Distracted Driving – Quick Tips



Every year roadway incidents are the number one cause of fatal occupational injuries. The Bureau of Labor Statistics (BLS) indicates that in 2014, roadway incidents accounted for 24% of all the work-related fatalities. Distracted driving is a growing safety concern for both occupational and personal-use motorists.

What is distracted driving? The National Highway Traffic Safety Administration (NHTSA) defines distracted driving as a specific type of inattention that occurs when drivers divert their attention away from driving to focus on another activity. Distracted driving is divided into the following categories:

- **Visual distractions:** Tasks that require the driver to look away from the roadway to visually obtain information.
- **Manual distractions:** Tasks that require the driver to take a hand off the steering wheel and manipulate a device.
- **Cognitive distractions:** Tasks that are defined as the mental workload associated with a task that involves thinking about something other than the driving task.

What are some of the most common types of distractions that prevent drivers from keeping their eyes on the road, hands on the steering wheel and minds on the task of driving? The Erie Insurance® Company conducted a study that analyzed two years' worth of data from 2011 and 2012 that involved 65,000 people being killed in car accidents over that time span. The data was collected from NHTSA's Fatality Analysis Reporting System (FARS), which is a national census of fatal motor vehicle traffic crashes. Information gathered from police reports indicated that one in 10 fatal crashes involved at least one distracted driver.

The following are the top 10 distractions from the FARS data:

Rank	Distraction Type	Percentage of Distracted Drivers
1	Generally distracted or "lost in thought", such as daydreaming	62%
2	Cell phone use, such as talking, listening, dialing, texting	12%
3	Outside person, object, or event, such as rubbernecking	7%
4	Other occupants, such as talking with or looking at other people in car	5%
5	Using or reaching for device brought into vehicle, such as navigational device, headphones	2%
6	Eating or drinking	2%
7	Adjusting audio or climate controls	2%
8	Using other device/controls integral to vehicle, such as adjusting rear view mirrors, seats or using OEM navigation system	1%
9	Moving object in vehicle, such as pet or insect	1%
10	Smoking related, such as smoking, lighting up, putting ashes in ashtray	1%

Source: Erie Insurance®

Distracted Driving Initiative

Currently, the Occupational Safety and Health Administration (OSHA) does not have a standard that addresses distracted driving. However, OSHA does have a distracted driving initiative that partners with the Department of Transportation. OSHA's message to companies that have employees who drive as part of their job is succinct: it's the responsibility of employers to have a clear and enforced ban on texting while driving. OSHA's General Duty Clause, Section 5(a)(1) of the OSH Act requires, "employers to provide their employees with a place of employment that is free from recognizable hazards that are causing or likely to cause death or serious harm to employees." This is regardless of whether the workplace is on four or 18 wheels or a traditional brick and mortar facility. OSHA will investigate complaints where it's alleged that an employer requires texting while driving or organizes work so that texting on the move is necessary. They will issue citations and penalties if they find the allegations are indeed true.

The Dangers of Cell Phones

The use of cell phones to make calls or send texts is a growing trend. Estimates

from the Pew Research Center show that 90% of American adults own a cell phone. Approximately 9% of drivers are using hand-held or hands-free cell phones at any given moment according to the 2011 National Occupant Protection Use Survey (NOPUS) conducted by NHTSA. It's not hard to identify drivers who are distracted by how they are driving. Some signs can be as obvious as a driver failing to brake at a stop sign, a vehicle drifting over the centerline, a driver making excessively wide turns or driving at speeds significantly slower or faster than the posted speed limit.

OSHA equates the delayed reaction time for a driver on a cell phone to a driver who is legally drunk. The National Safety Council (NSC) 2015 Injury Facts revealed from a review of 33 cell phone use and driving studies, that cell phone conversations while driving increases a driver's reaction time by 0.25 seconds (on average). This coincides with the NSC findings that an estimated 26% of all traffic crashes are associated with drivers using cell phones and text messaging. According to OSHA, to send or receive text messages drivers must focus their attention away from the road for approximately 4.6 seconds. At 55 miles per hour (MPH), this is equivalent to driving the length of a football field blindfolded.

While most agree that holding a cell phone to the ear and speaking is more dangerous because of the added factor of only having one hand on the wheel, using a hands free device still has the driver's attention focused on the conversation and not the task at hand. It's safer, but still potentially deadly.

