



Testimony to the House Transportation and Public Safety Committee
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Patricia Kovacs, Ohio Bicycle Federation member
pkovacs@att.net
(614) 476-9093

Chairman Green, Vice-Chair Greenspan, Ranking-Member Sheehy, ladies and gentlemen of the House Transportation and Public Safety Committee, thank you for giving me the opportunity to speak on behalf of HB 95. The Ohio Bicycle Federation supports legislation that increases penalties for distracted driving, and are grateful to Reps. Hughes and Seitz for sponsoring this important legislation to add increased fines for all distracted driving.

There are some concerns that we have with the legislation however. Primarily, this legislation does not increase the enforcement for distracted driving from a secondary to a primary offense. The city of Seattle, WA has implemented a targeted enforcement program in order to achieve their Vision Zero (zero traffic fatalities) initiative. Because hand-held cellphone use while driving is a primary offense, distracted driving is one of the violations being targeted in locations with high pedestrian use, including school zones. The city of Seattle is seeing fewer second violations at these locations.

According to the Governors Highway Safety Association, primary enforcement is specified in all 14 states which prohibit hand-held cellphone use and in 42 of 46 states which prohibit texting while driving. The GHSA policy “supports state legislation that would ban hand-held cell phone use and text messaging for all drivers.”¹

A study comparing cellphone use to drunk driving found that the impairments of distracted driving are as great as those observed with intoxicated drivers. The impairments differ: drunk drivers attempt to overcome their impaired judgment, vision and skills; cellphone-distracted drivers are basically driving while blindfolded². At a recent ODOT conference on distracted driving, the guest speaker, Dr. Paul Atchley (professor of psychology at University of Kansas and expert on cognitive factors related to driving), stated that education is not enough. “The most effective way to change behavior is” with rules and laws “and with enforcement.”

Distractions have been tracked in crash reports in Ohio since 2011, but motorists are unlikely to admit that they were distracted. But how many of us have not seen motorists drifting out of their lane, and we see them using a phone or looking down at their lap? In 2016 there were 12,994 instances where distracted driving from a source inside the vehicle, such as a phone, was documented as a crash factor (see table). This figure is too high, but we should probably assume that many, many more cases of distracted driving

¹ Governors Highway Safety Association Policy on Distracted Driving, www.ghsa.org/about/policies-distracted

² A comparison of the cellphone driver and the drunk driver, David L. Strayer et al, 2006.

go undocumented. Strengthening the consequences for driving while distracted is an important measure that Ohio can take to lower the number of distracted driving incidents and make our roads safer for all users.

The other concern regarding HB 95 is that it is included in each traffic violation separately. Keeping track of which violations have the additional penalty of distracted driving will be more complicated for police officers. In addition, HB 95 includes Section 4511.991 which adds definitions for “hands-free”, and complicates the interpretation of our existing handheld electronic communications device laws (ORC 4511.204). There are too many exceptions included in our existing texting law and in the proposed distracted driving law.

We were supportive of previous bills sponsored by Representative Sheehy (HB88 in 2015 and HB637 In 2014), which would raise texting while driving to a primary offense, and add further restrictions on cellphone use in school and construction zones. We support the spirit of HB 95, which includes all types of distractions as unsafe driving practice. But we encourage making distracted driving a primary offense so that it is enforceable. Do we want to remain one of only 4 states that do not consider texting while driving a primary offense? We should not wait for better reporting of crashes involving driver distractions before taking action to prohibit this unsafe behavior. This will reverse the increasing trend of distracted driving crashes and increase safety for all Ohioans.

Ohio Distracted Driving statistics (based on crashes reported to Ohio Department of Public Safety)

DistractionName	2014 Unit 1	2014 Unit 2	2014 Unit 1 or 2 %	2015 Unit 1	2015 Unit 2	2015 Unit 1 or 2 %	2016 Unit 1	2016 Unit 2	2016 Unit 1 or 2 %
NoDistraction	250267	171390		255716	177808		257925	182336	
Zero	19167	104845		17695	103828		16617	102517	
Other Inside Vehicle	4841	2009	2.4%	5247	1935	2.5%	5912	1834	2.7%
External Distraction	3909	1895	2.1%	4354	1815	2.2%	5000	1655	2.3%
Phone	1748	690	0.9%	1875	693	0.9%	2065	551	0.9%
Other Electronic Device (Navigation, Radio, DVD)	1254	543	0.6%	1291	505	0.6%	1375	480	0.6%
Texting/Emailing	364	107	0.2%	337	90	0.1%	339	75	0.1%
Electronic Communication Device	196	109	0.1%	226	67	0.1%	289	74	0.1%