



The Town of Hilton Head Island Regular Public Safety Committee Meeting

Monday, May 6, 2013

10:00 a.m. – Benjamin M. Racusin Council Chambers

AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting

- 1. Call to Order**
- 2. Freedom of Information Act Compliance**
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 3. Approval of Minutes**
 - a. Special Public Safety Committee Meeting of January 28, 2013
 - b. Special Public Safety Committee Meeting of January 31, 2013
 - c. Regular Public Safety Committee Meeting of February 4, 2013
- 4. Unfinished Business**
None
- 5. New Business**
 - a. General Discussion of Texting
 - b. 1st Quarter 2013 Crime Statistics – Capt. Toby McSwain
- 6. Adjournment**

Please note that a quorum of Town Council may result if four (4) or more of Town Council members attend this meeting.

TOWN OF HILTON HEAD ISLAND
PUBLIC SAFETY COMMITTEE SPECIAL MEETING

Date: January 28, 2013

Time: 10:00 a.m.

Members Present: Marc A. Grant, *Chairman*; John J. McCann, *Council Member*; Bill Harkins, *Council Member*

Members Absent: None

Town Staff Present: Lavarn Lucas, *Fire Chief*; Randy Lindstrom, *Administrative Battalion Chief*; Ed Boring, *Deputy Fire Chief – Support Services*; Brad Tadlock, *Deputy Fire Chief – Operations*; Cathy Jones-Gooding, *Communications Manager*; and Lynn Buchman, *Administrative Assistant*

Others Present: George Williams, *Council Member*; Jocelyn Metzger Staigar, *Hilton Head Area Association of Realtors*; and Eleanor O’Key, *Lowcountry Inside Track*

Media Present: Brian Heffernan, *Island Packet*

1. Call to Order

2. Freedom of Information Act Compliance

Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

3. Approval of Minutes

a. Regular Public Safety Committee Meeting of January 7, 2013

Motion to approve the minutes of the January 7, 2013 Regular Public Safety Committee meeting was made by John McCann and seconded by Marc Grant. The Motion was approved by a vote of 2-0-0, with Bill Harkins abstaining since he was not in attendance at that meeting.

4. Unfinished Business

a. 2013 Fire & Rescue Strategic Plan – Review of Recommendations from the following Divisions: Administration, Support Services, Public Safety Systems, Planning, Communications, Fleet Maintenance, and Emergency Management

At the request of Lavarn Lucas, Fire Chief, the Committee agreed to deviate from the order of the Recommendation list and begin with an item under Emergency Management since a representative from Hilton Head Public Service District was present who wanted to comment.

EMERGENCY MANAGEMENT:

Chief Lucas explained in detail the need to pursue the acquisition or development of an off-island facility of suitable size, construction and elevation for use during hurricanes as a public safety evacuation site/base camp for Fire and Rescue personnel and key Town Staff. He noted concerns, problems, and hindrances with both the USC-B New River Campus, which is the current primary evacuation facility for use in a Category 3 or less storm, and with the Barnwell facility for Category 4 or 5 or strong storm surge Category 3 storms.

Richard Cyr, General Manager, of the Hilton Head Public Service District, speaking on behalf of all three Public Service Districts on the Island, cited similar concerns and difficulties in returning to the Island after an evacuation as quickly as possible. He expressed an interest in conceptually working with the Town for a facility to house all of the Hilton Head Island first providers, and requested that the Recommendation be considered favorably.

Mr. Harkins and Chief Lucas discussed the possibility of a regional approach to such a facility and the feasibility of a multi-purpose building. Chief Lucas explained the regional plan for which Beaufort County is responsible, and the role of Southern Command under that plan. He pointed out the staffing needs required to manage Southern Command would tax the ability of his staff to assist in getting Hilton Head Island back up and running. As a separate issue, he discussed the need for a facility to serve as Base Camp to centralize all of Hilton Head Island's emergency services, the PSDs, and integral Town Hall staff.

In response to Mr. Harkins' inquiry, Chief Lucas agreed this would be a single-purpose facility, which hopefully will be used on a rare to never basis. They discussed the possibility of optimizing any facility owned by the Town by leasing space for income. The capital outlay for purchasing and retrofitting an existing building, needs for the building, and size requirements were discussed in generalities. Mr. McCann noted a bigger issue would be the on-going maintenance cost and suggested joint partnering the facility with the PSDs, the Town of Bluffton, and the Bluffton Township Fire District. Chief Lucas noted the Recommendation did not preclude sharing the facility and its cost, but he was willing to reword the Recommendation to indicate that the acquisition and development of an off-site facility would be done in conjunction with the PSDs, the Town of Bluffton, and the Bluffton Township Fire District if they wished to participate.

Mr. McCann, Mr. Harkins, and Chief Lucas discussed storm hardening of fire headquarters, the essential need for the building after a storm, and the unavailability of Federal grant money. The estimated cost determined several years ago and the processes needed to harden the building were outlined by Chief Lucas, as well as the history of the building that was acquired by the Town. Since the building meets the size requirement, is in good shape and in a good location, Chief Lucas expressed confidence that the building would not be out-grown anytime in the near future, justifying the expense of hardening the building. Chairman Grant indicated he had toured the building and expressed his support.

Chairman Grant suggested that Chief Lucas return to the beginning of the Recommendation list, and proceed from there by section, with questions posed at the end of each section.

ADMINISTRATION:

Chief Lucas explained the three Recommendations concerning Administration and the need to revise the enabling Ordinance to more accurately reflect the name and legal authority of Fire and

Rescue. He cited concerns expressed by the Commission on Fire Accreditation International and problems relating to DHEC regulations. He assured Chairman Grant that such changes would not result in any increase to the current budget.

SUPPORT SERVICES:

Mr. Harkins and Chairman Grant inquired about security, and Chief Lucas expressed confidence in current security measures in place to protect the assets of the Town and its personnel, but indicated they will always look for improvements.

Mr. Harkins and Chief Lucas discussed the current ISO rating of 3, its correlation with the insurance rates charged to the public, the cost is to maintain the 3 rating or to improve it to a 2, and what effect that would have on insurance rates. Chief Lucas expressed his belief that it was not worth the investment to increase the rating from a 3 to a 2, which would require building multiple stations and hiring more firefighters. He indicated that obtaining and maintaining the Class 3 rating is complicated, but even if it should slip to a Class 4 rating, he expressed doubts that residential insurance rates would change, however, commercial insurance would increase.

At Mr. Harkins' request, Chief Lucas agreed to look at the Recommendations and point out any that might have a favorable or critical impact on the ISO, but at this point, he saw none.

Mr. McCann requested a copy of the schedule of replacement for equipment and vehicles, and Chief Lucas provided copies for each member of the Committee (copy attached to the Minutes and made a part hereof). Mr. Harkins and Chief Lucas discussed the analysis process followed - qualitative, feature, and cost-benefit - before decisions to purchase or trade-in vehicles.

Chairman Grant inquired about the government access channel and whether streaming videos had been considered. Chief Lucas noted this had been considered, however, a subsequent agreement with WHHI had been reached with the Town to run more discussions on issues and concerns pertaining to the Town of Hilton Head Island, which might offer an alternative to a full government access channel. Mr. McCann asked that this be included in the final presentation and Chief Lucas agreed to update the Recommendation to reflect this.

PUBLIC SAFETY SYSTEMS:

Mr. Harkins questioned the requirement of the Computer Aided Dispatch software system to never be more than one whole version old. Chief Lucas explained the wording is the same as is in the existing Master Plan and has been the standard for keeping the computer-aided dispatch system up-to-date. He explained vendors do not make new versions unless it truly improves the system, and Ed Boring, Deputy Fire Chief, confirmed that on average there are probably 2 sub-versions which are essentially fixes to bugs before new versions come out every 2 to 3 years.

PLANNING:

Mr. Harkins complimented the Department for its use of AED's in as many Town vehicles as possible, which is providing a good public service. Chief Lucas acknowledged that the program is continuing to be enhanced.

Mr. Harkins and Chief Lucas discussed what was needed to achieve formal accreditation from the Commission on Accreditation of Ambulance Services. After discussion, Mr. Harkins suggested the Recommendation be re-worded to indicate that Fire & Rescue would work toward identifying what were the requirements and the cost benefit, and Chief Lucas agreed to do so.

Mr. Harkins inquired about the Recommendation concerning the emergency gate access program and the level of cooperation experienced with the PUDs. He encouraged Chief Lucas to keep working on this to educate and underscore the importance of the access gates, since the success of their efforts could help save lives. Chief Lucas indicated they would continue to do so. He reviewed the background of the list, and how several gates have been abandoned after a “cost versus gain” evaluation, with the monies released back into the CIP Program. He also noted several gates listed as proposed that would be beneficial, and several recommended for removal.

COMMUNICATIONS:

Chief Lucas noted that no cost issues were involved in these Recommendations.

FLEET MAINTENANCE:

Mr. Harkins inquired about personnel reduction in maintenance and whether this has compromised the ability for fleet maintenance. Chief Lucas indicated Deputy Chief Boring’s extensive experience and expertise in overseeing the maintenance, which is a large part of his duties, has enabled the Department to streamline maintenance and it is working well.

EMERGENCY MANAGEMENT (continued):

Chief Lucas explained that a change in the Municipal Code may be required to establish a chain of command that extends beyond the Mayor and Mayor Pro Tem in emergency situations.

Mr. Harkins and Chief Lucas discussed the Emergency Management Accreditation Program and agreed that it should be worded similarly to the ambulance accreditation recommendation.

Chief Lucas noted that there are only 6 municipalities in the State of South Carolina who has a person who is tasked with emergency management responsibilities, and the current State recognition of only those Emergency Managers at the county level. He explained that this change would need to take place at the State level, which would involve the Intergovernmental Relations Committee.

Chairman Grant thanked Chief Lucas and asked for public comments. There were none.

New Business

None

Adjournment

At 11:25 a.m. Mr. Grant moved to adjourn the meeting and Mr. McCann seconded. The motion was approved by a vote of 3-0.

Respectfully submitted:

Lynn W. Buchman
Administrative Assistant

Approved by:

Marc A. Grant, Chairman

TOWN OF HILTON HEAD ISLAND
PUBLIC SAFETY COMMITTEE SPECIAL MEETING

Date: January 31, 2013

Time: 10:00 a.m.

Members Present: Marc A. Grant, *Chairman*; John J. McCann, *Council Member*; Bill Harkins, *Council Member*

Members Absent: None

Town Staff Present: Lavarn Lucas, *Fire Chief*; Randy Lindstrom, *Administrative Battalion Chief*; Ed Boring, *Deputy Fire Chief – Support Services*; Brad Tadlock, *Deputy Fire Chief – Operations*; Joheida Fister, *Fire Marshal*; Benton Waller, *Battalion Chief – Training*; Esther Coulson, *Records Administrator/Town Clerk*; and Lynn Buchman, *Administrative Assistant*

Others Present: George Williams, *Council Member*; Jocelyn Metzger Staigar, *Hilton Head Area Association of Realtors*; and Joe Croley, *Lowcountry Inside Track*

Media Present: Brian Heffernan, *Island Packet*

1. Call to Order

2. Freedom of Information Act Compliance

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3. Approval of Minutes

None

4. Unfinished Business

a. 2013 Fire & Rescue Strategic Plan – Review of Recommendations from the following Divisions: Operations, Bureau of Fire Prevention, and Training

Before reviewing the Recommendations on the agenda, Chief Lucas noted several changes that had been made to the Recommendations following suggestions made by the Committee at its last meeting. These included the possible accreditations by the Emergency Management and the Ambulance Services and the request for off-island facility for evacuation. Chief Lucas provided initial estimates for the facility, noting size would depend upon the agencies occupying the facility, and current cost for building purchase. However, renovation cost would depend upon the condition of the building and the partners involved, with building and property cost estimated to be

much more. Mr. McCann inquired about the possibility of partnering with Technical College of the Lowcountry (TCL), and Chief Lucas explained the existing MOU with TCL and USC-B New River with Beaufort County. Acknowledging that his point was well taken, Chief Lucas agreed to check with TCL about their future building plans. Mr. Harkins asked that “value” be added to the Recommendations for the accreditations, and “value and cost” be added to the Recommendation for the government access channel. Chief Lucas agreed to do so.

Responding to a previous question from the Committee about any Recommendations that would affect the ISO rating, Chief Lucas indicated that after thorough review, he had determined that no Recommendations in the Strategic Plan would affect the ISO rating either positively or negatively.

Mr. Harkins asked if the Committee could be provided at a later date the ISO criteria and where Fire & Rescue stands so that the Committee could be more helpful. Chief Lucas indicated that he is currently working on a presentation for the Committee to explain what the rating schedule is, how Fire & Rescue was graded, why the points were received, and options for protecting that rating. He will return to the Committee with that presentation in the near future.

Chief Lucas began his review of the Recommendations on the agenda, as follows:

OPERATIONS:

In response to Mr. Harkins’ inquiry about the need for a designated, certified Incident Safety Officer to provide on- scene oversight at emergency incidents, Chief Lucas explained this was not an overlay or extra, but was an enhancement of the current program to provide more training and a structured program using current staff. Federal and State OSHA regulations and National Fire Protection Association standards require the designation of a person at every scene that involves an immediately dangerous to life or death atmosphere whose sole responsibility is to function as the Incident Safety Officer, whose duties were outlined by Chief Lucas.

Mr. McCann, Chief Brad Tadlock, and Chief Lucas discussed the 42 paramedics on the line and 2 administrative staff assigned to training. Chief Lucas confirmed for Mr. Harkins and Mr. McCann that there would be no increase in personnel, and the minimum certified paramedics recommended would be accomplished through hiring practice and training of existing personnel.

Mr. Harkins asked Chief Lucas to consider the outsourcing of health and wellness services to an outside group. In response to Chairman Grant’s inquiry as to what is in place now to insure the health and wellness of employees, Chief Lucas explained the role and composition of the town-wide Safety Committee. He outlined the health programs currently available to employees and outside agencies providing educational materials and counseling. However, he cited a need to address health and wellness issues specifically directed at and related to firefighters, their occupation and exposures in an organized program with outside resources used as needed, but utilizing current staff.

Chief Lucas reviewed the Recommendations addressing basic issues of evaluating and improving policies and procedures, specifically as they relate to other agencies, to deal with emergencies that happen in the water environment and the need for a fire boat. Mr. Harkins noted his understanding as a boater of what a fire boat could do, but concerns from a cost standpoint that it was beyond the capability of what the Town should be involved in were expressed by Town Council at its earlier review and such concerns continued to prevail. At the same time, he recognized the need for ongoing cooperation and optimizing the relationship with the County in this particular area is the

pragmatic direction to go at this time, which Chief Lucas agreed was the basis for the first Recommendation. Mr. Harkins suggested that the boat be removed from the Recommendations, and Mr. McCann agreed that with so many quality items contained in the Plan, further discussion about the boat would take away from all the work done to develop the Plan. Chief Lucas expressed his understanding of their opinions.

Mr. Harkins asked Chief Lucas to give a brief overview of dirt roads, as his sense was that we have more dirt roads than we should, and he recognized that dirt roads do not lend themselves to safe operation of fire equipment. He noted the issue goes beyond the purview of this Committee, and is more an issue of intergovernmental relations with other entities, namely, the County and State, and questioned whether the Plan is the proper place for this issue. While agreeing with Mr. Harkins in principle, Mr. McCann suggested leaving it in the Plan to bring more attention to the problem.

Chief Lucas explained the complexity of the issue of dirt roads, and with the number of existing dirt roads, the Town's long-term plan would take 50 years to solve what he considers an immediate problem. He reported that the Town's last attempt to turn over 12 or 13 roads to the County resulted in the County opting not to accept them. For Fire & Rescue, however, the issue of concern is not who owns the road, but getting to the emergency. Chief Lucas displayed pictures of various local roads and conditions encountered during a 2-week period by Fire & Rescue to show examples of dangerous situations encountered on muddy and rutted roads in both wet conditions and drought. Mr. McCann and Mr. Harkins agreed there was a problem, and Mr. Harkins suggested that Chief Lucas create a metric plan to provide substantive awareness of the problem and suggested items to include. Chairman Grant stated his support and the need to look for a solution, and he requested the most traveled roads be identified and prioritized. Chief Lucas indicated that had been provided for community development or public facilities, and stressed the need to budget money for those roads owned by the Town and not been accepted by the County. Mr. McCann indicated this was important to know now for budget planning.

BUREAU OF FIRE PREVENTION:

Chairman Grant noted he could not support the Recommendation prohibiting residential open burning, since many people in Ward 1 burn yard debris. He explained that they do understand the risks, but they believe that it is a cultural way of life and beneficial in maintaining landscaping for those who cannot afford to hire others to do that. In addition, he pointed out there are people who use open fires in cold weather to stay warm. Chairman Grant questioned what regulations were in place and suggested that as we continue to move forward as a community, we look for a direction where there will be less open fires. Chief Lucas noted that while regulations exist, they are habitually violated by the majority of the people who burn. A PowerPoint presentation shown by Chief Lucas depicted the areas comprising PUDs where burning is already prohibited, and the only areas where burning was allowed, which would be the areas affected by the recommended ordinance. Figures were presented for the number of residences on Hilton Head Island and the total acreage comprising the Island, showing that it is a small percentage of the population that is creating the big problem. While he noted his sensitivity for the cultural issues, he pointed out it is not just a Ward 1 issue and cited bigger concerns for safety from fires, wild fires, and the health hazard from smoke, and also noted that this community is not a rural community anymore. Pointing out that the Recommendation does not suggest that recreational burning be forbidden, he suggested open burning of yard debris that smolders and smokes should be stopped, as it is dangerous and time consuming for Fire & Rescue.

In response to Chairman Grant's inquiry about the regulations in place and whether they are general rather than specific, a copy of Title 9, Chapter 7, Open Burning, of the Municipal Code was distributed to the Committee members by Chief Joheida Fister, Fire Marshal. Mr. McCann and Chief Lucas discussed enforcement of the current rules and the permits issued on-site, or if the fire does not meet regulations, the warning and citation approach being taken. Chief Lucas noted the flyers distributed, newspaper article reminding citizens of the rules, and the application for a burning permit itself that contains the rules and is signed and acknowledged. While agreeing a more aggressive approach can be taken for enforcement, he noted the firefighters are not policemen, are hesitant to force the issue, and at times it may not be safe to do so.

Mr. Harkins commented that the good of the whole should be a guiding factor in the decision making, with safety the main focus. While aspiring to be and promoting an environmentally sound community for the Island, open burning in backyards sends a major disconnect message. Rather, he suggested turning our energy toward what we can do as a community to help people find an alternative method to remove their refuse. Mr. McCann indicated his agreement.

Mr. Harkins asked about the Recommendation to partner with someone like the Sand Box to develop an interactive fire and life safety children's exhibit. While noting the Sand Box does wonderful things, he suggested the widest potential impact is through the school system. Chief Fister explained the current involvement in the school system and the partnering with Rotary and Safety Town, but noted the limitations imposed by the set curriculum other than during Fire Prevention Week and the need for a more permanent, interactive exhibit available for school field trips, summer programs with the Rec Center, or summer camps. Mr. Harkins and Mr. McCann suggested language to include partnering with the private section.

Mr. McCann asked for an explanation of the Recommendation for development of a procedure to address tree limbs overhanging the roadways. Chief Lucas indicated this was not an LMO issue, and described the process to work with Community Development on tree obstruction. Photos were shown of non-compliant tree coverage at numerous locations around the Island and the difficulty of getting the fire trucks in without damage. He explained this is similar to the dirt road issue in determining ownership and who is responsible to clear the vegetation. Mr. Harkins agreed this Recommendation should remain for the Town to figure out a procedure.

Mr. Harkins inquired about cultivating a heart safe community and suggested that this be done in conjunction with other willing health care providers, which Chief indicated was being done and the Recommendation would be revised to reflect that.

In response to Mr. McCann's inquiry about an ordinance prohibiting the sale and discharge of fireworks within town limits having been tried before, Chief Lucas indicated he had no knowledge of that. He explained the misunderstanding that Beaufort County did have an enforceable ordinance that only the Sheriff's Department could enforce, but to his knowledge, the only enforceable ordinance that exists is that you cannot discharge fireworks on the beach. Chief Lucas cited examples of calls responded to from the 4th of July several years ago and the time involved in each call. Adding to that there were other fire related and medical emergencies requiring response, a Bluffton Township Fire District engine was called to help run calls. Chief Lucas reiterated this was not a rural community anymore, and Mr. Harkins noted this goes back to the same principles advanced for open burning and such a prohibition should be embraced.

Apologizing for his error in previously reporting there was only one Recommendation that called for an increase in personnel, Chief Lucas noted his oversight in that there is a Recommendation for an increase in the number of fire inspectors, not specifically for this year, that is secondary to the request for a safety training officer. Mr. Harkins asked if a self-inspection program would help optimize the 3 existing people. Chief Fister indicated there is a self-inspection program and explained the additional responsibilities being assumed and the need for an additional inspector.

Chairman Grant suggested that this Recommendation might ask for an additional fire inspector once the economy improves. Chief Lucas indicated it was targeted for 2015.

TRAINING:

Mr. McCann and Chief Lucas discussed the use of the Town training center by the Bluffton Township Fire District as a part of mutual aid training such as the HazMat team, urban search and rescue, and certain exercises conducted periodically in Bluffton and here. Chief Lucas noted no request has been made by Bluffton Township Fire District for the use of our facility. He outlined the administrative procedure in place that sets a reasonable fee schedule for use of the Town training center by outside agencies with indemnities covering the Town for liability. However, he noted they could not afford to take firefighters out of their station for training elsewhere and provide coverage with overtime or off-duty personnel.

McCann asked for cost figures for the upgrade and additional features for the existing training structure. Chief Lucas indicated a little over \$200,000 for the total was needed, but he identified individual parts that could be done piecemeal and outlined the costs estimated for each.

As to the Recommendation for a Safety Training Officer position, Chairman Grant asked if outsourcing would be more cost effective for safety related training. Chief Lucas noted the cost-effectiveness of sending a new firefighter to the Fire Academy in Columbia for recruit training. However, he stated it would be impossible, not to mention expensive, to outsource the additional training to our standards and specific operating procedures so that everyone is doing the same thing when they are on the scene together. In addition, he pointed out that all firefighters must receive both fire and EMS training. He elaborated on the fragmented system, the time required to comply with OSHA requirements, and the critical need that this position will fill to provide relief to the short-handed training staff.

Chairman Grant asked for public comments, and Jocelyn Staigar expressed her gratitude to Fire & Rescue for its efforts to keep the citizens of Hilton Head Island safe and healthy. She expressed concerns about open burning, and questioned whether the issue was open burning or enforcement, and a concern that if open burning was outlawed whether that would be followed if current regulations are not. She also commented on the Recommendation for a fire boat and likened it to the dirt road issue, suggesting that if Fire & Rescue is unable to respond to an emergency, there could be a liability issue and negative consequences to the Town.

Chairman Grant commended Chief Lucas and his staff for doing such a good job in thinking of the present and planning for the future through the Strategic Plan presented, and he confirmed that the Committee would continue to work with him to meet the needs of Fire & Rescue. Since Chief Lucas will amend the Plan to reflect the suggestions made today and present an edited document showing deletions and additions, Chairman Grant suggested that any vote for recommendation to

Town Council be held until Monday when the final document is presented. Mr. McCann and Mr. Harkins agreed to that procedure and added their thanks to Chief Lucas for his work.

New Business

None.

Adjournment

At 11:32 a.m. Mr. Grant moved to adjourn the meeting and Mr. McCann seconded. The motion was approved by a vote of 3-0.

Respectfully submitted:

Lynn W. Buchman
Administrative Assistant

Approved by:

Marc A. Grant, Chairman

TOWN OF HILTON HEAD ISLAND
PUBLIC SAFETY COMMITTEE REGULAR MEETING

Date: February 4, 2013

Time: 10:00 a.m.

Members Present: Marc A. Grant, *Chairman*; Bill Harkins, *Council Member*; John J. McCann, *Council Member*

Members Absent: None

Town Staff Present: Lavarn Lucas, *Fire Chief*; Randy Lindstrom, *Administrative Battalion Chief*; Ed Boring, *Deputy Fire Chief – Support Services*; Brad Tadlock, *Deputy Fire Chief – Operations*; Tom Dunn, *Emergency Management Coordinator*; Greg DeLoach, *Assistant Town Manager*; Rene Phillips, *Website/Court Systems Administrator*; and Lynn Buchman, *Administrative Assistant*

Others Present: Captain Toby McSwain, *Beaufort County Sheriff's Office*; Keira Morris, *Beaufort County Sheriff's Office*; and Eleanor O'Key, *Lowcountry Inside Track*

Media Present: Brian Heffernan, *Island Packet*

1. Call to Order

2. Freedom of Information Act Compliance

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3. Approval of Minutes

None.

