

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

ITEM NUMBER: 14

DATE: November 29, 2005

STAFF: Eric Bracke  
Trish Davis

### SUBJECT

First Reading of Ordinance No. 167, 2005, Amending the Code of the City of Fort Collins Relating to General Penalties.

### RECOMMENDATION

Staff recommends adoption of this Ordinance on First Reading.

### FINANCIAL IMPACT

The City's 2006-2007 Biennial Budget includes an appropriation for implementation of a new approach to the traffic calming program. This program will add up to two police officer positions for traffic enforcement by the end of 2007 and will include educational and signage components. The total amount included in the 2006 budget for the traffic calming program is \$240,000. This Ordinance proposes a \$35 surcharge on moving violations. The estimated revenue likely to be generated by the surcharge, in 2006, is approximately \$260,000. The surcharge will be collected by Municipal Court at the time of sentencing and will be exclusively spent for traffic calming expenditures.

### EXECUTIVE SUMMARY

This Ordinance provides a new and dedicated revenue source to fund enforcement of speed limits in neighborhoods, citywide awareness programs and other traffic calming measures. Approval of this Ordinance will change the way the City approaches the "speeding in neighborhoods" issue.

This program is an enhancement to the existing Neighborhood Traffic Safety Program (NTSP) housed currently housed in Traffic Operations. Fort Collins residents want to feel safe in their neighborhoods. This is an important quality of life aspect that many folks believe they are missing. One of the main causes of concern is speeding in neighborhoods. The Traffic Operations Department has had a neighborhood traffic calming program in place for approximately 10 years and the program has been largely ineffective at reducing speeds in neighborhoods. The new program approach is intended to change the approach to reducing speeds on neighborhood streets.

### BACKGROUND

Brief history of traffic calming in Fort Collins – In 1995, Council appropriated \$100,000 in response to citizen concerns about speeding in neighborhoods. Traffic Operations initiated the Neighborhood

Traffic Safety Program (NTSP) to address excessive speeding, traffic accidents and cut-through traffic in neighborhoods.

During the period of 1996 through 2004, Traffic Operations worked with virtually every neighborhood in Fort Collins and installed 46 speed humps, 40 raised crosswalks, 6 traffic circles, 5 raised islands, 1 lighted crosswalk, signed and painted the streets in numerous neighborhoods as well as implemented educational campaigns in the City and regionally.

In 2004 funding was reduced to \$50,000. The "device" portion of the program was cut due to budget constraints and the "after" studies determined them to be ineffective. The studies showed that within a period of a year, speeds were back to where they were prior to the installation of the devices.

Today, the focus of the program is education – last year the City partnered with Greeley to blanket regional radio stations with the "Slow Down in the Neighborhood" message.

Staff from Traffic Operations has attended numerous neighborhood meetings to talk with citizens about their speeding problems. Citizens repeatedly voiced concern over the lack of police presence and enforcement. The Ordinance proposes adding a \$35 surcharge to all one-point or higher moving violation tickets. The surcharge revenue would be specifically dedicated to fund Police enforcement in neighborhoods and to implement a citywide anti-speeding campaign. Police presence and enforcement have been found to be the most effective means of reducing speeding. Research shows that if people believe there is a high probability of being caught, they are far less likely to offend. The surcharge requires that the violator pay for the actions required to moderate their driving behavior. Drivers that obey the speed limit will not be impacted by the surcharge.

The City is not the first to implement a surcharge on moving violations to fund traffic calming. Communities across the country are implementing a surcharge on moving violation tickets to fund traffic calming programs. Below are some examples.

- In 2003, Greeley implemented a \$25.00 moving violation surcharge dedicated to traffic calming in neighborhoods. Last year revenues from the surcharge were approximately \$206,000. Greeley currently has eight traffic officers and is in the process of requesting more.
- The City of Sante Fe implemented a public awareness campaign to get residents and visitors to slow down. In addition to having more police officers patrol the streets, they doubled their fines for speeding. The additional fines collected are dedicated to the city's traffic calming program.
- Salt Lake County implemented a \$10.00 surcharge on moving violations that provides annual funding for their traffic calming program.

