



BACKGROUND

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Distracted Driving Laws Are Not Making the Roads Safer

By Steve Lafleur

Distracted driving can be dangerous. Few dispute it, but this does not mean that distracted-driving laws will make us safer. In fact, statistics and common sense show that these laws make the roads more dangerous. People will not stop using their phones or eating cheeseburgers while driving even when it is illegal. They will find ways to hide these activities, and in the attempt to hide them, people can behave even more dangerously.

If distracted-driving laws were an effective method of reducing collisions and traffic fatalities, one would expect that statistics for traffic collisions would improve after their introduction. This has not been the case in Manitoba. The province banned the use of cellphones for drivers on July 15, 2010. Although highway collisions and fatalities dipped noticeably in 2010, these results are not useful for our purposes, given that the law changed midway through the year. However, one notices that collisions climbed above 2009 levels in 2011, the first full year under the legislation. More importantly, highway fatalities reached an all-time high in 2011.

“...the results of the cellphone ban hardly seem encouraging.”

TABLE 1 Manitoba Highway Collisions

	2006	2007	2008	2009	2010	2011
Total Crashes	100	82	74	90	66	95
Alcohol/Drugs Involved	29	32	37	38	27	32
No Seatbelt/Helmet	37	31	29	36	25	36
Speed	44	25	46	56	26	43
Intersections	12	9	11	19	17	20
Total Deaths	102	84	79	92	73	110

Correlation does not imply causation. After all, there are many factors involved in collisions. However, the increase in collisions and fatalities seems particularly suspicious, given that collisions attributed to drinking, drugs and speeding were lower in 2011 than in 2009. It is also worth noting that deaths attributed to alcohol, drugs, lack of seatbelts, speeding and intersections were all down in 2010, when the number of collisions dipped. None of these has anything to do with distracted-driving legislation.

While there is only one full year of data to assess, the results of the cellphone ban hardly seem encouraging. Whatever the complexities, the expected reduction in collisions has not materialized.

The Manitoba statistics could be dismissed as an anomaly. However, U.S. studies have not been reassuring.

The Insurance Institute for Highway Safety (IIHS) has the best available data on the subject. Their studies have repeatedly demonstrated that cellphone bans have failed to reduce collisions. A 2010 IIHS report on texting bans passed in four states found that collisions in all four states increased between 1 per cent and 9 per cent compared with similar states. The increase was more noticeable in drivers under 25. The increase ranged from 5 per cent to 12 per cent. This does not seem to be coincidence; it seems to be a pattern.

TABLE 2**Estimated Effect of Texting Bans in Four U.S. States¹**

Estimated Effect vs. Control States

	Collision claim frequencies for vehicles up to 3 years old	Collision claim frequencies for vehicles up to 9 years old for rated drivers younger than 25 yrs.
California	8%	12%
Louisiana	7%	8%
Minnesota	9%	7%
Washington	1%	5%

1. See http://www.iihs.org/presentations/IIHS_2011-26-1.pdf

Laws often have unintended consequences. Such is the case with distracted-driving laws. Many drivers will not stop making calls or sending texts even when it is illegal. Instead, they will call and text covertly. The latter seems to be the greater problem. The IIHS pointed out that 45 per cent of drivers between the ages of 18 and 24 who live in states with cellphone bans ignore the law.² This compares with 48 per cent who acknowledged using their phones while driving in states without bans. In order to avoid police detection, many drivers call and text from areas below their driving field of vision such as their laps. This is even more dangerous, since the road is no longer in their peripheral vision.

According to the IIHS:

In one study, more than 3 times as many drivers experienced a simulated collision while using a head-down display (traditional dashboard display) compared with a head-up (display part of the windshield). Another simulator study found longer reaction times among commercial drivers using head-down versus head-up displays.³

2. See http://www.iihs.org/research/topics/pdf/HLDI_Bulletin_27_11.pdf

3. See <http://www-nrd.nhtsa.dot.gov/Pubs/811380.pdf>

Therefore, if cellphone bans encourage people to text and call from below windshield level, they are fomenting behaviour that is more dangerous than the behaviour they seek to stop. Incidentally, it also seems to explain why hands-free cellphones pose the same risk as traditional cellphones do. After all, they often require drivers to divert their eyes from the road in order to fiddle with the console (much like a car radio). Given that the console is in a fixed position below the windshield, this could actually be more dangerous than using a hand-held unit.