4. Unfinished Business

a. 2013 Fire & Rescue Strategic Plan

Chief Lavarn Lucas noted the updated Strategic Plan and Summary of Changes that is a part of the agenda packet. The Committee members indicated they had reviewed the updated Plan and only had a few questions. Mr. Harkins asked Chief Lucas to expand on the Recommendation for a customer satisfaction survey, since he has encouraged the telling of the Fire & Rescue story to not only demonstrate its value to the community and its taxpayers, but to create opportunities to highlight areas of ambiguity or concern and focus on education about their efforts. Chief Lucas outlined the paper survey conducted for several years, but stopped because of the staff time required and customer satisfaction reported being in excess of 95% positive comments. However, since it was the intent to reinstitute the survey when it could be done in a more efficient manner, this

Recommendation would do so and seek the customer's opinion on every aspect of service delivered, but in an electronic format, with use of the Town's website or email as a possibility, so that staff time is reduced.

Mr. Harkins also asked Chief Lucas to expand upon the change of direction being recommended in terms of false alarms. Chief Lucas explained that the Recommendation is for an ordinance to be established so that the careless activation of alarms, or repeated trips to the same locations for alarm malfunctions caused by lack of repair, would incur a levy to be charged for the express purpose of encouraging repair of faulty alarms. Mr. Harkins and Chief Lucas discussed what the specific number of incidents over a length of time might be before a levy is charged. Noting this would be determined upon drafting of the ordinance, Chief Lucas suggested that no fees should be charged for the first or second trip. However, three trips to the same location within a 6 month period for a malfunctioning or careless activation of an alarm should trigger the levy of a fee, with the fee increasing with each continued occurrence.

In response to Chairman Grant's inquiry about whether fines would be levied for alarms pulled in schools, Chief Lucas indicated these are considered malicious alarms, which occur not only in schools but in nursing facilities, and would not be included in the fee structure.

Mr. McCann suggested considering one warning notice, with a fine assessed on the second occurrence, noting if a consequence results, the matter will be resolved. Chief Lucas explained that there are occupancies with alarms who are not required by code to incur the expense of the alarm system, monitoring, and repair costs. If the rules are too stringent, alarms might be cut off, disconnected, or removed. He reported that typically it is the third time that convinces them to comply without creating a negative consequence or discouragement of alarm use. Mr. McCann agreed that the third time is a good compromise, but the third time in a year should result in a fine.

A motion that the 2013 Fire & Rescue Strategic Plan be recommended for approval to Town Council was made by Chairman Grant, and Mr. McCann seconded. Chief Lucas suggested that for clarification the motion be amended to recommend the Plan as amended and presented today. Chairman Grant withdrew his motion, and Mr. McCann made a new motion that the 2013 Fire & Rescue Strategic Plan with the amendments as presented today be recommended for approval to Town Council, and Mr. Harkins seconded. Chairman Grant declared the motion approved.

5. New Business

a. 4th Quarter 2012 Crime Statistics – Capt. Toby McSwain

Capt. Toby McSwain from the Beaufort County Sheriff's Office presented the 4th Quarter 2012 Crime Statistics. He noted the number of patrol officers, traffic cops, and other personnel called for under the Town contract. As of today, he reported being short one officer in the patrol division, but noted the position should be filled within the next month.

Capt. McSwain updated the status of the holding cells at the new building, noting the final architectural plans had been submitted to the State Department of Corrections for approval, as required by the State. He is anticipating the selection of contractor and project commencement within the next few weeks, which he described in detail, with 30-45 days estimated for completion of the renovation. He expressed appreciation for the new facility, which he described as awesome, and for the care and attention shown by the Town's Maintenance Facilities.

He cited statistics from the 2012 overall statistics for the Sheriff's Office which relate directly to the southern enforcement on Hilton Head Island, which included telephone calls, walk-ins, background

checks and reports processed, police reports copied for citizens, arrest warrants entered, and tickets issued. The report indicates this office is quite busy and generates a great deal of activity, similar to what is handled from the headquarters in Beaufort.

Reporting on crimes against persons, he noted there were 2 murders in the 4th quarter, with 5 murders reported for the year 2012. However, he reported arrests had been made in each of the murders that occurred in Hilton Head Island, and he identified each case. Capt. McSwain reported the quarterly figures for assault, robberies, and forcible rapes as compared to this quarter last year, and yearly figures comparing 2011 to 2012.

Referencing Pages 2 and 3 of the Report, he noted the locations where the crimes are occurring have not changed over previous quarters.

Capt. McSwain reported that the Sheriff's Office deals with more property crimes than anything else, with a significant decrease in burglaries and larcenies from 2011, and the same number of auto thefts in 2011 and 2012. He outlined significant arrests made in the area of property crimes over the last year. Several repeat offenders, including an individual who has been charged with 23 crimes since 2010 who has not yet appeared in a courtroom, were specifically identified and their crimes listed by Capt. McSwain. He expressed the hope that they can be taken off the street permanently soon. Capt. McSwain reported on the good working relationship the Sheriff's Office has with Chatham/Metro, and the exchange of information that is working well.

Capt. McSwain noted his frustration that even with all of the information distributed to inform citizens to lock cars and homes, a residential area in Bluffton recently had 14 car break-ins, but the cars were unlocked. In response to Mr. McCann's inquiry as to whether these are occurring outside of PUDs, he indicated that gates are only a small deterrent. Mr. McCann questioned whether the PUDs are cooperating in getting the message out, and while Capt. McSwain had no information on their efforts, Mr. Harkins reported that Hilton Head Plantation had on-going efforts to communicate the importance of locking doors to cars and homes, and he sympathized with Capt. McSwain and shared his frustration. He suggested continuing efforts with the press and PUDs to get the message out, and Capt. McSwain indicated they would continue to do so and hope for results in time.

Capt. McSwain reported on the vehicle collisions broken down between collisions with and without injuries, with a yearly decrease in collisions reported in 2012. Using this report to see where accidents occur, he noted that enforcement is directed to these areas. The fatalities involving vehicles were up from 2011, and Capt. McSwain reported in detail the locations these occurred.

The yearly total for traffic tickets, criminal tickets for shoplifting and anything outside of a motor vehicle indicated less written in 2012 than in 2011. However, Capt. McSwain pointed out the high number of warnings issued, and his belief that you can get the word across with warnings rather than tickets for every stop. The number of tickets also fluctuated because of injuries to members of the traffic team causing the team to be short for several months. In response to Mr. Harkins' inquiry about whether prior warnings issued are available to the officer when he makes a stop, Capt. McSwain indicated that information is not currently available to the officer. However, he reported a new reporting system will be implemented over the next 18 to 24 months so that computers in patrol cars can access all information about warnings issued, previous arrests, and violations.

Capt. McSwain reported on the bar patrol that is funded by the Town and operates on either Friday or Saturday night. Statistics for 2012 from the bar patrol were presented for assaults, traffic cases, drinking in public, minor in possession, public and disorderly conduct, and other crimes. He noted

the atmosphere changes when officers arrive and start walking around the area, and this program works and is effective and needed.

Capt. McSwain reported over 2,000 hours of volunteer service, for which he was grateful. He explained the use of reserve deputies, who go through extensive training, and provide a great benefit to the County and Town with no pay.

Drug cases for 2012 were highlighted, but he indicated that simple possession of marijuana cases were ticketed and released because of the volume. He also noted that although not funded by the Town, there are 3 officers at the airport from the time the first flight arrives until the last flight departs, with only 5 minor incidents at the airport reported last year.

Mr. McCann and Capt. McSwain discussed the crime statistics that appear in the Island Packet each day, which are provided by the Sheriff's Office, but the selection process is done strictly by the newspaper. Capt. McSwain indicated several PUDs that write State tickets under the Sheriff's Office origination number, and those PUD reports are brought to the Sheriff's Office. He noted that information is shared with the PUDs in a monthly meeting with security chiefs.

Mr. Harkins suggested comparative crime statistics to other cities would be helpful both for economic development and for someone contemplating a business or family move. He related data found on a website of Sperling's Best Places showing Hilton Head Island in the middle of its scale, as compared to other cities in South Carolina and elsewhere. Mr. Harkins and Capt. McSwain discussed that if the source figures were extracted from the FBI database as the website indicated, it would contain statistics from the index crimes reported through SLED to the FBI for its database. Mr. Harkins and Mr. McCann asked if it was possible to do some comparison next quarter with other communities in an effort to promote the good job being done by the Sheriff's Office, and Capt. McSwain indicated he would deliver a copy of the FBI report for comparison by the Committee.

Chairman Grant and the Committee thanked Capt. McSwain for his report and the good job being done by the Sheriff's Office in our community.

For the record, Chief Lucas asked that the Committee formally vote on the motion to recommend the Strategic Plan to Town Council. A motion to recommend to Town Council the 2013 Fire & Rescue Strategic Plan with all amendments received today was made by Mr. McCann and seconded by Mr. Harkins. Chairman Grant declared the motion approved.

Adjournment

At 10:58 a.m. Mr. Harkins moved to adjourn the meeting and Mr. McCann seconded. Chairman Grant declared the motion approved.

Respectfully submitted:

Lynn W. Buchman
Administrative Assistant

Approved by:

Marc A. Grant, Chairman

MEMORANDUM

TO: Public Safety Committee
FROM: Staff Attorney

RE: Consideration of a Proposed Ordinance to Ban Text Messaging and the Usage of a Hand Held Cellphone While Driving on Hilton Head Island

DATE: April 25, 2013

CC: Stephen G. Riley, ICMA-CM, Town Manager
Gregory D. DeLoach, Esq., Assistant Town Manager

Recommendation:

Staff does not have a recommendation as to whether Town Council should approve an ordinance which would ban the use of hand held cellphones while driving or ban text messaging while driving on Hilton Head Island.

Background:

At a recent Town Council meeting, Council requested that the Town Manager review a Beaufort City text messaging and cellphone ordinance and have a general discussion on the matter at a Public Safety Committee meeting.

On September 11, 2012 the Beaufort City Council passed an ordinance banning all drivers from texting while driving and drivers under age 18 from using a cellphone while behind the wheels of a motor vehicle within city limits. The ban does not apply to GPS and similar devices. To date, Beaufort is the only municipality in the county to pass such an ordinance. They join 6 other municipalities in the State of South Carolina that have banned texting while driving. (Camden, Clemson, Columbia, Sumter, Walhalla, and West Union. Some of these are available upon request.) There are currently a few versions of legislation pending in the South Carolina Legislature which would ban text messaging while driving in the State. A proposed statewide ban failed to pass the South Carolina Senate in the 2012 session.

Summary:

Talking on a hand-held cellphone is banned in 10 states (California, Connecticut, Delaware, Maryland, Nevada, New Jersey, New York, Oregon, Washington, and West Virginia) and the District of Columbia. The use of a cellphone by a novice driver is restricted in 33 states and the District of Columbia. Text messaging is banned for all drivers in 39 states and the District of Columbia. In addition, text messaging is banned for novice drivers in 5 states (Mississippi, Missouri, New Mexico, Oklahoma, and Texas).

Pending South Carolina Legislation:

There are several bills under consideration at this time in the South Carolina Legislature. A copy of House Bill 3121 is provided. Copies of House Bill 3858, 3118, 3317, 3921, or Senate Bill 416 are available upon request.

House Bill 3121. This is the bill which currently seems to have the most movement. This bill prohibits the use of an electronic device to compose, send, or read an electronic message while operating a motor vehicle on a roadway. It does not prohibit usage off of the traveled portion of a roadway (such as in the right of way); usage in a hands-free, voice activated, or voice operated mode; use for summoning medical or emergency personnel; using a citizens band radio, commercial two way radio device, in-vehicle security or amateur radio device. A person would be guilty of a misdemeanor of distracted driving and if convicted the penalty would be a fine of not more than one hundred dollars (plus all applicable court costs, assessments, and surcharges), a twenty five dollar trauma care fund surcharge and two points assessed against a driving record. **This legislation would preempt all local ordinances adopted by local government entities** regarding the use of hand held and hands-free wireless electronic communication devices while operating motor vehicles on public streets and highways.

This bill has a felony aspect so that if a person using an electronic communication device while operating motor vehicle and commits an act prohibited by law or neglects a duty imposed by law and causes great bodily injury or death to another person, if convicted, would be guilty of a felony improper use of an electronic communication device while operating a vehicle and they shall be fined not less than Two Thousand Five Hundred dollars (\$2500.00) nor more than Five Thousand dollars (\$5,000.00) and mandatory imprisonment of not less than thirty days nor more than 5 years when great bodily injury occurs; or not less than Five Thousand dollars (\$5,000.00) nor more than Ten Thousand dollars (\$10,000.00) and mandatory imprisonment of not less than one year nor more than ten years when death occurs, and mandatory suspension of the driver's license for one year when great bodily injury occurs, or two years when death occurs.

House Bill 3858. This bill prohibits the use of an electronic device to compose, send, or read an electronic message while operating a motor vehicle on a roadway. It does not prohibit usage of global positioning system or navigation system or a device that is physically or electronically integrated into the vehicle. The bill does not apply to a person operating a vehicle off of the traveled portion of a roadway (such as in the right of way); usage in a hands-free, voice activated, or voice operated mode; use for summoning medical or emergency personnel; using a citizens band radio, commercial two way radio device, in-vehicle security or amateur radio device. A person would be guilty of a misdemeanor of distracted driving and, if convicted, the penalty would be a fine of not more than one hundred dollars (plus all applicable court costs, assessments, and surcharges), a twenty five dollar trauma care fund surcharge and two points assessed against a driving record. **This legislation would also preempt all local ordinances adopted by local government entities** regarding the use of hand held and hands-free wireless electronic communication devices while operating motor vehicles on public streets and highways.

House Bill 3118. This bill makes it unlawful to operate a vehicle when the vehicle is in motion while text messaging or receiving text messages, or using any form of electronic reading device. If convicted it is a misdemeanor and the fine would be Two Hundred and Fifty dollars (250.00) or thirty days in jail and suspension of their driver's license for one month for a first offense; a fine of One Thousand dollars (\$1,000.00) or sixty days in jail and suspension of their driver's license for two months and two points assessed against the driving record for a second offense; a fine of Two Thousand Five Hundred dollars (\$2500.00) or six months in jail and suspension of their driver's license for six months and four points assessed against the driving record for a third and subsequent offense. If bodily injury occurs then it is a felony and the penalty includes imprisonment for up to ten years. If death occurs then it is a felony and the penalty includes imprisonment for not less than five years and not more than twenty years.

House Bill 3317. This bill makes it unlawful to operate a vehicle while using a cellular telephone, pager, personal digital assistant device, or another wireless communications device while the vehicle is in motion. It does not apply to a device that is equipped with and operated with a hands-free mechanism. If convicted the penalty is up to thirty days in jail or a fine of not more than Five Hundred dollars (\$500.00), or both.

House Bill 3921. This bill makes it unlawful to operate a vehicle while using a wireless communications device to manually type, send, or read a written communication. A violation is considered reckless driving and if convicted a penalty of a fine of not less than one hundred dollars nor more than three hundred fifty dollars. If communication records are subpoenaed and used in a trial which results in conviction, an additional fine of five hundred dollars must be assessed. The violation does not include operating a vehicle stopped at a red light, off of the travel portion of the road, or the use of a hands free voice activated device.

Senate Bill 416. This bill prohibits using a wireless telecommunication device to write, send, or read a text-based message while operating a vehicle on a public road. It does not apply to devices used to obtain emergency services, devices used while parked on the shoulder of the road, or use of a wireless device as a GPS or navigation system which has been preprogrammed with the desired coordinates. (Programming coordinates would be a violation). If convicted the penalty would be a fine of not more than Twenty Five dollars (\$25.00). There would be no court costs or assessments added to the fine. For second and subsequent convictions the fine would be not more than Fifty dollars (\$50.00). It would not be a criminal conviction, i.e., it would not be a misdemeanor. It would not be reported to DMV or the driver's vehicle insurer.

Pros and Cons of Passing an Ordinance Banning Text Messaging or Use of a Cell Phone While Driving.

There are pros and cons to be considered as the Public Safety Committee discusses whether they should recommend that Town Council should pass an ordinance to ban text messaging while driving or the use of a hand held cellphone while driving. I have included a copy of the Governors Highway Safety Association (GHSA) Distracted Driving Report for your consideration. Please see pages 3-6 of this report for an executive summary of the report.

Pros:

Text messaging and the use of a cellphone while driving a vehicle are considered to be distractions to most drivers and have been shown to be a contributing factor in a large number of vehicle accidents. A ban on text messaging while driving, or the use of a hand held cellphone while driving, would likely reduce episodes of inattentive driving and make the roads safer for all. The state of South Carolina is one of only six states to have not banned text messaging while driving. Since the State has not yet banned the practice of text messaging while driving, or the use of a hand held cellphone while driving, the Town would be seen by many as being proactive in taking steps in the absence of state action to make the Island roads safer for all drivers.

Cons:

Enforcement of these types of laws has proven to be very difficult. It is often difficult for a police officer to observe what a driver is actually doing with their hands when their hands are not in plain view. Proving that a driver was actually sending or reading a text message, or using a hand-held cellphone while driving, could be very difficult in court. The same hand held device that is used for text messaging is often the same device which is used for playing music or for GPS. The prosecuting officer would need to subpoena the individual's cellphone records, unless they plead guilty, but for a minor traffic offense this action is unlikely to occur in most cases. Enforcement is compounded in difficulty when it is only a local ordinance and not a statewide ban. Hilton Head Island is a heavy tourism area and visitors would be unaware of any local prohibition against text messaging or using a hand held cell phone while driving. A statewide ban would be seen by most people as a more fair approach to banning text messaging or use of a hand held device while driving. One could ask why it is legal to do an act in Bluffton, Windmill Harbor, Blue Heron Point, or in the rural Beaufort County areas, but it is not legal here in Hilton Head Island.

Banning text messaging or cellphone usage only addresses one small aspect of inattentive driving. It does not address similar distractions such as a driver tuning a radio or IPod, changing a CD, using a touch screen device on the dashboard of the vehicle, putting on make-up, having a conversation with a passenger, getting dressed such as tying a tie or buttoning a shirt, eating, drinking, using an interior light, or reading a map. All of these actions would be equally distracting to the safe operation of a motor vehicle.

Some studies have indicated that there is no evidence that laws banning text messaging while driving or using a cellphone while driving have reduced the number of vehicle accidents, and that the laws may have actually increased the number of accidents. While some drivers cease text messaging while driving after a law is passed, many drivers continue to text message while driving. The increase in the number of accidents is believed to be a result of drivers trying to conceal their hand held cellphones by moving them down and out of sight while driving. This causes the driver to focus on the cellphone near their lap rather than having the cellphone's display at a normal viewing level.

I have attached several articles related to banning of text messaging and hand-held cellphone usage while driving for your consideration. Additionally, I have provided a copy of the Beaufort City ordinance passed last year, and the Clemson and Columbia ordinances.

Attachments

I. Compendium of States with Distracted Driving Laws

Chart of States with Distracted Driving Laws

Map of states with texting bans

Map of states with cell phone bans

Map of states with young driver cell phone bans

Map of states with bus driver cell phone bans

2. Ordinances

Beaufort

Clemson

Columbia

3. Pending South Carolina Legislation

House Bill 3121

4. GHSA Research

Distracted Driving Report

5. Various Newspaper Articles related to distracted driving

[State Laws & Funding](#) [News](#) [Meetings](#) [Issues](#) [Publications](#) [Resources](#) [Links](#) [About Us](#) [Members Only](#)

Distracted Driving Laws

May 2013

This chart outlines state distracted driving laws. Some localities have additional regulations. Enforcement type is shown in parenthesis.



- **Hand-held Cell Phone Use:** 10 states, D.C., Puerto Rico, Guam and the U.S. Virgin Islands prohibit **all drivers** from using hand-held cell phones while driving. Except for Maryland and West Virginia (until July 2013), all laws are **primary enforcement**—an officer may cite a driver for using a hand-held cell phone without any other traffic offense taking place.
- **All Cell Phone Use:** No state bans all cell phone use for all drivers, but 36 states and D.C. ban all cell phone use by **novice drivers**, and 19 states and D.C. prohibit it for **school bus drivers**.
- **Text Messaging:** Washington was the first state to pass a texting ban in 2007. Currently, 39 states, D.C., Puerto Rico, Guam and the U.S. Virgin Islands ban text messaging for all drivers. All but 3 have primary enforcement.
 - An additional 6 states prohibit text messaging by **novice drivers**.
 - 3 states restrict **school bus drivers** from texting.

Crash Data Collection: Many states include a category for cell phone/electronic equipment distraction on police accident report forms. Proposed federal legislation would require states to collect this data in accordance with [Model Minimum Uniform Crash Criteria guidelines](#) to qualify for certain federal funding.

Preemption Laws: Many localities have passed their own distracted driving bans. However, some states – such as Florida, Kentucky, Louisiana, Mississippi, Nevada, Pennsylvania, and Oklahoma – prohibit localities from enacting such laws.

NOTE: GHSA does not compile any additional data on distracted driving laws other than what is presented here. For more information, consult the appropriate [State Highway Safety Office](#).

Learn More About Distracted Driving

[Issue Brief](#)

[What Research Shows and What States Can Do](#)

Published 2011

[State Media Campaigns](#)

[Tips to Avoid Distractions](#)

[Curbing Distracted Driving: 2010 Survey of State Safety Programs](#)

[Related Links](#)

State	Hand-held Ban	All Cell Phone Ban		Text Messaging Ban			Crash Data
		School Bus Drivers	Novice Drivers	All Drivers	School Bus Drivers	Novice Drivers	
Alabama			16, or 17 w/ Intermediate License <6 months (Primary)	Yes (Primary)	Covered under all driver ban		
Alaska				Yes (Primary)	Covered under all driver ban		Yes
Arizona		Yes (Primary)					
Arkansas ¹	18 - 20 years old (Primary)	Yes (Primary)	<18 (Secondary)	Yes (Primary)	Covered under all driver ban		Yes
California	Yes (Primary)	Yes (Primary)	<18 (Secondary)	Yes (Primary)	Covered under all driver ban		Yes
Colorado			<18 (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Connecticut	Yes (Primary)	Yes (Primary)	<18 (Primary)	Yes (Primary)	Covered under all driver ban		
Delaware	Yes (Primary)	Yes (Primary)	Learner or Intermediate License (Primary)	Yes (Primary)	Covered under all driver ban		Yes
D.C.	Yes (Primary)	Yes (Primary)	Learners Permit (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Florida							Yes
Georgia		Yes (Primary)	<18 (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Guam	Yes (Primary)			Yes (Primary)	Covered under all driver ban		
Hawaii ²	See footnote						
Idaho ³				Yes (Primary)	Covered under all driver ban		See footnote
Illinois ⁴	See footnote	Yes (Primary)	<19 (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Indiana			<18 (Primary)	Yes (Primary)	Covered under all driver ban		Yes

Iowa			Restricted or Intermediate License (Primary)	Yes (Secondary)	Covered under all driver ban		Yes
Kansas			Learner or Intermediate License (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Kentucky		Yes (Primary)	<18 (Primary)	Yes (Primary)	Covered under all driver ban		
Louisiana	Learner or Intermediate License (regardless of age)	Yes (Primary)	1st year of License (Primary for <18)	Yes (Primary)	Covered under all driver ban		Yes
Maine			<18 (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Maryland	Yes (Secondary)		<18 w/ Learner or Provisional License (Secondary)	Yes (Primary)	Covered under all driver ban		Yes
Massachusetts		Yes (Primary)	<18 (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Michigan			Level 1 or 2 License (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Minnesota		Yes (Primary)	<18 w/ Learner or Provisional License (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Mississippi		Yes (Primary)			Yes (Primary)	Learner or Provisional License (Primary)	
Missouri						<21 (Primary)	
Montana							Yes
Nebraska			<18 w/ Learner or Intermediate License (Secondary)	Yes (Secondary)	Covered under all driver ban		Yes
Nevada	Yes (Primary)			Yes (Primary)	Covered under all driver ban		Yes
New Hampshire ⁵				Yes (Primary)	Covered under all driver ban		
New Jersey	Yes (Primary)	Yes (Primary)	Permit or Provisional License (Primary)	Yes (Primary)	Covered under all driver ban		Yes
New Mexico	In State vehicles		Learner or Provisional License (Primary)			Learner or Provisional License (Primary)	Yes
New York	Yes (Primary)			Yes (Primary)	Covered under all driver ban		Yes
North Carolina		Yes (Primary)	<18 (Primary)	Yes (Primary)	Covered under all driver ban		
North Dakota			<18 (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Ohio			<18 (Primary)	Yes (Secondary)	Covered under all driver ban		
Oklahoma	Learner or Intermediate License (Primary)	Yes (Primary)			Yes (Primary)	Learner or Intermediate License (Primary)	Yes
Oregon	Yes (Primary)		<18 (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Pennsylvania				Yes (Primary)	Covered under all driver ban		Yes
Puerto Rico	Yes (Primary)			Yes (Primary)	Covered under all driver ban		
Rhode Island		Yes (Primary)	<18 (Primary)	Yes (Primary)	Covered under all driver ban		Yes
South Carolina ⁶							See footnote
South Dakota			Learner or Intermediate License (Secondary) (eff. 7/1/13)			Learner or Intermediate License (Secondary) (eff. 7/1/13)	Yes
Tennessee		Yes (Primary)	Learner or Intermediate License (Primary)	Yes (Primary)	Covered under all driver ban		Yes

Texas ⁷		Yes, w/ passenger ≤17 (Primary)	Intermediate License, 1st 12 mos. (Primary)		Yes, w/ passenger ≤17 (Primary)	Intermediate License, 1st 12 mos. (Primary)	Yes
Utah			<18 (Primary) (<i>eff. 5/14/13</i>)	Yes (Primary)	Covered under all driver ban		Yes
Vermont			<18 (Primary)	Yes (Primary)	Covered under all driver ban		
Virgin Islands	Yes			Yes	Covered under all driver ban		Yes
Virginia		Yes (Primary)	<18 (Secondary)	Yes (Primary) (<i>eff. 7/1/13</i>)	Covered under all driver ban		Yes
Washington	Yes (Primary)		Learner or Intermediate Licence (Primary)	Yes (Primary)	Covered under all driver ban		Yes
West Virginia	Yes (Secondary until 7/1/13)		<18 w/ Learner or Intermediate Licence (Primary)	Yes (Primary)	Covered under all driver ban		
Wisconsin			Learner or Intermediate Licence (Primary)	Yes (Primary)	Covered under all driver ban		
Wyoming				Yes (Primary)	Covered under all driver ban		Yes
Total States	10 + D.C. PR, Guam, Virgin Islands Primary (8 + D.C., PR, Guam) Secondary (2)	19 + D.C. All Primary	36 + D.C. Primary (30 + D.C.) Secondary (6)	39 + D.C., PR, Guam, Virgin Islands Primary (36 + D.C., PR, Guam) Secondary (3)	3 All Primary	6 Primary (5) Secondary (1)	35 + D.C., Virgin Islands

¹ Arkansas also bans the use of hand-held cell phones while driving in a school zone or in a highway construction zone. This law is secondarily enforced.

