



## Legislation Text

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File #: ORD-3274, Version: 1

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**Consider adopting Ordinance No. 3274 amending Chapter 82 of the Code of Ordinances, by amending Article II "Operation of Vehicles", by adding Section 82-22 "Use of Wireless Communication Devices While Driving", and take appropriate action.**

### BACKGROUND:

Over the last several years, the proliferation of cell phones has led to texting while driving, which often leads to property damage, injuries and sometimes deaths. This driving distraction creates a danger to other motorists on the roadways, as sending or receiving a text takes a driver's eyes away from the road for an average of 4.6 seconds (equivalent to the length of a football field at 55 mph - Virginia Tech Transportation Institute).

It is difficult to know the actual number of accidents attributable to texting while driving because most drivers don't admit to being distracted by texting and the state accident form only captures cell phone usage as a factor, (even talking on the cell phone). Taking those limitations into consideration, in 2012 and 2013 the City of Farmers Branch had eleven accidents where drivers admitted being distracted by a cell phone; either talking on the phone, texting or looking at their GPS. In 2013 a City employee lost his leg after being struck by a driver who admitted to looking down at her cell phone. So far in 2014 we have had two accidents involving cell phones, including a cyclist hit by a driver looking at the GPS feature of his phone.

This proposed ordinance would prohibit the operator of a motor vehicle from using a handheld wireless communication device while driving; including reading, writing or sending text messages, e-mail, posting or reading communications or messages on social media, use of the internet, or the use of any smart phone application except GPS navigation with voice activated directions.

It is a defense to prosecution if the text-based communication is performed; while the vehicle is stopped, out of the lanes of traffic; the wireless communication device is strictly used to engage in telephone conversation, including dialing or deactivating a call, the device is used as a GPS or navigation system affixed to the vehicle, the operator is communicating with emergency responders, life or safety are in immediate danger, or the device is solely voice activated or in hands free mode.

Finally, this ordinance provides for a 90 day grace period in which no citations will be issued in order to educate the public on this new ordinance amendment.

The adoption of this ordinance will not solve the "texting while driving" problem and will be a challenge to enforce. However, the goal is to combine this ordinance with an education program to modify driver behavior in our city and create awareness of the dangers of texting while driving.

### RECOMMENDATION:

City Administration recommends adopting Ordinance No. 3274 amending Chapter 82 of the Code of Ordinances, by amending Article II "Operation of Vehicles", by adding Section 82-22 "Use of Wireless Communication Devices While Driving."

**ACTIONS:**

- 1) Motion to adopt Ordinance No.3274 amending Chapter 82 of the Code of Ordinances, by amending Article II “Operation of Vehicles”, by adding Section 82-22 "Use of Wireless Communication Devices While Driving.
- 2) Motion to deny Ordinance No. 3274 amending Chapter 82 of the Code of Ordinances, by amending Article II “Operation of Vehicles”, by adding Section 82-22 "Use of Wireless Communication Devices While Driving.
- 3) Motion to modify to meet the needs of the Council.
- 4) Motion to table the issue for further study or take no action.

**ATTACHMENTS:**

1. Ordinance No. 3274