



January 5, 2017

**Members of Lee County Legislative Delegation:**

BikeWalkLee is an award-winning volunteer community coalition with 70 supporter organizations raising public awareness and advocating for complete streets in Lee County and promoting policies that enhance the safety of Florida's roadways. The purpose of this letter is to highlight two important priorities we hope the delegation will support in the upcoming legislative session:

- 1) Provide enforcement tools to restrict the use of electronic devices that takes one's focus off driving (including texting while driving); and strengthen laws that make it safer for pedestrians and cyclists.**
- 2) Focused strategies that enhance economic development through bike tourism.**

## **1. Strengthen driver safety laws to enhance bike/ped safety**

**Our top priority continues to be the need for stronger laws and enforcement tools to make Florida roadways safer for pedestrians and cyclists.** For more than a decade, Florida has held the dubious distinction of being the most dangerous state in the country for pedestrians and cyclists. (Locally, Lee County ranks in the top quarter of the most dangerous areas in the state.) One of the reasons Florida has made so little progress is its lax driver safety laws. Florida ranks as the seventh worst state for driver safety laws, as ranked by the Advocates for Highway and Auto Safety. There is clearly a relationship between high bike/ped fatality rates and lax driver safety laws. It is critical that Florida make safety for all roadway users its top transportation priority.

Across the country overall traffic fatalities have surged in the past two years by 7.2% in 2015 and an estimated 10.2% in the first half of 2016--the largest annual percentage increases in 50 years. In Lee County, 2016 has already set a 10-year record of over 109 fatal traffic crashes--a 15% increase over 2015. Likewise, Lee County's bike/ped injuries and fatalities continue at high levels, with 10 bicyclist fatalities in 2016--tying with the County's 16-year record high (in 2014).

Most experts agree that the primary cause of the surge in traffic fatalities is distracted driving, increasingly caused by the use of smartphones and internet apps. Vulnerable road users -- pedestrians, bicyclists, and motorcyclists -- are at the greatest risk when drivers take their eyes off the road. This is a crisis that can no longer be ignored by the state of Florida.

While the Florida Legislature finally adopted a "texting while driving" ban in 2012, it was a weak bill and only a first step in addressing this growing epidemic. Florida is one of only 11 states that doesn't make

texting while driving a primary offense. Since the 2012 bill was enacted, the share of Americans with smart phones has increased from 55 percent to 70 percent and the number of apps available for use by drivers today has exploded, further exacerbating the problem.

According to the Florida Highway Safety and Motor Vehicles division, in 2015 12.2 percent of all crashes in Florida involved distracted driving, which includes texting and using your cell phone. This means that more than 39,000 injuries and 200 fatalities in Florida involved a distracted driver.

It is critically important that the Legislature take action this year **to address the growing dangers presented by the use of electronic devices while driving**. At the very minimum, **the Legislature must strengthen the texting law so that texting while driving is made a primary offense**. In previous legislative sessions, bills have been introduced which made texting while driving a primary offense, doubled the fines, and provided enhanced penalties for violations when committed in a school zone or school crossing. However, in each of the past four years, the Legislature has failed to take any action to strengthen its weak anti-texting law, and took no action to address the broader causes of distracted driving.

For the 2017 session of the Florida Legislature, State Reps. Richard Stark and Emily Slosberg have filed a bill that would make texting while driving a primary offense. **We urge the Lee delegation to not only support this legislation, but to strengthen and champion it**. Sun Sentinel's excellent Dec. 15, 2016, editorial, "Get Tougher on Texting and Driving,"(attached) makes a compelling case for legislative action.

Another important long-term component in making Florida's roadways safer for pedestrians and cyclists is the implementation of FDOT's Complete Streets Implementation Plan. This Plan, when fully implemented by 2018, will provide additional tools for state and local agencies to change the way roads are designed so that they're safer for all users. **We urge the Legislature to continue to support FDOT's Complete Streets initiative**.

