



# Distracted Driving – A Growing Problem

Using cell phones or smart phones while driving is common practice today, for both personal and business use. And, more and more businesses expect their employees to be accessible via cell or smart phone at all times. As a result, distracted driving can be a serious problem on our roadways.

Consider these statistics from [www.distraction.gov](http://www.distraction.gov), a website devoted to the issue of distracted driving:

- Using a cell phone while driving, whether it's hand-held or hands-free, delays a driver's reactions as much as having a blood alcohol concentration at the legal limit of .08 percent. (Source: University of Utah)
- In 2009, an estimated 448,000 people were injured in motor vehicle crashes that were reported to have involved distracted driving. (FARS and GES)
- Drivers who use hand-held devices are four times as likely to get into crashes serious enough to injure themselves. (Source: Insurance Institute for Highway Safety)
- The proportion of fatalities reportedly associated with driver distraction increased from 10 percent in 2005 to 16 percent in 2009. During that time, fatal crashes with reported driver distraction also increased from 10 percent to 16 percent. (FARS and the National Automotive Sampling)

According to the National Highway Traffic and Safety Association (NHTSA), every minute of the day over 800,000 vehicles are being driven by someone using a hand-held cell phone. Some of your employees may be among this number. If those employees cause an accident while driving on company business, you could be responsible not just for workers' compensation and disability claims, but also for liability judgments. Taking action to help ensure that your employees exercise good judgment behind the wheel can help save lives and money.

## A Serious Threat

Distracted driving, alcohol, and speeding are the leading factors in fatal and serious injury crashes. Many of the most publicized accidents attributed to distracted driving have involved youthful drivers and texting, but young adults aren't the only ones putting themselves and others at risk on our roads.

In fact, almost all of us are guilty of distracted driving to some degree. Talking with a passenger, leaning over to pick up a fallen object, changing the radio station, checking a GPS, or using a cell phone all take the driver's attention off the road.

## In the Blink of an Eye

A crash can occur within seconds of a driver taking his or her eyes off the road. In fact, a naturalistic driving study conducted by the NHTSA and the Virginia Tech Transportation Institute, which used sophisticated technology to track drivers in their own vehicles, found that 80% of crashes and 65% of near crashes involving driver inattention occurred within three seconds of the distracted behavior. The study also found that some behaviors increase the risk of an accident more than others.

Driver behavior (cars and light vehicles)	Risk of crash or near crash compared to non-distracted driving crash
Reaching for moving object	9 times
Driving drowsy	4 times
Looking for external object	3.7 times
Reading	3.4 times
Dialing a phone	2.8 times
Applying makeup	3 times
Eating	1.6 times
Reaching for a non-moving object	1.4 times
Talking on a hand-held phone	1.3 times

Source: Virginia Tech Transportation Institute Naturalistic Driving Study, Relative Risk Estimates for Crash/Near Crash Inattention Events

Texting, reading or writing while driving significantly increases the risk associated with cell phone use. A study using driving simulations found that texting drivers were six times more likely to be involved in collisions. The Virginia Tech Transportation Institute found that the risk increased 23 times for drivers of trucks and heavy vehicles.

### Dispelling Myths

The National Safety Council in a white paper, **Understanding the distracted brain: Why driving while using hands-free cell phones is risky behavior** (March 2010), drew upon dozens of research papers to examine and explain the dangers of drivers' use of cell phones.

Their conclusion: Multitasking is a myth. Our brains don't perform two tasks at the same time. Rather, our brains process tasks sequentially, switching between tasks. This happens so fast, we believe that we're doing two tasks simultaneously. Research also shows that drivers using cell phones suffer from inattention blindness and don't really "see" as much as 50 percent of what is going on in their driving environment. The effect is similar to tunnel vision and results in drivers who are unable to access, process, and react to what is happening on the road.

There is a commonly held belief that we can reduce risk and drive more safely by using hands-free phones or headsets. That may be another myth. Hands-free phones don't eliminate the cognitive distraction of conversation. What's more, the majority of "hands-free" phones sold today aren't operationally hands-free. Unless they are voice activated, dialing and answering require drivers to take their eyes off the road and a hand off the wheel. Employees who use their cell phones for business while driving may appear to be more productive, but they are putting themselves and others at risk – and your business at financial risk.

