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DRIVEN TO DISTRACTION

Drivers and Legislators Dismiss Cellphone Risks

By [MATT RICHTEL](#)

OKLAHOMA CITY — On his 15th birthday, Christopher Hill got his first cellphone. For his 16th, he was given a used red [Ford Ranger](#) pickup, a source of pride he washed every week.

Mr. Hill, a diligent student with a reputation for helping neighbors, also took pride in his clean driving record. “Not a speeding ticket, not a fender bender, nothing,” he said.

Until last Sept. 3. Mr. Hill, then 20, left the parking lot of a Goodwill store where he had spotted a dresser he thought might interest a neighbor. He dialed her to pass along news of the find.

Mr. Hill was so engrossed in the call that he ran a red light and didn’t notice Linda Doyle’s small sport utility vehicle until the last second. He hit her going 45 miles per hour. She was pronounced dead shortly after.

Later, a policeman asked Mr. Hill what color the light had been. “I never saw it,” he answered.

[Extensive research](#) shows the dangers of distracted driving. Studies say that drivers using phones are four times as likely to cause a crash as other drivers, and the likelihood that they will crash is equal to that of someone with a .08 percent blood alcohol level, the point at which drivers are generally considered intoxicated. Research also shows that hands-free devices do not eliminate the risks, and may worsen them by suggesting that the behavior is safe.

A 2003 [Harvard](#) study estimated that cellphone distractions caused 2,600 traffic deaths every year, and 330,000 accidents that result in moderate or severe injuries.

Yet Americans have largely ignored that research. Instead, they increasingly use phones, navigation devices and even laptops to turn their cars into mobile offices, chat rooms and entertainment centers, making roads more dangerous.

A disconnect between perception and reality worsens the problem. New studies show that drivers overestimate their own ability to safely multitask, even as they worry about the dangers of others doing it.

Device makers and auto companies acknowledge the risks of multitasking behind the wheel, but they aggressively develop and market gadgets that cause distractions.

Police in almost half of all states make no attempt to gather data on the problem. They are not required to ask drivers who cause accidents whether they were distracted by a phone or other device. Even when officers do ask, some drivers are not forthcoming.

The federal government warns against talking on a cellphone while driving, but no state legislature has banned it. This year, state legislators introduced about 170 bills to address distracted driving, but passed fewer than 10.

Five states and the District of Columbia require drivers who talk on cellphones to use hands-free devices, but research shows that using headsets can be as dangerous as holding a phone because the conversation distracts drivers from focusing on the road.

Fourteen states have passed measures to ban texting while driving, and the New York State Assembly sent such a bill to the governor on Friday.

The states that rejected any efforts to limit distracted driving this year include Oklahoma.

“I’m on the phone from when I leave the Capitol to when I get home, and that’s a two-hour drive,” said Tad Jones, the majority floor leader in the Oklahoma House, who helped block the legislation. “A lot of people who travel are used to using the phone.”

Scientists who study distracted driving say they understand the frustrations of colleagues who publicized the dangers of tobacco. Like cigarettes, they say, gadgets are considered cool but can be deadly. And the big device companies even offer warnings that remind them of labels on cigarette packs.

[Verizon](#) Wireless, for instance, [posts instructions](#) on its Web sites not to talk while driving — with or without a headset. But neither Verizon nor any other cellphone company supports legislation that bans drivers from talking on the phone. And the wireless industry does not conduct research on the dangers, saying that is not its responsibility.

Some researchers say that sufficient evidence exists to justify laws outlawing cellphone use for drivers — and they suggest using technology to enforce them by disabling a driver’s phone. “Just outlawing the behavior cannot possibly go very far toward getting people not to do it,” said Robert D. Foss, senior research scientist at the Highway Safety Research Center at the [University of North Carolina](#). “The behavior is too ingrained and compelling.”

For his part, Mr. Hill rarely talks when he drives now. His mother gave him a hands-free headset two months after the accident. She thought it would create less distraction. He tried it once, and found his mind wandering into his phone call so much that “I nearly missed a light,” he said.

He pleaded guilty to negligent homicide, a misdemeanor, for the death of Ms. Doyle. Now, when he is a passenger in a car, it makes him nervous when the driver starts talking on the phone. But Mr. Hill, who is polite and deferential, said he doesn’t want to badger drivers about the risks.

“I hope they don’t have to go through what I did to realize it’s a problem,” he added.