Finally, in addition to the safety imperative for improving the mobility of all citizens, providing safe walking and biking facilities is a key ingredient to improving the nation's health. For the past several years, Lee County has participated in a national campaign to make walking a priority, with a focus on the need to build communities where walking is a safe and convenient option. Not only is this critical to fighting the obesity epidemic, it is important to the economic health of our communities. Over and over, people have shown they want to live and work in walkable communities. As the most dangerous state in the country for people to walk and bike, Florida is starting off with a serious handicap in providing its citizens with the tools-- safe and accessible walking and biking infrastructure--that provides the ability to stay physically active and healthy. There is unmet demand for walkable communities. Those areas around the country that have created vibrant walkable neighborhoods are reaping the economic benefits from their investment, while Florida lags behind.

Much is at stake for Florida's future in making our roadways and streets safer for pedestrians and cyclists. **We urge the Legislature to make walkability and bike/ped safety a higher priority and an integral part of the State's economic development strategy**.

## 2. Focused strategies for economic development through bike tourism

We see bike tourism as a winning economic development strategy for Florida. This lucrative niche market is especially attractive for international travelers and a younger demographic. With Florida's temperate winters and flat terrain, the opportunity for destination bike tourism has an enormous potential for high returns on our investment in Florida.

BikeWalkLee has long supported the vision of a connected and integrated statewide trail system throughout Florida. We applauded the Delegation's support of the 275 mile Coast-to-Coast Trail from St. Petersburg to Cape Canaveral National Seashore (funded by the Florida Legislature in 2013-2014), and your support for the creation of a new program, called SUNTrails (Shared-Use Nonmotorized (SUN) Trail Network, to be managed by the Florida Dept. of Transportation (FDOT) with annual funding of \$25 million.

Last year we collaborated with the nine contiguous Metropolitan Planning Organizations (MPO) from Hillsborough to Collier counties in a regional alliance in support of making the Southwest Coastal Regional Trail the next priority region of the statewide trail plan. Although the Southwest Coast Regional Trail was not selected as the next statewide priority, Lee County was successful in its SUNTrail grant applications to undertake two projects on the Southwest Coast Connector route -- the Kismet Parkway shared use path in Cape Coral, which is receiving \$5.5 million in state SUN Trail grants to design and partially construct the project (part of the Charlotte Lee Hendry Trail); and funds for the PD & E study for the last segment of the popular John Yarbrough Linear Park Trail in Fort Myers.

Bike tourism is already gaining traction in Lee County with the 2014 completion of Cape Coral's 90-mile bicycle routes system. This route system makes use of existing biking facilities and ties them together with a comprehensive wayfinding system of signs and maps. This project has quickly elevated Cape Coral as a tourist biking destination and has sparked greatly increased usage of the facilities by residents and tourists alike, which led to Cape Coral winning a coveted national "Bicycle-Friendly Community" designation, which in turn brings more bike tourism to the area.

Further enhancing the county's biking facilities, the Lee MPO has completed construction of 13 more miles of facilities as part of its Complete Streets Initiative Project (funded with a \$10 million federal TIGER grant). A soon-to-be installed wayfinding system will connect the new facilities to the existing ones. The newly expanded and connected shared-use path system in the area will allow a cyclist to ride continuously at least 60 miles, and sets the stage for enhanced economic benefits from bike tourism.

**We urge the Delegation to continue its support for the SUNTrail program (especially the Southwest Coast Regional Trail in our region), provide full funding, and continue to look for new opportunities for economic development through bike tourism.** Bike tourism in the United States has an annual economic impact of \$47 billion. Florida's already one of the country's top markets for tourism, and with Florida's climate and flat terrain, we can position both SWFL and the entire state to get a bigger piece of the national bike tourism pie.

Both of our priorities for this legislative session are interrelated: For the full benefits of bike tourism to be realized, it is critical that Florida rid itself of the label as the most dangerous state in the country for cyclists and pedestrians.

We look forward to continuing to work with you on these issues.

