

Distracted Driving

Jennifer Smith

www.distractionadvocatenetwork.org

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

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- Manual
- Visual
- Cognitive

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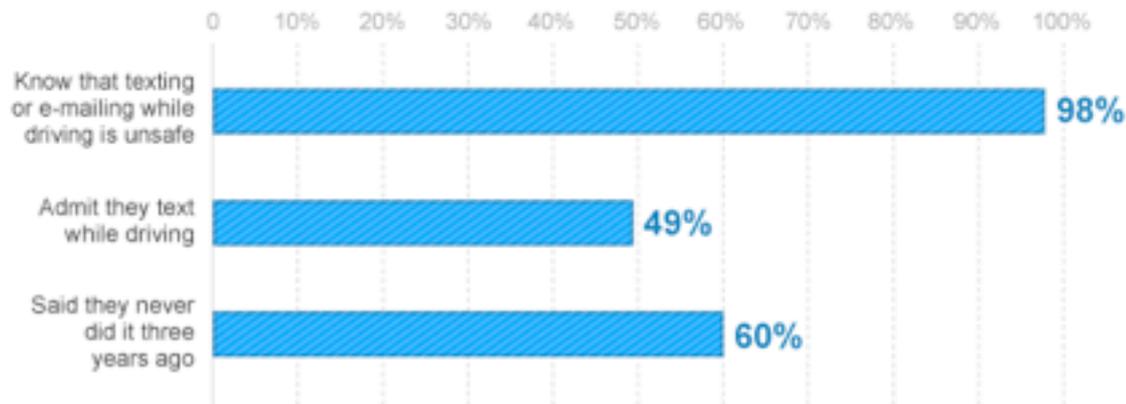


Who is Driving Distracted?

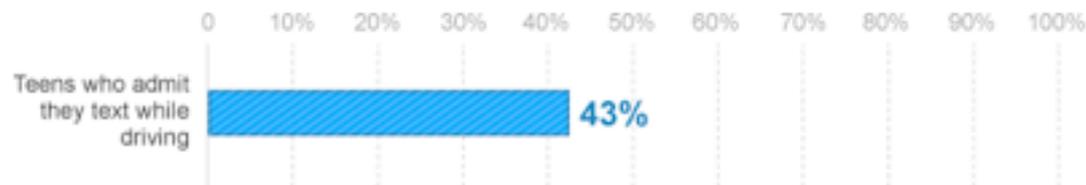
Texting in traffic: Adults worse than teens

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

ADULT TEXTING IS UP ...



... COMPARED WITH



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

NHTSA, National Highway Transportation Safety Administration

2011 FARS Crash Data

Drivers Involved in Fatal Crashes by Age, 2011

Age Group	Total Drivers		Distracted Drivers		
	#	% of total	#	% total drivers	% distracted drivers
Total	43,668	100	3,085	7	100
15-19	3,212	7	344	11	11
20-29	10,160	23	790	8	26
30-39	7,401	17	505	7	16
40-49	7,376	17	464	6	15
50-59	6,783	16	434	6	14
60-69	4,144	9	251	6	8
70+	3,815	9	270	9	9

My mom, Linda Doyle



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.

