





MEMORANDUM

TO: Mayor and Council Members

FROM: Richard Mendoza, P.E., Interim Director, Austin Transportation Department
Joseph Chacon, Police Chief, Austin Police Department  

DATE: December 8, 2022

SUBJECT: Council Resolution No. 20220616-052: Increased Traffic Safety Enforcement for Major Roadways - Final Staff Update

This memorandum provides a final update on Resolution No. 20220616-052. This memo addresses the resolution's directive to provide Council a final report.

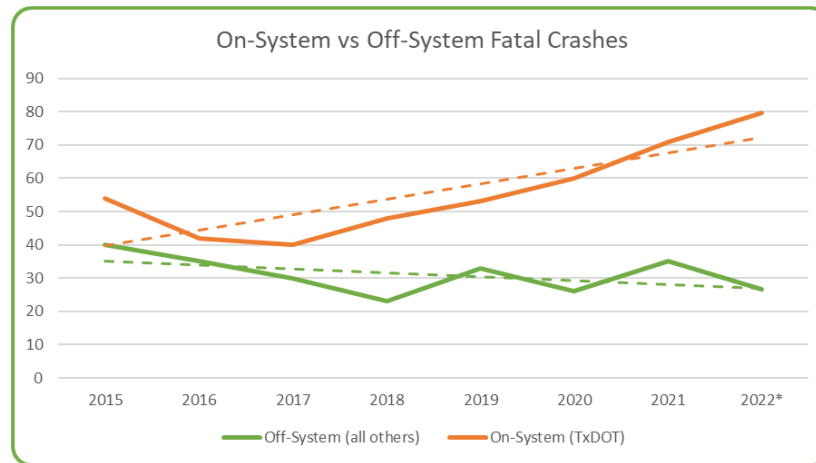
Key Points

Traffic fatalities remain at record-high levels, and most of them occur on high-speed, high-volume roadways owned by the State within the city limits. Narrowly-focused traffic enforcement on these roadways remains a critical need as redesign options are limited, primarily due to lack of control by the City. When taking into consideration the local public safety costs needed to respond to tens of thousands of car crashes after they occur, and the amount of time patrol officers spend responding to the lowest priority calls, APD and ATD will work together to continually examine what is possible through prioritizing current APD resources towards proactive roadway safety as we anticipate APD staffing levels to continue at lower-than-authorized levels for years to come. There are also several alternatives to traditional, in-person enforcement for arterial roadways, as described in this memo, which could move forward through local policy directives, state legislative changes, and/or new dedicated resources.

Brief Background and Context

Vision Zero was first adopted by City Council in 2015 as it was incorporated into Imagine Austin. This policy goal commits the City to a goal of zero traffic-related deaths and serious injuries. Austin's Vision Zero approach leads with engineering solutions as the primary way to reduce severe crashes over time. Community-supported bonds have enabled dozens of engineering projects which are showing [significant reductions](#) in severe crashes at those locations. However, traffic fatalities citywide reached a record high in 2021 while serious injuries were lower than the recent high in 2019.

In 2022, as of November 1st, 91 people have died within Austin's city limits and another 466 people have been seriously injured in traffic-related crashes. A growing share of fatal crashes are happening on freeways, frontage roads, and major arterials that are not owned by the City. This growing disparity reflects a need for strategies that can be implemented on roadways for which redesign is outside of the City's control.



*2022 is projected with data through October 31, 2022.

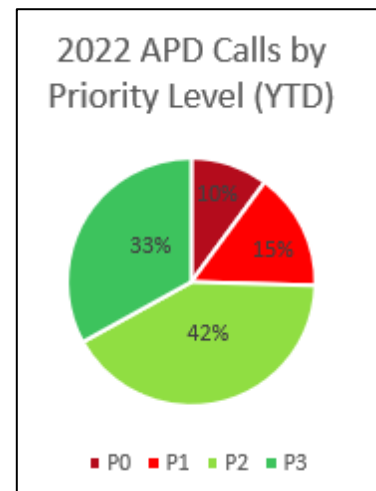
Internal Resources for Narrowly-Focused Traffic Safety Enforcement

The Austin Police Department (APD) is currently authorized 1,812 sworn positions. 773 of those are patrol Police Officers, and as of November 1, 2022, there were 178 patrol Police Officer vacancies. 76 of those authorized sworn positions are patrol Corporals, and as of November 1, 2022, there were 7 patrol Corporal vacancies. Combined, there is a 21.8% vacancy rate for these two ranks which perform most of the patrol efforts, including most traffic enforcement activities.

