



# VIA TRANSIT POLICE DEPARTMENT

## Standard Operating Procedures



### Section 610 – Traffic Direction and Enforcement

Office with Primary Responsibility:	COP	Effective Date: Prior Revision Date:	November 21, 2020 March 5, 2019
Office(s) with Secondary Responsibilities:		Number of Pages:	7
Forms Referenced in Procedure:			ALL

#### **.01 INTRODUCTION**

- A. This procedure provides guidelines for the manual direction and control of vehicle and pedestrian traffic around accidents scenes, fire scenes, and other hazards on or near roadways, and during special events.
- B. This procedure also provides guidelines for the uniform traffic law enforcement of all traffic law violations with the primary goal and objective of promoting traffic safety.

#### **.02 POLICY**

- A. Manual traffic direction and control is performed in emergency situations, at special events, and at locations designated by supervisory officers until temporary traffic control devices can be placed into operation.
- B. All officers will wear the issued reflective vest or regulation reflective rainwear as soon as practical while directing or controlling traffic.
- C. It is the policy of the VIA Transit Police Department that on-duty uniformed officers in marked police vehicles enforce all traffic laws when traffic law violations that are, Transit related occur in the officers' presence.
- D. The VIA Transit Police Department does not investigate traffic collisions. Traffic collisions will be investigated by other appropriate jurisdictional agencies. Transit police officers will assist with traffic control as needed when requested by the jurisdictional agency for collisions on or involving the transit system.

#### **.03 UNIFORM HAND SIGNALS, GESTURES, AND OTHER EQUIPMENT**

- A. All officers use the uniform hand signals and gestures listed in the Traffic Point Control Manual while directing or controlling traffic.
- B. All officers shall also use a whistle to direct and control vehicle or pedestrian traffic. The whistle is used as follows:
  - 1. One (1) long blast to indicate STOP;
  - 2. Two (2) short blasts to indicate GO; and
  - 3. Several short blasts to get the attention of drivers or pedestrians who do not respond to a given signal.
- C. Officer will also use other equipment listed below to help them direct and control vehicle and pedestrian traffic.
  - 1. Marked police vehicles with emergency lights;
  - 2. Flares;
  - 3. Traffic cones and barricades;
  - 4. Traffic signs; and
  - 5. Flashlights with cones.



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- B. When officers manually operate a traffic control light due to a malfunction, the officers shall remain at the location until the arrival of a repair crew.

#### ***.04 TRAFFIC DIRECTION AND CONTROL AT SCENES OF TRAFFIC CRASHES***

- A. The first officers arriving at the scene of a crash shall utilize the emergency lights and flashers on their marked vehicles to warn approaching vehicles of any traffic hazards.
- B. Officers at the scene of a crash take the necessary steps to allow for the safe flow of traffic around the scene. Necessary steps might include:
  - 1. The use of flares or other equipment;
  - 2. Moving vehicles from the roadway;
  - 3. Requesting additional officers for traffic and crowd control; and
  - 4. Requesting wreckers, sand trucks, or fire units.

#### ***.05 TRAFFIC DIRECTION AND CONTROL DURING IMPOUNDING FOR TRAFFIC VIOLATIONS***

- A. Officers will direct and control traffic when necessary to ensure the safety and well-being of the driver and/or occupants of any vehicles that are being impounded for traffic violations.
- B. Officers shall remain at the scene until the driver and/or occupants are safely removed from the area. Additionally, he will ensure that the vehicle has been removed from the roadway and traffic conditions have returned to normal.

#### ***.06 TEMPORARY TRAFFIC CONTROL DEVICES***

- A. Temporary traffic control devices such as barricades and signs may be utilized for traffic direction and control at parades, sporting events, and other large gatherings to help officers control vehicle and pedestrian traffic.
- B. Officer utilizing temporary control devices shall remove the devices from the roadway when the devices are no longer needed to control traffic.
- C. Supervisory officers shall notify the Public Works Department, or other department providing the temporary devices, as to the location, number and types of temporary devices needed, and when to pick up the temporary devices.

#### ***.07 UNIFORMED ENFORCEMENT ACTIONS BY OFFICERS***

- A. All officers are to use discretion and good judgment in the enforcement of traffic law violations.
- B. Enforcement actions officers may use when enforcing traffic law violations include the following:
  - 1. Written warnings (verbal warnings are prohibited per sec. 601 .03 E Racial Profiling);
  - 2. Citations;
  - 3. Custodial arrests; and
  - 4. Towing.



