Memorandum

DATE May 15, 2015

TO Members of the Budget, Finance & Audit Committee: Jerry R. Allen (Chair), Jennifer S. Gates (Vice Chair), Tennell Atkins, Sheffie Kadane, Philip T. Kingston

SUBJECT School Bus Arm Safety Program

On May 18, 2015 the Budget, Finance and Audit Committee will be briefed on the School Bus Arm Safety Program. The briefing will be presented by Larry Duncan, Board President, and Rick Sorrells, Superintendent of Dallas County Schools. The briefing is attached for your review.

Please let me know if you need additional information.

Eric D. Campbell
Assistant City Manager

C: Honorable Mayor and Members of City Council
   A.C. Gonzalez, City Manager
   Warren M.S. Ernst, City Attorney
   Craig D. Kinton, City Auditor
   Rosa A. Rios, City Secretary
   Daniel F. Solis, Administrative Judge
   Ryan S. Evans, First Assistant City Manager

   Jill A. Jordan, P.E., Assistant City Manager
   Joey Zapata, Assistant City Manager
   Mark McDaniel, Assistant City Manager
   Jeanne Chipperfield, Chief Financial Officer
   Sana Syed, Public Information Officer
   Elsa Cantu, Assistant to the City Manager

*Dallas-Together, we do it better!*
SCHOOL BUS ARM SAFETY PROGRAM

BRIEFING BY DALLAS COUNTY SCHOOLS

FOR THE BUDGET, FINANCE & AUDIT COMMITTEE

MAY 18, 2015

Larry Duncan, Board President
Rick Sorrells, Ed.D, Superintendent
Purpose of briefing

- Provide basic information about the program
- Show inter-agency relationship
- Update program progress
Some of DCS Services

- DCS operates the 5th largest bus fleet in the US
- DCS transports approximately 75,000 children every day
- DCS has been in operation since 1855
- DCS has approximately 2,100 buses that operate out of 12 service centers
- Provides technology and internet access to districts in North Texas
- Provides psychology services to school districts
- Provides on-line professional development
- Provides 504 Workers Comp network
- Provides School Resource Officers to districts through Dallas Police Department
- Operates a biofuel plant to reduce costs of fuel and help the environment
Purpose of School-Bus Stop Arm

- **Protection of school children entering and exiting school buses**
  - Recognized as a concern across the nation: need to prevent injuries and danger to school children using school buses
  - 75,000 children ride Dallas County buses each day
  - Ages from pre-school to adult
  - Includes children with special needs (physical and mental)

- **Visual alert to the driving public**
  - Presents an immediate visual cue to stop before endangering kids
  - Bumper sticker on back of each bus (not required by ordinance)

WARNING: This Vehicle Is Equipped with Video and Stop Arm Cameras!
History and Background

- **State law:**
  - Texas Transportation Code – Title 7, Subtitle C, Chapter 545: Operation and Movement of Vehicles
  - Gives authority to cities to enforce state law
  - Section 545.066 states that passing a school bus is a misdemeanor offense with a fine of $500 - $1250 and possible license suspension

- **Dallas City Code:**
  - Article XX, Section 28-220, adopted May 2012
  - Establishes the program
  - Authorizes enforcement of state law with civil penalty
  - Owner of a motor vehicle commits a civil offense by passing a stopped camera-enforced school bus displaying the visual signals required by Section 547.701(c) and is liable for a civil fine. (Fine is $300)
  - Specifies what information must be on the citation
  - Gives authority to Police Officers to issue citations and enforce the law
  - Outlines the powers of the Hearing Officers
  - Allows for a final appeal to Municipal Court
History and Background

- **Enforcement of law by Dallas County Schools (DCS)**
  - **Interlocal agreement of May 2012** (Council Resolution 12-1388) Extended in May 2015
  - **Stipulates that DCS conduct enforcement by:**
    - Installing and operating bus video equipment
    - Designating officers to review video and enforce code
    - Citing offenders, notifying them, and providing video proof
    - Collecting fines and penalties
    - Providing administrative support and customer service
    - Providing testimony of violations when appealed
History and Background

