



## MEMORANDUM

**To:** Mayor and City Council

**From:** Bert Lumbreras, Assistant City Manager

**Date:** December 6, 2012

**Subject:** Council Item #69: Park Curfew Along Trails

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The City Council is considering an ordinance to create a pilot program authorizing walking and biking on certain trails on a 24-hour basis, and waiving park curfews for this purpose. At its heart, this ordinance has substantial merit – as a City, we should look for ways to integrate transportation uses into our trail system on a 24-hour basis. A decision to do this, however, should include extensive staff research with regard to the potential impact on our trail system, and an opportunity to be fully evaluated through a public stakeholder process. As it is currently designed, the ordinance up for Council consideration today generates staff concerns, not just from an environmental point of view, but also from a fiscal and public safety perspective.

With regard to environmental considerations, it is fair to assume that increased nightly bicycle and pedestrian use will certainly add to the impact experienced by the trails each day. While the ordinance at hand creates a pilot that will likely examine this in some degree, no impact assessment has been done to date; and therefore, no considerable information is available to support even just a limited pilot program. Many of our trails, particularly the Butler Trail, are naturalistic environments. Given the level of daily usage, trails like the Butler Trail need a periodic reprieve from human activity. Nightly curfews have helped to address this need. In addition, this type of usage warrants a discussion with the community, as we know there is incredible stakeholder interest regarding use of the trails. The type of usage addressed through this ordinance in effect changes the scope of usage within our urban trails. Again, we would support a conversation around the potential benefits to this, but recommend moving forward more cautiously, with an opportunity to acquire data and feedback from staff, affected neighborhoods, appropriate boards and commissions, and the general public.

As for fiscal concerns, two departments that would be heavily invested in the project are the Parks Department and Austin Police Department, each of which has prepared a needs assessment and respective fiscal impact estimate. Currently, there is not an overnight Park Ranger shift because an overnight curfew mitigates this need. However, if the trails were to be opened up for nightly use, regardless of its limitation to transportation purposes, a new Ranger shift and dispatch unit would need to be created as additional coverage expectations cannot be addressed with existing staff resources. The primary role of the Park Rangers is to provide educational services, safety and security in Austin's parks and recreational facilities. Although not peace officers, the park rangers have been trained with a focus on emergency medical response, education and public safety. Aside from the need to hire and train any new personnel, the anticipated cost of these additions for the area described in the ordinance

is estimated to be \$645,000 in salaries, benefits and supplies. This would provide the minimal amount of coverage needed for the areas proposed in the pilot.

Similarly, the current curfew mitigates the need for overnight Park Police coverage. Current calls for service to the parks during curfew hours, allows patrol services to address issues that may arise. However, lifting the curfew would create a need for additional patrol of the affected trails between the hours of 10pm and 6am, 7 days a week. This also creates a unique challenge in that the patrol areas will be poorly lit environments. In addition to the abovementioned Rangers, the Police Department recommends adding two fully staffed shifts, which would include a total of 2 Sergeants, 2 Corporals, and 20 officers. Logistically, it takes a minimum of two shifts to provide the needed coverage for a 7-day period. The cost of doing so is approximately \$2.7 million per year in salaries. However, it is important to note that it will take at least a year to hire and train new officers for this specialized unit. Due to this lag time, overtime would need to be used to supplement the gap until the new officers are available. Therefore, accounting for the use of overtime during this 1-year period, the total cost is estimated to be \$3.1 million in salaries and benefits.

Finally, and perhaps most critically, this pilot program presents considerable public safety concerns. First, there is inadequate lighting along most of the trails to ensure a safe riding and walking experience. Furthermore, the trails currently enjoy the reputation of being a safe environment for all kinds of exercise, biking, and leisure activity. As many on the Council may know, however, this has not always been the case. There have been times in the past when the trails have been seen as environments catering to crime, including sexual assault, assault, robbery and theft. The Police Department has taken proactive measures in the past to address these issues along the trail, but during normal shift hours. The nightly curfew has helped mitigate these dangers overnight. A reasonable person may suggest that a public street or sidewalk presents the same potential dangers. Under that circumstance, however, a responding officer may at least enjoy more immediate access to the victim. A crime that occurs in the heart of the trail system, under dimly lit circumstances, would undoubtedly add to officer response time. The Police Department will continue its enforcement efforts, but it should be noted that enforcement will be all the more challenging under the scenario provided by this ordinance.

A decision to proceed with a year-long pilot program should be accompanied by sound data, community and stakeholder input, and a reasonable planning period to prepare for the anticipated changes.

Should you have any further questions, please let me know.

x.c. Marc A. Ott, City Manager  
Michael McDonald, Deputy City Manager  
Art Acevedo, Police Chief  
Sara Hensley, Director of Parks and Recreation