



Austin Police Department

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TO: The Community Technology and Telecommunications Commission
FROM: Detective Patrick Oborski, Highway Enforcement Command Special Projects Coordinator
DATE: September 13, 2016
SUBJECT: Update on Distracted Driving Ordinance

On August 14, 2014 the Austin City Council unanimously approved a new distracted driving ordinance prohibiting holding, touching, or using all handheld portable electronic devices while a motor vehicle or bicycle is in motion. The new ordinance went into effect January 1, 2015. The ordinance specifically bans:

- Manually making and disconnecting phone calls
- Participating in a conversation with the phone held to your ear
- Viewing and sending any electronic data, including e-mail, text messages, pictures, websites, social media and games.
- Entering or changing information in a navigation or GPS device. Drivers are expected to set the GPS prior to driving.

A media poll done by one of the local media outlets showed that the majority of Austin residents did not feel like the Hands Free Ordinance was being enforced as best as it could be. On February 4th, 2016, the Austin Police Department's Highway Enforcement Command started a Hands Free Initiative utilizing a Capital Metro Bus as an observation post for officers to call out violations of the ordinance. The observation officers would call out violations that they observed from their high vantage point and motorcycle officers would make traffic stops and issue citations for the violations. The initiative has been done four times (2/4/2016, 5/4/2016, 5/10/2016, & 6/21/2016). During these initiatives there were a total of 214 citations and 25 warnings issued for "Electronic Device While Driving." The plan is to continue with this initiative in the future. The initiative brought great media exposure to the ordinance and helped raise awareness of the ordinance. Using the bus as an observation tower showed the public that the police were utilizing non-traditional methods to catch violators.

The Austin Police Department and the City's Municipal Court worked together to start a deferral program for violators of the ordinance. On May 4th, 2016 the deferral program for first time offenders started. This program stipulated that a first time offender would be eligible to receive a discount on their court fee upon proof that they purchased a hands-free device for their vehicle. The device must allow the driver of the vehicle to use the device without touching the phone. The minimum amount that must be spent on the hands-free device in order to qualify for the reduction in the court fee is \$50. Offenders must meet with a prosecutor and provide proof of purchase with a purchase date after the citation was issued. Patrol officers have stated that they are now more likely to issue a citation for violations of the ordinance due to the deferral program being in place.

While there continues to be significant resources spent on public education of the ordinance, the fact remains that many drivers are still not complying with the ordinance. In 2015 there were 5,122 citations issued for "Electronic Device While Driving." As of August 8, 2016 there have been 3,466 citations issued in 2016. The Austin Police Department plans to continue to enforce the ordinance and to look for other innovative ways to gain compliance from drivers.

PGO:pgo



Keeping you, your family and our community safe.