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Distracted Driving

The use of cell phones is on the rise in the United States and lawmakers face the dilemma of whether to regulate cell phone use while driving. Compiling data on how many traffic accidents are caused by cell phone use is difficult—only 33 states and the District of Columbia require police to determine whether the driver involved in an accident was using a phone.¹

U.S. Government Data

Talking on cell phones, manipulating hand held phones, and text messaging are all classified by the U.S. Department of Transportation (DoT) as “driver distraction.” More generally, the U.S. DoT lists “three main types of distraction: visual, manual, and cognitive.” Using a cell phone is not the only way a driver can be distracted, as grooming, drinking and eating, and talking to passengers are also classified as distractions.²

The National Center for Statistics and Analysis of the National Highway Traffic Safety Administration (NHTSA) conducts an annual survey (entitled the National Occupant Protection Use Survey) that supplies “the only probability-based observed data” on the use of cell phones while driving in the United States.³ The NHTSA research shows the “hand-held cell phone use rate in 2008 translates into 812,000 vehicles being driven by someone using a hand-held cell phone at any given moment during daylight hours.” Furthermore, this survey shows that of 34,017 fatal crashes in 2008 37,261 people were killed; 5,870 of these people were killed due to driver distraction. This amounts to 16% of the total fatalities in 2008. Distracted driving was reported in 21% of 1,630,000 *injury* crashes.⁴ The NHTSA information is collected from police data and it is important to note that these numbers “may not state the true size of the problem, since the identification of distraction and its role in a crash can be very difficult to determine using only police-reported data.” Nonetheless, this report shows a 3% rise in fatal crashes due to distracted driving from 2004 to 2008. The age group with the highest

¹ National Conference of State Legislatures, “Cell Phone Use and Texting While Driving Laws,” November 12, 2009. Retrieved February 22, 2010 from <http://www.ncsl.org/default.aspx?TabId=17057>

² U.S. Department of Transportation, “Statistics and Facts about Distracted Driving,” Retrieved 22 February 2010 from <http://www.distraction.gov/stats-and-facts/>.

³ U.S. Department of Transportation, “Statistics and Facts about Distracted Driving.”

⁴ U.S. Department of Transportation, “Statistics and Facts about Distracted Driving.”

proportion of distracted drivers were under twenty followed by the twenty to twenty-nine year old age group.⁵

Laws Regarding Distracted Driving

Restricting Hand-Held Cell Phones

The risk associated with using a cell phone while driving has led a number of states to pass laws prohibiting drivers from using hand-held cellular phones while driving. Currently there are six states that ban hand held cell phone use for all drivers and twenty-one states and the District of Columbia ban all cell phone use for novice drivers. Seventeen states ban all cell phone use for school bus drivers.⁶

Studies have shown, however, that hand held cell phone bans do not significantly decrease driver distraction. A report conducted by Dalhousie University and published in the *Journal of Safety Research* in April 2009, finds that “talking on phone, regardless of phone type, has negative impacts” on the driver.⁷ The University of Utah published a study that supports these findings. This report shows that all cell phone use while driving delays a driver’s reactions as much as a blood alcohol concentration of .08 percent.⁸

These findings were reinforced by a January 2010 report by the Highway Loss Data Institute and the Insurance Institute for Highway Safety (IIHS) that found no effect of state bans on drivers using hand held cell phones. The study analyzed collision claims per month in three states before and after hand-held cell phone bans were passed, and compared those rates to neighboring jurisdictions without such bans. Through an examination of this data, the IIHS reports that, “[m]onth-to-month fluctuations in rates of collision claims in jurisdictions with bans didn't change from before to after the laws were enacted.”⁹ These results were controversial. The U.S. Department of Transportation released a statement reading “it is irresponsible to suggest that laws banning cell phone use while driving have zero effect on the number of crashes on our nation’s roadways.”¹⁰ The study’s authors, however, made no such

⁵ U.S. Department of Transportation, “Statistics and Facts about Distracted Driving.”

⁶ National Conference of State Legislatures, “Cell Phone Use and Texting While Driving Laws.”

