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Texting drivers give ban a thumbs down Many ignore rule, others use discretion



UT student Dan Breedon supports aggressive enforcement of Toledo's ban and says he believes college students are the worst offenders. Toledo's ban on texting while driving went into effect Jan. 1.
(THE BLADE/AMY E. VOIGT)
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By JC REINDL
BLADE STAFF WRITER

Four months into the city-wide ban on text-messaging while driving, Toledo motorists are still flipping open cell phones and glancing down to type.

Yet a number of habitual text-messagers say that though they aren't willing to stop texting while driving, they have tried to pay more attention to the road since Toledo's ban went into effect Jan. 1 - for safety's sake as well as to avoid getting ticketed.

"I try to wait until a red light because I know I'll get totally distracted," said Lindsey Witmer, 20, a University of Toledo student.

And Mike Szmania, another U'T student, says he now looks before he types.

"I always check around to see if there's a cop. If not, I'll go back to texting," Mr. Szmania, 20, said in a UT parking lot on a recent afternoon. "Everyone still does it even though it's illegal and they try their best not to get caught."

Not many do get caught. Toledo Municipal Court records show that police have cited four people for violating the texting ban, a minor misdemeanor offense with a potential first-time fine of up to \$150. A second offense is punishable by up to a \$500 fine and 60 days in jail; a third offense could result in a \$1,000 fine and six months jail time.

Police wrote up two people after observing them commit other traffic offenses such as a lane violation; the other two citations followed crashes. One officer wrote that after a 19-year-old's car rear-ended another vehicle at Monroe and Central Avenue, "subject's first words to me were, 'I was texting.'"

A 41-year-old Toledo man was cited for both texting and drinking beer while driving.

Though some motorists may boast of their multitasking abilities, experts insist that people put their own lives and those of others at risk when they drive with one eye on a cell phone and their other eye, well, also on the cell phone.

A Virginia Tech study released last July found that those who text average 4.6 seconds of "eyes-off-road time," the equivalent of traveling the length of a football field at 55 mph without looking at the road. The same study found that driving while texting is 20 times more dangerous than driving while not using a phone.

To raise awareness of the hazards of distracted driving, talk show host Oprah Winfrey is joining with the U.S. Department of Transportation, the Governors Highway Safety Association, and other groups to declare Friday as national "No Phone Zone Day." Rallies are planned in five cities (including Detroit) during a special live episode of The Oprah Winfrey Show.

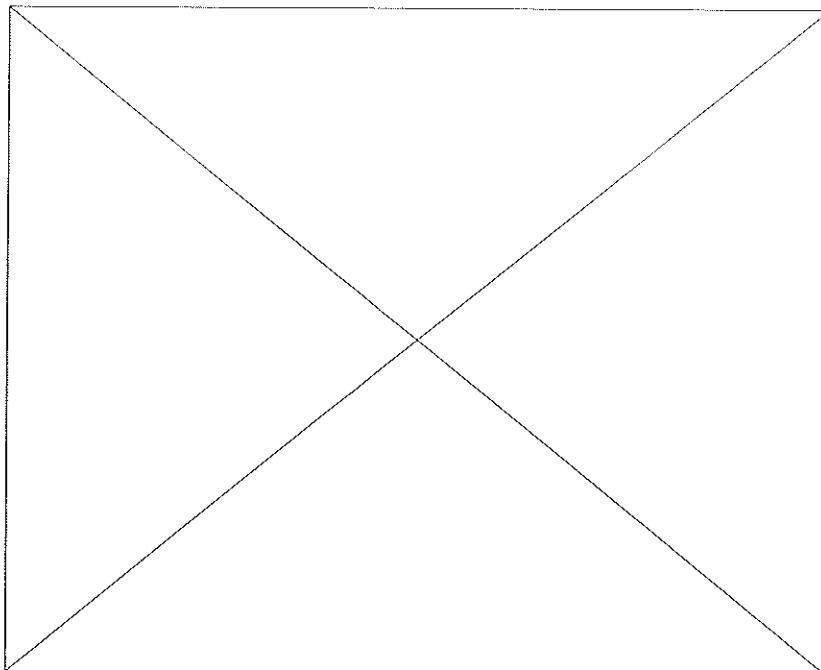
The dangers of texting while driving were brutally demonstrated in Toledo earlier this month when an off-duty Lucas County sheriff's deputy, Kim Smith, was killed after losing control of her vehicle on I-75, seconds after investigators suspect that she had been text-messaging.