² Hawaii does not have a state law banning the use of hand-held cell phones. However, all of the state's counties have enacted distracted driving ordinances.

³ Idaho has a "Distraction in/on Vehicle (List)" attribute as part of its Contributing Circumstances element, and officers are supposed to list the distractions in the narrative.

⁴ Illinois bans the use of hand-held cell phones while driving in a school zone or in a highway construction zone.

⁵ Dealt with as a distracted driving issue; New Hampshire enacted a comprehensive distracted driving law.

⁶ South Carolina has a Distracted/inattention attribute under Contributing Factors.

⁷ Texas has banned the use of hand-held phones and texting in school zones.

Sources: [Insurance Institute for Highway Safety](#) (IIHS) and [State Highway Safety Offices](#).

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phone 202.789.0942 , fax 202.789.0946, headquarters@ghsa.org

Cellphone and texting laws

May 2013

Talking on a hand-held cellphone while driving is banned in 10 states (California, Connecticut, Delaware, Maryland, Nevada, New Jersey, New York, Oregon, Washington, and West Virginia) and the District of Columbia.

The use of all cellphones by novice drivers is restricted in 36 states and the District of Columbia and the use of all cellphones while driving a school bus is prohibited in 19 states and the District of Columbia.

Text messaging is banned for all drivers in 39 states and the District of Columbia. In addition, novice drivers are banned from texting in 6 states (Mississippi, Missouri, New Mexico, Oklahoma, South Dakota, and Texas) and school bus drivers are banned from text messaging in 3 states (Mississippi, Oklahoma, and Texas).

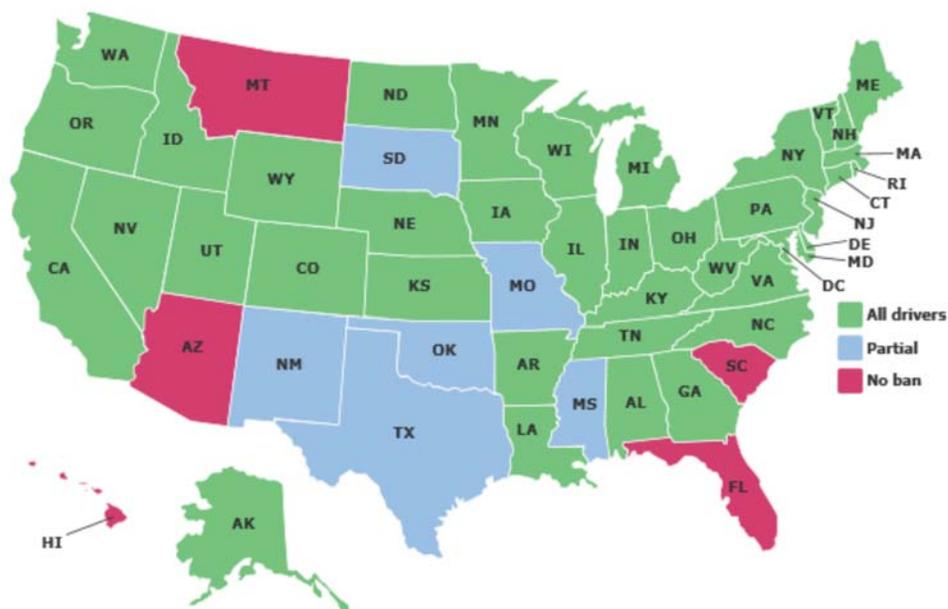
Many localities have enacted their own bans on cellphones or text messaging. In some but not all states, local jurisdictions need specific statutory authority to do so.

The table and maps below show the states that have cellphone laws, whether they specifically ban text messaging, and whether they are enforced as primary or secondary laws. Under secondary laws, an officer must have some other reason to stop a vehicle before citing a driver for using a cellphone. Laws without this restriction are called primary.

[Table](#)
[Map: hand-held bans](#)
[Map: young driver bans](#)
[Map: bus driver bans](#)
[Map: texting bans](#)

Map of texting bans

(hover over map for more detail)



¹California drivers older than 18 may dictate, send or listen to text-based messages if they're using voice-activated, hands-free devices.

²Hawaii does not have a state law banning cellphones or text messaging. However, all Hawaii counties have enacted ordinances that address distracted driving.

³In Ohio, the text messaging ban for all drivers and the all device ban for young drivers are currently scheduled to become effective on the 91st day after the act is filed with the Secretary of State, approximately Aug. 30, 2012. There will be a 6 month warning period before citations are issued.

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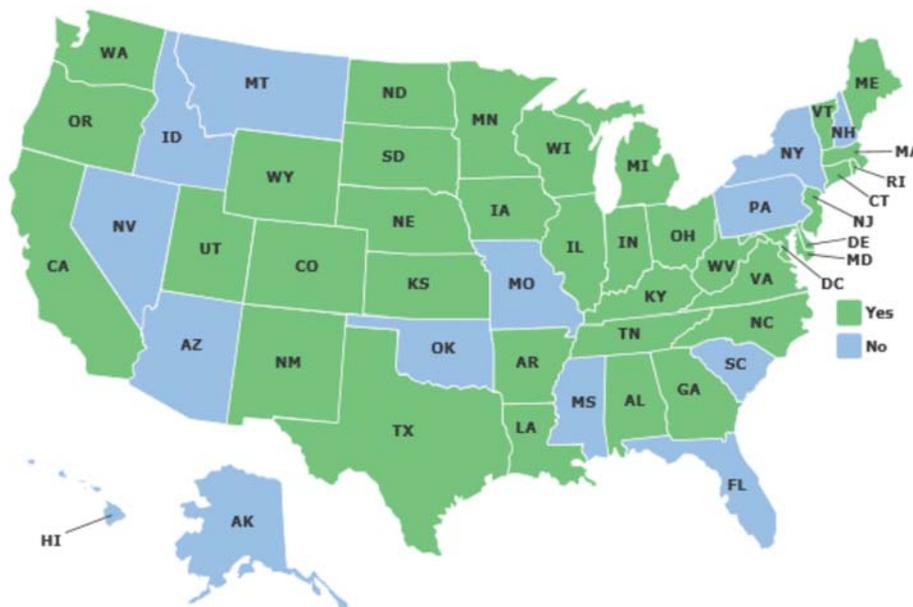
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[Map: bus driver bans](#)
[Map: texting bans](#)

Map of bans specific to young drivers and all cellphones

(hover over map for more detail)



¹In Louisiana, all learner's permit holders, irrespective of age, and all intermediate license holders are prohibited from driving while using a hand-held cellphone and all drivers younger than 18 are prohibited from using any cellphone. Effective April 1, 2010 all drivers, irrespective of age, issued a first driver's license will be prohibited from using a cellphone for one year. The cellphone ban is secondary for novice drivers age 18 and older.

²In Ohio, the text messaging ban for all drivers and the all device ban for young drivers are currently scheduled to become effective on the 91st day after the act is filed with the Secretary of State, approximately Aug. 30, 2012. There will be a 6 month warning period before citations are issued.

³In Oklahoma, learner's permit and intermediate license holders are banned from using a hand-held electronic device while operating a motor vehicle for non-life-threatening emergency purposes.

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May 2013

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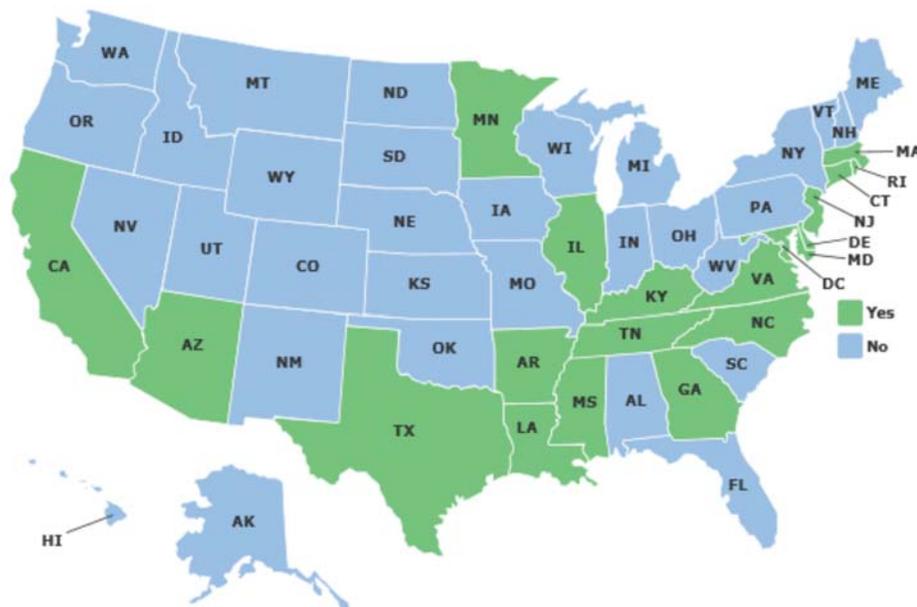
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Map of bans specific to bus drivers and all cellphones

(hover over map for more detail)



ORDINANCE

AMENDING PART 8 OF THE CITY CODE OF ORDINANCES TO MAKE IT UNLAWFUL FOR PERSONS TO USE CERTAIN ELECTRONIC DEVICES WHILE OPERATING A MOTOR VEHICLE IN THE CITY

WHEREAS, studies have shown that minors utilizing a cell phone while operating a motor vehicle pose a special danger to other vehicles, bicycles and pedestrians on the roadway; and,

WHEREAS, studies have shown that drivers attempting to email, text or otherwise send or receive electronic messages on handheld electronic communication devices while operating a motor vehicle pose a special danger to other vehicles, bicycles and pedestrians on the roadway; and,

WHEREAS, City Council finds that it is in the best interest of the citizens and residents of Beaufort to prohibit the use of cell phones by minors operating a motor vehicle in the City, and to prohibit the use of handheld electronic communication devices to send or receive text-based communications while operating a motor vehicle in the City.

NOW THEREFORE, be it Ordained by the City Council of the City of Beaufort, duly assembled and by authority of the same, that Part 8 Chapter 1 of the Code of Ordinances be amended to add Section 8-1008 as follows:

Sec. 8-1008 Handheld electronic communication devices.

(A) Definitions:

“Handheld electronic communication device” means an electronic device including, but not limited to a telephone, cell phone, personal digital assistant, text messaging device, email messaging device, a computer, or other such instrument that allows a person to wirelessly communicate with another while holding or operating such with the hand.

“Text-based communication” means a communication using text-based information including but not limited to, a text message, an SMS message, an instant message, or an electronic mail message.

(B) It shall be unlawful for a person under the age of eighteen (18) years to use a handheld electronic communication device while operating a vehicle on the streets of the City.

(C) It shall be unlawful for any person to operate a vehicle in the City while sending or receiving text-based communication on a handheld electronic communication device.

(D) A person who violates this section is guilty of an infraction and shall be issued a Uniform Traffic Citation assessing a civil penalty in the amount of \$50.00 for the first offense, \$100.00 for the second offense, and \$150.00 for the third and subsequent offenses. Such civil penalty is subject to all applicable court costs, assessments and surcharges, if any. No drivers license points or insurance surcharge shall be assessed as a result of a violation of this ordinance.

(E) This section does not apply to a person who is:

- (1) Lawfully parked or stopped;
- (2) Summoning medical or other emergency assistance;
- (3) Transmitting or receiving data as part of a digital dispatch system; or,
- (4) A law enforcement officer, firefighter, emergency medical technician, or other public safety official while in the performance of the person's official duties.

(F) A law enforcement officer must not:

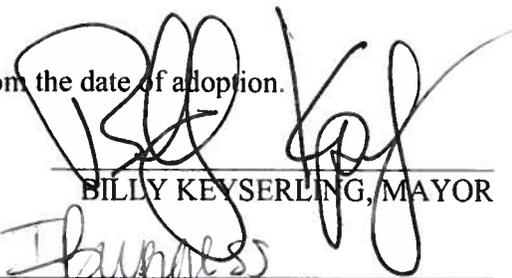
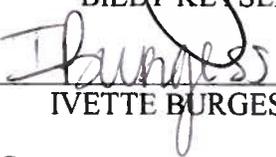
- (1) Stop a person for a violation of this section except when the officer has probable cause that a violation has occurred based on the officer's clear and unobstructed view of a minor who is using a handheld electronic communication device, or of person who is using a handheld electronic communication device to compose, send, or read a text-based communication, while driving or operating a motor vehicle upon the public streets and highways of the City;
- (2) Seize or require the forfeiture of a handheld electronic communication device because of a violation of this section. However, if an arresting officer has probable cause to believe that the motor vehicle driver has violated this section, he may view the handheld electronic communication device to ascertain whether the text messaging occurred at or about the time of the violation, and may subpoena the telephone records of that device;
- (3) Search or request to search a motor vehicle, driver, or passenger in a motor vehicle, solely because of a violation of this section; or
- (4) Make a custodial arrest for a violation of this section.

(G) Nothing in this section is intended to conflict with enforcement of applicable restrictions or requirements imposed on commercial motor vehicle operators pursuant to the Federal Motor Carrier Safety Regulations.

This Ordinance shall become effective sixty (60) days from the date of adoption.

(SEAL)

Attest:


BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

1st Reading

August 28, 2012

2nd Reading & Adoption

September 11, 2012

Reviewed by:


WILLIAM B. HARVEY, III, CITY ATTORNEY

Clemson Texting Law

Sec. 18-35. - Unlawful use of mobile telephone for text messaging or electronic mail.

(a) *Offense.* It is unlawful for a person to drive a motor vehicle in motion on a public street or highway or in a public vehicular area within the city limits while text messaging, reading text messages, reading printed materials, or emailing. If an arresting officer has probable cause to believe that the motor vehicle driver has violated this section, he may view the cellular telephone transmitting or receiving device upon which the text messaging occurred to ascertain whether the text messaging occurred at or about the time of the violation and may subpoena the telephone records of that device. The arresting officer or the defendant may admit as evidence, without providing chain of custody, telephone number or texting information, or both, that are relevant to a violation of this section.

(b) *Exceptions.* The provisions of this section shall not apply to the following:

- (1) The operator of a motor vehicle that is lawfully parked or stopped;
- (2) Any of the following while in the performance of their official duties: a law enforcement officer, a member of a fire department, or the operator of a public or private ambulance;
- (3) The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;
- (4) The use of voice-operated technology.

(c) *Penalty.* A violation of this section shall be an infraction and shall be punishable by a fine of \$100.00 plus the costs assessed to the court.

No drivers license points or insurance surcharge shall be assessed as a result of a violation of this section.

(d) *Implementation.* This section becomes effective June 1, 2010, and applies to offenses committed on or after that date.

(Ord. No. CC-2010-02, 2-15-10)

Columbia texting ban law

Sec. 12-19. - E-mailing or text messaging on mobile device while operating a motor vehicle.

(a) It shall be unlawful for a person to use a wireless electronic communication device to compose, send, or read a text-based communication while driving or operating a motor vehicle upon the public streets and highways within the city.

(b) For the purposes of this section, the following definitions shall apply:

Driving or operating a motor vehicle means that the motor vehicle is moving or in motion.

Hands-free wireless electronic communication device means an electronic device, including, but not limited to, a mobile, cellular, wireless or digital telephone, a personal digital assistant, a text messaging device or a computer, that allows a person to wirelessly communicate with another person without the use of either hand by utilizing an internal feature or function of the device, an attachment, or an additional device. A hands-free wireless electronic communication device may require the use of either hand to activate or deactivate an internal feature or function of the device.

Text-based communication means a communication using text-based information, including, but not limited to, a text message, an SMS message, an instant message, or an electronic mail message.

Wireless electronic communication device means an electronic device that allows a person to wirelessly communicate with another person, including, but not limited to, a mobile, cellular, wireless or digital telephone, a personal digital assistant, a text messaging device, or a computer.

(c) This section does not apply to a person who is:

- (1) Lawfully parked or stopped;
- (2) Using a hands-free wireless electronic communication device or a voice-activated feature or function of the device;
- (3) Activating or deactivating a wireless electronic communication device or an internal feature or function of the device;
- (4) Reading, selecting, or entering a telephone number or contact in a wireless electronic communication device for the purpose of making or receiving a telephone call;
- (5) Summoning medical or other emergency assistance;
- (6) Transmitting or receiving data as part of a digital dispatch system;
- (7) Using a citizen's band radio;
- (8) A law enforcement officer, firefighter, emergency medical technician, or other public safety official while in the performance of the person's official duties; or

(d) A person who violates this section is guilty of an infraction and shall be issued a Uniform Traffic Citation assessing a civil penalty in the amount of \$100.00. The civil penalty is subject to all other applicable court costs, assessments, and surcharges, if any.

(e) A law enforcement officer must not:

- (1) Stop a person for a violation of this section except when the officer has probable cause that a violation has occurred based on the officer's clear and unobstructed view of a person who is using a wireless electronic communication device to compose, send, or read a text-based communication while driving or operating a motor vehicle upon the public streets and highways of the city;
 - (2) Seize or require the forfeiture of a wireless electronic communication device because of a violation of this section;
 - (3) Search or request to search a motor vehicle, driver, or passenger in a motor vehicle, solely because of a violation of this section; or
 - (4) Make a custodial arrest for a violation of this section.
- (f) Nothing in this section is intended to conflict with enforcement of applicable restrictions or requirements imposed on commercial motor vehicle operators pursuant to the Federal Motor Carrier Safety Regulations.

(Ord. of 2010-158, 3-29-11)

South Carolina General Assembly
120th Session, 2013-2014

H. 3121

STATUS INFORMATION

General Bill

Sponsors: Reps. Bowen, Daning, Henderson and Southard

Document Path: I:\council\bill\swb\5025cm13.docx

Companion/Similar bill(s): 3858

Introduced in the House on January 8, 2013

Currently residing in the House Committee on **Judiciary**

Summary: Electronic communication devices

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
12/11/2012	House	Prefiled
12/11/2012	House	Referred to Committee on Education and Public Works
1/8/2013	House	Introduced and read first time (House Journal-page 95)
1/8/2013	House	Referred to Committee on Education and Public Works (House Journal-page 95)
1/31/2013	House	Committee report: Favorable with amendment Education and Public Works (House Journal-page 6)
2/4/2013		Scrivener's error corrected
2/6/2013	House	Committed to Committee on Judiciary (House Journal-page 19)

View the latest legislative information at the LPITS web site

VERSIONS OF THIS BILL

12/11/2012

1/31/2013

2/4/2013

1 ~~Indicates Matter Stricken~~
2 Indicates New Matter
3
4 COMMITTEE REPORT
5 January 31, 2013
6

7 **H. 3121**

8
9 Introduced by Reps. Bowen, Daning, Henderson and Southard

10
11 S. Printed 1/31/13--H. [SEC 2/4/13 10:17 AM]
12 Read the first time January 8, 2013.
13

14
15 **THE COMMITTEE ON EDUCATION AND PUBLIC**
16 **WORKS**

17 To whom was referred a Bill (H. 3121) to amend the Code of
18 Laws of South Carolina, 1976, by adding Sections 56-5-3890, 56-
19 5-3895, and 56-5-3897 so as to provide that it is unlawful, etc.,
20 respectfully

21 **REPORT:**

22 That they have duly and carefully considered the same and
23 recommend that the same do pass with amendment:
24

25 Amend the bill, as and if amended, by striking all after the
26 enacting words and inserting:

27 / SECTION 1. Article 31, Chapter 5, Title 56 of the 1976 Code
28 is amended by adding:

29 "Section 56-5-3890. (A) For purposes of this section:

30 (1) 'Electronic communication device' means an electronic
31 device used for the purpose of composing, reading, or sending an
32 electronic message, but does not include a global positioning
33 system or navigation system or a device that is physically or
34 electronically integrated into the motor vehicle.

35 (2) 'Electronic message' means a self-contained piece of
36 digital communication that is designed or intended to be
37 transmitted between physical devices. 'Electronic message'
38 includes, but is not limited to electronic mail, a text message, an
39 instant message, or a command or request to access an Internet
40 site.

[3121-1]

1 (B) A person may not use an electronic communication device
2 to compose, send, or read an electronic message while operating a
3 motor vehicle on a roadway.

4 (C) This section does not apply to a person operating a motor
5 vehicle while:

6 (1) off the traveled portion of a roadway;

7 (2) using an electronic communication device in hands-free,
8 voice-activated, or voice-operated mode that allows the user to
9 review, prepare and transmit an electronic message without the use
10 of either hand except to activate, deactivate, or initiate a feature or
11 function;

12 (3) summoning medical or other emergency assistance; or

13 (4) using a citizens band radio, commercial two-way radio
14 communication device, in-vehicle security, or amateur or ham
15 radio device.

16 (D) A person who violates this section where no great bodily
17 injury or death resulted from the violation, is guilty of
18 misdemeanor distracted driving and, upon conviction, must be
19 fined not more than one hundred dollars, pay a twenty-five dollar
20 Trauma Care Fund surcharge in accordance with Section
21 56-5-3897, and have two points assessed against his driving record
22 in accordance with Section 56-1-720. The fine is subject to all
23 applicable court costs, assessments, and surcharges.

24 (E) This section preempts local ordinances, regulations, and
25 resolutions adopted by municipalities, counties, and other local
26 government entities regarding persons using hand-held and
27 hands-free wireless electronic communication devices while
28 operating motor vehicles on the public streets and highways of this
29 State.

30 (F) Nothing in this section is intended to conflict with
31 enforcement of applicable restrictions or requirements imposed on
32 commercial motor vehicle operators pursuant to the federal Motor
33 Carrier Safety Regulations.”

34 SECTION 2. Article 31, Chapter 5, Title 56 of the 1976 Code
35 is amended by adding:

36 “Section 56-5-3895. (A) A person using an electronic
37 communication device while as prohibited by Section 56-5-3890
38 and while operating that motor vehicle commits an act prohibited
39 by law or neglects a duty imposed by law in the operation of the
40 motor vehicle, which act or neglect proximately causes great
41 bodily injury or death to another person, is guilty of the offense of
42 felony improper use of an electronic communication device while
43 operating a vehicle and, upon conviction, must be punished:

[3121-2]

1 (1) by a mandatory fine of not less than two thousand five
2 hundred dollars nor more than five thousand dollars and mandatory
3 imprisonment for not less than thirty days nor more than five years
4 when great bodily injury results; or

5 (2) by a mandatory fine of not less than five thousand dollars
6 nor more than ten thousand dollars and mandatory imprisonment
7 for not less than one year nor more than ten years when death
8 results.

9 A part of the mandatory sentences required to be imposed by
10 this section must not be suspended, and probation may not be
11 granted for any portion.

12 (B) As used in this section, 'great bodily injury' means bodily
13 injury which creates a substantial risk of death or which causes
14 serious, permanent disfigurement, or protracted loss or impairment
15 of the function of any bodily member or organ.

16 The Department of Motor Vehicles must suspend the driver's
17 license of a person who is convicted or who receives sentence
18 upon a plea of guilty or nolo contendere pursuant to this section for
19 one year for a conviction of Section 56-5-3895 when 'great bodily
20 injury' occurs, and two years when a death occurs. For suspension
21 purposes of this section, convictions arising out of a single incident
22 shall run concurrently.

23 (C) An additional one hundred dollar surcharge for each fine
24 imposed pursuant to this section must be placed into the Trauma
25 Care Fund pursuant to Section 56-5-3897."

26 SECTION 3. Article 31, Chapter 5, Title 56 of the 1976 Code
27 is amended by adding:

28 "Section 56-5-3897. Monies received by the Trauma Care
29 Fund pursuant to 56-5-3890, 56-5-3895 and 56-5-3897 must be
30 deposited with the city or county treasurer, as applicable, for
31 remittance to the State Treasurer. The State Treasurer shall deposit
32 the Trauma Care Fund surcharge in the South Carolina State
33 Trauma Care Fund. The Trauma Care Fund surcharge must not be
34 used by the Department of Health and Environmental Control for
35 the payment of the department's administrative or operating
36 expenses or for any purpose other than providing financial aid to
37 participating trauma care providers and grants related to trauma
38 care in this State. The Trauma Care Fund surcharge is not subject
39 to the provisions of Section 44-61-520(G)."

