

MEMORANDUM

Agenda Item No. 11(A)(20)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

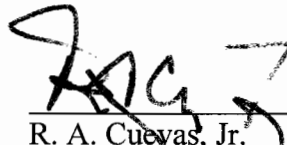
DATE: November 3, 2009

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to pass SB 326 or
similar legislation prohibiting
school bus drivers, transit bus
drivers and train operators from
text messaging while driving

Resolution No. R-1273-09

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: November 3, 2009

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(20)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☒ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(20)
11-3-09

RESOLUTION NO. R-1273-09

**RESOLUTION URGING THE FLORIDA LEGISLATURE TO
PASS SB 326 OR SIMILAR LEGISLATION PROHIBITING
SCHOOL BUS DRIVERS, TRANSIT BUS DRIVERS AND
TRAIN OPERATORS FROM TEXT MESSAGING WHILE
DRIVING**

WHEREAS, a study by the Virginia Tech Transportation Institute has concluded that people who send text messages while driving are 23 times more likely to be in a crash; and

WHEREAS, in crashes or near crashes, texting takes a driver's focus away from the road for an average of 4.6 seconds, which is enough time to travel the length of a football field at 55 miles an hour; and

WHEREAS, a test by Car and Driver Magazine found that in some cases, a person's reaction time was harmed more by texting while driving than by driving under the influence of alcohol; and

WHEREAS, in January of 2009, the National Safety Council called on state and federal lawmakers to ban the use of cell phones and text messaging devices while driving; and

WHEREAS, a new poll by the AAA Foundation for Traffic Safety showed that 80 percent of Americans regard texting or e-mailing while driving as a serious safety hazard; and

WHEREAS, texting while driving has proven to be particularly harmful when it involves school buses drivers, public buses drivers, train operators and railroad operators; and

WHEREAS, in 2007, a school bus driver in Prince Georges County, Maryland lost control of the wheel while texting on a cell phone and 30 students ended up in the hospital; and

WHEREAS, in 2008, the worst train crash in 15 years took place in Los Angeles, California when a train conductor sending and receiving text messages went through a red light and collided with a freight train, killing 25 people and injuring another 135; and

WHEREAS, this year, a train operator was allegedly text messaging when two trains collided in Boston's subway system resulting in 46 people being injured and an estimated \$10 million in property damage; and

WHEREAS, also this year, a San Antonio bus driver crashed into an SUV after he was caught on video driving through rush hour traffic texting on his cell phone; and

WHEREAS, a bill has been filed for consideration during the 2010 state legislative session, SB 326 by Senator Carey Baker (R – Eustis) that would prohibit school bus drivers, public transit bus drivers and train operators from writing or sending text messages, instant messages or emails,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to pass SB 326 or similar legislation prohibiting school bus drivers, public transit drivers and train operators from writing or sending text messages, instant messages or emails to be punishable as a nonmoving traffic infraction.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs that the 2010 State Legislative Package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Dorrin D. Rolle** and upon being put to a vote, the vote was as follows:

| | | | |
|----------------------|---------------------------------|--------------------|---------------|
| | Dennis C. Moss, Chairman | aye | |
| | Jose "Pepe" Diaz, Vice-Chairman | aye | |
| Bruno A. Barreiro | absent | Audrey M. Edmonson | aye |
| Carlos A. Gimenez | aye | Sally A. Heyman | aye |
| Barbara J. Jordan | absent | Joe A. Martinez | absent |
| Dorrin D. Rolle | aye | Natacha Seijas | aye |
| Katy Sorenson | aye | Rebeca Sosa | aye |
| Sen. Javier D. Souto | absent | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of November, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JMM

Jess M. McCarty

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