Dangerous Overconfidence

Sgt. Matthew Downing, a tough-talking 11-year veteran on the Oklahoma City police force, drives a car with no lights on the roof. That way, drivers are less likely to notice him as he waits for speeders.

Increasingly, he sees erratic behavior — swerving across lanes, running red lights — that looks just like drunken driving. Instead, he sees drivers talking on their phones, or texting. “A ton of people pass me literally unaware of their surroundings,” he said.

Sergeant Downing, who often handles traffic fatalities, arrived at the scene of Mr. Hill’s crash after paramedics had extracted Ms. Doyle, who was 61, from her car. He found Mr. Hill sitting on a fire truck, acting “hysterical.”

There was no mystery about the accident’s cause; the roads were dry. “He told me he was talking on the phone and didn’t see the light,” Sergeant Downing said.

“He’s a nice kid,” he said of Mr. Hill. But he said he felt angry, both at Mr. Hill and at what he sees as an epidemic of multitasking on the road. “Driving and talking are automatic,” he said.

Over all, cellphone use has soared. From 1995 to 2008, [the number of wireless subscribers](#) in the United States increased eightfold, to 270 million, and minutes talked rose 58-fold.

Last year, the federal agency dealing with road safety, the [National Highway Traffic Safety Administration](#), [published a study](#), based on researchers’ observations of drivers, suggesting that at any time during daylight hours in 2007, 11 percent — or 1.8 million drivers — were using a cellphone.

And in [a survey of 1,506 people](#) last year by Nationwide Mutual Insurance, 81 percent of cellphone owners acknowledged that they talk on phones while driving,

and 98 percent considered themselves safe drivers. But 45 percent said they had been hit or nearly hit by a driver talking on a phone.

“When we ask people to identify the most dangerous distraction on the highway today, about half — correctly — identify cellphones,” said Bill Windsor, associate vice president for safety at Nationwide. “But they think others are dangerous, not themselves.”

He and others who favor restrictions say drivers regularly make what amount to ill-informed analyses of cost-benefit tradeoffs, often deciding that the value of constant communication outweighs any risks.

Seven years ago, when cellphones and services like texting were less common, federal researchers estimated that drivers using cellphones caused about 1,000 fatalities and played a role in 240,000 crashes. (In 2007, drunken driving caused 13,000 fatalities.)

By other measures, American roads are becoming safer. According to the highway safety agency, the number of driving fatalities has remained around 42,000 a year for most of the last decade, though it fell to 37,261 in 2008, when gas prices rose sharply and Americans drove less.

From 1997 to 2007, the number of reported accidents fell to 6 million a year from 6.7 million, according to the highway safety agency. “There are more drivers, more talking drivers,” said John Walls, spokesman for the Cellular Telecommunications and Internet Association. “If it’s so risky, then logically one would think there would be more accidents.”

The association, a trade group, fought rules to ban phone use while driving until January, when it shifted to a neutral position on the issue. “I wouldn’t say, ‘Talk on the phone more and have fewer accidents,’ ” Mr. Walls added. “I’m just saying, ‘How does this square?’ ”

Some scientists say this argument is flawed. “We’ve spent billions on air bags, antilock brakes, better steering, safer cars and roads, but the number of fatalities has remained constant,” said David Strayer, a psychology professor at the [University of Utah](#) and a leading researcher in the field of distracted driving.

“Our return on investment for those billions is zero,” he added. “And that’s because we’re using devices in our cars.”

Better data would help settle the debate. But 21 states do not include a box on accident forms for police to mark electronic devices as a cause. Those that now account for it started doing so only recently. Mr. Windsor of Nationwide Mutual said that such data, while valuable, would greatly underestimate the problem because it

relies on driver confessions. Sometimes drivers say they just finished a call. Cellphone records are not much help because of the difficulty of establishing the precise time of an accident.

“By the time you get to a crash, it’s very, very difficult to determine whether someone was talking on the phone and whether the phone caused the crash,” said Rae Tyson, a spokesman for the National Highway Traffic Safety Administration.

For Mr. Windsor and many scientists who study the issue, accident figures are not necessary to prove the risks.

“The research is just so strong,” Mr. Windsor said.

Risks of Multitasking

In a windowless room at the University of Utah, Professor Strayer has spent a decade studying driver distraction.

