

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: El Paso Police Department

AGENDA DATE: February 6, 2007

CONTACT PERSON/PHONE: Assistant Chief Paul Cross /
Sgt. Jack Matthews 564-7044

DISTRICT(S) AFFECTED: All

CITY CLERK DEPT.
07 JAN 30 PM 2 10

SUBJECT:

APPROVE: An Ordinance amending Title 12 (Vehicles and Traffic) Chapter 12.21. (Dangerous Intersection Monitoring System and Enforcement) of the El Paso City Code to clarify the civil penalty for creating dangerous intersections; adding an affirmative defense for turning after stopping; and removing the language concerning mandatory reconsideration of the ordinance.

BACKGROUND / DISCUSSION:

WHEREAS, El Paso City Council finds that there has been a decrease in traffic accidents resulting from a red light runner at intersections equipped with a photographic traffic monitoring system.

WHEREAS, El Paso City Council finds that there has been a decrease in right angle collisions at intersections equipped with a photographic traffic monitoring system.

WHEREAS, El Paso City Council finds that there has been a decrease in injury and serious injury collisions at intersections equipped with a photographic traffic monitoring system.

WHEREAS, El Paso City Council further finds that an ordinance amendment is in the best interest of the City of El Paso and its citizens and is designed to promote the public safety and welfare of it's citizens.

PRIOR COUNCIL ACTION:

November 8, 2005: El Paso City Council passed an ordinance amending Title 12 (Vehicles and Traffic) adding chapter 12.21 (dangerous intersection monitoring system and enforcement) of the El Paso Municipal Code to impose a civil penalty for creating dangerous intersections adding provisions relating to definitions; civil penalty; enforcement and procedures; administrative hearing; affirmative defenses; orders of hearing officer; appeal; and effect of liability.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____

*****, Asst. City Attorney

FINANCE: (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) CHAPTER 12.21. (DANGEROUS INTERSECTION MONITORING SYSTEM AND ENFORCEMENT) OF THE EL PASO CITY CODE TO CLARIFY THE CIVIL PENALTY FOR CREATING DANGEROUS INTERSECTIONS; ADDING AN AFFIRMATIVE DEFENSE FOR TURNING AFTER STOPPING; AND REMOVING THE LANGUAGE CONCERNING MANDATORY RECONSIDERATION OF THE ORDINANCE.

WHEREAS, El Paso City Council finds that there has been a decrease in traffic accidents resulting from a red light runner at intersections equipped with a photographic traffic monitoring system.

WHEREAS, El Paso City Council finds that there has been a decrease in right angle collisions at intersections equipped with a photographic traffic monitoring system.

WHEREAS, El Paso City Council finds that there has been a decrease in injury and serious injury collisions at intersections equipped with a photographic traffic monitoring system.

WHEREAS, El Paso City Council further finds that an ordinance amendment is in the best interest of the City of El Paso and its citizens and is designed to promote the public safety and welfare of it's citizens.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Chapter 12.21 Dangerous Intersection Monitoring System and Enforcement, Section 12.21.020 Imposition of civil penalty for creating dangerous intersections be amended to read as follows:

Sec. 12.21.020 Imposition of civil penalty for creating dangerous intersections.

a. Except as provided in subsection (b) of this section, the owner of a motor vehicle is liable for a civil penalty of \$75.00 if the motor vehicle proceeds into a system location when the traffic control signal for that motor vehicle's direction of travel is emitting a steady red signal.

b. For a third or subsequent violation of this article committed by the owner of the same motor vehicle during any 12-month period, the amount of the civil penalty shall be \$150.00.

c. An owner who fails to timely pay the civil penalty shall be subject to a late payment penalty of \$25.00.

Section 2. That Chapter 12.21 Dangerous Intersection Monitoring System and Enforcement, Section 12.21.050 Affirmative Defenses be amended to add a new subsection 10 as follows:

10. The operator, after stopping or standing, entered the intersection safely yielding right-of-way to pedestrians lawfully in an adjacent crosswalk and other traffic lawfully using the intersection and turned right, or turned left where intersecting streets were both one-way streets and a left turn is permissible.

Section 3. That Chapter 12.21 Dangerous Intersection Monitoring System and Enforcement, Section 12.21.090 Effective Date be deleted.

Section 4. Except as herein amended, Chapter 12.21 (Dangerous Intersection Monitoring System and Enforcement) of the El Paso City Code, shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2007.

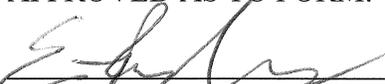
THE CITY OF EL PASO

John Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Ernesto Rodriguez
Assistant City Attorney

APPROVED AS TO CONTENT:



Richard Wiles
Police Chief

COLLISION FACTOR INVOLVING STOP SIGNAL / LIGHT

		NOV	DEC	
TOTAL	2005	5	5	
TOTAL	2006	2	0	
% CHANGE 06 VS 05		-60.0%	-100.0%	-80.0%

RIGHT ANGLE COLLISIONS AT PHOTO ENFORCED INTERSECTIONS

		NOV	DEC	
TOTAL	2005	6	8	
TOTAL	2006	2	4	
% CHANGE 06 VS 05		-66.7%	-50.0%	-58.3%

COLLISIONS WITH INJURIES AT PHOTO ENFORCED INTERSECTIONS

		NOV	DEC	
TOTAL	2005	4	6	
TOTAL	2006	1	5	
% CHANGE 06 VS 05		-75.0%	-16.7%	-45.8%