

HB

22

<TARGET><BILL>HB 22</BILL><SUBJECT>HB
22</SUBJECT><COMM>HJUD27</COMM></TARGET>



REPRESENTATIVE CATHY MUÑOZ

MEMORANDUM

TO: Representative Carl Gatto
Judiciary Chair

CC: Sarah Munson
Committee Aide

FROM: Representative Cathy Muñoz

DATE: March 9, 2011

RE: HB 22 Hearing Request

A handwritten signature in cursive script, reading "Cathy Muñoz".

Please schedule HB 22 – Prohibit Cell Phone Use While Driving for a hearing in House Judiciary at your earliest convenience.

Attached to this memo please find the following documents

- CS HB 22 (TRA) – Prohibit Cell Phone Use While Driving
- Fiscal Notes from Dept. of Law & Public Safety
- Memo on explanation of changes
- Sponsor Statement
- Legislative Research Report
- National Highway Safety Stats
- 2010 Alaska Highway Safety Phone Survey
- Articles
- Support Letters
- Expected Testimony
 - Cindy Cashen, Administrator, Alaska Highway Safety Office, 957-2562, 465-4374

Office Contact: Kendra Kloster, 465-4712, Kendra_kloster@legis.state.ak.us

Thank You.



REPRESENTATIVE CATHY MUÑOZ

CS HB22 (TRA): PROHIBIT CELL PHONE USE WHILE DRIVING

If enacted, House Bill 22 will prohibit cell phone use while driving, unless the person is over the age of 18 and a hands-free device is being used or an emergency situation exists. The allowance for hands-free devices for those over 18 years of age will accommodate commercial drivers, tour operators and others to allow flexibility in the implementation of the law. Nine states, and the District of Columbia, have prohibited the use of cell phones while driving for all drivers, twenty-eight states prohibit novice drivers – usually defined as drivers under 18 years old – and thirty states, and the District of Columbia, ban drivers from text messaging, including Alaska.

Cell phone use in the United States has been on a rapid increase in the past decade. According CTIA – The Wireless Association, there are about 293 million subscribers, representing more than 84 percent of the U.S. population, as of June 2010.

Distracted drivers create a risk to all motor vehicles, bicyclists and pedestrians. Driver performance is affected by the cognitive distractions associated with cell phone tasks which typically decrease reaction time, travel speed and increase lane deviations and steering wheel movements, resulting in a higher number of crashes.

The National Highway Traffic Safety Administration Distracted Driving Report (2009) estimates 5,474 people were killed and an additional 448,000 were injured in motor vehicle accidents that involved distracted driving. The University of Utah published a study showing motorists who talk on cell phones are as impaired as drunk drivers. Cell phone use in Alaska has also followed the upward trend of increased usage, according to the Alaska 2010 Highway Safety Phone Survey 61% of Alaskan drivers talk on their cell phone while driving.

HB22 will create safer roads for all travelers and help to prevent accidents caused by distracted drivers. I urge your support in the passage of HB22.




REPRESENTATIVE CATHY MUÑOZ

MEMORANDUM

TO: Representative Carl Gatto
Judiciary Chair

CC: Sarah Munson
Committee Aide

FROM: Representative Cathy Muñoz 

DATE: March 9, 2011

RE: Explanation of Changes to CS for HB22 (TRA)

The House Transportation Committee adopted an amendment to HB22 which would prohibit the use of cell phones for individuals under the age of 18 (including prohibiting the use of hands-free devices and a speaker function). Committee members stated teen drivers are more at risk for causing a collision due to their inexperience of driving - this has also been sighted in numerous studies. For those 18 years of age and over the use of a hands-free device is still permitted while operating a motor vehicle to accommodate commercial drivers, tour operators and other to allow flexibility.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number _____
 Bill Version HB 022
 () Publish Date _____

Identifier (file name) HB022-DPS-DET-02-25-11 Dept. Affected Public Safety
 Title _____ Appropriation Alaska State Troopers
"An Act prohibiting the use of cellular telephones when driving" Allocation AST Detachments
 Sponsor Representative Munoz
 Requester House Transportation OMB Component Number 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other (please identify)								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2011) cost _____

POSITIONS

Full-time								
Part-time								
Temporary								

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

Prepared by Lt. Rodney Dial
 Division Alaska State Troopers
 Approved by Joseph Masters, Commissioner
Department of Public Safety

Phone (907) 247-4480
 Date/Time 2/25/11 3:38 PM
 Date 2/25/2011

FISCAL NOTE

**STATE OF ALASKA
2011 LEGISLATIVE SESSION**

BILL NO. HB022

Analysis

This legislation would amend AS 28.35 by adding a new section that would prohibit the use of certain cellular telephones when driving a motor vehicle. Violation would be an infraction and considered a primary traffic offense.

It is not estimated that this bill will significantly increase the workload of the division of Alaska State Troopers. There is no fiscal cost to the AST as a result of this legislation.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number _____
 Bill Version HB022
 () Publish Date _____

Identifier (file name): HB022-LAW-CRIM-02-25-11
 Title An Act prohibiting the use of cellular telephone when driving a motor vehicle; and providing for an effective date.

