



**CITY OF SAN ANTONIO
OFFICE OF THE CITY COUNCIL
COUNCIL CONSIDERATION REQUEST**

TO: Mayor & City Council

FROM: City Councilman Ray Lopez

COPIES TO: Sheryl Sculley, City Manager; Leticia Vacek, City Clerk; Edward Benavides, Chief of Staff; Chris Callanen, Assistant to the City Council; Michael Bernard, City Attorney; John Peterek, Interim Management Services Administrator

SUBJECT: Civil Penalty Ordinance for Bus Stop-Arm Violations

DATE: June 11, 2013

RECEIVED
 CITY OF SAN ANTONIO
 CITY CLERK
 2013 JUN 12 PM 2:33

Issue Proposed for Consideration

I ask for your support for the inclusion of the following item on the agenda of the earliest available meeting of the Governance Committee:

Directing staff to research and make appropriate recommendations for an ordinance that would:

- (1) create a civil penalty for unlawfully passing a stopped bus while loading and unloading students; and
- (2) allow reimbursement of certain costs incurred by the city (SAPD and or/Municipal Court) in enforcement of this proposed civil penalty ordinance.

Brief Background

According to the National Highway Traffic Safety Administration ("NHTSA"), children are at greatest risk when they are getting on or off the school bus. Most of the children killed in bus-related crashes are pedestrians, five to seven years old, and nearly 1/3 of the deaths occur in the 10-foot area surrounding the school bus because of passing motorists who ignore the flashing red warning lights and disregard a bus' deployed stop-arm.

Section 54.066 of the Texas Transportation Code creates a criminal offence for passing a stopped school bus that is operating certain visual signs, including stop arms, while loading and unloading students. However, enforcement of this offence by local authorities has been ineffective due to the large number of school buses in route at various locations, which makes it difficult for police officers to monitor and enforce.

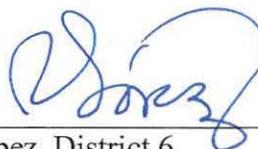
The adoption of a civil penalty ordinance that can be enforced will allow school buses to be equipped with monitoring systems (video cameras) at no cost to the school district. Violations will be captured by video cameras that engage when the bus' stop arm is extended. Violations will be reviewed and verified by a peace officer before a ticket is mailed to the vehicle owner. Fines can be securely paid online and unpaid fines or appeals will be processed through the City's Municipal Court system.

Camera reinforcement of school bus arm violations has been shown to effectively reduce the

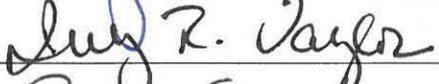
number of motor vehicles unlawfully passing stopped school buses displaying the required visual signals. Establishing a program providing for the photographic enforcement and administrative adjudication of school bus arm violations and the imposition of civil fines for those violations would reduce the number of motor vehicles unlawfully passing a stopped school bus, thereby reducing the risks associated with such violations, and would further the public health, safety, and welfare.

Strong support has been received from various school districts to implement a bus safety program for their students. For example, NEISD, South San ISD, East Central ISD and Judson ISD have all provided letters of support (see attached). Creating a civil penalty ordinance to implement a bus safety program will benefit students in the San Antonio area.

Submitted for Council consideration
by:



Councilman Ray Lopez, District 6

Supporting Councilmembers' Signatures (4 only)	District No.
1. 	1
2. 	2
3. 	4
4. 	7



North East Independent School District

8961 Tesoro Drive * San Antonio, Texas 78217 * (210) 407-0546 * rclary@neisd.net

Office of the Associate
Superintendent for Operations

May 23, 2013

The City Council of San Antonio
City Hall, 4th Floor
100 Military Plaza
San Antonio, Texas 78205

To Whom It May Concern:

I am writing on behalf of the District to seek the City's assistance with an ongoing and serious threat to student safety while at school bus stops.

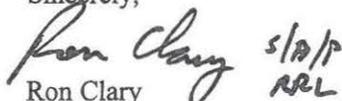
To illustrate our concern, the District has been pilot testing the BusGuard system since September 10, 2012, to track violations by motorists ignoring the bus stop arm sign(s) during student loading and unloading at their respective bus stops during the morning, mid-day, and afternoon routes. The results from this pilot test, which included only two buses, conclusively supports the need for more and stronger consequences to minimize or eliminate stop arm violations for the improved safety of our students. Specifically, the two buses with cameras alone have recorded approximately 400 violations, the footage of which the company's certified officers have confirmed. As you can imagine, if only two buses have recorded this many violations, factoring in the hundreds of buses in the District's fleet translates into literally thousands of violations during the school year, each of which represents a potential accident.

In addition to its pilot program, on April 10, 2013, the District participated in a Texas Department of Public Safety survey that also tracked motorists' failure to stop for buses. This survey included 315 buses on their regular morning, mid-day and afternoon routes and 592 violations were reported in one day. Again, over a 177-day school year, thousands of violations occur which require students and bus drivers to contend with a very dangerous and possibly life threatening situation on a daily basis. Without more stringent measures to address this issue, violations will only continue to increase as the District's population increases and more bus routes become necessary.

As the Associate Superintendent who oversees the District's Transportation Department, it has become readily apparent that despite our best efforts to provide a safe and secure environment at bus stops, motorists continue to ignore stop arm signs requiring them to wait behind or in front of school buses at drop off and pick up times. We believe that a proactive approach toward stronger enforcement of these rules is appropriate rather than, as so often happens, waiting until a tragedy occurs that otherwise could have been prevented. As such, the District requests that the City pass an ordinance prior to the start of the 2013-14 school year increasing penalties and further enhancing local enforcement of the laws requiring motorists to stop for school buses.

