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Agenda Information Sheet

DEPARTMENT: **Police**

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

Date: **October 18, 2016**

SUBJECT

Receive a report, hold a discussion and give staff direction regarding the amendment of Chapter 18, Section 18-38, of the Code of Ordinances, Use of Wireless Communication Devices While Driving.

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. Denton City Council requested the reconsideration of Ordinance 2014-112 to include a complete ban on handheld communication devices on all roadways in the City limits. On February 23, 2016, the City Council received a presentation on this issue, including data concerning distracted driving and the effectiveness of police enforcement since the ordinance was effectuated.

The 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 include a full ban on hand-held 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 a complete ban of 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.

DISCUSSION

A considerable amount of research exists establishing the dangers of using wireless devices while driving. Studies in 2009 and 2013 by the Virginia Tech Transportation Institute (VTTI) <http://www.vtti.vt.edu/featured/?p=193> brought light to the dangers of both distracted driving, and cell phone use as a distraction. Both studies concluded that texting while driving was one of the most dangerous activities a distracted driver can engage in. These and other studies settled on the figure that any wireless device use while driving increased the likelihood of being in a crash by four times that of an undistracted driver. A white paper from the National Safety Council (NSC <http://www.nsc.org/DistractedDrivingDocuments/NSC-Under-Reporting-White-Paper.pdf>), provided an analysis of attention to distracted driving that began to draw distinctions between wireless device usage and other forms of distractions. This analysis also sparked better data collection and reporting after it was realized that wireless/cell phone use was under reported and poorly

documented.

Crash documentation in Texas improved by including changes to the Texas Crash Reporting Form in 2009 and 2015. As wireless device usage while driving continued to increase, 46 states enacted laws restricting texting while driving, and fourteen have banned all handheld use of wireless devices by drivers. There are more than 60 municipalities in Texas that have addressed the use of wireless communication devices while operating a motor vehicle. Hands free devices have remained allowable in almost every jurisdiction, both statewide and nationally.

As statistics continued to be available, data centers, universities, government institutions, and insurance companies compiled and analyzed numbers and trends on usage, enforcement, crashes, crash claims, and fatalities. The Insurance Institute of Highway Safety/Highway Loss Data Institute (IIHS) began to discover that while some bans on handhelds decreased wireless device use among certain drivers, cell phone use overall was increasing <http://www.iihs.org/iihs/sr/statusreport/article/45/2/2>, especially texting. According to State Farm Insurance Co., smartphone ownership is growing. In 2011, 52 percent of drivers reported owning a smartphone and by 2014 that number had grown to 80 percent. The greatest increases in smartphone ownership are among adults age 40 and older. The National Highway Traffic Safety Administration (NHTSA) says the percentage of drivers text-messaging or visibly manipulating handheld devices increased from 1.7 percent in 2013 to 2.2 percent in 2014. Since 2007, young drivers (age 16 to 24) have been observed manipulating electronic devices at higher rates than older drivers. Across the board, crash statistics have been mixed, sometimes holding steady, but trending more upward. <http://www.iihs.org/iihs/sr/statusreport/article/49/8/5> Reports produced by the IIHS determined there may be several reasons <http://www.iihs.org/iihs/sr/statusreport/article/49/8/3> why texting bans (even state wide bans <http://www.iihs.org/iihs/sr/statusreport/article/45/10/1>) do not reduce crashes.

After several years of compiling statistics, researchers turned more toward examining long term trends and found again mixed conclusions regarding crashes and fatalities. The National Center for Biotechnology Institute (NCBI) concluded a causal relationship in states with long term complete handheld bans and fatal crashes in some age categories (NCBI 1 <http://www.ncbi.nlm.nih.gov/pubmed/23447029>). NCBI also published a very thorough report detailing numerous studies across the US on the effectiveness of bans. The evidence supports findings that all-driver bans on handheld phone conversations have resulted in long term reductions in handheld phone use. In states where handheld phone use is banned, reported higher rates of hands free phone use and lower overall phone use compared with drivers in non-ban states. Bans on all phone use by teenage drivers have not been shown to reduce their phone use. Effects of bans on crashes is still mixed and remains largely undetermined (NCBI 2 <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4001674/>).

Several studies also focus on cognitive distraction. In a well-known paper published by the AAA <https://www.aaafoundation.org/sites/default/files/MeasuringCognitiveDistractions.pdf> Foundation it concluded that interacting with a speech-to-text device such as many hands-free wireless devices, including a common type of GPS navigation, was the most cognitively distracting activity tested and could cause impairment with drivers. Additional research can be found concerning hands free devices and their effectiveness. The latest examination comes from IIHS <http://www.iihs.org/iihs/sr/statusreport/article/50/2/1>, which indicates not all hands free systems are created equal and some may be better at reducing eye distraction off the road, and cognitive distraction overall.

In previous City Council Sessions, local data has been provided and discussed that indicate the City of Denton is following similar trends found across other cities in Texas and the U.S. The table in Exhibit 1 details trends in crash data in a sample group of Texas cities with various levels of wireless laws in effect from simple State law

restrictions, to texting bans, to all-driver handheld bans. The table columns indicates whether the city has adopted additional restrictions to state law, and if applicable, the year ordinances were adopted. The city data reflects *all* crashes reported, regardless of factors contributing, occurring in each city from 2008-2015. The bottom row indicates state-wide crashes where handheld wireless devices were reported as a factor. Trends show a decrease in total crashes from 2008 to 2011, with a general trend of increase until another increase from 2013 to 2015, with several cities showing a major spike in 2015, which is estimated to continue through 2016. Statewide wireless crashes remained statistically neutral, until a spike in 2015.

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 developed bad habits.

Laws, ordinances, and enforcement efforts are only one component. Several good public service campaigns sponsored by the National Highway Safety Administration (NHTSA), U.S. Department of Transportation, Texas Department of Transportation, and others are available on line. The City's television channel, DTV, airs several public services 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 produced highlighting the City's awareness effort and the City Council's action pertaining to handheld cell phone usage.

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. The category of 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, all with a high probability of injuries and fatalities. It is recommended that any impelling action taken to stem these trends be based of the probable impact to conditions specific in our community.

OPTIONS:

1. Direct staff to bring an amendment to Ordinance 2014-112 prohibiting the use of **all handheld wireless communication devices** while driving on any roadway within the City of Denton to include the Interstate System.
2. Direct staff to bring an amendment to Ordinance 2014-112 prohibiting **texting on hand held wireless communication devices** while driving on any roadway within the City of Denton to include the Interstate System.
3. Provide staff with additional direction on proposed revisions to Ordinance 2014-112.
4. 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 of 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.

Agenda item was reset from June 21, 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 - Table on Cities Crash Data & Statewide Wireless Crash Data
Exhibit 2 - Presentation

Respectfully submitted:
Lee Howell
Chief of Police