Sept. 3, 2008



Margay Schee

8/21/95-9/23/08



Why Cell Phones are a Problem

**100's studies show risk (Harvard,
Univ. of Utah)**

**50+ show NO safety benefit to hands-
free
(Cognitive Distraction Aspect)**

Addictive / Habitual Behavior

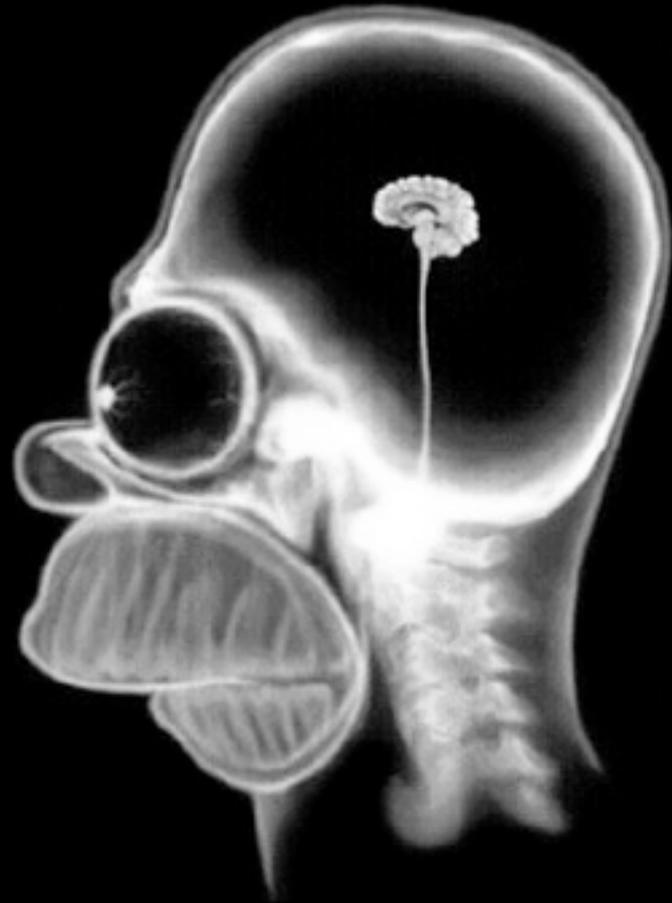
100's of studies over the past couple of decades show the same result. The stack of research that proves this is overwhelming. There is not a single credible study out there that shows a hands-free device makes you any safer when it comes to the distraction in your brain. Yet we now see even more technologies 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 drivers 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 a 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 its them and not me.

Growth in Wireless Device Use

Millions of Subscribers	33.8	109.5	207.9	326.4
Millions U.S. Population	262.8	281.4	288.4	315
Wireless Device Penetration	13%	38%	69%	102.2%
	1995	2000	2005	2012

