

The Coalition for Cell Phone Free Driving



Background

In Alberta, injuries are the leading cause of death for people aged 1 to 44 years and motor vehicle related injuries account for the majority of these deaths ⁽¹⁾. In 1999, there were at least 6 deaths and nearly 500 people injured every week in traffic collisions. This corresponds to an annual rate of non-fatal injuries from motor vehicle collisions of 85.8 per 100,000⁽²⁾, the highest recorded in the past 5 years. Overall, the injury and fatality rates in Alberta have consistently been the highest in the country in the past several years; these injuries are largely preventable and should not be considered accidents ⁽³⁾.

Most motor vehicle collisions are the result of driver error ⁽⁴⁾ and a recent report by the National Highway Traffic Safety Administration (NHTSA) has estimated that driver inattention or distraction is responsible for 25% to 30% of police-reported traffic crashes ⁽⁵⁾. As cellular telephones have transformed

Driver inattention or distraction is responsible for 25% to 30% of police-reported traffic crashes

cars into secondary work environments and the numbers of people owning these phones continue to rise, legitimate concerns have been raised regarding the potential impact on collision risk due to driver distraction. Indeed an increasing number of countries, cities and towns are banning the use of cellular telephones while driving and others are considering such regulations ^(6,7).

There is a growing body of evidence suggesting that cell phone use while driving increases the risk of motor vehicle crash. Some of the best evidence so far has just been published in the British Medical Journal by McEvoy et al ⁽⁸⁾. This study from Australia

collected data from 941 drivers involved in motor vehicle crashes requiring a hospital visit; the use of cellular telephones while driving was associated with four times the risk of crashing. Furthermore, using a hands-free telephone did not reduce this risk. Age group or gender did not affect this association either. Even more worrying is the fact that 68% of the drivers reported using a cellular telephone at least occasionally while driving.

68% of the drivers reported using a cellular telephone at least occasionally while driving.

Some people have argued that using hand-free cell phones are safer than hands-held cell phones. In a study by Redelmeier & Tibshirani ⁽⁷⁾ almost a quarter of those drivers who own cell phones were using their phones prior to the crash. The increased risk of a crash for both hand-held and hands-free units was approximately 4 times. Age or driver's experience did not affect this risk.

The increased risk of a crash for both hand-held and hands-free units was approximately 4 times.

It should be recognized that drivers' reaction time is a very important factor that could prevent car crashes. In the 2004 study by Strayer et al ⁽⁹⁾, it was found that using a cell phone while driving slowed the driver's reaction time by 18%.

Using a cell phone while driving slowed the driver's reaction time by 18%.

Moreover, cell phone use increased the risk of rear-end collisions by twofold. These negative effects of cell phone use were similar in young and old drivers.

Using cell phones while driving may affect the visual attention. Barkana et al ⁽¹⁰⁾ reported in 2004 that hands-free conversation on a cellular telephone was associated with a reduced visual field attention and driver's reaction to visual stimuli. In an earlier study, Strayer et al ⁽¹¹⁾

Cell phone conversation increased the probability of missing red lights.

reported that cell phone conversation increased the probability of missing red lights. The effect of cell phone conversation on the drivers' response to traffic lights was similar in hand-held phone group as in hands-free phone group.

Numerous other experimental studies have shown that conversing on a hands-free or hand-held cell phone impairs driving performance and this impairment is more pronounced as traffic density increases⁽¹²⁻¹⁵⁾.

Conversing on a hands-free or hand-held cell phone impairs driving performance

In a National Highway Traffic Safety Administration (NHTSA) review of crash data, it was found that driver inattention is the most frequently cited pre-crash condition for drivers who use cell phones. The NHTSA reviewed research studies and collision data and concluded that there are several factors in which cell phone use can increase the risk of collision but of these factors, conversation appears to be the most associated with collisions⁽⁵⁾. The 2005 National conference of State Legislatures (NCSL) data on cell phone and highway safety showed that there were 22 car crashes per week in 2001 in Texas, 14 car crashes per week in 2002 in California, and 18 car crashes per week in 2003 in Michigan where cell phone use was a factor⁽¹⁶⁾.

Litigation

Recently, a few employers have been targeted when their employees were involved in car collisions while using cell-phones. Some collision victims argue that employers should be liable for not taking public safety into account when encouraging and profiting from an employee's cell phone use. Some of the cases have had settlements for large amounts of money.

Probably the most highly publicized case is that against *Cooley Godward*, a Virginia-based law firm. A \$30 million lawsuit was filed against Cooley when an associate on a cell-phone fatally ran over a 15-year old girl in March of 2000. The associate did not stop after the collision, even though her Mercedes had struck the 15-year old with enough force to break a headlight and shatter a corner of the windshield. The associate claimed at the time that she thought she hit a deer. The associate served 12 months of a five-year sentence in

\$30 million lawsuit was filed

a work-release program at a Fairfax County, Virginia jail. She also lost her law license (17,18).

