

Distracted Driving: Federal, State, and Local Response

What is distracted driving?

Distracted driving is any activity that could divert a person's attention away from the primary task of driving. All distractions endanger driver, passenger, and bystander safety. These types of distractions include:

- Texting
- Using a cell phone or smartphone
- Eating and drinking
- Talking to passengers
- Grooming
- Reading, including maps
- Using a navigation system
- Watching a video
- Adjusting a radio, CD player, or MP3 player

But, because text messaging requires visual, manual, and cognitive attention from the driver, it is by far the most alarming distraction.

The best way to end distracted driving is to educate all Americans about the danger it poses.

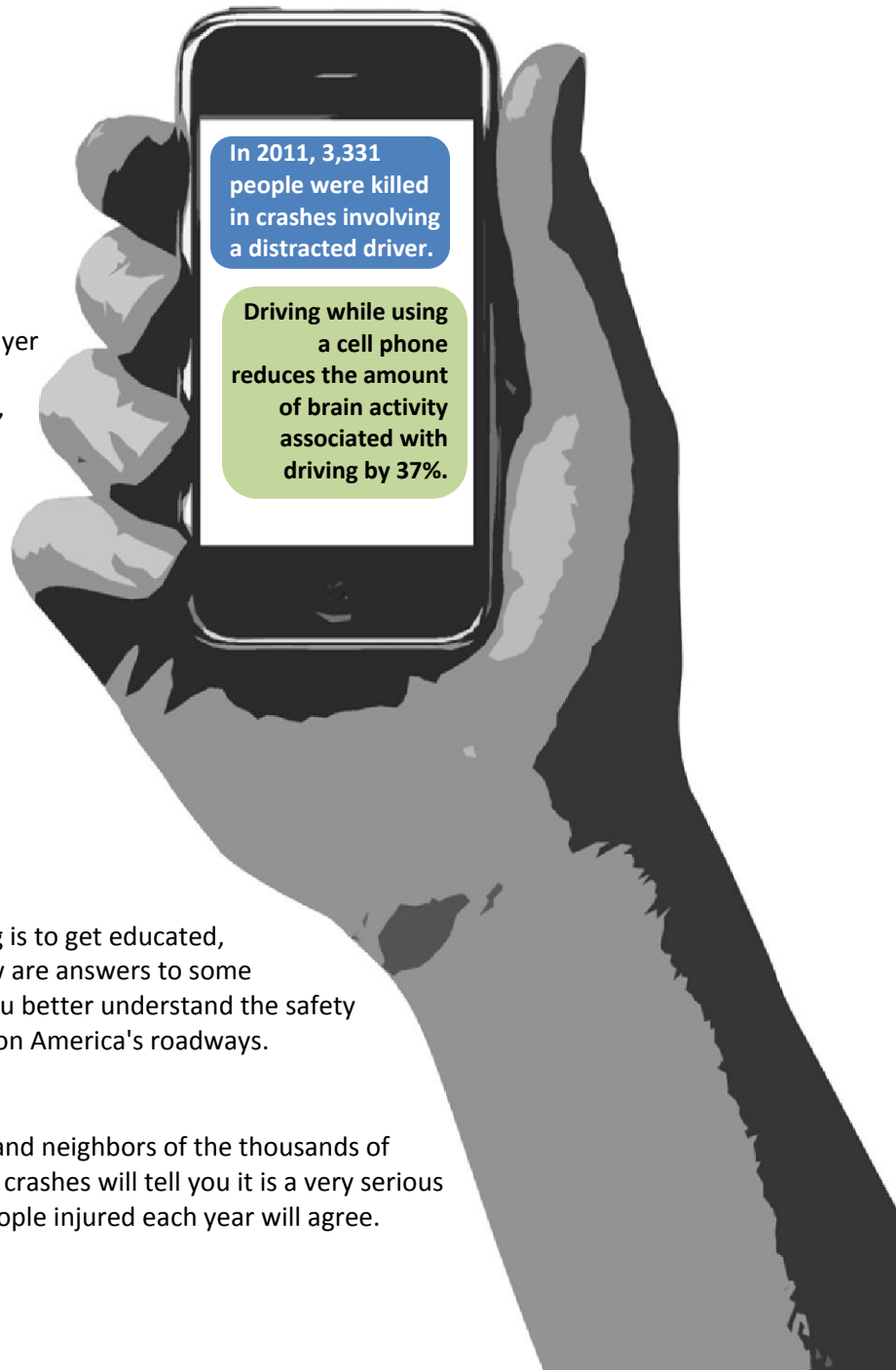
From the official US government website for distracted driving: www.distraction.gov

FREQUENTLY ASKED QUESTIONS

The best way to help fight distracted driving is to get educated, and this page is a great place to start. Below are answers to some frequently asked questions that will help you better understand the safety threat posed by texting and cell phone use on America's roadways.

1. Is distracted driving really a problem?

Distracted driving kills. The friends, family, and neighbors of the thousands of people killed each year in distracted driving crashes will tell you it is a very serious safety problem. The nearly half a million people injured each year will agree.



2. What is distracted driving?

Distraction occurs any time you take your eyes off the road, your hands off the wheel, and your mind off your primary task: driving safely. Any non-driving activity you engage in is a potential distraction and increases your risk of crashing.

3. If it's so dangerous, why do people do it?

Some people still don't know how dangerous distracted driving is. Others know about the risks of texting and talking while driving, but still choose to do so anyway. They make the mistake of thinking the statistics don't apply to them, that they can defy the odds. Still others simply lead busy, stressful lives and use cell phones and smartphones to stay connected with their families, friends, and workplaces. They forget or choose not to shut these devices off when they get behind the wheel.

4. Who are the most serious offenders?

Our youngest and most inexperienced drivers are most at risk, with 16% of all distracted driving crashes involving drivers under 20. But they are not alone. At any given moment during daylight hours, over 800,000 vehicles are being driven by someone using a hand-held cell phone.

5. Sending or reading one text is pretty quick, unlike a phone conversation - wouldn't that be okay?

Texting is the most alarming distraction because it involves manual, visual, and cognitive distraction simultaneously. Sending or reading a text takes your eyes off the road for 4.6 seconds. At 55 mph, that's like driving the length of an entire football field, blindfolded. It's extraordinarily dangerous.

