ADVOCATES FOR HIGHWAY & AUTO SAFETY

MEMORANDUM

To: State Representative Tim Henessy (Chester County), Chairman of the Transportation Committee
From: Ricardo Ibarra-Gil, Policy Analyst, Advocates for Highway & Auto Safety (AHAS)
Date: October 9th, 2021
Re: Bill H 37 is an effective solution for distracted driving in Pennsylvania

Distracted driving (DD) has become a "dangerous epidemic on America's roadways."[1] Only in 2019, it claimed 3,142 lives in the US,[2] and AHAS asserts that current PA legislation is not adequately regulating this pressing issue. Over the past ten years, 691 people have died in Pennsylvania due to DD,[4] including Paul Miller, a young man from Scranton, PA, described as positive, optimistic, and compassionate.[3] Paul lost his life at the age of 21 to a car accident involving a distracted driver. To avoid more cases like Paul's, AHAS urges Representative Henessy to address this urgent matter by supporting Bill PA H 37.[4]

Consequences of Distracted Driving in the US

The pernicious effects of DD are well documented. According to the Transportation Research Laboratory, writing on a cellphone slows drivers' reaction times by about 34%, from 1.2 seconds under normal conditions to 1.6 sec, which at 54 mph, results in an increased stopping distance of 41 feet. Talking on a handheld device can bring the reaction time up to 1.8 sec and the extra stopping distance up to 53.8 ft.[5] This can be the difference between a usual car ride and a tragedy. As *Table 1* shows, on average cellular phone distractions interfere with drivers' reaction capacity even more than moderate alcohol or cannabis consumption. Moreover, there is robust evidence showing that there are 11.5% more chances that the outcome of a car crash is severe (fatalities, severe or visible injuries) when it is related to the use of handheld devices, compared to all other crashes.[6]

Table 1. Reaction times and additional stopping distance under various conditions

Condition / behavior	Reaction time	Extra stopping distance*
Normal conditions	1.2 sec	-
Alcohol consumption (legal limit)	1.3 sec	+ 14.5 ft
Under influence of cannabis	1.4 sec	+ 24.6 ft
Talking on hands free device	1.5 sec	+ 31.2 ft
Writing on a device	1.6 sec	+41.0 ft
Talking on a handheld device	1.8 sec	+53.8 ft

* Assuming a speed of 40 – 68 mph

Source: AHAS with information from the Transportation Research Laboratory

Adverse consequences of DD in the US are not limited to drivers. Of the 3,142 fatalities caused by DD in 2019, 2,576 were car occupants, and 566 were nonoccupants (pedestrians, cyclists, and others). Also, according to the NHTSA, DD accidents in 2019 caused an estimated 424,000 injured people. [7] Latest available figures show that when all costs are considered, the annual comprehensive economic cost of DD amounts to USD 123.4 billion.[a]

Data for Pennsylvania reflects that there is an urgent need to act, especially in certain counties. For 2009-2019, 18.3% of fatal motor crashes involving a distracted driver in PA were caused by a 15–20-year-old, while the national average for that same period was 16.0%. (NHTSA) Also, some counties consistently do worse than

[a] According to the NHTSA, the comprehensive economic cost of a crash includes both the economic costs that result from an unexpected event such as death or injury resulting from a car crash (including medical care, legal costs, emergency services, insurance costs, workplace costs, congestion impacts, and property damage) as well as intangible valuation of the lost quality-of-life experienced by injured crash victims.

the rest. For the past ten years, the annual rate of DD crashes over total crashes for Lancaster County (13.5%), Cumberland County (13.3%), and Chester County (13.2%) has been consistently higher than the average state rate (10.4%). Constituents of these counties will benefit from better legislation in this domain.

Main amendments proposed in Bill PA H 37

Bill PA H 37, introduced by Representatives Rosemary Brown and Steven Malagari on January 27, 2021, proposes a ban on handheld devices while driving for all drivers. If passed, the violation of this law will be considered a primary offense. Bill H 37 focuses on young drivers by requiring education on DD for junior driver's license applicants. It sets fines on $100 for using handheld devices and driving and establishes a 5-year sentence enhancement for those found guilty of homicide by vehicle and violating the handheld prohibition during the same incident.

