



Schertz police are on the lookout for distracted drivers texting or talking on their cellphones. During a summer grace period officers only issued warnings, but the tickets — and hefty fines — start in earnest Sept. 14. Photo by Rudy B. Ornelas

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Video explaining new law is online

by EDMOND ORTIZ

SCHERTZ — Some city leaders — including the mayor — are questioning the overall effectiveness of a new hands-free ordinance meant to keep motorists from being distracted by texting or calling.

The law, which City Council adopted June 16 in a 3-2 vote, focuses on drivers who appear distracted while using a cellphone or other portable electronic device. It is similar to regulations in other Texas cities.

Mayor Michael Carpenter said public safety is always a top priority for city leaders. However, Carpenter added he has difficulty determining whether texting or cellphone use is any worse of a problem than other forms of distracted driving, such as motorists

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eating or reading behind the wheel.

"The scholarly research just isn't good," Carpenter said. "Some places (which) have passed this kind of law have seen little to no decrease. Other places say they have seen a decrease, but really, the research out there is inconclusive."

Carpenter added for the rule to be truly effective, all conceivable distracted-driving variations should be covered.

Under the law, a police officer may pull over a motorist swerving or slowing down while using a digital device. Drivers holding a cellphone to an ear or texting while steering could also face a citation.

In some cases, police officials said a quick warning should suffice, but fines can reach up to \$200.

Officers will start giving tickets Sept. 14, after allowing a two-month grace period.

Officials said no single episode spurred Schertz to join Universal City, Converse, Helotes, San Antonio, Austin and several other municipalities levying some type of prohibition on cellphone use while driving.

Cibolo officials last year discussed enacting a similar ordinance, but haven't yet.

“ WE’VE PUT OUR PUBLIC LAW-ENFORCEMENT OFFICERS IN A POSITION TO DEFEND THIS ORDINANCE. I’M SURE SOME PEOPLE WILL CHALLENGE IT. ”

CEDRIC EDWARDS, SCHERTZ COUNCILMAN

Schertz's decree doesn't require a handheld device to be affixed to a vehicle, except when used as a navigation system. City drivers are allowed to employ Bluetooth or OnStar technology.

Police Chief Michael Hansen tried to allay concerns about the then-proposed ordinance going into the June 16 council meeting by relating how holding a phone hinders a driver's peripheral view and slows the ability to respond quickly with both hands.

Hansen also told council members the edict is designed to increase public awareness and create an atmosphere where motorists voluntarily obey.

"The Police Department stands by the ordinance. We're looking at driving inattention," said police

Lt. Manny Casas. "It's our hope that there's more compliance."

Casas said officers are trained to carefully search for impaired driving, attributable to phones or other devices.

"Let's just say a person who keeps slowing down to maybe less than 10 mph and other cars are stacking up behind them, or that driver is drifting in and out of their lane, that's what we're looking for," Casas said. "This isn't so much about applying strictness of a law as it is about public safety."

The mayor is personally familiar with the problem. Being a motorcyclist, he once was hit from behind by a motorist on the phone at the time.

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Carpenter wasn't seriously injured, but he remembers being incensed. All the same, Carpenter said he understands distracted driving is nearly impossible to deter given the number of folks on the road.

"I'm not sure the passage of an ordinance will change behavior," he said. "I'd rather go on a campaign to highlight the dangers of distracted driving."

Jim Fowler, one of three council members adopting the law, said it sends a message to the public that texting and driving doesn't mix.

"I think the intent here is to tell people that if you do this, you could be fined. Just having this ordinance as a deterrent, to me, is the right thing to do," he added.

The councilman said Schertz should be proactive, rather than wait until someone gets hurt or killed.

"Organizations and agencies are really behind a don't-drive-and-text campaign. I've learned a good number of teenagers and young adults do it," Fowler said.

"This is a good first step for us, and we can always change it later if we need to." Such sentiment wasn't enough to

sway councilmen Cedric Edwards and Daryl John, who voted against the law. Both said if the ordinance were to be effective, it should cover a variety of distractions. The city now bears the burden of proof, Edwards added.

"We've put our public law-enforcement officers in a position to defend this ordinance. I'm sure some people will challenge it," Edwards added.

The councilman also fears some will see this as simply a new source of city revenue. Interstate 35, one of the most heavily traveled roads in Texas, runs through Schertz.

Casas acknowledged the city has never projected how much in fines it could collect.

John said the ordinance doesn't address the overall distracted-driving problem.

"I cannot see the difference between talking on the phone in the car, and talking with another person in the car," he said. "I tried to push for a more comprehensive distracted-driving ordinance that excludes talking on the phone, but that didn't happen."

A short video about the law is at www.facebook.com/Schertz.Police.Department.