6. Is it safe to use a hands-free device to talk on a cell phone while driving?

So far, the research indicates that the cognitive distraction of having a hands-free phone conversation causes drivers to miss the important visual and audio cues that would ordinarily help you avoid a crash.

7. Why doesn't the U.S. Department of Transportation make distracted driving illegal?

Passenger car driving behavior falls under the jurisdiction of the individual states, so the U.S. DOT can't ban it. Congress has considered a number of good laws to prevent distracted driving, but unfortunately nothing has passed yet. However, many states have stepped up to pass tough laws against texting, talking on a cell phone, and other distractions. You can visit our [State Laws](#) page to learn about the laws in your state.

8. What else can DOT do to prevent distracted driving?

Even though we can't make texting or talking on a cell phone while driving illegal, we have been pretty busy. Please visit our [DOT Action](#) page to learn more.

9. What can I do to help?

We're glad you asked! You've already taken the first step by visiting this site and learning about the dangers of distracted driving. The next thing you'll want to do is protect yourself. [Take the pledge](#) to drive phone-free and turn your cell phone off when you turn your ignition on. And if you're a passenger, make sure your driver does the same. If you want to do more, please take a look at our [Get Involved](#) section - we've got plenty of ideas to get you started.

Federal Regulation

Federal Motor Carrier Safety Administration (FMCSA)

Effective January 3, 2012: bans commercial drivers from using handheld mobile phones while operating commercial trucks or buses. Ban includes texting and handheld device dialing and conversation. Federal penalties include a civil penalty of \$2,750 for each offense and max \$11,000 for companies allowing drivers to use handheld cell phones. Drivers with multiple offenses may be disqualified from keeping their CDL. This rule follows a ban on texting while driving implemented in September 2010.

Pipeline and Hazardous Materials Safety Administration

Bans texting on electronic devices by drivers operating a motor vehicle containing hazardous materials.

Federal Railroad Administration

Bans railroad operating employees from using cell phones or other electronic devices on the job when the devices could interfere with safety-related duties.

Federal Aviation Administration

Has advised air carriers to create and enforce policies that limit distractions in the cockpit and keep pilots focused on flying.

OSHA

Employers should prohibit any work policy or practice that requires or encourages workers to text while driving, or risk being in violation of the Occupational Safety and Health Act of 1970.

Federal Employees

Executive order signed October 1, 2009: directs federal employees not to engage in text messaging while driving government-owned vehicles; when using electronic equipment supplied by the government while driving; or while driving privately owned vehicles when they're on official government business. Also encourages federal contractors and others doing business with the government to adopt and enforce their own policies banning texting while driving on the job.

National Transportation Safety Board

December 13, 2011: Calls for the 50 states and the District of Columbia to ban the nonemergency use of portable electronic devices (other than those designed to support the driving task) for all drivers, and use the NHTSA model of high-visibility enforcement to support these bans.

State Regulation

Transportation Code, Section 545.424. OPERATION OF VEHICLE BY PERSON UNDER 18 YEARS OF AGE (in part)

- (a) A person under 18 years of age may not operate a motor vehicle while using a wireless communications device, except in case of emergency.
- (b) A person under 17 years of age who holds a restricted motorcycle license or moped license may not operate a motorcycle or moped while using a wireless communications device, except in case of emergency.
- (c) This section does not apply to:
 - (1) the holder of a hardship license;
 - (2) a person operating a motor vehicle while accompanied in the manner required by Section .222(d)(2) for the holder of an instruction permit; or
 - (3) a person licensed by the Federal Communications Commission to operate a wireless communication device or a radio frequency device.
- (e) A peace officer may not stop a vehicle or detain the operator of a vehicle for the sole purpose of determining whether the operator of the vehicle has violated this section.
- (f) In this section, "wireless communication device" means a handheld or hands-free device that uses commercial mobile service, as defined by 47 U.S.C. Section 332.

Transportation Code, Section 545.425. USE OF WIRELESS COMMUNICATION DEVICE; OFFENSE.

- (a) In this section:
 - (1) "Hands-free device" means speakerphone capability or a telephone attachment or other piece of equipment, regardless of whether permanently installed in the motor vehicle, that allows use of the wireless communication device without use of either of the operator's hands.
 - (2) "Wireless communication device" means a device that uses a commercial mobile service, as defined by 47 U.S.C. Section 332.
- (b) Except as provided by Subsection (c), an operator may not use a wireless communication device while operating a motor vehicle within a school crossing zone, as defined by Section 541.302, Transportation Code, unless:
 - (1) the vehicle is stopped; or
 - (2) the wireless communication device is used with a hands-free device.

(b-1) Except as provided by Subsection (b-2), a municipality, county, or other political subdivision that enforces this section shall post a sign that complies with the standards described by this subsection at the entrance to each school crossing zone in the municipality, county, or other political subdivision. The department shall adopt standards that:

(1) allow for a sign required to be posted under this subsection to be attached to an existing sign at a minimal cost; and

(2) require that a sign required to be posted under this subsection inform an operator that:

(A) the use of a wireless communication device is prohibited in the school crossing zone; and

(B) the operator is subject to a fine if the operator uses a wireless communication device in the school crossing zone.

(b-2) A municipality, county, or other political subdivision that by ordinance or rule prohibits the use of a wireless communication device while operating a motor vehicle throughout the jurisdiction of the political subdivision is not required to post a sign as required by Subsection (b-1) if the political subdivision:

(1) posts signs that are located at each point at which a state highway, U.S. highway, or interstate highway enters the political subdivision and that state:

(A) that an operator is prohibited from using a wireless communication device while operating a motor vehicle in the political subdivision; and

(B) that the operator is subject to a fine if the operator uses a wireless communication device while operating a motor vehicle in the political subdivision; and

(2) subject to all applicable United States Department of Transportation Federal Highway Administration rules, posts a message that complies with Subdivision (1) on any dynamic message sign operated by the political subdivision located on a state highway, U.S. highway, or interstate highway in the political subdivision.