* There are now 6 billion cell phones worldwide *

** Average age of adoption = 8

Source: CTIA &
U.S. Census

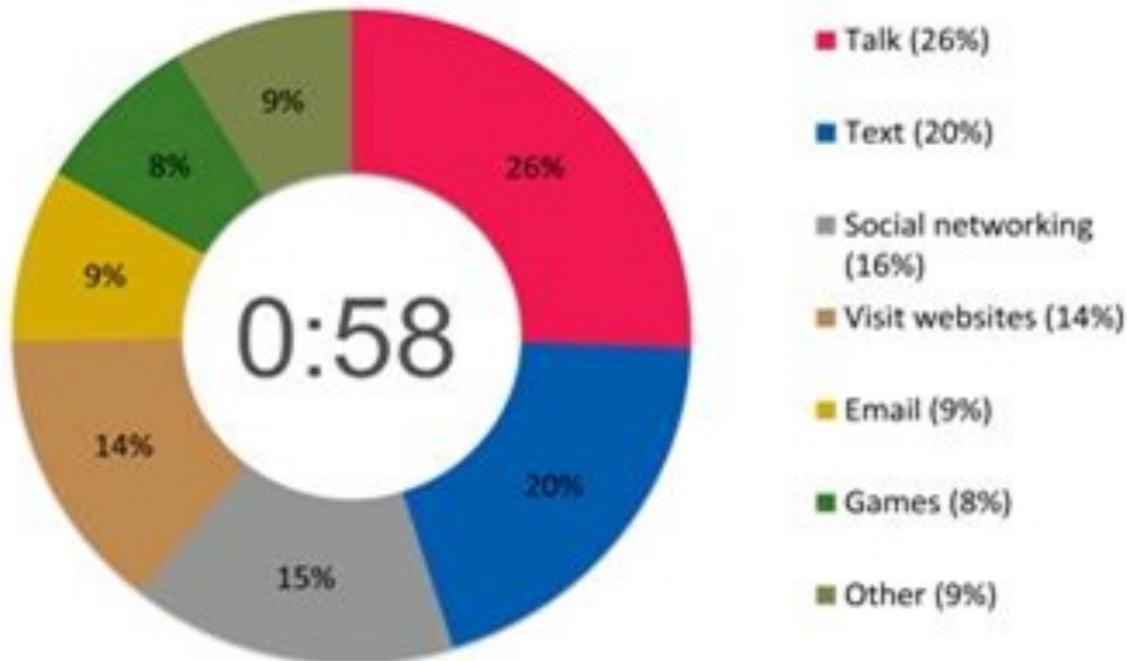
Texting: Growing Exponentially

Number of
Texts Sent
Per Minute



What are we using our phones for?

Total time spent daily using a smartphone and activity share



Source: Experian Marketing Services

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

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.



What Is The Risk?

**Drivers fail to see what's around them
even though they're looking**

Also called “inattention blindness”

“Look” but don't “see”

**Will look at objects but not remember
them**

**Drivers missed traffic signals, signs,
exit ramps**

**Can't discern between high & low
relevance**

Multitasking: A Brain Drain

Multitasking is a myth

Human brains do not perform two tasks at same time

Brain handles tasks sequentially

Brain switches between one task and another

Switching takes time

Reaction time costs

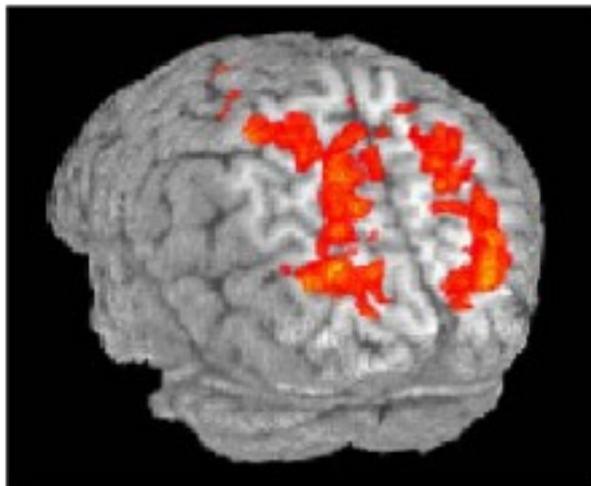
Pedestrians and unicycling clown - only 25% recalled seeing the clown.



Our Brains on Cell Phones

The parietal activation associated with driving decreases substantially (by 37%) with sentence listening.

