

RESTRICTING USE OF MOBILE DEVICES IN CARS

In September 2008, a Metrolink commuter train in California failed to stop at a red-light signal and crashed head-on with a freight train; 25 people died. Metrolink officials said the engineer ignored the signal; he had apparently been distracted by a text message.

Text messaging is blamed for similar accidents, including the 2007 deaths of five recent high school graduates in New York who were killed when their car swerved into the path of an oncoming tractor-trailer seconds after the driver received a text message on her phone.

Sending and receiving text messages while driving is just one aspect of a much larger problem—distracted driving. Driver inattention is a leading cause of traffic crashes, responsible for an estimated 80 percent of all collisions, according to the National Highway Traffic Safety Administration. That translates into 4.9 million accidents, 34,000 fatalities and 2.1 million injuries caused by driver inattention each year.

“All it takes to cause an accident is to be distracted for as little as three seconds,” said John Townsend, manager of Public and Government Affairs for AAA Mid-Atlantic. As a result, AAA and other safety organizations urge motorists to refrain from all distracted driving activities, which include using cell phones in addition to other activities such as eating, putting on makeup or adjusting the radio. “Driving is a full-time job and requires full time attention,” Townsend said.

While cell phone use is just one aspect of distracted driving, the rapid proliferation of the devices has put texting and talking at the forefront of the battle for safer roadways. As of December 2008, there were 270.3 million wireless telephone subscribers—that’s about 87 percent of the total U.S. population, according to CTIA—the Wireless Association, which represents the wireless industry. Americans spend 2.3 trillion minutes on cell phones each year, and send more than 1.3 trillion SMS or text messages, CTIA said. While the growth in cell phone subscribers in recent years is significant—up from 194.4 million in June 2005 and 97 million in June 2000—the growth in text messaging is astronomical. In 2000, only 12.2 million SMS messages were sent; it increased to 7.2 billion in 2005. Since then, the number of text messages sent has increased by more than 1,000 percent. In addition, according to a 2007 Pew Internet Project survey, 41 percent of Americans have logged on to the Internet outside of their offices or homes, either with a wireless laptop connection or a handheld device.



A growing body of research indicates using a mobile device while driving increases a driver’s risk of being involved in a crash.

Studies that analyzed the cell phone records of drivers involved in crashes found using a cell phone while driving quadruples the crash risk. The Harvard Center of Risk Analysis estimates cell phone use while driving contributes to 6 percent of crashes, which equates to 636,000 crashes, 330,000 injuries, 12,000 serious injuries and 2,600 deaths each year. The study also puts the annual financial toll of cell phone-related crashes at \$43 billion.

Similarly, driving simulators also found cell phone use impairs several aspects of driver performance, most notably reaction time. For example, a 2008 study by Carnegie Mellon University found talking on a cell phone while driving reduces the amount of brain activity devoted to driving by 37 percent. University of Utah researchers found cell phone users are more likely than other motorists to drift out of their lanes, drive at inconsistent speeds, and miss their exits.

Because of the fairly recent emergence of text messaging, few studies examining the correlation of text messaging and vehicle accidents have been done. In July 2009, the Virginia Tech Transportation Institute completed the first study of drivers texting inside their vehicles, and found that the level of distraction and resulting risk were

much higher than previously estimated and surpassed the danger of other driving distractions. The study, which placed video cameras in long-haul trucks for an 18-month period, found that when drivers texted, their collision risk was 23 times greater than when they were not texting. The study also measured the time it took drivers to read or send texts – precious time when they were not watching the road. In the time right before a crash or near crash, drivers spent nearly five seconds looking at the mobile device, which at typical highway speeds, would cover almost 100 yards.

Rich Hanowski, lead researcher for the study, concluded that compared with other sources of driver distraction, “texting is in its own universe of risk.”

This new study supports laboratory research from the University of Utah. In an 18-month study, college students using a driving stimulator were eight times more likely to crash when texting than while not texting. This study also found that

drivers took their eyes off of the road for five seconds at a time while texting.

The Virginia Tech Transportation Institute is currently working on a new study that focuses on drivers of cars and personal trucks, including teenage drivers. Preliminary results have found risk levels that are comparable to those of truck drivers.

But those risks haven’t stopped Americans from using cell phones while driving. A 2009 study by the AAA Foundation for Traffic Safety found an alarming number of motorists—especially younger drivers—engaged in distracted driving behavior. Two thirds of the drivers surveyed reported using a cell phone while driving in the last month, while 21 percent admitted to sending or reading a text message while driving. Notably, almost half of drivers 16 to 24 said they had texted while driving, compared with 22 percent of drivers 35 to 44.

