



MEMORANDUM

TO: Mayor and Council Members

FROM: Michael McDonald, Deputy City Manager 

DATE: July 28, 2014

SUBJECT: Resolution No. 20140227-045

The purpose of this memo is to provide you with information and the recommendation that resulted from the work of the Distracted Driving Study Group, as guided by Resolution No. 20140227-045

Overview

The City of Austin was a leader in the adoption of regulations to address distracted driving, approving two ordinances in 2009 which regulated the use of cell phones and other wireless communications devices while operating a motor vehicle, prohibiting texting and other activities with exceptions for engaging in phone calls or operating the device in hands-free mode.

In January 2014, in the absence of a state law, City of Austin staff recommended modifications to the city's ordinance, noting issues with enforcement, the evolution of technology, as well as lessons learned from other cities and states.

Thus, the Austin City Council passed Resolution No. 20140227-045 on February 27, 2014 directing the City Manager to form a Distracted Driving Study Group to receive public input and to develop recommendations on possible modifications to the current ordinance.

I asked the Austin Police Department to take the lead on working with the study group. As directed by the resolution, City staff made outreach to the Public Safety Commission, the Austin Community Technology and Telecommunications Commission and the Urban Transportation Commission for participation in the study group.

The Public Safety Commission representative was member Ramey Ko. The representative from the Austin Community Technology and Telecommunications Commission was Tracy LaQuey Parker. The Urban Transportation Commission did not designate a representative.

City staff member participants included:

- Assistant Police Chief Brian Manley
- Assistant to the Deputy City Manager Roxanne Evans
- Austin Police Department PIO Anna Sabana
- Austin Transportation Department PIO Samantha Alexander
- CPIO Communications Consultant John Nixon
- Rondella Hawkins of Telecommunications and Regulatory Affairs
- Karla Taylor, Chief of Staff, Austin Transportation Department
- Peter Marsh, Austin Transportation Department engineer
- Bianca Bentzin of Law
- Citizen participants Scott Johnson,
- and Edward Sledge

There was also participation by Kara Thorp of AAA Texas, who also provided some research and other valuable information. Significant input and research was also provided by the Planning and Development Review Department staff.

The group met on the following dates:

- April 14 and April 28 (internal planning meetings)
- May 12
- June 2
- June 16
- June 30
- July 14
- July 21
- July 28

Citizen members also met independently on multiple occasions.

The research

The working group looked at national best practices and research provided by a variety of sources including the National Transportation Safety Board, Distraction.gov, (the official U.S. Government website for distracted driving), the Texas Department of Transportation, the National Safety Council, AAA and other resources. The research reviewed included a national study conducted by the AAA Foundation for Traffic Safety, "Measuring Cognitive Distraction in the Automobile." This 2013 study concluded hands-free driving doesn't automatically equate to safe driving.

On June 3, the Austin Transportation Department launched a survey including questions about distracted driving. The Transportation Department worked with Austin Energy's Data Analytics and Business Intelligence group to conduct the survey. An invitation to participate in the electronic survey was sent to 10,247 residential Austin Energy customers. The Invitation was sent to the email address as recorded in Austin Energy's Customer Billing System. A subsequent invitation was sent June 10 and was delivered to those who had yet to complete the survey. The survey was closed June 17. A total of 2,430 respondents completed the distracted driving survey questions.

Survey results

- 91% of respondents report observing drivers texting or using hand held mobile or Smartphone while driving in the last week.
- 50% of respondents report using their mobile phone while driving.
- 50% of respondents report they do not use their mobile phone while driving.
- Of the 50% of respondents who stated they used their mobile or Smartphone while driving, 63% reported using hands free technology.
 - 50% report using Wireless Bluetooth technology or Bluetooth enabled headset.
 - 27% report using the speaker phone feature or voice commands
- When asked to identify which activities are dangerous to perform while driving, 63% of respondents identified using a Smartphone or mobile phone while driving as dangerous, 51% feel eating and drinking while driving is dangerous and 29% feel using a navigation system while driving is dangerous.
- When asked to rate on a 1 to 5 scale how dangerous specific activities are to perform while driving, 93% of respondents reported composing, sending and reading texts while driving is dangerous or very dangerous and 40% of

respondents indicated using a handheld mobile phone or Smartphone while driving is dangerous or very dangerous.

- 66% of respondents reported talking on a mobile phone or Smartphone while using wireless technology like Bluetooth while driving is not dangerous. The contradiction noted by the data shows that there is a portion of the driving population who consider using a Smartphone while driving dangerous yet do it regardless.

