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Georgia House Study Committee on Distracted Driving

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Reducing the trend of increasing highway deaths due to distracted driving will require changing the way all of us look at distracted driving. It is not acceptable for us to complain about others driving distracted, while driving distracted ourselves, to tell our children not to drive distracted, when we drive distracted with our children in the car or to remind our employees to be safe but demand immediate responses to our calls and texts, even when employees are driving. Until distracted driving is viewed as socially unacceptable we will continue to have senseless tragedies and lose family members, friends, neighbors and co-workers. I am optimistic that with appropriate laws, enforcement and education we can effect that culture change.

EndDD.org (End Distracted Driving) is a campaign of the Casey Feldman Foundation. In July of 2009 Casey Feldman, age 21, was killed by a distracted driver. Following her death her parents, Joel Feldman and Dianne Anderson, of Springfield, Pennsylvania created the Foundation and began working to raise awareness about the dangers of distracted driving. Mr. Feldman has been a practicing attorney for 35 years and is a shareholder in the Philadelphia law firm Anapol Weiss. He obtained his masters in counseling after his daughter Casey's death.

Summary of efforts to reduce distracted driving

Since Casey's death I devote most of my professional and personal time to reducing distracted driving crashes. While much of my focus has been on young people, high school, college and middle school students, I frequently speak at businesses, traffic safety, law enforcement, medical and legal conferences, as well as legislative bodies across the country, including Georgia. Working with Children's Hospital of Philadelphia (CHOP) we developed science-based distracted driving presentations for students. Our presentations are evaluated for effectiveness and revised annually. With a network of trained volunteer speakers, more than 375,000 students across the country, including more than 12,000 in Georgia, have seen an EndDD.org presentation, all without any cost to schools. The vast majority of the presentations in Georgia have been given by members of the Georgia Trial Lawyers Association (GTLA) with whom we have a very strong partnership. GTLA members have volunteered hundreds of hours of time to speak with students. Here is a link to download the 2016-17 student presentation:

<https://s3-us-west-2.amazonaws.com/enddd/2016+Presentation/2016.9.StudentAwareness-aaj.pptx>

I have personally spoken more than 500 times to more than 125,000 teens and adults across the country and Canada in the last 6 years. My comments will be based upon my experience in speaking with students and adults, working with various groups on distracted driving campaigns, working with researchers, traffic safety professionals at the local, state and national level and from specifically focusing issues about driving attitudes and behaviors.

Recommendations for reducing distracted driving crashes in Georgia

Legislative

Enact a Hand-held cellphone ban (HHLDB)

While there is a conflict in studies evaluating whether enactment of HHLDB's are effective in reducing crashes and saving lives, there are suggested and well-established benefits for doing so. Some evidence does support a reduction in crashes following enactment of HHLDB's and overwhelming evidence points to a reduction in hand-held use of phones and talking following enactment of bans. Enactment of a hand-held ban affords the opportunity for public discussion about distracted driving and educational campaigns. Today, we don't just talk or text while driving. We tweet, take photos and videos, access social media and the internet and use an ever-growing number of apps. Smartphone ownership and the variety of functions our smartphones can perform is exploding. We need to do whatever we can to take smartphones out of the hands of drivers. Fatalities attributable to distraction are growing faster than those for drunk driving, speeding or failing to wear seatbelts. Given the compulsion many of us have for using our smartphones, even when it is not safe to do so, we must protect drivers from themselves. Even more importantly, we must protect innocent roadway users from those who choose to use smartphones while driving.

Consider increasing penalties for distracted driving violations

To the extent that stricter laws, including stricter penalties, deter dangerous conduct, consideration of increasing fines, assessing points and increasing criminal penalties to approximate those for DUI violations can be considered.

Implement a "waiver" program offering offenders educational programs in lieu of fines

Inclusion of additional education in drivers' manuals and drivers' tests for distracted driving

Mandatory parental attendance at program for child to complete driver's ed requirements

For example, a legislative requirement from the Virginia General Assembly requires students and one parent to attend in order to complete the classroom driver education requirement.

Educational

Parents must do a better job of modeling safe, distraction-free driving for their children

More than 70% of the teens who have seen an EndDD.org presentation publically admit that their moms and dads drive distracted with them in the car. Teens whose parents drive distracted are two to three times as likely to do so. The positive effects of parental role modeling have been demonstrated in numerous traffic safety studies. Consideration of offering educational programs for parents at schools should be given. To increase attendance some schools have linked mandatory parental attendance to students obtaining parking permits or engaging in school athletics.

Introduce distracted driving and distracted walking in elementary and middle school curriculums

Our young children are driven by moms and dads, big brothers and sisters, babysitters and other parents who are distracted. Teaching children about distracted driving at a young age will begin to change our driving culture and will help students recognize when they are driven dangerously and assist them in speaking up and asking their drivers to drive safer. Similar to what has been done for bullying, school curriculums should include distracted driving and walking. Distracted walking is a grave concern given the increase on pedestrian injuries and deaths. In my middle school talks, of all the children who had phones each and every one admitted to walking into something, or falling down while preoccupied with their phones.