This is especially dangerous because young drivers are already at the greatest

risk behind the wheel. According to the Insurance Institute for Highway Safety, drivers ages 16 to 19 are four times more likely to crash than older drivers.

Yet, 95 percent of those surveyed said that texting was unacceptable behavior, and 87 percent considered drivers texting or e-mailing to pose a “very serious” safety threat. This is almost equal to the 90 percent that consider drunken drivers a threat. Almost 60 percent indicated that talking on a cell phone while driving was a “very serious” threat to their safety.

THE STATES RESPOND:

States are taking several approaches to combat the problem of distracted driving. In recent years, several states passed high-profile legislation to ban the use of handheld mobile devices by all drivers. Seven states—California, Connecticut, New Jersey, New York, Oregon, Utah and Washington—plus Washington, D.C., and the Virgin Islands ban the use of handheld mobile devices and require motorists to use hands-free devices instead.

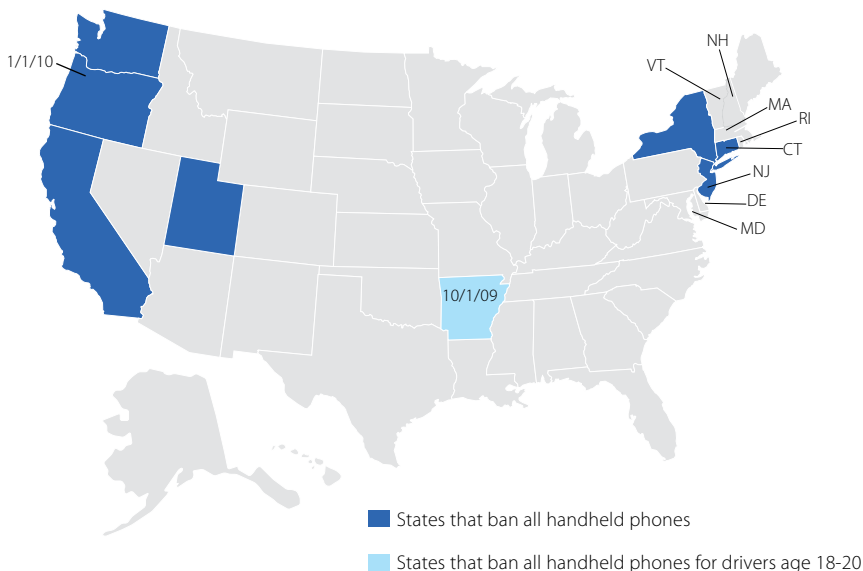
Similar legislation was passed this year by the Louisiana House and both houses of the West Virginia Legislature. The West Virginia legislation died in conference at the end of the session over an unrelated provision related to taxation.

Violations of laws related to cellular phones can be either a primary or a secondary offense. With a primary offense, a motorist may be ticketed for using a cell phone or texting while driving; the prohibited act is an offense on its own. With a secondary offense, a law enforcement officer may ticket a motorist for a cellular phone-related offense only when the motorist is pulled over for a separate offense, such as speeding or reckless driving.

In five states plus Washington, D.C., and the Virgin Islands, violating the ban on all handheld mobile devices is a primary offense. Washington and Utah enforce this provision as a secondary offense.

It is important to note, however, that several studies have demonstrated that the risks associated with using

State Bans of Handheld Mobile Devices



Source: Institute for Highway Safety, National Highway Traffic Safety Administration, Governors Highway Safety Association

both handheld and hands-free mobile devices are indistinguishable. It is the act of talking on the cell phone that is distracting, not whether the cell phone is held by the driver or not. For example, a University of Utah study found that both handheld and hands-free cell phones impaired driving, with no significant difference in the degree of impairment. According to the researchers, this “calls into question driving regulations that prohibited handheld cell phones and permit hands-free cell phones.”

Some states prohibit new drivers, such as those under 18 or those with a driver’s permit or intermediate license, from using a cell phone while driving. This focus on new and younger drivers reflects both their heavy use of the devices and their overall increased risks while driving. Twenty-one states and Washington, D.C., prohibit such drivers from using both handheld and hands-free devices to make or receive calls or to send text messages while driving. It is a primary offense for these drivers to use a mobile device in 14 states and Washington, D.C., and a secondary offense in Arkansas, Louisiana, Maryland, Nebraska, Oregon, Utah and Virginia.

In 2009, three states—Arkansas, Colorado and Kansas—passed bills to prohibit the use of cell phones by new drivers. Similar legislation was also passed by the Georgia House, Indiana House, Kentucky House, Pennsylvania House and the Texas House, but did not become law because the bills were not approved in the other chamber.