A City online survey yielded an additional 242 responses. More than 57% of respondents said they had observed distracted driving during the previous week; 84% said they consider the practice very dangerous. Nearly 40% of respondents said they use hands-free technology, with approximately 24% saying they use hands-held, and another 35% saying they use neither.

The work

The group considered ordinances from around the state (Corpus Christi, Amarillo, and El Paso) and outside of Texas, as well as national research.

Although the perceived intent of the resolution was related to driving a motor vehicle, the group felt that the City Council was better-served by a hands-free ordinance for both motor vehicles and bicycles. (However, the City Bicycle Advisory Council stated opposition to including bicycles in a hands-free ordinance.)

As directed by the resolution, presentations were made and input sought from the Public Safety Commission and the Technology and Telecommunications Commission.

In addition, citizen members made presentations to Austin Neighborhood Associations, various community groups, radio stations and other groups. The citizens also made outreach to AAA Texas. Presentations were also made to the Bicycle Advisory Commission and the Pedestrian Advisory Council.

Staff and citizen members also participated in a major Distracted Driving Summit sponsored by the Texas Department of Transportation and the Texas Crossroads Coalition in June.

The outreach/engagement efforts

April was National Distracted Driving Awareness Month. This created the opportunity for public education and awareness efforts coordinated by CPIO and the PIOs of Police and Transportation to use the dynamic message boards on area roadways to encourage safe driving habits. A distracted driving webpage was created on the APD

website. A press release on the efforts was issued and media interviews were arranged. There was significant media interest in the City's efforts. There was general consensus that additional public relations and community engagement/public education work would be needed if a new ordinance is adopted. Also, the recommendations to Council will be posted on the City website for purposes of transparency and to allow any citizen input, pending any possible Council action.

Recommendations

The Working Group recommends the City Council strengthen the current texting while driving ordinance to a hands free ordinance. The new ordinance should make it illegal to "use" a portable electronic device, as defined below, by hand while operating a motor vehicle or bicycle in an active travel lane. The ban should apply to vehicles in motion as well as those stopped at traffic control devices. Violations of the new ordinance should be considered a primary offense.

The provisions of this ordinance should **not** apply to:

- A person using a wireless communication device to contact the 911 call center to report a traffic crash, medical emergency, fire, crime in progress, serious road hazard, or situation in which the person reasonably believes a person's health or safety, including their own, is in immediate jeopardy.
- A law enforcement officer, firefighter, or emergency medical services personnel, ambulance driver, or other similarly employed public safety first responder during the performance of his or her official duties.
- Excludes commercial vehicles using a citizen's band or two-way radio.
- A person who has pulled their vehicle off the active travel lane, is stopped, or is in a parking lot.
- A global positioning or navigation device that is affixed to the vehicle.

While the Working Group will not make recommendations regarding the fine schedule, they do believe subsequent violations should incur increased fines.

Definitions:

Portable electronic device: any hand-held mobile telephone, personal digital assistant, MP3 or other music player, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device.

Use: holding a portable electronic device while viewing, taking or transmitting images, playing games, or composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages, or electronic data.

Hands-free: The new ordinance should make it illegal to “use” a portable electronic device by hand while operating a motor vehicle or bicycle on a publicly travelled road or in a parking lot.

Key Points

- Hands-free technology is allowable
- Applies to all motor vehicles and bicycles
- Not restricted to vehicles in motion (note: the Public Safety Commission only wanted a new ordinance to apply to vehicles in motion)
- Should be a primary offense
- Graduated fine schedule for subsequent violations

Other recommendations:

- Development of a multilingual education/community engagement/public awareness campaign, with a dedicated budget, before a new ordinance takes effect.
- Consideration/adoption of a policy for City employees, which is currently being developed by the City's Human Resources Department.
- Encourage school districts and driving schools to provide education on the dangers of distracted driving.

Also, attached to this memo is a recommendation from the City Planning and Development Review Department.

I would like to take the opportunity to thank everyone who participated in this study group, particularly the private citizens who took time out of their busy schedules to work with us. If additional information is needed, please let me know. Thank you.

Cc: Marc A. Ott, City Manager

Robert Goode, Assistant City Manager

Anthony Snipes, Assistant City Manager

Sue Edwards, Assistant City Manager

Rey Arellano, Assistant City Manager

Bert Lumbreras, Assistant City Manager