

## PLANO CITY COUNCIL

**WILL CONVENE INTO EXECUTIVE SESSION AT 5:00 P.M. ON DECEMBER 12, 2011, FOLLOWED BY THE PRELIMINARY OPEN MEETING IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:**

**Mission Statement: The mission of the City of Plano is to provide outstanding services and facilities, through cooperative efforts with our citizens, that contribute to the quality of life in our community.**

### EXECUTIVE SESSION

- |      |   |           |         |
|------|---|-----------|---------|
| I.   | Legal Advice<br>- Respond to questions and receive legal advice on agenda items   | Wetherbee | 5 min.  |
| II.  | Economic Development<br>Discuss a financial offer or other incentive to a business prospect to locate, stay, or expand in Plano and consider any commercial and financial information from the business prospect. | Bane      | 15 min. |
| III. | Personnel<br>- Council Appointee Evaluations  | Council   | 30 min. |

### PRELIMINARY OPEN MEETING

- |      |   |         |         |
|------|---|---------|---------|
| I.   | Consideration and action resulting from Executive Session discussion: | Council | 5 min.  |
| II.  | The Arts Center of North Texas Report                                 | Simpson | 15 min. |
| III. | Discussion and Direction re Regulations for Private Clubs             | Jarrell | 10 min. |
| IV.  | Discussion and Direction re Safe Passing Ordinance                    | Rushin  | 20 min. |
| V.   | Briefing re Red Light Cameras   | Rushin  | 15 min. |

- |       |   |         |        |
|-------|---|---------|--------|
| VI.   | Personnel Appointments - Chair<br>Tax Increment Financing Reinvestment Zone No. 2 Board | Council | 5 min. |
| VII.  | Council items for discussion/action on future agendas                                   | Council | 5 min. |
| VIII. | Consent and Regular Agenda  | Council | 5 min. |

**In accordance with the provisions of the Open Meetings Act, during Preliminary Open Meetings, agenda items will be discussed and votes may be taken where appropriate.**

***Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Avenue L, with specially marked parking spaces nearby. Access and special parking are also available on the north side of building. The Council Chamber is accessible by elevator to the lower level. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.***

November 30, 2011

## MEMO

**TO:** Bruce D. Glasscock, City Manager  
Frank F. Turner, Deputy City Manager

**FROM:** Phyllis M. Jarrell, Director of Planning

**SUBJECT:** Private Club Regulations

The sale of alcohol for on-premise consumption in Plano is regulated through two separate types of state-issued permits. Since the mid 1970's, Plano has allowed on-premise consumption with a private club permit. The city also adopted numerous zoning regulations to control the number and location of private clubs, the size of the restaurant, a 1000 foot distance setbacks from churches, schools and other uses, and a food-to-beverage ratio of 65% food/35% alcohol (state law does not include a food/beverage restriction for private clubs). State law later changed to prohibit cities from imposing requirements more restrictive than the state's requirements, but existing ordinances were allowed to remain in effect. In 2005, Plano voters approved the issuance of mixed-beverage permits with a food-and-beverage certificate, giving restaurants another option for the sale of alcohol. A food and beverage certificate holder is prohibited from deriving more than 50% of gross receipts from the sale of alcohol. The city also adopted the maximum 300 foot distance setback from churches and schools allowed by state law.

Amendments to relax the city's private club regulations have been made in the past. In the downtown Business Government zoning district, the City Council may waive the distance requirement between churches and private clubs. In the Central Business-1 (Legacy Town Center area) and the downtown Business Government district private clubs are exempt from all regulations with the exception of a 300 foot distance setback from churches and schools. These amendments were made in response to concerns about restaurants in these distinctive areas, which are oriented to dinner and late evening service, being unable to meet the 50% food requirement of the food-and-beverage certificate. These amendments give restaurants the option of operating with a private club permit but not subject to the city's more restrictive food-to-beverage requirements. Five businesses operate as private clubs in Legacy Town Center; none in Downtown Plano.

Most recently, a restaurant operator questioned the 1000 foot distance setback from churches in areas outside of the CB-1 and BG zoning districts. The Planning & Zoning Commission called a public hearing to consider amending this distance requirement but has tabled the zoning case until January 3rd.

The option of a mixed beverage permit and the evolution of the city's regulations for private clubs over the last few years raise the issue of whether or not the two types of permits should continue to be regulated differently. Customers are unaware of which permit a restaurant is operating under and there are no perceived differences between the two permits in terms of impact on surrounding properties. City Council may wish to consider amendments to the Zoning Ordinance to standardize the regulations by establishing the same distance setbacks as allowed by state law from churches and schools (300 feet) and setting a 50% food/50% alcohol ratio for private clubs to match that of mixed beverage permit holders. This option would eliminate Specific Use Permits for private clubs along with the limitations on the number of permits at certain intersections, requirements for a minimum number of dining chairs, and other regulations. Staff would also recommend maintaining the exemptions already in place for private clubs within the BG and CB-1 zoning districts.

One important issue to note is that once the city eliminates or relaxes its unique local regulations for private clubs, it may not reenact them at a later date. The city may only impose those regulations now allowed by state law for the sale of alcohol.

If City Council wishes to initiate amendments to the private club regulations, staff will schedule a public hearing for the Planning & Zoning Commission to consider amending the Zoning Ordinance for this purpose.

Please let me know if you need additional information or have questions.

XC: Paige Mims, Deputy City Attorney  
Tina Firgens, Planning Manager



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## **MEMORANDUM**

**Date:** October 26, 2011  
**To:** Gregory W. Rushin, Chief of Police  
**From:** Jason Christensen, Lieutenant  
**Subject:** Analysis of Safe Passing Ordinance

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The following is a report on a proposed “Model Safe Passing Ordinance” circulated by numerous pro-bicycling organizations, including BikeTexas. BikeTexas is a non-profit organization designed to increase awareness and interest in bicycle access, safety, and education ([www.biketexas.org](http://www.biketexas.org)). Cities such as Denton, El Paso, Austin, San Antonio, Edinburg, Fort Worth, New Braunfels, and Beaumont passed ordinances containing language similar to that found in the “Model Safe Passing Ordinance” presented by BikeTexas. These cities titled their ordinances under names such as “Vulnerable Road Users” and “Safe Passing of Vulnerable Road Users”. According to BikeTexas, 16 states have laws designed to protect “vulnerable road users”, including the requirement of a 3-foot passing zone of clearance around these types of users.

### **“Safe Passing Act” history, legislation, etc.**

*Bill authors: Rodney Ellis, John Carona*

“The Safe Passing Act” (SB 488) was filed on January 15, 2009. It left the Senate Committee on April 1, 2009 and was voted on and passed by the Senate on April 21, 2009. The bill left the House Committee on May 5, 2009, and was voted on and passed by the House on May 19, 2009. The bill was vetoed by Governor Perry on June 19, 2009.

An analysis of the bill states there are notable differences in fatality rates among different groups of road users. According to the authors, “Vulnerable Road Users” are at greater risk than vehicle occupants, and are often overrepresented in traffic fatalities. The bill sought to provide additional protections for vulnerable road users.

SB 488 required more than three feet of passing distance (six feet for commercial vehicles) when motorists pass vulnerable road users. Additionally, it included penalties for intimidating, harassing, or threatening vulnerable road users. Violations of SB 488 constituted a fine of \$500 if the violation resulted in property damage or a Class B misdemeanor if the violation resulted in bodily injury.

Section (k) of the bill stated that it was a defense to prosecution that the vulnerable road user was a person operating a bicycle in violation of Section 551.103 (Operation on Roadway) or

551.104(b)(2) (relating to bicycle safety equipment).

According to the House Journal, SB 488 prevailed with 142 yeay votes and zero nay votes. The measure passed in the Senate as well, with 26 yeay votes and five nay votes.

Governor Perry vetoed the measure on June 19, 2009. Among his objections to the bill, Governor Perry argued that it creates a new class of roadway users, requiring specific actions by motor vehicle operators. He advised that many “Vulnerable Road Users” already have operation regulations and restrictions in statute. Additionally, Governor Perry argued the bill contradicted much of current statute, placing the liability and responsibility on the motor vehicle operator when encountering a “Vulnerable Road User”. Finally, Governor Perry noted motor vehicle operators are already subject to penalties when he or she is at fault for causing a collision or operating recklessly, regardless of whether it is against a “vulnerable road user” or not.

References:

Senate Journal from Monday, June 1, 2009 (pages 5159-5160)  
<http://www.journals.senate.state.tx.us/sjrnl/81r/pdf/81RSJ06-01-F.PDF#page=120>

Senate Bill No. 488 text  
<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=81R&Bill=SB488>

### **Review of ordinances in other cities**

Ordinances passed in New Braunfels, Beaumont, Helotes, El Paso, Austin, San Antonio, and Edinburg closely model language offered in the “Model Safe Passing Ordinance” found on the BikeTexas webpage (<http://www.biketexas.org>). The model ordinance is included as an attachment to this report.

