

DISTRACTED DRIVING

OVERVIEW

Distracted driving is a huge problem! It is a risk for businesses with employees who drive as part of their jobs, their passengers, and for other drivers, passengers, and pedestrians. Companies, government agencies, and safety associations, to name just a few organizations, are working hard to find ways to stop distracted driving because it “is a dangerous epidemic on America’s roadways.”¹

WHAT IS DISTRACTED DRIVING?



VISUAL

Taking your eyes off the road



COGNITIVE

Taking your mind off of driving



MANUAL

Taking your hands off the wheel

THE IMPACT OF DISTRACTED DRIVING

According to the Centers for Disease Control, “each day in the United States, more than 9 people are killed and more than 1,153 people are injured in crashes that are reported to involve a distracted driver. Distracted driving is driving while doing another activity that takes your attention away from driving. Distracted driving can increase the chance of a motor vehicle crash.”

“Distracted driving activities include things like using a cell phone, texting, and eating. Using in-vehicle technologies (like a GPS) can also be sources of distraction. While any of these distractions can endanger the driver and others, texting while driving is especially dangerous because it combines all three types of distraction.”²

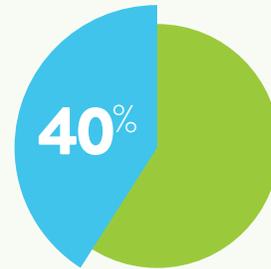
The Federal Communications Commission states that the “popularity of mobile devices has had some unintended and even dangerous consequences. We now know that mobile communications are linked to a significant increase in distracted driving, resulting in injury and loss of life.”³

DISTRACTED DRIVING
STATISTICS

18%

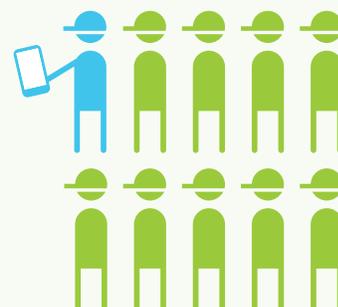
The National Highway Traffic Safety Administration reported that in 2012 driver distraction was the cause of **18% of all fatal crashes** – with 3,328 people killed – and crashes resulting in an injury – with 421,000 people wounded.³

40% 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, according to a Pew survey.³



The Virginia Tech Transportation Institute found that **text messaging creates a crash risk 23 times worse** than driving while not distracted.³

11% of drivers aged 18 to 20 who were involved in an automobile accident and survived admitted they were sending or receiving texts when they crashed.³



DISTRACTED DRIVING

LIABILITY RISK

An employer may be held responsible for the negligent actions of an employee acting within the scope of his or her employment. Further, an employer can be found liable for not having a distracted driving policy in place for the safe use of cell phones, and/or for not enforcing such a policy.

There are a number of robust resources from authoritative sources available to assist companies in developing and implementing distracted driving policies that address cell phone use and other driving distractions.

One model of a safe driving plan, including a distracted driving policy about cell phone use, is set out by the National Safety Council and requires education of employees, monitoring compliance, enforcing the policy, and addressing violations.

THIS DOCUMENT INCLUDES

- 1 Resources for developing and implementing a distracted driving policy
- 2 Recommendations on an overall distracted driving plan
- 3 Elements to consider in a distracted driving policy



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POLICY RESOURCES

NATIONAL SAFETY COUNCIL (NSC)

NSC's recent whitepaper, "Employer Liability and the Case for Comprehensive Cell Phone Polices," (2015. 25 June 2015) calls for polices that totally ban both handheld and hands-free cell phone use while driving.

[VIEW HERE >](#)**NATIONAL SAFETY COUNCIL CELL PHONE POLICY KIT**

Includes: sample policy, white papers, videos, materials for educating employees, etc. In addition to the policy kit are various infographics and useful information on distracted driving.

[VIEW HERE >](#)**DISTRACTION.GOV**

This is the U.S. government's official website for distracted driving, which contains a continuously updated newsfeed about distracted driving news, real stories about victims of distracted drivers, PSAs and videos, as well as an "Employer" section that includes:

1) A sample policy **2)** A sample memo to employees from company officials explaining the distracted driving policy and the company's support **3)** Reminder posters and "gifs" that can be used to reinforce and remind employees about the dangers of distracted driving **4)** A link to a toolkit to raise awareness about traffic safety issues and how to discourage distracted driving.

[VIEW HERE >](#)**CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC)**

National Center for Injury Prevention and Control has information and tools on distracted driving.

[LEARN MORE >](#)**THE NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH (NIOSH)**

Preventing work-related motor vehicle crashes fact sheet.