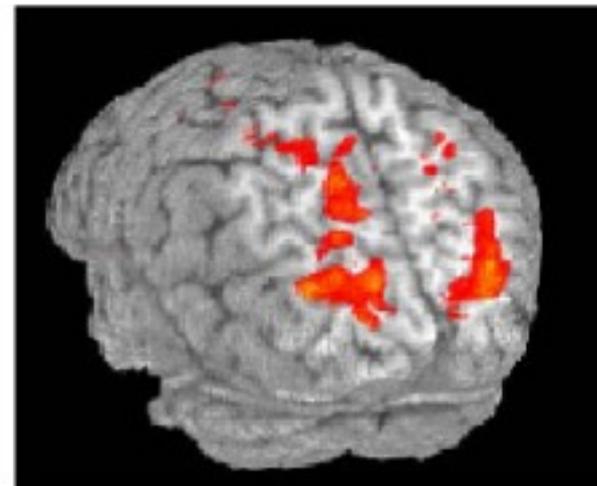
Driving Alone



L

R

**Driving with
Sentence Listening**

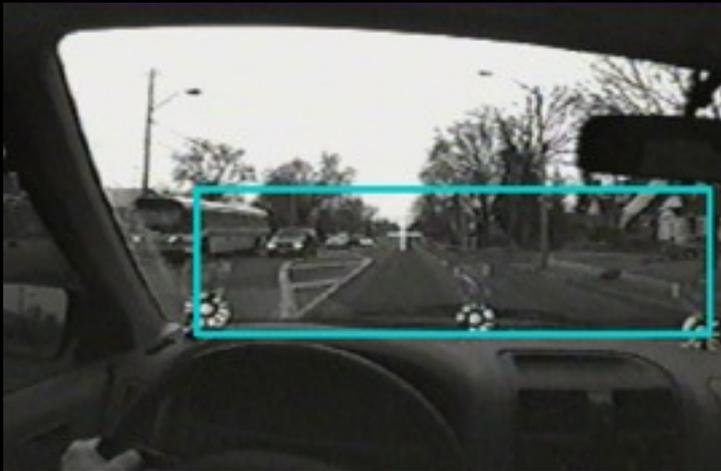


Carnegie Mellon Univ. did a MRI study where you can actually see these results. Just listening to sentences on cell phones while driving decreased activity by 37% in the brain's parietal lobe which perceives movement, integrates sensory information and also has importance for language processing.

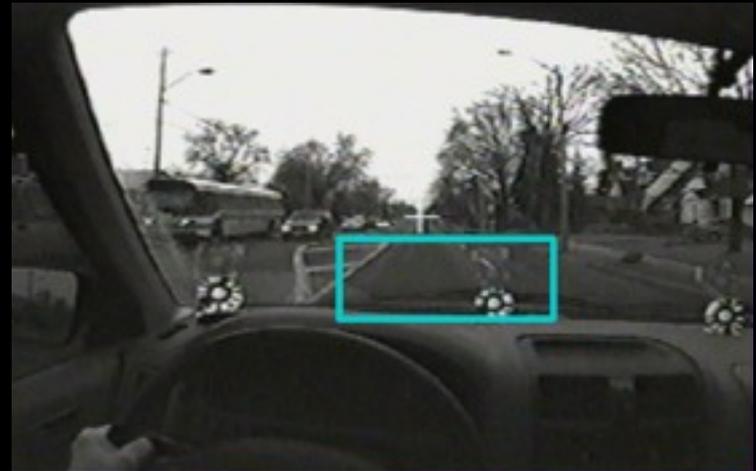
Listening and language comprehension drew cognitive resources away from driving and Also decreased activity in brain's occipital lobe which processes visual information.

Eye Scanning Area

Driver Not Using Phone



Driver Using Hands-Free Phone



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.

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"**

Common Misperceptions

- The numbers show its 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 keeps 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

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.

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

Ragsdale - Woodson

1/25/10



EMS worker on scene stated the driver said "I was texting"

The Deposition

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

PDA's 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. ****



[Company Name] Texting and Talking on Hand-Held Cell Phones While Driving Policy

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 to 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

Year	Feel positive, approve of the ban	Feel negatively about the ban
2008	19%	56%
2010	42%	37%

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

GET INVOLVED: EMPLOYERS

Having a distracted driving policy in place doesn't just make good safety sense - it makes good business sense. Put your employees' safety first with these steps:

1. Get the 2011 Drive Safely Work Week Toolkit
The **Network of Employers for Traffic Safety (NETS)** offers a **free toolkit** with information on how businesses can raise awareness about traffic safety issues and discourage distracted driving among employees.
2. Enact a company policy on distracted driving
Download a **sample policy**, customize it to your organization's needs, and let your employees know that you support distraction-free driving. Hang up posters in the office to remind employees that "One Text or Call Could Wreck It All."
3. Encourage employees to take - and share - the pledge
Distracted driving doesn't become less dangerous when the work day is over. Distribute **pledge forms** to your employees and urge them to share it with their friends and family.

EMPLOYER CAMPAIGN TOOLS

PLEDGE FORM

PLEDGE FORM

DOWNLOAD

DOCUMENTS

2011 DRIVE SAFELY WORK WEEK TOOLKIT

DOWNLOAD

SAMPLE EMPLOYER POLICY

DOWNLOAD

SAMPLE PRESS RELEASE ON EMPLOYER POLICY

DOWNLOAD

SAMPLE MEMO TO EMPLOYEES ON EMPLOYER POLICY

DOWNLOAD

POSTERS



DOWNLOAD VIEW



DOWNLOAD VIEW



DOWNLOAD VIEW



Resources: Drive Safely Work Week Materials



Drive Safely Work Week **Monday**

Activities to launch your campaign

GETTING THERE SAFELY IS EVERYONE'S BUSINESS

1 ACTIVITY: DISTRIBUTE CAMPAIGN LAUNCH LETTER TO EMPLOYEES

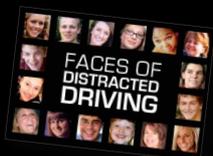
- Resources Provided**
- Sample letter from Senior Management (policy)
 - Sample letter from Senior Management (no policy)
 - "Faces of Distracted Driving" videos for download
 - 5 x 7 Management pledge template