40 SECTION 4. Section 56-1-720 of the 1976 Code is amended to
41 read:

42 "Section 56-1-720. There is established a point system for the
43 evaluation of the operating record of persons to whom a license to

1 operate motor vehicles has been granted and for the determination
2 of the continuing qualifications of these persons for the privileges
3 granted by the license to operate motor vehicles. The system shall
4 have as its basic element a graduated scale of points assigning
5 relative values to the various violations in accordance with the
6 following schedule:

7	VIOLATION	POINTS
8	Reckless driving	6
9	Passing stopped school bus	6
10	Hit-and-run, property damages only	6
11	Driving too fast for conditions, or speeding:	
12	(1) No more than 10 m.p.h. above the	
13	posted limits	2
14	(2) More than 10 m.p.h. but less than	
15	25 m.p.h. above the posted limits	4
16	(3) 25 m.p.h. or above the posted limits	6
17	Disobedience of any official traffic	
18	control device	4
19	Disobedience to officer directing traffic	4
20	Failing to yield right of way	4
21	Driving on wrong side of road	4
22	Passing unlawfully	4
23	Turning unlawfully	4
24	Driving through or within safety zone	4
25	Failing to give signal or giving improper	
26	signal for stopping, turning, or suddenly	
27	decreased speed	4
28	Shifting lanes without safety precaution	2
29	Improper dangerous parking	2
30	Following too closely	4
31	Failing to dim lights	2
32	Operating with improper lights	2
33	Operating with improper brakes	4
34	Operating a vehicle in unsafe condition	2
35	Driving in improper lane	2
36	Improper backing	2
37	<u>Distracted driving</u>	<u>2.</u> ”

38 SECTION 5. This act takes effect upon approval by the
39 Governor. /

40 Renumber sections to conform.

41 Amend title to conform.

42

43 PHILLIP D. OWENS for Committee.

[3121-4]

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STATEMENT OF ESTIMATED FISCAL IMPACT
ESTIMATED FISCAL IMPACT ON GENERAL FUND
EXPENDITURES:

Minimal (Some additional costs expected but can be absorbed)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER
FUND EXPENDITURES:

\$0 (No additional expenditures or savings are expected)

EXPLANATION OF IMPACT:

The Judicial Department, Department of Motor Vehicles and the Department of Corrections indicate that this legislation would have a minimal impact on the General Fund of the State, which can be absorbed by the agencies at their current level of funding.

LOCAL GOVERNMENT IMPACT:

Pursuant to Section 2-7-76, the State Budget Division surveyed local governments to determine the fiscal impact of this bill. Two counties reported there would be no fiscal impact and one county reported minimal costs which they could absorb.

SPECIAL NOTES:

The Board of Economic Advisors is the appropriate entity to address any revenue impact associated with this bill.

Approved By:
Brenda Hart
Office of State Budget

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A BILL

11 TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,
12 1976, BY ADDING SECTIONS 56-5-3890, 56-5-3895, AND
13 56-5-3897 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR
14 A PERSON TO USE AN ELECTRONIC COMMUNICATION
15 DEVICE WHILE DRIVING A MOTOR VEHICLE UNDER
16 CERTAIN CIRCUMSTANCES, TO PROVIDE A PENALTY,
17 AND TO PROVIDE FOR THE DISTRIBUTION OF MONIES
18 COLLECTED FROM FINES ASSOCIATED WITH
19 VIOLATIONS OF THESE PROVISIONS; AND TO AMEND
20 SECTION 56-1-720, RELATING TO THE ASSESSMENT OF
21 POINTS AGAINST A PERSON’S DRIVING RECORD FOR
22 CERTAIN MOTOR VEHICLE VIOLATIONS, SO AS TO
23 PROVIDE THAT POINTS MUST BE ASSESSED AGAINST
24 THE DRIVING RECORD OF A PERSON CONVICTED OF
25 IMPROPER USE OF AN ELECTRONIC COMMUNICATION
26 DEVICE WHILE DRIVING A MOTOR VEHICLE.

27
28 Be it enacted by the General Assembly of the State of South
29 Carolina:

30
31 SECTION 1. Article 31, Chapter 5, Title 56 of the 1976 Code is
32 amended by adding:

33
34 “Section 56-5-3890. (A) For purposes of this section:
35 (1) ‘Electronic communication device’ means an electronic
36 device, including, but not limited to a wireless telephone, personal
37 digital assistant, a text messaging device, or a portable or mobile
38 computer while being used for the purpose of composing, reading,
39 or sending an electronic message, but does not include a global
40 positioning system or navigation system or a device that is
41 physically or electronically integrated into the motor vehicle.

1 (2) 'Electronic message' means a self-contained piece of
2 digital communication that is designed or intended to be
3 transmitted between physical devices. 'Electronic message'
4 includes, but is not limited to electronic mail, a text message, an
5 instant message, or a command or request to access an Internet
6 site.

7 (B) A person may not drive a motor vehicle on a roadway while
8 using an electronic communication device to compose, send, or
9 read an electronic message.

10 (C) This section does not apply to a:

11 (1) driver lawfully parked or stopped;

12 (2) driver using an electronic communication device in
13 hands-free or voice-activated mode that allows the user to review,
14 propose, and transmit an electronic message without the use of
15 either hand except to activate, deactivate, or initiate a feature or
16 function;

17 (3) driver summoning medical or other emergency
18 assistance;

19 (4) a driver of a commercial motor vehicle reading a
20 message displayed on a permanently installed communications
21 device designed for a commercial motor vehicle with a screen that
22 does not exceed ten inches tall by ten inches wide inside; or

23 (5) law enforcement officer, firefighter, emergency medical
24 technician, or other public safety official while in the performance
25 of the person's official duties.

26 (D) A person who violates this section where no great bodily
27 injury or death resulted from the violation, is guilty of a
28 misdemeanor and, upon conviction, must be fined not more than
29 one hundred dollars, pay a twenty-five dollar Trauma Care Fund
30 surcharge in accordance with Section 56-5-3897, and have two
31 points assessed against his driving record in accordance with
32 Section 56-1-720. The fine is subject to all applicable court costs,
33 assessments, and surcharges.

34 (E) This section preempts local ordinances, regulations, and
35 resolutions adopted by municipalities, counties, and other local
36 government entities regarding persons using hand-held and
37 hands-free wireless electronic communication devices while
38 operating motor vehicles on the public streets and highways of this
39 State.

40 (F) Nothing in this section is intended to conflict with
41 enforcement of applicable restrictions or requirements imposed on
42 commercial motor vehicle operators pursuant to the federal Motor
43 Carrier Safety Regulations.

1 (G) A violation of this section is negligence per se.”

2

3 SECTION 2. Article 31, Chapter 5, Title 56 of the 1976 Code is
4 amended by adding:

5

6 “Section 56-5-3895. (A) A person who, while driving a motor
7 vehicle using an electronic communication device as prohibited by
8 Section 56-5-3890 and when driving a motor vehicle does any act
9 forbidden by law or neglects any duty imposed by law in the
10 driving of the motor vehicle, which act or neglect proximately
11 causes great bodily injury or death to a person other than himself,
12 is guilty of the offense of felony improper use of electronic
13 communication device while driving and, upon conviction, must
14 be punished:

15 (1) by a mandatory fine of not less than two thousand five
16 hundred dollars nor more than five thousand dollars and mandatory
17 imprisonment for not less than thirty days nor more than five years
18 when great bodily injury results; or

19 (2) by a mandatory fine of not less than five thousand dollars
20 nor more than ten thousand dollars and mandatory imprisonment
21 for not less than one year nor more than ten years when death
22 results.

23 A part of the mandatory sentences required to be imposed by
24 this section must not be suspended, and probation may not be
25 granted for any portion.

26 (B) As used in this section, ‘great bodily injury’ means bodily
27 injury which creates a substantial risk of death or which causes
28 serious, permanent disfigurement, or protracted loss or impairment
29 of the function of any bodily member or organ.

30 The Department of Motor Vehicles must suspend the driver’s
31 license of a person who is convicted or who receives sentence
32 upon a plea of guilty or nolo contendere pursuant to this section to
33 include a period of incarceration plus one year for a conviction of
34 Section 56-5-3895 when ‘great bodily injury’ occurs, and two
35 years when a death occurs. This period of incarceration shall not
36 include any portion of a suspended sentence such as probation,
37 parole, supervised furlough, or community supervision. For
38 suspension purposes of this section, convictions arising out of a
39 single incident shall run concurrently.

40 (C) One hundred dollars of each fine imposed pursuant to this
41 section must be placed into the Trauma Care Fund pursuant to
42 Section 56-5-3897.”

43

1 SECTION 3. Article 31, Chapter 5, Title 56 of the 1976 Code is
2 amended by adding:

3
4 “Section 56-5-3897. Monies received by the Trauma Care
5 Fund pursuant to Sections 56-5-3890, 56-5-3895, and 56-5-3897
6 must be deposited with the city or county treasurer, as applicable,
7 for remittance to the State Treasurer. The State Treasurer shall
8 deposit the Trauma Care Fund surcharge in the South Carolina
9 State Trauma Care Fund. The Trauma Care Fund surcharge must
10 not be used by the Department of Health and Environmental
11 Control for the payment of the department’s administrative or
12 operating expenses or for any purpose other than providing
13 financial aid to participating trauma care providers and grants
14 related to trauma care in this State. The Trauma Care Fund
15 surcharge is not subject to the provisions of Section
16 44-61-520(G).”

17
18 SECTION 4. Section 56-1-720 of the 1976 Code is amended to
19 read:

20
21 “Section 56-1-720. There is established a point system for the
22 evaluation of the operating record of persons to whom a license to
23 operate motor vehicles has been granted and for the determination
24 of the continuing qualifications of these persons for the privileges
25 granted by the license to operate motor vehicles. The system shall
26 have as its basic element a graduated scale of points assigning
27 relative values to the various violations in accordance with the
28 following schedule:

29 VIOLATION	POINTS
30 Reckless driving	6
31 Passing stopped school bus.....	6
32 Hit-and-run, property damages only	6
33 Driving too fast for conditions, or speeding:	
34 (1) No more than 10 m.p.h. above the posted limits.....	2
35 (2) More than 10 m.p.h. but less than 25 m.p.h. above the 36 posted limits	4
37 (3) 25 m.p.h. or above the posted limits	6
38 Disobedience of any official traffic control device	4
39 Disobedience to officer directing traffic.....	4
40 Failing to yield right of way	4
41 Driving on wrong side of road.....	4
42 Passing unlawfully	4
43 Turning unlawfully	4

1 Driving through or within safety zone.....4

2 Failing to give signal or giving improper signal for stopping,

3 turning, or suddenly decreased speed4

4 Shifting lanes without safety precaution.....2

5 Improper dangerous parking.....2

6 Following too closely4

7 Failing to dim lights.....2

8 Operating with improper lights.....2

9 Operating with improper brakes4

10 Operating a vehicle in unsafe condition2

11 Driving in improper lane2

12 Improper backing.....2

13 Improper use of an electronic communication device while

14 driving a motor vehicle..... 2.”

15

16 SECTION 5. This act takes effect upon approval by the Governor.

17 ----XX----

18



Distracted Driving

WHAT RESEARCH SHOWS AND WHAT STATES CAN DO

This report was made possible by a grant from



Acknowledgments

The views and recommendations in this report do not necessarily reflect those of State Farm®.

Eric Williams-Bergen,

Science Librarian, St. Lawrence University,
searched the distracted driving research.

James Hedlund,

Principal, Highway Safety North,
summarized the research.

Karen Sprattler,

Principal, Sprattler Group,
edited the report.

Susan Ferguson,

Principal, Ferguson International LLC,
and

Cheri Marti,

Former Director, Minnesota Office of Traffic Safety,
reviewed drafts.

Barbara Harsha,

Executive Director, GHSA ,

Jonathan Adkins,

Communications Director, GHSA,
and

Vicki Harper,

State Farm Public Affairs,
oversaw the report.

Creative by Tony Frye Design.

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	23	5 // How does distraction affect crash risk?
	29	6 // Are there effective countermeasures for distracted driving?
	37	7 // Conclusions and recommendations
	40	References

Acronyms

AAAFTS	AAA Foundation for Traffic Safety
CTIA	CTIA – The Wireless Association
FARS	Fatality Analysis Reporting System
GES	General Estimates System
GHSA	Governors Highway Safety Association
HLDI	Highway Loss Data Institute
IIHS	Insurance Institute for Highway Safety
LTCCS	Large Truck Crash Causation Study
NHTSA	National Highway Traffic Safety Administration
MMUCC	Model Minimum Uniform Crash Criteria
NMVCCS	National Motor Vehicle Crash Causation Study
NOPUS	National Occupant Protection Use Survey
NSC	National Safety Council
TIRF	Traffic Injury Research Foundation
VTTI	Virginia Tech Transportation Institute

Executive summary

This report reviews and summarizes distracted driving research available as of January 2011 to inform states and other organizations as they consider distracted driving countermeasures. It concentrates on distractions produced by cell phones, text messaging, and other electronic devices brought into the vehicle. It also considers other distractions that drivers choose to engage in, such as eating and drinking, personal grooming, reading, and talking to passengers. It addresses distractions associated with vehicle features only briefly. They have been studied extensively by automobile manufacturers, but states have little role in addressing them.

Distraction occurs when a driver voluntarily diverts attention to something not related to driving that uses the driver's eyes, ears, or hands.

What is distracted driving? There are four types of driver distraction:

- Visual – looking at something other than the road
- Auditory – hearing something not related to driving
- Manual – manipulating something other than the wheel
- Cognitive – thinking about something other than driving

Most distractions involve more than one of these types, with both a sensory – eyes, ears, or touch – and a mental component. For this report, distraction occurs when a driver voluntarily diverts attention to something not related to driving that uses the driver's eyes, ears, or hands.

How often are drivers distracted? Driver distraction is common in everyday driving and in crashes.

- Drivers on the road: Most drivers in surveys reported that they sometimes engaged in distracting activities. A study that observed 100 drivers continually for a full year found that drivers were distracted between one-quarter and one-half of the time.
 - Cell phone use: In recent surveys, about two-thirds of all drivers reported using a cell phone while driving; about one-third used a cell phone routinely. In observational studies during daylight hours in 2009, between 7% and 10% of all drivers were using a cell phone.
 - Texting: In recent surveys, about one-eighth of all drivers reported texting while driving. In observational studies during daylight hours in 2009, fewer than 1% of all drivers were observed to be texting.

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- Drivers in crashes: At least one driver was reported to have been distracted in 15% to 30% of crashes. The proportion of distracted drivers may be greater because investigating officers may not detect or record all distractions. In many crashes it is not known whether the distractions caused or contributed to the crash.

How does distraction affect driver performance? Experimental studies show conclusively that distractions of all types affect performance on tasks related to driving. But experimental studies cannot predict what effect various distractions have on crash risk.

How does distraction affect crash risk? The limited research suggests that:

- Cell phone use increases crash risk to some extent but there is no consensus on the size of the increase.
- There is no conclusive evidence on whether hands-free cell phone use is less risky than hand-held use.
- Texting probably increases crash risk more than cell phone use.
- The effects of other distractions on crash risk cannot be estimated with any confidence.

Are there effective countermeasures for distracted driving? There are no roadway countermeasures directed specifically at distracted drivers. Many effective roadway design and operation practices to improve safety overall, such as edgeline and centerline rumble strips, can warn distracted drivers or can mitigate the consequences if they leave their travel lane.

Vehicle countermeasures to manage driver workload, warn drivers of risky situations, or monitor driver performance have the potential to improve safety for all drivers, not just drivers who may become distracted. Some systems are beginning to be implemented in new vehicles and others are still in development. Their ultimate impact on distracted driving cannot be predicted.

Countermeasures directed to the driver offer an opportunity to reduce distracted driving incidence and crashes in the next few years. They have concentrated on cell phones and texting through laws, communications campaigns, and company policies and programs. Systems to block or limit a driver's cell phone calls are developing rapidly but have not yet been evaluated.

In summary, the limited research on these countermeasures concludes that:

- Laws banning hand-held cell phone use reduced use by about half when they were first implemented. Hand-held cell phone use increased subsequently but the laws appear to have had some long-term effect.
- A high-visibility cell phone and texting law enforcement campaign reduced cell phone use immediately after the campaign. Longer-term effects are not yet known.
- There is no evidence that cell phone or texting bans have reduced crashes.

Laws banning hand-held cell phone use reduced use by about half when they were first implemented.

- Distracted driving communications campaigns and company policies and programs are widely used but have not been evaluated.

What can states do to reduce distracted driving? States should consider the following activities to address distracted driving. While each has been implemented in some states, there is no solid evidence that any is effective in reducing crashes, injuries, or fatalities.

- Enact cell phone and texting bans for novice drivers. Novices are the highest-risk drivers. A cell phone ban supports other novice driver restrictions included in state graduated licensing programs and helps parents manage their teenage drivers. As of June 2011, 30 states and the District of Columbia prohibited the use of all cell phones by novice drivers and 41 states and the District of Columbia prohibited texting by novice drivers. But there is no evidence that novice driver cell phone or texting bans are effective.
- Enact texting bans. Texting is more obviously distracting and counter to good driving practice than cell phone use. As of June 2011, 34 states and the District of Columbia had enacted texting bans for all drivers. But texting bans are difficult to enforce.
- Enforce existing cell phone and texting laws. Enforcement will increase any law's effect, while failing to enforce a law sends a message that the law is not important. But enforcing cell phone or texting laws will divert resources from other traffic law enforcement activities.
- Implement distracted driving communication programs. Cell phone and texting laws should be publicized broadly to increase their effects. Other communication and education activities can address the broader issues of avoiding distractions while driving. Thirty-seven states and the District of Columbia conducted a recent distracted driving communications campaign. But distracted driving communication programs will divert resources from other traffic safety communications activities.
- Help employers develop and implement distracted driving policies and programs. Many companies have established and implemented cell phone policies for their employees. Company policies can be a powerful influence on employees' driving. But they have not been evaluated.

Enforce existing cell phone and texting laws ... But enforcing cell phone or texting laws will divert resources from other traffic law enforcement activities.

States can and should take four steps that will help reduce distracted driving immediately and in the future.

- Continue to implement effective low-cost roadway distracted driving countermeasures such as edgeline and centerline rumble strips.
- Record distracted driving in crash reports to the extent possible, to assist in evaluating distracted driving laws and programs.
- Monitor the impact of existing hand-held cell phone bans prior to enacting new laws. States that have not already passed handheld bans should wait until more definitive research and data are available on these laws' effectiveness.
- Evaluate other distracted driving laws and programs. Evaluation will

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provide the information states need on which countermeasures are effective and which are not.

What should others do to reduce distracted driving?

- Employers: Consider distracted driving policies and programs for their employees. Evaluate the effects of their distracted driving policies and programs on employee knowledge, behavior, crashes, and economic costs (injuries, lost time, etc.).
- Automobile industry: Continue to develop, test, and implement measures to manage driver workload and to warn drivers of risky situations.
- Federal government: Help states evaluate the effects of distracted driving programs. Continue tracking driver cell phone use and texting in the National Occupant Protection Use Survey (NOPUS). Work with states to improve data collection on driver distractions involved in crashes. Continue to develop and conduct national communications campaigns on distracted driving.

1 // Introduction

Distracted driving is receiving unprecedented attention. U.S. Secretary of Transportation Ray LaHood has made it a top traffic safety priority. The Department of Transportation held distracted driving summits in 2009 and 2010 and has developed a distracted driving website (distraction.gov). The National Conference of State Legislatures reports that 43 states considered 273 distracted driving bills in 2010, mostly dealing with cell phones and texting (www.ncsl.org/?TABID=13599). The Governors Highway Safety Association (GHSA) surveyed the states and found that 37 states and the District of Columbia conducted a distracted driving communications campaign recently (GHSA, 2010).

Distracted driving also has produced a mountain of research. A search of eight major research databases conducted for this report produced over 350 scientific papers published between 2000 and 2010 on some aspect of distracted driving. The premier traffic safety research journal, *Accident Analysis & Prevention*, reported in January 2011 that the top four articles downloaded recently from its website all address cell phone use.

This report reviews and summarizes distracted driving research available as of January 2011. It recommends how this research can inform states and other organizations as they consider distracted driving countermeasures. It concentrates on the distractions that have received the most attention: driver use of cell phones, text messaging, and other electronic devices brought into the vehicle. It also considers other distractions that drivers choose to engage in, such as eating and drinking, personal grooming, reading, and talking to passengers. It addresses distractions associated with vehicle features only briefly. They have been studied extensively by automobile manufacturers, but states have little role in addressing them. Finally, it reviews the little that is known about distractions produced by external signs and displays.

References are provided to important recent research and to summaries of research on individual topics. For a comprehensive review of distracted driving, especially as it relates to vehicle features, readers should consult the book *Driver Distraction*, edited by Regan, Lee, and Young. (2009). *Distracted Driving: So What's the Big Picture?* (Robertson, 2011) provides a current overview of distracted driving causes and mitigation strategies.

The premier traffic safety research journal, *Accident Analysis & Prevention*, reported in January 2011 that the top four articles downloaded recently from its website all address cell phone use.



2 // What is distracted driving?

Distracted driving definitions. Distracted driving immediately brings to mind cell phones and texting, and perhaps use of other electronic devices. But there are many more driving distractions: activities like eating, changing a CD, or talking to other passengers; billboards or other objects outside the car; even planning the day's work, rehashing an emotional moment from the previous night, or just daydreaming. It is useful to begin by defining what distracted driving means.

While several definitions have been proposed, a good definition is surprisingly elusive. All start by adapting a dictionary definition of distraction to driving:

“Distraction occurs when a driver’s attention is diverted away from driving by some other activity.”

This is too general and imprecise to be observed or measured, much less to be useful in suggesting effective countermeasures. To produce a working definition for state use and for this report, consider first what activities may distract drivers – distraction types – and where these activities originate – distraction sources.

Distraction types. There are four types of driver distraction:

- Visual – looking at something other than the road
- Auditory – hearing something not related to driving
- Manual – manipulating something other than the wheel
- Cognitive – thinking about something other than driving

Most distractions involve more than one of these types. In particular, most distractions involve some thought – cognitive distraction – and many also involve some sensory distraction. Making a call on a hand-held phone involves all four types: holding the phone, looking at and touching the phone to dial, then listening to and thinking about the conversation.

Distraction sources. Driver distractions come from four general sources:

- Associated with the vehicle – controls, displays, driver aids such as GPS systems

2 // What is distracted driving?

- Brought into the vehicle – cell phones, computers, food, passengers, animals
- External to the vehicle – signs and displays, other roadside features or scenery
- Internal to the driver’s mind – daydreaming, “lost in thought”

“Distraction is an inevitable consequence of being human ... driver distraction cannot be eliminated.”

Distractions are almost too numerous to count, much less measure, or examine their effects on crashes, or consider countermeasures. Some are necessary for good driving, such as regular glances at the rear-view mirror. Some cannot be controlled or have little or no effect on crash risk. In many situations, drivers have considerable spare capacity in each dimension: drivers do not continually need to keep their eyes on the road, their hands on the wheel, and their attention firmly fixed on driving. As Regan, Young et al. observe (2009a, p. 6), “Distraction is an inevitable consequence of being human ... driver distraction cannot be eliminated.” The challenge is to identify and eliminate those distractions that increase crash risk substantially.

Distracted driving characteristics. Many distractions are very temporary, lasting less than a second or two: a quick glance at the roadside, an adjustment to the temperature controls. Other distractions can last for some time but can be interrupted at any moment: a conversation with a passenger can be halted in mid-sentence if a risky situation arises that requires the driver’s concentration. Still others can persist for long periods: a driver conducting an emotionally-charged cell phone conversation may be oblivious to sudden changes in conditions on the road.

This transitory nature distinguishes distracted driving from other major driver behaviors that affect traffic safety. Alcohol impairment and fatigue persist for hours. Seat belts typically are used for all or none of a trip. Even speeding usually lasts for minutes, if not longer. But distractions can come and go in seconds or less. Distracted driving is not a “yes or no” characteristic of an entire trip but something that occurs many times during a trip, often in very short intervals.

Distracted driving ... is difficult to observe at the time it occurs and often almost impossible to reconstruct accurately after the fact.

Distracted driving also differs because it is difficult to observe at the time it occurs and often almost impossible to reconstruct accurately after the fact. After a crash, other important driver behaviors can be determined or estimated from hard evidence: alcohol impairment by chemical testing; fatigue by observation and interview information; speeding by crash reconstruction; even belt use by injury and belt wear patterns. But most distractions must be estimated from subjective reports from the driver or others.

Distracted driving reporting. Another way to help understand distracted driving is to examine how it is recorded. NHTSA’s FARS, GES, and NMVCCS crash data systems can document an extensive list of visual, auditory, manual, and cognitive activities that may distract drivers, including using cell phones or other electronic devices, adjusting vehicle controls or radios, eating or drinking, applying cosmetics, picking up an object, distracted by other

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occupants or animals in the vehicle, distracted by something outside the vehicle, or “lost in thought” or “daydreaming” (NHTSA, 2010a, p. 4-5; Ascone et al., 2009, Appendices A-C).

