentation indicates that the connection did not exist before the date that the department accepted jurisdiction of the highway; and
(iii) Written documentation from the department to the property owner dated prior to January 1, 2014 indicates that construction of the connection was not authorized or that the connection is no longer authorized by the department for the reasons specified in the documentation.
(c) If the department establishes that an existing connection does not have the presumption of written permission under this rule, then:
(A) The connection is subject to removal or reconstruction as provided in ORS 374.307 and the property owner is not entitled to file a claim for relief under OAR 734-051-6010; and
(B) The department shall not offer an administrative remedy under OAR 734-051-6020 through 6070.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 7-2014, f. & cert. ef. 7-9-14; HWD 2-2014, f. 6-25-14, cert. ef. 6-30-14

734-051-3020

Change of Use of a Private Connection

(1) Applicability.
(a) This rule sets forth procedures and requirements for a change of use of an existing private connection to a state highway.
(b) A new application is required for the purpose of permitting all connections to a property when there is a change of use as set forth in section (2) of this rule. All connections to the property are subject to this rule whether they exist under a Permit to Operate, are grandfathered under OAR 734-051-1070(30), or the department provides written permission

under 734-051-3015.
(2) Changes of Use Requiring an Application for State Highway Approach. Except as provided under section (5) of this rule, a new application is required for a change of use when any one of the following:
(a) The number of peak hour trips increases by fifty (50) trips or more from that of the property's prior use and the increase represents a twenty (20) percent or greater increase in the number of peak hour trips from that of the property's prior use; or
(b) The average daily trips increases by five hundred (500) trips or more from that of the property's prior use and the increase represents a twenty (20) percent or greater increase in the average daily trips from that of the property's prior use; or
(c) The daily use of a connection increases by ten (10) or more vehicles with a gross vehicle weight rating of twenty-six thousand (26,000) pounds or greater; or
(d) ODOT demonstrates that safety or operational concerns related to the connection are occurring as identified in OAR 734-051-4020(3); or
(e) The connection does not meet the stopping sight distance standards, as measured in feet, of ten (10) times the speed limit established in ORS 811.111 or the designated speed posted under 810.180 for the highway as measured in miles per hour, or ten (10) times the 85th percentile speed of the highway where the 85th percentile speed is higher or lower than the speed limit established in 811.111 or the designated speed posted under 810.180. The applicant may perform a study to determine if the 85th percentile speed is higher or lower than the speed limit established in 811.111 or the designated speed posted under 810.180. The sight distance measurement, as described in OAR 734-051-4020(2)(c)(A)–(B), and the study to determine the 85th percentile speed shall be performed according to published department procedures by or under the supervision of a professional engineer as defined in 734-051-1070. The measurement shall be taken under existing and proposed site conditions.
(3) Mandatory Meeting. Unless waived by the department, a meeting between ODOT staff and the applicant is required for a change of use application prior to the department deeming the application complete. It is preferable that the meeting be held prior to submittal of the change of use application.
(4) Determinations of Change of Use. The department shall determine whether a change of use meets the thresholds in section (2) of this rule by using one or more of the following methods:
(a) Field counts;
(b) Site observation;
(c) Traffic impact analysis;
(d) Field measurement;
(e) Crash history;
(f) Trip Generation, 9th Edition published by the Institute of Transportation Engineers (ITE); or
(g) Information and studies provided by the local jurisdiction or the applicant.
(5) Exempt from Application for Change of Use. Buildout of an approved site plan or multi-phased development does not require a new application for an approach road permit where the department determines that the buildout is consistent with the land use approval by the local government and the permit issued by the department for development.
(6) Approval Criteria. The department shall approve an application for a state highway approach that does not pose a safety or highway operations concern, as set forth in OAR 734-051-4020(3), or all such concerns are sufficiently mitigated pursuant to OAR 734-051-3070, and:
(a) The application meets the applicable approach road spacing, channelization and sight distance standards set forth in OAR 734-051-4020(2)(a) through (c); or
(b) The department and the applicant reach agreement that the application moves in the direction of conforming to approach road spacing, channelization, and sight distance standards under sections (7) through (9) of this rule; or
(c) The applicant and the department reach agreement under section (6)(b) that the existing condition without change is sufficient to support approval of an application.
(7) Moving in the Direction of Conformity Collaborative Process. The department and applicant, through a collaborative

process, shall determine whether an application moves in the direction of conforming to the spacing, channelization or sight distance standards subject to safety and operations concerns. The collaborative process shall be made available to the applicant within thirty (30) days of the date an application for state highway approach is deemed complete.
(8) Criteria for Moving in the Direction of Conformity. In determining whether an application for a private approach to a state highway moves in the direction of conformity with the spacing, channelization and sight distance standards of OAR 734-051-4020, the department shall consider all connections on the subject site. An application moves in the direction of conformity with 734-051-4020 when changes are made to a connection that include, but are not limited to, one or more of the following:
(a) Eliminating or combining existing connections to the highway resulting in a net reduction in the number of connections; or
(b) Improving the distance between connections; or
(c) Improving sight distance; or
(d) Widening an existing connection to accommodate truck turning radius requirements; or
(e) Widening an existing connection to accommodate additional exit lanes; or
(f) Narrowing an existing connection to provide the appropriate number of entry and exit lanes as required for the property; or
(g) Developing a throat on a connection to allow for more efficient movement of motorists from the highway.
(9) Agreement. Where the department and applicant agree that a change of use application moves in the direction of conforming to spacing, channelization, and sight distance standards, the department shall approve the application without requiring separate deviations from those standards. The department, upon completion of the terms of agreement, shall issue a Permit to Operate for all approaches that are to remain operational as identified in the agreement. An agreement to remove, modify, or mitigate a connection pursuant to the agreement between the department and the applicant is not an appealable decision.
(10) Where Agreement is Not Reached.
(a) If, after participating in a collaborative process pursuant to section (7) of this rule, the applicant and the department cannot agree that an application is moving in the direction of conformity pursuant to sections (8) and (9) of this rule, the region manager shall document the issues of agreement and non-agreement with the applicant through a written statement of non-agreement. The applicant may then request further collaboration on the issues of non-agreement under OAR 734-051-3090, sections (1) through (3), and/or a review by the Dispute Review Board under 734-051-3100.
(b) Where agreement cannot be reached under the processes of subsection (a) of this section, the department may require additional information to complete the application and make a decision pursuant to the standards of OAR 734-051-4020 and issue a final decision to approve, deny, or approve with mitigation, consistent with the procedures in OAR 734-051-3030 and 3040. The department's decision to deny or approve with mitigation applications under the standards of OAR 734-051-4020 are subject to post-decision review under OAR 734-051-3080.
(11) Connections Not Subject to Moving in the Direction of Conformity Criteria. Notwithstanding sections (6) through (8) above, the "moving in the direction of" criteria as set forth in section (8) of this rule shall not be applied to the connections in subsections (a) through (f), below. For these connections, the department shall apply the standards of OAR 734-051-4020 to approve, deny, or approve with mitigation the application, consistent with the procedures in OAR 734-051-3040.
(a) Connections where no right of access to the property exists at the location of the connection, and an application for a grant of access or indenture of access is not approved;
(b) Connections to undeveloped property without an approved site plan or land use approval allowing for development of the property;
(c) Connections for which the department rebuts a presumption of written permission under OAR 734-051-3015;
(d) Connections to property abutting a highway segment with a statewide classification and a posted speed of 50 miles per hour or greater;
(e) Connections to property abutting a highway segment designated as an expressway; and

(f) Connections to property within the boundaries of an adopted facility plan, or corridor plan, where the connection is inconsistent with the plan, and the planned component for the access to the property has been constructed or is funded to be constructed within four years at the time of the application.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 7-2014, f. & cert. ef. 7-9-14; HWD 2-2014, f. 6-25-14, cert. ef. 6-30-14; HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 7-2012(Temp), f. & cert. ef. 5-3-12 thru 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-3030

Application Requirements for State Highway Private Approach

(1) Purpose. This rule sets forth the requirements for an application for state highway approach.
(2) Pre-Application Meetings.
(a) The department or applicant may request a pre-application meeting for any approach permit application.
(b) The purpose of a pre-application meeting is to review general application requirements and processing timelines, technical application requirements, and any issues specific to the proposal, including understanding the economic needs and objectives that are pertinent to the subject property.
(c) Applicant requests for pre-application meetings shall be made on forms provided by the department and shall be accompanied by a preliminary site plan, description of existing and proposed land use(s), including estimated vehicle trips, and any additional information or questions the applicant chooses to provide.
(d) The department encourages applicants to provide complete and accurate information regarding potential changes in land use and development with requests for pre-application meetings in order to avoid unnecessary delays in processing any future application.
(3) Application. An application for a state highway approach permit must include the following information in subsections (a) through (j) below:
(a) Application form for a state highway approach;
(b) A site plan illustrating the existing and proposed location of all approaches, and any other buildings, facilities, and natural geographic features that impact vehicle circulation on the property, circulation to and from the highway, or sight distance;
(c) Property owner's signature or evidence of the property owner's consent to apply for a permit where the applicant is not the owner of the subject property;
(d) Information required by the department to evaluate sight distance concerns, including but not limited to measurements, diagrams, calculations, or other information that may require preparation by a professional engineer;
(e) Information identified by the department that is required to demonstrate compliance with the approval criteria of OAR 734-051-3010 or 734-051-3020, as applicable;
(f) Identification and request for approval of all deviations from spacing, channelization and sight distance standards, as applicable;
(g) Information required by the department to evaluate a deviation pursuant to OAR 734-051-3050;
(h) A Traffic Impact Analysis (TIA) where the department determines that a TIA is required to evaluate the approach permit application pursuant to OAR 734-051- 3030(4);
(i) A Land Use Compatibility Statement provided by the department, completed and signed by the local jurisdiction that certifies that all necessary local land use planning approvals have been obtained or are under review and demonstrates that the proposed use is consistent with the acknowledged comprehensive plan, and transportation system plan and local development code. In lieu of the Land Use Compatibility Statement, the department may accept the final land use decision;
(j) Tax lot map(s) with names and addresses of persons who own the properties adjacent to the subject property.
(4) When a Traffic Impact Analysis is Required.

(a) A traffic impact analysis is required for a request for a deviation from the spacing, channelization or sight distance standards as set forth in OAR 734-051-4020, unless waived by the department.
(b) Except where the criteria in subsections (A) and (B) of this section, below, are met for the highway segment where an approach permit is sought, the department may require a person applying for an approach permit to submit a traffic impact analysis in conjunction with the application for an approach permit.
(A) The average daily volume of trips at the property is determined to be four hundred (400) or fewer trips; or
(B) The average daily volume of trips at the property is determined to be more than four hundred (400) but fewer than one thousand one (1001) trips and:
(i) The highway is a two-lane highway with average annual daily trip volume of five thousand (5,000) or fewer motor vehicles;
(ii) The highway is a three-lane highway with average annual daily trip volume of fifteen thousand (15,000) or fewer motor vehicles;
(iii) The highway is a four-lane highway with average annual daily trip volume of ten thousand (10,000) or fewer motor vehicles; or
(iv) The highway is a five-lane highway with average annual daily trip volume of twenty-five thousand (25,000) or fewer motor vehicles.
(5) Traffic Impact Analysis Submittal Requirements. Traffic Impact Analyses (TIA), when required, shall be subject to the requirements of subsection (a) through (e). To the extent possible the department shall coordinate the analysis needs associated with the approach application with any local jurisdiction TIA requirements.
(a) A Professional Engineer (PE) employed by the department shall determine the scope of the TIA, and shall determine the sufficiency of the TIA for the purpose of evaluating the application.
(b) The TIA shall assess highway peak hour and average daily trips for the type of land use action proposed, for the year of the analysis, the year of each phase opening, and future years beyond project completion or buildout, but not greater than the year of the planning horizon for transportation system plans, or fifteen (15) years, whichever is greater.
(c) A Professional Engineer (PE) must prepare the study in accordance with methods and input parameters approved by the department.
(d) The scope and detail of the study must be sufficient to allow the department to evaluate the impact of the proposal and the need for roadway capacity, operational, and safety improvements resulting from the proposed approach.
(e) The study must identify the data used and the application of data in the analysis.
(6) Waiver of Application Requirements. The department may waive requirements for information and documentation required under this rule depending on the nature of the application and the sufficiency of other information available to the department for its evaluation of an application.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-3040

Private Approach Permit Application Review, Approvals and Timelines

(1) Complete Application Required. The department shall not process an application for state highway approach that is incomplete or contains insufficient information for the department to find that it meets the submittal requirements of OAR 734-051-3030.
(2) Notice of Completeness Determination. Upon receiving an application for state highway approach, the department shall determine and provide written notification about whether the application is complete within thirty (30) days of its receipt of the application. Where the department determines that an application for state highway approach is not complete, (a) through (e) apply:
(a) The 120-day timeline under OAR 734-051-3040(4) does not begin until the application is deemed complete as defined in OAR 734-051-1070(18);

(b) The department shall notify the applicant in writing when an application is incomplete within the timeframes required by this rule;
(c) The department notice shall provide specific information on what is needed to make the application complete;
(d) The department notice shall indicate that the application must be made complete within sixty (60) days of the date of the department notice, at which time the application expires unless the department and applicant agree to an extension; and
(e) Where an application is deemed incomplete because no right of access exists at the proposed approach location, the department notice shall provide information on how to apply for a grant of access or an indenture of access, as applicable.
(3) On-Site Reviews. The department in reviewing an application for completeness may conduct an on-site review to determine the need for supplemental documentation in accordance with (a) through (c) as follows:
(a) The on-site review area includes both sides of the highway in the vicinity of the proposed approach, including the site frontage, existing connections, and public intersections;
(b) The department may notify the applicant of an on-site review to be conducted, and may invite the applicant to meet on-site to answer questions and discuss the review; and
(c) Any on-site meeting between department representatives and the applicant shall be limited to clarifying the applicant's proposal and identifying any supplemental documentation needed to meet application requirements.
(4) Decision Timeline and Final Decision Within 120-Days of Complete Application. Except as provided in section (7), the department shall make its final decision, including resolution of all internal appeals, to grant or deny an approach permit within one hundred twenty (120) days of the date the department deems an application for state highway approach complete. The 120-day timeline breaks down as follows:
(a) The department shall make its decision to approve, approve with mitigation, or deny an application within thirty (30) days of the date that the department determines the application to be complete, where the proposal meets the applicable spacing, channelization and sight distance standards of OAR 734-051-4020; or
(b) The department shall make its decision to approve, approve with mitigation, or deny an application within sixty (60) days of the date that the department determines the application to be complete for all other applications.
(c) The final sixty (60) days of the one hundred twenty (120) days are reserved for the contested case hearing procedures of OAR 734-051-3110, except where the timeline is extended pursuant to section (7) of this rule.
(5) General Directives Applicable to Approach Permit Decisions. The directives in (a) through (e), as follows, apply to the department's review of all applications for state highway approach:
(a) Except for highways classified as interstate highways and highways designated as expressways by the commission, and except as provided by subsection (b) of this section, the department may not use the presence of alternate access to a property abutting a highway as a basis for denying an application for state highway approach.
(b) In rural areas, the department shall consider the presence of alternative access in determining whether to approve or deny a second or subsequent application for state highway approach.
(c) Mobility standards, established by the department, are not applicable to turning movements from private approaches during the department's review of an approach permit application, except when the ratio of volume to capacity on the proposed private approach is (one-point-zero) 1.0 or greater.
(d) The department shall utilize a professional engineer with relevant experience to review and respond to evidence from a qualified expert that is submitted by the applicant.
(e) The city or county, and persons that own property adjacent to the proposed approach, shall be allowed to express concerns about the application prior to the issuance of the permit.
(f) Where the development includes multiple parcels, the development is evaluated in its entirety, regardless of the number of individual parcels or ownership contained within the development, and applications will not be processed for individual parcels or ownership.
(6) Notice of Pending Denial or Approval with Mitigation. When the department proposes to deny an approach or approve an approach with mitigation, it shall notify the applicant of its intent and offer the applicant a pre-decision

collaborative process, pursuant to OAR 734-051-3060, to discuss the department's and the applicant's positions. Upon conclusion of this collaborative process or if the applicant declines the offer of this collaborative process, the department shall issue its decision in writing, including sufficient specificity regarding the access management standards and/or safety or operations concerns upon which the department's decision is based.

(7) Extension of Timelines. The timelines of division 51 may be extended pursuant to (a) through (c) below:

(a) Submittal of an application for a grant of access or application for an indenture of access suspends the 30 or 60-day timeline identified in subsection (4)(a) or (4)(b) of this rule.

(b) Submittal of a written request for the post-decision collaborative discussion under OAR 734-051-3090 or dispute review board review under 734-051-3100 suspends the 120-day timeline in section (4) of this rule.

(c) The timelines in division 51 may be extended where the applicant and the department agree to an extension in writing before the applicable deadline, as specified in these rules. Any agreement to extend a timeline shall include a new deadline date and shall state the reason for the extension. Applications for which an extension of time has been issued will expire on the deadline date specified in the extension letter if no new extension has been agreed to and the activities for which the deadline was extended have not been completed.

(8) Pending Land Use Approvals. If a land use action is pending, including an appeal of a final land use decision or a limited land use decision, for a property for which an application has been submitted, the application may be processed and:

(a) Approval will be conditioned on the department receiving notice of approval of the land use action shown on the application; and

(b) The department may issue a construction permit while the local land use action is pending. A deposit may be required, to be determined in the manner used for a temporary approach in OAR 734-051-4040 to ensure that the approach will be removed if the land use is not approved; and

(c) The department shall not issue a Permit to Operate until the applicant provides the department with written proof of final land use decision.

(9) Notice of Decision and Findings. The department shall document with written findings the decision to approve, approve with mitigation or deny an approach, and shall provide written notice of its final decision to the applicant as follows:

(a) The notice shall describe the applicant's appeal rights, as set forth in OAR 734-051-3080 through 734-051-3110; and

(b) Written findings shall be provided to the applicant upon request.

(10) Form of the Record. The record shall include the following, as applicable:

(a) Completed application pursuant to OAR 734-051-3030(3);

(b) Documents or other information received or considered;

(c) Written stipulations;

(d) Meeting notes; and

(e) Findings and final decision.

(11) Appeals. An appeal of a department decision to approve with mitigation or deny an application for an approach permit can be made pursuant to OAR 734-051-3080 through 734-051-3110.

(12) Expired Applications. Except as provided by OAR 734-051-3040(7), an application for an approach shall expire after one hundred twenty (120) days of inactivity on the part of the applicant if the department sends a reminder letter to notify the applicant that ninety (90) days have passed with no activity, and advising that the application will expire in thirty (30) days if the application continues to be inactive. After an application for state highway approach has expired, a new application is required.

Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355

Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011

History: HWD 7-2014, f. & cert. ef. 7-9-14; HWD 2-2014, f. 6-25-14, cert. ef. 6-30-14; HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-3050

Deviations from Approach Spacing, Sight Distance, and Channelization Standards for a Private Approach

(1) Purpose. The purpose of this rule is to establish criteria for the region access management engineer to approve; approve with mitigation; or deny requests for deviations from the standards set forth in OAR 734-051-4020.

(2) Requests for a Deviation. The applicant may request one or more deviations for an approach that does not meet spacing, sight distance, or channelization standards set forth in OAR 734-051-4020(2). Applications that request deviations:

(a) Must identify all deviations needed and any dependency or relationship that they have with one another; and

(b) Must include a traffic impact analysis prepared by a professional engineer as set forth in OAR 734-051-3030(4) and 734-051-3030(5), unless waived by the department.

(3) Mitigation. The department may require mitigation measures as set forth in OAR 734-051-3070 as a condition of approval of a deviation under this rule.

(4) Request for a Deviation Not Required. A request for a deviation from approach spacing, sight distance and channelization standards is not required if:

(a) The application is for property with no means of vehicular access other than the proposed approach, and the department and the applicant agree on a location for the approach and mitigation, if any, of the approach that optimizes safety, highway operations, and site design; or

(b) The permit action is triggered by a change of use and the department and the applicant agree that the proposed approach moves in the direction of conformance with the standards as set forth in OAR 734-051-3020.

(5) Approval of Requests for Deviations from Approach Spacing Standards. The region access management engineer may approve a request for a deviation from access spacing standards set forth in OAR 734-051-4020(8) and 734-051-4020(9) upon determining that the approach adequately addresses the safety and highway operations concerns set forth in section 734-051-4020(3) and one or more of the conditions in (a) through (h) apply:

(a) The applicant agrees to provide a joint approach that serves two or more properties and results in a net reduction of connections to the highway;

(b) The applicant agrees to remove or combine connection(s) to the highway resulting in a net reduction of connections;

(c) Adherence to approach spacing standards will cause the approach to conflict with a significant natural or historic feature including but not limited to trees and unique vegetation, a bridge, waterway, park, archaeological area, or cemetery;

(d) The highway segment functions as a local interest road as defined in the Oregon Highway Plan;

(e) On a couplet with directional traffic separated by a city block or more, the request is for an approach at mid-block with no other existing approaches in the block or the proposal consolidates existing vehicle accesses at mid-block;

(f) Based on the region access management engineer's determination that one or more of the safety and operations factors in OAR 734-051-4020(3) is significantly improved as a result of the approach;

(g) The region access management engineer and the applicant agree on an approach location and mitigation measures that optimize safety, highway operations and site design; and/or

(h) The applicant demonstrates that existing development patterns or land holdings make joint use approaches impractical.

(6) Approval of Requests for Deviations from Approach Spacing Standards in Interchange Areas.

(a) The region access management engineer shall use traffic volumes based on a 20-year planning horizon in evaluating applications for deviations from the approach spacing standards for approaches proposed within an interchange management area. The 20-year year planning horizon will be measured from the date of application.

(b) The region access management engineer may approve a request for a deviation from spacing standards in an interchange area upon determining that the approach adequately addresses the safety and highway operations factors set forth in section OAR 734-051-4020(3) and one or more of the conditions in (A) through (D) apply:

(A) A condition of approval, included in the Permit to Operate, is removal of the approach when alternate access becomes available;

(B) The approach is consistent with a facility plan in the area of an interchange that has been adopted by the commission

as set forth in OAR 734-051-7010;
(C) The applicant provides a joint approach that serves two or more properties and results in a net reduction of approaches to the highway; or
(D) Connections are combined or eliminated resulting in a net reduction of connections to the state highway.
(7) Approval of Requests for Deviations from Channelization Standards. The department may approve a deviation from channelization standards, pursuant to subsections (a) through (c) below:
(a) The region access management engineer may approve a deviation to the channelization standards set forth in OAR 734-051-4020(2) upon determining that the deviation adequately addresses highway safety and operations concerns set forth in section OAR 734-051-4020(3) and the conditions in (A) or (B) apply:
(A) The region access management engineer determines that channelization is not necessary to approve the application;
(B) The applicant agrees to restrict turning movements that cause the need for channelization in a manner satisfactory to the region access management engineer.
(b) If existing development patterns, land holdings, highway configuration or other factors make it impractical to meet channelization standards, the region access management engineer may require turning movements to be restricted at the approach.
(c) The department may require submittal of channelization design drawings prepared and sealed by a professional engineer for approval of a deviation for channelization.
(8) Approval of Requests for Deviations from Sight Distance Standards. The department may approve a deviation from sight distance standards, pursuant to subsections (a) or (b) below:
(a) The region access management engineer may approve a request for a deviation from sight distance standards set forth in OAR 734-051-4020(2) based on consideration of relevant factors, including but not limited to:
(A) Highway design speed, posted speed, and eighty-fifth (85th) percentile speed;
(B) Probable line of sight for the proposed approach;
(C) Anticipated traffic volumes at the proposed approach;
(D) Guidelines for intersection sight distance and stopping sight distance in the 2011 AASHTO Policy on Geometric Design of Highways and Streets; and
(E) Potential mitigation that would improve sight distance.
(b) Where a speed study prepared by the applicant and accepted by the department determines that the eighty-fifth (85th) percentile speed is lower than the current posted speed, the department may approve a deviation from the sight distance standard based upon the lower speed determination.
(9) Denial of Requests for Deviations. The region access management engineer shall not approve a request for a deviation from approach spacing, channelization or sight distance standards when any of the conditions in (a) through (d) apply:
(a) The requirements for approval under sections (5) through (8) of this rule, as applicable, cannot be met; or
(b) The standards can be met even though adherence to the standards results in higher site development costs; or
(c) The deviation creates a significant safety or traffic operations problem that cannot be mitigated by the applicant; or
(d) The request for a deviation results from a self-created hardship including but not limited to:
(A) Conditions created by the proposed site plan, building footprint or location, on-site parking, or circulation; or
(B) Conditions created by lease agreements or other voluntary legal obligations.
(10) Region Manager Approval of Deviations. The region manager, not a designee, may approve a request for a deviation from approach spacing, channelization or sight distance standards when the region access management engineer is prohibited from doing so under section (9) and:
(a) A determination is made by a professional engineer as defined in OAR 734-051-1070 and assigned by the region manager to analyze the request for a deviation determines that the approach adequately addresses the safety and highway operations concerns, or those concerns can be adequately mitigated; and
(b) The region manager, after consulting with the highway division administrator, identifies and documents conditions or circumstances unique to the site or the area that support the development.

Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 7-2014, f. & cert. ef. 7-9-14; HWD 2-2014, f. 6-25-14, cert. ef. 6-30-14; HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-3060

Pre-Decision Collaborative Discussion for Highway Approach Permit Applications

(1) Offer of Pre-Decision Collaborative Discussion. When the department intends to deny an application or approve an application with mitigation, it shall notify the applicant of its intent and offer to meet with the applicant in a pre-decision collaborative process, as described in sections (2) through (6), below.
(2) Notice. The department notice in section (1) shall describe the basis of the preliminary decision, extend an offer to meet with the applicant to provide further explanation or clarification of the department's preliminary decision, and provide the applicant an opportunity to propose modifications.
(3) Goals of Pre-Decision Collaborative Discussion. The goals of the pre-decision collaborative process are to ensure that all relevant information has been fully considered, provide opportunity to resolve differences to the extent possible, and facilitate timely issuance of a final decision.
(4) Timeline. The department's notice of preliminary decision and offer of a collaborative process must occur within either the 30-day or 60-day application decision timeline under OAR 734-051-3040(4), whichever is applicable. The department and applicant may agree to extend the timelines for the department's final decision as part of the collaborative process.
(5) Written Decision. Agreements reached using a pre-decision collaborative discussion shall be incorporated into the department's permit decision.
(6) Applicant May Decline Offer. If the applicant declines the offer of a collaborative process, or a collaborative agreement cannot be reached, the department shall issue its final decision in writing, including findings as set forth in OAR 734-051-3040(9).
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 7-2014, f. & cert. ef. 7-9-14; HWD 2-2014, f. 6-25-14, cert. ef. 6-30-14; HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-3070

Mitigation Measures

(1) Mitigation Authorized. The department may require mitigation measures to address adverse impacts associated with a proposed approach on the state highway or the subject property that is not prohibited by statute or division 51 rules.
(2) Cost of Mitigation. Unless otherwise set forth in division 51 rules, the cost of mitigation measures is the responsibility of the applicant, permittee, or property owner as set forth in OAR 734-051-5050.
(3) Non-Traversable Medians. The department may not impose non-traversable medians as a mitigation measure for approach permit applications unless the department first establishes that no other mitigation measures are effective or available under the circumstances.
(4) Mitigation Measures. Mitigation measures may include one or more of the following in (a) through (n) below:
(a) Modifications to an existing connection;
(b) Modifications of on-site parking or storage of queued vehicles;
(c) Installation of left turn or right turn channelization or deceleration lanes;
(d) Modifications to left turn or right turn channelization or deceleration lanes;
(e) Modifications to the roadway to maintain or improve intersection sight distance;
(f) Modification or installation of traffic signals or other traffic control devices, subject to subsection OAR 734-051-3070(7);
(g) Modification of the highway;

(h) Modification or installation of curbing;
(i) Consolidation of existing approaches or provisions for joint use approaches;
(j) Restriction of turn movements for circumstances such as:
(A) The proximity of existing connections or offset of opposing connections;
(B) Approaches within an influence area of an interchange;
(C) Approaches along an expressway;
(D) The proximity of railroad grade crossings;
(E) Approaches with a crash history involving turning movements;
(F) Approaches within the functional area of an intersection.
(k) Installations of sidewalks, bicycle lanes, or transit turnouts;
(l) Development of, or improvements to, reasonable alternate access, subject to OAR 734-051-4020(6) and 734-051-4020(7);
(m) Modifications of local streets or roads along the frontage of the site; and
(n) Installation of non-traversable medians where no other mitigation measure is effective or available under the circumstances.
(5) Relationship of Mitigation to Impacts. Mitigation measures are directly related to the impacts of the particular approach on the highway and the scale of the mitigation measures will be directly proportional to those impacts, as follows:
(a) Mitigation measures located entirely within the property controlled by the applicant and/or within existing state right of way shall be preferred over all other means of mitigation;
(b) Where mitigation requires the use of property other than that which is controlled by the applicant and/or ODOT, the department will make an effort to participate in negotiations between the applicant and other affected property owners, or assist the applicant to take necessary actions. However, ODOT will not exercise its power of eminent domain to acquire property necessary for improvements to mitigate the adverse impacts associated with a private approach that is not also part of project delivery; and
(c) When cumulative effects of existing and planned development create a situation where approval of an application would require improvements that are not directly proportional to the impacts of the proposed approach, the region manager may negotiate mitigation measures to mitigate impacts as of the day of opening and defer the remaining mitigation to a future ODOT project which may require that the applicant convey any necessary right of way to ODOT prior to development of the subject approach.
(6) Access Mitigation and Access Management Proposals. An applicant may propose mitigation for an approach to be implemented by the applicant or the local jurisdiction. The department will work with the local jurisdiction and the applicant to establish mitigation measures and alternative solutions including:
(a) Changes to on-site circulation;
(b) On-site improvements; and
(c) Modifications to the local street network.
(7) Traffic Controls as Mitigation. Where mitigation measures include traffic controls:
(a) The applicant bears the cost of the controls and construction of required traffic controls within a timeframe identified by the department or must reimburse the department for the cost of designing, constructing, or installing traffic controls; and
(b) An applicant that is a lessee must provide evidence of compliance with required traffic controls and must identify the party responsible for construction or installation of traffic controls during and after the effective period of the lease.
(8) Traffic Signal Prioritization. Traffic signals are approved in the order of priority, (a) through (c) below:
(a) Traffic signals for public approaches.
(b) Private approaches identified in a transportation system plan to become public.
(c) Private approaches.
(9) Traffic Signal Requirements. Traffic signals are approved with the following requirements:

(a) A signalized private approach must meet spacing standards for signalization relative to all planned future signalized public road intersections; and
(b) Location of traffic signals on state highways must meet the criteria of OAR 734-020-0400 through 734-020-0500.
(10) Ownership of Improvements. All highway improvements within the right of way resulting from mitigation constructed by the permittee, subject to inspection and acceptance by the department, become the property of the department. An agreement between the department and permittee may be required with mitigation. Such agreement may include, but shall not be limited to, identifying work that is allowed to occur within the right of way, specifying the responsibilities of each party, including any maintenance responsibility, and documenting the transfer of ownership from the applicant to the department for roadway improvements.
(11) Appealable Decision. Approval of an application with mitigation measures is an appealable decision.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 7-2014, f. & cert. ef. 7-9-14; HWD 2-2014, f. 6-25-14, cert. ef. 6-30-14; HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-3080

Post-Decision Review Processes

(1) Types of Post-Decision Review Processes. Three types of post-decision review processes are available to an applicant under division 51:
(a) Post-decision collaborative discussion (OAR 734-051-3090);
(b) Dispute review board (OAR 734-051-3100); and
(c) Contested case hearing (OAR 734-051-3110).
(2) Sequence of Reviews.
(a) Except as noted in subsection (b) of this section, an applicant may request any or all of the types of reviews listed in section (1) of this rule, provided the reviews must be conducted in sequence (a) through (c).
(b) An applicant seeking further review of a determination of whether an application is moving in the direction of conformity pursuant to OAR 734-051-3020(10)(a) may request a collaborative discussion or review by the dispute review board, but may not request a contested case hearing. The option of a collaborative discussion is eliminated if the applicant chooses a review by the dispute review board prior to a collaborative discussion.
(3) Notice of Opportunity for Post Decision Reviews. Except for review of a department determination pursuant to OAR 734-051-3020(10)(a), the department shall notify the applicant when processing of the application has reached an opportunity for any of the types of post-decision review and shall provide instructions about how to request a review.
(4) Request for Post-Decision Review. Except for review of a department determination pursuant to OAR 734-051-3020(10)(a), the applicant must submit a written request to the region manager within twenty-one (21) days of the mailing date of notice of an opportunity for post-decision review, identifying which type of post-decision review the applicant is choosing and the documentation to be presented to the department.
(5) Subject of Post-Decision Reviews. Except for review of a department determination pursuant to OAR 734-051-3020(10)(a), all post-decision review processes shall consider the final decision reached by the department in the processing of the application.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-3090

Post-Decision Collaborative Discussion

(1) Purpose. An applicant or permit holder may request a collaborative discussion pursuant to this rule. The post-decision collaborative discussion process is an optional dispute resolution process that falls outside the 120-day timeline in OAR 734-051-3040(4).

(2) Conduct of the Post-Decision Collaborative Discussion. The post-decision collaborative discussion with the department shall be conducted as follows:
(a) The collaborative discussion shall be conducted under the alternative dispute resolution model in ORS 183.502;
(b) The applicant must request the collaborative discussion in writing before the discussion may proceed;
(c) During the post-decision collaborative process, the applicant or permittee and the department may present new or additional information in writing or in person for the collaborative discussion; and
(d) The collaborative discussion shall be conducted not more than forty-five (45) days from the date of the agreement to collaborate, unless the department and applicant or permittee agree to an extension.
(3) Settlement Offer. When the collaborative discussion process has concluded, the director may accept, modify or reverse the department's original decision in making a settlement offer. The director shall notify the applicant or permit holder in writing of the department's settlement offer.
(4) When the Applicant Rejects Settlement Offer. Except for review of a department determination pursuant to OAR 734-051-3020(10)(a), when an applicant rejects the director's settlement offer, the department will notify the applicant of their right to request review of the final department decision by dispute review board under OAR 734-051-3100 or contested case hearing under OAR 734-051-3110.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ch. 330, OL 2011, ORS 374.300–374.360, §27
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-3100

Access Management Dispute Review Board

(1) Dispute Review Board. In addition to requesting a contested case hearing under OAR 734-051-3110 or a post-decision collaborative discussion with the department under OAR 734-051-3090, an applicant or permittee may request review of a department decision or department determination pursuant to 734-015-3020(10)(a) through an access management dispute review board process. The dispute review board process is an optional dispute resolution process that falls outside the 120-day timeline in OAR 734-051-3040(4).
(2) Dispute Review Board Members. The department shall appoint an access management dispute review board consisting of any or all of the following in subsections (a) through (d) below:
(a) The director, or a designee of the director who is familiar with the location in which the disputed approach is located;
(b) A representative of the local jurisdiction in which the disputed approach is located;
(c) A traffic engineer who practices engineering in Oregon; and
(d) A representative from the economic or business sector.
(3) Procedure. The dispute review board review shall be conducted as follows:
(a) The access management dispute review board shall consider information presented by the parties;
(b) The applicant or permittee and the department may present new information to the dispute review board, if the new information has been shared with the other party in advance of the scheduled meeting and the party receiving the new information has a reasonable amount of time to prepare a response; and
(c) The dispute review board shall notify the applicant or permittee and the director of its findings regarding the department's original decision or its recommendations pursuant to OAR 734-051-3020(10)(a).
(d) The dispute review board review shall be conducted not more than forty-five (45) days from the date of applicant's request, unless the department and applicant or permittee agree to an extension.
(4) Settlement Offer. The director shall review the access management dispute review board's findings and recommendation and may accept, modify or reverse the department's original decision or determinations pursuant to OAR 734-051-3020(10)(a) in making a settlement offer. The director shall notify the applicant or permit holder in writing of the department's settlement offer.
(5) Rejection of Settlement Offer. Where an applicant rejects a settlement offer with respect to a determination pursuant to OAR 734-051-3020(10)(a), the department will issue a final decision pursuant to 734-51-3020(10)(b). In all

other cases, if the applicant rejects the settlement offer, the applicant or permit holder is entitled to file a request for a contested case hearing of the original decision within 21days of the issuance of the settlement offer.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-3110

Contested Case Hearing Process

(1) Right to a Contested Case Hearing. Pursuant to ORS 374.313, a person holding an interest in real property, which is or would be served by an approach, may appeal a decision of the department by filing a request for a contested case hearing. Department decisions that result from conditions contained in a contract, condemnation judgment, recorded deed or permit cannot be appealed through the contested case hearing process.
(2) Procedure. The contested case hearing procedure is subject to the following requirements in subsections (a) through (f) below:
(a) The request for a hearing and the hearing are governed by OAR 137-003-0501 through 137-003-0700;
(b) After receiving a request for a contested case hearing, the department shall notify the office of administrative hearings of the request for the hearing;
(c) The hearings process falls within the 120-day timeline in OAR 734-051-3040(4) unless the department and the applicant mutually agree to a time extension;
(d) The department and the applicant may present additional information in writing or in person at the contested case hearing; and
(e) An administrative law judge will review the department's decision, conduct a hearing, and may approve, reverse, or modify the decision. The administrative law judge:
(A) Shall issue a proposed order as set forth in OAR 137-003-0645;
(B) May require conditions or limitations to be incorporated into the construction permit or the permit to operate; and
(C) The filing of exceptions stays the 120-day timeline for ODOT's final decision.
(f) The director shall issue a final order or may adopt as final the proposed order issued by the administrative law judge.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-4010

Access Management Standards for Approaches — General Provisions

(1) Applicability. Access management standards for approaches to state highways:
(a) Are based on the classification of the highway and highway designation, type of area, and posted speed;
(b) Apply to properties abutting state highways and planning processes involving state highways, and other projects as determined by the region manager;
(c) Do not apply to legal approaches in existence prior to January 1, 2012, except for those private approaches subject to the change of use provisions, pursuant to OAR 734-051-3020;
(d) Are intended to facilitate infill development and redevelopment, as applicable, with the goal of meeting or improving compliance with the access management spacing standards; and
(e) Are further intended to facilitate highway and interchange construction or modernization projects, or other roadway or interchange projects as determined by the region manager, with the goal of meeting or improving compliance with the access management spacing standards.
(2) Standards for Private Approaches. The access management standards are based on approach spacing distance, sight distance, the presence of channelization, and safety and operations considerations. OAR 734-051-4020 contains the access management standards applicable to private approaches.
(3) Access Management Standards for Infill and Redevelopment. The region access management engineer may apply the

‘urban’ access management spacing standards of OAR 734-051-4020 to infill or redevelopment projects in a rural area on commercial or industrial zoned land where the land has been developed into an urban block pattern including a local street network, and the posted highway speed is at or below 45 miles per hour.
(4) Special Transportation Area (STA) Designations. Where the Oregon Transportation Commission has designated a Special Transportation Area (STA) in the Oregon Highway Plan, the spacing standards for such highway designation will be applied to the application.
(5) Deviations. Deviations from the access management standards must meet the criteria in OAR 734-051-3050.
(6) Traffic Signals. Location of traffic signals on state highways must meet the criteria of OAR 734-020-0400 through 734-020-0500.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-4020

Standards and Criteria for Approval of Private Approaches

(1) Applicability. This rule describes standards and criteria that the department applies to the review of an Application for State Highway Approach that has been deemed complete as set forth in OAR 734-051-3030. Applications submitted for change of use of an approach may be reviewed under the standards and criteria set forth in OAR 734-051-3020 in lieu of this rule.
(2) General Approval Criteria. Except for applications where the department identifies safety or operations concerns set forth in section (3), and except for applications that are subject to alternate access considerations as set forth in sections (5) through (7), the Region Manager shall approve an Application for State Highway Approach that meets the general approval criteria (a)-(c) in this section. Additional criteria set forth in section (9) apply to interchange areas.
(a) Approach Spacing Standards. Section (8) of this rule sets forth the approach spacing standards, except that the spacing standards applicable to interchanges and interchange areas are set forth in section (9).
(b) Channelization Standards. An application meets the channelization standards of this rule if none of the conditions in (A) through (C), below, exist; where a condition in (A) through (C) exists, an application may meet the channelization standards if the existing or proposed lane configuration on the highway conforms to the design requirements of the ODOT Highway Design Manual in effect at the time the application is filed.
(A) Average daily trips for the existing or proposed development exceed four hundred (400) for an application on a two-lane highway with annual average daily traffic of five thousand (5,000) or more motor vehicles; or
(B) Average daily trips for the existing or proposed development exceed four hundred (400) for an application on a four-lane highway with annual average daily traffic of ten thousand (10,000) or more motor vehicles; or
(C) Average daily trips for the existing or proposed development multiplied by the annual average daily traffic on the highway is equal to or greater than the products listed in the Table 1.
(c) Sight Distance Standards. Table 2 sets forth the sight distance standards for approaches. An Application for State Highway Approach meets the sight distance standard of this rule if the intersection sight distance at the intersection of the proposed approach and highway is equal to or greater than shown in Table 2. Intersection sight distance shall never be less than stopping sight distance, as calculated in accordance with 2011 AASHTO Policy on Geometric Design of Highways and Streets. Sight distance must be unobstructed within the sight triangle based on the following positions of measurement:
(A) Driver’s eye height equal to 3.5 feet above the road surface of the proposed approach at a location 15 feet from the edge of the travel lane; and
(B) Object height equal to 3.5 feet above the road surface at the near edge of the travel lane to the left and at the far edge of the travel lane to the right of the approach. [Table not included. See ED. NOTE.]
(3) Safety and Operations Concerns. The department has the burden of proving safety and highway operations concerns that it relies upon in requiring mitigation or in denying an application based on those concerns. The department may

deny an application where the applicant is unable to provide adequate improvements to mitigate documented safety or highway operations concerns; safety and highway operations concerns that the department may consider are limited to (a) through (f), below:

(a) Regular queuing on the highway that impedes turning movements associated with the proposed approach. Regular queuing will be evaluated based on the ninety-fifth (95th) percentile queue on the highway during the highway peak hour, as determined by field observation or traffic analysis in accordance with ODOT's Analysis Procedures Manual; or

(b) Overlapping left turn movements or competing use of a center turn lane from a connection located on the opposite side of the highway; or

(c) Location of the proposed approach within a highway segment with a crash rate that is twenty (20) percent or higher than the statewide average for similar highways; or

(d) Location of the proposed approach within a highway segment listed in the top five percent of locations identified by the Safety Priority Index System developed by the department; or

(e) The proposed approach is on a district or regional highway with a posted speed of 50 miles per hour or higher and the distance to the nearest public approach is less than the stopping sight distance on the highway, calculated in accordance with the 2011 AASHTO Policy on Geometric Design of Highways and Streets; or

(f) Insufficient distance for weave movements made by vehicles exiting the proposed approach across multiple lanes in the vicinity of:

(A) Signalized intersections; or

(B) Roads classified as collectors or arterials in an acknowledged transportation system plan or comprehensive plan, or classified as such by the Federal Highway Administration; or

(C) On-ramps or off-ramps.

(4) Applications that Do Not Meet Approval Standards and Criteria — Deviations. The department may approve an application that does not meet the approval standards and criteria of this rule for approach spacing, sight distance, and/or channelization if a deviation from the standards is approved as set forth in OAR 734-051-3050.

(5) Applications for Properties with No Alternate Access. For an application for an approach to property with a right of access and no alternate access, the department may waive the standards and criteria of this rule for access spacing, sight distance and channelization if the department and the applicant agree on an approach location and mitigation measures that optimize safety, highway operations and site design. Approval of an application under this section does not require approval of a deviation. If agreement cannot be reached the department shall apply OAR 734-051-4020(2)–(4) to the application to approve, deny, or approve with mitigation the application, consistent with the procedures in 734-051-3040. In applying 734-051-4020(2)–(4), the department may include any matters of agreement or other results from discussion with the applicant pursuant to this section. The department's decision to deny or approve with mitigation applications under 734-051-4020(2)–(4) is subject to post-decision review under 734-051-3080.

(6) Applications Where the Department Shall Consider Alternate Access. The region manager shall consider alternate access to a property only for an application for an approach to a highway designated as an expressway as described in subsection (a) of this section, or for a second or subsequent approach to a property in a rural area as described in subsection (b) of this section.

(a) Expressways. The region manager may approve an application to an expressway for a property that has alternate access when the criteria in (A) through (C) below are met:

(A) The department determines that either:

(i) The alternate access to the property cannot be made reasonable based on findings under section (7) of this rule; or

(ii) The approach provides an immediate and long-term benefit to the state highway system as set forth in OAR 734-051-4030, in addition to mitigating any safety or operations concerns; and

(B) The application meets the applicable standards and criteria of this rule or a deviation is approved as set forth in OAR 734-051-3050; and

(C) The approach does not cause any of the safety or operations concerns set forth in section (3) of this rule, or those concerns can be adequately mitigated.

(b) A Second or Subsequent Approach in a Rural Area. The region manager may approve an application for a second or subsequent approach to a property in a rural area that has alternate access when the criteria in paragraphs (A) through (C) are met:
(A) The department determines that either:
(i) The alternate access to the property cannot be made reasonable based on findings under section (7) of this rule; or
(ii) The approach will serve rural infill or redevelopment and approval of the approach will result in a net reduction of connections to the highway or the net result improves safety for any remaining approaches; and
(B) The application meets the applicable standards and criteria of this rule or a deviation is approved as set forth in OAR 734-051-3050; and
(C) The approach does not cause any of the safety or operations concerns set forth in section (3) of this rule, or those concerns can be adequately mitigated.
(7) Reasonable Alternate Access Criteria. In determining whether alternate access is or can be made reasonable pursuant to section (6) of this rule, the department shall consider all of the following provisions in subsections (a) through (e) below:
(a) Authorized Uses. Alternate access to the property is adequate to allow the authorized uses for the property identified in the acknowledged local jurisdiction comprehensive plan and local land use regulations, taking into account the economic development needs of the property;
(b) Type, Number, Size and Location of Alternate Access. The type, number, size and location of alternate access are adequate to serve the volume and type of traffic reasonably anticipated to enter and exit the property, based on the planned uses for the property and taking into account the economic development needs of the property;
(c) Constraints to Alternate Access. The presence of constraints that limit the development of alternate access including:
(A) Legal restrictions;
(B) Geographic restrictions;
(C) Historical or cultural resources; and
(D) Physical considerations such as planned streets, roadway width, and weight and size restrictions;
(d) Availability of Mitigation Measures. The availability of mitigation measures set forth in OAR 734-051-3070 that the applicant could make on the property or along the roadway frontage of the property, including situations in which the applicant or the local jurisdiction commits proportional shares toward the cost of removal or mitigation of geographic, safety, or physical restrictions on the property or local street network. Neither the lack of commitment by a local government to share the cost of mitigation nor the cost of mitigation alone is conclusive in evaluating whether a vehicle access is or could be made reasonable; and
(e) Phasing. In circumstances where a significant difference exists between the existing and the planned local road network the department may consider a phased method to establishing reasonable alternative access as follows:
(A) Where a planned public street or road network cannot be provided at the time of development, an application for an approach may be approved with conditions requiring a connection to the planned local street or road network when it becomes available;
(B) The approach permit to the state highway may be revoked and the approach removed, or the approach permit may be modified and additional mitigation required when the planned street or road network becomes available; and
(C) ODOT and the local government enter into an agreement regarding the timing, cost and responsibility for the development of the planned street or road network.
(8) Access Management Spacing Standards. Tables 3 through 10 set forth the access management spacing standards. Tables 7, 8, 9, and 10, including Figures 1, 2, 3 and 4, are the spacing standards for interchanges and approaches in interchange areas. Tables 3 and 6 are the standards for unclassified highways such as service roads and frontage roads. An application meets the spacing standards set forth in Tables 3 through 10 if the spacing of a proposed approach is equal to or greater than the distance shown in the applicable table. The spacing standards in Tables 3 through 6 are subject to the method of measurement and exceptions in subsections (a) through (c) below:
(a) The spacing standards in Tables 3 through 6 apply to the distance measured along the highway from the center of an

existing or proposed private approach to the center of the nearest existing private connection, proposed approach, or public approach on the same side of the highway in both directions;
(b) The following exceptions in paragraphs (A) through (E) apply to the spacing standards in Tables 3 through 6:
(A) On one-way highways or highways with a non-traversable median, where turning movements to and from the highway are limited to either right in/right out or left in/left out turns only, the applicable approach spacing standards equal one-half the spacing standards in Tables 4 through 6.
(B) Tables 4 through 6 apply to highways designated as expressways regardless of average daily traffic.
(C) The spacing standards included in special transportation area management plans, and facility plans that are adopted by the Commission, take precedence over the spacing standards described in Tables 3 through 6.
(D) For special transportation areas where no management plan has been adopted, the minimum access management spacing for public road approaches is the existing city block spacing or the city block spacing as identified in the local comprehensive plan. Public road connections are preferred over private approaches and in special transportation areas, private approaches are discouraged; however where private approaches are allowed and where land use patterns permit, the minimum access management spacing for private approaches is 175 feet or mid-block if the current city block spacing is less than 350 feet.
(E) For a signalized private approach, the signal spacing standards in OAR 734-020-0400 through 734-020-0500 supersede the access management spacing standards in Tables 3 through 6; and
(c) The spacing standards in Tables 3 through 6 do not apply to approaches in existence prior to January 1, 2012, except when:
(A) A new approach or change of use of an approach is required under ORS 374.312;
(B) Where infill development or infill redevelopment occurs and spacing or safety will be improved by moving in the direction of the spacing standards in Tables 3 through 6; or
(C) Where a highway or interchange project occurs and spacing or safety will be improved by moving in the direction of the applicable spacing standards in Tables 3 through 6.
(9) Spacing Criteria for Applications in an Interchange Area. In addition to the spacing standards in Tables 7 through 10, the following criteria in subsections (a) and (b) below apply to approval of an application for a proposed approach located in an interchange area:
(a) The approach must be consistent with adopted facility plans; and
(b) Location of proposed traffic signals within an interchange area as illustrated in Figures 1, 2, 3 and 4 must meet the criteria of OAR 734-020-0400 through 734-020-0500.
Statutory/Other Authority: [ED. NOTE: Tables referenced are available from the agency.] ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 7-2014, f. & cert. ef. 7-9-14; HWD 2-2014, f. 6-25-14, cert. ef. 6-30-14; HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-4020
Standards and Criteria for Approval of Private Approaches

Table 1 - Channelization Standards				
Product of Property Average daily trips Multiplied by the Abutting Highway Annual Average Daily Traffic (Millions)				
Number of Highway Lanes	Posted Speed 25 mph or lower	Posted Speed 30-35 mph	Posted Speed 40-45 mph	Posted Speed 50 mph or higher
2 lanes	5.1	3.9	1.8	1.3
4 lanes	10.2	7.8	3.6	2.6

Table 2: Intersection Sight Distance Standards (ISD)[1]

Posted Speed (mph)	Assumed Design Speed[2] (mph)	Two-Way Highway -- Number of Lanes Crossed by Vehicle Making Left Turn from Approach[3]			One-Way Highway[4]
		1 Lane	2 Lanes	3 Lanes	
		ISD (ft)			
20	25	280	295	315	240
25	30	335	355	375	290
30	35	390	415	440	335
35	40	445	475	500	385
40	45	500	530	565	430
45	55	610	650	690	530
50	65	720	765	815	625
55	70	775	825	875	670
60	70	775	825	875	670
65	70	775	825	875	670

[1] Standards in Table 2 are based on the methodology for sight distance calculations for passenger vehicles in the 2011 AASHTO Policy on Geometric Design of Highways and Streets.

[2] Assumed design speed is shown for purpose of correlating generally accepted highway design speeds with posted speeds. If the department establishes a higher design speed for a highway segment, the higher design speed, rather than the assumed design speed, shall be used to determine Intersection Sight Distance (ISD) in accordance with the methodology for sight distance calculations in the 2011 AASHTO Policy on Geometric Design of Highways and Streets.

[3] Left turn made from approach to nearest lane in direction of travel. Number of lanes includes right and left turn lanes and traversable medians. Calculation of ISD in this table is based on the methodology for sight distance calculations in the 2011 AASHTO Policy on Geometric Design of Highways and Streets for left turn from stop-controlled minor road. Four or more lanes require calculation of ISD in accordance with AASHTO procedure.

[4] Left or right turn made to nearest lane in direction of travel. Calculation of ISD in this table is based on 2011 AASHTO Policy on Geometric Design of Highways and Streets methodology for the right turn from stop-controlled minor road. Standards also apply to sections of highway where turning movements are restricted to right turns only by a non-traversable median and to approaches that prohibit left turns from the approach across opposing traffic.

TABLE 3				
Access Management Spacing Standards for Highway Segments with Annual Average Daily Traffic ≤ 5,000				
	Regional, District & Unclassified Highways	Statewide Highways	Statewide Highways	Statewide Highways
	Rural and Urban Areas	Rural Areas	Urban Areas	Unincorporated Communities in Rural Areas
Speed (mph)	Spacing (ft)			
55 or higher	650	1,320	1,320	1,320
50	425	1,100	1,100	1,100
40 & 45	360	990	360	750
30 & 35	250	770	250	425
25 & lower	150	550	150	350

TABLE 4				
Access Management Spacing Standards for Statewide Highways with Annual Average Daily Traffic > 5,000				
	Expressway	Expressway		
	Rural Areas	Urban Areas	Rural Areas	Urban Areas
Speed (mph)	Spacing (ft)			
55 or higher	5,280	2,640	1,320	1,320
50	5,280	2,640	1,100	1,100
40 & 45	5,280	2,640	990	800
30 & 35	-	-	770	500
25 & lower	-	-	550	350

TABLE 5				
Access Management Spacing Standards for Regional Highways with Annual Average Daily Traffic > 5,000				
	Expressway	Expressway		
	Rural Areas	Urban Areas	Rural Areas	Urban Areas
Speed (mph)	Spacing (ft)			
55 or higher	5,280	2,640	990	990
50	5,280	2,640	830	830
40 & 45	5,280	2,640	750	500
30 & 35	-	-	600	350
25 & lower	-	-	450	250

TABLE 6				
Access Management Spacing Standards for District and Unclassified Highways with Annual Average Daily Traffic > 5,000				
	Expressway	Expressway		
	Rural Areas	Urban Areas	Rural Areas	Urban Areas
Speed (mph)	Spacing (ft)			
55 or higher	5,280	2,640	700	700
50	5,280	2,640	550	550
40 & 45	5,280	2,640	500	500
30 & 35	-	-	400	350
25 & lower	-	-	400	250

TABLE 7 Minimum Spacing Standards Applicable to Freeway Interchanges with Two-Lane Crossroads					
Category of Mainline	Type of Area	Spacing Dimension (ft)			
		A	X	Y	Z
FREEWAY	Fully Developed Urban*	5280 (1 mile)	750	1320	750
	Urban	5280 (1 mile)	1320	1320	990
	Rural	10,560 (2 miles)	1320	1320	1320

Notes for Table 7:
1) If the crossroad is a state highway, the Access Management Spacing Standards may supersede these distances, provided the distances are greater than the distances listed in the above table.
2) No four-legged intersections may be placed between ramp terminals and the first major intersection.
3) No application shall be accepted where an approach is in a restricted area as defined in OAR 734-051-3010(2).
4) Use four-lane crossroad standards for urban and suburban locations that are documented to be widened in a Transportation System Plan or corridor plan.

A = Distance between the start and end of tapers of adjacent interchanges
X = Distance to the first approach on the right; right in/right out only
Y = Distance to first intersections where left turns are allowed
Z = Distance between the last right in/right out approach and the start of the taper for the on-ramp

*Fully Developed Urban Interchange Management Area: Occurs when 85% or more of the parcels along the developable frontage area are developed at urban densities and many have driveways connecting to the crossroad. See definition in the Oregon Highway Plan.

Figure 1: Measurement of Spacing Standards for Table 7

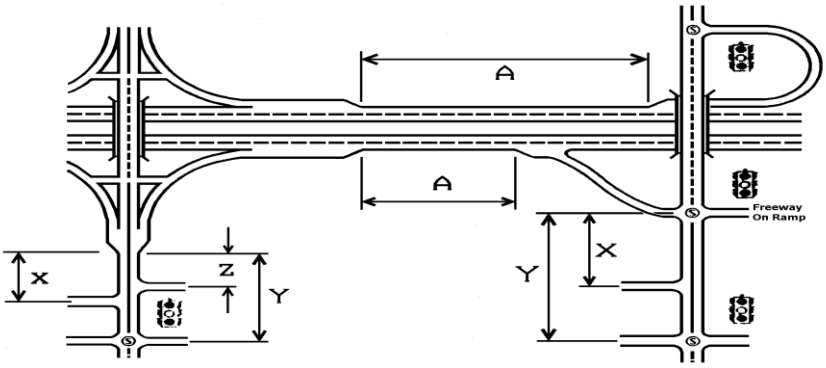


TABLE 8 Minimum Spacing Standards Applicable to Freeway Interchanges with Multi-Lane Crossroads					
Category of Mainline	Type of Area	Spacing Dimension (ft)			
		A	X	Y	Z
FREEWAY	Fully Developed Urban*	5280 (1 mile)	750	1320	990
	Urban	5280 (1 mile)	1320	1320	1320
	Rural	10,560 (2 miles)	1320	1320	1320

Notes for Table 8:
1) If the crossroad is a state highway, the Access Management Spacing Standards may supersede these distances, provided the distances are greater than the distances listed in the above table.
2) No four-legged intersections may be placed between ramp terminals and the first major intersection.
3) No application shall be accepted where an approach is in a restricted area as defined in OAR 734-051-3010(2).

A = Distance between the start and end of tapers of adjacent interchanges
X = Distance to the first approach on the right; right in/right out only
Y = Distance to first intersections where left turns are allowed
Z = Distance between the last right in/right out approach and the start of the taper for the on-ramp

*Fully Developed Urban Interchange Management Area: Occurs when 85% or more of the parcels along the developable frontage area are developed at urban densities and many have driveways connecting to the crossroad. See the definition in the Oregon Highway Plan.

Figure 2: Measurement of Spacing Standards for Table 8

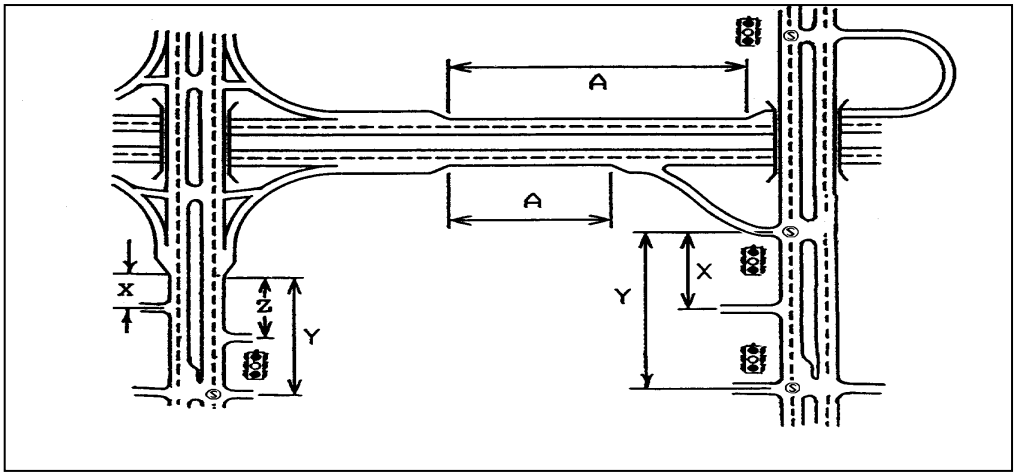


TABLE 9 Minimum Spacing Standards Applicable to Non-Freeway Interchanges with Two-Lane Crossroads							
Category of Mainline	Type of Area	Speed of Mainline (mph)	Spacing Dimension (ft)				
			B	C	X	Y	Z
Expressways, Statewide, Regional and District Highways	Fully Developed Urban*	45	2640	5280 (1 mile)	750	1320	750
	Urban	45	2640	5280 (1 mile)	1320	1320	990
	Rural	55	5280 (1 mile)	10,560 (2 miles)	1320	1320	1320

Notes for Table 9:
1) If the crossroad is a state highway, the Access Management Spacing Standards may supersede these distances, provided the distances are greater than the distances listed in the above table.
2) No four-legged intersections placed between ramp terminals and the first major intersection.
3) No application shall be accepted where an approach is in a restricted area as defined in OAR 734-051-3010(2).
4) Use four-lane crossroad standards for urban and suburban locations that are documented to be widened in a Transportation System Plan or corridor plan.
5) No at-grade intersections are allowed between interchanges less than 5 miles apart.

B = Distance between the start and end of tapers
C = Distance between nearest at-grade and ramp terminal intersections or the end/start of the taper section
X = Distance to the first approach on the right; right in/right out only
Y = Distance to first intersections where left turns are allowed
Z = Distance between the last right in/right out approach and the start of the taper for the on-ramp
*Fully Developed Urban Interchange Management Area: Occurs when 85% or more of the parcels along the influence area are developed at urban densities and many have driveways connecting to the crossroad. See the definition in the Oregon Highway Plan.

