

STATE OF TEXAS

COUNTIES OF POTTER AND RANDALL

ON the 16th day of May, 2012, the Amarillo Traffic Commission met at 1:30 p.m. in regular session in the City Commission Chambers on the third floor of City Hall at 509 S.E. 7<sup>th</sup> Avenue.

ATTENDANCE

<i>Members</i>	<i>Present Today</i>	<i>No. Meetings &amp; Public Hearings Held Since Appointment</i>	<i>No. Meetings &amp; Public Hearings Attended Since Appointment</i>	<i>No. Work Sessions Held Since Appointment</i>	<i>No. Work Sessions Attended Since Appointment</i>
<i>Kenneth Graham</i>	Yes	22	20	4	3
<i>Leon Church</i>	Yes	12	9	4	3
<i>D.J. Stubben</i>	Yes	12	12	4	4
<i>Dean Downey</i>	Yes	8	8	4	4
<i>Charlie Graham</i>	No	8	3	4	4
<i>Craig Gualtiere</i>	Yes	8	8	4	2
<i>Tiller Watson III</i>	Yes	8	6	4	4
<i>Mark Nair</i>	Yes	4	4	4	3

**STAFF MEMBERS PRESENT:**

Jerry Bird Traffic Engineer  
David Szmagalski Traffic Operation Technician  
Judy Alexander Recording Secretary  
Lt. Michael Miller Amarillo Police Department

The invocation was given by Commissioner Watson, and Commissioner Downey led the Pledge of Allegiance.

Commissioner Stubben established a quorum and called the meeting to order at 1:30 p.m. The following items of business were conducted:

- APPROVAL OF THE APRIL 18 AND APRIL 25, 2012, AMARILLO TRAFFIC COMMISSION PUBLIC HEARING MINUTES.**  
Commissioner Kenneth Graham made a motion to approve the minutes for the Public Hearings held on April 18 and on April 25, 2012. Commissioner Downey seconded the motion, and motion carried.

2. DISCUSS AND CONSIDER POTENTIAL RECOMMENDATIONS REGARDING CELL PHONE/TEXTING WHILE DRIVING RESTRICTIONS.

Commission Stubben stated that the City Commission had charged the Traffic Commission with the following:

- Review and consideration of existing cell phone and texting laws (state and federal).
- Review and consideration of existing studies on distracted driving and its effects.
- Review and consideration of published statistical literature on effectiveness of various restrictions.
- Consideration of possible future state and/or federal actions (if known).
- Consideration of public awareness efforts (funding is available).
- Coordination with the City legal staff and law enforcement, both local and state.
- Conduct the public hearings with draft ordinance or modified draft ordinance in addition to the information above.
- Return final recommendations to the commission based on the above efforts, including any needed modifications or changes to the topic as a whole.

Commissioner Stubben expressed her thanks to city staff and members of the Traffic Commission for their diligence, time, and effort on the issue. She asked members to summarize their conclusions after review and consideration at the work sessions and public hearings.

Commissioner Nair stated the Traffic Sub-Committee performed a literature review of distracted driving data from 1995 to the present. Fifteen studies were analyzed for cell phone and texting usage and how they affected driving skills. He said they separated the data into two categories: (1) Danger or lack thereof of cell phone usage while driving, and (2) Ordinances prohibiting cell phone usage and their effectiveness. The following are some of their conclusions:

Danger of Cell Phone Usage While Driving:

1. Driving while using a cell phone can cause impairments as profound as driving with the maximum legal limit of blood alcohol.
2. Cell phone usage degrades driving performance, and text messaging is worse. It cognitively disrupts drivers with their environment.
3. Drivers using cell phones are four times more likely to be involved in a crash.
4. Cell phone usage carries more risk than conversing with passengers or listening to a radio or audio book.
5. Drivers using a cell phone are twice as likely to miss a traffic signal.

Ordinance Effectiveness:

1. A statewide California study taken from two years before and two years after handheld cell phones while driving were banned indicated overall crash deaths decreased 22% and handheld phone deaths declined 47%.
2. Commissioner Nair stated that the often referenced Highway Loss Data Institute Bulletin can easily be misunderstood. The data stated that there was no indication that an ordinance against cell phone usage had any effect on crash statistics. However, Commissioner Nair said that only four states and vehicles three years old and newer were included in the study.

Commissioner Downey reported on the Public Hearing held at 1:30 p.m. on April 18, 2012. He stated that five individuals spoke at the hearing: three were for the restrictions and two were against.

Jerry Bird, Traffic Engineer, reported on the Public Hearing held at 5:30 p.m. on April 25, 2012. He stated that eight individuals spoke at the hearing: one was for the restrictions and seven were against. Two of the seven who were against supported a texting ban.

Commissioner Graham summarized the Traffic Commission work sessions on the issue. He stated that several work sessions were held, each lasting 90 minutes or longer. They were well attended by Commissioners and city staff, including at times Lt. Michael Miller with Amarillo Police Department and Marcus Norris, City Attorney. Topics discussed in the work sessions were, but not limited to, the following:

1. Ordinances in other Texas cities, including Arlington, El Paso, and Austin.
2. Recommendations and action plans at the national level from the National Safety Council and the National Transportation Safety Board.
3. Review and discussion of the data presented by the Traffic Commission Sub-Committee.
4. Comments from citizens who attended the two public hearings.

