



## Legislation Details (With Text)

<b>File #:</b>	ID 16-1485	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance				
<b>File created:</b>	11/8/2016	<b>In control:</b>	City Council		
<b>On agenda:</b>	12/6/2016	<b>Final action:</b>			
<b>Title:</b>	Consider adoption of an ordinance of the City of Denton, Texas amending Section 18-38 of the Code of Ordinances relating to the use of wireless communication devices while driving to prohibit the use of wireless communication devices while operating a motor vehicle; providing a repealer clause; providing for a penalty as a Class C Misdemeanor for violations of this ordinance; and providing for an effective date. Traffic Safety Commission recommends approval (5-0).				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Exhibit 1 - Current Ordinance 2014-112, 2. Exhibit 2 - Transportation Code Definitions, 3. Exhibit 3 - Proposed Amended Ordinance 2014-112				

Date	Ver.	Action By	Action	Result
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## Agenda Information Sheet

**DEPARTMENT:** Police Department

**CM/ ACM:** John Cabrales, Jr.

**Date:** December 6, 2016

### SUBJECT

Consider adoption of an ordinance of the City of Denton, Texas amending Section 18-38 of the Code of Ordinances relating to the use of wireless communication devices while driving to prohibit the use of wireless communication devices while operating a motor vehicle; providing a repealer clause; providing for a penalty as a Class C Misdemeanor for violations of this ordinance; and providing for an effective date. Traffic Safety Commission recommends approval (5-0).

### BACKGROUND

On May 6, 2014, the City Council adopted Ordinance 2014-112 prohibiting texting while driving on any roadway within the City of Denton, excluding the interstate highways and their associated frontage roads. City Council requested reconsideration of Ordinance 2014-112 to strengthen restrictions on handheld communication devices on all roadways in the City limits. On February 23, 2016, City Council received a presentation on this issue, including data concerning distracted driving and the effectiveness of police enforcement since the ordinance was effectuated.

City Council directed staff to take the issue to the Traffic Safety Commission for consideration. On March 7, 2016, staff made a presentation to the Traffic Safety Commission and received direction to amend the current ordinance to allow drivers the use of hands-free only devices for all roadways. On May 2, 2016, staff provided

a formal recommendation to the Traffic Safety Commission on the matter. The Commission recommended forwarding to City Council a complete ban on the use of handheld devices while driving (5-0).

On June 7, 2016, City Council received a presentation on the issue including information on crash factors, fatality crashes, and enforcement of the current ordinance in the City. Council Members requested a report with additional data. The item was scheduled and then reset from the June 21, 2016, agenda to October 18, 2016. On October 18, 2016, City Council received a Work Session briefing and requested the item be set for Individual Consideration on November 1, 2016. On November 1, 2016, Council Members resumed the discussion and requested further amendments to the ordinance.

## **DISCUSSION**

Staff collaborated on a new draft of amendments and revisions to Section 18-38. The details of these changes are outlined in the December 2, 2016, Legal Briefing.

## **CONCLUSION**

Researchers and proponents of tougher laws widely agree that long term cultural and attitude changes toward distracted driving, wireless use, and the general responsibility of driving safely are required for a lasting effect. Culture and attitude change takes time, constant reminders, and reinforcement, and often has the greatest impact on those who have not already developed bad habits.

The US Department of Transportation, National Highway Transportation Safety Administration (NHTSA) publishes a “Blueprint to Reduce Distracted Driving” which can be found at [www.distraction.gov](http://www.distraction.gov) <<http://www.distraction.gov>>. Key elements to this campaign are listed below:

- Raising Public Awareness
- Leading by Example: Public Policies on Distraction
- Research & Development
- Enact and Enforce Tough State Laws
- Address Technology
- Better Educate Young Drivers

Laws, ordinances, and enforcement efforts are only one component and are not the answer to broad, permanent behavior change. Several good public service campaigns sponsored by the NHTSA, U.S. Department of Transportation, Texas Department of Transportation, and others are available online. The City’s television channel, DTV, airs several public service announcements related to distracted driving. Most of these public service announcements are related to the national campaign: “Stop the texts. Stop the wrecks.” In addition, several DTV Newsbreak stories have been highlighting the City’s awareness effort and the City Council’s action pertaining to handheld cell phone usage. Most Police Department vehicles display a “Hang Up and Drive” bumper sticker and PD staff has distributed those along with anti-texting/driving posters to many businesses. PD staff is currently working with a student group at Ryan High School to produce a video to be used in a distracted driving awareness initiative at DISD. An effective date of June 1, 2017, for the amended ordinance, will allow time for continued awareness campaigns and signage to be posted.

In terms of reducing crashes, data trends and analysis continue to find mixed results regarding the effectiveness of state laws and local ordinances prohibiting wireless use. There are too many variables between states and different cities to make head to head comparisons. Considering the fact that wireless use can only be attributed to a small portion of total crashes, a one or two percent change in a short time period may be all that is realized, and a multitude of factors may account for those small percentages, or counteract them.

It is supported by data that distracted driving is a major contributing factor in many crashes, and as an overall causing factor, is on the rise. Wireless device use as a percentage of distracted driving is also increasing. Due to the nature of distracted driving, associated crashes often involve vehicles colliding with fixed objects, leaving the roadway, impacting slow or stopped vehicles from behind, and head on collisions. These all have a high probability of injuries and fatalities.

**OPTIONS:**

1. Approve draft Ordinance 2014-112 as amended allowing the use of hands-free devices only and prohibiting the use of handheld wireless communication devices while driving on any roadway within the City of Denton.
2. Provide staff with additional direction on proposed revisions to Ordinance 2014-112.
3. Take no action and maintain the current language included in Ordinance 2014-112.

**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

On May 6, 2014, the City Council approved Ordinance No. 2014-112, prohibiting texting while driving on any roadway within the City of Denton.

On February 23, 2016, the City Council received a Work Session briefing related to Ordinance No. 2014-112 from Chief Howell. Council requested the Traffic Safety Commission review the existing ordinance.

On March 7, 2016, Traffic Safety Commission reviewed Ordinance No. 2014-112 requesting staff to bring a formal recommendation back to the Commission for formal consideration and action.

On May 2, 2016, the Traffic Safety Commission received a report and recommended forwarding a complete ban on the use of handheld devices while driving (5-0).

On June 7, 2016, the City Council received a Work Session briefing related to Ordinance 2014-112 from Chief Howell. Council requested a report with additional data.

On October 18, 2016, the City Council received a Work Session briefing and requested the item be set for Individual Consideration on November 1, 2016. Council requested a report with additional data.

On November 1, 2016, the City Council discussed the proposed ordinance and gave staff direction to further revise Section 18-38 and reset the item for December 6, 2016.

**FISCAL INFORMATION**

The preliminary estimate to replace approximately 60 existing sign blades is \$10,000.

**STRATEGIC PLAN RELATIONSHIP**

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

**Related Key Focus Area:** Safe, Liveable & Family-Friendly Community  
**Related Goal:** 4.1 Enhance public safety in the community

**EXHIBITS**

Exhibit 1 - Current Ordinance 2014-112

Exhibit 2 - Transportation Code Definitions

Exhibit 3 - Proposed Amended Ordinance 2014-112

Respectfully submitted:

Lee Howell

Chief of Police