Distracted Driving Enforcement in New York

Alec Slatky
Government Relations Liaison, AAA Northeast
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Distracted Driving is on the Rise

% of U.S. adults owning a smartphone

Distracted Driving is on the Rise

% of U.S. drivers reading a text/email at given frequencies

At least once within past 30 days

"Regularly" or "fairly often"

2010 2016
Distracted Driving is on the Rise

Figure 1
Driver Use of Electronic Devices, 2006–2016

Figure 1 illustrates the increase in driver use of electronic devices from 2006 to 2016. The chart shows the percentage of drivers using electronic devices while driving, categorized into three types: Handheld Cell Phone Use, Visible Headset Cell Phone Use, and Visible Manipulation of Handheld Devices.
Distracted Driving is on the Rise

- AAA Foundation for Traffic Safety teen driving study (review of in-vehicle camera footage)
- Drivers with no reaction before rear-end crashes:
  - 2008: 13%
  - 2014: 25%
- Average amount of time drivers took their eyes off the road in the six seconds immediately preceding a crash:
  - 2008: 2.0 seconds
  - 2014: 3.1 seconds
Distracted Driving is on the Rise

- 70% of drivers said distracted drivers were a much bigger problem today than three years ago.
Statewide Tickets

Tickets issued

Year | Tickets Issued
--- | ---
2012 | 250,000
2013 | 225,000
2014 | 200,000
2015 | 175,000

Legend:
- **Blue**: Cell Phone
- **Orange**: Texting
89,902 tickets issued outside New York City

- State: 45%
- Town: 16%
- County: 14%
- Village: 14%
- City: 10%
- Other: 1%
Town Of New Castle (Westchester County)

- Population: 17,569
- 242 distracted driving tickets
  - 132 cell phone
  - 110 texting
- 45.3 distracted driving tickets/1000 residents
- 38% of all tickets are distracted driving tickets
New York City

- Population: 8.55 million
- 125,120 distracted driving tickets
  - 70,868 cell phone
  - 54,252 texting
- 14.6 tickets/1000 residents
- 12% of all tickets are distracted driving tickets
Village of Florida (Orange County)

- Population: 2,833
- 242 distracted driving tickets
  - 132 cell phone
  - 110 texting
- 85 distracted driving tickets/1000 residents
- 35% of tickets are for distracted driving
Kingston State Police station (Ulster County)

- 1108 distracted driving tickets
  - 270 cell phone
  - 838 texting
Recommendations for Police Departments

- Choose officer(s) to focus on distracted driving
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- Work in two-person teams
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- Work in two-person teams
- Create an original safety plan
Recommendations for Elected Officials

- Have a hand-held ban
- Prohibit cell phone use at red lights
- Presumption of use based on proximity to ear
- Have an all-encompassing definition of “using”
New York Court Cases - Successes

• Hand-held GPS meets statutory definition of “portable electronic device” under texting law (2017)
• Just saying you were turning a phone off isn’t evidence that would rebut a presumption of use (2016)
• Credible testimony that a driver didn’t call or send a text near the time he was stopped is not sufficient to overcome presumption of use under texting law (2014)
• Using a speaker-enabled iPhone is a still a violation if the phone is in the driver’s hand (2012)
New York Court Cases - Defeats

• Texting law doesn’t prohibit using a cell phone as a clock or a watch (2013)
• Texting law doesn’t prohibit use when a vehicle is not in motion (2012)
• Hand-held amateur radio use is not prohibited (2011)
• Cell phone conviction overturned because defendant could reasonably have been adjusting Bluetooth earpiece (2009)
• Cell phone law cannot be enforce in a private parking lot (2003)
Thanks!

- Alec Slatky
- Email: aslatky@aaanortheast.com
- Tel: (516) 873-2266