Specialized units that perform traffic enforcement, like DWI Enforcement and Motors (motorcycle units), have been reassigned to patrol to respond to 911 calls. Graduating new cadet classes will help to fill vacant authorized positions and add resources for patrol activities after completing three months of field training; however, APD continues to see officer attrition as well. A continuing challenge for APD is increasing overall staffing levels towards current authorized levels.

As of November 1, 2022, there have been over 307,000 calls to which APD responded this calendar year, including both dispatched and self-initiated calls. Out of that total, there were over 78,300 Priority Zero (P0) and Priority 1 (P1) calls – the highest priority calls reflecting a need for urgent public safety response to protect the health and safety of residents. These calls often require multiple officers to respond to the incident and may require a long period of time spent at the location per call, depending on the situation encountered.

Approximately 1 out of 3 calls to which patrol officers and corporals respond are Priority 3 (P3) calls. According to APD's General Orders, Priority 3 (P3) calls are incidents where life or property is not at risk and an immediate police response will not likely prevent further injury, loss of property, or adversely affect an investigation.



The [July 2022 interim update memo](#) suggested there may be opportunities after the most urgent priority calls are addressed when on-duty patrol officers and corporals could perform narrowly-focused traffic safety enforcement. Over the past few months, Austin Transportation (ATD) and APD staff

worked to create sector-specific traffic safety focus areas for patrol staff, which include historical data for each sector reflecting the locations of severe car crashes, as well as the key days and times of day when crashes have happened. ATD and APD staff will continuously monitor whether this information helps to increase hours spent on narrowly-focused traffic safety enforcement efforts, and whether there are noticeable impacts to overall severe crash outcomes over time.

External Resources for Narrowly-Focused Traffic Safety Enforcement

Earlier this year, ATD and APD staff explored the possibility of an interlocal agreement with Travis County to increase traffic enforcement. Travis County Constables submitted a budget request for new positions to expand the Constables' ability to perform traffic enforcement, including within the City limits where they can and do already perform traffic enforcement activities. ATD expressed a willingness to cost participate in the proposal should the Travis County Commissioners Court choose to move the budget request forward, as the additional enforcement capacity would help meet public health and public safety goals of both organizations. However, the Commissioners Court ultimately decided not to add the new positions to the Constables' budgets during the FY23 adoption process. At this time, there are no ongoing conversations with any outside public safety groups that would provide additional traffic enforcement within the City limits.

Budget Analysis on Public Safety Resources Utilized for Crash Response

While traffic safety conversations typically point to the protection of human life and quality of life as the primary reason for the City's efforts, it is important to try and understand the full breadth of impacts of car crashes on our public safety resources. While traffic-related incident data is not collected and managed in the same way across the City's three public safety departments, the following provides a sense of scale for the resources it takes to respond to crashes on a regular basis.

In 2021, the Austin Fire Department (AFD) responded to over 15,000 car-related crashes, representing 15% of all department incident responses (which is in line with the percentage share of incidents for the prior four years). AFD staff spent over 6,630 hours on scene at traffic incidents. An estimate of staffing costs for these responses exceeds \$1.13 million. All AFD units/apparatus have the same monthly maintenance fee of \$3,498 per unit, and over 32,000 units were assigned to car crashes in 2021.

In 2021, Austin/Travis County Emergency Medical Services had over 10,400 responses to 8,660 traffic-related incidents, representing over 7% of all ATCEMS incidents. ATCEMS deployed over 13,000 units and over 32,900 staff to these incidents, spending over 5,900 hours on scene. ATCEMS uses an average cost of \$1,139 for each emergency response, and in 2021 total traffic-related response costs are estimated at \$11.92 million.

In 2021, Austin Police Department responded to ~24,000 car-related crashes, representing ~6% of all APD responses. APD deployed over 51,400 APD units and over 56,000 APD staff to these scenes, spending over 66,800 hours on scene. An estimate of staffing costs for these responses exceeds \$4.14 million. APD uses an estimated cost of \$15 per hour to operate and maintain APD patrol vehicles. All combined, Austin's general fund is spending tens of millions of dollars per year and over 75,000 hours of highly trained public safety professionals' time just in the immediate responses to car crashes, many of which are preventable through proactive approaches towards safer roadway designs and narrowly-focused enforcement efforts.

