



Driving on the Right Side of the Road Distracted Driving



JUST THE FACTS:

- Distracted driving is any non-driving activity a person engages in that has the potential to distract him or her from the primary task of driving and increase the risk of crashing.¹
- In 2009, 5,474 people were killed on U.S. roadways and an estimated additional 448,000 were injured in motor vehicle crashes that were reported to have involved distracted driving.²
- 16% of fatal crashes in 2009 involved reports of distracted driving.³
 - Of those people killed in distracted-driving-related crashes, 995 involved reports of a cell phone as a distraction (18% of fatalities in distraction-related crashes).⁴

Fatal Crashes, Drivers in Fatal Crashes, and Fatalities in Crashes, by Year

Year	Overall			Distraction		
	Crashes	Drivers	Fatalities	Crashes	Drivers	Fatalities
2005	39,252	59,220	43,510	4,026 (10%)	4,217 (7%)	4,472 (10%)
2006	38,648	57,846	42,708	5,245 (14%)	5,455 (9%)	5,836 (14%)
2007	37,435	56,019	41,259	5,329 (14%)	5,552 (10%)	5,917 (14%)
2008	34,172	50,416	37,423	5,307 (16%)	5,477 (11%)	5,838 (16%)
2009	30,797	45,230	33,808	4,898 (16%)	5,084 (11%)	5,474 (16%)

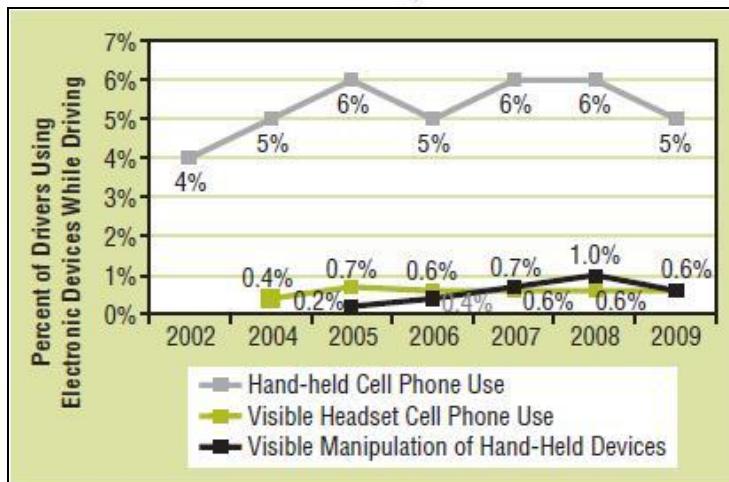
Source: NCSA, FARS 2005-2008 (Final), 2009 (ARF)

- Of those injured in distracted-driving-related crashes, 24,000 involved reports of a cell phone as a distraction (5% of injured people in distraction-related crashes).⁵
 - 20% of injury crashes in 2009 involved reports of distracted driving.
- The age group with the greatest proportion of distracted drivers was the under-20 age group – 16% of all drivers younger than 20 involved in fatal crashes were reported to have been distracted while driving.⁶

Drivers Involved in Fatal Crashes by Age and Vehicle Type, 2009

	Total Drivers	Distracted Drivers	Drivers With Cell Phone* (% of Distracted Drivers)
Total	45,230	5,084 (11%)	1,006 (20%)
Drivers by Age Group			
Under 20	3,967	619 (16%)	138 (22%)
20-29	10,719	1,378 (13%)	293 (21%)
30-39	7,633	832 (11%)	196 (24%)
40-49	7,930	811 (10%)	161 (20%)
50-59	6,559	631 (10%)	124 (20%)
60-69	3,968	367 (9%)	56 (15%)
70+	3,778	408 (11%)	37 (9%)

Driver Use of Electronic Devices, 2002–2009



There are three main types of distraction:⁷

- Visual — taking your eyes off the road
- Manual — taking your hands off the wheel
- Cognitive — taking your mind off what you're doing

Examples of distracting activities⁸ include:

- Using a cell phone
- Eating and drinking
- Talking to passengers
- Grooming
- Reading, including maps
- Using a PDA or navigation system
- Watching a video
- Changing the radio station, CD, or Mp3 player

Examples of outside distractions include:

- Accidents
- Vehicles stopped by police
- Friends in other vehicles
- Roadside advertising
- New construction

