

Memorandum

To: Honorable Mayor Shetter and members of the Burleson City Council

From: Tom Cowan, Chief of Police

Date: September 21, 2009

Subject: Minute Order MO-09-072, approval of the placement of proper signage to allow for enforcement of cell phone use ban.

Council Action Requested:

Council is asked to approve Minute Order MO-09-072.

Background Information:

The following analysis from the Statement of Author/Sponsor's Intent filed with the bill probably best explains the reasoning behind passage of law: "Bans on the use of wireless communication devices in active school zones are emerging across the state beginning with a ban passed by the City of Highland Park in November 2007. At least 17 communities of varying size and population followed suit, creating a patchwork approach to safeguarding students and other pedestrians at critical times and places in communities throughout Texas. Currently, additional municipalities and neighborhoods are considering similar measures."

H.B. 55 establishes a statewide approach to the bans to ensure consistency across communities while providing an important safeguard for our students and other pedestrians. H.B. 55 adds a provision to the Transportation Code to limit driver usage of a wireless communication device within an active school zone, with certain exceptions related to operators of authorized emergency vehicles, and operators licensed by the Federal Communications Commission. The bill also clarifies existing language relating to the use of a wireless communication device by a school bus operator when a minor is present on the bus. The bill prohibits a school bus operator from using a wireless communication device under any circumstance unless the vehicle is stopped.

The bill went into effect September 1, 2009. It amends the Transportation Code to prohibit an operator of a motor vehicle from using a wireless communication device while operating a motor vehicle within a school crossing zone unless the vehicle is stopped or the wireless device is used with a hands-free device. An offence would be a misdemeanor punishable by a fine of not more than \$50. A municipality, county, or other political subdivision that enforces the applicable section of the Transportation Code would be required to post a sign at the entrance to each school crossing zone within the entity's jurisdiction. The law preempts all ordinances, rules, or regulations adopted by a political subdivision of the state related to the use of a wireless communication device by the operator of a motor that are inconsistent with the specific provisions of the bill.

Board/Citizen Input:

The matter was discussed at the August 25th City of Burleson-BISD Joint Utilization Committee Meeting, with a positive response. At a special meeting of the BISD Board of Directors on September 14, 2009, the Board approved a letter of support (attached).

Financial Considerations:

Staff estimates the cost of this signage to be between \$1,500 - \$1,800.

Attachments:

Letter of support from BISD Board of Directors.

Staff Contact:

Tom Cowan, Chief of Police

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September 14, 2009

The Honorable Mayor Kenneth Shetter
and Members of the City Council
141 W. Renfro
Burlison, TX 76028

Gentlemen:

We appreciate the opportunity to convey our position on the new legislation about the use of cell telephones in a school zone. As noted by Chief Cowan, presenting to the Joint Utilization Council, a new law allows for the restriction of the use of cell telephones in school zones. He showed revised signage that would properly notify drivers of this change.

We are in unanimous support of this change. It is our opinion that this increased regulation will significantly improve the attention to driving in these zones. In addition, the reduced speed along with fewer distractions will improve the safety of our students, staff, and parents dropping off or picking up students during the times posted on the school zone signage.

We appreciate Chief Cowan's position on this matter and believe that this change will reduce the chance of accidents in this highly congested timeframe around our schools. We also recognize his stance that it will take some time for our public to adjust to this change. A change in driver behavior is the goal of this new signage.

We also appreciate the attention of the City Council to this matter and see that this change will be positive for our community.

Sincerely,

Stacy E. Eason
John Smith
Randy Johnson
Charles H. Kirk

Pat Worrell
Michael Ancy
Bruce Talbot Powell

Board of Trustees

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