



METROPOLITAN  
TRANSPORTATION  
COMMISSION

Agenda Item 3a

Joseph P. Bort MetroCenter  
101 Eighth Street  
Oakland, CA 94607-4700  
TEL 510.817.5700  
TDD/TTY 510.817.5769  
FAX 510.817.5848  
E-MAIL info@mtc.ca.gov  
WEB www.mtc.ca.gov

*Memorandum*

TO: Legislation Committee

DATE: June 6, 2014

FR: Deputy Executive Director, Policy

W. I. 1131

RE: AB 1646 (Frazier): Vehicles: Electronic Wireless Communication Devices: Prohibitions

**Background**

AB 1646 raises the fines for driving while operating a cell phone without operating it in a hand-free mode or driving while sending or reading text messages from \$20 to \$50 for a first offense and from \$50 to \$100 for a second offense. The bill also expands the requirements of the driving examination to include a test of the applicant's understanding of the distractions and dangers of handheld cell phone use and text messaging while operating a motor vehicle. Finally, the bill requires a violation point to be placed on a person's driving record if convicted on a second or subsequent violation related to using a cell phone or electronic wireless device while driving.

**Recommendation: Support**

**Discussion**

Currently, 12 states have banned hand-held cell phone use while driving while 43 states have banned text messaging while driving. The risks associated with talking on a cell phone or sending/reading text messages while driving is well documented. According to the National Highway Traffic Safety Administration, using a cell phone for talking or texting increases the risk of getting into an accident threefold. A study conducted by Virginia Tech Transportation Institute found that sending or receiving a text message distracts a motorist on average 4.6 seconds, increasing their risk of getting into accident eight-fold.

According to the Office of Traffic Safety (OTS), the overall drop in cell phone usage while driving has been a contributing factor in the decline in fatal traffic accidents since 2008. A recent OTS survey showed 40 percent of California drivers reported talking less since the enactment of the handheld cell phone ban. This response suggests that some drivers have adjusted their behavior in response to the change in law; however it also underscores the fact that many Californians are not complying with the law.

AB 1646 is very similar to SB 28 (Simitian, 2011) and SB 1310 (Simitian, 2012) both of which MTC supported but were ultimately vetoed by the Governor due to concerns that the fines were too high. Prior to those bills, MTC also supported various bills to address cell phone usage while driving. Staff believes it makes sense to include questions regarding the hazards of using a cell phone and texting while driving as part of the written driving examination and to increase the penalties associated with such violations. To improve the safety of the region's local roads and highways, MTC recommends a support position on AB 1646.

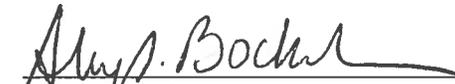
**Known Positions**

**Support**

Association of Global Automakers  
California Association of Highway Patrolmen  
California Police Chiefs Association  
California State Sheriffs' Association  
Consumers for Auto Reliability and Safety  
County Health Executives Association of California  
Lytx Inc.  
State Farm Insurance  
Traffic Safety Educators Association of California

**Oppose**

Safer Streets L.A.

  
Alix Bockelman

AB: RL