Company Policy
Every company should have a policy that prohibits the use of cell phones while driving. Just having a policy is not enough. The policy must be communicated to the affected employees, compliance must be monitored and violations enforced. The National Safety Council has a free cell phone policy kit that will help you develop your policy. There is information to assist with understanding the issue, obtaining buy-in from leadership and educating employees. There is also a sample cell phone policy to use as a blueprint for your organization. Not having a policy opens your organization to potential liability. There are severe consequences if one of your employees is involved in a fatal accident while on company business and they are found to be distracted because they were using a cell phone at the time of the accident, especially if your organization does not have an established cell phone policy. There have been numerous documented lawsuits with multi-million dollar settlements awarded by juries to the victims involving distracted drivers.

Distracted Driving Laws
In December, 2011, the National Transportation Safety Board (NTSB) recommended each state adopt complete use bans of all portable electronic devices for all drivers, including banning the use of hands-free devices.

According to the Governors Highway Safety Association, currently no state bans all cell phone use. Current State cell phone use restrictions include:

- 38 states and D.C. ban all cell phone use by novice drivers
- 20 states and D.C. ban all cell phone use by school bus drivers
- 14 states and D.C. ban hand-held devices
- 46 states and D.C. ban all drivers from text messaging

For specific distracted driving laws in your area please consult your state

agency.

The federal government has been proactive in banning the use of cell phones for its employees. President Obama issued an executive order in 2009 prohibiting federal employees from texting while driving on government business. The Federal Railroad Administration prohibited cell phone and electronic device use by employees in 2010. Also in 2010, the Federal Motor Carrier Safety Administration (FMCSA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA) published rules prohibiting interstate truck and bus drivers and drivers who transport placardable quantities of hazardous materials from texting or using hand-held mobile phones while operating their vehicles.

Prevention Strategies
Distracted driving is a complicated issue and must be approached through multiple channels. Enacting laws banning the use of cell phones and increasing the penalties for violators will deter some, but not all drivers. Continued driver education and awareness are vital tools in changing drivers' behaviors. Distracted driving is a learned behavior. There have been surveys where young drivers cite instances of observing their parents using their cell phones while driving. Education is the key to breaking the chain of distracted driving for future generations of drivers, which will ultimately make American roadways safer.

Consider the following to minimize distractions while driving:

- Adjust mirrors, temperature controls and entertainment console when you first get into the vehicle
- Input your destination into your GPS before embarking on your trip
- Stow cell phones in the trunk or glove compartments
- Turn off cell phones and have a programmed message informing the caller that you are driving and you will call them after you arrive at your destination
- If you must use your cell phone, pull off the road to a safe area before making the call
- If you stop for food, eat it while your vehicle is stopped
- Do not perform personal grooming while driving
- Review and familiarize yourself with driving directions and maps before leaving
- Purchase and install GPS mounts that allow drivers to keep their heads up

Technology Solution
Because technology is responsible for many distracted-driving hazards, many are turning to technology to fix the problem. Examples include self-braking technology sensors that detect a potential collision with another obstacle and apply the brakes without any driver input. Other technology driven solutions include self-driving vehicles to take control of the vehicle if the driver becomes distracted, designing cell phone blocking technology inside a vehicle, heads up displays (HUD) and requiring automakers to make hands-free kits standard equipment. Also, roadway design countermeasures that may help include center and edge line rumble strips, striping, guardrails and median barriers to help reduce the distracted driver's vehicle from straying too far from their lane and causing an accident.

Resources:

http://www.ghsa.org/html/stateinfo/laws/cellphone_laws.html

https://www.erieinsurance.com/-/media/files/distracteddrivinginfographic

http://www.cdc.gov/motorvehiclesafety/distracted_driving

https://www.osha.gov/Publications/3416distracted-driving-flyer

http://www.bls.gov/iif/oshwc/cfoi/cfch0013.pdf

http://www.pewinternet.org/fact-sheets/mobile-technology-fact-sheet

http://www.nhtsa.gov/Research/Crash+Avoidance/Distraction

Driver Distraction Program – NHTSA 2010

National Safety Council Injury Facts® 2015 Edition

http://www-nrd.nhtsa.dot.gov/Pubs/811719.pdf

https://www.fmcsa.dot.gov/driver-safety/distracted-driving

https://www.federalregister.gov/articles/2011/02/28/2011-4273/hazardous-materials-limiting-the-use-of-electronic-devices-by-highway

http://www.distraction.gov/take-action/employers.html

(Rev. 5/2016)

The information contained in this article is intended for general information purposes only and is based on information available as of the initial date of publication. No representation is made that the information or references are complete or remain current. This article is not a substitute for review of current applicable government regulations, industry standards, or other standards specific to your business and/or activities and should not be construed as legal advice or opinion. Readers with specific questions should refer to the applicable standards or consult with an attorney.