

PC  
January 27, 2015

#### WHAT HAPPENED

On December 23, at approximately 4:00 p.m., my daughter Debbie ran out of gas driving west on Maxwell Rd. between North Park and the bridge over the NW Expressway. She pulled over to the curb out of traffic. She looked and there were no "No Parking" signs or yellow curb, so she left her van there and walked home about ten blocks away. The vehicle was visible at a distance of 200 feet in both directions. Nine hours later on December 24 at approximately 1:00 a.m., an officer from the Lane County Sheriff's department had her van towed from Maxwell Road to an impound lot in Veneta.

When Debbie returned with gas at 9:00 the next morning, her van was gone. She went into the store that is right there and was told the car had been towed. Eventually, she spoke to the sheriff's deputy who had the car towed and was told that the parked car was a hazard and her car had been towed to Veneta. When Debbie asked why the car was taken so far away, adding a substantial amount to the towing charge, she was told that it was "that company's turn" in line to get the business.

#### TOWING

Apparently the city is divided into towing districts. The companies within a district are on a rotating list to be called when a tow is deemed necessary by the Deputy. I have not found any language in any of the parking regulations that explains the towing policy or that addresses the officer's authority to determine a hazard in this situation. We believe this was an arbitrary, unfair and even illegal towing. We feel that running out of gas belongs under the umbrella of Oregon Vehicle Code 811.560, (please see below) It clearly allows an exemption for a disabled vehicle.

I substitute taught recently at Howard School in Debbie's general neighborhood. I parked on Howard St. and noticed immediately the similarities between Howard Street and Maxwell Road

- a) There are bike lanes on both streets.
- b) There were no posted signs, yellow curbs or "Bike Lane" stencils visible from where the car ran out of gas and none visible from where the cars were parked on Howard Street.

In my travels around town I have taken pictures of numerous streets shared by cars and bicycles. (Please see attached pictures) The top two photos are to show the similarities in Maxwell Road and Howard Street. The bottom two demonstrate that bicycles and autos both are expected to share streets that are labeled as bike routes. There is even more possibility of hazards on these narrow streets, yet both forms of transportation use the streets, and automobiles park freely and are not cited.

I have spent many hours examining the Lane Code, the Oregon Revised Statutes and the Oregon Vehicle Code. As I said, nowhere did I find language that it is illegal to park

in a bike lane in an emergency situation nor any language that explains how the towing process works in Lane County. And, as I previously mentioned, we feel that running out of gas protects a vehicle and it's owner under the umbrella of Oregon Vehicle Code 811.560.

I feel that the costs paid to Roger's Towing were over and above the usual and customary amount charged by towing companies in Lane County. We believe that the towing was not legal and I am requesting that the gray area of parking regulations be made explicit and that my \$700.00 be refunded by Lane County.

## **OREGON VEHICLE CODE**

• 811.560 Exemptions from prohibitions on stopping, standing or parking.  
(7) When applicable, this subsection exempts the driver of a vehicle that is disabled in such manner and to such extent that the driver cannot avoid stopping or temporarily leaving the disabled vehicle in a prohibited position.

### **6.430 Prohibited Parking or Standing.**

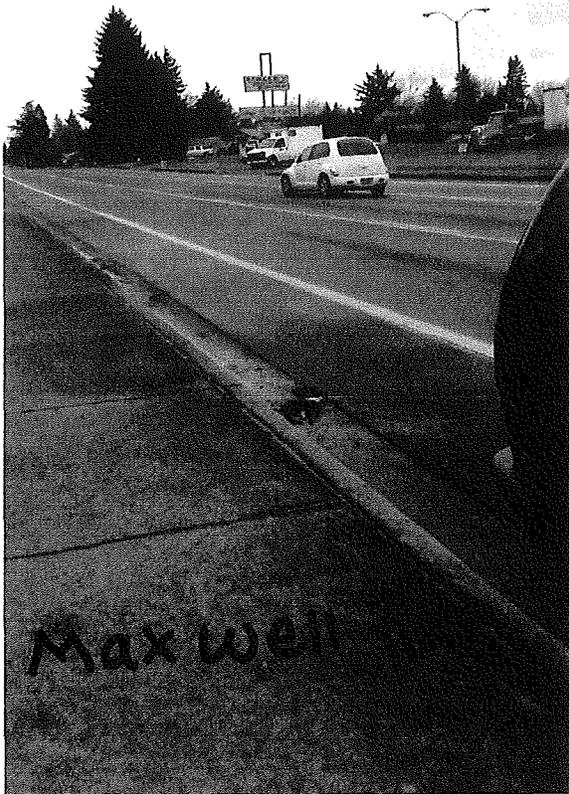
In addition to the prohibitions of the Oregon Vehicle Code, no person shall park or stand a vehicle and no owner shall allow a vehicle to be parked or left standing:

- (1) On a street in violation of a lawfully erected traffic control device giving notice of any regulations or restrictions on the parking or standing of vehicles.
- (2) In an alley, except for a stop of not more than 30 consecutive minutes for loading or unloading persons or material.
- (3) On or near any public boat launch ramp in a manner that obstructs or lane impedes the use of the boat launch ramp, except while the vehicle is attended and actively engaged in the loading or unloading of watercraft.
- (4) Violation of this section is a Class D traffic violation. (Revised by Ordinance No. 9-88, Effective 6.1.88; 1-00, 4.12.00; 7-06, 10.27.06)