The City of Fort Worth passed a city ordinance under Sec. 22-95 – “Safe passing of vulnerable road users”, which also uses similar language to that in the model ordinance. Fort Worth includes a section, (d) (2), which notes that an occupant of a motor vehicle may not maneuver the vehicle in a manner that is reckless and which causes a collision with any vulnerable road user on any roadway or intersection. This includes a collision caused by opening a motor vehicle’s door into the path of a vulnerable road user or the user’s animal or equipment.

The City of Denton also passed an ordinance relating to safe passage-vulnerable road users. This version includes expanded definitions of vulnerable road users (skateboarders, rollerblades, manual scooters, etc.) in various categories. Further, Denton’s ordinance provides specifications and requirements for various types of vulnerable road users (pedestrians, runners, etc. shall utilize sidewalks; persons operating on bicycles on a roadway may ride two abreast).

Denton’s ordinance includes u-turns, in reference to additional requirements in yielding right-of-way. Additionally, the ordinance makes it a violation to place a vulnerable road user at risk of unreasonable imminent bodily injury. Finally, Denton’s ordinance states “it is a defense to prosecution under this section that at the time of the offense, the vulnerable road user was acting in violation of the law”. The language in the model ordinance states “it is an affirmative defense to prosecution...”

### Information from other cities

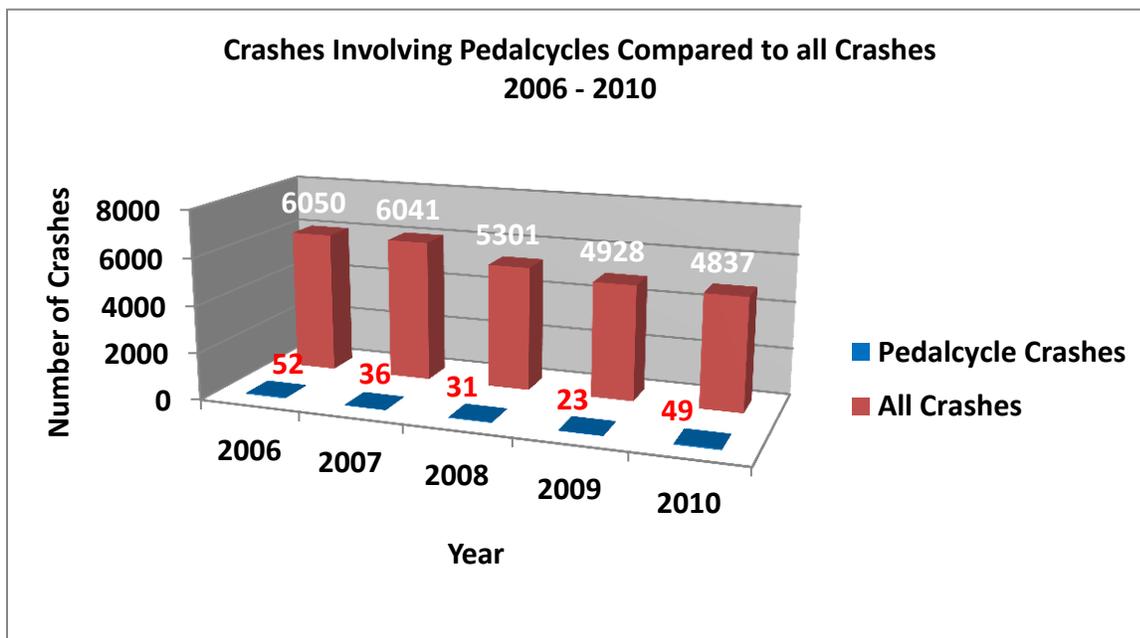
Mark Nelson, Director of Transportation Operations for the City of Denton, advised that language used in their ordinance came from that found in the “Safe Passing Act” (SB 488) proposal. Council agenda information from the City of Denton on April 5, 2011 indicates the purpose of the ordinance is to protect vulnerable road users, which are typically defined as a pedestrian, cyclist, or an individual who must occupy a portion of the roadway as part of their employment. In his agenda information sheet, Nelson noted that sixteen other states have passed vulnerable road user laws to provide additional protections, in addition to local ordinances passed in San Antonio, Austin, El Paso, New Braunfels, Edinburgh, and Helotes.

Mr. Nelson advised the impetus for the ordinance in the City of Denton began with a council member who is a bicycle enthusiast, and was aware of “Safe Passing” legislation and ordinance proposals in other cities. Mr. Nelson was unaware of any citations issued by the Denton Police Department as a result of violations involving the ordinance. He advised their emphasis involves a focus on more public education, incorporating the efforts of their Mobility Committee.

### Analysis of crashes involving pedal-cyclists

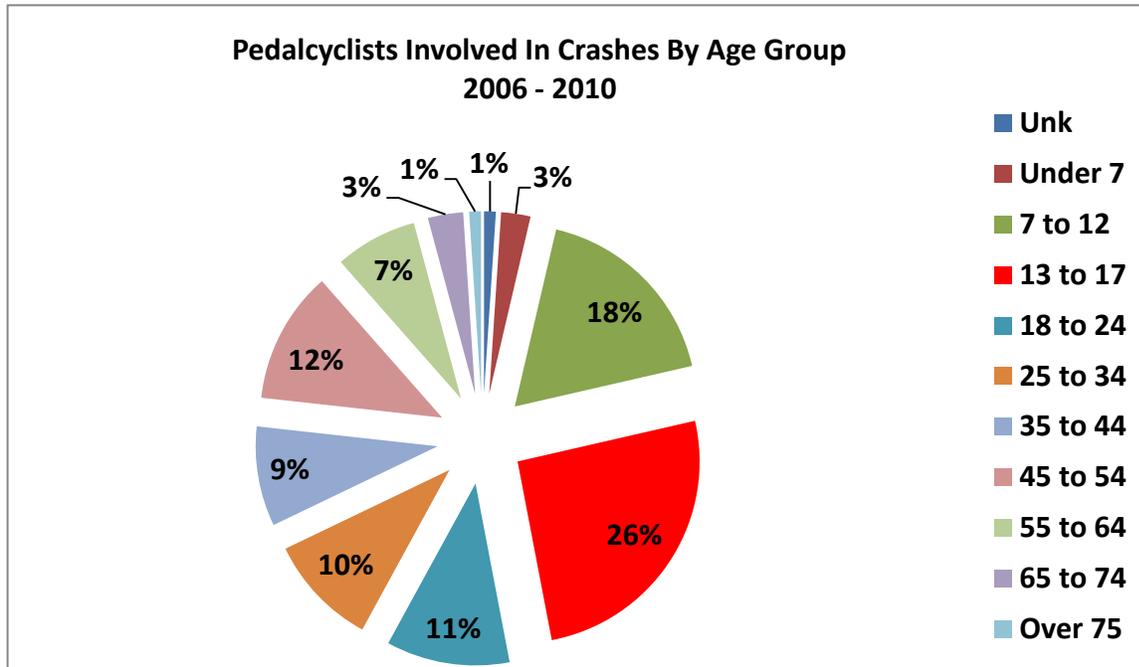
The Plano Police Department’s Crime Analysis Unit conducted a review of all crashes involving pedal-cyclists from 2006 to the present. On October 31, 2011, Planning and Research Coordinator Danny Alexander provided this report to Chief Rushin. The report analyzed a variety of issues relating to pedal-cyclist crashes.

From 2006 to 2009, the total number of crashes involving pedal cycles (142) accounted for less than one percent of all crashes in the city. In 2010, the percentage of crashes involving pedal cyclists increased (49) to 1.01 percent of all crashes. Through September 2011, there have been 34 reported crashes involving pedal cycles.



Between 2006 and 2010, most crashes involving pedal cyclists occurred in August (21), followed by July (20), with 19 crashes each occurring in April, May, and June. During the same time period, more pedal cycle crashes occurred on Mondays (40), than any other day of the week. The hours of 7:00 a.m. (29) and 8:00 a.m. (21) had the highest number of pedal cycle crashes by hour, followed by 4:00 p.m. (16) and 6:00 p.m. (16).

