



PEDESTRIAN ADVISORY COUNCIL RECOMMENDATION 20140707-6B

Date: July 8, 2014

Subject: Distracted Driving Study Group Recommendations

Motioned By: Girard Kinney

Seconded By: Joe Almazan

Recommendation

The Pedestrian Advisory Council (PAC) supports updating City Ordinance Nos. 20091022-028 and 2009-1217-090 relating to distracted driving. The PAC recommends excluding any language that would apply new regulations to pedestrians.

Description of Recommendation to Council

Please find below the letter submitted to the Distracted Driving Study Group.

Rationale:

To the Distracted Driving Study Group,

In response to the Distracted Driving Study Group draft recommendations, the Pedestrian Advisory Council (PAC) passed the following recommendations at our 7 July 2014 meeting.

The PAC was formed in summer 2013 in order to advise the City of Austin and other entities on pedestrian planning, design, funding, enforcement efforts, and policy development regarding pedestrian facilities in order to ensure a safe and enjoyable circulation for both commuting and recreation within the City of Austin. The goal of the PAC is to provide pedestrian expertise and to ensure that sensitivity to pedestrian issues is considered.

The PAC recognizes the need to improve public safety in order to improve the pedestrian environment in the city of Austin. Pedestrians comprised one third of traffic crash fatalities within the city of Austin in 2012.¹ Pedestrians are injured and killed in collisions with vehicles at a far greater frequency than would be suggested by their relative presence in the public streetscape,² and prevention of these situations is a high priority for the PAC.

The City of Austin has tasked a Distracted Driving Study Group with updating City Ordinance Nos. 20091022-028 and 20091217-090 relating to distracted driving. Currently, individuals are prohibited from using a “wireless communication device to view, send, or compose an electronic message or engage other application software while operating a motor vehicle” (Austin City Code § 12-1-34). The use of electronic devices, both handheld and those built into the vehicle, can impair driving which creates a dangerous environment for pedestrians. For this reason the PAC would support expanding these existing ordinances to include clearer, more enforceable definitions that would include banning driving while talking on a phone.

Pedestrians are fundamentally distinct from vehicle operators in that the drivers of motor vehicles are required by state law to understand distracted driving and pass related safety testing to become licensed to drive;3 pedestrians remain, and should remain, free to use the public realm without licensing. For this reason, pedestrian safety is best handled through education and accessible design rather than through outright bans on use of distracting devices by pedestrians.

The PAC believes the draft language which recommends applying existing ordinances to pedestrians undermines the goal of providing a safe space for pedestrians via the crosswalk. Pedestrians obeying traffic lights at crosswalks have established the right-of-way and our standard as a city must be to protect these vulnerable road users. Crosswalks must remain inviolable spaces for pedestrians and when conflict occurs between pedestrians with the right-of-way and vehicles in a crosswalk, it must be understood and remain the case that the automobile driver is entirely at fault. Contrary, if a pedestrian crosses a street or train tracks without possessing the right-of-way, the pedestrian is jaywalking and should be held accountable under that existing law. Any further law is redundant. For this reason, the PAC would not currently support any new ordinance to ban these electronic distractions for pedestrians.

Sources:

1. "26 of the 78 fatalities were pedestrians." City of Austin 2012 Traffic Fatality Report. (15 April 2013). Page 23. Retrieved 8 July 2014 from http://austintexas.gov/sites/default/files/files/Traffic_Safety_Report.pdf
2. The Austin-Round Rock MSA had an annual pedestrian fatality rate of 1.44 per 100,000 residents between 2008 and 2012. Dangerous by Design 2014. (May 2014). Page 4. Retrieved 8 July 2014 from <http://www.smartgrowthamerica.org/documents/dangerous-by-design-2014/dangerous-by-design-2014.pdf>
3. "Avoid using a cell phone while driving; use may cause distraction and driver inattention." Texas Driver's Handbook. (July 2012). Page 51. Retrieved 8 July 2014 from <http://www.txdps.state.tx.us/internetforms/Forms/DL-7.pdf>

We appreciate your work on this topic.

Sincerely,

Nic Moe,
Project Subcommittee, Chair
Pedestrian Advisory Council


cc: Honorable Mayor and Council of the City of Austin
Public Safety Commission
Distracted Driving Study Group staff
Pedestrian Advisory Council
Bicycle Advisory Council

Vote

The item was passed through consensus.

Attest:  _____

Nic Moe, Project Subcommittee Chair

Attest: 
Robert Anderson, Staff Liaison