Distracted driving definition for this report. This report is addressed to State Highway Safety Offices and Departments of Transportation and Public Safety. It addresses distractions that are likely to affect crash risk and for which states can consider countermeasures. This helps narrow the scope. The report excludes, or mentions only in passing:

- Involuntary distractions from any source, such as animals or children in the vehicle or loud noises outside the vehicle. Countermeasures addressing these distractions are unlikely except in special circumstances, such as passenger restrictions for beginning drivers.
- Cognitive distractions such as daydreaming that are not produced by some external task. These distractions cannot be observed or measured and the only countermeasure is the standard and frequently ineffectual admonition to “pay attention while driving.”

This produces a working definition for this report:

“Distraction occurs when a driver voluntarily diverts attention away from driving to something not related to driving that uses the driver’s eyes, ears, or hands.”

This report concentrates on distractions produced by driver use of cell phones, text messaging, and other electronic devices brought into the vehicle.



3 // How often are drivers distracted?

Three methods are used to estimate how frequently drivers are distracted: surveys, observations, and crash reports. Each has strengths and weaknesses; none provides a complete record of driver distraction.

- **Surveys:** Driver self-report surveys can estimate all the things drivers are conscious of doing, especially things that cannot be observed easily. But surveys depend on accurate recall and honest reporting. Surveys also can measure driver attitudes regarding the risks of various distractions and the acceptability of countermeasures such as cell phone laws. Well-designed, representative, and unbiased surveys of at least 1,000 drivers provide accurate information on non-controversial activities if drivers give honest answers. Surveys can estimate how often drivers do something only in broad subjective categories such as “never,” “sometimes,” or “frequently.”
- **Observations:**
 - Direct observations from outside a vehicle can record only obvious distracting activities such as hand-held cell phone use or personal grooming, usually only in daylight hours at urban locations where vehicles are stopped or travelling slowly. Well-trained observers can record hand-held cell phone use in moderate traffic; observers using special equipment can record use at night. Observations are more difficult for vehicles with heavily-tinted windows. Observations at nationally-representative sites estimate the frequency of these distractions reasonably accurately.
 - Naturalistic studies put the observer inside the vehicle by means of a video camera that continually records driver actions. These studies can detect and measure when a driver's eyes are not on the road and when his or her hands are not on the wheel. Naturalistic studies are very expensive and consequently very small, and participants are volunteers. The only general-population naturalistic study to date followed 100 vehicles of volunteer drivers in northern Virginia for one year between January 2003 and July 2004 (VTTI, 2010; Dingus et al., 2006). Three specialized studies followed 40 teenage drivers and 203 commercial drivers,

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respectively (Lee et al., 2011; Olson et al., 2009). A two-year naturalistic study of 1,950 drivers in six areas of the country began in 2010; the first data will be available in 2011 (www.trb.org/StrategicHighwayResearchProgram2/SHRP2/Pages/The_SHRP_2_Naturalistic_Driving%20Study_472.aspx).

- **Crashes:** Crash reports may record driver distractions that the investigating officer believes caused or contributed to the crash (NHTSA, 2010a). Crash reports probably under-estimate distractions for two reasons. First, distraction is difficult to detect: drivers may not admit to being distracted before a crash and there may be no physical evidence of a distraction after the fact. Second, some state crash report forms do not specifically ask about driver distraction. In-depth crash investigations such as NMVCCS likely reduce but will not eliminate this under-reporting (Ascone et al., 2009).

Most drivers engaged in some distracting activities on at least some driving trips.

Surveys. The most recent overall estimates of a wide variety of distracting activities come from a 2002 NHTSA nationally-representative survey of 4,010 drivers. (Results from a fall 2010 NHTSA survey were not available in spring 2011.) Most drivers engaged in some distracting activities on at least some driving trips (Royal, 2003, p. 1):

- **81% talked to other passengers;**
- **66% changed radio stations or looked for CDs or tapes;**
- **49% ate or drank something;**
- **24% dealt with children riding in the rear seat.**

Other distracting activities were less frequent:

- **12% read a map or directions;**
- **8% engaged in personal grooming;**
- **4% read printed material.**

In 2002, only 25% of the drivers reported making cell phone calls and 26% answered calls. As the data presented below show, self-reported cell phone use has increased substantially since 2002. While no recent survey data are available on other distracting activities, they likely have not decreased in the past decade.

The more common the distracting activity, the less dangerous drivers believed it to be. The proportion of drivers who believed that activities made driving “much more dangerous” was:

- **4% - talking to other passengers;**
- **18% - changing a radio station or looking for CDs or tapes;**
- **17% - eating or drinking;**
- **40% - dealing with children in the rear seat;**
- **55% - reading a map or directions;**
- **61% - personal grooming;**
- **80% - reading printed material.**

About half the drivers surveyed in 2002 felt that making cell phone calls (48%) or taking calls (44%) made driving much more dangerous.

3 // How often are drivers distracted?

Three recent nationally-representative telephone surveys addressed the use of cell phones, texting, and other electronic devices while driving. AAAFTS (2010) surveyed 2,000 U.S. residents 16 years of age and older. IIHS (Braitman and McCartt, 2010; Farmer et al., 2010) surveyed 1,219 drivers ages 18 and older. TIRF (Vanlaar et al., 2007) surveyed 1,201 Canadian drivers.

The three surveys provide consistent estimates of drivers' self-reported cell phone use.

- **69% in the last 30 days; 34% “fairly often or regularly” (AAAFTS)**
- **65% sometimes; 40% “at least a few times per week” (IIHS)**
- **37% “in the last 7 days” (TIRF)**

CTIA reported that in June 2010 there were 292.8 million operational cell phones (or wireless connections) in the United States, more than one for each person in the United States aged 5 and above.

Across the three surveys, about two-thirds of all drivers reported they used cell phones while driving and about one-third used them regularly, substantially higher rates than were reported in the 2002 NHTSA survey. The IIHS survey found similar reported cell phone use rates for drivers aged between 18 and 60. The TIRF survey found higher reported use rates for drivers aged 16 to 34.

CTIA reported that in June 2010 there were 292.8 million operational cell phones (or wireless connections) in the United States (CTIA, 2010, #24), more than one for each person in the United States aged 5 and older (the Census Bureau estimates a total population of 308.7 million in 2010, with 93.1% aged 5 and older - www.census.gov). Almost every driver now has a cell phone available.

Drivers reported texting while driving less frequently than cell phone use.

- **24% in the last 30 days; 7% “fairly often or regularly” (AAAFTS)**
- **13% sometimes; 6% “at least a few times per week” (IIHS)**

The “last 30 days” and “sometimes” texting rates are similar to the cell phone use rates reported in NHTSA’s 2002 survey.

Younger drivers reported texting while driving more frequently than older drivers. In the IIHS survey, 13% of drivers age 18-24 texted while driving daily compared to 2% of drivers aged 30-59. A survey of 1,947 teen drivers in North Carolina high schools found that 30% texted during their last driving trip (O’Brien et al., 2010). A survey of 348 drivers aged 18-30 in Kansas found that only 2% said they never texted under any circumstances while driving (Atchley et al., 2010). Overall, CTIA reported that 4.9 billion text messages were sent every day in the year June 2009 – June 2010 (CTIA, 2010, #27), or about 17 text messages daily for each cell phone connection.

The AAAFTS survey measured public support for laws restricting cell phone use or texting.

- **46% supported a total cell phone ban, hand-held and hands-free;**
- **69% supported a hand-held cell phone ban;**
- **80% supported a texting ban.**

3 // How often are drivers distracted?

In 2009, 5% of all sampled drivers were observed to be using hand-held cell phones and 0.6% were observed to be texting or otherwise manipulating hand-held devices.

The 46% of respondents to the AAFTS survey who supported a total cell phone ban can be compared to the 31% who reported they did not use a cell phone while driving in the past 30 days: at least 15% of the respondents supported a ban on their own actions.

Direct Observations. NHTSA observes cell phone use and texting each year as part of NOPUS, the National Occupant Protection Use Survey (NHTSA, 2010b). The survey is conducted between 7 a.m. and 6 p.m. and observes about 50,000 vehicles stopped at a representative sample of about 1,500 intersections across the country. In 2009, 5% of all sampled drivers were observed to be using hand-held cell phones and 0.6% were observed to be texting or otherwise manipulating hand-held devices. Both rates were higher in 2008, by a statistically significant amount: 6% for hand-held phone use and 1.0% for texting. A 2006 observation survey of nighttime cell phone use in Indiana, using night vision equipment, found use rates “similar to previous daytime studies” – 6% overall (Vivoda et al, 2008). Although hands-free cell phone use cannot be observed accurately, NHTSA estimated that about 9% of all drivers were using either a hand-held or hands-free phone in a typical daylight moment in 2009.

These observations are similar to the self-reported cell phone use in the IIHS survey, in which drivers estimated using cell phones about 7% of the time while driving in 2009 (Farmer et al., 2010).

Naturalistic studies. The VTTI 100-car study found that drivers engaged in some form of secondary task 54% of the time while driving (Klauer et al., 2006, p. x). It also found that drivers reduced secondary tasks in more risky driving situations, such as near intersections or in heavy traffic. Drivers were engaged in a secondary task 23% of the time in situations similar (at the same time of day, driving in a similar location) to those that produced a crash or near-crash (a situation that requires rapid evasive maneuver by the driver’s vehicle, or any other vehicle, pedestrian, cyclist, or animal, to avoid a crash) (Klauer et al., 2010, p. vi).

The two commercial vehicle driver naturalistic studies together found that drivers were involved in a distracting task not related to driving 56% of the time while driving (Olson et al., 2009, p. xix, Table 2).

Crashes. NHTSA estimates that 16% of fatal crashes and 20% of injury crashes in 2009 involved at least one distracted driver (NHTSA, 2010a). Similarly, the more detailed investigations in NMVCCS found that in those crashes where the critical reason for the crash was attributed to a driver, 18% involved distraction (Ascone et al., 2009). Another study found that 29% of the passenger vehicle drivers in NMVCCS crashes and 20% of the large truck drivers in LTCCS crashes were distracted or inattentive (Craft and Preslopsky, 2010).

The 100-car study observed that in almost 80% of all crashes and 65% of near-crashes the driver was looking away from the forward roadway just before the incident.

The 100-car study observed that in almost 80% of all crashes and 65% of near-crashes the driver was looking away from the forward roadway just before the incident (Dingus et al., 2006, p. xxiii) and that secondary task distraction contributed to 22% of the crashes and near-crashes (Klauer et al., 2006, p. x; Ascone et al., 2009). The 100-car study had few crashes – 15 police-reported and 67 unreported – and most were very minor; there were 761 near-crashes (VTTI, 2010). The two commercial vehicle driver naturalistic studies found that 71% of drivers in the studies' 21 crashes and 46% of drivers in the 197 near-crashes were involved in a distracting non-driving task (Olson et al., 2009, p. xix, Table 2).

Taken together, these crash data studies conclude that drivers were distracted in 15% to 30% of crashes at all levels, minor to fatal, though the distraction may not have caused or contributed to the crash.

Summary and discussion //

Frequency of driver distraction. Driver distraction is common in everyday driving and in crashes.

- **Drivers on the road:** Most drivers in surveys reported that they sometimes engaged in distracting activities. The 100-car study's observations found that drivers engaged in a secondary task between one-quarter and one-half of the time while driving.
 - Cell phone use: In recent surveys, about two-thirds of all drivers reported using a cell phone while driving; about one-third used a cell phone routinely. In observational studies during daylight hours in 2009, between 7% and 10% of all drivers were using a cell phone.
 - Texting: In recent surveys, about one-eighth of all drivers reported texting while driving. Younger drivers reported texting more frequently than older drivers. In observational studies during daylight hours in 2009, fewer than 1% of all drivers were observed to be texting.
- **Drivers in crashes:** At least one driver was reported to have been distracted in 15% to 30% of crashes at all levels, minor to fatal. The proportion of distracted drivers may be greater because investigating officers may not detect or record all distractions. In many crashes it is not known whether the distractions caused or contributed to the crash.

At least one driver was reported to have been distracted in 15% to 30% of crashes at all levels, minor to fatal.



4 // How does distraction affect driver performance?

Measuring distraction with experiments. Distraction effects are studied in experimental settings. Experiments may be conducted in the laboratory, either in completely artificial situations or on driving simulators ranging from low-tech computer screens to high-tech full-vehicle mockups that imitate vehicle responses. Experiments also are conducted in cars on a test track or on the road. The tradeoff is between realism and control. Laboratory experiments are controlled, so they can compare distracted and undistracted drivers in identical situations, but they cannot study real-world driving behavior. On-road studies may be quite realistic but cannot control for events outside the vehicle.

Experiments measure quite accurately how distractions of various types affect reaction time and other driver performance features, but they do not measure directly how distractions affect crash risk.

The fundamental challenge with all experimental studies is that participating drivers know that they are in an experiment. They may not drive or react in the same way that they would naturally on the road. As McCartt et al. (2006, p. 97) observed in their review of experimental studies on cell phone effects, “The implications for real-world driving are unclear because experimental studies do not take into account how and when drivers use phones in their own vehicles and may not accurately reflect the effects of phone use on real-world driving performance.” Ranney (2008, p. 6) generalized the conclusion to all distraction types: “It is virtually impossible to use experimental results to predict real-world risks associated with different secondary tasks.”

Results from experimental studies. Distraction from cell phones has been studied most extensively. Caird et al. (2008) combined information from 33 high-quality studies in a meta-analysis. They concluded that cell phone conversations increase reaction time significantly and that hand-held and hands-free conversations have similar effects. Horrey and Wickens (2006) reached similar conclusions from their meta-analysis of 23 studies, as did McCartt et al. (2006) in their less formal review of 54 experimental studies

The fundamental challenge with all experimental studies is that participating drivers know that they are in an experiment. They may not drive or react in the same way that they would naturally on the road.

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and Drews and Strayer (2009) in their overall review of the literature. Dula et al. (2010) found that emotional calls had larger effects than mundane calls. Chan and Atchley (2010) concluded that cell phones decreased performance even under monotonous driving conditions. Bellinger et al. (2009) found that cell phone conversations slowed response time while listening to music did not.

Drivers in some experimental studies attempted to compensate for cell phone distractions by slowing down or increasing their headway from the vehicle they were following (McCartt et al., 2006) while in others they did not (Caird et al., 2008). Horrey et al. (2008) found that drivers in experimental settings were not aware of how much the phone conversation affected their driving.

Text messaging has been studied less frequently than cell phone use, probably because text messaging has become common only recently. Four experimental studies found that text messaging increases the time that a driver's eyes are not on the road and also affects speed and lane-position variability (Crisler et al., 2008; Hosking et al. 2007; Hosking et al., 2009; and Owens et al., 2011). Hosking et al. (2007) also concluded that some drivers attempted to compensate by increasing their following distance while text messaging but they did not reduce their speed.

States have little role in improving or regulating distractions from features built into the vehicle to assist the driver, such as controls, displays, and navigation systems, so research on distractions from these sources was not reviewed in detail. Bayly et al. (2009) and Ranney (2008) summarize the available research. Navigation systems have been studied most extensively, with the conclusion that well-designed systems are less distracting than using paper maps.

Many other things inside a vehicle can distract, as noted in Chapter 2. They have not been studied extensively. Bayly et al. (2009) summarize several studies of the effects of radios, CD and MP3 players, iPods, DVDs, video systems, email, eating and drinking, smoking, reading and writing, and grooming. All these activities affected performance on driving-related tasks in some studies.

While the potential distracting effects of these activities are largely self-evident, there is little that states can or should do about them. Many, such as changing a radio station, eating, or drinking, are fairly common. But if done carefully, their distracting effects are minimal; states are not likely to prohibit listening to the radio or drinking coffee while driving. Both existing traffic laws and common sense already attempt to control truly blatant distracting activities such as watching a television program while driving.

A few studies have evaluated the distracting effects of fixed or variable message signs and billboards. Horberry and Edquist's summary (2009) concluded that, while billboards and signs can distract some drivers in some

4 // How does distraction affect driver performance?

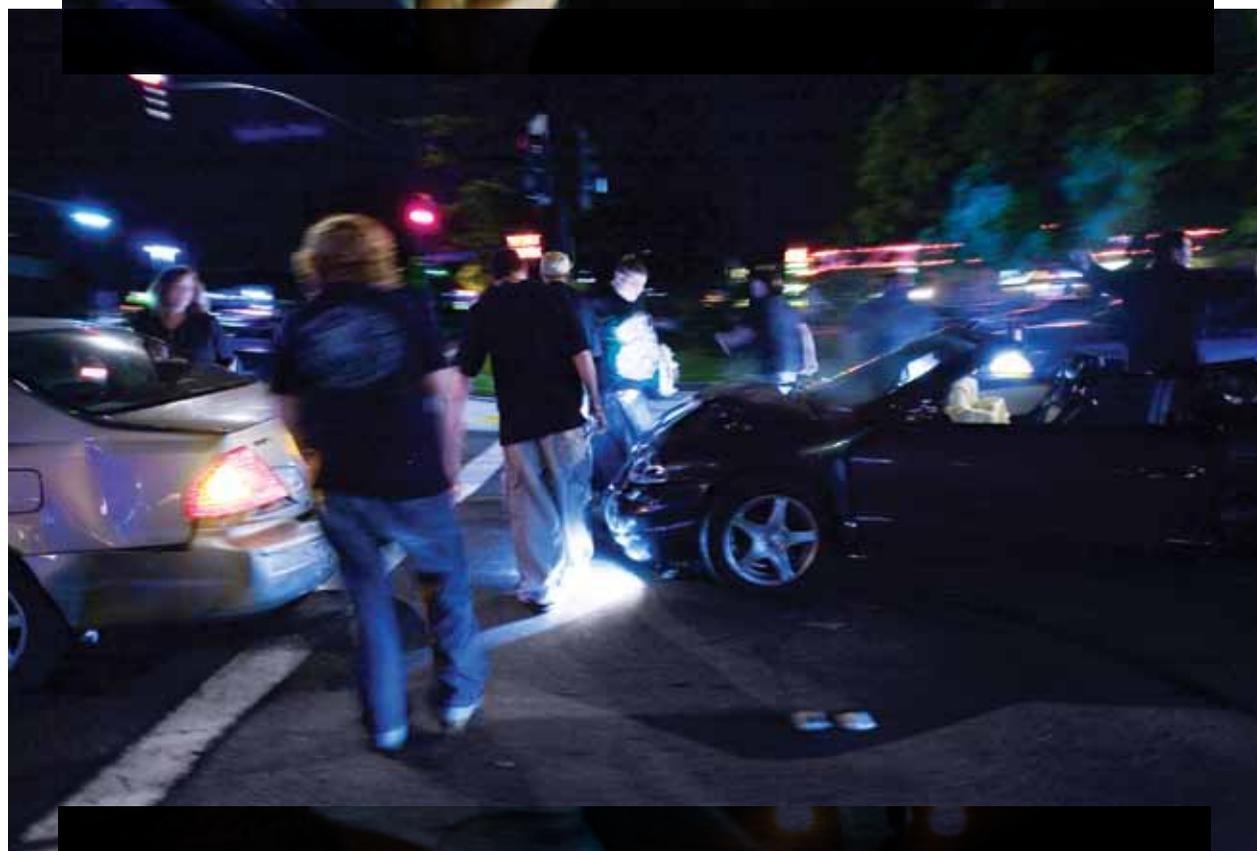
circumstances, there is not enough research evidence to form any guidelines or standards “about how much distraction from outside the vehicle is safe.” Smiley et al. (2005) reached similar conclusions from their comprehensive assessment of the impact of signs in Toronto. They also concluded that, for the signs studied, the overall impacts on traffic safety are likely to be small. Three recent simulator studies show that billboards and signs can distract drivers in some circumstances (Bendak and Al-Saleh, 2010; Edquist et al., 2011; and Young et al., 2009).

Cognitive distractions by themselves – thinking about something other than driving, without any manual or visual distraction – can affect driving performance. Two recent studies reinforce the conclusion that distractions affect the mind, not just the eyes, ears, or hands (Harbluk et al., 2007; Liang and Lee, 2010).

Experimental studies show conclusively that distractions of all types affect performance on driving-related tasks. But these experimental results cannot predict what effect various distractions have on crash risk.

Summary and discussion //

Distraction effects on driver performance. Experimental studies show conclusively that distractions of all types affect performance on driving-related tasks. But these experimental results cannot predict what effect various distractions have on crash risk, for two reasons. First, drivers even in the best experiments may not perform in the same way that they would in real-world driving. Second, there is no way to predict how a change in some driver performance measure, such as reaction time, affects crash risk. The experimental studies suggest that distractions may increase crash risk, but studies of real-world driving and crashes are the only way to discover if they really do.



5 // How does distraction affect crash risk?

To determine how distractions affect crash risk, crash data analyses must study a population of drivers and estimate crash rates while distracted and while not distracted. As discussed in Chapter 3, it is difficult to get accurate data on how frequently drivers on the road or in crashes are distracted in various ways.

Naturalistic studies can provide accurate data on distractions on the road and in crashes. The naturalistic studies conducted to date are small because they are expensive. The 100-car study contains about 2 million vehicle miles of driving but only 15 police-reported and 67 unreported crashes, most of which were very minor (VTTI, 2010). The two commercial vehicle driver naturalistic studies had only 21 crashes (Olson et al., 2009). Naturalistic studies also use volunteer drivers, who may not accurately represent all drivers.

Crash data studies. The best crash data studies directly compare crash rates of drivers who are distracted in some way with crash rates of similar drivers in similar conditions who are not distracted. Cell phone use and texting are the only distractions that have been studied using crash data in this way. The role of other distractions as contributing or causal factors sometimes can be recorded or estimated after the fact, but without data on how frequently these distractions occur in crash-free driving it is not possible to say whether they affect crash risk.

Cell phones should be easy to study because cell phone companies record each call down to the second, so that it should be possible to determine quite accurately when a driver is and is not using a phone. Unfortunately, cell phone records have not been available for research purposes in the United States (McCartt et al., 2006). Two studies, in Toronto, Canada (Redelmeier and Tibshirani, 1997) and in Perth, Australia (McEvoy et al., 2005), were able to review cell phone records directly linked to drivers involved in crashes. Both studies compared a driver's cell phone use in the 10 minutes before a crash with the same driver's cell phone use while driving at the same time of day during the week before the crash (a case-crossover design). They used the 10 minute interval because the time when a crash occurred may not be recorded as precisely as the times

Both studies found that crash risk was about four times greater when using a cell phone.

when cell phone calls were made. Both studies found that crash risk was about four times greater when using a cell phone. Hands-free phones did not appear to be any safer than hand-held phones.

In the only other study to use phone records directly linked to driving, Young and Schreiner (2009) studied vehicles with OnStar equipment that included a hands-free phone. OnStar call centers record and store all hands-free calls and all airbag deployments. Airbag deployments per driver-minute were lower during hands-free call periods than during call-free periods. Young and Schreiner concluded that “for personal conversations using a hands-free embedded device the risk of an airbag crash is somewhere in a range from a moderately lower risk to a risk near that of driving without a recent personal conversation. ... These results are not consistent with the large increase in crash risk reported in epidemiological studies using the case-crossover method [referring to the Redelmeier and McEvoy studies summarized above]”.

A review of the Young and Schreiner study (Braver et al., 2009) noted several flaws that call these conclusions into question: driving with and without calls may have occurred under different conditions with differing crash risks; driver use of cell phones other than OnStar was not known; and driving time during no-call periods was only estimated from fleet-level data and not measured directly.

Two other studies (Violanti & Marshall, 1996; Laberge-Nadeau et al., 2003) combined cell phone records, crash records, and survey responses from drivers in New York and Québec, respectively. They did not have data to link cell phone use directly to crashes but instead compared overall crash rates of cell phone users and non-users. Both studies concluded that crash risks were higher for cell phone users than for non-users.

These crash data studies point out how difficult it is to reach definitive conclusions about the effect of cell phone use on crash risk. Braver et al. raise the key point regarding the Young and Schreiner study: driving with and without calls may occur under conditions with different crash risks. The Redelmeier and McEvoy studies present a similar issue. A crash-involved driver may have faced different crash risks while driving at the same time of day the week before the crash.

Naturalistic studies. The only evidence on the general-population crash risk produced by secondary task distractions other than cell phones and texting comes from two analyses of the 100-car study data (Klauer et al., 2006; Klauer et al., 2010). Both studies classified secondary tasks as simple (requiring at most one glance away from the forward roadway and/or at most one button press), moderate (at most two glances and/or two button presses, including talking on or listening to a cell phone), or complex (multiple glances and/or button presses, including dialing a cell phone). The two studies used different control groups with which to compare drivers involved in crashes

5 // How does distraction affect crash risk?

and near-crashes. The 2006 study used randomly chosen drivers and driving situations in a case-control study design. The 2010 study used the same drivers involved in crashes or near-crashes in previous driving at the same time of day in a similar location in a case-crossover design. Both studies found that complex secondary tasks increased the risk of crashes and near-crashes substantially: twice as high in the case-crossover study (odds ratio 2.1) and three times as high in the case-control (3.1). Moderate secondary tasks also increased risk: odds ratios of 1.3 and 2.1, respectively. Simple secondary tasks did not affect risk: odds ratios of 0.8 and 1.2, neither of which was significantly different from 1 (Klauer et al., 2010, p. iv).