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- C. The enforcement actions officers take should be commensurate with applicable traffic laws and the degree and severity of the violations should be considered when taking enforcement actions.
- D. Officers conduct warrant, insurance, and driver's license status checks on all persons stopped for traffic law violations.
- E. Officers issuing citations to traffic law violators shall afford the violators the opportunity to sign the citations. No traffic citations will be mailed to traffic law violators. When a citation is issued, the officer shall ensure that the appropriate court contact information is included on the citation or is provided to the violator at the time of issuance.
- F. Although officers use discretion and good judgment in enforcing traffic law violations, they should enforce all traffic law violations they deem transit related in the below listed categories using uniform traffic law enforcement measures in compliance with traffic laws and regulations:
  - 1. Hazardous violations,
  - 2. All non-hazardous violations;
  - 3. Multiple violations;
  - 4. Equipment violations;
  - 5. Violations resulting in traffic accidents, if the violations occur in the officers' presence
  - 6. Pedestrian and bicycle traffic violations;
  - 7. Use of hand held device while driving;
  - 8. Newly enacted traffic laws and/or regulations.

#### **.08 STOPPING AND APPROACHING TRAFFIC VIOLATORS - HIGH RISK (FELONY) TRAFFIC STOPS**

- A. Officers attempting to conduct high risk or felony traffic stops use the following six (6) step stop and approach method.
  - 1. Prior to the stop, follow the vehicle at a safe distance, if possible, and notify the dispatcher of the following:
    - a. Location and direction of travel;
    - b. Description and license number of vehicle;
    - c. Number and description of occupants; and
    - d. Wait for cover officer(s) to arrive.
  - 2. Activate emergency lights and attempt to stop the vehicle in a location of your choice. If the vehicle does not stop, notify the dispatcher with description of vehicle and direction of flight. Pursuit of vehicle is not authorized.
  - 3. Notify the dispatcher of the location where the stop was made and:
    - a. Position your vehicle 30 to 40 feet behind the suspect vehicle;



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- b. Take a quick glance at your surroundings for cover and concealment;
  - c. Take your weapon out of its holster and be prepared to counter a threat; and
  - d. Position yourself using the police vehicle for maximum cover.
4. Address the occupant(s) of the vehicle with the PA system or by voice:
    - a. Identify yourself as a police officer with the VIA Transit Police Department; and
    - b. Tell the occupant(s) to keep his hands in sight and not to move;
  5. The first arriving cover officer should position his vehicle to the right and even with the primary vehicle, if possible. If not possible, the cover officer should position his vehicle to the left and even with the primary vehicle.
  6. After the officers have communicated responsibilities with each other, the suspect is removed from the vehicle and processed according to the violations committed:
- B. In conjunction with the above steps, officers also use the tactical training received through their Field Training and all of their acquired experience in conducting high risk or felony traffic stops.

#### **.09 STOPPING AND APPROACHING TRAFFIC VIOLATORS - LOW RISK TRAFFIC STOPS**

- A. Officers conducting low risk or routine traffic stops use the following seven (7) step stop and approach method.
1. Be sure a violation has occurred;
  2. Determine if it is safe to stop the violator;
  3. Make the traffic stop in a safe place using the emergency lights;
  4. Give the dispatcher the location of the stop and the license plate number of the vehicle;
  5. Park a short distance behind and offset to the left of the violator's vehicle;
  6. Exit the vehicle in a safe manner while maintaining visual contact with the violator; and
  7. Approach the violator's vehicle on the driver's or passenger's side. Do not go beyond the trailing edge of the driver's or passenger's door.
- B. The seven (7) step stop and approach method is a guideline for low risk traffic stops. Officers should be aware that they may need to change or alter the method without notice, depending on conditions and circumstances beyond their control. When this low risk stop and approach method needs to be altered, officers use their training and experience in determining what stop and approach methods work best for the circumstances.

#### **.10 OFFICER CONDUCT WITH LOW RISK TRAFFIC VIOLATORS**

- A. Officers conducting routine traffic enforcement activities shall ensure that their conduct and appearance are reflective of a professional police image.
- B. Officers conducting routine traffic enforcement activities shall use the following seven (7) step violator contact method that is taught in the Police Training Academy.



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1. Greeting and Identification of the Police Agency - Officers should introduce themselves, stating they are with the VIA Transit Police Department;
2. Statement of Violation Committed - Officers advise the violator as to the reason(s) they were stopped;
3. Identification of Driver - Officers identify violators by requesting their driver's license or one of the other listed accepted forms of identification:
  - a. State issued ID card;
  - b. United States Passport;
  - c. United States Military ID;
  - d. Foreign Passport;
  - e. Foreign Military ID; or
  - f. Consular ID.
4. Statement of Action to be Taken - Officers tells the violator the exact action that is to be taken (i.e., warning, citation, or custodial arrest);
5. Take The Action - Officers take the action they tell the violator;
6. Explain What the Violator Must Do to address the Citation once they sign and are released.
7. Conclude the stop - the officer should close the contact with a statement such as "good morning, good afternoon, or drive safely" and immediately return to his vehicle.