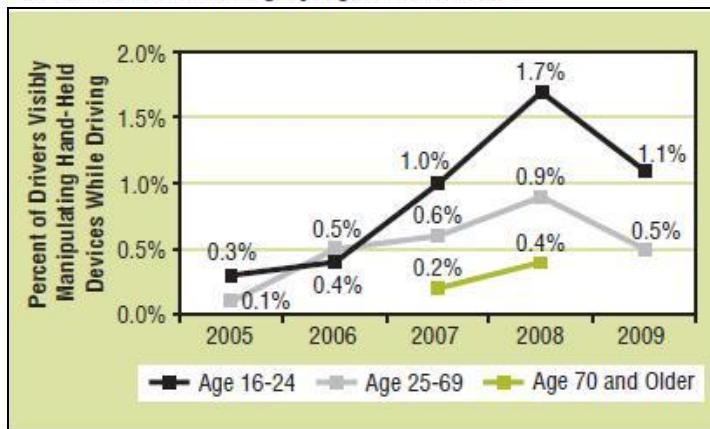
Dangers of Using Cell Phones While Driving:

- In 2009, at any given moment during daylight hours, the hand-held cell phone use rate translates into 672,000 vehicles being driven by someone using a hand-held cell phone.⁹ An estimated 9% of all vehicles had drivers who were using some type of phone (hand-held or hands-free).¹⁰
- Drivers who use hand-held devices are four times as likely to get into crashes serious enough to injure themselves.¹¹
- The use of cell phones while driving increases the chance of getting into a crash by 400%.¹² While hands-free features may help, the driver is still involved in a conversation rather than concentrating on driving.
- Using a cell phone while driving, whether it's hand-held or hands-free, delays a driver's reactions as much as having a blood alcohol concentration at the legal limit of .08 percent.¹³

Dangers of Texting While Driving:

- Since 2007, the percentages of drivers visibly manipulating hand-held devices have been significantly higher among drivers ages 16 to 24 than those of other age groups.¹⁴

Percentage of Drivers Visibly Manipulating Hand-Held Devices While Driving by Age, 2005–2009



- While all distractions can endanger drivers' safety, texting is the most alarming because it involves all three types of distraction.¹⁵

IT'S THE LAW:

Nationally:

- 39 states, the District of Columbia, Guam, and the Virgin Islands ban text messaging for all drivers (Twelve of these laws were enacted in 2010 alone).¹⁶

Texas:

- Has enacted a ban on all cell phone (handheld and hands-free) and texting for bus drivers and drivers under 18 years of age.¹⁷
 - In Texas, bus driver laws pertain to bus drivers with passengers age 17 and under.
 - In Texas, persons under 18 years of age may not operate a motor vehicle while using a wireless communications device, except in case of emergency.
- Has banned the use of hand-held phones and texting in school zones.¹⁸
- An officer can ticket the driver for the offense without any other traffic offense taking place.¹⁹

City Ordinances in Texas:

- In Galveston, as of January of 2010, it is a Class C misdemeanor to use "wireless communication devices to view, send or compose an electronic message" while driving, subject to a fine of up to \$500.
- On Sept. 13, 2012, Arlington passed an ordinance that bans texting while driving anywhere on city streets, subject to a \$200 citation.
- In September of 2012, Amarillo banned texting and handheld cell phone use by all drivers in city limits. Drivers are barred from using cell phones without hands-free accessories, GPS systems, video games, and similar portable electronic devices. Fines are up to \$200 for the non-moving traffic offense.
- As of January 1, 2010, Austin drivers are prohibited from using a wireless communication device to view, send, or compose an electronic message while operating a motor vehicle, including text messages, emails, and accessing social media sites. Drivers are allowed to check their text messages or update their Facebook status while the vehicle is stopped. Use of electronic messaging is also allowed to obtain emergency assistance, to prevent a crime from being committed, or if a person's life or safety is in immediate danger.²⁰
- Stephenville's ordinance, effective since April of 2010, prohibits the use of wireless communication devices while driving. Fines may cost up to \$200. The ban includes any type of hand-held electronic communication where a person is actually distracted from his or her driving and has to look down – to text, dial the phone, or even use a GPS.
- In 2010, El Paso adopted an ordinance that prohibits cellphone calling or texting while driving. The fine is \$114.

The following chart shows some driving offenses that may be committed when driving while distracted. Insurance companies often raise rates for drivers with multiple moving violations.

