

INTRODUCED: September 12, 2016

AN ORDINANCE No. 2016-230

To amend ch. 27, art. I of the City Code by adding therein a new section 27-10 for the purpose of authorizing the School Board of the City of Richmond to install and operate a video-monitoring system in or on the school buses operated by the School Board as allowed by Va. Code § 46.2-844(B).

Patron – Mayor Jones

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 26 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Chapter 27, Article I of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** section numbered 27-10 as follows:

Sec. 27-10. Video-monitoring system on school buses.

The School Board of the City of Richmond, Virginia is hereby authorized to install and operate a video-monitoring system, as defined by Code of Virginia, § 46.2-844, in or on the school buses operated by the School Board or to contract with a private vendor to do so on behalf of the

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: SEPT 26 2016 REJECTED: _____ STRICKEN: _____

School Board for the purpose of recording violations of subsection A of Code of Virginia, § 46.2-844.

§ 2. This ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

AUG 26 2016

Chief Administration Office
City of Richmond

4-5604

DATE: August 23, 2016
TO: The Honorable Members of City Council
THROUGH: Dwight C. Jones, Mayor [Signature]
THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer [Signature]
THROUGH: Lenora Reid, DCAO for Finance and Administration [Signature]
THROUGH: Jay Brown, Director for Budget [Signature]
THROUGH: Dr. Dana Bedden, Superintendent Richmond Public Schools [Signature]
FROM: Alfred Durham, Chief of Police [Signature]
RE: Ordinance to support video monitoring system on Richmond City Public School Buses for enforcement of violations for vehicles illegally passing school buses while the stop arm is extended

ORD. OR RES. No. _____

RECEIVED
SEP 02 2016
OFFICE OF CITY ATTORNEY

PURPOSE:

To request an Ordinance to enable the establishment of a video monitoring system on Richmond City Public School Buses in order to improve public safety by enhancing enforcement efforts to combat vehicles illegally passing school buses while the stop arm is extended.

REASON:

In recent years the City of Richmond Public Schools and surrounding areas have experienced increasing incidences of Illegal school bus stop arm violations. Video monitoring systems reduce violations and help to improve the safety of all children riding city school buses. The statistics have shown that significant reductions of stop arm violations can be achieved by equipping busses with video-monitoring systems. With these systems installed, the instances of motorists illegally passing school buses while the stop arm is extended would result in the Richmond Police Department issuing civil violations for the offense and deterring future violations.

An annual survey conducted by the National Association of State Directors of Pupil Transportation (NASDPTS) revealed almost 79,000 instances of illegal school bus passing's on one single day in 2015. In this year, this annual survey included 102,357

school bus drivers across 26 states. NASDPTS officials note that this figure can be extrapolated across the United States to find that about 14 million school bus stop arm violations occur annually in a 180-day school year. The 2015 survey shows a .77 violation rate per bus each day. This rate has been fairly consistent over the past few years: it was .78 in 2014, and .79 in 2013.

VA Code § 46.2-844, recently amended by the General Assembly, allows the governing body of any city, by ordinance, to establish a school bus video-monitoring program and install these systems on school buses to capture live digital and recorded video of motor vehicles being operated in violation of Code of Virginia, §46.2-859. Additionally, VA Code § 46.2-844 (B), permits that such ordinance “may” direct that any civil penalty levied for a violation shall be payable to the local school division.

RECOMMENDATION:

The Richmond Police Department in partnership with Richmond Public Schools recommends that City Council adopt an ordinance enabling the establishment of a video monitoring system on Richmond City Public School Buses.

FISCAL IMPACT:

It is projected the city should receive approximately \$1 million in additional revenue the first year based on the number of buses and average violation rate. The program will continue to generate revenue in future years, although net proceeds are expected to decline as the number of citations decreases in conjunction with increased compliance.

COST TO CITY: \$0. Initial costs to conduct a public awareness campaign will be incurred by the contractor. Additionally, the contractor will cover costs associated with one (1) law enforcement officer, employed by the City of Richmond, to swear to or affirm the certificate accompanying the traffic violation. Based on the estimated frequency of violations, it is anticipated that the citations generated will require one (1) officer’s time for approximately 60 minutes per day, five days each week, to review and approve or disapprove potential violations.