⁷ Ishigami, Yoko, and Richard M. Klein. "Is a hands-free phone safer than a handheld phone?" *Journal of Safety Research* 40.2 (2009): 157-164. Retrieved February 22, 2010 from

http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6V6F-4W1M42Y-1&_user=10&_rdoc=1&_fmt=&_orig=search&_sort=d&_docanchor=&view=c&_acct=C000050221&_version=1&_urlVersion=0&_userid=10&md5=637cd698c04a2e57da034d152e1b4435-vt1.

⁸ U.S. Department of Transportation, “Statistics and Facts About Distracted Driving,” Retrieved February 22, 2010 from <http://www.distraction.gov/stats-and-facts/>.

⁹ Insurance Institute for Highway Safety, “Laws Banning Cellphone Use While Driving Fail to Reduce Crashes, New Insurance Data Indicate,” January 2010, Retrieved 22 February 2010 from

<http://www.iihs.org/news/rss/pr012910.html>.

¹⁰ Joseph B. White, “When Cellphone Bans Don't Curb Crashes,” Wall Street Journal Online, 3 February 2010. Retrieved February 22, 2010

http://online.wsj.com/article/SB10001424052748704022804575041552234321736.html?mod=WSJ_hps_MIDDLE_SixthNews.

claim. Their focus was on the banning hand-held devices not cell phone conversations; and, as the other research cited above does show that it is the act of talking on the phone that causes the problem, not whether one is holding the phone in one's hand.

While the research has yet to show that state bans on cell phone use have significantly decreased distracted driving and accidents, the research on texting while driving is more definitive and widely accepted, leading many states to pass laws that banning this practice.

Research on Texting and Driving

The federal government has become actively involved in understanding the link between texting while driving and accident rates. Recently the U.S. Department of Transportation (US DoT) published two studies on its driver safety site. One study from the University of Utah found that drivers who engage in text messaging while driving are eight times more likely to become involved in a crash than those who do not. The other study conducted by the Virginia Tech Transportation Institute found that drivers who text are twenty-three times more likely to become involved in an accident ¹¹

According to the National Highway Traffic Safety Administration's 2008 survey, there has been a nationwide increase from .7% to 1.0 % of drivers who visibly manipulate hand-held electronic devices at any given point during the day. Younger age groups are more likely to manipulate hand-held devices while driving, 1.7% of sixteen to twenty four year old drivers were visibly using hand-held electronic devices, showing a .7% increase from the previous year. ¹² The Pew Research Center published a study on Teens and Distracted Driving in November of 2009 that examined the cell phone use of teenagers. Twenty six percent of American teens aged sixteen and seventeen have texted while driving and forty-eight percent of teens between the ages of twelve and seventeen say they have been in the car while the driver was texting. ¹³

Governments' Responses to Distracted Driving

Federal Response to Texting and Driving

The National Conference of State Legislatures recently released information on texting while driving. In 2009, the ALERT Drivers Act was introduced in both the U.S. House and Senate. The bill threatens to withhold 25% of highway funds of each state that does not legislate the prohibition of text messaging while driving by a certain date. The Distracted Driving Prevention Act aims to reduce distracted driving through the establishment of an incentive grant program for states, a national education program, and the expansion of data collection and research. On

¹¹ US Department of Transportation, "Statistics and Facts about Distracted Driving." Retrieved February 22, 2010 from <http://www.distraction.gov/stats-and-facts/>.

¹² U.S. Department of Transportation, "Statistics and Facts about Distracted Driving," Retrieved February 22, 2010 from <http://www.distraction.gov/stats-and-facts/>.

¹³ Mary Madden, et al. "Teens and Distracted Driving: Texting, talking and other uses of the cell phone behind the wheel," Pew Research Center, 16 November 2009. Retrieved February 22, 2010 from <http://pewresearch.org/assets/pdf/teens-and-distracted-driving.pdf>.