- Portland, Oregon is trying to implement a “Violator Pays Initiative” Their belief is that traffic fines can be a powerful tool to ensure drivers comply with traffic laws and it is fair to charge people who violate traffic laws an additional fee to support much needed traffic safety efforts in neighborhoods. One bold paragraph from their website states; “People who speed, run red lights, disregard other traffic control devices, and endanger pedestrians and bicyclists should pay for the education, enforcement, and engineering measures required to mitigate their reckless driving behavior”.

ORDINANCE NO. 167, 2005  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING THE CODE OF THE CITY OF FORT COLLINS  
RELATING TO GENERAL PENALTIES

WHEREAS, the City's 2006-2007 biennial budget includes an appropriation for implementation of a new traffic calming program; and

WHEREAS, the aforementioned traffic calming program will add up to two police officer positions for traffic enforcement and may include educational, facility and signage components; and

WHEREAS, the total amount included in 2006 for the traffic calming program is \$240,000; and

WHEREAS, the City Council believes it is reasonable and appropriate that persons who are involved in contributing to the City's traffic problems should also contribute monetarily to the solution through the imposition of a surcharge on moving violations; and

WHEREAS, the estimated revenue likely to be generated by a \$35 surcharge in 2006 would be approximately \$260,000; and

WHEREAS, Council believes that the revenue collected from the proposed surcharge should be used to fund the traffic calming measures and programs developed and implemented by Transportation Services and Police Services associated with the newly created traffic calming program; and

WHEREAS, Council specifically finds and determines that the creation of the traffic calming surcharge is consistent with the City's powers as a home rule municipal corporation, and that the exercise of said powers in the manner set forth herein is in furtherance of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 1-15 the City Code is hereby amended as to read follows:

**Sec. 1-15. General penalty and ~~penalty~~ **penalty surcharges for misdemeanor offenses, for traffic offenses and traffic and civil infractions.****

...

(b) A violation of any provision of Chapter 28, Vehicles and Traffic, in this Code or the Fort Collins Traffic Code, shall be deemed to be a traffic infraction if, at the time of the commission of the violation, its counterpart violation under the provisions of Article 4 in Title 42 of the Colorado Revised Statutes, if any, is designated by state law as being a traffic infraction. If no counterpart violation exists under state law, the violation shall be deemed to be a traffic infraction. All other violations under Chapter 28 of this Code or the Fort Collins Traffic Code shall be considered misdemeanors

punishable as described in paragraph (a) of this Section. Any person against whom judgment is entered for a traffic infraction under this Code shall be subject to the penalty of a fine **and any surcharge, the total of which is not to exceed** one thousand dollars (\$1,000.) and shall not be subject to imprisonment on account of such judgment.

...

**(g) Surcharges.**

*Assessment of traffic calming surcharge.* A surcharge of thirty-five dollars (\$35.00) shall be assessed by the municipal court as set forth in this section and shall be in addition to court fines, costs, other surcharges and fees. Said surcharge shall be assessed against any defendant who, after a trial to the court, referee or jury, is found guilty of any Fort Collins Traffic Code violation to which the state Department of Revenue has assigned one (1) or more points or who pleads guilty or no contest to or who enters an *Alford* plea to such violation pursuant to any plea agreement. If an early payment discount or other plea bargain is accepted, the surcharge will be assessed if the original charge on the summons or penalty assessment carries one (1) or more points. Said surcharge shall be assessed at the time of disposition by the Municipal Court and shall be dedicated by the Finance Department and exclusively spent for traffic calming expenditures, including, but not limited to training, education, signage, facilities, public education and additional traffic enforcement police officers and equipment.

Introduced and considered favorably on first reading and ordered published this 29th day of November, A.D. 2005, and to be presented for final passage on the 20th day of December, A.D. 2005.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 20thth day of December, A.D. 2005.

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Mayor

ATTEST:

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City Clerk