Smartphones have many functions that can make driving safer. The primary example is their use as maps. Rather than using distracting fold-out maps, drivers can use Google Maps on their smartphones. Cellphone bans negate this improvement in safety. Additionally, calling someone to ask for directions can be even safer than using conventional maps or smartphone maps, since doing so is less visually distracting. Apps that help drivers find available parking can also improve road safety by reducing the amount of time frustrated drivers circle the neighbourhood looking for parking. The visual distraction of looking around erratically (and often arguing with passengers over where to look for parking) can easily cause drivers to miss crucial details such as pedestrians crossing in front of them.

Cellphone use is at fault in only a small per cent of accidents that involve distracted driving. According to a U.S. Department of Transportation study, 3.4 per cent of collisions are attributed to phone use.⁴ By contrast, 15.9 per cent are caused by conversing with passengers. A litany of other factors such as “focused on other internal objects” (3.2 per cent), “looking at movements/actions of other occupants” (2.2 per cent), “eating or drinking” (1.7 per cent), “retrieving objects from floor/seat” (2 per cent) and “adjusting radio/CD player” (1.7 per cent) swamp the risk of cellphone use. It is worth pointing out that most of these involve diverting one’s eyes from the road. Additionally, “inattentive, thought focus unknown” (e.g., boredom) is a factor in 6.1 per cent of collisions. Given that talking on the phone is one known cure for boredom (or falling asleep), it is worth considering whether talking on the phone can mitigate the potential danger.

“**Cellphone use is at fault in only a small per cent of accidents...**”

4. See <http://www-nrd.nhtsa.dot.gov/Pubs/811380.pdf>

CHART 1 Percentages of Crashes with Drivers Distracted By 14 Internal Sources of Distraction

(One or more distractions may have been present in a crash)

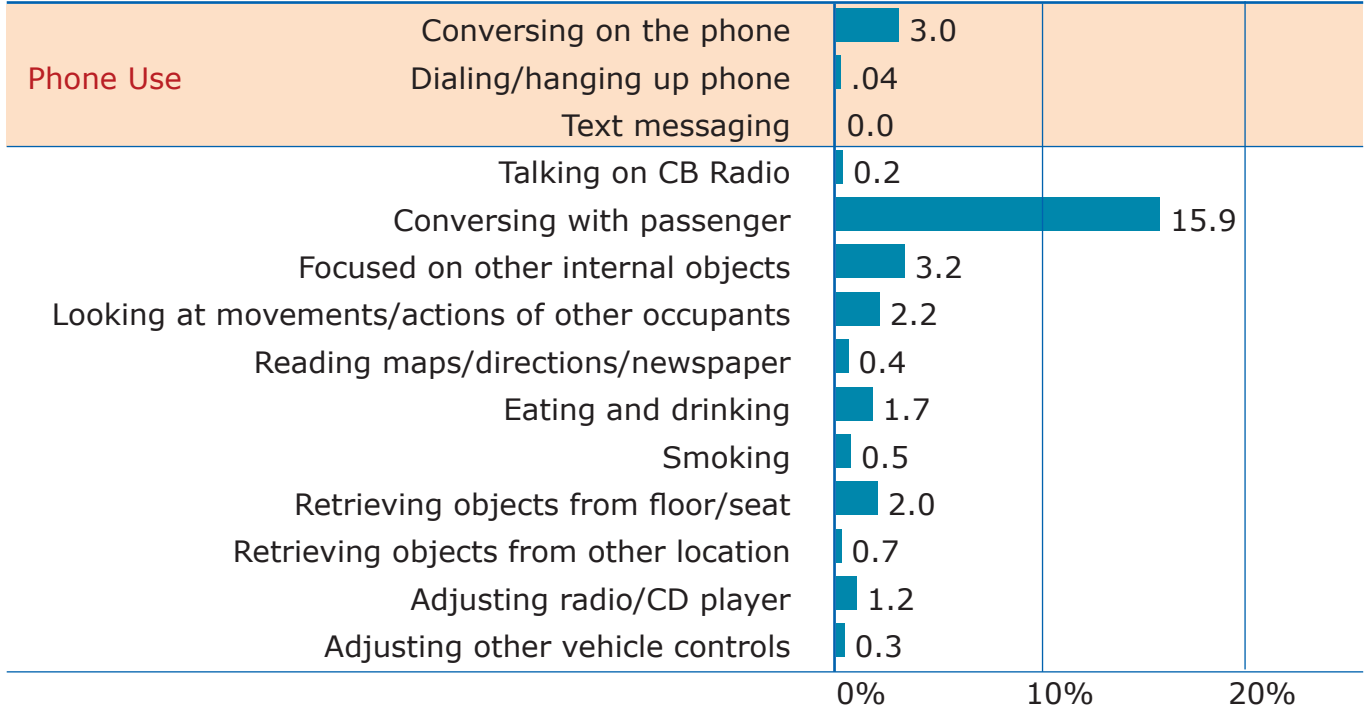
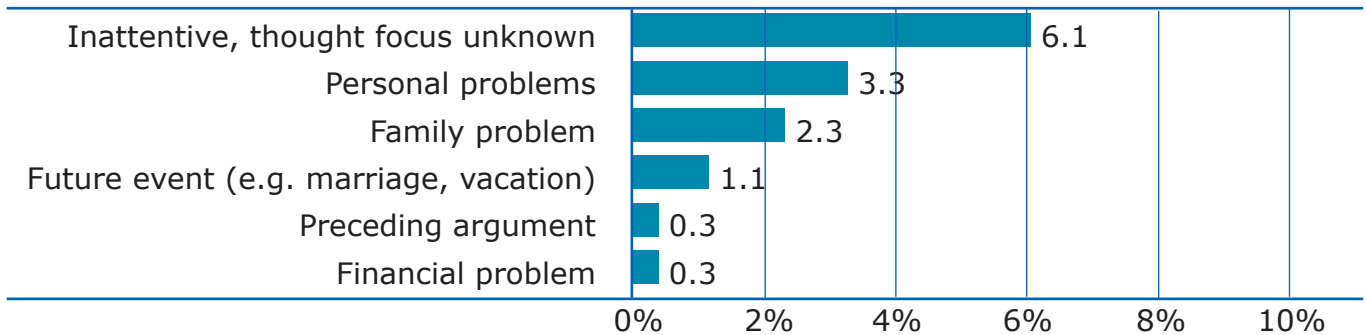