Figure 3: Measurement of Spacing Standards for Table 9

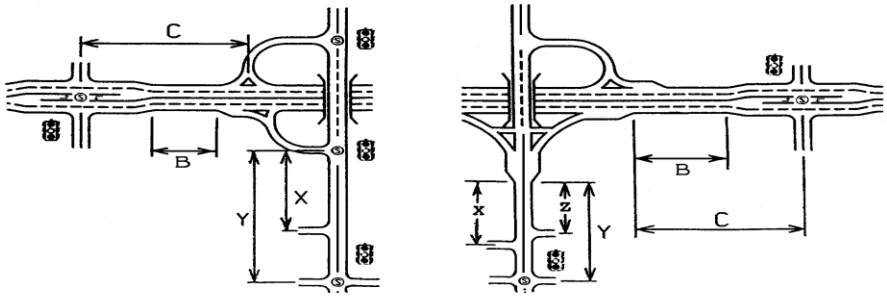
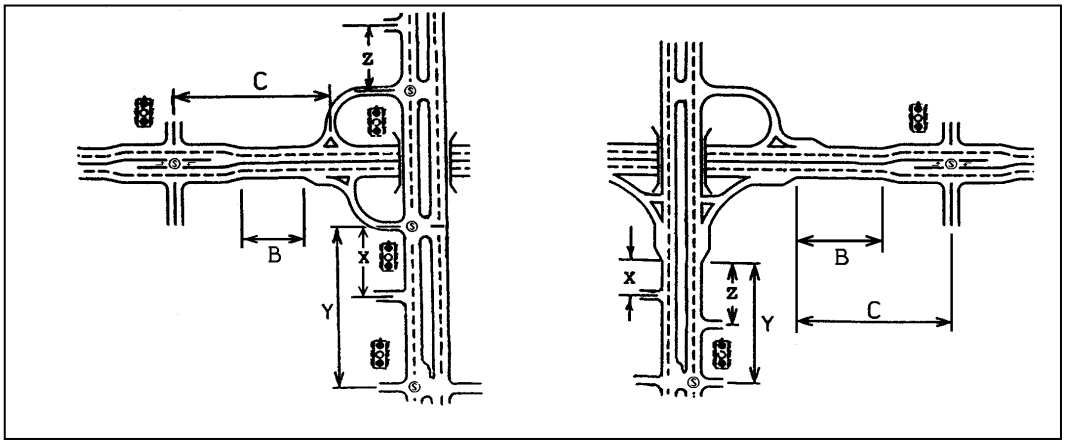


TABLE 10 Minimum Spacing Standards Applicable to Non-Freeway Interchanges with Multi-Lane Crossroads							
Category of Mainline	Type of Area	Speed of Mainline (mph)	Spacing Dimension (ft)				
			B	C	X	Y	Z
Expressways, Statewide, Regional and District Highways	Fully Developed Urban*	45	2640	5280 (1 mile)	750	1320	990
	Urban	45	2640	5280 (1 mile)	1320	1320	1320
	Rural	55	5280 (1 mile)	10,560 (2 miles)	1320	1320	1320

Notes for Table 10:
1) If the crossroad is a state highway, the Access Management Spacing Standards may supersede these distances, provided the distances are greater than the distances listed in the above table.
2) No four-legged intersections may be placed between ramp terminals and the first major intersection.
3) No application shall be accepted where an approach is in a restricted area as defined in OAR 734-051-3010(2).
4) No at-grade intersections are allowed between interchanges less than 5 miles apart.

B = Distance between the start and end of tapers
C = Distance between nearest at-grade and ramp terminal intersections or the end/start of the taper section
X = Distance to the first approach on the right; right in/right out only
Y = Distance to first intersections where left turns are allowed
Z = Distance between the last right in/right out approach and the start of the taper for the on-ramp
*Fully Developed Urban Interchange Management Area: Occurs when 85% or more of the parcels along the developable frontage area are developed at urban densities and many have driveways connecting to the crossroad. See the definition in the Oregon Highway Plan.

Figure 4: Measurement of Spacing Standards for Table 10



734-051-4030

Benefit to the State Highway System

(1) General Requirements. A benefit to the state highway system is a determination requiring the professional judgment of a professional engineer employed by the department and:

(a) Will be found only where the department determines that an approach will provide an immediate and long-term benefit to the state highway system;

(b) Is evaluated for a period of not less than twenty (20) years from the date of application; and

(c) For an application for a grant of access, the benefit to the highway must be greater than the benefit associated with the mitigation needed to offset the traffic operations and safety impacts of the proposed approach.

(2) Criteria for Determination of Benefit to the State Highway System. The determination of the existence of a benefit to the state highway system must meet the following criteria in subsections (a) and (b) below:

(a) The department determines that the proposal results in improved access management of the highway by controlling, combining, or eliminating existing or planned approaches; and improving:

(A) Approach spacing standards;

(B) Public approach spacing; or

(C) Intersection sight distance; and

(b) The department determines that one or more of the conditions identified in paragraphs (A) through (F) below will occur without degradation of any of the conditions in paragraphs (A) through (E), as follows:

(A) Highway mobility standards improve;

(B) Safety improves;

(C) Specific safety concerns in the general vicinity are eliminated because of closure of an existing approach;

(D) Operations in the general vicinity improve as a result of connectivity, traffic diversions, or other traffic engineering techniques;

(E) The applicant demonstrates that off-system connectivity improves and reduces demand to the state highway system without creating operational or safety concerns elsewhere, and:

(i) Off-system connectivity must occur immediately; or

(ii) Off-system connectivity must be committed for construction as evidenced by the local government's adopted capital improvement plan; and

(F) The department determines that other circumstances result in a benefit to the state highway system.

(3) Private Approach on an Urban Area Expressway. For an application for a private approach to an expressway in an urban area, the department may determine that a benefit to the state highway system exists if the requirements of subsection (a), (b) or (c) of this section are met:

(a) Where a change of use occurs, approaches to the expressway are combined or eliminated resulting in a net reduction in the number of approaches to the expressway, and the applicant demonstrates an improvement to:

(A) Private approach spacing;

(B) Public approach spacing; or

(C) Intersection sight distance standards.

(b) The department determines that an improvement in safety occurs on the section of the expressway where an approach is requested and the provisions of paragraphs (A) and (B) of this subsection are met:

(A) Only one approach to the expressway is requested, and:

(i) Where a new approach is requested, no approach to the site currently exists; or

(ii) Where a change of use occurs, only one private approach to the site currently exists; and

(B) An improvement in safety occurs on the expressway primarily and on other state highways secondarily and includes:

(i) A decrease in the total number of existing conflict points;

(ii) Elimination of existing left turns;

(iii) Elimination of an existing overlap of left turn movements;

(iv) The addition of a left turn lane where existing conditions meet the department's installation criteria; and/or

(v) Provision of adequate sight distance at the alternate approach or the subject approach where existing sight distance is deficient.
(c) The region access management engineer determines that the approach results in a benefit to the state highway system due to other circumstances.
(4) Procedure. The department determines whether a benefit to the highway system occurs, as follows:
(a) The region access management engineer will make a determination on those applications for an approach to an urban expressway; and
(b) The department's technical services manager will make a determination on those applications for a grant of access.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-4040
Temporary Approaches
(1) Procedure and Criteria. The region manager may approve an application for a temporary approach where:
(a) The department determines that a complete application has been submitted pursuant to OAR 734-051-3030 and that the approach can be operated safely. The department shall consider the spacing, channelization and sight distance standards set forth in OAR 734-051-4020 when determining whether an approach can be operated safely;
(b) Conditions such as signing or flagging are identified on the construction permit and the permit to operate and are enforced during construction and operation; and
(c) A closure date is specified on the permit to operate. A temporary permit cannot exceed two years.
(2) Deposit Required. A deposit of not less than $1,000 per temporary approach is required prior to issuance of a construction permit and a permit to operate a temporary approach to guarantee its removal by the applicant, pursuant to subsections (a) through (c) below:
(a) The appropriate district office will determine the amount of the deposit;
(b) If the department incurs no expense in the removal of the temporary approach, the entire deposit is refunded to the applicant; and
(c) If the department incurs any expenses in the removal of the approach, the applicant will be billed for the amount in excess of the amount deposited or refunded the difference if the expense is less than the amount deposited.
(3) Time extension for temporary approaches. The region manager may extend the closure date, for a temporary approach where extenuating circumstances beyond the control of the applicant or permittee exist.
(4) Right of Access for Temporary Approaches. The applicant must have a right of access to apply for a temporary approach permit. Existence of a recorded easement may not by itself establish a right of access and does not guarantee the approval of an application for a temporary approach or the location of a temporary approach.
(5) Deviations. Approval of a deviation is not required for approval of an application for a temporary approach.
(6) Appeal. The department's decision to deny or approve with mitigation applications under this section are subject to post-decision review under OAR 734-051-3080.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-4050
Special Use Approaches
(1) Procedure. The region manager shall approve an application for a special use approach where the department determines that a complete application has been submitted pursuant to OAR 734-051-3030 and that the approach can be operated safely. The department shall consider the spacing, channelization and sight distance standards outlined in OAR 734-051-4020 when determining whether an approach can be operated safely.
(2) Design. The design of special use approaches shall:

(a) Be limited from general use by physical means such as a gate or other design approved by the department; and
(b) May require special design considerations such as reinforced sidewalks, curb design options, and landscaping considerations.
(3) Mitigation. The region manager may require mitigation measures to be incorporated into a construction permit and a permit to operate a special use approach.
(4) Right of Access for Special Use Approaches. The applicant must have a right of access to apply for a special use approach permit. Existence of a recorded easement may not by itself establish a right of access and does not guarantee the approval of an application for a special use approach or the location of a special use approach.
(5) Deviations. Approval of a deviation is not required for approval of an application for a special use approach.
(6) Appeal. The department's decision to deny or approve with mitigation applications under this section are subject to post-decision review under OAR 734-051-3080.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-5010

Approach Design and Construction — Design of Approaches

(1) Design. Approach design must conform to design standards in the Oregon Highway Design Manual and provide for the safe movement of vehicles reasonably expected to utilize the approach to and/or from the highway without undue conflict with other traffic on the highway and the site.
(2) Mitigation. Design of an approach shall incorporate mitigation measures required as conditions of approval of an approach permit or an approval of a request for a deviation from the standards.
(3) Placement of Structures in Right of Way. No person may place curbs, posts, signs, or other structures on the highway right of way without approval pursuant to a permit issued by the department and compliance of all environmental regulations.
(4) Drainage. An applicant is responsible for the cost of accommodating drainage from the property.
(5) Private Road Crossings. Private road crossings shall be grade-separated and not connect to the state highway except where the technical services manager determines that grade separation is not economically feasible. Where the technical services manager determines that grade separation is not economically feasible the applicant shall install signing, signalization, other traffic safety devices or other mitigation that the technical services manager determines necessary to safely operate the crossing.
(a) The department may construct the approach and additional facilities in accordance with the plans and specifications approved by the department; or
(b) The applicant may be required to install the approach and additional facilities, other than signalization, in accordance with plans and specifications approved by the region manager, where installation can be completed adequately and safely.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-5020

Issuance of Construction Permits

(1) General Requirements. The region manager shall issue a construction permit when construction plans, if required, and all other required documents are received and approved.
(2) Procedure. Prior to issuing a construction permit the department will issue to the applicant construction specifications including all provisions, mitigation measures, conditions, and agreements that will become part of the construction permit. To receive a construction permit, the applicant must complete the following, pursuant to subsections (a) through (d) below, within sixty (60) days of the date of the department's transmittal of the construction

specifications:
(a) Review and sign the construction specifications to confirm that the applicant understands and agrees to the specifications including all provisions, mitigation measures, conditions, and agreements that will become part of the construction permit; and
(b) When the department determines that standard plans are not appropriate, an applicant must submit construction plans sealed by an engineer licensed in the state of Oregon within 60 days of notice of approval of an application to obtain a construction permit. The region manager determines the acceptability of submitted construction plans. If plans are not submitted within 60 days and no request for extension is received within that time, the approval of the application will be void; and
(c) Return the signed construction specifications to the department; and
(d) Submit proof of liability insurance and bond or deposit in lieu of bond as required by OAR 734-051-5060.
(3) Non-Compliance. If the applicant does not complete the actions required in section (2) of this rule within the 60-day timeframe, then the department will not issue a construction permit and all approvals associated with approach application will be revoked. The 60-day time frame may be extended if the permittee and the department agree in writing before the deadline pursuant to OAR 734-051-5040.
(4) True and Complete Information. An applicant or permittee shall provide true and complete information, and if any required fact that is material to the assessment of the approach's impact upon traffic safety, convenience or the legal or property rights of any person (including the State of Oregon) is false, incorrect or omitted, the region manager may:
(a) Deny or revoke the construction permit; and
(b) At the applicant's or permittee's expense require the applicant or permittee to:
(A) Remove the approach and restore the area to a condition acceptable to the region manager;
(B) Provide additional safeguards to protect the safety, convenience, and rights of the traveling public and persons (including the State), if such safeguards are adequate to achieve these purposes, as a condition of the continued validity of the permit to operate; and
(C) Reconstruct or repair the approach.
(5) Signed Permit Required. No work on highway right of way may begin until an applicant obtains a valid construction permit, approved and signed by the region manager.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-5030

Construction of Approaches

(1) Notice of Intent to Begin Construction. A permittee must notify the region manager at least two workdays prior to beginning construction.
(2) Construction. Construction must conform to the terms of the construction permit including any special provisions, mitigation measures, conditions, or agreements, and the applicant must notify the region manager when construction is complete.
(3) Utilities, Erosion Control, Signs, Work Area Safety. The applicant or permittee is responsible for complying with the following requirements of subsections (a) through (d) below:
(a) The applicant shall relocate or adjust any utilities located on highway right of way when required for accommodation of the approach, and no construction may be performed until the permittee furnishes evidence to the department that satisfactory arrangements have been made with the owner of the affected utility facility;
(b) The applicant shall provide erosion control during construction of the approach;
(c) The applicant shall comply with applicable sign requirements. Where warning signs are required by the construction permit, other regulations, or the region manager, the department furnishes, places, and maintains the signs at the permittee's expense; and unauthorized signs are not allowed on any portion of the right of way; and

(d) The applicant shall comply with work area safety requirements. The work area during any construction or maintenance performed under a construction permit or a permit to operate shall be protected in accordance with the 2003 Manual on Uniform Traffic Control Devices (MUTCD), the Oregon Supplement to MUTCD, and Oregon Temporary Traffic Control Handbook adopted under OAR 734-020-0005.
(4) Inspection. Upon inspection of the approach the department shall notify the permittee if construction deficiencies exist, and:
(a) The permittee must correct all deficiencies within sixty (60) days of notification that deficiencies exist and notify the region manager; and
(b) The region manager shall re-inspect the approach.
(5) Compliance. If a permittee fails to comply with the terms and conditions of the construction permit the department may, at the permittee's expense:
(a) Reconstruct or repair the approach; or
(b) Cancel the construction permit and remove the approach.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-5040

Effective Period of Construction Permits

(1) Effective Period. A construction permit is effective for the time period specified on the permit. The region manager shall extend the time period of a construction permit for good cause shown.
(2) Revocation of Permit. The region manager may revoke a construction permit where the permit holder fails to conform to the terms of the construction permit including any special provisions, mitigation measures, conditions, or agreements.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-5050

Responsibility for Costs of Construction of Approaches

(1) Costs the Permittee Bears. Except as otherwise provided in the division 51 rules, the permittee is responsible for the cost of mitigation measures and the cost of construction of an approach, including the cost of materials, labor, signing, signals, structures, equipment, traffic channelization, and other permit requirements.
(2) Costs the Department May Bear. The department may be responsible for:
(a) The cost of mitigation measures and the cost of construction of an approach where the costs are a part of the terms and conditions of a right of way acquisition obligation or other departmental contractual agreement; and/or
(b) The cost of removal or relocation of a legal approach upon highway right of way during project delivery.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-5060

Liability, Insurance and Bonding Requirements

(1) Liability. A permittee assumes responsibility for damage or injury to any person or property resulting from the construction, maintenance, repair, operation, or use of an approach for which a construction permit or a Permit to Operate is issued and where the permittee may be legally liable.
(2) Indemnification. An applicant or permittee indemnifies and holds harmless the State of Oregon, the commission, the department, and all officers, employees or agents of the department against damages, claims, demands, actions, causes of action, costs, and expenses of whatsoever nature which may be sustained by reasons of the acts, conduct, or operation of

the applicant, his agents, or employees in connection with the construction, maintenance, repair, operation, or use of an approach. Any such indemnification shall also provide that neither the contractor or subcontractor, nor any attorney engaged by the contractor or subcontractor, shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at any time at its election, assume its own defense and settlement in the event that it determines that the contractor is prohibited from defending the State of Oregon, or that the contractor is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue claims it may have against the contractor if the State of Oregon elects to assume its own defense.

(3) Amount of Insurance. Construction of an approach may not begin until the applicant provides the department with evidence of insurance in the following minimum amounts or the amounts required by the Department of Administrative Services, if greater:

(a) $500,000 for property damage resulting from any single occurrence, or $500,000 combined single limit and annual aggregate; and

(b) $500,000 for the death or injury of any person, subject to a limit of $500,000 for any single occurrence and annual aggregate.

(4) Additional Insured. Insurance policies must include as Additional Insured the State of Oregon, the commission, and the department, its officers, agents and employees, except as to claims against the permittee, for personal injury to any members of the commission or the department and its officers, agents, and employees or damage to any of its or their property.

(5) Insurance Required Prior to Construction. Construction of an approach may not begin until a copy of the insurance policy or a certificate showing evidence of insurance is filed with the department.

(6) Notice of Intent to Cancel or Not Renew Insurance. A permittee shall provide thirty (30) days written notice to the department of intent to cancel or intent not to renew insurance coverage. Failure to comply with notice provisions does not affect coverage provided to the State of Oregon, the commission, or the department, its officers, agents and employees.

(7) Damages. If the permittee or permittee's contractor damages the highway surface or highway facilities, the applicant must replace or restore the highway or highway facilities to a condition satisfactory to the department.

(8) Assurances. The permittee must furnish, in an amount specified by the region manager and for the time period necessary to install the approach, a cash deposit or a bond issued by a surety company licensed to do business in the State of Oregon to ensure the approach is installed in conformance with the requirements of this division and that any damage to the highway has been corrected to the department's satisfaction; and no construction is performed until a deposit or bond is filed with the department.

Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355

Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011

History: HWD 7-2014, f. & cert. ef. 7-9-14; HWD 2-2014, f. 6-25-14, cert. ef. 6-30-14; HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-5070

Review Procedure for Modifying a Construction Permit

(1) Review. An applicant may request a review to modify a construction permit if:

(a) Ambiguities or conflicts exist in the construction permit;

(b) New and relevant information concerning the approach or the construction permit is available; or

(c) Requirements of local governments or state agencies are relevant to the modification of the construction permit.

(2) Procedure.

(a) The region manager shall determine if a request to review a construction permit meets the criteria in section (1) of

this rule.
(b) If the region manager determines that the criteria in section (1) are met, the region manager shall review and may modify the construction permit in cooperation with affected parties and consistent with engineering best practices.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-5080
Issuance of a Permit to Operate, Maintain and Use an Approach
(1) Permit to Operate. The department shall issue a permit to operate for a private approach upon approval of an application, where no construction permit is required, or upon notification by the applicant that construction is complete and the department determines that the approach conforms to the terms and conditions of the construction permit.
(2) Use of Approach. A permit to operate authorizes vehicles to enter and exit the highway at the location of the approach, except as otherwise limited through mitigation required under OAR 734-051-3070.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-5090
Maintenance of Approaches
(1) Approvals. To perform maintenance on a public or private approach, the permittee or owner must obtain the department's approval and any necessary permits prior to performing maintenance on an approach on highway right of way.
(2) Maintenance.
(a) For a private approach, the permittee or owner of a grandfathered approach is responsible for the cost of maintenance of an approach from the outside edge of the highway pavement, shoulder, or curb-line to the right of way line, and shall maintain all portions of the approach on the applicant's or permittee's property as a requirement of the permit.
(b) For maintenance of a public approach, the department may require an intergovernmental agreement with the city or county to define responsibilities and obligations.
(c) Traffic signal maintenance on the state highway shall be performed by the department or as assigned by a cooperative improvement agreement or intergovernmental agreement.
Statutory/Other Authority: 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-5100
Effective Period of Permit to Operate, Maintain and Use an Approach
(1) General Provisions. A permit to operate, maintain and use ("permit to operate") an approach runs with the land. Except as otherwise provided, a permit to operate is effective until:
(a) Revoked by mutual consent;
(b) Revoked for failure to abide by the terms and conditions;
(c) The approach is subject to a change of use as set forth in OAR 734-051-3020;
(d) The development of safety or operational concerns as set forth in OAR 734-051-4020(3);
(e) The approach is modified, mitigated, or removed in accordance with OAR 734-051-5120 Project Delivery; or
(f) By other operation of law.
(2) Successors and Assignees. The permit to operate is binding on successors and assignees including successors in interest to the property being served by the approach.

Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-5110

Revocation of Permits and Removal of Approaches

(1) Revocation of a Permit to Operate. The department may revoke a permit to operate and may remove an approach:
(a) If there are current or potential safety or operational conditions identified that are verified by an engineering analysis;
(b) If a permittee fails to comply with any terms or conditions of a permit to operate; or
(c) During project delivery for a highway improvement project as set forth in OAR 734-051-5120.
(2) Notification of Intent to Remove an Approach. The department shall provide written notification of the intent to remove an approach under section (1) of this rule as required by ORS 374.305, 374.307, and 374.320.
(3) Mitigation. The region manager may determine that an approach identified for removal as described in section (1) of this rule may remain open if permittee agrees to comply with mitigation measures and to bear the cost of the mitigation measures.
(4) Cost of Removing an Approach. An applicant, permittee, or property owner is responsible for the expense of removing an approach except as set forth in OAR 734-051-5050 and 734-051-5120.
(5) Appeals. Removal of a permitted or grandfathered approach is an appealable decision.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-5120

Access Management in Project Delivery

(1) Applicability:
(a) This rule applies to access management in the project delivery process for modernization and highway improvement projects included in the Statewide Transportation Improvement Program.
(b) For purposes of this rule, a highway improvement project is a project in the Statewide Transportation Improvement Program that proposes to modify, relocate, or remove existing public or private connections to the state highway within project limits.
(2) Department Exemptions. This rule does not create an obligation that the department apply documentation requirements in OAR 734-051-3010 through 734-051-3050 (documentation requirements that pertain to approach permit applications).
(3) Access Management Strategy
(a) The department shall develop an access management strategy during project delivery for modernization and highway improvement projects included in the Statewide Transportation Improvement Program. The access management strategy shall be developed in collaboration with cities, counties and owners of real property abutting a state highway and shall be consistent with the Oregon Transportation Plan, the Oregon Highway Plan, and other transportation modal plans adopted by Oregon Transportation Commission.
(b) An Access management strategy shall include an access management methodology that balances the economic development objectives of properties abutting the state highway with the transportation safety, access management objectives, and mobility of state highways, in a manner consistent with local transportation system plans and the land uses permitted in the local comprehensive plans acknowledged under ORS chapter 197.
(c) An Access management strategy shall identify the location and type of public and private approaches and other necessary improvements that are planned to occur primarily in the highway right of way and that are intended to improve current conditions on the highway by moving in the direction of the objective standards described in ORS 374.311.

(4) Content of an Access Management Strategy
(a) The development of the access management methodology under section (3)(b) may include the following factors:
(A) The level of direct highway access generally needed for properties based upon the types of uses allowed by the zoning and comprehensive plan designations, such as residential, commercial retail, or other designation, recognizing that direct access may increase the economic development opportunities for some uses located on abutting properties;
(B) Effects of out of direction travel on the ability of customers to access various types of uses, recognizing differences between destination and pass-by uses;
(C) Effects of changing existing connections and circulation patterns for existing developed properties;
(D) Effects of traffic congestion or speed which could negatively affect the ability of customers to access adjacent properties safely;
(E) Community support for the highway projects and economic development proposals in the planning area, as indicated by action of the governing body of the local government;
(F) The highway classification and long term vision for the function of the highway as to the level of importance for providing mobility and movement of freight;
(G) Existing and long term safety needs of all highway users;
(H) Reducing vehicle conflict points where possible, particularly around critical intersections and interchange locations, to improve highway safety and operations consistent with the highway classification;
(I) Safety and operations concerns under OAR 734-051-4020(3);
(J) Safety planning tools, data and resources such as the department's Safety Priority Index System, Analysis Procedures Manual, Roadway Departure Plan, Bicycle/Pedestrian Safety Plan, and Highway Safety Manual predictive models that identify areas of existing and future safety concerns. When considering safety factors as part of the methodology, the safety concerns and issues must be documented by a professional engineer as defined in OAR 734-051-1070.
(b) The access management strategy shall include the locations of existing or planned intersecting county roads and city streets. The locations shall be consistent with the city and county transportation system plans or must be determined and agreed upon through collaboration among the department and the cities and counties affected by the project.
(c) The access management strategy shall identify locations where the department intends to acquire all rights of access to a segment of the state highway as part of the project.
(d) The access management strategy shall identify the locations and types of private approaches that are planned for the highway right of way. When determining the locations of private approaches, the department shall collaborate with affected real property owners, property lessees and businesses in the following manner:
(A) The department shall provide written notice to all affected real property owners and, when possible, property lessees and business operators. The department's notice will inform the parties that, based on application of the access management methodology, it may be necessary to relocate, modify, or remove one or more approaches to their property. The department notice shall invite the affected real property owners, lessees and business operators to meet with the department to review the application of the methodology to the approaches to their property.
(B) If an affected real property owner, property lessee or business operator accepts the invitation to meet with the department, then the department shall meet with the party(ies) to explore options for addressing the application of the methodology to their property.
(C) After meeting with the affected real property owner, property lessees or business operators the department shall provide written notice of the final decision regarding the location, modification or closure of the approaches to their property. The department's notice will explain the property owner's options for appeal of the department's decision, under OAR 734-051-3080 through 734-051-3110. Only an affected real property owner may appeal the department's final decision to modify, mitigate, or close an approach to their property.
(5) Public Involvement Process. The department shall provide a public involvement process for cities, counties, highway users, real property owners, property lessees, and business operators affected by a modernization or highway improvement project to assist with:
(a) Identifying deficiencies of highway segments impacted by the project;

(b) Establishing the long-term vision for the highway segments that are part of the project to guide the scope and design of improvements for the project;
(c) Establishing the access management methodology by which private connections will be considered for modification, relocation or closure; and
(d) Establishing locations where the department proposes to acquire all rights of access to a segment of the state highway as part of the project.
(6) Request for Review of the Access Management Methodology
(a) The department shall provide written notice to all affected real property owners at least twenty-one (21) calendar days prior to taking action to finalize the access management methodology for a highway project.
(b) Affected real property owners may make a written request for a review of the access management methodology prior to the department finalizing it, through either of the following:
(A) A collaborative discussion under section (7) of this rule; or
(B) An Access Management Dispute Review Board under section (8) of this rule.
(c) Affected real property owners may request a review of the Access Management Methodology not later than twenty-one (21) calendar days following the date of the department notice under (a) of this section. Only an affected real property owner may request a review of the Methodology. The request for review must be made in writing and state whether the request is for a review through a collaborative discussion under Section (7) or an Access Management Dispute Review Board under Section (8).
(d) An affected real property owner who requests a review of an access management methodology by collaborative discussion may also request a review by an Access Management Dispute Review Board after completion of the collaborative discussion. The request for review by an Access Management Dispute Review Board must be made not later than twenty-one (21) calendar days after the date of the final decision issued by the region manager following the completion of the collaborative discussion under section (7) of this rule.
(7) Collaborative Discussion Process
(a) If an affected real property owner requests a collaborative discussion to review the access management methodology, the collaborative discussion shall be conducted within forty five (45) calendar days from the date of written request from the affected real property owner(s), unless the department and affected real property owner(s) agree to a time extension in writing.
(b) The region manager may include any department staff that he or she finds appropriate or necessary in the collaborative discussion process. In addition, the region manager shall invite local government representatives, and may include other facility users, economic development representatives or other parties which the region manager believes will contribute to finding appropriate solutions. The collaborative discussion shall be conducted under the alternative dispute resolution model in ORS 183.502, unless a different process is agreed upon by the department and the affected real property owner(s).
(c) The region manager shall consider the information presented as part of the collaborative discussion and make the final decision. Within twenty-one (21) calendar days following the completion of the collaborative discussion, the region manager shall notify the property owner(s) in writing of the final decision to:
(A) Modify the access management methodology; or
(B) Finalize the access management methodology without modifications.
(8) Access Management Dispute Review Board Process
(a) The actions and recommendations of the Access Management Dispute Review Board are not land use decisions, as defined in ORS 197.015, and may not be appealed to the Land Use Board of Appeals.
(b) Where more than one affected real property owner with the same or similar concerns requests review of the access management methodology by an Access Management Dispute Review Board, the department may consolidate the reviews.
(c) The Access Management Dispute Review Board shall include the following:
(A) The director, or a designee of the director, who is familiar with the location of the project;

(B) A representative of the local jurisdiction for which the state highway is located;
(C) An independent professional engineer with education or experience in traffic engineering as defined in OAR 820-040-0030; and
(D) A representative from the economic or business sector.
(d) The Access Management Dispute Review Board shall be conducted not later than forty-five (45) calendar days from the date of written request from the affected real property owner(s), unless the department and affected real property owner(s) agree to a time extension in writing. The Access Management Dispute Review Board shall make its recommendation to the director not later than fourteen (14) calendar days following the conclusion of its deliberations.
(9) Director Decisions Based on the Recommendations of the Access Management Dispute Review Board
(a) The director shall consider the recommendations of the Access Management Dispute Review Board and make the final decision. The director shall notify in writing all parties participating in the review of the final decision to either:
(A) Modify the access management methodology; or
(B) Finalize the access management methodology without modifications.
(b) The director's decision under Section (1) of this rule shall be issued not later than twenty-one (21) calendar days after receiving the recommendation of the Access Management Dispute Review Board.
Statutory/Other Authority: ORS 374.310 - 374.314, 374.345, 374.355, 374.360
Statutes/Other Implemented: ORS 374.300 - 374.360, §27, Ch. 330, OL 2011, Ch. 476, OL 2013
History: HWD 7-2014, f. & cert. ef. 7-9-14; HWD 2-2014, f. 6-25-14, cert. ef. 6-30-14; HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-6010

Remedies in Closure of Approaches — Authority and Purpose of OAR 734-051-6010 through 734-051-6060

(1) Pursuant to ORS 374.313, a person holding an interest in real property which is or would be served by an approach may file a claim for relief when:
(a) The department closes an approach for which a permit was issued under ORS 374.310 or that was allowed by law prior to enactment of statutory permit requirements for approaches, or denies an application for an approach at the location of a grant or reservation of access; and
(b) Such closure or denial is not the result of conditions contained in a contract, condemnation judgment, recorded deed or permit.
(2) The department may offer administrative remedies upon such closure or denial to address issues related to real property, value, utility and use; and provide a simplified procedure for resolving the claim.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-6020

Definitions

For purposes of subsection 734-051-6020 the following definitions apply:
(1) "Claim for relief," means a request for an administrative remedy for the denial of an approach application at the location of a grant or reservation of access, or the closure of an existing permitted or grandfathered approach.
(2) "Person holding an interest in real property," means the owner of the title to real property or the contract purchaser of such real property, or record as shown on the last available complete tax assessment roll.
(3) "Administrative remedy," "appropriate remedy" or "remedy" means the offer of monetary compensation or non-monetary benefits to a property owner that would address issues related to real property value, utility or uses, which include the equivalent value of:
(a) Actual physical reconnection of an approach to the highway or some other public facility;
(b) Construction of public roads or other public facilities, including frontage or utility roads, city streets, alleys or county roads;

(c) Improvements or modifications to the real property served or intended to be served by the approach, including paving of parking, restriping of lanes or parking, relocation of other traffic barriers and other items that directly address the impact to the property of the closure or denial; and
(d) Improvements or modifications to highways or other public facilities, including medians or other traffic channelization, signing or signal installation.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-6030

Offer of Remedies

(1) The department shall make a determination of whether closure of the approach or denial of an application would create issues related to real property value, utility and use, and what remedies would address those issues.
(2) The department will provide a written statement of such remedies, if any, within thirty (30) days of the denial of the application or notice of intent to close a permitted approach.
(3) Remedies will include any benefits derived by the property by virtue of highway improvements and highway modifications, whether or not related to the specific closure.
(4) Remedies will be limited to those necessary to serve existing uses or other uses reasonably allowed given the existing zoning of the property and other factors, including physical or geographic constraints.
(5) Remedies do not include:
(a) Reimbursement for attorney fees;
(b) Relocation expenses;
(c) Lost profits;
(d) Lost opportunities; or
(e) Costs not specifically related to value, utility or use of the property itself.
(6) Offers of remedies are totally discretionary on the part of the department and are not subject to a contested case appeal.
(7) If such remedies are acceptable to the property owner and there is written acceptance:
(a) The property owner shall not be entitled to any other remedies for such closure or denial; and
(b) Any appeal under OAR 734-051-3110 shall be dismissed and any request for an appeal pursuant to 734-051-3110 shall be withdrawn.
Statutory/Other Authority: 374.355, ORS 184.616, 184.619, 374.310–374.314, 374.345
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-6040

Procedure for Resolving Claims

(1) Parties may agree to participate in mediation consistent with the applicable provisions of ORS 36.180 to 36.210 at any time during the process of determining the appropriate remedies, but prior to the final order in any contested case under OAR 734-051-3110, as follows:
(a) During mediation the parties may discuss any appropriate remedies in reaching agreement.
(b) Such mediation may also occur during the post-decision collaborative discussion process under OAR 734-051-3090 when the denial or closure meets the requirements for consideration of a remedy set forth in OAR 734-051-6010(1).
(c) The property owner and the department also may enter into an agreement to collaborate if the department determines that the difference between the remedies offered and remedies claimed by the property owner is less than $30,000.
(2) The agreement to collaborate may provide for a mutually chosen mediator as defined in ORS 36.185 to 36.210 to review the information made available to each party as of that time and other information mutually agreed to by the

parties.
(3) The value of the remedies offered and claimed will include a dollar value assigned by the department to any non-monetary remedies. Such review will result in a recommendation of remedies, subject to the condition that such remedies are neither less than the lower nor more than the greater of the offer and claim, in terms of assigned monetary value.
(4) The remedies recommended by the third party will be presented to the director or the director's designee. The director or designee shall take this recommendation into consideration in making subsequent offers of remedies.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-6050
Appraisals
(1) Either the department or the property owner, at their own cost, may at any time before or during the appeal of the closure or denial under OAR 734-051-3110 have an appraisal performed to assist in determining the remedies that would address the real property value, utility or use:
(a) Each party shall notify the other party of such appraisal in a timely manner; and
(b) There shall be full disclosure and sharing between the parties of any appraisal and appraisal information.
(2) A qualified review appraiser must review all appraisals to ensure conformance with federal and state eminent domain and access laws:
(a) The reviewer may be selected by the department or selected jointly by way of mutual agreement of both the department and the property owner; and
(b) The same review appraiser must review all appraisals for one affected property to ensure consistency.
(3) The department and property owner may agree to mutually select one appraiser, share the appraisal costs and submit agreed-to instructions to the appraiser:
(a) An appraisal from an appraiser selected under this section, after review as set forth in section (2) of this rule, will be presented to the director or the director's designee; and
(b) The director or designee shall take the information in the appraisal into consideration in making subsequent offers of remedies.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-6060
Conditions of Agreement
Reaching agreement on the appropriate remedies is contingent upon:
(1) Receipt by the department of a recordable document relinquishing any grant or reservation of access at the location of the approach closure or approach application; and
(2) Termination of the permit for any approach that is a subject of the settlement.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-6070
Delegation
(1) For OAR 734-051-6010 through 734-051-6070, the director delegates authority to the department's right of way manager or the manager's designee to:
(a) Determine the department's offer of remedies, and

(b) Agree to any settlement that includes providing administrative remedies.
(2) The actions in section (1) of this rule must occur prior to the final order in a contested case conducted under OAR 734-051-3110.
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

734-051-7010

Access Management in Highway Facility Plans

(1) General Provisions.
(a) Highway facility plans must be consistent with the Oregon Transportation Plan, the Oregon Highway Plan, and other transportation modal plans adopted by Oregon Transportation Commission. Where a proposed highway facility plan is inconsistent with adopted plans, the proposed highway facility plan must be amended to be made consistent or the adopted plans must be amended to be consistent with the proposed highway facility plan.
(b) Highway facility plans must include the location of county roads and city streets within the area described in the facility plan. The location of future city or county road connections or changes to existing city or county connections must be determined through collaborative discussion and agreement between the department and the affected cities and counties.
(2) Public Participation in the Development of Highway Facility Plans.
(a) The department shall provide for a public involvement process when it develops highway facility plans. The department shall provide notice to affected real property owners and, where possible, include property lessees and business operators that abut the state highway(s), local governments, stakeholders representing the freight industry and economic development, and others who have expressed interest in participating in the planning process in writing or by email. The department's notification shall describe the general planning process, identify opportunities for stakeholder participation, and include the name and contact information of the department project leader and links to obtain updates.
(b) The public participation process shall include an opportunity for affected real property owners that abut the highway to review the key principles and related methodology developed under sections (3) and (4) of this rule.
(3) Development of Key Principles for Access to Properties Abutting the Highway.
(a) Highway facility plans that identify a need to modify, relocate, or close one or more existing private approaches must include key principles in the plan to address how properties abutting a state highway will be evaluated to retain or obtain access to the state highway during and after plan implementation. These key principles will support the overall facility plan goals and objectives but will be more specifically focused on the economic development importance of highway access to abutting properties, while also recognizing the need to ensure transportation infrastructure improvement benefits are maintained throughout the life of the facility plan.
(b) The key principles must balance the economic development objectives of real properties abutting the state highway with the transportation safety, access management objectives, and mobility of the state highway in a manner consistent with state transportation plans, local transportation system plans, and the land uses permitted in the local comprehensive plans acknowledged under ORS Chapter 197.
(c) The highway facility plan shall articulate the key principles in sufficient detail and include an anticipated timeline for plan implementation. The key principles and timelines will inform affected real property owners who abut the highway(s) of the potential for modification, relocation or closure of existing private connections within the area described in the facility plan.
(4) Development of a Methodology for Facility Plans. The methodology developed by the department under this section for facility plans, including those prepared for specific highway improvement projects, will be an assessment that applies the key principles developed under section (3) to the planning process as it relates to access decisions. The facility plan and related methodology must be consistent with the agreed upon local road connections identified in the

Transportation System Plan or with the local road connections agreed upon during development of the plan and must consider potential implications to both the state and local roadway networks and transportation systems. The methodology may include the following factors in development and application of the assessment:
(a) How properties abutting state highways within the facility plan area could develop or redevelop consistent with the existing zoning and comprehensive plan designations;
(b) The level of direct highway access generally needed for properties based upon types of uses allowed by the zoning and comprehensive plan designations, such as residential, commercial retail, or other designation; recognizing that direct access may increase the economic development opportunities for some uses located on abutting properties;
(c) Effects of out of direction travel on the ability of customers to access various types of uses, recognizing differences between destination and pass-by uses;
(d) Effects of changing existing connections and circulation patterns for existing developed properties;
(e) The safety and operational implications of traffic congestion or speed which could negatively affect the ability of customers to access adjacent properties safely;
(f) Creation of permanent jobs in the planning area in relation to the economy and population, including jobs in employment and industrial areas;
(g) Community support for the highway projects and economic development proposals in the planning area, as indicated by action of the governing body of the local government;
(h) The agreed upon long term vision for the function of the highway as to its level of importance for providing mobility and movement of freight;
(i) Existing and long term safety needs of all highway users;
(j) Reducing vehicle conflict points where possible, particularly around critical intersections and interchange locations, to improve highway safety and operations consistent with the highway classification;
(k) Safety and operations concerns under OAR 734-051-4020(3);
(l) Safety planning tools, data and resources such as the department's Safety Priority Index System, Analysis Procedures Manual, Roadway Departure Plan, Bicycle/Pedestrian Safety Plan, and Highway Safety Manual predictive models that identify areas of existing and future safety concerns. When considering safety factors as part of the methodology, the safety concerns and issues must be documented by a professional engineer as defined in OAR 734-051-1070.
(5) Notice and Review of Key Principles for Affected Real Property Owners.
(a) The department shall provide written notice to all affected real property owners, and where possible include property lessees and business operators, at least twenty (20) days prior to the approval by the department and local agency(s) of the key principles for a highway facility plan.
(b) Affected real property owners may make a written request for a review of the key principles and related methodology for the facility plan through either of the following:
(A) A Collaborative Discussion under section (8) of this rule; or
(B) An Access Management Dispute Review Board under section (9) of this rule.
(c) Affected real property owners may request a review any time following the date of the department notice in subsection (a), up to the time of plan adoption or finalization. The request for review must be made in writing and state whether the request is for review through a collaborative discussion or an Access Management Dispute Review Board.
(d) An affected real property owner who requests a review of the key principles and related methodology through collaborative discussion may also request a review by an Access Management Dispute Review Board after completion of the collaborative discussion. The request for review by an Access Management Dispute Review Board must be made not later than twenty-one (21) calendar days after the date of the final decision issued by the region manager under section (8) of this rule.
(6) Approval of Key Principles. The department shall approve the key principles by written signature and date of the director or region manager no sooner than 20 days after the date of the department notice in section (5)(a) of this rule with written concurrence by the local agency.
(7) Commission Adoption and Department Finalization of Highway Facility Plans.

(a) Highway facility plans that amend provisions of the Oregon Highway Plan shall be adopted by the Commission consistent with the provisions of OAR 731-015-0065. Prior to adoption by the Commission, the department shall work with local governments to amend local comprehensive plans, transportation system plans and local land use regulations to ensure consistency of the facility plan with local plans and regulations. A decision to adopt a highway facility plan is a land use decision that can be appealed to the Land Use Board of Appeals.
(b) Highway facility plans will be finalized by the department by a written signature and date of the director or region manager.
(8) Collaborative Discussion Process.
(a) If an affected real property owner requests review of the key principles or related methodology by a collaborative discussion, the collaborative discussion shall be within forty-five (45) days from the date of written request from the affected real property owner, unless the department and affected real property owner agree to an extension of time.
(b) The region manager may include any department staff that he or she finds appropriate or necessary in the collaborative discussion process. In addition, the region manager shall invite appropriate local government representatives, and may include other facility users, economic development representatives or other parties which the region manager believes will contribute to finding appropriate solutions. The collaborative discussion shall be conducted under the alternative dispute resolution model in ORS 183.502, unless a different process is agreed upon by the department and the affected real property owner(s).
(c) The region manager shall consider the information presented as part of the collaborative discussion and make the final decision. Within twenty-one (21) calendar days following the completion of the collaborative discussion, the region manager shall notify the participants in the collaborative discussion in writing of the final decision to:
(A) Modify the key principles or related methodology; or
(B) Validate the key principles or related methodology without modifications. If the key principles were not previously approved as specified under section 6(a) of this rule, the department and local agency(ies) will approve the key principles, unless a request for review from the Access Management Dispute Review Board is received by the agency.
(9) Access Management Dispute Review Board Process.
(a) The actions and recommendations of the Access Management Dispute Review Board are not land use decisions, as defined in ORS 197.015, and may not be appealed to the Land Use Board of Appeals.
(b) An affected real property owner who requests a review by the Access Management Dispute Review Board may not request a review by collaborative discussion under section (8) of this rule.
(c) Where an affected real property owner requests review of the key principles or related methodology by the Access Management Dispute Review Board, the department will provide notice to all affected property owners inviting them to participate in the Access Management Dispute Review Board process. Only one Access Management Dispute Review Board process is allowed to be used for each facility plan.
(d) The Access Management Dispute Review Board shall include the following:
(A) The director or a designee of the director who is familiar with the location for which the facility plan is being prepared;
(B) A representative of the local jurisdiction in which the state highway is located;
(C) An independent professional engineer with education or experience in traffic engineering as defined in OAR 820-040-0030; and
(D) A representative from the economic or business sector.
(e) The Access Management Dispute Review Board shall be conducted within forty-five (45) days from the date of written request from the affected real property owner(s), unless the department and affected real property owner(s) agree to an extension of time in writing.
(f) The Access Management Dispute Review Board shall make its recommendation to the director not later than fourteen (14) calendar days following the conclusion of its deliberations.
(g) The director shall consider the recommendations of the Access Management Dispute Review Board and make the final decision. The director shall notify in writing all parties participating in the review of the final decision to either:

(A) Modify the key principles or related methodology; or
(B) Validate the key principles or related methodology without modifications. If the key principles were not previously approved as specified under section 6(a) of this rule, the department and local agency(ies) will approve the key principles.
(h) The director's decision under subsection (g) shall be issued not later than twenty-one (21) calendar days after receiving the recommendation of the Access Management Dispute Review Board under subsection (f).
Statutory/Other Authority: ORS 184.616, 184.619, 374.310–374.314, 374.345, 374.355
Statutes/Other Implemented: ORS 374.300–374.360, §27, ch. 330, OL 2011
History: HWD 7-2014, f. & cert. ef. 7-9-14; HWD 2-2014, f. 6-25-14, cert. ef. 6-30-14; HWD 8-2012, f. 6-27-12, cert. ef. 6-29-12; HWD 16-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-29-12

DIVISION 55
POLE LINES, BURIED CABLES, PIPE LINES, SIGNS, MISCELLANEOUS FACILITIES AND MISCELLANEOUS OPERATIONS

734-055-0005
Scope
This rule shall apply to and govern the location, installation, construction, maintenance and use of pole lines, buried cables, pipe lines, signs, miscellaneous operations upon State Highway right-of-way and properties under the jurisdiction of the Department of Transportation.
Statutory/Other Authority: ORS 184, 374
Statutes/Other Implemented: ORS 374.305
History: 2HD 2-1981, f. & ef. 2-25-81; HC 1176, f. 9-24-68

734-055-0010
Definition of Terms
(1) "AASHTO" means American Association of State Highway and Transportation Officials. Mailing address: AASHTO, Suite 225, 444 North Capitol Street, N.W., Washington D.C., 20001.
(2) "Access Control Line" means the control line that is defined somewhere between the right-of-way line and the edge of the roadway. When there is no defined access control line, access is controlled at the right-of-way lines.
(3) "Aesthetic Quality" means those desirable characteristics in the appearance of the highway and its environment, such as harmony between or blending of natural and manufactured objects in the environment, continuity of visual form without distracting interruptions, and simplicity of designs which are desirably functional in shape but without clutter.
(4) "Applicant" means the corporation, company, firm, business, partnership, individual or individuals named in and signing the permit and to whom the permit is issued.
(5) "Buried Cable" means any and all cables, wires, conduits, pedestals and/or related fixtures authorized in the permit placed beneath the ground.
(6) "Clear Zone Area" means that portion of the roadside, within the highway right-of-way, free of nontraversable hazards and fixed objects. The purpose of such areas is to provide drivers of errant vehicles which leave the traveled portion of the roadway a reasonable opportunity to stop safely or otherwise regain control of the vehicle. The clear zone area may vary with the type of highway, terrain traversed, and road geometric and operating conditions. AASHTO standards will be applied for establishing clear zone areas for various types of highways and operating conditions.
(7) "Commission" means the Oregon Transportation Commission.
(8) "Department" means the Department of Transportation of the State of Oregon.
(9) "D.M." means District Manager or his designated representative. There are 16 Highway Districts throughout the State of Oregon.
(10) "Engineer" means the Chief Engineer or such person as he shall designate in writing.
(11) "Facility" means pole line, buried cable, pipe line, sign or miscellaneous facilities as those terms are defined in this section.

(12) “FHWA” means Federal Highway Administration.
(13) “Freeway” means a divided arterial highway for through traffic with access allowed only at interchanges.
(14) “Hardship Case” means an extraordinary case or emergency situation that environmentally and economically prohibits a utility from being located on private property.
(15) “Highway” means the public way for vehicular related facilities which are under the jurisdiction and control of the Oregon Department of Transportation.
(16) “Miscellaneous Operations” means the performance of miscellaneous operations as described in the permit.
(17) “Miscellaneous Facility” means the facility authorized by the permit, other than pole line, buried cable, pipe line or sign.
(18) “M.U.T.C.D.” means Manual on Uniform Traffic Control Devices for Streets and Highways.
(19) “Permit” means a fully executed form entitled, State of Oregon, Department of Transportation, application or permit to construct pole line, buried cable, pipe line, signs, and miscellaneous operations, miscellaneous facilities, all special permit provisions included in the permit as deemed necessary by the District Manager and all attached exhibits.
(20) “Pipe Line” means any and all pipe lines, hydrants, valve boxes, manholes, conduit and/or related fixtures authorized in the permit.
(21) “Pole Line” means any and all poles, wires, guys, anchors, and/or related fixtures authorized in the permit.
(22) “Right-of-Way” means the entire width between the exterior right-of-way lines including the paved surface, shoulder, ditches and other drainage facilities in the border area between the ditches or curves and the right-of-way line.
(23) “Roadway” means the portion of a highway, including shoulders, for vehicular use.
(24) “Signs” means non-commercial signs and related fixtures authorized in the permit.
(25) “Special Provisions” means those provisions shown under the heading “Special Provisions” in the permit. In all cases of conflict between the Special Provisions and General Provisions, the Special Provisions shall govern.
(26) “Utility Facility” means privately, publicly or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, cable television, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm, water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system which directly or indirectly serves the public. The term utility shall also mean the utility company inclusive of any substantially owned or controlled subsidiary. For the purposes of these rules, the term includes those utility-type facilities which are owned or leased by a government agency for its own use, or otherwise dedicated solely to governmental use. The term utility includes those facilities used solely by the utility which are a part of its operating plant.
Statutory/Other Authority: ORS 184, 374
Statutes/Other Implemented: ORS 374.305
History: HWY 6-1989, f. & cert. ef. 10-25-89; 2HD 2-1981, f. & ef. 2-25-81; HC 1176, f. 9-24-68

734-055-0015

Permit Application Procedure

(1) Application for a permit shall be made on the form described in OAR 734-055-0010(19) which may be obtained from the DM office. Applicant shall complete the application and furnish five copies of all necessary attachments. All permit attachments shall be 8 1/2 x 11 inches when possible.
(2) Each permit application will be reviewed by the DM and a site review may be required by the DM.
(3) To facilitate site review (if required by the DM), applicant shall place markers such as lath stakes, or other markings as required at the locations where the applicant proposes to work.
(4) In reviewing permit applications, the DM may consider the following objectives:
(a) Accommodation of utility facilities with no adverse affect on traffic safety, operation, maintenance and aesthetic quality of the highway system;
(b) Incorporation of the appropriate industry code standards and AASHTO publications;
(c) Placement of utility installations in locations where they shall be reasonable to construct and maintain;

(d) Safe and unimpaired use of the highway;
(e) Alternate routes of the utility facilities outside of highway right-of-way should be evaluated for the environmental and economic impact of any loss or impairment of productive agricultural land.
(5) No permit is valid until a copy, approved by the Engineer, has been furnished applicant. No work on highway right-of-way or other Department property is to be started until applicant obtains a valid permit. However, a permit may provide that for a facility, customer service drops or laterals may be placed after notice has been provided to the DM.
(6) An applicant to whom a permit has been issued may undertake emergency repairs upon verbal permission from the DM.
(7) The permit may be presented by an agent, employee or contractor of applicant but it must be signed by applicant.
(8) Applications that deviate from the prescribed rules and regulations must be accompanied by a Permit Variance Request.
Statutory/Other Authority: ORS 184, 374
Statutes/Other Implemented: ORS 374.305
History: HWY 6-1989, f. & cert. ef. 10-25-89; 2HD 2-1981, f. & ef. 2-25-81; HC 1176, f. 9-24-68

734-055-0020
Allocation of Cost
(1) The entire cost of locating, constructing, installing, maintaining, repairing, operating or using the facility; or performing miscellaneous operations and of any other expense whatsoever incident to the facilities or operations authorized by the permit shall be paid by applicant.
(2) Applicant shall, in addition to section (1) of this rule reimburse the Department for any reasonable and necessary expenses that the Department may incur in connection with and related solely to the installation of the facility or conducting the operation authorized by the permit. Payment shall be made within 30 days after receipt of billing from the Department. When required by the permit, an advance deposit shall be filed with the DM before the permit work begins.
(3) Applicant shall pay the current market value for any existing forest products on any state land which are damaged or destroyed as a result of operations authorized by the permit. Payment shall be made within 30 days after receipt of billing from the Department.
Statutory/Other Authority: ORS 184, 374
Statutes/Other Implemented: ORS 374.305
History: HWY 6-1989, f. & cert. ef. 10-25-89; 2HD 2-1981, f. & ef. 2-25-81; HC 1176, f. 9-24-68

734-055-0025
Liability and Control
(1) Applicant shall be responsible and liable for all damage or injury to any person or property resulting from the physical location, installation, construction, maintenance, operation or use of the facility or operation for which applicant has been granted a permit. Applicant shall indemnify and hold harmless the State of Oregon, the Commission, the Department against any and all damages, claims, demands, actions, causes of action, costs and expenses of whatsoever nature which they or any of them may sustain by reasons of the acts, conduct, or operation of applicant, its agents or employees in connection with the physical location, installation, construction, maintenance, repair, operation or use of said facility or in conducting an operation.
(2) Applicant shall be responsible for relocating or adjusting any other facilities located on highway right-of-way as required to accommodate the facility or operation applied for. Construction of the facility or conducting of an operation by applicant, its agent or contractor, will be permitted only after applicant has furnished the DM evidence that satisfactory arrangements for said relocation or adjustment have been made with the owner of the affected other facility.
(3) The Department, the Engineer, or employees shall not be responsible or liable for injury or damage that may occur to the facility covered by the permit by reason of Department maintenance and construction operations or resulting from

motorist or road user operations, or Department contractor or permittee operations, except as to injury or damage caused by the negligence of the Engineer or employees of the Department.
(4) Applicant shall employ any and all methods in performing the operations authorized by the permit which the Engineer may require in order to properly protect the public from injury and the highway from damage.
(5) If the highway surface or highway facilities are damaged by applicant, applicant shall replace or restore the highway or highway facilities to a condition satisfactory to the DM, whether discovered at the time of installation or at a later date. The DM at his option may have applicant replace or restore the highway or highway facilities to a condition satisfactory to him or the DM may replace or restore the highway or highway facilities by contractor or state forces and the costs incurred to be paid by applicant under the terms outlined in OAR 734-055-0020(2).
(6) The work area during any construction or maintenance performed under the permit provisions shall be protected in accordance with the current Manual on Uniform Traffic Control Devices for Streets and Highways as amended or supplemented by the Commission. Necessary signs shall be furnished by applicant unless otherwise specified in the permit. Applicant's traffic control plan shall be reviewed and approved by the DM before work begins.
(7) The stopping or parking of vehicles upon the state highway right-of-way for the servicing of such vehicles or the conducting of any business transaction or commercial activity upon state highway right-of-way is strictly prohibited.
(8) Applicant shall be solely responsible for providing correct and complete information as may be required by the permit or the DM. If the DM should determine that any fact required of applicant which is material to the assessment of the facility or operation's impact upon traffic safety, convenience and/or the legal or property rights of any person (including the State of Oregon) is false, incorrect or omitted, the DM may deny or revoke the permit and may require applicant to remove the facility or terminate the operation and restore the facility area to a condition acceptable to the DM at applicant's expense. In such cases the DM, in his judgment, may also require applicant to provide, at applicant's expense, any additional safeguards and/or facilities required to protect the safety, convenience and rights of the traveling public and persons (including the state), if such additional requirements are adequate to achieve those purposes, as a condition of the continued validity of the permit.
(9) To ensure compliance with the terms and conditions of the permit, the Department reserves the right to inspect the work during such periods as the DM deems necessary, to check compliance with the terms of the permit by applicant and to require applicant to correct all deviations from those terms and conditions. The cost of such inspection shall be paid by applicant under the terms outlined in OAR 734-055-0020(2).
(10) Any supervision and/or control exercised by the Department personnel shall in no way relieve applicant of any duty or responsibility to the general public nor shall such supervision and/or control relieve applicant from any liability for loss, damage or injury to persons or property as provided in section (1) of this rule.
(11) Facilities shall be located where they do not create undue interference or hazard to the free movement of normal highway or pedestrian traffic. Locations on sharp curves, steep grades, areas of restricted sight distance or at points which interfere with the placement and proper functioning of traffic control signs, signals, lighting or other devices that affect traffic operation will not be permitted. Any revisions to the facility location shall be approved by the DM prior to construction. Applicant shall furnish the DM two sets of "as constructed" drawings that show the facility location revisions.
[Publications: Publications referenced are available from the agency.]
Statutory/Other Authority: ORS 184, 374
Statutes/Other Implemented: ORS 374.305
History: HWY 6-1989, f. & cert. ef. 10-25-89; 2HD 2-1981, f. & ef. 2-25-81; HC 1176, f. 9-24-68

734-055-0035
Insurance and Bond
(1) When requested in writing by the DM, applicant or its contractor shall obtain and carry, for the period that the facility is being located, installed or constructed or any operation conducted, in order to assume responsibility under OAR 734-055-0025(1) including the repair and restoration of the highway facilities, and also during such future period of time

when activities are performed involving the repair, relocation or removal of said facilities or operations conducted which have been authorized by the permit, a certificate of self-insurance or liability and property damage insurance policy or policies providing the coverage against any claim, demand, suit or action for property damage, personal injury, or death resulting from any activities of applicant, its officers, employees, agents or contractors in connection with the location, installation, construction, repair, removal or use of the said facilities or operations being conducted as authorized by the permit and the repair and restoration of the highway facilities, and the said certificate of self-insurance or policy or policies, in addition, shall include as named insureds the State of Oregon, the Commission, the Department, and members thereof, its officers, agents and employees, except as to claims against applicant, for personal injury to any members of the Commission, the Department, or its officers, agents, and employees, or damage to any of its or their property. The said self-insurance certificate or policy shall provide proof of coverage of a combined single unit of $500,000. The said insurance policy or policies shall be in an insurance company duly authorized and licensed to do business in the State of Oregon. A copy of the certificate of self-insurance or policy or policies, or a certificate evidencing the same, shall be submitted to the Department of Transportation, Maintenance and Operations Branch, 455 Airport Road SE, Building K, Salem OR 97301 and approved by this office before any work is commenced under the permit.
(2) When requested in writing by the DM, applicant or its contractor shall furnish for the period of time necessary to construct or install a facility or conduct an operation authorized by the permit, including the repair and restoration of the highway facilities, or the conducting of any operations and also during such future periods of time when activities are performed involving the repair, relocation or removal of said facilities authorized by the permit, a bond or cash deposit in the amount specified in the Special Provisions of the permit. If a bond is furnished, it must be written by a surety company duly qualified and licensed to do business in the State of Oregon and in a form satisfactory to the Engineer. No work shall be commenced under the permit until the said bond has been submitted to and approved by, or the said cash deposit has been received by the Department of Transportation, Maintenance and Operations Branch, 455 Airport Road SE, Building K, Salem OR 97301.
Statutory/Other Authority: ORS 184, 374
Statutes/Other Implemented: ORS 374.305
History: HWY 6-1989, f. & cert. ef. 10-25-89; 2HD 2-1981, f. & ef. 2-25-81; HC 1176, f. 9-24-68

734-055-0040

Construction and Location Details

(1) Applicant or its contractor shall advise the DM's office at least 48 hours in advance of commencing construction of a facility for which a permit has been issued.
(2) Applicant shall submit with the permit application prints of adequate drawings or sketches showing in detail the location of the proposed facility or operation as described in the permit application with respect to existing and/or planned highway improvement, the roadway, the right-of-way lines, and, where applicable, the access control lines and approved access points:
(a) When attachment to a highway structure is involved, details of the attachment method including type of support, spacing, size of pipe and location of the facility shall be included. The attachment method shall be designed by a professional engineer;
(b) When the proposed facility involves pressure pipe lines the following additional data is required:
(A) Design pressure of pipe;
(B) Normal operating pressure;
(C) Maximum operating pressure.
(3) Applicant's completed facility shall be in substantial conformance with the drawings or sketches referred to in section (2) of this rule unless special permission is obtained from the DM to vary from same during installation. When such permission is obtained, applicant shall furnish the DM two sets of "as constructed" drawings or sketches detailing any such variances.
Statutory/Other Authority: ORS 184, 374

Statutes/Other Implemented: ORS 374.305
History: HWY 6-1989, f. & cert. ef. 10-25-89; 2HD 2-1981, f. & ef. 2-25-81; HC 1176, f. 9-24-68

734-055-0045

Removal, Relocation or Repair

(1) The permit is issued pursuant to the law of the State of Oregon which authorizes the Commission to subsequently require applicant to remove, relocate or repair the facility covered by the permit at the sole cost of applicant.
(2) Upon receiving written notice from the Engineer to remove, relocate or repair the said facility, applicant shall within 30 days or within the time frame contained in the notice, provide to the Engineer its time estimated requirements for accomplishing the directed action.
(3) The Engineer, after applicant has provided its estimated time requirement for removal, relocation or repair of said facility, may schedule a preconstruction meeting with all applicants and affected contractors to coordinate the requested activity.
(4) The Engineer in a second notice shall direct applicant, within a specified time frame and consistent with a coordination plan, to complete the removal, relocation or repair of said facility. The time frame outlined in the notice shall take into consideration the applicant's estimated time requirements to accomplish the directed action. Such removal, relocation, or repair shall be at applicant's sole cost in accordance with said second notice and instructions received from the Engineer. Before commencing said removal, relocation or repair, applicant shall furnish such insurance and post such bond as the Engineer may consider necessary at that time in the manner provided for in OAR 734-055-0035(1) and (2).
(5) Should applicant fail to remove, relocate or repair the facility as provided in section (4) of this rule, the DM may remove, relocate or repair same and submit a statement of total costs for this work to applicant. Applicant upon receiving said statement will immediately, or within a period of time agreed upon between applicant and Engineer, pay to the Department the full amount of said removal, relocation or repair costs.
(6) If the section of highway in which applicant is required by the Engineer to remove, relocate or repair a facility is or will be under construction or reconstruction or improvement under a contract entered into between the Department and an independent contractor and applicant's failure to remove, relocate or repair said pole line, buried cable, pipe line, sign or miscellaneous facility within the time specified in section (4) of this rule, or such other time as may be specified by the Engineer, results in payment by Department to its contractor of any claim for extra compensation for any work under said contract, applicant shall be liable to the Department for payment of the amount paid to Department's contractor as a direct result of applicants failure to comply with the time requirements of the Engineer.
Statutory/Other Authority: ORS 184, 374
Statutes/Other Implemented: ORS 374.305
History: HWY 6-1989, f. & cert. ef. 10-25-89; 2HD 2-1981, f. & ef. 2-25-81; HC 1176, f. 9-24-68

734-055-0050

Maintenance and Operation

(1) Applicant shall at all times keep facilities authorized by the permit in a good state of repair both structurally and, in the case of signs, a clean and neat appearance.
(2) In the event applicant plans to raise the operating pressure for existing pressure pipe lines covered by permit above the "maximum operating pressure" shown in said permit, application for a new permit or an amendment to the existing permit is required.
(3) In the event applicant plans to install additional conductors, or replacement conductors of a higher capacity, on an existing aerial pole line covered by permit, application for a new permit or an amendment to the existing permit is required.
(4) Prior to performing any maintenance work on the facility, applicant shall obtain prior approval from the DM.
(5) All abandoned facilities belonging to the applicant shall be removed from the right-of-way by the applicant, unless the DM allows the facilities to remain by permit.