A new category of legislation targeting cell phones recently appeared in state legislatures across the country. Texas became the first state to prohibit the use of handheld mobile devices in a certain area—school crossing zones. The Illinois legislature recently passed a law that bans the use of mobile devices in both school and highway construction zones.

In the 2009 legislative session, however, focus largely moved away from the broader use of cell phones to focus on the issue of text messaging while driving. In

2007, Washington became the first state to ban text messaging by drivers. Since then, 16 other states—Alaska, Arkansas, California, Colorado, Connecticut, Illinois, Louisiana, Maryland, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Tennessee, Utah and Virginia—plus Washington, D.C., followed suit. All the states, with the exception of Alaska and Maryland, make it an offense to read, write or transmit text messages while driving. In Alaska and Maryland, motorists are permitted to read messages while driving but may not write or send messages.

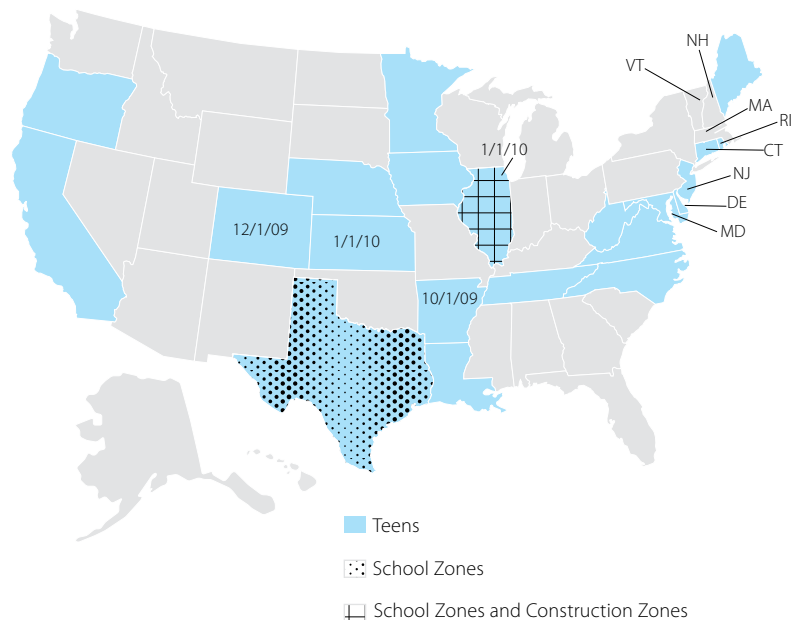
In addition, nine other states—Delaware, Indiana, Kansas, Maine, Mississippi, Missouri, Nebraska, Texas and West Virginia—prohibit novice drivers from sending or reading text messages while driving. The anti-texting laws are secondary offenses in Louisiana, Nebraska, New York, Virginia and Washington.

Generally, prohibitions on texting include various exceptions, most notably in emergencies. In addition, some laws

allow texting when reporting or requiring assistance related to a safety hazard or criminal activity. Many of the laws also exempt law enforcement officers, firefighters and other first responders performing official duties. In addition, some states, including Virginia, specifically say the prohibition does not apply if the operator is lawfully parked or stopped.

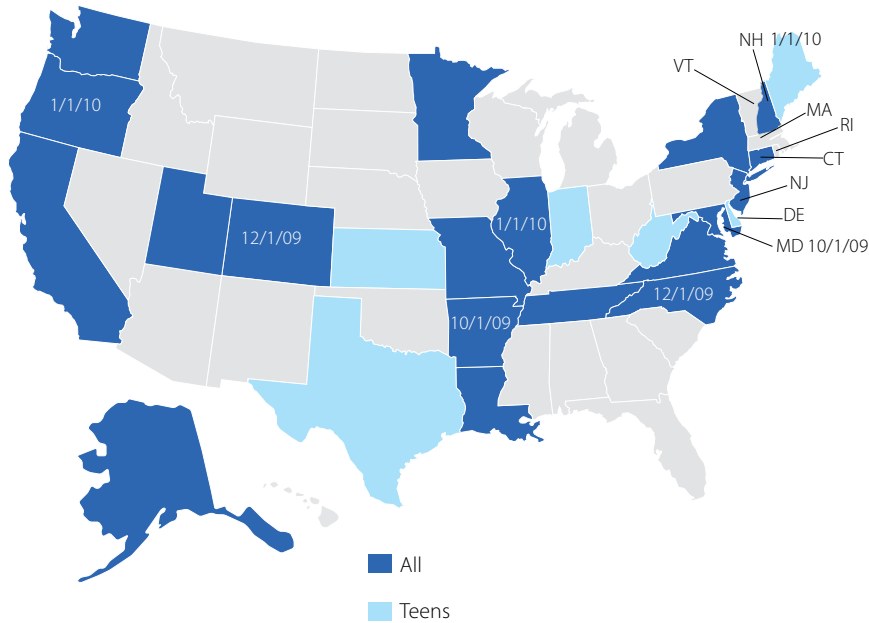
In the 2009 legislative session, more than 35 states considered bills to ban all drivers from text messaging while driving, and as of Sept. 3, bans were enacted in 10 states—Arkansas, Colorado, Illinois, Maryland, New Hampshire, New York, North Carolina, Tennessee, Utah and Virginia. In addition, similar bans were approved by the Alabama House, Delaware House, Missouri Senate, New Mexico House, Rhode Island Senate and Wyoming Senate, but were not approved in the other chamber in those states. In addition, Indiana, Kansas and Mississippi passed legislation to prohibit young drivers from texting while driving.