Analyses of the two commercial vehicle naturalistic studies used the same classification of secondary tasks into simple, moderate, and complex. Using a case-control study design, they found that complex secondary tasks increased the risk of safety-critical events substantially, with odds ratios ranging from 4.0 for reading a book or newspaper to 23.2 for texting (the effects on crashes were not analyzed because there were only 21 in the combined data). Some moderate tasks increased risk, for example using or reaching for a 2-way radio (odds ratio 6.7) and personal grooming (4.5) while others did not, for example talking on a CB radio (0.6) and looking at something outside the vehicle (0.5). Dialing a cell phone increased risk (odds ratio 5.9) while talking on or listening to a hand-held cell phone had no effect (1.0) and talking or listening to a hands-free phone reduced risk (0.4) (Olson et al., 2009, p. xxi, Table 3).

Elvik (2011) conducted a meta-analysis of 12 crash data and naturalistic studies of cell phone effects on crash risk. He concluded that studies that do not have precise information on cell phone use at the time of a crash “are almost worthless as far as estimating the risk associated with using mobile phones” and even the best studies may not control adequately for other factors that may influence the results. From the best studies – those discussed above – he concluded that crash risk is about three times greater when using a cell phone.

Aggregate data studies. Several recent studies take a broad look at cell phone or text messaging influences on crashes overall, using aggregate data rather than cell phone and crash data from individual drivers. The challenge of these studies is to isolate the effects of cell phones or texting from the many other factors that affect crashes and crash rates.

Farmer et al. (2010) combined the fourfold increase in crash risk while using a cell phone from the McEvoy et al. and Redelmeier and Tibshirani studies with the 7% cell phone use rate while driving obtained in a telephone survey to conclude that cell phone use caused 1.3 million crashes in 2008, or about 22% of all crashes, 19% of all fatal crashes, and 23% of all injury crashes. The National Safety Council (NSC) (2010a, 2010b) used similar methods to produce a similar estimate: 25% of all crashes are caused by cell phones.

5 // How does distraction affect crash risk?

Flanagan and Sayer (2010) critiqued the National Safety Council's study. They noted that NHTSA (2010a) estimates that 18-22% of all crashes are associated with (but not necessarily caused by) all forms of distraction while NSC estimates that 25% are caused by cell phone use alone. Using different values than NSC for the risk of cell phone use, the frequency of use while driving, the presence of multiple causes for many crashes, and the extent to which drivers reduce their cell phone use in more risky driving situations, Flanagan and Sayer concluded that cell phones may be associated with 3% to 4% of crashes.

Wilson and Stimpson (2010) compared trends in distracted driving fatalities recorded in FARS with trends in cell phone subscriptions and text message volume. They observed that distracted driving fatalities and text messaging both increased substantially from 2005 to 2008. Their multivariate regression analysis estimated that increased texting since 2001 produced over 16,000 additional traffic fatalities.

Fowles et al. (2010) studied the effects of cell phones on fatality rates from a "classical econometric" and quite technical point of view. They considered the effects of broad social and economic variables such as beer consumption, proportion of young males, seat belt laws, and the number of cell phone subscribers on annual fatality rates from 1980 to 2004. They concluded that fatality rates increased as cell phones first began to be used, then decreased as cell phone use rose, and finally increased again more recently. They attributed the positive effect of cell phones in the middle period to their use to call for emergency assistance at a crash. Now that cell phones are almost universal, their negative effects in distracting drivers overcome these positive effects. "The bottom line is that cell phones now have an adverse effect on motor vehicle fatality rates."

Collision insurance claim study. As part of a study of the effect of cell phone laws on insurance claim frequencies, HLDI (2009) tracked collision claim frequencies for several states in the period 2000-2009 (different years for different states). During this period of rapid growth in cell phone use in the general population and by drivers, collision claim rates either were flat or decreased slightly, both in states with and without cell phone laws. Collision claims differ from crashes: some crashes may not produce a collision claim because the damage was slight or because a vehicle was not insured, and minor events that produce collision claims may not be reported to the police as crashes. So collision claim rates may differ from crash rates.

Drivers frequently are distracted, perhaps as much as half the time while driving.

Summary and discussion //

Distraction effects on crash risk. What does this all mean? A few things are certain, while others are more a matter of opinion.

What's certain:

- Distractions affect driving performance.
- Drivers frequently are distracted, perhaps as much as half the time while driving.

5 // How does distraction affect crash risk?

Distractions are estimated to be associated with 15% to 25% of crashes

- Drivers adapt to some extent: they pay more attention to driving and reduce their distracting activities (such as using cell phones) in more risky driving situations. The 100-car data provides some documentation: secondary task frequency was 54% in random situations but 23% in situations similar to those that produced a crash or near-crash.
- Distractions are estimated to be associated with 15% to 25% of crashes at all levels from minor property damage to fatal injury. The true role of distractions in crashes may be greater because some distractions may not be reported accurately.
- Distractions cause some unknown number of individual crashes: many officers who regularly write crash reports can cite specific examples.

What's far from certain is how much various distractions affect crash risk. While the crash risk varies for different driving situations, the first question to ask is how a specific distraction affects overall crash risk.

The cell phone studies provide the best evidence. The studies estimate that cell phone use increases crash risk by:

- About 4 times, in the two classic studies that used cell phone records (Redelmeier and Tibshirani, 1997; McEvoy et al., 2005);
- About 3 times, in a meta-analysis of all crash data and naturalistic studies (Elvik, 2011);
- 2 to 3 times, for crashes and near-crashes in the 100-car study, using random controls (Klauer et al., 2006);
- 1.3 to 2.1 times, for crashes and near-crashes in the 100-car study, using drivers in similar situations as controls (Klauer et al., 2010);
- Not enough to be detected, for collision claims (HLDI, 2009).

The truth probably lies somewhere in this range. Cell phone use cannot increase crash risk by a factor of four in all situations: if it did, then cell phones would have caused about one-quarter of all crashes (Farmer et al., 2010; NSC, 2010a and 2010b), while all forms of distraction are estimated to be involved in 15% to 25% of crashes. But cell phone use – certainly hand-held, and perhaps also hands-free – does increase crash risk in some situations for some drivers. The only definite conclusion is that hand-held cell phone use increases crash risk to some extent.

There is no conclusive evidence on whether hands-free cell phone use is less risky than hand-held use. The 100-car study analyses found that complex tasks such as dialing a cell phone were more risky than simpler tasks such as talking on a phone (Klauer et al., 2006 and 2010). Analyses of the two commercial vehicle naturalistic studies found that dialing a cell phone increased the risk of safety-critical events, talking on or listening to a hand-held cell phone had no effect, and using a hands-free phone reduced the risk (Olson et al., 2009). Dialing a cell phone requires only a few seconds and involves both eyes and hands while a cell phone conversation may last

Texting probably increases crash risk more than cell phone use because texting requires both visual and manual distraction for a longer period of time than dialing a cell phone.

for many minutes and either involves one hand or is hands-free. The 100-car results imply that dialing a cell phone increases crash risk more for a short time while a cell phone conversation increases crash risk less for a longer time. The commercial vehicle studies suggest that cell phone effects on crash risk are produced by looking at or holding the phone, not by talking or listening. But the crash studies found no difference between crash risks for hand-held and hands-free phones (Redelmeier and Tibshirani, McEvoy).

Texting probably increases crash risk more than cell phone use because texting requires both visual and manual distraction for a longer period of time than dialing a cell phone. The only data on the risk of texting come from analyses of the two commercial vehicle naturalistic studies. They found that texting increased the risk of safety-critical events substantially, with an odds ratio of 23.2 (Olson et al., 2009; no texting was observed in 100-car study because data were collected in 2003 and 2004, before texting became common). These results are based on a small sample of 31 safety-critical events involving texting by commercial vehicle drivers, so the results may not be accurate and may not apply to passenger vehicle drivers.

No other distraction has even this much evidence for its effect on crash risk.

6 // Are there effective countermeasures for distracted driving?

Distracted driving countermeasures attempt to do one of three things:

- Eliminate the distraction, for example by prohibiting or preventing cell phone use or convincing drivers not to use cell phones;
- Reduce the driver's attention needed for a distracting task, for example by requiring or convincing drivers to use hands-free instead of hand-held cell phones;
- Warn distracted drivers of an impending risky situation, for example by a lane departure warning in the vehicle or a rumble strip in the roadway.

Distracted driving countermeasures can address the driving environment (the roadway and other things outside the vehicle), the vehicle, the driver, or some combination of these.

Roadway environment countermeasures. Many things outside the vehicle – people, animals, scenery, buildings, objects, signs, other road users, and the like – can attract a driver's eyes and attention. Regulations or standards for road signs and commercial signs provide a potential opportunity to eliminate or reduce distraction. But, as discussed in Chapter 4, there is not enough research evidence on how much distraction from a sign is safe. Distracted driving considerations do not suggest any changes to the guidelines or standards for road and commercial roadside signage in place in most jurisdictions.

Some types of rumble strips are an effective and widely-used strategy to warn drivers as they are leaving their travel lane.

Several roadway countermeasures are directed at drivers who are fatigued, impaired, or inattentive in addition to those who are distracted. For example, some types of rumble strips are an effective and widely-used strategy to warn drivers as they are leaving their travel lane. Persaud et al. (2004) studied centerline rumble strips on rural two-lane roads in seven states and concluded that they reduced all injury crashes by 14% and frontal and sideswipe crashes by 25%. In a British Columbia study, Sayed et al. (2010) found that roads with both edgeline and centerline rumble strips reduced off-road and head-on crashes a combined 21%. For other effective roadway strategies, such as shoulder width and design, see the AASHTO guides #4, for head-on collisions, and #6, for run-off-road collisions (NCHRP, 2003a and 2003b).

Vehicle countermeasures. Measures to reduce the distracting effects that the vehicle imposes on driving, for example by managing the way vehicle-based information is presented to the driver, or to warn the driver of risky situations through forward collision or lane departure alerts, have been studied extensively. This report does not review these measures because states have little role in improving or regulating them. See Donmetz et al. (2009), Engström and Victor (2009), Regan, Victor et al. (2009), Smith et al. (2009), and Zhang et al. (2009) for summaries.

Driver countermeasures. States can attempt to reduce driver distraction by laws prohibiting certain distracting activities, with appropriate publicity and enforcement, or by communications persuading drivers to reduce or eliminate these activities. Both strategies have been debated and used extensively in recent years, especially for the distractions produced by cell phone use and texting.

General distracted driving laws. All states have provisions in their traffic laws requiring drivers to be competent and in control of their vehicles. These may be applicable to distracted driving: for example, some blatant forms of distraction may be considered reckless driving. Many states also prohibit specific distracting activities such as watching television while driving, which was illegal in 38 states as of 2005 (Kelderman, 2005). At least four states – Connecticut, Maine, New Hampshire, and Oklahoma – and the District of Columbia now have laws specifically directed at distracted driving (AAA, 2010). For example, Maine's 2009 law (Sec. 1. 29-A MRSA §2117) prohibits "operation of a motor vehicle while distracted" which in turn is defined as "an activity that is not necessary to the operation of the vehicle and that actually impairs, or would reasonably be expected to impair, the ability of the person to safety operate the vehicle." None of these distracted driving laws has been evaluated (Regan, Young et al., 2009b).

Cell phone and texting laws. As of June 2011, 9 states and the District of Columbia prohibited talking on a hand-held cell phone while driving, 30 states and the District of Columbia prohibited the use of all cell phones by novice drivers (states use different definitions of novice driver), 34 states and the District of Columbia prohibited texting while driving, and 7 additional states prohibited texting by novice drivers (GHSA, 2011a).

McCartt et al. (2010) summarized several studies of the immediate and long-term effects of hand-held cell phone laws on cell phone use in New York, the District of Columbia, and Connecticut. All studies used roadside observers to record cell phone use. In each jurisdiction, cell phone use decreased substantially immediately after the laws became effective: by 47% in New York, 41% in the District of Columbia, and 76% in Connecticut. Use then increased, by different amounts in the three jurisdictions, but remained lower than might have been expected based on the experience of other nearby states without the laws. None of the jurisdictions enforced its law vigorously. The observers could not determine accurately whether drivers were using

As of June 2011, 9 states and the District of Columbia prohibited talking on a hand-held cell phone while driving, 30 states and the District of Columbia prohibited the use of all cell phones by novice drivers, 34 states and the District of Columbia prohibited texting while driving, and 7 additional states prohibited texting by novice drivers.

6 // Are there effective countermeasures for distracted driving?

hands-free cell phones so could not measure combined hand-held and hands-free cell phone use.

Foss et al. (2009) studied the effects of North Carolina's 2006 law banning all cell phone use by drivers younger than 18. Cell phone use by teenage drivers at high schools did not change from one to two months before the law to five months after the law. Two-thirds of teenagers interviewed post-law were aware of the law but fewer than one-quarter believed that the law was being enforced. About half of those who had driven on the day before the interview used their cell phones while driving.

Braitman and McCartt (2010) included questions on cell phone laws in their telephone survey of driver cell phone use. By comparing responses from states with and without laws, they concluded that "laws banning hand-held phone use seem to discourage some drivers from talking on any type of phone and motivate some drivers to talk hands-free. Laws banning texting while driving have little effect on the reported frequency of texting while driving in any age group."

Three studies have attempted to estimate the effects of hand-held cell phone laws on crashes. As discussed in Chapter 5, HLDI (2009) used data from insurance collision claims. They examined whether collision claims dropped when states implemented cell phone laws compared to claims in adjoining states without cell phone laws. HLDI found that cell phone laws had no effect on collision claims: claim rates either were flat or decreased slightly, both in states with and without cell phone laws.

Nikolaev et al. (2010) used county-level fatal and injury crash rates per licensed driver from 1997 to 2007 to study the effects of New York's 2001 hand-held cell phone law. After the law, injury crash rates were lower in all 62 New York counties and significantly lower in 46; fatal crash rates were lower in 46 counties and significantly lower in 10. The analysis did not control for other influences on crash rates over this time period, and both fatal and injury crash rates were decreasing in the pre-law period.

Kolko (2009) studied cell phone law effects using FARS data from 1997 to 2005. Cell phone laws during this period were in effect for more than 4 years in New York, 18 months in New Jersey and the District of Columbia, and 2 months in Connecticut. This limited experience suggested that the laws reduced traffic fatalities, but only in bad weather or wet road conditions, and the laws had no statistically significant effect on overall traffic fatalities.

In the only study of texting bans, HLDI (2010) studied their effect on collision claims using the same methods as their 2009 study of cell phone laws. They concluded that texting bans did not reduce collision claims. In fact, there appears to have been a small increase in claims in the states enacting texting bans compared to neighboring states. HLDI suggested two possible reasons for the increase. Texters may realize that texting bans are difficult to enforce,

so they may have little incentive to reduce texting for fear of being detected and fined. Alternatively, texters may have responded to the ban by hiding their phones from view, potentially increasing their distracting effects by requiring longer glances away from the road.

After the texting ban become effective in one of the states studied by HLDI, crashes decreased at the same time that collision claims increased (Marti, 2011).

Distracted driving law enforcement. Only one study has evaluated the effect of law enforcement directed specifically at distracted driving laws. Hartford, Connecticut, and Syracuse, New York, participated in a NHTSA demonstration program of cell phone and texting law enforcement. Three waves of high-visibility enforcement and publicity activities were conducted in 2010 and a fourth was conducted in spring 2011. Immediately after the second wave, observed cell phone use dropped 56% in Hartford and 38% in Syracuse; observed texting while driving dropped 68% in Hartford and 42% in Syracuse (Cosgrove et al., 2010). Experience with similar short-term high-visibility enforcement campaigns directed at impaired driving and seat belt use suggests that the effects often diminish over time unless the campaign is repeated periodically. Results from the full study are scheduled to be released in July 2011.

All 27 European Union member states except Sweden ban hand-held cell phone use.

Cell phone laws and enforcement in other countries. Janitzek et al. (2010) report on laws, enforcement, and behavior regarding cell phones and other portable electronic devices in Europe. All 27 European Union member states except Sweden ban hand-held cell phone use, as do Iceland and Switzerland. Enforcement strategies and levels vary. About half the European countries target cell phones in special enforcement activities such as one-day campaigns or special motorbike enforcement units. The number of citations issued for cell phone law violations varies considerably, but in some countries “they outnumbered in recent years some other traditional offences such as non use of seat belts or impaired driving” (ibid, p. 62).

Drivers in Italy, Poland, Spain, Sweden, and the United Kingdom were surveyed on their use of cell phones and other electronic devices while driving. About 25% to 45% of the drivers in the first four countries reported they used a hand-held or hands-free phone at least “sometimes” and about 10% used one “often” – use rates generally lower than those reported in the United States (Chapter 3). Seventy percent of United Kingdom drivers reported never using their phones while driving, and of those who do, 40% said they always used a hands-free phone (ibid, p. 81).

Australia and seven Canadian provinces also ban hand-held cell phone use and Japan bans all cell phone use while driving (ibid, Sec. 4.3). Harbluk et al. (2010) document Canadian distracted driving laws as of spring 2010. WHO (2011) provides a broad overview of how various countries are addressing cell phone use when driving.

Several manufacturers provide systems that attempt to block or filter a driver's cell phone while the vehicle is in motion.

Technology. Several manufacturers provide systems that attempt to block or filter a driver's cell phone while the vehicle is in motion. Some consist of software applications ("apps") loaded onto the cell phone. They are triggered when the phone's motion exceeds some threshold, so they work only on GPS-equipped "smartphones." Other systems are integrated into the vehicle and affect all cell phones in the vehicle through a small transmitter.

Different systems have different features to block or allow calls. Blocked incoming calls can be stored as voice or text messages; auto-reply responses can be sent. All systems allow emergency calls to 911. Some allow calls to a few other numbers set in advance. Some block all incoming calls, texts, and emails. Some allow calls when the vehicle is briefly stopped at a red light; others block calls for several minutes after stopping. Some allow geographic areas to be specified within which all calls are blocked. Some allow the user to allow or block calls from specified phone numbers. Each system has a different strategy for addressing the "passenger problem" – whether and how to allow calls by someone in motion who is not a driver, such as a passenger in a car or a rider on a bus or train.

This technology is developing very rapidly. Pogue (2010) provides a recent overview. The University of Michigan's Transportation Research Institute (UMTRI) is conducting a study in 2011 to evaluate these systems (GHSA, 2011b).

Distracted driving communications and education. Most states conduct distracted driving education and communication activities (GHSA, 2010).

- For beginning drivers: Twenty-three states have created special materials on distraction for teen drivers. Information on distracted driving is a required component of driver education in 18 states and the District of Columbia. There are distracted driving questions on the driver's license test in 17 states and the District of Columbia. Thirty-two states and the District of Columbia have distinct sections on distracted driving in their driver license manuals.
- For others: Thirty-seven states and the District of Columbia conducted a recent public communication or education campaign on distracted driving. Eight states provided training or technical assistance to the judiciary on distracted driving.

None of these communication and education activities has been evaluated to see whether they increased drivers' knowledge, changed their behavior, or reduced crashes.

U.S. Secretary of Transportation Ray LaHood has made distracted driving a top safety priority. The Department of Transportation has produced a variety of communication and education materials (see distraction.gov). Many other persons and organizations have publicized distracted driving or conducted specifically targeted campaigns, including Oprah Winfrey's *No Phone Zone* (www.oprah.com/packages/no-phone-zone.html), FocusDriven and the National Safety Council's *On the Road, Off the Phone* (www.focusdriven.org),

Many companies around the world have established and implemented policies for their employees regarding cell phone use.

and the American Academy of Orthopaedic Surgeons' *Decide to Drive* (www.decidetodrive.org). Some physicians are including distracted driving in their discussions with patients (Ship, 2010). While these activities undoubtedly have reached many drivers, their effects on driver knowledge, driver behavior, or crashes have not been evaluated.

Company policies and programs. Many companies around the world have established and implemented policies for their employees regarding cell phone use and other distractions (Regan, Young et al., 2009b). Speakers at the 2010 Department of Transportation Distracted Driving Summit provided examples (distraction.gov). The Network of Employers for Traffic Safety (NETS) reports that, of the 4,690 public and private organizations that downloaded the 2010 NETS Drive Safety at Work Week campaign materials, 3,067 have a cell phone policy in place, with 1,152 banning the use of all cell phones and another 1,915 prohibiting hand-held cell phones. Another 1,062 organizations plan to implement a policy in 2011 (trafficsafety.org).

Thirty-five states have worked with other state agencies and private employers to address distracted driving. Sixteen states and the District of Columbia have partnered with other state agencies or private companies to develop distracted driving policies (GHSA, 2010). Company policies can be a powerful influence on their employees' driving because companies can monitor their drivers' behavior and enforce their policies. However, no information on the effects of these policies is available.

Summary and discussion //

Distracted driving countermeasures. There are no roadway countermeasures directed specifically at distracted drivers. Many effective roadway design and operation practices that improve traffic safety in general, such as edgeline and centerline rumble strips, can warn distracted drivers or can mitigate the consequences if they leave their travel lane.

Vehicle countermeasures to manage driver workload, warn drivers of risky situations, or monitor driver performance have the potential to improve safety for all drivers, not just drivers who may become distracted. These are key focus areas of research by vehicle manufacturers and NHTSA (distraction.gov). While some systems are beginning to be implemented in new vehicles, others are still in development. Their ultimate impact on distracted driving cannot be predicted.

Countermeasures directed to the driver offer an opportunity to reduce distracted driving incidence and crashes in the next few years. They have concentrated on cell phones and texting through laws, communications campaigns, and company policies and programs. Technological systems to block or limit a driver's cell phone calls are developing rapidly but have not yet been evaluated.

There is no evidence that cell phone or texting laws have reduced crashes.

The limited research suggests that hand-held cell phone laws covering all drivers reduced cell phone use by about half when they were implemented, even though they were not vigorously enforced. Cell phone use then increased subsequently, but the laws appear to have had some long-term effect. The one study of high-visibility and heavily-publicized cell phone law enforcement suggests that it can reduce cell phone use at least temporarily.

There is no evidence that cell phone or texting laws have reduced crashes. Two studies found no effects of these laws on collision insurance claims. The only study of a complete cell phone and texting ban for beginning drivers, who use text messages and cell phones more frequently than older drivers, found no effect on their texting.

Publicity and campaigns directed at cell phone use and texting while driving undoubtedly have reached many drivers but their effects have not been evaluated. Many companies have cell phone use policies and programs but these also have not been evaluated.



7 // Conclusions and recommendations

Distracted driving research thoroughly documents the frequency of distractions on the road and the effects of distraction in experimental settings. But there is little evidence on the two most important issues: the effect of distractions on crash risk (Chapter 5) and the effects of countermeasures on reducing distracted driving (Chapter 6). Research on cell phone use and texting, the distractions that have received the most attention, concludes that:

- Cell phone use increases crash risk to some extent but there is no consensus on the size of the increase.
- There is no conclusive evidence on whether hands-free cell phone use is less risky than hand-held use.
- The influence of texting on crash risk in passenger vehicles has not been studied.
- Laws banning hand-held cell phone use reduced use by about half when they were first implemented. Hand-held cell phone use increased subsequently but the laws appear to have had some long-term effect.
- A high-visibility cell phone and texting law enforcement campaign reduced cell phone use immediately after the campaign. Longer-term effects are not yet known.
- There is no evidence that cell phone or texting bans have reduced crashes.
- Distracted driving communications campaigns and company policies and programs have not been evaluated.

Distraction while driving cannot be eliminated; rather, it's part of who we are, as humans and as drivers. The actions outlined below may help manage it.

States should consider the following activities to address distracted driving. While each has been implemented in some states, there is no solid evidence that any is effective in reducing crashes, injuries, or fatalities.

- **Enact cell phone and texting bans for novice drivers.**
 - **Pro:** Novices are the highest-risk drivers. Their attention should be focused on driving, not on cell phone conversations or other distractions. A ban reinforces this

message and supports other novice driver restrictions included in state graduated licensing programs and helps parents manage their teenage drivers. As of June 2011, 30 states and the District of Columbia prohibited the use of all cell phones by novice drivers and 41 states and the District of Columbia prohibited texting by novice drivers (states use different definitions of novice driver).

- o **Con:** There is no evidence that novice driver cell phone or texting bans are effective.

- **Enact texting bans.**

- o **Pro:** Texting is more obviously distracting and counter to good driving practice than cell phone use. As of June 2011, 34 states and the District of Columbia had enacted texting bans for all drivers.
- o **Con:** Texting laws are difficult to enforce.

- **Enact hand-held cell phone laws.**

- o **Pro:** Hand-held cell phone use increases crash risk, probably more than hands-free. Laws reduce but will not eliminate hand-held cell phone use. Laws send a message that hand-held cell phone use while driving is unacceptable.
- o **Con:** Hand-held cell phone laws often are ignored. Hand-held cell phone laws send a message that hands-free cell phone use while driving is safe, which it may not be.