Statutory/Other Authority: ORS 184, 374
Statutes/Other Implemented: ORS 374.305
History: HWY 6-1989, f. & cert. ef. 10-25-89; 2HD 2-1981, f. & ef. 2-25-81; HC 1176, f. 9-24-68

734-055-0055

Other Agencies

(1) Nothing in this permit is intended to grant rights or imply approval in areas not falling within the authority and jurisdiction of the Oregon Department of Transportation. It is the responsibility of applicant to determine the need for and to obtain such licenses, permits or other form of approval which may be required by other state agencies, federal agencies, cities and/or counties of Oregon, utility companies or railroads.

(2) If the section of highway covered by the permit is located within a National Forest, because the Department does not generally have any further rights across National Forest land other than an easement for highway purposes, the permit extends only to such rights as the Department has acquired and may therefore properly give. For National Forest lands where the facility constitutes a servitude on the property of the United States, in addition to the rights of the Department, a permit from the Forest Service must be obtained before a highway occupancy permit will be issued. Unless applicant has evidence satisfactory to the Engineer that the rights of the United States in any National Forest land crossed by the highway right-of-way will not be impaired by the facility covered by this permit, application for a permit should be made to the supervisor of the National Forest in which the facility is to be located.

Statutory/Other Authority: ORS 184, 374
Statutes/Other Implemented: ORS 374.305
History: 2HD 2-1981, f. & ef. 2-25-81; HC 1176, f. 9-24-68

734-055-0060

Effective Period of Permit

(1) Unless otherwise provided in the Special Provision, the permit shall be in effect for an indefinite period of time from and after the date issued, unless sooner revoked by mutual consent, or by the Commission or Engineer for failure of the applicant to abide by the terms and conditions of the permit, or by operation of the law, or at the time the applicant to which the permit is issued ceases operation.

(2) Failure of applicant to comply with any of the terms and conditions of the permit shall be sufficient cause for cancellation of the permit.

(3) The permit and the privileges granted and the obligations of applicant created thereby shall be binding upon the successors and assigns of applicant. Applicant shall give the Engineer written notice of any such assignment or transfer within a reasonable time thereafter.

(4) If the applicant fails to commence installation of the facility covered by the permit within the period specified in the permit, the permit shall be deemed null and void and all privileges thereunder forfeited, unless a written extension of time is obtained from the DM.

(5) The construction, maintenance, operation and use of the facility is subject to the paramount control of the Legislature over the state highway system and no right or privilege granted by this rule or the permit issued in accordance with this rule shall be deemed or construed to be beyond the power or authority of the Legislature to control the state highway system. Applicant accepting the permit acknowledges that the rights and privileges granted thereby may at any time be changed or abrogated by Legislative action.

Statutory/Other Authority: ORS 184, 374
Statutes/Other Implemented: ORS 374.305
History: HWY 6-1989, f. & cert. ef. 10-25-89; 2HD 2-1981, f. & ef. 2-25-81; HC 1176, f. 9-24-68

734-055-0070

Conformance with Regulations and Industry Codes

(1) All work in connection with the facility or operation authorized by the permit shall be done in a neat and workmanlike

manner to the satisfaction of the DM, and the details of construction of the same shall conform to the established rules and regulations now in effect or which may hereafter be put in effect by the Public Utility Commissioner of the State of Oregon, the Oregon State Board of Health or other governmental agencies having regulatory authority over said facility. In the event the above agencies do not prescribe standards, then the appropriate industry codes shall apply.
(2) The DM may specify requirements in addition to those listed in these rules when it is deemed necessary to adequately protect the public.
Statutory/Other Authority: ORS 184, 374
Statutes/Other Implemented: ORS 374.305
History: HWY 6-1989, f. & cert. ef. 10-25-89

734-055-0080

Freeways

(1) All permit applications that request the use of freeway rights-of-way shall reasonably comply with the current AASHTO policy on the Accommodation of Utilities Within the Freeway Right-of-Way. Installations that may be allowed on freeways are generally limited to crossings only, with all of the installation work and maintenance activities performed outside of the access control line. All permit applications must include detailed drawings that show the location of the proposed facility and the freeway access control lines and/or right-of-way lines.
(2) Consideration will be given for new longitudinal installations that can be located between the freeway access control line and the freeway right-of-way line.
(3) Only extreme hardship cases will be considered for new longitudinal installations that are inside the freeway access control lines. Applications of this nature must satisfy the AASHTO Policy requirements regarding the impact on the freeway traffic safety, operations and maintenance; the future freeway design and construction; and applicant must demonstrate that alternate locations are not available. Applicant shall address each of the above subjects on the form provided by the DM, titled Permit Variance Request. The Department will evaluate the Permit Variance Request by applying sound engineering principles and judgment to determine the approval or denial of the permit application.
(4) Ground-mounted facilities shall be located to comply with the current clear zone criteria established by AASHTO.
(5) The following activities and installations are prohibited on Interstate Freeway right-of-way:
(a) Open cutting of the roadway surface;
(b) Service connections.
(6) Generally, applicant shall not have or gain direct access, either ingress or egress, to any of the facilities authorized by the permit from the main traveled way of said freeway or its on or off ramps. Upon notice to the DM that an emergency exists and repairs are needed for the immediate protection of property and prevention of personal injury, applicant may request direct access to said authorized facility except that no vehicular traffic movement will be permitted which would cross traffic or affect the normal traffic movement. A permit will only be granted during the actual time of the emergency when applicant can assure the safety of the freeway users.
Statutory/Other Authority: ORS 184, 374
Statutes/Other Implemented: ORS 374.305
History: HWY 6-1989, f. & cert. ef. 10-25-89

734-055-0090

Specific Construction Details

(1) Corrugated metal pipe and concrete pipe used as a conduit or casing pipe or a gravity flow carrier pipe shall as a minimum conform to requirement of the Department's current issue of Standard Specifications for Highway Construction. Smooth iron or steel pipe used as a conduit or casing pipe shall be the standard type used for pressure pipe.
(2) No trench shall be excavated with a top width in excess of 18 inches more than the outside diameter of the pipe, conduit, or cable to be installed unless permission is first obtained from the DM.
(3) All underground installations shall be buried a minimum of 30 inches unless permission is first obtained from the DM.
(4) Aerial utilities crossing the roadway of the highway shall have a minimum vertical clearance of 18 feet.

(5) The backfilling of all trenches and tunnels must be accomplished immediately after the facility authorized by the permit has been placed therein and must be fully compacted to produce a density in place of not less than 95 percent of relative maximum density.
(6) All debris, refuse and waste of all kinds, which may have accumulated upon the highway right-of-way by reason of the activity of applicant shall be removed immediately upon completion of the said activity, and the said highway right-of-way must be restored to at least as good a condition as it was prior to such activity.
(7) Unless special permission is first obtained from the DM, direct burial of cable placed by the plowing method shall be limited to areas outside the roadway of the highway.
(8) Standard warning signs for buried power or communications cable and for pipe lines carrying gas or flammable liquids shall be placed at each crossing under the highway and at intervals along longitudinal installations as required by current Public Utility Commissioner's Order or as specified by the DM:
(a) Signs shall be placed as near the right-of-way line as practical;
(b) No signs shall be placed between the guardrail and the highway roadway.
(9) Pedestals installed as part of a buried cable installation are to be located one foot from the right-of-way line unless special permission is obtained from the DM to locate elsewhere. In no case shall the pedestals be located within the highway maintenance operating area, including mowing operations, or nearer the pavement edge than any official, highway sign in the same general location.
(10) The buried cable or pipe depth shown on the permit form represents the distance from the top of the surface or ground line to the top of the cable or pipe.
(11) Applicant shall not spray with selective herbicides, cut or trim trees or shrubs growing on the highway right-of-way unless and until written permission and instructions to do so have first been obtained from the DM.
(12) All material installed within highway right-of-way shall be durable and designed for long service life expectancy and shall be relatively free of routine servicing and maintenance requirements.
[Publications: Publications referenced are available from the agency.]
Statutory/Other Authority: ORS 184, 374
Statutes/Other Implemented: ORS 374.305
History: HWY 6-1989, f. & cert. ef. 10-25-89

734-055-0100
Permit Allowing Open Cut of Road Surface
(1) Unless special permission is first obtained from the DM to install by open cut, a pipe line or conduit which crosses under the roadway of the highway, including road or street connections, or road approaches or driveways shall either be tunneled, jacked or driven, or placed in a hole bored under the surface for that purpose in accordance with the following provisions:
(a) Trenching in connection with any of these methods shall be no nearer the toe of the fill slope in fill sections or the point where the outer edges of the surfacing meets the subgrade in other sections than specified in the Special Provisions;
(b) If the tunneling method is used it shall be by an approved method which supports the surrounding materials so as to prevent caving or settlement. Areas around the installed pipe or conduit shall be backfilled with moist sand, granular material or cement grout filling all voids and packed in place with mechanical tampers or other approved devices. Lagging, bulkheading and timbering shall be removed as the backfilling progresses;
(c) When the jacking, driving, or boring method is used it shall be by approved means which will hold disturbances of surrounding material to a minimum. Sluicing and jetting is not permitted. Voids or displacement around the outside perimeter of the pipe, conduit or cable shall be filled with sand or cement grout packed in place.
(2) When special permission is granted to open cut the surfaced portion of the highway the following provisions shall be adhered to:
(a) The trench edges in paved areas shall be sawed or cut to neat lines by methods satisfactory to the DM to a depth

sufficient to permit removal of pavement without damage to pavement to be left in place. Pavement within the cutting limits together with all other excavated material shall be removed and disposed of outside the highway right-of-way;
(b) In trenching across the highway, no more than 1/2 of the traveled way is to be opened at one time. The opened half shall be completely backfilled before opening the other half;
(c) Closure of intersecting streets, road approaches or other access points will not be permitted. Upon trenching across such facilities, steel running plates, planks or other satisfactory methods shall be used to provide for traffic to enter or leave the highway of adjacent property.
(d) Unless approved by the DM, no more than 300 feet of trench longitudinally along the highway shall be open at one time and no trench shall be left in an open condition overnight;
(e) Immediately after the facility authorized by the permit has been placed in the trench, the trench shall be backfilled to the standard specified by the DM, producing a density in place of not less than 95 percent of relative maximum density. Granular backfill material shall be placed to an elevation which will allow placing the following foundation material and wearing surface:
(A) Where original surface was asphalt concrete or bituminous treatment of mix:
(i) Wearing surface — Asphalt concrete placed to a compacted thickness of 4" or the thickness of the removed pavement, whichever is greater;
(ii) Foundation material — Either l"–0" or 3/4"–0" aggregate placed to a compacted thickness of 12" or the thickness of the removed stone base, whichever is greater.
(B) Where original surface was Portland cement concrete:
(i) Wearing surface — Portland cement concrete placed to a thickness of 6" or the thickness of the removed pavement, whichever is greater;
(ii) Foundation material — same as for asphalt concrete.
(C) Where original surface was crushed rock or gravel: Wearing surface and foundation material — Either l"–0" or 3/4"–0" aggregate placed to a total compacted thickness of 4" or the thickness of the removed stone base and wearing surface, whichever is greater;
(D) Placement of all materials in subsections (a) through (e) of this section shall conform to the requirements of the current Oregon Department of Transportation Standard Specifications for Highway Construction.
(d) For a period of two years following the patching paved surface, applicant shall be responsible for the condition of said pavement patches, and during that time shall, upon request from the DM, repair to the DM's satisfaction any of the said patches which become settled, cracked, broken or otherwise faulty.
Statutory/Other Authority: ORS 184, 374
Statutes/Other Implemented: ORS 374.305
History: HWY 6-1989, f. & cert. ef. 10-25-89

734-055-0110
Special "X" Permits
Utility facilities that originally occupied a portion of the right-of-way in which the owner had a compensable interest or a prior right to occupy said right-of-way, will be issued a permit titled "X" Permit. Applicant will be responsible for furnishing the DM with the documentation of the prior rights. The special provisions of this permit will identify the obligations and responsibilities of applicant and the Department.
Statutory/Other Authority: ORS 184, 374
Statutes/Other Implemented: ORS 374.305
History: HWY 6-1989, f. & cert. ef. 10-25-89

DIVISION 56
SPECIAL EVENT PERMITS

734-056-0010

Purpose

OAR 734-056-0010 through 734-056-0050 establish statewide criteria for issuing permits for conducting bicycle races and special events on a state highway right-of-way.

Statutory/Other Authority: ORS 184.619, 810.020, 810.030, 810.090

Statutes/Other Implemented: ORS 810.020, 810.030, 810.090

History: HWY 4-1997, f. & cert. ef. 4-23-97

734-056-0020

Definitions

As used in OAR 734-056-0010 through 734-056-0050, the following definitions apply:

(1) "Applicant" means the individual or individuals, corporation, company, firm, business, partnership or agency named in and signing the permit and to whom the permit is issued.

(2) "Bicycle Race Permit" means a fully executed Form 734-2214, entitled "State of Oregon, Department of Transportation, Application for Bicycle Race Permit," all special permit provisions included in the permit as deemed necessary by the District Manager and all exhibits, including any provisions of OAR 734, division 055.

(3) "Bicycle race" means any sanctioned, competitive or timed-bicycle event.

(4) "Department" means the Department of Transportation of the State of Oregon.

(5) "District Manager" means the person in charge of each of the Highway Districts established by the Department throughout the State or the District Manager's designated representative.

(6) "Filming activity" means any film, video tape or still photography, including but not limited to movie and commercial filming.

(7) "M.U.T.C.D." means "Manual on Uniform Traffic Control Devices for Streets and Highways."

(8) "Permit" means a fully executed Form 734-3457, "State of Oregon, Department of Transportation, Application and Permit to Occupy or Perform Operations Upon a State Highway," all special permit provisions included in the permit as deemed necessary by the District Manager and all attached exhibits, including any provisions of OAR 734, division 055.

(9) "Right-of-way" means the entire width between the exterior public property line including the paved roadway, surface, shoulder area, ditches and other drainage facilities.

(10) "Special event" means any planned activity that brings together a community or group of people for an expressed purpose, including, but not limited to, parades, bicycle races, road runs and filming activity, that may result in total or partial closure of state highway or state highway sections.

(11) "Spokesperson" means the individual chosen by an applicant group to represent the group.

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 184.619, 810.020, 810.030, 810.090

Statutes/Other Implemented: ORS 810.020, 810.030, 810.090

History: HWY 4-1997, f. & cert. ef. 4-23-97

734-056-0030

Requirements for Permit Application and Issuance

(1) No special event shall be held on a highway right-of-way without an approved Bicycle Race Permit or Permit.

(2) Application for a Bicycle Race Permit or a Permit for a special event shall be made at least 60 days prior to the event, except for filming activity. Application for a Permit for filming activity shall be made at least five working days prior to the filming activity. The District Manager may waive this 60-day of five-day requirement under special conditions.

(3) To obtain a Bicycle Race Permit or Permit the applicant shall:

(a) Apply in writing to the District Manager for the district that holds jurisdiction over the location where the special event is proposed to be held. If the special event or race will cross district boundaries, applications must be made to all applicable District Managers. The application shall be made on an Application and Permit to Occupy or Perform Operations Upon a State Highway, Form 734-3457, unless the special event is a bicycle race. Application for a permit for a bicycle race shall be made on an Application for Bicycle Race Permit, Form 734-2214;

(b) Obtain and submit with the application written permission from any city, county, other public agency or chamber of commerce that has regulatory authority over, or that is sponsoring, promoting or endorsing the special event;
(c) Submit a description of the special event stating all information pertinent to an understanding of the special event, including a map showing the roadways on which the special event will be held; and
(d) Submit a traffic control plan that complies with current M.U.T.C.D. standards and Oregon supplements.
(4) Traffic control, as required in the Bicycle Race Permit or Permit, shall be at the expense of the applicant. The applicant is responsible for notifying local jurisdictions, including police agencies, for their assistance before, during and after a special event. All local jurisdictions and police agency requirements must be met for ODOT to approve the special event.
(5) An applicant for a Bicycle Race Permit must comply with the current Department of Transportation "Guidelines for Administration of Bicycle Racing on Oregon Roads."
(6) A Bicycle Race Permit or a Permit may be issued when:
(a) Conditions assure reasonable safety for all special event participants, spectators and other highway users;
(b) The special event does not unreasonably interfere with traffic flow which would seriously inconvenience other highway users; and
(c) The special event or race is supported by public policy, clearly a benefit to the public, or has widespread public and local government support.
(7) Each District Manager may develop Permit Guidelines and Special Provisions that address specific traffic conditions and geographic issues for their specific areas of authority.
(8) Other Oregon Administrative Rules prohibiting specific activities will not apply when a permit is issued under this rule.
[Publications: Publications referenced are available from the agency.]
Statutory/Other Authority: ORS 184.619, 810.020, 810.030, 810.090
Statutes/Other Implemented: ORS 810.020, 810.030, 810.090
History: HWY 4-1997, f. & cert. ef. 4-23-97

734-056-0040
Cancellation of a Permit

(1) The District Manager may cancel a Bicycle Race Permit or Permit issued a special event for any reason, including, but not limited to, weather conditions, safety considerations, in emergencies (i.e., fire, accidents) or failure of the applicant to comply with the terms of the permit. Cancellation shall be issued in writing, except as provided in section (2) of this rule. Such cancellation may be cause to deny future Bicycle Race Permits or Permits for special events to the applicant.
(2) Cancellation may be verbal and shall be followed by written confirmation of the verbal cancellation.
Statutory/Other Authority: ORS 184.619, 810.020, 810.030, 810.090
Statutes/Other Implemented: ORS 810.020, 810.030, 810.090
History: HWY 4-1997, f. & cert. ef. 4-23-97

734-056-0050
Liability and Control

(1) An applicant shall be responsible and liable for all damage or injury to any person or property resulting from the special event for which the permit is issued. The applicant may have to provide satisfactory insurance coverage. The applicant shall indemnify and hold harmless the State of Oregon, the Commission, the Department, its agents and employees against any and all damages, claims, demands, actions, causes of action, costs and expenses.
(2) Signs not conforming to M.U.T.C.D. with Oregon supplements or from the Department Sign Policy and Guidelines for the State Highway System are unauthorized upon any portion of the right-of-way. When traffic control is required by the District Manager to provide warning of the bicycle race or special event such signs shall be placed and maintained at the cost of the applicant in compliance with M.U.T.C.D. or authorized traffic control plan.
[Publications: Publications referenced are available from the agency.]
Statutory/Other Authority: ORS 184.619, 810.020, 810.030, 810.090

Statutes/Other Implemented: ORS 810.020, 810.030, 810.090
History: HWY 4-1997, f. & cert. ef. 4-23-97

DIVISION 57
PERMITS FOR DEVELOPMENT ON HIGHWAY RIGHT OF WAY

734-057-0010
City/County Entrance Program

(1) Cities, counties and unincorporated communities as identified in the county comprehensive plan defined in ORS 197.015, are permitted to develop and maintain a landscaped area within the state highway right of way to enhance the aesthetic value along state highways and to welcome motorists to a city, county or unincorporated community.
(2) One landscaped area will be allowed at each entrance of a state highway into a city, county or unincorporated community. The area may include a marker that indicates motorists are entering, or welcomes them to, a city, county or unincorporated community.
(3) The request by a city or county to develop a landscaped area:
(a) Shall be in writing, on official letterhead accompanied by a Department of Transportation permit application, Form 734-3457. Such form is available from the District manager of the Department of Transportation;
(b) Shall include a site plan; and
(c) Shall be submitted to the appropriate District Manager of the Department of Transportation for review and approval. In order to facilitate site review, the District manager may require the city or county to place markings such as lath stakes or other markings at the location of the proposed area to be landscaped.
(4) The request for an unincorporated community to develop a landscaped area must be submitted by the county.
(5) The landscaped area and marker shall conform to the following guidelines:
(a) The landscaped area must be within or as near as safely can be accommodated to the territorial or zoning jurisdiction of the city, county or unincorporated community;
(b) The landscaped area and marker must be located so that it is not a roadside safety hazard nor restricts sight distance and must conform to all applicable highway clear zone requirements;
(c) The landscaped area and marker must have Federal Highway Administration approval when located on interstate right-of-way and must not be visible from an interstate highway;
(d) The overall size of any rigid object within the landscaped area may not exceed 200 square feet;
(e) The landscaped area or marker may contain only the official name, logo and/or slogan of the city, county or unincorporated community. No advertising or other commercial message will be allowed; and
(f) The landscaped area and marker shall be constructed of a material appropriate to the location and environment.
(6) Upon approval of the request for site development, the District Manager will execute a permit to the city or county for each landscaped area. No work on highway right-of-way may begin until a valid permit has been received by the city or county.
(7) The following shall be the responsibility of the city or county:
(a) The manufacture, installation, maintenance, repair or removal of the landscaped area or marker;
(b) Relocation and/or removal of the landscaped area and/or marker as a result of highway improvement projects;
(c) The provision of traffic control in accordance with the standards adopted under ORS 810.200 by the Oregon Transportation Commission.
(8) The permit issued by the District Manager for a landscaped area may be canceled if the city or county fails to comply with the provisions of this rule or the provisions of the permit. The permit may also be canceled if the Department determines that any individual landscaping or marker, of this program violates federal or state law.
(9) Markers or signs denoting entrances to cities, counties or unincorporated communities that are to be placed outside of highway right-of-way must meet the requirement of ORS Chapter 377 and OAR 734, division 60.
Statutory/Other Authority: ORS 184.616, 184.619, 366.205, 374.310
Statutes/Other Implemented: ORS 374.305

History: TO 6-1998, f. & cert. ef. 8-20-98

734-057-0020

Beautification of Highway Right of Way

(1) The purpose of this rule is to allow for the placement of decorations or banners within the state highway right-of-way, except Interstate highways, to enhance the aesthetic value of the highway. The banner or decoration must be approved by the agency with jurisdiction in the area.

(2) For use in this rule the following definitions will apply:

(a) "Agency" means an incorporated city, county or Native American Indian Tribe.

(b) "Banner(s)" includes flags and pennants made of plastic, cloth, or similar material along with the corresponding support system.

(c) "Decoration(s)" includes hanging plants and other similar ornamentation along with the corresponding support system.

(3) The request for a permit for placement of a banner or decoration:

(a) Must be in writing, on official letterhead of the agency with jurisdiction in the area. The agency may submit the request on their own or in cooperation with a sponsoring group or organization;

(b) Must be accompanied by a Department of Transportation permit application, Form 734-2576. Such form is available from the District Manager of the Department of Transportation;

(c) Must include the proposed location and a description, with a picture or drawing, of the banner(s) or decoration(s);

(d) Must be submitted to the appropriate District Manager of the Department of Transportation at least 30 days prior to the desired installation date. In order to facilitate the review, the District Manager may require markings to be placed at the location of the proposed banner or decoration installation; and

(e) Must include confirmation that the agency is self-insured. In the event the agency is not self-insured, a certificate of insurance in the amount determined by the District Manager must be provided before work may begin.

(4) The banner or decoration must conform to the following guidelines:

(a) The banner or decoration must:

(A) Be placed within the territorial or zoning jurisdiction of the agency;

(B) Be located so that it is not a roadside safety hazard nor restricts sight distance and must conform to all applicable highway clear zone requirements;

(C) Have a vertical clearance of at least 18 feet above the roadway or eight feet above a pedestrian walk way, or comply with local ordinance, whichever is greater; and

(D) Be made from a durable material, constructed to comply with local building codes or withstand wind pressure of 20 pounds per square foot of exposed surface, whichever is greater.

(b) The banner or decoration may contain the official name, logo, and/or slogan of the agency but may not portray a political, religious, commercial or promotional message and may not recognize a person, organization or event.

(c) The banner or decoration must not:

(A) Interfere with, imitate, or resemble any official traffic control device or attempt or appear to attempt to direct the movement of traffic;

(B) Prevent the driver of a motor vehicle from having a clear and unobstructed view of official traffic control devices and approaching or merging traffic;

(C) Have any lighting, unless such lighting is shielded to prevent light from being directed at the highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle;

(D) Be attached to any official sign, post, signal pole or any other traffic control device or support;

(E) Be suspended over or otherwise span the roadway; or

(F) Otherwise be a traffic hazard.

(5) The number and type of banner or decoration allowed will be at the direct discretion of the District Manager.

(6) Upon approval of the request, the District Manager will issue a permit to the agency for placement of a banner or

decoration within the state highway right-of-way. The permit may include special provisions for installation or removal of the banner or decoration. No work on highway right of way may begin until the agency has received a valid permit.
(7) The following shall be the responsibility of the agency:
(a) The manufacture, installation, maintenance, repair or removal of the banner or decoration including placement of supports or permission to use existing utility poles;
(b) Relocation or removal of the banner or decoration as a result of highway improvement projects;
(c) The provision of traffic control in accordance with the standards adopted under ORS 810.200 by the Oregon Transportation Commission. Should Department of Transportation staff be required to review the traffic control plan, the cost of that review may be billed to the agency; and
(d) 48-hour notification to the District representative identified in the permit prior to any work on the state highway right-of-way.
(8) A sponsoring group or organization may perform the duties described in section (7) of this rule on behalf of the agency; however, the responsibility for compliance with the terms of the permit and this rule remains with the agency.
(9) The permit issued by the District Manager may be cancelled if the agency fails to comply with the provisions of the permit or this rule. The permit may also be cancelled if it is determined that the banner or decoration violates federal or state law.
(10) Banners or decorations may be removed by the Department of Transportation, at the expense of the agency, if the banner or decoration is neglected or becomes unsightly or otherwise defeats the purpose of the rule.
(11) The following are not eligible for a permit issued pursuant to this rule:
(a) Banners or decorations that denote a specific activity or event must meet the requirements of the ODOT Sign Policy 5-8.
(b) Permits for the installation or maintenance of landscape areas will be issued as part of the Adopt-A-Landscape program.
Statutory/Other Authority: ORS 184.616, 184.619, 366.205, 374.310, 810.030
Statutes/Other Implemented: ORS 374.305
History: HWD 2-2003, f. & cert. ef. 10-24-03

DIVISION 58
PEDESTRIAN ACTIVITIES

734-058-0010
Purpose
OAR 734-058-0010 through 734-058-0080 establish criteria for issuing permits for pedestrian activities, as defined in division 58 rules, on state highway right of way.
Statutory/Other Authority: ORS 184.616, 184.619, 814.070
Statutes/Other Implemented: ORS 814.070
History: HWD 8-2008, f. & cert. ef. 8-26-08

734-058-0020
Definitions
As used in OAR 734-058-0010 through 734-058-0080, the following definitions apply:
(1) “Applicant” means the individual or individuals, corporation, company, firm, business, partnership, organization or agency named in and signing the Permit and to whom the Permit is issued.
(2) “Department” means the Oregon Department of Transportation (ODOT).
(3) “DM” means the ODOT District Manager or designee. DMs are responsible for highway maintenance, operations and issuing permits for use of Right of Way for all State highways within a specific geographic area or “District.”
(4) “General Provisions” means those provisions attached and made part of an issued Permit, which are generally applicable to all Permits. General Provisions are superior to any Standard or Special Provisions in a Permit if there is a

conflict between them.
(5) “MUTCD” means Manual on Uniform Traffic Control Devices for Streets and Highways.
(6) “Oregon Temporary Traffic Control Handbook” means a guide for traffic control operations of three days or less based upon the MUTCD.
(7) “Pedestrian Activity” or “Activity” means any planned activity that brings together a community or group of people for an expressed purpose, including soliciting contributions, business, or interest from motorists using the highway provided the activity does not impede traffic or cause a traffic hazard.
(8) “Permit” means the application as a fully executed form signed, issued and controlled by the DM on behalf of the State of Oregon, Department of Transportation, and allowing Applicant to conduct a Pedestrian Activity and all provisions and exhibits attached to the Permit as deemed necessary by the DM. A Permit does not convey any land right or easement.
(9) “Right of Way” means the entire width of real property delineated by property lines along each side of the highway, including the paved surface, shoulders, ditches and other drainage facilities, and all other highway facilities or lands within the boundaries of the right of way lines used for the operation of the highway.
(10) “Special Provisions” means those specific provisions under the heading “Special Provisions” which when attached to are made part of, and are unique to, the Permit. Special Provisions are subordinate to General Provisions and superior to Standard Provisions, if they are in conflict.
(11) “Standard Provisions” means provisions with standard wording under the heading “Standard Provisions” which are attached to and made part of the Permit. Standard Provisions are subordinate to General Provisions and Special Provisions if they are in conflict.
Statutory/Other Authority: ORS 184.616, 184.619, 814.070
Statutes/Other Implemented: ORS 814.070
History: HWD 8-2008, f. & cert. ef. 8-26-08

734-058-0030
Requirements for Permit Application and Issuance
(1) The DM may grant permission for a Pedestrian Activity on a state highway by way of a Permit issued under the authority of Division 58 rules. A Permit is not necessary for pedestrians meeting the requirements for proper positioning and proper proceeding along a highway under ORS 814.070(1).
(2) Application for a Permit must be made at least 30 days but not more than 180 days prior to the planned activity date. Only one Permit will be issued for any particular location and date. If more than one application is received for a particular location and date, the successful Applicant will be selected based on the date of the first complete application received. Permits may be issued for up to three (3) consecutive calendar days.
(3) To obtain a Permit the Applicant shall:
(a) Apply in writing to the DM that has authority over the location where the Pedestrian Activity is proposed to be held. The application shall be made on an Application and Permit for Pedestrian Activities on a State Highway, Form 734-2708;
(b) Obtain and submit with the application written confirmation from the city, when the state highway is within the city limits, that the Pedestrian Activity does not violate city ordinances; and
(c) Provide a description of the Pedestrian Activity stating all information pertinent to an understanding of the activity and as may be requested by the DM, including a drawing showing the roadways on which the activity will be held.
(4) The Pedestrian Activity shall only be conducted during day light hours, when no adverse road conditions such as snow or ice exist, when there is no roadway construction, and the location is where traffic would otherwise stop as a result of an established official traffic control device such as a traffic signal or stop sign.
(5) The DM may use information provided by the Applicant as well as other information, such as traffic data and accident history, available to the DM when determining whether the Applicant has met the following requirements, and will only issue a Permit when it has been determined that:
(a) The location selected by the Applicant to conduct the activity will be reasonable and will avoid adverse impacts to

traffic safety and the operation and maintenance of the highway; and
(b) The location selected by the Applicant will provide for a safe and unimpaired use of the highway, taking into consideration sight distance and roadway geometry.
(6) The DM may deny issuing a Permit:
(a) When the Applicant has failed to comply with Permit provisions on previous Permits;
(b) If the Applicant has conducted activities on state highway Right of Way without a Permit;
(c) When it is in the best interest of the public for protection of the highway and the traveling public;
(d) When the Applicant is not in compliance with ORS 814.070 or division 58 rules; or
(e) When the application is deemed by the DM to be incomplete.
(7) Permit provisions may be written by the Department and included with the Permit. Permit provisions may include General, Standard, and Special Provisions. Once received, should there be any questions about these provisions, Applicant shall, prior to beginning activity, contact the DM in writing and attempt to reach resolution of its questions. After 30-days of issuance of the Permit or upon commencement of the activity, whichever occurs first, the Permit provisions are deemed accepted by Applicant.
(8) An application is not a Permit until a copy of it, approved and signed by the DM, is furnished to the Applicant. No activities are to occur on highway Right of Way until the Applicant has obtained a valid Permit. The approved Permit must be physically present at the activity site when the activity is being performed. The Permit shall be available to the DM or law enforcement personnel upon request.
Statutory/Other Authority: ORS 184.616, 184.619, 814.070
Statutes/Other Implemented: ORS 814.070
History: HWD 8-2008, f. & cert. ef. 8-26-08

734-058-0040
Effective Period and Cancellation of Permit
(1) The Permit will be in effect for the period of time provided in the Permit. Permits are not transferable and may be cancelled by mutual consent of the parties. The Department may revoke a Permit for non-compliance with the terms of the Permit.
(2) The Permit will be voided and all privileges there under forfeited if the Applicant fails to commence the activity covered by the Permit within the period specified in the Permit, unless a written extension of time is obtained from the DM.
(3) The DM may cancel a Permit for cause, including, but not limited to, weather conditions, safety considerations, in emergencies (i.e., fire, accidents), failure of the Applicant to comply with the terms of the Permit, or operation of law. Cancellation may be issued in writing, or be verbal followed by written confirmation of the verbal cancellation.
(4) A revoked Permit within the previous three (3) years or repeated failure to comply with the terms of the Permit may result in the Applicant's forfeiture of privilege to apply for and to receive a Permit for Pedestrian Activity.
Statutory/Other Authority: ORS 184.616, 184.619, 814.070
Statutes/Other Implemented: ORS 814.070
History: HWD 8-2008, f. & cert. ef. 8-26-08

734-058-0050
Liability and Control
(1) An Applicant shall be responsible and liable for all damage or injury to any person or property resulting from the Pedestrian Activity for which the Permit is issued. The Applicant shall indemnify and hold harmless the State of Oregon, the Oregon Transportation Commission, the Department, its officers, agents and employees against any and all damages, claims, demands, actions, causes of action, costs and expenses of any nature which they or any of them may sustain by reasons of the acts, conduct, or operation of Applicant, its agents, employees, or other individuals conducting Pedestrian Activities under the Permit.
(2) During any permitted activity, the activity area shall be protected in accordance with the MUTCD, and any safety and

operations standards as amended or supplemented by the Oregon Transportation Commission in force at the time the Permit is issued. Traffic control devices in place continuously for three days or less at the same location must comply with the “Oregon Temporary Traffic Control Handbook” in force at the time the Permit is issued.
(3) While performing activities under the Permit, the Applicant shall wear, on the outside of all other garments, a safety vest meeting ANSI/ISEA High Visibility Safety Apparel Guidelines, or equivalent revisions, and labeled as ANSI 107-1999 or later for standard performance for class two risk exposure.
(4) The Applicant shall be bound by all applicable laws and rules of any government entity.
(5) The Applicant shall be responsible and liable for:
(a) Investigating presence or absence of any legally protected or regulated environmental, historical, or archeological resource(s) in the activity area;
(b) Determining and complying with any and all restrictions or requirements related to the proposed activities, including but not limited to those relating to hazardous material(s), water quality constraints, wetlands, archeological or historic resource(s), state and federal threatened or endangered species, etc.;
(c) Complying with all federal, state, and local laws, and obtaining all required and necessary permits and approvals. If the Applicant impacts a legally protected/regulated resource, the Applicant shall be responsible for all costs associated with such impact, including, but not limited to all costs of mitigation and rehabilitation, and shall indemnify, defend, and hold harmless the State of Oregon, the Oregon Transportation Commission, the Department and its officers, agents, and employees against all damages, claims, demands, or actions of any nature arising out of the activities of the Applicant, its officers, contractors, subcontractors, agents, employees, or other individuals conducting Pedestrian Activities under the Permit.
(6) The Department or its employees shall not be responsible or liable for injury, damage, or loss sustained by the Applicant, its participants or the activity covered by the Permit as a result of Department maintenance and construction operations or resulting from motorist or road user operations, or Department contractor or other permitted operations, except injury or damage caused by the negligence of the Department or its employees.
(7) If highway facilities are damaged by the Applicant, the Applicant shall replace or restore the highway facilities to a condition satisfactory to the DM, whether discovered at the time of the activity or at a later date. The DM may require the Applicant to replace or restore the highway facilities to a condition satisfactory to the DM, or the DM may replace or restore the highway facilities by contractor or state forces and assess the costs incurred to the Applicant.
(8) No Permit will allow, or be interpreted as allowing vehicles to be parked, stopped or left standing, upon the state highway Right of Way in a manner that creates a hazard to motor vehicle traffic or interferes with the regular maintenance or operation of the roadway. Applicant shall move any of its vehicles if directed to do so by the Department or law enforcement personnel.
(9) Unless specifically authorized by a Permit, Applicant shall not place items including flags, banners, or pennants, other than official traffic control devices allowed in division 58 rules, on or over the highway. Unauthorized items shall be removed at the direction of the Department or law enforcement personnel.
(10) Any review, supervision or control exercised by Department personnel shall in no way relieve the Applicant of any duty or responsibility to the general public nor shall such review, supervision or control relieve the Applicant from any liability for loss, damage or injury to persons or property as provided in the Permit or OAR chapter 734, division 58.
Statutory/Other Authority: ORS 184.616, 184.619, 814.070
Statutes/Other Implemented: ORS 814.070
History: HWD 8-2008, f. & cert. ef. 8-26-08

734-058-0060

Insurance

The Applicant shall obtain and carry liability and property damage insurance policy or policies providing coverage against claims, demands, suits or actions for property damage, personal injury, or death resulting from any activities of Applicant, its officers, employees, agents or contractors in connection with the activity being conducted as authorized by the

Permit. In addition, Applicant shall include as additional insured the State of Oregon, the Commission, the Department, and members thereof, its officers, agents and employees. The Applicant shall provide proof of coverage of a combined single limit of $1,000,000. The insurance policy or policies shall be with an insurance company duly authorized and licensed to do business in the State of Oregon. There shall be no cancellation, material change, potential exhaustion of aggregate limits, or non-renewal of insurance coverage without thirty (30) days written notice from the Applicant or its insurer to the Department. When the Applicant is a public body, self- insurance may be provided in lieu of liability and property damage insurance policy or policies. A copy of the certificate of insurance or self-insurance shall be submitted to and approved by the Department of Transportation, Maintenance and Operations Branch, 455 Airport Road SE, Building K, Salem OR 97301 before any activity is commenced under the Permit.
Statutory/Other Authority: ORS 184.616, 184.619, 814.070
Statutes/Other Implemented: ORS 814.070
History: HWD 8-2008, f. & cert. ef. 8-26-08

734-058-0070
Activity Details

(1) The Applicant shall advise the DM's office at least 48 hours in advance of commencing activity for which the Permit has been issued and within 48 hours of completion of the activity.
(2) The Applicant shall minimize the amount of debris, refuse and waste of all kinds on the highway Right of Way produced by activities of the Applicant. The Applicant shall remove any such debris, refuse or waste of any kind immediately upon completion of the activity, and restore the highway Right of Way to its pre-activity condition or better as determined by the DM.
(3) The Applicant shall minimize the amount of dirt or debris spread or tracked onto the highway from the activity area. The highway shall be cleaned of all dirt and debris at the end of each work day, or more frequently if so determined by the DM.
(4) The Applicant shall protect all existing highway features, including but not limited to the highway surface and structure, sidewalks and bicycle paths, bridges, signs, signals, pavement markers, guardrails and barriers, impact attenuators, drainage features, landscaping, and fences, from damage as a result of activity. The Applicant shall restore any damaged feature to the satisfaction of the DM whether discovered at the time of damage or at a later date. When planting is necessary to restore damaged landscape, the planting is subject to a plant establishment period of one year from the date of planting to ensure satisfactory growth of the planted materials. Unrepaired damage or unrestored features may be repaired or restored by the DM at the expense of the Applicant.
(5) Participation by or presence of individuals under 16 years of age at the activity site, other than in the regular pedestrian area of the roadway, is not allowed.
Statutory/Other Authority: ORS 184.616, 184.619, 814.070
Statutes/Other Implemented: ORS 814.070
History: HWD 8-2008, f. & cert. ef. 8-26-08

734-058-0080
Coordination with Other Agencies

Nothing in the Permit is intended to grant rights or imply approval of activity in areas not falling within the authority and jurisdiction of the Department. It is the responsibility of the Applicant to determine the need for and to obtain such licenses, permits or other form of approval which may be required by other state agencies, federal agencies, cities or counties of Oregon, railroads, special Districts, or Indian Lands within the State.
Statutory/Other Authority: ORS 184.616, 184.619, 814.070
Statutes/Other Implemented: ORS 814.070
History: HWD 8-2008, f. & cert. ef. 8-26-08

DIVISION 59

SIGNS — GENERAL PROVISIONS

734-059-0015

Definitions

(1) The terms “neat,” “clean,” “attractive” and “good repair” as used in ORS 377.710(17) and 377.720(7) are defined as follows:

(a) The terms “neat” and “attractive” mean without rotting or broken parts, having parts that are solid and sound, without chipping or peeling paint, paper, vinyl or plastic, without graffiti, and without faded, washed-out or illegible copy. The terms apply to all component parts of a sign.

(b) The term “clean” means free of dirt, unsoiled, without grime or soot. The term does not include a minor dust coating that is undetected from the main-traveled way of a state highway. The term applies to all component parts of a sign that are visible to the main-traveled way of a state highway.

(c) The term “good repair” means having sound and solid parts, without rotting or broken parts, firmly fixed in place so as to be able to withstand a wind pressure of 20 pounds per square foot of exposed surface. The term includes all component parts of a sign.

(2) In interpreting ORS 377.720(9), to be considered “used in transportation” the owner or operator must demonstrate the vehicle or trailer is regularly used in a manner consistent with its usual purpose. The Department may consider but is not limited to the following factors:

(a) Whether it is used only for storage;

(b) Whether it is incapable of being moved in its normal way, such as due to a flat tire or mechanical problems;

(c) Whether its movement would be illegal such as if its registration has expired;

(d) Whether its location is compatible with being regularly used in transportation;

(e) How frequently it is moved;

(f) How far it is moved;

(g) Whether any change in location appears to be a mere attempt to qualify a sign structure under the exemption.

(3) In interpreting ORS 377.773, “abandoned” means any sign that does not have a message on the display surface for a period of six months, a sign for which there is no display surface for a period of six months or a sign whose structure has been removed for a period of six months. For abandoned signs under ORS 377.773 the sign permit may be canceled at the end of the 6-month period.

(4) In interpreting ORS 377.700 to 377.844 and 377.992 the term “person” includes individuals, joint ventures, partnerships, corporations and associations or their officers, employees, agents, lessees, assignees, trustees or receivers.

(5) In interpreting ORS 377.700 to 377.844 and 377.992 an Outdoor Advertising Sign Permit Owner is a single person, or their authorized representative, who holds the right to authorize an activity associated with the permit including sign reconstruction, direct relocation, relocation credit request or the sale of a sign permit or relocation credit.

(6) For a sign to be considered at a place of business or activity open to the public, for the purposes of the outdoor advertising sign program, some portion of regularly used buildings, parking lot, or storage or processing area must be visible from the state highway, with signage placed on, or immediately adjacent to, those portions of the business or activity.

(7) In interpreting ORS 377.735(1)(b)(C) a residence means a dwelling, grounds and physical areas necessary or customarily incident to the dwelling including garages, barns, yard, and parking and garden areas, arranged to be used in immediate connection with the dwelling and its customary residential uses. Fields used for crops or grazing are not considered a part of the residence for the purposes of the sign program.

Statutory/Other Authority: ORS 184.616, 184.619, 377.710, 377.720

Statutes/Other Implemented: ORS 377.720

History: HWD 4-2016, f. & cert. ef. 11-28-16; HWD 11-2014, f. & cert. ef. 12-19-14; HWD 1-2009, f. & cert. ef. 2-20-09; TO 4-2002, f. & cert. ef. 4-15-02

734-059-0020

Business Defined

(1) As used in OAR chapter 734, division 059, unless the context of the rule requires otherwise, a business means a commercial or industrial enterprise operated with the intent of economic gain.

(2) The location of a business includes the main buildings as well as other physical areas necessary or customarily incident to the business, including a limited amount of open space as is arranged and designed to be used in immediate connection with such buildings and uses.

Statutory/Other Authority: ORS 184.616, 184.619, 377.710, 377.720

Statutes/Other Implemented: ORS 377.720

History: HWD 11-2014, f. & cert. ef. 12-19-14; HWD 8-2007, f. & cert. ef. 12-24-07; HWD 5-2007(Temp), f. & cert. ef. 7-19-07 thru 1-14-08

734-059-0025

Activity Open to the Public

As used in OAR chapter 734, division 059, unless the context of the rule requires otherwise, an activity open to the public means a location, the main purpose of which involves the admission of or providing service to members of the public. This includes:

(1) Places of worship;

(2) Educational facilities;

(3) Meeting halls;

(4) Facilities of non-profit or charitable organizations;

(5) Public parks;

(6) Government offices.

Statutory/Other Authority: ORS 184.616, 184.619, 377.710, 377.720

Statutes/Other Implemented: ORS 377.710, 377.720

History: HWD 11-2014, f. & cert. ef. 12-19-14; HWD 8-2007, f. & cert. ef. 12-24-07; HWD 5-2007(Temp), f. & cert. ef. 7-19-07 thru 1-14-08

734-059-0030

Compensation Defined

(1) As used in OAR chapter 734, division 059, unless the context of the rule requires otherwise, compensation means the exchange of something of value. It includes, without limitation, money, securities, real property interest, personal property interest, barter of goods or services, promise of future payment, or forbearance of debt.

(2) Compensation does not include:

(a) Goodwill;

(b) The exchange of a de minimis value in relation to the benefit acquired. When an exchange of substantial value is for a purpose other than posting of a sign on the land, and a negligible amount of value is added for the sake of a sign as an accessory to that purpose, the Department may consider that a de minimis amount that does not constitute compensation for purposes of ORS 377.710(20).

(c) An exchange of value that a land owner (or other person with a right to possession of the land) provides to a sign company when:

(A) The compensation to the sign company is only for sign structure construction or maintenance on behalf of the land owner; and

(B) The land owner fully controls the content of the sign.

(3) In all cases the Department shall consider the totality of the circumstances, including without limitation, whether the compensation arrangement is reasonable and credible.

Statutory/Other Authority: ORS 184.616, 184.619, 377.710, 377.720

Statutes/Other Implemented: ORS 377.710, 377.720

History: HWD 8-2007, f. & cert. ef. 12-24-07; HWD 5-2007(Temp), f. & cert. ef. 7-19-07 thru 1-14-08

734-059-0040

Qualifying as a Business or Activity Open to the Public

(1) The following are not Businesses or Activities Open to the Public for the purposes of the Outdoor Advertising Sign Program:

(a) Outside advertising sign structures;

(b) Agricultural, forestry, ranching, grazing, farming land and related activities, including, but not limited to, temporary roadside food and produce stands including seasonal stands;

(c) Activities that are housed in a temporary building or structure that are visible to the traffic lanes of the traveled way and do not have indoor restrooms, utilities, running water, functioning electrical connections or adequate heating;

(d) Where conducted in a building that is primarily used as a residence, apartment house or residential condominium;

(e) Recreational facilities such as campgrounds, golf courses, tennis courts, wild animal parks, and zoos, except for the portion of the activities occupied by permanent buildings and parking lots which otherwise meet the criteria in this subsection;

(f) Public or private utilities including telephone poles, radio, microwave or cellular communication towers; and,

(g) Railroad tracks

(2) In determining whether a location is a business or activity open to the public, the Department may consider the totality of the circumstances, including but not limited to the following:

(a) If a business license has been issued by the state;

(b) Whether the facility is open to potential customers, with regular hours of operation;

(c) Whether there is appropriate vehicular access and parking present;

(d) Whether there are indices of operation such as a telephone, or other communication service, appropriate utility connections, appropriate equipment, restroom facilities, permanent facility structures, etc.; and,

(e) How long the operation has been in existence.

Statutory/Other Authority: ORS 184.616, 184.619, 377.710, 377.720

Statutes/Other Implemented: ORS 377.720

History: HWD 11-2014, f. & cert. ef. 12-19-14

734-059-0050

Signs in Protected Areas

(1) As used in OAR chapter 734, division 059, unless the context of the rule requires otherwise, the following definitions apply:

(a) “Center line of the highway” means the line equidistant from the edges of the median separating the main-traveled ways of a divided highway or is the center line of the main traveled way of a nondivided highway.

(b) “Entrance Road” means any public road, including acceleration lanes by which traffic may enter the main-traveled way of an Interstate highway, irrespective of whether traffic may also leave the main-traveled way by such road.

(c) “Exit Road” means any public road, including deceleration lanes by which traffic may leave the main-traveled way of an Interstate highway, irrespective of whether traffic may also enter the main-traveled way by such road.

(d) “Interstate System” means I-5, I-84, I-82, I-105, I-205, and I-405 within Oregon’s borders.

(e) “Main-traveled way” means the traveled way of an Interstate Highway on which through-traffic is carried. It does not include frontage or service roads.

(f) “Traveled way” means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(2) Signs Allowed in Protected Areas. Only the following signs may be erected or maintained in protected areas of the Interstate System:

(a) Class 1: Official signs. Official signs or notices erected and maintained by public officers or agencies pursuant to and in accordance with authorization in State or Federal law, for the purpose of carrying out an official duty or responsibility.

(b) Class 2: Signs that are not outdoor advertising signs.

(c) Class 3: Outdoor advertising signs, subject to the permit and other requirements of the Oregon Motorist Information

Act and these rules.
(d) Class 4: Temporary signs, subject to the requirements of the Oregon Motorist Information Act.
(3) Prohibited Signs. The following signs are not allowed in Protected Areas:
(a) Signs that are illegal under ORS 377.720.
(b) Signs that exceed twenty feet in length, width, or height, or exceed 150 square feet in area, except for those signs that are not "outdoor advertising signs" as that term is defined in ORS 377.710.
(c) Signs that do not adhere to these rules.
(d) Signs that do not adhere to the other requirements of the Oregon Motorist Information Act (ORS 377.700–377.840 and 377.992).
(4) Measurement of Distances. Distances under these rules are measured in the following manner:
(a) Distance from the edge or a right of way shall be measured horizontally along a line normal or perpendicular to the center line of the interstate highway.
(b) All distances for location of signs and spacing requirements shall be measured along the center line of the interstate highway between two vertical planes that are normal or perpendicular to and intersect the center line of the interstate highway and that pass through the termini of the measured distance.
(5) Number of Class 3 signs and spacing requirements. The erection and maintenance of Class 3 signs within protected areas shall not be allowed in any manner that is inconsistent with the following:
(a) In advance of an intersection of the main-traveled way of a protected area and an exit road, such signs will not be permitted to exceed the following numbers: [Table not included. See ED. NOTE.]
(b) Subject to the provisions of subsection (a) of this section, not more than two such signs will be permitted within any mile distance measured from any point, and no such signs will be permitted to be less than two thousand feet apart.
(c) No class 3 sign will be permitted adjacent to an exit road or entrance road.
(d) No class 3 sign will be permitted within 1000 feet of the furthest point of the intersection between the traveled way of the entrance road and the main-traveled way of the interstate highway.
[ED. NOTE: Tables referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619, 377.710, 377.720
Statutes/Other Implemented: ORS 377.710, 377.720
History: HWD 8-2007, f. & cert. ef. 12-24-07; HWD 5-2007(Temp), f. & cert. ef. 7-19-07 thru 1-14-08

734-059-0100
Outdoor Advertising Permit and Business License Fees
This rule establishes fees for outdoor advertising permits and business licenses as authorized by ORS 377.729 and 377.730.
(1) The application fee for a permit for any sign in a year in which the sign is new, is relocated as defined in ORS 377.710, or is reconstructed under ORS 377.725 is due at the time of application, and is non-refundable in the event of a withdrawal by applicant or denial by the Department. Fees are:
(a) Static:
(A) $200 — 25 square feet or less;
(B) $500 — 26 to 50 square feet;
(C) $850 — 51 to 400 square feet;
(D) $1000 — 401 square feet or more.
(b) Digital:
(A) $500 — 249 square feet or less;
(B) $1500 — 250 to 400 square feet (Poster);
(C) $2000 — 401 or more square feet (Bulletin).
(2) The fees for annual renewal of sign permits issued under the authority of ORS 377.712, 377.725 and 377.753 are as follows:

(a) $136 — 50 square feet or less;
(b) $159 — 51 to 400 square feet;
(c) $182 — 401 to 672 square feet;
(d) $204 — 673 square feet or more.
(3) The fee to convert a standing sign permit to a relocation credit under ORS 377.762 is $150. The fee to renew a relocation credit under ORS 377.710 is $25.
(4) Renewal fees for permits and relocation credits are due by January 2nd each year. If the renewal is mailed it must be post-marked no later than January 2nd. If the fee required by this subsection is not received or post-marked by the due date, applicant may renew the permit or relocation credit by paying the fee and a penalty of $100 per permit or relocation credit by February 1, received or post-marked, of that year. A permit that is not renewed in compliance with this rule will be canceled. A canceled permit will not be reinstated without proof of extraordinary and compelling reason.
(5) The following is used to determine the permit fee:
(a) For a back-to-back sign, the permit sign area includes both sides of the sign.
(b) A double-faced sign or a back-to-back sign is one sign.
(c) A V-type sign constitutes two signs.
(d) A single-faced tri-vision sign constitutes three signs; a back-to-back tri-vision sign constitutes six signs.
(e) Any mechanically operated multifaced display sign other than a tri-vision sign is the number of signs equal to the number of display faces. Nothing in this subsection authorizes mechanically operated multifaced display signs.
(6) The annual fees for outdoor advertising business licenses under ORS 377.730 are as follows:
(a) $850 — only erects or maintains signs;
(b) $375 — owns 1;
(c) $650 — owns 2 to 49 signs;
(d) $1,700 — owns 50 to 499;
(e) $2,500 — owns 500 or more signs.
(7) Miscellaneous Fees
(a) The fee for a replacement permit plate required by ORS 377.725 is $100.
(b) The fee to combine (aggregate) relocation credits into a single credit under ORS 377.763 is $500 per application.
(c) The fee to transfer ownership of a permit or relocation credit is $150 per credit or permit. The maximum fee for multiple permits and credits transferred in a single transaction is $1500.
(8) The Department will review sign program revenues and costs every two years to determine whether fees should be adjusted up or down to comply with the requirement of ORS 377.729 that fees be designed to recoup costs of operating the sign program. The Department will retain civil penalties collected under ORS 377.992 as revenue for the operation of the program, and will attribute collected amounts as revenue in the biennial calculations.
Statutory/Other Authority: ORS 184.619, 377.725, 377.729
Statutes/Other Implemented: ORS 377.712, 377.725, 377.726, 377.729, 377.730
History: HWD 5-2018, amend filed 11/02/2018, effective 11/02/2018; HWD 11-2012, f. & cert. ef. 11-20-12; HWD 14-2010, f. & cert. ef. 10-25-10; TO 2-2002, f. & cert. ef. 2-19-02

734-059-0200
Civil Penalties for Violation of the Oregon Motorist Information Act
(1) This rule establishes the factors for consideration in assessing, reducing, or waiving civil penalties created by ORS 377.992 for violation of ORS 377.700 to 377.840, the Oregon Motorist Information Act, and related statutes and rules, and a process for implementing those penalties. These are in addition to any other penalty provided by law, including but not limited to assessing costs, removing signs, and canceling permits.
(2) The definitions in ORS 377.710 and OAR 734, division 059 apply to this rule. The following also apply to this section:
(a) “First time violator” means a person with no Final Order of violation of the Oregon Motorist Information Act or related statutes and rules within five years of the issuance of the violation notice.

(b) “Repeat violator” means a person with only one sign for which the Department issued a Final Order of violation of the Oregon Motorist Information Act or related statutes or rules within five years of issuance of the current violation notice, but who is not a habitual violator.
(c) “Habitual violator” means a person with more than one sign for which the Department issued a Final Order of violation of the Oregon Motorist Information Act or related statutes or rules within five years of the issuance of the current violation notice.
(d) The five-year period noted in 2(a) through 2(c) commences on the date of an Order finding a violation, and any notice of subsequent violation within that five years is a further violation if the department issues an Order finding a violation, whether or not the Final Order is within the five year period.
(e) “Person” is defined in ORS 756.010(5).
(3) A person who violates The Oregon Motorist Information Act or related statutes or rules is subject to a civil penalty as provided in this section. Civil penalties begin to accrue 31 calendar days from the date of the notice of violation beginning at 12:01 a.m. of the 31st calendar day and end with the complete correction or the complete removal of the sign either by the sign owner or by the Department at the Department's discretion.
(4) The Department may assess a penalty up to $50 per day for violation of ORS 377.720(5), 377.720(6), 377.720(9), 377.730(1), or 377.773. The Department may assess a penalty of up to $50 per day for violation of 377.725(12), except if the Department finds the owner intentionally installed the wrong permit plate in an effort to delay or avoid enforcement, in which case the Department may assess a penalty of up to $1000 per day.
(5) The Department may assess a penalty of up to $500 per day for first time violators of ORS 377.510, 377.725(1) or (2), 377.735(1)(b), 377.740, 377.745, 377.750, 377.767(2), 377.767(5).
(6) The Department may assess a penalty of up to $1000 per day for first time violators of ORS 377.720(1) through (4), (7) or (8), or 377.730(3).
(7) Repeat and habitual violators may be assessed up to the maximum penalty in ORS 377.992. For any violation not specifically cited in this rule, the Department may assess against any violator up to the maximum penalty in ORS 377.992.
(8) For any violation, in lieu of the per day amounts otherwise described, the Department may assess as a civil penalty the gross revenue derived from the sign at issue from the 31st day after notice of violation until the violation is corrected or the sign removed.
(9) The Department may consider all relevant facts in assessing, reducing, or waiving a civil penalty. The Department may consider but is not limited to the following factors:
(a) Whether the owner is a first time violator, repeat violator, or habitual violator, and how many of the owner’s signs have previously been in violation of the OMIA.
(b) Whether the owner, its agents or employees responsible for the sign at issue were previously involved with another owner, and whether that previous owner had no violations, was a first time, repeat, or habitual violator.
(c) The amount of time between the Department issuing a violation notice and the contested case hearing, and whether any delay was due to reasons outside the control of the violator.
(d) The cooperation of the owner in dealing with the Department, including:
(A) Promptness in responding to requests for information;
(B) Accuracy and completeness of information provided;
(C) Assertion of frivolous issues or defenses;
(e) The complexity of the issues involved;
(f) The value of the public interest involved;
(g) Public comment about the sign at issue.
(10) If the final order resulting from an administrative hearing renders the Department's enforcement incorrect, civil penalties do not accrue to the sign in question.
(11) For the convenience of the public, the Department will produce a summary of the types of violations and maximum penalties allowed, factors that may be considered, and any other relevant information regarding assessment of penalties.

Statutory/Other Authority: ORS 184.616, 184.619, 377.992
Statutes/Other Implemented: ORS 377.992
History: HWD 4-2016, f. & cert. ef. 11-28-16; HWD 11-2010, f. & cert. ef. 9-27-10; TO 2-2002, f. & cert. ef. 2-19-02

734-059-0220
Aggregation of Small Relocation Credits

(1) Upon request from the sign permit owner, or their authorized representative, the Department shall issue a relocation credit for the total square footage of the single, largest sign face of one side of an outdoor advertising sign.
(2) As provided in ORS 377.763 the owner of relocation credits may apply to combine (aggregate) them into a single credit. This rule establishes the criteria for aggregation, the procedure to request aggregation, and the procedure the Department will follow to process those requests.
(3) Qualification for participation:
(a) The relocation credit must be recognized as valid under ORS 377.766. This includes verification by the Department that the sign structure was removed.
(b) The relocation credit size may be no larger than 249 square feet.
(c) If the Department is aware of any dispute about the ownership or right to utilize the credit it may not be aggregated unless the issue has been resolved.
(4) Application for Aggregation of Relocation Credits
(a) To aggregate relocation credits, the owner of a relocation credit must submit a written request to the Department of Transportation Outdoor Advertising Sign office. The request must be dated and must bear the original signature of the owner or owner's authorized representative.
(b) The request must include the relocation credit numbers sought to be aggregated, and the area (described in square feet) the owner calculates for the anticipated single credit.
(5) Department Processing of Application for Aggregation of Relocation Credits
(a) The Department will determine whether each relocation credit qualifies for aggregation. If any do not, the Department will advise owner and attempt to reach agreement on the qualification under law. If an agreement is not reached the Department will reject the request to aggregate.
(b) If each relocation credit qualifies for aggregation, the Department will determine whether the area of the anticipated credit calculated by the owner is the same as the area calculated by the Department, and whether it is within the statutory maximum for size. If the anticipated sizes are not the same, or if the projected size exceeds the statutory maximum, the Department will advise applicant and attempt to reach agreement on the correct size under the law. If an agreement is not reached the Department will reject the request to aggregate.
(c) If each relocation credit qualifies for aggregation and no issue exists as to the size of the anticipated credit, the Department will notify the owner in writing of the cancellation of the smaller credits and the creation of the single larger credit.
Statutory/Other Authority: ORS 184.616, 184.619, 377.763, 377.759, 377.992
Statutes/Other Implemented: 377.763, 377.759, 377.992
History: HWD 11-2014, f. & cert. ef. 12-19-14; HWD 11-2010, f. & cert. ef. 9-27-10

DIVISION 60
SIGNS

734-060-0000
Outdoor Advertising Sign Application Process

(1) Application forms. An application for a sign permit under the Oregon Motorist Information Act (OMIA) is made by completing and submitting the appropriate form, attaching to the form all documents necessary to show the application meets the requirements of the law, and submitting the correct fee to the Outdoor Advertising Sign Program of the Oregon Department of Transportation. Application forms are available from the Outdoor Advertising Sign Program.