"...As automobile controls become more and more sophisticated, mobile phones are morphing into personal computers and people are expected to be reachable at any given moment. This is making driving more dangerous and today, more than ever, safe driving requires our full focus.

This week we'll consider that when we're not the driver, we are a passenger, a pedestrian, or perhaps a cyclist. Regardless of which of these hats we're wearing, there are things we can do to ensure the best chances for always arriving at our destination safely..."

The launch letter will set forth the premise of the campaign and the focus of each of the days.

2 ACTIVITY: PUT A FACE ON DISTRACTED DRIVING



Everyone thinks it could never happen to them. The **Faces of Distracted Driving** campaign, launched by U.S. Transportation Secretary LaHood, puts a face on the issue through the stories of children, parents, families and friends who have been torn apart as a result of senseless crashes caused by distracted drivers. A series of "faces" videos has been made available for download so you can use it to launch your organization's DSWW campaign. You might choose to loop the videos together to run on your organization's monitors in break rooms, the lobby or cafeteria, or distribute them individually throughout the week via e-mail. A file format has also been made available so you can embed the videos into Powerpoint if you wish. If you have an IT department, you may want to involve it in your campaign planning.

As an additional alternative, if any of your employees have a personal story they would like to share, you might also consider producing your own internal video.

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

Founded in 1989, the Network of Employers for Traffic Safety (NETS) is an employer-led public-private partnership dedicated to improving the safety and health of employees, their families, and members of the communities in which they live and work, by preventing traffic crashes that occur both on and off the job. For more information on NETS, visit www.trafficsafety.org




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.

GET THE FACTS

- Distracted driving is operating a vehicle while something—anything—diverts the driver's physical and mental attention.
- In 2010, more than 400,000 were injured and 3,092 were killed in crashes related to driver distraction, accounting for 9.4% of road fatalities.¹
- There are three main types of distraction: Visual—taking your eyes off the road; Manual—taking your hands off the wheel; Cognitive—taking your mind off the task of driving. Cognitive distraction is particularly risky. Unlike 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%.²
- Estimates indicate that drivers using cell phones look but fail to see up to 50% of the information in their driving environment.³
- Poll after poll shows that most people feel using mobile electronics while driving is dangerous, yet the majority continues to do so. Most feel confident in their own multi-tasking skills. It's everyone else they're worried about.
- A recent observational study concluded that at any given time, an estimated 9% of drivers (or 1.2 million) are visibly speaking into either a handheld or hands-free mobile device.⁴
- A recent report indicated 27% of adults and 26% of teens said they have texted while driving. That's at least 50 million people who admit to driving distracted who are sharing the roads with you.⁵ If you're not focused on your own driving, you can't adequately look out for them.

"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."

Comments by #3/12 DMV article on the NTSB Inattentive Driving Forum

¹ NHTSA 2010 HHS Report "Change Made, 2008"
² Strayer, D. L. (2007, February 28). Presentation of Cell Phones and Driver Distraction. Public Safety Coalition, Washington, DC.
³ NHTSA Traffic Safety (NHTS Research) Note, Dec. 2011
⁴ <http://www.pewresearch.org/Report/2010/Cell-Phone-Distractedness.aspx>



www.trafficsafety.net



How Many More Have to Die song by McKenna
Lowe.

How Many More Have to Die?

You can make a difference!



www.distractionadvocatenetwork.org

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www.jennifersmith-distracteddriving.com



www.distractionadvocatenetwork.org