State Bans on the Use of Mobile Devices, Both Handheld and Hands-Free



Source: Institute for Highway Safety, National Highway Traffic Safety Administration, Governors Highway Safety Association

Text Messaging Bans



Source: Institute for Highway Safety, National Highway Traffic Safety Administration, Governors Highway Safety Association

The Maryland legislation makes it a misdemeanor, punishable by a fine of up to \$500, for anyone to write or send a text message while operating a vehicle. It is a primary offense, meaning that violators can be ticketed for this offense without committing any other traffic offenses. The bill's sponsor, Sen. Jamie Raskin, explained his motivation for introducing the bill: "People should drive with both hands on the wheel, which is why using a cell-phone is dangerous, but texting poses the most extreme peril of all. If a person is texting while driving, he or she is using both hands on the little electronic device and paying no attention to the road. That's terrifying."

Why the new focus on texting while driving instead of on the broader issue of distracted driving? Raskin believes there are two factors at work. The first is that "texting is the most extreme form of not paying attention while driving." The second is "generational politics at work," Raskin said. "It's teens and people in their 20s who seem to text more, and a lot of older legislators seemed more comfortable banning texting before cell phone use," he said.

LOOKING AHEAD:

As the number of high-profile crashes caused by motorists' use of cell phones grows, so too will legislation to restrict their use. State lawmakers across the country continue to pass legislation that chips away at motorists' ability to use cell phones, whether prohibiting handheld devices, placing restrictions on new drivers, or banning texting while driving. No state has banned the use of all mobile devices, whether handheld or hands-free, for all drivers, but such legislation has been introduced in many legislatures across the country.

Despite the widespread popularity of cell phones, surveys find a large number of Americans support restrictions on their use by motorists. The AAA Traffic Foundation survey found that 83 percent of Americans believe drivers using a cell phone are a serious traffic problem. Nearly half of respondents said it was never acceptable to use a cell phone while driving.

A poll of Pennsylvania voters by Quinnipiac University Polling Institute in March 2009 found similar results. Of the respondents who have cell phones, 34

percent said that they use them sometimes or often while driving. However, nearly nine in 10 voters said a ban would make roads and highways in the state a great deal or somewhat safer. In addition, 89 percent of respondents said they would support a bill banning text messaging while driving. Pennsylvania does not have any prohibitions on the use of cell phones by motorists, but the legislature is considering legislation to require hands-free devices and to prohibit text messaging while driving. PennDOT estimates 1,200 crashes involving drivers using handheld phones occur in the state each year.

The federal government is also becoming involved in the issue of distracted driving. On August 5, Transportation Secretary Ray LaHood announced plans to convene a national summit in September to study the use of cell phones, text messaging, and other activities that distract motorists. The summit would include transportation officials, lawmakers, safety advocates, and law enforcement officials, and would result in a list of concrete steps to curtail distracted driving.

During a news conference, LaHood said that he would support banning motorists from texting while driving, but acknowledged enforcement would not be easy. "If it were up to me, I would ban drivers from texting, but unfortunately, laws aren't always enough," Mr. LaHood said.

In July, U.S. Senate Democrats introduced legislation that would require states to ban motorists from sending of text messages or e-mail. States would have two years to enact the minimum penalties established by the Transportation Department – after that, they would risk losing 25 percent of their annual federal highway funding each year of noncompliance. The ALERT Drivers (Avoiding Life-Endangering and Reckless Texting by Drivers) Act would apply to anyone operating a car, truck, or bus, as well as to most mass transit drivers. The legislation would not apply to a person using a mobile device while the vehicle is stopped or to passengers.