

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE AGENDA

WEDNESDAY, JANUARY 20, 2010

**7:45PM - Room 222**

***Chairman's Note:*** *The Committee has requested that Department Heads with Departments under the jurisdiction of the Programs & Services Committee come in for brief informational discussions.*

*Nancy Perlow, Library Director, and Jayne Colino, Director of Senior Services, will join the Committee this evening.*

**ITEMS SCHEDULED FOR DISCUSSION:**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#13-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred thousand dollars (\$100,000) from Budget Reserve for the purpose of supplementing the Law Department legal assistance account.

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#358-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fifty five thousand dollars (\$55,000) from tax revenue from the local option meals tax to restore funding to the Senior Transportation Program. [10/09/09 @ 5:25 PM]

**REFERRED TO PUB SAFETY & TRANS AND PROG & SERV COMMITTEES**

#20-10 ALD. HESS-MAHAN AND HARNEY requesting special legislation prohibiting the use of handheld mobile devices to send, read or receive electronic messages while operating a motor vehicle within the City of Newton and in order to protect its citizens and to limit unnecessary motor vehicle accidents, injuries, and fatalities, and that the appropriate committees conduct a public hearing to examine the feasibility thereof. [01/04/10 @ 5:07 PM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#83-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to adopt the proportion of Governors Municipal Partnership that would allow the City to reduce employee health insurance costs by joining the Group Insurance Commission. [02/27/07 @ 10:21 PM]

- #82-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to allow the cities and towns to tax all telecommunications facilities in the City (which would yield at least \$1.6 million per year for Newton). [02/27/07 @ 10:21 PM]

**ITEMS NOT YET SCHEDULED FOR DISCUSSION:**

- #394-09 ALD. BAKER requesting clarification of the Rules of the Board regarding referrals to Committee of appeals of decisions of the Traffic Council. [11/30/09 @ 9:34 AM]

**REFERRED TO RULES SUBCOMMITTEE**

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #376-09 HIS HONOR THE MAYOR submitting the FY11-15 Capital Improvement Program, totaling \$140,377,285 and the FY10 Supplemental Capital budget, which require Board of Aldermen approval to finance new capital projects over the next five years.

- #363-09 ALD. SANGIOLO requesting a discussion to increase the tobacco seller license fee. [09/13/19 @ 1:07 PM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #360-09(2) PROGRAM & SERVICES COMMITTEE requesting a discussion to explore possible sources of revenue to fund an off leash dog park system in the City. [11/06/09 @ 10:44 AM]

- #298-09 ALD. MANSFIELD proposing Home Rule Legislation to amend **Article 2, Section 2-1(c) Composition; Eligibility; Election and Term** of the Newton Charter to establish four-year terms for Aldermen-at-Large with the provision for one Aldermen-at-Large to be elected from each ward at each biennial municipal election. [09-29-09 @ 6:45 PM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #130-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Cable Receipts the sum of twenty-four thousand nine hundred eighteen dollars (\$24,918) for the purpose of purchasing equipment to provide for archived web casting of the Board of Aldermen and School Committee meetings. [4/28/09 @ 6:02 PM]

- #125-09 THE POST AUDIT & OVERSIGHT COMMITTEE requesting creation of a public tree protection ordinance and amendment of the current tree ordinance as recommended in the Tree Preservation Ordinance Report. [04/17/09 @ 9:14 PM]

#95-09(2) PROGRAMS & SERVICE COMMITTEE requesting establishment of an Advisory Committee to review processes of the Board of Aldermen and report recommended efficiency improvements to the Board of Aldermen. Members of the Advisory Committee shall be appointed by the Chairman and Vice Chairman of the Programs & Services Committee and the President of the Board. [11/16/09 @ 3:59 PM]

#8-09 ALD. HESS-MAHAN, LINSKY, ALBRIGHT, FREEDMAN, MANSFIELD, JOHNSON, HARNEY & VANCE proposing an ordinance requiring that the installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. [12/30/08 @ 9:55 AM]

**REFERRED TO LAND USE AND PROGRAMS & SERVICES COMMITTEES**

#474-08(2) ALD. HESS-MAHAN & VANCE proposing that Article X of the Rules & Orders of the Board of Aldermen be amended to conform with a proposed amendment to Chapter 30 re transfer of the special permit granting authority to the Zoning Board of Appeals and/or the Planning & Development Board for projects that are not classified as Major Projects pursuant to Article X.

**REFERRED TO PS&T AND PROGRAMS & SERVICES COMMITTEES**

#391-08 HIS HONOR THE MAYOR requesting Board of Aldermen approval to (#122-92(3)) petition the General Court for an amendment to the legislation that governs the appointment of a Police Chief in the City of Newton in order to add two members to the committee: an additional representative of the Newton Superior Officers Association and an additional citizen member. [11/4/08 @ 12:31 PM]

**PUBLIC SAFETY & TRANSPORTATION APPROVED 5-0 (Ald. Coletti, Danberg and Harney not voting) on 10/21/09**

#306-08 ALD. BAKER, DANBERG, MANSFIELD & PARKER requesting discussion of how swimming at Crystal Lake might be lawfully and safely extended beyond mid-August. [08/26/08 @ 5:03 PM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#274-08 ALD. JOHNSON AND SANGIOLO proposing a RESOLUTION to His Honor the Mayor requesting that he create a plan to move the Child Care Commission to a self-sustaining model for FY2010. [07/17/08 @ 9:53 AM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#273-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include:

performance management, talent development, succession planning, and compensation. [07/17/08 @ 9:53 AM]

**REFERRED TO PROG. & SERV. AND PUBLIC FACILITIES COMMITTEES**

#271-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, the Parks and Recreation Department, and the Department of Public Works in order to determine the most effective and efficient way to organize the work of managing our public resources. [07/17/08 @ 9:53 AM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#270-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Information Technology Departments. [07/17/08 @ 9:53 AM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#258-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding reorganization of senior transportation services and establishment of intra-village transportation systems. [07/08/08 @ 1:29 PM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#207-08 ALD. BRANDEL AND SANGIOLO proposing that the following question be put before the Newton voters:  
“Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bond issuance in order to fund Newton North High School?” [05/21/08 @ 12:58 PM]

#129-08 ALD. JOHNSON, SANGIOLO AND BRANDEL requesting establishment of a new Rule of Board of Aldermen stating that any new item submitted but not yet approved or accepted by the Full Board of Aldermen is prohibited from any formal or informal discussion by any formal, informal or special committee of the Board. [03-24-08 @ 9:11 AM]

**REFERRED TO PROG. & SERV., PUB.FAC. AND FINANCE COMMITTEES**

#89-08 ALD. PARKER requesting the following:  
A) review of the maintenance practices for buildings, parks and other properties owned by the City (including School Department facilities and grounds)  
B) development of a comprehensive maintenance plan that includes regular schedules for preventive maintenance for each specific site or facility

C) a RESOLUTION requesting that implementation of said maintenance plan be funded using operating budget funds.