October 1, 2009, President Obama released Executive Order 13513, which prohibited federal employees from texting while driving federal government vehicles or on government business, as well as prohibiting federal employees from using electronic equipment, supplied by the federal government, while driving. Also in October, the U.S. Department of Transportation announced it would propose three new rules:

1. to ban the use of cell phones and electronic devices by rail operators;
2. to restrict cell phone use and ban text messaging by bus and truck drivers; and
3. to suspend the commercial driver's license of school bus drivers who are convicted of texting while driving.¹⁴

State Bans on Texting While Driving

Figure 1 shows which states have laws against text messaging and for which classes of drivers these laws apply. The states shaded in yellow represent those states that forbid novice drivers or school bus drivers from text messaging. The states shaded in green represent those states that have laws barring all drivers from text messaging. The definition of novice drivers ranges from state to state, but typically indicates drivers under the age of 18, driving with a provisional or intermediary license, or those with a learners permit. Nineteen states plus D.C. and Guam have made text messaging illegal for all drivers, 9 states have made text messaging illegal for novice drivers only, and Texas has a text-messaging ban for only school bus drivers. The Michigan Senate has recently approved a bill that would legalize text messaging for all drivers.^{15 16} See Appendix A for more information on state laws banning cell phones and texting while driving.

State Texting-While-Driving Laws

Several states have already passed legislation banning texting while driving. New Hampshire Senate Bill 34 went into effect on January 1, 2010. The bill bans texting and all other use of handheld electronics while driving if both hands are used. Entering phone numbers into a phone or receiving calls is not prohibited. Fines for violation of the law start at \$100. A 2004 New Jersey law banning hand-held telecommunications and electronics was amended 2007 to include texting. Many provisions from the original law apply to the texting addition, including a \$100 fine and an exception for emergency situations. The California Senate passed Bill 28 in 2008, banning texting while driving. Fines start at \$20 for first time offenses and \$50 for subsequent incidents.¹⁷

¹⁴ National Conference of State Legislatures, "Text Messaging While Driving," 2009. Retrieved February 22, 2010 from <http://www.ncsl.org/documents/transportation/distractdrivepostcard09.pdf>

¹⁵ National Conference of State Legislatures, "Cell Phone Use and Texting While Driving Laws," November 2009. Retrieved February 22, 2010 from <http://www.ncsl.org/?tabid=17057>

¹⁶ U.S. Department of Transportation, "State Laws on Distracted Driving," Retrieved February 22, 2010 from <http://www.distraction.gov/state-laws/>

¹⁷ DrivingLaws.org, "Distracted Driving Laws," retrieved February 22, 2010 from <http://www.drivinglaws.org/indexhf.php>.

