

~AD HOC REPORT~
Cell Phone Use by City Bus Drivers
Tuesday, June 19, 2007

33

Hon. Mark D. Boughton, Mayor
Common Council Members

Chairwoman Pauline Basso called the meeting to order at 6:42 p.m. on Tuesday, June 19, 2007, in the Caucus Room, 3rd Floor, Danbury City Hall, 155 Deer Hill Avenue. Present were Committee members Colleen Stanley and Duane Perkins. Ex Officio members: Jane Diggs, Paul Rotello, Benjamin Chianese, Thomas Saadi and John Esposito. Also present were Corporation Counsel Laszlo L. Pinter.

Chairwoman Basso introduced everyone in the room. Chairwoman Basso explained the purpose of the evening's meeting.

Chairwoman Basso asked Corporation Counsel Pinter to provide background to the Committee on the evening's issue. Eric L. Gottschalk, Assistant Corporation Counsel, was asked to review the issue of cell phone use by City bus driver and submit his findings. There is a legal adoption of preemptions where superseding state or federal law exists. Local enactments should not be produced and enacted in the face of that because the state, in this case, has already pre-empted the field by passing legislation regarding school buses and vehicles in general and addressing the issue of hand-held cell phones, mobile telephones or those with hands-free accessories. The question brought forward was whether there was a way to increase the safety of students where school bus drivers were using hand-held or hands-free cell phones while driving. Laidlaw and Hart were contacted. Each of those entities has prohibitions either by contract or by policy to forbid bus drivers, except in the case of an emergency, from using such devices. State law provides, in essence, that the driver of a moving school bus should not use a hand-held mobile telephone or other electronic device including those with hands-free accessories while passengers are onboard, again, with the exception of an emergency. The preemption provision provides that the locality should not do something that contravenes that. Should the City wish to implement stronger regulations, the request should be made to the State Legislature.

Chairwoman Basso was adamant about finding a way to enforce the law(s) already in place. Her suggestion was public awareness. She herself has contacted a bus company and reported the bus number of the driver who she has seen violating the law. She did agree with Corporation Counsel Pinter that the Council has no authority. Councilwoman Stanley added the law also prohibits the use of radios, MP3 players, CD players, or any kind of audio device while driving. With regard to Laidlaw and Hart, Councilman Saadi pointed out that the policies in place are for employees who are subject to those policies through their employment. He questioned what the penalties were for violations by employees as well as those on the State level. Corporation Counsel Pinter explained that Laidlaw would enforce its policy through suspensions, terminations or other means that a company typically would address an employee who did not follow the standards in place. With regard to the State restrictions, there are fines (approximately \$100) that would be imposed by local authorities. Councilman Saadi suggested the Committee make a recommendation to the Common Council that, either by Resolution or by letter, they ask the State Legislators to increase the penalties. Chairwoman Basso offered to go to Hartford and speak on behalf of the Common Council if need be. Councilman Chianese was in agreement. He desired to see the Common Council, as a whole, take a pro-active approach in increasing the fines and enforcing the law(s). Councilman Rotello pointed out that the City acts as the employer for the bus drivers as the City has hired the bus companies who hired the drivers. He felt the City should have contract restrictions. In addition, he noted his interpretation of the State Statute regarding cell phones by pointing out the language makes reference to "hands-free accessories". He showed everyone an example of a hands-free accessory. His suggestion was to make sure the language includes "hands-free telephones" which do not require any type of

accessory to operate the device hands-free. Chairwoman Basso pointed out that the hands-free telephones came to be after the regulations were developed. Councilman Saadi agreed that technology evolves quickly and suggested not only increasing the fine but also asking that the language be updated. He favored the language formulated by Laidlaw.

Councilwoman Stanley asked that the Corporation Counsel draft the letter for the Common Council. With the assistance of Corporation Counsel Pinter, Councilwoman Stanley offered the following motion:

A motion was made by Councilwoman Stanley and seconded by Councilman Perkins that the Committee recommend to the Common Council that they authorize the Corporation Council to draft a letter to be forwarded to the City's State Representative. Said letter would request that the State increase fines regarding the use of hands-held devices and/or hands-free devices, including any audio equipment that might distract drivers and put their passengers in danger. These fines are to be imposed not only on school bus drivers but also any public transportation drivers. The motion carried unanimously.

A motion to adjourn was made by Councilwoman Stanley and seconded by Councilman Perkins. The motion carried unanimously at 7:05 p.m.

Respectfully submitted,

Pauline Basso, Chairwoman

Colleen Stanley

Duane Perkins

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT



_____ A. D., 200__

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Legislature, through the enactment of Public Acts 05-159, 05-220, and 06-196 (codified as CGS 14-296aa) has provided for certain restrictions on hand held mobile telephones and related devices from being used by operators of moving school busses; and

WHEREAS, the City of Danbury Common Council is desirous of asking the Connecticut State Legislature to clarify and strengthen the provisions of said statute in order to provide clear and effective application to changing technology and to afford full protection to school children; and

WHEREAS, the Common Council is specifically seeking to petition the State Legislature to consider the amendment of subsection (5) of CGS 14-296aa ("Hands-free mobile telephone") to include any and all related mobile telephone devices, with or without attachments, or any other hands-free call making or receiving communications technology the use of which could affect the safety of children; and

WHEREAS, the Common Council further requests that the State Legislature consider amending subsection 8(c) of CGS 14-296aa to include the words "hands-free mobile telephone" in the first portion of said section; and

WHEREAS, the Common Council further requests that the State Legislature consider amending subsection 8(h) of CGS 14-296aa to increase the fine specified therein; and

WHEREAS, the City of Danbury recognizes that this petition is necessary as a result of the possible pre-emption of local ordinance enactments to accomplish the purposes indicated;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Danbury respectfully asks the Legislature of the State of Connecticut to consider the modifications to CGS Section 14-296aa as indicated in this resolution and for the purposes stated herein in order to permit the safeguarding of its children riding schools busses.