Alternatives to Traditional In-Person Traffic Enforcement Efforts

The June Council resolution asked the City Manager to, “research and report back on civil service-staffed and technological alternatives to traffic monitoring and enforcement being implemented around the U.S. and Canada (at least) and provide a legal and cost analysis examining whether and how similar strategies and staff could be deployed to achieve the goals of this resolution.” While armed, in-person enforcement is common throughout the U.S., [crash deaths occur 50% more often in the U.S.](#) than in similar high-income countries. The sections below are high-level reviews of various strategies that attempt to achieve a similar safety outcome without the need for in-person traffic enforcement.

Speed Safety Cameras and Red Light Cameras

About [150 U.S. communities](#) in the U.S. use speed safety cameras to enforce speed limits, representing [16 states and the District of Columbia](#). Studies show that utilizing fixed speed safety cameras is cost-effective and [can reduce injury crashes](#) by 47%, while point-to-point and mobile cameras can reduce injury and fatal crashes by 37% and 20%, respectively. As of 2007, [Texas law](#) prohibits municipalities from enforcing compliance with speed limits by an automated traffic control system.

About [340 communities](#) in the U.S. use red light cameras. Red light cameras can [decrease right-angle crashes](#) by 25% and lower economic crash costs by ~\$39,000 per site per year. A [2016 Insurance Institute on Highway Safety \(IIHS\) study found](#) that when cities removed red light cameras, fatal red-light-running crash rates increased by 30% and the rate of all fatal crashes at signalized intersections increased by 16%. As of 2019, [Texas law](#) prohibits local authorities from implementing or operating “a photographic traffic signal enforcement system.”

As use of automated enforcement rises, it is critical to carefully consider fine amounts and the placement of cameras. For example, a study on [Chicago’s camera systems found](#), “households in majority Black and Hispanic ZIP codes” received traffic camera citations at twice the rate of white areas. Many automated enforcement systems have fees which are lower than standard citations to keep the focus on changing driver behaviors as opposed to high fines.

Dynamic Speed Display Devices (DSDDs)

In 2016, the Austin Transportation Department began using DSDDs on a rotating basis in mostly residential areas and on lower volume streets. These devices display the driver’s speed and can provide messages to reinforce adherence to the posted speed limit. In early 2022, the Vision Zero team installed fourteen devices at five locations with relatively frequent severe crashes to test the impact of these for speed mitigation and crash risk reduction. *Early* results have demonstrated a strong safety benefit as annualized crashes and severe crashes have dropped 50% in the first six months after the devices were installed, even as speed reductions were inconsistent. The Vision Zero team installed sixteen more devices in mid-November and will continue to evaluate crash reduction impacts over time.

Civilian Traffic Enforcement

[Berkeley](#), [Minneapolis](#), and [Philadelphia](#) are U.S. cities analyzing how to enforce traffic laws with unarmed, civilian employees. However, each of their respective state’s laws prohibit civilian employees from enforcing moving violations like speeding. Philadelphia’s proposal for unarmed, civilian officers would be to enforce more minor traffic and parking rules as police employees. In New York City, 4,000 Traffic Enforcement Agents work as unarmed, civilian employees of NYPD. Agents do not enforce moving violations but do enforce [laws and regulations](#) for [traffic flow](#) (e.g. blocking the box, parking in a bus lane) and parked vehicles. Research shows that there are over a dozen countries which do not

usually deploy armed police officers, such as New Zealand, Norway, and the United Kingdom, who also perform traffic enforcement.

The [Texas Transportation Code](#) states that “an officer” shall enforce offenses like speeding. [Austin’s City Code](#) states that “a police officer” may direct traffic and enforce traffic laws. Prior City legal research found that Texas state law allows non-peace officers to assist officers by giving information or directing traffic during “construction, repair, or dangerous conditions,” but could not enforce moving violations. In recent years ATD has added positions of Transportation Mobility Service Officers who can enforce parking regulations, local and State transportation ordinances, and ground transportation regulations.