[02/13/08 @ 12:07 PM]

#287-07(2) ALD. PARKER requesting a discussion with Parks and Recreation Department in regards to an appropriate marker or plaque to honor and recognize Olympic figure skater and Newton resident Tenley Albright and her skating exhibition at the Crystal Lake upon her return from the 1956 Olympic Games where she won a gold medal. [09/20/07 @ 1:22 PM]

#262-07 ALD. VANCE AND HESS-MAHAN seeking approval by the Board of Aldermen of a home rule petition to the General Court that would authorize an amendment to the charter of the City of Newton that would change the length of terms of the members of the Board of Aldermen to three years and would provide for electing one-third of the aldermen, one from each ward, every year. [08/22/07 @ 3:53 PM]

#52-07 ALD. PARKER, SANGIOLO, MANSFIELD, HARNEY, DANBERG, VANCE, LINSKY, HESS-MAHAN, BURG, ALBRIGHT & JOHNSON requesting an ordinance amendment to create a health care advisory committee whose function would be to recommend measures to control the rate of increase of health insurance costs, as recommended by the Newton Finance & Management Working Group in 2005 and the Blue Ribbon Commission on the Municipal Budget in 2007. [02/09/07 @ 12:36 PM]

#422-06(2) ALD. HESS-MAHAN requesting that a task force be established to meet and prepare a report and recommendations regarding the regulation of noise, air pollution and best practices with respect to the operation of power equipment used in landscaping, property and yard maintenance, including, without limitation, leaf blowers. [01/27/09 @ 3:47 PM]

#370-06 ALD. SANGIOLO, PARKER, MANSFIELD requesting home rule legislation to allow advisory questions to be asked in a Newton special election.

**REFERRED TO FINANCE AND PROGRAMS AND SERVICES COMMITTEES**

#245-06 ALD. JOHNSON AND HESS-MAHAN requesting an amendment to the City Charter to require the Mayor annually to prepare and submit to the Board of Aldermen a long-term financial forecast of anticipated revenue, expenditures and the general financial condition of the City, including, but not limited to identification of any factors which will affect the financial condition of the City; projected revenue and expenditure trends; potential sources of new or expanded revenues; anticipated municipal needs likely to require major expenditures; and a strategic plan for meeting anticipated

municipal needs, to include, but not be limited to, any long or short-term actions that may be taken to enhance the financial condition of the City.

#329-05(3) ALD. YATES requesting a discussion relative to amending the noise control ordinance to (A) prohibit the cumulative noise level from multiple pieces of equipment operating simultaneously on the same site to exceed the maximum noise levels allowed when measured at the nearest lot line and (B) to eliminate various exemptions in residential districts.

#346-99 ALD. SANGIOLO requesting creation of an ordinance that would prohibit dogs (leashed or unleashed) from all elementary school playgrounds.

Respectfully Submitted,

Amy Sangiolo, Chairman



David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

#13-10 Telephone (617) 796-1100  
Telefax (617) 796-1113  
TDD (617) 796-1089  
E-mail dcohen@newtonma.gov

December 21, 2009

09 DEC 22 AM 10:09  
CITY CLERK  
NEWTON, MA 02159

Honorable Board of Aldermen  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate one hundred thousand dollars (\$100,000) from budget reserve for the purpose of supplementing the Law Department legal assistance account.

This appropriation will pay the legal costs of the law firm of Morgan Brown & Joy, which provides legal services for collective bargaining, labor disputes, and arbitrations.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen  
Mayor

DBC: srb

From: Budget Reserve  
0110498-5790 \$100,000  
To: Law Dept Expenses  
0110801-5309 \$100,000

*AW*  
12/31/2009

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE

COMPTROLLER'S OFFICE  
 DATE: 12/31/2009  
 TIME: 12:43:18

CITY OF NEWTON, MASSACHUSETTS  
 EXPENDITURE AUDIT TRAIL

PAGE NUMBER: 1  
 AUDIT#21

SELECTION CRITERIA: expledger.budget\_orgn='0110801' and expledger.budget\_acct='5309'  
 ACCOUNTING PERIODS: 1/10 THRU 6/10

#10-10 SORTED BY: FUND,SUB FUND,DEPARTMENT,PROGRAM,1ST SUBTOTAL,ACCOUNT  
 #10-10 POTALLED ON: FUND,SUB FUND,DEPARTMENT,PROGRAM,1ST SUBTOTAL

PAGE BREAKS ON: FUND

FUND - 01 - GENERAL FUND  
 BUDGET CODE - 0110801 - LEGAL

ACCOUNT DATE	T/C	ENCUMBRANC	REFERENCE	VENDOR	BUDGET	EXPENDITURES	ENCUMBRANCES	DESCRIPTION	CUMULATIVE BALANCE
01-01B-14-108-D4-0110801 - LEGAL									
5309 LEGAL SERVICES									
07/01/09	11-1		L0105507-01		142,000.00	.00	.00	BEGINNING BALANCE	
07/28/09	17-1		L0105507-01	109866 OKEEFE MAURA E		800.00	5,000.00		
07/30/09	21-1		L0105507-01	109866 OKEEFE MAURA E		800.00	-800.00		
08/04/09	21-2		L0105507-01	109866 OKEEFE MAURA E		800.00	-800.00		
08/11/09	21-2		L0105507-01	109866 OKEEFE MAURA E		800.00	-800.00		
08/13/09	17-2		L0105509-01	11828 EPSTEIN AND AVGU		4,000.00			
08/13/09	17-2		L0105510-01	12052 MORGAN,BROWN & J		120,000.00			
08/18/09	21-2		L0105507-01	109866 OKEEFE MAURA E		800.00	-800.00		
08/25/09	21-2		L0105507-01	109866 OKEEFE MAURA E		800.00	-800.00		
09/01/09	21-3		L0105507-01	109866 OKEEFE MAURA E		800.00	-800.00		
09/08/09	21-3		L0105510-01	12052 MORGAN,BROWN & J		43,220.84	-43,220.84		
09/15/09	21-3		L0105507-01	109866 OKEEFE MAURA E		200.00	-200.00		
10/08/09	21-4		L0105510-01	12052 MORGAN,BROWN & J		23,965.80	-23,965.80		
10/22/09	21-4		L0105510-01	12052 MORGAN,BROWN & J		26,458.70	-26,458.70		
11/06/09	18-5		L0105507-01	109866 OKEEFE MAURA E		800.00	5,000.00		
11/10/09	21-5		L0105507-01	109866 OKEEFE MAURA E		800.00	-800.00		
11/17/09	21-5		L0105507-01	109866 OKEEFE MAURA E		540.00	-540.00		
11/19/09	21-5		L0105510-01	12052 MORGAN,BROWN & J		16,540.42	-16,540.42		
11/24/09	21-5		L0105507-01	109866 OKEEFE MAURA E		780.00	-780.00		
12/03/09	21-6		L0105507-01	109866 OKEEFE MAURA E		420.00	-420.00		
12/08/09	21-6		L0105507-01	109866 OKEEFE MAURA E		800.00	-800.00		
12/15/09	21-6		L0105507-01	109866 OKEEFE MAURA E		800.00	-800.00		
12/22/09	21-6		L0105507-01	109866 OKEEFE MAURA E		800.00	-800.00		
12/23/09	18-6		L0105507-01	109866 OKEEFE MAURA E		2,560.00			
12/23/09	18-6		L0105507-01	109866 OKEEFE MAURA E		-60.00			
12/23/09	18-6		L0105507-01	109866 OKEEFE MAURA E		480.00	-480.00		
12/29/09	21-6		L0105507-01	109866 OKEEFE MAURA E		120,605.76	15,894.24	WEEK ENDING 12-26-09	5,500.00
TOTAL			LEGAL SERVICES		142,000.00	120,605.76	15,894.24		5,500.00
TOTAL 1ST SUBTOTAL - EXPENSES									
					142,000.00	120,605.76	15,894.24		5,500.00
TOTAL PROGRAM - LEGAL									
					142,000.00	120,605.76	15,894.24		5,500.00
TOTAL DEPARTMENT - CITY SOLICITOR									
					142,000.00	120,605.76	15,894.24		5,500.00

\* THERE IS A NOTE ASSOCIATED WITH THIS TRANSACTION



COMPTROLLER'S OFFICE  
 DATE: 12/31/2009  
 TIME: 12:43:18

CITY OF NEWTON, MASSACHUSETTS  
 EXPENDITURE AUDIT TRAIL

PAGE NUMBER: 2  
 AUDIT21

SELECTION CRITERIA: expledger.budget\_orign='0110801' and expledger.budget\_acct='5309'  
 ACCOUNTING PERIODS: 1/10 THRU 6/10