Nationwide, nearly 6,000 people died in 2008 in crashes involving distracted or inattentive driving, according to the National Highway Traffic Safety Administration.

A contributor, Jim Myers, on The Blade's Facebook page, facebook.com/thetoledoblade, shared this video:

TOLEDO'S TEXTING BAN

- Effective on Jan. 1.
- Misdemeanor offense, with a potential first-time fine of up to \$150, rising to \$500 and \$1,000 on second and third offenses.
- Second major city in Ohio to ban texting while driving.



It will be illegal to text and drive in at least 24 U.S. states come July 1, when a Michigan ban is expected to go into effect. There's no similar law in Ohio; the House last month approved a measure 85-12 that would make texting while driving a primary offense, while a pending Senate bill would make it a secondary offense.

Toledo became the second major city in Ohio after Cleveland to ban texting while driving. A Columbus ban takes effect May 5.

Former Mayor Carty Finkbeiner was a major proponent of Toledo's texting ban.

"I think that the basic, simple truth is that when you're driving a vehicle you really need to give the vehicle your undivided attention," Mr. Finkbeiner said. "There are too many folks who are doing two things simultaneously."

Councilman D. Michael Collins, chairman of the Public Safety, Law, and Criminal Justice Committee, said he considers the law one of last year's best pieces of public safety legislation.

"Texting while driving not only compromises the safety of the driver who is texting, but others who are operating motor vehicles," Mr. Collins said.

State Rep. Barbara Sears (R., Monclova Township) voted against the Ohio bill that calls for a statewide texting-while-driving ban. In an interview, she noted that it's already an offense in Ohio to be inattentive while driving and said that police could enforce the existing laws.

"To suggest that texting is the only distracting thing I think just leads people to a false sense of security," Ms. Sears said last week. "You can't even imagine what I see driving down to Columbus and back - everything from texting to talking to singing to eating to makeup to shaving."

She also questioned the practicality of enforcing a ban, especially when texting often involves the same keypad used to dial a phone number.

Toledo Police Chief Mike Navarre said the four texting citations given out so far don't include warnings that officers typically give motorists when a new law goes into effect. Still, the chief said that citing motorists for texting violations is not a top priority, given the department's tight budget and staffing levels.

"The officers are very busy right now," Chief Navarre said. "They're pretty much running from call to call. They don't have as much time available for self-initiated traffic stops as they once did when there was more of them."

Lt. Jeff Sulewski, the police department's traffic section commander, said that officers are likelier to cite motorists for texting if they first commit a moving violation or if texting contributes to a crash.

Pulling over a motorist just for texting would entail either a confession or the seizure of the motorist's phone and execution of a search warrant to gain records from his or her cell phone carrier.

"It would be a lot to go through if you just were going to cite them for texting," Lieutenant Sulewski said.

Dan Breedon, 25, a UT student from Temperance, said he supports aggressive enforcement of Toledo's texting law and believes young people and college students to be the worst texting-and-driving offenders. He said his 22-year-old brother's car was recently hit in a parking lot by a young driver who was texting.

UT Police Chief Jeff Newton said the university enforces the city's texting ban on campus and was unaware of text messaging being a contributing factor to any on-campus traffic accidents.

UT philosophy and religion professor Jeanine Diller had her own run-in with a texting driver two years ago. She described how she was making a left turn at an intersection when a young driver didn't stop when he should have.

"I remember thinking, 'Why is he looking down? And why is he not looking at the stop sign? And why is he not looking at me?'" recalled Ms. Diller, who was uninjured when the teenager's vehicle collided at a slow speed with hers.

Yet the incident triggered bad memories, because Ms. Diller suffered a concussion in high school when a drunk driver hit the car that she was in.

Locally and nationally, public officials have said that tackling distracted driving will require a mix of personal responsibility and positive peer pressure like that which helped reduce driving under the influence of alcohol.

And some smart phones also support various applications that can read text messages aloud or inform senders that an individual is driving and unavailable.

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