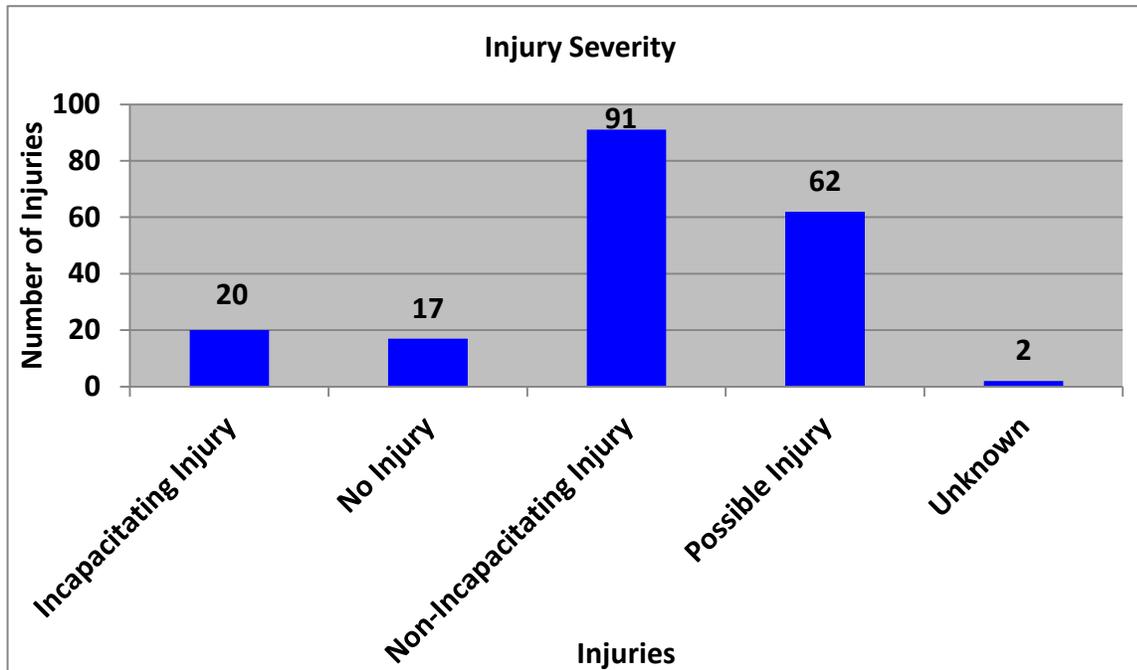
The ages of pedal cyclists involved in crashes ranged from 3 years of age to 83 years of age. The age group most often involved in crashes was 13 to 17 year olds (26%), followed by 7 to 12 year olds (18%). Fifteen year olds were most likely to be involved in a pedal cycle crash, accounting for 8.85% of all involved crashes, followed by 12 year olds (7.29%).



Pedal cyclists were not wearing a helmet in 76 percent of crashes occurring between 2006 and 2010, where helmet data was collected. Pedal cyclists in the age group of 13 to 17 years of age were least likely to be wearing a helmet in a crash. This age group accounted for nearly 24 percent of non-helmet usage in pedal cycle crashes. The age range of 45 to 54 years of age was the most compliant with helmet usage in a crash.

The injury rate for pedal cyclists involved in crashes during the period of 2006 to 2010 was 58 percent. This figure does not include those reporting possible injuries. Non-incapacitating injuries accounted for 82 percent of all injuries, with incapacitating injuries accounting for the remaining 18 percent.

During the reported period, there were no fatal crashes involving a pedal cyclist. There has only been one reported fatality-involved crash since 2002. That crash occurred in 2004 in the 6300 block of Legacy Drive. The following chart compares the injury severity of crashes occurring in 2006 through 2010.



In the following tables, causation factors in these crashes were analyzed. In 34.8 percent of crashes, pedalcyclists entered the roadway from a sidewalk just prior to the crash. In 79 percent of those crashes, the pedalcyclist entered the roadway from the sidewalk to the right of the motorist. The following table shows the contributing factors attributed to pedal cyclists in crashes:

<b>Pedalcyclist Crash Factor</b>	<b>Number</b>	<b>Pct of Crashes</b>
<b>Pedalcyclist Failed to Yield Right of Way to Motor Vehicle</b>	<b>41</b>	<b>21.4%</b>
<b>Driver Inattention</b>	<b>11</b>	<b>5.7%</b>
<b>Disregard Stop and Go Signal</b>	<b>10</b>	<b>5.2%</b>
<b>No Opinion</b>	<b>10</b>	<b>5.2%</b>
<b>Failed to Yield Right of Way - Private Drive</b>	<b>8</b>	<b>4.2%</b>
<b>Wrong Side - Approach or Intersection</b>	<b>6</b>	<b>3.1%</b>
<b>Disregard Stop Sign or Light</b>	<b>4</b>	<b>2.1%</b>
<b>Failed to Stop at Proper Place</b>	<b>4</b>	<b>2.1%</b>
<b>Failed to Control Speed</b>	<b>3</b>	<b>1.6%</b>
<b>Wrong Side - Not Passing</b>	<b>3</b>	<b>1.6%</b>
<b>Changed Lanes When Unsafe</b>	<b>2</b>	<b>1.0%</b>
<b>Drove Without Head Lights</b>	<b>2</b>	<b>1.0%</b>
<b>Impaired Visibility</b>	<b>2</b>	<b>1.0%</b>
<b>Came off Sidewalk into the Street</b>	<b>1</b>	<b>0.5%</b>
<b>Defective or No Vehicle Brakes</b>	<b>1</b>	<b>0.5%</b>

<b>Pedalcyclist Crash Factor</b>	<b>Number</b>	<b>Pct of Crashes</b>
<b>Drove Wrong Side of Road</b>	<b>1</b>	<b>0.5%</b>
<b>Failed to Drive in a Single Lane</b>	<b>1</b>	<b>0.5%</b>
<b>Failed to Heed Warning Sign</b>	<b>1</b>	<b>0.5%</b>
<b>Failed to Yield Right of Way - Alley</b>	<b>1</b>	<b>0.5%</b>
<b>Failed to Yield Right of Way - Open Intersection</b>	<b>1</b>	<b>0.5%</b>
<b>Failed to Yield Right of Way - Stop Sign</b>	<b>1</b>	<b>0.5%</b>
<b>Failed to Yield Right of Way - Turning Left</b>	<b>1</b>	<b>0.5%</b>
<b>Failed to Yield Right of Way Entering Roadway</b>	<b>1</b>	<b>0.5%</b>
<b>Failed to Yield Right of Way to Turning Traffic</b>	<b>1</b>	<b>0.5%</b>
<b>Faulty Evasive Action</b>	<b>1</b>	<b>0.5%</b>
<b>Had Been Drinking</b>	<b>1</b>	<b>0.5%</b>
<b>Not Equipped with Lights or Reflectors</b>	<b>1</b>	<b>0.5%</b>
<b>Not Equipped with Blinking Red Reflector</b>	<b>1</b>	<b>0.5%</b>
<b>Parked Without Lights</b>	<b>1</b>	<b>0.5%</b>
<b>Pedalcyclist on Sidewalk</b>	<b>1</b>	<b>0.5%</b>
<b>Riding in a Crosswalk</b>	<b>1</b>	<b>0.5%</b>
<b>Turned When Unsafe</b>	<b>1</b>	<b>0.5%</b>
<b>Under Influence - Alcohol</b>	<b>1</b>	<b>0.5%</b>
<b>Wrong Side of Side Walk</b>	<b>1</b>	<b>0.5%</b>
<b>Wrong Way - One-Way Road</b>	<b>1</b>	<b>0.5%</b>

The following table shows the contributing factors attributed to motorists in these crashes, as determined by the investigating officer and reported in the State Crash Report:

<b>Motorist Contributing Factors</b>	<b>Number</b>	<b>Pct of Crashes</b>
<b>Driver Inattention</b>	<b>26</b>	<b>13.5%</b>
<b>Failed to Yield Right of Way - To Pedestrian</b>	<b>15</b>	<b>7.8%</b>
<b>No Opinion</b>	<b>9</b>	<b>4.7%</b>
<b>Failed to Yield Right of Way - Left Turn</b>	<b>7</b>	<b>3.6%</b>
<b>Failed to Yield Right of Way - Stop Sign</b>	<b>7</b>	<b>3.6%</b>
<b>Impaired Visibility</b>	<b>5</b>	<b>2.6%</b>
<b>Turned When Unsafe</b>	<b>4</b>	<b>2.1%</b>
<b>Disregard Stop Sign or Light</b>	<b>3</b>	<b>1.6%</b>
<b>Fail to Control Speed</b>	<b>3</b>	<b>1.6%</b>
<b>Disregard Stop and Go Signal</b>	<b>2</b>	<b>1.0%</b>
<b>Fail to Pass Safely - Left Side</b>	<b>2</b>	<b>1.0%</b>
<b>Failed to Yield Right of Way - Turn on Red</b>	<b>2</b>	<b>1.0%</b>
<b>Failed to Yield Right of Way - Private Drive</b>	<b>2</b>	<b>1.0%</b>
<b>Failed to Yield Right of Way - Turn on Red</b>	<b>2</b>	<b>1.0%</b>

