

Distracted Driving: What's Your Company's Policy?

Timothy J. Murphy, CPCU
Chicago Area Loss Control Manager
Chubb Group of Insurance Companies
Chicago, IL

Introduction

It's hard to miss the news that appears all too frequently on the television and in newspapers about a significant crash that resulted from distracted driving. State and federal legislators are continually looking at this issue, and as of March 2011, 30 states have enacted a ban on texting while driving. Eight states and the District of Columbia have enacted laws prohibiting the use of handheld cell phones while driving. Additionally, on May 18, 2010, the United Nations put out a "Global Call to Action on Ending Distracted Driving." The United States Secretary of Transportation, Ray LaHood, has also been very outspoken on this issue and held a distracted driving summit in September 2010. Clearly, the problem is receiving major attention across the country and throughout the world.

What is meant by the terms "distracted driving"? The National Safety Council has one of the best definitions: *Any visual, cognitive or manual distraction that takes a driver's attention away from the primary task of safely operating a motor vehicle.* While cell phone use, including handheld use, texting and use of Bluetooth[®] technology, get all the headlines, in reality distracted driving is a much more far-reaching issue. Some other examples of distractions while driving include:

- Eating and drinking
- Grooming
- Paying attention to passengers, children, pets, etc.
- Use of other technology (GPS devices, computers, radio, etc.)
- Smoking
- Reading

In essence, anything that takes the focus off the main task of driving safely can be construed as distracted driving. Several studies have shown that up to 80 percent of automobile crashes are the result of distracted driving. One of the most comprehensive studies, which was done by the Virginia Tech Transportation Institute, shows how much more likely a person is to be in an accident as a result of cell phone-related distractions such as dialing, talking, reaching for the phone, and texting while driving. *The study indicated that drivers who are texting are 23 times more likely than nondistracted drivers to be involved in an accident.*

Scope of the Issue

What is a distraction? There are three types: cognitive, visual and manual. A cognitive distraction is one that takes your mind off the topic of driving. Visual distractions take your eyes off the road, and manual distractions take your hands off the wheel. Of course, it is possible to have more

than one distraction at any given time, thus adding to the risk of the behavior. That is why the initial focus is on handheld cell phone use, since it involves all three distractions.

In some ways, the controversy surrounding texting and cell phone use has been a good thing because it has brought attention to an issue that was never really questioned before. Driving distractions have been around since the automobile was invented. Passengers have always been distractions to a driver, and then there was the advent of the windshield wiper and climate controls. This was followed by distractions from radios and all the subsequent versions of music and entertainment devices from 8-track cartridges to cassette tapes and CD players, as well as satellite radios and now MP3 plug-ins. Today's drivers face a barrage of distractions created by the myriad of other electronics used in the car including CB radios, GPS devices, laptops, electric shavers and, of course, smart phones. Finally, the development of drive-through fast food restaurants has even made food a driver distraction.

Most studies and crash data show that between 15 percent and 25 percent of crashes are a result of cell phone use, whether texting or talking. Some studies say the number is as high as 30 percent. However, as mentioned above, distracted driving is an issue in close to 80 percent of crashes as a primary or secondary factor. Clearly, there are other distractions that are contributing to crashes on our roadways every day. The most recent statistics show that between 5,500 and 6,000 people a year die on our roads due to distracted driving. This is a conservative estimate because not all states collect distracted driving data for accidents.

While this paper covers the topic of distracted driving and company policies, I would be remiss if I did not discuss the issue of younger drivers and texting. This has become an epidemic. While it is not exclusively a teen problem, teenagers have been more affected by texting-related fatalities than any other segment of the driving population. I implore you: if you have teenagers or younger drivers in your household, do whatever you can to get this message across. They have grown up with texting, and some will send hundreds of text messages a day. Attached is a link in the bibliography to a video developed by AT&T that shows the very real ramifications of texting and driving. The video shows the last text messages of several drivers who sent them while driving and getting into fatal accidents. It is very sobering. The Virginia Tech study, mentioned earlier, shows that teens are four times more likely to be victims of crashes related to distracted driving than their adult counterparts.

How Does this Affect You as a Safety Professional?

Year after year automobile-related deaths are the number one cause of fatalities in the workplace. This is not limited to truck drivers; there are many sales, delivery and repair people who drive on company business. Additionally, every year numerous workers' compensation injuries occur as a result of automobile crashes.

As safety professionals, we can do a good job of working out solutions to problems we can see. We can analyze the factory floor and look for ways to minimize the number of times a product is touched as it is manufactured and packaged. We can design a lifting table to minimize the strain from bending while packaging a product. Oftentimes, we are asked to address ergonomic concerns on the factory floor and in the office. We can do this through a job safety analysis and reduce injury potential. Additionally, we can do an accident investigation for workplace injuries to determine a root cause and try to prevent future injuries. All this is part of our stock and trade.

However, when it comes to automobile crashes, we typically take a hands-off approach. Either it is a big fleet and we see it as the fleet manager's domain, or it is small fleet with very few incidents; so the issue of crashes does not get much attention. The reality is that every day virtually every company has someone driving on the road on behalf of its business. Distracted driving is a part of each of those drivers' daily routines, and it is an issue that should be addressed. Driving, whether just a part of one's job responsibilities or the primary job function, is a task that carries the potential for severe injury or death each time it is undertaken.

If we follow the job safety analysis, we try to break down job tasks and make them safer in any way possible. We try to limit the number of times material is handled, limit the weight lifted, etc. Typically we do not need to address the distractions that could be present in that job function because usually a distraction in the workplace would not be a life-or-death risk like it is when an employee is driving.