### Calling for Action

According to the NHTSA, driver distraction is a factor in 80% of crashes. This kind of data – and the continued proliferation of cell phones for personal and business

use – has been a call to action for organizations and legislators to address the problem.

- The National Safety Council, for example, has a written policy for its employees that prohibits the use of cell phones (including hands-free) while operating a motor vehicle. The National Safety Council offers a free Cell Phone Policy Kit. The kit contains information on employer policies, cell phone fact sheet, sample employee policy, key research studies, and is available from their website: [www.nsc.org/safety\\_road/Distracted\\_Driving/Pages/EmployerPolicies.aspx](http://www.nsc.org/safety_road/Distracted_Driving/Pages/EmployerPolicies.aspx)

**Distracted driving claims can happen at any time. Recently, a sales rep for a pharmaceutical manufacturer was texting while driving when the car in front came to a stop, signaling a left hand turn. The sales rep was distracted and did not notice that the car had come to a stop. The sales rep hit the vehicle at full speed causing auto and workers' compensation claims that have totaled over one million dollars. This accident may have been prevented if the manufacturer had a cell phone use policy in place.**

- The American Society of Safety Engineers (ASSE) view "is that operating a vehicle while distracted is always a potentially unsafe act, and all drivers should be cognizant of the hazards associated with distracted driving." ASSE supports employer rules banning any employee use of electronic devices while driving. For more information visit their website: [http://www.asse.org/professionalaffairs\\_new/positions/ddmv.php](http://www.asse.org/professionalaffairs_new/positions/ddmv.php)

- A growing number of states have passed or are considering laws against hand held cell phone use. Many states are also stepping up both their public education and enforcement efforts around these laws. State laws on cell phone use and text messaging may be obtained from the Insurance Institute for Highway Safety website at: [www.iihs.org/laws/cellphonelaws.aspx](http://www.iihs.org/laws/cellphonelaws.aspx)

### Reducing Your Company's Risk

Has your company formally addressed the issue of cell phone usage by your employees? If not, it may be time to do so.

As a fleet manager and employer, your exposure isn't limited to employees who drive company owned vehicles. It can also extend to employee owned vehicles while being used on company business and hired cars. You may want to consider establishing specific company policies regarding cell phone use and investing in voice activated devices.

An employee who is distracted while driving may cause personal tragedy for themselves and others involved in a collision. In addition, your company could be held legally responsible for the actions of your employee. A serious accident could result in a very significant financial claim, so you'll want to consult with your insurance advisor to determine whether your auto and umbrella liability limits are adequate.

**More Information:**

Additional information and studies on distracted driving may be found at:

[http://www.ghsa.org/html/publications/survey/pdf/2010\\_distraction.pdf](http://www.ghsa.org/html/publications/survey/pdf/2010_distraction.pdf)

<http://hfs.sagepub.com/content/51/5/762>

[http://www.nsc.org/safety\\_road/Distracted\\_Driving/Documents/Dstrct\\_Drvng\\_White\\_Paper\\_Fnl\(5-25-10\).pdf](http://www.nsc.org/safety_road/Distracted_Driving/Documents/Dstrct_Drvng_White_Paper_Fnl(5-25-10).pdf)

**Insuring Innovation**

**About The Hartford's Technology and Life Science Practice**

For more than 25 years, The Hartford has insured technology and life science businesses of all sizes. Our products are flexible enough to grow with a business – from a startup or sole proprietorship to a large, publicly traded company. We also offer services that can help businesses lower their losses, like our series of Technology Best Practices

For more information on how to manage risks for your business, contact your local Hartford agent, or visit [www.thehartford.com/info/technology](http://www.thehartford.com/info/technology).

The information provided in these materials is intended to be general and advisory in nature. It shall not be considered legal advice. The Hartford does not warrant that the implementation of any view or recommendation contained herein will: (i) result in the elimination of any unsafe conditions at your business locations or with respect to your business operations; or (ii) will be an appropriate legal or business practice. The Hartford assumes no responsibility for the control or correction of hazards or legal compliance with respect to your practices, and the views and recommendations contained herein shall not constitute or undertaking, on your behalf or for the benefits of others, to determine or warrant that your business premises, locations or operations are safe or healthful, or are in compliance with any law, rule or regulation. Readers seeking to resolve specific safety, legal or business issues or concerns related to the information provided in these materials should consult their safety consultant, attorney or business advisors. All information and representations herein are as of April 2011.