



# City of San Antonio

## Agenda Memorandum

**File Number:**16-3260

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**Agenda Item Number:** 4.

**Agenda Date:** 5/18/2016

**In Control:** Governance Committee

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**DEPARTMENT:** Police Department

**DEPARTMENT HEAD:** William P. McManus, Chief of Police

**COUNCIL DISTRICTS IMPACTED:** Citywide

### SUBJECT:

Civil Penalty for Bus Stop-Arm Violations

### SUMMARY:

On April 7, 2016, Council members Alan E. Warrick and Ray Lopez requested City Council consider an ordinance that would create a civil penalty for “unlawfully passing a stopped school bus while loading and unloading students”, to include an overview of best practices from other Texas cities.

### BACKGROUND INFORMATION:

#### Existing Enforcement Resources

Council members Warrick and Lopez reference information provided by the National Highway Traffic Safety Administration (NHTSA) that asserts children are at greatest risk when getting on or off a school bus. Nearly one-third of all deaths resulting from bus-related crashes occur within a 10-foot radius of the school bus and are attributed to motorists who disregard its flashing warning lights and deployed stop-arm.

The San Antonio Police Department enforces two school bus-related traffic codes; the table below details the relevant traffic codes and fines associated with each. Over the last three years, a total of 418 citations have been issued to motorists observed violating these codes.

Traffic Violation	Maximum Penalty
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Passing Stopped School Bus	\$519.90
Passing Stopped School Bus (Construction Zone)	\$1,000.90

In addition, the SAPD employs 256 crossing guards which are assigned to schools throughout the city. The FY 2016 budget for the school crossing guard program is \$2.4 million which is funded through the Child Safety Fund. The Child Safety Fund is comprised of revenue generated from Bexar County vehicle registrations, parking tickets and moving violations in school zones.

## **Major Texas Cities Comparison**

### Austin

The ordinance enacted by the City of Austin in 2015 allows the use of automated enforcement devices on school buses and makes violations of the ordinance a civil offense, with a fine of up to \$300. School districts within the City of Austin may choose to implement a program to assess, collect and adjudicate alleged violations, and is responsible for establishing the appropriate procedures. However, school districts may not create a duty or responsibility for a city officer or employee, or create an expense or obligation to the city.

There is no direct involvement by the City of Austin, the Austin Police Department or the Austin Municipal Court with any school district program and the city receives no revenue generated from the fines collected.

### Dallas

The ordinance enacted by the City of Dallas in 2012 permitting the use of school bus cameras provided by Dallas County Schools (later renamed Texserve) was contingent on Texserve funding the school crossing guard program. Dallas-area school districts have no involvement with the program.

The City of Dallas adjudicates the program: Public Works personnel review the camera footage, and the city is reimbursed for the costs. Dallas was not required to pay any program expenses, to include the cameras, IT development and implementation. All funds generated were to be utilized to pay for the program. Once program payment is complete, the City of Dallas will receive payment. According to city staff, Dallas has received no money to date; all money has been dedicated to funding program operations.

Bus camera adjudications have been assigned to hearing officers previously hired by the City of Dallas to address red light camera violations. No additional staff has been hired by the municipal court system to administer the school bus camera program and handle appeals; judges simply absorb the cost and time associated with those hearings.

There were been approximately 4,000 administrative appeals last year, with a decrease in appeals observed each year. From the public's perspective, the greatest concern with the program is the requirement that the violation must be contested by the owner, not the driver.

## **RECOMMENDATION:**

The SAPD will continue to coordinate with the City Attorney's Office, the Transportation & Capital Improvements Department and other relevant City departments to review proposed policies. SAPD will also communicate with area school districts to gauge interest in creating and implementing a

program to impose civil penalties for violations of the proposed ordinance. SAPD recommends forwarding this issue to the Public Safety Committee for further discussion and possible action.