

Memorandum



DATE: April 20, 2012

TO: Members of the Public Safety Committee

SUBJECT: **Proposed Partnership for Student Safety City of Dallas and Dallas County Schools**

Attached is briefing material on the "Proposed Partnership for Student Safety City of Dallas and Dallas County Schools" to be presented to the Members of the Public Safety Committee on Monday, April 23, 2012.

A handwritten signature in black ink, appearing to read 'A. C. Gonzalez'.

A. C. Gonzalez
First Assistant City Manager

Attachment

CC: Honorable Mayor and Members of the Dallas City Council
Mary K. Suhm, City Manager
Rosa Rios, City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
C. Victor Lander, Administrative Municipal Judge
Ryan S. Evans, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Frank Libro, Public Information Office
Stephanie Cooper, Assistant to the City Manager Mayor/City Council



Proposed Partnership for Student Safety City of Dallas & Dallas County Schools

Public Safety Committee

April 23, 2012



www.dallaspolice.net

Purpose

- Provide background
- Present proposal
- Discuss potential impacts
- Present next steps

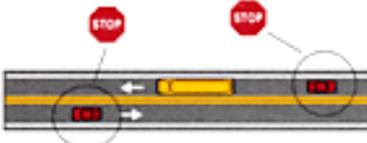
Background

- **School Bus Stop Arm Statistics:**
 - 2006, Dallas County Schools (DCS) Study
 - Included 1,245 buses
 - 769 stop arm violations were observed during a one day period
 - 2008, Texas Transportation Institute Study (Texas A & M)
 - Estimated 16,450 violations occur each day in Texas
 - 2008, DCS conducted video pilot program for a one week period and found:
 - Every bus had stop arm violators
 - On one bus, over 25 cars passed the stop arm illegally during the one week period
 - 2011, National Association of State Directors of Pupil Transportation 2011 Stop Arm Survey
 - 28 states participated in the study (111,914 buses) with 37,756 incidents occurring in a single day

School Bus Danger Zone

“The potential for injury or death caused by motorists passing a stopped school bus with its red lights flashing and stop-arm extended is **extremely high.**” - Texas A & M study

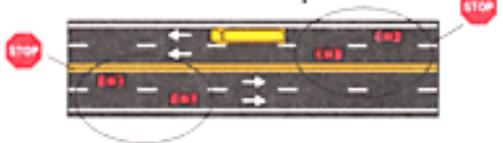
1 **Two-lane roadway:**
When school bus stops for passengers, all traffic from both directions must stop!



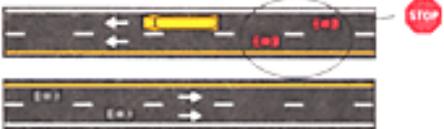
2 **Two-lane roadway with a center turning lane:**
When school bus stops for passengers, all traffic from both directions must stop!



3 **Four-lane roadway without a median separation:**
When school bus stops for passengers, all traffic from both directions must stop!



4 **Divided highway of four lanes or more with a median separation:**
When school bus stops for passengers, only traffic following the bus must stop.



Around the Country

Tuesday, 24 January 2012: A national online survey conducted by Harris Interactive shows that two-thirds of U.S. adults support measures to use cameras to ticket motorists who violate state laws prohibiting the illegal passing of school buses.

Bill calls for stricter bus-passing penalties nationwide: WASHINGTON, D.C. Legislation has been introduced at the federal level that would require Iowa's new stricter penalties for motorists who pass stopped school buses to apply to all states in the country. Gov. Terry Branstad signed "Kadyn's Law," under which bus-passing violators face a fine of up to \$675 and up to 30 days in jail for a first offense. For a second offense within five years, the fine would be up to \$1,875 with up to one year of jail time. Rep. Bruce Braley of Iowa introduced the federal version of the bill on March 20, 2012.

KLTV 1/25/2012 News Report: An east Texas child is out of the hospital tonight after being hit by a car, while getting off the school bus. Trinity police say a ten year-old boy was trying to cross Robb street late this afternoon when he was hit. Police say the boy was thrown forward by the car. He was taken to a hospital for tests, but was released earlier tonight.

Around the Country

KXAN 1/25/2012 News Report: A Bee Cave elementary fifth grader left her backpack in her mom's car and went back to get it while the bus driver waited for her. Deputies say that's when Rithy Kehm passed the stopped bus in his car and hit her. Kehm was ticketed for passing a school bus.