Dept. Affected Law
 Appropriation Criminal
 Allocation Criminal Justice Litigation

Sponsor Representative(s) Munoz, Herron
 Requester (H) Transportation

OMB Component Number 2202

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other (please identify)								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2011) cost 0.0

POSITIONS

Full-time								
Part-time								
Temporary								

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by Eileen Donahue, Division Operations Manager
 Division Administrative Services
 Approved by John J. Burns, Attorney General
Department of Law

Phone 465-5427
 Date/Time 2/25/11 3:30 PM
 Date 2/25/2011

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB 022

Analysis

HB 22 makes it an infraction to operate a motor vehicle on a highway or vehicular way while using a cell phone. The bill excepts use of a cell phone for emergency purposes or with a cell phone that is voice-activated or may be used hands-free.

Passage of this legislation would have no foreseeable fiscal impact on the Department of Law.

LEGISLATIVE RESEARCH REPORT

JANUARY 26, 2011



REPORT NUMBER 11.132

LAWS REGARDING CELLULAR PHONE USE BY DRIVERS

PREPARED FOR REPRESENTATIVE CATHY MUÑOZ

BY TIM SPENGLER, LEGISLATIVE ANALYST

You wanted to know what states have done regarding limiting or banning the use of cellular (cell) phones by individuals operating motor vehicles.¹

Alaska Legislation Regarding Driver Cell Phone Usage

Under Alaska law (AS 28.35.161), enacted September 1, 2008, drivers are effectively banned from text messaging while operating a motor vehicle. Alaska is one of the 30 states (and the District of Columbia) to ban text messaging for drivers—thought by many experts to be the most distracting cell phone activity. There have also been several attempts in Alaska this decade to limit or ban the use of cell phones by all drivers, but none has been successful.

Currently, the Alaska legislature is considering three bills—House Bill 22, House Bill 35 and House Bill 68—all of which would prohibit the use of cellular telephones by an individual, regardless of age, while driving a motor vehicle.

Legislation in Other States

According to the Insurance Institute for Highway Safety (IIHS), as of January 2011, the following cell phone bans or restrictions are in place across the nation:²

- Nine states and the District of Columbia impose state-wide bans on driving while talking on hand-held cell phones;³

¹ This report is essentially an update of Legislative Research Report 10.179 from February 18, 2010.

² The Insurance Institute for Highway Safety is an independent, nonprofit organization focused on reducing the losses — deaths, injuries, and property damage — from crashes on the nation's highways (<http://www.iihs.org/>).

³ The nine states that impose state-wide bans on driving while using hand-held cell phones are California (Vehicle Code 23123), Connecticut (Public Act No. 05-159), Delaware (Del. Code 4176C), Maryland (Md. Code Ann. 21-1124.2), New Jersey (N.J.S.A. 30:4-97.3), New York (Vehicle and Traffic Law Section 1225c), Oregon (ORS 811.507), Utah (UT Code 41-6a-1715), and Washington (RCW 46.61.667). Utah considers talking on a cell phone, without a hands-free device, to be an offense only if a driver is also committing some other moving violation (other than speeding).

- Nineteen states and the District of Columbia prohibit the use of a cell phone while operating a school bus;⁴
- Twenty-eight states and the District of Columbia prohibit novice drivers—usually defined as drivers under 18 years old—from using cell phones when operating vehicles;⁵ and,
- Thirty states and the District of Columbia ban drivers from text messaging.⁶

We include, as Attachment A, a table from the Institute for Highway Safety that presents an overview of states' cell phone laws. Also in Attachment A, we include a *question and answer* sheet from the IIHS on cell phones and driving. It provides a summary of the myriad issues surrounding this topic. Arthur Goodwin, senior research associate at the Highway Safety Research Center, contends that laws banning or limiting cell phone use while operating a motor vehicle are of vital importance and are gaining momentum nationwide.⁷ He likened the situation to when seat belt laws came to the fore in the United States: it took some time to educate the public, and for people to change their habits, but eventually most did. Mr. Goodwin believes this will be the case with cell phone laws—that it will take time and continued efforts for these laws to become solidified in our national consciousness.

All the experts with whom we spoke, and the literature we reviewed, support states enacting laws restricting the use of cell phones while driving.⁸ While difficult to enforce, such legislation does highlight the reality that the behavior is unsafe.

We hope you find this information to be useful. Please let us know if you have questions or need additional information.

⁴ School bus drivers in the following states are banned from using cell phones while driving: Arizona, Arkansas, California, Connecticut, Delaware, Georgia, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, New Jersey, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, and Virginia.

⁵ Novice drivers are banned from using cell phones while driving in the following states: Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Nebraska, New Jersey, North Carolina, Oregon, Rhode Island, Tennessee, Texas, Vermont, Virginia, Washington, and West Virginia.

⁶ A ban on texting while driving is in place in the following states: Alaska, Arkansas, California, Colorado, Delaware, Connecticut, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, Tennessee, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming.