Key: P.C. – Penal Code; T.C. – Transportation Code

NAME OF OFFENSE	SECTION OF CODE	PUNISHMENT	COMMENTS
Following Too Closely	545.062(a), T.C.	Class C misdemeanor punishable by a fine of up to \$200	A driver must maintain enough distance in between his or her vehicle and the one in front so that he or she can safely stop without colliding with the vehicle or veering into another vehicle, object, or person on or near the roadway.
Illegal Pass on Right	545.057, T.C.	Class C misdemeanor punishable by a fine of up to \$200	A driver can only pass to the right if it is safe to do so, the vehicle being passed is making or about to make a left turn, and the cars are either on a highway with unobstructed pavement wide enough for two or more lines of moving vehicles.
Failed to Control Speed; Unsafe Speed	545.351, T.C.	Class C misdemeanor punishable by a fine of up to \$200	A driver may not drive faster than is reasonable and prudent under the conditions and shall control the speed of the vehicle as necessary to avoid colliding with another vehicle or person that is on or entering the roadway lawfully. Additionally, a driver must drive at an appropriate reduced speed at railroad grade crossings, on curves, on hills, on narrow or winding roadways, and when a special hazard exists such as pedestrians or weather and highway conditions.
Disregarded No Passing Zone	545.055, T.C.	Class C misdemeanor punishable by a fine of up to \$200	A driver must obey the directions of a no passing zone sign if the sign is in place and clearly visible to an ordinarily observant person.
Cut Across Driveway to Make Turn	545.423, T.C.	Class C misdemeanor punishable by a fine of up to \$200	A person may not cross or drive in or on a sidewalk, driveway, parking lot, or business or residential entrance at an intersection to turn right or left from one highway to another highway.
Failed to Yield at Stop Intersection	545.151(a); 545.153, T.C.	Class C misdemeanor punishable by a fine of up to \$200	An operator approaching an intersection must stop, yield, and grant immediate use of the intersection in obedience of stop light or sign.
Failed to Give Way when Overtaken	545.053(b), T.C.	Class C misdemeanor punishable by a fine of up to \$200	A driver being passed must, on audible signal, move or remain to the right in favor of the passing vehicle.
Increased Speed While Being Overtaken	545.053(b), T.C.	Class C misdemeanor punishable by a fine of up to \$200	A driver being passed may not accelerate until completely passed by the passing vehicle.

Failed to Stop—Emerging from Alley, Driveway or Building	545.256, T.C.	Class C misdemeanor punishable by a fine of up to \$200	When driving out from an alley, driveway, or building in a business or residence district, a driver must stop the car before moving on or across a sidewalk, must yield right-of-way to a pedestrian, and, when entering the roadway, yield right-of-way to an approaching vehicle.
Failed to Stop for Approaching Train—Hazardous Proximity	545.251(a)(4), T.C.	Class C misdemeanor punishable by a fine of up to \$200	An operator approaching a railroad grade crossing shall stop at least 15 feet (and not further than 50 feet) from the nearest rail if an approaching train is plainly visible and is in hazardous proximity to the crossing.
Reckless Driving	545.401, T.C.	Class B Misdemeanor punishable by a fine up to \$200, 30 days in county jail, or both	A person commits reckless driving if the person drives a vehicle in willful or wanton disregard for the safety of persons or property.
Assault with Motor Vehicle	22.01, P.C.	Class A misdemeanor punishable by a fine up to \$4,000, confinement in jail for up to a year, or both; 3 rd degree felony in some cases punishable by imprisonment 2-10 years and, in addition, fine up to \$10,000	A person commits assault if the person intentionally, knowingly, or recklessly causes bodily injury to another. Assault is also committed if a person intentionally or knowingly threatens another with imminent bodily injury.
Aggravated Assault with Motor Vehicle	22.02, P.C.	2 nd degree felony punishable by imprisonment up to 20 years and a fine up to \$10,000; 1 st degree felony in some cases punishable by imprisonment up to 99 years and fine up to \$10,000	A person commits aggravated assault if he or she commits an assault and causes serious bodily injury or uses or exhibits a deadly weapon during the commission of the assault. A car can be considered a deadly weapon: “anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.”
Criminally Negligent Homicide with a Motor Vehicle	19.05, P.C.	State jail felony punishable by up to 2 years in jail and a \$10,000 fine; may be punished as a 3 rd degree felony in some cases	A person commits an offense if he or she causes the death of an individual by criminal negligence.

KEEP IT SAFE:

To avoid distracted driving, drivers should:

- Keep 100% attention on driving at all times by being aware of surroundings and expecting the unexpected.
- Build time into the trip schedule to stop for food, take rest breaks, and make necessary phone calls or other business.
- Adjust your seat, mirrors, and climate controls before putting the car in gear.
- Secure cargo that may move around while the vehicle is in motion. Don't attempt to retrieve items that fall to the floor.
- Have items needed (toll fees, toll cards, garage passes, etc.) within easy reach.
- Pull over to eat or drink. It takes only a few minutes.

