



City of San Antonio

Agenda Memorandum

File Number:16-3811

Agenda Item Number: 3.

Agenda Date: 6/21/2016

In Control: Criminal Justice, Public Safety and Services Committee

DEPARTMENT: Police Department

DEPARTMENT HEAD: William P. McManus, Chief of Police

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Proposed Civil Penalties 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 major Texas cities. Over the last several years, a number of area school districts have expressed support for increasing penalties for violations of traffic laws that prohibit motorists from passing stopped school buses. In response to the threat posed to child safety by this issue, four school districts - North East ISD, South San ISD, East Central ISD and Judson ISD - implemented bus camera pilot programs to collect data and demonstrate the extent of the problem in their respective communities.

BACKGROUND INFORMATION:

Existing Enforcement Resources

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	Base Fine
Passing Stopped School Bus	\$500.00

Passing Stopped School Bus (Construction Zone)	\$1,000.00
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In addition, the SAPD employs 256 crossing guards which are assigned to elementary 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.

NEISD Pilot Program Data

During the 2012-2013 school year, the NEISD launched a school bus camera pilot program in coordination with three companies: Bus Guard, American Traffic Solutions and Student Guardian/Red Flex that equipped 7 of its 315 school buses with a camera to document incidents of motorists illegally passing stopped school buses. The table below details the number of violations captured.

Company	# Cameras/Buses	Captured Violations
Bus Guard	2	294
American Traffic Solutions	2	170
Student Guardian/RedFlex	3	134
	7	598

Major Texas City 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 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 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 these hearings.

There were 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.

ISSUE:

Based on the interest expressed by area school districts with respect to this matter, the SAPD sent letters to all area school district superintendents and police departments to advise each respective school district of City Council consideration of an ordinance establishing civil penalties for school bus stop-arm violations and encouraging each to share data and feedback that may be relevant during this process.

In anticipation of City Council consideration of the proposed ordinance, SAPD met with Municipal Court and the City Attorney's Office to create standards of adjudication that provide guidance to any area school districts that may choose to participate in a school bus camera program in the future.

RECOMMENDATION:

Staff recommends that City Council adopt an ordinance that establishes civil penalties for school bus stop-arm violations and allows individual school districts to engage in public discussions to decide if it wishes to implement such a program.