

# Cop on new phone law: 'That thing is hot lava now'

By **Chelsea Defenbacher**  
The Register-Guard

SPRINGFIELD (AP) — In the three years that Springfield police officer Mike Massey has been a motorcycle traffic enforcement officer, he's seen it all when it comes to cellphone use and driving.

In addition to witnessing drivers talking or texting on their cellphones while driving, he's seen them writing Facebook comments, using Snapchat to take selfies — even watching pornography.

Massey has pulled over such drivers, lectured them and sometimes written them up for it.

But the 2017 Legislature passed House Bill 2597 this past summer, which broadened and clarified what constitutes distracted driving and increased the penalties for it.

Before the law went into effect October 1, drivers already were not permitted to text or call from a cellphone while driving.

But the new law is a virtual hands-off policy when it comes to cellphone use now, making it illegal to hold or touch a cellphone for any reason, including listening to music or using apps for navigation.

"That thing is hot lava now. Don't touch it," Massey said. "I don't care what you're doing with it. I don't care if you're scratching your face with it. You can't do it."

Hands-free cellphone use still is permitted.

Cellphones cradled in a dashboard mount are considered hands-free and are acceptable, but only if the functions in use require just a single touch or swipe to activate or deactivate.

Planning to make a quick call or answer a text at a red light? That, too, is illegal. The car must be safely parked before a cellphone can legally be used.

The first violation of the new cellphone law is a \$260 fine; a second violation — or if the first violation involves a wreck — is a \$435 fine. A conviction for a third offense can result in six months in jail or up to a \$2,500 fine.

Drivers younger than age 18 cannot use any device while driving, even if it's hands-free.

"I'm glad they changed the law because I've heard all the excuses," Massey said. "I was changing my music." "I was checking my clock." "I'm tired of the excuses; you were using your phone. Period."

Massey, who has been with Springfield police for 13 years, has been working

in a team of three on traffic enforcement for the past three years. Officers Tom Speldrich and Matt Bohman also work the motorcycle patrol.

Massey and Speldrich were working one recent morning on Main Street and then on Gateway Street, stopping drivers spotted with a phone in hand.

"We could literally write tickets all day long. But we've seen an improvement since the law went into effect," Massey said. "I'm sure once the surprise and newness wears off, people will go back to using them."

"Some people have upgraded to hands-free devices but then, there are people who still do it," Massey added. "They're still holding their phones, holding them down real low to hold them out of the way, thinking they're real sneaky."

Massey shared some of his tricks for how he spots the drivers who think they're being too sneaky to catch.

"If I see one hand up on the wheel, where's the other hand? That's my first thing; find the other hand," Massey said. The motorcycle officers also observe drivers from places that have a little elevation, he said, to give them a good vantage point for seeing into someone's car.

When he spots a violator, he pulls them over.

But not everyone is issued a ticket.

The man watching porn earlier this month on his lunch hour while driving, for instance, was stopped at a red light, with the sound of the graphic material he was watching audible through the car's bluetooth speaker system.

While using your phone at a red light is still considered illegal under the new law, "I figured that was a good enough embarrassment and education opportunity." So, he didn't give the man a ticket.

Massey recalled a male driver recently who was taking a selfie — only to realize when he checked the photo afterward that the officer was photographed in the background, riding alongside him and watching what he was doing.

He's also seen drivers with their iPads wedged up in the windshield, watching a movie while they are driving.

During a recent shift, a number of people were pulled over for illegal cellphone use, but most received a warning.

"I was talking on my phone," Gwen Moede, 20, of Medford readily admitted

when she was stopped in her Mini Cooper outside the Gateway post office. "I'm not from here, so I was calling my friend to ask how to get to her apartment."

Moede said she does not have Bluetooth connection in her car and likely won't get a hands-free device, because she seldom speaks on her phone in the car.

"I used to text and drive all the time, but I just stopped because I didn't want anything bad to happen. So I stopped, myself. I don't do it anymore," she said. Massey, she added, "could have given me a ticket, but he was really nice and told me I shouldn't use it, obviously."

Massey then gave her directions to her friend's apartment.

Jim Gimarelli also was stopped on Gateway Street. He was more than forthcoming with Massey.

"My fault, my fault," he said with his hands in the air. "I shouldn't have done it. I was talking on my phone."

Gimarelli said he was on his lunch break from his job as the dental director of PacificSource when he answered a work-related phone call.

He said he has a Bluetooth system in his car, but he doesn't believe his phone — an older-style flip phone — would connect to it. Now, he says, he'll look into it and won't talk on his cellphone again while driving.

Gimarelli also was let go with just a warning.

But not everyone is as forthcoming.

Jodie Bloxham, 35, of Fall Creek was pulled over on Main Street after Massey said he spotted her holding her phone and touching it repeatedly with her finger.

Bloxham at first denied that she was using her phone. But after Massey spotted it on the floorboard, she admitted she was, but said it was just to check the time. However, a clock was visible in her dashboard.

"I didn't know about the

cellphone law," she finally admitted. "I was running late to my appointment, and I was just looking at the time."

Before, when he worked as a detective, Massey said he could regularly get criminals to confess to felonies. But in this position, he said, he's dealing with people who aren't necessarily accustomed to having their daily habits corrected, and their automatic instinct is to deny any wrongdoing, perhaps because they are uncomfortable.

"I've seen people launch their phones out of their cars, catapult them somewhere else inside the car," Massey said. "I've had people tell me they weren't on their phones; they don't even have their phones with them. That's when I get dispatch to call them, and sure enough it's ringing inside the car."

Massey said he's most bothered about people lying to his face about their cellphone use when children are in the car.

"Oh, I tell them, 'You just put me in a really awkward position 'cause you're lying to police in front of your kids,'" Massey said.

Now that the new law is in effect, Massey said Springfield police are treating everyone as if they have a clean slate, meaning that if a driver had two previous distracted driving tickets for cellphone use before Oct. 1, those do not count in the tally of three tickets equal possible jail time.

"Just don't do it," Massey said. "There's no excuse for it. They haven't invented an app to drive your car yet."

# Governor Brown wants to cancel water swap plans for Nestle

PORTLAND (AP) — Gov. Kate Brown has asked a state agency to cancel plans for a water swap that would have allowed Nestle to access the valuable spring water it wants.

Oregon Public Broadcasting reports the water transfer is a key part of Nestle's plans to build a \$50 million water bottling plant in Cascade Locks.

Hood River County voted in May 2016 to ban commercial water bottling. Most voters in the city of Cascade Locks, however, favored letting Nestle in and city leaders have been pursuing a water rights transfer with the state Department of Fish and Wildlife that would allow it to sell water from Oxbow Springs to Nestle.

Brown on Friday asked the Oregon Department of Fish and Wildlife to withdraw its application for the water exchange.

The governor wrote the agency's director, Curt Melcher, saying the ballot measure makes the goal of the water exchange uncertain. Brown says she is also worried about spending additional state money for an uncertain outcome.

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