High school health curriculums must include distracted driving awareness and prevention, including bystander intervention training

Distracted driving is killing and seriously injuring more of our teens than drunk driving. As crashes and tragedies have increased from distracted driving curriculum in high schools has not kept pace. Distracted driving awareness needs to be part of health curriculums. At many colleges bystander intervention is required for freshman. The training targets drinking, drugs and sexual practices. Students are taught to recognize potentially dangerous situations, that caring about each other requires action and how to

non-confrontationally speak up and change behaviors. Some colleges have started including distracted driving interventions and at both the high school and college level these trainings can be effective.

Facilitate speakers with science-based presentations entry into schools for presentations

Many organizations, including EndDD.org have difficulty getting into schools for no cost presentations at assemblies or health classes.

Community leaders should lead by example

Many organizations have adopted cell phone/safe driving policies for all members, including CEO's. Legislators should lead by example and adopt safe-driving policies for themselves as have thousands of companies across the US. Many companies have actually adopted total cell phone bans, hand-held and hands-free, and have had wide-spread support from employees and not suffered any noticeable loss of production. Legislators should sponsor science-based community educational programs within their districts, for students, parents and employers. In some jurisdictions legislators are raising teen awareness through special events, safety fairs, contests (essays, videos and memes and license plate designs) To see the contest design and winning entries from the 2017 EndDD/SADD video contest go to <http://www.enddd.org/2017-video-contest-results/>

Our children are most at risk from distracted driving, and as parents, adults and legislators we are not doing enough to protect our children

Those 21 and under are involved in three times the fatal crashes as any other age group of drivers. In addition to excessive speed and lack of scanning, distraction is responsible for the majority of teen crashes. Children's Hospital of Philadelphia CIRP, Teen Driver Source, April, 2011 Most law enforcement professionals agree that distracted driving is now responsible for more crashes than drunk driving, particularly for younger drivers. In a 2015 study funded by AAA Foundation for Traffic Safety it was found that 58 % of teen driver crashes analyzed were due to driver distraction. That frequency of distraction-involved crashes was found to be about 4 times greater than previously reported by NHTSA (14%). **"Distraction and Teen Crashes: Even Worse Than We Thought."** There is no blood test for distracted driving and it is widely believed that distraction-related crashes are underreported by as much as 25-40%. See the 2013 National Safety Council(NSC) report **"Cell Phone Crash Data and Underreporting."** More than 70% of the students we speak with tell us that their moms and dads will drive distracted with them in the car. Before Casey was killed I drove distracted with my children in the

car. Children whose parents drive distracted are 2-3 times more likely to also drive distracted.

University of Michigan Transportation Research Institute 2012 *“Driver Distraction: Do as I say not as I do.”*

Many in traffic safety talk about an epidemic of distracted driving crashes that is getting worse, especially for our children. Our children are the most inexperienced of drivers and inexperience and distraction is a deadly combination. Currently in Georgia, drivers under the age of 18 are prohibited from using their phones, hand-held or hands-free. Once drivers turn 18 they can immediately hold and use their phones so long as they are not “writing, reading or sending text-based communications.”

Legislation, Enforcement, Education and Technology

It is generally believed that what is necessary to curb dangerous driving habits is a combination of strong laws, consistent enforcement of those laws, education, and, in the case of smartphone use, technology to limit or prevent drivers from using devices.

Educational Initiatives

Portions of EndDD.org’s student and parent/business presentation will be shown to the Committee.

The following is feedback from teens and parents that needs to be considered when thinking about distracted driving, why the problem is getting worse and possible solutions:

From teens:

“My mom tells me not to drive distracted but she does it all the time...I guess you could say she is a hypocrite.”

“I want to be a good role model for my little brother and sister - I can’t drive distracted with them watching even though my mom does.”

“Teens really care about each other-we can keep each other safe by not letting friends drive distracted. It’s my responsibility as a friend to speak up and not let my friends drive distracted.”

From parents:

“Looking back I know I have driven distracted many times with my kids in the car-I worry about what they have learned from watching me.”

“I am so scared with my teen daughter driving-I just want her and all her friends to be safe.”

“As a parent I would do anything to keep my children safe.”

Legislation and Enforcement

Teen Drivers-Georgia already has a ban on drivers under the age of 18 from using phones, whether hand-held or hands-free, joining 38 states and D.C. http://www.ghsa.org/sites/default/files/2017-07/DistractedDrivingLawChart_July17.pdf

It would be interesting to see if data exist to indicate the frequency with which teens are issued summonses for violation of Georgia's law, and the effectiveness of that law in reducing teen crashes. Absent a hand-held ban for all drivers it is difficult for law enforcement to effectively enforce this type of law.

Texting-Drivers over the age of 18- Current Georgia law prohibits texting while driving and makes it a primary offense.

Ban on use of hand-held electronic devices for all drivers- Georgia currently does not prohibit drivers from using hand-held electronic devices while driving. 15 states, D.C and Puerto Rico have laws prohibiting hand-held use of electronic devices while driving.

