



Testimony to the House Judiciary Committee
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Patricia Kovacs, Ohio Bicycle Federation secretary
pkovacs@att.net
(614) 476-9093

Chairman Butler, Vice-Chair Manning, Ranking-Member Stinziano, ladies and gentlemen of the House Judiciary Committee, thank you for giving me the opportunity to speak on behalf of Substitute SB 146. The Ohio Bicycle Federation supports legislation that increases penalties for distracted driving, and are grateful to Senators 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. Distractions, in particular cellphone and electronics use, are prevalent in today's society, and the known dangers of this behavior should be considered a primary offense so that police officers can ticket drivers to prevent further violations. 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 41 of 46 states which prohibit texting while driving.

Distractions have been tracked in crash reports in Ohio since 2011, but motorists are unlikely to admit that they were distracted and this was verified by zero crashes involving a distraction of any type in that year. In 2014, only 1.1% of crash reports cited cellphone distractions. 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?

The other concern regarding Sub SB 146 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. The additional text added to the traffic violations, "and the distracting activity is the apparent cause of the offense", would be difficult to determine. In addition, Sub SB 146 includes Section 4511.991 which adds exceptions to the use of handheld electronic wireless communication devices and complicates the interpretation of our existing texting and cellphone laws.

Pedestrians and cyclists are less visible to motorists than motor vehicles and are more vulnerable to crashes caused by distracted drivers. Pedestrians and cyclists are injured or

killed in 80-90% of crashes involving motor vehicles, according to crash report data submitted to Ohio Department of Public Safety.

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 blindfolded¹.

HB 88, sponsored by Representative Sheehy, raises texting while driving to a primary offense, and adds further restrictions on cellphone use in school and construction zones. We support the spirit of Sub SB 146, which includes all types of distractions as unsafe driving practice. But we encourage the consolidation of Sub SB 146 and HB 88 so that distracted driving is enforceable by making it 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.

¹ A comparison of the cellphone driver and the drunk driver, David L. Strayer et al, 2006.