Prioritizing Safety Stops

While not technically an alternative to in-person enforcement, some cities and states are narrowing the focus of traffic enforcement to better achieve public safety outcomes and reduce the risk of violence occurring at traffic stops, particularly those stops due to minor violations. Over [170 traffic offenses](#) reflect a moving violation in Texas Administrative Code. By prioritizing violations which have a more direct connection to public safety over investigatory and economic stops, Fayetteville, North Carolina [decreased traffic crashes and injuries by 28%](#) and improved traffic stop racial disparity metrics. Los Angeles, [Philadelphia](#), [Pittsburgh](#), [Seattle](#), [Berkeley](#), Lansing, Minneapolis, and the [State of Virginia](#) have all taken similar steps to restrict the enforcement of minor violations.

Penalties for Unsafe Driving Behaviors and Equity Considerations

While also not technically an alternative to in-person enforcement, fines and fees have been used to discourage speeding and other moving violations and seem to be correlated with traffic safety successes. However, the fine structure and types of violations they are attached to are critical to ensure success in achieving policy goals. In-person traffic enforcement, and associated penalties, has often impacted communities of color disproportionately.

Norway has some of the strictest fines for speeding in the world, scaling from ~\$230 to ~\$1,150. Drivers can also face immediate license suspensions and jail time for egregious speeding. Traffic fatalities in Norway [fell about 50%](#) from 2010 to 2019, and Norway has one of the lowest rates of fatalities in the world. In several countries like Norway, high fines complement lower speed limits and automated enforcement and safer roadway design, and citation costs can scale with speed and/or income levels.

The [Texas Transportation Code](#) explicitly states higher penalties for only one driver behavior tied to crashes not related to impaired driving or driving under the influence: “failure to yield right-of-way offense resulting in an accident.” Fines are increased from standard amounts when drivers are found to be at fault in a crash and cause an injury and include even higher fines when causing serious bodily injury. ATD continues to work with Municipal Court and APD to identify crashes with this behavior noted to explore higher fine amounts when and if appropriate.

There are also programs that allow for the alternative adjudication of moving violations in lieu of fines or fees for certain offenders. New York City’s [Driver Accountability Program](#) has served over 3,500 people as an alternative to fines or jail and [78% of program](#) participants said it improved their driving habits.

SUMMARY TABLE

Alternative	Used in Austin today?	Note
Speed Safety Cameras, Red Light Cameras	No	Would need state law change, or investigate viable options within current state law
Dynamic Speed Display Devices	Yes	Initial installations showing positive early safety results, more devices installed in November 2022
Civilian/Non-Sworn Traffic Enforcement	Partial	Would need state law change for moving violations; some non-moving violations handled by ATD
Prioritizing Safety Stops	No	Would need state law change or local policy directives
Penalties for Unsafe Driving Behaviors, Alternative Adjudication through Educational Program	Partial	Only Failure-to-Yield causing injury in a crash, would need state law change or to explore local policy directives to add other driver behaviors like speeding. City's Municipal Court and Travis County do have some general alternative adjudication education programs – could explore expansion into specific traffic safety education

Impact of the No Refusal Initiative on Impaired Driving

According to the National Highway Traffic Safety Administration (NHTSA), in 2020, 39% of all traffic fatalities in Texas involved an alcohol-impaired driver. The number of crashes involving an alcohol-impaired driver is highest in the evening and early-morning hours, and on weekends and during holidays and major events.

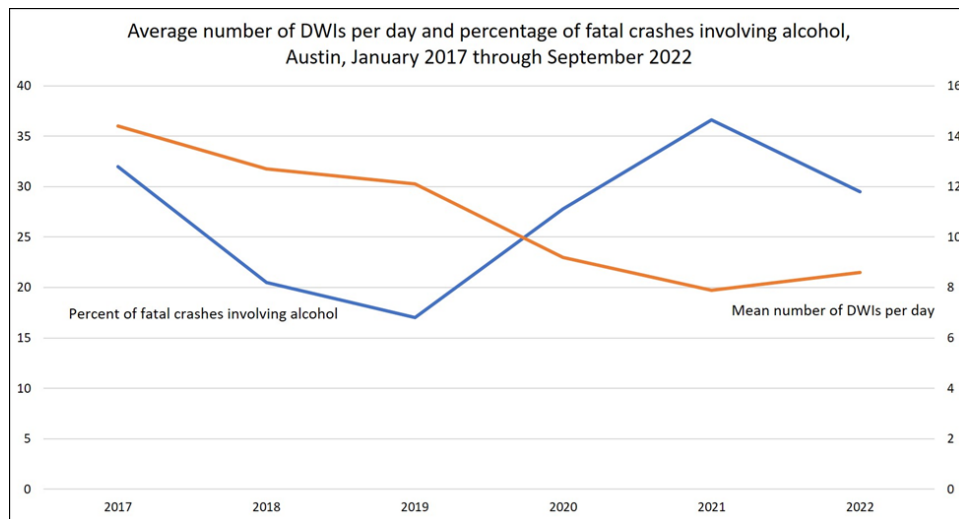
The “No Refusal Initiative” (NRI) has the goal of reducing the number of crashes due to impaired drivers. ATD provides funding for the NRI for overtime costs of APD detectives to assist in processing arrests where impairment is presumed in the field and to obtain blood search warrants when needed. This funding does not increase the number of officers in the field who could pull over suspected impaired drivers. Prosecutors have noted that a toxicology result is critical evidence used in jury trials, particularly in cases of intoxication manslaughter car crashes.