There are three different Outdoor Advertising Sign application forms: “Standard Outdoor Advertising Sign Permit Application” for new permits for outdoor advertising signs that preexisted the law change on May 30, 2007, relocations and reconstructions of such permitted signs; “Digital Billboard Outdoor Advertising Sign Application” for digital permits newly issued under ORS 377.710, or relocation and reconstruction of such permitted signs and “Application for Transit Bench or Shelter Sign” for signs on bus/transit benches and bus/transit shelters. The Department may deny a permit application if the applicant does not use the correct form.

(2) Copies of sign laws. The Department will make available copies of all state sign statutes, administrative rules, federal statutes, federal regulations, and federal-state agreements in effect. The Department may charge for the copies at the rate established by law for public records requests, and may require prepayment. The Department may also provide these documents by e-mail, web site, or in other forms for the convenience of the public and the Department.

(3) Summary of regulations. To assist potential permit applicants and the general public, the Department will make available a summary of sign permit regulations. The summary does not bind the Department to the items listed or waive its right and duty to enforce all requirements under the law.

(4) Contents of applications for Standard Outdoor Advertising Signs and Digital Billboard Outdoor Advertising Signs. To be complete the application must include the following.

(a) Application form Part 1: Applicant Information, Sign Specifications. Information must be complete and accurate for applicant, sign builder, purpose of application, description, township/range/section/tax lot, highway route number or name and side of highway, how site is marked, name and address of property owner, and why the sign will be an “outdoor advertising sign.” The location boxes should be completed to the best of applicant’s ability to enable the Department to find the site.

(b) Application form Part 2: Certification of Applicant. The application form must be signed and dated by the applicant, certifying the information provided by applicant is accurate and has not been changed after the local government certification (see section (c) below). If the applicant is a corporate or other business entity the individual signing must include their title so as to indicate the authority to sign for the applicant.

(c) Application form Part 3: Certification of Local Jurisdiction. After completing Part 1, applicant must submit the complete application to the local jurisdiction for zoning and local compliance information. The local official must complete Part 3 and, if relevant, attach a letter of explanation of local code compliance. The local official must sign and date Part 3.

(d) Fee. The fee is based on square footage as described in OAR 734-059-0100. To be complete applicant must submit the correct application fee. The Sign Program does not accept cash, debit or credit cards; checks must be made out to Oregon Department of Transportation.

(e) Written proof of landowner consent. All applications must include written proof that the landowner consents to have applicant maintain the proposed sign. The document must be signed by the landowner and the application filed during the base term of the agreement, or during a renewal term that is automatic or at applicant’s election. If during a renewal period applicant must certify that the renewal was exercised and continues in effect. Examples of acceptable documents are the land lease, land lease plus applicant’s certification as described above, land lease plus owner’s written confirmation that an extension is being exercised, or a current memo signed and dated by land owner stating that applicant has permission to put the sign at the specified location. Payment information need not be included unless it is the evidence that compensation is exchanged making it an outdoor advertising sign.

(f) Business License. The applicant and the sign builder must have a current outdoor advertising sign business license as required under ORS 377.730. It is the responsibility of the Business License holder who erects or maintains an outdoor advertising sign to ensure that the outdoor advertising sign, visible to a state highway, is in compliance with the OMIA. Compliance includes ensuring signs have an active state sign permit prior to placing or maintaining any message on the sign, and ensuring that the sign stays in compliance during the time that the licensee operates or maintains the sign. Violations may result in suspension or revocation of the licensee’s business license as allowed under ORS 377.730.

(g) Relocation permit application. For a relocation application, if the zoning was first commercial or industrial after 1/1/1973, or if the local jurisdiction cannot determine the date, the applicant must submit a sketch or other document

showing the site is within 750 feet of a commercial or industrial area to comply with ORS 377.767(3).
(h) Pre-existing sign permit application. For an application for a new pre-existing sign under ORS 377.712 the following additional items are required:
(A) Complete the application form “Supplement for Pre-existing Sign Permit” and sign it before a notary public;
(B) Submit documents demonstrating each of your claims, such as a lease showing the sign was posted for compensation; and
(C) Pursuant to ORS 377.712(1), include documentation demonstrating how applicant was ignorant of the permit requirement for outdoor advertising signs as of May 30, 2007.
(5) Digital Billboard applications must also include the following information:
(a) When being reconstructed or relocated for the first time as a digital billboard the applicant must provide the eligible permit(s) or relocation credit(s) being retired pursuant 377.700 to 377.840 and OAR 734-060-0007.
(b) Whether the proposed sign is a “Poster,” “Bulletin,” or other sign as described in OAR 734-060-0007(2).
(c) Emergency malfunction contact information including name, phone number along with proposed response procedure to possible malfunction.
(d) Whether or not a renewable energy resource is available and being utilized. If none, then the applicant must complete the affidavit attesting that no renewable resource is available.
(6) Transit Bench or Shelter Application. A transit shelter or bus bench application must provide documentation demonstrating that the site is at an official bus or transit stop on a city or urban transit system route.
(7) Complete Applications.
(a) The Outdoor Advertising Sign Program’s mailing address is: Oregon Department of Transportation, Right of Way Section — Sign Program, 4040 Fairview Industrial Drive SE, MS #2, Salem OR 97302. The Sign Program receives hand deliveries at 4040 Fairview Industrial Drive SE, Salem Oregon. The Sign Program receives facsimiles at 503-986-3625. The Sign Program receives electronic mail at OutdoorAdvertising@odot.state.or.us.
(b) The Department requires original signatures and original initials to any changes on the application form. Therefore the Department will not accept the application form by electronic transmission (including facsimile). The Department may accept other documents by electronic transmission. The Department will not accept any changes made verbally; all changes must be in writing.
(c) The Department will indicate on each application document the date and time received. Application materials received by mail will be treated as received at the time a representative of the sign program physically receives the program’s mail for that day. Application materials received in person, by fax, or by electronic transmission will be treated as received when a representative of the sign program physically receives those materials.
(d) The Department will only process applications that are complete. An application is complete when the Outdoor Advertising Sign program receives the signed application form including all necessary information, all documents necessary for issuance of a permit, and the correct application fee.
(A) Within 15 calendar days of receiving an application the Department will provide to the applicant written notice whether the application is complete. If the Department determines the application is complete, the notice will state the application’s priority among all pending, complete applications.
(B) If the Department determines any information provided is incorrect, the application is not complete. The Department may rescind a notice of completeness and priority date if it later determines that information provided by applicant is not correct.
(e) If an application is not complete, within 15 calendar days of receiving the application the Department will return a copy of the entire application with written instructions on what is needed to complete it. The applicant must initial any subsequent changes and, if the changes are substantive to the local jurisdiction, must obtain a new certification from the local jurisdiction. The Department will retain the application for 60 days. If the application is still incomplete after 60 days, it will be deemed withdrawn by the applicant. The Department may retain the original application as a record.
(A) If an application form is complete but the application is considered incomplete due to insufficient supporting documents or failure to submit the fee, the Department may return a copy of any relevant portion of the application with

written instructions on how to complete it or the Department may hold the application and notify the applicant in writing of what is needed and when it must be provided.
(B) Within 15 days of receiving the corrected form or additional materials the Department will provide the applicant written notification whether the application is complete and, if complete, the priority among all pending, complete applications.
(C) If the applicant makes any change to the application after it is deemed complete, the Department will change the priority date to the date of that change.
(D) If the Department has held an incomplete application for 60 days from the date of initial receipt, the application is deemed withdrawn by the applicant. The Department will return a copy of the application and may refund any eligible deposited fee. The Department may retain the original application as a record.
(8) Processing of complete permit application.
(a) The Department will approve or deny a permit within 60 days of the complete application's priority date as determined under section (7)(d) or (e) of this rule if the application clearly does not conflict with another complete application.
(b) An application for a permit that conflicts with the location of an expired or canceled permit will not be processed until the time for any hearing or appeal on the latter permit has passed, unless the permit is being canceled as a condition for issuance of the new permit.
(c) When a complete application might conflict with another complete application due to spacing or any other reason, the application with the earliest priority date and time takes precedence over later applications. Subject to all other requirements of the OMIA, the Department will issue the permit to the earlier applicant.
(d) If multiple complete applications have the same priority date and time, and are determined by the Department to compete for the same spot, the Department shall notify the applicants of the circumstances within seven days of the Department's determination. If an affected applicant requests a contested case hearing, the matter will be determined by a single contested case hearing under Oregon's Administrative Procedures Act. The Department shall refer the matter to the Office of Administrative Hearings within seven days of an applicant's written hearing request.
(e) If the Department does not approve or deny a permit application within the time allowed under section (8)(a) of this rule, such actions do not require the Department to issue a permit or require any remedy except as provided otherwise in law.
(9) Field checks; applicant requirements and Department method.
(a) When the Department determines an application is complete, the Department will perform a field check to determine the milepoint and all other information necessary to process the application.
(b) The applicant must place a marking at the site to show the proposed location for the sign permit. The applicant may use a stake, ribbon, paint, or any method or material that will allow the Department to easily locate the site and attribute it to the applicant. If the marked site is other than that represented to the local authority in obtaining its signature on the application form, or is other than where the applicant actually builds the sign, the Department may consider that a violation of ORS 377.725(10).
(c) If the Department cannot locate the site it will notify the applicant pursuant to (5)(e) above that the application is incomplete due to incorrect information and may request reasonable action by the applicant to identify the site.
(d) The Department will conduct a field check by traveling to the proposed site and calculating the milepoint to the one-hundredth of a mile or, when necessary, to the one-thousandth of a mile. The Department may also determine the engineering station. The Department may also make any other determination regarding the site that is relevant to the application, such as proximity to the right of way and to a commercial or industrial area. Once a field check has been conducted the application fee is non-refundable.
(e) The Department may use intersections, highway structures, or other highway feature and its corresponding milepoint or engineering station, to measure and calculate the milepoint of the proposed site. Milepost markers are for the convenience of motorists and are not precise indications of the milepoint, therefore the Department will not use milepost markers for these calculations without other indication of accuracy.

(10) Denied Permit Applications. If the Department denies an application, it will consider that site as conflicting with other applications:
(a) Until the time to request a hearing elapses without a hearing request from the applicant; or
(b) If a hearing is requested, until the time to request an appeal on the final order has elapsed or until the final appellate court enters a judgment on the matter, whichever is later.
(c) The Department will keep the original application and any accompanying documents and return a copy after an application is denied.
(11) Issued Permits.
(a) The permit will specify the 180th day by which the sign must be constructed.
(b) Within 190 days of permit issuance, the permittee must notify the Department in writing if the action described in the permit has been completed, and include at least one photograph demonstrating that completion. For a reconstruction permit or a relocation permit based on a relocation credit, the notice must state that the new sign has been constructed. For a direct relocation the notice must state that the new sign has been constructed and the former sign on which the permit was based has been removed. If the Department has not received the notification within 180 days the Department will alert the permittee about the upcoming 190-day deadline. If the permittee fails to submit the written notice and photograph within the time allowed, the Department will cancel the permit to relocate or reconstruct, and the permit will revert to its prior status. No fees will be refunded.
(c) “Constructed” means that the structure and all sign faces are permanently in place and the permit plate is attached. “Removed” means the taking down, removing, or eliminating all sign structure elements that are visible from the state right of way.
(12) Sign Removal Notification A written relocation credit request and the accompanying relocation credit banking fee must be provided to the Department by the permit holder within 60 days of the removal of any permitted sign for that sign to be eligible to receive a relocation credit.
(13) Notification of Ownership Change It is the responsibility of a Business Licensee and a Permit Owner to notify the Department of ownership changes, in writing, within 60 days if a sign permit or relocation credit has been transferred to a new owner or licensee. Failure to provide written notification and required transfer fees within 60 days may be considered a violation under ORS 377.725(2) and may result in the suspension of associated Business License(s).
Statutory/Other Authority: ORS 184.616, 184.619, 377.715, 377.725
Statutes/Other Implemented: ORS 377.715, 377.725
History: HWD 4-2016, f. & cert. ef. 11-28-16; HWD 11-2014, f. & cert. ef. 12-19-14; HWD 6-2012, f. & cert. ef. 3-26-12; HWD 9-2011(Temp), f. 8-24-11, cert. ef. 9-29-11 thru 3-26-12; HWD 2-2009, f. 3-20-09, cert. ef. 3-23-09

734-060-0007

Digital Billboard Procedures

(1) This rule describes the process for applying for a permit for a digital billboard.
(2) Definitions for the purposes of this rule:
(a) “Sign” means the sign structure, the display surfaces of the sign, and all other component parts of the sign.
(b) “Retire” means to use a relocation credit such that it no longer exists or to remove an existing sign to become a relocation permit or credit for use.
(c) “Bulletin” means an outdoor advertising sign with a display surface that is 14 feet by 48 feet.
(d) “Poster” means an outdoor advertising sign with a display surface that is 12 feet by 25 feet.
(e) “Digital Billboard” means an outdoor advertising sign that is static and changes messages by any electronic process or remote control, provided that the change from one message to another message is no more frequent than once every eight seconds and the actual change process is accomplished in two seconds or less.
(3) Qualifications for receiving a digital billboard state sign permit:
(a) The proposed site and digital billboard must meet all requirements of the OMIA including, but not limited to, the following:

(A) The digital billboard is not illuminated by a flashing or varying intensity light.
(B) The display surface of the digital billboard does not create the appearance of movement.
(C) The digital billboard must operate at an intensity level of not more than 0.3 foot-candles over ambient light as measured by the distance to the sign depending upon its size.
(D) The distance measurement for ambient light is: 150 feet if the display surface of the sign is 12 feet by 25 feet, 200 feet if the display surface is 10.5 by 36 feet, and 250 feet if the display surface is 14 by 48 feet.
(b) Applicant must submit a completed application for a digital billboard state sign permit using the approved form that may be obtained by one of the following methods:
(A) Requesting from Sign Program Staff by phone at 503-986-3650;
(B) Email: OutdoorAdvertising@odot.state.or.us;
(C) Website: http://www.oregon.gov/ODOT/HWY/SIGNPROGRAM/pages/index.aspx.
(c) The Department shall confirm that any existing permitted Outdoor Advertising Sign or relocation credit being retired for the purpose of receiving a new digital billboard state sign permit has been removed within the 180 days allowed to construct the new permitted sign. The Department will not charge a Banking Permit Fee for the cancellation of state sign permits retired for the purpose of receiving a new digital billboard permit.
(4) This section sets forth the criteria for determining the required relocation credits or existing permitted signs that an applicant shall retire to receive one new digital billboard state sign permit:
(a) Applicants who own 10% or less of all active relocation credits at the time the application is submitted shall either remove one existing state permitted outdoor advertising sign with a display area of at least 250 square feet or provide one active relocation credit of at least 250 square feet and retire that permit. Applicants meeting these criteria are not limited to either “Bulletin” or “Poster” billboards.
(b) Applicants who own more than 10% of all active relocations credits shall apply for a new digital billboard state sign permit as follows:
(A) For a digital billboard that is intended to be a bulletin, the applicant has three options:
(i) Remove two existing bulletins, retire the permits for those signs, and retire three relocation credits; or
(ii) Remove one existing bulletin and two existing posters, retire those permits and retire three active relocation credits; or
(iii) Remove four existing posters, retire the permits for those signs, and retire three relocation credits.
(B) For a digital billboard that is intended to be a poster, the applicant has two options:
(i) Remove two existing posters, retire the permits for those signs, and retire three relocation credits;
(ii) Remove one existing bulletin, retire the permit for that sign, and retire three relocation credits.
(c) For an active relocation credit to be eligible it must be at least 250 square feet. All permits and relocation credits submitted under these procedures will be permanently cancelled and are not eligible for renewal.
(d) Any state sign permits submitted for retirement must include the written statement notifying the Department that the “lease has been lost or cancelled.”
(5) The Department will determine the percentage of relocation credits owned by an applicant by dividing the total number of unused relocation credits by the total number of unused relocation credits owned by the applicant on the day the application is received.
(6) Two digital billboard state sign permits are required for any back to back or V-type digital sign. A separate application is required for each digital sign face.
(7) The first time a digital billboard is permitted it is not subject to the 100-mile rule in ORS 377.767(4). The site of the newly permitted billboard will become the established location for future reference.
(8) Relocation of permitted digital billboards. The Department will issue one digital relocation credit for each permitted digital sign that is removed. The digital relocation credit issued will be for the same square footage as the permitted digital sign that was removed. A digital relocation credit can only be used to relocate a digital billboard. A permitted digital sign can only be reconstructed as a digital billboard.
(9) Use of renewable energy resource. The applicant must provide a statement with the application that clarifies what, if

any, renewable energy resources are available at the site and are being utilized. If none, then a notarized statement to that effect must be included with the application.
(10) All permitted digital billboards must have the capacity to either freeze in a static position or display a black screen in the event of a malfunction.
(a) The applicant must provide emergency contact information that has the ability and authority to make modifications to the display and lighting levels in the event of emergencies or a malfunction.
(b) The Department will notify the sign owner of a malfunction that has been confirmed by ODOT in the following instances:
(A) The light impairs the vision of a driver of any motor vehicle; or
(B) The message is in violation of ORS 377.710(6) or 377.720(3)(d).
(11) All digital billboard signs must comply with the light intensity and sensor requirements of ORS 377.720(3)(d).
(a) The Department will take measurements of the permitted digital billboard when notified that the sign has been constructed and the permit plate has been installed.
(b) The Department will use an approved luminance meter designed for use in measuring the amount of light emitted from digital billboards using the industry standard for size and distance as follows:
(A) 150 feet for 12'x 25.'
(B) 200 feet for 10.5'x 36'.
(C) 250 feet for 14'x 48'.
Statutory/Other Authority: ORS 184.616, 184.619, 377.710, 377.729, 377.753
Statutes/Other Implemented: ORS 377.710, 377.720, 377.750, 377.767
History: HWD 11-2014, f. & cert. ef. 12-19-14; HWD 6-2012, f. & cert. ef. 3-26-12; HWD 9-2011(Temp), f. 8-24-11, cert. ef. 9-29-11 thru 3-26-12

734-060-0060

Portable Signs on State Highway Right of Way and Repeated Violations of ORS 377.650

Any sign as defined by ORS 377.710, which is portable in nature and which has been deposited, left or displayed on a state highway in violation of 377.650 may be removed and disposed of in the following manner:
(1) Five days after written notice of the violation of ORS 377.650 is mailed or 24 hours after notice is delivered in person to the person owning or controlling the portable sign, the District Manager (DM) or Assistant District Manager (Asst. DM) may have the sign removed and may charge the owner for the cost of removal and storage. The sign shall be stored for 30 days and if the sign is not claimed within 30 days, it may be sold, destroyed or otherwise disposed of.
(2) If the portable sign is determined by the DM or Asst. DM to create a traffic hazard, (e.g., signs on the paved portion of a highway or gravel shoulder, or signs placed upon state highway signs or appurtenances), the five day advance written notice need not be made but notice is to be made within 24 hours after removal.
(3) If the owner of the portable sign or person in control of the sign is not readily identified, by the sign itself or by contacting adjacent property owners, the sign may be removed immediately without notice. However, notice should be made upon subsequent identification of the sign owner.
Statutory/Other Authority: ORS 184, 377
Statutes/Other Implemented: ORS 377.650
History: 2HD 4-1985, f. & ef. 11-22-85

734-060-0065

Portable Signs on State Highway Right of Way — Notice to a Portable Sign Owner

Notice to a portable sign owner shall include at least the following:
(1) Statement that the sign is in violation of ORS 377.650.
(2) The approximate location of the sign and a description of the sign.
(3) Date the sign will be removed, or date on which the sign was removed.
(4) Statement that the removal and storage costs are the responsibility of the owner.

(5) Statement that sign shall be disposed of after 30 days of storage.
(6) The cost of removal and storage.
(7) A location of where the sign will be stored, or a person to contact concerning the storage.
(8) A statement that the owner may remove the sign at the owner's expense prior to date of removal by the Department.
(9) A statement that further violation will result in immediate removal without prior notification.
Statutory/Other Authority: ORS 184, 377
Statutes/Other Implemented: ORS 377.650
History: 2HD 4-1985, f. & ef. 11-22-85

734-060-0070

Portable Signs on State Highway Right of Way — Previous Notice

If a previous notice has been given that a portable sign or other personal property violates ORS 377.650, and that sign, (a change of legend or message does not constitute a different sign), or property is again placed on a state highway, such items may be removed without further notice and stored for 30 days before further disposal. In such event notice shall be given subsequent to removal and the owner shall be given an opportunity for a hearing before the DM or Asst. DM to contest the violation and removal. The request for a hearing must be made within three working days after removal and the hearing must be held within five working days after such removal. The scope of this hearing shall be limited to whether proper prior notice was given, whether there was a subsequent violation and whether the sign or property was placed on a state highway. A written decision shall be made concerning the violation and removal procedure.
Statutory/Other Authority: ORS 184, 377
Statutes/Other Implemented: ORS 377.650
History: 2HD 4-1985, f. & ef. 11-22-85

734-060-0075

Portable Signs on State Highway Right of Way — Removal Provisions

Signs subject to OAR 734-027-0005 through 734-027-0050 are subject to the removal provisions of those rules and ORS 377.775.
Statutory/Other Authority: ORS 184, 377
Statutes/Other Implemented: ORS 377.650
History: 2HD 4-1985, f. & ef. 11-22-85

734-060-0105

Signs of a Governmental Unit

(1) In order to qualify for a permit exemption under ORS 377.735(1)(a) as a sign of a governmental unit the following criteria must be satisfied:
(a) The sign must be within the territorial or zoning jurisdiction of the governmental unit;
(b) The governmental unit must have the authority to declare, expound, administer, or apply the law within the area;
(c) The governmental unit may only erect the sign, or allow it to be erected, for the purpose of carrying out an official duty or responsibility directed or authorized by law.
(2) Location. Signs permitted by this rule are prohibited on state highway right of way.
(3) Size. Maximum area allowed is 200 square feet; maximum height or length allowed is 20 feet.
(4) Number. A governmental unit may have two such permit exemptions. If the limitation on number of signs will cause undue hardship, a waiver for additional signing may be granted by the Director, or authorized representative, upon application by the sign owner.
(5) The entire message must be contained on one sign. Fragmentation of messages on separate sign panels is prohibited.
(6) Signs erected under this rule are subject to the provisions of ORS 377.720 and to applicable federal requirements. Nothing in this rule is intended to permit a sign that is otherwise prohibited by a local government.
(7) No person may receive compensation for displaying the sign.

(8) This rule is not intended to regulate official traffic control signs or devices.
(9) To apply for the permit exemption an official of the governmental unit must submit a completed certification form, and an image of the proposed sign showing dimensions and copy, to the Outdoor Advertising Sign Program office.
Statutory/Other Authority: ORS 184.616, 184.619, 377.735
Statutes/Other Implemented: ORS 377.735
History: HWD 1-2009, f. & cert. ef. 2-20-09; TO 7-2001, f. & cert. ef. 12-13-01; HWY 1-1989, f. & cert. ef. 5-2-89

734-060-0175
Temporary Signs
(1) This rule is enacted pursuant to ORS 377.735 regarding the permit exemption for temporary signs and in furtherance of the Oregon Motorist Information Act (OMIA, 377.700 through 377. 840 and 377.992).
(2) Location generally. A temporary sign may be erected outside of state highway right of way, within view of a state highway, subject to the requirements of the local jurisdiction and the OMIA. A sign that complies with all the provisions of ORS 377.735(1)(b) may be erected without prior approval of the Department. A sign that requires a variance to comply must obtain that variance before erecting the sign. The Department may, at its discretion, retroactively grant a variance.
(3) The entire message must be contained on one sign. Fragmentation of messages on separate sign panels is prohibited.
(4) Changes in copy or location. For the sake of the time limits described in ORS 377.735(1)(b), the following will be considered one sign:
(a) The same sign structure, regardless of copy, moved less than 600 feet from a former site; or
(b) A different sign structure, regardless of copy, in approximately the same location as another sign that was removed.
(5) Variance Procedure.
(a) A variance request must be in writing on a form provided by the Department. The request must be sent to the Outdoor Advertising Sign Program. There is no fee for a variance.
(b) A variance request must describe the specific location including:
(A) Name or number of highway;
(B) Side of highway; and
(C) Approximate milepoint, distance from a known highway feature (e.g. an intersection), or physical address.
(c) A variance request must describe the reason that constitutes good cause to grant the variance. If a reason is the amount of copy itself, requester must include the proposed copy. The Department may consider the amount, not the substance, of the copy.
(d) The request must include the name and mailing address of the requester. If the requester wants the Department to be able to make contact in any other way, such as to obtain supplemental information to process the request, requester may also include that contact information. The requester will be considered a sign owner for the sake of violation of sign laws.
(e) The request must include the date the sign will be posted and the date it will be removed so as to comply with the time limits to qualify for the exemption.
(f) Requester must certify that he or she:
(A) Has permission from the person in control of the property to post the sign;
(B) Will comply with all requirements of the local jurisdiction;
(C) Will not pay or receive any form of compensation for posting the sign; and
(D) Will comply with all requirements of the OMIA.
(g) The Department must grant or deny the request within 14 days after the Outdoor Advertising Sign Program receives it. The Department may deny applicant's variance request due to lack of required information; the applicant may re-submit the request. If the Department denies a request, fails to make a decision within 14 days, or grants and later revokes a variance, the requester may request a contested case hearing. Failure of the Department to meet the time limits required by this rule does not require that the variance be granted.
(h) If the Department determines a requester provided false information, including a false certification under (3)(f), it

may deny the request and revoke any variance already granted to that person or the organization the applicant represents.
(i) Variances for both size and time may be granted at the discretion of the Department based on motorist safety considerations and statutory requirements. The Department will not grant more than 10 variances to one requester or organization for the same period of time.
(6) Specific Variance Criteria.
(a) Variance for size. The Department may grant a variance for size up to 32 square feet per side of a back-to-back sign. Good cause to grant a size variance may include, but is not limited to the following:
(A) Due to highway speed, width of right of way, topography, or other similar reasons beyond the applicant's control, the sign copy will not be legible to motorists if the sign is 12 square feet or less;
(B) Due to the amount of copy on the sign, the copy will not be legible to motorists if the sign is 12 square feet or less; or
(C) The sign was manufactured before the 12/13/2001 change in administrative rules regarding exempt signs, and the sign continues to comply with those former rules.
(b) Variance for time. The Department may grant a variance for time up to a total of 120 continuous days in a calendar year. The Department may grant the variance for good cause shown. Good cause may include, but is not limited to, a showing that:
(A) The applicant is attempting to obtain an outdoor advertising sign permit for the sign but will be unable to complete the application process within 60 days;
(B) Due to conditions of the land, weather, or similar reasons beyond requester's control, requester will be unable to remove the sign within 60 days.
(7) Prohibitions and penalties.
(a) Other than official traffic control devices, signs are prohibited in state highway right of way. Accessing a sign or sign site by crossing access-controlled right of way is prohibited. Violations of this rule are subject to ORS 377.725(9) and any other removal or penalty provision under law. Signs in or overhanging state highway right of way may be removed pursuant to ORS 377.650 and OAR 734-060-0060 to 734-060-0070.
(b) Signs outside of right of way are subject to the removal procedures of ORS 377.775, and the penalty provisions of ORS 377.992 as well as any other penalty provision under law.
(c) If the sign or site has been accessed from access-controlled right of way, or the sign has been placed in or overhanging right of way, the Department may revoke any variance for that sign, by that requester, or by the represented organization. The Department may deny any subsequent variance request for that sign, by that requester, or by that organization at any location. If the Department discovers multiple violations of (a) above, it may file for an injunction under ORS 374.415.
(8) Signs erected under this rule are subject to the provisions of ORS 377.720 and to all applicable state and federal requirements.
Statutory/Other Authority: ORS 184.616, 184.619, 377.735
Statutes/Other Implemented: ORS 377.735
History: HWD 4-2016, f. & cert. ef. 11-28-16; HWD 11-2014, f. & cert. ef. 12-19-14; HWD 1-2009, f. & cert. ef. 2-20-09; TO 7-2001, f. & cert. ef. 12-13-01; HWY 1-1989, f. & cert. ef. 5-2-89

734-060-0180

Restricted Sign Permits

(1) This rule is enacted under the authority of ORS 377.725(14).
(2) A Restricted Permit may be issued for non-conforming signs that were legally located prior to May 31, 2007, where no compensation has been exchanged for the sign's placement or the message(s) displayed, including signs that were permitted, prior to 2007 as a Business Identification or Directional (BID) signs.
(3) Restricted Permits have no relocation or reconstruction benefits. Signs permitted under a Restricted Permit may be maintained, but may not be reconstructed or relocated,

Statutory/Other Authority: ORS 184.616, 184.619, 377.735
Statutes/Other Implemented: ORS 377.725
History: HWD 4-2016, f. & cert. ef. 11-28-16

734-060-0185

Public Convenience and Safety Signs

(1) Location. Public convenience or safety signs are allowed on private property visible to a state highway, under the exemption in ORS 377.735, except as prohibited by these rules. Public convenience or safety signs are prohibited on state highway right of way unless approved in writing by the Deputy Director of the Department of Transportation. Public convenience signs must be within one mile of the convenience covered by the sign.
(2) Size. The maximum permissible size for public convenience or safety signs is six square feet.
(3) Spacing and Form. Minimum spacing between two public convenience or safety signs on the same side of the highway is 100 feet. The entire message must be contained on one sign. Fragmentation of messages on separate sign panels is prohibited.
(4) Qualification. Public safety signs are those necessary for the safety of the public such as, but not limited to, signs with legal notices or warnings, or signs warning of danger to the public. Public convenience signs are those necessary for guiding the public in the use of the state transportation system such as, but not limited to, signs identifying transit stops, freight entrances, train stations, ports, airports, or signs identifying public rest rooms.
(5) Signs erected under this rule are subject to ORS 377.720 and to applicable federal requirements.
(6) Removal. Signs erected under this rule are subject to the removal procedures as provided in ORS 377.775.
(7) No person or organization may receive compensation for the act of displaying a public convenience or safety sign.
(8) This rule is not intended to regulate, prohibit or limit official highway traffic control signs or devices.
Statutory/Other Authority: ORS 184.616, 184.619, 377.735
Statutes/Other Implemented: ORS 377.735
History: HWD 1-2009, f. & cert. ef. 2-20-09; TO 7-2001, f. & cert. ef. 12-13-01

734-060-0190

Digital or LED Variable Message Signs Other than Outdoor Advertising Signs

This rule is enacted pursuant to ORS 377.720(3) and (4) regarding signs other than Outdoor Advertising Signs that utilize digital or LED electronic message or variable message technology and are visible to a state highway.
(1) By statute, all signs visible to state highways are subject to state sign prohibited sign and safety regulations. No signs visible to a state highway, other than official traffic control signals or devices, may include moving or rotating parts or lights. Signs may not be made to resemble an official traffic signal or device and they may not have lights that project onto the roadway or impede the sight of traveling motorist.
(2) In interpreting ORS 377.715 and 377.720, signs visible to a state highway, other than official traffic control signals or devices, may not:
(a) Be illuminated by flashing lights or a light that varies in intensity;
(b) Have a display surface that creates the appearance of movement;
(c) May not operate at a brightness level of more than 0.3 foot-candles over ambient light, nor intensity greater than the luminance indicated in the table 1, as measured perpendicular to the face of the billboard at the indicated measurement distance for a designated sign dimension: [Table not included. See ED. NOTE.]
(3) Newly constructed signs visible to a state highway, other than official traffic control signals or devices, must be:
(a) Equipped with a light sensor that automatically adjusts the intensity of the sign illumination according to the amount of ambient light, and;
(b) Designed to freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.
[ED. NOTE: Tables referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619, 377.710, 377.720

Statutes/Other Implemented: ORS 377.720

History: HWD 4-2016, f. & cert. ef. 11-28-16; HWD 11-2014, f. & cert. ef. 12-19-14

734-060-0190

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(a) Be illuminated by flashing lights or a light that varies in intensity;

(b) Have a display surface that creates the appearance of movement;

(c) May not operate at an brightness level of more than 0.3 foot-candles over ambient light, nor intensity greater than the luminance indicated in the table 1, as measured perpendicular to the face of the billboard at the indicated measurement distance for a designated sign dimension:

Illuminace (Brightness)	LED or Digital Sign Dimensions (ft.)	Measure ment Distance	Luminance [Intensity measured in candelas per square meter (Cd./sq.M.)]
0.3 footcandles	Less than or equal to: 12 x 25	150	300
0.3 footcandles	Less than or equal to: 10.5 x 36	200	342
0.3 footcandles	Less than or equal to: 14 x 48	250	300

(3) Newly constructed signs visible to a state highway, other than official traffic control signals or devices, must be:

(a) Equipped with a light sensor that automatically adjusts the intensity of the sign illumination according to the amount of ambient light, and;

(b) Designed to freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.

Stat. Auth.: ORS 184.616, 184.619, 377.710 & 377.720

Stats. Implemented: ORS 377.720

DIVISION 62
SIGNS IDENTIFYING CULTURAL AND HISTORICAL FEATURES

734-062-0005
Applicability and Purpose
(1) The purpose of these regulations is to establish standards for the Department of Transportation to erect official traffic control signs to identify and provide directional information to qualified cultural and historical features.
(2) These regulations are applicable to the Interstate System and freeways. The Department may not consider applications under these rules for signs off the Interstate System or freeways, other than for follow-up signs as required by the Engineer.
Statutory/Other Authority: ORS 184.616, 184.619, 366
Statutes/Other Implemented: ORS 366.205, 366.450
History: HWD 7-2009, f. & cert. ef. 7-20-09; 2HD 5-1983, f. & ef. 1-20-83

734-062-0010
Definitions
As used in these rules the following definitions apply unless the context clearly indicates otherwise:
(1) “Engineer” means the State Traffic Engineer or the Engineer’s designee.
(2) “Qualified Cultural Feature” means a museum determined by the Engineer to be of significant cultural value to the region or state pursuant to OAR 734-062-0035.
(3) “Qualified Historical Feature” means a district or a property currently listed in the National Register of Historic Places or designated nationally significant by the United States Department of the Interior, and determined by the Engineer to be of significant historical value to the region or state pursuant to OAR 734-062-0035.
(4) “Qualified Feature” means a qualified cultural or historical feature under this Division.
(5) “Interstate System” or “interstate highway” means every state highway that is a part of a national system of interstate and defense highways established pursuant to Section 103(b), Title 23, United State Code.
(6) “Sign” includes sign panels, support structure and break away devices.
(7) “Freeway” means a divided arterial highway with four or more lanes available for through traffic, with full control of access and grade separation at intersections.
(8) “Department” means the Oregon Department of Transportation.
(9) “Owner” means a holder of fee title or lessee.
(10) “Responsible Operator” means a person or entity other than an owner who operates a qualified historical or cultural feature.
(11) “Follow-up sign” means an official sign located on, opposite, or at the terminus of an exit ramp from the Interstate System or an exit ramp at an interchange on a freeway, or additional official signs along the route from the interstate system or freeway to the qualified cultural or historical feature.
Statutory/Other Authority: ORS 184.616, 184.619, 366
Statutes/Other Implemented: ORS 366.205, 366.450
History: HWD 7-2009, f. & cert. ef. 7-20-09; 2HD 5-1983, f. & ef. 1-20-83

734-062-0015
Criteria For Location
(1) Signs for qualified features shall conform to all requirements of the Manual on Uniform Traffic Control Devices as adopted by the Oregon Transportation Commission, any of its amended supplements, and all other standards established by the Department of Transportation for official traffic control devices. The Department may approve a maximum of two qualified features, and only one such sign structure per interchange per direction of travel.
(2) Before approving an application for such a sign, the Engineer will review the proposed sign, legend, and placement to determine whether it will comply with these rules. Some factors the Engineer may consider include, but are not limited

to: spacing or other factors involving official signs that will be installed as part of an upcoming transportation project, cost versus available funds, environmental concerns, right-of-way width, existing traffic control devices, and other issues that impact whether it is appropriate for the Department to install a sign.
[Publications: Publications referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619, 366
Statutes/Other Implemented: ORS 366.205, 366.450
History: HWD 7-2009, f. & cert. ef. 7-20-09; 2HD 5-1983, f. & ef. 1-20-83

734-062-0020

Facilities Requirements for Qualified Cultural and Historical Features

(1) Qualified cultural and historical features that have features within a building or a restricted outdoor area must include:
(a) Restroom facilities and drinking water.
(b) Continuous operation at least six hours per day six days a week.
(c) Licensing where required.
(d) Adequate parking accommodations.
(2) Qualified undeveloped cultural and historical features not located within buildings or a restricted outdoor area must include:
(a) Adequate parking accommodations.
(b) An informational device to provide the public knowledge of the features.
(3) Each qualified cultural and historical feature identified on a sign must give written assurance to the Department that it complies with all applicable laws concerning the provisions of public accommodations without regard to race, religion, color, sex, marital status, sexual orientation, age, disability, or national origin, and shall not be in breach of that assurance.
(4) The Engineer may grant a waiver under OAR 734-062-0040(2) to sections (1) and (2) of this rule.
Statutory/Other Authority: ORS 366
Statutes/Other Implemented: ORS 366.205, 366.450
History: HWD 7-2009, f. & cert. ef. 7-20-09; 2HD 5-1983, f. & ef. 1-20-83

734-062-0030

Distance to Qualified Cultural and Historical Feature and Follow-Up Signs

(1) Qualified historical or cultural features must be located within one mile of the interchange measured by vehicle distance from the center point of the exit ramp intersection to the nearest point of the intersection of the driveway of the feature and a public highway. However, any qualified cultural or historical feature set out in this section located within 10 miles of an interchange may apply to the Department for a waiver under the provisions of OAR 734-062-0040.
(2)(a) Where any qualified cultural or historical feature is not visible from any part of the exit ramp the Engineer may require a follow-up sign, bearing the identification together with a directional arrow, and mileage where needed, at the exit ramp terminus. The Engineer may also require follow-up signs necessary to enable the traveling public to find the feature and for traffic safety.
(b) If the qualified cultural or historical feature is visible from any part of the exit ramp, the Department will not erect a follow-up sign unless the Engineer determines it to be necessary to avoid a traffic hazard or misdirection of the traveling public.
Statutory/Other Authority: ORS 184.616, 184.619, 366
Statutes/Other Implemented: ORS 366.205, 366.450
History: HWD 7-2009, f. & cert. ef. 7-20-09; 2HD 5-1983, f. & ef. 1-20-83

734-062-0035

Application and Eligibility

(1) The Department shall prioritize applications for qualified feature signs based on the date of receipt of a properly

completed application.
(2) Only the owner or responsible operator of a qualified historical or cultural feature may file an application for a sign. The applicant must use the form specified by the Department.
(3) The Engineer must consult with the Oregon Historical Society, and may consult with county or city historical societies, or any other entity that may have information regarding the historical value of the feature. The Engineer will determine if an applicant has significant historical value so as to qualify for a sign by considering the following:
(a) Whether the proposed historical feature is currently known and recognized within the community and region;
(b) Whether the proposed historical feature is readily accessible to visitors. This may include regular hours of operation and public access to the proposed feature;
(c) The historical authenticity of the feature. This may include such items as the interpretive story presented at the feature, or the extent of historical renovation or preservation of the feature;
(d) Any other relevant criteria.
(4) The Engineer must consult with the Oregon Museums Association, the Oregon Historical Society, and the local historical society in the region where the museum is located, and may consult with any other entity that may have information regarding the cultural value of the feature. The Engineer will determine if an applicant has significant cultural value so as to qualify for a sign by considering the following:
(a) Whether the proposed cultural feature is currently known and recognized within the community and region;
(b) Whether the proposed cultural feature is readily accessible to visitors. This may include regular hours of operation and public access to the proposed feature;
(c) The authenticity of the feature. This may include such items as the interpretive resources presented at the feature, the extent of the collection.
(5) The owner or responsible operator must request annually that the sign erected under these rules be renewed. The request must affirm that the qualified feature continues to qualify for the sign. A renewal allows the sign to remain for one year from the date of renewal, provided the feature remains in compliance with these rules.
(6) The Department may review a qualified feature for continued eligibility annually before granting a renewal, or at any other time. If the qualified feature fails to meet the qualifications for its sign, or the owner or operator fails to submit a renewal request, the Department may remove the sign or sign legend for that feature.
(7) The Department may remove the sign or the sign legend for the qualified feature if:
(a) The qualified cultural or historical feature fails on a sufficient number of occasions or over a sufficient period of time to meet the requirements of OAR 734-062-0020(1) and (2), so as to justify a finding by the Department that the feature is not in substantial compliance with these regulations.
(b) The qualified cultural or historical feature fails to open for business for more than 21 consecutive days or for more than 30 days cumulatively during any normal operating season unless the Department finds that closure for such period was beyond the control of the owner or responsible operator, or that the closure was justified by extenuating circumstances.
(c) If it fails to comply with OAR 734-062-0020(3), except in isolated instances without the knowledge of the owner, responsible operator, or manager of the feature, or on any occasion unless steps are promptly taken to insure to the fullest extent reasonably possible that such instances will not recur.
(8) If due to fire, accident or similar causes, a qualified cultural or historical feature becomes inoperable for more than seven days, but less than 90 days, the Department may cover or remove the sign legend for that feature, but the feature shall not lose its priority, nor be required to reapply prior to the normal time for a renewal application. The Department may grant further extension on good cause shown. However, failure of the owner or responsible operator to proceed with necessary repairs as rapidly as possible shall cause loss of the right to have the feature included on the sign.
(9) Notwithstanding that a qualified historical or cultural feature meets all of the other eligibility requirements of these regulations, the Department may deny the application if the Engineer determines that adequate direction to the feature cannot be given by an allowable follow-up sign. Without limitation, examples include: the route predominantly runs over non-state highway; the route requires more than three follow-up signs.

(10) The Department may not approve or place a qualified feature sign if the feature has already been approved by the Travel Information Council for signing along the same route. If the qualified feature has been approved for a sign under this Chapter, and subsequently obtains a sign through the Travel Information Council along the same route, the Department shall remove the signs it erected or remove or cover the sign legend for that feature.
(11) The Department may make a decision outlined in this chapter without a hearing. If an applicant, owner, or operator of the affected feature disagrees with the Department's final decision, the applicant, owner, or operator may request a Contested Case hearing under ORS chapter 183. The Department may continue to enforce its decision pending the conclusion of the contested case including any appellate court action.
Statutory/Other Authority: ORS 184.616, 184.619, 366
Statutes/Other Implemented: ORS 366.205, 366.450
History: HWD 7-2009, f. & cert. ef. 7-20-09; 2HD 5-1983, f. & ef. 1-20-83

734-062-0040
Waiver
(1) Upon request by an applicant the Engineer may authorize a waiver of OAR 734-062-0030(1) upon a showing by applicant that for qualified cultural or historical features located within 10 miles of an interchange but more than one mile from an interchange, the feature is easily located from the interchange and no additional signs other than an authorized follow-up sign would be necessary to direct the traveling public to the feature or that adequate signing will be provided on the public road system to guide the traveling public to the feature.
(2) Upon request by an applicant, the Engineer may authorize a waiver upon a showing by the applicant that the granting of such waiver will benefit the traveling public and not violate the overall intent of these regulations. The Engineer may grant waivers under OAR 734-062-0020(1) and (2); and 734-062-0030(1).
Statutory/Other Authority: ORS 184.616, 184.619, 366
Statutes/Other Implemented: ORS 366.205, 366.450
History: HWD 7-2009, f. & cert. ef. 7-20-09; 2HD 5-1983, f. & ef. 1-20-83

734-062-0050
Temporary Removal and Reinstallation Fees
After the initial installation of any qualified cultural or historical feature sign, a $25 fee shall be charged for:
(1) Temporary removal because of temporary or seasonal closure of the qualified cultural or historical feature.
(2) Reinstallation of any qualified cultural or historical feature sign pursuant to section (1) of this rule.
Statutory/Other Authority: ORS 366
Statutes/Other Implemented: ORS 366.205, 366.450
History: 2HD 5-1983, f. & ef. 1-20-83

734-062-0100
Signs Identifying Viticultural Features: Applicability and Purpose
(1) The purpose of these regulations is to establish standards for the Department of Transportation to erect official traffic control signs to identify to motorists that they are entering a federally recognized viticultural area.
(2) These regulations are applicable to the Interstate System and freeways. The Department may not consider applications under these rules for signs off the Interstate System or freeways.
Statutory/Other Authority: ORS 366.205, 366.450, 810.200, 810.210
Statutes/Other Implemented: ORS 366.205, 366.450, 810.200, 810.210
History: HWD 3-2009, f. 3-20-09, cert. ef. 3-23-09

734-062-0105
Signs Identifying Viticultural Features: Definitions
As used in these rules the following definitions apply unless the context clearly indicates otherwise:
(1) "Engineer" means the State Traffic Engineer or the Engineer's designee.

(2) “Qualified Feature” means a feature that qualifies under this rule, or a feature that qualifies as a Cultural or Historical feature under rules for those official signs.
(3) “Qualified Viticultural Feature” means a grape growing region distinguishable by geographical features, and approved as an American Viticultural Area by the U.S. Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau, pursuant to 27 CFR 9.
(4) “Interstate System” or “interstate highway” means every state highway that is a part of a national system of interstate and defense highways established pursuant to Section 103(b), Title 23, United State Code.
(5) “Sign” includes sign panels, support structure and break away devices.
(6) “Freeway” means a divided arterial highway with four or more lanes available for through traffic, with full control of access and grade separation at intersections.
(7) “Department” means the Oregon Department of Transportation.
(8) “Viticultural Feature Applicant” means the person or entity that submitted the application for a sign under these rules.
Statutory/Other Authority: ORS 366.205, 366.450, 810.200, 810.210
Statutes/Other Implemented: ORS 366.205, 366.450, 810.200, 810.210
History: HWD 3-2009, f. 3-20-09, cert. ef. 3-23-09

734-062-0110
Criteria For Location

(1) Signs for qualified viticultural features must conform to all requirements of the Manual on Uniform Traffic Control Devices as adopted by the Oregon Transportation Commission, any of its amended supplements, and all other standards established by the Department of Transportation for official traffic control devices. The Department may approve a maximum of two qualified features, and only one such sign structure, per interchange per direction of travel.
(2) Before approving an application for such a sign, the Engineer will review the proposed sign, legend, and placement to determine whether it will comply with these rules. Some factors the Engineer may consider include but are not limited to: spacing or other factors involving official signs that will be installed as part of an upcoming transportation project, cost versus available funds, environmental concerns, right-of-way width, existing traffic control devices, and other issues that impact whether it is appropriate for the Department to install a sign.
Statutory/Other Authority: ORS 366.205, 366.450, 810.200, 810.210
Statutes/Other Implemented: ORS 366.205, 366.450, 810.200, 810.210
History: HWD 3-2009, f. 3-20-09, cert. ef. 3-23-09

734-062-0115
Application and Eligibility

(1) The Department shall prioritize applications for signs for qualified features based on the date of receipt of a properly completed application.
(2) Only the following may apply for a sign under these rules: the entity that submitted the successful application for federal recognition as a viticultural area, a municipal or county government within that viticultural area, a winery or vineyard within the viticultural area, or a winery or vineyard association with membership in the viticultural area.
(3) The applicant must use the form specified by the Department, and complete an application for each requested sign.
(4) The qualified viticultural applicant or its designee must request annually that the sign erected under these rules be renewed. The request must affirm that the viticultural area continues to qualify under federal standards, and continues to qualify for the sign under these rules. A renewed sign allows the sign to remain for one year from the date of renewal, provided the feature remains eligible as set forth in these rules.
(5) The Department may review a viticultural feature for continued eligibility at any time.
(6) The Department may remove the sign or the sign legend for the viticultural feature if the Department determines the sign is no longer appropriate for that location or if the federal agency responsible for viticultural areas:
(a) Removes the designation; or

(b) Changes the designation so that the sign is no longer geographically within the viticultural area.
(7) The Department may make a decision outlined in this division of rules without a hearing. If a viticultural feature applicant disagrees with the Department's final decision, the applicant may request a contested case hearing under ORS chapter 183. The Department may continue to enforce its decision pending the conclusion of the contested case including any appellate court action.
Statutory/Other Authority: ORS 366.205, 366.450, 810.200, 810.210
Statutes/Other Implemented: ORS 366.205, 366.450, 810.200, 810.210
History: HWD 3-2009, f. 3-20-09, cert. ef. 3-23-09

734-062-0120
Signs for Qualified Viticultural Features
(1) Location. A qualified viticultural feature applicant may apply for a sign near the border entering the viticultural area recognized by the federal Department of Treasury. Because a viticultural feature is a large geographic area rather than a specific destination, no follow-up signs are required or allowed.
(2) Number. The Department may approve a maximum of two signs per highway for each qualified viticultural feature.
(3) Sign Legend. Because a viticultural feature is a large geographic area rather than a specific destination, the sign legend on such a sign will indicate that motorists are entering the viticultural area, but will not direct motorists to a particular exit or location.
(4) A qualified viticultural feature applicant must submit the following information to demonstrate qualification for such a sign:
(a) Documentation of recognition by the federal Department of Treasury of the viticultural area;
(b) Map showing the proposed sign location in relation to the boundaries of the viticultural area;
(c) Documentation showing the applicant has sent notice of the proposal to appropriate wine industry groups for dissemination among their members in any adjacent or overlapping qualified viticultural area, including any designated sub-section of a viticultural area.
Statutory/Other Authority: ORS 366.205, 366.450, 810.200, 810.210
Statutes/Other Implemented: ORS 366.205, 366.450, 810.200, 810.210
History: HWD 3-2009, f. 3-20-09, cert. ef. 3-23-09

734-062-0125
Signs Identifying Viticultural Features: Installation
(1) The Department may furnish, erect, and maintain all signs that have been approved for installation.
(2) The Department shall notify applicant promptly when an application has been approved or denied, and when a sign has been installed.
Statutory/Other Authority: ORS 366.205, 366.450, 810.200, 810.210
Statutes/Other Implemented: ORS 366.205, 366.450, 810.200, 810.210
History: HWD 3-2009, f. 3-20-09, cert. ef. 3-23-09

DIVISION 63
RELOCATING OUTDOOR ADVERTISING SIGNS ON A SCENIC BYWAY

734-063-0005
Relocating Outdoor Advertising Signs on a Scenic Byway
For the purpose of insuring that Oregon does not violate any federal scenic byway laws resulting in the loss of federal funding for its scenic byways:
(1) No permit shall be issued to relocate an outdoor advertising sign to be visible to any portion of US 101, a designated scenic byway, unless it complies with federal scenic byway laws, federal regulations or conditions of federal grants relating to scenic byways.
(2) All signs maintained and reconstructed under these regulations are also subject to the provisions of ORS 377.700 to

377.840 and to all applicable federal laws, regulations and agreements entered into by the Transportation Commission and the Federal Highway Administration. Signs maintained and reconstructed under these regulations are also subject to any city or county ordinance or regulation.
Statutory/Other Authority: ORS 184.616, 377.726 & Ch. 268, OL 1993
Statutes/Other Implemented: ORS 377.727
History: HWY 6-1993, f. & cert. ef. 10-21-93; HWY 5-1993(Temp), f. & cert. ef. 7-23-93

734-063-0010

Scenic Byway Removal Incentive Program

(1) As provided in ORS 377.759, the owner of an active outdoor advertising sign permit for a sign visible to a highway located along the Oregon Scenic Byway system may apply to the Department of Transportation to voluntarily remove a sign in exchange for an incentive described in statute. This rule establishes the criteria for participation in the incentive program, the procedure to apply, and the procedure the Department will follow to process those applications.
(2) Qualification for participation — Byway status and sign legality.
(a) The location of the sign must be within the current Oregon Scenic Byway system as approved by the Oregon Transportation Commission. The Scenic Byway system includes state Scenic Byways, national Scenic Byways, All American Roads, and Oregon Tour Routes (hereafter “Byway system” or “Byway”). If the location of the sign is within an area that is the subject of a request to be de-designated or segmented from the Byway system, the sign does not qualify.
(b) The sign must be in compliance with all laws. A sign that is in violation of the law does not qualify for the incentive. The Department need not have issued a notice of violation prior to the application for participation for the Department to deny the application on this basis. If the Department denies the application in part or in full due to noncompliance with state sign laws, it must issue a notice of violation at the same time as the denial so applicant has a full opportunity to contest the decision.
(c) The sign must qualify for relocation under ORS 377.700 to 377.840. If the sign does not meet the criteria for relocation of the sign and permit, the sign does not qualify for the incentive program.
(d) A sign that is nonconforming under state law may qualify for the incentive program, depending on the reason for its nonconforming status. A sign that is nonconforming for a reason that legally would prevent its reconstruction in the same location does not qualify for the incentive program.
(3) Qualification for participation — Particularly Scenic Areas of Scenic Byways
(a) To qualify for the incentive the sign must be in a particularly scenic area within a Byway. When a sign permit holder submits an application the Department will determine if the location of the sign meets that requirement. This is a case-specific determination, therefore the Department will make a decision for each specific application and not for a geographic area, length of highway, etc. The Department will consider the following factors in reaching its decision, and identify its reasons in the written decision finding the sign does or does not qualify for incentive.
(b) The sign is not located at a developed commercial or industrial area (as defined in ORS 377.767) visible from the main traveled way of the highway, regardless of whether the area is occupied by a going concern.
(c) The sign is not located within 500 feet of a sign that is subject to the jurisdiction of the Outdoor Advertising Sign Program but that does not have a state sign permit for any reason, including violation of the law or exemption from the law.
(d) The sign is within view of a public park, publicly owned forest, historic site, scenic viewpoint, or similar location.
(e) Other reasonable indicia of scenic beauty.
(4) Application for Participation in Incentive Program
(a) To apply for participation in the incentive program a sign permit holder must submit a request to the Department of Transportation Outdoor Advertising Sign office.
(b) The request must include a letter from the permit holder or an authorized representative stating the request to receive the incentive in exchange for voluntarily removing a particular sign identified by permit number. The letter must state whether any other entity has a legal interest in the permit or sign structure, and the nature of that interest. The

letter must include a statement that the sign and permit are in compliance with all laws. The letter must state whether the applicant seeks two relocation credits, or one relocation credit and one direct relocation permit.
(c) The packet must include recent photographs of the sign showing its construction, condition, and the surrounding area, so the Department may make an initial analysis of qualification under sections (2) and (3).
(d) The packet must include a current county assessor's map showing Township, Range, and Section numbers, Section subdivision letters or numbers where relevant. Applicant must identify the sign location on the correct tax lot on that map.
(e) The packet may include a permit application for direct relocation of the sign and permit ("relocation application"). The relocation application is contingent on the granting of the incentive unless the applicant informs the Department in writing that the relocation application should be processed immediately. Barring that statement by applicant, the Department will treat the relocation application as incomplete under OAR 734-059-0000 and hold it as pending until the Department determines whether the sign and permit qualify for the incentive.
(5) Department Processing of Application
(a) The Department will determine if the application is complete. If not, the Department will advise applicant what is missing and provide a date by which the application must be completed. If it is not completed by that date the Department will return the original materials to applicant and the matter will be closed.
(b) When the application is complete, the Department will determine if the sign and permit meet the basic requirements in section (2). If not, the Department will contact applicant to gather more information, including whether the applicant disagrees with the Department's preliminary decision. If the applicant agrees with that decision, the Department will deny the application and return the original materials to applicant and the matter will be closed.
(c) If the sign and permit meet the requirements of section (2), or if applicant disagrees with the Department's preliminary decision regarding section (2), the Department will inspect the sign and the location for compliance with the law and for qualification as a particularly scenic area.
(d) The Department will determine whether the sign complies with the law and whether the sign is within a particularly scenic area of a Scenic Byway. The Department will notify applicant in writing regarding its determinations and relevant factual findings. If the Department determines the sign and permit do not qualify for the incentive program, the Department will advise applicant of its right to request a contested case hearing.
(e) If the Department determines the sign qualifies for the incentive program, the applicant must inform the Department when it will remove the sign. The sign must be removed no later than 90 days after the Department's notification. The Department will inspect the site to verify the sign has been removed. The entire sign structure, whether or not visible to the highway, must be removed to comply.
(f) Upon verification the sign has been removed the Department will cancel the sign permit and issue two relocation credits for the size and established location of the sign permit. If applicant also submitted a relocation application the Department will process it under OAR 734-059-0000 and, if the application meets the requirements of the law, will issue the relocation permit and one relocation credit. If the relocation application does not meet the requirements of the law the Department will deny the relocation application and issue two relocation credits.
Statutory/Other Authority: ORS 184.616, 184.619, 377.763, 377.759, 377.992
Statutes/Other Implemented: 377.763, 377.759, 377.992
History: HWD 11-2010, f. & cert. ef. 9-27-10

DIVISION 65
ADVERTISING SIGNS ATTACHED TO TRANSIT SHELTERS OR BENCHES

734-065-0010
Definitions
(1) Transit shelters are structures erected and maintained at official stops for a mass transit district, transportation district or any other public transportation agency to protect their riders from the weather at transit stops, and will hereinafter be referred to as shelters.

(2) Transit Benches are structures erected and maintained at official stops for a mass transit district, transportation district or any other public transportation agency to provide seating at transit stops, and will hereinafter be referred to as benches.
Statutory/Other Authority: ORS 184.616, 184.619, 377.729
Statutes/Other Implemented: ORS 377.725
History: HWD 4-2016, f. & cert. ef. 11-28-16; HWD 9-2009, f. & cert. ef. 11-17-09; 2HD 19-1981, f. & ef. 11-24-81

734-065-0015

Construction or Placement of Transit Benches or Shelters

These rules do not grant any authority to construct or place any benches or shelters, nor to maintain any existing benches or shelters, but pertain solely to the placement of outdoor advertising signs on benches or shelters visible from a state highway. New permits for an outdoor advertising sign to be utilized on a transit bench or shelter, may only be issued after the placement of the bench or shelter has been approved by the local jurisdiction having authority, and after the transit sign permit has been obtained from the Department of Transportation.
Statutory/Other Authority: ORS 184.616, 184.619, 377.753
Statutes/Other Implemented: ORS 377.725, 377.753
History: HWD 4-2016, f. & cert. ef. 11-28-16; HWD 6-2012, f. & cert. ef. 3-26-12; HWD 9-2009, f. & cert. ef. 11-17-09; 2HD 19-1981, f. & ef. 11-24-81

734-065-0020

Sign Location

(1) Bench and Shelter signs are prohibited on state highway right-of-way.
(2) Bench and Shelter signs are prohibited where visible from an interstate highway or a full access control highway.
(3) Bench and Shelter signs are prohibited in a designated scenic area. No new shelter signs are allowed in a scenic byway.
(4) The bench or shelter on which a sign is placed must be located within a commercial or industrial zone or, if in unzoned city street right-of-way, only where such right of way is adjacent to a commercial or industrial zone.
(5) Bench or shelter may have no more than one sign visible from each direction of travel of the highway.
(6) Bench or shelter signs may only be located at a bus or transit stop on an official city or urban transit system route. The applicant must provide official documentation, such as a route map produced by the transit system, showing that the site meets this requirement.
Statutory/Other Authority: ORS 184.616, 184.619, 377.729
Statutes/Other Implemented: ORS 377.725
History: HWD 4-2016, f. & cert. ef. 11-28-16; HWD 6-2012, f. & cert. ef. 3-26-12; HWD 9-2009, f. & cert. ef. 11-17-09; HWY 6-1993, f. & cert. ef. 10-21-93; HWY 5-1993(Temp), f. & cert. ef. 7-23-93; 2HD 19-1981, f. & ef. 11-24-81

734-065-0025

Size and Construction of Sign

(1) Shelters:
(a) The maximum allowable size of a shelter sign is 24 square feet for each side of the sign.
(b) The maximum distance between advertising panels placed back-to-back is one foot.
(c) The sign must not extend beyond the outer edges of the shelter.
(2) Benches:
(a) The maximum allowable size of a bench sign is 16 square feet and the sign shall not exceed two feet in height or eight feet in length excluding supports.
(b) The maximum allowable height is four feet including supports.
Statutory/Other Authority: ORS 184.616, 184.619, 377.729
Statutes/Other Implemented: ORS 377.725

History: HWD 4-2016, f. & cert. ef. 11-28-16; HWD 6-2012, f. & cert. ef. 3-26-12; HWD 9-2009, f. & cert. ef. 11-17-09; 2HD 19-1981, f. & ef. 11-24-81

734-065-0035

Spacing

(1) The minimum spacing between signs is as follows:

(a) Within the corporate boundaries of a city, 100 feet from any outdoor advertising sign located on the same side of the highway.

(b) Outside the corporate boundaries of a city, 500 feet from any outdoor advertising sign located on the same side of the highway.

