



NEW YORK STATE SENATOR

Shelley B. Mayer

RELEASE: Senator Mayer and Distracted Driving Prevention Advocates Host "Textalyzer" Round Table Exploring New Technology

SHELLEY B. MAYER April 29, 2019

| ISSUE: **TEXTING AND DRIVING, ROAD SAFETY**

On Monday, April 29th, State Senator Senator Shelley B. Mayer (D-Westchester); Ben Lieberman, Founder of the Alliance Combating Distracted Driving; other elected officials; and distracted driving prevention advocates hosted a round table to discuss the challenges and impact of distracted driving due to mobile device use. Currently, law enforcement has no practical means of determining whether distracted driving due to mobile device use

contributed to a motor vehicle crash. Round table participants explored a new tool named the “Textalyzer,” developed by the company Cellebrite, which allows law enforcement to field-test mobile devices for use while driving. The Textalyzer reveals to law enforcement time-stamps of the driver’s swiping or typing on his/her mobile device, without storing or retrieving personal content. The Textalyzer does not reveal the content or application used by the driver, only the timestamp of when the driver was swiping or typing. The Textalyzer technology can also distinguish between legal, hands-free, use of the mobile device through bluetooth technology.

State Senator Shelley Mayer and Assemblymember Amy Paulin are sponsors of **S.2687/A.7267** which establishes a pilot program for the Textalyzer to be used by law enforcement in Westchester County to detect illegal swiping or typing on mobile devices in the event of a motor vehicle crash. Cellebrite performed live demonstrations of the Textalyzer technology during the round table.

State Senator Shelley B. Mayer, SD-37, Bill Sponsor said, “Distracted driving due to cell phone use is an epidemic in New York State. Statistics are drastically under-reported due to a lack of protocol for exposing distracted driving from cell phone use after a crash without eyewitness testimony or an unlikely confession from the driver. The Textalyzer technology provides law enforcement with a new tool to determine whether cell phone use while driving could have contributed to the crash. Too many families, like Ben Lieberman’s, have suffered losing a loved one from the driver texting and driving. My hope is that the Textalyzer will do for texting and driving what the breathalyzer did for curbing drunk driving. Thank you to Ben for his tireless effort and advocacy to bring attention to this critical issue. I deeply admire his work and ability to turn his family tragedy into a force for good.”

Assemblymember Amy Paulin, AD-88, Bill Sponsor said, "Texting and driving is illegal in New York State, highly dangerous, and in some cases fatal. However, it is extremely difficult for law enforcement to crack down on distracted driving-involved crashes. We learned today about new technological solutions to this enforcement problem and were able to gather thoughtful feedback from experts that will be extremely helpful as we seek to create the best pilot project possible."

Assemblymember William Magnarelli, AD-129, Chair of the Assembly Committee on Transportation said, "Mr. Lieberman's life and those of others affected by distracted drivers deserve legislative attention. As Chair of the Assembly's Transportation Committee, we intend to review all aspects of this matter – legislative, legal, technical and social."

Assemblymember Kevin Byrne, AD-94, Bill Co-Sponsor said, "From my own personal experience, I can tell you firsthand the need to not only raise awareness on this critical issue, but to properly equip our law enforcement officials in Westchester and New York. I thank Assemblymember Paulin and Senator Mayer, as well all the stakeholders who attended today's round table and are working to pass this much-needed legislation."

Ben Lieberman, Founder of the Alliance Combating Distracted Driving said, "A very broken system exists in combating distracted driving and this forum did a great job in exposing the problem and offering a practical solution. Drunken Driving fatalities were cut in half since its peak. That improvement didn't come from education alone. With DUI we understood the issue, put in deterrents and created a social stigma. Driving with a device is a similar man-made impairment that hurts innocent people and yet it is treated like a joke. You don't need

me to tell you that it's a joke -- just look out your window during any ten-minute car ride. The chain is broken at the very first link because we can't determine when people cause crashes. The Textalyzer is a respectful and efficient way to fix the broken system and achieve the right balance between public safety and privacy."

Maurice Cook, Vice President, Cellebrite, Developer of Textalyzer Technology said, "Cellebrite is used by law enforcement and government agencies throughout the world. We are proud to provide this expertise for combating Distracted Driving. A technology that detects illegal typing and swiping, that differentiates voice activation — all without accessing any personal content — will be instrumental in creating positive change while respecting privacy."

Mark Gardner, Regional Counsel, Allstate Insurance Company said, "Distracted driving is a public safety issue that affects everyone. Allstate strongly supports the Pilot Textalyzer bill, S. 2687/A.7267. This bill would authorize a two year pilot program for the field testing of mobile telephones and portable electronic devices by local police departments in Westchester County. Allstate urges everyone to support this bill so that the growing problem of distracted driving can be measured and addressed."

Ellen Melchionni, President of the New York Insurance Association said, "Distracted driving is an epidemic in New York. We need to act now to discourage people from engaging in this dangerous and risky behavior that is undoubtedly taking thousands of innocent lives. The Textalyzer is exactly the type of tool needed to compel drivers to keep their eyes on the road and their hands on the wheel."

Rob Greenstein, Supervisor of the Town of New Castle said, "I'm incredibly proud that New Castle is leading the effort to combat this dangerous epidemic on our roads. Our education

and enforcement efforts were welcomed by our community. Our initiative is now being used as a model across the state, and has been recognized at the National level. But, we need to give our police departments the tools they need to collect data and hold drivers accountable. I look forward to the day when New York enables police to examine phones at an accident site using the Textalyzer.”

Charles Ferry, Police Chief of the Town of New Castle said, "Police Officers routinely investigate motor vehicle crashes to determine the contributing factors. The data from crash reports are used to set traffic safety initiatives, strengthen laws and work on solutions to protect roadway users. It is difficult for officers to determine if a driver had been using a handheld smartphone at the time of a crash. As a result the use of handheld smartphones as a contributing factor is largely under reported. Textalyzer technology will provide officers with a much needed tool to help determine the prevalence of handheld smartphone use in traffic crashes."

Candace Lightner, Founder of Mothers Against Drunk Driving (MADD) and We Save Lives said, "Drunk driving had become the fodder for late night comedians, nothing more than a joke, with little or no accountability and accepted by everyone as an everyday occurrence. I set out to change all that. And I did, despite major obstacles especially the attitude that drunk driving was socially acceptable. We have the same problem with distracted driving. There is little or no accountability, everybody drives distracted and it has become socially acceptable. I urge this committee to think of the safety of their constituents, their family and friends and find a way to implement this legislation."

Ric Simmons, 4th Amendment Expert and Author of “Smart Surveillance: Interpreting the Fourth Amendment in The Twenty-First Century said, "Textalyzers represent a new generation of smarter surveillance technology that gives law enforcement the ability to enforce our laws

without violating the Constitution. The Textalyzer is minimally intrusive, its primary purpose is to ensure the safety of the roadways, and it does not share any constitutionally protected information with the police. Based on multiple Supreme Court precedents, the use of these devices is consistent with the Fourth Amendment."

RELATED LEGISLATION

2019-S2687

-
- Introduced
 - - In Committee Assembly
 - In Committee Senate
 - - On Floor Calendar Assembly
 - On Floor Calendar Senate
 - - Passed Assembly
 - Passed Senate
 - Delivered to Governor
 - Signed By Governor
 -

Establishes a pilot program for the field testing of mobile phones and portable devices for the county of Westchester

January 28, 2019

In Senate Committee **Transportation**

Sponsored by **Shelley B. Mayer**

Do you support this bill?