- Practice defensive driving and give yourself time to react by keeping a two-second cushion between you and the car in front of you – four seconds if the weather is bad.
- Avoid speeding – it gives you less time to react and increases the severity of an accident.
- Don't use a cell phone or any other electronic device while driving.
- Always wear your seat belt and drive sober and drug-free. (Adapted from Nationwide, *Driving Safety Tips*,²¹ SmartMotorist.com²²)

¹ National Highway Traffic Safety Administration, D!STRACTION.GOV, Retrieved on September 1, 2011, from <http://www.distraction.gov/stats-and-facts/> (hereinafter referred to as D!STRACTION.GOV).

² National Highway Traffic Safety Administration (September 2010). *Traffic Safety Facts Research Notes, Distracted Driving 2009*, DOT HS 811 379, Retrieved on September 1, 2011, from <http://www.distraction.gov/research/PDF-Files/Distracted-Driving-2009.pdf> (hereinafter referred as *Distracted Driving 2009*).

³ See *Distracted Driving 2009* – endnote 2

⁴ See *Distracted Driving 2009* – endnote 2

⁵ See *Distracted Driving 2009* – endnote 2

⁶ See *Distracted Driving 2009* – endnote 2

⁷ See D!STRACTION.GOV – endnote 1

⁸ See D!STRACTION.GOV – endnote 1

⁹ National Highway Traffic Safety Administration, Traffic Safety Facts - Research Note - *Driver Electronic Use in 2009*, DOT HS 811 372 at <http://www-nrd.nhtsa.dot.gov/Pubs/811372.pdf> (hereinafter referred to as *Driver Electronic Use in 2009*).

¹⁰ National Highway Traffic Safety Administration, Traffic Safety Facts - Research Note - *Driver Electronic Use in 2009*, DOT HS 811 372 at <http://www-nrd.nhtsa.dot.gov/Pubs/811372.pdf> (hereinafter referred to as *Driver Electronic Use in 2009*).

¹¹ Insurance Institute for Highway Safety, Highway Loss Data Institute, *Highway Safety Research & Communications, Q & A: Cellphones, texting, and driving*, September 2011: <http://www.iihs.org/research/qanda/cellphones.aspx>.

¹² Association between cellular telephone calls and motor vehicle collisions. Redelmeier & Tibshirani. (1997) New England Journal of Medicine, 336; 453-458

¹³ University of Utah, Department of Psychology, *Why Do Cell Phone Conversations Interfere with Driving?*, Retrieved on September 1, 2011, from <http://www.psych.utah.edu/AppliedCognitionLab/CogTechChapter.pdf> or Redelmeier, D. A., & Tibshirani, R. J. (1997) *Association between cellular-telephone calls and motor vehicle collisions*. The New England Journal of Medicine, 336, 453-45

¹⁴ See *Driver Electronic Use in 2009*- endnote 9

¹⁵ See D!STRACTION.GOV – endnote 1

¹⁶ Governors Highway Safety Association, Cell Phone and Texting Laws, Retrieved on October 30, 2012 from http://www.ghsa.org/html/stateinfo/laws/cellphone_laws.html.

¹⁷ National Highway Traffic Safety Administration, D!STRACTION.GOV, Retrieved on September 1, 2011, from <http://www.distraction.gov/state-laws/index.html#Texas> (hereinafter referred to as D!STRACTION.GOV/ State Laws).

¹⁸ See D!STRACTION.GOV/ State Laws – endnote 17

¹⁹ See D!STRACTION.GOV/ State Laws – endnote 17

²⁰ *The 411 on Austin's Texting Ban*, The Austin Times, Vicki Garza, Retrieved on October 30, 2012 from <http://theaustintimes.com/2010/01/the-411-on-austin%E2%80%99s-texting-ban/>.

²¹ Nationwide Insurance, *Driving Safety Tips*, Retrieved on September 1, 2011, from <http://www.nationwide.com/newsroom/dwd-safety-tips.jsp>.

²² SmartMotorist.com, *Distracted Drivers Cause Motor Vehicle Accidents*, Retrieved on September 1, 2011, from <http://www.smartmotorist.com/traffic-and-safety-guideline/distracted-drivers-cause-motor-vehicle-accidents.html>.