- **Enforce hand-held cell phone and texting laws.**

- o **Pro:** Enforcement will increase any law's effect. Enforcement can be targeted to specific high-risk locations or can be conducted in short high-visibility campaigns similar to those that have increased belt use and reduced impaired driving. Failing to enforce a law sends a message that the law is not important.
- o **Con:** Enforcing cell phone or texting laws will divert resources from other traffic law enforcement activities.

- **Implement distracted driving communication programs.**

- o **Pro:** Cell phone and texting laws should be publicized broadly to increase their effects. Other communication and education activities can address the broader issues of avoiding distractions while driving. Thirty-seven states and the District of Columbia conducted a recent distracted driving communications campaign.
- o **Con:** Distracted driving communication programs have not been evaluated. They will divert resources from other traffic safety communications activities.

7 // Conclusions and recommendations

- **Help employers develop and implement distracted driving policies and programs.**
 - **Pro:** Many companies have established and implemented cell phone policies for their employees. Company policies can be a powerful influence on employees' driving.
 - **Con:** Employer distracted driving programs have not been evaluated.

States can and should take three steps that will help reduce distracted driving immediately and in the future.

- Continue to implement effective low-cost roadway distracted driving countermeasures such as edgeline and centerline rumble strips.
- Record distracted driving in crash reports to the extent possible, to assist in evaluating distracted driving laws and programs. The 4th Edition Model Minimum Uniform Crash Criteria (MMUCC) guidelines for state crash data systems, to be published in 2012, will address distracted driver coding (www.mmucc.us).
- Evaluate distracted driving laws and programs. Evaluation will provide the information states need on which countermeasures are effective and which are not.

Distracted driving is an important priority for employers, the automobile industry, and the federal government as well as for states. Key activities for each include:

Employers.

- Consider distracted driving policies and programs for their employees.
- Evaluate the effects of their distracted driving policies and programs on employee knowledge, behavior, crashes, and economic costs (injuries, lost time, etc.).

Automobile industry.

- Continue to develop, test, and implement measures to manage driver workload and to warn drivers of risky situations. These activities ultimately should lead to vehicles that work with drivers to prevent crashes.

Federal government.

- Help states evaluate the effects of distracted driving programs, especially cell phone and texting laws, enforcement campaigns, and communications.
- Continue tracking driver cell phone use and texting in NOPUS.
- Work with states to improve data collection on driver distractions involved in crashes. In particular, use the 4th Edition of MMUCC to improve how distraction is coded in crash reports.
- Continue to develop and conduct national communications campaigns on distracted driving.

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Text Bans Don't Reduce Distracted Driving, Study Says



We reported Monday that the Governors Highway Safety Association decided [not to support](#) a total ban on in-car phone usage, and a new study may point to the reason why.

Thirty states and the District of Columbia have banned texting while driving and, according to the Highway Loss Data Institute, there is no evidence that those laws have affected the frequency crashes caused by distracted driving. To the contrary, the laws may have actually increased the amount of collisions.

The HLDI study looked at the crash rates before and after text-ban laws took effect in four states — California, Minnesota, Washington and Louisiana – and compared it to surrounding states that have no such laws. After adjusting for possible changes in collision claim rates unrelated to the bans, the study found that the bans did nothing to reduce crashes. And in three of the four states, crash rates increased after the ban.

The increase could be due to the fact that drivers who are knowingly texting in states where it's illegal are trying to conceal their phones by moving them down and out of the sight while driving. A study from the University of Glasgow shows that focusing on something on your lap, rather than having the phone's display at a normal viewing level, might be more hazardous for a texting driver.

Besides trying to avoid detection, few people in the HLDI study stopped texting altogether once the ban took effect. Forty-five percent of 18- to 24-year-olds in states where texting and driving is banned reported to still partake in the practice after the ban, compared with 48% of people in states that have no ban.

In addition to the poor correlation between text bans and safety, there is no evidence that banning hand-held phones reduces crashes, either, according to the HLDI.

There is still only mixed evidence as to whether texting or talking on a phone is any more distracting than having a conversation with passengers, adjusting the radio or having a blood-alcohol level of 0.08.

By [Colin Bird](#) | September 29, 2010 | [Comments \(9\)](#)

Are Anti-Texting Laws Causing More Accidents?

A new study finds that states with anti-texting laws actually saw accidents caused by distracted driving go up.

By **LAUREN DRELL**

Posted 9/ 29 10 at 2:00 PM | [News](#), [Technology](#), [Business Travel](#), [Legal Issues](#), [Logistics & Transportation](#)



It's no secret that distracted driving is a problem -- texting at the wheel pulls eyes off the road and has spurred anti-texting laws in 30 states and the District of Columbia. But new research from the [Insurance Institute for Highway Safety](#) and the [Highway Loss Data Institute](#) shows that these laws may not be making roads any safer.

Researchers examined data from California, Louisiana, Minnesota and Washington in the months preceding and following the anti-texting implementation. In three of the four states, the number of accidents caused by distracted driving actually increased. And this correlation may be blamed on drivers between the ages of 18 and 24 -- 45 percent of this demographic admit to texting in spite of the bans. And in all four states, the number of crashes involving these young drivers increased.

"Noncompliance is a likely reason texting bans aren't reducing crashes," the Insurance Institute for Highway Safety said in a statement.

Adrian Lund, president of the institutes, said the uptick in crashes may result from compounding distractions -- the act of texting while driving and also trying to hide the phone by holding it lower, which takes eyes off the road even longer.

But Transportation Secretary Ray LaHood disputes the implication that the texting bans are causing more accidents. LaHood said in his [blog](#) that the study "created a cause and effect that simply doesn't exist" and neglected to factor in effective enforcement. Moreover, he said the study failed to provide contextual data about "whether distracted driving behavior went up or down in the four hand-picked states."

And [AAA](#) also disagreed with the study's findings. "It is not realistic to expect that simply enacting a law to ban texting while driving will have a large, immediate impact on crash totals in a state in the first months," the organization said in a [statement](#).

A study from the University of North Texas estimated that texting while driving caused 16,000 fatalities in the U.S. between 2001 and 2007.

Tags: [AAA](#), [anti-texting laws](#), [Department of Transportation](#), [Highway Loss Data Institute](#), [Insurance Institute for Highway Safety](#), [Mobile](#), [News](#), [Ray LaHood](#), [texting](#), [texting accidents](#), [texting and driving](#), [texting bans](#), [texting while driving](#), [Transportation Secretary](#)

Kentucky texting-while-driving ban nearly unenforceable, police say

Written by Marcus Green and Jason Riley
Mar. 19

courier-
journal.com

Kentucky's 2-year-old ban on texting while driving is nearly impossible to enforce, police and prosecutors say, leading to calls for a stronger law punishing distracted driving.

Jefferson County judges have dismissed nearly 40 percent of the texting charges brought under the law, which applies to sending and receiving text messages but doesn't address drivers using their phones to browse the Internet, update social media or get directions.

For a police officer, it's difficult to determine whether a driver is texting illegally or tweeting within the law. And proving that a driver was using a phone in violation of the law can be difficult.

"It's a very serious problem, and we would like to see a change in the law that would create stronger penalties and fewer defenses so we can be more aggressive in the prosecution of these cases," Julie Hardesty, first assistant for Jefferson County Attorney Mike O'Connell, said in response to questions from The Courier-Journal about the law's effectiveness.

Phone records are one source of evidence prosecutors can use to prove a driver was texting. But to subpoena those records, Hardesty said, the officer issuing the citation must get the driver's cellphone number, service provider, the name on the account and possibly the brand and serial number of the phone.

Prosecutors said it would be highly unlikely they would take those steps for a minor traffic violation, and those records still might not be enough to prove a case because some text messages use smartphone apps that bypass the standard texting circuits.

"Without an admission from the driver, there is no good way to prove they were actually texting," said Robert Neace, Boone County attorney and president of the Kentucky County Attorneys Association.

The Kentucky General Assembly passed two cellphone-related laws in 2010, and penalties started in January 2011. It's illegal for anyone under 18 to use a cellphone while operating a vehicle, but all drivers are banned from sending and receiving text or email messages when moving.

Since police began citing drivers, 909 charges have been brought across the state, according to data The Courier-Journal analyzed from Kentucky's Administrative Office of the Courts. In all, 25 percent of those charges were dismissed, while prosecutors got convictions 63 percent of the time.

Statewide, about one-third of the cases avoided court altogether, when drivers simply paid the fine.

“That’s idiotic,” Louisville defense attorney Paul Curry said of not challenging the citation. He noted that under Kentucky law a person with a driving violation cannot get a misdemeanor conviction expunged in Jefferson County.

About 40 percent of the charges in Jefferson County were dismissed, while the conviction rate was 55 percent. Hardesty said her office doesn’t track overall dismissal rates, making comparisons with other offenses difficult.

The law is a “good starting point” but difficult to enforce, said Lt. Joe Seelye, commander of the Louisville Metro Police traffic unit. “I would like to see a law to where any time you use a phone to take your eyes off the roadway that you have to pull over in a parking lot or an emergency lane somewhere to do that,” he said.

Seelye said the law has led to increased awareness of the dangers of texting while driving. But he said the penalties — \$25 for a first offense and \$50 for additional violations, excluding court costs — don’t “have much teeth.”

There were 64,400 crashes blamed on cellphone use and other distractions across Kentucky last year, a drop of about 2,000 since the law’s penalties took effect, according to Kentucky State Police statistics. However, collisions have risen in Jefferson County.

Reckless driving

Police in Kentucky can also cite erratic drivers under a law prohibiting careless or reckless driving, said Trooper Michael Webb, a state police spokesman.

“If they’re staring at a phone screen and they’re clearly not looking at the road, then they’re clearly distracted and we can cite them for careless or reckless driving,” he said.

Pulaski County Sheriff Todd Wood said it’s easier to cite teen drivers because that law only requires an officer to witness someone using a phone — rather than distinguish how they are using it.

Wood’s county had the third-highest number of charges for texting while driving last year (26) and 10 of those were dismissed, according to court data.

“Obviously you have to be very sure before you write that citation that that’s what they’re doing, and mostly it’s on what you can observe and how long you can observe it. ... There’s nothing going to change the fact that it is a very tough law to enforce, just because detection is always going to be difficult,” Wood said.

That was the case in Louisville last September, when 19-year-old Alexis Rudolph of Louisville was pulled over after an officer saw her holding up traffic while using her cellphone. She could

not be reached for comment.

Rudolph told the officer she was using the phone to change songs on her music player, and the case was eventually dismissed.

Curry represented Rudolph but declined to talk specifically about the case. He said in an interview that it would be time-consuming and challenging for police to prove a person was texting. "The same device you use for texting is also a telephone and an iPod," Curry said. "You could be sitting at a light changing music and police think you are texting."

State Rep. Tom Riner, a Louisville Democrat who sponsored a 2010 bill to ban texting while driving, said he believes the law is effective "even though we're seeing some of these thrown out."

"I've never introduced a perfect bill, and I've never seen one. I think if we make any improvement whatsoever it's worth the effort," Riner said.

Indiana's law

Indiana enacted a ban on texting while driving similar to Kentucky's in mid-2011.

The number of crashes involving cellphone use dropped for the second straight year in 2012, to 966, although the state recorded more collisions due to distracted driving, according to the Indiana Criminal Justice Institute.

The Indiana law also can be difficult to carry out, said Sgt. Jerry Goodin, an Indiana State Police spokesman. In an interview, he echoed many of the same concerns of police in Kentucky.

But Goodin said Indiana police have used the statute to make other arrests. Last month, Johnnie "John-John" Sizemore of Austin, Ind., was taken into custody on drug charges after he was pulled over on Interstate 65 in Clark County after state police observed his pickup leave the road several times as he sent text messages, according to police.

"We only work with the laws that are given to us," Goodin said. "Whatever they are, we will do our best to enforce them to the best of our ability as the legislature sees fit."

Indiana Sen. Travis Holdman, who sponsored Indiana's texting bill, said he doesn't understand the "reticence" of police to enforce the law. In commuting to Indianapolis from his home south of Fort Wayne, Holdman said he routinely sees other drivers texting.

"If people don't police themselves, my fear is that they're going to see legislation in a few years to ban handheld devices while driving. I would hate to see that happen," he said.

But that's exactly what some groups favor, including the Governors Highway Safety Association, which represents state highway safety offices.

The association changed its position within the past year and now backs bans on handheld devices, said Jonathan Adkins, the group's deputy executive director. Difficulties with enforcement in the 39 states that have enacted texting-while-driving laws are a "shared experience" among states, he said.

"There is a growing consensus in highway safety that there is a benefit to having these handheld bans," Adkins said. "But there's been a lot of debate about them over the last few years — unlike the texting. Nobody has ever said, 'Don't have a texting ban.' "

The National Safety Council, a nonprofit group, also supports bans on phones while driving.

John Ulczycki, the council's vice president for strategic initiatives, said laws prohibiting teenagers from using phones while driving are important but they often neglect adult drivers. In 2011, more than 420 drivers younger than 18 died in traffic crashes, compared with nearly 15,000 above that age, according to council data.

"We really need to focus on the adult population because that's where the majority, the vast majority of crashes are occurring," Ulczycki said.

Riner, the Kentucky lawmaker, said he supports a full ban and believes it would save lives.

But Jim Waters, president of the Bluegrass Institute, a free-market think tank, said such laws don't address the larger issue — drivers who are distracted because of a conversation — and would be another example of legislating personal decision-making.

"Then we enact another law, we put more burdens on our law enforcement officers," he said.

Reporter Marcus Green can be reached at (502) 582-4675 and reporter Jason Riley can be reached at (502) 584-2197.

**BEAUFORT COUNTY
SHERIFF'S OFFICE**

UNIFORM CRIME REPORT



**TOWN OF HILTON HEAD
1ST QUARTER 2013**

DATA SOURCE/CRITERIA

All law enforcement agencies in the state compile incident-based data on crimes occurring in their jurisdiction. While one incident can result in multiple offenses being tracked in the local system, only data that meets the national criteria is forwarded to the SC Law Enforcement Division.

Currently if a burglary is reported and property stolen, two offenses are tracked locally but only the major crime, burglary, is reported using the South Carolina Incident-Based Reporting System. This data is collected by SLED and then forwarded to the FBI, which administers the Uniform Crime Reporting (UCR) program.

The Beaufort County Sheriff's Office will begin using the UCR criteria to account for crime in this report so that it will more closely match the data published by the FBI.

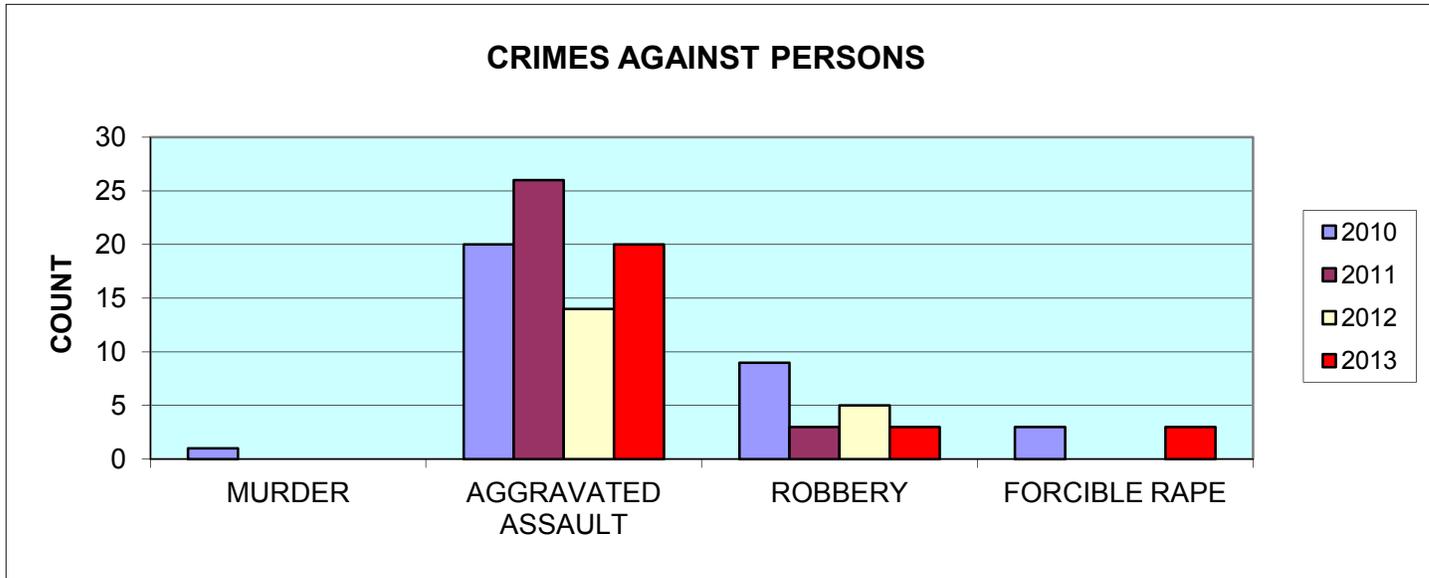
Crimes Against Persons will include Murder, Aggravated Assault, Robbery and Forcible Rape.

Crimes Against Property will include Burglary, Larceny and Auto Theft.
Vehicle Collisions will remain the same as they are not reportable UCR crimes.

This report is based only on the crimes that occurred on Hilton Head Island.

CRIMES AGAINST PERSONS

CRIMES AGAINST PERSONS	1ST QTR	1ST QTR	1ST QTR	1ST QTR
	2010	2011	2012	2013
MURDER	1	0	0	0
AGGRAVATED ASSAULT	20	26	14	20
ROBBERY	9	3	5	3
FORCIBLE RAPE	3	0	0	3
TOTAL	33	29	19	26



These statistics are compiled using the following Uniform Crime Reporting (UCR) criteria:

Murder and non-negligent manslaughter: The willful killing of one human being by another. Any death due to injuries received in a fight, quarrel, assault or commission of a crime is classified in this category.

Aggravated Assault: An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury (involving apparent broken bones, loss of teeth, possibly internal injury, severe laceration, loss of consciousness due to injury, etc.)

Robbery: Taking or attempting to take, under confrontational circumstances, anything of value from another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

Forcible Rape: Any sexual act directed against another person, forcibly and/or against the persons will; or not forcibly or against the person's will where the person is unable to give consent. A person may unable to give consent due to: very young or very old, mental or physical incapacity, intoxication, the influence of drugs.

CRIMES AGAINST PERSONS ANALYSIS

CRIMES AGAINST PERSONS		AGGRAVATED	FORCIBLE	ROBBERY	MURDER	
		ASSAULT	RAPE			
5A	SOUTH FOREST BEACH AREA					
	CORDILLO PARKWAY	1	0	0	0	
	GREENWOOD DRIVE	1	0	0	0	
	LAWTON DRIVE	1	0	0	0	
	LEMOYNE AVENUE	0	0	1	0	
	SOUTH FOREST BEACH DRIVE	1	0	0	0	
	WOODHAVEN DRIVE	0	0	1	0	
	TOTAL	4	0	2	0	6

CRIMES AGAINST PERSONS		AGGRAVATED	FORCIBLE	ROBBERY	MURDER	
		ASSAULT	RAPE			
5B	NORTH FOREST BEACH AREA					
	NORTH FOREST BEACH DRIVE	1	0	0	0	
	TOTAL	1	0	0	0	1

CRIMES AGAINST PERSONS		AGGRAVATED	FORCIBLE	ROBBERY	MURDER	
		ASSAULT	RAPE			
5C	POINT COMFORT ROAD AREA					
	ARROW ROAD	1	0	0	0	
	TIDE POINTE WAY	1	0	0	0	
	WILLIAM HILTON PARKWAY	0	0	1	0	
	TOTAL	2	0	1	0	3

CRIMES AGAINST PERSONS		AGGRAVATED	FORCIBLE	ROBBERY	MURDER	
		ASSAULT	RAPE			
5E	FOLLY FIELD AREA					
	MOONHELL ROAD	1	0	0	0	
	TOTAL	1	0	0	0	1

CRIMES AGAINST PERSONS		AGGRAVATED	FORCIBLE	ROBBERY	MURDER	
		ASSAULT	RAPE			
5F	MATHEWS DRIVE AREA					
	MATHEWS DRIVE	1	1	0	0	
	SOUTHWOOD PARK DRIVE	4	2	0	0	
	TOTAL	5	3	0	0	8

CRIMES AGAINST PERSONS		AGGRAVATED	FORCIBLE	ROBBERY	MURDER	
		ASSAULT	RAPE			
5I	SPANISH WELLS ROAD/MARSHLAND RD AREA					
	GOLD OAK DRIVE	1	0	0	0	
	OAKVIEW ROAD	1	0	0	0	
	SPANISH WELLS ROAD	1	0	0	0	
	TOTAL	3	0	0	0	3

CRIMES AGAINST PERSONS ANALYSIS

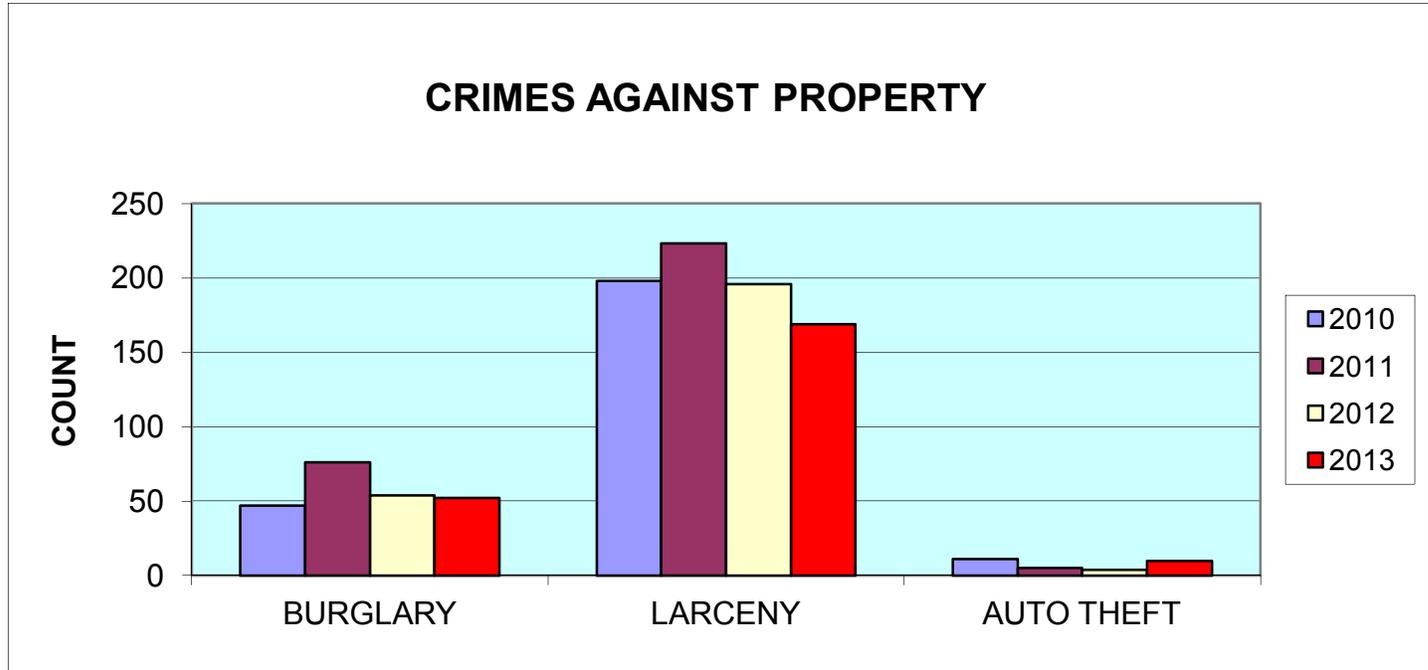
CRIMES AGAINST PERSONS		AGGRAVATED	FORCIBLE	ROBBERY	MURDER	
		ASSAULT	RAPE			
5J	SQUIRE POPE ROAD AREA					
	WILD HORSE ROAD	2	0	0	0	
	TOTAL	2	0	0	0	2

CRIMES AGAINST PERSONS		AGGRAVATED	FORCIBLE	ROBBERY	MURDER	
		ASSAULT	RAPE			
5K	SEA PINES AREA					
	SEA PINES PLANTATION	1	0	0	0	
	TOTAL	1	0	0	0	1

CRIMES AGAINST PERSONS		AGGRAVATED	FORCIBLE	ROBBERY	MURDER	
		ASSAULT	RAPE			
5Y	WILLIAM HILTON PARKWAY AREA					
	YACHT COVE DRIVE	1	0	0	0	
	TOTAL	1	0	0	0	1

CRIMES AGAINST PROPERTY

CRIMES AGAINST PROPERTY	1ST QTR	1ST QTR	1ST QTR	1ST QTR
	2010	2011	2012	2013
BURGLARY	47	76	54	52
LARCENY	198	223	196	169
AUTO THEFT	11	5	4	10
TOTAL	256	304	254	231



Burglary/Breaking & Entering: The UNLAWFUL ENTRY into a building or other structure with the intent to commit a serious crime or theft.

Structure: A structure is defined as a building or walled enclosure which can be enclosed on all sides by closing doors or windows.

Motor vehicles, motor homes, trailers and other mobile property are NOT structures. Some mobile property may be made immobile.

