



Driving on the Right Side of the Road Aggressive Driving



JUST THE FACTS

- Aggressive driving is a serious problem on our roadways. The National Highway Traffic Safety Administration (NHTSA) defines aggressive driving as occurring when “an individual commits a combination of moving traffic offenses so as to endanger other persons or property.”¹
- As many as 56% of deadly vehicle crashes involve one or more unsafe driving behaviors typically associated with aggressive driving.²
- In a study conducted by AAA Foundation for Traffic Safety, it was found that in a six year period, a total of 12,828 people were injured or killed as the result of aggressive driving (218 killed; 12,610 injured), including 94 children under the age of 15.³
- Some behaviors typically associated with aggressive driving include: exceeding the posted speed limit, following too closely, erratic or unsafe lane changes, improperly signaling lane changes, failure to obey traffic control devices (stop signs, yield signs, traffic signals, railroad grade cross signals, etc.).⁴
- Speeding, a common form of aggressive driving, is involved in nearly one in three deadly crashes.⁵
 - NHTSA considers a crash to be speeding-related if the driver was charged with a speeding-related offense or if an officer indicated that racing, driving too fast for conditions, or exceeding the posted speed limit was a contributing factor in the crash.⁶
- Aggressive driving can trigger road rage. Road rage is a criminal offense and is “an assault with a motor vehicle or other dangerous weapon by the operator or passenger(s) of one motor vehicle on the operator or passenger(s) of another motor vehicle or is caused by an incident that occurred on a roadway.”⁷

IT'S THE LAW

In Texas, drivers can be fined up to \$200 for each moving violation associated with aggressive driving and could spend time in jail.⁸ Insurance companies often raise rates for drivers with multiple moving violations.

Key: P.C. – Penal Code T. C. – Transportation Code

NAME OF OFFENSE	SECTION OF CODE	PUNISHMENT	COMMENTS
Following Too Closely	545.062(a), T.C.	Class C misdemeanor punishable by a fine of up to \$200	A driver must maintain enough distance in between his or her vehicle and the one in front so that he or she can safely stop without colliding with the vehicle or veering into another vehicle, object, or person on or near the roadway.
Illegal Pass on Right	545.057, T.C.	Class C misdemeanor punishable by a fine of up to \$200	A driver can only pass to the right if it is safe to do so, the vehicle being passed is making or about to make a left turn and the cars are either on a highway with unobstructed pavement wide enough for two or more lines of moving vehicles.

Failed to Control Speed; Unsafe Speed	545.351, T.C.	Class C misdemeanor punishable by a fine of up to \$200	A driver may not drive faster than is reasonable and prudent under the conditions and shall control the speed of the vehicle as necessary to avoid colliding with another vehicle or person that is on or entering the roadway lawfully. Additionally, a driver must drive at an appropriate reduced speed at railroad grade crossings, on curves, on hills, on narrow or winding roadways, and when a special hazard exists such as pedestrians or weather and highway conditions.
Disregarded No Passing Zone	545.055, T.C.	Class C misdemeanor punishable by a fine of up to \$200	A driver must obey the directions of a no passing zone sign if the sign is in place and clearly visible to an ordinarily observant person.
Cut Across Driveway to Make Turn	545.423, T.C.	Class C misdemeanor punishable by a fine of up to \$200	A person may not cross or drive in or on a sidewalk, driveway, parking lot, or business or residential entrance at an intersection to turn right or left from one highway to another highway.
Failed to Yield at Stop Intersection	545.151(a); 545.153, T.C.	Class C misdemeanor punishable by a fine of up to \$200	An operator approaching an intersection must stop, yield, and grant immediate use of the intersection in obedience of stop light or stop sign.
Failed to Give Way when Overtaken	545.053(b), T.C.	Class C misdemeanor punishable by a fine of up to \$200	A driver being passed must, on audible signal, move or remain to the right in favor of the passing vehicle.
Increased Speed While Being Overtaken	545.053(b), T.C.	Class C misdemeanor punishable by a fine of up to \$200	A driver being passed may not accelerate until completely passed by the passing vehicle.
Failed to Stop—Emerging from Alley, Driveway or Building	545.256, T.C.	Class C misdemeanor punishable by a fine of up to \$200	When driving out from an alley, driveway, or building in a business or residence district, a driver must stop the car before moving on or across a sidewalk, must yield right-of-way to a pedestrian, and, when entering the roadway, yield right-of-way to an approaching vehicle.
Failed to Stop for Approaching Train—Hazardous Proximity	545.251(a)(4), T.C.	Class C misdemeanor punishable by a fine of up to \$200	An operator approaching a railroad grade crossing shall stop at least 15 feet (and not further than 50 feet) from the nearest rail if an approaching train is plainly visible and is in hazardous proximity to the crossing.
Reckless Driving	545.401, T.C.	Class B Misdemeanor punishable by a fine up to \$200, 30 days in county jail, or both	A person commits reckless driving if the person drives a vehicle in willful or wanton disregard for the safety of persons or property.