REVENUE TO CITY: An estimated revenue of \$1 million in the first year. The program will continue to generate revenue in future years, although net proceeds are expected to decline as the number of citations decreases in conjunction with increased compliance.

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: September 12, 2016

CITY COUNCIL PUBLIC HEARING DATE: September 26, 2016

REQUESTED AGENDA: Consent Agenda

RECOMMENDED COUNCIL COMMITTEE: Finance

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

AFFECTED AGENCIES: Police, Richmond Public Schools and Finance

RELATIONSHIP TO EXISTING ORD. OR. RES.: No

REQUIRED CHANGES TO WORK PROGRAMS: None

ATTACHMENTS: VA Code § 46.2-844 and §46.2-859

STAFF:

RPS: Thomas Kranz (804) 780-7707

RPD: Victoria Pearson (804) 646-4467

§ 46.2-844. Passing stopped school buses; penalty; prima facie evidence

A. The driver of a motor vehicle approaching from any direction a clearly marked school bus which is stopped on any highway, private road or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, who, in violation of § 46.2-859, fails to stop and remain stopped until all such persons are clear of the highway, private road or school driveway, is subject to a civil penalty of \$250 and any prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions.

A prosecution or proceeding under § 46.2-859 is a bar to a prosecution or proceeding under this section for the same act and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-859 for the same act.

In any prosecution for which a summons charging a violation of this section was issued within ten days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) of this title shall give rise to a rebuttable presumption that the registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, the violation occurred.

The testimony of the school bus driver, the supervisor of school buses or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

B. A locality may, by ordinance, authorize the school division of the locality to install and operate a video-monitoring system in or on the school buses operated by the division or to contract with a private vendor to do so on behalf of the school division for the purpose of recording violations of subsection A. Such ordinance may direct that any civil penalty levied for a violation of subsection A shall be payable to the local school division.

For purposes of this subsection, "video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of § 46.2-859. All such systems installed shall, at a minimum, produce a recorded image of the license plate and shall record the activation status of at least one warning device as prescribed in § 46.2-1090 and the time, date, and location of the vehicle when the image is recorded.

1985, c. 511, § 46.1-212.1; 1987, c. 106; 1989, c. 727; 1997, cc. 622, 800, 908; 2001, c. 126; 2002, c. 541; 2011, cc. 787, 838.

§ 46.2-859. Passing a stopped school bus; prima facie evidence

A person driving a motor vehicle shall stop such vehicle when approaching, from any direction, any school bus which is stopped on any highway, private road or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, and shall remain stopped until all the persons are clear of the highway, private road or school driveway and the bus is put in motion; any person violating the foregoing is guilty of reckless driving. The driver of a vehicle, however, need not stop when approaching a school bus if the school bus is stopped on the other roadway of a divided highway, on an access road, or on a driveway when the other roadway, access road, or driveway is separated from the roadway on which he is driving by a physical barrier or an unpaved area. The driver of a vehicle also need not stop when approaching a school bus which is loading or discharging passengers from or onto property immediately adjacent to a school if the driver is directed by a law-enforcement officer or other duly authorized uniformed school crossing guard to pass the school bus. This section shall apply to school buses which are equipped with warning devices prescribed in § 46.2-1090 and are painted yellow with the words "School Bus" in black letters at least eight inches high on the front and rear thereof. Only school buses which are painted yellow and equipped with the required lettering and warning devices shall be identified as school buses.

The testimony of the school bus driver, the supervisor of school buses or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

Code 1950, §§ 46-209, 46-209.1; 1950, p. 880; 1952, c. 671; 1954, cc. 225, 401, 458; 1958, c. 541, § 46.1-190; 1960, c. 510; 1964, c. 266; 1966, c. 694; 1968, c. 575; 1970, c. 521; 1974, cc. 222, 455; 1975, c. 633; 1978, c. 27; 1979, c. 86; 1981, cc. 333, 585; 1985, c. 148; 1989, c. 727; 2001, c. 126; 2002, c. 541; 2011, cc. 325, 326.