CHART 2 Percentages of Crashes with Drivers Engaged in 6 Cognitive Activities

(One or more drivers may have been engaged in the same cognitive activity in a crash)



There is risk associated with cellular phone use while driving. This is especially true of texting. Nonetheless, banning texting and talking while driving seems to be making things worse. Moreover, it negates the potential safety-enhancing benefits of smartphone use while driving.

There is no reason to think that Manitoba's ban on using cellphones while driving improves driver safety. All available evidence points in the other direction. The province should rescind the ban immediately and examine other ways to improve driver safety.

In light of the fact that people will use their cellphones while driving even when it is illegal, we can offer some recommendations. Young drivers are already accident-prone whether or not they are talking or texting while driving. Rather than a comprehensive ban, we need to take a harm-reduction approach. One component could be to focus on enforcing existing dangerous-driving laws. The externally observable behaviour of a vehicle should be of more concern to us than what is happening inside the car. We should be worried about people driving unpredictably regardless of their cellphone use or lack thereof.

Another component of the harm-reduction approach should be proper driver training. But it should not be restricted to sermons about the dangers of talking and driving. Rather, it should also focus on teaching people how to reduce the risks when they are using cellphones while driving.

What we often forget in debates over safety regulations is that too many regulations can be almost as bad as too few. Toiling under too many regulations can be distracting, even paralyzing in extreme instances. When it comes to driving, some regulations are certainly necessary. People should drive in their own lanes; they should not be drunk; and they should stop at red lights. As we add more and more regulations, we leave less room for discretion and common sense. Furthermore, too many regulations can create paranoia among otherwise safe drivers. Keeping an eye out for police cars and speed traps takes people's eyes off the road and adds a level of stress that can compromise judgement. There is a need for people to focus first on being safe, and second on not breaking the law and not the other way around. Otherwise, ironically, people will be unnecessarily distracted.

There is a balance to be struck when it comes to traffic safety regulations. Cellphone bans do not strike this balance.

“...too many regulations can create paranoia among otherwise safe drivers.”

FURTHER READING

A National Transit Strategy Could Make Matters Worse

By Wendell Cox

<http://www.fcpp.org/publication.php/4194>

Ending a Century of Parking Problems

By Stuart Donovan

<http://www.fcpp.org/publication.php/3783>

The Myths of Photo Radar Exposed

By Nancy Thomas

<http://www.fcpp.org/publication.php/3209>

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