Tuesday, April 10, 2012 - States launch 2nd national stop-arm running count: States across the nation are designating a day this spring to tally incidents of illegal school bus passing. The effort is the second annual nationwide count, spearheaded by the National Association of State Directors of Pupil Transportation Services (NASDPTS). Last year's survey found that more than 76,000 vehicles illegally passed school buses in a one-day snapshot. Twenty-eight states participated.

Other States' Camera Fines

State	Fine
Georgia	Up to \$1,000
Mississippi	\$350-\$750
North Carolina (Iredell, Rowan, Carteret, Stoke and Wake Counties)	\$250
Louisiana (Jefferson Parish)	\$295-\$400
Virginia	\$250
Rhode Island	\$500
Connecticut	\$450
Washington	\$394
Maryland (Montgomery and Frederick Counties)	\$250
*Source: Dallas County Schools	

Background

- Stop Arm Ordinance:
 - Currently, it is a State criminal/moving violation to fail to stop for a stopped school bus with its lights flashing and stop arm extended. (Tex. Transp. Code Sec. 545.066)
 - City of Dallas window fine for this violation is \$237

Proposed Partnership

Part I

- Create a City of Dallas ordinance that provides for a civil penalty (\$300) for a vehicle that passes a school bus with the stop arm extended and its lights flashing
- Violations will be captured by cameras that turn on when the bus' stop arm is extended
- Implementation, enforcement and administration of program will be set out via an Interlocal Agreement (ILA)

Implementation

- **Equipment:**

- DCS made a \$7,500,000 commitment to install video equipment on all of its 1,700 bus fleet by August 1, 2012
- Video cameras monitor and record passing traffic when stop arm is deployed on bus

Implementation

- **DCS Responsibilities for the Camera Program:**
 - Hire trained personnel to review video and verify vehicle information
 - Hire designated peace officer to review video and determine whether there is a violation and issue the citation
 - Process and mail citations
 - Collect and process fines
 - Respond to open records requests related to the program
 - Provide hearing officers and Municipal Court Judges with training on the program

Implementation

- **City's Responsibilities for the Camera Program:**
 - Pass an ordinance to create a civil offense and civil fines for unlawfully passing a school bus stop arm
 - Handle any hearings and appeals using the same program that is already in place for red-light camera adjudication, administratively or through Courts
 - If vehicle owners wish to appeal, they can either send written intent or can call the adjudication office to set a hearing
 - A ruling by the adjudication hearing officer can be appealed to Municipal Court
 - Ruling by Municipal Court Judge is final

Proposed Partnership

Part II

- Transfer responsibility of the City's school crossing guard program to DCS
 - Transfer set out in an ILA including:
 - personnel, current supplies, and equipment
 - Monies collected from the Child Safety Trust Fund, which currently pay for a portion of the crossing guard program, would be used by DCS
 - Fines from the ordinance are expected to cover the remainder of the crossing guard program costs
 - The City will not need to budget for this expense (\$1,700,000+). Will be DCS's financial responsibility.

Implementation

- **DCS Responsibilities for School Crossing Guard Program :**
 - Notify school crossing guard personnel on April 20, 2012 regarding proposed transfer
 - Transfer crossing guard personnel from City to become DCS employees by October 1, 2012
 - DCS would assume management of guards by start of school year in August 2012
 - Conduct School District Background Checks
 - Require finger printing per Texas Education Code 22.0833
 - Criminal history information must be obtained from the state criminal history clearinghouse under Texas Government Code 411.0845

Implementation

- **DCS Responsibilities for School Crossing Guard Program (Continued):**
 - Coordinate a personnel meeting for DCS background check requirements and make offers
 - Eligible to enter Teacher Retirement System
 - Eligible for health benefits

Implementation

- **DCS and the City will share the responsibility for implementing the Crossing Guard Program using established criteria to evaluate and determine:**
 - location of intersections staffed by crossing guards
 - number of crossing guards needed per intersection
 - hours a crossing guard must be on post

Next Steps

- DCS Board Briefed on April 19, 2012
- DCS Board Meeting May 10, 2012 - Interlocal Agreement Approval
- City Council Meeting May 23, 2012 - Consider Ordinance and Interlocal Agreement Approval

QUESTIONS?