Today’s Overview:

• Understanding of the problem
• Misconceptions & Myths
• What we can do
• Employer Policies: Why? Litigation process Case Examples
• Results & Productivity
• Resources
What is **Distracted Driving?**
Distracted Driving

Is driving while engaged in any activity that could divert a person's attention away from the primary task of driving.

(SOURCE: Distraction.gov / NHTSA)
Types of Distracted Driving
Types of Distracted Driving
THERE ARE THREE MAIN TYPES OF DISTRACTION

- Manual
- Visual
- Cognitive
THERE ARE THREE MAIN TYPES OF DISTRACTION

- Manual
- Visual
- Cognitive
Who is **Driving Distracted?**
Texting in traffic: Adults worse than teens

Despite the risk, the problem of adults texting while driving is getting worse, according to a recent AT&T survey.

1 — From survey April 13-22, 2012, of 1,200 teens ages 15-19 who had either a driver’s license or learner’s permit and a mobile phone
### 2011 FARS Crash Data

**Drivers Involved in Fatal Crashes by Age, 2011**

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Total Drivers</th>
<th>% of total</th>
<th>Distracted Drivers</th>
<th>% total drivers</th>
<th>% distracted drivers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>43,668</td>
<td>100</td>
<td>3,085</td>
<td>7</td>
<td>100</td>
</tr>
<tr>
<td>15-19</td>
<td>3,212</td>
<td>7</td>
<td>344</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>20-29</td>
<td>10,160</td>
<td>23</td>
<td>790</td>
<td>8</td>
<td>26</td>
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<tr>
<td>30-39</td>
<td>7,401</td>
<td>17</td>
<td>505</td>
<td>7</td>
<td>16</td>
</tr>
<tr>
<td>40-49</td>
<td>7,376</td>
<td>17</td>
<td>464</td>
<td>6</td>
<td>15</td>
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<tr>
<td>50-59</td>
<td>6,783</td>
<td>16</td>
<td>434</td>
<td>6</td>
<td>14</td>
</tr>
<tr>
<td>60-69</td>
<td>4,144</td>
<td>9</td>
<td>251</td>
<td>6</td>
<td>8</td>
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<tr>
<td>70+</td>
<td>3,815</td>
<td>9</td>
<td>270</td>
<td>9</td>
<td>9</td>
</tr>
</tbody>
</table>
Linda Doyle, was an amazing woman who had a great big heart. She was a wife, a mother, a grandmother, a sister, and a friend. She lived every moment for her family and to help others. On Sept. 3, 2008 in Oklahoma City my mother was exiting her neighborhood when a 20 year old driver ran a red light and t-boned her car at 45–50 mph, which was the posted speed limit. He never saw the red light or the other cars already stopped at that light, he never saw my mom’s car until it was too late, and he never even tried to brake. The first thing this driver did admit when he got out of his car is that he was talking on his cell phone. He was not texting, he was not dialing, he was not looking for his phone. He was doing what hundreds of thousands of people do every day, maybe even you, having a conversation while driving, and this conversation was less than 1 minute long. He was only driving for less than ¼ of a mile, it was a conversation that could have waited. My mother was pronounced dead with blunt force trauma to the head, neck, and chest.
Margay Schee
8/21/95-9/23/08
100's of studies over the past couple of decades show the same result. The stack of research that proves this is overwhelming. There is not a single credible study out there that shows a hands-free device makes you any safer when it comes to the distraction in your brain. Yet we now see even more technologies being deployed that ignore this fact. If not the research then look at the thousands of lives that have been lost, there is no more real world then that.
Our View:

A Complex Computer
Our Reality:

A Limited Processor
Why Cell Phones are a Problem

- Compared impairment to a .08 BAC driver (reaction time)

- Number of fatalities is equivalent to 1 major aircraft crashing every week

- 326+ Million cell phone users in the US, about 10% of drivers at any point during the day using their phone behind the wheel.