#13-10  
 SORTED BY: FUND, SUB FUND, DEPARTMENT, PROGRAM, 1ST SUBTOTAL, ACCOUNT  
 TOTALED ON: FUND, SUB FUND, DEPARTMENT, PROGRAM, 1ST SUBTOTAL

PAGE BREAKS ON: FUND

FUND - 01 - GENERAL FUND  
 BUDGET CODE - 0110801 - LEGAL

ACCOUNT DATE	T/C	ENCUMBRANC REFERENCE	VENDOR	BUDGET	EXPENDITURES	ENCUMBRANCES	DESCRIPTION	CUMULATIVE BALANCE
TOTAL SUB FUND - MUNICIPAL ANNUAL BUDGET				142,000.00	120,605.76	15,894.24		5,500.00
TOTAL FUND - GENERAL FUND				142,000.00	120,605.76	15,894.24		5,500.00
TOTAL REPORT				142,000.00	120,605.76	15,894.24		5,500.00

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David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

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NEWTON, MA. 02159

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Newton, MA 02459

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This appropriation will pay the legal costs of the law firm of Morgan Brown & Joy, which provides legal services for collective bargaining, labor disputes, and arbitrations.

Thank you for your consideration of this matter.

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Mayor

DBC: srb

From: Budget Reserve  
0110498-5790 \$100,000  
To: Law Dept Expenses  
0110801-5309 \$100,000

12/31/2009

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE



PAS  
Fincom

David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

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PAGE NUMBER: 1  
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SELECTION CRITERIA: expledgr.budget\_orgn='0110801' and expledgr.budget\_acct='5309'  
 ACCOUNTING PERIODS: 1/10 THRU 6/10

SORTED BY: FUND, SUB FUND, DEPARTMENT, PROGRAM, 1ST SUBTOTAL, ACCOUNT

TOTALED ON: FUND, SUB FUND, DEPARTMENT, PROGRAM, 1ST SUBTOTAL

PAGE BREAKS ON: FUND

FUND - 01 - GENERAL FUND  
 BUDGET CODE - 0110801 - LEGAL

ACCOUNT DATE	T/C	ENCUMBRANC	REFERENCE	VENDOR	BUDGET	EXPENDITURES	ENCUMBRANCES	DESCRIPTION	CUMULATIVE BALANCE
01-01B-14-108-D4-0110801 - LEGAL									
5309		LEGAL SERVICES			.00	.00	.00	BEGINNING BALANCE	
								POSTED FROM BUDGET SYSTEM	
07/01/09	11-1					142,000.00			
07/28/09	17-1	L0105507-01		109866 OKEEFE MAURA E			5,000.00		
07/30/09	21-1	L0105507-01	228443	109866 OKEEFE MAURA E		800.00	-800.00		
08/04/09	21-2	L0105507-01	229079	109866 OKEEFE MAURA E		800.00	-800.00		
08/11/09	21-2	L0105507-01	229334	109866 OKEEFE MAURA E		800.00	-800.00		
08/13/09	17-2	L0105509-01		11828 EPSTEIN AND AUGU			4,000.00		
08/13/09	17-2	L0105510-01		12052 MORGAN, BROWN & J			120,000.00		
08/18/09	21-2	L0105507-01	229760	109866 OKEEFE MAURA E		800.00	-800.00	W-E 8-14-09	
08/25/09	21-2	L0105507-01	230061	109866 OKEEFE MAURA E		800.00	-800.00	W/E 8/22/09	
09/01/09	21-3	L0105507-01	230660	109866 OKEEFE MAURA E		800.00	-800.00	W/E 8/28/09	
09/08/09	21-3	L0105510-01	231189	12052 MORGAN, BROWN & J		43,220.84	-43,220.84	JULY 2009	
09/15/09	21-3	L0105507-01	231710	109866 OKEEFE MAURA E		200.00	-200.00	W-E 9-4-09	
10/08/09	21-4	L0105510-01	233758	12052 MORGAN, BROWN & J		23,965.80	-23,965.80	AUGUST 2009	
10/22/09	21-4	L0105510-01	234844	12052 MORGAN, BROWN & J		26,458.70	-26,458.70	SEPTEMBER 2009	
11/06/09	18-5	L0105507-01		109866 OKEEFE MAURA E			.00		
11/06/09	18-5	L0105507-01		109866 OKEEFE MAURA E			5,000.00		
11/10/09	21-5	L0105507-01	236571	109866 OKEEFE MAURA E		800.00	-800.00	W-E 11-6-09	
11/17/09	21-5	L0105507-01	236897	109866 OKEEFE MAURA E		540.00	-540.00	WEEK ENDING 11-13-09	
11/19/09	21-5	L0105510-01	237326	12052 MORGAN, BROWN & J		16,540.42	-16,540.42	OCTOBER 2009	
11/24/09	21-5	L0105507-01	237988	109866 OKEEFE MAURA E		780.00	-780.00	WEEK ENDING 11-20-09	
12/03/09	21-6	L0105507-01	238618	109866 OKEEFE MAURA E		420.00	-420.00	WEEK ENDING 11-27-09	
12/08/09	21-6	L0105507-01	238726	109866 OKEEFE MAURA E		800.00	-800.00	WEEK ENDING 12-4-09	
12/15/09	21-6	L0105507-01	239442	109866 OKEEFE MAURA E		800.00	-800.00	WEEK ENDING 12-11-09	
12/22/09	21-6	L0105507-01	239893	109866 OKEEFE MAURA E		800.00	-800.00	WEEK ENDING 12-18-09	
12/23/09	18-6	L0105507-01		109866 OKEEFE MAURA E			2,560.00		
12/23/09	18-6	L0105507-01		109866 OKEEFE MAURA E			-60.00		
12/29/09	21-6	L0105507-01	240442	109866 OKEEFE MAURA E		480.00	-480.00	WEEK ENDING 12-26-09	
TOTAL		LEGAL SERVICES			142,000.00	120,605.76	15,894.24		5,500.00
TOTAL 1ST SUBTOTAL - EXPENSES					142,000.00	120,605.76	15,894.24		5,500.00
TOTAL PROGRAM - LEGAL					142,000.00	120,605.76	15,894.24		5,500.00
TOTAL DEPARTMENT - CITY SOLICITOR					142,000.00	120,605.76	15,894.24		5,500.00

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COMPTROLLER'S OFFICE  
 DATE: 12/31/2009  
 TIME: 12:43:18

CITY OF NEWTON, MASSACHUSETTS  
 EXPENDITURE AUDIT TRAIL

PAGE NUMBER: 2  
 AUDIT#21

SELECTION CRITERIA: expldgr.budget\_orgn='0110801' and expldgr.budget\_acct='5309'  
 ACCOUNTING PERIODS: 1/10 THRU 6/10

#13-10  
 SORTED BY: FUND, SUB FUND, DEPARTMENT, PROGRAM, 1ST SUBTOTAL, ACCOUNT  
 TOTALLED ON: FUND, SUB FUND, DEPARTMENT, PROGRAM, 1ST SUBTOTAL

PAGE BREAKS ON: FUND

FUND - 01 - GENERAL FUND  
 BUDGET CODE - 0110801 - LEGAL

ACCOUNT DATE	T/C	ENCUMBRANC REFERENCE	VENDOR	BUDGET	EXPENDITURES	ENCUMBRANCES	DESCRIPTION	CUMULATIVE BALANCE
TOTAL SUB FUND - MUNICIPAL ANNUAL BUDGET				142,000.00	120,605.76	15,894.24		5,500.00
TOTAL FUND - GENERAL FUND				142,000.00	120,605.76	15,894.24		5,500.00
TOTAL REPORT				142,000.00	120,605.76	15,894.24		5,500.00