#### **.11 SPECIAL TRAFFIC ENFORCEMENT POLICIES AND PROCEDURES**

##### A. Military Personnel who Commit Traffic Law Violations

1. Military personnel who commit traffic law violations are treated as residents of this state.
2. Officers should be aware that the driver's license requirements for military personnel are different from civilians; therefore, officers refer to the Texas Transportation Code to clarify the status of driver's licenses held by military personnel.

##### B. Drivers with No Valid Driver's License

1. Drivers found to be operating motor vehicles without valid driver's licenses are arrested for the offense, except:
  - a. When the officer verifies the identity of the driver, utilizing an approved form of ID listed below, the officer may issue a traffic citation (instead of booking the individual) for violation of the Transportation Code, Chapter 521.025, *License to be Carried and Exhibited on Demand*:
    - (1) State issued ID card;
    - (2) United States Passport;
    - (3) United States Military ID;



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- (4) Foreign Passport;
  - (5) Foreign Military ID; or
  - (6) Consular ID.
- b. If a person does not have a valid driver's license but does have evidence of financial responsibility on the vehicle:
- (1) If there is a passenger in the vehicle with a valid driver's license, the person with the valid driver's license will be allowed to remove the vehicle;
  - (2) The driver will be allowed thirty (30) minutes (from the time the traffic stop initiated) to arrange for another driver with a valid driver's license to remove the vehicle;
  - (3) If a licensed driver is not available within the allotted thirty (30) minute time frame, the vehicle will be impounded;
  - (4) Failure to provide evidence of financial responsibility provides the officer authority to impound the vehicle. (TTC 601.051 – 601.124)
- c. When verification of a valid driver's license is inhibited due to a computer problem and the person's identity is established, the person is issued a traffic citation; or
- d. When a recently expired driver's license, not suspended, canceled, or revoked, is presented or found to exist for the driver, the person is issued a traffic citation.
2. Persons physically arrested for not having valid driver's licenses are returned to the City of San Antonio Detention Center.
- C. Drivers with No Valid Auto Liability Insurance
1. Officers have the authority to impound the vehicle of any person driving without state mandated minimum auto liability insurance coverage. This policy allows officers the option of impounding the vehicle if a motorist, insured or not, cannot produce the required insurance documentation before being towed.
  2. Officers will first check for evidence of financial responsibility on the vehicle, if the driver is unable to provide such proof, the officer will accept evidence of financial responsibility on the driver, which is covered in SOP Section 602, *Impounding Vehicles*.
  3. Failure to provide evidence of financial responsibility provides the officer authority to impound the vehicle. (TTC 601.051 – 601.124)
  4. Officers shall follow SOP Section 602, *Impounding Vehicles*, Section .09A3, *Uninsured Driver*, when determining the circumstances in which to impound.
- D. Drivers with Suspended or Revoked Driver's License
1. Drivers found to be operating a motor vehicle while their Texas driver's license is suspended or revoked, with no prior convictions, are cited for the violation of the Transportation Code, Chapter 521.457, *Driving While License Invalid*.



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- a. The driver may be issued a traffic citation for Driving While License Invalid and the vehicle may be released to a licensed driver or impounded according to, SOP Section 602, *Impounding Vehicles*.
  - b. The driver will be allowed thirty (30) minutes from the time the traffic stop initiated to arrange for another driver with a valid driver's license to remove the vehicle.
  - c. If a licensed driver is not available within the allotted thirty (30) minute time frame, the vehicle will be impounded.
  - d. Prior convictions will be noted on a complete driving history or in the master name file of the driver.
2. Drivers found to be operating a motor vehicle while their Texas driver's license is suspended or revoked from a prior conviction of Driving While License Invalid are arrested for the violation of the Transportation Code, Chapter 521.457, Subsection (f) and (f-1) *Driving While License Invalid* (Class B misdemeanor).
- a. An offense report is prepared and submitted;
  - b. Copies of the violator's driving record, supporting the officer's probable cause are attached to the offense report and to any copies submitted to the magistrates or representatives of the District Attorney's Office; and
  - c. Traffic citations are issued, or the person is booked for other traffic violations committed.
- E. Refusal to Sign Citation
1. Adults refusing to sign a traffic citation are booked for the violation committed and transported to the City of San Antonio Detention Center following normal booking procedures.
  2. Juveniles refusing to sign a traffic citation are returned to the Juvenile Processing Office and processed in accordance with Juvenile Processing Office standard operating procedures 609.
- F. Arrests for City and DPS Traffic Warrants

When VIA Transit Officers arrest persons wanted on DPS traffic warrants, the officers shall call the DPS Communications Office (531-2280), located at 6502 S. New Braunfels, to verify the traffic warrant prior to returning the subjects to the City of San Antonio Detention Center.

1. If the warrant is active, the DPS Communications Clerk is asked to fax or teletype the verification to the Magistrate's office at the Detention Center (335-6120).
2. If the DPS traffic warrant is not active or if verification can not be made within thirty (30) minutes, the subjects shall be released outright.