Source: CTIA & NHTSA

Science has compared cell phone distracted driving to being impaired to a .08 BAC driver when it comes to a driver's reaction time. With 302+ Million cell phone users in the US and an estimated 11% of drivers at any point during the day are talking on the phone. That is 1 in 10 drivers on the road is impaired like a drunk driver. This number of fatalities is equivalent to 1 major aircraft crashing every week. If this was happening the country would be outraged and demand something be done but for some reason we are accepting these deaths and we keep telling ourselves it is them and not me.
## Growth in Wireless Device Use

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Millions of Subscribers</td>
<td>33.8</td>
<td>109.5</td>
<td>207.9</td>
<td>326.4</td>
</tr>
<tr>
<td>Millions U.S. Population</td>
<td>262.8</td>
<td>281.4</td>
<td>288.4</td>
<td>315</td>
</tr>
<tr>
<td>Wireless Device Penetration</td>
<td>13%</td>
<td>38%</td>
<td>69%</td>
<td>102.2%</td>
</tr>
</tbody>
</table>

- *There are now 6 billion cell phones worldwide*

- **Average age of adoption = 8**

Source: CTIA & U.S. Census
# Texting: Growing Exponentially

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Texts Sent Per Minute</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>319</td>
</tr>
<tr>
<td>2005</td>
<td>228,159</td>
</tr>
<tr>
<td>2008</td>
<td>2.5 million</td>
</tr>
<tr>
<td>2010</td>
<td>4.35 million</td>
</tr>
</tbody>
</table>
What are we using our phones for?

Talk: 26%
Text: 20%
Social Networking: 16%
Visit websites: 14%
Email: 9%
Games: 8%
Other: 9%

Source: Experian Marketing Services
Texting

• A driver is 8X more likely to get in a crash, making the texting driver more prone to crashing than even the drunk driver.

• The odds ratio of crashing while texting as high as 23X.

• A driver travels an average length of a football field when sending a text message.

Early research indicates that when a driver is texting, they are at least eight times more likely to get in a crash, making the texting driver more prone to crashing than even the drunk driver.3 One study has the odds ratio of crashing while texting as high as 23 times.4

More than 200,000 crashes are caused each year in the U.S. by texting drivers

When using the 23 times crash risk, the number may be as high as 1 million crashes.5

The public overwhelmingly supports texting laws

Nearly all Americans -- up to 97% -- say texting while driving should be illegal.7 Texting laws are supported by the wireless industry and automotive industry. There is no organized opposition to texting laws.
AT&T The Last Text
Video
Cognitive distraction causes what is called inattention blindness where we are looking but simply don’t see. Although we think we are seeing because we are looking. This is what has led to so many crashes from missed traffic signals, etc... Have you ever driven somewhere while talking on the phone and you don’t remember how you got there? Multitasking when it comes to this cognitively demanding task is a myth. Your brain is actually task switching and this switching is not instantaneous, there is a time time lag between disengaging and re-engaging. Only 2.5% of the population have the ability to multitask in this manner... yet they are just task switching faster. The problem is the other 97.5% of the populations thinks they are in this 2%.
Multitasking is a myth

Human brains do not perform two tasks at the same time

Brain handles tasks sequentially

Brain switches between one task and another

Switching takes time

Reaction time costs

Pedestrians and unicycling clown - only 25% recalled seeing the clown.
Carnegie Mellon Univ. did a MRI study where you can actually see these results. Just listening to sentences on cell phones while driving decreased activity by 37% in the brain’s parietal lobe which perceives movement, integrates sensory information and also has importance for language processing.

Listening and language comprehension drew cognitive resources away from driving and also decreased activity in brain’s occipital lobe which processes visual information.
Transport Canada did a study which showed where driver’s eyes looked while taking on a hands-free cell phone. The 1st slide is where drivers looked while not on the cell phone and then the 2nd where their eyes looked while they were talking on the cell phone and driving.
Inattention Blindness

You are **not** even aware that you are unaware.

