

# Update on School Bus Camera Implementation

## Background

- State law requires motorists who approach a school bus that has stopped to take on or discharge passengers, to stop until the passengers are clear of the road (motorists do not need to stop when a physical barrier or unpaved area separates them from the bus).
- During the 2011 General Assembly (GA), legislation was enacted to allow localities, by ordinance, to authorize the local school division to install and operate video-monitoring systems on school buses to catch violators.
- The ordinance could authorize the school division to install and operate such systems directly, or to contract with a private vendor to do so on its behalf.
- The 2011 legislation was similar to state statutes that authorize video monitoring to catch red light violators, drivers who fail to pay tolls, and drivers who violate the Dulles Access Road restrictions.
- However, there were also provisions that differed significantly from other photo monitoring statutes, making implementation of the school bus authority difficult for local governments.
- The most challenging difference was that other video-monitored offenses statutes allow for the mailing of summonses, while there was no such language in the school bus statute, thereby requiring all photo school bus summonses to be personally served on the accused.

## 2016 General Assembly Action

- A coalition of local governments, including Fairfax County, sought to address these obstacles to implementation through legislation in the 2016 GA.
- As a result of these efforts, which were also supported by Fairfax County Public Schools (FCPS), HB 168 (LaRock, Kory, Krizek)/SB 120 (Carrico, Favola, Wexton) were enacted, allowing summonses to be mailed.

## Implementation Issues

- In order to utilize this authority, Fairfax County will need to adopt an ordinance authorizing the use of school bus cameras.
- As County staff worked with FCPS staff on implementation, some issues arose.
  - First, in order to allow pre-payment (the ability to pay before one's court date) of a ticket issued for a violation, an amendment to the Virginia Supreme Court's Uniform Fine Schedule was needed – this is an administrative decision by the Supreme Court and does not require additional state legislation.
    - The Board sent a letter to the Executive Secretary of the Supreme Court of Virginia in July, supporting an amendment to the Uniform Fine Schedule allowing such summonses to be pre-payable.
    - The Committee on District Courts met on September 8 and endorsed the County's recommendation, as did the Virginia Supreme Court, and the Uniform Fine Schedule was amended last week to include such infractions on the pre-payable list.
  - Second, there was a concern that the law would not allow an outside vendor to review Virginia Department of Motor Vehicles (DMV) records to seek addresses to mail the tickets, potentially requiring the Police Department to do that and creating a significant workload issue.
    - Earlier this month, the Commissioner of the DMV assured the Chairman of the Senate Transportation Committee that DMV does have authority to allow a vendor to view records for this purpose, similar to what occurs with photo red light cameras, addressing that implementation issue as well (there may also be other solutions to this issue through the procurement process to secure a vendor, if concerns arise about this in the future).

## Next Steps

- County staff have begun conversations on implementation with staff from Fairfax County Public Schools (FCPS) and other interested stakeholders (including the Fairfax County Police Department (FCPD), County Attorney's office, Fairfax County Courts and Commonwealth's Attorney's office).
- In the coming weeks, County staff will meet with staff from FCPD, FCPS, and the Office of the County Attorney to discuss a school bus camera ordinance in greater detail.