

Memorandum



CITY OF DALLAS

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.

A handwritten signature in cursive script that reads "Eric D. Campbell".

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

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

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- Provide basic information about the program
- Show inter-agency relationship
- Update program progress



Dallas County Schools - Overview

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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

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- **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

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- **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

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□ **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

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- **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

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□ 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

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- 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) 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

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

Contesting a Citation (continued)

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□ **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

Contesting a Citation (continued)

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□ 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

Program Statistics

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- 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.

2013 - School Bus Safety		2014 - School Bus Safety	
Total Citations Issued	36612	Total Citations Issued	28586
Adjudication Hearings (% of Citations Issued)	4968 (14%)	Adjudication Hearings (% of Citations Issued)	4580 (16%)
Dismissed in Adjudication (% of Citations Issued)	3650 (10%)	Dismissed in Adjudication (% of Citations Issued)	2656 (9%)
Found Liable in Adjudication (% of Citations Issued)	1318 (4%)	Found Liable in Adjudication (% of Citations Issued)	1924 (7%)
Municipal Court Hearings	45	Municipal Court Hearings	163
Dismissed in Municipal Court	15	Dismissed in Municipal Court	32
Found Liable in Municipal Court	30	Found Liable in Municipal Court	131

The Program WORKS:

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- 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: front (also in Spanish)



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.



MAIL DATE		
DATE OF VIOLATION	TIME OF VIOLATION	
LOCATION OF VIOLATION		
NAME OF REGISTERED OWNER (First, Middle, Last)		
STREET ADDRESS		
CITY	STATE	ZIP
VEH. LIC. NO.	VEH. STATE	
VEH. MAKE AND BODY		
FINE AMOUNT	ORDINANCE	DESCRIPTION
\$300.00	Dallas City Code Chapter 28, Article XX, Section 28-224	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/mail date. 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, IS 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.

BASED UPON MY REVIEW AND INSPECTION OF THE EVIDENCE, INCLUDING THE RECORDED IMAGES, I STATE THAT A VIOLATION OF DALLAS CITY CODE CHAPTER 28, ARTICLE XX, SECTION 28-224 DID OCCUR. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF TEXAS THE FOREGOING IS TRUE AND CORRECT.



CIUDAD DE DALLAS, TEXAS
PROGRAMA DE SEÑAL DE ALTO EN AUTOBUSES ESCOLARES
AVISO DE VIOLACIÓN

INFRACCION N.º 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.

FECHA DEL ENVÍO		
FECHA DE LA VIOLACIÓN	HORA DE LA VIOLACIÓN	
LUGAR DE LA VIOLACIÓN		
NOMBRE DEL PROPIETARIO REGISTRADO (primero y segundo nombre, apellido)		
DIRECCIÓN		
CIUDAD	ESTADO	CÓDIGO POSTAL
PLACA DEL VEHÍCULO	ESTADO	
MARCA DEL VEHÍCULO Y TIPO CARROCERÍA		
MONTO DE LA MULTA	ORDENANZA	DESCRIPCIÓN
\$300.00	Capítulo 28 del Código de la Ciudad de Dallas, Artículo XX, Sección 28-224	Pasar un autobús escolar mientras la señal de alto estaba extendida

USTED DEBE PAGAR U 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 oportuna 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 NI OBJETAR LA VIOLACIÓN EN EL TÉRMINO DE 30 DÍAS DESPUÉS DE LA FECHA DEL ENVÍO SE CONSIDERA UN RECONOCIMIENTO DE LA RESPONSABILIDAD DE LA VIOLACIÓN, UNA RENUNCIA DEL DERECHO DEL PROPIETARIO DEL VEHÍCULO DE APELAR LA MULTA CIVIL, Y PROVOCARÁ LA EVALUACIÓN 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 REGISTRADAS, ESTABLEZCO QUE OCURRIÓ UNA VIOLACIÓN DEL CAPÍTULO 28 DEL CÓDIGO DE LA CIUDAD DE DALLAS, ARTÍCULO XX, SECCIÓN 28-224. DECLARO BAJO PENA DE PERJURIO SEGUN LAS LEYES DEL ESTADO DE TEXAS QUE LO QUE ANTECEDE ES VERDADERO Y CORRECTO.