He said the much of the communication at the work session centered on the need for safer roads versus the need to preserve the liberty of the citizens. He summarized the work sessions as being thorough and complete.

Commissioner Stubben spoke for Commissioner Charlie Graham, who was unable to attend. According to his research, there was little consistency among the cities of McAllen, El Paso, and Dallas, who had banned various aspects of cell phone usage. He related that Canyon's city ordinance was limited as it banned text messaging but not talking on cell phones.

Commissioner Church summarized cell phone and texting laws. He stated that ten states have banned handheld cell phones: California, Connecticut, Delaware, Maryland, Nevada, New Jersey, New York, Oregon, Washington, and West Virginia. No state has banned all cell phone usage. Thirty-one states ban novice drivers from using cell phones, and thirty-eight states have banned text messaging while driving. Texas bans teens from using cellular devices in any capacity while driving, and cities in Texas determine whether to allow cell phone usage in school zones. Dallas, San Antonio, Amarillo, Austin, Galveston, El Paso, Stephenville, and Nacogdoches have some restrictions on cell phone use. Amarillo has only a cell phone restriction in school zones. The cities of El Paso, Austin, and Galveston have enacted a ban on handheld cell phones for talking and text messaging.

Tiller Watson summarized the public awareness efforts of distracted driving. He said members of the Traffic Commission indicated they all agree that education and public awareness are very important, but at this time, the specifics have not been determined. Signage and television and radio commercials are some of the avenues that may be used to educate the public.

Commissioner Stubben stated that she would take a separate poll on each the four components of the issue: Educational Campaign, Texting Ban, Handheld Cell Phone Ban, and a Total Ban of all cell phone usage.

**Education Campaign:**

Commissioner Downey:	For.
Commissioner Nair:	For. He expressed concern over the budget.
Commissioner Kenneth Graham:	For. He wants the City to take the lead and commit to a two or three year campaign involving private employers for their input and cooperation. He stated he hoped that the private sector would underwrite some of the costs.
Commissioner Church:	For. He stated he thought education was the best way to change human behavior.
Commissioner Gualtiere	For. He said he considered education to be a key component, but expressed concern the Traffic Commission has no say or budgetary power to underwrite the campaign.
Commissioner Watson:	For.
Commissioner Stubben:	For

**Texting Ban:**

Commissioner Downey:	For.
Commissioner Nair:	For.
Commissioner Kenneth Graham	For.
Commissioner Church:	For.
Commissioner Gualtiere:	For.
Commissioner Watson:	For.
Commissioner Stubben:	For.

**Handheld Cell Phone Ban:**

Commissioner Downey:	Against.
Commissioner Nair:	For.
Commissioner Kenneth Graham	For.
Commissioner Church:	Against.
Commissioner Gualtiere:	For.
Commissioner Watson:	For.
Commissioner Stubben:	For.

**Total Cell Phone Ban:**

Commissioner Downey:	Against.
Commissioner Nair:	Against. He said it would be unenforceable and unrealistic.
Commissioner Kenneth Graham	Against. In theory, for, because the research indicates there is little difference of handheld and hands free. Because of the difficulty in enforcement, he voted against.
Commissioner Church:	Against.
Commissioner Gualtiere:	Against.
Commissioner Watson:	Against.
Commissioner Stubben:	Against.

Michael Rice, Director of Public Works, asked Commissioner Stubben to seek the input of the Amarillo Police Department. Lt. Michael Miller came forward and said he had discussed the issue with Police Chief Robert Taylor and relayed Chief Taylor's thoughts. Chief Taylor is in favor of an educational campaign, but against the texting only restriction because of the difficulty of enforcement. He said that it is a burdensome task to subpoena cell phone records to prove a texting offense. He favors the handheld cell phone/electronic device restriction with no distinction between talking and texting. The ban should not apply to public servants during their performance of duty, and it should be tempered with tolerance set by the Amarillo Police Department to issue warnings instead of a citation as they deem appropriate. He favors no restrictions on hands-free devices, and he is against a total ban on cell phones/electronic devices.

Marcus Norris, City Attorney, stated he observed that the poll on the four components was not unanimous among the members of the Traffic Commission, and he said he suspected it would be the same for the general public. He said the best laws are those with broad public support because of voluntary compliance. When crafting the report for the City Commission, he encouraged members to consider their own decisiveness and their points of unity and work from that base to produce a document that is truly representative of the public and one that can be lived with.

Commissioner Kenneth Graham questioned Lt. Miller how many citations had been issued in school zones since the ban took effect last August. Lt. Miller said that the school zones are typically enforced more closely in the fall, and the majority of tickets are issued then. He estimated the number issued would be 50 plus, most of those for talking rather than texting.

Commissioner Gualtiere made a motion to extend the handheld cell phone restriction while driving in school zones to a handheld restriction within the city limits. Commissioner Graham seconded the motion, **and motion carried 5:2, with Commissioner Church and Commissioner Downey opposed.**

Commissioner Stubben stated the next meeting would be a work session to work on a report for the City Commission.

Commissioner Gualtiere made a motion to recommend to the City Commission that they pursue an educational program for cell phone use while driving. Commissioner Kenneth Graham seconded the motion, and motion carried unanimously. Commissioner Gualtiere suggested members gather ideas for the educational program such as signage, billboards, car stickers, and radio or television announcements.

There being no further business, the meeting was adjourned at 2:13 p.m.

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Jerry Bird, Traffic Engineer