<b>Motorist Contributing Factors</b>	<b>Number</b>	<b>Pct of Crashes</b>
<b>Illness</b>	<b>2</b>	<b>1.0%</b>
<b>Turned Improperly - Wide Right</b>	<b>2</b>	<b>1.0%</b>
<b>Cell Phone Use</b>	<b>1</b>	<b>0.5%</b>
<b>Change Lane When Unsafe</b>	<b>1</b>	<b>0.5%</b>
<b>Defective or No Brakes</b>	<b>1</b>	<b>0.5%</b>
<b>Distraction in Vehicle</b>	<b>1</b>	<b>0.5%</b>
<b>Drove Without Headlights</b>	<b>1</b>	<b>0.5%</b>
<b>Failed to Drive in a Single Lane</b>	<b>1</b>	<b>0.5%</b>
<b>Failed to Stop at Proper Place</b>	<b>1</b>	<b>0.5%</b>
<b>Failed to Yield Crosswalk to Pedalcyclist</b>	<b>1</b>	<b>0.5%</b>
<b>Failed to Yield Right of Way - Alley</b>	<b>1</b>	<b>0.5%</b>
<b>Failed to Yield Right of Way - Occupied Crosswalk</b>	<b>1</b>	<b>0.5%</b>
<b>Failed to Yield Right of Way - Open Intersection</b>	<b>1</b>	<b>0.5%</b>
<b>Faulty Evasive Action</b>	<b>1</b>	<b>0.5%</b>
<b>Followed Too Close</b>	<b>1</b>	<b>0.5%</b>
<b>Overtake and Pass Insufficient Clearance</b>	<b>1</b>	<b>0.5%</b>
<b>Pedalcyclist Failed to Yield Right of Way to Motor Vehicle</b>	<b>1</b>	<b>0.5%</b>
<b>Reduced Visibility</b>	<b>1</b>	<b>0.5%</b>
<b>Road Rage</b>	<b>1</b>	<b>0.5%</b>
<b>Speeding Over Limit</b>	<b>1</b>	<b>0.5%</b>
<b>Sun in Eyes</b>	<b>1</b>	<b>0.5%</b>
<b>Wet Streets</b>	<b>1</b>	<b>0.5%</b>

A total of 33 charges were filed in 27 pedalcycle-involved crashes between 2006 and 2010. 14 of those charges involved hazardous moving violations, with 13 of the charges filed against motorists (8 of 13 involving failure to yield right of way offenses). One hazardous moving violation (disregard red light) was filed against a pedalcyclist during the same time period.

**Discussion of existing laws protecting/regulating bicycles and other conveyances**

<b>Proposed Safe Passing Ordinance</b>	<b>Existing law/ordinance</b>
Definition of Vulnerable Road Users	Various definitions exist under Plano City Ordinances and Texas Transportation Code
Passing a Vulnerable Road User	Safe distance, bicyclists must ride on right curb or edge
Safe Distance	Passing to the left at safe distance, maintain clear distance between vehicles
Left Turns at Intersection	Operators shall yield right-of-way when turning left
Overtaking a Vulnerable Road User	Requires safe distance and cannot move back to right side of road unless safely clear of passed vehicle
Cause intimidation or harassment, or threaten vulnerable road user	Reckless driving includes the willful or wanton disregard for the safety of persons or property
“Affirmative Defense” – Action constitutes offense, defendant must raise issue at trial vs. “Defense to Prosecution” – Element of offense must be negated	Currently, “vehicles” fall under the same legal standard in the Transportation Code

*Sample Safe Passing Ordinance: Vulnerable Road User includes (4) a person operating a motorcycle, moped, motor-driven cycle, or motor-assisted scooter.*

Currently, existing City of Plano ordinances regulate the operation of motorized scooters on roadways. Plano City Ordinance (CO 14-26) defines a motorized scooter as a self-propelled device with at least two wheels in contact with the ground during operation, a braking system, a gas or electric motor forty (40) cubic centimeters or less, a deck designed to allow a person to stand or sit while operating, and the ability to be self-propelled by human power alone.

Plano City Ordinance (CO 14-27) states it is unlawful for any person to ride or operate a motorized scooter on any sidewalk within the following geographic areas:

1. The area encompassed by the following boundaries: beginning at the intersection of K Avenue and 14<sup>th</sup> Street, thence west along 14<sup>th</sup> Street to its intersection with the west side of the DART right-of-way, thence north along the west side of the DART right-of-way for a distance of one thousand two hundred (1,200) feet, thence east one hundred ninety (190) feet to the east side of the DART bus drop off lot, thence south one hundred eighty-five (185) feet to the north right-of-way of 16<sup>th</sup> Street, thence east along 16<sup>th</sup> Street to its intersection with K Avenue, thence south along K Avenue to its intersection with 14<sup>th</sup> Street.
2. Haggard Park, including the parking area,
3. The monuments, retaining walls, plazas, walkways, steps, railings, and trail that are part of the area of Memorial Park that serves as a veteran’s memorial; however, this shall not apply to the continuous recreational trail that passes under Custer Road and through the length of Memorial Park connecting it to Chisholm Trail and Jack Carter Park.

Further, Plano City Ordinance (CO 14-27) states it is unlawful for any person to ride or operate a motorized scooter on a street, road, or highway that has an improved surface that is greater than twenty-seven (27) feet in width. Plano City Ordinance (CO 14-28) outlines additional age restrictions, making it unlawful for a custodian to permit or allow a child under the age of 10 to operate or ride a motorized scooter on any alley, street, or highway within the city. Subsection (b) places similar restrictions on persons who are ten (10) years of age, but under eighteen (18) years of age, unless they have an appropriate license as specified in the ordinance.

Plano City Ordinance (CO 14-7) states no person shall use or operate a motorized device, or bicycles, roller skates, rollerblades, skateboard, or similar device on any public street, sidewalk, walkway, or other public area within the following identified places, unless specifically permitted and posted for such purposes:

1. The area encompassed by the following boundaries: beginning at the intersection of K Avenue and 14<sup>th</sup> Street, thence west along 14<sup>th</sup> Street to its intersection with the west side of the DART right-of-way, thence north along the west side of the DART right-of-way for a distance of one thousand two hundred (1,200) feet, thence east one hundred ninety (190) feet to the east side of the DART bus drop off lot, thence south one hundred eighty-five (185) feet to the north right-of-way of 16<sup>th</sup> Street, thence east along 16<sup>th</sup> Street to its intersection with K Avenue, thence south along K Avenue to its intersection with 14<sup>th</sup> Street.
2. Haggard Park, including the parking area,
3. The monuments, retaining walls, plazas, walkways, steps, railings, and trail that are part of the area of Memorial Park that serves as a veteran's memorial; however, this shall not apply to the continuous recreational trail that passes under Custer Road and through the length of Memorial Park connecting it to Chisholm Trail and Jack Carter Park.

Wheelchairs and other such devices to assist handicapped or physically impaired persons are excluded from the provisions of this section.

*Sample Safe Passing Ordinance: Vulnerable Road User includes pedestrians (runners, physically disabled person, child, etc.)*

Texas Transportation Code (TC 552.008) states an operator of a vehicle shall exercise due care to avoid colliding with a pedestrian on a roadway. Further, it requires a warning, by sound a horn when necessary. It also requires an operator to exercise proper precaution on observing a child or an obviously confused or incapacitated person on a roadway.

*Sample Safe Passing Ordinance: An operator of a motor vehicle passing a vulnerable road user operating on a highway or street shall: (1) vacate the lane in which the vulnerable road user is located if the highway or street has two or more marked lanes running in the same direction; or (2) pass the vulnerable road user at a safe distance.*

Texas Transportation Code (TC 551.101) states a person operating a bicycle has the rights and duties applicable to a driver operating a vehicle. Texas Transportation Code (TC 551.103) notes that one shall ride as near as practicable to the right curb or edge of the roadway; however, there

are several situations that permit the bicyclist to ride away from the right curb. These include when passing another vehicle moving the same direction, preparing to make a left turn, and road conditions that prevent the ability to ride along the right curb or edge. Further, bicyclists operating in an outside lane that is less than 14 feet wide and does not have an adjacent bicycle lane, or is too narrow for a bicycle and a motor vehicle to travel safely side by side, are not required to ride along the right curb of the roadway.

Additionally, persons riding two abreast on a laned roadway shall ride in a single lane, and may not impede the normal and reasonable flow of traffic. They may not ride more than two abreast unless the roadway is set aside exclusively for bicycle operation.

Texas Transportation Code (TC 552.006) states pedestrians may not walk along and on a roadway if an adjacent sidewalk is provided and is accessible. Further, if a sidewalk is not provided, a pedestrian shall walk on the left side of the roadway, or on the shoulder of the highway facing oncoming traffic. Vehicle operators emerging from or entering an alley, building, private road, or driveway shall yield to a pedestrian.