Larceny: The unlawful taking of property from the possession or constructive possession of another person. Types of larceny include: pocket picking, purse snatching, shoplifting, theft from a building theft from coin operated machine or device, theft from a motor vehicle, theft of motor vehicle parts and thefts from enclosures, etc, and from residences where no unlawful entry of a structure is involved.

Motor Vehicle Theft: Theft of a motor vehicle. This does not include using a motor vehicle without the expressed consent of the owner.

CRIMES AGAINST PROPERTY ANALYSIS

CRIMES AGAINST PROPERTY		BURGLARY	LARCENY	AUTO THEFT	
5A	SOUTH FOREST BEACH AREA				
	CORDILLO PARKWAY	3	5	0	
	FIRETHORN LANE	0	1	0	
	GREENWOOD DRIVE	0	4	0	
	MYRTLE LANE	0	1	0	
	NORTH FOREST BEACH DRIVE	0	2	0	
	OFFICE WAY	1	0	0	
	POPE AVENUE	0	4	0	
	SEA OAK LANE	0	1	0	
	SOUTH FOREST BEACH DRIVE	0	3	0	
	TANGLEWOOD DRIVE	0	0	1	
	WOODHAVEN DRIVE	2	3	0	
	TOTAL	6	24	1	31

CRIMES AGAINST PROPERTY		BURGLARY	LARCENY	AUTO THEFT	
5B	NORTH FOREST BEACH AREA				
	AVOCET ROAD	0	1	0	
	CORPUS CHRISTIE PLACE	1	0	0	
	CURLEW ROAD	1	0	0	
	DUNE LANE	0	2	0	
	GANNET STREET	1	0	0	
	LAGOON ROAD	0	0	1	
	NEW ORLEANS ROAD	0	1	0	
	NORTH FOREST BEACH DRIVE	0	5	1	
	PARK ROAD	0	0	1	
	POPE AVENUE	0	1	0	
	WATERSIDE DRIVE	1	1	0	
	TOTAL	4	11	3	18

CRIMES AGAINST PROPERTY		BURGLARY	LARCENY	AUTO THEFT	
5C	POINT COMFORT ROAD AREA				
	ARROW ROAD	0	2	0	
	BOW CIRCLE	0	1	0	
	COMPASS POINT	0	1	0	
	DUNNAGANS ALLEY	0	1	0	
	FOREST COVE	1	0	0	
	HAIG POINT CIRCLE	0	1	0	
	JIB SAIL COURT	1	0	0	
	PADDLE BOAT LANE	1	0	0	
	PALMETTO BAY ROAD	0	2	0	
	REGENCY PARKWAY	1	0	1	
	TIDE POINTE WAY	0	1	0	
	WILLIAM HILTON PARKWAY	0	3	0	
	TOTAL	4	12	1	17

CRIMES AGAINST PROPERTY		BURGLARY	LARCENY	AUTO THEFT	
5D	SINGLETON/BRADLEY BEACH AREA				
	BRADLEY BEACH ROAD	1	1	0	
	CASTNET DRIVE	0	1	0	
	CORRINE LANE	0	1	0	
	SEA FRONT LANE	0	1	0	
	WILLIAM HILTON PARKWAY	1	0	0	
	TOTAL	2	4	0	6

CRIMES AGAINST PROPERTY ANALYSIS

CRIMES AGAINST PROPERTY		BURGLARY	LARCENY	AUTO THEFT	
5E	FOLLY FIELD AREA				
	FOLLY FIELD ROAD	0	3	0	
	MOONSHELL ROAD	0	1	0	
	SAND DOLLAR ROAD	0	1	0	
	TOTAL	0	5	0	5

CRIMES AGAINST PROPERTY		BURGLARY	LARCENY	AUTO THEFT	
5F	MATHEWS DRIVE AREA				
	GARDNER DRIVE	0	1	0	
	MATHEWS COURT	5	0	0	
	MATHEWS DRIVE	0	1	0	
	SOUTHWOOD PARK DRIVE	0	3	0	
	WILLIAM HILTON PARKWAY	2	1	0	
	TOTAL	7	6	0	13

CRIMES AGAINST PROPERTY		BURGLARY	LARCENY	AUTO THEFT	
5G	MATHEWS DRIVE/DILLON ROAD AREA				
	BEACH CITY ROAD	6	2	0	
	CARDINAL COURT	2	0	0	
	CARDINAL ROAD	0	2	0	
	FERGUSON LANE	0	1	0	
	FINCH STREET	0	1	0	
	GATEWAY CIRCLE	1	0	1	
	HOSPITAL CENTER BLVD	0	1	0	
	HUNTER ROAD	0	4	0	
	LAMOTTE DRIVE	0	2	0	
	MATHEWS DRIVE	1	4	0	
	MITCHELLVILLE ROAD	0	2	0	
	NORTH MAIN STREET	0	3	0	
	NORTHRIDGE DRIVE	1	0	0	
	WILLIAM HILTON PARKWAY	1	2	1	
	TOTAL	12	24	2	38

CRIMES AGAINST PROPERTY		BURGLARY	LARCENY	AUTO THEFT	
5H	FESTIVAL CENTER AREA				
	HATTON PLACE	0	1	0	
	PEMBROKE DRIVE	0	14	0	
	WHEELER LANE	0	1	0	
	TOTAL	0	16	0	16

CRIMES AGAINST PROPERTY		BURGLARY	LARCENY	AUTO THEFT	
5I	SPANISH WELLS/MARSHLAND RD AREA				
	CAPITAL DRIVE	0	2	0	
	GOLD OAK DRIVE	2	1	0	
	JARVIS CREEK LANE	0	2	0	
	JARVIS PARK ROAD	0	1	0	
	JULIA DRIVE	1	0	0	
	MUDDY CREEK ROAD	2	0	0	
	SPANISH POINTE DRIVE	1	1	0	
	SPANISH WELLS ROAD	1	1	0	
	STERLING POINTE DRIVE	0	2	0	
	THOMAS COHEN DRIVE	0	1	0	
	WILLIAM HILTON PARKWAY	0	1	0	
	TOTAL	7	12	0	19

CRIMES AGAINST PROPERTY ANALYSIS

CRIMES AGAINST PROPERTY		BURGLARY	LARCENY	AUTO THEFT	
5J	SQUIRE POPE AREA				
	CEASAR PLACE	1	0	0	
	CHINABERRY CIRCLE	0	1	0	
	GUM TREE ROAD	0	0	2	
	MAIN STREET	0	2	0	
	MUSEUM STREET	0	1	0	
	NED COURT	0	1	0	
	NORTH MAIN STREET	1	0	0	
	OLD WILD HORSE ROAD	0	1	1	
	SCHOOL ROAD	0	1	0	
	SQUIRESGATE ROAD	0	1	0	
	WILBORN ROAD	0	9	0	
	WILD HORSE ROAD	0	2	0	
	TOTAL	2	19	3	24

CRIMES AGAINST PROPERTY		BURGLARY	LARCENY	AUTO THEFT	
5K	SEA PINES AREA				
	CLUB COURSE DRIVE	0	1	0	
	GADWALL ROAD	0	1	0	
	GOVERNORS LANE	0	2	0	
	GUNNERY LANE	0	1	0	
	LIGHTHOUSE LANE	1	0	0	
	LIGHTHOUSE ROAD	0	2	0	
	OTTER ROAD	0	1	0	
	OYSTER LANDING ROAD	0	1	0	
	PLANTERS WOOD DRIVE	1	0	0	
	SOUTH SEA PINES DRIVE	1	0	0	
	WINDJAMMER COURT	1	0	0	
	TOTAL	4	9	0	13

CRIMES AGAINST PROPERTY		BURGLARY	LARCENY	AUTO THEFT	
5L	SHIPYARD PLANTATION AREA				
	GLOUCESTER ROAD	1	0	0	
	VALENCIA ROAD	0	1	0	
	TOTAL	1	1	0	2

CRIMES AGAINST PROPERTY		BURGLARY	LARCENY	AUTO THEFT	
5N	PORT ROYAL AREA				
	BARONY CIRCLE	0	1	0	
	BEACHWOOD DRIVE	0	2	0	
	COGGINS POINT ROAD	0	1	0	
	EVERGLADE PLACE	0	1	0	
	GRASSLAWN AVENUE	0	1	0	
	TOTAL	0	6	0	6

CRIMES AGAINST PROPERTY		BURGLARY	LARCENY	AUTO THEFT	
5Q	PALMETTO DUNES/SHELTER COVE AREA				
	CARNOUSTIE ROAD	0	1	0	
	DUNES HOUSE LANE	0	1	0	
	HAUL AWAY	0	1	0	
	HOTEL CIRCLE	0	1	0	
	LEAMINGTON COURT	0	1	0	
	OCEAN LANE	0	1	0	
	QUEENS FOLLY ROAD	1	1	0	
	SHELTER COVE LANE	0	5	0	
	TRENT JONES LANE	1	1	0	
	TOTAL	2	13	0	15

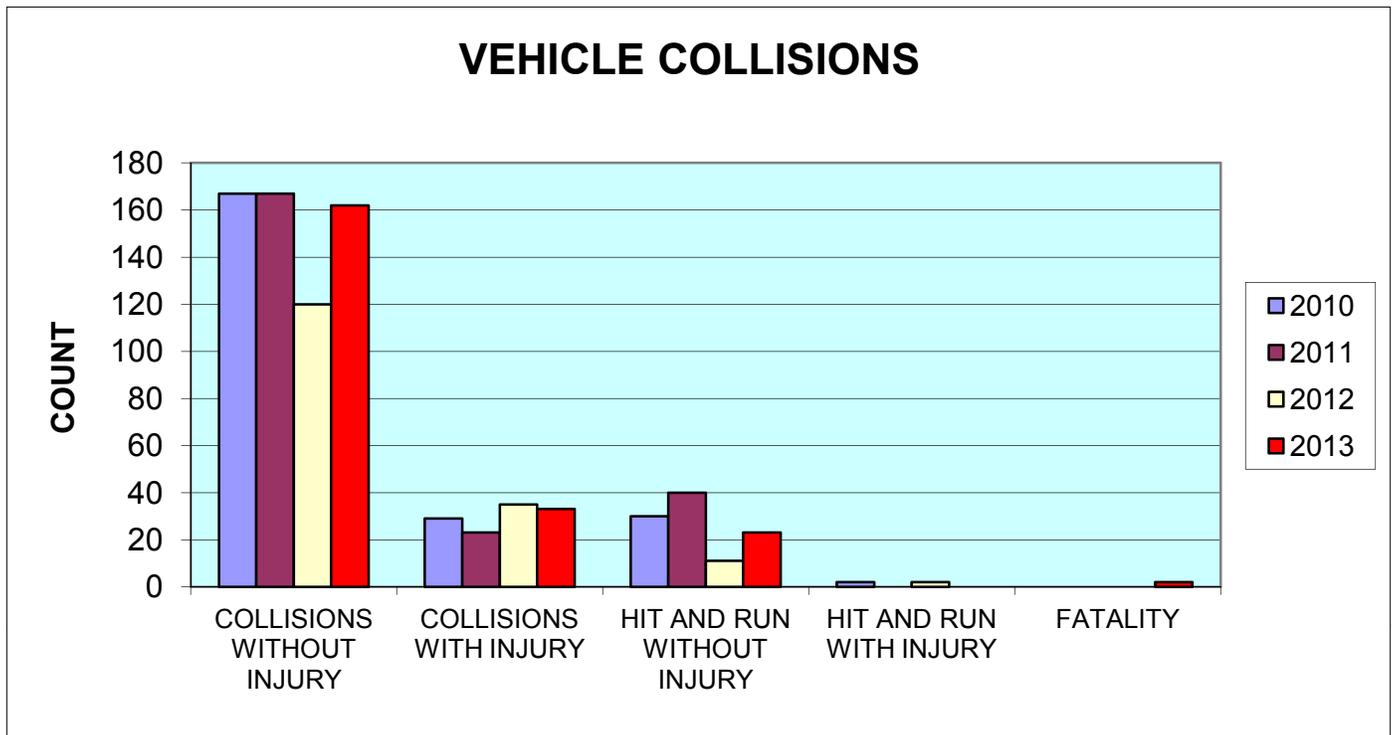
CRIMES AGAINST PROPERTY ANALYSIS

CRIMES AGAINST PROPERTY		BURGLARY	LARCENY	AUTO THEFT	
5U	HILTON HEAD PLANTATION AREA				
	BENT TREE LANE	0	1	0	
	DEERFIELD ROAD	0	1	0	
	DOLPHIN HEAD DRIVE	1	0	0	
	OLD FORT DRIVE	0	1	0	
	SKULL CREEK DRIVE	0	1	0	
	TOTAL	1	4	0	5

CRIMES AGAINST PROPERTY		BURGLARY	LARCENY	AUTO THEFT	
5X	SPANISH WELLS PLANTATION AREA				
	SPANISH WELLS ROAD	0	1	0	
	WIDEWATER ROAD	0	2	0	
	TOTAL	0	3	0	3

VEHICLE COLLISIONS

VEHICLE COLLISIONS	1ST QTR	1ST QTR	1ST QTR	1ST QTR
	2010	2011	2012	2013
COLLISIONS WITHOUT INJURY	167	167	120	162
COLLISIONS WITH INJURY	29	23	35	33
HIT AND RUN WITHOUT INJURY	30	40	11	23
HIT AND RUN WITH INJURY	2	0	2	0
FATALITY	0	0	0	2
TOTAL	228	230	168	220



Note:
 These statistics are compiled using the Offense Code.

VEHICLE COLLISIONS ANALYSIS

VEHICLE COLLISIONS		COLLISIONS	COLLISIONS	HIT & RUN	HIT & RUN	FATALITY
		WITHOUT INJURY	WITH INJURY	WITHOUT INJURY	WITH INJURY	
5Y	WILLIAM HILTON PARKWAY					
	ARROW ROAD	2	0	0	0	0
	BEACH CITY ROAD	6	1	0	0	0
	BLUE HERON POINT ROAD	1	0	0	0	0
	CENTRAL AVENUE	1	0	0	0	0
	COGGINS POINT ROAD	0	1	0	0	0
	DARLING ROAD	1	0	0	0	0
	DILLON ROAD	5	0	0	0	0
	FOLLY FIELD ROAD	1	2	0	0	0
	GUM TREE ROAD	7	1	0	0	0
	HATTON PLACE	1	0	0	0	0
	INDIGO RUN DRIVE	1	0	1	0	0
	JENKINS ROAD	4	0	0	0	0
	KING NEPTUNE DRIVE	1	0	0	0	0
	LEAMINGTON LANE	1	0	0	0	0
	MATHEWS DRIVE	10	3	2	0	0
	MUSEUM STREET	1	0	0	0	0
	NEW ORLEANS ROAD	2	0	0	0	0
	OLD WILD HORSE ROAD	1	0	0	0	0
	PEMBROKE DRIVE	3	1	0	0	0
	SEA PINES CIRCLE	4	1	0	0	0
	SHELTER COVE LANE	2	1	0	0	0
	SINGLETON BEACH ROAD	2	1	0	0	0
	SOUTHWOOD PARK DRIVE	2	0	0	0	0
	SPANISH WELLS ROAD	3	1	2	0	0
	SQUIRE POPE ROAD	8	1	1	0	0
	UNION CEMETERY ROAD	0	2	0	0	0
	WEXFORD DRIVE	2	1	0	0	0
	WHOOPING CRANE WAY	2	0	1	0	0
	WILBORN ROAD	9	0	0	0	0
	WILD HORSE ROAD	1	1	0	0	0
	TOTAL	84	18	7	0	0
						109

VEHICLE COLLISIONS		COLLISIONS	COLLISIONS	HIT & RUN	HIT & RUN	FATALITY
		WITHOUT INJURY	WITH INJURY	WITHOUT INJURY	WITH INJURY	
5Z	POPE AVENUE/PALMETTO BAY ROAD					
	ARROW ROAD	1	1	0	0	0
	COLIGNY CIRCLE	1	1	0	0	0
	CORDILLO PARKWAY	4	1	1	0	0
	DUNNAGANS ALLEY	1	0	0	0	0
	LAGOON ROAD	1	1	0	0	0
	NEW ORLEANS ROAD	2	1	0	0	0
	OFICE PARK ROAD	1	0	0	0	0
	POINT COMFORT ROAD	1	0	0	0	0
	SOL BLATT JR PKWY	1	0	1	0	0
	TOTAL	13	5	2	0	0
						20

VEHICLE COLLISIONS ANALYSIS

VEHICLE COLLISIONS		COLLISIONS	COLLISIONS	HIT & RUN	HIT & RUN	FATALITY
		WITHOUT INJURY	WITH INJURY	WITHOUT INJURY	WITH INJURY	
5A	SOUTH FOREST BEACH AREA					
	DEALLYON AVENUE	1	0	0	0	0
	GREENWOOD DRIVE	1	0	0	0	0
	OFFICE PARK ROAD	3	0	0	0	0
	POPE AVENUE	1	1	0	0	0
	SOUTH FOREST BEACH DRIVE	0	0	1	0	0
	TOTAL	6	1	1	0	0

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VEHICLE COLLISIONS		COLLISIONS	COLLISIONS	HIT & RUN	HIT & RUN	FATALITY
		WITHOUT INJURY	WITH INJURY	WITHOUT INJURY	WITH INJURY	
5B	NORTH FOREST BEACH AREA					
	AVOCET ROAD	1	0	0	0	0
	DRIFTWOOD LANE	0	1	0	0	0
	NORTH FOREST BEACH DRIVE	2	0	0	0	0
	TOTAL	3	1	0	0	0

4

VEHICLE COLLISIONS		COLLISIONS	COLLISIONS	HIT & RUN	HIT & RUN	FATALITY
		WITHOUT INJURY	WITH INJURY	WITHOUT INJURY	WITH INJURY	
5C	POINT COMFORT ROAD AREA					
	ARCHER ROAD	1	0	0	0	0
	BOW CIRCLE	0	1	0	0	0
	BROAD CREEK LANDING DRIVE	0	0	1	0	0
	DUNNAGANS ALLEY	0	0	1	0	0
	HELMSMAN WAY	0	1	1	0	0
	PALMETTO BAY ROAD	1	0	1	0	0
	WILLIAM HILTON PARKWAY	0	0	1	0	0
	TOTAL	2	2	5	0	0

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VEHICLE COLLISIONS		COLLISIONS	COLLISIONS	HIT & RUN	HIT & RUN	FATALITY
		WITHOUT INJURY	WITH INJURY	WITHOUT INJURY	WITH INJURY	
5D	SINGLETON/BRADLEY BEACH AREA					
	WILLIAM HILTON PARKWAY	1	0	0	0	0
	TOTAL	1	0	0	0	0

1

VEHICLE COLLISIONS		COLLISIONS	COLLISIONS	HIT & RUN	HIT & RUN	FATALITY
		WITHOUT INJURY	WITH INJURY	WITHOUT INJURY	WITH INJURY	
5F	MATHEWS DRIVE AREA					
	ISLAND DRIVE	1	0	0	0	0
	MARSHLAND ROAD	4	0	0	0	0
	MATHEWS COURT	0	0	1	0	0
	MATHEWS DRIVE	2	0	0	0	0
	OAK PARK DRIVE	2	0	0	0	0
	POWER ALLEY	1	0	0	0	0
	SOUTHWOOD PARK DRIVE	1	0	0	0	0
	WILLIAM HILTON PARKWAY	0	0	1	0	0
	TOTAL	11	0	2	0	0

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VEHICLE COLLISIONS ANALYSIS

VEHICLE COLLISIONS		COLLISIONS	COLLISIONS	HIT & RUN	HIT & RUN	FATALITY
		WITHOUT INJURY	WITH INJURY	WITHOUT INJURY	WITH INJURY	
5G	MATHEWS DRIVE/DILLON ROAD AREA					
	BEACH CITY ROAD	3	1	0	0	0
	MATHEWS DRIVE	2	0	1	0	0
	NORTH MAIN STREET	3	0	0	0	0
	PLAZA DRIVE	1	0	0	0	0
	UNION CEMETERY ROAD	0	0	1	0	0
	WILLIAM HILTON PARKWAY	3	0	0	0	0
	TOTAL	12	1	2	0	0

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VEHICLE COLLISIONS		COLLISIONS	COLLISIONS	HIT & RUN	HIT & RUN	FATALITY
		WITHOUT INJURY	WITH INJURY	WITHOUT INJURY	WITH INJURY	
5H	FESTIVAL CENTER AREA					
	PEMBROKE DRIVE	1	0	0	0	0
	TOTAL	1	0	0	0	0

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VEHICLE COLLISIONS		COLLISIONS	COLLISIONS	HIT & RUN	HIT & RUN	FATALITY
		WITHOUT INJURY	WITH INJURY	WITHOUT INJURY	WITH INJURY	
5I	SPANISH WELLS RD/MARSHLAND RD					
	BRYANT ROAD	1	0	0	0	0
	EVELINA ROAD	0	0	1	0	0
	MARSHLAND ROAD	2	1	0	0	0
	MILLER ROAD	1	0	0	0	0
	SPANISH WELLS ROAD	1	0	0	0	0
	WILLIAM HILTON PARKWAY	0	1	0	0	0
	TOTAL	5	2	1	0	0

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VEHICLE COLLISIONS		COLLISIONS	COLLISIONS	HIT & RUN	HIT & RUN	FATALITY
		WITHOUT INJURY	WITH INJURY	WITHOUT INJURY	WITH INJURY	
5J	SQUIRE POPE ROAD AREA					
	GUM TREE ROAD	2	0	0	0	0
	MARSHSIDE ROAD	1	0	0	0	0
	MUSEUM STREET	2	0	0	0	0
	NORTH MAIN STREET	1	1	0	0	0
	WHOOPING CRANE WAY	2	1	0	0	0
	WILBORN ROAD	0	0	1	0	0
	WILD HORSE ROAD	2	0	0	0	1
	TOTAL	10	2	1	0	1

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VEHICLE COLLISIONS		COLLISIONS	COLLISIONS	HIT & RUN	HIT & RUN	FATALITY
		WITHOUT INJURY	WITH INJURY	WITHOUT INJURY	WITH INJURY	
5K	SEA PINES AREA					
	GREENWOOD DRIVE	2	0	0	0	0
	SOUTH SEA PINES DRIVE	1	0	0	0	0
	TOTAL	3	0	0	0	0

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VEHICLE COLLISIONS ANALYSIS

VEHICLE COLLISIONS		COLLISIONS	COLLISIONS	HIT & RUN	HIT & RUN	FATALITY
		WITHOUT INJURY	WITH INJURY	WITHOUT INJURY	WITH INJURY	
5L	SHIPYARD PLANTATION AREA					
	GLOUCESTER ROAD	1	0	0	0	0
	SHIPYARD DRIVE	0	0	0	0	1
	TOTAL	1	0	0	0	1

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VEHICLE COLLISIONS		COLLISIONS	COLLISIONS	HIT & RUN	HIT & RUN	FATALITY
		WITHOUT INJURY	WITH INJURY	WITHOUT INJURY	WITH INJURY	
5Q	PALMETTO DUNES/SHELTER COVE					
	HOTEL CIRCLE	1	0	0	0	0
	LEAMINGTON LANE	1	0	0	0	0
	QUEENS FOLLY ROAD	2	0	0	0	0
	SHELTER COVE LANE	2	0	1	0	0
	STARBOARD TACK	0	1	0	0	0
	TOTAL	6	1	1	0	0

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VEHICLE COLLISIONS		COLLISIONS	COLLISIONS	HIT & RUN	HIT & RUN	FATALITY
		WITHOUT INJURY	WITH INJURY	WITHOUT INJURY	WITH INJURY	
5U	HILTON HEAD PLANTATION AREA					
	SEABROOK DRIVE	1	0	0	0	0
	WHOOPING CRANE WAY	3	0	1	0	0
	TOTAL	4	0	1	0	0

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FATALITIES

There were 2 fatalities during the 1st quarter. Wild Horse Rd area (20130103-836) due to high speed.
Shipyard Dr. (20130209-308) due to a medical issue.

TICKETS

TICKETS											
		TRAFFIC				CRIMINAL				MARINE	
		2012	2013			2012	2013			2012	2013
			PATROL	TRAFFIC TEAM			PATROL	TRAFFIC TEAM			
JANUARY		559	100	283		61	38	10		0	0
FEBRUARY		487	92	265		63	28	7		0	0
MARCH		343	112	291		172	76	8		0	0
APRIL		336				72				3	
MAY		349				125				3	
JUNE		363				78				2	
JULY		386				96				4	
AUGUST		406				73				1	
SEPTEMBER		324				69				0	
OCTOBER		300				91				0	
NOVEMBER		223				96				0	
DECEMBER		240				60				0	
TOTAL		4316	304	839		1056	142	25		13	0
TOTAL 2012		4316				1056					
TOTAL 2013		1143				167					

VOLUNTEER HOURS

		RESERVE DEPUTY			VOLUNTEER		
JANUARY		93			236.25		
FEBRUARY		68			362.75		
MARCH		61			230.25		
APRIL							
MAY							
JUNE							
JULY							
AUGUST							
SEPTEMBER							
OCTOBER							
NOVEMBER							
DECEMBER							
TOTAL		222			829.25		