



# TEAMSTERS Safety & Health FACTS

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## Distracted Driving, Cell Phone Use and Motor Vehicle Crashes

### Distracted Driving and Motor Vehicle Crashes

In 2005, more than 6 million motor vehicle crashes occurred on the nation's roads which resulted in over 43,000 people killed and 2.6 million injured. Roadway crashes are the most frequent type of fatal workplace event, accounting for one in every four fatalities nationally in 2005.

Any activity that distracts the driver or competes for their attention while driving has the potential to degrade driving performance and have serious consequences for road safety. The issue of driver distraction, from sources both inside and outside the vehicle, has received increasing attention from the public, government, industry and safety agencies. The most common distraction for drivers is the use of cell phones. While initial concern focused on the use of cell phones when driving, it is now recognized that the sources of distraction are diverse and the issue is much more complex than simply using cell phones while driving.

The Distracted Driving Survey conducted by the Network of Employers for Traffic Safety (NETS) revealed that drivers engage in the following activities while driving:

### Activities Drivers Engage in While Driving

Talking to passengers	Adjusting vehicle climate/radio controls	Eating a meal/snack	Using a cell phone	Reading a map/publication	Tending to children	Grooming	Preparing for work
96%	89%	74%	51%	41%	34%	19%	11%

According to a landmark study by the National Highway Traffic Safety Administration (NHTSA) and the Virginia Tech Transportation Institute (VTTI), driver inattention is the

leading factor in most crashes and near-crashes. The study, which tracked the behavior of the 241 drivers of 100 vehicles for more than one year, found that almost 80 percent of crashes and 65 percent of near-crashes involved some form of driver inattention within three seconds of the event. (Earlier research had found that driver inattention was responsible for 25 to 30 percent of crashes.)

The new study found that the most common distraction is the use of wireless or cellular telephones (hereafter referred to as cell phones), followed by drowsiness. Dialing a cell phone increased the chance that a driver would be involved in a crash or near-crash by nearly 3 times that of an alert driver according to the study. Other types of distractions were also found to significantly increase crash risk. For example, while reaching for a moving object such as a falling cup increased the risk of a crash or near-crash by 9 times, talking or listening on a hand-held cell phone only increased the risk by 1.3 times.

An August 2003 report from the AAA Foundation for Traffic Safety concluded that drivers are far less distracted by their cell phones than by other common activities, such as reaching for items on the seat or glove compartment or talking to passengers.

Although the elevated crash risk associated with cell phone use is lower than some other distractions while driving, the widespread use of cell phones makes this practice a high-priority highway-safety concern. In September 2006, there were more than 219 million subscribers of cell phones in the United States.

Research suggests that both the physical and cognitive distraction caused by using cell phones while driving can significantly impair a driver's reaction time and attention to traffic signals and signs, and increase lane deviations. "Effects are greater for more difficult phone tasks, more difficult driving tasks, and among older drivers."<sup>1</sup>

According to a study of drivers in Perth, Australia, conducted by the Insurance Institute for Highway Safety, the use of cell phones is associated with an increased likelihood of serious road crashes resulting in property damage and hospital attendance. In this study, motorists who used cell phones while driving were four times as likely to get into crashes serious enough to injure themselves. This and other studies have also shown that hand-free phones offered no safety benefit over hand-held devices. These results suggest that banning hand-held phone use won't necessarily improve safety if drivers simply switch to hand-free phones.

## **Employer and Employee Liability**

Employers may be held legally accountable for the negligent acts of employees committed in the course of employment. Generally when an accident involves a party using a cell phone, the claimant must prove that the use of the cell phone caused the crash. However, where using a cell phone while driving is prohibited by law, the mere fact that an employee was using a cell phone could be sufficient to find the employer, and the employee, negligent. In response, employers are adopting cell phone safety guidelines and training and enforcement policies that emphasize the risks of engaging in distracting behavior.

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<sup>1</sup> "Cell Phones and Driving: Review of Research," Traffic Injury Prevention, 7:89–106, 2006.

## **Federal, State and Local Laws**

No federal law prohibits drivers from using mobile phones while driving, but since the first law was passed in New York in 2001, states and local jurisdictions are taking action, both in data collection and legislation. States that have set rules have chosen different levels of restrictions. Some states prohibit the use of hand-held devices while operating a motor vehicle, but they allow the use of hand-free devices. No state completely bans all types of cell-phone use (hand-held and hand-free) while driving.

Connecticut, California, New York, New Jersey and the District of Columbia have enacted jurisdiction-wide bans on driving while talking on hand-held cell phones and many other states ban cell phone use by novice drivers and school bus or transit drivers. Drivers in Connecticut can be fined \$100 not only for using a cell phone, but those pulled over for speeding or other moving violations can be fined for other driving distractions such as putting on makeup or turning to discipline children in the back seat. Using a cell phone while driving a school bus is illegal in Arizona, Arkansas, California, Connecticut, Delaware, Illinois, Massachusetts, New Jersey, Rhode Island, Tennessee, Texas and the District of Columbia. California is the only state to extend that law to transit bus drivers. (For a list of current restrictions on cell phone use by state or jurisdiction, see [http://www.ghsa.org/html/stateinfo/laws/cellphone\\_laws.html](http://www.ghsa.org/html/stateinfo/laws/cellphone_laws.html).)

In a report on Nov. 21, 2006 on a motor coach accident in Virginia, the National Transportation Safety Board (NTSB) urged federal and state governments to prohibit motor coach and school bus drivers from using cell phones while driving those vehicles, except in emergencies. The Board concluded that “The use of either a hand-held or hand-free cellular telephone while driving can impair the performance of even a commercial driver’s license holder, such as the driver of the accident vehicle.”<sup>2</sup>

The Board recommended that the Federal Motor Carrier Safety Administration (FMCSA), all 50 states and the District of Columbia develop legislation to prohibit CDL holders, with a passenger-carrying or school bus endorsement, from using cell phones while driving those vehicles, except in emergencies. The Board also recommended that trade groups and labor unions representing bus and motor coach industries advocate and develop formal policies for their members containing the same restrictions.

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<sup>2</sup> Highway Accident Report: Motorcoach Collision With the Alexandria Avenue Bridge Overpass George Washington Memorial Parkway Alexandria, Virginia November 14, 2004, Report Number: HAR-06-04, National Transportation Safety Board (NTSB), Summary.

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