Bans on handheld devices work and must be complemented

Bans on handheld devices are effective policies to lower car accident rates.[8] A total ban[b] put in place in 2018 in California reduced the frequency of cell-usage crashes by 66.4%, and the proportion of cell-usage crashes out of total crashes by 58.2%.[9] New York also experienced a sharp decrease in fatal car accidents in 10 counties after enacting a handheld cellphone ban law in 2001, as well as in personal injury car accidents in 46 counties.[10]

The policy must include a comprehensive or total ban to attain such results, as partial bans create loopholes that hinder its implementation. The effect of such a law is more robust when enforced as a primary offense, when it covers all drivers,[11] and when the public is fully aware of its implementation. A ban on handheld devices must be complemented with continuous enforcement strategies and education policies to maintain the persistence of its effects over time.[12]

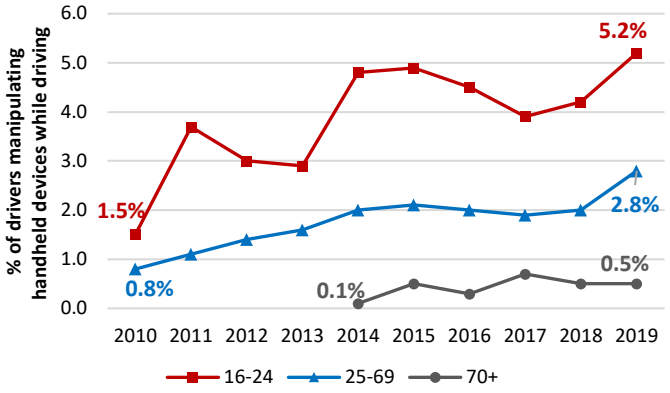
Policies on DD must protect the youngest population

DD affects teen drivers (aged 15-19) and young drivers (16-24) at high rates. In 2019, 11% of all teens who died in car crashes in the US were in incidents related to DD.[13] Moreover, from 2016 to 2020, 40% of all DD citations in PA were issued to drivers in their teens and 20s.[14] Of all 3,008 distracted drivers involved in fatal crashes in 2019 in the US, 641 (21.3%) were aged 15 to 24; and from those distracted by the use of a mobile device (390), 127 (40%) were aged 15-24, the highest rate for any age cohort.[15] The fact that young drivers are more prone to distractions by social media and that novice drivers react slower in DD events than more experienced drivers might explain these numbers. Precisely for these reasons is that cellphone bans have more pronounced effects among drivers aged 18 and 34.[16]

[b] It includes a ban on all uses of a cellphone: texting, speaking, and holding it.

Cellphone use is distracting more young drivers than ever before. The National Occupant Protection Use Survey[c] has shown a persistent increase in the proportion of young drivers (aged 16-24) manipulating cellphones and driving. As *Figure 1* shows, this proportion went from 1.5% in 2010 to 5.2% in 2019. The positive trend is also true for the 25 – 69 age cohort, but its levels remain much lower (2.8%). Overall, these numbers indicate that on a typical day of 2019 in the US, an estimated 432,995 people were manipulating their phones and driving, and more than 60% of them were young drivers. To tackle this problem, a ban on all handheld devices, as proposed in Bill H 37 would be a significant step in the right direction.

