



# City of San Antonio

## Legislation Details (With Text)

**File #:** 14-2394

**Type:** Staff Briefing - Without Ordinance

**In control:** Public Safety Committee

**On agenda:** 10/1/2014

**Title:** Briefing and Possible Action on a Council Consideration Request from Councilman Gallagher regarding an Amendment to the City Code related to the Use of a Hand-held Mobile Communication Device while Driving [Presented by William McManus, Chief of Police]

**Sponsors:**

**Indexes:** Police

**Code sections:**

**Attachments:** 1. Draft Revisions to 9-254 and 9-255

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

**DEPARTMENT:** Police

**DEPARTMENT HEAD:** William P. McManus

**COUNCIL DISTRICTS IMPACTED:** Citywide

### SUBJECT:

Briefing and Possible Action on a Council Consideration Request from Councilman Gallagher regarding an Amendment to the City Code related to the Use of a Hand-held Mobile Communication Device while Driving

### SUMMARY:

The City of San Antonio Municipal Code Sections 19-254 and 19-255 currently restrict certain uses of mobile devices while driving in a school zone and on all City streets respectively. As a result of a Council Consideration Request by Councilman Gallagher and in partnership with the City Attorney's Office, SAPD has developed proposed revisions to these chapters, expanding restrictions to reduce distracted driving and increase public safety.

### 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.

Although Texas has a statewide law banning the use of cell phones while driving in school crossing zone, three major Texas cities, Austin, Corpus Christi and El Paso, have recently adopted ordinances that restrict all uses of hand-held mobile devices while driving on any city street. Ft. Worth, Texas is currently considering passage of similar ordinances.

Under the proposed ordinance, it would be prohibited to use a hand-held mobile communication device while operating a motor vehicle on any City street (even when stopped either at a traffic signal or due to road conditions, e.g. heavy traffic) to:

- Engage in a call
- Send, read or write a text message
- View pictures or written text
- Engage in gaming
- Engage in any other use of the device

The ordinance does not apply to a person who is:

- On private property or legally parked
- Using a hands-free device
- Using a hand-held mobile communication device affixed to the vehicle and used as a global positioning or navigation system
- Operating an authorized emergency vehicle while acting in an official capacity
- Licensed by the Federal Communications Commission while operating a radio frequency device other than a wireless communication device
- Executing the person's official duties
- Reporting illegal activity to a law enforcement agency
- Communicating with an emergency response operator, a fire department, a law enforcement agency, a hospital, a physician's office, or a health clinic regarding a medical or other emergency situation
- Preventing injury to a person or property.

The proposed ordinance sets the fine at \$200 for each violation, but creates a 30 day "grace period" wherein officers will only issue warnings. The ordinance can also be enforced by any peace officer of another entity, including those employed by school districts, duly authorized to issue traffic citations within the City of San Antonio. Finally, the proposed offense is not considered a moving violation and does not become part of a person's driving record.

Additionally, SAPD would conduct a public awareness and education campaign to inform residents of the ordinance via PSAs, TXDOT TransGuide signs, and other media.

## **ISSUE:**

The use of handheld mobile communication devices presents a serious challenge to safety on public roadways.

**ALTERNATIVES:**

SAPD will continue its enforcement of the current ordinances.

**RECOMMENDATION:**

SAPD recommends taking an ordinance prohibiting the use of any use of a mobile communication device while driving, with certain exemptions for emergency situations, in the interest of public safety, to City Council on October 30th for approval.