

# UNFINISHED MISSION

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*This author illustrates the impact that one person can have on larger policy changes.*

My adventure began on the morning of November 3, 1999. As an 81-year-old retiree who had devoted his entire adult life in public service in the employ of the City of New York, which included two full-blown careers (the first as a member of the uniformed force of the New York City Police Department, the second with the New York City Board of Education as a teacher of socially maladjusted youth for several years, and later Supervisor of Classes for the Emotionally Handicapped), I was taking a brisk walk in a clearly marked pedestrian lane on McLaughlin Avenue in Hollis, Queens, in New York City, and facing vehicular traffic.

McLaughlin Avenue, which is virtually devoid of sidewalks, is noted for its many sharp turns, and includes an entrance to, and an exit from, the Grand Central Parkway. Obviously absorbed in his conversation over a hand-held cellular phone, a motorist was attempting to maneuver out of a particularly sharp turn. When he finally noted my presence, the motorist panicked. He hurriedly dropped the cellular phone, over-compensated his steering, and headed uncontrollably in my direction. I dove out of the way, but the vehicle nonetheless succeeded in brushing my outer garment. In short, I came within a breath of losing my life.

As I lay prone on the pavement, unable to read the number of his automobile license plate, the motorist regained some measure of control and took off like a bat out of hell.

On several occasions during my first ten years with the NYPD, when I was assigned to one of the most crime-ridden precincts in the borough of Manhattan, I had looked down the barrels of loaded revolvers. But this episode was by far the most frightening I had ever experienced. I believe that I shall never be able to erase it from my mind. Moreover, I couldn't help but wonder about the terrible fate in store for other innocent people, less agile than I, who might one day be exposed to similar experiences.

Upon returning home, I vented my anger by writing an article, "Chatty Drivers Put Lives At Risk," in which I described my terrifying experience. I also expressed a conclusion I had reached many years earlier as a result of my ten years of experience with the NYPD when I was assigned to the Traffic Division. Namely, a motor vehicle is a potentially lethal weapon when placed in the hands of a motorist who is distracted from concentrating solely on operating his or her vehicle safely. On November 25<sup>th</sup> my article was published by the *Times Ledger Newspapers* of Queens, New York, in all 13 different newspapers published by the Times Ledger Organization.

In early October 2000, I learned that legislation banning the use of hand-held cellular phones while operating motor vehicles had been passed by the Suffolk County legislature in New York State. However, there appeared to be reluctance on the part of the Suffolk County Executive, Robert J. Gaffney, to sign



the measure into law. I wrote to the sponsor, including a copy of my article and offering my services. When Legislator Cooper subsequently phoned me, I told him that I was partial to a ban on all types of cellular phone devices, hand-held or otherwise, while operating motor vehicles. Legislator Cooper responded that a ban on hand-held devices lent itself to easier enforcement. Reluctantly, I agreed. He then invited me to testify at a public hearing scheduled by Mr. Gaffney for October 16<sup>th</sup>.

Soon after I arrived for that meeting,



about a dozen other witnesses drifted in, along with members of the print and broadcast media. Each speaker was allotted 10 minutes for his or her presentation. When my turn arrived, Mr. Gaffney's aide briefly described my background. I prefaced my remarks by stating that I was not opposed to the use of hand-held cellular phones, provided that they were used judiciously and did not imperil the lives of others. I then described my frightening experience and concluded by requesting that the legislation be signed into law. In the course of my presentation, I studied the faces of all the people in the room and was gratified by the rapt attention being accorded me.

The following day CBS radio news repeatedly broadcast my presentation verbatim, and a few days later Suffolk County Executive Robert J. Gaffney signed Resolution # 1755-2000 into law, thus making it the first such measure in the nation.

In early April 2001, I learned that Assemblyman Felix Ortiz of Brooklyn had introduced a bill in the New York State Assembly banning the use of hand-held

cellular phones. Wanting to help, I phoned Assemblyman Ortiz, who suggested that I contact the Committee on Transportation and apply to attend a hearing scheduled for April 17<sup>th</sup> in New York City. I complied and subsequently received an invitation to appear as a witness.

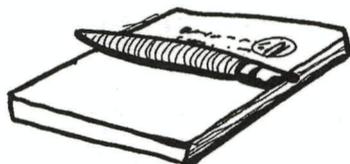
At the hearing, the six-member Assembly panel efficiently questioned each witness so that a consensus could be reached regarding the advisability of statewide legislation banning the use of cell phones by motorists while operating their vehicles.

The panel was noticeably disappointed—and voiced such disappointment—when a representative of the National Highway Traffic Safety Administration maintained that his organization, in studying the distraction factor inherent in the use of cell phones while driving, had not arrived at a conclusion regarding the effect of such distraction upon safety. Nor did it expect to arrive at a decision in the immediate future. But no one in that assemblage was more disappointed than I, for based upon my ten years of “hands-on” experience within the NYPD’s Traffic Division, the distraction factor was the key element to be considered.

The testimony of representatives from eight telecommunications companies revolved around their introduction of an assortment of cellular phone devices. Such devices attached to vehicles, rather than having to be hand-held, thereby requiring only momentary removal of one hand from the steering wheel in order to activate them. But I failed to hear a single reference regarding the distraction factor inherent in engaging in often heated cellular phone conversation and the role of cellular phones in car safety. And here, too, I was sorely disappointed.

My testimony was similar to that which I had delivered to the assemblage in the Suffolk County Chief Executive’s office. Individual members of the Assembly Committee questioned me about whether the enforcement

of a ban on cellular phone devices, which were attached to vehicles, might prove to be more difficult than the hand-held type. I responded that such might be so, but that it was incumbent upon government to protect the public at large and that the distraction factor would inevitably have to be addressed.



It was not until June 25<sup>th</sup> that an event occurred that permitted me to experience some satisfaction. On that date the New York State Assembly passed the bill that had been introduced by Assemblyman Ortiz. This passage occurred several days after the New York State Senate passed the companion measure. Following passage by the Assembly, Governor George Pataki announced that he would shortly sign the measure into law, effective November 1, 2001.

On June 27<sup>th</sup> I received a personal invitation from Governor Pataki to witness the signing ceremony scheduled to take place the following day at Chelsea Park on West 23<sup>rd</sup> Street and Eleventh Avenue. And so I did, and was treated to the conversion of the recently passed measure to Chapter 41 of the New York State Laws of 2001.

It is my fervent hope that at the very least the example set in New York State will induce other states to follow suit. Perhaps the United States Congress might even consider nationwide elimination of this insidious practice in a more comprehensive form that far more realistically reflects the danger of the distraction factor. Were such to occur, I would consider my mission successful. I would derive considerable satisfaction knowing that my efforts have served to avert incapacitating injuries and the loss of lives of many innocent people.

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