In Miami, a jury awarded a woman \$20.9 million in 2001 after she was injured in an auto collision caused by a salesman making a cell call between appointments. The insurer for the salesman's employer picked up the settled final tab of \$16 million (17,18).

A jury awarded a woman \$20.9 million

The State of Hawaii agreed to pay \$2.5 million as its share of liability for a collision involving a state employee who allegedly was talking on her cell phone when she hit a tourist from New Jersey and caused permanent brain damage to him. The state was found twenty percent liable for the plaintiff's injuries (17,18).

If an employer provides cell-phones, or if cell-phone use is a necessary part of a job, then that employer may be liable for problems created by their employee's use of cell-phones while driving or otherwise working for the employer. Even if employees are not officially on company business, and in some cases not even making a business call, employers may still be held liable if a collision involves a cell-phone provided or permitted by the employer (17).

Employer can be liable for problems created by their employee's use of cell-phones while driving

Education

Companies that join the Coalition for Cell Phone Free Driving (from the CEO to the most junior employee) should be made aware of the scope of this problem and the rationale for such a policy.

All current and new employees should be given an information package, containing the above information and a copy of the company's policy. This information should be given to employees at the time they sign the policy agreement as a condition of hire.

Policy

The following generic policy has been developed by the initiators of the Coalition for Cell Phone Free Driving and can be adapted by companies to suit their specific needs:

1. Company employees are not permitted to use a cell phone, either hand-held or hands-free, while operating a motor vehicle on company business and/or on company time.
2. While driving, calls cannot be answered and must be directed to voicemail.
3. If an employee must make an emergency call (911), the vehicle should be parked in a safe location before making the call.
4. All employees will be made aware of the company policy and will be expected to comply with it.

A Good Cell Phone Policy Will Contain These Components:

- A clear policy statement outlining the corporate value regarding absolutely no cell phone use while driving a motor vehicle on company business.
- A well planned communication strategy leading up to the implementation of the cell phone policy.
- An escalating disciplinary approach. Employees will only be given two warnings. The third time an employee is found to be talking on a cell phone while operating a motor vehicle on company business and/or company time may be grounds for immediate dismissal.

References

1. Alberta Municipal Affairs (1997) Vital statistics annual review
2. Canadian Institute for Health Information (1999). National trauma registry: Hospital injury admissions report, 1997/98. Ottawa
3. Alberta Infrastructure, driver safety & research section (2000). Alberta traffic collision statistics-1999
4. Alberta Infrastructure, driver safety & research section (1999). Alberta traffic collision statistics-1998
5. National Highway Traffic Safety Administration (NHTSA) (1998). An investigation of the safety implications of wireless communications in vehicles. NHTSA, U.S. Department of Transportation.
www.nhtsa.dot.gov/people/injury/research/wireless/index.html. Accessed 2005/09/19
6. Driver/Education (2000). Cellular telephones, drivers and driver education. *Driver/Education*, 10(1):6-7
7. Redelmeier, D.A.& Tibshirani, R.J. (1997) Association between cellular-telephone calls and motor vehicle collisions. *New England journal of medicine*. 336 (7): 453-8
8. McEvoy et al, Role of mobile phones in motor vehicle crashes resulting in hospital attendance: a case-crossover study. *BMJ*. 2005;331(7514):428.
9. *Strayer et al*, Profiles in driver distraction: effects of cell phone conversations on younger and older drivers. *Human Factors* 2004; 46(4):640-9
10. Barkana et al, Visual field attention is reduced by concomitant hands-free conversation on a cellular telephone. *American Journal of Ophthalmology* 2004; 138(3): 347-53
11. Strayer et al, Johnston WA. Driven to distraction: dual-Task studies of simulated driving and conversing on a cellular telephone. *Psychological Science* 2001; 12(6):462-6
12. Lamble et al Cognitive load and detection thresholds in car following situations: safety implications for using mobile (cellular) telephones while driving. *Accident Analysis & Prevention* 1999; 31(6):617-23
13. Laberge-Nadeau et al, Desjardins D. Messier S. Saidi A. Wireless telephones and the risk of road crashes. *Accident Analysis & Prevention* 2003; 35(5):649-60

14. Lam, Lawrence T. Distractions and the Risk of Car Crash Injury: 'The effects of driver's age', *Journal of Safety Research* 2002; 33: 411-419
15. David L. Strayer et al, (2003) Cell phone-induced failures of visual attention during simulated driving. *Jr. of Experimental Psychology: Applied*, 2003, 9(1): 23-32
16. National conference of State Legislatures© 2005
Cell phone and highway safety 2005 state legislative update
www.ncsl.org/print/transportation/cellphoneup805.pdf. Accessed 2005/09/19
17. Employers Guide to Cell Phone Liability, *Braun Consulting News, Vol.7, No.1*.
<http://www.braunconsulting.com/bcg/newsletters/summer2002/summer2002.html>,
accessed Oct. 12, 2005.
18. Employee cell phone use may lead to liability. *The Ison Law Group—workplace law*.
<http://www.theisonlawgroup.com/?news%7C1045>, accessed Oct. 12, 2005.