David Strayer from the Univ. of Utah describes it well with these pictures. These are the differences in what is really on the road when you are driving and then what your brain sees while having a cell phone conversation. The main problem... you are unaware that you are unaware.
The Invisible Gorilla video Exercise
Common Misperceptions

- I can do it, it’s everyone else that can’t
- It is no different then talking to a passenger
- There are a lot of distractions we don’t need to single out cell phones
- Using a hands-free device is safer, “hands on the wheel, eyes on the road”

It is no different than talking to a passenger. / There are a lot of distractions… prevalence. / Hands on the wheel, eyes on the road... ignoring the cognitive aspect is deadly. It’s not about where your hands are, its where your head is. The fact that Christopher was holding the phone had nothing to do with the fact that he could not see what was in front of him. His brain did not process the information he was looking at, that information was my mom. People have driven standard transmission cars for years yet we have not seen them causing fatalities because of it.
Common Misperceptions

- The numbers show it's not that big of a problem.
- There is not enough evidence to prove the cell phones cause crashes.
- The numbers of fatalities are going down and the cell subscribers keep going up.
Common Misperceptions

• These laws are impossible to enforce:
  • NHTSA Pilots – Hartford, CT / Syracuse, NY
  • Logan City, UT
  • State of California

★ Proven successful – strict enforcement with high visibility campaigns reduce use
California: Results of April’s Distracted Driving Awareness Efforts

- Overall traffic deaths declined 22%

- Hand-held cell phone driver deaths down 47% – (two years before and after hand held and texting bans - CA Crash File - U.C. Berkeley)

- 40% of CA drivers reported they talk less (handheld and hands free) since enactment of the hand-held cell phone ban.
BlackBerry cuts made roads safer, police say
Oct. 15, 2011

ABU DHABI // A dramatic fall in traffic accidents this week has been directly linked to the three-day disruption in BlackBerry services.

In Dubai, traffic accidents fell 20% from average rates on the days BlackBerry users were unable to use its messaging service.

In Abu Dhabi, the number of accidents this week fell 40% and there were no fatal accidents.

* Source: The National AE
Public Policy Addressing the Issue:

- Most U.S. states now outlaw some form of cell phone use while driving – 12 are hands-free
  41 outlaw texting for all ages

- President Obama’s executive order banning texting while driving covers federal employees when they are using government-provided cars or cellphones and when they are using their own phones and cars to conduct government business

- NTSB recommends for first time ever a complete cell phone ban while driving in Dec 2011

- US DOT and FMCSA implement new hand-held cell phone ban Jan 2012 to go along with their texting ban – $2750 fine for commercial drivers, up to $11,000 for employer – OSHA enforcement

- OSHA – called upon all employers to prohibit any work policy or practice that requires or encourages workers to text while driving per the Occupational Safety and Health Act of 1970 (OSH Act).
What can we all do?

Get off the phone / Lead by example

Spread the message

Change your outgoing message

Don’t call others when you know they are driving

If you call someone and they are driving tell them to call you back

Use an App to break your habit

Get off the phone, lead by example... for your children, your friends, your community and your co–workers. Spread the message... tell everyone. Change your outgoing message. Don’t call people when you know they are driving, tell people to call you back if they are driving.
What else can we all do?

Make a daily – lifelong commitment

Have a designated texter

Influence others – Speak Up

Put phone on silent

Drive the message home – make it a family affair & hold each other accountable

Enact a company cell phone policy
What Can An Employer Do?

- Put safety first – do business in the right way
  Up to half of our workers are mobile and feel they need to be connected for their job. And some employers feel their use benefits the company.

- Make as socially unacceptable as drinking and driving, do not let it be tolerated

- Enact a distracted driving policy and gain employee & management support
Why Should an Employer Enact a Policy?

- Responsibility of companies to ensure the safety of their employees and the public
- Financial Impact: lost wages or replacing a worker, higher insurance premiums, staff time dealing with crashes, interrupted productivity
- Litigation Consequences
Why Should an Employer Enact a Policy?

- 36% of occupational fatalities reported are associated with motor vehicles.