\* THERE IS A NOTE ASSOCIATED WITH THIS TRANSACTION

CITY OF NEWTON, MASSACHUSETTS  
GENERAL FUND  
BUDGET RESERVE STATUS REPORT  
December 31, 2009

#13-10

FY 2010 Original Budget Reserve Appropriation: \$ 750,000  
Supplemental Budget Reserve Appropriation: -

**Total Budget Reserve Appropriation** 750,000

**Budget Reserve Appropriations (transfers):**

#205-09	Retirement Board salaries	(2,621)
#204-09	Legal settlement-DPW vehicle accident	(5,953)
#286-09	Library overtime	(15,000)
#300-09	Legal settlement: Geary vs City of Newton	(150,000)
#369-09	Legal settlement - sewer claim	(9,982)
#371-09	Military leave compensation - (2) firefighters	(34,305)
#398-09	Public bldg department position upgrade	(3,691)
#387-09	US Senate special elections	(129,800)

**Year to date appropriations (transfers)** (351,352)

**Pending Budget Appropriations:**

Banking services	(30,000)
Federal grants audit	(9,200)
Labor counsel supplemental funding	(100,000)
Legal settlement - sewer backup	(10,000)
<b>Pending appropriations</b>	<u>(149,200)</u>

**Unobligated Budget Reserve account balance** \$ 249,448

Proj/K

#358-09



City of Newton, Massachusetts  
Office of the Mayor

David B. Cohen  
Mayor

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(617) 796-1113  
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October 13, 2009

Honorable Board of Aldermen  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

09 OCT 13 PM 5:25  
CITY CLERK  
NEWTON, MA. 02159

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate \$55,000 from tax revenue from the local option meals tax for the purpose of restoring funding to the Senior Transportation Program.

I am presenting this now so that, in the event that your Honorable Board chooses to adopt the local option meals tax, this can be included in the FY10 budget from this source of funds.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen  
Mayor

DBC: srb

1000 Commonwealth Avenue Newton, Massachusetts 02459

[www.ci.newton.ma.us](http://www.ci.newton.ma.us)



DEDICATED TO COMMUNITY EXCELLENCE

CITY OF BOSTON  
IN CITY COUNCIL



ORDER OF COUNCILLOR JOHN M. TOBIN, JR. , Turner, Yancey,  
Yoon, LaMattina, Ciommo, Consalvo, Feeney, Flaherty, Linehan, Connolly,  
Murphy

- WHEREAS:** No person, when operating a motor vehicle, shall permit to be on or in the vehicle or on or about his person anything which may interfere with or impede the proper operation of the vehicle; and
- WHEREAS:** Typing, or texting, while using a hand held mobile phone severely interferes and impedes with operating a motor vehicle; and
- WHEREAS:** Using a hand held mobile phone to type, or text, is a widespread practice among drivers in the City of Boston and therefore places many citizens at risk; and
- WHEREAS:** Typing, or texting, while driving has become increasingly more common for all drivers and with this increase in popularity comes an increase in collisions and accidents; and
- WHEREAS:** The welfare of citizens within the City of Boston should always be considered and all efforts should be taken in order to ensure the safety of residents; **Therefore Be It**
- ORDERED:** That the appropriate committee of the Boston City Council conduct a public hearing to examine the feasibility of banning the use of mobile phones for typing, or texting, while operating a motor vehicle within the City of Boston in order to protect the citizens of the City of Boston and limit unnecessary motor vehicle accidents, injuries, and fatalities.





# Why Texting While Driving is So Dangerous

## Drivers Who Text Are Six Times More Likely to Crash

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[Media Contacts](#)

Dec. 21, 2009 -- Motorists who write text messages while driving are six times more likely to crash than those who don't text while driving, according to a new study by University of Utah psychologists.

The new study is summarized in the news release below from the Human Factors and Ergonomics Society, which is publishing the findings in its journal Human factors.

The study is the latest in a series of studies about driver distraction from cell phones and texting conducted by University of Utah psychologists Frank Drews, Dave Strayer and their colleagues.

The Utah researchers use a sophisticated driving simulator for their research on the distractions posed by cell phone use and text messaging.

Among other findings, the new study found a "sixfold increase of crashes when participants were text messaging while driving" compared with those who were not texting.

Drews will be available for media interviews starting Monday, Dec. 21.

---

### **PRESS RELEASE - December 21, 2009**

Human Factors and Ergonomic Society  
P.O. Box 1369, Santa Monica, CA 90406-1369 USA  
310/394-1811, Fax 310/394-2410, [lois@hfes.org](mailto:lois@hfes.org), <http://hfes.org>

Contact: Lois Smith, HFES Communications Director, [lois@hfes.org](mailto:lois@hfes.org)

*Attention Demands May Explain Why Texting While Driving Is So Dangerous*

SANTA MONICA, CA - A timely study in the journal Human Factors suggests why texting

#20-10  
while driving is riskier than talking on a cell phone or with another passenger. Human factors/ergonomics researchers at the University of Utah found that texters in a driving simulator had more crashes, responded more slowly to brake lights on cars in front of them, and showed impairment in forward and lateral control than did drivers who talked on a cell phone while driving or drove without texting.

Researchers Frank Drews and colleagues found evidence that attention patterns differ for drivers who text versus those who converse on a cell phone. In the latter case, the researchers say, "drivers apparently attempt to divide attention between a phone conversation and driving, adjusting the processing priority of the two activities depending on task demands." But texting requires drivers to switch their attention from one task to the other. When such attention-switching occurs as drivers compose, read, or receive a text, their overall reaction times are substantially slower than when they're engaged in a phone conversation. The type of texting activity also appears to make a difference; in this study, reading messages affected braking times more than did composing them.

The hazards of texting while driving continue to receive broad national and international attention as accident rates attributed to this practice increase. As a result, a growing number of U.S. cities and states, as well as Canadian provinces, ban texting while operating a vehicle. Drews et al. noted that according to CTIA ([www.ctia.org](http://www.ctia.org)), more than 1 trillion text messages were sent in 2008 in the United States alone. To find why and how much drivers are impaired during texting, the researchers engaged 20 men and 20 women between the ages of 19 and 23 in both a single task (straight driving) and a dual task (driving and texting) in a high-fidelity simulator. The participants, experienced texters with an average of 4.75 years of driving experience, received and sent messages while the researchers observed their brake onset time, following distance, lane maintenance, and collisions.

The crash risk attributable to texting is substantial. One possible explanation is that drivers who text tend to decrease their minimum following distance and also experience delayed reaction time. For example, in the Drews et al. study, drivers' median reaction time increased by 30 percent when they were texting and 9 percent when they talked on the phone, compared with their performance in a driving-only condition.

A copy of the paper, "Text Messaging During Simulated Driving," by Frank A. Drews, Hina Yazdani, Celeste N. Godfrey, Joel M. Cooper, and David L. Strayer is available at <http://hfs.sagepub.com/cgi/rapidpdf/0018720809353319?ijkey=gRQOLrGIYnBfc&keytype=ref&siteid=sphfs>.