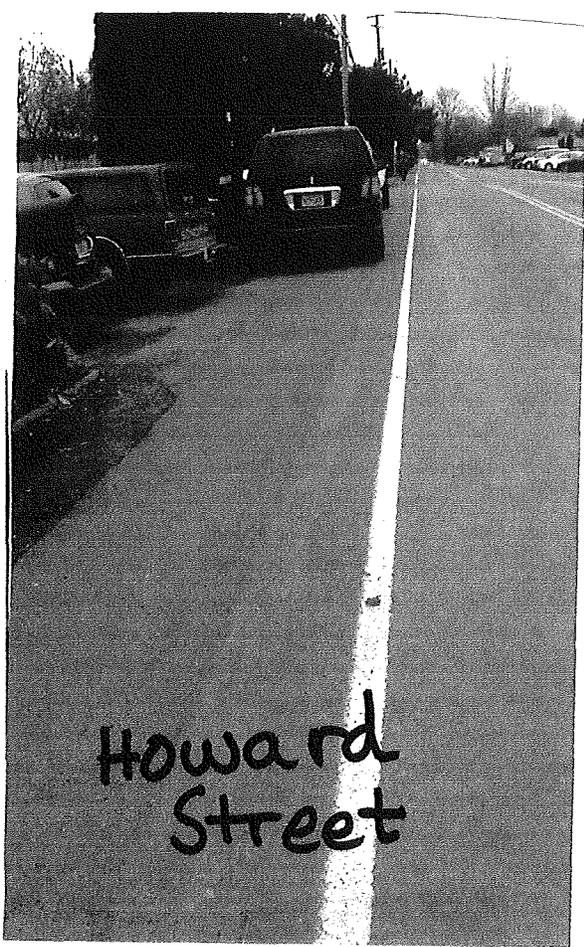
The language in Ordinance No.9-88 is identical to the original language above.

*Beverly D Lewis*

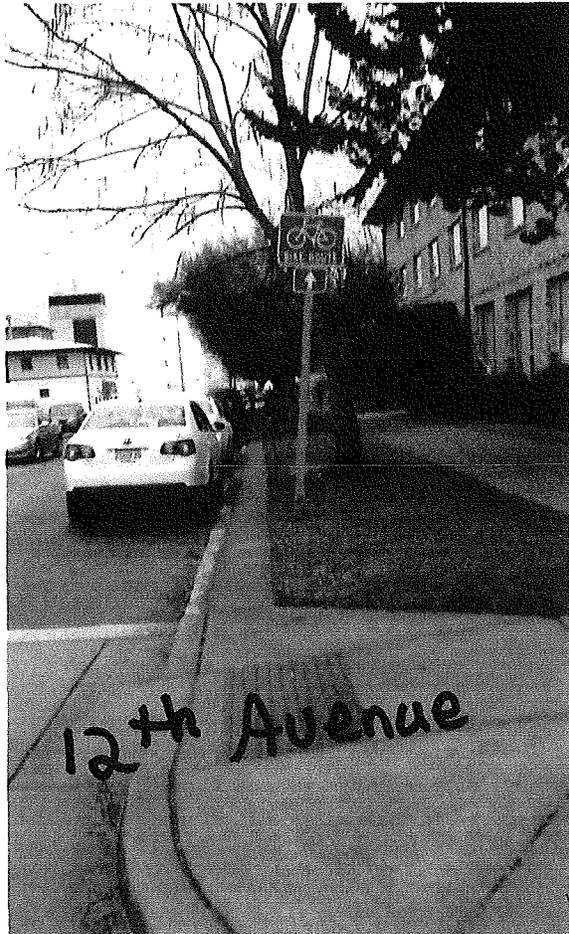
**Beverly & Graham Lewis**  
2363 Pershing St.  
Eugene, OR 97402



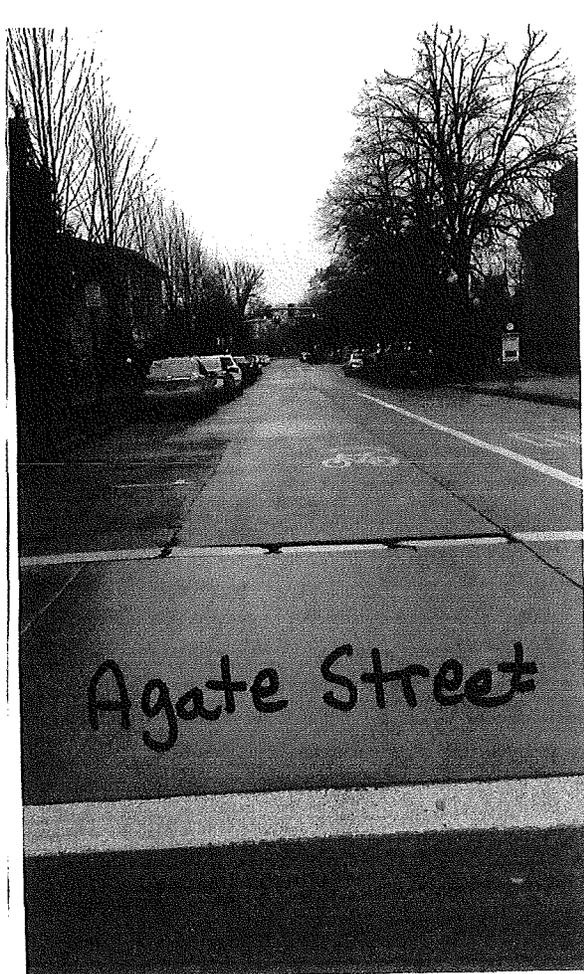
Maxwell



Howard Street



12th Avenue



Agate Street