

**PUBLIC SAFETY AND HEALTH COMMITTEE REPORT**  
**Wednesday, April 4, 2012 10:30 AM – 11:25 AM**  
**Council Chambers, 140 West Pine Street, Missoula, Montana**

**Members Present:**, Dave Strohmaier, Adam Hertz, Jon Wilkins, Caitlin Cople, Dick Haines

**Members Not Present:** Bob Jaffe, Cynthia Wolken

**Other Present:** Jim Nugent, Mark Muir, Brandy Snyder

## **I. ADMINISTRATIVE BUSINESS**

1. Approve minutes from [March 28, 2012](#). Minutes approved unanimously.

## **II. PUBLIC COMMENT**

## **III. CONSENT AGENDA ITEMS**

1. Discuss revisiting cell phone restrictions. ([memo](#)) – Regular Agenda (Dave Strohmaier) (Referred to committee: 10/17/11) **(HELD IN COMMITTEE)**

Dave Strohmaier provided some background on cell phone restrictions in other cities in Montana.

Mark Muir noted that April is National Distracted Driving Month. Mark stated that since the texting ordinance passed in Missoula, only twelve citations have been issued. He cited the difficulty in determining whether or not a person is texting while driving. He discussed cell phone ordinances in other communities. He discussed distracted driving. He discussed innovations by the automotive industry that mitigate distracted driving. He described exemptions to these laws for public safety personnel who are performing their duties. He feels that public safety personnel would benefit from using hands-free devices. He discussed enforcement of cell phone restrictions.

Caitlin Cople asked if enacting cell phone restrictions would change law enforcement priorities.

Mark Muir responded that traffic stops are based on exhibited traffic behaviors. He detailed the large amount of time needed to process a DUI arrest versus a five minute citation for cell phone infractions.

Dave Strohmaier asked about City boundaries and roadway signage informing citizens of local restrictions on cell phone usage.

Mark Muir replied that the State Department of Transportation has developed standards regarding signage. He discussed potential litigation. He described rolling out such an ordinance by announcing a starting date, and by enacting a public education campaign. There would be a warning period for the first 30 days that the ordinance is in effect.

Dick Haines asked how the texting violations resulting in the 12 citations issued were observed.

Mark Muir responded that motorcycle traffic officers can see what the driver is doing visible observer to be texting. Motorcycle traffic officers account for half of the citations.

Dick Haines asked about hands free devices in automobiles.

Mark Muir responded that automobile manufacturers have introduced innovations that allow drivers to utilize vehicle controls without having to look away from the roadway or having taking their hands off of the steering wheel.

Dick Haines discussed the On-Star system. He recalled a fatal distracted driving incident.

Jon Wilkins asked Jim Nugent about the prosecution of the twelve texting citations that were issued.

Jim Nugent responded that to his knowledge, at least one citation was dismissed in court.

Jon Wilkins cite the difficulty of enforcing a texting ban.

Dave Strohmaier suggested that a subcommittee could be formed to look at ordinance language from other cities in Montana and to bring a proposal back to the Council.

Brandy Snyder indicated her support for this effort. She cited other driver behavior that leads to distracted driving.

Jon Wilkins asked the committee if a subcommittee should be formed.

Dave Strohmaier responded that the committee basically has three options. One would be to form a subcommittee. Another would be to develop additional language for the existing texting ordinance. Finally, the committee could take no more action on this issue.

Jon Wilkins asked who would like to be on the subcommittee.

Adam Hertz stated that he did not want to be in the subcommittee.

Caitlin Cople stated that she did not have time to join a subcommittee.

Adam Hertz stated that this issue might be addressed by the next State Legislature. If the State does not address it, he feels that the matter should be addressed by a ballot initiative. He stated that he was not in the business of legislating common sense. He discussed a distracted driving study.

Jon Wilkins discussed the inability of the State Legislature to address this issue. He reminded the committee that language prohibiting the use of cell phones while driving passed out of committee, but was vetoed by the Mayor. Jon cited the lack of a hands-free option for the veto. He indicated disappointment that public participation regarding this issue is currently lacking. He feels that cell phone use while driving is out of control. He encouraged the public to contact their representatives on the Council to weigh in on this issue.

Dave Strohmaier stated that the majority of his constituents that have contacted him support restriction on using a cell phone while driving. He stated that he has no faith that the State Legislature will address this issue. He feels that the Council can act on this without a ballot initiative. He wants to keep this item on the agenda in order to further investigate options for this matter.

Jon Wilkins stated that he voted against the ordinance the last time around because it did not allow for the use of hands-free devices.

Dick Haines described the public's ambiguity regarding having such an ordinance.

Jon Wilkins feels that a possible subcommittee should be opened up to all members of the City Council. He encouraged the public to speak up on this issue.

Adam Hertz stated that he feels that a ballot initiative would lead to more citizen involvement.

Dave Strohmaier stressed the importance of public feedback.

Jon Wilkins concurred.

#### **IV. REGULAR AGENDA ITEM**

#### **V. HELD AND ON-GOING AGENDA ITEMS**

1. Police Department Update – Ongoing in Committee. (Mark Muir)
2. Fire Department Update – Ongoing in Committee (Jason Diehl)
3. Health Department Update – Ongoing in Committee. (Ellen Leahy)
4. Eat Smart Coalition information. ([memo](#))—Regular Agenda (Jason Wiener) (Referred to committee: 07/11/11)
5. Discuss air quality issues related to railroad operations in and through Missoula. ([memo](#))—Regular Agenda (Dave Strohmaier) (Referred to committee: 10/24/11)
6. Authorize Discussion with Crime Victim Advocate Office. ([memo](#))—Regular Agenda (Jon Wilkins) (Referred to committee: 02/06/12)
7. (Joint Meeting with Conservation) Safety aspects of management of the urban deer population in the City of Missoula. ([memo](#))—Regular Agenda (Dick Haines and Jon Wilkins) (Referred to committee: 03/26/2012)

#### **VI. ADJOURNMENT**

The meeting adjourned at 11:19 A.M. Submitted by Gregg Schonbachler.