On a recent afternoon, Anne McLaren, 19, who just finished her freshman year studying dental hygiene and who gets class credit for volunteer work, climbed behind the wheel of Mr. Strayer’s \$100,000 driving simulator. Her task was to closely follow a white car that often slowed abruptly. A voice on a speaker phone asked Ms. McLaren questions like, “When you do a pull-up, do your palms face toward you?” and “Can you touch your elbow to your ear?”

For the most part, she ably multitasked. But sometimes she took her hands from the wheel when trying to answer a question, like, “True or false: A peanut butter jar opens clockwise.” And she was so focused on her call that she seemed to miss surprises, like a body at the side of the road.

Texting while driving was more difficult; she soon slammed into the virtual car in front of her.

Mr. Strayer’s research, using a small camera to track his volunteers’ eye movements, shows that texting drivers regularly focus on their screens for stretches of more than five seconds.

“I should pay attention to the road,” she said afterward. But sometimes it’s hard to ignore the phone, she added, like when her parents want to reach her. “My dad gets more mad if I don’t have the phone than if I’m talking and driving.”

Mr. Strayer’s research, showing that multitasking drivers are four times as likely to crash as people who are focused on driving, matches the findings of two studies, in Canada and in Australia, of drivers on actual roads.

The highway safety administration estimates that drivers using a hand-held device are at 1.3 times greater risk of a crash or near crash, and at three times the risk when dialing, compared with others who are simply driving. The agency based its conclusions on research from the Virginia Tech Transportation Institute, which placed cameras inside cars to monitor drivers for more than a year. The study found cellphones to be the most common cause of driver distraction.

Research also shows that drivers conversing with fellow passengers do not present the same danger, because adult riders help keep drivers alert and point out dangerous conditions and tend to talk less in heavy traffic or hazardous weather.

Scientists note that there are limits to how much the brain can multitask. The brain has trouble assessing separate streams of information — even if one is visual and the other aural, said Steve Yantis, professor of psychological and brain sciences at Johns Hopkins University.

Further, he said, when people talk on the phone, they are doing more than simply listening. The words conjure images in the mind's eye, including images of the person they are talking to. That typically doesn't interfere with driving. The problem starts when a car swerves unexpectedly or a pedestrian steps into traffic, he said, and the mind lacks the processing power to react in time.

“There is zero doubt that one's driving ability is impaired when one is trying to have a cellphone conversation — whether hands-free or hand-held, it doesn't matter,” said David E. Meyer, professor of psychology at the University of Michigan.

In fact, some scientists argue that hands-free laws make driving riskier by effectively condoning the practice. As early as July 2003, researchers at the National Highway Traffic Safety Administration reached that conclusion based on what they referred to, in a proposed draft of a cellphone policy for the agency, as “a significant body of research worldwide.”

The draft policy said: “We are convinced that legislation forbidding the use of handheld cellphones while driving will not be effective since it will not address the problem. In fact, such legislation may erroneously imply that hands-free phones are safe to use while driving.”

The agency's current advice is that people should not use cellphones while driving and that hands-free devices do not eliminate the risks of distracted driving.

Scientists are grappling, too, with perhaps the broadest question hanging over the phenomenon of distracted driving: Why do people, knowing the risk, continue to talk while driving? The answer, they say, is partly the intense social pressures to stay in touch and always be available to friends and colleagues. And there also is the

neurological response of multitaskers. They show signs of addiction — to their gadgets.

John Ratey, an associate professor of psychiatry at Harvard University and a specialist on the science of attention, explained that when people use digital devices, they get a quick burst of adrenaline, “a dopamine squirt.” Without it, people grow bored with simpler activities like driving. Mr. Ratey said the modern brain is being rewired to crave stimulation, a condition he calls acquired attention deficit disorder.

“We need that constant pizzazz, the reward, the intensity,” he said. He largely dismisses the argument that people need the time in the car to be productive. “The justification for doing work is just that — a justification to be engaged,” he said.

In many legislatures, including Oklahoma’s, the concerns of such scientists have made little impression.

Concerns About New Rules

In February, five months after the accident that killed Ms. Doyle, Sue Tibbs was in Tulsa undergoing one of her regular seven-hour chemotherapy treatments for ovarian cancer.

As an Oklahoma state representative, Ms. Tibbs was finishing a bill to require hands-free devices for drivers and to ban texting while driving. She had developed an interest in the issue last fall, after hearing about a growing number of crashes like the one involving Mr. Hill and Ms. Doyle, and after an Oklahoma state trooper told her he was increasingly concerned about multitasking behind the wheel.