Example Citation: back

SCHOOL BUS STOP ARM PROGRAM – DENYING LIABILITY OF A VIOLATION

The vehicle identified in this Notice was photographed passing a stopped school bus in violation of Section 545.066 of the Texas Transportation Code, as amended, which is a civil offense under Dallas City Code Chapter 28, Article XX, Section 28-224. Failure to timely pay the civil fine or contest the violation within 30 days after the citation is issued/mail date is considered an admission of liability for the violation, is 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 court costs, including a \$25 late payment penalty.

In order to contest the imposition of the civil fine against you, you must 1) check the following box(es) that apply, then 2) sign and return this notice to:

School Bus Stop Arm Program
P.O. Box 224628
Dallas, Texas 75222

I Request a Hearing in Person.

You have the right to request an administrative adjudication hearing in person to contest the violation. Sign and mail this Notice back before the due date stated on the front of this Notice. You will be notified by mail of your scheduled hearing date. You must be present for your scheduled hearing, and failure to appear after having requested a hearing is an admission of liability and waives the right to appeal.

I Request a Hearing in Person and Request to Have the Enforcement Officer Present at the Hearing.

You have the right to have the enforcement officer present at the administrative adjudication hearing. A request to have the enforcement officer present at the hearing must be made at the time of your original request for a hearing, and failure to timely make this request constitutes a waiver of your right to have the enforcement officer present at the hearing.

I Request a Hearing by Mail.

You have the right to request an administrative adjudication hearing by mail to contest the violation. Sign and mail this Notice back before the due date stated on the front of this Notice. Include a letter indicating why you believe this citation should be dismissed and attach all supporting documentation. Be sure to include your name, address, and telephone number so the hearing officer can reply.

I Deny Liability Because I Was Not the Owner of the Vehicle at the Time of the Violation. (Must check one of the boxes below).

I have signed the affidavit below swearing that I was not the owner of the vehicle at the time of the violation. If the vehicle was sold prior to the violation date, you must also include a copy of the transfer of sale and provide the name and full contact information of the new legal owner. If the vehicle or license plate was reported stolen prior to the violation date, you must also submit a copy of the police report.

I request a hearing in person to prove I was not the owner of the vehicle at the time of the violation. At the hearing you must provide oral testimony and documentation evidencing that the vehicle was sold or reported stolen prior to the violation date, including but not limited to, purchase and sale documentation, full contact information for the new legal owner, and/or a police report indicating the vehicle was reported stolen.

I Deny Liability Because I am in the Business of Selling, Renting, or Leasing Vehicles and the Vehicle was Being Test Driven, Rented or Leased at the Time of the Violation. (Must check one of the boxes below).

I have signed the affidavit below swearing that I am in the business of selling, renting, or leasing vehicles and the vehicle was being rented, leased, or test driven at the time of the violation. You must include the name and full contact information of the person who was renting, leasing, or test driving the vehicle, as well as a copy of the lease or rental agreement.

I request a hearing in person to prove that I am in the business of selling, renting, or leasing vehicles and the vehicle was being rented, leased, or test driven at the time of the violation. At the hearing you must provide oral testimony and documentation evidencing that the vehicle was being rented, leased, or test driven at the time of the violation, including but not limited to, the name and full contact information of the person who was renting, leasing, or test driving the vehicle, as well as a copy of the lease or rental agreement.

Print Name: _____

Signature: _____

FOR ADDITIONAL INFORMATION OR QUESTIONS, PLEASE CALL 1-855-786-7276, MONDAY – FRIDAY, 8 A.M. – 5 P.M. CT,
OR VISIT WWW.ALERTBUS.COM

AFFIDAVIT

You must provide the full name and contact information of the person who leased, rented, test drove, or owned the vehicle at the time of the violation. A false representation of the following information or of any documents attached to this Notice may subject you to criminal penalties. This Affidavit must be notarized.

Name of Renter/Lessee/Test Driver/Owner _____ Address _____ City _____ State _____ Zip _____

Date of Sale/Lease/Rental/Test Drive _____

Police Report Number (If Applicable) _____

"I declare under penalty of perjury that the vehicle listed on this Notice and registered in my name at the time of the violation was owned by or being leased, rented, or test driven by the person listed above or listed in any attached documents, or was stolen. All information I have submitted is true and correct based on my personal knowledge."