(b-3) A sign posted under Subsection (b-2)(1) must be readable to an operator traveling at the applicable speed limit.

(b-4) The political subdivision shall pay the costs associated with the posting of signs under Subsection (b-2).

(c) An operator may not use a wireless communication device while operating a passenger bus with a minor passenger on the bus unless the passenger bus is stopped.

(d) It is an affirmative defense to prosecution of an offense under this section that:

(1) the wireless communication device was used to make an emergency call to:

(A) an emergency response service, including a rescue, emergency medical, or hazardous material response service;

(B) a hospital;

(C) a fire department;

(D) a health clinic;

(E) a medical doctor's office;

(F) an individual to administer first aid treatment; or

(G) a police department; or

(2) a sign required by Subsection (b-1) was not posted at the entrance to the school crossing zone at the time of an offense committed in the school crossing zone.

(d-1) The affirmative defense available in Subsection (d)(2) is not available for an offense under Subsection (b) committed in a school crossing zone located in a municipality, county, or other political subdivision that is in compliance with Subsection (b-2).

(e) This section does not apply to:

(1) an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity; or

(2) an operator who is licensed by the Federal Communications Commission while operating a radio frequency device other than a wireless communication device.

(f) Except as provided by Subsection (b-2), this section preempts all local ordinances, rules, or regulations that are inconsistent with specific provisions of this section adopted by a political subdivision of this state relating to the use of a wireless communication device by the operator of a motor vehicle.

✦ H.B. 242 (2011), which criminalized sending reading, writing, or sending a text-based communication (text message, instant message, or email) while operating a motor vehicle, unless the vehicle was stopped. It would have been a Rules of the Road offense, with a fine range of \$1-\$200, but Governor Perry vetoed the bill stating that it was a government effort to micromanage the behavior of adults. Instead, he said that people who support this type of measure should work with leaders to educate the public of the dangers of distracted driving.

✦ This session, nine bills have been filed addressing the distracted driving epidemic. Bills to watch include:

- **H.B. 27:** amends the pre-2011 version of Section 545.425, TC; would prohibit reading, writing, or sending a text message with a fine of \$1-\$200 or \$2-\$400 if committed in a school crossing zone.
- **H.B. 41:** amends the “cell phone in a school zone” prohibition to apply everywhere and not just in a school zone, unless the vehicle is parked; removes the signs currently required; would carry a fine of \$25-\$100 if outside a school crossing zone or \$125-\$200 if within a school crossing zone.
- **H.B. 69:** would prohibit an operator from writing or sending a text, instant message, or email unless the vehicle is stopped; would carry the general Rules of the Road penalty; would allow sending a message through a Bluetooth device.
- **H.B. 108:** similar changes, but makes an exception for using a navigation device.
- **H.B. 347:** would extend the “cell phone in a school zone” prohibition to include all public/private elementary and middle school property.
- **H.B. 2386:** would drastically change the rules related to all-terrain vehicles such that ATV operators would be prohibited from using a cell phone while operating if under the age of 17.
- **S.B. 1664:** would add violation of a state or local law or ordinance prohibiting texting while driving or restricting or prohibiting the use of a wireless communication device while driving to the list of serious traffic violations under Chapter 522, TC –and- would create Section 545.4255 prohibiting a commercial motor vehicle operator from generating, sending, or reading a text message while driving; would be a Class C misdemeanor.

H.B. 63, and its companion S.B. 28, have made the most progress.

- Committee substitute reported favorably as of March 5, 2013
- Known as the Alex Brown Memorial Act
- Would lower the fine for a minor driver using a cell phone to a max \$100 unless it is a subsequent conviction, in which case the max fine would be \$200 (amends Section 545.424, TC)
- Would generally amend Section 545.425 to redefine hands-free device
- Would create Section 545.4251 to prohibit an operator from using a handheld wireless communication device to read, write, or send a text-based communication while operating a motor vehicle unless stopped
- Would provide a defense to prosecution if operator was looking up a phone number to make a call, using a voice-operated or push to talk function, using a navigation system, or to report illegal activity or summon emergency help – and for law enforcement using a device affixed to the vehicle
- Would set punishment at a max fine of \$100, up to \$200 for subsequent convictions
- TxDOT must post signs at all entrances to the State warning motorists
- Officer may not take or inspect the person’s phone; records can only be obtained through a search warrant
- Would preempt all local ordinances relating to using a wireless communication device while operating a motor vehicle, unless it was adopted before September 1, 2011

Which brings us to...

Local Regulation

Austin City Code

§ 12-1-34 ELECTRONIC MESSAGING WHILE DRIVING.

(A) A driver of a motor vehicle may not use a wireless communication device to view, send, or compose an electronic message or engage other application software while operating a motor vehicle.

(B) It is an affirmative defense to prosecution of an offense under this section if a wireless communications device is used:

- (1) while the vehicle is stopped;
- (2) strictly to engage in a telephone conversation, including dialing or deactivating the call;
- (3) as a global positioning or navigation system that is affixed to the vehicle;
- (4) for obtaining emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard, or to prevent a crime about to be committed;
- (5) in the reasonable belief that a person's life or safety is in immediate danger;
- (6) if the device is permanently installed inside the vehicle; or
- (7) solely in a voice-activated or other hands-free mode.

(C) This section does not apply to an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity.

(D) To the extent that this section conflicts with the Texas Transportation Code Section 545.424, regarding the use of wireless communication devices while operating a motor vehicle by minors, or Texas Transportation Code Section 545.425, regarding the use of wireless communication devices in school crossing zones, this section does not apply.

Source: Ord. 20091022-028; Ord. 20091217-090.

§ 12-1-2 COMPLIANCE REQUIRED.

(A) A person who performs an act prohibited by this title or fails to perform an act required by this title commits an offense.

(B) Except as otherwise provided in this title, an offense under this title is a Class C misdemeanor punishable by a fine not to exceed \$500.

Source: 1992 Code Section 16-1-2; Ord. 031204-13; Ord. 031211-11.

