

Share the Road Safety Class (SRSC)

A traffic law and safety class for all road users

Summary prepared by Christopher Larsen
Judge Pro Tem, Multnomah County, Oregon

Class Goals: Improve traffic safety by increasing education of, and compliance with, Oregon law that applies to motorists, pedestrians, bicyclists and others who share our roadways. Reduce preventable crashes which cause property damage, injury and death to the citizens of our community through increased awareness of traffic law and safety. Provide “first-time offenders” (those eligible defendants who have never participated in this class before) with appropriate incentives to enter and successfully complete SRSC as an alternative to a conviction or a fine for certain eligible non-criminal law traffic violations.

Class Description: The Share the Road Safety Class (SRSC) is two-hours in length and offered twice a month on the second and fourth Wednesday nights at Legacy Emanuel Hospital in NE Portland. Class begins at 7:00 pm and concludes at 9:00 pm. The first SRSC class was held on March 14, 2007. The class is a combination of lecture and digital slide show/video presentation that focuses on traffic law and traffic safety issues. Class instruction includes: explaining Oregon law as it relates to all users of the roadways, including motorists, pedestrians, and bicycles; encouraging class participants to share the road in a safe and lawful manner; presenting videos, photos, “real life” stories, information and examples of scenarios where people are put at risk of being injured or killed as a result of illegal and unsafe bicycling, walking, and driving behavior; explaining the physical, emotional and legal consequences of traffic violations and crashes involving pedestrians, bicyclists and motorists, with an emphasis on our most vulnerable road users. SRSC is presented by at least four persons, including a law enforcement officer, a hospital trauma nurse, a judge as well as traffic safety experts and advocates. The class presenters emphasize why following the law enables everyone to safely share our roadways, increase the class participants knowledge and understanding of traffic laws and safety issues and seek to positively change the way people think and act when using our roadways. The presenters acknowledge the importance of law enforcement actions to increase compliance with traffic laws while at the same time recognizing the need to increase public education and understanding of the traffic laws in an effort to help citizens avoid future traffic law violations. The presenters also discuss the social and economic impacts of traffic law violations and crashes and the benefits of walking, biking and using mass transit.

Class Admission & Court Procedure: Law enforcement officers and court personnel have been instructed on SRSC eligibility requirements and the procedures for class admission, court procedure and case disposition. Eligible first-time offenders are provided the necessary information to participate in the class at the earliest opportunity. Law enforcement officers and court staff have “Share the Road Safety Class” information referral slips to provide to eligible defendants at the time the defendant is cited for the violation and at the time of the defendant’s first appearance in court (arraignment). The citing officer is also encouraged to advise the court of a defendant’s SRSC eligibility by making clear and legible notes on the citation which include the officer’s recommendation to either dismiss or discharge the fine if a defendant successfully completes SRSC. Eligible defendants will be encouraged to enroll and complete the SRSC at the

earliest possible opportunity so that multiple court appearances can be avoided. Before a defendant is admitted into the class, a records check will be performed by SRSC staff to ensure that no person who has already successfully completed SRSC is allowed to repeat the class or receive the benefit of a dismissal or sentence of discharge (a conviction but no fine) of the eligible violation. At the end of each class, each participant/defendant is provided with an original certificate of successful completion with instructions on how to file the certificate with the court. It is the defendant's responsibility for filing the original SRSC certificate of completion with the court in order to receive the benefit of dismissal or discharge of the violation. Only original and valid SRSC certificates will be accepted by the court (no photocopies). Those defendants that have entered a plea of guilty or no contest to the violation, or those defendants that have been found guilty after a trial to the court, *and* who fail to provide the court with the original certificate of successful completion by the deadline date ordered by the court or agreed upon by the parties shall be convicted of the violation and sentenced to up to the maximum fine allowed by law. A defendant's participation in SRSC does not limit the court's authority to impose additional sanctions (e.g. license suspension) or make further court orders it deems appropriate upon conviction for any violation as provided under Oregon law.

Location: Legacy Emanuel Hospital, 2801 N. Gantenbein Avenue, Portland, Oregon, 97227 in the Lorenzen Conference Center. Michael Morrison, R.N., is the Share the Road Safety Class Coordinator and can be reached by calling 503.413.2672.

Class Participation – Preregistration & Cost: Preregistration for the SRSC is required. Eligible defendants are required to pay \$30 in cash at the door before being admitted. Class cost may be adjusted to ensure continued operation of the class. Class cost is kept to a minimum to provide additional incentive for increased participation.

Class Operation, Cost & Funding: The initial creation and implementation of this non-profit class was accomplished by substantial efforts of Christopher Larsen (Judge, Multnomah County), Mike Morrison, R.N. (Legacy Emanuel Hospital, Trauma Nurses Talk Tough), Greg Raisman and Mark Lear (City of Portland, Department of Transportation), the Portland Police Bureau Traffic Division and the Bicycle Transportation Alliance. The successful first year of the class was made possible by the continued contributions of the original SRSC workgroup and supplemented with mini-grant funds obtained from the Oregon Department of Transportation, Traffic Safety Division. SRSC is now self-funded through the class fees collected from participating defendants. SRSC is a non-profit entity at Legacy Emanuel Hospital. All financial and accounting matters are maintained through a separate SRSC account through Legacy Emanuel Hospital. The class is expected to continue from year to year in perpetuity.

