

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.

Stat. Auth.: ORS 184.616, 184.619, 366.205 & 366.493

Stats. Implemented: ORS 164.805, 366.205, 366.493, 374.305, 377.030 & 810.030

Hist.: HC 476a, f. & ef. 10-7-54; HC 801, f. 11-24-59, ef. 1-1-60; 1 OTC 70, f. & ef. 3-5-76; 2HD 5-1984, f. & ef. 4-18-84; HWY 2-1993, f. & cert. ef. 4-15-93; HWD 3-2010(Temp), f. & cert. ef. 4-28-10 thru 10-15-10; HWD 10-2010, f. 9-27-10, cert. ef. 10-1-10; HWD 1-2013, f. 1-17-13, cert. ef 3-1-13

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.

Stat. Auth.: ORS 184.616, 184.619, 366.205 & 366.493

Stats. Implemented: ORS 164.805, 366.205, 366.493, 374.305, 377.030 & 810.030

Hist.: HC 476a, f. & ef. 10-7-54; HC 801, f. 11-24-59, ef. 1-1-60; 1 OTC 70, f. & ef. 3-5-76; 2HD 5-1984, f. & ef. 4-18-84; HWY 8-1990(Temp), f. & cert. ef. 4-20-90; HWY 14-1990, f. & cert. ef. 12-5-90; HWD 1-2006, f. & cert. ef. 1-24-06; HWD 3-2010(Temp), f. & cert. ef. 4-28-10 thru 10-15-10; HWD 10-2010, f. 9-27-10, cert. ef. 10-1-10; HWD 1-2013, f. 1-17-13, cert. ef. 3-1-13

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.

Stat. Auth.: ORS 184.616, 184.619, 366.205 & 366.493

Stats. Implemented: ORS 164.805, 366.205, 366.493, 374.305, 377.030 & 810.030

Hist.: HC 476a, f. & ef. 10-7-54; HC 801, f. 11-24-59, ef. 1-1-60; 1 OTC 70, f. & ef. 3-5-76; HWY 2-1993, f. & cert. ef. 4-15-93; HWD 3-2010(Temp), f. & cert. ef. 4-28-10 thru 10-15-10; HWD 10-2010, f. 9-27-10, cert. ef. 10-1-10; HWD 1-2013, f. 1-17-13, cert. ef. 3-1-13

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.

Stat. Auth.: ORS 184.616, 184.619, 366.205 & 366.493

Stats. Implemented: ORS 164.805, 366.205, 366.493, 374.305, 377.030 & 810.030

Hist.: 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.

Stat. Auth.: ORS 184.616, 184.619, 366.205 & 366.493

Stats. Implemented: ORS 164.805, 366.205, 366.493, 374.305, 377.030 & 810.030

Hist.: HC 476a, f. & ef. 10-7-54; HC 801, f. 11-24-59, ef. 1-1-60; 1 OTC 70, f. & ef. 3-5-76; HWD 3-2010(Temp), f. & cert. ef. 4-28-10 thru 10-15-10; HWD 10-2010, f. 9-27-10, cert. ef. 10-1-10

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.

Stat. Auth.: ORS 184.616, 184.619 & 366.490

Stats. Implemented: ORS 366.490

Hist.: 2HD 5-1984, f. & ef. 4-18-84; 2HD 8-1986, f. & ef. 11-24-86; HWY 2-1993, f. & cert. ef. 4-15-93; HWY 2-1994, f. & cert. ef. 2-28-94; HWD 1-2006, f. & cert. ef. 1-24-06