ORDINANCE NO. 11-51

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING TITLE VII, TRAFFIC CODE, CHAPTER 70: TRAFFIC REGULATIONS OF THE HARLINGEN CITY CODE, AS AMENDED, BY ADDING SECTION 70.05; PROHIBITING THE USE OF A HAND-HELD WIRELESS COMMUNICATION DEVICE TO VIEW, READ, WRITE OR SEND A TEXT-BASED COMMUNICATION WHILE OPERATING A MOTOR VEHICLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR AFFIRMATIVE DEFENSES; PROVIDING A PENALTY NOT TO EXCEED \$200.00 PER VIOLATION; PROVIDING A VIOLATION OF THIS ORDINANCE TO BE A STRICT LIABILITY OFFENSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE OF JANUARY 1, 2012; AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.

WHEREAS, the Elective Commission of the City of Harlingen, Texas finds that the use of a hand-held communication device to send, read, or write a text message, view pictures, or written text, whether transmitted by internet or other electronic means, engage in gaming or any other use of the device besides dialing telephone numbers, or talking to another person while operating a moving motor vehicle, is a traffic hazard, a danger to the public and creates a particular danger or probability of danger within the corporate city limits of the City of Harlingen; and

WHEREAS, the Elective Commission of the City of Harlingen believes that prohibiting the use of hand-held mobile communication devices to engage in any use of a mobile communication device besides dialing a telephone numbers or talking to another person, with certain affirmative defenses, would further protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HARLINGEN:

SECTION 1: That Title VII, Traffic Code, Chapter 70: Traffic Regulations of the

Harlingen City Code as amended, is hereby amended to add Section 70.05 to read as follows:

SECTION 70.05 REGULATING THE USE OF HAND-HELD WIRELESS COMMUNICATION DEVICES WHILE DRIVING A MOTOR VEHICLE.

(a) In this section:

(1) *HAND-HELD WIRELESS COMMUNICATION DEVICE* means a text-messaging device or other electronic, two-way communication device that is designed to receive and transmit voice communication, text, or pictorial communication, or both, whether by internet or other electronic means. The term includes a mobile telephone, and personal digital assistant (PDA).

(2) *TEXT-BASED COMMUNICATION* means a communication that is designed or intended to be transmitted between wireless communication devices for the purpose of manually communicating in a non-spoken manner with another person in a written medium. The term includes but it not limited to a text message, an instant message, a picture message and email.

(b) A person commits an offense if the person uses a hand-held wireless communication device to view, read, write, or send a text-based communication while operating a motor vehicle.

(c) It is an affirmative defense to prosecution of an offense under this section if a wireless communication device is used:

(1) while the vehicle is stopped;

(2) strictly to engage in a telephone conversation, including dialing or deactivating the call;

(3) as a global positioning or navigation system that is affixed to the vehicle;

(4) for obtaining emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard, or to prevent a crime about to be committed;

(5) in the reasonable belief that a person's life or safety is in immediate danger;

(6) if the device is permanently installed inside the vehicle; or

(7) solely in a voice-activated or other hands-free mode.

(d) Subsection (b) of this Section 70.05 does not apply to the use of any hand-held wireless communication device or to any text-based communication, however transmitted, used in connection with the operation of an authorized emergency vehicle, an emergency medical services vehicle, or any other motor vehicle operated by an emergency medical services provider licensed by the Texas Department of State Health Services. For purposes of this subsection (d) and Section 70.05, the term "authorized emergency vehicle" shall have the meaning set out in Section 541.201, *Texas Transportation Code*, as amended from time to time, and the terms "emergency medical services provider" and "emergency medical services vehicle" shall have the meanings set out in Section 773.003, *Texas Health and Safety Code*, as amended from time to time."

(e) To the extent that this section conflicts with the Texas Transportation Code Section 545.424, regarding the use of wireless communication devices while operating a motor vehicle by minors, or Texas Transportation Code Section 545.425, regarding the use of wireless communication devices in school crossing zones, this section does not apply.

(f) A person convicted of an offense under this section shall be punished by a fine not to exceed \$200.00 per violation.

(g) An offense under this section is not a moving violation and may not be made a part of a person's driving record or insurance record.

(h) An offense under this section is a strict liability offense.

(i) In addition to enforcement by a peace officer of the city, this section may be enforced by

a peace officer of another governmental entity pursuant to a duly authorized interlocal agreement between the governmental entity and the city.

SECTION 2. That CHAPTER 70 of the Harlingen City Code, as amended, will remain in full force and effect, and save and except as amended by this ordinance.

SECTION 3. That the terms and provisions of this Ordinance are severable and are governed by Section 10.07 of CHAPTER 10 of the Harlingen City Code, as amended.

SECTION 4. That the City Secretary of the City of Harlingen, Texas, is hereby authorized and directed to cause a true and correct copy of the caption of this Ordinance to be published in a newspaper having general circulation in the City of Harlingen, Cameron County, Texas.

SECTION 5. That this Ordinance shall take effect on January 1, 2012 and it is accordingly so ordained.

FINALLY ENACTED THIS 19th day of October, 2011 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A, CHAPTER 551.

CITY OF HARLINGEN

BY: 

Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary

~~APPROVED AS TO FORM:~~


Roxann Pais Cotroneo, City Attorney

ORDINANCE NO. 017286

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) TO CREATE CHAPTER 12.22 (WIRELESS COMMUNICATIONS DEVICES) OF THE EL PASO CITY CODE, TO PROHIBIT THE USE OF WIRELESS COMMUNICATION DEVICES WHILE OPERATING A MOTOR VEHICLE, AND CREATING AN OFFENSE; THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08-010 - 1.08.030 AND SECTION 12.84.010 OF THE EL PASO CITY CODE.

WHEREAS, the City Council finds that there may be risks relating to distracted driving which can include various aspects of the use of wireless communications devices while driving; and

WHEREAS, prohibiting the use of wireless communications devices while driving in the City to the extent allowed by Section 545.425(f), Texas Transportation Code, addresses the possible hazards produced by a distracted driver as the result of making a call, answering a call, or creating, sending or reading a text message; and

WHEREAS, this regulation is drafted to address the City's police power interests in regulation of the public safety, and appropriately excludes acts for which the City is preempted from regulating, and provides affirmative defenses to prosecution and exceptions to the application of the ordinance, including allowing the use of hands-free mobile telephone communications and emergency communications.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

Section 1. That Chapter 12.22 (Wireless Communications Devices) of the El Paso City Code is created to read as provided herein.

