

# Limiting driver distractions from cell phone use guide



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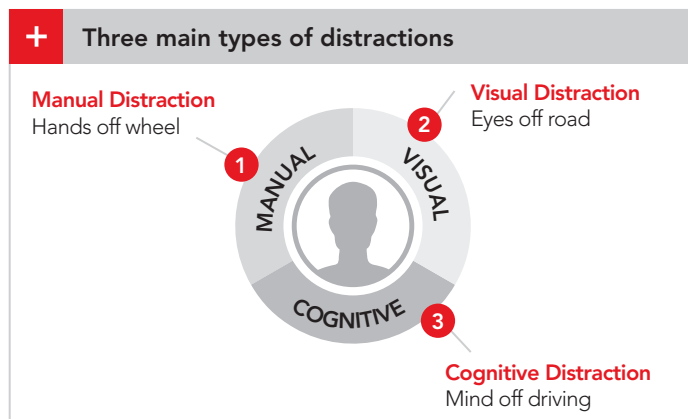
## Focus on avoiding common distractions

Distracted driving poses significant risk to every business that has employees who drive both company-owned and personal vehicles for company business. Common activities that divert attention from the road include texting, most mobile phone use, eating/drinking, reaching for an object, talking with a passenger or reading navigation systems. According to the National Safety Council (NSC), traffic fatalities rose 6% in 2016 reaching an estimated 40,200 deaths – the highest since 2007. According to a 2017 NSC public opinion poll, 74% rated distracted drivers as a major concern for traffic safety<sup>1</sup>.

Use this guide to assist in developing and supporting a program that helps in the control of driver behaviors based off statistics about the impact of cell phone use and driver distractions, such as talking and texting.

## What is distracted driving?

Any activity that could divert a person's attention away from the primary task of driving is considered distracted driving. All distractions endanger driver, passenger and bystander safety. According to the National Safety Council, distractions now join alcohol and speeding as leading factors in fatal and serious injury crashes.



## Common cell phone distractions

- Phone calls
- Reading or composing text messages
- GPS
- Social media applications
- Taking photos/videos
- Surfing the web
- Adjusting music
- Watching videos

## Vehicle crash statistics

The National Highway Traffic Safety Administration states that 94% of crashes are caused by human error.

According to the National Safety Council, a minimum of 27% of crashes involve drivers talking and texting on cell phones.

There is **three times** the crash risk when engaging in visual-manual subtasks like reaching for a phone, dialing and texting (VTTI).

## Texting

Texting is a distraction that requires all three types of attention – manual, visual and cognitive.

Studies show that using voice-to-text is more distracting than manually composing texts. The NSC model estimates a minimum of 341,000 vehicle crashes involved the driver text messaging.

Five seconds is the average time your eyes are off the road while texting. At 55 mph, that is enough time to cover the entire length of a football field (VTTI).

## Talking

A common misconception about talking on the phone while driving is that use of a handsfree device is a safe alternative to holding a phone to your ear.

The 2013 National Safety Council model estimated 21 percent of crashes, or 1.2 million crashes, involved talking on handheld and handsfree cell phones.

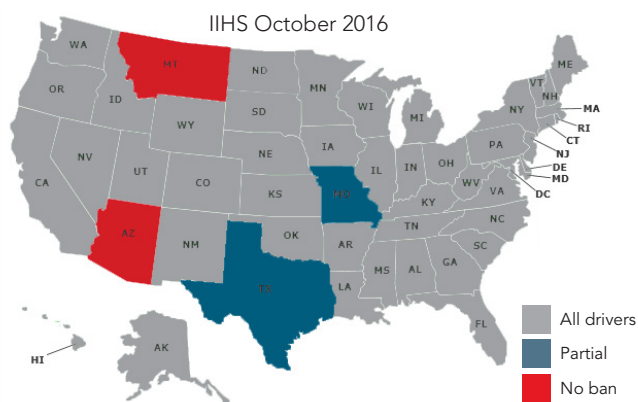
## Company responsibility

Under the doctrine of Vicarious Liability, employers may be held legally accountable for the negligent acts of employees committed during the course of their employment. Employers may also be found negligent if they fail to put a policy in place for the safe use of cell phones.

### According to NETS, motor vehicle crashes at work cost employers an estimated<sup>2</sup>:

- \$25 billion total
- \$65,000 per nonfatal injury
- \$671,000 per fatality

More than 80 percent of the nation's 94 million cell phone owners use them while driving – at least sometimes. Many states have legislation to regulate cell phone use and texting (see map below) while driving. At least 13 nations, including England, Germany and Japan, have banned the use of cell phones when driving a vehicle. Check state laws regularly as legislation may have recently changed.



In the past few years, cell phone usage has been an issue in several lawsuits, and employers are being held responsible if a worker causes an accident while talking on the phone. So why are employers concerned about cell phones? Cell phone records can

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be subpoenaed to prove the employee was on the phone when the accident occurred. Other distractions cannot be identified to a specific time, and many drivers don't want to say they were distracted and not driving safely.

While there is no guaranteed defense to liability, developing appropriate policies, training and enforcement mechanisms can help limit potential liability and increase public safety. Several companies are deciding on a total ban to prohibit employees from using cell phones while driving company or personal vehicles for work. With over 150,000 employees, Cargill is the largest privately held corporation to implement such a strict policy. According to the National Safety Council, 1% of companies believe that productivity declined as a result of implementing a total ban. In contrast, other companies adopt cell phone safety guidelines and focus on training and enforcement. Each company should determine whether the benefits of employee cell phone use outweigh the risk. Many companies are opting for total ban on cell phone use unless absolutely necessary.

All workers are at risk of crashes, whether they drive light or heavy vehicles, or whether driving is a main or incidental job duty. To protect themselves, employers should consider establishing a written policy restricting any use of a cell phone and ensure employees read and sign the written policy. The restriction should include the use of handsfree headsets, since studies indicate it's the conversation, not the physical act of holding the phone that contributes to accidents.

### A Cell Phone Policy may include:

- Total ban on all cell phone use while driving personal or company vehicles for work
- Pull over in a legal and safe location to use make phone calls, respond to text messages, or set up GPS
- Ask a passenger to make or take the call
- Inform regular callers of your driving schedule and when you will be available to talk
- Planning calls prior to traveling or while on rest breaks whenever possible
- While driving, keep your hands on the wheel and your eyes and mind on the road
- Cell blocking technology

<sup>1</sup> "Hands-free is not risk free," NSC, <http://www.nsc.org/learn/NSC-Initiatives/Pages/distracted-driving-hands-free-is-not-risk-free-infographic.aspx>

<sup>2</sup> "Cost of Motor Vehicle Crashes to Employers - 2015," NETS, <http://trafficsafety.org/wp-content/uploads/2016/03/NETS-CostOfCrashes-Report-2015.pdf>

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