(c) Transit bench signs may only be located inside incorporated city limits or within an urban growth boundary.

(2) If the state highway is routed over a city street as provided in ORS 373.020, a shelter sign may be located on that portion of the city street right-of-way, if approved by the local jurisdiction, outside of the curb; or, if there is no curb, outside of that portion of the right-of-way utilized for state highway purposes.

Statutory/Other Authority: ORS 184.616, 184.619, 377.729

Statutes/Other Implemented: ORS 377.725

History: HWD 4-2016, f. & cert. ef. 11-28-16; HWD 9-2009, f. & cert. ef. 11-17-09; 2HD 19-1981, f. & ef. 11-24-81

734-065-0040

Compliance

(1) All signs subject to these rules are also subject to the provisions of ORS 377.700 to 377.840 and to all applicable federal laws, regulations and agreements entered into by the Transportation Commission and the Federal Highway Administration.

(2) All signs erected under these regulations are also subject to any city or county ordinance or regulation.

Statutory/Other Authority: ORS 184.616, 184.619, 377.729

Statutes/Other Implemented: ORS 377.725

History: HWD 4-2016, f. & cert. ef. 11-28-16; HWD 9-2009, f. & cert. ef. 11-17-09; 2HD 19-1981, f. & ef. 11-24-81

734-065-0045

Size Variance for Transit

Size variances are not issued for transit bench signs. Upon written request and for good cause shown the Department of Transportation may grant a variance from the size restrictions of OAR 734-065-0025(1) for transit shelter signs not to exceed:

(1) A 32 square foot sign on one side;

(2) A total of 64 square feet of sign face on a back-to-back (32 square foot sign face on each side).

Statutory/Other Authority: ORS 184.616, 184.619, 377.729

Statutes/Other Implemented: ORS 377.725

History: HWD 4-2016, f. & cert. ef. 11-28-16; HWD 9-2009, f. & cert. ef. 11-17-09; 2HD 19-1981, f. & ef. 11-24-81

734-065-0050

Removal

All signs granted permits under these rules are subject to removal procedures in accordance with ORS 377.775.

Statutory/Other Authority: ORS 377.729

Statutes/Other Implemented: ORS 377.725

History: HWD 9-2009, f. & cert. ef. 11-17-09; 2HD 19-1981, f. & ef. 11-24-81

DIVISION 70

VEHICLE WEIGHT AND DIMENSION LIMITS — PERMITS

734-070-0005

Scope

(1) Operating under special permits issued by the Department of Transportation pursuant to other rules, many over-dimensional vehicles or loads travel on state highways. Such permits may be valid for up to a one-year period, authorize dimensions considerably in excess of those established by statute, and include a route system consisting of a major portion of the state highway system.

(2) Not infrequently, a situation or condition arises which makes it unsafe, impractical, or, at times, impossible for an over-dimensional vehicle or load to travel over a given highway or section thereof. Such situations or conditions are usually caused by highway construction or repair projects or other local traffic conditions. The purpose of this rule is to provide a means of coping with such situations.

Statutory/Other Authority: ORS 184.616, 184.619, 823.011

Statutes/Other Implemented: ORS 818.200, 818.220

History: HWD 5-2011, f. & cert. ef. 5-27-11; 1OTC 8-1980, f. & ef. 3-28-80; 1OTC 20-1979(Temp), f. & ef. 9-20-79

734-070-0010

Imposition of Travel Restrictions

(1) The Chief Engineer and the Administrator of the Motor Carrier Transportation Division are both authorized to impose time of travel restrictions, to halt the movement of over-dimensional vehicles and loads, or to impose other restrictions which alter, rescind, or are in addition to those established under other rules and pertain to the movement of over-dimensional vehicles, combinations of vehicles, or loads on state highways. In exercising such authority, the Chief Engineer or the Administrator of the Motor Carrier Transportation Division may impose such restrictions as may be necessary to protect the safety and convenience of the traveling public, to protect any highway or section thereof from damage, to avoid conflict with highway construction or repair projects, or to cope with other local traffic conditions.

(2) Any directive or restriction imposed by the Chief Engineer or the Administrator of the Motor Carrier Transportation Division under this authority will be in the form of a written, signed order.

(3) Signs giving notice of the restrictions or limitations contained in the order must be posted at each end of the highway or section of highway affected. Such restrictions or limitations will be effective when the signs giving notice of them are posted.

Statutory/Other Authority: ORS 184.616, 184.619, 823.011

Statutes/Other Implemented: ORS 818.200, 818.220

History: HWD 2-2012, f. & cert. ef. 1-27-12; HWD 10-2011(Temp), f. & cert. ef. 9-30-11 thru 3-21-12; HWD 5-2011, f. & cert. ef. 5-27-11; 1OTC 8-1980, f. & ef. 3-28-80; 1OTC 20-1979(Temp), f. & ef. 9-20-79

734-070-0017

Weight Limitations – Exception

The exemptions from maximum weight limitations in ORS 818.030(3), 818.070(3) and 818.140(3) apply to any department-owned vehicle, combination of vehicles, article, machine or other equipment leased from the department to a private contractor, when used under contract with the department.

Statutory/Other Authority: ORS 184.616, 184.619, 818.030, 818.070, 818.140

Statutes/Other Implemented: Or Laws 2009, chapter 865, sec. 23

History: HWD 2-2011, f. & cert. ef. 1-28-11

734-070-0020

Test Run and Exception

In order to determine whether or not a vehicle or combination of vehicles is approved to traverse a length-restricted highway, or section(s) thereof, the Department, upon request from an interested party, will conduct an evaluation of the proposed operation. The evaluation will include research of Department files to determine whether or not a previous test run for the proposed operation has been conducted. If Department records indicate that a previous test run has been conducted for the length of combination requested, and there have been no improvements to the highway since the

previous test run, results of the previous test run will be used. If there have been no previous test runs for the proposed operation, the Department will coordinate with the requesting party and conduct a test run and evaluation as follows:
(1) The test run vehicle(s) will be provided by the requesting party and be equal to or greater in length than the vehicle(s) in the proposed operation.
(2) The Department will issue a single trip variance permit for the test run vehicle(s).
(3) During the test run, Department staff will precede and follow the test vehicle(s) to observe vehicle operability and gather data used by the Department to determine if:
(a) The vehicle(s) maintained its lane of travel;
(b) The vehicle's steering axle crossed the center line and the rear axle crossed the fog line at the same time. If so, how many times and at what locations; and
(c) The vehicle either maintained the appropriate highway speed, or there was adequate sight distance for trailing vehicles to pass the test vehicle(s), or there was enough room for the test vehicle(s) to pull off the roadway to allow trailing traffic to pass.
(4) In addition to a review of the information listed in section (3), the test run evaluation will also consider:
(a) The average daily traffic flow on the highway;
(b) The accident rate on the highway;
(c) Pavement and shoulder conditions; and
(d) Any information from the District Manager regarding proposed improvements or any peculiarities associated with the highway.
(5) All information gathered in sections (3) and (4) is analyzed collectively by the Department to reach an initial determination concerning whether the highway or highway segment can safely accommodate greater vehicle length. For example: Information that the test vehicle does not always maintain its lane of travel may not necessarily result in a recommendation to deny a request; whereas if considered with information that the highway in question is heavily traveled, has deteriorating shoulders and has a history of many accidents, a reasonable recommendation would be to deny the request.
(6) If the evaluation results in an initial determination that the highway can safely accommodate the greater length, Department staff provides the evaluation and makes a recommendation of approval to the Chief Engineer, or the Chief Engineer's designee, the Deputy Director of the Motor Carrier Transportation Division (MCTD). If the Chief Engineer or Deputy Director of MCTD agrees with the recommendation, the Chief Engineer or Deputy Director of MCTD will issue an authorization letter approving the proposal. A variance permit may be required for the approved operation.
(7) If the evaluation results in a recommendation to not allow the proposed operation, the requesting party or the Department may ask for further evaluation. The Chief Engineer will formulate a multi-discipline team to perform a detailed investigation of the proposed operation and provide further evaluation that may include:
(a) A more detailed analysis of average daily traffic, including traffic peak hours and volumes;
(b) Road and shoulder width;
(c) Review of the test run data, including any photographs or video tape;
(d) Truck volume compared to total traffic volume;
(e) Over-length truck volume compared to total traffic volume;
(f) Stopping sight distance for legal speed;
(g) Cost of spot improvements and facility improvements;
(h) Accident history for highway or other similar highways; and
(i) Potential risk of two trucks, or a truck and automobile, meeting in a tight spot.
(8) If additional investigation as described in section (7) indicates that the determination and recommendation made after the initial test run procedure is mitigated or modified after consideration of one or more of the additional factors, and the expert opinion of the multi-disciplined team results in a conclusion that the highway can safely accommodate the longer vehicle(s) and that the proposed operation can be conducted safely, the approval process described in section (6) will follow. If additional investigation results in a conclusion that the highway cannot safely accommodate the longer

vehicle(s), no further evaluation will be conducted unless improvements are made to the highway and a subsequent request is made.
Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 818.200
Statutes/Other Implemented: ORS 810.060, 818.220
History: TO 9-2002, f. & cert. ef. 12-13-02; TO 7-2002(Temp), f. & cert. ef. 7-24-02 thru 1-19-03

734-070-0025

Permits Issued by a Third Party Agent

The Department may enter into an agreement with any third party for the purpose of issuing approved overweight and over-dimensional permits.
Statutory/Other Authority: ORS 184.616, 184.619, 818.200
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 5-2011, f. & cert. ef. 5-27-11; TO 1-1998, f. & cert. ef. 2-24-98

734-070-0035

Permit Fees

(1) The Department shall charge a fee of $8 for each permit issued by the Department under ORS 818.200.
(2) The Department shall charge a fee of $2 for each permit issued by a third party agent. The $2 fee shall be collected by the private contractor and remitted to the Department.
(3) Approved permits issued by a third party agent may include an administrative fee to be retained by the agent as authorized by ORS 818.270 not to exceed $5 for each permit issued to a vehicle in addition to the $2 fee charged by the Department.
Statutory/Other Authority: ORS 184.616, 184.619, 818.270
Statutes/Other Implemented: ORS 818.200, 818.220, 818.270
History: HWD 7-2017, temporary amend filed 12/18/2017, effective 01/01/2018 through 06/29/2018; TO 9-2000, f. 12-15-00, cert. ef. 1-1-01; TO 1-1998, f. & cert. ef. 2-24-98

734-070-0060

Pilot Vehicle Operator Traffic Control

(1) Movement of certain oversize loads may require traffic stoppage or other traffic control methods to provide for safe passage of the load. In specified areas where conditions may require traffic control to ensure safe operations with minimal delay to the traveling public, a pilot vehicle operator, certified in traffic control, may direct traffic flow.
(2) Variance permits shall specify required procedures and areas where traffic control by a certified pilot vehicle operator is allowed in lieu of certified flagging.
(3) A pilot vehicle operator must be certified to direct traffic as described in section (1) of this rule. All of the following apply to pilot vehicle operator traffic control certification:
(a) A pilot vehicle operator must attend and satisfactorily complete ODOT training related to directing traffic flow;
(b) The training shall include procedures that provide a process to close a section of highway for the safe passage of an oversize load;
(c) Successful completion of refresher training is required every three years after initial certification; and
(d) Proof of certification must be carried, and made available upon request by law enforcement, when conducting operations under this rule.
(4) When operations are conducted as specified in section (1) of this rule:
(a) At a minimum, a front and rear pilot vehicle are required;
(b) The pilot vehicle designated as lead pilot vehicle shall be equipped with a sign that reads “STOP AHEAD.” The “STOP AHEAD” sign (number OW21-1 in the ODOT “Sign Policy & Guidelines for the State Highway System,” which is available from the Department) shall be:
(A) Mounted above the roofline of the pilot vehicle;

(B) Constructed to ODOT specifications for Type Y5 signs;
(C) Kept clean, legible and mounted adequately to afford full view to oncoming traffic; and
(D) Displayed only during operations conducted pursuant to this rule.
(c) The pilot vehicle designated as rear pilot vehicle shall be equipped to stop oncoming traffic using a handheld stop/slow paddle that is a minimum of 18 inches across; and:
(A) Has internal lighting as listed on the ODOT qualified product list, which is available from the Department; or
(B) Is faced with wide angle prismatic sheeting.
(d) Spacing interval requirements are not applicable to operations conducted under this rule; and
(e) When the oversize load movement through the specified area is completed, the pilot vehicles shall resume their normal signage and positioning.
Statutory/Other Authority: ORS 184.616, 184.619, 810.050, 818.220
Statutes/Other Implemented: ORS 818.200, 818.220
History: TO 5-2000, f. & cert. ef. 4-28-00

734-070-0100
Continuous Operation Variance Permits; Purpose
The Department of Transportation is required by ORS 818.205 to establish a program for issuing continuous operation variance permits that would allow a person to obtain one permit that is valid for every participating jurisdiction in which the person will travel. A road authority that does not participate may not issue a continuous operation variance permit offered by this program. The purpose of OAR 734-070-0100 through 734-070-0140 is to provide conditions for participation, program guidelines, and specify responsibilities, liabilities and fees of participants in the Continuous Operation Variance Permit Program.
Statutory/Other Authority: ORS 184.616, 184.619, 818.205, 818.220
Statutes/Other Implemented: ORS 818.200, 818.205, 818.220
History: TO 6-2000, f. 6-12-00, cert. ef. 7-1-00

734-070-0110
Definitions
The following definitions apply to the Continuous Operation Variance Permit (COVP) Program:
(1) “Agent” means a participating road authority or private contractor authorized by ODOT to issue permits for other jurisdictions participating in the COVP Program.
(2) “Annual permit” means a continuous operation variance permit that is valid for 12 months.
(3) “Authorized combination” means two or more vehicles coupled together that exceed the maximum allowable size or weight by ordinance, statute or rule and may be issued a variance permit to operate.
(4) “Authorized roads” means those public roadways on which a road authority allows authorized combinations to travel.
(5) “Continuous trip permit” or “continuous operation variance permit” means a variance permit issued under a COVP Program agreement to allow unlimited movements, for specified time periods not to exceed one year, for authorized combinations over authorized roads under the agreement.
(6) “COVP Program” means the Continuous Operation Variance Permit Program.
(7) “Department” means the Oregon Department of Transportation (ODOT).
(8) “Hostfax agreement” means an agreement between ODOT and a participating road authority providing that the road authority will maintain a dedicated fax line allowing ODOT continual fax access.
(9) “Local permit” means a variance permit covering operations contained solely within the jurisdiction of a single road authority.
(10) “MCTD” means the Motor Carrier Transportation Division of ODOT.
(11) “Participation” means a road authority has entered into an agreement with ODOT to allow jointly authorized annual or continuous trip permits for authorized roads in its jurisdiction(s). Participation is further distinguished by the responsibilities established in the agreement, designated by the following levels:

(a) Level 1 — Road authority agrees to participate by authorizing the Department or its agents to issue continuous operation variance permits covered by this program on behalf of the road authority;
(b) Level 2 — In addition to Level 1 participation, the road authority agrees to retain authority to issue continuous operation variance permits covered by this program for operations under the road authority's jurisdiction; or
(c) Level 3 — In addition to Level 1 and Level 2 participation, the road authority agrees to issue continuous operation variance permits covered by this program for operations in other participating jurisdictions as an agent of the Department.
(12) "Permit fee" means the total fee charged for a continuous trip permit by all road authorities included on the permit.
(13) "Road authority" has the same meaning provided in ORS 801.445.
Statutory/Other Authority: ORS 184.616, 184.619, 818.205, 818.220
Statutes/Other Implemented: ORS 818.200, 818.205, 818.220
History: TO 6-2000, f. 6-12-00, cert. ef. 7-1-00

734-070-0120
Participation
Each road authority choosing to participate in the COVP Program shall enter into an agreement with the Department indicating the road authority's level of participation. Further, each participant shall:
(1) Provide MCTD with an electronic mail address;
(2) Maintain a current "Hostfax" agreement with MCTD;
(3) Provide MCTD with an authorized permit fee schedule;
(4) Provide MCTD with at least 30 days notice to terminate participation or to change the level of participation; and
(5) Provide MCTD with updated road restrictions as conditions dictate, emergency road restriction notices as soon as is practical and any revisions to a participant's route maps.
Statutory/Other Authority: ORS 184.616, 184.619, 818.205, 818.220
Statutes/Other Implemented: ORS 818.200, 818.205, 818.220
History: TO 6-2000, f. 6-12-00, cert. ef. 7-1-00

734-070-0130
Permit Issuance
Each Level 3 participant shall enter into an agreement with the Department to issue continuous trip permits covered by this program. The agreement will provide conditions under which permits shall be issued and provide that:
(1) The participant shall act as an agent for MCTD in the issuance of continuous operation variance permits covered by this program;
(2) MCTD shall provide participant electronic access to the MCTD database for use in issuing continuous operation variance permits;
(3) Participant shall ensure the security of the database and shall only use the database to perform functions applicable to issuance of continuous operation variance permits;
(4) The participant shall use the same permit language and all applicable maps and attachments as provided by ODOT; and
(5) MCTD is the owner of all work product produced under the program.
Statutory/Other Authority: ORS 184.616, 184.619, 818.205, 818.220
Statutes/Other Implemented: ORS 818.200, 818.205, 818.220
History: TO 1-2001, f. & cert. ef. 2-16-01; TO 6-2000, f. 6-12-00, cert. ef. 7-1-00

734-070-0140
Permit Fees
(1) Each participating road authority shall provide the Department with a schedule of fees established by the road authority's governing body for permits in the road authority's jurisdiction. Notice of any change in the road authority fee

schedule shall be given to the Department in writing at least 120 days in advance of the effective date of the change.
(2) Oregon Department of Transportation permit fees for the purpose of this rule shall be $3.00 for permits issued by an agent.
(3) Except as provided in section (2) of this rule, fees charged for permits under this program shall be $8.00 for each jurisdiction included on the permit unless a different amount is specified in the following listing for a specific jurisdiction:
(a) Clatsop County, $2.75;
(b) Douglas County, $5.75;
(c) Harney County, $2.75;
(d) Klamath County, $2.75;
(e) Umatilla County, $7.50;
(f) Wallowa County, $2.75.
(4) The permit fees established in section (3) of this rule are individually subject to a reduction of $2.75 if the permit is issued by an agent under contract with ODOT to issue and distribute continuous operation variance permits. If the issuing agent is a road authority, the permit fee for that road authority is not subject to the reduction.
(5) The Department shall contract with participating road authorities and private contractors to provide services necessary to issue and distribute continuous operation variance permits under this program.
(6) For Level 1 and Level 2 participation, the Department shall forward the road authority's portion of the permit fee to the road authority each month.
(7) For Level 3 participation, the road authority will retain its portion of the permit fees collected and forward to ODOT the permit fees collected for other road authorities as indicated on a monthly transmittal provided by ODOT.
Statutory/Other Authority: ORS 184.616, 184.619, 818.205, 818.220
Statutes/Other Implemented: ORS 818.200, 818.205, 818.220, 818.270
History: TO 3-2001, f. 7-18-01, cert. ef. 8-1-01; TO 1-2001, f. & cert. ef. 2-16-01; TO 6-2000, f. 6-12-00, cert. ef. 7-1-00

DIVISION 71
LENGTHS OF VEHICLES, LOADS, AND COMBINATIONS OF VEHICLES IN OPERATION WITHOUT NEED OF SPECIAL PERMIT

734-071-0005
Scope
(1) Oregon's statutes are basically quite restrictive in establishing length of vehicles, loads, and combinations of vehicles. The lengths established are for those vehicles or combinations which can be operated safely upon any highway including older highways not reconstructed to present day standards.
(2) Nearly all of the state highway system can safely accommodate vehicles and combinations with lengths in excess of those established under the basic statutes. The statutes recognize this by allowing longer lengths on designated highways subject to special permits issued pursuant to ORS Chapters 810 and 818 or under the authority of administrative rules adopted by the Oregon Department of Transportation.
(3) OAR 734-071-0005 through 734-071-0060 do not apply to vehicles authorized by the Surface Transportation Assistance Act of 1982 when operating on National Network Highways or highways where reasonable access beyond one mile has been granted. These vehicles are authorized by OAR 734, divisions 73 and 74.
(4) OAR 734-071-0005 through 734-071-0060 do not apply to vehicles licensed, or which can be used as recreational vehicles as defined in ORS 446.003(37), or to any combination of more than two vehicles not used exclusively for commercial purposes and subject to ORS Chapter 823 and 825.
Statutory/Other Authority: ORS 184.616, 184.619, 810.050, 810.060, 818.200
Statutes/Other Implemented: ORS 810.060
History: HWD 7-2004, f. 12-28-04, cert. ef. 1-1-05; HWD 1-2003, f. & cert. ef. 8-21-03; HWY 5-1997, f. & cert. ef. 5-9-97; HWY 2-1995, f. & cert. ef. 10-16-95; 2HD 8-1983, f. & ef. 3-30-83; 1OTC 5-1980, f. & ef. 3-27-80

734-071-0010

Designated Highways and Definitions

(1) The types of vehicles, combinations of vehicles, or loads listed in Table 1 or Table 2 may operate without special permit upon:

(a) Group 1, Group 2 and Group 3 highways as shown on Group Map 1 as published by the Department when the dimensions do not exceed those listed in Table 1 for the corresponding highway group. Group Map 1, revised January 2008 is adopted by reference and made a part of division 71 rules; and

(b) Routes listed on Route Map 7 as published by the Department when the dimensions do not exceed those listed in Table 2 for the corresponding route listed in Table 2. Route Map 7, revised May 2008 is adopted by reference and made a part of Division 71 rules.

(c) Table 1 and Table 2 are available from the ODOT Over-Dimension Permit Unit at 550 Capitol St. NE Salem, OR 97301-2530 or on the Motor Carrier Transportation Division Web site at: www.oregon.gov/ODOT/MCT/docs/Div71tables.pdf.

(2) Definitions for the purpose of Division 71 rules:

(a) “Auxiliary axle” is an axle that qualifies as a booster axle, flip axle or lift axle;

(b) “Booster axle” means a separate vehicle bolted or pinned to another vehicle that redistributes weight from one or more axles to other axles and pivots from side to side at the connection point or has wheels that steer during turning;

(c) “Dromedary truck-tractor” means a motor vehicle designed to carry a load on a dromedary box, plate or deck, not exceeding 12’06” in length inclusive of load and designed to pull a semitrailer;

(d) “Flip axle” means an axle that is bolted or pinned to a vehicle and flips from the closed position on the trailer to a deployed position on the ground extending the length and hauling capacity of the trailer;

(e) “Gross Vehicle Weight Rating” (GVWR) means the gross vehicle weight rating as defined in ORS 801.298;

(f) “Lift axle” means an axle that can be raised from or lowered to the surface of the ground;

(g) “MCTD” means the Motor Carrier Transportation Division of the Oregon Department of Transportation;

(h) “Motor truck” means a motor vehicle that is primarily designed or used for carrying loads other than passengers;

(i) “Overall length” includes the vehicle or combination of vehicles and any load overhangs. Exclusions to overall length determination are provided in OAR 734-071-0050.

(j) “Passenger vehicle” or “light vehicle” means a motor vehicle, regardless of design or intended use;

(k) “Pickup truck” means a motor vehicle designed to carry passengers and to carry a load and which may not tow more than one vehicle, except as provided in OAR 734-071-0060;

(l) “Stinger-steered” is as defined in ORS 801.507;

(m) “Tow-away operation” means an operation where empty trailers constitute the commodity being transported; and

(n) “Truck-tractor” means a motor vehicle designed and used primarily for drawing (towing) other vehicles and constructed so as not to carry any load other than a part of the weight of the vehicle or load, or both, as drawn.

Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 823.011

Statutes/Other Implemented: ORS 818.200, 818.220

History: HWD 5-2011, f. & cert. ef. 5-27-11; 1OTC 5-1980, f. & ef. 3-27-80; 2HD 5-1982(Temp), f. & ef. 10-5-82; 2HD 8-1983, f. & ef. 3-30-83; HWY 3-1993(Temp), f. & cert. ef. 7-13-93, HWY 3-1994(Temp), f. 5-19-94, cert. ef. 5-20-94; HWY 2-1995, f. & cert. ef. 10-16-95; HWY 5-1997, f. & cert. ef. 5-9-97; TO 5-1998, f. & cert. ef. 4-16-98; TO 2-2001, f. & cert. ef. 6-14-01; TO 10-2002, f. & cert. ef. 12-13-02; HWD 1-2003, f. & cert. ef. 8-21-03; HWD 5-2004, f. & cert. ef. 5-20-04; HWD 7-2004, f. 12-28-04, cert. ef. 1-1-05; HWD 10-2008, f. & cert. ef. 12-15-08

734-071-0015

Possible Reclassification of Highways Due to Improvements

Improvements may be made to some of the Group 2 and Group 3 highways indicated on Group Map 1. Those improvements may make it appropriate to reclassify the highway or section of highway to a higher group rating which would allow vehicles or combinations of greater dimension. In this respect the Chief Engineer is authorized to reclassify

the group rating of such highways as he may consider appropriate when, in his judgment, such a reclassification would not diminish the safety afforded the traveling public. Such reclassification shall be made by a written order signed by the Chief Engineer.
Statutory/Other Authority: ORS 184.616, 184.619, 810, 818
Statutes/Other Implemented: ORS 810.060
History: HWY 2-1995, f. & cert. ef. 10-16-95; 1OTC 5-1980, f. & ef. 3-27-80

734-071-0030
Equipment Requirements
(1) In vehicle combinations featuring more than one trailer or semitrailer, the shortest trailer shall be positioned to the rear of the combination, except that a motor carrier may position the shortest trailer at the front when it is more than 1,500 pounds heavier than the other trailer or semitrailer.
(2) A tow dolly, designed to support one axle of a towed vehicle, may be utilized when one vehicle is towing another. The towing vehicle must be a full size motor vehicle (e.g., truck, motor home, automobile or pickup). Compact or subcompact motor vehicles shall not be used. It is recommended that:
(a) The vehicle being towed not exceed the weight limitations recommended by the tow dolly manufacturer; and
(b) The towing vehicle must not exceed the manufacturer's rated towing capacity.
Statutory/Other Authority: ORS 184.616, 184.619, 810, 818
Statutes/Other Implemented: ORS 810.060
History: HWD 7-2004, f. 12-28-04, cert. ef. 1-1-05; HWY 2-1995, f. & cert. ef. 10-16-95

734-071-0040
56-Foot Semitrailers in Combinations
In a truck-tractor and semitrailer combination, the semitrailer may be up to 56 feet in length if the distance between the kingpin setting and the centerline of the rearmost axle of the semitrailer does not exceed 46 feet and the gross combination weight does not exceed 80,000 pounds and the semitrailer is used exclusively or primarily to transport vehicles in connection with motor sports competition events. These combinations shall not be stinger-steered and will be limited to the Oregon Interstate Highway System and up to one road-mile reasonable access from the Interstate.
Statutory/Other Authority: ORS 184.616, 184.619, 810.050, 810.060, 818.200
Statutes/Other Implemented: ORS 810.050
History: TO 8-2001, f. & cert. ef. 12-17-01; TO 4-2001(Temp), f. & cert. ef. 7-30-01 thru 1-25-02

734-071-0050
Length Exclusive Devices
(1) Devices that do not extend more than 24 inches in length beyond the rear of a trailer or semitrailer that are used exclusively to facilitate loading and unloading from the rear of a semitrailer or trailer are excluded from semitrailer, trailer, and overall combination length determination.
(2) Appurtenances at the front or rear of a semitrailer or trailer the function of which is related to the safe and efficient operation of the semitrailer or trailer are excluded from semitrailer, trailer, and overall combination length determination.
(3) Determination of overall length does not include a small forklift designed to be attached to either a motor truck, trailer or semitrailer, which is used exclusively for the loading and unloading of the motor truck, trailer or semitrailer. For purposes of this rule an attachment bracket may be used to secure the forklift providing the bracket does not exceed 24 inches in length. The attachment bracket shall be excluded from measurement provided it carries no load other than the forklift. This forklift may be attached to the rear of a vehicle and not be included in determining overall length if:
(a) On a motor truck, the forklift including attachment brackets do not:
(A) Extend beyond the rear of the motor truck by more than seven feet;
(B) Cause overall length of the motor truck including forklift and attachments to exceed 45 feet; and

(C) Cause rear overhang to exceed three-fourths of the wheelbase of the motor truck;
(b) In a motor truck and trailer combination, the forklift including attachment brackets do not:
(A) Extend beyond the rear of the trailer by more than seven feet;
(B) Cause the overall length of the trailer including forklift and attachment brackets to exceed the otherwise maximum allowable length by more than three feet;
(C) Cause overall length of the combination including forklift and attachment brackets to exceed 80 feet; and
(D) Cause rear overhang to exceed one-third of the wheelbase of the combination;
(c) In a truck tractor and semitrailer combination the forklift, including attachment brackets, do not:
(A) Extend beyond the rear of the semitrailer by more than seven feet;
(B) Cause the overall length of the semitrailer including forklift and attachment brackets to exceed 56 feet; and
(C) Cause rear overhang to exceed one-third of the wheelbase of the combination;
(d) In a truck tractor, semitrailer and trailer combination, or truck-tractor, semitrailer and semitrailer combination (B train), the forklift is attached to the rear of the lead semitrailer or to the rear of the second trailer and the forklift and attachment brackets do not:
(A) Extend beyond the rear of the semitrailer or trailer by more than seven feet;
(B) Cause the overall length of the semitrailer to exceed 40 feet;
(C) Cause the distance between the front of the first semitrailer and the rear of the second semitrailer or trailer, inclusive of the forklift, to exceed 68 feet.
(D) Cause the lead trailer to be shorter than the rear trailer, inclusive of the forklift.
(4) Determination of overall length does not include a motor attached to the front of a concrete mixer truck manufactured prior to January 1, 2000, that is used to turn the mixer drum, including a protective bumper for the motor, that does not exceed four feet in length from the foremost point of the vehicle exclusive of the motor and protective bumper.
(5) Determination of overall length does not include a pump attached to the front of a concrete pump truck manufactured prior to January 1, 2000, including a protective bumper for the pump, that does not exceed two feet in length from the foremost point of the vehicle exclusive of the pump and protective bumper.
(6) No device or appurtenance excluded from length determination shall be designed or used for carrying property.
Statutory/Other Authority: ORS 184.616, 184.619, 810.050, 810.060
Statutes/Other Implemented: ORS 810.050, 810.060
History: HWD 5-2004, f. & cert. ef. 5-20-04; TO 9-2001, f. & cert. ef. 12-17-01

734-071-0060

Pickup Truck Allowance

A pickup truck may tow:
(1) A single truck trailer that exceeds 40 feet in length, but does not exceed 53 feet in length if:
(a) The pickup truck is not carrying a load other than the towed vehicle;
(b) The coupling device for the trailer is a ball to socket hitch located above and not behind the tire tread of the rearmost axle of the pickup truck;
(c) The trailer has operating brakes on all wheels; and
(d) The load on the truck-trailer shall not extend past the rear of the trailer by more than five feet; or
(2) Two truck trailers in a tow-away operation if:
(a) The pickup truck is not carrying a load other than the towed vehicle;
(b) The coupling device for the lead trailer is a ball to socket hitch located above and not behind the tire tread of the rearmost axle of the pickup truck; and
(c) The trailers have operating brakes on all wheels.
Statutory/Other Authority: ORS 184.616, 184.619, 810.050, 818.200
Statutes/Other Implemented: ORS 810.060

History: HWD 7-2004, f. 12-28-04, cert. ef. 1-1-05

DIVISION 72
TELEPHONIC APPLICATION AND SELF-ISSUANCE OF PERMITS FOR THE MOVEMENT OF OVERSIZE/OVERWEIGHT VEHICLES AND LOADS

734-072-0005
Scope
Division 72 rules establish programs as authorized by ORS 818.220 for telephonic application, self-issuance and electronic issuance of variance permits. The programs save time, travel and speed delivery of permits directly to the motor carrier's place of business.
Statutory/Other Authority: ORS 184.616, 184.619, 818.220, 823.011
Statutes/Other Implemented: 818.220, ORS 818.200
History: HWD 1-2017, f. & cert. ef. 5-23-17; HWY 6-1996, f. & cert. ef. 10-10-96; HWY 3-1992, f. & cert. ef. 3-25-92; 1OTC 9-1980, f. & ef. 4-17-80

734-072-0007
Definitions
For purposes of OAR chapter 734, division 72, the following definitions apply:
(1) "Level I authorization" means a motor carrier may self-issue single trip permits following the telephone application process established in OAR 734-072-0015.
(2) "Level II authorization" means a motor carrier providing service described in OAR 734-076-0115(4) to independently issue a "pre-authorized" self-issue single trip permit to a specific power unit without calling the Motor Carrier Transportation Division.
(3) "Level III authorization" means a motor carrier may independently self-issue single trip permits without contacting the Motor Carrier Transportation Division.
(4) "Incident" means an individual occurrence or event.
(5) "Major Error" means a substantial deviation from accuracy or correctness. Major errors include but are not limited to:
(a) Exceeding the weight limits of a weight-restricted bridge;
(b) Permitting overheight loads into structures without appropriate traffic control or appropriate routing;
(c) Fewer pilot vehicle(s) permitted than are normally required;
(d) Incorrect positioning of pilot vehicle(s);
(e) Missing or inaccurate road restrictions: and
(f) Self-issuing a Level III permit prior to successful completion of a training program administered by the Over-Dimension Permit Unit.
(6) "Roadway Device" means markers, signs, structures (e.g. guardrail), and/or signal devices used to inform, guide and control traffic, including pedestrians, motor vehicle driver, and bicyclists. These devices are usually adjacent, over or along the highways, roads, traffic facilities and other public areas that require traffic control.
(7) "Power Unit" means the vehicle with one or more drive axles providing motive power to the ground.
(8) "Vehicle" means every device in, upon, or by which any person or property can be transported or drawn upon a highway.
(9) "Electronic Issuance" means providing a copy of the permit to the motor carrier using a method other than delivery via postal mail or pick-up at an authorized ODOT location.
(10) "Reasonable Grounds" means a set of facts or circumstances which would satisfy an ordinary cautious and prudent person that there is reason to believe and which goes beyond mere suspicion.
(11) "Satisfactory Safety Rating" means a safety rating other than unsatisfactory.
Statutory/Other Authority: ORS 184.616, 184.619, 818.220, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220

History: HWD 1-2017, f. & cert. ef. 5-23-17

734-072-0010

Self-Issuance Program for Variance Permits

(1) The self-issuance program for variance permits provides for three levels of authorization:

(a) Level I authorization allows a motor carrier to self-issue single trip permits following the telephone application process established in OAR 734-072-0015;

(b) Level II authorization allows a motor carrier providing service described in OAR 734-076-0115(4) to independently issue a “pre-authorized” self-issue single trip permit to a “specific” power unit without calling the Motor Carrier Transportation Division; and

(c) Level III authorization allows a motor carrier to independently self-issue single trip permits without contacting the Department.

(2) To qualify for Level I authorization, a motor carrier must make application to the Over-Dimension Permit Unit of the Motor Carrier Transportation Division located in Salem.

(3) To qualify for Level II authorization, a motor carrier must make application to the Over-Dimension Permit Unit of the Motor Carrier Transportation Division located in Salem and certify that it has read and understands Level II requirements.

(4) To qualify for Level III authorization, a motor carrier must make application to the Over-Dimension Permit Unit of the Motor Carrier Transportation Division located in Salem, and the carrier must:

(a) Have an established Motor Carrier Account, register for Oregon Trucking Online and be approved to charge fees to the Motor Carrier Account;

(b) Successfully complete a training program administered by the Over-Dimension Permit Unit. All motor carrier representatives issuing permits under this rule must complete a training program;

(c) Have purchased a minimum of 125 single trip permits for oversize/overweight movements within the 12 months preceding the application for self-issuance of permits;

(d) Sign an agreement of responsibility for the permitted moves;

(e) Have no more than one late highway use tax report as required by ORS 825.139 or Road Use Assessment Fee (RUAF) mileage report as required by OAR 734-082-0003 in the 12 months preceding the application;

(f) Have maintained current vehicle and tax registration with the Department during the 12 months preceding application;

(g) Have no suspensions of Motor Carrier Transportation Division account during the 12 months preceding the application;

(h) Have no more than one late payment of fees due as required by ORS 818.270 in the 12 months preceding the application;

(i) Have no more than a fifteen percent underpayment finding on the most current weight-mile tax audit;

(j) Have no incidents involving damage or potential damage to any roadway, roadway device, or structure as a result of not complying with the provisions of an oversize/overweight permitted movement during the past 12 months preceding the application;

(k) Have a satisfactory safety rating with the United States Department of Transportation, Federal Motor Carrier Safety Administration; and

(L) File proof of general liability insurance with the Motor Carrier Transportation Division in the amount and manner described in OAR 734-072-0011.

(5) Level III approval to self-issue permits is conditionally approved for six months from the effective date of the initial application. Before expiration of the conditional certification, the Department may review the motor carrier’s compliance with the following:

(a) Qualifications for entry into Level III self-issue permits program, as described in section (4)(b) and (d) to (L) of this rule; and

(b) Self-issued permits are issued in conformance with the program.
(6) Motor carriers that comply with the requirements as described in section (5)(a) and (b) of this rule may be recertified for up to two years.
(7) Unless otherwise required by the Department, subsequent recertification will be required every two years. Before recertifying, the Department may review the motor carrier's compliance with the requirements described in section (5)(a) and (b) of this rule.
(8) Level I and II authorized carriers may purchase blank permits for the purpose of self-issuance from the Motor Carrier Transportation Division, Over-Dimension Permit Unit office located in Salem. The fee for each blank permit form is the fee required under ORS 818.270, not to exceed $8.00.
(9) Level III authorized carriers may only self-issue permits through Oregon Trucking Online. The fee for each permit is the fee required under ORS 818.270, not to exceed $8.00.
(10) The Department may revoke the ability for the carrier to participate in the Self-Issue Permits Program after investigation, if there is reasonable grounds to believe the carrier violated one or more provisions of permit issued under this program.
(11) The Administrator of the Motor Carrier Transportation Division may waive the requirements described in Sections (4) to (7) of this rule.
Statutory/Other Authority: ORS 184.616, 184.619, 818.220, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 7-2017, temporary amend filed 12/18/2017, effective 01/01/2018 through 06/29/2018; HWD 1-2017, f. & cert. ef. 5-23-17; HWD 5-2011, f. & cert. ef. 5-27-11; HWD 4-2009, f. & cert. ef. 3-20-09; TO 2-2001, f. & cert. ef. 6-14-01; HWY 3-1997, f. & cert. ef. 3-24-97; HWY 6-1996, f. & cert. ef. 10-10-96; HWY 3-1992, f. & cert. ef. 3-25-92; 1OTC 9-1980, f. & ef. 4-17-80

734-072-0011
Liability Insurance Requirements for Self-Issuance of Variance Permits
(1) The requirement described in OAR 734-072-0010(4)(L) must include evidence of general liability insurance having an annual aggregate limit of not less than $2,000,000.
(2) Evidence of insurance filing shall be in the form of a certificate of insurance signed by the motor carrier's insurer or in any other manner the Department requires.
(3) If a general liability insurance policy required by OAR 734-072-0010(4)(L) becomes invalid, participation in the self-issuance of variance permits program shall cease and be suspended until an insurance policy meeting the requirements of this section becomes effective and is accepted by the department.
(4) The general liability insurance filing required by OAR 734-072-0010(4)(L) must be in addition to the automobile liability insurance filing requirement found in ORS 825.160.
Statutory/Other Authority: ORS 184.616, 184.619, 818.220, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 1-2017, f. & cert. ef. 5-23-17; HWY 3-1997, f. & cert. ef. 3-24-97

734-072-0015
Telephone Application for Self-Issued Variance Permit
(1) The applicant authorized to self-issue permits at Level I must telephone the Motor Carrier Transportation Division Over-Dimension Permit Unit during business hours, Monday through Friday between 7 a.m. and 5 p.m. Pacific Time.
(2) During telephone contact, the permit analyst will review the permit request based upon information furnished by the applicant.
(3) The permit analyst determines if it is appropriate to issue the requested permit. In making the determination, the permit analyst compares the request to the rules and statutes relating to oversize/overweight movement. If the dimensions and weights requested require further analysis, a later call to the applicant may be necessary.
(4) When it is appropriate to issue the requested permit, the permit analyst will inform the applicant of the terms and

conditions of the permit. The applicant will, at that time, enter the terms and conditions upon the permit form. The applicant must furnish the preprinted number of the permit form to the permit analyst.
(5) When the applicant has entered upon the permit form the terms and conditions furnished by the permit analyst, the variance permit is valid.
(6) The applicant must send a copy of the completed permit to the Over-Dimension Permit Unit, 3930 Fairview Industrial Drive SE, Salem, Oregon 97302-1166, within 15 days of the effective date of the permit.
(7) The Department may compare copies of Level I self-issued permits to the telephone application for permit provided by the applicant under this rule for the purpose of verifying permit accuracy and compliance with division 72 rules.
Statutory/Other Authority: ORS 184.616, 184.619, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 1-2017, f. & cert. ef. 5-23-17; HWD 5-2011, f. & cert. ef. 5-27-11; TO 2-2001, f. & cert. ef. 6-14-01; HWY 6-1996, f. & cert. ef. 10-10-96; HWY 3-1992, f. & cert. ef. 3-25-92; 1OTC 9-1980, f. & ef. 4-17-80

734-072-0020

Additional Requirements for Self-Issuance of Variance Permits

(1) When self-issuing a variance permit, the carrier must meet all information requirements contained in ORS 818.225.
(2) A carrier self-issuing permits under Level III authorization must coordinate all moves with the appropriate city or county jurisdictions, as required.
(3) Any incident involving damage or potential damage to any roadway, roadway device or structure resulting from a permitted move under the programs established by division 72 rules must be reported to the Motor Carrier Transportation Division Over-Dimension Permit Unit Manager in Salem within 24 hours of the occurrence.
(4) Level I and II permit forms consist of an original and one copy. The original permit and attachments must be in the possession of the driver of the permitted vehicle as provided under ORS 818.350. The carrier must submit the Road Use Assessment Fee (RUAF) billing calculation and payment along with the Salem copy of the permit, within 15 days from the end of the month in which the permit was issued, to the Over-Dimension Permit Unit, 3930 Fairview Industrial Drive SE, Salem, Oregon 97302-1166.
(5) Level III permits are printed at the motor carrier's place of business through Oregon Trucking Online. The permit and attachments must be in the possession of the driver and the permitted vehicle as provided under ORS 818.350. The carrier must report and pay any Road Use Assessment Fees (RUAF) as described in OAR 734-082-0003.
Statutory/Other Authority: ORS 184.616, 184.619, 818.220, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 1-2017, f. & cert. ef. 5-23-17; HWD 5-2011, f. & cert. ef. 5-27-11; HWD 4-2009, f. & cert. ef. 3-20-09; TO 2-2001, f. & cert. ef. 6-14-01; HWY 6-1996, f. & cert. ef. 10-10-96; HWY 3-1992, f. & cert. ef. 3-25-92; 1OTC 9-1980, f. & ef. 4-17-80

734-072-0022

Program for Electronic Issuance of Single Trip Variance Permits

The program for issuance of single trip variance permits allows carriers to apply for permits in person, by telephone or through Oregon Trucking Online. The completed permit may be mailed or transmitted electronically for pick up by the applicant.
Statutory/Other Authority: ORS 184.616, 184.619, 818.220, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 1-2017, f. & cert. ef. 5-23-17; HWD 5-2011, f. & cert. ef. 5-27-11; HWD 4-2009, f. & cert. ef. 3-20-09; HWY 6-1996, f. & cert. ef. 10-10-96; HWY 3-1992, f. & cert. ef. 3-25-92

734-072-0023

Requirements of Carrier to Receive Permits Electronically

(1) In order for a carrier to qualify to receive single trip variance permits electronically the carrier must provide the Over-

Dimension Permit Unit a telephone number that allows for the automatic, unattended reception of single trip variance permits.
(2) Carriers that are not subject to ORS 825.474 or 825.480 or do not meet the exemption requirements under ORS 818.200(2) are not eligible to receive permits electronically;
Statutory/Other Authority: ORS 184.616, 184.619, 818.220, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 1-2017, f. & cert. ef. 5-23-17; HWD 5-2011, f. & cert. ef. 5-27-11; TO 2-2001, f. & cert. ef. 6-14-01; HWY 6-1996, f. & cert. ef. 10-10-96; HWY 3-1992, f. & cert. ef. 3-25-92

734-072-0025
Limitations on Self-Issued Permits or Single Trip Variance Permits
(1) Self-issued permits or single trip variance permits authorize only single trip movement.
(2) Approved routes consist only of those highways specified on the permit. Separate authorization must be obtained for travel over any other highway, road or street.
(3) Unused Level I and II self-issue permits may be recalled at the discretion of the Chief Engineer or the Administrator of the Motor Carrier Transportation Division. Refund of permit fees for unused permits will be made upon receipt of the permit form and written request in accordance with the Department's refund policy.
Statutory/Other Authority: ORS 184.616, 184.619, 818.220, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 1-2017, f. & cert. ef. 5-23-17; HWY 6-1996, f. & cert. ef. 10-10-96; HWY 3-1992, f. & cert. ef. 3-25-92; 1OTC 9-1980, f. & ef. 4-17-80

734-072-0030
Cancellation of Permits or Authorization
(1) The cancellation authority granted under ORS 818.220 will apply to and govern the cancellation of self-issue and single trip variance permits.
(2) Authorization to self-issue permits may be canceled if a carrier fails to conform to written or verbal direction from the Over-Dimension Permit Unit regarding proper self-issuance of permits.
(3) A motor carrier's Level III authorization to self-issue permits may also be canceled if:
(a) The qualifications specified in OAR 734-072-0010(4) and (5) are not met;
(b) A review of a motor carrier's self-issued permits indicates permits are not in conformance with the program.
Statutory/Other Authority: ORS 184.616, 184.619, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 1-2017, f. & cert. ef. 5-23-17; HWD 5-2011, f. & cert. ef. 5-27-11; HWD 4-2009, f. & cert. ef. 3-20-09; TO 2-2001, f. & cert. ef. 6-14-01; HWY 6-1996, f. & cert. ef. 10-10-96; HWY 3-1992, f. & cert. ef. 3-25-92; 1OTC 9-1980, f. & ef. 4-17-80

DIVISION 73
102"-WIDE COMMERCIAL VEHICLES — COMBINATIONS NOT SUBJECT TO OVERALL LENGTH RESTRICTIONS

734-073-0050
Purpose and Scope
(1) The purpose of OAR chapter 734, division 73 is to:
(a) Implement federal laws for combinations of vehicles, sizes and weights; and
(b) Continue issuing permits for similar commercial combinations of vehicles on designated state highways.
(2) Division 73 rules apply to the operation, over designated state highways, of certain vehicles and vehicle combinations described in Sections 411, 412 and 416 of Public Law 97-424, also known as the "Surface Transportation Assistance Act of 1982", hereinafter referred to as STAA 1982 and available from the Motor Carrier Transportation Division (MCTD) Over-Dimension Permit Unit. Section 411 of STAA 1982, 49 U.S.C. secs. 3111-3112, relates to the lengths of truck-

tractor with semitrailer combinations and truck-tractor with semitrailer and trailer combinations. Section 412(a)(2) of STAA 1982 relates to bus length and reasonable access. Division 73 rules also authorize special equipment transporting logs.
(3) When a conflict between OAR chapter 734, division 71 and division 73 occurs and the conflict will result in the loss of Federal funds, division 73 rules must prevail for the specified combinations of vehicles when operating on National Network Highways and those other highways where reasonable access beyond one mile has been granted.
(4) Drivers of all combinations of vehicles authorized by OAR chapter 734, division 73, must have a valid commercial driver license appropriate for the combination of vehicles being operated.
(5) OAR chapter 734, division 73 does not apply to vehicles licensed as, or which can be used as, recreational vehicles as defined in ORS 446.003(36) or to any combination of more than two vehicles not used exclusively for commercial purposes and subject to ORS Chapters 823 and 825.
Statutory/Other Authority: ORS 184.616 184.619, 810.060, 823.011
Statutes/Other Implemented: ORS 810.050, 818.030, 818.200, 818.220
History: HWD 5-2011, f. & cert. ef. 5-27-11; TO 2-2001, f. & cert. ef. 6-14-01; HWY 8-1997, f. & cert. ef. 8-26-97; HWY 1-1995, f. & cert. ef. 9-18-95; HWY 4-1993, f. & cert. ef. 7-16-93; HWY 4-1992, f. & cert. ef. 3-25-92; 2HD 20-1983, f. & ef. 9-23-83

734-073-0051
Definitions
As used in division 73 rules, the following definitions shall apply:
(1) "Automobile transporter" means a combination of vehicles that transports vehicles on a semitrailer and may also transport vehicles on the power unit behind the cab or on an over-cab rack.
(2) “Automobile transporter towing stinger-steered semitrailer” means an automobile transporter having the fifth-wheel assembly mounted on a stinger or extension to the framework of the truck. The fifth-wheel connection must be behind and below the axle in front of it.
(3) "Boat transporter" means a combination of vehicles that transports boats on a semitrailer and may also transport boats on the power unit behind the cab or on an over-cab rack.
(4) “Boat transporter towing stinger-steer semitrailer” means a boat transporter having the fifth-wheel assembly mounted on a stinger or extension to the framework of the truck. The fifth-wheel connection must be behind and below the axle in front of it.
(5) "Bus" means a vehicle designed and operated exclusively to transport not less than 10 persons excluding the driver, primarily for hire. The term "bus" does not include motor homes or busses converted or used for any other purpose.
(6) "Drive-away saddlemount vehicle transporter combination" and "drive-away saddlemount with fullmount vehicle transporter" means a combination of vehicles consisting of a truck-tractor that tows not more than three saddlemounted vehicles. These vehicles may also include not more than one fullmounted vehicle.
(7) “Fullmount” means a smaller vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination.
(8) "MCTD" means Motor Carrier Transportation Division of the Oregon Department of Transportation.
(9) "Overall length," as used in division 73 is as defined in OAR 734-071-0010(2)(i).
(10) “Saddlemount” means vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection.
(11) "Traditional automobile transporter" means an automobile transporter having the fifth-wheel assembly over the drive axle(s) and towing a semitrailer. The power unit may include a framework or other assembly that provides the ability to also transport automobiles.
(12) "Traditional boat transporter" means a boat transporter having the fifth-wheel assembly over the drive axle(s) and

towing a semitrailer. The power unit may include a framework or other assembly that provides the ability to also transport boats.
(13) "Truck-tractor semitrailer-semitrailer" means a combination of vehicles consisting of a truck-tractor which also tows two semitrailers connected by kingpin to fifth-wheel assemblies. These combinations of vehicles do not have an intermediate converter dolly between the two semitrailers which is normally used in double trailer operations. This is commonly referred to as a 'B-Train.'
Statutory/Other Authority: ORS 184.616, 184.619, 810.050, 810.060, 818.200
Statutes/Other Implemented: ORS 818.030, 818.200, 818.220
History: HWD 11-2005, f. & cert. ef. 12-14-05; HWD 2-2005, f. & cert. ef. 3-18-05; TO 2-2001, f. & cert. ef. 6-14-01; HWY 8-1997, f. & cert. ef. 8-26-97; HWY 1-1995, f. & cert. ef. 9-18-95

734-073-0056

Truck-Tractor and Semitrailer Combinations — National Network Highways

(1) The Federal Highway Administration determined Oregon's grandfathered semitrailer length to be 53 feet, allowed by the STAA 1982. The length of a semitrailer operated in Oregon on the National Network Highways designated by the STAA 1982 must not exceed 53 feet. The overall length is not restricted.
(2) The length of any load carried on the semitrailer authorized in section (1) of this rule must not extend beyond the rear of the semitrailer by more than five feet.
(3) The National Network Highways in Oregon approved for operation by this rule consist only of those highways listed in Code of Federal Regulations Title 23, Part 658, Appendix A. These routes are shown in green on Route Map 7, available from the MCTD Over-Dimension Permit Unit. Route Map 7 dated January 2005 is by reference made a part of Division 73 rules.
(4) A permit is not required for the dimensions and routes authorized by this rule.
Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 823.011
Statutes/Other Implemented: ORS 810.050, 818.030, 818.200, 818.220
History: HWD 5-2011, f. & cert. ef. 5-27-11; HWD 2-2005, f. & cert. ef. 3-18-05; TO 2-2001, f. & cert. ef. 6-14-01; HWY 8-1997, f. & cert. ef. 8-26-97; HWY 1-1995, f. & cert. ef. 9-18-95; HWY 4-1992, f. & cert. ef. 3-25-92

734-073-0060

Truck-Tractor with Semitrailer Combinations — State-Approved Highways

(1) The length of a semitrailer in a truck-tractor and semitrailer combination shall not exceed 53 feet. The overall length of the combination shall not exceed 65 feet.
(2) The length of any load carried on the semitrailer authorized in section (1) of this rule, shall not extend beyond the rear of the semitrailer by more than five feet.
(3) State approved highways for the movement of combinations of vehicles described in section (1) of this rule, shall consist of the state highways designated by the Chief Engineer. The list of approved highways and types of vehicle combinations authorized are maintained by the Chief Engineer, and are displayed in black on Route Map 7.
Statutory/Other Authority: ORS 184.616, 184.619, 810.050, 810.060, 818.220
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 2-2005, f. & cert. ef. 3-18-05; HWY 1-1995, f. & cert. ef. 9-18-95; HWY 4-1992, f. & cert. ef. 3-25-92; 2HD 20-1983, f. & ef. 9-23-83

734-073-0063

Truck-Tractor and Semitrailer Combinations — Specific Routes

The operations described in OAR 734-071-0040 may be allowed on highways other than the Oregon Interstate Highway System by variance permit. A variance permit issued under this rule shall specify conditions and a route approved by the Department.
Statutory/Other Authority: ORS 184.616, 184.619, 818.200

Statutes/Other Implemented: ORS 818.100, 818.200, 818.220
History: TO 8-2001, f. & cert. ef. 12-17-01; TO 4-2001(Temp), f. & cert. ef. 7-30-01 thru 1-25-02

734-073-0065

Truck-Tractor with Semitrailer and Trailer Combinations and Truck-Tractor with Semitrailer and Semitrailer Combinations

(1) The maximum length of any semitrailer or trailer in a truck-tractor with semitrailer and trailer or truck-tractor with semitrailer and semitrailer combination must not exceed 40 feet.
(2) The overall length of the combination is not restricted; however, the maximum dimension when measured from the front of the first semitrailer to the rear of the second semitrailer or trailer must not exceed those dimensions set forth in section (3) of this rule.
(3)(a) Provided the distance from the front of the first semitrailer to the rear of the second semitrailer or trailer does not exceed 60 feet, the combination of vehicles may operate over Group 1 highways. Group 1 highways are shown on Group Map 1, available from the MCTD Over-Dimension Permit Unit. Group Map 1 dated January 2005 is by reference made a part of Division 73 rules;
(b) If the distance from the front of the first semitrailer to the rear of the second semitrailer or trailer is more than 60 feet but does not exceed 68 feet, the combination of vehicles may operate over those state highways listed in Code of Federal Regulations Title 23, Part 658, Appendix A, and are displayed on Route Map 7;
(c) The distance from the front of the first semitrailer to the rear of the second semitrailer or trailer must not exceed 68 feet; and
(d) The length of any load carried on the semitrailer or trailer of a truck-tractor with semitrailer and trailer or truck-tractor with semitrailer and semitrailer combination as described in this rule must not extend beyond the rear of the semitrailer or trailer by more than five feet.
(4) A permit is not required for the dimensions and routes authorized by this rule.
[Publications: Publications & Maps referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619, 810.050, 810.060
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 5-2011, f. & cert. ef. 5-27-11; HWD 2-2005, f. & cert. ef. 3-18-05; TO 2-2001, f. & cert. ef. 6-14-01; HWY 8-1997, f. & cert. ef. 8-26-97; HWY 1-1995, f. & cert. ef. 9-18-95; HWY 4-1992, f. & cert. ef. 3-25-92; 2HD 20-1983, f. & ef. 9-23-83

734-073-0066

Reasonable Access

(1) Code of Federal Regulations Title 23, Part 658.19 requires Oregon to adopt provisions for Reasonable Access to terminals. For purposes of these rules, “terminal” means, at a minimum, any location where:
(a) Freight either originates, terminates, or is handled in the transportation process; or
(b) Commercial motor carriers maintain operating facilities.
(2) Reasonable access is allowed up to and including one mile on highways intersecting National Network Highways, except where specifically prohibited. OAR 734-073-0067 describes the requirements and procedures for excluding highways, roads and streets from Reasonable Access.
Statutory/Other Authority: ORS 183, 818.200
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWY 4-1992, f. & cert. ef. 3-25-92

734-073-0067

Procedure for Restricting Reasonable Access

(1) Restricting reasonable access shall only be for reasons of safety and engineering analysis of the route.
(2) The State, City, or County access review process shall include:

(a) An analysis of the proposed access route using observations or other data obtained from the operation of an authorized test vehicle over the route; or
(b) Analysis of the access route proposed by application of vehicle templates to plans of the route.
(3) Denial of access to terminals and services shall be based only on safety and engineering analysis of the access route. Safety criteria include, but are not limited to, sight distance, horizontal and vertical curvature, safe passing opportunities, rail and utility crossings and accident data for the requested access.
(4) Routes are automatically approved if not acted upon within 90 days of access review application.
(5) Application shall be in the form and manner established by the road authority for access review.
(6) Reasonable access is prohibited where signs prohibiting the access are posted. These signs shall be posted only when access review has been made and the Road Authority determines the access is denied.
(7) Road Authorities may request technical assistance from the Department of Transportation to meet the requirements of this rule.
Statutory/Other Authority: ORS 184.616, 184.619, 810, 818
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWY 1-1995, f. & cert. ef. 9-18-95; HWY 4-1992, f. & cert. ef. 3-25-92

734-073-0070
Revisions to Approved Routes
(1) The Chief Engineer, or his designee, may add by written order additional state highways or sections thereof, and specify the type(s) of vehicle combinations allowed by these rules. In taking such action, the Chief Engineer:
(a) Shall determine if the public interests will be served;
(b) Shall determine that the movement can be made in safety; and
(c) Shall have a trial test run conducted if he considers it appropriate.
(2) The Chief Engineer may delete by written order certain highways or sections thereof and may limit the vehicle combinations allowed. Such action may be taken for reasons of safety. The Chief Engineer shall seek the concurrence of the Federal Highway Administration for those highways listed in Code of Federal Regulations Title 23, Part 658, Appendix A.
Statutory/Other Authority: ORS 184.616, 184.619, 810, 818
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWY 1-1995, f. & cert. ef. 9-18-95; HWY 4-1992, f. & cert. ef. 3-25-92; 2HD 20-1983, f. & ef. 9-23-83

734-073-0080
Maximum Weight Limit on Interstate Highways
(1) The following provisions apply to maximum weights allowed on interstate highways without a permit:
(a) The provisions of Title 23 Code of Federal Regulations, Part 658 are applicable to the National System of Interstate and Defense Highways, and reasonable access thereto.
(b) The maximum gross vehicle weight shall be 80,000 pounds except where lower gross vehicle weight is dictated by Bridge Weight Table 1.
(c) The maximum gross weight upon any one axle, including any one axle of a group of axles of a vehicle is 20,000 pounds.
(d) The maximum gross weight on tandem axles is 34,000 pounds.
(e) The maximum gross weight on two or more consecutive axles may not exceed the limitations specified in Bridge Weight Table 1. This table of weights was developed using the following formula, referred to as the Bridge Gross Weight Formula:
LN
W = 500 (N - 1 + 12N + 36)
where L is the distance between two or more axles, N is the number of axles of a group of axles and W is the weight in pounds, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between the first and last axle is 36 feet or more.