*Sample Safe Passing Ordinance: Defines safe distance as at least: three feet if the operator's vehicle is a passenger car or light truck, or six feet if the operator's vehicle is a truck other than a light truck, or a commercial motor vehicle as defined by Texas Transportation Code (TC 522.003).*

Texas Transportation Code (TC 545.053) states an operator passing another vehicle must pass to the left of the other vehicle at a safe distance. The operator may not move back to the right side of the roadway until safely clear of the passed vehicle. Texas Transportation Code (TC 545.062) requires an operator, if following another vehicle, to maintain an assured clear distance between the two vehicles. It also requires the operator to consider the speed of the vehicles, traffic, and the conditions of the highway.

*Sample Safe Passing Ordinance: An operator of a motor vehicle that is making a left turn at an intersection, including an intersection with an alley or private road or driveway, shall yield the right-of-way to a vulnerable road user who is approaching from the opposite direction and is in the intersection, or is in such proximity to the intersection as to be an immediate hazard.*

Texas Transportation Code (TC 545.152) states that to turn left at an intersection or into an alley or private road or driveway, an operator shall yield to a vehicle that is approaching from the opposite direction and that is in the intersection or in such proximity to the intersection as to be an immediate hazard.

*Sample Safe Passing Ordinance: An operator of a motor vehicle may not overtake a vulnerable road user traveling in the same direction and subsequently make a right-hand turn in front of the vulnerable road user unless the operator is safely clear of the vulnerable road user, taking into account the speed at which the vulnerable road user is traveling and the braking requirements of the motor vehicle making the right-hand turn.*

Texas Transportation Code (TC 545.051) states an operator shall drive on the right half of the

roadway unless the operator is passing another vehicle, an obstruction necessitates moving the vehicle left of center and the operator yields the right of way to a vehicle that is moving in the proper direction, or is an immediate hazard. Additionally, it states an operator of a vehicle on a roadway moving more slowly than the normal speed of other vehicles at the time and place under the existing conditions shall drive in the right-hand lane available for vehicles, or as close as practicable to the right-hand curb or edge of the roadway, unless the operator is:

- Passing another vehicle, or
- Preparing for a left turn at an intersection or into a private road or driveway

In regards to passing, Texas Transportation Code (TC 545.053) requires an operator passing another vehicle to pass to the left of the other vehicle at a safe distance. Additionally, the operator may not move back to the right side of the roadway until safely clear of the passed vehicle. An operator being passed by another vehicle shall, on audible signal, move or remain to the right in favor of the passing vehicle, and may not accelerate until completely passed by the passing vehicle.

Texas Transportation Code (TC 545.103) addresses the issue by noting that an operator may not turn the vehicle to enter a private road or driveway, or otherwise turn the vehicle from a direct course, or move right or left on a roadway unless the movement can be made safely. Further, Texas Transportation Code (TC 545.062) regulates a safe distance between vehicles, requiring an operator to be able to safely stop without colliding with the preceding vehicle or veering into another vehicle, object, or person on or near the highway.

Texas Transportation Code (TC 552.008) – Operator of a vehicle shall exercise due care to avoid colliding with a pedestrian on a roadway; give warning by sounding horn when necessary; exercise proper precaution on observing a child or an obviously confused or incapacitated person on a roadway.

*Sample Safe Passing Ordinance: An operator of a motor vehicle may not maneuver the vehicle in a manner that is intended to cause intimidation or harassment, or threatens a vulnerable road user.*

Texas Transportation Code (TC 545.401) addresses reckless driving as an offense. It states that a person commits an offense if they drive a vehicle in willful or wanton disregard for the safety of persons or property. Additionally, this section applies to a private access way or parking area for businesses, and a highway or other public place. It also applies to a person, a team, or motor vehicles and other equipment engaged in work on a highway surface.

### **Legal Issues**

Rodney D. Patten, Assistant City Attorney III for the City of Plano, reviewed related documents and provided a legal analysis on the subject of a “Safe Passing Ordinance”. Mr. Patten advised that the proposed model ordinance presents several concerns in the areas of enforceability and preemption, which could make it difficult to prosecute violations in court. Mr. Patten addressed both topics in a memo on October 14, 2011.

In regards to enforceability, Mr. Patten notes enforcement could be difficult as a result of vague and unclear language, as well as the fact that it places an undue burden on officers to obtain exact measurement of distance, speed, and breaking ratios between motorists and vulnerable road users. He notes that, if for any reason an officer fails to address or is incapable of obtaining these calculations or measurements, enforcement and subsequent prosecutions may fail. Additionally, he states that subsection (f) of the model ordinance provides no guidance to explain the specific actions or movement required to constitute a violation.

In addressing preemption issues, Mr. Patten states that the model ordinance addresses areas of transportation safety which are currently governed by state law. Mr. Patten notes that the Texas Transportation Code already controls the following areas, which are addressed within the model ordinance:

1. Operation, rights and duties of bicycles and pedestrians on the roadway
2. Pedestrian right-of-way
3. Driver's obligations to exercise due care
4. Operation and movement of vehicles when turning or entering at an intersection
5. Rights and duties of pedestrians crossing at a point other than a crosswalk
6. The operation of bicycles, mopeds, and play vehicles operated on a roadway

Mr. Patten states that any attempt to further regulate these areas by local ordinance may place the proposed ordinance at risk of being preempted by state law. Further, he notes that if the City of Plano fails to provide a different punishment or define the violations differently from state law, the proposed ordinance may be considered in conflict with state law, causing the entire ordinance to be declared invalid and unenforceable.

Based on the legal review, Mr. Patten advises that the proposed ordinance should not be adopted as written based on the concerns relating to enforcement and preemption. Further, he cites specified distances, measurements, and unclear terminology as additional challenges for law enforcement to act on violations of the proposed ordinance. Mr. Patten recommends any vague and ambiguous language be removed, and exact measurements or calculations be eliminated. Finally, he states that in order to address preemptions issues, the local ordinance should be drafted to address issues not already covered by state law.

References:

Memorandum from Rodney D. Patten, Assistant City Attorney III to Chief Greg Rushin, dated October 14, 2011.

Email attachment from Chief Greg Rushin to Captain Gay Schaffer and Lieutenant Jason Christensen, sent September 30, 2011.

# Analysis of Safe Passing/Vulnerable Road Users Ordinances

Gregory W. Rushin, Chief  
Plano Police Department



# Legislative History

- “The Safe Passing Act” (SB 488) filed on January 15, 2009
  - Authors: Rodney Ellis, John Carona
- Voted and passed by the Senate on 5/21/2009 (26 yea – 5 nay votes)
- Voted and passed by the House on 5/19/2009 (142 yea – 0 nay votes)

# SB 488 History

- Vetoed by Gov. Perry on 6/19/2009
  - Reasons cited:
    - Creates new class of roadway users
    - Requires specific actions by motorists
    - Regulations and restrictions in statute already exist
    - Contradicts current statute and places liability and responsibility on motorists
    - Motorists already subject to penalties when at fault for causing a collision/operating recklessly



# Ordinances in other cities

- Passed in New Braunfels, Beaumont, Helotes, El Paso, Austin, San Antonio, Edinburg, Denton
  - Closely model language in “Model Safe Passing Ordinance”
  - Denton expands definitions of vulnerable road users, provides additional specifications, and changes language to “a defense to prosecution”