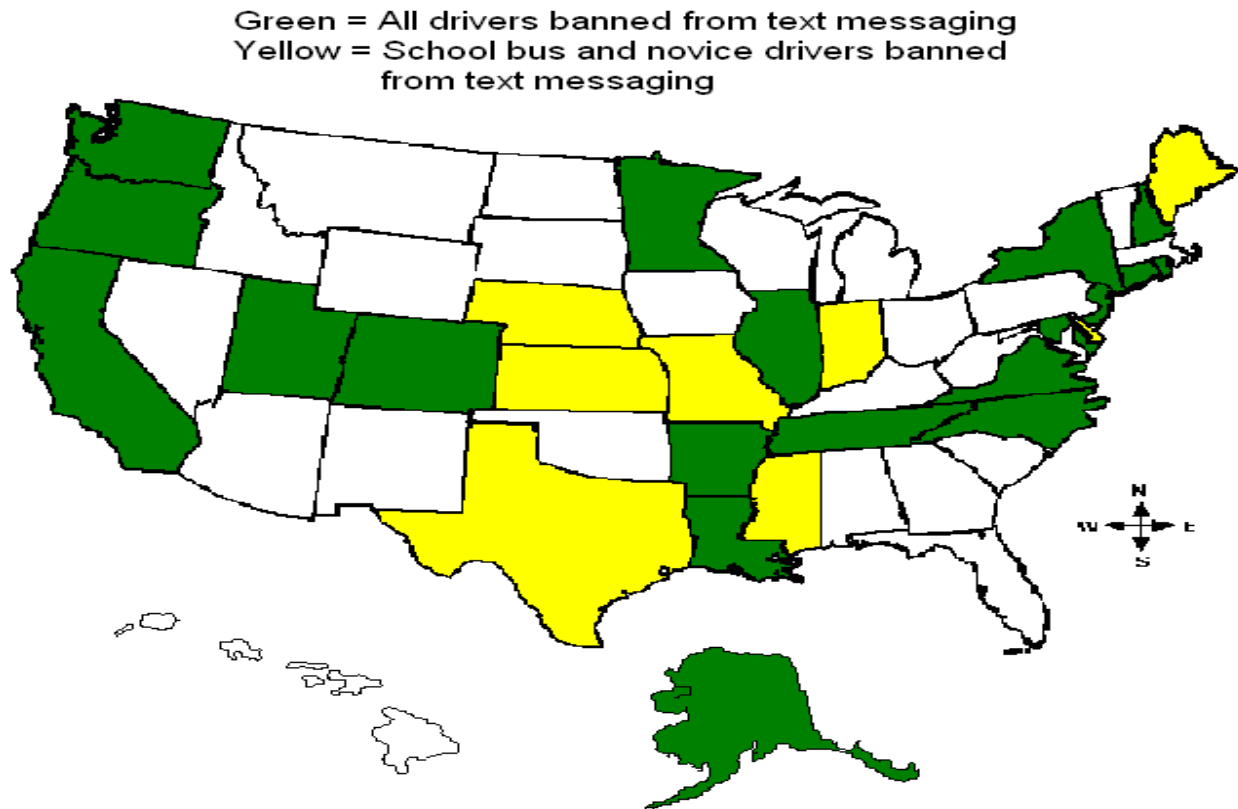


Figure 1: State Laws Banning Text Messaging

Sources: Adapted from the National Conference of State Legislatures, "Text Messaging While Driving," 2009. Retrieved February 22, 2010 from <http://www.ncsl.org/documents/transportation/distractdrivepostcard09.pdf>

Texting While Driving in Vermont

Recent data has shown that automobile accidents caused by the driver using their cell phones, especially when text messaging, have increased in recent years. According to the Vermont State Police, statewide texting related accidents have increased from twelve in 2007 to forty-two in 2009. Three of the forty-two accidents in 2009 resulted in death.¹⁸

A 2008 poll by Vlingo, a telecommunications company favoring a texting while driving ban,

¹⁸ Peter Hirshfield, "State Considers Texting-While Driving Ban," Rutland Herald.com, January 13, 2010. Retrieved February 22, 2010 from <http://www.rutlandherald.com/article/20100113/NEWS04/1130387/1004/NEWS03>.

found that nineteen percent of Vermont drivers admit to sending text messages while driving. Vermont has a lower than average texting while driving rate compared to other states. Out of all fifty states, Vermont had the third lowest rate of texting while driving in both 2008 and 2009. The national was about twenty-six percent.¹⁹

Public and Professional Opinion

According to a New York Times/CBS poll, ninety-seven percent of Americans support a ban on using cell-phones while driving. This clearly means that there is an overlap of people who admit to calling or texting while driving and people who support a ban.²⁰ The dangers of cell phone use (especially texting) have been stressed by leaders in Vermont law enforcement. Lieutenant John Flanagan of the Vermont State Police states, "When we talk about distractions, this is probably seen as the most high-risk activity we can do on highways." Rutland County Sheriff Stephen Bernard has told members of the Vermont Legislature that he "would equate texting today to being very similar to the issues we had with driving under the influence."²¹

This Report was produced by Kate Sease, Jesse Simmons, and Matthew McKeon under the supervision of Professor Anthony Gierzynski on March 5, 2010.

Disclaimer: This report has been prepared by undergraduate students at the University of Vermont under the supervision of Professor Anthony Gierzynski. The material contained in the report does not reflect the official policy of the University of Vermont.