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The Human Factors and Ergonomics Society is the world's largest nonprofit individual-member, multidisciplinary scientific association for human factors/ergonomics professionals, with more than 4,300 members globally. HFES members include psychologists and other scientists, designers, and engineers, all of whom have a common interest in designing systems and equipment to be safe and effective for the people who operate and maintain them. Watch science news stories about other HF/E topics at the HFES Web site. "Human Factors and Ergonomics: People-Friendly Design Through Science and Engineering"

SAGE, which publishes Human Factors for HFES, is a leading international publisher of journals, books, and electronic media for academic, educational, and professional markets. Since 1965, SAGE has helped inform and educate a global community of scholars, practitioners, researchers, and students spanning a wide range of subject areas including business, humanities, social sciences, and science, technology and medicine. An independent company, SAGE has principal offices in Los Angeles, London, New Delhi, Singapore and Washington DC. [www.sagepublications.com](http://www.sagepublications.com)

## Media Contacts

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### **New Data from VTTI Provides Insight into Cell Phone Use and Driving Distraction**

Blacksburg, Va., July 27, 2009 – Several large-scale, naturalistic driving studies (using sophisticated cameras and instrumentation in participants’ personal vehicles) conducted by the Virginia Tech Transportation Institute (VTTI), provide a clear picture of driver distraction and cell phone use under real-world driving conditions. Combined, these studies continuously observed drivers for more than 6 million miles of driving. A snapshot of risk estimates from these studies is shown in the table below.

“Given recent catastrophic crash events and disturbing trends, there is an alarming amount of misinformation and confusion regarding cell phone and texting use while behind the wheel of a vehicle. The findings from our research at VTTI can help begin to clear up these misconceptions as it is based on real-world driving data. We conduct transportation safety research in an effort to equip the public with information that can save lives,” says Dr. Tom Dingus, director of the Virginia Tech Transportation Institute.

In VTTI’s studies that included light vehicle drivers and truck drivers, manual manipulation of phones such as dialing and texting of the cell phone lead to a substantial increase in the risk of being involved in a safety-critical event (e.g., crash or near crash). However, talking or listening increased risk much less for light vehicles and not at all for trucks. Text messaging on a cell phone was associated with the highest risk of all cell phone related tasks.

<b>CELL PHONE TASK</b>	<b>Risk of Crash or Near Crash event</b>
<b>Light Vehicle/Cars</b>	
Dialing Cell Phone	2.8 times as high as non-distracted driving
Talking/Listening to Cell Phone	1.3 times as high as non-distracted driving
Reaching for object (i.e. electronic device and other)	1.4 times as high as non-distracted driving
<b>Heavy Vehicles/Trucks</b>	
Dialing Cell phone	5.9 times as high as non-distracted driving
Talking/Listening to Cell Phone	1.0 times as high as non-distracted driving
Use/Reach for electronic device	6.7 times as high as non-distracted driving
Text messaging	23.2 times as high as non-distracted driving

#### **Explanation of Findings**

Eye glance analyses were conducted to assess where drivers were looking while involved in a safety-critical event and performing cell phone tasks. The tasks that draw the driver’s eyes away from the forward roadway were those with the highest risk.

***Driving Transportation with Technology***

Several recent high visibility trucking and transit crashes have been directly linked to texting from a cell phone. VTTI's research showed that text messaging, which had the highest risk of over 20 times worse than driving while not using a phone, also had the longest duration of eyes off road time (4.6 s over a 6-s interval). This equates to a driver traveling the length of a football field at 55 mph without looking at the roadway. Talking/listening to a cell phone allowed drivers to maintain eyes on the road and were not associated with an increased safety risk to nearly the same degree.

Recent results from other researchers using driving simulators suggest that talking and listening is as dangerous as visually distracting cell phone tasks. The results from VTTI's naturalistic driving studies clearly indicate that this is not the case. For example, talking and listening to a cell phone is not nearly as risky as driving while drunk at the legal limit of alcohol. Recent comparisons made in the literature greatly exaggerate the cell phone risk relative to the very serious effects of alcohol use, which increases the risk of a fatal crash approximately seven times that of sober driving. Using simple fatal crash and phone use statistics, if talking on cell phones was as risky as driving while drunk, the number of fatal crashes would have increased roughly 50% in the last decade instead of remaining largely unchanged.

These results show conclusively that a real key to significantly improving safety is **keeping your eyes on the road**. In contrast, "cognitively intense" tasks (e.g., emotional conversations, "books-on-tape", etc.) can have a measurable effect in the laboratory, but the actual driving risks are much lower in comparison.

#### ***VTTI's recommendations (based on findings from research studies)***

- Driving is a visual task and non-driving activities that draw the driver's eyes away from the roadway, such as texting and dialing, should always be avoided.
- Texting should be banned in moving vehicles for all drivers. As shown in the table, this cell phone task has the potential to create a true crash epidemic if texting-type tasks continue to grow in popularity and the generation of frequent text message senders reach driving age in large numbers.
- "Headset" cell phone use is not substantially safer than "hand-held" use because the primary risk is associated with both tasks is answering, dialing, and other tasks that require your eyes to be off the road. In contrast, "true hands-free" phone use, such as voice activated systems, are less risky if they are designed well enough so the driver does not have to take their eyes off the road often or for long periods.
- All cell phone use should be banned for newly licensed teen drivers. Our research has shown that teens tend to engage in cell phone tasks much more frequently, and in much more risky situations, than adults. Thus, our studies indicate that teens are four times more likely to get into a related crash or near crash event than their adult counterparts.

#### **The Disconnect Between Naturalistic and Simulator Research**

It is important to keep in mind that a driving simulator is **not** actual driving. Driving simulators engage participants in tracking tasks in a laboratory. As such, researchers that conduct simulator studies must be cautious when suggesting that conclusions based on simulator studies are applicable to actual driving. With the introduction of naturalistic driving studies that record drivers (through continuous

video and kinematic sensors) in actual driving situations, we now have a scientific method to study driver behavior in real-world driving conditions in the presence of real-world daily pressures. As such, if the point of transportation safety research is to understand driver behavior in the real-world (e.g., increase crash risk due to cell phone use), and when conflicting findings occur between naturalistic studies and simulator studies, findings from the real-world, and not the simulator-world, must be considered the gold standard.

It is also critical to note that some results of recent naturalistic driving studies, including those highlighted here as well as others (e.g., Sayer, Devonshire and Flanagan, 2007) are at odds with results obtained from simulator studies. Future research is necessary to explore the reasons why simulator studies sometimes do not reflect studies conducted in actual driving conditions (i.e., the full context of the driving environment). It may be, as Sayer, Devonshire and Flanagan (2007) note, that controlled investigations cannot account for driver choice behavior and risk perception as it actually occurs in real-world driving. If this assessment is accurate, the generalizability of simulator findings, at least in some cases, may be greatly limited outside of the simulated environment.

**NOTE:** Dr. Rich Hanowski, Director of the Center for Truck and Bus Safety at VTTI, will be presenting the results of his study directed at Driver Distraction in Commercial Motor Vehicle Operations, at the First International Conference on Driver Distraction and Inattention in Gothenburg, Sweden, September 28-29, 2009.