Section 2. That Section 12.22.010 (Definitions) of the El Paso City Code is created to read:

12.22.010 Definitions.

In this chapter:

A "Hands-free device" means speakerphone capability or a telephone attachment or other piece of equipment, regardless of whether permanently installed in the motor

CITY CLERK DEPT.
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vehicle, that allows use of the wireless communication device without use of either of the operator's hands.

B. "Stop" or "Stopped" means to stand an occupied or unoccupied vehicle in a location other than in a lane of traffic on a roadway.

C. "Wireless Communication Device" has the meaning assigned in Section 545.425 (Use of Wireless Communication Device; Offense) of the Texas Transportation Code.

Section 3. Section 12.22.020 (Use of Wireless Communications While Driving) of the City Code is created to read:

12.22.020 Use of Wireless Communications While Driving.

A. An operator of a motor vehicle may not use a wireless communication device while operating a motor vehicle.

B. This section does not apply to an operator of a motor vehicle using a wireless communications device:

1. while the vehicle is stopped; or
2. that is affixed to the vehicle and used as a global positioning or navigation system.

C. It is an affirmative defense to prosecution of an offense under this section if a wireless communications device is used:

1. for obtaining emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard, or to prevent a crime about to be committed;
2. in the reasonable belief that a person's life or safety is in immediate danger; or
3. solely in a voice-activated or other hands-free mode.

D. To the extent that this section conflicts with the Texas Transportation Code Section 545.424, regarding the use of wireless communication devices while operating a motor vehicle by minors, or Texas Transportation Code Section 545.425, regarding the use of wireless communication devices in school crossing zones, or by the operators of school busses, this section does not apply.

Section 4. This ordinance shall take effect on April 1, 2010.

ADOPTED this 9th day of March 2010.

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CITY OF EL PASO

John F. Cook
John F. Cook, Mayor

ATTEST:

Richarda Duffy Momen
Richarda Duffy Momen
City Clerk

APPROVED AS TO FORM:

Elaine S. Hengen
Elaine S. Hengen
Senior Assistant City Attorney

CITY CLERK DEPT.
10 MAR - 9 PM 4:30

ORD No. 017286
Date of Introduction
Date of ADOPTION
City Clerk

BLUEPRINT FOR ENDING DISTRACTED DRIVING



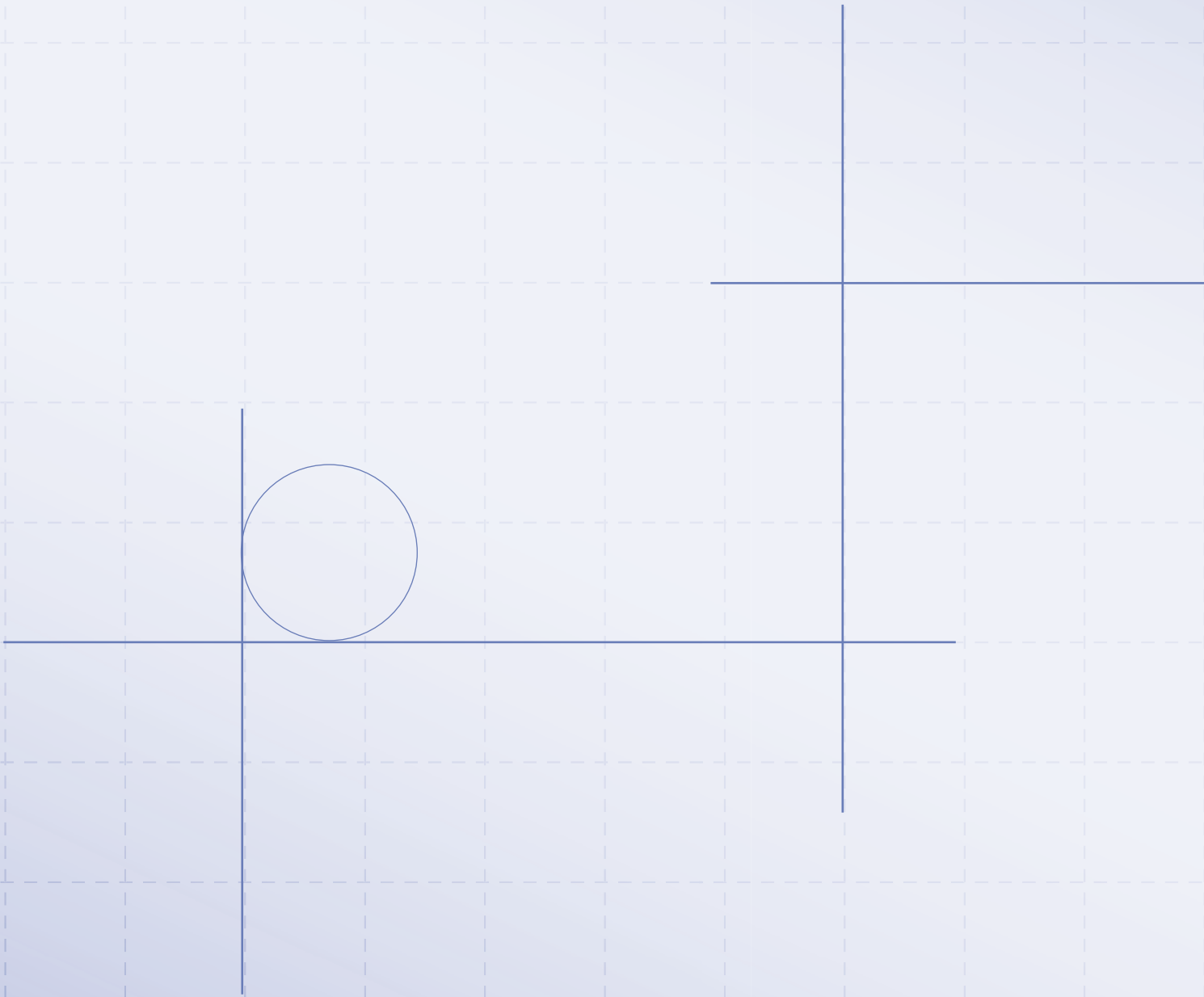
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U.S. Department of Transportation
**National Highway Traffic Safety
Administration**