Thank you in advance for your consideration of this matter. Please contact me at (210) 407-0546 should you need to discuss this matter further.

Sincerely,


Ron Clary

Associate Superintendent for Operations



North East Independent School District

8961 Tesoro Drive * San Antonio, Texas 78217 * (210) 407-0546 * rclary@neisd.net

Office of the Associate
Superintendent for Operations

October 31, 2012

To Whom It May Concern:

The North East ISD has been pilot testing the BusGuard system to detect and record vehicles violating traffic rules and placing student lives in danger when passing the bus stop arm(s) during student loading/unloading at their respective bus stops. In addition to our local concern of the violations, these matters are receiving increased attention both across the state and nationwide.

This method and technique of capturing this type of violation by a camera with further validation by the appropriate law enforcement agency(s) has proven to be an improved, effective, and economical measure to reduce and hopefully eliminate this profound traffic/pedestrian situation. Recent results from our testing between September 10 through October 26, 2012 (34 school days) reveal that at least 40 violations occurred in certain areas of the district where only two equipped buses operate on a daily basis. Overall, this data represents that violations will have a much higher endangerment potential if the equipment were to be installed on our 313 remaining route buses.

North East is highly supportive of this initiative and encourages that this safety measure be favorably considered for implementation in your respective jurisdiction. Student safety is paramount and every effort to safeguard them from this danger would be appreciated.

Thank you for your attention and favorable consideration in this matter. Please contact me at (210) 407-0546 at your earliest convenience should you have any questions.

Respectfully,

Ron Clary
Associate Superintendent for Operations



SOUTH SAN ANTONIO INDEPENDENT SCHOOL DISTRICT

OFFICE OF THE SUPERINTENDENT

5622 RAY ELLISON BOULEVARD • SAN ANTONIO, TEXAS 78242-2214 • (210) 977-7000 • FAX (210) 977-7021

November 9, 2011

To Whom It May Concern:

As the Superintendent of the South San Antonio Independent School District I am pleased to announce that our School Board has unanimously approved the BusGuard system pending contract approval by our counsel.

I am strongly in favor of the implementation of this program in my district, as I believe it will enable my district to more effectively address the numerous security issues that threaten our school systems and buses.

The use of video equipment to collect evidence, track buses, and issue citations against drivers who pass the bus illegally is long overdue. Its passage will enable our school district to deal with the various security problems that we have encountered.

We are prepared to move forward with the program in South San Antonio ISD.

Sincerely,

A handwritten signature in cursive script that reads "Linda M. Zeigler".

Linda M. Zeigler
Interim Superintendent of Schools
South San Antonio independent School District
5622 Ray Ellison Boulevard
San Antonio, Texas 78242-2214

East Central ISD

A TRADITION OF QUALITY EDUCATION

Gregory J. Olivia
6634 New Sulphur Springs Road
San Antonio, TX 78263
May 22, 2013

To: The City of San Antonio

Subject: Implementation of School Bus Stop Arm Violation Enforcement in East Central Independent School District

East Central ISD has conducted a pilot study of the FXS BusGuard System. On a daily basis, we have the capability to receive reports about motor vehicles passing stopped school buses while loading and unloading children. We also have received similar reports from concerned parents, community members and our drivers witnessing the same violations.

This problem has been evident for years, but until now the only way to combat the problem was to ask for assistance from local law enforcement. It is unrealistic to hope that law enforcement can always be in the right place at the right time.

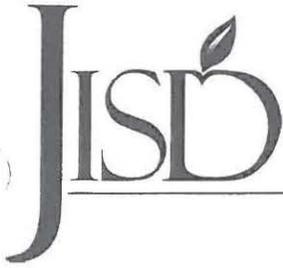
When the City of San Antonio enacts the necessary law to make the program enforceable, East Central ISD is ready to proceed with a program that will enhance the safety of our student bus riders. As I review the data across the nation, I am positive that it is not a matter of "if", but a matter of "when" our city loses a child to a motor vehicle accident loading or unloading from a school bus.

East Central ISD supports the use of video equipment to cite motorists putting our children in harm's way by ignoring the engaged stop signs and lights. We thereby request that the City of San Antonio pass an ordinance to enforce this ongoing problem. If you have any questions or comments feel free to contact me directly at 210-649-4481 or greg.olivia@ecisd.net.

Thank you for your consideration into this vital matter.



Gregory J. Olivia
Director of Transportation – East Central ISD



DATE: May 6, 2013

TO: City of San Antonio

SUBJECT: Implementation of the FXS BusGuard System in Judson ISD

Judson ISD has conducted a pilot study of the BusGuard System. On a daily basis, we have the capability to receive reports about motor vehicles passing stopped school buses while loading and unloading children.

This problem has been evident for years, but until now the only way to combat the problem was to ask for assistance from local law enforcement. With over 130 buses each making 15+ stops in the morning and afternoon, it is unrealistic to hope that law enforcement can always be in the right place at the right time.

When FXS BusGuard and the City of San Antonio enact the necessary law to make the program enforceable, Judson ISD is ready to proceed with the program. Our Board of Trustees has already approved the use of the system and is ready to install systems on all daily route buses.

Judson ISD supports the use of video equipment to cite motorists putting our children in harm's way by ignoring the engaged stop signs and lights. We thereby request approval of an agreement with the City of San Antonio and FXS BusGuard. If you have any questions or comments feel free to contact me directly.

Thank You

A handwritten signature in cursive script that reads "Daniel Kershner".

Daniel Kershner
dkershner@judsonisd.org