(2) Permits may be issued without regard to section (1) through (5) of this rule for vehicles and loads which cannot be dismantled or divided (non-divisible loads) without incurring substantial costs or delay.
(3) Permits may be issued for vehicles or combinations of vehicles authorized by ORS Chapter 818 and OAR 734, division 74.
(4) The provisions of this rule do not apply to single, or tandem axle weights, or gross weights legally authorized under Oregon law on July 1, 1956. The group of axles requirements established in this section shall not apply to vehicles legally grandfathered under Oregon group of axle weight tables or formulas on January 4, 1975.
(5) Permits may be issued for two consecutive tandem axles having a loaded weight of 34,000 pounds each, provided the distance between the first and last axles of the two tandem axles is 30 feet or more.
(6) Permits may be issued for a group of four axles consisting of a set of tandem axles and two axles spaced nine feet or more apart that have a loaded weight of 70,000 pounds provided the distance between the first and last axles of the group is 35 feet or more.
[ED. NOTE: Tables referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619, 810, 818
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWY 1-1995, f. & cert. ef. 9-18-95; HWY 8-1993, f. 12-17-93, cert. ef. 1-1-94; HWY 4-1993, f. & cert. ef. 7-16-93

734-073-0085
Statutory Weight Exemptions not Applicable to Interstate Highways
Except when operating under the terms of a variance permit, the weight exemptions authorized by ORS 818.030(8) and (9) do not apply to vehicles operating on any interstate highway.
Statutory/Other Authority: ORS 184.616, 810.050, 818.030 & Ch. 510, OL 1993
Statutes/Other Implemented: ORS 818.030
History: HWY 8-1993, f. 12-17-93, cert. ef. 1-1-94

734-073-0100
65-Foot Tractor-Semitrailer Combinations
Tractor-semitrailer combinations having an overall length in excess of 60 feet, but not exceeding 65 feet, may operate over certain designated highways. In such combinations the semitrailer may not exceed 48 feet. Designated highways where these combinations may operate are restricted to the following:
(1) Any state highway or section thereof which has two or more lanes of travel in the same direction.
(2) The highways indicated in solid black on Route Map 7, which by this reference is made a part hereof.
(3) Such additional highways which, after investigation and consideration, the Chief Engineer may deem capable of safely accommodating the described combinations of vehicles. Trial test runs may be required in determining additional route approval.
Statutory/Other Authority: ORS 184.616, 184.619, 810.050, 810.060, 818.200, 818.220
Statutes/Other Implemented: ORS 818.030, 818.200, 818.220
History: HWD 2-2005, f. & cert. ef. 3-18-05; 1OTC 5-1980, f. & ef. 3-27-80; HWY 1-1995, f. & cert. ef. 9-18-95; Renumbered from 734-071-0020

734-073-0110
Specialized Equipment — Automobile/Boat Transporters
The Federal Highway Administration determines Automobile/Boat Transporters are Specialized Equipment as provided by 23 CFR 658.13(e).
(1) Traditional automobile/boat transporters (truck tractor and semitrailer combinations) may operate without a permit on National Network Highways (Route Map 7 Green) and Route Map 7 Brown, Purple and Black Routes with an overall length of 65 feet. The overall length determination excludes load overhangs, provided the load does not extend beyond

the front of the power unit by more than four feet and does not extend beyond the rear of the trailer by more than five feet. Such combinations may operate without individual vehicle length restrictions.
(2) Traditional auto/boat transporters (truck tractor and semitrailer combinations) may operate without a permit on National Network Highways (Route Map 7 Green Routes) or Route Map 7 Brown Routes and exceed a length of 65 feet, provided the semitrailer does not exceed 53 feet in length, inclusive of ramps, and the load does not extend beyond the front of the power unit by more than four feet and does not extend beyond the rear of the semitrailer by more than five feet.
(3) Automobile/boat transporters towing stinger-steered trailers may operate without a permit on National Network Highways (Route Map 7 Green Routes) and Route Map 7 Brown Routes with a length of 75 feet, excluding load overhangs, provided the load does not extend beyond the front of the power unit by more than four feet and does not extend beyond the rear of the trailer by more than five feet. Such combinations may operate without individual vehicle length restrictions.
(4) Automobile/Boat transporter operations other than those described in this rule shall not exceed the length restrictions as shown on the reverse of Group Map 1 or Route Map 7, whichever is greater.
(5) Automobile/boat transporters are authorized to transport automobiles/boats on racks above and behind the power unit cab.
(6) Automobile/boat transporters are authorized to have load protection devices or aerodynamic devices provided the devices do not exceed legal load extensions as defined in section (2) of this rule and the device is not load bearing.
[ED. NOTE: Maps referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619, 810.050, 810.060
Statutes/Other Implemented: ORS 818.100, 818.200, 818.220
History: HWD 11-2008, f. & cert. ef. 12-15-08; HWD 2-2005, f. & cert. ef. 3-18-05; HWY 8-1997, f. & cert. ef. 8-26-97; HWY 1-1995, f. & cert. ef. 9-18-95

734-073-0130
Specialized Equipment — Drive-Away Operations
The Federal Highway Administration determines Drive-away saddlemount vehicle transporter combinations are Specialized Equipment as provided by 23 CFR 658.13(e)(iii).
(1) A Drive-away saddlemount vehicle transporter combination or a Drive-away saddlemount with fullmount vehicle transporter may operate without permit on National Network Highways with an overall length limit of 97 feet.
(2) All Drive-away saddlemount vehicle transporter combinations must comply with all applicable safety regulations of 49 CFR 393.71.
Statutory/Other Authority: ORS 184.616, 184.619, 810.050, 810.060, 818.200, 818.220
Statutes/Other Implemented: ORS 818.030, 818.200, 818.220
History: HWD 11-2005, f. & cert. ef. 12-14-05; HWD 2-2005, f. & cert. ef. 3-18-05; HWY 1-1995, f. & cert. ef. 9-18-95

734-073-0140
Specialized Equipment for Transporting Logs or Poles
(1) As used in OAR chapter 734, division 73, the following two combinations of vehicles are considered the same as a truck-tractor with semitrailer and trailer combinations:
(a) A combination of vehicles capable of carrying no more than two loads of logs placed end to end consisting of a log-truck and pole trailer pulling a trailer; or
(b) A combination of vehicles transporting logs and consisting of a log-truck and two load carrying stinger-steered pole trailers with the first stinger-steered pole trailer supporting one end of logs loaded on the log-truck and one end of logs loaded on the second stinger-steered pole trailer.
(2) The following conditions apply to the vehicle combinations described in section (1) of this rule:
(a) These combinations of vehicles may not travel unladen and must only be used to transport logs or poles;
(b) The distance measured from the log bunk on the truck to the rear of the second stinger-steered pole trailer or trailer

shall not exceed 68 feet;
(c) The reach of a pole trailer may not extend more than five feet from the end of the tunnel housing; and
(d) The overall length is not restricted.
(3) No part of any load carried on the trailer or the second stinger-steered pole trailer shall extend beyond the rear more than five feet.
(4) The routes approved for operation of these combinations of vehicles consist only of those highways listed in Code of Federal Regulations Title 23, Part 658, Appendix A and other approved highways as displayed on Route Map 7.
[ED. NOTE: Maps referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619, 810.030, 818.200
Statutes/Other Implemented: ORS 818.030, 818.200, 818.220
History: HWD 2-2005, f. & cert. ef. 3-18-05; TO 2-2001, f. & cert. ef. 6-14-01; HWY 1-1995, f. & cert. ef. 9-18-95

DIVISION 74
ISSUANCE OF PERMITS FOR COMBINATIONS OF VEHICLES HAVING GROSS WEIGHTS IN EXCESS OF 80,000 POUNDS

734-074-0005
Scope
(1) OAR chapter 734, division 074 shall apply to and govern the issuance of permits for movement of certain vehicle combinations having a total gross weight in excess of 80,000 pounds. The loads carried by these vehicles may be of a nature which are reducible or can be readily dismantled.
(2) OAR chapter 734, division 074 does not apply to any power unit with a registered gross weight of less than 26,000 pounds or those power units having an actual weight of 8,000 pounds or less.
(3) OAR chapter 734, division 074 does not apply to vehicles licensed, or which can be used as recreational vehicles as defined by ORS 446.003(36), or to any combination of more than two vehicles not used exclusively for commercial purposes and subject to ORS Chapters 823 and 825.
Statutory/Other Authority: ORS 184.616, 184.619
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWY 8-1997, f. & cert. ef. 8-26-97; HWY 3-1995, f. & cert. ef. 10-16-95; 2HD 6-1983, f. & ef. 2-18-83; 1OTC 6-1980, f. & ef. 3-27-80

734-074-0006
Driver Responsible for Operation
The driver of any combination of vehicles authorized by OAR chapter 734, division 74 is responsible for complying with all permit requirements and provisions. If the driver, police officer or Department of Transportation determines conditions are hazardous, the permitted vehicle shall leave the highway at the next available exit, truckstop or rest area and shall not proceed until the hazardous condition abates. Drivers of all combinations of vehicles authorized by division 74 rules must have a valid driver license appropriate for the combination of vehicles being operated.
Statutory/Other Authority: ORS 184.616, 184.619, 810.030, 818.220
Statutes/Other Implemented: ORS 818.200, 818.220
History: TO 2-2001, f. & cert. ef. 6-14-01; HWY 3-1995, f. & cert. ef. 10-16-95; HWY 7-1992, f. & cert. ef. 3-27-92

734-074-0008
Definitions
As used in division 74 rules:
(1) “Auxiliary axle” is an axle that qualifies as a booster axle, flip axle or lift axle and when attached to the rear of a trailer shall be included in the measurement of the trailer.
(2) “Booster Axles(s)” means a separate vehicle bolted or pinned to another vehicle that redistributes weight from one or more axles to other axles and pivots from side to side at the connection point or has wheels that steer during turning.

(3) “Converter dolly” means those devices towed behind a vehicle and used to convert a semitrailer to function as a self-supporting trailer.
(4) “Dromedary truck-tractor” means a motor truck designed to carry a load and also pull a semitrailer by using a kingpin to fifth wheel connection. Unless specifically authorized, a dromedary truck-tractor may not tow a stinger steered trailer.
(5) “Flip axle” means an axle that is bolted or pinned to a vehicle and flips from the closed position on the trailer to a deployed position on the ground extending the length and hauling capacity of the trailer.
(6) “Gross Vehicle Weight Rating” (GVWR) means the gross vehicle weight rating as defined in ORS 801.298.
(7) “Idle Reduction System” means an auxiliary power unit or other device or technology that is used to reduce long-duration idling by allowing the main drive engine or auxiliary refrigeration engine to be shut down.
(8) “Lift Axle” means an axle(s) that can be raised from or lowered to the surface of the ground.
(9) “Log-truck” means a motor vehicle designed and used in conjunction with a pole trailer to transport one load of logs where one end of the logs rests upon the log truck and one end of the logs rests upon the pole trailer.
(10) “MCTD” means the Motor Carrier Transportation Division of the Oregon Department of Transportation.
(11) “Motor Truck” means a motor vehicle that is primarily designed or used for carrying loads other than passengers.
(12) “New generation wide base single tire” means a tire that has a nominal section width over 14 inches and a ratio of width to height less than or equal to 55.
(13) “Pole Trailer” means a trailer attached or secured to a vehicle and ordinarily used for transportation of long or irregular loads such as logs capable of generally sustaining themselves as beams between the towing vehicle and the pole trailer.
(14) “Reasonably uniform in length” as used in ORS 818.210, means a variance of not more than eight feet from the longest to shortest self-supporting trailers or semitrailers within the authorized combination of vehicles. It does not include the length of a converter dolly when used to convert a semitrailer to a self-supporting trailer.
(15) “Tandem drive axles” means two or more axles spaced more than 40 inches but not more than 96 inches apart, neither of which can be raised from the surface of the ground, and where no one axle carries less than forty percent (40%) of the tandem axle weight. Each axle of a tandem drive axle shall have four tires or each axle may have two tires if tire width is at least 15 inches and each axle transmits motive power to the road surface. Any weight controls for the tandem axles on a power unit must be designed, installed and used such that the axles always distribute the load so no axle, tandem axle or group of axles exceeds the legal weight limits or bridge formula limits. All axle assemblies of the tandem drive axles (including axles, tires, brakes) must be adequate to carry the weight loading but may not have less than a 20,000 pound rating for each axle.
(16) “Truck-Tractor” means a motor vehicle designed and used primarily for drawing (towing) other vehicles and constructed so as not to carry any load other than a part of the weight of the vehicle or load, or both, as drawn.
(17) “Variable-load suspension axle” means an axle that can vary the amount of weight being transmitted to the surface of the road by adjustments made by the driver. Examples of adjustments available to the driver include, but are not limited to, the use of tool(s), lock and key, pressure regulators with handles or knobs. The term variable load suspension axle does not include use of devices such as height control valves, axles controlled by devices that raise the axle when the vehicle moves backward or pre-set pressure regulators which are not adjustable by the driver.
Statutory/Other Authority: ORS 184.616, 184.619, 818.220
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 2-2010, f. & cert. ef. 3-17-10; HWD 6-2007, f. & cert. ef. 10-17-07; HWD 2-2005, f. & cert. ef. 3-18-05; TO 2-2001, f. & cert. ef. 6-14-01; HWY 8-1997, f. & cert. ef. 8-26-97; HWY 3-1995, f. & cert. ef. 10-16-95

734-074-0010

Vehicle Combinations Eligible for Permits

(1) The following vehicle combinations are eligible for permits issued under OAR 734, division 74 as long as they are in compliance with all applicable rules in OAR 734, division 74:
(a) Combinations of vehicles described in ORS Chapter 818 that meet the requirements of OAR 734-074-0005;

(b) Combinations of vehicles described in OAR 734, division 71;
(c) Combinations of vehicles described in OAR 734, division 73;
(d) Combinations of vehicles that include a dromedary truck-tractor having a dromedary box, plate or deck not exceeding 12-feet, 6-inches in length including any load overhang on the dromedary box, plate or deck, provided the overall length does not exceed that authorized by ORS Chapter 818, OAR 734, division 71 or division 73, whichever is appropriate for the combination of vehicles and the route of travel;
(e) A dromedary truck-tractor having a dromedary box, plate or deck not exceeding 17-feet, 6-inches in length including any load overhang on the dromedary box, plate or deck, towing one stinger-steered semitrailer which is not longer than 53 feet and having an overall length of not more than 75 feet and operating on Group 1 Highways established in OAR 734, division 71;
(f) A laden or unladen combination of vehicles designed and used exclusively to transport overseas marine containers that are enroute to or from a marine port or an intermodal transportation facility. Travel is authorized only on routes indicated in green on Route Map 7. Route Map 7, dated April 2009, is by reference made a part of division 74 rules. The semitrailer may not be longer than 53 feet, and overall length must be 105 feet or less. This combination of vehicles may consist of not more than one truck-tractor, one jeep, one overseas marine container trailer and one booster axle; and
(g) A combination of vehicles commonly known as triples, consisting of a motor truck and two self-supporting trailers, or a truck tractor and semitrailer drawing two self-supporting trailers or semitrailers mounted on dollies equipped with fifthwheels having an overall length not in excess of 105 feet. The self-supporting trailers must be reasonably uniform in length. A motor truck in this combination may not exceed 35 feet in overall length. This combination of vehicles may tow an unladen dolly used to transport a third load carrying semitrailer, provided the combination, including the dolly, does not exceed 85 feet.
(2) The maximum allowable overall lengths for vehicles described in subsections (1)(a) through (c) of this rule are as follows:
(a) For combinations of vehicles described under subsection (1)(a) of this rule, those lengths indicated in ORS Chapter 818 that comply with OAR 734-074-0005;
(b) For combinations of vehicles described under subsection (1)(b) of this rule, those lengths described in OAR 734, division 71; and
(c) For combinations of vehicles described under subsection (1)(c) of this rule, those lengths described in OAR 734, division 73.
(3) A lift or variable load axle(s) may be allowed. The following conditions apply:
(a) The controls for the lift axle may be mounted inside the cab of the power unit provided that it limits the axle movement to the complete up or complete down position;
(b) The control for a variable load, or lift axle, which allows adjustment to increase or decrease loading on the vehicle must not be accessible from the cab;
(c) The lift or variable load axle must be deployed, and distribute the weight of the load, when failure to do so results in any tire, axle, tandem axle or group of axles exceeding the weight limits allowed by OAR 734-074-0020; and
(d) The lift axle assembly (including axles, tires, brakes) must be adequate to carry the weight of the load.
(4) When the weight difference between any trailer or semitrailer of a triple trailer combination is 1,500 pounds or more, the trailers must be placed from the heaviest to the lightest, with the lightest trailer placed to the rear of the combination.
(5) Combinations of vehicles described as “triple trailers” must have a visible and fully operable method of adjustment to eliminate slack in the hitch mechanism. The device used may be air chamber operated or it may be adjustable by a mechanical cam method.
[ED. NOTE: Maps referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 1-2015, f. & cert. ef. 4-21-15; HWD 5-2008, f. & cert. ef. 5-19-08; HWD 2-2006, f. & cert. ef. 4-28-06;

HWD 2-2005, f. & cert. ef. 3-18-05; TO 2-2001, f. & cert. ef. 6-14-01; HWY 8-1997, f. & cert. ef. 8-26-97; HWY 3-1995, f. & cert. ef. 10-16-95; HWY 12-1992, f. & cert. ef. 10-16-92; HWY 7-1992, f. & cert. ef. 3-27-92; HWY 6-1988, f. & cert. ef. 9-22-88; 2HD 6-1983, f. & ef. 2-18-83; 1OTC 6-1980, f. & ef. 3-27-80

734-074-0020

Maximum Allowable Weights

(1) The maximum allowable weights for single axles and tandem axles must not exceed those specified under ORS 818.010(1) and (2).
(2) When the loaded weight of a group of axles, vehicle, or combination of vehicles is 80,000 pounds or less, the maximum allowable weight must not exceed those specified under ORS 818.010(3).
(3) When a group of axles or gross weight is more than 80,000 pounds, the maximum allowable weights must not exceed those set forth in Permit Weight Table 2, available from the MCTD Over-Dimension Permit Unit as Form 735-8111, revised November 2013. Permit Weight Table 2, is by reference made part of Division 74 rules. In no case may gross weight exceed the sum of the permittable axle, tandem axle or group of axle weights, whichever is less.
(4) In no case may any rim or wheel carry more weight than that specified by the manufacturer of the rim or wheel.
(5) All single axles of triple trailer combinations must have either four tires or two new generation wide base single tires, except for the power unit steering axle and lift axles that may have two tires. Tires on each axle must be of the same size and construction unless the vehicle encounters a tire problem and is in route for tire servicing. Use of new generation wide base single tires is allowed provided that the legal weight of the vehicle, axle or tire load rating is not exceeded.
(6) For purposes of Division 74 rules, the axle(s) of a converter dolly or dolly are not included in determining authorized weight unless those axles carry part of the weight of the cargo being transported.
(7) In any triple trailer combination, the first two cargo carrying units, including the power unit, may not weigh more than 80,000 pounds unless equipped with tandem drive axles.
(8) The exception described in ORS 818.030(10) and 818.340(4) is limited to the actual weight of the idle reduction system, not to exceed 550 pounds. In order to qualify for the exception, the operator of the vehicle may be required to prove:
(a) By written certification the weight of the auxiliary power unit; and
(b) By demonstration or certification that the idle reduction technology is fully functional.
(9) A natural gas vehicle may exceed the weight limitations established under ORS 818.010 by not more than 2,000 pounds.
Statutory/Other Authority: ORS 184.616, 184.619, 818.220, 823.011
Statutes/Other Implemented: ORS 818.010, 818.030, 818.200, 818.220, 818.340
History: HWD 1-2018, amend filed 02/16/2018, effective 02/16/2018; HWD 5-2011, f. & cert. ef. 5-27-11; HWD 2-2010, f. & cert. ef. 3-17-10; HWD 6-2007, f. & cert. ef. 10-17-07; HWD 2-2005, f. & cert. ef. 3-18-05; TO 2-2001, f. & cert. ef. 6-14-01; HWY 8-1997, f. & cert. ef. 8-26-97; HWY 3-1995, f. & cert. ef. 10-16-95; HWY 1-1993, f. & cert. ef. 3-16-93; HWY 10-1992, f. & cert. ef. 9-16-92; HWY 7-1992, f. & cert. ef. 3-27-92; 2HD 6-1983, f. & ef. 2-18-83; 1OTC 6-1980, f. & ef. 3-27-80

734-074-0023

Application for Permit

(1) Application for permits may be made in person, at Oregon ports of entry or by mail to the Over-Dimension Permit Unit, 3930 Fairview Industrial Drive SE Salem, OR 97302-1166.
(2) Telephone applications for permits may be made by calling (503) 373-0000 and the executed permit will be transmitted electronically for pick up by the applicant at the nearest state office equipped with a receiving device.
(3) Routine information such as permittee name, address and vehicle identification must be included for the application.
(4) Permits will not be issued when an application is incomplete.
(5) Carriers who have unsatisfactory safety ratings from the U.S. Department of Transportation or the Oregon Department of Transportation, Motor Carrier Transportation Division are not eligible for permits under these rules.

Statutory/Other Authority: ORS 184.616, 184.619, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 3-2017, minor correction filed 10/20/2017, effective 10/20/2017; HWD 5-2011, f. & cert. ef. 5-27-11; TO 2-2001, f. & cert. ef. 6-14-01; HWY 8-1997, f. & cert. ef. 8-26-97; HWY 3-1995, f. & cert. ef. 10-16-95; HWY 7-1992, f. & cert. ef. 3-27-92; 2HD 6-1983, f. & ef. 2-18-83

734-074-0025

Permit Duration

Permits issued under division 74 rules are for a single trip within a period of time not to exceed 10 days, or continuous trips for up to one year from the effective date.
Statutory/Other Authority: ORS 184.616, 184.619, 818.220
Statutes/Other Implemented: ORS 818.200, 818.220
History: TO 2-2001, f. & cert. ef. 6-14-01; 2HD 6-1983, f. & ef. 2-18-83; 1OTC 6-1980, f. & ef. 3-27-80

734-074-0027

Other Permit Eligibility Requirements

(1) No applicant for a permit may have an unsatisfactory rating from US DOT or the equivalent safety rating from Oregon Department of Transportation, Motor Carrier Transportation Division.
(2)(a) An interstate permittee operating triple trailers must have a satisfactory US DOT safety rating, and an intrastate permittee must have an equivalent safety rating from the Oregon Department of Transportation, Motor Carrier Transportation Division;
(b) Motor carriers exempt from regulation by US DOT or the Oregon Department of Transportation, Motor Carrier Transportation Division shall have a Level 1 safety inspection performed by a Commercial Vehicle Safety Alliance (CVSA) certified safety inspector to be eligible for a triple trailer permit. This safety inspection must determine the driver and combination of vehicles are free of defects. The motor carrier becomes eligible for a permit when all repairs or deficiencies written on the inspection form are corrected and verified by a CVSA-certified safety inspector. The successful completion of the Level 1 safety inspection is used to establish a satisfactory safety rating. Successful completion of this Level 1 safety inspection is required every year before the triple trailer permit may be renewed;
(c) For purposes of this rule, a satisfactory safety rating means a safety rating other than unsatisfactory.
(3) Permits for triple trailers require the permittee to have an established safety program that includes drivers and vehicles.
(4) Triple trailer permits may be suspended or revoked for failure to comply with any of the provisions or conditions of OAR chapter 734, division 74. The permittee and driver must comply with all of the motor vehicle laws and the latest motor carrier safety regulations issued by the US DOT.
Statutory/Other Authority: ORS 184.616, 184.619, 818.220
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 6-2015, f. & cert. ef. 12-17-15; TO 2-2001, f. & cert. ef. 6-14-01; HWY 8-1997, f. & cert. ef. 8-26-97; HWY 3-1995, f. & cert. ef. 10-16-95; HWY 1-1993, f. & cert. ef. 3-16-93; HWY 7-1992, f. & cert. ef. 3-27-92; 2HD 6-1983, f. & ef. 2-18-83

734-074-0028

Permit Cancellation

(1) Permits may be canceled for reasons set forth under ORS 818.220(7).
(2) The operation of any combination of vehicles under OAR 734, division 74 over highways not authorized shall constitute a serious violation of ORS 818.220(7)(a). The Chief Engineer has authority to cancel all such permits held by any person, company, or firm for such periods of time as the Chief Engineer considers appropriate.
(3) If any of the provisions of OAR 734, division 74 are found to be contrary to federal law to the extent that loss of federal-aid funds may result, the Chief Engineer may immediately delete from any otherwise valid permit that portion of

the permit in conflict.
(4) This permit is automatically void if the permittee incurs an unsatisfactory rating from US DOT or the equivalent safety rating from Oregon Department of Transportation, Motor Carrier Transportation Division.
Statutory/Other Authority: ORS 184.616, 184.619, 818.22
Statutes/Other Implemented: ORS 818.200, 818.220
History: TO 2-2001, f. & cert. ef. 6-14-01; HWY 8-1997, f. & cert. ef. 8-26-97; HWY 3-1995, f. & cert. ef. 10-16-95; HWY 1-1993, f. & cert. ef. 3-16-93; HWY 7-1992, f. & cert. ef. 3-27-92; 2HD 6-1983, f. & ef. 2-18-83

734-074-0029
Insurance Requirements
At the discretion of the Chief Engineer, permit applicants may be required to furnish liability and indemnity insurance as provided for under ORS 818.220(1)(d) and (e).
Statutory/Other Authority: ORS 183, 184.617, 184.619, 366.205, 818.200
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWY 7-1992, f. & cert. ef. 3-27-92; 2HD 6-1983, f. & ef. 2-18-83

734-074-0030
Approved Routes
(1) State highways approved for travel by combinations of vehicles operating under permits issued pursuant to OAR chapter 734, division 74, shall be designated by the Chief Engineer. In designating such highways the Chief Engineer shall take into consideration the increased gross weights carried by the vehicles and shall, by use of engineering judgment, determine that the highways so approved, and the structures and bridges on those highways, can safely accommodate the increased weights.
(2) Permits shall only authorize travel over highways under State of Oregon, Department of Transportation, jurisdiction. For movement over other streets or roads, separate permission must be obtained from the proper authority.
(3) When designating approved routes for triple trailers, the Chief Engineer may restrict the days and hours of travel.
Statutory/Other Authority: ORS 184.616, 184.619, 810, 818
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWY 3-1995, f. & cert. ef. 10-16-95; HWY 1-1993, f. & cert. ef. 3-16-93; 2HD 6-1983, f. & ef. 2-18-83; 1OTC 6-1980, f. & ef. 3-27-80

734-074-0035
Speeds
(1) Vehicles operating under permits authorized through OAR 734, division 74, shall maintain a minimum speed within 20 MPH of the posted truck speed. When encountering steep grades where a minimum speed within 20 MPH of the posted truck speed cannot be maintained, the combination of vehicles shall activate four-way flashers. Horsepower must be adequate to maintain a minimum speed of 20 MPH except on grades the Chief Engineer deems are impractical.
(2) Combinations of vehicles authorized by division 74 rules may not exceed the posted speed or basic speed rule laws described in ORS Chapter 811. The penalty for violation of this rule is that provided by ORS 818.420(2). Exceeding the posted or basic speed limit is a permit violation.
Statutory/Other Authority: ORS 184.616, 184.619, 818.220
Statutes/Other Implemented: ORS 818.200, 818.220
History: TO 2-2001, f. & cert. ef. 6-14-01; HWY 3-1995, f. & cert. ef. 10-16-95; HWY 10-1992, f. & cert. ef. 9-16-92; HWY 7-1992, f. & cert. ef. 3-27-92; 2HD 6-1983, f. & ef. 2-18-83; 1OTC 6-1980, f. & ef. 3-27-80

734-074-0040
Operating Days and Hours, Prohibitions
(1) Vehicles and combinations of vehicles, except triple trailers, may operate on a 24-hour, seven-day week basis.
(2) Triple trailers may operate on a 24-hour, seven-day week basis unless traveling on a highway which prohibits such

movement on holidays or weekends. The holidays include New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day:
(a) When a triple trailer route prohibits movement on weekends, movement is prohibited from 5 p.m. Friday until 10 p.m. Sunday; and
(b) When a triple trailer route prohibits movement on holidays, movement is prohibited during all hours:
(A) Triple trailer movement on any route that has holiday or weekend restriction is prohibited from noon on the Wednesday preceding Thanksgiving Day until sunrise on Monday following Thanksgiving Day;
(B) Triple trailer movement on any route that has holiday or weekend restriction is prohibited between 4 p.m. Thursday and sunrise Monday, when the State observes any of the specified holidays on a Friday;
(C) Triple trailer movement on any route that has holiday or weekend restriction is prohibited between 4 p.m. Friday and sunrise Tuesday, when the State observes one of the specified holidays on a Monday;
(D) Triple trailer movement on any route that has a holiday or weekend restriction is prohibited when a holiday falls on any other day of the week between 4 p.m. on the day preceding the holiday until 12:01 a.m. on the day following the holiday unless it is otherwise restricted.
Statutory/Other Authority: ORS 184.616, 184.619, 810, 818
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWY 3-1995, f. & cert. ef. 10-16-95; HWY 1-1993, f. & cert. ef. 3-16-93; 2HD 6-1983, f. & ef. 2-18-83; 1OTC 6-1980, f. & ef. 3-27-80

734-074-0045
Weather Restrictions
(1) Movement of triple trailer combinations is prohibited when road surfaces are hazardous or when wind or other conditions may cause the unit or any part thereof to swerve, to whip, to sway or fail to follow substantially in the path of the towing vehicle.
(2) Road surfaces are considered hazardous for triple trailers when the surface is other than bare or wet pavement. Examples of "other than bare or wet pavement" include surfaces that have frost, ice, sleet or snow on the roadway.
(3) Triple trailer movement is prohibited when visibility is less than 500 feet due to snow, mist, rain, dust, smoke, fog or other atmospheric conditions.
(4) All other combinations of vehicles operating under permits issued by division 074 rules must comply with the traction device requirements of OAR 740, division 100, OAR 734, division 017, and any other lawful order requiring the use of traction tires or devices.
Statutory/Other Authority: ORS 184.616, 184.619
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 2-2005, f. & cert. ef. 3-18-05; HWY 8-1997, f. & cert. ef. 8-26-97; HWY 3-1995, f. & cert. ef. 10-16-95; HWY 1-1993, f. & cert. ef. 3-16-93; 2HD 6-1983, f. & ef. 2-18-83; 1OTC 6-1980, f. & ef. 3-27-80

734-074-0051
Splash and Spray Suppressant Devices
(1) The Chief Engineer requires combinations of vehicles operating under OAR chapter 734, division 74 when highways are wet, including those surfaces that have rain, frost, ice, sleet or snow to be equipped with devices designed to suppress water splash and spray.
(2) The Chief Engineer is hereby granted authority to approve and require by written order the type, style, design, and installation details of splash and spray devices. These devices may consist of but are not limited to the following:
(a) Air deflectors mounted on the vehicles;
(b) Fender flaps behind wheels;
(c) Side flaps over wheels; and
(d) Water collection type fenders.
(3) Minimum splash and spray requirements are shown on MCTD Forms 734-2351 (April 2002) and 734-2351A (March

2002). These forms are available from the MCTD Over-Dimension Permit Unit and by reference are made a part of these rules.
(4) The headlights of a triple trailer combination must be illuminated any time windshield wipers are used.
Statutory/Other Authority: ORS 184.616, 184.619, 818.220
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 5-2011, f. & cert. ef. 5-27-11; HWD 2-2005, f. & cert. ef. 3-18-05; TO 2-2001, f. & cert. ef. 6-14-01; HWY 8-1997, f. & cert. ef. 8-26-97; HWY 3-1995, f. & cert. ef. 10-16-95; HWY 7-1992, f. & cert. ef. 3-27-92; 2HD 21-1983, f. & ef. 9-23-83; 2HD 6-1983, f. & ef. 2-18-83

734-074-0060
"Long Load" Warning Signs for Triple Trailer Combinations
(1) A warning sign for triple trailer combinations bearing the legend "LONG LOAD" is to be displayed on the back of the rearmost trailer or semitrailer.
(2) The sign must be positioned at such height as to be readily visible to following drivers and:
(a) Signs must be seven feet wide by 18 inches high with black letters 10 inches high in accordance with Federal Highway Administration series C on highway yellow background;
(b) The highway yellow background of the sign must be made of reflectorized material when operating between one half hour after sunset and one half hour before sunrise;
(c) Signs must be kept clean, legible and mounted horizontally with adequate support to provide full visibility at all times when in use; and
(d) All such signs must be removed or retracted when not required.
(3) Combinations of vehicles described in OAR chapter 734, division 73 do not require warning signs.
Statutory/Other Authority: ORS 184.616, 184.619, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 2-2015, f. & cert. ef. 4-21-15; TO 2-2001, f. & cert. ef. 6-14-01; HWY 8-1997, f. & cert. ef. 8-26-97; HWY 3-1995, f. & cert. ef. 10-16-95; HWY 10-1992, f. & cert. ef. 9-16-92; HWY 7-1992, f. & cert. ef. 3-27-92; 2HD 6-1983, f. & ef. 2-18-83; 1OTC 6-1980, f. & ef. 3-27-80

734-074-0070
Triple Trailer Driver Requirements
(1) All triple trailer drivers must have a current Commercial Drivers License with a doubles/triples endorsement and no airbrake restriction.
(2) Triple trailer drivers and all individuals and companies operating triple trailers must comply with Part 391 — Qualifications of Drivers of the Federal Motor Carrier Safety Regulations (FMCSR) and Part 395 — Driver Hours of Service. Driver exemptions as set forth in Section 391.67 of the FMCSR shall not apply to triple trailer drivers.
(3) Triple trailer drivers must have a minimum of one-year experience driving commercial vehicle combinations.
(4) Triple trailer drivers hired by the permit holder after the effective date of this rule, must successfully complete a road test using triple trailers. This shall be the road test established by the Oregon Department of Transportation, Driver and Motor Vehicle Services Division. The road test must be conducted by an experienced triple trailer driver or trainer. The permittee must maintain a record of the road test for inspection by ODOT personnel for three years following the road test.
(5) Triple trailer drivers must be directly supervised by the company or individual holding the triple trailer permit.
(6) Triple trailers may not be operated by any driver convicted of two or more speeding violations in Oregon as provided by ORS Chapter 811 within the last three years while operating a triple trailer combination after being informed by ODOT that the driver is disqualified.
(7) Triple trailers may not be operated by a driver if suspension or revocation of driving privileges arises from operation of a commercial motor vehicle in any state or province during the past three years.
[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 184.616, 184.619, 818.200
Statutes/Other Implemented: ORS 818.200, 818.220
History: TO 2-2001, f. & cert. ef. 6-14-01; HWY 1-1993, f. & cert. ef. 3-16-93

734-074-0090
Permit Requirements for Triple Trailer Operators

(1) The third cargo carrying unit of a triple trailer combination cannot be a liquid cargo tank.
(2) A carrier operating under division 74 rules must report total miles driven in Oregon while operating triple trailer combinations to the MCTD in the form it requests. Triple trailer annual mileage reports must be received by the MCTD by March 31 of the year following the year the miles were driven. Failure to timely report triples miles may result in cancellation or non-renewal of a motor carrier's triple trailer permits.
Statutory/Other Authority: ORS 184.616, 184.619, 818.200
Statutes/Other Implemented: ORS 818.200, 818.220
History: TO 2-2001, f. & cert. ef. 6-14-01; HWY 8-1997, f. & cert. ef. 8-26-97; HWY 1-1993, f. & cert. ef. 3-16-93

DIVISION 75
MOVEMENT OF OVER-DIMENSION MOBILE HOMES AND MODULAR BUILDING UNITS

734-075-0002
Exhibits

The exhibits referred to in OAR chapter 734, division 75 are by reference made a part of these rules. The Chief Engineer maintains the exhibits and any amendments authorized by rule.
Statutory/Other Authority: ORS 183, 818
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWY 6-1990, f. & cert. ef. 3-13-90

734-075-0005
Scope

OAR chapter 734, division 75 regulates the transportation of mobile homes, modular building units and chassis units on highways under the authority of the Oregon Department of Transportation.
Statutory/Other Authority: ORS 184.616, 184.619, 810.606, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 3-2012, f. & cert. ef. 1-27-12; HWY 6-1990, f. & cert. ef. 3-13-90; 2HD 15-1983, f. & ef. 8-18-83; 1OTC 24-1979, f. & ef. 10-24-79; 1OTC 13-1979(Temp), f. & ef. 6-20-79; 1OTC 12-1979(Temp), f. & ef. 6-20-79; 1OTC 11-1979(Temp), f. & ef. 6-20-79; Reverted to 1OTC 19a, f. & ef. 1-24-74; 1OTC 9-1978(Temp), f. & ef. 7-19-78; 1OTC 19a, f. & ef. 1-24-74; HC 1287, f. 3-14-73

734-075-0008
Definitions

(1) "Base" means the widest point of the outside dimension of a mobile home or modular unit exclusive of appurtenances such as door handles, required safety equipment or eaves.
(2) "Business day" is any day, Monday through Friday except holidays as defined in section (8) of this rule.
(3) "Chief Engineer" means the Chief Engineer of the Oregon Department of Transportation or a person designated to act for the Chief Engineer.
(4) "Daylight hours" means one-half hour before sunrise until one-half hour after sunset.
(5) "Eave" means an extension of the roof past the base of the unit. It does not include external accessories or devices attached to the unit.
(6) "Eave cap" means the shingle or roofing material extension over the eave fascia.
(7) "GVWR" means the gross vehicle weight rating as defined in ORS 801.298.

(8) “Holiday” for the purpose of division 75 rules means New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day and includes any other days the state officially observes these holidays by the closure of State offices.
(9) “MCTD” means the Motor Carrier Transportation Division of the Oregon Department of Transportation.
(10) “Mobile home” or “manufactured home” means a trailer designed as a structure for human habitation or for business, commercial or office purposes, which can be towed upon public highways and which is more than 45 feet in length or more than eight feet six inches in width. For the purposes of division 75 rules, all references to mobile homes include manufactured homes.
(11) “Modular building unit” means a structural building component designed to be used alone or with other modules. These modules create a structure for human habitation or for business, commercial or office purposes and are more than 45 feet in length or more than eight feet six inches in width. Modular units are transported or hauled on another vehicle instead of being towed on the unit's own axles or running gear.
(12) “Multi-lane highway” means a highway having two or more lanes of travel in the same direction.
(13) “Overall width” means the width at the base plus any eave.
(14) “Seller” as used in this rule means any person engaged in selling or distributing a manufactured home to persons who in good faith purchase or lease manufactured homes for purposes other than resale.
(15) “Toter” means a motor vehicle designed and used primarily for towing a mobile home.
(16) “Transport” means to tow, haul, drive or otherwise move a vehicle or load on the State highway system.
(17) “Truck-tractor” means a motor vehicle designed and used primarily for drawing (towing) other vehicles and constructed so as not to carry any load other than a part of the weight of the vehicle or load or both, as drawn and having a manufacturers GVWR in excess of 15,000.
(18) “Unit” means a mobile home, manufactured home or modular building unit as defined in sections (10) and (11) of this rule.
Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 3-2012, f. & cert. ef. 1-27-12; TO 2-2001, f. & cert. ef. 6-14-01; TO 3-1999, f. & cert. ef. 10-13-99; TO 2-1998, f. 3-10-98, cert. ef. 4-1-98; HWY 5-1992, f. & cert. ef. 3-25-92; HWY 6-1990, f. & cert. ef. 3-13-90; 2HD 15-1983, f. & ef. 8-18-83

734-075-0009
Authorized Unit Contents
Units designed for human habitation or for business, commercial or office purposes may be transported with only those items manufactured as part of the unit or accessory parts.
Statutory/Other Authority: ORS 184.616, 184.619
Statutes/Other Implemented: ORS 818.200, 818.220
History: TO 2-1998, f. 3-10-98, cert. ef. 4-1-98

734-075-0010
Vehicle Combinations and Maximum Size Limitations
This rule establishes the maximum number of vehicles in combination and size of vehicles allowed when moving an over-dimensional unit:
(1) The combination must not exceed two vehicles, the towing vehicle and the unit being transported.
(2) The maximum lengths are as follows:
(a) The maximum overall length of the combination must:
(A) Not exceed 85 feet on State highways;
(B) Not exceed 95 feet on Group 1 highways; and
(C) Not exceed 110 feet on Interstate highways, multilane highways or highways approved for the longer length as authorized by a single trip permit or as authorized by written order of the Chief Engineer or the Administrator of the

Motor Carrier Transportation Division as authorized in OAR 734-070-0010.
(b) The mobile home being towed must not exceed 80 feet, including the tongue, except as provided in OAR 734-075-0011.
(3) The maximum widths are as follows:
(a) Units must not exceed 14 feet overall width, unless a single trip permit or a limited duration permit is issued;
(b) Units transported under a single trip permit or limited duration permit are subject to the following:
(A) The unit must not exceed 16 feet at the base except as described in subsection (e);
(B) The overall width must not, except as described in subsection (e), exceed 18 feet.
(c) Except as prohibited by paragraph (b)(B) of this section, a unit may have an eave, provided the eave does not extend beyond either side by:
(A) More than 30 inches for units with a base width of less than 16 feet; or
(B) More than 16 inches for units with a base width of 16 feet or more.
(d) External appurtenances such as doorknobs, window fasteners, eave cap, clearance lights and load securement devices may exceed the width of the unit by a distance not greater than two inches on each side;
(e) A unit that exceeds 16 feet wide at the base may be allowed if the Administrator of MCTD determines that the public interest requires the impending movement and the movement can be performed safely.
(4) Except as provided in subsection (5) the maximum height for the combination, while in transit, must not exceed 14 feet unless proper route clearance has been obtained and is so indicated on the single trip permit.
(5) A continuous trip permit may be issued for a combination height up to 14 feet six inches over specifically authorized routes.
(6) A combination consisting of a truck-tractor or toter towing a manufactured home, mobile home or modular building unit chassis, which may include axles and tires attached to each chassis hauled, may operate on a 30-day multiple trip permit under the following conditions:
(a) Chassis length including the tongue must not exceed 80 feet;
(b) The chassis must not be loaded end to end but may be staggered lengthwise for transport;
(c) Overhang must not extend more than five feet off the rear of the chassis transporting the load;
(d) Overall length of the combination must not exceed:
(A) 105 feet on interstate and multilane highways; and
(B) 95 feet on two-lane green and brown routes shown on Route Map 7.
(e) The chassis transporting the load must be equipped with brakes and lights that meet the requirements of CFR 49 Part 393.
Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 810.060, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 2-2013, f. & cert. ef. 5-16-13; HC 1287, f. 3-14-73; 1OTC 19a, f. & ef. 1-24-74; 1OTC 9-1978(Temp), f. & ef. 7-19-78; 1OTC 11-1979(Temp), f. & ef. 6-20-79; 1OTC 12-1979(Temp), f. & ef. 6-20-79; 1OTC 13-1979(Temp), f. & ef. 6-20-79; 1OTC 24-1979, f. & ef. 10-24-79; 2HD 7-1982(Temp), f. & ef. 11-22-82; 2HD 15-1983, f. & ef. 8-18-83; HWY 4-1988(Temp), f. & cert. ef. 6-23-88; HWY 4, 1989, f. & cert. ef. 5-23-89; HWY 6-1990, f. & cert. ef. 3-13-90; HWY 5-1992, f. & cert. ef. 3-25-92; HWY 7-1996, f. & cert. ef. 12-19-96; TO 2-1998, f. 3-10-98, cert. ef. 4-1-98; TO 3-1999, f. & cert. ef. 10-13-99; TO 2-2001, f. & cert. ef. 6-14-01; HWD 3-2008(Temp), f. & cert. ef. 4-24-08 thru 10-21-08; HWD 9-2008, f. & cert. ef. 9-11-08; HWD 5-2009, f. & cert. ef. 3-20-09; HWD 6-2011, f. & cert. ef. 6-21-11; HWD 3-2012, f. & cert. ef. 1-27-12

734-075-0011

Authority to Approve Greater Length

(1) The Chief Engineer or the Administrator of the Motor Carrier Transportation Division is authorized to issue permits, on an individual basis, to allow transportation of a unit into or through the State when the length exceeds that specified in OAR 734-075-0010.

(2) In issuing permits under this rule, the Chief Engineer or the Administrator of the Motor Carrier Transportation Division will determine the following:
(a) The safety of other highways users is not impaired; and
(b) The adjacent states through which the mobile home is transported also permit the movement.
Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 2-2013, f. & cert. ef. 5-16-13; HWD 3-2012, f. & cert. ef. 1-27-12; HWY 5-1992, f. & cert. ef. 3-25-92; HWY 6-1990, f. & cert. ef. 3-13-90

734-075-0015
Mobile Home Towing Vehicle Requirements

The following requirements apply to mobile home towing:
(1) The towing vehicle must be equipped with dual wheels on the drive axle;
(2) If the towed unit:
(a) Is 10 feet or less width at the base or 11 feet or less overall width, the toter utilized must have a minimum GVWR of 8,000 pounds;
(b) Exceeds 10 feet width at the base or 11 feet overall width, the toter utilized must have a minimum GVWR of 15,000 pounds; or
(c) Exceeds 14 feet width at the base or 15 feet overall width, the toter utilized must have a minimum GVWR of 32,000 pounds.
(3) Engine horsepower must be enough to maintain minimum speeds of 45 MPH on Interstate highways and 35 MPH on other highways.
Statutory/Other Authority: ORS 184.616, 184.619, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 3-2012, f. & cert. ef. 1-27-12; TO 3-1999, f. & cert. ef. 10-13-99; TO 2-1998, f. 3-10-98, cert. ef. 4-1-98; HWY 5-1992, f. & cert. ef. 3-25-92; HWY 6-1990, f. & cert. ef. 3-13-90; 2HD 15-1983, f. & ef. 8-18-83; 1OTC 24-1979, f. & ef. 10-24-79; 1OTC 13-1979(Temp), f. & ef. 6-20-79; 1OTC 11-1979(Temp), f. & ef. 6-20-79; 1OTC 12-1979(Temp), f. & ef. 6-20-79; Reverted to 1OTC 19a, f. & ef. 1-24-74; 1OTC 9-1978(Temp), f. & ef. 7-19-78; 1OTC 19a, f. & ef. 1-24-74; HC 1287, f. 3-14-73

734-075-0020
Axles, Tires and Brakes for Mobile Homes

This rule establishes requirements for axles, tires and brakes for mobile homes transported under variance permit:
(1) Axles must be in sufficient number to support enough tires to be in compliance with subsection 5(a) through 5(c) of this section.
(2) A mobile home that exceeds 14 feet at the base in width must have a minimum of four axles, except when a mobile home does not exceed 40 feet in length and has a minimum of three axles.
(3) Brakes on mobile homes must comply with Federal Motor Carrier Safety Regulations 393.42 (b)(2), provided the combination of vehicles meets the requirement of 393.52 brake performance.
(4) For any mobile home in transit, a minimum of two spare tires must be carried for the unit being towed. They must be inflated and ready for use.
(5) Tire loadings restrictions are contingent on when the unit was manufactured and must comply as follows:
(a) Tire loading restrictions for manufactured homes built before January 1, 2002. Manufactured homes that are labeled pursuant to 24 CFR 3282.362(c)(2)(i) before January 1, 2002, must not be transported on tires that are loaded more than 18 percent over the load rating marked on the sidewall of the tire or in the absence of such a marking more than 18 percent over the load rating specified in any of the publications of any of the organizations listed in FMVSS No. 119, 49 CFR 571.119, S5.1(b). Manufactured homes labeled before January 1, 2002, transported on tires overloaded by 9 percent or more must not be operated at speeds exceeding 50 mph;

(b) Tire loading restrictions for manufactured homes built on or after January 1, 2002. Manufactured homes that are labeled pursuant to 24 CFR 3282.362(c)(2)(i) on or after January 1, 2002, must not be transported on tires loaded beyond the load rating marked on the sidewall of the tire or in the absence of such a marking, the load rating specified in any of the publications of any of the organizations listed in FMVSS No. 119, 49 CFR 571.119, S5.1(b); and
(c) Manufactured homes with no verifiable date of manufacture must not exceed the manufacture's tire load rating.
(6) The Department shall not issue a permit to move a mobile home that exceeds 14 feet wide at the base unless the Department determines that all of the conditions and specifications set forth in this rule have been met.
[Publications: Publications referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 3-2012, f. & cert. ef. 1-27-12; TO 2-2001, f. & cert. ef. 6-14-01; TO 3-1999, f. & cert. ef. 10-13-99; TO 2-1998, f. 3-10-98, cert. ef. 4-1-98; HWY 5-1992, f. & cert. ef. 3-25-92; HWY 6-1990, f. & cert. ef. 3-13-90; 2HD 15-1983, f. & ef. 8-18-83; 1OTC 24-1979, f. & ef. 10-24-79; 1OTC 13-1979(Temp), f. & ef. 6-20-79; 1OTC 12-1979(Temp), f. & ef. 6-20-79; 1OTC 11-1979(Temp), f. & ef. 6-20-79; Reverted to 1OTC 19a, f. & ef. 1-24-74; 1OTC 9-1978(Temp), f. & ef. 7-19-78; 1OTC 19a, f. & ef. 1-24-74; HC 1287, f. 3-14-73

734-075-0022
Driver Requirements

The individual or company to whom the permit is issued will be responsible to verify that all drivers towing mobile home units with base widths in excess of 14 feet or overall width in excess of 15 feet meet the following requirements:
(1) Driver must have a minimum of one year experience towing overwidth mobile homes;
(2) Driver must not have been convicted of more than one moving violation while operating commercial motor vehicles in any state, country or province within the last one year; or
(3) Driver must not have had more than one preventable, recordable accident involving a commercial motor vehicle in any state, country or province within the last two years;
(4) Driver must not have had a suspension or revocation of driving privileges from operation of a commercial motor vehicle in any state, country or province during the past three years; and
(5) Driver must not have been convicted of DUII while operating a commercial motor vehicle in any state, country or province within the last five years.
Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 3-2012, f. & cert. ef. 1-27-12; TO 2-1998, f. 3-10-98, cert. ef. 4-1-98

734-075-0025
Hauling Vehicles for Modular Building Units

The following requirements apply to vehicles hauling modular building units:
(1) Modular Building Units must be hauled with a truck-tractor or toter and semitrailer or trailer combination.
(2) Equipment weights of the combination and the sizes and ratings of all its components must be comparable to those commonly used by the motor carrier industry in general over-the-road trucking operations.
(3) When operating unladen, the overall length of the combination must not exceed the length authorized by statute or rule, except as authorized in the permit.
(4) Modifications are permitted to the conventional equipment necessary for hauling modular building units. This may include "stretch-trailer" features, adjustable trailer heights from inflatable air bags, steering capabilities for the semitrailer axles or other modifications. These features must be stipulated in the permit.
(5) Requests for moves using trailers more than 53 feet in length will be on an individual basis, and permits will be issued for a single trip only. The authorized trailer length must be stipulated in the permit and must not exceed 75 feet in length, except when using a stretch trailer. When not operating under the terms of a permit issued under this rule a stretch trailer must be reduced to dimensions authorized by statute or rule.

(6) The modular building unit must be securely fastened to the semitrailer or trailer. It may be secured by steel cables and winch tighteners, steel cables or chains and chain binders, or by adequate bolting directly to the semitrailer or trailer frame. Alternate securing methods approved by the United States Department of Transportation regulations may be used.
(7) A single trip permit may be issued for a combination of vehicles that exceeds the maximum allowable weight described in ORS 818.010 for a single non-divisible unit when the requirements described in OAR 734-082-0015 (1) and (2) are met and under the following conditions:
(a) Operations are subject to any posted weight limitation in effect on any highway, highway section, bridge or structure;
(b) The vehicle combination must not exceed the manufacturer's GVWR for the vehicle or the vehicle combination; and
(c) The exception to maximum weight limitations for an idle reduction system described in ORS 818.030(10) and 818.340(4) is limited to the actual weight of the idle reduction system, not to exceed 550 pounds. In order to qualify for the exception, the operator of the vehicle may be required to provide:
(A) Written certification of the weight of the auxiliary power unit; and
(B) A demonstration or certification that the idle reduction technology is fully functional.
(d) A natural gas vehicle may exceed the weight limitations by no more than 2,000 pounds established by ORS 818.010.
Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 823.011
Statutes/Other Implemented: ORS 818.010, 818.030, 818.200, 818.220, 818.340
History: HWD 1-2018, amend filed 02/16/2018, effective 02/16/2018; HWD 3-2012, f. & cert. ef. 1-27-12; HWD 7-2011, f. & cert. ef. 6-21-11; TO 5-2001, f. & cert. ef. 10-18-01; TO 3-1999, f. & cert. ef. 10-13-99; HWY 6-1990, f. & cert. ef. 3-13-90; 2HD 15-1983, f. & ef. 8-18-83; 1OTC 24-1979, f. & ef. 10-24-79; 1OTC 13-1979(Temp), f. & ef. 6-20-79; 1OTC 11-1979(Temp), f. & ef. 6-20-79; 1OTC 12-1979(Temp), f. & ef. 6-20-79; Reverted to 1OTC 19a, f. & ef. 1-24-74; 1OTC 9-1978(Temp), f. & ef. 7-19-78; 1OTC 19a, f. & ef. 1-24-74; HC 1287, f. 3-14-73

734-075-0030
Open Sides Covering
(1) Units transported with uncovered open sides must have adequate cargo securement to prevent shifting or loss of any accessory parts included with the load.
(2) The open side of units transported more than 25 miles must be covered with a rigid material such as plywood, hardboard or similar material:
(a) In lieu of rigid material, plastic covering can be used, provided a grillwork of lumber or other material is used to prevent billowing of the plastic material; or
(b) The grillwork is not required if the open side is covered with plastic made of non-tearable, cross-laminated polyethylene material, provided the material adequately prevents billowing.
Statutory/Other Authority: ORS 184.616, 814.619, 818.200
Statutes/Other Implemented: ORS 818.200, 818.220
History: TO 3-1999, f. & cert. ef. 10-13-99; HWY 6-1990, f. & cert. ef. 3-13-90; 2HD 15-1983, f. & ef. 8-18-83; 1OTC 24-1979, f. & ef. 10-24-79; 1OTC 13-1979(Temp), f. & ef. 6-20-79; 1OTC 12-1979(Temp), f. & ef. 6-20-79; 1OTC 11-1979(Temp), f. & ef. 6-20-79; Reverted to 1OTC 19a, f. & ef. 1-24-74; 1OTC 9-1978(Temp), f. & ef. 7-19-78; 1OTC 19a, f. & ef. 1-24-74; HC 1287, f. 3-14-73

734-075-0035
Pilot Vehicles
(1) Pilot vehicle(s) may be needed to insure the safety of the traveling public when vehicle and load movements involve excessive width, height, length, or projections to the front or rear of vehicles or combinations of vehicles. The configuration of such pilot vehicles(s) must be a passenger car, pick-up, truck, or truck-tractor of legal size and weight. A pilot vehicle may not tow another vehicle.
(2) Pilot vehicles escorting oversize loads or vehicles are required to have the following:
(a) Warning signs mounted above the roofline of the vehicle. This sign must bear the legend “OVERSIZE LOAD.” The sign

must be at least five feet wide by ten inches high; have black letters eight inches high with one-inch brush stroke in accordance with Federal Highway Administration series B, on highway yellow background. The sign must be displayed only during the course of the oversize movement, and must be removed or retracted at all other times. The sign must be clean, legible, and mounted adequately to afford full view at all times, when in use, to the front or rear depending upon location of pilot vehicle or relative to the oversize unit;

(b) Warning lights are required in addition to those lights that may otherwise be required by law. The warning lights must be displayed only during the course of the oversize movement, and at all other times the requirements found in ORS 816.350(7) will apply. Strobe lights are allowed. These lights must be mounted above the roof of the cab, be clearly visible from 500 feet, have a minimum of 30 flashes per minute and be either:

(A) Two flashing amber lights as widely spaced laterally as is practical;

(B) Revolving type amber light(s); or

(C) Amber type strobe light(s) with 360 degree visibility.

(c) Two-way radio communications between the oversize vehicle and the pilot vehicle(s) must be maintained at all times;

(d) Two 18-inch-square red or fluorescent orange flags mounted on three-foot length staffs must be carried by each pilot vehicle. The pilot vehicle operator will use the flags to warn oncoming or overtaking traffic when the oversize unit is stopped and obstructing traffic;

(e) Eight safety flares or reflectors. Safety flares may not be used when the movement involves hazardous materials; and

(f) For a load exceeding 14 feet 6 inches high, an over-height pole adequate to determine load clearance is required if the permittee has not provided the department with a signed official ODOT form assuming all liability for any damage that may occur during an over-height movement. Instructions for over-height pole use are found on Permit Attachment 75-A.

(3) The number of pilot vehicles required for certain movements is shown on Permit Attachment 75-A, which is issued with permits requiring pilot vehicles. The Chief Engineer is authorized to alter the number of pilot vehicles from those specified in Permit Attachment 75-A depending upon local conditions, seasonal traffic, construction projects, or other considerations. The permit will reflect altered requirements. Further, units with an overall width not exceeding 12 feet that meet the warning lights requirements described in 734-075-0040(2) and (3) are exempt from rear pilot car requirements on Group 1 Highways unless specifically required by the permit or Chief Engineer.

(4) Permit Attachment 75-A is available from the Motor Carrier Transportation Division, Over-Dimension Permit Unit.

(5) The highway classification groups referred to in Permit Attachment 75-A are established by and maintained by the Chief Engineer.

(6) Positioning of pilot vehicles — Unless specified otherwise, the pilot vehicle(s) must be positioned ahead of (when one is required) or to the front and rear of (when two or more are required) the oversize unit at a distance of 300 feet to 500 feet from the unit. In areas where increased traffic congestion is encountered, where traffic is controlled by signals, or where other conditions may so require, the spacing will be reduced as may be required to properly safeguard the traveling public.

(7) When for any cause the oversize unit is stopped and occupies or encroaches onto the highway's travel lane, the pilot vehicle(s) must be positioned to warn and safeguard other traffic approaching from any direction from which visibility or sight distance may be limited.

(8) Duties of pilot vehicle operations:

(a) Warn approaching or overtaking traffic of the unit's presence on the highway to provide a maximum of protection and safety for the traveling public; and

(b) When encountering bridges, structures, tunnels, or other locations where clearances may be limited to the extent that normal two-way traffic cannot be maintained, the pilot vehicle operator must signal by hand or radio to the towing vehicle driver when the oversize unit can proceed without conflict to approaching traffic. As the oversize unit then proceeds through such areas of impaired clearance, the pilot vehicle operator must warn approaching traffic.

(9) Pilot vehicle(s) are considered to be under the direct control and supervision of the oversize vehicle operator.

(10) Specific identified locations may require additional precautions. Permits will specify locations that require certified flagging to be conducted. The flagging must be conducted in accordance with the standards in the Manual on Uniform

Traffic Control Devices as adopted in OAR 734-020-0005.
[Publications: Publications referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 3-2012, f. & cert. ef. 1-27-12; HWD 5-2011, f. & cert. ef. 5-27-11; TO 2-2001, f. & cert. ef. 6-14-01; TO 3-1999, f. & cert. ef. 10-13-99; TO 2-1998, f. 3-10-98, cert. ef. 4-1-98; HWY 5-1992, f. & cert. ef. 3-25-92; HWY 6-1990, f. & cert. ef. 3-13-90; 2HD 15-1983, f. & ef. 8-18-83; Reverted to 1OTC 24-1979, f. & ef. 10-24-79; 2HD 7-1982(Temp), f. & ef. 11-22-82; 1OTC 24-1979, f. & ef. 10-24-79; 1OTC 13-1979(Temp), f. & ef. 6-20-79; 1OTC 12-1979(Temp), f. & ef. 6-20-79; 1OTC 11-1979(Temp), f. & ef. 6-20-79; Reverted to 1OTC 19a, f. & ef. 1-24-74; 1OTC 9-1978(Temp), f. & ef. 7-19-78; 1OTC 19a, f. & ef. 1-24-74; HC 1287, f. 3-14-73

734-075-0036

Approved Routes for Authorized Combinations of Vehicles

(1) The Chief Engineer, or his designee, may approve, limit or delete by written order the state highways or sections of state highways approved for use by vehicles authorized by OAR Chapter 734, Division 75.
(2) The Chief Engineer may also specify the type(s) of vehicle combinations authorized on approved routes.
(3) The list of approved highways and types of vehicle combinations authorized are maintained by the Chief Engineer.
(4) Trial test runs may be required to revise routes or approved vehicle combinations.
(5) Before adding or deleting highways or sections of highways, the Chief Engineer will investigate the condition of the highway, and may consider road surface width, condition, safe passing opportunities, bridges, structures, accessibility, general sight distance, and other conditions which he deems appropriate along such highways.
Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 823.011
Statutes/Other Implemented: ORS 818.220, 818.225
History: HWD 3-2012, f. & cert. ef. 1-27-12; TO 3-1999, f. & cert. ef. 10-13-99

734-075-0037

Special Provisions

(1) Movement of all units with a base width over 14 feet or an overall width in excess of 15 feet on two lane highways will be required to submit for approval by the Department a traffic control plan that is acceptable to all road authorities through which the vehicle(s) will travel and lists the desired date of move, routes of travel, turnouts for traffic relief and dimensions of load.
(2) If the eave extends more than 24 inches beyond either side of the mobile home base, in addition to all other lights required by law, a clearance light as described in ORS 816.200 will be mounted on the outermost front and rear corners of the eave.
(3) Vehicles transporting manufactured homes that exceed 14 feet width at the base must travel only in the right lane unless obstructions, merging traffic or permit requirements dictate otherwise. A vehicle transporting a manufactured home in excess of 14 feet at the base, must not pass other over-dimensional vehicles.
(4) The seller of a manufactured home that exceeds 14 feet width at the base, and is to be transported over Oregon highways, is the shipper of the manufactured home. As the shipper, the seller will have the obligation of pre-determining whether the appropriate road authority may issue an over-dimension permit so that the manufactured home can be delivered to the location specified by the potential purchaser of the manufactured home.
Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 3-2012, f. & cert. ef. 1-27-12; TO 2-1998, f. 3-10-98, cert. ef. 4-1-98

734-075-0040

Warning Lights for Power Units Transporting Oversize Units

(1) Except as provided in section (3) of this rule, in addition to any other lights required by law, a power unit transporting

an oversize unit must be equipped with warning lights when:
(a) Width exceeds 10 feet when operating on two lane highways; or
(b) Width exceeds 12 feet when operating on four lane highways.
(2) The warning lights will be mounted on the transporting power unit above the roof of the cab, be clearly visible from 500 feet, have a minimum of 30 flashes per minute and be either:
(a) Two flashing type amber lights as widely spaced laterally as practical;
(b) Revolving type amber light(s); or
(c) Amber type strobe lights with 360 degree visibility.
(3) A power unit transporting an oversize unit is exempt from the warning light requirements when operating with a minimum of two pilot vehicles on all highways or one pilot vehicle if width does not exceed 10 feet.
Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 3-2012, f. & cert. ef. 1-27-12; TO 2-2001, f. & cert. ef. 6-14-01; TO 3-1999, f. & cert. ef. 10-13-99; HWY 5-1992, f. & cert. ef. 3-25-92; HWY 6-1990, f. & cert. ef. 3-13-90; 2HD 15-1983, f. & ef. 8-18-83; 1OTC 24-1979, f. & ef. 10-24-79; 1OTC 13-1979(Temp), f. & ef. 6-20-79; 1OTC 11-1979(Temp), f. & ef. 6-20-79; 1OTC 12-1979(Temp), f. & ef. 6-20-79; Reverted to 1OTC 19a, f. & ef. 1-24-74; 1OTC 9-1978(Temp), f. & ef. 7-19-78; 1OTC 19a, f. & ef. 1-24-74; HC 1287, f. 3-14-73

734-075-0041

Warning Lights for Transported Over-Width Mobile Homes

In addition to any other lighting required by law, a transported over-width mobile home must be equipped with two flashing type amber lights mounted on the rear of the towed unit. The lights must be:
(1) On a horizontal plane at least eight feet above the road surface and separated as far as practical; and
(2) Clearly visible from 500 feet.
Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 3-2012, f. & cert. ef. 1-27-12; TO 2-2001, f. & cert. ef. 6-14-01

734-075-0045

Warning Signs and Flags Required

(1) Over-width movements are required to display to the front and rear standard signs bearing the words “OVERSIZE LOAD”:
(a) Signs must be seven feet wide by 18 inches high with black letters 10 inches high in accordance with Federal Highway Administration series C on highway yellow background;
(b) The highway yellow background of the sign must be made of reflectorized material when operating between one half hour after sunset and one half hour before sunrise;
(c) Signs must be kept clean, legible and mounted horizontally with adequate support to provide full visibility at all times when in use;
(d) Signs must not cover or interfere with the visibility of the vehicle’s registration plates; and
(e) All such signs must be removed or retracted when not required.
(2) All four lower corners of any over-width load must be marked during daylight hours with red or fluorescent orange flags that are a minimum 18 inches square. Flags must be kept clean and must be clearly visible to the front and rear. The attachment device must not extend beyond the widest extremity by more than three inches on either side.
Statutory/Other Authority: ORS 184.616, 184.619, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 2-2015, f. & cert. ef. 4-21-15; HWD 3-2012, f. & cert. ef. 1-27-12; HWD 5-2006, f. 10-19-06, cert. ef. 1-1-07; TO 2-2001, f. & cert. ef. 6-14-01; TO 3-1999, f. & cert. ef. 10-13-99; HWY 5-1992, f. & cert. ef. 3-25-92; HWY 6-1990, f. & cert. ef. 3-13-90; 2HD 15-1983, f. & ef. 8-18-83; 1OTC 24-1979, f. & ef. 10-24-79; 1OTC 13-1979(Temp), f. &

ef. 6-20-79; 1OTC 12-1979(Temp), f. & ef. 6-20-79; 1OTC 11-1979(Temp), f. & ef. 6-20-79; Reverted to 1OTC 19a, f. & ef. 1-24-74; 1OTC 9-1978(Temp), f. & ef. 7-19-78; 1OTC 19a, f. & ef. 1-24-74; HC 1287, f. 3-14-73

734-075-0055

Days of Travel and Peak Traffic Hour Restrictions

(1) Movement of an oversize vehicle or load is subject to the time of travel restrictions described on Attachment H (rev. 11/2007), which is included with a division 75 permit.