★★★★★
NHTSA
www.nhtsa.gov



BLUEPRINT FOR ENDING DISTRACTED DRIVING

UNDER THE LEADERSHIP OF SECRETARY RAY LAHOOD, THE U.S. DEPARTMENT OF TRANSPORTATION LAUNCHED A NATIONAL CAMPAIGN IN 2009 TO END THE DANGEROUS PRACTICE OF DISTRACTED DRIVING. WHILE THESE EFFORTS HAVE BOOSTED PUBLIC ATTENTION TO THE PROBLEM AND BUILT MOMENTUM FOR ACTION IN COMMUNITIES AROUND THE COUNTRY, SERIOUS BEHAVIORAL AND TECHNOLOGICAL CHALLENGES REMAIN. ADDRESSING THESE ISSUES WILL REQUIRE THE FULL COMMITMENT AND PERSISTENCE OF MANY STAKEHOLDERS.

THE BLUEPRINT FOR ENDING DISTRACTED DRIVING

lays out a plan for building on the progress we've made to date—and arms safety partners, advocates, and the Nation's future leaders with clear, forward-thinking strategies.



OVERVIEW OF THE PROBLEM: DISTRACTED DRIVING KILLS

With more than 300 million wireless subscriptions in America today—and a growing number of devices and services designed to keep people constantly connected—technology is playing an increasing role in enhancing our quality of life. Yet using these technologies while you're behind the wheel can have devastating consequences.

The U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) estimates that there are at least 3,000 deaths annually from distraction-affected crashes—crashes in which drivers lost focus on the safe control of their vehicles due to manual, visual, or cognitive distraction.¹

Studies show that texting simultaneously involves manual, visual, and mental distraction and is among the worst of all driver distractions. Observational surveys show that more than 100,000 drivers are texting at any given daylight moment, and more than 600,000 drivers are holding phones to their ears while driving.²



¹ www.nhtsa.gov/About+NHTSA/Press+Releases/2012/U.S.+Transportation+Secretary+LaHood+Announces+Lowest+Level+Of+Annual+Traffic+Fatalities+In+More+Than+Six+Decades

² www-nrd.nhtsa.dot.gov/Pubs/811517.pdf

Young Drivers Are at Greatest Risk

While distracted driving can take on many forms and affects all road users, young drivers are at particular risk.

- ⚡ A nationally representative survey of distracted driving attitudes and behavior published in 2011 shows that a young driver is most likely to have been involved in a crash or near-crash.
- ⚡ Drivers under 25 are two to three times more likely than older drivers to send text messages or e-mails while driving.
- ⚡ While almost all drivers believe that sending text messages while driving is very unsafe, young passengers are much less likely than older passengers to speak up if the driver is texting behind the wheel.

SENDING OR RECEIVING A TEXT TAKES A DRIVER'S EYES FROM THE ROAD FOR AN AVERAGE OF 4.6 SECONDS, THE EQUIVALENT – AT 55 MPH – OF DRIVING THE LENGTH OF AN ENTIRE FOOTBALL FIELD, BLIND. (VTTI)

Figure 1. Crash or Near-Crash Involvement as a Driver in the Past Year, by Sex and Age (Percentage)

Have you been involved in a crash or near-crash as a driver in the past year?

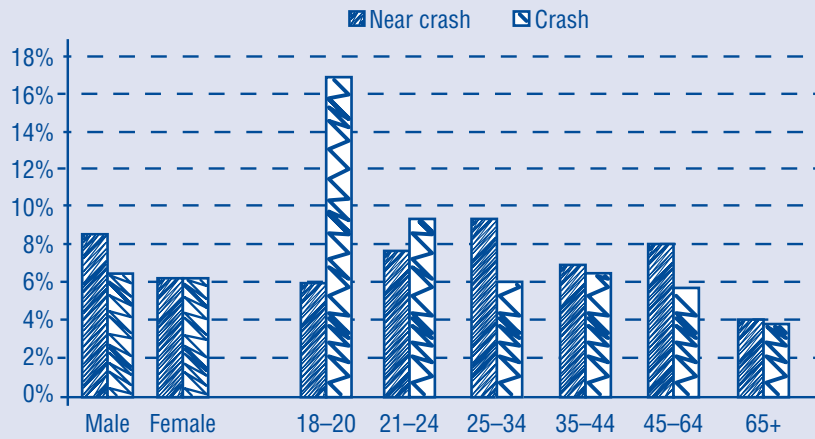


Figure 2. Sending Text Messages or E-mails While Driving, by Sex and Age (Percentage Ever)

Do you ever send text messages or e-mails when you are driving?

