



# City of San Antonio

## Legislation Details (With Text)

**File #:** 14-2287

**Type:** Staff Briefing - Without Ordinance

**In control:** Governance Committee

**On agenda:** 9/17/2014

**Title:** Briefing and possible action on a request from Councilman Gallagher, District 10, regarding an amendment to the City Code related to the use of a hand-held mobile communication device while driving. [William McManus, Chief of Police]

**Sponsors:**

**Indexes:** Police

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Police

**DEPARTMENT HEAD:** William P. McManus

**COUNCIL DISTRICTS IMPACTED:** Citywide

**SUBJECT:**

Response to hand-held mobile device use while driving CCR

**SUMMARY:**

On August 20, 2014, Councilman Mike Gallagher requested “City Staff examine the current ordinance related to the ban on the use of handheld mobile communication devices and add a provision stating that they may only be used in a "hands-free" capacity unless in an emergency situation. The intent of this amendment to the ordinance is to curb distracted driving as well as to provide SAPD with a better ability to enforce the ban on hand-held mobile communication devices while driving city-wide.”

**BACKGROUND INFORMATION:**

Chapter 19, Article VII sections 19-254 (adopted August 2008) and 19-255 (adopted October 2010) of the San Antonio City Code prohibit certain uses of a mobile communication device while driving a motor vehicle. Section 19-254 prohibits all uses (talking, reading or sending text messages, etc) in school zones, while Section

19-255 prohibits sending and reading text messages only. Both sections provide some exemptions for emergency situations.

SAPD has issued over 7,000 citations since these prohibitions became effective. However, particularly with respect to section 19-255, determining whether an individual is sending a text rather than making a phone call (not currently prohibited outside school zones) inhibits the Department's ability to enforce the sections effectively.

Two major Texas cities, Corpus Christi and El Paso, have recently adopted ordinances that restrict all uses of hand-held mobile devices while driving. Two other major Texas cities, Austin and Ft. Worth, are currently considering passage of similar ordinances.

Should City Council approve a similar ordinance, SAPD would recommend including a sixty day grace period wherein officers would issue warnings but no citations. Additionally, SAPD would conduct a public awareness and education campaign to inform residents of the ordinance via PSAs, TXDOT TransGuide signs, and other media.

**RECOMMENDATION:**

SAPD is in support of such an ordinance and recommends bringing this issue before the Public Safety Council Committee in October for further discussion and possible action. SAPD will coordinate with the City Attorney's Office in advance of the meeting.