



City of San Antonio

Agenda Memorandum

File Number:16-1372

Agenda Item Number: 4.

Agenda Date: 1/19/2016

In Control: Criminal Justice, Public Safety and Services Committee

DEPARTMENT: Police

DEPARTMENT HEAD: William P. McManus, Chief of Police

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

An update on the Ordinance amending the City Code related to the use of hand-held mobile communication devices while driving

SUMMARY:

The following memo is an update on outcomes related to changes made to Chapter 19 of the Municipal Code of the City of San Antonio.

BACKGROUND INFORMATION:

On August 19, 2014, Councilman Gallagher issued a council consideration request (CCR). Councilman Gallagher's CCR requested City Staff examine the current ordinance related to the ban on the use of hand-held mobile communication devices and add a provision stating that they may only be used in a "hands-free" capacity unless in an emergency situation.

In November 2014, the City Council adopted changes to Chapter 19 of the City Code restricting the use of hand-held mobile communication devices while driving. The changes went into effect January 1, 2015, including a 30-day grace period during which only warnings were issued. This allowed the City of San Antonio to inform the public about the importance and requirements of the new Ordinance.

Under the ordinance, it is 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 use a handheld mobile communication device for any purpose.

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
- Peace officers making emergency calls
- 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.

Once the new ordinance was in place and in efforts of informing the public of the new "Hands Free" ordinance, the SAPD PIO Office began a public education effort. In early December, SAPD produced two Public Service Announcements (PSA's) to encourage San Antonio Drivers to "Keep 'Em on The Wheel". The PSA's were produced to appeal to a wide range of demographics, but with the same consistent message. The PSA's notified the public of the hazards of phone use while driving, the passage of the new ordinance, the January 1, 2015 grace period, and the February 1, 2015 enforcement period. The PSA's and accompanying graphics content were given to all local media outlets, shared with other city departments, prominently posted on SAPD's website, and pushed out on heavy rotation via SAPD's various social media platforms. Additionally, SAPD PIO worked with TxDOT to craft a message for Transguide signage on all local expressways with the idea of informing as many daily motorists about the ordinance as possible.

The following table outlines the number of warnings and citations issued since the ordinance changes went into effect January 1, 2015.

	Jan 1, 2015- Jan 31, 2015 (warning period)	Feb 1, 2015 - Dec 31, 2015
Warnings	1,006	4,053
Citations	0	12,149

The ordinance sets the fine at \$200 for each violation and 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 offense is not considered a moving violation and does not become part of a person's driving record.

RECOMMENDATION:

SAPD recommends continued enforcement of the ordinance as it is now written.