(2) The Chief Engineer may impose or alter time of travel restrictions. These may be necessary to prevent conflict with highway construction or repair projects or to cope with local or seasonal traffic conditions.

[ED. NOTE: Attachment referenced are available from the agency.]

Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 823.011

Statutes/Other Implemented: ORS 818.200, 818.220

History: HWD 3-2012, f. & cert. ef. 1-27-12; HWD 6-2006, f. & cert. ef. 11-15-06; TO 3-1999, f. & cert. ef. 10-13-99; TO 2-1998, f. 3-10-98, cert. ef. 4-1-98; HWY 5-1992, f. & cert. ef. 3-25-92; HWY 6-1990, f. & cert. ef. 3-13-90; 2HD 15-1983, f. & ef. 8-18-83; 1OTC 24-1979, f. & ef. 10-24-79; 1OTC 11-1979(Temp), f. & ef. 6-20-79; 1OTC 12-1979(Temp), f. & ef. 6-20-79; 1OTC 13-1979(Temp), f. & ef. 6-20-79; Reverted to 1OTC 19a, f. & ef. 1-24-74; 1OTC 9-1978(Temp), f. & ef. 7-19-78; 1OTC 19a, f. & ef. 1-24-74; HC 1287, f. 3-14-73

734-075-0060

Weather Restrictions

(1) Movement is prohibited when road surfaces are hazardous due to ice, snow or frost or when visibility is less than 500 feet due to snow, mist, rain, dust, smoke, fog or other atmospheric conditions.

(2) Movement is prohibited when wind conditions exist which cause excessive swaying or weaving, or tip-over of the towed unit, or are such that the towed unit cannot maintain its lane of travel.

(3) To assist the permittee in complying with restrictions caused by weather conditions, the Department of Transportation may place signs in areas where winter weather conditions may cause travel to be hazardous. When restrictions are displayed, movement of units is prohibited.

Statutory/Other Authority: ORS 184.616, 184.619, 818.200

Statutes/Other Implemented: ORS 818.200, 818.220

History: TO 5-2001, f. & cert. ef. 10-18-01; TO 3-1999, f. & cert. ef. 10-13-99; HWY 5-1992, f. & cert. ef. 3-25-92; HWY 6-1990, f. & cert. ef. 3-13-90; 2HD 15-1983, f. & ef. 8-18-83; 1OTC 24-1979, f. & ef. 10-24-79; 1OTC 13-1979(Temp), f. & ef. 6-20-79; 1OTC 11-1979(Temp), f. & ef. 6-20-79; 1OTC 12-1979(Temp), f. & ef. 6-20-79; Reverted to 1OTC 19a, f. & ef. 1-24-74; 1OTC 9-1978(Temp), f. & ef. 7-19-78; 1OTC 19a, f. & ef. 1-24-74; HC 1287, f. 3-14-73

734-075-0070

Authorized Routes and Permit Duration

(1) The movement of units is authorized under an annual permit on highways designated under section (2) of this rule.

(2) OVERALL WIDTH OF UNIT — AUTHORIZED LENGTH — AUTHORIZED ROUTES:

(a) 8'06" to 10' — 85' — All state highways;

(b) Over 10' to 12' — 95' — Group 1 highways;

(c) Over 12' to 14' — 95' except 110' allowed on Interstates and multilane highways — Highways approved for this width by the Chief Engineer.

(3) Movement of any unit over highway routes other than as provided for under section (2) of this rule may be permitted on a single-trip permit or limited duration permit basis.

(4) The Chief Engineer is authorized to make additions or deletions to the highways, or sections of highways, indicated in section (2) of this rule.

Statutory/Other Authority: ORS 184.616, 184.619, 818.200

Statutes/Other Implemented: ORS 818.200, 818.220

History: TO 3-1999, f. & cert. ef. 10-13-99; HWY 5-1992, f. & cert. ef. 3-25-92; HWY 6-1990, f. & cert. ef. 3-13-90; 2HD 15-1983, f. & ef. 8-18-83

734-075-0085

General Permit Provisions

(1) Posted Load Limits: Notwithstanding the weights or dimensions allowed under a permit, the posting of any highway or structure to reduce weights or dimensions will modify the limits allowed under the permit.

(2) Impaired Clearance: Full responsibility for determining adequate clearance, both vertical and horizontal is hereby imposed upon the permittee and the driver of equipment having a width or height in excess of the legal limit. When the vertical or horizontal clearance of any bridge or structure is impaired to the extent that full two-way traffic cannot be maintained, the permittee must provide a pilot vehicle for the purpose of preventing approaching vehicles from entering the bridge or structure while it is impaired by the movement covered by this permit.

(3) Spacing Interval: Two or more vehicles required to display warning signs must maintain a distance of one-half mile between combinations traveling in the same direction, except when overtaking or passing or in areas where increased traffic congestion is encountered, where traffic is controlled by signals or where other conditions may so require. All slow-moving lanes and turn-outs must be used to allow following traffic to pass.

(4) Bond — Highway Damage: Permittee will be held responsible and liable for any and all damage to or destruction of any highway or any highway structure occasioned by the movement over said highways, and hereby agrees to reimburse the Department of Transportation (Department) for the cost or expense of repairing or restoring any highway structure damaged, or destroyed; such reimbursement to be made by the permittee within ten days after being billed for the same by the Department. When requested to do so, permittee must furnish the State either a certified check or a surety bond, in any amount to be specified by the Department to guarantee the payment of claim for damages which may result from movement of an unusually large or heavy nature.

(5) Insurance: Permittee will also be held responsible and liable for any and all injury to persons or damage to property resulting from the movement on said highways, and will indemnify and hold harmless the State of Oregon, and Oregon Transportation Commission, its members, officers, and employees, jointly and severally, from liability in the event that such injury or damage may occur. In this connection, the granting authority may require the permittee to furnish to the Department evidence of satisfactory public liability and property damage insurance, in amounts as may be required by the Department, and evidence of satisfactory indemnity insurance indemnifying the State of Oregon and its Transportation Commission, its members, officers, and employees, jointly or severally against liability in the event of any injury or accident occurring by reason of said permittee's operations on a state highway. This permit will automatically terminate, and be of no force and effect in the event that any insurance filed under this provision is canceled or is allowed to lapse.

(6) County Roads and City Streets: This permit does not authorize operations over county roads or city streets unless specifically noted. To operate over a county road a permit must be obtained from the county authority having jurisdiction over the road; likewise, to operate over a city street other than a state highway route, a permit must be obtained from the proper city authority.

(7) Cancellation: This permit may be canceled at any time by the granting authority upon proof satisfactory to it that the permittee has violated any of the terms of the permit or that the permit was obtained through misrepresentation in the application or when in the judgment of the granting authority the public interest requires cancellation (ORS 818.220).

(8) Rear-view Mirrors: A Power unit must be equipped with a minimum of two rear view mirrors positioned to allow the operator to view the rear of the last vehicle of the combination and to see down each side of the vehicle(s) being transported. Mirrors may exceed authorized width only as much as required to provide the operator the required view to the rear and must be retracted to legal width at all other times.

(9) It is the responsibility of the motor carrier to notify the Over-Dimension Permit Unit in the event of striking a structure in the course of a movement. In addition to any other notification required by law, within 24 hours of striking a structure, the motor carrier must initially report the incident to the Over-Dimension Permit Unit pager at (503) 588-

9610. The motor carrier will be contacted and provided with a form to report the incident and within 72 hours of the contact must return the completed form by fax to (503) 378-2873 or delivery to the Over-Dimension Permit Unit at 3930 Fairview Industrial Drive SE, Salem OR 97302-1166.
Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 823.011
Statutes/Other Implemented: ORS 818.220, 818.225
History: HWD 4-2017, minor correction filed 10/20/2017, effective 10/20/2017; HWD 3-2012, f. & cert. ef. 1-27-12; HWD 5-2011, f. & cert. ef. 5-27-11

DIVISION 76
ISSUANCE OF PERMITS ALLOWING TOW CARS TO TOW OVERSIZE DISABLED VEHICLES OR COMBINATIONS OF VEHICLES ON STATE HIGHWAYS

734-076-0005
Scope
Except as ordered by a peace officer, no person will engage in the towing of any vehicle or combination of vehicles that exceed the maximum size or weight provided by statute unless that person has obtained a special permit from the Motor Carrier Transportation Division, Over-Dimension Permit Unit of the Oregon Department of Transportation. The provisions of OAR 734-076-0005 through 734-076-0185 authorize permits for combinations of vehicles including the tow vehicle that exceed size or weight limitations established by law or rule. These rules also provide a means of removing over-dimensional and/or overweight disabled units from state highways, authorize recovery of the load transported by such vehicles and allow a replacement vehicle to be transported to the scene. Tow vehicles may not be used to circumvent legalization of a vehicle or combination of vehicles as required by an enforcement official.
Statutory/Other Authority: ORS 184.616, 184.619
Statutes/Other Implemented: ORS 818.170
History: HWD 5-2011, f. & cert. ef. 5-27-11; 1OTC 17-1980(Temp), f. & ef. 9-19-80; 2HD 1-1981, f. & ef. 1-28-81 ; HWY 8-1997, f. & cert. ef. 8-26-97; TO 1-1999, f. & cert. ef 2-29-99

734-076-0015
Definitions
For the purposes of division 76, the following definitions apply:
(1) “Business day” is any day Monday through Friday, except holidays as defined in section (7) of this rule.
(2) “Daylight hours” means one-half hour before sunrise until one-half hour after sunset.
(3) “Disabled unit” means an inoperative or disabled vehicle or combination of vehicles being transported by a tow vehicle. This does not include a vehicle(s) that has been required to legalize for size or weight violations.
(4) “Full log truck” means a motor vehicle having a minimum GVWR of 17,001 pounds and designed to transport a load of logs entirely on the motor vehicle.
(5) “GVW” means combined gross vehicle loaded weight.
(6) “Gross vehicle weight rating” or “GVWR” means the gross vehicle weight rating as defined in ORS 801.298.
(7) “Holiday” for the purposes of these rules means New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, and includes any other days the state officially observes these holidays by the closure of State offices.
(8) “Lift axle” means an axle(s) that can be raised from or lowered to the surface of the ground.
(9) “Load recovery vehicles” are single-vehicles of legal size and weight, or a combination of vehicles consisting of a truck-tractor and semitrailer used to transport a disabled unit and/or its load.
(10) “Log truck” means a motor vehicle having a weight in excess of 17,000 pounds GVWR, designed and used in conjunction with a pole trailer to transport one load of logs where one end of the logs rests upon the log truck and one end of the logs rests upon the pole trailer.
(11) “MCTD” means the Motor Carrier Transportation Division of the Oregon Department of Transportation.

(12) “Motor vehicle transporter” for the purposes of ORS 818.100(16) and (17) means a Class D tow vehicle that may only tow or transport disabled vehicles and that:
(a) Does not exceed 40 feet in length or 45 feet in length inclusive of a reach;
(b) Does not exceed 65 feet overall length in combination;
(c) Is equipped with a retractable reach; and
(d) May tow one additional vehicle.
(13) “Over-Dimension Permit Unit” means the Over-Dimension Permit Unit of the Oregon Department of Transportation, Motor Carrier Transportation Division.
(14) “Permit” means written authorization obtained from MCTD or an authorized road authority issued to the towing vehicle defining specific transportation activity including, but not limited to size, weight, hours of operation, operational conditions and routes.
(15) “Pole trailer” means a trailer attached or secured to a vehicle and ordinarily used for transportation of long or irregular loads such as logs or poles capable of generally sustaining themselves as beams between the towing vehicle and the pole trailer.
(16) “Tow” means to pull a load or vehicle behind the towing vehicle.
(17) “Tow vehicle” is as defined in ORS 801.530. Tow vehicles are further designated as Class A, B, C and D in OAR 257-050-0200, Mandatory Equipment Standards for Tow Trucks/Safety Related Requirements. Copies of OAR 257-050-0200 are available from the Oregon State Police, 400 Public Service Building, Salem, OR 97310 or the Over-Dimension Permit Unit of the Motor Carrier Transportation Division, 3930 Fairview Industrial Drive SE, Salem OR 97302-1166. In addition to the description of tow vehicle classes set forth in OAR 257-050-0200, tow vehicles are further described by class of design and for the following uses:
(a) “Class A” tow vehicles are motor vehicles with a minimum manufactured gross vehicle weight rating of 10,000 pounds or equivalent. Class A tow vehicles may be used for towing and recovery operations of a single vehicle of legal size and weight such as a passenger car, pickup truck, small trailer or equivalent vehicle and have a combined gross weight of 26,000 pounds or less including the weight of the tow vehicle;
(b) “Class B” tow vehicles are motor vehicles with a minimum manufactured gross vehicle weight rating of 17,000 pounds or equivalent. Class B tow vehicles may be used for towing and recovery operations of a single vehicle or combination of vehicles such as medium size trucks, trailers, motor homes or equivalent vehicle(s), including those vehicles initially operating under a transportation variance permit, and must have a combined gross vehicle weight of 80,000 pounds or less, not including the weight of the tow vehicle;
(c) “Class C” tow vehicles are motor vehicles with a minimum manufactured gross vehicle weight rating of 27,500 pounds or equivalent. Class C tow vehicles may be used for towing and recovery operations of a single vehicle or combination of vehicles such as large trucks, trailers, motor homes or equivalent vehicle(s), including those vehicles initially operating under a transportation variance permit, and may have a combined gross vehicle weight up to 98,000 pounds inclusive of the tow vehicle except when operating under a single trip permit issued to the tow vehicle. Class C tow vehicles must have tandem drive axles; and
(d) “Class D” tow vehicles (also known as roll backs) are motor vehicles that transport disabled units upon the tow vehicle, and may also tow a single vehicle of legal size using a crane, hoist, tow bar, tow line or dolly. All weights must comply with ORS 818.010. They are further identified into three sub-classes describing the design and use allowed if they also tow other vehicles appropriate to their class:
(A) “Class D-A” tow vehicles are motor vehicles with a minimum manufacturer’s gross vehicle weight rating of 11,000 pounds;
(B) “Class D-B” tow vehicles are motor vehicles with a minimum manufacturer’s gross vehicle weight rating of 17,000 pounds; and
(C) “Class D-C” tow vehicles are motor vehicles with a minimum manufacturer’s gross vehicle weight rating of 27,500 pounds. Class D-C tow vehicles must have a tandem drive axle.
(18) “Towing vehicle” includes:

(a) A tow vehicle;
(b) A full log truck, either laden or unladen, used to tow another log truck or log truck pole trailer combination; and
(c) A log truck, either unladen or with a pole trailer in the decked (bunked) position, used to tow another log truck or log truck pole trailer combination.
(19) “Transport” means to haul a load or vehicle entirely on the tow vehicle or recovery vehicle.
(20) “Truck-tractor” means a motor vehicle designed and used primarily for drawing (towing) other vehicles and constructed so as not to carry any load other than a part of the weight of the vehicle or load, or both, as drawn and having a GVWR in excess of 15,000 pounds.
Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 823.011
Statutes/Other Implemented: ORS 818.170, 818.200, 818.210
History: HWD 5-2017, minor correction filed 10/20/2017, effective 10/20/2017; HWD 5-2011, f. & cert. ef. 5-27-11; TO 2-2001, f. & cert. ef. 6-14-01; TO 1-1999, f. & cert. ef. 2-19-99; HWY 8-1997, f. & cert. ef. 8-26-97; 2HD 1-1981, f. & ef. 1-28-81; 1OTC 17-1980(Temp), f. & ef. 9-19-80

734-076-0065

Payment of Appropriate Taxes and Fees

The motor carrier towing a disabled vehicle(s) is responsible for paying the appropriate road use taxes when operating under Division 76 rules. When the gross weight exceeds 98,000 pounds, road use fees described in ORS 818.225 must be paid. When the gross weight is 98,000 pounds or less, weight-mile tax must be paid. All fees must be paid to the MCTD.
Statutory/Other Authority: ORS 184.616, 184.619, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 3-2012, f. & cert. ef. 1-27-12; TO 1-1999, f. & cert. ef. 2-19-99; HWY 8-1997, f. & cert. ef. 8-26-97

734-076-0075

Application for Permit

(1) To apply for a permit under this rule contact, Motor Carrier Transportation Division at 503-373-0000. The permit may be mailed or transmitted electronically for pick up by the applicant.
(2) To qualify for a permit, a towing company must have vehicles that are registered as tow vehicles under ORS 803. Log truck and full log truck “towing vehicles” are exempt from this requirement.
(3) The applicant must provide:
(a) Permittee name and address;
(b) Towing or recovery vehicle year and make;
(c) Towing or recovery vehicle identification number (also known as VIN number);
(d) Towing or recovery vehicle registration plate number; and
(e) Towing or recovery vehicle unit number if one has been assigned by the towing company.
(4) In addition to the requirements in section (3) of this rule, the applicant may be required to provide dimension and weight when applying for a single trip permit (STP).
(5) Permits will not be issued when an application is incomplete.
(6) The following conditions apply to permits:
(a) A continuous trip permit (CTP) must be obtained and carried in the tow or recovery vehicle prior to moving an oversize or overweight disabled vehicle, or a load from a disabled vehicle.
(b) A STP must be obtained prior to operations when weight exceeds 98,000 pounds GVW and does not exceed permit weight table 4 group axle weights or when the size exceeds the dimensions authorized for the load operating under an oversize permit.
(c) Except when directed by law enforcement, the road authority, or the operator of the vehicle after normal business hours to remove a disabled unit from the initial roadside location, a transportation permit, CTP or STP must be obtained no later than the next business day. To qualify for the STP the operator of the tow vehicle must be in possession of a current CTP.

Statutory/Other Authority: ORS 184.616, 184.619, 823.011
Statutes/Other Implemented: ORS 818.170, 818.200, 818.220
History: HWD 3-2012, f. & cert. ef. 1-27-12; HWD 5-2011, f. & cert. ef. 5-27-11; TO 2-2001, f. & cert. ef. 6-14-01; TO 1-1999, f. & cert. ef. 2-19-99; HWY 8-1997, f. & cert. ef. 8-26-97

734-076-0085

Permit Duration

Permits issued under division 76 rules are for a single trip within a period of time not to exceed 10 days, or continuous trips for up to one year from the effective date.
Statutory/Other Authority: ORS 184.616, 184.619, 818.220
Statutes/Other Implemented: ORS 818.170
History: TO 2-2001, f. & cert. ef. 6-14-01; TO 1-1999, f. & cert. ef. 2-19-99; HWY 8-1997, f. & cert. ef. 8-26-97, Renumbered from 734-076-0060; 2HD 1-1981, f. & ef. 1-28-81; 1OTC 17-1980(Temp), f. & ef. 9-19-80

734-076-0095

Cancellation of Permit

A transportation permit issued under division 76 may be canceled at any time by the granting authority for any of the reasons stated in ORS 818.220.
Statutory/Other Authority: ORS 184.616, 184.619
Statutes/Other Implemented: ORS 818.170
History: HWY 8-1997, f. & cert. ef. 8-26-97

734-076-0105

General Permit Provisions

The following provisions apply to permits issued under Division 76 rules:
(1) Posted Load Limits — A vehicle or combination of vehicles may not operate over a highway posted for reduced weights or dimensions unless responding to an emergency on that highway and there is no other route available.
(2) Bond-Highway Damage — Permittee will be held responsible and liable for any and all damage to, or destruction of, any highway or structure caused by the movement of the disabled unit. The permittee hereby agrees to reimburse ODOT for the cost or expense of repairing or restoring the highway. Such payment must be made within 30 days after being billed by ODOT.
(3) Insurance — Permittee will be held responsible and liable for any and all injury to persons or damage to property resulting from the movement of the disabled unit. Permittee must reimburse and hold harmless the State of Oregon, and the Oregon Transportation Commission, its members, officers, and employees, jointly and solely, from liability that may occur.
(4) The driver of a towing vehicle must have the proper operating license and all required endorsements for the operations conducted.
Statutory/Other Authority: ORS 184.616, ORS 184.619
Statutes/Other Implemented: ORS 818.170, 818.200, 818.220
History: HWD 3-2012, f. & cert. ef. 1-27-12; TO 1-1999, f. & cert. ef. 2-19-99; HWY 8-1997, f. & cert. ef. 8-26-97

734-076-0115

Tow Vehicle Authorized Use

(1) The following uses are allowed for tow vehicles towing disabled vehicles when operating under a permit issued by the Over-Dimension Permit Unit:
(a) A Class A tow vehicle may tow a combination of vehicles only the distance necessary to leave the public highway. From that point, no more than one vehicle may be towed;
(b) A Class B and Class C tow vehicle may tow a:
(A) Single vehicle unrestricted as to distance; or

(B) Combination of vehicles authorized by statute, rule or variance permit to the nearest population center of at least 15,000 or 100 airmiles in Oregon, whichever is greater; and
(c) A Class D tow vehicle is not authorized to tow more than one vehicle.
(2) A truck-tractor semitrailer load recovery vehicle may only be used to transport the load of a disabled unit from the site of the incident to the nearest population center of at least 15,000, or 100 airmiles in Oregon, whichever is greater. Such load recovery vehicle may transport, in addition to the recovered load, equipment necessary to recover the load. The weight may exceed those established in ORS 818.010 providing the weight does not exceed that allowed by OAR 734-076-0145.
(3) A solo recovery vehicle may be used only to transport the load of a disabled vehicle that is of comparable size to the recovery vehicle.
(4) A log truck or full log truck "towing vehicle" may tow an empty disabled log truck, a disabled log truck with a decked pole trailer, a loaded or unladen disabled full log truck, a disabled motor truck modified to transport logs with a trailer decked, or a loaded disabled log truck and pole trailer combination. A laden disabled log truck and pole trailer combination may be towed only to a destination mill or the motor carrier terminal, whichever is closer.
(5) A towing vehicle may tow a replacement vehicle to the necessary location.
(6) A tow vehicle used to haul commodities other than disabled vehicles, or a replacement vehicle, as referenced in subsection (5) of this rule, must obtain a variance permit in accordance with OAR Chapter 734 applicable to the oversize or overweight load being hauled. The variance permit must be obtained prior to the move and carried in the tow vehicle.
Statutory/Other Authority: ORS 184.616, 184.619, 823.011
Statutes/Other Implemented: ORS 818.170, 818.200, 818.220
History: HWD 3-2012, f. & cert. ef. 1-27-12; HWD 5-2011, f. & cert. ef. 5-27-11; TO 2-2001, f. & cert. ef. 6-14-01; TO 1-1999, f. & cert. ef. 2-19-99; HWY 8-1997, f. & cert. ef. 8-26-97

734-076-0125

Equipment Standards and Safety for Tow Vehicles

(1) A tow vehicle shall have the minimum equipment required by OAR 257-050-0160 to qualify for a variance permit. Copies of 257-050-0160, Mandatory Equipment Standards for Tow Trucks/Safety Related Requirements, are available as stated in 734-076-0015.
(2) When towing a vehicle or combination of vehicles, a minimum of two safety chains shall be used. The safety chains shall be of sufficient strength to control the towed vehicle(s) in event of failure of the regular hitch, coupling device or other connection. No more slack shall be left in the safety chain than is necessary to permit proper turning. The safety chains shall be securely attached to the towing vehicle (not the stinger) and to the frame or axle of the towed vehicle.
(3) When towing a combination of vehicles over a highway for other than removing the vehicle(s) from the initial emergency, operable brakes are required on each vehicle in the combination except towed power units equipped with air brakes. When brakes are required, brakes must be controlled from the cab of the towing vehicle, except as described in section (5) of this rule.
(4) The rear vehicle being towed shall be equipped with operable lights including, but not limited to, tail lights, stop lights and turn signals.
(5) When a log truck or full log truck "towing vehicle" is towing a disabled log truck-pole trailer, the disabled log truck may be operated by a driver steering the disabled log truck-pole trailer combination controlling the brakes of the towed vehicle(s) and operating lights including, but not limited to, tail lights, stop lights and turn signals. If the towed vehicle is occupied by a driver, there must be a two way audio communication system allowing the drivers of the towed vehicle and the towing vehicle to communicate.
Statutory/Other Authority: ORS 184.616, 184.619
Statutes/Other Implemented: ORS 818.170
History: TO 1-1999, f. & cert. ef. 2-19-99; HWY 8-1997, f. & cert. ef. 8-26-97

734-076-0135

Warning Signs and Flags Required for Oversize Units

(1) Warning signs are required for dimensions exceeding:

(a) Eight feet, six inches in width;

(b) An overall length of 105 feet (inclusive of towing vehicle); or

(c) For a combination of vehicles being towed exceeding 80 feet in length (inclusive of load).

(2) Warning signs must bear the legend "OVERSIZE LOAD" except:

(a) When the width exceeds eight feet, six inches and the combination of vehicles being towed does not exceed 80 feet in length (inclusive of load) or the overall combination length does not exceed 105 feet (inclusive of towing vehicle), the sign may bear the legend "WIDE LOAD"; or

(b) When the width does not exceed eight feet, six inches and when the combination of vehicles being towed exceeds 80 feet in length (inclusive of load) or the overall combination length exceeds 105 feet (inclusive of towing vehicle), the sign may bear the legend "LONG LOAD."

(3) Warning signs must be displayed to the front and rear of the vehicle or combination and must meet the following requirements:

(a) Signs must be seven feet wide by 18 inches high with black letters 10 inches high in accordance with Federal Highway Administration series C on highway yellow background;

(b) The highway yellow background of the sign must be made of reflectorized material when operating between one half hour after sunset and one half hour before sunrise;

(c) Signs must be kept clean, legible and mounted horizontally with adequate support to provide full visibility and readability at all times when in use;

(d) Signs must not cover or interfere with the visibility of the vehicle's registration plates; and

(e) All such signs must be removed or retracted when not required.

(4) The outermost extremities of any overwidth load must be marked during daylight hours with red or fluorescent orange flags not less than 18 inches square. Flags must be kept clean and must be clearly visible to the front and rear. The attachment device must not extend beyond the widest extremity by more than three inches on either side.

Statutory/Other Authority: ORS 184.616, 184.619, 823.011

Statutes/Other Implemented: ORS 818.200, 818.220

History: HWD 2-2015, f. & cert. ef. 4-21-15; HWD 3-2012, f. & cert. ef. 1-27-12; HWD 5-2006, f. 10-19-06, cert. ef. 1-1-07; TO 2-2001, f. & cert. ef. 6-14-01; TO 1-1999, f. & cert. ef. 2-19-99; HWY 8-1997, f. & cert. ef. 8-26-97

734-076-0145

Maximum Weights

(1) Maximum weight for towing vehicles is as follows:

(a) Class A and Class D tow vehicles must conform to ORS 818.010;

(b) All towing vehicles must conform to ORS 818.010 when towing a disabled unit by draw bar or tow chain method; and

(c) When any portion of the weight of the disabled unit rests upon a Class B or Class C tow vehicle:

(A) A single drive axle may not exceed 600 pounds per inch of tire width not to exceed 23,000 pounds on a single axle;

(B) A tandem drive axle may not exceed 600 pounds per inch of tire width not to exceed 23,000 pounds on each axle or 46,000 pounds on the tandem axle;

(C) Any group of three or more axles may not exceed 600 pounds per inch of tire width not to exceed the weight allowed by Weight Table 3 (permit attachment); and

(D) The steering axle of the towing vehicle must carry sufficient weight required to maintain a safe operation and at no time will weigh less than 3,000 pounds for Class B tow vehicles or 3,500 pounds for Class C tow vehicles.

(2) Maximum weights for disabled units are as follows:

(a) When being towed by Class A or any Class D tow vehicle, all weights must conform to ORS 818.010;

(b) When being towed by a Class B or Class C tow vehicle using a draw bar or tow chain method, the weight of the disabled unit must conform to ORS 818.010 or to the transportation variance permit issued to the disabled unit;

(c) When a Class B or Class C tow vehicle carries a portion of the weight of the disabled unit, the first load bearing axle(s) of the disabled unit may weigh 600 pounds per inch of tire width, not to exceed 21,500 pounds on any single axle or 43,000 pounds on a tandem axle, unless otherwise provided by a transportation variance permit issued to the disabled unit; and
(d) When being towed by a log truck or full log truck "towing vehicle," the weight of the disabled unit must conform to ORS 818.010 or to the transportation variance permit issued to the disabled unit.
(3) When operating under a CTP, the combination maximum weight for the tow vehicle and disabled vehicle must not exceed the weight allowed in section (1) and (2) of this rule.
(4) When operating under a STP the single drive axle must not exceed:
(a) 600 pounds per inch of tire width,
(b) 23,000 pounds on each axle;
(c) 46,000 pounds on the tandem axle and group axle; or
(d) The gross weight authorized by permit Weight Table 4.
(5) A load recovery vehicle consisting of a truck-tractor semitrailer may transport a divisible or non-divisible load. Except when operating under a STP, the weight must not exceed:
(a) 600 pounds per inch of tire width;
(b) 21,500 pounds on a single axle or 43,000 pounds on a tandem axle;
(c) 98,000 pounds; and
(d) The weight stated in Permit Weight Table 3.
(6) A solo recovery vehicle may transport a non-divisible load. The weight must not exceed:
(a) 600 pounds per inch of tire width;
(b) 21,500 pounds on a single axle,;
(c) 43,000 pounds on a tandem axle ; and
(d) The weight stated in Permit Weight Table 3.
(7) Lift axles must be deployed when axle weights exceed that allowed under ORS 818.010.
[ED. NOTE: Tables referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 818.619 184.619, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 3-2012, f. & cert. ef. 1-27-12; TO 1-1999, f. & cert. ef. 2-19-99; HWY 8-1997, f. & cert. ef. 8-26-97, Renumbered from 734-076-0025; 2HD 1-1981, f. & ef. 1-28-81; 1OTC 17-1980(Temp), f. & ef. 9-19-80

734-076-0155

Maximum Dimensions for Continuous Trip Permit Operations

(1) Height and Width: No disabled unit, including load, will exceed 14 feet in height or eight feet-six inches in width with the exception of:
(a) When initially operating under a transportation permit authorizing a greater height or width issued to the disabled vehicle, the allowances granted and restrictions imposed by that permit will apply only to movement over highway routes described in the permit; or
(b) Where an accident or collision has resulted in a width greater than eight feet-six inches, but not exceeding 10 feet in width. In that event, during daylight hours the extreme width must be marked by red or fluorescent orange flags not less than 12 inches square visible to the front and rear, and during the hours of darkness the extreme width must be illuminated by clearance lights or markers as described in ORS Chapter 816.
(c) Rear View Mirrors — Towing vehicles or load recovery vehicles transporting overwidth units must be equipped with rear-view mirrors capable of affording the operator a view to the rear of the disabled unit or load. Such mirrors must be retracted to legal width when an overwidth disabled unit is not being transported.
(2) Length:
(a) Except as described in subsection (d) of this section, Class A, B, and C tow vehicles must not exceed 40 feet. Class D

tow vehicles must not exceed 45 feet;
(b) The length of any towed vehicle must not exceed the length established by statute or rule unless authorized by a transportation permit issued to the vehicle. Combination length of towed vehicles may be temporarily extended when towing provided the combination was of legal length prior to the incident;
(c) A log truck or full log truck "towing vehicle" must not exceed 40 feet in length. A log truck or full log truck "towing vehicle" must not tow a loaded log truck and pole trailer combination that exceeds the lengths established by OAR 734-071-0010; and
(d) When a Class B or C tow vehicle is using a towing device to tow another vehicle, the length of the tow vehicle and towing device must not exceed 55 feet in total length and the distance between the rear bumper of the towing vehicle and the front or foremost point of the towed vehicle must not exceed five feet.
Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 3-2012, f. & cert. ef. 1-27-12; TO 1-2000, f. & cert. ef. 1-20-00; TO 1-1999, f. & cert. ef. 2-19-99; HWY 8-1997, f. & cert. ef. 8-26-97, Renumbered from 734-076-0030; 2HD 1-1981, f. & ef. 1-28-81; 1OTC 17-1980(Temp), f. & ef. 9-19-80

734-076-0165
Pilot Vehicle(s)
(1) Pilot vehicles may be needed to ensure the safety of the traveling public when the tow vehicle and disabled unit involve excessive width, height, length or projections to the front or rear of vehicles or combinations of vehicles. The configuration of such pilot vehicle(s) must be a passenger car, pick-up, truck or truck-tractor of legal size and weight. Combinations of vehicles are not allowed as pilot vehicles. The number of pilot vehicles required for certain movements is shown on permit Attachment 76-A, which is provided with the permit.
(2) Pilot vehicles escorting oversize loads or vehicles are required to have the following:
(a) Warning signs mounted above the roofline of the vehicle. This sign must bear the legend "OVERSIZE LOAD." The sign must be at least five feet wide by ten inches high and have black letters eight inches high with one-inch brush stroke in accordance with Federal Highway Administration series B, on highway yellow background. The sign must be displayed only during the course of the oversize movement, and must be removed or retracted at all other times. The sign must be clean, legible and mounted adequately to afford full view at all times, when in use, to the front or rear depending upon location of pilot vehicle or relative to the oversize unit.
(b) Warning lights are required in addition to those lights that may otherwise be required by law. The warning lights must be displayed only during the course of the oversize movement, and at all other times the requirements found in ORS 816.350(7) will apply. Strobe lights are allowed. These lights must be mounted above the roof of the cab, be clearly visible from 500 feet, have a minimum of 30 flashes per minute and be either:
(A) Two flashing amber lights as widely spaced laterally as is practical;
(B) Revolving type amber light(s); or
(C) Amber type strobe light(s) with 360 degree visibility.
(c) Two-way radio communications between the towing vehicle and the pilot vehicle(s) must be maintained at all times.
(d) Two 18-inch-square red or fluorescent orange flags mounted on three-foot length staffs must be carried by each pilot vehicle. The pilot vehicle operator will use the flags to warn oncoming or overtaking traffic when the oversize unit is stopped and obstructing traffic; and
(e) Eight safety flares or reflectors. Safety flares may not be used when the movement involves hazardous materials.
(3) The number of pilot vehicles required for certain movements is shown on Permit Attachment 76-A, which is issued with permits requiring pilot vehicles. The Chief Engineer is authorized to alter the number of pilot vehicles from those specified in permit Attachment 76-A depending upon local conditions, seasonal traffic, construction projects or other considerations. The permit will reflect altered requirements.
(4) Permit Attachment 76-A is available from the Motor Carrier Transportation Division, Over-Dimension Permit Unit.

(5) The highway classification groups referred to in Permit Attachment 76-A are established and maintained by the Chief Engineer.
(6) Positioning of pilot vehicles — Unless specified otherwise, the pilot vehicle(s) must be positioned ahead of (when one is required) or to the front and rear of (when two or more are required) the oversize unit at a distance of 300 feet to 500 feet from the unit. In areas where traffic congestion is encountered, where traffic is controlled by signals or where other conditions may require, the spacing will be reduced as may be required to properly safeguard the traveling public.
(7) When for any cause the oversize unit is stopped and occupies or encroaches onto the highway's travel lane, the pilot vehicle(s) must be positioned to warn and safeguard other traffic approaching from any direction from which visibility or sight distance may be limited.
(8) Duties of pilot vehicle operators:
(a) Warn approaching or overtaking traffic of the unit's presence on the highway to provide a maximum of protection and safety for the traveling public; and
(b) When encountering bridges, structures, tunnels or other locations where clearances may be limited to the extent that normal two-way traffic cannot be maintained, the pilot vehicle operator must signal by hand or radio to the towing vehicle driver when the oversize unit can proceed without conflict to approaching traffic. As the oversize unit then proceeds through such areas of impaired clearance, the pilot vehicle operator must warn approaching traffic.
(9) Pilot vehicle(s) are considered to be under the direct control and supervision of the tow truck operator.
(10) Specific identified locations may require additional precautions. Permits will specify locations that require certified flagging to be conducted. The flagging must be conducted in accordance with the standards in the Manual on Uniform Traffic Control Devices as adopted in OAR 734-020-0005.
[Publications: Publications referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619, 823.011
Statutes/Other Implemented: ORS 816.350, 818.170, 818.200, 818.220
History: HWD 3-2012, f. & cert. ef. 1-27-12; HWD 5-2011, f. & cert. ef. 5-27-11; TO 2-2001, f. & cert. ef. 6-14-01; TO 1-1999, f. & cert. ef. 2-19-99; HWY 8-1997, f. & cert. ef. 8-26-97

734-076-0175

Approved Routes

(1) When removing a load or vehicles from the initial emergency, towing vehicles or load recovery vehicles operating under Division 76 rules may operate on all state highways. Thereafter, vehicles may operate over Group 1 highways shown on Group Map 1 or approved routes shown on Route Map 7, or approved routes shown on the permit issued to the disabled unit. Overweight vehicles and combinations of vehicles may not operate on highways with weight restrictions shown on Route Map 8 and the most current Attachment 100A. Group Map 1, Route Map 7 and Route Map 8 are available from the Over-Dimension Permit Unit, Motor Carrier Transportation Division, 550 Capitol Street NE, Salem OR 97301 or at www.oregontruckingonline.com.
(2) The Chief Engineer may add additional highway routes to those approved for operation or delete from the approved routes any highway or section of highway when continued operation of the units is not in the public's best interest.
(3) This rule does not authorize operation over highways, streets, or roads not under the jurisdiction of the Department of Transportation. For such operations, separate permission must be obtained from the appropriate authority.
Statutory/Other Authority: ORS 184.616, 184.619, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 3-2012, f. & cert. ef. 1-27-12; HWD 5-2011, f. & cert. ef. 5-27-11; TO 1-1999, f. & cert. ef. 2-19-99; HWY 8-1997, f. & cert. ef. 8-26-97, Renumbered from 734-076-0055; 2HD 1-1981, f. & ef. 1-28-81; 1OTC 17-1980(Temp), f. & ef. 9-19-80

734-076-0185

Hauling Hours and Days

(1) Except as provided in section (3) of this rule, hauling hours and days shall be those authorized as follows:

(a) When operating on interstate highways and other highways approved by the Chief Engineer, movement between one-half hour after sunset and one-half hour before sunrise is allowed if:
(A) Width is not in excess of ten feet; and
(B) The outermost extremities are illuminated by lamps or markers as described by the requirements of ORS Chapter 816.
(b) If the width exceeds eight feet six inches or if towing a combination of vehicles, movement is not allowed as provided in subsection (1)(a) of this rule:
(A) During any hours on State-observed holidays, which for the purpose of Division 76 rules, are New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day;
(B) After 2:00 p.m. on the last business day preceding the State-observed holiday through one-half hour before sunrise of the first business day following the observed holiday;
(C) From noon on the Wednesday preceding Thanksgiving Day until one-half hour before sunrise on Monday following Thanksgiving Day;
(D) During daylight hours Saturday afternoons and Sundays after Memorial Day and before Labor Day;
(E) When wind or other conditions may cause the vehicle or vehicles to swerve, to whip, to sway or fail to follow substantially in the path of the towing vehicle;
(F) When road surfaces are hazardous due to ice, snow or frost; or
(G) When visibility is less than 500 feet due to snow, mist, rain, dust, smoke, fog or other atmospheric conditions.
(2) The Chief Engineer may impose or alter time of travel restrictions. Alterations may be necessary to prevent conflict with highway construction or repair projects, or to cope with local or seasonal traffic conditions.
(3) The provisions of section (1) of this rule do not apply when:
(a) Performing the initial emergency removal of the disabled unit from the highway;
(b) Acting at the direction of a peace officer; or
(c) The disabled vehicle or combination of vehicles is operating under a rule or variance permit allowing movement prior to the emergency.
Statutory/Other Authority: ORS 184.616, 184.619
Statutes/Other Implemented: ORS 818.170
History: TO 1-1999, f. & cert. ef. 2-19-99; HWY 8-1997, f. & cert. ef. 8-26-97

DIVISION 77
TRANSPORTATION OF FOOD PROCESSING PLANT BY-PRODUCTS FROM WHICH THERE IS FLUID LEAKAGE

734-077-0005
Scope
OAR 734, division 77 shall apply to and govern the issuance of permits by the Department of Transportation for the movement of vehicles transporting certain agricultural products as identified in OAR 734-077-0007, from which there is fluid leakage as provided in ORS 818.230.
Statutory/Other Authority: ORS 184, 366
Statutes/Other Implemented: ORS 818.230
History: 2HD 5-1985, f. & ef. 11-22-85; 2HD 6-1982, f. & ef. 10-25-82

734-077-0007
Authorized Commodities
Permits shall be issued only for the following:
(1) Vehicles transporting food processing plant by-products to be used for livestock feed or fertilizer from which there is a fluid leakage; or
(2) Vehicles transporting agricultural products from which there is fluid leakage, while the vehicles are enroute from the place of harvest to a place where the products will be processed, stored or sold.

Statutory/Other Authority: ORS 184, 366, 818
Statutes/Other Implemented: ORS 818.230
History: 2HD 5-1985, f. & ef. 11-22-85

734-077-0010

Application for Permit

(1) Application for a permit may be made in person or by mail to the Over-Dimension Permit Unit, 3930 Fairview Industrial Drive SE, Salem, Oregon 97302-1166.
(2) Telephone applications may be made by calling (503) 373-0000 and the executed permit will be transmitted electronically for pick-up by the applicant at the nearest state office equipped with a receiving device.
(3) In addition to routine information such as permittee name, address and vehicle identification, the application must include:
(a) Identification of food process plant where the movement will originate.
(b) The state highways to be traveled.
(c) The highway mile point or other identifiable geographical point where the movement will leave the state highway.
(4) Permits will not be issued when an application is incomplete.
Statutory/Other Authority: ORS 184.616, 184.619, 818.220, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220, 818.230
History: HWD 2-2018, minor correction filed 03/12/2018, effective 03/12/2018; HWD 5-2011, f. & cert. ef. 5-27-11; TO 2-2001, f. & cert. ef. 6-14-01; HWY 11-1997, f. & cert. ef. 12-22-97; 2HD 6-1982, f. & ef. 10-25-82

734-077-0015

Authorized Routes

(1) It is intended that highway routes authorized in the permit will in general be those routes requested in the application. As authorized under ORS 818.220(1)(c), however, the Department of Transportation may, at its discretion, amend permits to designate alternate routes if the amount or character of fluid leakage is such that an alternate route would be in the public interest.
(2) Authority to operate over highways, streets or roads not under Department of Transportation jurisdiction is not granted in this rule or by any permit issued under this rule. For operation on county roads or city streets separate permission must be obtained from appropriate county or city authorities.
Statutory/Other Authority: ORS 184, 366
Statutes/Other Implemented: ORS 818.230
History: 2HD 6-1982, f. & ef. 10-25-82

734-077-0020

Authorized Vehicles

Notwithstanding any limitation imposed under OAR 734-077-0040 a permit may be issued under these rules for the operation of any vehicle or combination of vehicles meeting the requirements of ORS 818.080, 818.110 or rules adopted pursuant to ORS 810.060, provided, however, that combinations of vehicles as described in OAR 734-074-0005 exceeding 75' in overall length are not authorized.
Statutory/Other Authority: ORS 184, 366
Statutes/Other Implemented: ORS 818.230
History: 2HD 6-1982, f. & ef. 10-25-82

734-077-0025

Hours and Days of Operation

Notwithstanding any limitation imposed under OAR 734-077-0040 there is no restriction as to days and hours of operation.
Statutory/Other Authority: ORS 184, 366

Statutes/Other Implemented: ORS 818.230
History: 2HD 6-1982, f. & ef. 10-25-82

734-077-0030
Insurance Requirements
As provided in ORS 818.220(1)(d) and (e) the Department of Transportation may at its discretion require, as a permit condition, the applicant to furnish satisfactory evidence of public liability and property damage insurance.
Statutory/Other Authority: ORS 184, 366
Statutes/Other Implemented: ORS 818.230
History: 2HD 6-1982, f. & ef. 10-25-82

734-077-0035
Permit Duration and Cancellation
(1) Permits may be issued for periods of time up to one year.
(2) Permits may be revoked under the provision of ORS 818.230(4) if the amount or character of the fluid leakage is such that it constitutes a danger to other vehicles.
(3) Permits may be cancelled under the provision of ORS 818.220(7) if:
(a) The permit holder has violated any of the terms of the permit;
(b) The permit was obtained through misrepresentation in the application therefor; or
(c) The public interest requires cancellation.
Statutory/Other Authority: ORS 184, 366
Statutes/Other Implemented: ORS 818.230
History: 2HD 6-1982, f. & ef. 10-25-82

734-077-0040
Leakage Restrictions
(1) Fluid leakage will be permitted only to an extent and under conditions which will not create a safety or health hazard to the general public. Excessive loss of fluid containing residue which can cloud the windshields of other vehicles, the creation of a build-up of residue causing slippery pavement conditions, or the excessive loss of fluid from parked hauling vehicles causing unsanitary conditions adjacent to restaurants or other businesses, or residences may result in revocation of the permit.
(2) The Chief Engineer may impose additional permit provisions in excess of those required by this rule, but in accordance with ORS 818.220 as he deems necessary to provide a maximum of highway safety for the driving public.
Statutory/Other Authority: ORS 184, 366
Statutes/Other Implemented: ORS 818.230
History: 2HD 6-1982, f. & ef. 10-25-82

DIVISION 78
TRANSPORTATION OF OVERLENGTH LOGS, POLES, PILING, AND STRUCTURAL MEMBERS

734-078-0005
Scope
These rules shall apply to and govern the issuance of permits by the Department of Transportation, for the movement of vehicles transporting logs, poles, piling and structural members which, when loaded, have overall lengths in excess of those permitted by Oregon Revised Statutes or by OAR 734, division 71.
Statutory/Other Authority: ORS 184, 366, 818
Statutes/Other Implemented: ORS 818.220
History: 2HD 4-1983, f. & ef. 1-20-83

734-078-0010

Application for Permit

(1) Application for permits may be made in person or by mail to the Transportation Permit Unit, 550 Capitol St. NE, Salem, Oregon 97310.

(2) Telephone applications for permits may be made by calling toll free 1-800-336-3602 and the executed permit will be transmitted electronically for pick up by the applicant at the nearest state office equipped with a receiving device.

(3) Routine information such as permittee name, address and vehicle identification must be included for the application.

(4) Permits will not be issued when an application is incomplete.

Statutory/Other Authority: ORS 184.616, 184.619

Statutes/Other Implemented: ORS 818.220

History: HWY 8-1997, f. & cert. ef. 8-26-97; 2HD 4-1983, f. & ef. 1-20-83

734-078-0015

Types of Vehicle Combinations Authorized

(1) Permits may be issued only for the following types of vehicle combinations:

(a) Log truck and pole trailer coupled together by stinger and reach. The stinger is to be at least five feet in length;

(b) Log truck and independently operated manually or mechanically steered trailer;

(c) Truck tractor semitrailer and trailer combination. The trailers shall be coupled together by stinger and reach and the distance from the front of the first trailer to the rear of the second trailer shall not exceed 68 feet;

(d) Truck and trailer coupled together by means of a stinger and the trailer tongue. The stinger is to be at least five feet in length;

(e) Truck transporting a pole by means of a pole dolly and pole drawbar device that is attached to the leading end of the pole and attached to the towing vehicle by means of a pintle hook;

(f) An auxiliary axle may be authorized for the purpose of distributing the weight of the load; and

(g) The Chief Engineer may designate other types of vehicle combinations, which in the Chief Engineer's determination fit the scope and purpose of these rules.

(2) A stinger is measured longitudinally from a point located opposite the back of the tread of the tires of the last axle on the truck to the point of coupling.

Statutory/Other Authority: ORS 184.616, 184.619, 818.220

Statutes/Other Implemented: ORS 818.220

History: HWD 6-2009, f. & cert. ef. 4-17-09; HWY 8-1997, f. & cert. ef. 8-26-97; 2HD 4-1983, f. & ef. 1-20-83

734-078-0017

Rear Overhang

(1) A combination of vehicles operating under a division 78 variance permit is subject to rear overhang requirements as follows:

(a) If rear overhang exceeds legal limits, a single trip permit or a continuous trip permit may be issued for rear overhang;

(b) In addition to any other pilot vehicle requirements specified on a permit, if rear overhang exceeds 25 feet, the permit will specify the requirement of a rear pilot vehicle for travel on any portion of a non-interstate multi-lane highway when the normal route to the destination requires the combination to exit the multi-lane portion of such highway;

(2) For the purpose of this rule, rear overhang will be measured from:

(a) The rearmost direct weight bearing pivot point to the end of the load of a pole trailer; or

(b) The rearmost load bearing point of any other trailer, exclusive of any non-load bearing appurtenances, regardless of any log bunks attached to the trailer.

(3) A vehicle, including but not limited to an auxiliary axle, attached to the rear of the rearmost trailer in the combination for the purpose of distributing load weight will not be considered in determining rear overhang.

Statutory/Other Authority: ORS 184.616, 184.619, 818.220

Statutes/Other Implemented: ORS 818.220

History: HWD 6-2009, f. & cert. ef. 4-17-09

734-078-0020

Approved Routes and Allowable Overall Lengths

(1) The allowable overall lengths for the combinations of vehicles and load subject to these rules must not exceed those lengths indicated for the various highways listed on permit attachment 17, available from the Over-Dimension Permit Unit, Motor Carrier Transportation Division, 550 Capitol Street NE, Salem, OR 97310.

(2) All state highways approved for operation of vehicle combinations and loads under permit are those indicated on permit attachment 17. Separate permission must be obtained from proper authorities for operation over county roads, city streets or other roads not under State Highway jurisdiction.

(3) As various state highways or sections thereof are reconstructed or improved to an extent that longer overall vehicle and load lengths can safely travel the highway, the Chief Engineer may by written order and at the Chief Engineer's discretion authorize lengths in excess of those indicated on permit attachment 17. In the same manner, the Chief Engineer may add additional highways, or sections thereof with corresponding overall lengths as the Chief Engineer deems appropriate to those highways listed on permit attachment 17.

(4) If the vehicle combination consists of a log truck and independently operated manually or mechanically steered trailer an overall length will be permitted which exceeds by fifteen feet those indicated on permit attachment 17.

(5) A load may include related items provided it does not exceed the length allowed for the longest permitted item.

Statutory/Other Authority: ORS 184.616, 184.619, 823.011

Statutes/Other Implemented: ORS 818.200, 818.220

History: HWD 5-2011, f. & cert. ef. 5-27-11; HWY 8-1997, f. & cert. ef. 8-26-97; 2HD 4-1983, f. & ef. 1-20-83

734-078-0025

Days of Travel and Peak Traffic Hour Restrictions

(1) The combinations of vehicles described in rule 734-078-0015, which when loaded exceed 105 feet overall length, are prohibited from operation:

(a) Unless otherwise specified in this section, during any hours on observed holidays, movement shall be prohibited after 2:00 p.m. on the last business day preceding the observed holiday through sunrise of the first business day following the observed holiday. The holidays to which this restriction applies are New Year's Day, Memorial Day, Independence Day, Labor Day and Christmas Day;

(b) From noon on Wednesday preceding Thanksgiving Day until sunrise on Monday following Thanksgiving Day; and

(c) During daylight hours Saturday afternoons and Sundays after Memorial Day and before Labor Day.

(2) When operating on the Interstate Highway System, movement is authorized during the hours between sunset and sunrise, except on holidays, as indicated in section (1) of this rule, provided that:

(a) Intermediate side marker lights as described in ORS Chapter 816 are placed on each side at intervals of not more than 20 feet between the tail lights of the towing vehicle and the tail lights of the trailer; and

(b) Projections beyond rear of motor vehicles. Motor vehicles transporting loads which extend more than four feet beyond the rear of the motor vehicle, or which have tailboards or tailgates extending more than four feet beyond the body, shall have projections marked as follows:

(A) On each side of the projecting load, one red lamp, visible from the side, located so as to indicate maximum overhang; and

(B) On the rear of the projecting load, two red lamps, visible from the rear, one at each side, and two red reflectors visible from the rear, one at each side, located so as to indicate maximum width.

(3) The Oregon Department of Transportation, Motor Carrier Transportation Division may impose additional regulations pertaining to days and hours of operation for the transportation of logs, poles and piling. Permittees should determine the existence of any such regulations.

Statutory/Other Authority: ORS 184.616, 184.619

Statutes/Other Implemented: ORS 818.220

History: HWY 8-1997, f. & cert. ef. 8-26-97; 2HD 7-1986, f. & ef. 11-21-86; 2HD 4-1983, f. & ef. 1-20-83

734-078-0030

Warning Signs and Flags Required

(1) When the combinations of vehicles and load exceed 80 feet in overall length a “Long Load” or “Oversize Load” sign is required to be attached to the rearmost position practical, either on the load or the last vehicle:

(a) The sign must be seven feet wide by 18 inches high with black letters 10 inches high in accordance with Federal Highway Administration series C on highway yellow background;

(b) The highway yellow background of the sign must be made of reflectorized material when operating between sunset and sunrise;

(c) Signs must be kept clean, legible, and mounted with adequate support to provide full visibility at all times when in use;

(d) Signs must not cover or interfere with the visibility of the vehicle’s registration plates;

(e) Signs must be constructed of a material impervious to water; and

(f) All signs must be removed or retracted when not required.

(2) When a load extends beyond the rear body of the vehicle four feet or more, the outermost extremity of the load must be visibly marked with a red flag not less than 18 inches square. The attachment device must not extend beyond the rear of the load by more than three inches.

Statutory/Other Authority: ORS 184.616, 184.619, 823.011

Statutes/Other Implemented: ORS 818.200, 818.220

History: HWD 2-2015, f. & cert. ef. 4-21-15; HWD 5-2006, f. 10-19-06, cert. ef. 1-1-07; HWY 8-1997, f. & cert. ef. 8-26-97; 2HD 4-1983, f. & ef. 1-20-83

734-078-0035

Pilot Vehicles

(1) Pilot vehicles may be needed to insure the safety of the traveling public when vehicle and load movements involve excessive width, height, length or projections to the front or rear of vehicles or combinations of vehicles. The configuration of such pilot vehicle(s) shall be a passenger car, pick-up, truck or truck-tractor of legal size and weight. Combinations of vehicles are not allowed as pilot vehicles. The number of pilot vehicles required for certain movements is shown on Attachment 82-A, which is issued with permits requiring pilot vehicles.

(2) A pilot vehicle shall precede the loaded combination of vehicles when operating on the following highway sections:

(a) Alsea Highway, Ore 34, between M.P. 6.93 (Canal Creek Rd) and the Jct of US 20 near Philomath provided the overall length is in excess of 90 feet;

(b) Corvallis-Newport Highway, US 20, between Blodgett and Philomath provided the overall length is in excess of 80 feet;

(c) Coos Bay-Roseburg Highway, Ore 42, between Coos/Douglas County line and Camas Valley provided the overall length is in excess of 80 feet;

(d) Mist-Clatskanie Highway, Ore 47, entire highway, provided the overall length is in excess of 80 feet;

(e) Silver Creek Falls Highway, Ore 214, between M.P. 31.09 (Drakes Crossing) and Silverton provided the overall length is in excess of 80 feet;

(f) Siletz Highway, Ore 229, between M.P. 9.66 and M.P. 15.23 provided the overall length is in excess of 50 feet;

(g) Coos River Highway No. 241, between Jct. US 101 and M.P. 15.04 (near Allegany) provided the overall length is in excess of 70 feet.

(3) As highway conditions may change due to construction, relocation, or other factors and as additional highway sections may be added to the approved routes shown on permit attachment 17, the Chief Engineer may as deemed appropriate and at the Chief Engineer's discretion add to, delete, or revise the list of pilot vehicle requirements in section (1) of this rule.

