



To: Members of the Senate Judiciary Committee

From: Robert Hayes, Police Officer
Albany Police Department

Date: February 12, 2013

Re: **Support for SB 9**
Increase in penalty for operating a motor vehicle while using
a mobile communication Device

Chair Prozanski and Members of the Senate Judiciary Committee,

My name is Robert Hayes and I am employed as a patrol officer with the Albany Police Department and I'm here today on behalf of the Oregon Association Chiefs of Police and the Albany Police Department. I am a certified Drug Recognition Expert and a Drug Recognition Expert Instructor. I am also a Crash Reconstructionist and was certified as a Crash Reconstructionist in 2005. In my 21 years as a police officer I have conducted numerous investigations in regards to motor vehicle crashes. I teach part time at the Department of Public Standards and Training (DPSST). The classes I instruct are Impaired Driving and Crash Investigation. I am also the Chair for the State of Oregon, DUII Multi-Disciplinary Training Task Force. This Task Force provides training to all disciplines throughout the state in regards to Impaired Driving. I am here today, in support of Senate Bill 9.

The operation of a cellular phone and driving is like driving while impaired. That is why I referenced my training in both Impaired Driving and Crash Investigation. As a Crash Reconstructionist for the City of Albany I am on the Multi Agency Investigation Team (MAIT). This team is called out to serious and fatal motor vehicle crashes, particularly those where criminal investigations are needed. Albany is located in Linn and Benton County so our call outs are more frequent.

In the last year I have responded to three fatal motor vehicle crashes where use of the cellular phone was a contributing factor. One crash occurred in Sweet Home where an elderly male, on a motorized scooter, was hit by a vehicle. The other two were in Benton County. One was a motorcyclist who was hit by a vehicle. The driver and passenger were taking pictures and videos of each other while driving down the highway. Ironically, the third crash occurred in Benton County and I am unable to speak in regards to that crash since it is currently under investigation. Three lives lost from the use of a cellular phone.

Another crash I would mention occurred last month in the City of Albany. I was off duty with my wife and we were stopped at a red light. The car behind us was also stopped and the driver, who was looking at his cell phone, decided to hit the gas because he thought the light was green. The vehicle rear ended us; a totally preventable motor vehicle crash.

The City of Albany has a population of just over 50,000 people. We have a minimum staffing level of seven patrol officers and sometimes have to work with six. Due to the volume of calls; it is hard to be proactive. It is frustrating to see the number of people who know this law is in effect and don't even attempt to hide their cellular phone use when a police officer is coming up behind them or past them. It is like they know the law is there but the chance of getting a citation is small. Raising the fine would place more concern on the citizen in regards to using the cellular phone while operating a motor vehicle.

Finally, I want to close by mentioning it is my opinion that speaking on the cellular phone is not the main issue we have in regards to the motor vehicle crashes we are investigating or the erratic driving we see on the highways. It is the text messaging, reading of emails and looking for the phone number to call that causes these events to occur. Since I am a Crash Reconstructionist I will close with some, not food for thought, but math for thought.

A person's average perception reaction time is 1.5 seconds. This is the time it takes the person to see the event that is front of them and reacting to that event. Example: seeing the child in the road, it takes 1.5 seconds for the event to register in the brain and the person taking their foot off the gas and applying the brake.

mph = miles per hour
fps = feet per second

A vehicle traveling 25mph travels approximately 36fps. 1.5 seconds = 54fps
A vehicle traveling 35mph travels approximately 51fps. 1.5 seconds = 76fps
A vehicle traveling 45mph travels approximately 65fps. 1.5 seconds = 97fps
A vehicle traveling 55mph travels approximately 80fps. 1.5 seconds = 120fps
A vehicle traveling 65mph travels approximately 95fps. 1.5 seconds = 142fps

Here are a few questions to ponder: How many seconds does it take to read that email or text message? How many seconds does it take to reply to that email or text message? How many seconds are the driver's eyes off of the road...time that would have allowed them to see that vehicle, hazard, pedestrian or child?

In closing, the passing of this bill will accomplish safer highways and decrease the number of crashes on our roadways. If there is no fear in getting cited then there is no fear in committing the violation.

Both the Oregon Association Chiefs of Police and the Albany Police Department ask for your support and endorsement of Senate Bill 9.

Driving While Distracted: Statistics To Know Learn about the risks of driving while distracted with texting while driving statistics from Nationwide

Learn about the danger of driving while distracted (DWD) and cell phone use while driving with helpful information from Nationwide Insurance to help prevent driving while texting accidents when you're behind the wheel.

A new On Your Side® survey by Nationwide verifies with concrete cell phone driving statistics the general assumption that there is strong public support for legislation to restrict cell phone usage while driving.

The results of the new survey show there are varying degrees of support for different types of restrictions based on these texting while driving statistics.

- 8 in 10 drivers support some type of cell phone usage restriction.
- The majority of respondents say they are supportive of laws restricting any type of cell phone use while driving.
- 80 percent respondents support a ban on text messaging while driving.
- 80 percent of respondents support a ban on e-mailing while driving.
- Two thirds (67 percent) of respondents say they are supportive of laws restricting phone calls while driving.
- Of those who supported enacting some type of cell phone usage restriction, nearly 3 in 4 believed the law should apply to all drivers, not just specific groups.

Read other cell phone driving statistics:

- Distraction from cell phone use while driving (hand held or hands free) extends a driver's reaction as much as having a blood alcohol concentration at the legal limit of .08 percent. (University of Utah)
- The No.1 source of driver inattention is use of a wireless device. (Virginia Tech/NHTSA)
- Drivers that use cell phones are four times as likely to get into crashes serious enough to injure themselves. (NHTSA, Insurance Institute for Highway Safety)
- 10 percent of drivers aged 16 to 24 years old are on their phone at any one time.
- Driving while distracted is a factor in 25 percent of police reported crashes.
- Driving while using a cell phone reduces the amount of brain activity associated with driving by 37 percent (Carnegie Mellon)

We encourage your support for SB 9