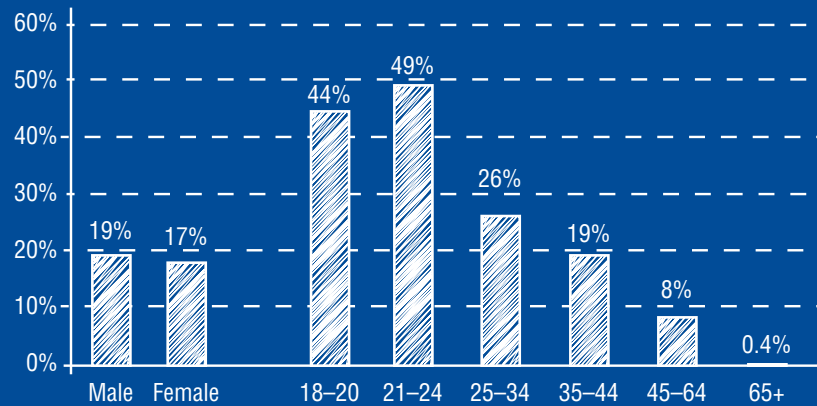
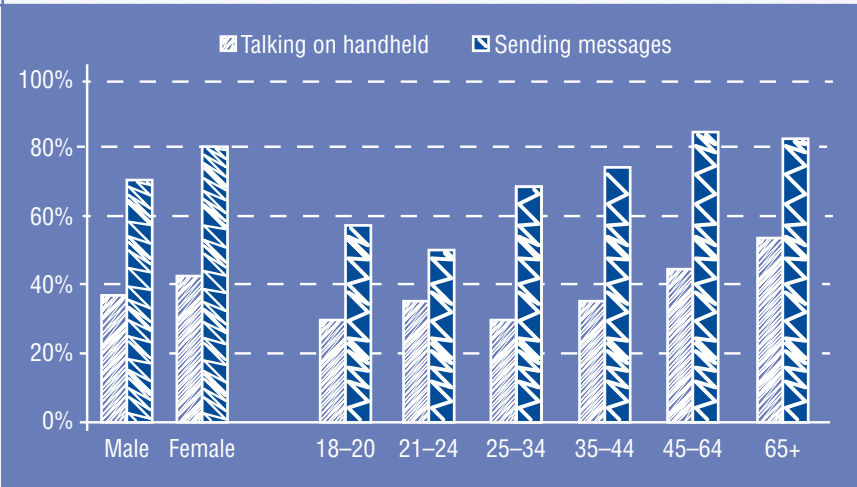


Figure 3. As a Passenger, How Likely Are You to Say Something if Your Driver Is Talking on a Handheld or Sending Messages, by Sex and Age (Percentage Very Likely)



BUILDING MOMENTUM TO END DISTRACTION: PROGRESS ON THE ISSUE

For the past three years, the U.S. Department of Transportation has been working to highlight the issue of distracted driving and provide safety partners in the States with the necessary tools to address the problem.

In 2010, NHTSA published a “Driver Distraction Program Plan” that serves as DOT’s guiding framework in its efforts to eliminate crashes related to distraction.³ The plan lays out strategies for:

- ⚡ Better understanding the problem;
- ⚡ Reducing distraction from in-vehicle devices;
- ⚡ Avoiding crashes that might be caused by distraction; and
- ⚡ Improving driver behavior.

Raising Public Awareness

- ⚡ Secretary LaHood has hosted two Distracted Driving Summits (September 2009 and 2010) and engaged in numerous public activities to both bring focus to the issue of distraction and to identify strategies to combat the problem.
- ⚡ In December 2009, DOT launched *Distraction.gov*—the first-ever Federal Web site dedicated to raising awareness and supporting safety advocacy on the issue. *Distraction.gov* serves as a vital information center for people to get the facts on distracted driving and take action in their communities. In November 2011, DOT re-launched the site with suggested actions for a variety of stakeholders, including parents, employers and teachers, and unveiled a new portal designed especially for teens to further raise awareness among young drivers.

³ www.nhtsa.gov/staticfiles/nti/distracted_driving/pdf/811299.pdf

ABOUT 40 PERCENT OF ALL AMERICAN TEENS SAY THEY HAVE BEEN IN A CAR WHEN THE DRIVER USED A CELL PHONE IN A WAY THAT PUT PEOPLE IN DANGER. (PEW)

- ⚡ In November 2010, Secretary LaHood launched *Faces of Distraction*, an online video series that explores the tragic consequences of texting and cell phone use while driving.
- ⚡ DOT has partnered with organizations including the Ad Council, Walt Disney Corporation, Consumer Reports, ESPN, the Better Business Bureau, State Farm, Regal Cinemas, and others on national and local advertising to highlight the dangers of distracted driving.

Leading by Example: Public Policies on Distraction

- ⚡ President Obama issued an Executive Order in October 2009 prohibiting Federal employees from texting while driving government vehicles or while using government-supplied cell phones while driving any vehicles.
- ⚡ NHTSA led a consensus effort to develop a sample law to prohibit texting while driving. The sample law helps State legislators enact effective distracted driving laws and create uniform legal policies and procedures across the country. States can use the sample law as a starting point to craft laws prohibiting texting while driving.
- ⚡ As of June 2012, 39 States and the District of Columbia have enacted laws banning texting for all drivers. Thirty-five of these States require primary enforcement of their laws.

- ❖ DOT and NHTSA are working with employers to put an end to driving distraction—both on the job and off. As part of the 2010 Distracted Driving Summit, DOT and the Network of Employers for Traffic Safety (NETS) identified more than 550 U.S. companies employing 1.5 million people nationwide that committed to enacting anti-distracted-driving employee policies.
- ❖ Across its agencies, DOT has enacted regulations or advisories against distracted driving—including highways, rail, and air.
 - ❖ In September 2010, the Federal Motor Carrier Safety Administration banned commercial truck and bus drivers from texting while driving. In November 2011, the agency strengthened its initial policy by banning all hand-held cell phone use by commercial drivers.
 - ❖ In February 2011, the Pipeline and Hazardous Materials Safety Administration banned texting on electronic devices by drivers operating motor vehicles containing hazardous materials.
 - ❖ The Federal Railroad Administration has banned railroad operating employees from using cell phones or other



***9 OUT OF 10 DRIVERS
SUPPORT LAWS THAT BAN TEXTING.
(NHTSA, NATIONAL DISTRACTED DRIVING
TELEPHONE SURVEY, 2011)***

electronic devices on the job when the devices could interfere with safety-related duties.

- ✦ The Federal Aviation Administration has advised air carriers to create and enforce policies that limit distractions in the cockpit and keep pilots focused on transporting passengers safely.
- ✦ In February 2012, NHTSA proposed voluntary guidelines for vehicle manufacturers to discourage the introduction of excessively distracting devices that are integrated into vehicles. NHTSA expects to finalize these Phase 1 Distraction Guidelines during 2012.