Fig 1. Drivers manipulating handheld devices while driving, by age (2010-2019)



Source: National Highway Traffic Safety Administration

PA's legal framework on distracted driving needs revision

Fig 2. State legislation for distracted driving (April 2021)

State	Text driving ban	All handheld devices ban	State	Text driving ban	All handheld devices ban
AL	*		MT		
AK	*		NE	*	
AZ	*	*	NV	*	*
AR	*	*	NH	*	*
CA	*	*	NJ	*	*
CO	*		NM	*	
CT	*	*	NY	*	*
DE	*	*	NC	*	
DC	*	*	ND	*	
FL	*		OH	*	
GA	*	*	OK	*	*
HI	*	*	OR	*	*
ID	*	*	**PA**	*	
IL	*	*	RI	*	*
IN	*	*	SC	*	*
IA	*		SD	*	
KS	*		TN	*	*
KY	*		TX	*	*
LA	*	*	UT		*
ME	*	*	VT	*	*
MD	*	*	VA	*	*
MA	*	*	WA	*	*
MI	*		WV	*	*
MN	*	*	WI	*	
MS	*		WY	*	
MO					

Source: AHAS

To protect its inhabitants, PA's legislation must be updated. Current laws fail to consider several sources of distraction for drivers. In a 2021 study, the National Academies rated PA among the lowest states in the US in terms of "strength of law regarding distracted driving," only above MT, AZ, MO.[17]

Pennsylvania's legislation has not suffered any change to raise awareness and solve the increasing DD problems since 2012, when a ban on text and driving was passed. By contrast, the diversity of distractors has grown: these are no longer limited to texting and speaking but also include social media, games, and applications whose notifications have become major distractors for young drivers.

As shown in *Figure 2*, as of April 2021, 30 states had passed comprehensive laws to prevent people from using their cellphones while driving, and more are moving in that direction. In states that do not ban texting and handheld devices, drivers tend to have a lower perceived risk of apprehension.[18] The 2019 Traffic Safety Culture Index reports that for 59.4% of respondents, it would be unlikely to get caught if driving while holding and talking on a cellphone, and 66.3% believed the same for driving while typing on a device.

[c] NHTSA's annual observational study that captures people while driving.

Implementation of a ban on handheld devices is financially, technically, and politically feasible

Financially, previous experience confirms that bans on handheld devices are cost-effective,[19,20] and public revenues might increase due to imposed fines. Technically, the implementation should not be a problem; PennDOT successfully executed strategies to apply the ban on text and driving,[21] and can import more from other states' experiences.

Politically, almost all drivers in the US (96.2%) acknowledge that talking on a handheld device while driving or driving and typing (79.7%) is dangerous. Additionally, 94.6% and 86.7% disapprove those behaviors. Furthermore, 76.3% of the population would support a law against holding and talking on a cellphone while driving, and 86.1% would support a law against holding a cellphone to read, type, or send a written message.[22]

The role that advocacy groups have played in advancing this legislation must not go unnoticed. Hangup and Drive, Savekids PA, EndDD and others have actively demanded enhanced legislation to prevent DD. Some adherents of those groups are motivated by having lost a family member to DD, as is the case of Eileen Woelkers Miller, mother of Paul Miller, who became an outspoken advocate for ending DD. If passed, Bill H 37 will become Paul Miller's Law.

Conclusions and recommendation

DD is a pending issue on Pennsylvania's legislative agenda, and Bill H 37 proposes a comprehensive policy that represents a unique opportunity to address this pressing matter adequately. All relevant actors support laws that enhance safety for everyone in our community, especially for the youngest, who are more vulnerable to DD and its dire consequences. With this as common ground, Bill H37 stands great chances of successfully facing any argument from opposition groups, especially from those who refuse higher transit fines and those who argue that this Bill would be a reduction of our civil liberties. When it comes to DD, let's put everyone's safety first. **Therefore, AHAS' recommendation for Representative Henessy is to support Bill H 37 as is.**

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[11] Abouk, Rahi, and Scott Adams. "Texting Bans and Fatal Accidents on Roadways: Do They Work? Or Do Drivers Just React to Announcements of Bans?" American Economic Journal: Applied Economics 5, no. 2 (2013): 179–99. http://www.jstor.org/stable/43189434

[12] Alexander G. Nikolaev, Matthew J. Robbins, Sheldon H. Jacobson. "Evaluating the impact of legislation prohibiting hand-held cell phone use while driving".

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[15] National Highway Traffic Safety Administration. Distracted Driving 2019. Traffic Safety Facts.

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