



September 5, 2014

Edward Sledge
[REDACTED]
[REDACTED]

Re.: Using a phone while stopped in traffic.

Dear Edward,

Although distraction from a phone is not an obvious safety threat if the vehicle is not moving, it is clear the activity is far from risk free. Our need to be connected is compelling, maybe even addictive. It's not easy to end a telephone call at the precise moment a light turns green. And if the phone is always turned on and sitting beside the driver, it is reasonable to assume that use while driving will increase because of the very difficult task of ignoring an inbound text, email or phone call. It has also been demonstrated that our minds remain involved with a phone conversation or text for a period of time after the communication has ended. Add to this the dangerous nature of intersections, with pedestrian traffic and other drivers making mistakes or bad decisions, and allowing cell phones while stopped becomes a significant safety issue. In addition to the safety concerns, we are all familiar with the slow to "get moving" texting driver, clearly leading to increased traffic congestion.

This situation may be analogous to open container laws. Open containers of alcoholic beverages, in and of themselves, are no more dangerous than any non-alcoholic drink, but they lead to more drunk driving. In the same way, use of mobile electronics devices while stopped will lead to more driver distraction while driving.

Thank you for your continued efforts to save lives on TX roads.

Regards,

David D. Teater
Senior Director

making our world safer®

Two Articles: Distracted While Stopped in Traffic

TORONTO, Sept. 30, 2014 /CNW/ - Almost 40 per cent of Canadian drivers admit to checking their phones when stopped due to traffic delays, according to a recent nationwide survey on distracted driving, by Leger for Allstate Canada. While stopped at a red light, 34 per cent of drivers said they check their phone and 18 per cent admitted to sending a text. Survey results also found that drivers, age 18 to 34 were nearly three times more likely to send a text while stopped at a red light than older drivers.

According to the most recent report from Transport Canada, in 2011 over 40 per cent of all motor vehicle collisions happen in or around intersections. "This statistic really highlights how important it is for drivers to keep their focus on the road and the vehicles around them even while stopped at an intersection," says Ryan Michel, senior vice president and chief risk officer for Allstate Canada. "Drivers think that when they're stopped at a red light or in bumper to bumper traffic moving slowly, it's a safe time to check their phone or send a quick text. You send your text, the light changes to green and you see the change with your peripheral vision. You react by automatically accelerating, unaware that the vehicle in front of you hasn't started to move yet."

As a retired police officer and former accident reconstructionist, Bob Annan, cofounder of Accident Awareness has first-hand experience investigating these types of collisions. "When drivers are stopped they tend to pay less attention to the road and this is when collisions happen. Whether you are driving down a highway or stuck at a red light, it's never safe to use your phone while driving. That split second you take your concentration away from the road is sometimes all it takes for a collision to occur."

San Antonio Police today released details of the law they will ask City Council to approve that would outlaw the use of hand held cell phones while driver, Newsradio 1200 WOAI reports.

The proposed law would make it a crime to use a hand held mobile communication device while operating a motor vehicle on any city street. Drivers could not 'engage in a call, send read, or write a text message, view pictures or written text, engage in gaming, or engage in any other use of the device.'

The law does NOT include an exemption which would allow motorists to use their cell phones while stopped at stop lights. Such an exemption was included in a similar measure passed earlier this year in the city of Austin.

Councilman Mike Gallagher, who is the author of the proposal, says allowing a 'red light exemption' would simply encourage motorists to stare at their cell phone at stop lights, and then delay traffic by failing to move when the light turns green.

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Laws and Ordinances that ban use of cell phones
while stopped in traffic and on roadways

Municipal ordinances in Texas:

Seguin - Amarillo - El Paso - Corpus Christi - Brownsville - McAllen - Aransas Pass
- West University Place (Houston) - Pharr - Mission.

Municipal ordinances of other US cities:

Rapid City, South Dakota - Cheyenne, Wyoming - Green River, Wyoming -
Great Falls, Montana - Billings, Montana - Cincinnati, Ohio - Columbus, Ohio -
Philadelphia, Pennsylvania.

State Laws:

Connecticut - New Mexico - Vermont - Washington (state) - West Virginia - Illinois
- Maryland - Nevada - Oregon - California.

Articles and commentary:

NYC texting law discussion by attorney / News article on California law /

News article on California law / Article about Ontario, Canada /

Article about Illinois law / Article about Minnesota law /

Article about Connecticut law / SWOV - studies of traffic safety, the Netherlands

Social forgivingness and vulnerable road users

Maura Houtenbos, SWOV Institute for Road Safety Research
[SWOV is a traffic-safety organization in the Netherlands]

In a theoretical exploration of this new principle, SWOV has defined social forgivingness as follows (Houtenbos, 2009):

'The willingness to anticipate a potentially unsafe action by another road user and to act in such a way that negative consequences of this potentially unsafe action are prevented or at least limited.'

'The operator of every vehicle while driving shall devote his full time and attention to such driving.' From the code of ordinances, Oklahoma City, Oklahoma.

US AIR FORCE/ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA
DISTRACTED DRIVING POLICY

"You can't use a cell phone or any portable device while driving on base," Walters said. "Talking and texting isn't allowed, **unless the vehicle is parked** or you are using a hands-free device."

"We tell Airmen at Right Start briefings and during the First Term Airman Course that cell phones are not to be used while driving," Walters said. "We send monthly bulletins to Ellsworth Airmen that often address distracted driving."

Walters suggested Airmen **turn off cell phones or pull over to answer calls and remain alert while driving to prevent potential mishaps or unnecessary tragedy.**

NOTE: There are state laws and local ordinances that do not specifically ban use while stopped in traffic or roadways, but do not include an exception or affirmative defense for it. All of the following examples provide clear language to establish a ban on use **while stopped** for any reason in traffic and on roadways.

New Ordinance in San Antonio

Gallagher (a city councilman) says he does not support an exemption like one that was approved by Austin City Council when it okayed a similar measure last week. **That exemption would allow a driver to check e-mail, texts, and Facebook while they are stopped at red lights.**

"Why is it when I'm at a stop light and I see all the other traffic moving but I don't get to, because the person ahead of me is texting," he said.

MUNICIPAL ORDINANCES - STATE OF TEXAS

Seguin, Texas

[Ban on Texting only]

Sec. 98-81. - Offense.

(a) It shall be unlawful for an operator of a motor vehicle to use a wireless communication device to view, send or compose an electronic message or manually engage other application software while operating a motor vehicle upon any roadway in the city, **including when stopped or standing.**