Assault with Motor Vehicle	22.01, P.C.	Class A misdemeanor punishable by a fine up to \$4,000, confinement in jail for up to a year, or both; 3 rd degree felony in some cases punishable by imprisonment 2-10 years and, in addition, fine up to \$10,000	A person commits assault if the person intentionally, knowingly, or recklessly causes bodily injury to another. Assault is also committed if a person intentionally or knowingly threatens another with imminent bodily injury.
Aggravated Assault with Motor Vehicle	22.02, P.C.	2 nd degree felony punishable by imprisonment up to 20 years and a fine up to \$10,000; 1 st degree felony in some cases punishable by imprisonment up to 99 years and fine up to \$10,000	A person commits aggravated assault if they commit an assault and causes serious bodily injury or uses or exhibits a deadly weapon during the commission of the assault. A car can be considered a deadly weapon: “anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.”
Criminally Negligent Homicide with a Motor Vehicle	19.05, P.C.	State jail felony punishable by up to 2 years in jail and a \$10,000 fine; may be punished as a 3 rd degree felony in some cases	A person commits an offense if he or she causes the death of an individual by criminal negligence.

KEEP IT SAFE

Avoid Becoming an Aggressive Driver:

- Plan ahead and allow enough time for delays
- Be familiar with alternative routes
- Provide plenty of room to fellow drivers – avoid cutting off other drivers
- Focus on your own driving - avoid creating a situation that may provoke another driver
 - Do not take your frustrations out on other drivers
 - Do not make inappropriate hand or facial gestures at another driver
 - Use your horn sparingly
 - Do not tailgate or flash your lights at another driver
 - Do not drive slowly in the left lane
 - If you are in the left lane and someone wants to pass, move over and let the driver by

When Confronted by an Aggressive Driver:

- Do not respond and make matters worse by triggering a confrontation. Avoid eye contact, gestures, honking, tailgating, or flashing lights.
- Do not challenge aggressive drivers by speeding up or attempting to hold-your-own in your lane
- If concerned for your safety, report aggressive driving to 9-1-1
 - If possible, pull over to a safe location before calling police
 - Be prepared to give vehicle description, license number, location, and direction of travel
 - Do not get out of your car or go home

(Adapted from: Texas Department of Transportation, *Safety Tips – Aggressive Driving*⁹; AAA Foundation for Traffic Safety, *Road Rage: How to Avoid Aggressive Driving*¹⁰; AgriLIFE Extension, Texas A&M System, *Aggressive Drivers*¹¹; RoadRagers.com, *Driving Tips: Dealing with Aggressive Drivers*¹²; and National Highway Traffic Safety Administration, *Aggressive Driving* brochure¹³)

ADDITIONAL RESOURCES:

- Road Wise: A Complete Traffic Safety Program Toolkit:
http://fcs.tamu.edu/safety/passenger_safety/toolkit/aggressive_driving.php

¹ National Highway Traffic Safety Administration, *Aggressive Driving*, retrieved January 3, 2013, from <http://www.nhtsa.gov/Aggressive>.

² AAA Foundation for Traffic Safety, *Safety Culture*, retrieved January 4, 2013, from <https://www.aaafoundation.org/sites/default/files/AggressiveDrivingPR.pdf>.

³ AgriLIFE Extension, Texas A&M System, *Aggressive Driving*, retrieved January 4, 2013, from http://fcs.tamu.edu/safety/passenger_safety/toolkit/aggressive_driving/aggress_driving_lesson.pdf.

⁴ National Highway Traffic Safety Administration, Aggressive Driving Enforcement, Strategies for Implementing Best Practices, *Define Aggressive Driving*, retrieved January 4, 2013, from <http://www.nhtsa.gov/people/injury/enforce/aggressdrivers/aggenforce/define.html> (hereinafter referred as *Aggressive Driving Enforcement*).

⁵ National Highway Traffic Safety Administration, Traffic Safety Facts, 2010 Data, *Speeding*, DOT HS 811 636, retrieved January 4, 2013, from <http://www-nrd.nhtsa.dot.gov/Pubs/811636.pdf> (hereinafter *Speeding*).

⁶ See *Speeding*.

⁷ See *Aggressive Driving Enforcement*.

⁸ Texas Department of Transportation, *Safety Tips – Aggressive Driving*, retrieved January 17, 2013, from <https://www.dot.state.tx.us/safety/tips/aggressive.htm> (hereinafter *Safety Tips*).

⁹ See *Safety Tips*.

¹⁰ AAA Foundation for Traffic Safety, *Road Rage: How to Avoid Aggressive Driving*, retrieved on January 17, 2013, from <http://www.aaafoundation.org/pdf/RoadRageBrochure.pdf>.

¹¹ AgriLIFE Extension, Texas A&M System, *Aggressive Drivers*, retrieved January 17, 2013, from http://fcs.tamu.edu/safety/passenger_safety/toolkit/aggressive_driving/aggressive_drivers_roadtips.pdf.

¹² RoadRagers.com, *Driving Tips: Dealing with Aggressive Drivers*, retrieved January 17, 2013, from <http://www.roadragers.com/tips/dealing-with-aggressive-drivers.htm>.

¹³ National Highway Traffic Safety Administration, *Aggressive Driving* brochure, retrieved January 17, 2013, from <http://www.nhtsa.gov/people/injury/aggressive/Aggressive%20Web/brochure.html>.