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Cellular Phones & Automobiles

A surge in cell phone use over the past decade has raised several safety questions among lawmakers and concerned citizens. The focus of this concern surrounds the various distractions that cell phones can cause when one is driving an automobile. The National Center for Statistics and Analysis of the National Highway Traffic Safety Administration conducts a survey annually called the National Occupant Protection Use Survey. This survey supplies “the only probability-based observed data” on the use of cell phones while driving in the United States (Glassbrenner 2005). The use of cell phones while driving increased from 2004 from 5% to 6% in 2005. This 2005 rate is equivalent to 974,000 automobiles being driven by a person during the day while holding a cell phone. The 2005 survey found that 8% of female drivers were using cell phones while driving, opposed to the 2004 survey that found only 6% driving using their cell phone, 10% of drivers between the ages of 16-24 were using cell phones while driving, opposed to 8% in 2004, and 7% of drivers in suburban areas were using cell phones while driving, opposed to 4% in 2004. They also took a survey estimating the frequency of accidents occurring while using cell phones which found that 0.2% of drivers were checking PDA’s, dialing phones, or operating some kind of hand held device (Glassbrenner 2005).

It is difficult to get comprehensive statistics involving accidents due to cell phones, as only 22 states and the District of Columbia require police to determine whether the driver was using a phone (Sundeen 2005). An independent study done by the Harvard Center for Risk Analysis found that the risk factor for driving while using a cell phone amounted to an average of 13 fatalities per million drivers annually (though it could range from as low as 4 to as high as 42). The study also found that the chance that a driver using a cell phone would kill a pedestrian or other motorist was 1.5 per million people (HCRA 2002). Combining these figures with a study from the journal Human Factors, the 210 million licensed drivers in the U.S. amounted to a risk factor of roughly 2,600 fatalities per year involving cell phone related accidents and 330,000 injuries per year (Britt 2005).

As of July 2005 there were only 12 states (CA, CO, CT, DE, IL, MD, MN, NJ, TN, TX, VA, and WA) as well as the District of Columbia that passed legislation dealing with driver distraction in general, but there were more than a dozen measures still pending in other jurisdictions that impose minor restrictions on cell phone use in automobiles (Sundeen 2005). Hand-held phones

are prohibited (except in an emergency) in “Connecticut, New Jersey, New York and the District of Columbia” (Sundeen 2005). New Jersey is the only state that made this law a “secondary offense” meaning that one can only be given a ticket for using a hand-held phone if they get pulled over for another offense. The other three states make this law a “primary offense” meaning that a police officer can pull over a person for the offense of driving while on a hand-held phone. In all of these states, hands-free phones are allowed. Furthermore, 8 states (CO, CT, DE, IL, MD, MN, TN and TX) have restricted the use of cell phones for drivers with learner’s permits (Sundeen 2005).

Another example of prohibiting cell phones while driving is in Brookline, Massachusetts, where the city passed an ordinance banning cell phone use in cars, fining people \$50 if caught (Gebler 2000). According to the National Conference of State Legislatures, in the first few months of 2005 more than two-thirds of states looked at bills that would limit the use of cell phones (Sundeen 2005).

A study done in Perth, Australia in 2005 showed that drivers who use cell phones while driving are 4 times as likely to injure themselves from a car accident. It also showed that the risk did not change with hands-free phones. Another study done by the University of Utah between the years of 2004 – 2005 regarding hands-free cell phones were still 18 percent slower in braking. This study also found that these drivers were more likely to report not noticing “pedestrians, billboards or other roadside features”(Insurance Information Institute 2006). Furthermore, it is interesting to note that according to a study done by the journal Human Factors, a 20-year-old driver using a cell phone has the same reaction time as a 70-year-old driver not using a cell phone (Britt, 2005).

New Jersey Senator Jon Corzine (D) in 2003 proposed bill, SB 179 to require states to impose hand-held phone laws or they would lose 5% of their federal transportation funding the first year and 10% of their funding for the following years. This bill was sent to the Senate Committee on Environment and Public Works but did not make it any further. In 2001, Representative Gary Ackerman (D) also proposed a similar bill but it also failed to leave the committee (Sundeen 2005).

Regardless, many federal agencies have conducted reports on the effects of wireless phones while driving. After The National Transportation Safety Board (NTSB) investigated a 2002 Maryland crash involving a young driver using a cell phone, they concluded that State laws “are inadequate to protect young, novice drivers from distractions that can lead to accidents” (Sundeen 2005)

In addition, the National Governors’ Highway Safety Association in association with NHTSA, the Federal Motor Carrier Safety Administration and the Federal Highway Administration, updated the Model Minimum Uniform Crash Criteria (MMUCC). This now includes the suggestion that state and local police at an automobile crash site should record if the driver was distracted in any way, including the use of a cell phone (Sundeen 2005).