¹⁹ Vlingo, "Second Annual Vlingo Consumer Mobile Messaging Habits Report," Vlingo.com, May 20, 2009. Retrieved February 22, 2010 from http://www.vlingo.com/pdf/Vlingo_DWT_FINAL.pdf

²⁰ Marjorie Connelly, "Many In US Want Texting at the Wheel to be Illegal," New York Times Online, November 1, 2009. Retrieved February 22, 2010 from <http://www.nytimes.com/2009/11/02/technology/02textingside.html>.

²¹ Peter Hirshfield, "State Considers Texting-While Driving Ban," Rutland Herald.com, January 13, 2010. Retrieved February 22, 2010 from <http://www.rutlandherald.com/article/20100113/NEWS04/1130387/1004/NEWS03>.

Appendix A

State	Hand-Held Ban	All Cell Phone Ban	Texting Ban
Alabama	No	No	No
Alaska	No	No	All Drivers
Arizona	No	Yes	No
Arkansas	No	School bus Drivers, Novice Drivers	All Drivers
California	All Drivers	School bus Drivers, Novice Drivers	All Drivers
Colorado	No	Novice Drivers	All Drivers
Connecticut	All Drivers	School bus Drivers, Novice Drivers	All Drivers
Delaware	No	School bus Drivers, Novice Drivers	Novice Drivers
D.C.	All Drivers	School bus Drivers, Novice Drivers	All Drivers
Florida	No	No	No
Georgia	No	School bus Drivers	No
Guam	No	No	All Drivers
Hawaii	No	No	No
Idaho	No	No	No
Illinois	No	School bus Drivers, Novice Drivers	All Drivers
Indiana	No	Novice Drivers	Novice Drivers
Iowa	No	No	No
Kansas	No	Novice Drivers	Novice Drivers
Kentucky	No	School bus Drivers	No
Louisiana	No	School bus Drivers, Novice Drivers	All Drivers
Maine	No	Novice Drivers	Novice Drivers
Maryland	No	Novice Drivers	All Drivers
Massachusetts	No	School bus Drivers	No
Michigan	No	No	Pending for all drivers
Minnesota	No	School bus Drivers, Novice Drivers	All Drivers
Mississippi	No	No	Novice Drivers
Missouri	No	No	Novice Drivers
Montana	No	No	No
Nebraska	No	Novice Drivers	Novice Drivers
Nevada	No	No	No
New Hampshire	No	No	All Drivers
New Jersey	All Drivers	School bus Drivers, Novice Drivers	All Drivers
New Mexico	No	No	No
New York	All Drivers	No	All Drivers
North Carolina	No	School bus Drivers, Novice Drivers	All Drivers
North Dakota	No	No	No
Ohio	No	No	No
Oklahoma	No	No	No
Oregon	All Drivers	Novice Drivers	All Drivers
Pennsylvania	No	No	No
Rhode Island	No	School bus Drivers, Novice Drivers	All Drivers
South Carolina	No	No	No

South Dakota	No	No	No
Tennessee	No	School bus Drivers, Novice Drivers	All Drivers
Texas	No	School bus Drivers, Novice Drivers	Novice Drivers
Utah	No	No	All Drivers
Vermont	No	No	No
Virgin Islands	All Drivers	No	No
Virginia	No	School bus Drivers, Novice Drivers	All Drivers
Washington	All Drivers	No	All Drivers
West Virginia	No	Novice Drivers	Novice Drivers
Wisconsin	No	No	No
Wyoming	No	No	No
6 States plus DC and Virgin Islands with handheld bans, 17 States plus DC with school bus driver cell phone bans			
21 States plus DC with novice driver cell phone bans			
19 States plus DC and Guam with texting bans for all drivers			
1 State with school bus driver texting ban			
9 States with novice driver texting			

Sources: Adapted from U.S. Department of Transportation, "State Laws on Distracted Driving," Retrieved 22 February 2010 from <http://www.distraction.gov/state-laws/> and National Conference of State Legislatures, "Cell Phone Use and Texting While Driving Laws," November 2009. Retrieved February 22, 2010 from <http://www.ncsl.org/?tabid=17057>