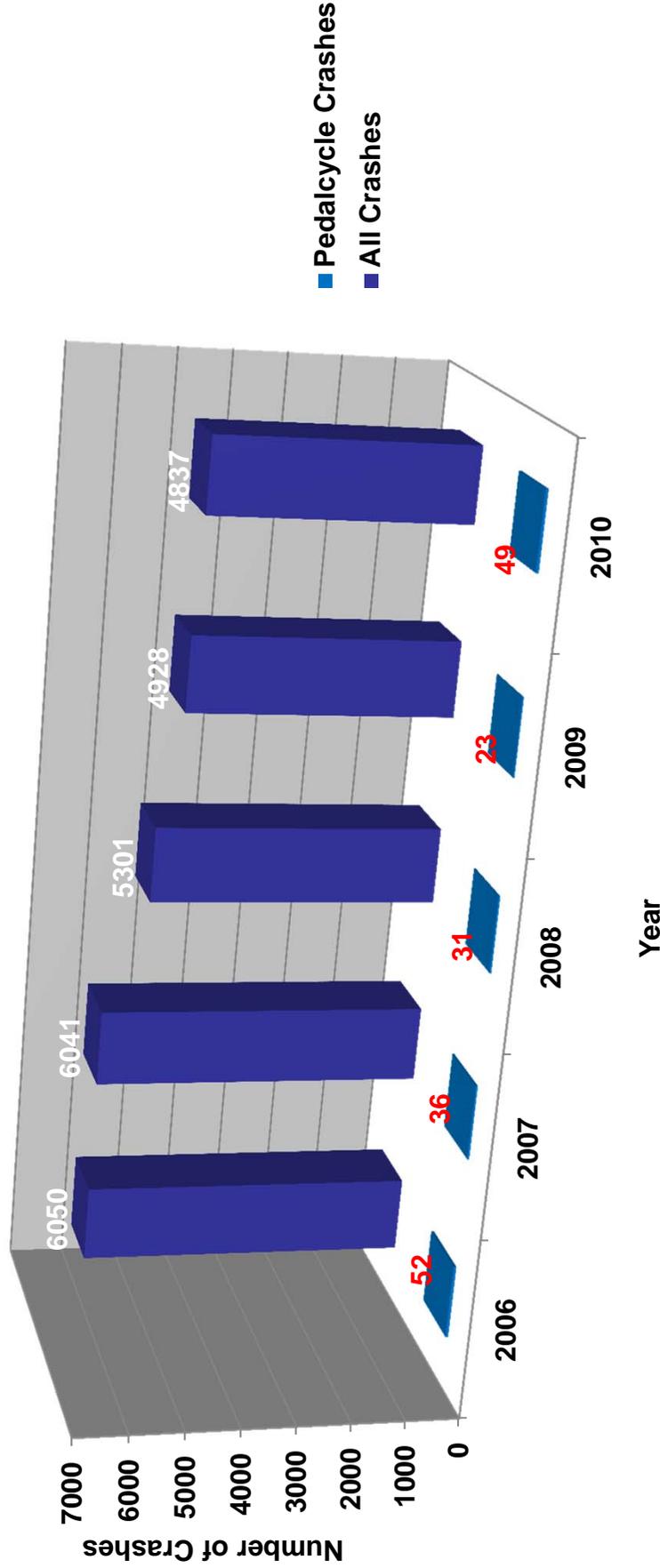
# Plano Crash Analysis

- Crashes involving pedalcycles from 2006 to 2009 (142) accounted for less than one percent of all crashes
- 2010, percentage of crashes involving pedalcycles (49) was 1.01 percent
- Through September 2011, there have been 34 crashes involving pedalcycles



# Plano Crash Analysis

Crashes Involving Pedalcycles Compared to all Crashes  
2006 - 2010



# Plano Crash Analysis

- From 2006 through 2010, the demographics of crashes most often :
  - August (21) – highest month
  - Mondays (40) – highest day of week
  - 7:00 a.m. & 8:00 a.m. (29-21) – hours
  - 13 to 17 years of age (26 percent) and 7 to 12 years of age (18 percent) – age groups
  - Not wearing helmets (76 percent)

# Pedal Cyclist Crash Factors (Leading 10 Causes)

Pedal cyclist Crash Factor	Number	Pct of Crashes
Pedal cyclist Failed to Yield Right of Way	41	21.4%
Driver Inattention	11	5.7%
Disregard Stop and Go Signal	10	5.2%
No Opinion	10	5.2%
Failed to Yield Right of Way – Private Drive	8	4.2%
Wrong Side – Approach or Intersection	6	3.1%
Disregard Stop Sign or Light	4	2.1%
Failed to Stop at Proper Place	4	2.1%
Wrong Side – Not Passing	3	1.6%
Changed Lanes When Unsafe	2	1.0%

# Motorists Crash Factors (Leading 10 Causes)

Motorists Crash Factors	Number	Pct . Of Crashes
Driver Inattention	26	13.5%
Failed to Yield Right of Way – To Pedestrian	15	7.8%
No Opinion	9	4.7%
Failed to Yield Right of Way – Left Turn	7	3.6%
Failed to Yield Right of Way – Stop Sign	7	3.6%
Impaired Visibility	5	2.6%
Turned When Unsafe	4	2.1%
Disregard Stop Sign or Light	3	1.6%
Fail to Control Speed	3	1.6%
Disregard Stop and Go Signal	2	1.0%

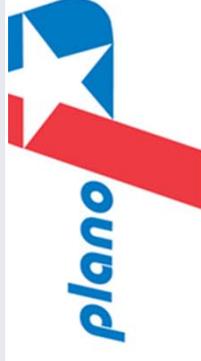
# Plano Crash Analysis

- In 34.6 percent of crashes, pedal cyclists entered the roadway from a sidewalk just prior to the crash
- In 79 percent of these crashes, the pedal cyclist enter the roadway from the sidewalk to the right of the motorist
- Between 2006 and 2010, 13 citations/charges were filed against motorists in involved crashes



# Proposed Ordinance - Existing

Proposed Safe Passing Ordinance	Existing Law or Ordinance
Definition of Vulnerable Road User	Various definitions exist under Plano City Ordinances and Texas Transportation Code
Passing a Vulnerable Road User	Safe distance, bicyclists must ride on right curb or edge
Safe Distance	Passing to the left at safe distance, maintain clear distance between vehicles
Left Turns at Intersections	Operators shall yield right-of-way when turning left
Overtaking a Vulnerable Road User	Requires safe distance and cannot move back to right side of road unless safely clear of passed vehicle
“Affirmative Defense to Prosecution” vs. “Defense to Prosecution”	Affirmative Defense – Action constitutes offense, defendant must raise issue at trial Defense – Element of the offense must be negated



# Existing law discussion

- Sample Ordinance: *Vulnerable Road User includes (4) a person operating a moped, motor-driven cycle, or motor-assisted scooter*
  - C.O. 14-26 defines motorized scooter
  - C.O. 14-27 outlines where it is unlawful to operate and additional conditions
  - C.O. 14-28 outlines age restrictions
  - C.O. 14-7 addresses motorized device, bicycles, roller skates, rollerblades, skateboards, and similar devices

# Existing law discussion

- *Sample Ordinance: Vulnerable Road User includes pedestrians (runners, physically disabled persons, child, etc.)*
  - TC 552.008 states operator of a vehicle shall exercise due care to avoid colliding with a pedestrian on a roadway.
  - TC 552.008 addresses additional precautions involved a child, or obviously confused or incapacitated person on a roadway

# Existing law discussion

- *Sample Ordinance: Motorist, when passing a vulnerable road user shall (1) vacate the lane if street has two or more marked lanes; or (2) pass the vulnerable road user at a safe distance*
  - TC 551.101 states a person operating a bicycle has the rights and duties applicable to a driver operating a vehicle.
  - TC 551.103 notes bicyclist shall ride as near as practicable to the right curb or edge of roadway unless passing.
  - TC 552.006 states pedestrians may not walk along and on a roadway if an adjacent sidewalk is provided, or shall walk on left side of roadway facing oncoming traffic.

# Existing law discussion

- *Sample Ordinance: Defines safe distance as at least: three feet if a passenger car or light truck, six feet if a truck other than a light truck or a commercial motor vehicle*
  - TC 545.053 states operator passing another vehicle must pass to the left of the other vehicle at a safe distance.
    - May not move back to right until safely clear of the passed vehicle
  - TC 545.062 requires an operator, if following, to maintain an assured clear distance between the two vehicles.
    - Requires operator to consider speed of vehicles, traffic, and road conditions

# Existing law discussion

- *Sample Ordinance: Motorist making a left turn at an intersection with an alley or private road/driveway, shall yield the right-of-way to a vulnerable road user approaching from the opposite direction and is in the intersection, or in such proximity as to be an immediate hazard*
  - TC 545.152 states that to turn left at an intersection or into an alley or private road/driveway, an operator shall yield to a vehicle that is approaching from the opposite direction and that is in the intersection or in such proximity to the intersection as to be an immediate hazard.

# Existing law discussion

- *Sample Ordinance: Motorist may not overtake a vulnerable road user traveling in the same direction and make a right-turn in front of the user unless the operator is safely clear of the vulnerable road user*
  - TC 545.051 states operator shall drive on the right half of roadway unless passing another vehicle
  - TC 545.053 requires operator passing another vehicle to pass to the left at a safe distance.
    - May not move back to the right until safely clear of the passed vehicle
    - Additional restrictions on the operator being passed

# Existing law discussion

- Additional Transportation Code references:
  - TC 545.103 notes operator may not turn vehicle to enter a private road/driveway or otherwise turn unless the movement can be made safely
  - TC 545.062 regulates a safe distance between vehicles, requiring an operator to be able to safely stop without colliding with the preceding vehicle or veering into another vehicle, object, or person on or near the highway
  - TC 552.008 states operator shall exercise due care to avoid colliding with a pedestrian on a roadway, give a warning by sounding horn when necessary, exercise proper precaution on observing a child or obviously confused or incapacitated person on a roadway



# Legal Issues

- **Enforceability Concerns**
  - Vague and unclear language concerns, placing a burden on officers to obtain exact measurements of distance, speed, braking ratios between motorists and vulnerable road users
  - Subsection (f) of model ordinance provides no guidance to explain the specific actions or movement required to constitute a violation

# Legal Issues

- Preemption Concerns
  - Transportation Code already controls multiple areas addressed in the model ordinance
    - Further attempts to regulate these areas may place the proposed ordinance at risk of being preempted by state law
  - If punishments/definitions of violations differ from state law, proposed ordinance may be considered in conflict and be declared invalid and unconstitutional