Legislation Opposition

The cell phone industry on the whole does not accept that cell phones are linked with accidents. The industry argues that accidents are linked to careless driving and not problems directly related to cellular telephones. Supporters of the industry insist that cell phones pose only a minor nuisance, and that can be easily corrected with education and training. Furthermore, they claim there are numerous benefits to cell phone use in automobiles including economic reasons such as conducting business while stuck in traffic. Personal safety concerns, that is the ease of making a call in an emergency. Mechanical benefits include calling for roadside assistance, and general access reasons, such as staying in touch with loved ones (Memmer 2000). According to the Harvard Center for Risk Analysis, recent economic studies suggest that the monetary value of using a cellular phone while driving exceeds the costs, even when those costs include safety risks expressed in dollar units (HCRA 2002).

At least one company, Verizon Wireless, has taken a somewhat novel approach to restrictions on operating a cell phone while driving. In a recent interview, Jeff Neilson, Executive Director of Verizon Communications, explained that his company's position was one of opposition to a total ban on cell phone use while driving but that Verizon did not plan to lobby against the requirement of using a headset-similar to New York State's "hands free" law (Bernatchez c. 2002).

Public Opinion

Polls have shown that many drivers support laws to control the use of cell phones while driving. The Gallup Organization ran a survey in March 2003 that revealed 48% of drivers who believed that making outgoing calls can cause more danger when driving and 44% of drivers think that receiving calls is also potentially dangerous. Of the drivers surveyed:

- 88% of them support public awareness of the danger in using a cell phone while driving;
- 71% of drivers support laws prohibiting the use of cell phones while driving;
- 67% deem insurance penalties for being in an accident while using a cell phone acceptable;
- 57% of the people who took the poll support a ban on the use of all cell phones while driving a car, except for emergency situations (Sundeen 2005).

A survey done in 2005 by the Farmers Insurance Group supported many of the results from the Gallup poll in 2003. This survey found that 87% of adults believe that using a cell phone impairs one's driving ability. More than 80% of drivers acknowledged that their driving skills decrease with distractions, and 83% of drivers admitted that their driving suffers with distractions such as eating, drinking, talking on a cell phone, and changing radio stations. More than 70% of respondents believe that people who use their cell phone, read newspapers, or fiddle with their dashboard while driving should be subject to a fine. In addition, more than 68% responded that it is safer to drive without a cell phone, and 63% believe in stricter driving rules for young drivers. While only 2% of respondents admitted to being in a crash where a cell phone had been involved, but more than 40% said that they had been close to being in an accident while using a cell phone (Sundeen 2005).

References

- Bernatchez, Eric, c. 2002, "Why does Verizon Wireless Supports Phone Use & Driving Restrictions?" Retrieved April 11, 2006, from About.com Web site: http://cellphones.about.com/library/weekly/bl_verizon_wireless.htm
- Britt, Robert Roy, 2005, "Drivers on Cell Phones Kill Thousands, Snarl Traffic." Retrieved April 11, 2006, from Live Science and Technology Web site: http://www.livescience.com/technology/050201_cell_danger.html
- Gebler, Dan, 2000, "Hang Up and Drive?" Retrieved April 11, 2006, from Wireless Newsfactor Web site: <http://www.wirelessnewsfactor.com/perl/story/5627.html>
- Harvard Center for Risk Analysis, 2002. "Updated Study Shows Higher Risk of Fatality from Cell Phones While Driving." Retrieved April 11, 2006, from the Harvard Center for Risk Analysis Web site: <http://www.hcra.harvard.edu/cellphones.html>.
- Insurance Information Institute. 2006. "Cell Phones and Driving." Retrieved April 11, 2006, from the Insurance Information Institute Web site: <http://www.iii.org/media/hottopics/insurance/cellphones/>.
- Memmer, Scott, 2000, "Cell Phone Safety." Retrieved April 11, 2006, from Edmunds.com Web site: http://www.edmunds.com/edweb/editorial/features/cell_phone_safety/
- Glassbrenner, Donna PhD, 2005, "Driver Cell Phone Use in 2005- Overall Results." Retrieved April 18, 2006, from National Highway Traffic Safety Administration Web site: <http://www-nrd.nhtsa.dot.gov/pdf/nrd-30/NCSA/RNotes/2005/809967.pdf>
- Sundeen, Matt. 2005. "Cell Phones and Highway Safety: 2005 Legislative Update." Retrieved April 11, 2006, from the National Conference of State Legislatures Web site: <http://www.ncsl.org/programs/transportation/cellphoneupdate05.htm#opinion>.

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Disclaimer: This report has been compiled 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.