- Between 2003–2010, on average:
  - 1,275 workers died each year from crashes on public highways
  - 311 workers died each year in crashes that occurred off the highway or on industrial premises.
  - 338 pedestrian workers died each year as a result of being struck by a motor vehicle.

Source: U.S. Department of Labor, Bureau of Labor Statistics
Litigation in Distracted Driving Crashes

Civil law system is the agent for change

The legal theory of *respondeat superior*, or *vicarious liability*, means an employer may be held legally accountable for negligent employee actions if the employee was acting within the scope of his/her employment at the time of a crash.

Their liability will boil down to 2 questions:
- Was the employee on a cell phone at the time of the crash?
- And if so, was the employee using the phone for business purposes?
- Many other scenarios qualify
The Jury

• What motivates them?
  Self preservation & protect their young.

• Sample Jury Questions
  Have you seen someone drive dangerously on a phone?
  Have you feared for your safety because someone around you on a phone?
  Do you feel it is extremely dangerous to read, write, or send an email or text while driving?

• Behavior that most want to do it themselves but which they desperately want others to stop.
What will happen in the case?

- Cell phone & tower records
  Display habitual/frequent use while driving

- Telematics records – compared to cell records

Corporate Consequences:

- Gross Negligence / Punitive Damages
  Cell records make it worse, proceeding with conscious indifference at the risk of others

- Insurance may not protect you
  Limits reached, won’t cover punitive costs, rates will skyrocket
EMS worker on scene stated the driver said “I was texting”
Employer Liability

$21.6 million - A stay-at-home dad received the award for the violent wreck that killed his wife, after a jury found a driver negligent for either talking on her cell phone or some other distraction.

$20.9 million - Dykes Industries of Little Rock, Ark., lost a personal injury suit in which its employee was using a cell phone when the accident occurred.

$18 million - Holmes Transport, of Muscle Shoals, Ala., was ordered to pay the damages by a U.S. District Judge to Mark Tiburzi who was left unable to walk or talk after a crash caused by one of their drivers distracted by a cell phone.

$5.2 million - International Paper employee Vanessa McGrogan was using her company-supplied cell phone when she rear-ended a vehicle driven by Debra Ford.

$2.5 million - State of Hawaii agreed to pay as its share of liability in an accident involving a state employee who was talking on her cell phone when she hit a tourist.

$8.7 million - State of Illinois a police officer was speeding at more than 120 mph on an interstate freeway, talking on a cell phone to his girlfriend and using email before he lost control of his squad car and crossed over the median. The crash instantly killed two teenage sisters.
Coca-Cola - $21 Million Verdict
(May 2012, TX)
Driver was talking on a hands-free cell phone when she crashed into and seriously injured another driver. The company had a policy that allowed hands-free and there were no laws in the state against cell phone use and the jury still found the company negligent.

Victim attorneys argued that:

• Company was aware of the dangers of driving while talking on the phone, but failed to adequately warn or educate its drivers of those serious dangers.

• The lawsuit alleged that Coke lacked a comprehensive cell phone policy for its delivery drivers. In fact, Coca-Cola required drivers to use their cell phone, via a hands-free device, while driving.

• The driver of the truck testified that she was using a headset, in accordance with company policy.

• She contended that had Coke made her more aware of the serious risks involved with talking on a cell phone while driving, she never would have used her phone.
What should employers do?

Enact a policy banning cell phone use by employees while driving:

While operating a motor vehicle on company business or on company property, or while operating any company provided vehicle at any time, employees shall not use the following:

- Cellular (mobile) telephones
- Text messaging devices
- Computers
- PDAs and smartphones (e.g., BlackBerry® or iPhone®)
- Electronic games
- Headphones

A Total Employer Cell Phone Ban Covers:

- Handheld and hands-free devices
- All employees
- All company vehicles
- All company cell phone devices
- All work-related communications – even in a personal vehicle or on a personal cell phone

** The policy should prohibit employees from using a cell phone while driving regardless of whether there are less stringent state laws. **
Of increasing concern to [Company Name] are the dangers of distracted driving. Recent deadly crashes involving drivers distracted by talking and texting while driving highlight a growing danger on our roads. Numerous studies have demonstrated how the use of hand-held cell phones while driving pose a significant safety risk to motorists, their passengers and others on the road. In fact, according the National Highway Traffic Safety Administration (NHTSA), in 2008, nearly 6,000 people died in crashes involving a distracted driver.