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<http://www.nhtsa.dot.gov/staticfiles/DOT/NHTSA/NRD/Multimedia/PDFs/Crash%20Avoidance/Driver%20Distraction/100CarMain.pdf>

Driver Distraction in Commercial Motor Vehicles Project Webinar

<http://www.fmcsa.dot.gov/facts-research/art-webinars-desc.asp?webID=32>

Federal Motor Carrier Safety Administration Driving Tips Website:

<http://www.fmcsa.dot.gov/about/outreach/education/driverTips/index.htm>

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# ★ ★ ★ ★ Safety Culture

## Text Messaging and Cell Phone Use While Driving

October 12, 2009

### Safety Impacts

- Numerous studies have shown that cell phone use impairs driving performance and increases crash risk.
  - Studies using driving simulators have found that using a cell phone while driving significantly impairs a driver's reaction time<sup>1,2</sup> and increases crash risk.<sup>3</sup>
  - Studies of the cell phone records of crash-involved drivers suggest that using a cell phone while driving is associated with roughly a quadrupling of crash risk.<sup>4,5</sup>
  - A study using in-vehicle data collection equipment to monitor a sample drivers over an extended period estimated that dialing a cell phone nearly tripled the risk of being involved in a crash or near-crash, talking on a cell phone increased risk by about 30%, and each contributed to about 3.6% of crashes and near-crashes overall.<sup>6</sup>
- Text messaging while driving is a relatively new phenomenon and has been studied much less extensively than cell phone use while driving. However, preliminary results reported from two forthcoming studies suggest that this behavior is extremely dangerous. For example:
  - A study conducted in which college students text messaged while operating a driving simulator reportedly finds that text messaging increases crash risk by a multiple of 8.<sup>7</sup>
  - Preliminary findings from a naturalistic study of a sample of heavy-truck drivers suggest that text messaging while driving increases truck driver crashes and near-crashes by a factor of 23.<sup>7</sup>

### Trends in Usage

- A nationally-representative telephone survey by the AAA Foundation for Traffic Safety conducted April 15 – May 12 2009 found that over two out of every three drivers admit talking on their cell phones while driving in the past month, and over one in five admit reading or sending text messages or emails while driving. Rates of self-reported texting and emailing while driving are highest among teenage drivers; rates of cell phone use are highest among young- and middle-aged adults<sup>8</sup> (See Figure 1).
- Data from the National Highway Traffic Safety Administration (NHTSA) and the AAA Foundation shows that self-reported cell phone use while driving has increased significantly for drivers of all ages. For example, although the proportion of drivers ages 75 and older who admit talking on cell phones while driving is lower than for other age groups, it has more than doubled, from 9.5% in 2003 to 20.6% in 2009.<sup>8,9</sup>



Car crashes rank among the leading causes of death in the United States.



- NHTSA's observational studies report that 6% of drivers were talking on handheld cell phones, an estimated additional 5% were talking on hands-free cell phones, and 1% were "visibly manipulating hand-held devices" (e.g., dialing or text messaging) at any given daylight moment in 2008.<sup>10</sup>

### Public Opinion

- A nationally-representative telephone survey by the AAA Foundation found that well over 9 out of 10 drivers (94.1%) consider it unacceptable for a driver to send text messages or email while driving, and nearly 7 out of 8 (86.7%) consider drivers text messaging and emailing a very serious threat to their personal safety. Over half of drivers (54.9%)

who admit texting or emailing while driving say it makes them much more likely to be involved in an accident; 19 out of 20 (94.2%) acknowledge that it makes them at least a little bit more likely to be involved in an accident.<sup>8</sup>

The same survey found that 70.4% of drivers consider it unacceptable for a driver to use a hand-held cell phone, 37.5% consider it unacceptable for a driver to use a hands-free cell phone, and 57.8% consider drivers talking on cell phones a very serious threat to their personal safety. 14.7% percent of those who admit talking on a cell phone while driving say that it makes them much more likely to be involved in an accident, and 83.2% acknowledge that it makes them at least a little bit more likely to be involved in an accident.<sup>8</sup>

- A nationally-representative survey by Nationwide Insurance conducted in August 2009 found that 80% of Americans support laws bans on text messaging or emailing while driving. The same survey found that 57% of Americans support laws restricting any cell phone use while driving.<sup>11</sup>

The AAA Foundation's survey, in contrast, found that only 46% supported a law against "using any type of cell phone while driving, hand-held or hands-free, for all drivers regardless of their age."<sup>8</sup>

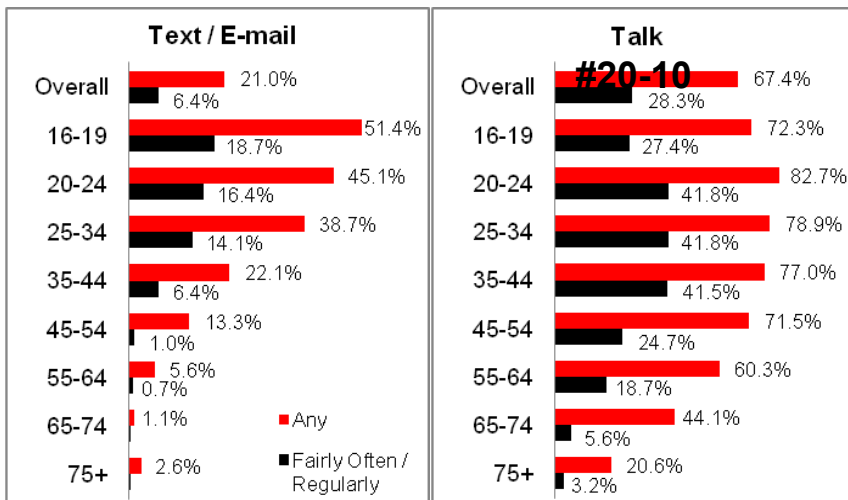


Figure 1. Percent of drivers who report talking on a cell phone (left) or text messaging or emailing (right) while driving in the past 30 days.<sup>8</sup>

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## Cellphone laws

December 2009

A jurisdiction-wide ban on driving while talking on a hand-held cellphone is in place in 7 states (California, Connecticut, New Jersey, New York, Oregon, Utah, and Washington) and the District of Columbia. Utah has named the offense careless driving. Under the Utah law, no one commits an offense when speaking on a cellphone unless they are also committing some other moving violation other than speeding.

Local jurisdictions may or may not need specific state statutory authority to ban cellphones. Localities that have enacted restrictions on cellphone use include: Oahu, HI; Chicago, IL; Brookline, MA; Detroit, MI; Santa Fe, NM; Brooklyn, North Olmstead, and Walton Hills, OH; Conshohocken, Lebanon, and West Conshohocken, PA; Waupaca County, WI; and Cheyenne, WY.

Localities are prohibited from banning cellphone use in 8 states (Florida, Kentucky, Louisiana, Mississippi, Nevada, Oklahoma, Oregon, and Utah).

The use of all cellphones while driving a school bus is prohibited in 17 states and the District of Columbia.

The use of all cellphones by novice drivers is restricted in 21 states and the District of Columbia.

Text messaging is banned for all drivers in 19 states and the District of Columbia. In addition, novice drivers are banned from texting in 9 states (Delaware, Indiana, Kansas, Maine, Mississippi, Missouri, Nebraska, Texas, and West Virginia) and school bus drivers are banned from text messaging in 1 state (Texas).

The table below shows the states that have cellphone laws, whether they specifically ban text messaging, and whether they are enforced as primary or secondary laws. Under secondary laws, an officer must have some other reason to stop a vehicle before citing a driver for using a cellphone. Laws without this restriction are called primary.