Defendant Eligibility Requirements: *Only those defendants who have never taken the SRSC class before will be eligible to receive a dismissal or sentence of discharge under the class disposition guidelines* as authorized by the Multnomah County Circuit Court Presiding Judge's Order. For other non-eligible defendants, the court retains the ability to require any defendant to successfully complete the class in addition to a conviction, fine or other sanction. Preregistration is required so that SRSC staff can make a timely and accurate determination of whether the defendant seeking to register has taken SRSC before.

Database of Class Participants: JoAnne Perrin from Emanuel Hospital is the SRSC administrative assistant to Mike Morrison. Ms. Perrin and other SRSC staff assist Mr. Morrison in maintaining a list of the all SRSC participants by using the computer database Microsoft Access to keep accurate and current records. The database includes, but is not limited to, the name of the defendant, the defendant's date of birth, the specific court case number, the type of traffic violation, the source of the class referral and the date of successful completion. A master list of all SRSC participants as well as a list of each SRSC is maintained and is available to the court and law enforcement agencies upon request. A list of each SRSC participants is provided by Emanuel to the court within five business days of the class being completed and entered into the court's computer record (OJIN). The SRSC staff keeps a duplicate "back up" copy of the SRSC master list in a secure location in order to prevent loss of data. The SRSC master list of class participants is checked by SRSC staff to insure that repeat offenders are not allowed to enroll in the class or allowed to receive the benefit of a dismissal or sentence of discharge of the traffic violation.

Proof of Successful Completion: SRSC staff provides each successful class participant with a "Certificate of Completion" (including the defendant's name, date of birth, court case number and completion date) at the end of each class. Defendants are solely responsible for providing the original certificate to the court on or before the applicable court date as a condition for obtaining a dismissal or sentence of discharge. The certificate is in a form that is not susceptible to forgery or duplication. It is defendant's responsibility for making a photocopy of the original certificate for their records in case of dispute. Only *original* certificates will be accepted by the court for filing.

LIST OF APPLICABLE VIOLATIONS & DISPOSITION GUIDELINES

Note: Citations to "ORS" refers to Oregon Revised Statutes and "PCC" refers to Portland City Code.

Category 1 - AUTOMATIC Eligibility Which Results in a Dismissal

The following violations are subject to automatic dismissal (on motion of the state) upon the completion of the Share the Road Safety Class:

Pedestrian

ORS 814.070	Pedestrian improper position on highway
PCC 16.70.210	Pedestrian not using crosswalk

Bicycle

PCC 16.70.320	Bicycle-Operating Rules
ORS 814.485	Failure to wear bicycle helmet <16
ORS 814.486	Endangering bicycle operator or passenger
ORS 815.280	Failure to use required bicycle lighting (with purchase of lighting equipment)
ORS 814.420	Failure to use bicycle lane or path
ORS 814.430	Improper use of lanes on bicycle
ORS 814.440	Failure to signal turn on bicycle
ORS 814.450	Unlawful load on bicycle
ORS 814.460	Unlawful passenger on bicycle
ORS 814.470	Failure to use bicycle seat

Motor Vehicle

ORS 816.330	Defective lighting (with repair of defect)
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Category 2 - DISCRETIONARY Eligibility Which Results in a Dismissal or Sentence of Discharge

The following violations are eligible for *dismissal* upon completion of the proposed Share the Road Safety Class on the recommendation of the officer only OR are eligible for a *sentence of discharge* upon a defendant's plea of guilty or no contest and completion of the proposed Share the Road Safety Class either on the officer's recommendation or in the court's discretion.

Pedestrian

ORS 814.020 Pedestrian fail to obey a traffic control device
ORS 814.040 Pedestrian fail to yield to a vehicle
ORS 814.070 Pedestrian improper position upon highway

Bicycle

ORS 811.025 Failure to yield to pedestrian on sidewalk
ORS 814.410 Unsafe operation of bicycle on sidewalk
ORS 811.415 Unsafe passing on the right
ORS 811.265 Failure to obey a traffic control device
ORS 811.270 Failure to obey one-way designation
ORS 811.360 When vehicle turn permitted at stop light; improper turn at stop light

Motor Vehicle

(In cases that clearly involve the interaction of pedestrians, bicyclists and motorists)

ORS 811.265 Failure to obey a traffic control device
ORS 811.360 When vehicle turn permitted at stop light; improper turn at stop light
ORS 811.415 Unsafe passing on the right
ORS 811.435 Operation of a motor vehicle on bicycle trail (lane)
ORS 811.025 Failure to yield to pedestrian on sidewalk
ORS 811.055 Failure to yield to bicyclist on sidewalk
ORS 811.050 Failure to yield to rider on a bicycle lane
ORS 811.028 Failure to stop for pedestrian
ORS 811.020 Passing a stopped vehicle at crosswalk
ORS 811.490 Improper opening of vehicle door
ORS 811.375 Unlawful or unsignaled change of lane

Any traffic violation that is cited as a contributing factor in a Driving Under the Influence of Intoxicants (DUII) incident or a crash involving physical injury or property damage is not eligible for dismissal or sentence of discharge through this Share the Road Safety Class.