Therefore, [Company Name] will no longer tolerate texting or talking on a cell phone while operating a company vehicle or while using a company issued cell phone while operating a personal vehicle. This includes, but is not limited to, answering or making phone calls, engaging in phone conversations, hands-free or handheld, and reading or responding to e-mails and text messages.

[Company Name] employees are required to:

• Turn cell phones off or put on silent or vibrate before starting the car.
• Pull over to a safe place if a call must be made or received while on the road.
• Consider modifying voice mail greeting to indicate that you are unavailable to answer calls or return messages while driving.
• Inform clients, associates and business partners of this policy as an explanation of why calls may not be returned immediately.

[Company Name] is concerned about the safety of its employees. It is our goal that if we lead by example, the practice of no texting or talking on hand-held cell phones while behind the wheel will spread throughout the community. Violations of this policy will lead to [Insert Company Consequences]

Below is a Statement of Acknowledgement that says you have read and fully understand [Company Name] policy. Please sign it and return it to your supervisor. If you have any questions regarding this policy please contact your supervisor.

I have received a written copy of the Council’s Motor Vehicle Safety policy. I fully understand the terms of this policy and agree to abide by them.

_________________________________________              ______________________
Employee Signature   Date

_________________________________________
Employee Name (printed)
“It is the employer’s responsibility and legal obligation to have a clear, unequivocal, and enforced policy against texting and driving.”

OSHA, 10/2/2010.

Several companies have already instituted **total cell phone bans**, including:

- UPS
- DuPont
- Chevron
- Owens–Corning
- Shell
- Time Warner
- CSX
How to Implement a Policy

• **Build your case**
  Industry data, real life examples

• **Get senior level buy-in and visible support**

• **Establish & announce policy**
  Clearly define ‘distracted driving’
  Outline consequences for violations
How to Implement a Policy

- **Educate employees – Policy Roll-out**
  - Train organization - What & Why
  - Employees sign-off on policy
  - Employee feedback - share ideas, offer solutions

- **Enforce & Reinforce**
  - Investigate all incidents
  - Put teeth in it & consistently enforce
  - Address violations, progressive discipline up to termination

- **Monitor compliance, employee attitudes & policy review**
  - Make necessary updates and revisions, communicate positive results
**Enforcement**

- Train dispatchers to ask if driving
- Station security patrols strategically to lookout
- Be consistent, no exceptions
- Create a safe environment for employees to report policy violations

**Reinforcement**

- Annual sign-off on refresher policy
- Keep employees educated through training, workshops, and newsletters
Results on Productivity
National Safety Council, 2009

Survey with 2,004 companies responding—23.4% with a total ban (hand-held & hands-free)

• More than 20% saw a drop in employee crash rates and property damage
• More than 70% observed either an increase in productivity or no difference at all
• About 65% noticed increases or no impact on workers’ morale
Results?

Survey of AMEC employees one year after corporate cell phone driving ban

97% agreed that talking on a cell phone impacts a person’s ability to drive safely

96% felt that responsible companies should discourage use of wireless communications while driving

95% said they did not experience a decrease in productivity as a result of the ban during work hours

83% said they had reduced or quit using wireless devices while driving outside of work hours.
### Policy Implementation Results?

#### 3M Case Study

<table>
<thead>
<tr>
<th>Year</th>
<th>Feel positive, approve of the ban</th>
<th>Feel negatively about the ban</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>19%</td>
<td>56%</td>
</tr>
<tr>
<td>2010</td>
<td>42%</td>
<td>37%</td>
</tr>
</tbody>
</table>
Policy Implementation Results?
3M Case Study

• Employee engagement

• Behavior trickles into family/personal life
43% of 3M employees already avoided using their phones while driving but after the work ban another 42% either stopped or reduced the practice.