(4) Pilot vehicles are required to have the following equipment:

(a) Warning signs mounted above the roofline of the vehicle. This sign shall bear the legend “OVERSIZE LOAD.” The sign shall be at least five feet wide by ten inches high, have black letters eight inches high with one-inch brush stroke in

accordance with Federal Highway Administration series B, on highway yellow background. Signs made of mesh fabric, or other materials that do not provide a continuous yellow background, are not allowed. The sign shall be displayed only during the course of the oversize movement and shall be removed or retracted at all other times. The sign must be kept clean, legible, and mounted adequately to afford full view at all times, when in use, to the front or rear depending upon location of pilot vehicle or relative to the oversize unit;
(b) Warning lights are required in addition to those lights that may otherwise be required by law. Strobe lights are allowed. These lights shall be clearly visible from 500 feet and be either:
(A) Two flashing amber lights clearly visible from the front and rear. These lights shall have a minimum lens diameter of four inches, be rated at a minimum of 35 candlepower, and emit a minimum of 30 flashes per minute; or
(B) At least one revolving type amber light that has at least 125 square inches of dome surface, and emits at least 30 flashes per minute.
(c) Two way radio communications between the oversize vehicle and the pilot vehicle(s) must be maintained at all times;
(d) Two 18-inch square red flags mounted on three-foot length staffs shall be carried by each pilot vehicle for use in directing traffic. The pilot vehicle operator shall use the flags to warn oncoming or overtaking traffic when the oversize unit is stopped and obstructing traffic; and
(e) Eight safety flares or reflectors. Safety flares may not be used when the movement involves hazardous materials.
[ED. NOTE: Attachments referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619
Statutes/Other Implemented: ORS 818.220
History: HWY 8-1997, f. & cert. ef. 8-26-97; 2HD 4-1983, f. & ef. 1-20-83

734-078-0040
Permit Cancellation
Permits may be cancelled as provided in ORS 818.220(7).
Statutory/Other Authority: ORS 184, 366, 818
Statutes/Other Implemented: ORS 818.220
History: 2HD 4-1983, f. & ef. 1-20-83

734-078-0045
Permit Duration
At the discretion of the Chief Engineer permits may be issued for periods of time not to exceed one year.
Statutory/Other Authority: ORS 184, 366, 818
Statutes/Other Implemented: ORS 818.220
History: 2HD 4-1983, f. & ef. 1-20-83

DIVISION 79
PERMIT EXEMPTIONS

734-079-0005
Scope and Purpose
A combination of vehicles consisting of a log truck and pole trailer equipped for self loading and transporting logs may operate with a permit allowing the weight provisions of ORS 818.210(3) only if:
(1) The combination does not exceed the maximum allowable length limitations established in OAR chapter 734, division 71, as indicated on Group Map 1. Group Map 1, dated January 2005, available from the Over-Dimension Permit Unit, is by reference made a part of this rule; and
(2) The combination meets any other restrictions that may be imposed pursuant to ORS Chapter 818.
Statutory/Other Authority: ORS 184.616, 184.619, 823.011
Statutes/Other Implemented: ORS 818.200, 818.210
History: HWD 5-2011, f. & cert. ef. 5-27-11; HWD 12-2005, f. & cert. ef. 12-14-05; TO 2-2001, f. & cert. ef. 6-14-01;

HWY 11-1997, f. & cert. ef. 12-22-97; 2HD 4-1984, f. & ef. 3-14-84

734-079-0015
Application for Permit

(1) Application for a permit may be made in person or by mail to the Over-Dimension Permit Unit, 3930 Fairview Industrial Drive SE, Salem OR 97302-1166.
(2) Telephone applications may be made by calling 1-503-373-0000 and the executed permit will be transmitted electronically for pick-up by the applicant at the nearest state office equipped with a receiving device.
(3) Routine information such as permittee name, address and vehicle identification must be included with the application.
(4) Permits will not be issued when an application is incomplete.
Statutory/Other Authority: ORS 184.616, 184.619, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 6-2017, minor correction filed 10/20/2017, effective 10/20/2017; HWD 5-2011, f. & cert. ef. 5-27-11; HWD 12-2005, f. & cert. ef. 12-14-05; TO 2-2001, f. & cert. ef. 6-14-01

734-079-0025
Permit Duration and Cancellation

(1) Permits may be issued for periods of time up to one year.
(2) Permits may be canceled under the provisions of ORS 818.220(7) if:
(a) The permit holder has violated any of the terms of the permit;
(b) The permit was obtained through misrepresentation in the application therefor; or
(c) The public interest requires cancellation.
Statutory/Other Authority: ORS 184.616, 184.619, 818.200Stat. Imp.: ORS 818.220
Statutes/Other Implemented:
History: TO 2-2001, f. & cert. ef. 6-14-01

DIVISION 80
DESIGNATED SCENIC AREAS

734-080-0005
Designated Scenic Areas

Table 1 is a listing by petition number of the Administrative Orders of the Department of Transportation indicating those areas that have been designated as Scenic Areas.
[ED. NOTE: Tables referenced are available from the agency.]
Statutory/Other Authority: ORS 377
Statutes/Other Implemented: ORS 377.540
History: HC 1254, f. & ef. 6-21-71; HC 1031 (SAB 2), f. 4-29-64, ef. 6-1-64; HC 1080 (SAB 10), f. 10-29-67; HC 1090 (SAB 11), f. 1-7-66; HC 1112 (SAB 12), f. 10-7-66; HC 1131 (SAB 13), f. 1-5-67; HC 1145 (SAB 14), f. 7-7-67; HC 1146 (SAB 15), f. 8-16-67; HC 1159 (SAB 16), f. 1-5-68; HC 1177 (SAB 17), f. 9-26-68; HC 1178 (SAB 18), f. 10-11-68; HC 1179 (SAB 19), f. 11-6-68; HC 1180 (SAB 20), f. 11-7-68; HC 1185 (SAB 21), f. 1-10-69; HC 1189 (SAB 22), f. 1-30-69; HC 1203 (SAB 23), f. 7-15-69; HC 1237 (SAB 24), f. 11-20-70; HC 1239 (SAB 25), f. 12-28-70

DIVISION 82
VARIANCE PERMITS ISSUED FOR NON-DIVISIBLE LOADS AND ROAD USE ASSESSMENT FEES

734-082-0001
Scope

OAR chapter 734, division 82 governs the operation of vehicles transporting loads that exceed legal limits and variance permits issued for vehicles or loads having weight or dimension greater than that allowed by statute.
Statutory/Other Authority: ORS 810.050, 818.200

Statutes/Other Implemented: ORS 818.220, 818.225
History: HWD 4-2007, f. & cert. ef. 7-19-07; TO 8-2002, f. & cert. ef. 10-14-02; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 1-1990(Temp), f. & cert. ef. 1-5-90

734-082-0002
Duration
Permits issued under division 82 are valid from the effective date for a single trip within a ten consecutive day period, multiple trips within a 30 consecutive day period or continuous trips for one year.
Statutory/Other Authority: ORS 810.050, 818.200
Statutes/Other Implemented: ORS 818.220, 818.225
History: TO 8-2002, f. & cert. ef. 10-14-02; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 1-1990(Temp), f. & cert. ef. 1-5-90

734-082-0003
Fee
(1) The permit fees required by ORS 818.270 shall be paid to the granting authority for every permit issued, except for permits issued to the federal government, State of Oregon, counties, and cities which are exempt pursuant to ORS 818.200(2).
(2) Motor carriers having valid Oregon Department of Transportation authority may request that these fees be billed on a monthly basis. Accounts shall be determined to be delinquent under ORS 818.225 when:
(a) Billed fees have not been paid within 60 days of the billing date; or
(b) Reports from carriers used to determine fees have not been filed within 30 days of the mileage report request date.
(3) Motor carriers with delinquent accounts are not eligible for variance permits until all fees are paid.
(4) Road use assessment fees for gross weights up to 240,000 pounds are shown in a table prepared and maintained by the Chief Engineer. The fee is determined by the motor carrier's declaration of gross weight and number of axles used. If gross weight exceeds 240,000 pounds, the road use assessment fees will be computed by the department.
(5) The road use assessment fees for any carrier may be increased based on actual weighing by State Motor Carrier Enforcement Officers and other authorized personnel or through audit by the Oregon Department of Transportation.
(6) The road use assessment fees are not refundable unless the trip is not made.
Statutory/Other Authority: ORS 184.616, 184.619, 810.050, 818.200, 818.225
Statutes/Other Implemented: ORS 818.220, 818.225
History: TO 8-2002, f. & cert. ef. 10-14-02; TO 3-2000, f. & cert. ef. 2-11-00; HWY 5-1997, f. & cert. ef. 5-9-97; HWY 2-1992, f. & cert. ef. 2-18-92; HWY 2-1991(Temp), f. & cert. ef. 8-23-91; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 1-1990(Temp), f. & cert. ef. 1-5-90

734-082-0004
Permits Issued
Permits authorized by division 82 are issued to the transporting motor vehicle. The vehicle or combination of vehicles must be of legal size and weight except when operating under the terms of a permit. A permit may be issued for a load consisting of multiple items that are non-divisible.
Statutory/Other Authority: ORS 810.050, 818.060, 818.200
Statutes/Other Implemented: ORS 818.220, 818.225
History: TO 8-2002, f. & cert. ef. 10-14-02; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 1-1990(Temp), f. & cert. ef. 1-5-90

734-082-0005
Definitions
As used in OAR chapter 734, division 82:
(1) “Auxiliary axle(s)” is an axle that qualifies as a booster axle, flip axle, or lift axle.

(2) “Boom dolly” means a separate vehicle designed to carry part of the weight of a boom.
(3) “Booster axle(s)” means a separate vehicle bolted or pinned to another vehicle that redistributes weight from one or more axles to other axles and pivots from side to side at the connection point or has wheels that steer during turning.
(4) “Business day” is any day Monday through Friday, except holidays as defined in section (13) of this rule.
(5) “Chief Engineer” means the Chief Engineer of the Oregon Department of Transportation or a person designated to act for the Chief Engineer.
(6) “Daylight hours” means one-half hour before sunrise until one-half hour after sunset.
(7) “Dolly” means those devices attached to a frame, deck or load converting the frame to a trailer or semitrailer and is included in the measurement of the trailer. The dolly must bear weight when the permitted vehicle is laden.
(8) “Dromedary truck-tractor” means a motor vehicle designed to carry a load on a dromedary box, plate or deck, not exceeding 12’06” in length inclusive of load and designed to pull a semitrailer.
(9) “Equivalent Single-Axle Load” (ESAL) means the relationship between actual or requested weight and an 18,000 pound single-axle load as determined by the American Association of State Highway and Transportation Officials Road Tests reported at the Proceedings Conference of 1962.
(10) “Fire apparatus” means a vehicle or combination of vehicles designed and used exclusively for fire suppression or rescue operations. These emergency vehicles and associated loads or equipment are necessary to protect the public safety and are considered non-divisible loads.
(11) “Flip axle(s)” means an axle that is bolted or pinned to a vehicle and flips from the closed position on the trailer to a deployed position on the ground extending the length or hauling capacity of the trailer.
(12) “Flip neck extension” means a gooseneck extension to the front of a trailer which can be flipped up or down, and can be used to adjust the axle weight(s) of a combination and load.
(13) “Pinned axle(s)” means a separate vehicle pinned to another vehicle adding extra carrying capacity to a vehicle. The additional axle(s) do not pivot from side to side at the connection point or have wheels that steer during turning.
(14) “Expanded trailer” means a trailer or semitrailer which can be extended in length by adding removable deck section(s).
(15) “Special-use trailer” means a trailer or semitrailer which is specifically designed to haul one type of commodity.
(16) “Tow-Away Trailer” means all equipment or tools mounted on wheels designed for towing by a motor vehicle, and which is not designed or used primarily for the transportation of persons or property, but is only incidentally operated or moved upon a highway.
(17) “Stretch Trailer” means a trailer or semitrailer capable of increasing the distance from the kingpin or coupling device to the rearmost axle. This stretch trailer provision is accomplished by using a “telescoping” principle in the trailer. This does not include fixed or sliding extensions to either end of the trailer or semitrailer or semitrailers with removable deck sections.
(18) “Gross Vehicle Weight Rating” (GVWR) means the gross vehicle weight rating as defined in ORS 801.298.
(19) “Holiday” for the purposes of these rules means New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, and includes any other days on which the state officially observes the aforementioned holidays by the closure of State offices.
(20) “Idle Reduction System” means an auxiliary power unit or other device or technology that is used to reduce long-duration idling by allowing the main drive engine or auxiliary refrigeration engine to be shut down.
(21) “Jeep axle(s)” means a separate vehicle connected to a motor vehicle by kingpin to fifth wheel connection. A jeep axle(s) must bear all or part of the weight of the load of another vehicle and must be connected to that other vehicle either by kingpin to fifth wheel connection or a pintle hook.
(22) “Lift axle” means an axle that can be raised from or lowered to the surface of the ground.
(23) “MCTD” means the Motor Carrier Transportation Division of the Oregon Department of Transportation.
(24) “Motor truck” means a motor vehicle that is primarily designed or used for carrying loads other than passengers.
(25) “Non-divisible load” means:
(a) Any load or vehicle exceeding applicable size or weight limits that, if separated into smaller loads or vehicles, would:

(A) Compromise the intended use of the vehicle, i.e., make it unable to perform the function for which it was intended;
(B) Destroy the value of the load or vehicle, i.e., make it unusable for its intended purpose; or
(C) Require more than eight workhours to dismantle using appropriate equipment. The applicant for a non-divisible load permit has the burden of proof as to the number of workhours required to dismantle the load; or
(b) The following loads or vehicles:
(A) Emergency response vehicles, including those loaded with salt, sand, chemicals or a combination thereof, with or without a plow or blade attached in front, and being used for the purpose of spreading the material on highways that are or may become slick or icy;
(B) Casks designed for the transport of spent nuclear materials; and
(C) Military vehicles transporting marked military equipment or materiel.
(26) “Passenger vehicle” or “light vehicle” means a motor vehicle, regardless of design or intended use.
(27) “Permit Weight Table 1” is the table of legal weight found in ORS 818.010.
(28) “Permit Weight Table 2” is the Extended Weight Table used for oversize loads that cannot be reduced in size, except as specified in OAR 734-082-0051 and 734-082-0053, and having authorized divisible load weights. Permit Weight Table 2 is available from MCTD as Form 735-8111.
(29) “Permit Weight Table 3” is a table based on two wheelbase weight formulas. The first formula is 1,000 times (the wheelbase in feet plus 40) for groups of axles or combinations of vehicles having 18 feet or less wheelbase. The second formula is 1,200 times (the wheelbase in feet plus 40) for groups of axles, vehicles or combinations of vehicles having more than 18 feet of wheelbase. Permit Weight Table 3 is available from MCTD as Form 735-8112.
(30) “Permit Weight Table 4” is a table based on three wheelbase weight formulas. The first formula is 1,200 times (the wheelbase in feet plus 40) for groups of axles or combinations of vehicles having nine feet five inches or less wheelbase. The second formula is 2,200 times (the wheelbase in feet plus 20) when wheelbase is more than nine feet five inches but is not more than 30 feet. The third formula is 1,600 times (the wheelbase in feet plus 40) when wheelbase is more than 30 feet. This table limits maximum weights to no more than 21,500 pounds per axle and 43,000 pounds per tandem axle. Permit Weight Table 4 is available from MCTD as Form 735-8113.
(31) “Permit Weight Table 5” is a table based on the same three formulas as Permit Weight Table 4, but describes maximum weights up to 24,000 pounds per axle and 48,000 pounds per tandem axle when the combination consists of a steering axle and four or more consecutive tandem axles. Permit Weight Table 5 is available from MCTD as Form 735-8114.
(32) “Primary haul” means the non-divisible load transported under OAR 734-082-0053.
(33) “Road use assessment fee” means a fee for each ESAL mile of travel as established by ORS 818.225.
(34) “Secondary haul” means the divisible load transported under OAR 734-082-0053.
(35) “Self-propelled fixed load vehicle” means a vehicle with motive power designed and used primarily to support and move a permanent load in the form of equipment or appliances constructed as part of, or permanently attached to, the body of the vehicle.
(36) “Stinger steered” is as defined in ORS 801.507.
(37) “Transport” means to tow, haul, drive, or otherwise move a vehicle or load on the State highway system.
(38) “Truck-tractor” means a motor vehicle designed and used primarily for drawing other vehicles and constructed so as not to carry any load other than a part of the weight of the vehicle or load, or both, as being drawn.
Statutory/Other Authority: 184.619, 810.050, 810.060, ORS 184.616
Statutes/Other Implemented: ORS 818.220, 818.225
History: HWD 7-2015, f. & cert. ef. 12-17-15; HWD 6-2007, f. & cert. ef. 10-17-07; HWD 4-2007, f. & cert. ef. 7-19-07; HWD 5-2006, f. 10-19-06, cert. ef. 1-1-07; HWD 2-2005, f. & cert. ef. 3-18-05; TO 8-2002, f. & cert. ef. 10-14-02; TO 3-2000, f. & cert. ef. 2-11-00; TO 7-1998, f. & cert. ef. 8-20-98; HWY 5-1997, f. & cert. ef. 5-9-97; HWY 2-1992, f. & cert. ef. 2-18-92; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 1-1990(Temp), f. & cert. ef. 1-5-90

734-082-0006

Acceptance of Permit

The receipt of a permit issued under these division 82 rules by the permittee and initiation of any movement authorized by the permit is considered acceptance of all descriptions, terms and conditions contained in the permit and permit attachments.

Statutory/Other Authority: ORS 184.616, 184.619, 818.200

Statutes/Other Implemented: ORS 818.220, 818.225

History: TO 7-1998, f. & cert. ef. 8-20-98; HWY 17-1990, f. & cert. ef. 12-28-90

734-082-0009

Fire Apparatus Authorization

(1) Fire apparatus are authorized to operate with a variance permit that is not subject to the maximum limits established in division 82 when:

(a) Operating within the fire district boundary of the owner of the apparatus, including any “mutual aid” agreement area;

(b) Operating in response to any emergency act declared by the Governor; or

(c) Maintaining, deploying or re-deploying such fire apparatus.

(2) Fire apparatus operations conducted under a variance permit are subject to the terms of the variance permit, which includes the following:

(a) The fully loaded fire apparatus must be equipped with tires of sufficient size that the gross weight on any wheel, axle, tandem axle, or group of axles does not exceed 635 pounds per inch of tire width or the manufacturer’s sidewall tire rating, whichever is less; and

(b) All movements are subject to the weight limitation in effect on any highway, highway section, bridge, or structure. Bridges with weight restrictions on state and interstate highways can be found on the Oregon Road & Bridge Restriction List, which can be found at http://www.oregontruckingonline.com/cf/MCAD/pubMetaEntry/restrictionsList/.

(3) Prior to the original issuance of a variance permit or subsequent renewal for vehicles not previously weighed, the fully loaded fire apparatus must be weighed by ODOT Motor Carrier Enforcement staff to ensure the maximum weight limit described in section (2) (a) is not exceeded.

Statutory/Other Authority: ORS 184.616, 184.619, 810.050, 810.060, 818.200

Statutes/Other Implemented: ORS 818.220, 818.225

History: HWD 4-2015, f. & cert. ef. 6-23-15; HWD 1-2003, f. & cert. ef. 8-21-03; HWY 5-1997, f. & cert. ef. 5-9-97; HWY 2-1992, f. & cert. ef. 2-18-92; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 1-1990(Temp), f. & cert. ef. 1-5-90

734-082-0010

Tires

(1) The permitted vehicles must be equipped with tires of sufficient size so the gross weight on any wheel, axle, tandem axle, or group of axles does not exceed 600 pounds per inch of tire width, except as provided in section (2) of this rule.

(2) By permit, unladen self-propelled or towed fixed-load vehicles, equipped with low pressure flotation tires (15-inch or larger) shall be permitted 700 pounds per inch of tire width to a maximum of 36,000 pounds on any single axle or 43,000 pounds on any tandem axle.

(3) In no instance shall the weight carried on a tire exceed the manufacturer's sidewall tire rating.

(4) A motor carrier transporting a single non-divisible permitted load that exceeds the weight limits allowed by ORS 818.010 may carry spare tires with or without wheels for the transporting equipment, and if transporting a vehicle, no more than one spare tire with or without wheel of each size used by the transported vehicle. The single non-divisible permitted load shall comply with the following dimensions:

(a) The width does not exceed eight feet six inches due to items loaded side by side or overlapping;

(b) The height does not exceed 14 feet due to items stacked one on the other; and

(c) The weight does not exceed that authorized by permit.

Statutory/Other Authority: ORS 184.616, 184.619, 810.050, 810.060, 818.200

Statutes/Other Implemented: ORS 818.220, 818.225

History: HWD 4-2007, f. & cert. ef. 7-19-07; HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 11-1992, f. & cert. ef. 9-16-9; TO 3-2000, f. & cert. ef. 2-11-00; TO 8-2002, f. & cert. ef. 10-14-02

734-082-0015

Weight For Single Non-Divisible Loads

(1) The loaded weight of a group of axles, vehicle, or combination of vehicles shall not exceed that specified in the Permit Weight Table assigned to the permit. In no case shall the loaded weight exceed:

(a) 21,500 pounds per axle, except as described in OAR 734-082-0010(2);

(b) 43,000 pounds per tandem axle;

(c) 98,000 pounds loaded weight for continuous trip permits;

(d) The weight otherwise specified on the permit; or

(e) The sum of the permittable axle, tandem axle, or group axle weight, whichever is less.

(2) Auxiliary axle(s) must be deployed, and distribute the weight of the load or vehicle, when failure to do so results in any tire, axle, tandem axle or group of axles exceeding the weight limits allowed by OAR 734-074-0020.

(3)(a) In a combination of two vehicles other than a truck-tractor and semitrailer, the axle and tandem axle weights listed in subsections (1)(a) and (b) of this rule may be allowed by permit for the towing vehicle or the towed vehicle, but not both, if the gross weight does not exceed that authorized in ORS 818.010 except;

(b) When the combination of vehicles is a motor truck and stinger-steered balance trailer, the axle and tandem axle weights listed in subsections (1)(a) and (b) of this rule may be allowed by permit for both vehicles if the load is carried on the balance trailer, and the towing vehicle is unladen.

(4) Overweight permits will be valid only for a single non-divisible load, except a permit may be issued for a single load consisting of multiple assembled parts constituting an integral whole with detached accessories included in the load, if the accessories are detached to reduce width, height, length, or a combination of these dimensions, and an overweight permit could have been issued for the load in its assembled condition.

(a) Single trip permits may be issued for combinations of vehicles having a steering axle followed by four or more consecutive tandem axles, provided the weight does not exceed:

(A) 600 pounds per inch of tire width;

(B) 24,000 pounds per axle, except as described in OAR 734-082-0010(2);

(C) 48,000 pounds per tandem axle;

(D) The weights listed in Permit Weight Table 5 for groups of axles; or

(E) The sum of the permittable axle, tandem axle, or group of axle weights, whichever is less.

(b) Additional weight for axles or tandem axles may be allowed by permit when the combination of vehicles described in subsection (a) of this section utilizes axles that are ten feet wide and have four tires (10 percent additional axle weight), or axles that are ten feet wide and have eight tires (25 percent additional axle weight). Any additional weight allowed must be specified on the permit, and will apply only to axles or tandem axles specifically identified as having the requisite characteristics. The minimum of the weights listed on Permit Weight Table 5, calculated by Permit Weight Table 5 formulas, or listed on the permit determines the maximum allowable weight for groups of axles.

(c) Permits issued under this section are subject to special routing and analysis by the Department of Transportation. Weights exceeding those listed on Permit Weight Table 5, or exceeding Permit Weight Table 5 formulas will require a case by case engineering review and approval by the Department of Transportation Bridge Section before a permit will be issued. Permits issued under such Bridge Section review authority shall specify maximum allowable axle, tandem axle, and group axle weights which may not be exceeded and shall be valid only for the single specific movement requested and reviewed unless otherwise expressly authorized by the Bridge Section.

(d) All movements shall be subject to any posted weight limitation in effect on any highway, highway section, bridge, or structure.

(e) Equipment used in the loading, unloading or operation of the vehicle may be transported with the permitted item.

(5) The road use assessment fee required in OAR 734-082-0003 is based on the weight requested for the permit. The

weight shown on the permit is the maximum weight permitted.
(6) The Department of Transportation may publish tables of weights that may be authorized by these rules, subject to route analysis for each trip.
(7) In no instance may the vehicle combination exceed the manufacturer's GVWR for the vehicle or the vehicle combination and load.
(8) The exception described in ORS 818.030(10) and 818.340(4) is limited to the actual weight of the idle reduction system, not to exceed 550 pounds. In order to qualify for the exception, the operator of the vehicle may be required to prove:
(a) By written certification the weight of the auxiliary power unit; and
(b) By demonstration or certification that the idle reduction technology is fully functional.
(9) A natural gas vehicle may exceed the weight limitations by no more than 2,000 pounds established by ORS 818.010.
[ED. NOTE: Tables referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619, 823.011
Statutes/Other Implemented: ORS 818.010, 818.030, 818.220, 818.225, 818.340
History: HWD 1-2018, amend filed 02/16/2018, effective 02/16/2018; HWD 5-2009, f. & cert. ef. 3-20-09; HWD 5-2008, f. & cert. ef. 5-19-08; HWD 6-2007, f. & cert. ef. 10-17-07; TO 8-2002, f. & cert. ef. 10-14-02; TO 7-1998, f. & cert. ef. 8-20-98; HWY 2-1992, f. & cert. ef. 2-18-92; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 1-1990(Temp), f. & cert. ef. 1-5-90

734-082-0016
Weights For Multiple Non-Divisible Loads
(1) The loaded weight of a group of axles, vehicle, or combination of vehicles shall not exceed that specified in the Permit Weight Table assigned to the permit.
(2) The maximum allowable weight for single axles and tandem axles shall not exceed those specified under ORS 818.010(1) and (2).
(3) When a group of axles or gross weight is 80,000 pounds or less, the maximum allowable weight shall not exceed those specified under ORS 818.010(3).
(4) When a group of axles or gross weight is more than 80,000 pounds, the maximum allowable weight shall not exceed those set forth in Permit Weight Table 2. In no case may gross weight exceed the sum of the permittable axle, tandem axle or group of axle weights, whichever is less.
(5) The exception described in ORS 818.030(10) and 818.340(4) is limited to the actual weight of the idle reduction system, not to exceed 550 pounds. In order to qualify for the exception, the operator of the vehicle may be required to prove:
(a) By written certification, the weight of the auxiliary power unit; and
(b) By demonstration or certification, that the idle reduction technology is fully functional.
(6) A natural gas vehicle may not exceed the weight limitations pursuant to ORS 818.010 by more than 2,000 pounds.
Statutory/Other Authority: ORS 184.616, 184.619, 818.060, 823.011
Statutes/Other Implemented: ORS 818.010, 818.030, 818.220, 818.225, 818.340
History: HWD 1-2018, amend filed 02/16/2018, effective 02/16/2018; HWD 6-2007, f. & cert. ef. 10-17-07; TO 8-2002, f. & cert. ef. 10-14-02

734-082-0020
Width
Permits are required for widths more than eight feet, six inches:
(1) Unless specifically stated on the permit as authorized by ORS Chapter 818 or rule, overwidth permits will not be valid if overwidth is caused by two or more items placed side by side or overlapping, or for items that could be loaded at a legal width.
(2) Except as provided in section (3), items joined (by spot weld, tack weld, bolting, or strapping, etc.) to facilitate

transport, shall be considered to be divisible loads and not eligible for overwidth permits.
(3) Loads no wider than 14' consisting of pre-assembled railroad track sections are eligible for overwidth permits.
Statutory/Other Authority: ORS 184.616, 184.619
Statutes/Other Implemented: ORS 818.210, 818.220, 818.225
History: HWD 4-2007, f. & cert. ef. 7-19-07; TO 3-2000, f. & cert. ef. 2-11-00; TO 7-1998, f. & cert. ef. 8-20-98; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 1-1990(Temp), f. & cert. ef. 1-5-90

734-082-0021
Days of Travel and Peak Traffic Hour Restrictions
(1) Movement of an oversize vehicle or load is subject to the time of travel restrictions described on Attachment H (rev. 11/2007), which is included with a division 82 permit.
(2) The Chief Engineer and the Administrator of the Motor Carrier Transportation Division may both impose or alter time of travel restrictions. These may be necessary to prevent conflict with highway construction or repair projects or to cope with local or seasonal traffic conditions.
[ED. NOTE: Attachments referenced are available from the agency.]
Statutory/Other Authority: ORS 184.616, 184.619, 823.011
Statutes/Other Implemented: ORS 818.220, 818.225
History: HWD 2-2012, f. & cert. ef. 1-27-12; HWD 10-2011(Temp), f. & cert. ef. 9-30-11 thru 3-21-12; HWD 6-2006, f. & cert. ef. 11-15-06; HWD 3-2006, f. & cert. ef. 5-24-06; TO 8-2002, f. & cert. ef. 10-14-02; TO 3-2000, f. & cert. ef. 2-11-00; TO 7-1998, f. & cert. ef. 8-20-98; HWY 5-1997, f. & cert. ef. 5-9-97; HWY 11-1992, f. & cert. ef. 9-16-92; HWY 2-1992, f. & cert. ef. 2-18-92; HWY 17-1990, f. & cert. ef. 12-28-90

734-082-0023
Weather Restrictions
(1) Movement of a vehicle or combination of vehicles exceeding eight feet six inches in width is prohibited:
(a) When road surfaces are hazardous due to ice, snow or frost;
(b) When visibility is less than 500 feet due to snow, mist, rain, dust, smoke, fog or other atmospheric conditions; or
(c) When wind or other conditions exist which could cause the vehicle or vehicles to swerve, to whip, to sway, or fail to follow substantially in the path of the towing vehicle.
(2) To assist the permittee in complying with restrictions caused by weather conditions, the Department of Transportation may place signs in areas where winter weather or wind conditions may cause travel to be hazardous. In addition to the prohibitions found in section (1) of the rule, when restrictions are displayed, movement of overwidth vehicles or combinations of vehicles is prohibited.
Statutory/Other Authority: ORS 184.616, 814.619, 818.200
Statutes/Other Implemented: ORS 818.200, 818.220
History: TO 3-2000, f. & cert. ef. 2-11-00

734-082-0025
Height
(1) Permits are required for all vehicles or combinations of vehicles, including any load, which exceeds 14 feet in height. Unless specifically stated on the permit as authorized by ORS Chapter 818 or rule, over height permits will not be valid for loads or items placed or stacked one on top of another or overlapping.
(2) The height of a permitted load is measured from the ground to the highest point as it is ready for transport on the highway.
(3) Vertical clearance through or under structures for over height permitted loads is allowed to be up to, but within no more than four inches of the lowest determined physical clearance for each traffic lane of each structure. Over height loads are routed under or around structures according to this maximum buffered vertical clearance.
(4) The Department of Transportation Bridge Engineering Section is responsible for obtaining and maintaining accurate

vertical clearance measurements under all Oregon highway structures.
(5) The Chief Engineer authorizes the Administrator of the Motor Carrier Transportation Division to approve a route and issue a permit resulting in maintaining less than a four inch buffer distance between the load and the structure on a case by case basis only after reviewing vertical clearance measurements and determining issuance of the permit is reasonable. Permits issued under this subsection will be valid only for the single specific movement requested and approved unless otherwise authorized by the Administrator. Permits issued under such conditions may require coordination and monitoring by Department of Transportation staff as designated.
Statutory/Other Authority: ORS 184.616, 184.619
Statutes/Other Implemented: ORS 818.220, 818.225
History: HWD 8-2011, f. & cert. ef. 6-21-11; HWD 5-2009, f. & cert. ef. 3-20-09; TO 3-2000, f. & cert. ef. 2-11-00; TO 7-1998, f. & cert. ef. 8-20-98; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 1-1990(Temp), f. & cert. ef. 1-5-90

734-082-0030

Overhang

(1) Permits are required for excessive front and/or rear overhang as follows:
(a) Front overhang: When any load, including crane booms, log grapples, conveyors, cement chutes, loading buckets, etc., extends more than four feet beyond the front bumper or foremost part of the vehicle or combination of vehicles;
(b) Rear overhang — Solo vehicle: Single trip or continuous trip If the rear overhang exceeds 3/4 of the wheelbase of the vehicle. A permit may be issued allowing a maximum rear overhang equal to the wheelbase of the vehicle provided front overhang does not exceed four feet;
(c) Rear overhang — Combination of vehicles. If rear overhang exceeds 1/3 of the wheelbase of the combination of vehicles, a single trip permit may be issued for a rear overhang not to exceed 1/2 of the wheelbase of the combination of vehicles, except that:
(A) Continuous trip permits for truck-tractor with semitrailer combinations may be issued for rear overhang not to exceed 1/2 of the wheelbase of the combination of vehicles for designated routes when a permit is issued for load length not in excess of 70 feet and overall length is not in excess of 80 feet, and when movement is on routes approved for these permits by the Chief Engineer; or
(B) Continuous trip permits may be issued for rear overhang that exceeds the limits imposed in this subsection if the Administrator of MCTD determines that the public interest requires the impending movement, and the movement can be performed safely.
(2) Wheelbase measurement will be from the center of the first axle to the center of the last axle of the vehicle or combination of vehicles.
(3) Rear overhang will be measured from the center of the last axle of the vehicle or combination of vehicles to the end of the load.
Statutory/Other Authority: ORS 184.616, 184.619, 810.050, 810.060
Statutes/Other Implemented: ORS 818.100, 818.200, 818.220
History: HWD 9-2005, f. & cert. ef. 9-16-05; HWD 4-2005(Temp), f. 5-20-05, cert. ef. 6-1-05 thru 11-27-05; TO 8-2002, f. & cert. ef. 10-14-02; TO 3-2000, f. & cert. ef. 2-11-00; TO 7-1998, f. & cert. ef. 8-20-98; HWY 5-1997, f. & cert. ef. 5-9-97; HWY 2-1992, f. & cert. ef. 2-18-92; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 1-1990(Temp), f. & cert. ef. 1-5-90

734-082-0035

Pilot Vehicle(s)

(1) Pilot vehicles may be needed to insure the safety of the traveling public when vehicle and load movements involve excessive width, height, length or projections to the front or rear of vehicles or combinations of vehicles. The configuration of such pilot vehicle(s) must be a passenger car, pick-up, truck, or truck-tractor of legal size and weight. A pilot vehicle may not tow another vehicle.
(2) Pilot vehicles escorting oversize loads or vehicles are required to have the following:
(a) Warning sign(s) mounted above the roofline of the vehicle. One required sign must bear the legend “OVERSIZE

LOAD." When three front pilot vehicles are required by a permit, and the load will cross the centerline of the highway, additional signs that bear the legend "REDUCE SPEED" and "MOVE RIGHT" may be required. Signs must be at least five feet wide by ten inches high; have black letters eight inches high with one-inch brush stroke in accordance with Federal Highway Administration series B, on highway yellow background. Signs must be displayed only during the course of the oversize movement, and must be removed or retracted at all other times. Signs must be clean, legible, and mounted adequately to afford full view at all times, when in use, to the front or rear depending upon location of pilot vehicle or relative to the oversize unit;

(b) Warning lights are required in addition to those lights that may otherwise be required by law. The warning lights must be displayed only during the course of the oversize movement, and at all other times the requirements found in ORS 816.350(7) must apply. Strobe lights are allowed. These lights must be mounted above the roof of the cab, be clearly visible from a distance of 500 feet, have a minimum of 30 flashes per minute and be either:

(A) Two flashing amber lights as widely spaced laterally as is practical; or

(B) Revolving type amber light(s); or

(C) Amber type strobe light(s) with 360 degree visibility.

(c) Two-way radio communications between the oversize vehicle and the pilot vehicle(s) must be maintained at all times;

(d) Two 18-inch-square red flags mounted on three-foot length staffs must be carried by each pilot vehicle. The pilot vehicle operator will use the flags to warn oncoming or overtaking traffic when the oversize unit is stopped and/or obstructing traffic;

(e) Eight safety flares or reflectors. Safety flares may not be used when the movement involves hazardous materials; and

(f) For a load exceeding 14 feet 6 inches high, an over-height pole adequate to determine load clearance is required if the permittee has not provided the department with a signed official ODOT form assuming all liability for any damage that may occur during an over-height movement. Instructions for over-height pole use are found on Permit Attachment 82-A.

(3) The number of pilot vehicles required for certain movements is shown on permit Attachment 82-A, which is issued with permits requiring pilot vehicles. The Chief Engineer is authorized to alter the number of pilot vehicles from those specified in permit Attachment 82-A depending upon local conditions, seasonal traffic, construction projects, or other considerations. The permit will reflect altered requirements.

(4) Permit Attachment 82-A is available from the Motor Carrier Transportation Division, Over-Dimension Permit Unit.

(5) The highway classification groups referred to in permit Attachment 82-A are established by and maintained by the Chief Engineer.

(6) Positioning of pilot vehicles — Unless specified otherwise, the pilot vehicle(s) must be positioned ahead of (when one is required) or to the front and rear of (when two or more are required) the oversize unit at a distance of 300 feet to 500 feet from the unit. In areas where traffic congestion is encountered, where traffic is controlled by signals, or where other conditions may require, the spacing will be reduced as may be required to properly safeguard the traveling public.

(7) When for any cause the oversize unit is stopped and occupies or encroaches onto the highway's travel lane, the pilot vehicle(s) must be positioned to warn and safeguard other traffic approaching from any direction from which visibility or sight distance may be limited.

(8) Duties of pilot vehicle operations:

(a) Warn approaching and/or overtaking traffic of the unit's presence on the highway to provide a maximum of protection and safety for the traveling public; and

(b) When encountering bridges, structures, tunnels, or other locations where clearances may be limited to the extent that normal two-way traffic cannot be maintained, the pilot vehicle operator must signal by hand or radio to the towing vehicle driver when the oversize unit can proceed without conflict to approaching traffic. As the oversize unit then proceeds through such areas of impaired clearance, the pilot vehicle operator will act as flagger to warn approaching traffic.

(9) Pilot vehicles are considered to be under the direct control and supervision of the operator of the vehicle to which the permit is issued.

(10) Specifically identified locations may require additional precautions. Permits may specify locations that require

certified flagging to be conducted. The flagging must be conducted in accordance with the standards in the Manual on Uniform Traffic Control Devices as adopted in OAR 734-020-0005.
Statutory/Other Authority: ORS 184.616, 184.619, 810.060, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 5-2011, f. & cert. ef. 5-27-11; HWD 4-2007, f. & cert. ef. 7-19-07; TO 8-2002, f. & cert. ef. 10-14-02; TO 3-2000, f. & cert. ef. 2-11-00; TO 7-1998, f. & cert. ef. 8-20-98; HWY 5-1997, f. & cert. ef. 5-9-97; HWY 2-1992, f. & cert. ef. 2-18-92; HWY 2-1991(Temp), f. & cert. ef. 8-23-91; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 1-1990(Temp), f. & cert. ef. 1-5-90

734-082-0036

Warning Lights for Motor Vehicles Transporting Overwidth Loads

(1) Except as provided in section (3) of this rule and in addition to any other lights required by law, an overwidth motor vehicle or a motor vehicle transporting an overwidth load shall be equipped with warning lights when:
(a) Width exceeds 10 feet and the motor vehicle is operating on a two-lane highway; or
(b) Width exceeds 12 feet and the motor vehicle is operating on a four-lane highway.
(2) The warning lights shall be mounted on the towing vehicle above the roof of the cab, be clearly visible from 500 feet, have a minimum of 30 flashes per minute and be either:
(a) Two flashing type amber lights as widely spaced laterally as practical; or
(b) Revolving type amber light(s); or
(c) Amber type strobe light(s) with 360 degree visibility.
(3) An overwidth motor vehicle or a motor vehicle transporting an overwidth load is exempt from the warning light requirements when operating with a minimum of two pilot vehicles on all highways.
(4) End load lights described in ORS 816.290 are required when visibility is less than 500 feet due to darkness, snow, mist, rain, dust, smoke, fog or other atmospheric conditions, and when a load extends beyond the rear of the load carrying part of the vehicle four feet or more.
Statutory/Other Authority: ORS 184.616, 184.619
Statutes/Other Implemented: ORS 818.200, 818.220
History: TO 8-2002, f. & cert. ef. 10-14-02; TO 3-2000, f. & cert. ef. 2-11-00; TO 7-1998, f. & cert. ef. 8-20-98; HWY 5-1997, f. & cert. ef. 5-9-97

734-082-0037

Warning Signs and Flags Required

(1) Over-length or over-width vehicles, or vehicles transporting over-length or over-width loads are required to display to the front and rear standard signs bearing the words “OVERSIZE LOAD”:
(a) Signs must be seven feet wide by 18 inches high with black letters 10 inches high in accordance with Federal Highway Administration series C on highway yellow background;
(b) The highway yellow background of the sign must be made of reflectorized material when operating between one half hour after sunset and one half hour before sunrise;
(c) Signs must be kept clean, legible and mounted horizontally with adequate support to provide full visibility at all times when in use;
(d) Signs must not cover or interfere with the visibility of the vehicle’s registration plates. To meet this requirement, plates may be mounted to cover a portion of the sign’s background, as long as the sign’s legend remains readable; and
(e) All such signs must be removed or retracted when not required.
(2) Warning signs for vehicles transporting loads which are overwidth and under 80 feet in overall length may bear the words “WIDE LOAD” provided the sign meets the standards described in section (1) of this rule.
(3) Warning signs for vehicles transporting loads which are not over eight feet six inches wide may bear the words “LONG LOAD” when the vehicle and overhang are over 80 feet in overall length provided the sign meets the standards described in section (1) of this rule.

(4) The outermost extremities of any overwidth load must be marked during daylight hours with red flags not less than 18 inches square. Flags must be kept clean and must be clearly visible to the front and rear. The attachment device must not extend beyond the widest extremity by more than three inches on either side.
(5) When a load extends beyond the rear of the load carrying part of the vehicle four feet or more, the outermost extremity of the load must be visibly marked as described in ORS 815.275. When a red flag or cloth is used, it must be not less than 18 inches square, kept clean and must be clearly visible. The attachment device must not extend beyond the rear of the load more than three inches.
(6) If placement of the sign described in section (1) on a self-propelled mobile crane obscures the vehicles headlights, turn signals, license plates, brake lights or taillights, the requirements of this rule may be met if the vehicle's front and rear bumpers are constructed or painted with a highway yellow background and the words "OVERSIZE LOAD" are painted, or applied by decal, on the bumper. Visibility of the sign may not be obscured by any other part of the vehicle, including but not limited to an auxiliary axle or jeep axle. The sign requirements in subsection (1)(a) through (1)(d) apply to this section.
(7) The provisions of subsection (1)(a) and (1)(c) of this rule regarding the warning sign size, color and lettering do not apply to operations of vehicles described in section (6) if conducted in compliance with regulations from the state in which the vehicle is registered. However, nothing in this subsection relieves a person from displaying a warning sign, visibility of sign, or using reflective material when required.
Statutory/Other Authority: ORS 184.616, 184.619, 823.011
Statutes/Other Implemented: ORS 818.220, 818.225
History: HWD 2-2015, f. & cert. ef. 4-21-15; HWD 12-2011, f. & cert. ef. 10-26-11; HWD 5-2006, f. 10-19-06, cert. ef. 1-1-07; TO 8-2002, f. & cert. ef. 10-14-02; TO 3-2000, f. & cert. ef. 2-11-00; TO 7-1998, f. & cert. ef. 8-20-98; HWY 5-1997, f. & cert. ef. 5-9-97; HWY 11-1992, f. & cert. ef. 9-16-92

734-082-0039
Self-Propelled Fixed-Load Vehicles
(1) Self propelled fixed load vehicles may be authorized for continuous trip permits provided that the width does not exceed 14 feet, the height does not exceed 14 feet, the weight does not exceed 98,000 pounds and does not exceed the weights in Permit Weight Table 4, and:
(a) Vehicle overall length, which may include an auxiliary axle, does not exceed 55 feet; and
(b) When towing a boom dolly, pickup truck, trailer or passenger car, the overall combination length does not exceed 75 feet; and
(c) A pickup truck, trailer or passenger car towed under this rule shall not exceed the weight allowed under ORS 818.010 and shall not exceed 20 feet in length.
(2) Movement of self-propelled fixed load vehicles or combinations that do not meet the conditions in section (1) of this rule may require a single trip permit.
Statutory/Other Authority: ORS 184.616, 814.619
Statutes/Other Implemented: ORS 818.220, 818.225
History: TO 8-2002, f. & cert. ef. 10-14-02; TO 3-2000, f. & cert. ef. 2-11-00

734-082-0040
Combination of Vehicles
(1) The following vehicles or combinations of vehicles may be authorized for continuous trip permits over authorized routes provided the width does not exceed 14 feet, the height does not exceed 14 feet or, except for self-propelled fixed load vehicles limited by OAR 734-082-0039, 14 feet 6 inches on specifically authorized routes, and the overall length does not exceed that stated below:
(a) A solo vehicle must not exceed 40 feet and vehicle inclusive of load must not exceed 50 feet in overall length.
(b) Truck-tractor and semitrailer combinations, which may include an auxiliary axle, must not exceed the length limits as shown on the reverse of Group Map 1 or Route Map 7, whichever is greater, and the semitrailer must not exceed 53 feet in length including the auxiliary axle. An auxiliary axle attached to the rear of a trailer must be included in the

measurement of the trailer unless the combination measurement exceeds 53 feet. Group Map 1 and Route Map 7 available from the Over-Dimension Permit Unit, are by reference made a part of Division 82 rules.
(c) Motor truck and trailer must not exceed 75 feet in overall length.
(d) Truck-tractor with semitrailer and trailer combinations must not exceed the length limits shown on the reverse of Group Map 1 or Route Map 7, whichever is greater.
(e) Passenger or light vehicles towing any trailer must not exceed 70 feet in overall length.
(f) An unladen combination of vehicles used to transport non-divisible loads may consist of the truck-tractor, jeep axle(s), a trailer, booster axle(s), dolly(s), steering axle(s), flip axle(s) or a flip neck extension, pinned axle(s) and other equipment needed to transport the non-divisible load. Trailer length must not exceed 62 feet. The combination must be reduced to the shortest length practicable; however overall length must not exceed 105 feet. Unladen movement is authorized with equipment needed to legally transport the non-divisible load loaded on the trailer.
(2) When the combination of vehicles includes jeep axles, or other vehicles of a size or weight not authorized by section (1) of this rule, movement must be by single trip permit only.
Statutory/Other Authority: ORS 184.616, 184.619, 810.060
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 7-2015, f. & cert. ef. 12-17-15; HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 2-1991(Temp), f. & cert. ef. 8-23-91; HWY 2-1992, f. & cert. ef. 2-18-92; HWY 11-1992, f. & cert. ef. 9-16-92; HWY 5-1997, f. & cert. ef. 5-9-97; TO 7-1998, f. & cert. ef. 8-20-98; TO 3-2000, f. & cert. ef. 2-11-00; TO 8-2002, f. & cert. ef. 10-14-02; HWD 2-2005, f. & cert. ef. 3-18-05; HWD 4-2007, f. & cert. ef. 7-19-07; HWD 5-2008, f. & cert. ef. 5-19-08; HWD 5-2009, f. & cert. ef. 3-20-09; HWD 5-2011, f. & cert. ef. 5-27-117

734-082-0045

Trailer Provisions

(1) Single trip permits for trailers or semitrailers that exceed 53 feet in length for movement of non-divisible loads, or unladen movement, shall be granted on an individual basis.
(2) Permits issued authorizing semitrailers or trailers to exceed 53 feet in length must be warranted by the size or weight of the non-divisible load and meet one or more of the following criteria:
(a) The use of trailer is necessary to reduce the height of a load; or
(b) The use of the trailer is necessary to support the load, otherwise it would be damaged by allowing it to overhang the trailer, or by sagging due to insufficient support; or
(c) The use of the trailer is necessary to accommodate the weight of the load.
(3) When not operating under the terms of a permit, the unladen semitrailer or trailer must be reduced to no greater than 53 feet in length, and the overall length of the combination cannot exceed the length limit allowed for the highway(s) traveled.
(4) A truck-tractor semitrailer or trailer combination under this rule may only be granted permits for trailers over 53 feet in length for the following types of trailers:
(a) Stretch trailers;
(b) Expanded trailers;
(c) Special use trailers;
(d) Tow-away trailers;
(e) Trailers with flip axle(s) deployed;
(f) Trailers with a flip neck extension deployed; or
(g) Trailers that have additional axle(s) which may be pinned, and are removable.
(5) Requests for permits for semitrailers or trailers in a truck-tractor semitrailer or trailer combination that exceed 53 feet in length, which cannot be classified as a semitrailer or trailer under section (4) of this rule, will not be granted unless the Administrator of MCTD determines that the public interest requires the semitrailer or trailer for the impending movement, and the movement can be performed safely.

(6) An unladen truck-tractor and semitrailer or trailer combination under this rule may be granted permits for trailers that exceed 53 feet in length for the following types of trailers:
(a) Special use trailers which cannot be reduced in length; or
(b) Expanded trailers, trailers with flip axle(s) or flip neck extension deployed, pinned (axles), or other components which would require special equipment in order to accommodate reducing the trailer length.
(7) Requests for permits for unladen semitrailers or trailers in a truck-tractor semitrailer or trailer combination that exceed 53 feet in length, which cannot be classified as a trailer under section (6) of this rule, will not be granted unless the Administrator of MCTD determines that the public interest requires the semitrailer or trailer for an impending movement, and the movement can be performed safely.
(8) A combination of vehicles which consists of a truck-tractor, semitrailer or trailer as described in section (4), or a fixed trailer, which also includes at least one of the following vehicles may be granted permits for trailers over 53 feet in length:
(a) Jeep axle(s);
(b) Booster axle(s);
(c) Steering axle(s) dollies
(9) An unladen combination of vehicles as described in section (8) may be granted permits for trailers over 53 feet in length. The combination must be reduced to the shortest length practicable.
(10) Requests for permits for trailers or semitrailers exceeding 53 feet in length for movement of a non-divisible load that does not warrant the size of the trailer as described in section (2), may be authorized on a case-by-case basis as a front haul or back haul movement.
Statutory/Other Authority: ORS 184.616, 184.619, 810.050, 810.060
Statutes/Other Implemented: ORS 818.220, 818.225
History: HWD 7-2015, f. & cert. ef. 12-17-15; HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 5-1997, f. & cert. ef. 5-9-97; TO 7-1998, f. & cert. ef. 8-20-987

734-082-0050
Load Length

(1) Variance permits are required for non-divisible loads that exceed legal length specified in ORS Chapter 818.
(2) Overlength permits will not be valid if overlength is caused by multiple items placed end to end, or overlapping unless specifically stated on the permit as authorized by statute or rule.
(3) Items joined (by spot weld, tack weld, bolting, strapping, etc.) to facilitate transport, shall be considered to be divisible loads and not eligible for overlength permits.
(4) Continuous trip permits for truck-tractor with semitrailer combinations may be issued for load length not in excess of 70 feet and overall length not in excess of 80 feet.
Statutory/Other Authority: ORS 184.616, 184.619, 818.200
Statutes/Other Implemented: ORS 818.210, 818.220, 818.225
History: TO 3-2000, f. & cert. ef. 2-11-00

734-082-0051
Commodities Authorized by the Permit

(1) Authorized commodities may be transported on vehicles up to eight feet six inches in width and on trailers up to 53 feet in length and with weights authorized under ORS 818.010. Other items may be transported in addition to the commodity authorized by the permit provided:
(a) Items are not more than eight feet six inches in width when items are stacked side by side or overlapping, or more than 14 feet in height when items are stacked one on the other. Loads consisting of pipe and culverts where smaller pipe or culverts are contained within the larger pipe or culvert may be authorized greater dimensions; and
(b) The authorized weight does not exceed that allowed under ORS 818.010, unless the single trip permit authorizes Permit Weight Table 2.

(2) A permit issued under these division 82 rules shall not be combined with a permit issued under another division of the department's rules unless specifically authorized on the permit.
(3) The following apply to authorized commodities and related items transported on vehicles exceeding eight feet six inches in width, or with trailers exceeding 53 feet in length, and with weights authorized under ORS 818.010:
(a) As used in ORS 818.210, the term "items related to" means:
(A) Equipment used in the operation of the vehicle transporting the permitted load; or
(B) Items authorized by a permit and listed on the bill of lading, if:
(i) They are the same manufactured commodity as the permitted item; or
(ii) They are accessory parts of the permitted item.
(b) The use of an oversize vehicle or combination of vehicles must be warranted by the size of the permitted item;
(c) Related item(s) may be transported on the upper deck of a drop deck trailer. Item(s) transported on the upper deck shall not exceed 14 feet in height or the loaded height of the load on the lower deck, whichever is greater;
(d) Authorized commodities may not be more than eight feet six inches in width when items are stacked side by side or overlapping, or be more than 14 feet in height when items are stacked one on the other. Loads consisting of pipe and culverts where smaller pipe or culverts are contained within the larger pipe or culvert may be authorized greater dimensions;
(e) Related items may not extend past the rear of the trailer or semitrailer if the trailer exceeds 53 feet. Smaller pipe and culverts may extend beyond the rear of the trailer or semitrailer when contained within the larger permitted pipe or culvert but the smaller pipe or culvert may not extend beyond the larger pipe or culvert; and
(f) Except as provided in OAR 734-082-0053, multiple items may not be transported on an oversize vehicle or combination of vehicles without the permitted item.
Statutory/Other Authority: ORS 184.616, 184.619, 810.050, 810.060
Statutes/Other Implemented: ORS 818.220, 818.225
History: HWD 4-2007, f. & cert. ef. 7-19-07; TO 8-2002, f. & cert. ef. 10-14-02; TO 3-2000, f. & cert. ef. 2-11-00; HWY 17-1990, f. & cert. ef. 12-28-90

734-082-0053

Primary and Secondary Haul

(1) A combination of vehicles that includes a semitrailer exceeding eight feet six inches in width or exceeding 53 feet in length shall not transport multiple items except as authorized in OAR 734-082-0051 or this rule. This section authorizes multiple items transported on a semitrailer up to 10 feet in width or with trailers up to 62 feet in length and with weights authorized under ORS 818.010.
(2) A single trip permit may be issued authorizing item(s) to be transported as a secondary haul movement provided:
(a) A single trip permit authorizing the primary haul is issued and the single trip permit for the secondary haul is applied for listing the commodities and their origination point and is issued at the same time;
(b) The origination point of the secondary haul load shall:
(A) Be on the route of the primary haul; or
(B) Not be greater than 25 road miles from the origin/delivery point of the primary haul;
(c) Items stacked side by side or overlapping shall not be more than eight feet six inches in width;
(d) Items stacked one on the other or transported on the upper deck(s) of a drop deck trailer shall not be more than 14 feet in height;
(e) Items loaded end to end on a semitrailer shall not exceed 53 feet in length; and
(f) The authorized weight for the secondary haul shall not exceed that allowed under ORS 818.010 unless the single trip permit authorizes Permit Weight Table 2.
(3) The single trip permits issued for the primary and secondary haul shall display the number of the permit issued for the accompanying primary or secondary haul in the Special Provisions section of the permit.
(4) The single trip permits authorizing the primary haul and the secondary haul and the bill of lading of each haul shall be

carried in the vehicle and made available on request by enforcement personnel or other ODOT personnel.
(5) The single trip permits authorizing the primary haul and secondary haul shall run concurrently and shall not exceed a period of 10 days.
Statutory/Other Authority: ORS 184.616, 184.619, 810.050, 810.060
Statutes/Other Implemented: ORS 818.220, 818.225
History: TO 3-2000, f. & cert. ef. 2-11-00

734-082-0055
Approved Routes for Authorized Combinations of Vehicles
(1) The Chief Engineer, or his designee, may approve, limit or delete by written order the state highways or sections of state highways approved for use by vehicles authorized by OAR 734, division 82.
(2) The Chief Engineer may also specify the type(s) of vehicle combinations authorized on approved routes.
(3) The list of approved highways and types of vehicle combinations authorized are maintained by the Chief Engineer.
(4) Trial test runs may be required to revise routes or approved vehicle combinations.
(5) Before adding or deleting highways or sections of highways, the Chief Engineer shall investigate the condition of the highway, and may consider road surface width, condition, safe passing opportunities, bridges, structures, accessibility, general sight distance, and other conditions which he deems appropriate along such highways.
Statutory/Other Authority: ORS 183.335(5), 818.200
Statutes/Other Implemented: ORS 818.220, 818.225
History: HWY 2-1992, f. & cert. ef. 2-18-92

734-082-0060
Chief Engineer's Authority
Some extraordinary movements may exceed the limits established by these rules. The Chief Engineer may vary from these rules and issue single trip permits if the movement would be in the public interest. Any such deviations may be considered on an individual basis and not be construed as a change in policy. The Chief Engineer will consider potential damage to the highway and the potential hazard to the motoring public by allowing such loads.
Statutory/Other Authority: ORS 183.335(5), 810, 818.200
Statutes/Other Implemented: ORS 818.220, 818.225
History: HWY 2-1992, f. & cert. ef. 2-18-92; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 1-1990(Temp), f. & cert. ef. 1-5-90

734-082-0070
General Permit Provisions
(1) Posted Load Limits: Notwithstanding the weights or dimensions allowed under a permit, the posting of any highway or structure to reduce weights or dimensions will modify the limits allowed under the permit.
(2) Impaired Clearance: Full responsibility for determining adequate clearance, both vertical and horizontal is hereby imposed upon the permittee and the driver of equipment having a width and/or height in excess of the legal limit. When the vertical or horizontal clearance of any bridge or structure is impaired to the extent that full two-way traffic cannot be maintained, the permittee must provide a pilot vehicle for the purpose of preventing approaching vehicles from entering the bridge or structure while it is impaired by the movement covered by this permit.
(3) Spacing Interval: Two or more vehicles required to display warning signs must maintain a distance of one-half mile between combinations traveling in the same direction, except when overtaking or passing or in areas where increased traffic congestion is encountered, where traffic is controlled by signals, or where other conditions may so require. All slow-moving lanes and turn-outs must be used to allow following traffic to pass.
(4) Bond — Highway Damage: Permittee will be held responsible and liable for any and all damage to, or destruction of any highway or any highway structure occasioned by the movement over said highways, and hereby agrees to reimburse the Department of Transportation (Department) for the cost or expense of repairing or restoring any highway structure

damaged, or destroyed; such reimbursement to be made by the permittee within ten days after being billed for the same by the Department. When requested to do so, permittee must furnish the State either a certified check or a surety bond, in any amount to be specified by the Department to guarantee the payment of claim for damages which may result from movement of an unusually large or heavy nature.
(5) Insurance: Permittee will also be held responsible and liable for any and all injury to persons or damage to property resulting from the movement on said highways, and will indemnify and hold harmless the State of Oregon, and Oregon Transportation Commission, its members, officers, and employees, jointly and severally, from liability in the event that such injury or damage may occur. In this connection, the granting authority may require the permittee to furnish to the Department evidence of satisfactory public liability and property damage insurance, in amounts as may be required by the Commission, and evidence of satisfactory indemnity insurance indemnifying the State of Oregon and its Transportation Commission, its members, officers, and employees, jointly or severally against liability in the event of any injury or accident occurring by reason of said permittee's operations on a state highway. This permit will automatically terminate, and be of no force and effect in the event that any insurance filed under this provision is canceled or is allowed to lapse.
(6) County Roads and City Streets: This permit does not authorize operations over county roads or city streets unless specifically noted. To operate over a county road a permit must be obtained from the county authority having jurisdiction over the road; likewise, to operate over a city street other than a state highway route, a permit must be obtained from the proper city authority.
(7) Cancellation: This permit may be canceled at any time by the granting authority upon proof satisfactory to it that the permittee has violated any of the terms of the permit, or that the permit was obtained through misrepresentation in the application therefor, or when in the judgment of the granting authority the public interest requires cancellation (ORS 818.220).
(8) Rear-view Mirrors: Vehicles or combinations of vehicles towing or transporting over-width vehicles, machines or loads under authority of this permit must be equipped with rear-view mirrors capable of affording the operator a view to the rear of the vehicle and/or combination of vehicles. Such mirrors may exceed width authorized herein by five inches on either side, but must be retracted to legal width when vehicle or combination of vehicles and/or load is of legal width.
(9) It is the responsibility of the motor carrier to notify the Over-Dimension Permit Unit in the event of striking a structure in the course of a movement. In addition to any other notification required by law, within 24 hours of striking a structure, the motor carrier must initially report the incident to the Over-Dimension Permit Unit at 503-931-1541. The motor carrier will be contacted and provided with a form to report the incident and within 72 hours of the contact must return the completed form by fax to (503) 378-2873 or delivery to the Over-Dimension Permit Unit at 3930 Fairview Industrial Drive SE, Salem, OR 97302-1166.
Statutory/Other Authority: ORS 184.616, 184.619, 810.060
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 7-2015, f. & cert. ef. 12-17-15; HWD 5-2011, f. & cert. ef. 5-27-11; TO 3-2000, f. & cert. ef. 2-11-00; TO 7-1998, f. & cert. ef. 8-20-98; HWY 5-1997, f. & cert. ef. 5-9-97; HWY 11-1992, f. & cert. ef. 9-16-92; HWY 2-1992, f. & cert. ef. 2-18-92; HWY 2-1991(Temp), f. & cert. ef. 8-23-91; HWY 17-1990, f. & cert. ef. 12-28-90; HWY 1-1990(Temp), f. & cert. ef. 1-5-90

734-082-0080
Emergency Verbal Authorization
(1) When a motor carrier learns of the need to use an oversize vehicle, or transport an oversize load, to respond to an emergency at a time (weekday after business hours, weekends or holidays) when the motor carrier cannot obtain a written variance permit, the motor carrier may request verbal authorization in lieu of a written permit.
(2) A motor carrier seeking verbal authorization must:
(a) Telephone the Motor Carrier Transportation Division, Over-Dimension Permit Unit at 503-931-1541, provide the Over-Dimension Permit Unit with any information requested regarding the movement, and receive the authorization

before operating the oversize vehicle or transporting the oversize load; and
(b) On the first business day following the authorization, telephone the Over-Dimension Permit Unit to confirm that the emergency movement occurred and request the written permit.
(3) The Over-Dimension Permit Unit will determine if the request constitutes an emergency move, and if approved will:
(a) Inform the motor carrier of the terms and conditions of the authorization;
(b) Remind the motor carrier of their obligation to obtain, on the first business day following the authorization, the written permit for the emergency movement; and
(c) Create and retain a written record of the authorization that includes:
(A) The date and time of the authorization;
(B) The route; and
(C) Any terms and conditions of the authorization.
(4) Emergency moves operating under ORS 818.100(9) are subject to all of the requirements set forth in this rule, except for moves on county roads. Moves on county roads are only subject to requesting the permit after the move has been made on the following business day pursuant to 734-082-0080(2)(b).
(5) Nothing in this rule relieves the motor carrier from its obligation to comply with all requirements related to oversize movements.
Statutory/Other Authority: ORS 184.616, 184.619, 823.011
Statutes/Other Implemented: ORS 818.200, 818.220
History: HWD 4-2018, amend filed 10/22/2018, effective 10/22/2018; HWD 5-2011, f. & cert. ef. 5-27-11; HWD 3-2004, f. & cert. ef. 2-25-04

734-082-0085

Special Variance Permits During Periods of National Emergency

(1) A special variance permit may be issued during an emergency to an overweight vehicle and a load that can easily be dismantled or divided, if:
(a) The President of United States has declared the emergency to be a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);
(b) The permit is issued in accordance with State law;
(c) The permit is issued exclusively to a vehicle and load that is delivering relief supplies and removing debris; and
(d) The issuance of the special variance permit is to exceed the Federal weight limitations on Interstate highways only.
(2) A permit issued under paragraph (1) will expire 120 days after the date of the declaration of emergency under subparagraph (a) of that paragraph.
(3) For purposes of this rule, facilitating delivery of relief supplies may include, but are not limited to:
(a) Medicine and medical equipment;
(b) Food supplies (including feed for livestock);
(c) Water;
(d) Materials used to provide or construct temporary housing;
(e) Debris removal; and
(f) Other supplies directly supporting the type of relief needed following a disaster.
(4) The term “delivering” means transporting relief supplies to any destination that is part of the geographical area covered by the emergency or major disaster declaration. Special variance permits may be issued to vehicles destined for a disaster area located in another State.
(5) A person who is issued a special variance permit as described in this rule for a divisible load over 98,000 pounds is required to pay road use fees described in ORS 818.225 in addition to the permit fee.
Statutory/Other Authority: ORS 184.616, 184.619, 823.011
Statutes/Other Implemented: ORS 818.200, 818.210, 818.220, 818.225
History: HWD 4-2013, f. & cert. ef. 9-23-13