[Table](#)
[Map: hand-held bans](#)
[Map: young driver bans](#)
[Map: bus driver bans](#)
[Map: texting bans](#)

**Laws restricting cellphone use and texting**

State	Hand-held ban	Young drivers all cellphone ban	Bus drivers all cellphone ban	Texting ban	Enforcement
Alabama	no	no	no	no	not applicable
Alaska	no	no	no	all drivers	primary
Arizona	no	no	school bus drivers	no	primary
Arkansas	drivers ages 18 through 20	drivers younger than 18	school bus drivers	all drivers	primary: texting by all drivers and cellphone use by school bus drivers; secondary: cellphone use by young drivers <sup>1</sup>
California	all drivers	drivers younger than 18	school and transit bus drivers	all drivers	primary; secondary for hands-free cellphone use by young drivers <sup>1</sup>
Colorado	no	drivers younger than 18	no	all drivers	primary
Connecticut	all drivers	drivers younger than 18	school bus drivers	all drivers	primary
Delaware	no	learner's permit and intermediate license holders	school bus drivers	learner's permit and intermediate license holders	primary
District of Columbia	all drivers	learner's permit holders	school bus drivers	all drivers	primary
Florida	no	no	no	no	not applicable
Georgia	no	no	school bus drivers	no	primary

Hawaii	no	no	no	no	not applicable
Idaho	no	no	no	no	not applicable
Illinois	drivers in construction and school speed zones (effective 01/01/10)	drivers younger than 19 and learner's permit holders younger than 19	school bus drivers	all drivers (effective 01/01/10)	primary
Indiana	no	drivers younger than 18	no	drivers younger than 18	primary
Iowa	no	no	no	no	not applicable
Kansas	no	learner's permit and intermediate license holders (effective 01/01/10)	no	learner's permit and intermediate license holders (effective 01/01/10)	primary (effective 01/01/10)
Kentucky	no	no	school bus drivers	no	primary
Louisiana	with respect to novice drivers, see footnote <sup>2</sup>	with respect to novice drivers, see footnote <sup>2</sup>	school bus drivers	all drivers	secondary; primary for school bus drivers
Maine	no	learner's permit and intermediate license holders	no	learner's permit and intermediate license holders	primary
Maryland	no	learner's permit and intermediate license holders	no	all drivers	secondary; primary for texting
Massachusetts	local option	no	school bus drivers	no	primary
Michigan	local option	no	no	no	not applicable
Minnesota	no	learner's permit holders and provisional license holders during the first 12 months after licensing	school bus drivers	all drivers	primary
Mississippi	no	no	no	learner's permit and intermediate license holders	primary
Missouri	no	no	no	drivers 21 and younger	primary
Montana	no	no	no	no	not applicable
Nebraska	no	learner's permit and intermediate license holders younger than 18	no	learner's permit and intermediate license holders younger than 18	secondary
Nevada	no	no	no	no	not applicable
New Hampshire	no	no	no	all drivers (effective 01/01/10)	primary (effective 01/01/10)
New Jersey	all drivers	learner's permit and intermediate license holders	school bus drivers	all drivers	primary
New Mexico	local option	no	no	no	not applicable
New York	all drivers	no	no	all drivers	primary; secondary for text messaging
North Carolina	no	drivers younger than 18	school bus drivers	all drivers	primary

North Dakota	no	no	no	no	not applicable
Ohio	local option	no	no	no	not applicable
Oklahoma	no	no	no	no	not applicable
Oregon	all drivers (effective 01/01/10)	drivers younger than 18 (effective 01/01/10)	no	all drivers (effective 01/01/10)	primary (effective 01/01/10)
Pennsylvania	local option	no	no	no	not applicable
Rhode Island	no	drivers younger than 18	school bus drivers	all drivers	primary
South Carolina	no	no	no	no	not applicable
South Dakota	no	no	no	no	not applicable
Tennessee	no	learner's permit and intermediate license holders	school bus drivers	all drivers	primary
Texas	drivers in school crossing zones	intermediate license holders for the first twelve months	bus drivers when a passenger 17 and younger is present	bus drivers when a passenger 17 and younger is present; intermediate license holders for first twelve months; drivers in school crossing zones	primary
Utah	all drivers	no	no	all drivers	primary for texting; secondary for talking on a hand-held cellphone <sup>3</sup>
Vermont	no	no	no	no	not applicable
Virginia	no	drivers younger than 18	school bus drivers	all drivers	secondary; primary for school bus drivers
Washington	all drivers	no	no	all drivers	secondary
West Virginia	no	drivers younger than 18 who hold either a learner's permit or an intermediate license	no	drivers younger than 18 who hold either a learner's permit or an intermediate license	primary
Wisconsin	no	no	no	no	not applicable
Wyoming	no	no	no	no	not applicable

#2010

<sup>1</sup>The laws in Arkansas and California prohibit police from stopping a vehicle to determine if a driver is in compliance with the law. Clearly, that language prohibits the use of checkpoints to enforce the law, but it has been interpreted as the functional equivalent of secondary provisions that typically state the officer may not stop someone suspected of a violation unless there is other, independent, cause for a stop.

<sup>2</sup>As of July 1, 2008, all learner's permit holders, irrespective of age, and all intermediate license holders were prohibited from driving while using a hand-held cellphone and all drivers younger than 18 were prohibited from using any cellphone. Effective April 1, 2010 all drivers, irrespective of age, issued a first driver's license will be prohibited from using a cellphone for one year.

<sup>3</sup>Utah's law defines careless driving as committing a moving violation (other than speeding) while distracted by use of a hand-held cellphone or other activities not related to driving.

# Cellphone laws

December 2009

A jurisdiction-wide ban on driving while talking on a hand-held cellphone is in place in 7 states (California, Connecticut, New Jersey, New York, Oregon, Utah, and Washington) and the District of Columbia. Utah has named the offense careless driving. Under the Utah law, no one commits an offense when speaking on a cellphone unless they are also committing some other moving violation other than speeding.

Local jurisdictions may or may not need specific state statutory authority to ban cellphones. Localities that have enacted restrictions on cellphone use include: Oahu, HI; Chicago, IL; Brookline, MA; Detroit, MI; Santa Fe, NM; Brooklyn, North Olmstead, and Walton Hills, OH; Conshohocken, Lebanon, and West Conshohocken, PA; Waupaca County, WI; and Cheyenne, WY.

Localities are prohibited from banning cellphone use in 8 states (Florida, Kentucky, Louisiana, Mississippi, Nevada, Oklahoma, Oregon, and Utah).

The use of all cellphones while driving a school bus is prohibited in 17 states and the District of Columbia.

The use of all cellphones by novice drivers is restricted in 21 states and the District of Columbia.

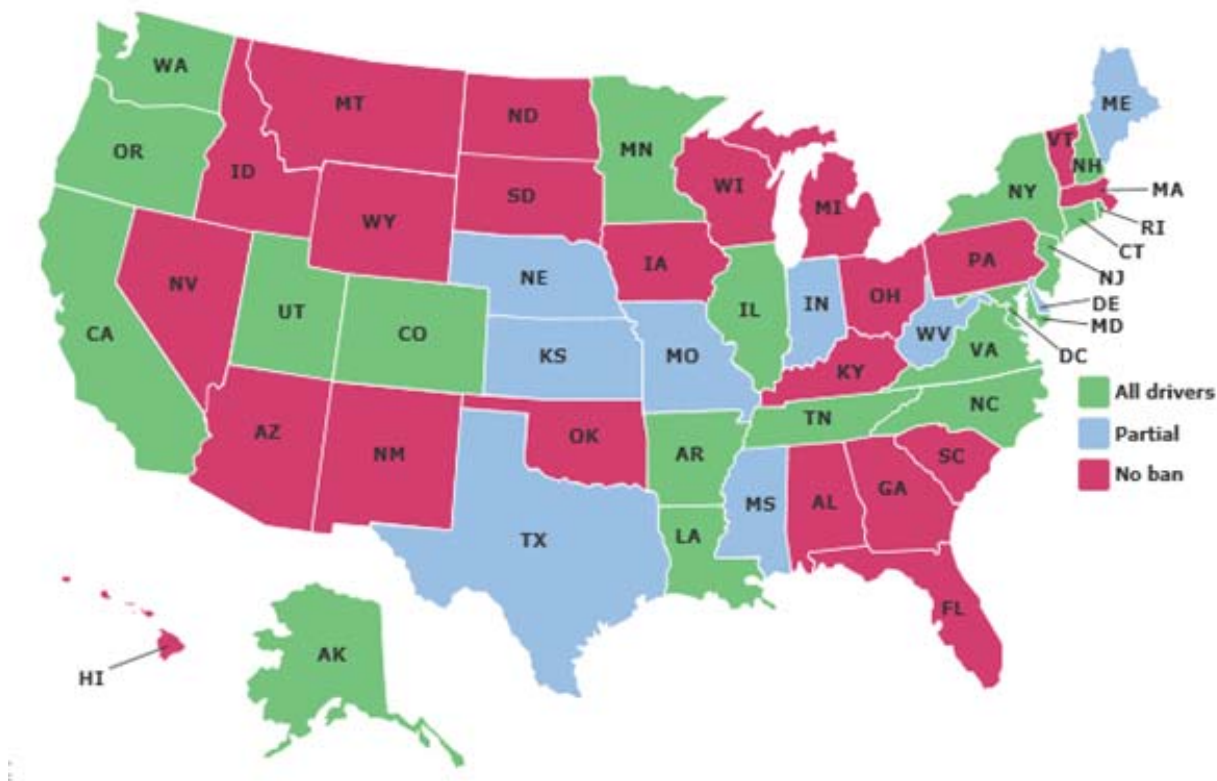
Text messaging is banned for all drivers in 19 states and the District of Columbia. In addition, novice drivers are banned from texting in 9 states (Delaware, Indiana, Kansas, Maine, Mississippi, Missouri, Nebraska, Texas, and West Virginia) and school bus drivers are banned from text messaging in 1 state (Texas).