As Ms. Tibbs sat in the cancer center, she overheard a conversation that sealed her resolve. A woman nearby talked of how her husband often became so engrossed in his cellphone calls he would miss the turn for the road to their home. The cellphone, Ms. Tibbs decided, isn’t like other distractions. “When you’re eating, you’re not concentrating like when you’re on the cellphone,” she said.

On Feb. 19, the public safety committee voted 8 to 4 to send Ms. Tibbs’s bill to the full legislature. She was thrilled. But on March 12, the last day her bill could be considered, the majority floor leader, Mr. Jones, hadn’t brought up her bill. That night, she asked Mr. Jones, a fellow Republican, why. He explained that there was too much opposition, she said. Later, Ms. Tibbs said, he added another reason: she was fragile from cancer and he didn’t want her to go through a long-shot battle for the bill.

Mr. Jones, in an interview, said he and his colleagues needed more evidence of the dangers before they considered restricting the freedom to talk while driving. “We’re concerned about going into the cellphone realm at this point,” he said, adding that

he was not lobbied by any companies that make money from the use of devices in cars.

But he said he recognized from using his phone while driving that it could be dangerous, particularly when dialing. “There’s definitely a time when you’re looking at your cellphone,” said Mr. Jones, who uses a hands-free device. “If you’re going to do it, you have to be extremely cautious.”

Like Oklahoma, many states have resisted legislating against multitasking behind the wheel because there is no long-term data on crashes caused by distracted driving, said Anne Teigen, a policy specialist with the National Conference of State Legislatures. But she also acknowledged the shortcomings of any such studies. “It mostly relies on self-reporting, and for insurance reasons people don’t want to admit they were on the phone,” she said.

Others cite more fundamental reasons to block any such legislation. “To me, the death of freedom is far worse than the risk of talking on the phone while driving,” said Carl Wimmer, a state representative in Salt Lake City who successfully fought a bill this year to ban talking while driving. “Why pick on cellphones?” he asked, noting that distraction comes in many forms. “You can’t legislate against stupidity.”

Some states have overcome opposition to pass restrictions. Joe Simitian, a state senator in California, managed to get his hands-free legislation, an effort he began in 2001, passed in 2006. He argued, based on data collected by the California Highway Patrol, that drivers using cellphones caused more fatalities than all the drivers distracted by eating, children, pets or personal hygiene.

In each previous year, the bill was killed — after lobbying by cellphone carriers, including [Sprint](#), [AT&T](#) and T-Mobile. Mr. Simitian said that in the first two years, he would visit the offices of his colleagues on the Transportation Committee on the day of the vote and “find three cellphone industry lobbyists sitting in the legislator’s office,” Mr. Simitian said. “They’d just smile.”

He said they fought him even though their brochures said that distracted driving was dangerous. The exception was Verizon Wireless, which supported his efforts from the start.

Opposition gradually eased, and his bill requiring use of headsets while driving took effect in July 2008. In the first six months the California law was in effect, a preliminary California Highway Patrol estimate showed that fatalities dropped 12.5 percent — saving 200 lives. Mr. Simitian said it was too soon to determine whether the law or other factors caused the drop.

Mr. Simitian said one reason political opposition eased was that fellow legislators saw the dangers firsthand. “They’d come to me and say: ‘You may be bringing me around. I almost got creamed at the corner,’ ” he recalled.

For its part, the cellphone industry trade group said it had dropped its objection to restricting cellphone use by drivers — it now is neutral on the subject — because it decided the industry should play no role in trying to shape public policy on the issue. “The change came after we had an epiphany that, if you will, we’re in the business of providing service, and how they use that service is at their discretion,” said Mr. Walls, the industry spokesman.

But Mr. Windsor from Nationwide Mutual and others are skeptical of the cellphone industry’s explanation. They believe its position changed because its business has changed to rely less on total minutes that people spend talking. Cellphone companies’ growth is coming more from customers surfing the Internet, downloading games and using other data services — things that people typically do less of behind the wheel.

Mr. Simitian believes that a ban on talking on cellphones while driving would save even more lives. But he hasn’t proposed one, and has no plans to. “It’s a political nonstarter,” he said. “It’ll be a cold day in hell before people give up their phones altogether in cars.”

Not to mention other devices.