[LEARN MORE >](#)**CDC-NIOSH WORKPLACE SAFETY & HEALTH TOPICS**

Informative website that includes recommendations for employers including what to put in a distracted driving policy, statistics, laws, etc.

[VIEW HERE >](#)**INSURANCE INSTITUTE FOR HIGHWAY SAFETY, HIGHWAY LOSS DATA INSTITUTE (IIHS AND HLDI)**

Valuable Q&As, news releases and up-to-date articles about distracted driving.

[LEARN MORE >](#)**IIHS INFORMATION ON LAWS**

The laws vary across states regarding cell phone use and text messaging while driving. Federal laws impact some employers.

Laws are subject to change at any time. Currently, only 14 states in the U.S. and the District of Columbia ban hand-held cell phone use while driving.

However, 46 states and the District of Columbia ban drivers from text messaging while driving. 37 states and the District of Columbia restrict the use of cell phones by younger drivers. In Missouri and Texas, young drivers are banned from text messaging.

[LEARN MORE >](#)**NETWORK OF EMPLOYERS FOR TRAFFIC SAFETY (NETS)**

NETS is a 501(c) 3 organization, a partnership between the U.S. Federal government and the private sector.

[LEARN MORE >](#)**DRIVE SAFELY WORK WEEK TOOL KIT**

The tool kit builds the case for businesses to adopt safe driving as a part of the corporate safety culture and provides tools and ideas to start, expand and sustain a road safety program.

[VIEW HERE >](#)

DISTRACTED DRIVING

PLAN RECOMMENDATIONS

A PLAN TO PREVENT DISTRACTED DRIVING SHOULD INCLUDE, BUT IS NOT LIMITED TO:

- ✎ Developing and maintaining a policy on distracted driving. Require employees to acknowledge that they understand and agree with terms of the policy.
 - * The policy may focus on cell phone use and the use of other mobile devices; however, an **overall driver safety plan** should address other distracted driving issues. These include, the use of in-vehicle technologies, eating and drinking, grooming, use of headphones, talking to passengers, and other distractions that the organization identifies, etc.
 - * Other distractions may include manipulating/adjusting controls in the car, looking for route signs and traffic signs when not familiar with directions, and “rubbernecking” at automobile crashes along the highway, etc.
- ✎ Incorporation of distracted driving prevention and expectations into the organization’s overall driver education and driver safety evaluation programs
- ✎ Regular reinforcement of the policy through reminders and other actions to stress the importance of ending distracted driving
- ✎ Ongoing monitoring of compliance with the policy and immediate consequences for non-compliance
- ✎ Inclusion of driver safety performance metrics into employee performance evaluations
- ✎ Company culture that supports driver safety, stresses the distracted driving policy explicitly and is modeled by the leadership

DISTRACTED DRIVING

POLICY ELEMENTS

ELEMENTS TO CONSIDER FOR YOUR POLICY:

- ✎ Banning employees from using cell phones and other technology while driving
- ✎ Not allowing hands-free use of cell phone
 - * Use of an earpiece, dashboard system or speakerphones has been shown to be as much of a distraction as hand-held cell phone use
- ✎ Having employees make adjustments to the vehicle prior to starting to drive, for example, programming GPS, adjusting mirrors, etc.
- ✎ Requiring employees to pull over to the side of the road at a safe area if there is a need to use cell phone
- ✎ Barring use of an earpiece to listen to music on a mobile device because it is distracting and may hamper the ability to hear while driving
- ✎ Other items of importance to include for your organization

THINGS TO REMEMBER

Some policies include consequences for not following the policy; for example, “employees will be given two warnings and the third violation is grounds for immediate dismissal.” Organizations should decide whether they will give any warnings. Some companies have zero tolerance policies for distracted driving. State and local laws should be considered when developing the policy.

As with any guideline, there may be suggestions that are not appropriate for your organization. This information is not to be considered a standard of care. It is strongly recommended that a qualified attorney be consulted for advice on any distracted driving policy because of the applicable laws and legal issues that must be considered in developing and implementing such a policy.

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DOCUMENT REFERENCES

- 1** **Official US Government Website for Distracted Driving.**
U.S. Department of Transportation.
➤ Web. www.distraction.gov

- 2** **“Distracted Driving.” *Injury Prevention and Control: Motor Vehicle Safety.***
CDC, 10 October 2014.
➤ Web. 28 July 2015. www.cdc.gov/motorvehiclesafety/distracted_driving/

- 3** **“The Dangers of Texting While Driving.” *Guides.***
FCC, 8 December 2014.
➤ Web. 25 June 2015. www.fcc.gov/guides/texting-while-driving