- Interlocal agreement
  - City’s responsibility
    - Designate hearing officers for adjudication of cases
    - Set municipal courts to handle appeals (after adjudication)
    - Communicate with DCS on nature of appeals and ways to improve effectiveness of the program
    - Develop a communication plan (with DCS) to educate citizens of the School Bus Stop-Arm program
The School Bus Safety Program

- **Use of stop arms**
  - When a bus is preparing to stop, driver will activate yellow flashing lights about 100 feet before the stop.
  - When stopped, bus automatically activates red flashing lights, and driver extends the stop arm.

- **Training of drivers**
  - Must have a Texas Commercial Drivers License that permits school bus operation.
  - Drivers attend monthly meetings which include training on issues related to safe operations.

- **Designation of Peace Officers**
  - Meet all requirements to be Texas Certified Police Officers.
  - Attend at least 80 hours of training every two years (which is 40 hours more than required).

- **Addition of video equipment – improvement to enforcement**

- **Other bus safety features**
  - Flashing lights
  - Stop arms
  - 7 cameras on bus exterior – recording video
  - GPS
  - Two-way communications with drivers
  - Driver Emergency Button
How the Citation Process Works

- **Monitoring and Review**
  - Reviewers and Processors are all employees of DCS Police Department
  - Reviewers watch electronic marked video for any vehicle on public roadway that passes a bus while stop arm is deployed. ALL video is forwarded to DCS Police Officers for verification.
  - DCS Police Officers examine video clips from Reviewers for violation criteria
    - Verify that:
      - the license plate matches the vehicle
      - the location is correct
      - confirm that a violation occurred, by ordinance
  - If so, officer issues a citation for the offense
  - Once confirmed, Processors input the vehicle license plate data into a draft citation and attach photographic and video evidence of the event for mailing.
How the Citation Process Works

- **Notification:**
  - Citation is mailed to the registered owner of vehicle (per vehicle database)
  - Notice provides:
    - specifics of the offense, including photo images
    - refers to website ([www.alertbus.com](http://www.alertbus.com)) to allow viewing of video clip of offense
    - See attachment for example citation

- **Options:**
  - Pay citation (through mail, in person or internet via website) within allotted timeframe
  - Request an administrative adjudication hearing
  - Seek a delay (for cause) or request a payment plan
Contesting a Citation

- **Two levels**
  - Level 1: Adjudication by City’s Adjudication Hearing Officers
  - Level 2: Appeal to Municipal Court
Level 1: Adjudication

- Hearing officers hear cases on a scheduled or a walk-in basis
- Hearings are recorded on audio tape
- Hearing officer reviews the specifics of case with vehicle owner, including reviewing the video together with the vehicle owner
- Hearing officer identifies the specific offense; hears explanation or circumstances; may receive evidence

Defenses:
  - Cited individual is not vehicle owner
  - Bus signals not operating properly
  - Driver re-directed by police or emergency
  - Hazardous road conditions (i.e., ice)
  - Error on citation

Finding of Hearing Officer is provided in writing

Options: pay citation OR appeal to Level 2
Level 2: Appeal to Municipal Court

How the case gets to municipal court:
- Vehicle Owner is determined to be liable at the administrative adjudication hearing
- Files an appeal petition and filing fee of $15 in municipal court before the 31st calendar day after the hearing officer’s order has been issued

Reasons for citation dismissal:
- No evidence packet
- Video does not support violation
- Person cited not registered owner
- Enforcement officer requested, but failed to appear

Case proceeds to trial:
- Trial de novo (does not consider findings of hearing officers)
- Civil proceeding

Municipal court judge finds the defendant:
- Liable and assesses required $300.00 fine, OR
- Not liable

Judgment of court: provided in writing
The program has improved safety for children. There was over a 22% reduction in citations from 2013 to 2014

Additional statistics on next page
Additional Statistics

City of Dallas

The below data details the citations issued by the School Bus Safety Program in the City of Dallas, the citations contested and heard by adjudicators, and the citations ruled liable by the adjudicators contested and heard by the Municipal Court.

