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# POLITICO

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## Grant aims to help police tag texting drivers in the act

By KATHRYN A. WOLFE – October 18<sup>th</sup>, 2012

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Checking your text messages behind the wheel? Look up — the police might be checking on you, from an overpass or street corner.

Earlier this week, the Department of Transportation announced a \$550,000 grant for “high-visibility anti-texting enforcement programs” in Massachusetts and Connecticut. That includes police training, media outreach and things like dedicated patrols and peering into cars from overpasses to try to nab texters.

“While it is relatively easier for law enforcement to determine illegal handheld cellphone use by observing the position of the phone at the driver’s ear, the dangerous practice of texting while driving is often not as obvious,” said David Strickland, administrator for the National Highway Traffic Safety Administration. “These two new demonstration programs will help identify real-world protocols and practices to better detect if a person is texting while driving.”

Though states have been quick to react to DOT Secretary Ray LaHood’s full court press on distracted driving, enforcing anti-texting laws has proven particularly difficult. So far, 39 states have enacted anti-texting laws. But previous distracted driving demonstration programs in Connecticut and New York showed that only about 5 percent of distracted driving citations issued were for texting violations — the majority were for using a cellphone.

The need for the program, intended to test methods that will yield best practices for enforcing anti-texting laws, shows just how difficult it can be for authorities to catch someone in the act of texting. But it also presents a problem for privacy and limited-government advocates, who see some of the proposed enforcement methods as overreach.

Walter Olson, a senior fellow at the libertarian Cato Institute think tank, said focusing enforcement in this way shifts the attention of police from “looking at observably unsafe behavior ... to situations where the car is behaving perfectly, as you would want a car to behave, but they peer through the glass to see if there’s something that would cause something to go wrong in the future.”

Olson called the idea that law enforcement would be focused on using spotters perched atop overpasses “creepy” and suggested it turns police officers into “peeping toms.”

“We drive under underpasses, so it’s not a perfect expectation of privacy; but if we saw someone staring down and hoping to look into our laps, we’d think of them as creepy,” Olson said.

Barbara Harsha, executive director of the Governors Highway Safety Association, which has been out front of the effort to curb distracted driving, scoffed at the notion that there is any expectation of privacy in a car.