Primarily enforced texting laws reduce fatalities and hospitalizations

Primarily enforced texting laws have been found to be effective in reducing fatalities by 3% (Ferdinand 2015.) <http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2014.301894> and hospitalizations by 7% <http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2014.302537>).

While there is support for the effectiveness of hand-held bans there are conflicting views

Studies finding hand-held bans are effective in reducing crashes and/or fatalities

(Nikolaev, et al 2010) After banning hand-held cell phone use while driving, 46 counties in New York experienced lower fatal automobile accident rates, 10 of which did so at a statistically significant level, and all 62 counties experienced lower personal injury automobile accident rates, 46 of which did so at a statistically significant level http://shj.cs.illinois.edu/NRJ_TRA

(Sampaio, 2010) As compared with Pennsylvania without a ban, New York's law statistically significantly reduced crashes

<https://www.researchgate.net/publication/227426966> On the Identification of the Effect of Prohibiting Hand-held Cell Phone Use while Driving)

(Dong, C., 2017) HHLDB's, are one of a number of interventions that reduce crashes.

<http://www.tandfonline.com/doi/abs/10.1080/15389588.2016.1199864?journalCode=gcpi20>

(Jackson, J. T. Dissertation paper submission 2017). Drivers in states with HHLDB's less likely to have fatal crash with cell phone, fatal crash rates w/cell phones highest for 15-19(2.7) and 20-29(1.9) year olds as compared with 40-49 year olds.(Excellent summary of available research)

Studies which could not demonstrate effectiveness of hand-held bans

(Burger, et al, 2014) California's ban did not reduce crashes http://enddd.org/PDF/BKY_TRA.pdf

(McCartt, et al, 2014) No evidence of effectiveness in reducing crashes .Excellent summary of available research) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4001674/>)

The explosion in smartphone ownership and use does not bode well for highway safety

As of 2016 77% of US adults owned a smartphone as compared to only 35% in 2010. In 2010 45% of US adults used social media but that increased to about 70% in 2016. (Pew Research Center, January 2017. <http://www.pewresearch.org/fact-tank/2017/01/12/evolution-of-technology/>) In a 2016-17 study of 3.1 million drivers, driving about 5 billion miles it was found that 88% of drivers used their phones, that 77% had smartphones and that for each 60 minute trip drivers were on their phones for about 3 ½ minutes. (Zendrive, 2017, <http://blog.zendrive.com/distracted-driving/>) With respect to teens 47% search for music while driving, 27% send text messages , 20% read social media, 17% record videos and 15% watch videos while driving. (State Farm, "Teens, Smartphones and Distracted Driving," 2016, [file:///C:/Users/Joel/Downloads/2016teendistracteddriverssurvey%20\(2\).pdf](file:///C:/Users/Joel/Downloads/2016teendistracteddriverssurvey%20(2).pdf))

Hand-held bans consistently reduce talking on phone by drivers

Enactment of hand-held bans has consistently been found to have long-lasting effects of decreasing frequency of talking on phones while driving.(estimates of between 24-76% lower up to 7 years following CT,DC and NY ban <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4001674/#b29-008>) A 2009 survey found that drivers in states with bans spoke on the phone 56% of the time compared to 69% in states without a ban. (Braitman and McCartt, 2010 <https://www.ncbi.nlm.nih.gov/pubmed/21128181>) The presence of universal hand-held cell phone

bans was associated with lower hand-held cell phone conversations across all driver sub-groups and regions. (Rudsill, 2017) <https://www.ncbi.nlm.nih.gov/pubmed/28499425>)

High-visibility enforcement has been found to reduce cell phone use

After programs of publicized high-intensity enforcement of all-driver hand-held phone and texting bans were implemented, the rate of observed hand-held phone conversations declined by 57% in Hartford, CT., and by 32% in Syracuse, N.Y (NHTSA <https://www.nhtsa.gov/press-releases/new-research-shows-enforcement-cuts-distracted-driving>) These enforcement campaigns are only possible in states with hand-held bans.

Hand-held bans favored by law enforcement

Law enforcement reports difficulties in enforcing texting only bans due to inability to determine if activity is texting or some other permissible hand-held use of phone while driving.

Miscellaneous

New Jersey license plate decal law for teen drivers

Police citations for not complying with the state's GDL law increased 14 percent and police-reported teen crashes dropped 9 percent after implementation.

<https://www.consumerreports.org/cro/news/2012/10/study-finds-new-jersey-license-plate-decal-reduces-teen-crashes/index.htm>

Pennsylvania toughens distracted driving penalties to approximate those for drunk driving “Daniel’s Law”- Increasing criminal penalties for texting crashes resulting in serious bodily injury or death

The law specifies a 2 year sentencing enhancement for causing serious bodily injury, aggravated assault by vehicle, and a 5 year sentencing enhancement for causing the death of another person, vehicular homicide.

Consider including distracted driving offenses for child endangerment statute -Georgia Child Endangerment Statute - O.C.G.A. 40-6-391(l): A person who violates this Code section while

transporting in a motor vehicle a **child** under the age of 14 years is guilty of the separate offense of **endangering a child** by **driving** under the influence of **alcohol** or drugs.

Respectfully submitted,

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