An Array of Distractions

Mr. Hill now owns a silver Chevrolet Silverado pickup that he bought with help from his grandmother. When he drives, he keeps his cellphone tucked in a space in the dashboard, and has set strict rules not to use it — rules he acknowledges he sometimes breaks.

He is also careful to keep his eyes on the road as he searches for his Nickelback, Christian rock or other CDs to play on his stereo.

His dashboard is relatively primitive compared with those of many other vehicles. Sales of multimedia systems for cars — with audio, video and GPS — were up 46 percent in the first four months of this year from a year earlier, according to the research firm NPD Group. More such systems also now come with a dock for MP3 players.

Scientists say they are frightened by each new device, giving drivers more reasons to look away from the road — like searching through song titles on the small screen of an [iPod](#).

To device makers, it's a big and growing market, though they say they are keenly aware that drivers can become distracted. "We have a chance to create what I call the 'digital car,'" said Glenn Lurie, an executive at AT&T, the service provider for iPhones. "There are phenomenal opportunities."

For instance, he said, new wireless technology could allow better real-time services, like maps that point to the closest, cheapest gas station. Mr. Lurie said devices would be developed foremost with "safety and security" in mind.

But other corporations emphasize just how engrossing their in-car entertainment can be. A recent ad from Audible.com, which sells audio books, says, "you just might miss your exit on the turnpike."

Automakers also see a market for new features. [Ford](#), for example, offers in most of its cars a \$395 Sync system, which lets drivers use phones and music players with voice commands. The company says it is working to develop the product so drivers might even surf the Internet through voice commands and hear responses.

Joe Berry, Ford's director of business and product development, said Sync enhances safety by providing a hands-free experience. But he said that not using a device is still safer.

The bottom line is that Ford is catering to consumer interests, Mr. Berry said, using an argument that car makers have made when the safety and fuel economy of sport utility vehicles are questioned, and used by tobacco companies as health concerns grew. The Sync product, he argues, makes drivers safer because its voice-command features let them keep their hands on the wheel and eyes on the road.

"It's not as if you are going to be able to take this away from people," he said of phones and other devices in cars. "They simply won't give it up."

Mr. Berry compared the situation to eating unhealthy foods. "We, as people, don't want to stop doing things that aren't in our best interest," he said.

And so the fight against in-car distraction has fallen to a small band of activists, notably those who have lost a loved one. They argue that, unlike eating unhealthy foods — or for that matter, not wearing a seat belt — mobile multitasking can cost someone else's life.

The Resistance

When Linda Doyle was hit by Mr. Hill's truck, she was on her way to pick up cat food. She volunteered at the Central Oklahoma Humane Society, and drove every day without fail to nearby Lake Overholser, where she fed abandoned cats.

She would sometimes talk on the phone in her car. “If she was driving and I called, she would answer,” said Jennifer Smith, 35, Ms. Doyle’s daughter. “If my sister called, she would answer.”

Ms. Smith, who lives in Grapevine, Tex., and is a real estate agent, says she, too, once talked incessantly while driving. “We’re all guilty of it,” she said. “I’m the first to admit it.”

In her case, no longer. Ms. Smith almost always ignores the ring of an incoming call. And she has become one of the cellphone era’s answers to Mothers Against Drunk Driving. She devotes half her time to her uphill battle — contacting legislators in Texas and Oklahoma, filing a complaint with the federal [Consumer Product Safety Commission](#) and reaching out to other victims and their families.

She has talked to a handful of class-action lawyers. “They tell me this is the tobacco or asbestos case of our generation,” she said. But she says they also tell her the case would be too time-consuming and expensive.

David Teater of Spring Lake, Mich., is also fighting distracted driving; he works for the National Safety Council on transportation issues. His son Joe was killed on [Martin Luther King’s Birthday](#) in 2004, hit by a young woman talking on the cellphone to someone from her church, where she volunteered. Even after the accident, Mr. Teater said, he had trouble breaking his cellphone habit.

“With all the motivation in the world I couldn’t do it,” he said, adding that he eventually took more decisive action: “I put the cellphone in the trunk.”

Some drivers who caused accidents themselves have become activists, too. Mr. Hill, as part of his misdemeanor charge, must devote 240 hours to community service — talking about the risks of distracted driving, as well as working with animals, as Ms. Doyle’s family said she would have liked.

He spoke to a classroom of fellow students about his experience, sparing no details.

“Their jaws just dropped,” he said. “They couldn’t believe they had someone standing in front of them who was talking on the cellphone and killed someone.”