<table>
<thead>
<tr>
<th>2013 - School Bus Safety</th>
<th>2014 - School Bus Safety</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Citations Issued</td>
<td>36612</td>
</tr>
<tr>
<td>Adjudication Hearings (% of Citations Issued)</td>
<td>4968 (14%)</td>
</tr>
<tr>
<td>Dismissed in Adjudication (% of Citations Issued)</td>
<td>3650 (10%)</td>
</tr>
<tr>
<td>Found Liable in Adjudication (% of Citations Issued)</td>
<td>1318 (4%)</td>
</tr>
<tr>
<td>Municipal Court Hearings</td>
<td>45</td>
</tr>
<tr>
<td>Dismissed in Municipal Court</td>
<td>15</td>
</tr>
<tr>
<td>Found Liable in Municipal Court</td>
<td>30</td>
</tr>
</tbody>
</table>
The Program WORKS:

- Student safety — improved safety of students by REDUCING chances of students being injured
- Better routes — gives DCS better data to move or relocate student loading when possible
- Citizen education — both the video and fines educate about bus safety
Questions?
**Example Citation:**

CITY OF DALLAS, TEXAS
SCHOOL BUS SAFETY PROGRAM
NOTICE OF VIOLATION

CITATION # TX-01-752-00136232
The City of Dallas has implemented a School Bus Stop Arm Program in an effort to reduce the number of motor vehicles unlawfully passing stopped school buses, which endangers students, drivers, and the public.

<table>
<thead>
<tr>
<th>MAIL DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE OF VIOLATION</td>
</tr>
<tr>
<td>LOCATION OF VIOLATION</td>
</tr>
<tr>
<td>NAME OF REGISTERED OWNER (First, Middle, Last)</td>
</tr>
<tr>
<td>STREET ADDRESS</td>
</tr>
<tr>
<td>CITY</td>
</tr>
<tr>
<td>VEH. MAKE AND BODY</td>
</tr>
</tbody>
</table>

### FINE AMOUNT

$300.00

**ORDINANCE**

Dallas City Code
Chapter 29, Article XX, Section 28-224

**DESCRIPTION**

Passing a stopped school bus while stop arm is extended.

**YOU MUST PAY OR CONTEST THE CIVIL FINE BY 09/21/2014.**

As the vehicle owner, you have the right to contest the civil fine in an administrative adjudication hearing by submitting a request for a hearing within 30 days after the citation is issued/entered. A request to have the enforcement officer present at the hearing must be made at the time of your request for an administrative adjudication hearing, and failure to timely make this request constitutes a waiver of the vehicle owner’s right to have the enforcement officer at the hearing.

**FAILURE TO TIMELY PAY THE CIVIL FINE OR CONTEST THE VIOLATION WITHIN 30 DAYS AFTER THE CITATION MAIL DATE IS CONSIDERED AN ADMISSION OF LIABILITY FOR THE VIOLATION. A WAIVER OF THE VEHICLE OWNER’S RIGHT TO APPEAL THE CIVIL FINE, AND WILL RESULT IN THE ASSESSMENT OF APPROPRIATE CIVIL, FINES, PENALTIES, AND COSTS, INCLUDING A $25 LATE PAYMENT PENALTY.**

An arrest warrant may not be issued for failure to timely pay the civil fines, penalties, and court costs, and the imposition of the civil penalty may not be recorded on the vehicle owner’s driving record.