# Legal Issues

- Concerns with enforcement and preemption issues
- Specific distances, measurements, and terminology are additional challenges
- Local ordinances should be drafted to address issues not already covered by state law

# Meeting Notes

- On 11/16/11, members of the Police Department and Parks & Recreation met with Warren Casteel, Dudley Irby, and Rudy Andrea to discuss safe passing/vulnerable road user legislation
- This PowerPoint presentation and further modifications to the ordinance were discussed

# Revised Ordinance Proposal

- On 11/30/11, Mr. Casteel provided an updated version of the proposed ordinance
- Potential issues were discussed and the version was amended before submitting for a legal review



# Proposed Ordinance “draft”

- (a) In this section, a Vulnerable Road User means:
  - (1) a person operating equipment other than a motor vehicle, including, but not limited to, a bicycle, handcycle, unicycle, or other human powered wheeled vehicle; or
  - (2) a person operating a, motor-driven cycle, or motor-assisted bicycle

## Proposed ordinance (cont'd)

- (b) An operator of a motor vehicle passing a vulnerable road user operating on a highway or street shall:
  - (1) vacate the lane in which the vulnerable road user is located if the highway or street has two or more marked lanes running in the same direction; or
  - (2) pass the vulnerable road user at a safe distance

## Proposed ordinance (cont'd)

- (c) For the purpose of Subsection (b)(2), when road conditions allow, safe distance is at least:
  - (1) a minimum of three feet if the operator's vehicle is a passenger car or light truck; or
  - (2) a minimum of six feet if the operator's vehicle is a truck, other than a light truck, or a commercial motor vehicle as defined by Texas Transportation Code Section 522.003.



## Proposed ordinance (cont'd)

- (d) An operator of a motor vehicle may not overtake a vulnerable road user traveling in the same direction and subsequently make a right-hand turn in front of the vulnerable road user unless the operator is safely clear of the vulnerable road user, taking into account the speed at which the vulnerable road user is traveling and the braking requirements of the motor vehicle making the right-hand turn.

## Proposed ordinance (cont'd)

- (e) An operator of a motor vehicle may not maneuver the vehicle in a manner that causes intimidation or harassment to a vulnerable road user.

## Proposed ordinance (cont'd)

- (f) An operator of a motor vehicle shall exercise due care to avoid colliding with any vulnerable road user on a roadway or in an intersection of roadways.

## SAMPLE SAFE PASSING ORDINANCE

### ORDINANCE NO.

**AN ORDINANCE ADDING A NEW SECTION \_\_\_\_\_ OF THE CITY CODE RELATING TO RESTRICTIONS ON OPERATING A MOTOR VEHICLE NEAR VULNERABLE ROAD USERS, AND CREATING AN OFFENSE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO:**

**PART 1.** Section \_\_\_\_\_ of the City Code is amended to read:

#### **§ 12-1-45 VULNERABLE ROAD USERS.**

(a) In this section, a Vulnerable Road User means:

(1) a person operating equipment other than a motor vehicle, including, but not limited to, a bicycle, handcycle, unicycle, or other human powered wheeled vehicle; or

(2) a person operating a, motor-driven cycle, or motor-assisted bicycle.

(b) An operator of a motor vehicle passing a vulnerable road user operating on a highway or street shall:

(1) vacate the lane in which the vulnerable road user is located if the highway or street has two or more marked lanes running in the same direction; or

(2) pass the vulnerable road user at a safe distance.

(c) For the purpose of Subsection (b)(2), when road conditions allow, safe distance is at least:

(1) a minimum of three feet if the operator's vehicle is a passenger car or light truck;  
or

(2) a minimum of six feet if the operator's vehicle is a truck, other than a light truck, or a commercial motor vehicle as defined by Texas Transportation Code Section 522.003.

(d) An operator of a motor vehicle may not overtake a vulnerable road user traveling in the same direction and subsequently make a right-hand turn in front of the vulnerable road user unless the operator is safely clear of the vulnerable road user, taking into account the speed at which the vulnerable road user is traveling and the braking requirements of the motor vehicle making the right-hand turn.

(f) An operator of a motor vehicle may not maneuver the vehicle in a manner that causes intimidation or harassment to a vulnerable road user.

(g) An operator of a motor vehicle shall exercise due care to avoid colliding with any vulnerable road user on a roadway or in an intersection of roadways.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2012.

**PASSED AND APPROVED**

§

\_\_\_\_\_, 2011 § \_\_\_\_\_

Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_

City Attorney

City Clerk

# Red Light Camera Program



**Gregory W. Rushin**  
**Chief of Police**

# Plano Program

- First cameras installed in March 2006
- Currently operating 19 cameras at 16 intersections
- Contract with Redflex Traffic Systems, Inc. for a fixed monthly fee
- \$75 civil penalty

# Locations of Cameras

15<sup>th</sup> Street @ Independence Parkway;  
Park Boulevard @ Ventura Drive;  
Spring Creek Parkway @ Custer Road;  
Eastbound Legacy Drive @ Dallas Parkway;  
Westbound Legacy Drive @ Dallas Parkway;  
Coit Road @ Spring Creek Parkway;  
Parker Road @ Dallas Parkway;  
Plano Parkway @ Dallas Parkway;  
Jupiter Road @ Plano Parkway;  
Preston Road @ Plano Parkway;  
State Highway 121 @ Custer Road;  
State Highway 121 @ Dallas Parkway;  
Preston Road @ Spring Creek Parkway;  
Coit Road @ Park Boulevard;  
Northbound Independence Parkway @ Spring Creek Parkway;  
Southbound Independence Parkway @ Spring Creek Parkway;  
Northbound Preston Road @ Park Boulevard;  
Southbound Preston Road @ Park Boulevard; and  
State Highway 121 @ Preston Road.

# Redflex Duties

- Install and maintain cameras
- Review violations and forward to Plano PD for officer review
- Bill violations

# Violation Process

- Camera captures 12 second video and two still photos
  - first still shows vehicle before entering intersection with light red
  - photos display length of time light was red when image was captured
- Redflex reviews video and photos

# Violation Process - Continued

- Redflex sends video and photo evidence to Plano PD if it appears to be a true violation
- Evidence is reviewed by sworn officer
- If true violation, Plano PD authorizes Redflex to issue civil Notice of Violation

# Violation Process - Continued

- Notice of Violation is mailed to owner of vehicle
- Owner is provided link to view video of violation
- Violation may be appealed to an Administrative Hearing Officer
- Further appeal may be made to Plano Municipal Court

Intersection	Crashes reported during 18 months prior to installation of red light cameras				Crashes reported during 18 months since installation of red light cameras				% Change in Total Intersection Crashes
	Red Light Violation Crashes	*Total Intersection Crashes	Rear-End Crashes	Total Crashes	Red Light Violation Crashes	*Total Intersection Crashes	Rear-End Crashes	Total Crashes	
15th St @ Independence Pkwy	5	15	5	37	2	3	6	32	-80.0%
Legacy Dr @ Dallas Pkwy	20	60	5	79	25	35	12	59	-41.7%
Park Blvd @ Ventura Dr	13	17	8	28	9	9	9	20	-47.1%
Spring Creek Pkwy @ Custer Rd	15	26	8	46	2	17	9	43	-34.6%
Coit Rd @ Spring Creek Pkwy	8	20	17	64	9	20	12	53	No Change
Parker Rd @ Dallas Pkwy	15	51	19	99	5	17	18	57	-66.7%
Plano Pkwy @ Dallas Pkwy	19	27	9	49	20	26	9	46	-3.7%
Jupiter Rd @ Plano Pkwy	5	10	17	52	7	16	15	50	60.0%
Preston Rd @ Plano Pkwy	21	40	30	99	16	26	23	68	-35.0%
SH 121 @ Custer Rd	9	37	9	60	5	9	10	36	-75.7%
SH121 @ Dallas Parkway	26	38	38	114	11	23	47	106	-39.5%
Preston Road @ Spring Creek	11	28	19	57	8	15	21	53	-46.4%
Coit Rd @ Park Blvd	6	19	26	82	3	12	27	82	-36.8%
<b>**Totals</b>	<b>173</b>	<b>388</b>	<b>210</b>	<b>866</b>	<b>122</b>	<b>228</b>	<b>218</b>	<b>705</b>	<b>-41.2%</b>

## Red Light Camera Program Progress

The Automated Red Light Camera Enforcement Program has had a significant impact on traffic safety at the monitored intersections.