The table below shows the states that have cellphone laws, whether they specifically ban text messaging, and whether they are enforced as primary or secondary laws. Under secondary laws, an officer must have some other reason to stop a vehicle before citing a driver for using a cellphone. Laws without this restriction are called primary.

- [Table](#)
- [Map: hand-held bans](#)
- [Map: young driver bans](#)
- [Map: bus driver bans](#)
- [Map: texting bans](#)

### Map of texting bans

(hover over the map for more detail)



**STATEMENT OF  
THE HONORABLE RAY LAHOOD  
SECRETARY OF TRANSPORTATION  
BEFORE THE  
COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
U.S. SENATE**

HEARING ON

***COMBATING DISTRACTED DRIVING:  
MANAGING BEHAVIORAL AND TECHNOLOGICAL RISKS***

October 28, 2009

Chairman Rockefeller, Ranking Member Hutchison, and Members of the Committee:

Thank you for the opportunity to appear before you today to discuss the important issue of distracted driving. Chairman Rockefeller, I especially appreciate your leadership on this important issue.

Transportation safety is the Department's highest priority. Distracted driving is a dangerous practice that has become a deadly epidemic. Our research shows that unless we take action now, the problem is only going to get worse, especially among our Nation's youngest drivers. This trend distresses me deeply, and I am personally committed to reducing the number of injuries and fatalities caused by distracted driving.

Four weeks ago, the Department of Transportation (DOT) hosted a Summit to help us identify, target and tackle the fundamental elements of this problem. We brought together over 300 experts in safety, transportation research, regulatory affairs, and law enforcement. More than 5,000 people from 50 States and a dozen countries also participated in the summit via the web. We heard from several young adults who had engaged in distracted driving and who discussed the terrible consequences of their actions.

We also heard from several victims of this behavior, whose lives have been changed forever. Mothers and fathers who lost children, and children who lost a parent, told us their stories. And I want you to know, I promised these families that I would make this issue my cause.

We were privileged to have Senator Pryor and Senator Klobuchar of this Committee participate in the Summit. I want to thank you all for attending, and for dedicating your time and energy to addressing this problem. The unanimous conclusion of the

participants is that distracted driving is a serious and ongoing threat to safety. This conclusion is borne out by the facts. Our latest research shows that nearly 6,000 people died last year in crashes involving a distracted driver, and more than half a million people were injured.

This is not a problem caused by just a few negligent drivers. To the contrary, the AAA Foundation for Traffic Safety, a nonprofit educational and research organization, reports that 67 percent of drivers admitted to talking on their cell phone within the last 30 days while behind the wheel, and 21 percent of drivers indicated they had read or sent a text or e-mail message, a figure that rose to 40 percent for those drivers under the age of 35.

As shocking as these numbers are, it is clear that this problem is only getting worse, and that the youngest Americans are most at-risk. While the worst offenders may be the youngest, they are not alone. On any given day last year, an estimated 800,000 vehicles were driven by someone who used a hand-held cell phone at some point during their drive. People of all ages are using a variety of hand-held devices, such as cell phones, personal digital assistants, and navigation devices, when they are behind the wheel. However, the problem is not just confined to vehicles on our roads -- it affects all modes of transportation.

Experts agree that there are three types of distraction: (1) visual – taking your eyes off the road; (2) manual – taking your hands off the wheel; and (3) cognitive – taking your mind off the road. While all distractions can adversely impact safety, texting is the most egregious because it involves all three types of distraction. In the words of Dr. John Lee of the University of Wisconsin, this produces a “perfect storm.”

For all of these reasons, at the conclusion of the Summit I announced a series of concrete actions that the Obama Administration and DOT are taking to put an end to distracted driving.

The President’s Executive Order banning texting and driving for Federal employees is the cornerstone of these efforts and sends a strong, unequivocal signal to the American public that distracted driving is dangerous and unacceptable. The Executive Order prohibits Federal employees from engaging in text messaging:

- While driving government-owned vehicles;
- When using electronic equipment supplied by the government while driving; and
- While driving privately-owned vehicles when on official government business.

The ban takes effect government-wide on December 30, 2009. However, I have already advised all 58,000 DOT employees that they are expected to comply with the Order immediately. DOT is also working internally to formalize compliance and enforcement measures, and we are, in close consultation with the General Services Administration and the Office of Personnel Management, providing leadership and assistance to other executive branch agencies to ensure full compliance with the Executive Order by all Federal departments and agencies, no later than December 30.

DOT is also taking other concrete actions to reduce distracted driving across all modes. For instance, one year ago, we began enforcing limitations on texting and cell phone use throughout the rail industry. We are taking the next step by initiating three rulemakings:

- One to codify restrictions on the use of cell phones and other electronic devices in rail operations;
- One to consider banning text messaging and restricting the use of cell phones by truck and interstate bus operators while operating vehicles;
- And a third to disqualify school bus drivers convicted of texting while driving from maintaining their commercial driver's licenses.

We will work aggressively and quickly to evaluate regulatory options and initiate rulemakings as appropriate.

Moreover, our State and local partners are keys to any success we have in addressing distracted driving. I have encouraged our State and local government partners to reduce fatalities and crashes by identifying ways that States can address distracted driving in their Strategic Highway Safety Plans and Commercial Vehicle Safety Plans. And, to assist them in their efforts, I have directed DOT to develop model laws with tough enforcement features for all modes of transportation.

There are other affirmative measures that States can take immediately to reduce the risks of distracted driving. For example, we are encouraging the installation of rumble strips along roads as an effective way to get the attention of distracted drivers before they deviate from their lane.

Education, awareness and outreach programs also are essential elements of our action plan. These measures include targeted outreach campaigns to inform key audiences about the dangers of distracted driving. We are still researching the efficacy of combining high visibility enforcement with outreach campaigns in the distracted driving context, but we are hopeful that such efforts may prove effective in the same way that we have been able to use them to reduce drunk driving and increase seat belt use.



All of these measures are the beginning, not the end, to solving the problem of distracted driving. DOT will continue to work closely with all stakeholders to collect and evaluate comprehensive distracted driving-related data needed to better understand the risks and identify effective solutions. And the Administration will continue to work with Congress, State and local governments, industry and the public to end the dangers posed by distracted driving and encourage good decisionmaking by drivers of all ages. We may not be able to break everyone of their bad habits – but we are going to raise awareness and sharpen the consequences.

I particularly want to thank Congress for its dedication to combating distracted driving, and I look forward to further collaboration with you as we work to tackle this menace to society.

That concludes my testimony. I look forward to answering your questions.