Research & Development

- ⚡ In 2011, NHTSA piloted high-visibility enforcement programs in Hartford, Connecticut, and Syracuse, New York. The pilot projects, which promoted the message “Phone in One Hand, Ticket in the Other,” showed that increased law enforcement efforts combined with targeted media can get distracted drivers to put down their cell phones and focus on the road.⁴
- ⚡ In 2010, NHTSA conducted a representative phone survey on distracted driving attitudes and behavior. More than half of the respondents indicated that they believe using a cell phone and/or sending a text message or e-mail makes no difference in their own driving performance—yet as passengers, 90 percent said they would feel very unsafe if their drivers were talking on a hand-held cell phone, texting, or e-mailing. These findings are consistent with other research showing that despite well-publicized dangers of distracted driving, many Americans choose to use cell phones while driving.
- ⚡ NHTSA is currently analyzing data from a naturalistic driving study designed to examine differences between hand-held, hands-free, and integrated hands-free cell phone use. The findings are expected to be completed by the end of 2012.

⁴ www.nhtsa.gov/About+NHTSA/Press+Releases/2011/New+Research+Shows+Enforcement+Cuts+Distracted+Driving

*“Strong laws
combined with
highly visible police
enforcement can
significantly reduce
dangerous texting and
cell phone use behind
the wheel.”*

—U.S. Transportation
Secretary Ray LaHood



NEXT STEPS: BLUEPRINT FOR ENDING DISTRACTED DRIVING

Under Secretary LaHood's leadership, distracted driving has received unprecedented national, State, and local attention. Moving forward, this greater awareness must lead to increased advocacy. In particular, it will be critical to use the current momentum to make progress in the following key areas:

Enact and Enforce Tough State Laws

- ⚡ As of June 2012, 39 States have enacted anti-texting laws, and 10 States have passed laws banning all hand-held phone use by drivers. One way to help address the problem is to encourage the remaining 11 States to pass anti-texting laws.
- ⚡ NHTSA's high-visibility enforcement pilot programs in Hartford and Syracuse showed that drivers *do* change their cell phone use when faced with good laws, tough enforcement, and public education campaigns. NHTSA will expand its pilot enforcement programs by initiating two enforcement campaigns in California and Delaware this summer. These and future projects will continue to yield strategies and tools for law enforcement to effectively enforce distraction laws.
- ⚡ The highway reauthorization bill enacted by the Senate, *The Motor Vehicle and Highway Safety Act of 2012 (S.1813)* includes \$39 million for grants to States that enact laws prohibiting texting while driving. If enacted in the next reauthorization, these grants will contribute to State efforts to enact and enforce distracted driving laws and help reduce crashes, injuries, and fatalities.

Address Technology

- ✦ Following up on the proposed Phase 1 Distraction Guidelines for devices integrated into vehicles, NHTSA is considering Phase 2 guidelines to address portable devices *not* built into the vehicle, including aftermarket GPS navigation systems, smart phones, electronic tablets and pads, and other mobile communications devices.
- ✦ Phase 3 guidelines may address voice-activated controls to further minimize distraction in factory-installed aftermarket and portable devices.
- ✦ NHTSA is also looking at advanced crash warning and driver monitoring technologies to help avoid crashes caused by distraction.

Science

- ✦ A solid scientific understanding of distracted driving is necessary to guide further policy and technology development.
- ✦ Better methods are needed to confirm the role of distraction in crashes. Accurate and consistent crash reports are essential and require widespread adoption of model reporting



protocols. New techniques are needed to assist crash investigators in identifying when distractions were present at the time of the crash.

- ⚡ More studies are needed to determine which types of distractions—and under which circumstances—create the greatest crash risk. Experimental research, naturalistic driving studies, and crash data analyses are needed to answer key questions and provide support for laws, regulations, and investment in technology.

A TEEN DRIVER IS MORE LIKELY THAN THOSE IN OTHER AGE GROUPS TO BE INVOLVED IN A FATAL CRASH WHERE DISTRACTION IS REPORTED. IN 2009, 16 PERCENT OF TEEN DRIVERS INVOLVED IN FATAL CRASHES WERE REPORTED TO HAVE BEEN DISTRACTED. (NHTSA)

Better Educate Young Drivers

- ⚡ NHTSA is working with the American Driver and Traffic Safety Education Association to update its driver education model curriculum to include the latest information on driver distraction. The curriculum, designed to educate young novice drivers with the latest teaching techniques and technology, is widely used in many States.
- ⚡ In April 2012, DOT announced the Distracted Driving Design Challenge to encourage high school students to spread the word about distracted driving by designing a creative icon that can be shared on Facebook, Twitter, Tumblr, and other social networks.

Getting Involved

While progress has been made in the fight to end distracted driving, there is much more to do to end this dangerous practice. It's clear the problem is complex—and the solutions require parents, teens, educators, employers, industry, and government to get involved.

Still, the first line of defense against this risky behavior must be personal responsibility by all drivers to put their wireless devices away and keep their focus on the road.



Responsibility

- ⚡ All drivers need to understand the risks of distracted driving, recognize their own inability to safely multi-task while behind the wheel, and make the right decisions.
- ⚡ Friends and family members need to use their influence to steer others toward responsible driving behaviors. Speaking up could save a life.
- ⚡ Every driver should visit *Distraction.gov* and take the pledge to drive distraction-free.

Advocacy

- ⚡ Policies are effective at guiding driver behavior—but they don't happen without advocacy. State laws, local ordinances, workplace policies, and organizational resolutions that address the dangers of distracted driving communicate concern about the risks and intolerance for dangerous behavior.
- ⚡ Employers, teachers, parents, teens and community groups looking to raise awareness can visit *Distraction.gov* for specific suggestions and tools they need to help end distracted driving in communities nationwide.
- ⚡ Parents, teachers, and youth leaders can educate teens and help establish rules for responsible driving. Teens are especially at risk for distracted driving. They are more frequently involved in crashes involving cell phone use, they overestimate their ability to multi-task, and they underestimate the consequences.

DISTRACTION-AFFECTED CRASHES ARE PREVENTABLE. DISTRACTED DRIVING DOES NOT JUST HAPPEN – IT IS A CHOICE. WORKING TOGETHER, WE CAN ALL HELP REDUCE DRIVER DISTRACTION, SAVE LIVES, AND PREVENT INJURIES.

*FOR MORE INFORMATION
ON THE DEPARTMENT OF
TRANSPORTATION'S WORK
TO END DISTRACTED DRIVING,
VISIT DISTRACTION.GOV.*