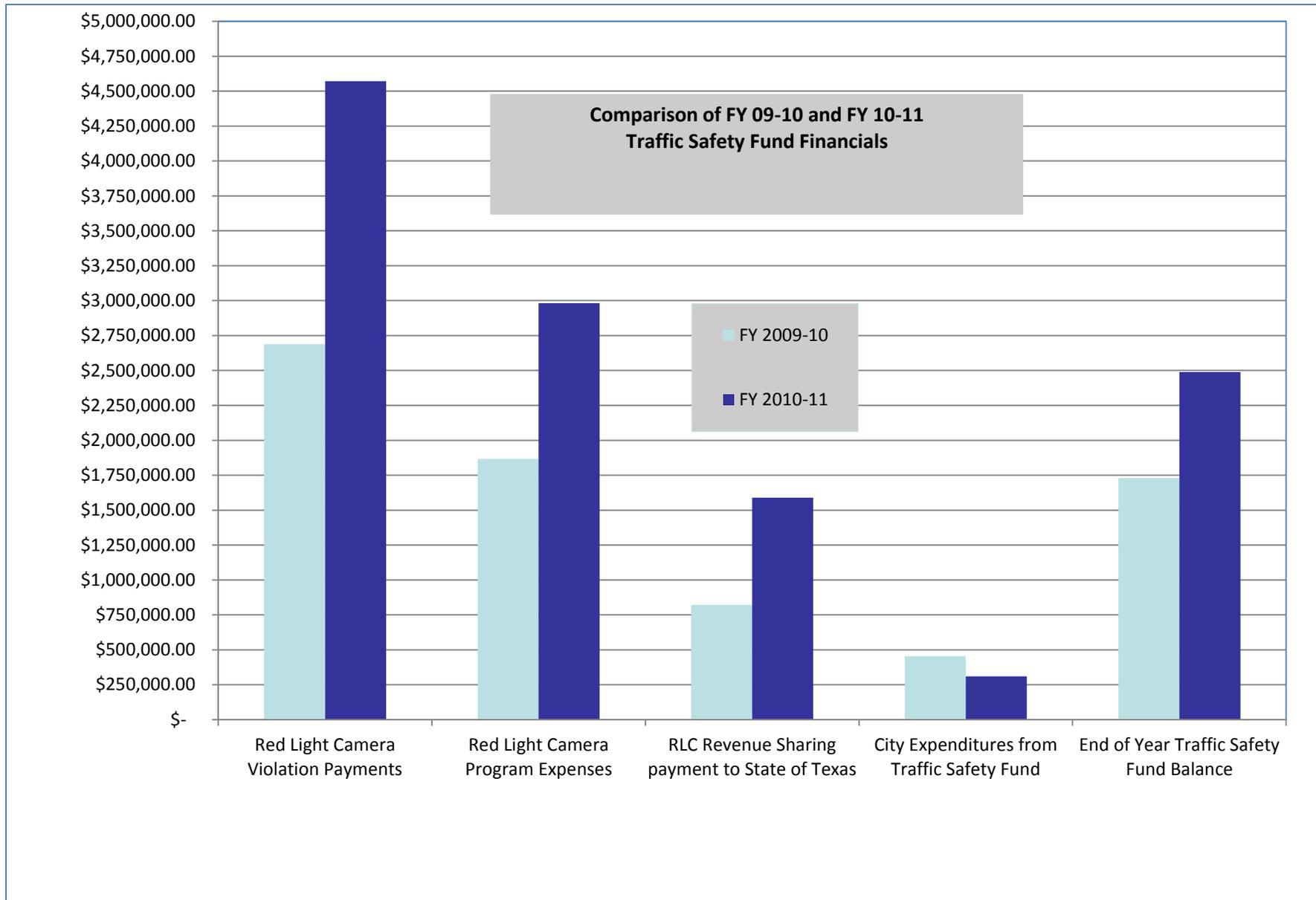
	2005 Jan –Dec	2010 Jan –Dec	Difference	% Difference
<b>Crashes</b>	<b>684</b>	<b>321</b>	<b>363</b>	<b>-53%</b>
<b>Red Light</b>	<b>158</b>	<b>120</b>	<b>38</b>	<b>-24%</b>
<b>Rear End</b>	<b>181</b>	<b>86</b>	<b>95</b>	<b>-52%</b>
<b>Intersection</b>	<b>332</b>	<b>203</b>	<b>129</b>	<b>-39%</b>

# Revenue

- Pay expenses of operating the system
- Share half with state to fund trauma centers
- Equipment, education and projects to improve traffic safety

# Projects Funded

- Battery backup systems for signal lights
- Electronic handheld citation writers
- Pedestrian crosswalk signals
- Stop Stick tire deflation devices
- Sand spreaders
- Replacement and additional radars
- DWI and other additional traffic enforcement
- Educational commercials at theatres and on Billboards



# Traffic Safety Fund Financials

- FY 2010-11 ended with a balance of \$2,489,090.59 in the Traffic Safety Fund.
- The City of Plano received \$4,571,345.14 in revenue from the payment of Red Light Camera violations during FY 2010-11, compared to \$2,689,090.38 in FY 2009-10.
- Red Light Camera expenses totaled \$2,982,241.26 in FY 2010-11, including the RLC Revenue Sharing obligation to the State of Texas as mandated by law. RLC expenses in FY 2009-10, including the revenue sharing payment for that year, totaled \$1,867,580.13.
- The FY 2010-11 RLC revenue share obligation for the City of Plano is \$1,589,103.88, compared to \$821,510.25 in FY 2009-10.

## Analysis of Red Light Camera Revenue & Program Cost

	FY 2005-2006*	FY 2006-2007	FY 2007-2008	FY 2008-2009	FY 2009-2010	FY 2010-2011
Gross Violation Revenue Per Fiscal Year	\$ 434,300.87	\$ 837,959.00	\$ 1,565,647.33	\$ 2,400,482.38	\$ 2,689,090.38	\$ 4,571,345.14
Annual Operating Costs	\$ 141,963.00	\$ 514,204.00	\$ 992,936.28	\$ 998,640.69	\$ 1,046,069.87	\$ 1,393,137.38
State Revenue Share	\$ -	\$ 3,503.45	\$ 311,618.56	\$ 700,920.74	\$ 821,510.26	\$ 1,589,103.88
City's Net Revenue	\$ 292,337.87	\$ 320,251.55	\$ 261,092.49	\$ 700,920.95	\$ 821,510.25	\$ 1,589,103.88
Number of Citations Issued	7,378	13,967	27,855	36,380	48,420	70,632
City Revenue Per Violation	\$ 39.62	\$ 22.93	\$ 9.37	\$ 19.27	\$ 16.97	\$ 22.50
Interest for Traffic Safety Fund per Fiscal Year {Does not factor in State Revenue Sharing}	\$ -	\$ 5,962.50	\$ 32,417.85	\$ 25,157.98	\$ 23,719.51	\$ 65,402.24

Current Traffic Safety Fund Balance as of 10/31/11

\$ 2,516,351

\* Plano RLC Program began  
March 2006

# Collections

- Plano's Collection Rate – 80.4%
- Average Rate of Texas RLC Program – 70.5%
- RedFlex contracts with a collection agency
- Additional collection options:
  - File in Justice of the Peace Court – explored, but costly
  - Flag license plate – Collin County Tax Assessor said no

# MEMO

**DATE:** December 8, 2011

**TO:** Honorable Mayor and City Council  
City Manager Glasscock  
City Secretary Zucco

**FROM:** Alice Snyder, Assistant City Secretary

**RE:** Personnel Appointments  
Executive and Worksession Meetings

The following appointment will be considered at the December 12, 2011 Council Meeting.

<b><u>Executive Session</u></b>	<b><u>Worksession Meeting</u></b>
	<b><u>Appointments:</u></b> Tax Increment Financing Reinvestment Zone No. 2 Board - Chair

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## Discussion/Action Items for Future Council Agendas

### **December 20**

- DART Report

### **December 23 & 26 – Winter/Christmas Holidays**

### **January 2 – New Year's Day Observed**

### **January 9**

- North Texas Municipal Water District Report
- Comprehensive Monthly Financial Report

### **January 16 – Martin Luther King Day**

### **January 23**

- Comprehensive Monthly Financial Report

### **February 13**

### ***February 17-19 – TML Elected Officials Conference – San Antonio***

### **February 27**

- Comprehensive Monthly Financial Report

### **March 6 (Tuesday)**

- The Arts Center of North Texas Report

### ***March 10-14 - NLC, Washington D.C.***

### ***March 11-17 – PISD Spring Break***

### ***March 22 - District 1 Roundtable – Plano Centre – Northbrook Room – 7 pm***

**March 26**

- Comprehensive Monthly Financial Report
- DART Report

**April 9**

- North Texas Municipal Water District Report

**April 23**

- Comprehensive Monthly Financial Report

**May 14****May 28 – Memorial Day****May 29 (Tuesday)**

- Comprehensive Monthly Financial Report

***June 8-10 – TCMA Conference, South Padre Island*****June 11**

- DART Report

***June 21 – District 3 Roundtable – Plano Star Center – 7 pm*****June 25**

- Comprehensive Monthly Financial Report