• Good PR
Brand benefits & Company reputation
Resources:

www.distraction.gov
Resources:

Drive Safely Work Week Materials

Monday

Activities to launch your campaign

Getting There Safely Is Everyone's Business

1. **ACTIVITY: Distribute Campaign Launch Letter to Employees**

   As automobile controls become more and more sophisticated, mobile phones are morphing into personal computers and people are expected to be at their best for the job. For more information on the focus of each of the days.

   To see the entire Faces of Distracted Driving campaign, visit www.distraction.gov.

   5 x 7 Management pledge template

   Management (policy)

   Distracted Driving campaign, visit www.distress.org.

   Resources Provided
   - Sample letter from Senior Manager (model)
   - Sample letter from Senior Manager (to public)
   - "Faces of Distracted Driving" videos for download
   - 5 x 7 Management pledge template

2. **ACTIVITY: Put a Face on Distracted Driving**

   Everyone is for driving distraction-free means actively scanning the road ahead and the driving environment surrounding your vehicle, keeping your hands on the wheel and your mind on driving.

   To see the entire Faces of Distracted Driving campaign, visit www.distraction.gov.

   \[ \text{FOCUS360} \]

   GET THE FACTS

   - Distracted driving is spending a vehicle driver's mind—whether it's the driver's physical and mental attention.
   - In 2010, more than 400,000 were injured and 3,000 were killed in crashes related to some accident, accounting for 9.4% of road fatalities.
   - There are three main types of distraction: Visual—taking your eyes off the road; Cognitive—taking your mind off the task of driving; and Manual—taking your hands off the steering wheel; Cognitive distraction is particularly risky. Define the other two types, the driver is not aware of this type of distraction.
   - Although there are many things that contribute to distracted driving, the use of cell phones occurs with such frequency and duration that it is more likely to lead to a crash or near-crash than other forms of distraction.
   - Driving while using a cell phone reduces the amount of brain activity associated with driving by 37%.

   GETTING THERE SAFELY IS EVERYONE'S BUSINESS

   Drive Safely Work Week

   BACK TO BASICS:
   YOUR KEYS TO SAFE DRIVING

   DRIVE SAFELY WORK WEEK: WEDNESDAY

   DRIVE DISTRACTION-FREE

   Driving distraction-free means actively scanning the road ahead and the driving environment surrounding your vehicle, keeping your hands on the wheel and your mind on driving.

   "I drive 100 miles per day (160 km). 10 years ago, I gave up use of my cell phone while driving to focus on all the distracted drivers around me. I've avoided countless accidents, including no fewer than 12 red-light runners, unquantifiable stop-sign runs, and multiple lane changes that pushed me into the shoulder, at high speed."

   GET THE FACTS

   - Distracted driving is spending a vehicle driver's mind—whether it's the driver's physical and mental attention.
   - In 2010, more than 400,000 were injured and 3,000 were killed in crashes related to some accident, accounting for 9.4% of road fatalities.
   - Poll after poll shows that most people feel using mobile electronics while driving is dangerous, yet the majority continues to do so. Many feel distracted by the fun of multitasking; it's everyone else that is putting them at risk.

   There are a lot of distracted drivers out there for you to worry about:

   - A recent observational study concluded that at any given time, an estimated 1.2 million drivers (or 1.2 million) are visibly speaking on a cell phone while driving to talk to someone.
   - Estimates indicate that drivers using cell phones look but fail to see up to 50% of road safety signs.
   - A recent observational study concluded that at any given time, an estimated 1.2 million drivers (or 1.2 million) are visibly speaking on a cell phone while driving to talk to someone.
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  www.trafficsafety.net
How Many More Have to Die song by McKenna Lowe.
How Many More Have to Die?

You **can** make a difference!

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