Signature _____ Date _____ Phone Number _____

STATE OF TEXAS §
COUNTY OF _____ § [SEAL]

This instrument was acknowledged before me on _____ by _____.

Signature of Notary Public _____ Commission Expires _____

CITATION #
LICENSE PLATE #

Example Citation: fee payment instructions



City of Dallas

SCHOOL BUS STOP ARM PROGRAM – PAYMENT OF CIVIL FINE

The vehicle identified in this Notice was photographed passing a stopped school bus in violation of Section 545.066 of the Texas Transportation Code, as amended, which is a civil offense under Dallas City Code Chapter 28, Article XX, Section 28-224. **Failure to timely pay the civil fine or contest the violation within 30 days after the citation is issued/mail date is considered an admission of liability for the violation, is 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 court costs, including a \$25 late payment penalty.**

View Violation on the Internet @ www.alertbus.com - Recorded images of a violation constitute prima facie evidence pursuant to Dallas City Code Chapter 28, Article XX, Sections 28-229(c), (e) and 28-232(e). In addition to the photographs contained in this Notice, you may view the recorded images on the Internet at www.alertbus.com. You may login using your citation number and license plate number. For technical support, please contact support@alertbus.com. The recorded images are available online for 120 days from the date of violation.

Paying the Citation - Payment may be made by one of the following options on or before **09/21/2014**. You may pay the civil fine in lieu of appearing at an administrative adjudication hearing.

- A. Online:** Payments may be made online using Visa/MasterCard/Discover at www.alertbus.com. You may login online using your citation number and license plate number.
- B. By Mail:** Payments by personal check, money order or Visa/MasterCard/Discover are accepted by mail. Complete the payment coupon below and mail it to the address shown on the coupon. Checks and money orders should be made payable to "School Bus Stop Arm Program." **NO CASH payments are accepted.**
- C. In Person:** Payment in person may be made at 612 N. Zang Blvd., Dallas, TX 75208, on regular business days between 8:00 A.M. and 4:30 P.M. **NO CASH payments are accepted.**

Contesting the Citation – See enclosed form, "SCHOOL BUS STOP ARM CAMERA PROGRAM – DENYING LIABILITY OF A VIOLATION."

FOR ADDITIONAL INFORMATION OR QUESTIONS, PLEASE CALL 1-855-786-7276, MONDAY – FRIDAY, 8 A.M. – 5 P.M. CT, OR VISIT WWW.ALERTBUS.COM.

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DELINQUENT FINE PAYMENT COUPON – SCHOOL BUS STOP ARM PROGRAM

CUPÓN DE PAGO DE MULTAS RETRASADAS – PROGRAMA DE SEÑAL DE ALTO EN AUTOBUSES ESCOLARES
P.O. Box 227177, Dallas, TX 75222-7177

CITATION #: TX-01-752-00136232

CITACION N.º

AMOUNT DUE:

SUMA A PAGAR

DUE DATE:

FECHA DE VENCIMIENTO

Payment Method: Personal Check Money Order Visa/MasterCard/Discover

Forma de pago:

Cheque personal

Giro postal

Visa/MasterCard/Discover

Name as it appears on card (First, M.I., Last): _____

Nombre como aparece en la tarjeta (primero y segundo nombre, apellido)

Card #: _____

N.º de tarjeta

Exp. Date (Month/Year): _____

Fecha de vencimiento (mes/año)

Security Code: _____

Código de seguridad

Card Mailing Address (Street/P.O. Box): _____

Dirección postal de la tarjeta (calle/apartado postal)

Card Mailing Address (City/State/Zip Code): _____

Dirección postal de la tarjeta (ciudad/estado/código postal)

Phone Number (Required for all payment types): _____

Número de teléfono (requerido para todas las formas de pago)

Printed Name (Required for all payment types): _____

Nombre en letra de imprenta (requerido para todas las formas de pago)

Signature (Required for all payment types): _____

Firma (requerido para todas las formas de pago)