So what can we do as safety professionals to help mitigate the risks associated with distracted driving? First, make sure that your corporate health and safety policy addresses the driving exposure. Many of your employees will engage in driving at some point during their workday, week, month or year. Recognize this and understand that the vast majority of time they're driving, they're doing so without any supervision. Make sure to reinforce positive behaviors behind the wheel.

According to a recent press release from the National Safety Council, corporations are increasingly being held liable for employees' use of cell phones while driving. Here are some of the scenarios in which corporations have been held liable:

- Both during normal work hours and outside of normal work hours
- To and from work appointments and personal appointments
- In company-owned/leased vehicles and in personal vehicles
- While having business and personal conversations
- While using employer-provided and employee-owned phones
- While using hands-free and handheld devices

The bottom line is that your organization is at risk each time your employees get behind the wheel. Use of cell phones and other electronic devices while driving adds to your organization's potential liability. Court cases abound with settlements sometimes reaching seven figures. Police forces are not even immune. In December 2010, the city of Portland, Oregon, was required to pay \$338,477 to an 80-year-old female pedestrian who was hit by a police officer who admitted to looking at the computer in his vehicle while driving. A simple search of the Internet will provide more than enough examples to help you understand just how serious these cases can be and why you need to address this issue.

What is the Buzz on Distracted Driving?

A January 2011 survey by the National Safety Council states that 20 percent of respondent companies have a complete ban on cell phone use for their drivers. An earlier survey from the Council in 2009 found that 58 percent of companies had some type of policy regarding cell phones.

There has been a lot of publicity regarding this topic. For instance, Oprah Winfrey produced an episode on texting and driving and has a Web site called Oprah's No Phone Zone. AT&T launched a campaign called "Texting & driving...it can wait," and Sprint has a campaign for distracted driving called "Focus on Driving." Sprint has also teamed up with television's "Extreme Makeover Home Edition" for a show featuring a family that lost a daughter who was texting while driving. The Brown family has set up the Remember Alex Brown Foundation, which is dedicated to raising awareness about the dangers of texting while driving. A Web site called "Focus Driven" (www.focusdriven.org) advocates for cell-free driving and supports the victims of motor vehicle crashes involving drivers using cell phones. In addition to these campaigns, many state and local governments, as well as the office of the Secretary of the United States Department of Transportation, are focused on this critical issue.

The Federal Motor Carrier Safety Administration (FMCSA) has recently made big strides in this area as well. In September 2010, it instituted a ban on text messaging while operating a commercial motor vehicle. Additionally, in December 2010, FMCSA proposed a rule that would make it illegal to use handheld cell phones while operating a commercial motor vehicle. The American Trucking Association (ATA) is for the most part supportive of the FMCSA proposal, however, it defends the use of hands-free cell phones and is opposed to any penalties that would be assessed on the carrier. Yet, even the use of hands-free cell phones could be a deadly distraction.

Where Do You Start?

There are some very useful Web resources available to those looking to establish or enhance a distracted driving policy for their fleet safety program. The National Safety Council has a sample plan on its Web site. The distracted driving Web site from the United States Department of Transportation (www.distraction.gov) also has some resources including a case study on Schneider® National's policy on distracted driving and its total ban on cell phone use for its drivers. Schneider is a commercial trucking company with drivers across the United States.

The American Society of Safety Engineers (ASSE) has a standard for the safe operation of motor vehicles: ANSI Z-15 *Safe Practices for Motor Vehicle Operations*. This standard, approved by the American National Standards Institute, offers guidelines and best practices for the development of motor vehicle safety programs for all classes of employers (those with a single vehicle or a fleet) and whether the equipment is employer-owned, employee-owned or leased from a third party. A revised, second edition of ANSI Z-15 is anticipated in the near future; it will include updated distracted driving guidelines and a sample corporate policy in the appendix.

Other safety professionals can be a great resource. With nearly 20 percent of all companies having a complete ban on cell phone use while driving, many of your colleagues have already addressed this issue and have policies in place. Now is also a good time, even if your company already has a distracted driving policy, to review and update it.

Several companies that limited the use of cell phones—especially handheld models—early on, are now rethinking this approach and going to a total ban. The Network of Employers for Traffic Safety or NETS is an organization comprised of public and private companies dedicated to improving the safety of their 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. It is another good resource for safety professionals to consider. At present, NETS has 24 member companies,

and it lists the key attributes of each member company's policy. Forty-three percent of NETS member companies have a complete ban on the use of cell phones while driving, and the remainder allow hands-free devices only.

As with any safety policy, enforcement is critical. One NETS member company reviews driver cell phone records to make sure they are not using their phones while driving and will terminate drivers who do use their phones while driving. Oversight and enforcement are critical components of any safety policy, and driving is no different. Once you've established a distracted driving policy and have educated your employees, you also need to implement a process that will enable you to enforce your distracted driving policy.

Conclusion

Distracted driving is not new. Distractions have been around virtually since the automobile was invented. In fact, it seems that there are new distractions every day. They take more time and concentration away from the driving task than ever before. Awareness has been raised due to the sheer volume of crashes and injuries associated with cell phones and texting. As we have discussed, these are not the only distractions, but they have helped to bring this issue to the fore.

The statistics on distracted driving are staggering, and many lives have been lost because of it. The risk is not going away, since more and more distractions are created all the time. In addition, the cars of the future will have telematics integrated into them, adding one more distraction. You may also have heard that Google is doing extensive research on the potential for self-driving cars. Who knows, in the future, we might be able to have all the distractions we want because the car will drive itself. However, until that day comes, we need to address this important issue.

If your company does not have a policy regarding distracted driving, please consider bringing this issue to management's attention. If you have a policy and you have not reviewed it in a few years, please take the time to do so now. This is a constantly changing landscape that needs to be addressed on a regular basis. You could save a life.

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