DATE ISSUED | AUTHORIZED PEACE OFFICER | BADGE NO.
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**CIUDAD DE DALLAS, TEXAS**
PROGRAMA DE SEÑAL DE ALTO EN AUTOBUSES ESCOLARES
AVISO DE VIOLACIÓN

INFRACCIÓN N° TX-01-752-00136232
La Ciudad de Dallas ha implementado un Programa de señal de alto en autobuses escolares en un esfuerzo por reducir la cantidad de automóviles que pasan de manera ilegal los autobuses escolares detenidos, lo que pone en riesgo a estudiantes, a conductores y al público en general.

<table>
<thead>
<tr>
<th>FECHA DEL ENVIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>FECHA DE LA VIOLACIÓN</td>
</tr>
<tr>
<td>LUGAR DE LA VIOLACIÓN</td>
</tr>
<tr>
<td>NOMBRE DEL PROPIETARIO REGISTRADO (primero y segundo nombre, apellido)</td>
</tr>
<tr>
<td>DIRECCIÓN</td>
</tr>
<tr>
<td>CIUDAD</td>
</tr>
<tr>
<td>PLACA DEL VEHÍCULO</td>
</tr>
<tr>
<td>MARCA DEL VEHÍCULO Y TIPO CARROCERÍA</td>
</tr>
</tbody>
</table>

### MONTO DE LA MULTA

$300.00

**ORDENANZA**

Capítulo 28 del Código de la Ciudad de Dallas, Artículo XX, Sección 28-224

**DESCRIPCIÓN**

Pasar un autobús escolar mientras la señal de alto estaba extendida.

**USTED DEBE PAGAR O OBJETAR LA MULTA CIVIL ANTES DEL 09/21/2014.**

Como propietario del vehículo, usted tiene el derecho de objetar la multa civil en una audiencia de resolución administrativa presentando una petición para una audiencia en el término de 30 días después de la fecha del envío o de que se emita la infracción. Una petición para que el funcionario de orden público esté presente en la audiencia debe realizarse al momento de su petición para una audiencia de resolución administrativa, y no realizar esta petición de manera postequo constituye una renuncia de los derechos del propietario del vehículo de contar con la presencia de un funcionario de orden público en la audiencia.

**NO PAGAR LA MULTA CIVIL DE MANERA OPORTUNA O OBJETAR LA VIOLACIÓN EN EL TÉRMINO DE 30 DÍAS DESPUÉS DE LA FECHA DEL ENVIO SE CONSIDERA RECONOCIMIENTO DE LA RESPONSABILIDAD DE LA VIOLACIÓN, QUE HACE NULO EL DERECHO DEL PROPIETARIO DEL VEHICULO DE APELAR LA MULTA CIVIL, Y PROVOCARA LA EJECUCION DE LAS MULTAS CIVILES, SANCIONES Y COSTAS LEGALES APROPIADAS, QUE INCLUYEN UNA MULTA POR MORA DE $25.**

Es posible que no se emita una orden de arresto por no pagar de manera oportuna las multas civiles, sanciones y costas legales y, asimismo, es posible que la imposición de la sanción civil no se registre en el historial de manejo del propietario del vehículo.

EN FUNCIÓN DE MI REVISIÓN E INSPECCIÓN DE LAS PRUEBAS, INCLUIDAS LAS IMÁGENES RECORRIDAS, ESTABLECÍ QUE OOCURRIÓ UNA VIOLACIÓN DEL CAPÍTULO 28 DEL CÓDIGO DE LA CIUDAD DE DALLAS, ARTÍCULO XX, SECCIÓN 28-224. DECLARO BAJO PENAL DE PERJURIO SEGÚN LAS LEYES DEL ESTADO DE TEXAS QUE LO ANTECEDENTE ES VERDADERO Y CORRECTO.

FECHA DE EMISSION | OFICIAL DE JUSTICIA | NUM. DE PLACA POLICIAL
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Example Citation: back
Example Citation: fee payment instructions