Austin started the NRI approximately 10 years ago, and prior to 2017, the NRI was in place only during certain holidays and major events. Starting at the end of 2017, additional enforcement occurred during every weekend (Friday, Saturday, and Sunday nights). Beginning in June 2021, weekend enforcement was expanded to include Thursday nights and additional holiday enforcement periods.

The COVID pandemic affected crash patterns when looking at data from 2017 to 2019 compared to 2020 to present. While both the number of overall crashes with a crash report and the number of crashes involving alcohol (as noted on crash reports) have declined, the number of fatal crashes has risen from ~6.5 per month in the 2017-2019 period to an average of ~9 per month in 2021.

DWI enforcement, by both the DWI Enforcement Unit and by regular patrol, was also affected by the COVID pandemic. Several factors have combined to reduce DWIs: less public contact in 2020 with fewer traffic stops, fewer people out in public early in the pandemic, and a continued focus on responding to

all calls for service as overall patrol staffing has decreased. It is also possible that some crash incidents handled by ATCEMS and AFD without an APD presence may have involved DWIs that did not result in arrests. Starting in mid-2020, the full-time DWI Enforcement Unit staff was re-tasked and by June 2021, DWI Enforcement Unit officers were reallocated to regular patrol. The number of DWIs has slightly increased in the past year, however they still remain well below pre-pandemic levels.



These trends suggest the percentage of fatal crashes involving alcohol may be affected by these changes in DWI enforcement levels. Alcohol-involved fatalities (as noted on crash reports) as a percentage of all fatalities had been decreasing from 2017 to 2019 but increased dramatically in 2020 and 2021. This percentage has fallen recently but remains well above the 17% noted in the year before the pandemic. [Research](#) has shown that the pandemic impacted public behavior in many ways, including increases in substance abuse. It is challenging to distinguish the impact of the NRI independent of the many other contextual factors mentioned in this section. Other challenges include attempts to quantify the deterrent effect, which comes from publicizing the potential of blood search warrants during NRI nights, as well as quantifying the benefit mentioned by prosecutors of evidence in jury trials. Further research on the NRI, including potential public surveys, could clarify some of this initiative's impact as we continue to see high levels of alcohol-involved severe crashes.

Long-Term Plan for Proactive Traffic Enforcement

The Austin Police Department is currently navigating unprecedented levels of staffing vacancies with 178 out of 773 authorized patrol Police Officer positions currently vacant. In 2021, APD began strategically reassigning specialized units, including DWI Enforcement and nighttime units, and Detectives to prioritize responses to urgent 9-1-1 calls and funneling all possible resources toward patrol operations.

APD's top immediate priority is filling the patrol vacancies that persist even with the reassignment of specialized units. APD currently has one cadet class in progress with 55 cadets, and four classes planned in 2023 with an expected total of up to 160 cadet positions. These new officers will be assigned to patrol units upon graduation from the training academy and completion of a three-month field training program.

Once patrol operations achieve adequate staffing APD may begin reactivating specialized units, including those pertaining to proactive traffic enforcement. Due to the rate of officer attrition, which currently meets or exceeds the rate of new cadet graduations, this is expected to take between two to five years. Increasing the net number of APD officers will continue to be a challenge for the foreseeable future. For additional information or further discussion, please contact Lewis Leff, Transportation Safety Officer, Lewis.Leff@austintexas.gov, or James Mason, APD Assistant Chief, James.Mason@austintexas.gov.

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