Sincerely,

/s/

Darla Letourneau

on behalf of BikeWalkLee

cc: County Commissioners

**Attachment:** Dec. 15, 2016, Sun Sentinel editorial: "Get tougher on texting and driving"

## Attachment

### Get tougher on texting and driving | Editorial Sun Sentinel, Dec. 15, 2016

[http://www.sun-sentinel.com/opinion/editorials/fl-editorial-texting-driving-20161212-story.html?utm\\_source=feedburner&utm\\_medium=feed&utm\\_campaign=Feed%3A+sun-sentinel%2Fnews%2Fopinion+%28Editorial+Opinions+%2F+South+Florida+Sun-Sentinel%29](http://www.sun-sentinel.com/opinion/editorials/fl-editorial-texting-driving-20161212-story.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+sun-sentinel%2Fnews%2Fopinion+%28Editorial+Opinions+%2F+South+Florida+Sun-Sentinel%29)

According to a State Farm survey, many drivers look forward to texting and taking care of other business in their semiautonomous cars. (Mel Melcon / Los Angeles Times)

#### **Sun Sentinel Editorial Board**

Texting while driving bills have little chance of passing

If you're not texting while driving, you likely know someone who's doing it.

Perhaps it's a friend or a child — or even a parent. Nearly three quarters of adults now own smart phones.

Texting and driving has become a national epidemic, with studies showing it's as dangerous as drinking and driving. Yet Florida remains one of 11 states that doesn't make it a primary offense. And every year bills to make it a more serious offense are ignored at the state level, usually by lawmakers who say it's government interfering in your lives.

That needs to change before more lives are lost. While a tone-deaf state Legislature seriously considers expanding the ability for Floridians to carry guns in public in the supposed name of safety, they're ignoring texting while driving — a real issue that's endangering lives.

State Reps. Richard Stark (D-Weston) and newcomer Emily Slosberg (D-Boca Raton) have filed legislation that would make texting while driving a primary offense. Currently, it's a secondary offense, which means a police officer can watch you text behind the wheel but can only pull you over if you're violating an unrelated traffic offense.

A real threat of being pulled over for texting will encourage drivers to stay off their phones. But Stark believes politics will triumph over safety.

"The chance that this bill is going to pass is probably slim to none," Stark admitted.

Slosberg has also filed a second bill that would make texting while driving a primary offense for juveniles.

That's how little confidence Stark and Slosberg have in their initial bill even making it to a vote in the GOP-dominated Legislature. Slosberg hopes state lawmakers will at least have the common sense to give law enforcement the ability to pull over teenagers who are risking their lives — and ours — by using their phone while driving.

Until 2013, there was no law in Florida regulating texting behind the wheel. Then it became a secondary offense. Much has changed since 2013, when 55 percent of American adults owned a smartphone. Now, it's 70 percent.

Distracted driving, which includes texting and using your cell phone, accounted for 12.2 percent of all crashes in Florida last year, according to the Florida Highway Safety and Motor Vehicles division. Drivers taking their eyes off the road caused 7.4 percent of fatal crashes and 15.4 percent of all injuries from crashes. There were more than 39,000 injuries and 200 fatalities in our state last year from distracted driving.

In 2014, nearly nine people were killed nationwide each day and 1,180 injured from crashes involving a distracted driver. Yet bills making texting while driving a primary offense in Florida haven't even made it out of committee in recent legislative sessions.

The primary opposition comes from conservatives who don't want any government interference in our private lives. There's also some pushback from black lawmakers.

State Rep Bobby Powell (D-Riviera Beach) opposes making texting while driving a primary offense because he believes it will give law enforcement another tool to pull over minorities.

"The way we've written the law, it's your word against his word," Powell told the Sun Sentinel Editorial Board.

Powell raises important concerns about "Driving While Black," and it's part of a larger discussion that needs to take place between law enforcement and the African-American community. But it shouldn't be lumped in with a deadly traffic safety issue.

The same concerns were raised in the long, drawn out battle over seat belt enforcement. Buckling up became state law in 1986, but not a primary offense until 2009.

Let's hope it doesn't take another 23 years before law enforcement has the ability to pull over drivers for fiddling with their phones while behind the wheel.

No matter your political views, if you've seen a driver texting behind the wheel, it's made you cringe. Many "hands-free" states have taken it a step further and banned all physical use of phones while driving.

Stark knows that's not a reality in Florida, and it's why he's focusing only on making texting a primary offense. Even if his bill passed, Floridians would still only be subjected to a \$30 fine. It would remain legal to dial while driving and text at a red light. But this bill would at least give drivers a greater pause before texting behind the wheel.

With lawmakers so unwilling to seriously tackle this issue, it will take a real grassroots efforts from Floridians to prevent more traffic deaths.