⁷ The Highway Safety Research Center's stated mission is to improve the safety, security, access and efficiency of all surface transportation modes through a balanced, interdisciplinary program of research, evaluation and information dissemination (<http://www.hsrc.unc.edu/index.cfm>). Arthur Goodwin can be reached at (919) 843-5038.

⁸ In addition to Mr. Goodwin, we also contacted Anne McCartt, Senior Vice President of the Insurance Institute for Highway Safety (703) 247-1534, and Dr. David Strayer of the University of Utah, who has studied distracted drivers issues for more than ten years (801) 581-5037.

Attachment A

Cellphone Laws, Insurance Institute for Highway Safety, January 2011

Q&As: Cellphones and Driving, Insurance Institute for Highway Safety, January
2011

Cellphone laws

January 2011

A jurisdiction-wide ban on driving while talking on a hand-held cellphone is in place in 9 states (California, Connecticut, Delaware, Maryland, New Jersey, New York, Oregon, Utah, and Washington) and the District of Columbia. Utah has named the offense careless driving. Under the Utah law, no one commits an offense when speaking on a cellphone unless they are also committing some other moving violation other than speeding.

Local jurisdictions may or may not need specific state statutory authority to ban cellphones or text messaging. Several of the many localities that have enacted restrictions on cellphone use include: Oahu, HI; Chicago, IL; Brookline, MA; Detroit, MI; Santa Fe, NM; Brooklyn, North Olmstead, and Walton Hills, OH; Conshohocken, Lebanon, and West Conshohocken, PA; Waupaca County, WI; and Cheyenne, WY.

The use of all cellphones while driving a school bus is prohibited in 19 states and the District of Columbia.

The use of all cellphones by novice drivers is restricted in 28 states and the District of Columbia.

Text messaging is banned for all drivers in 30 states and the District of Columbia. In addition, novice drivers are banned from texting in 8 states (Alabama, Indiana, Maine, Mississippi, Missouri, Oklahoma, Texas, and West Virginia) and school bus drivers are banned from text messaging in 2 states (Oklahoma and Texas).

The table below shows the states that have cellphone laws, whether they specifically ban text messaging, and whether they are enforced as primary or secondary laws. Under secondary laws, an officer must have some other reason to stop a vehicle before citing a driver for using a cellphone. Laws without this restriction are called primary.

[Table](#)
[Map: hand-held bans](#)
[Map: young driver bans](#)
[Map: bus driver bans](#)
[Map: texting bans](#)

Laws restricting cellphone use and texting

State	Hand-held ban	Young drivers all cellphone ban	Bus drivers all cellphone ban	Texting ban	Enforcement
Alabama	no	drivers age 16 and 17-year-old drivers who have held an intermediate license for fewer than 6 months	no	drivers age 16 and 17-year-old drivers who have held an intermediate license for fewer than 6 months	primary
Alaska	no	no	no	all drivers	primary
Arizona	no	no	school bus drivers	no	primary
Arkansas	drivers 18 or older but younger than 21	drivers younger than 18	school bus drivers	all drivers	primary: texting by all drivers and cellphone use by school bus drivers; secondary: cellphone use by young drivers ¹
California	all drivers	drivers younger than 18	school and transit bus drivers	all drivers	primary: hand held and texting laws; secondary: hands-free cellphone use by young drivers ¹
Colorado	no	drivers younger than 18	no	all drivers	primary
Connecticut	all drivers	drivers younger than 18	school bus drivers	all drivers	primary
Delaware	all drivers	learner's permit and intermediate license holders	school bus drivers	all drivers	primary
District of Columbia	all drivers	learner's permit holders	school bus drivers	all drivers	primary

Florida	no	no	no	no	not applicable
Georgia	no	drivers younger than 18	school bus drivers	all drivers	primary
Hawaii	no	no	no	no	not applicable
Idaho	no	no	no	no	not applicable
Illinois	drivers in construction and school speed zones	drivers younger than 19 and learner's permit holders younger than 19	school bus drivers	all drivers	primary
Indiana	no	drivers younger than 18	no	drivers younger than 18	primary
Iowa	no	learner's permit and intermediate license holders	no	all drivers	primary for learner's permit and intermediate license holders; secondary for texting
Kansas	no	learner's permit and intermediate license holders	no	all drivers	primary
Kentucky	no	drivers younger than 18	school bus drivers	all drivers	primary
Louisiana	with respect to novice drivers, see footnote ²	all novice drivers, see footnote for detail ²	school bus drivers	all drivers	primary ²
Maine	no	learner's permit and intermediate license holders	no	learner's permit and intermediate license holders	primary
Maryland	all drivers	learner's permit and provisional license holders younger than 18	school bus drivers (hand-held ban)	all drivers	secondary; primary for texting
Massachusetts	no	drivers younger than 18	school bus drivers and passenger bus drivers	all drivers	primary
Michigan	no	no	no	all drivers	primary
Minnesota	no	learner's permit holders and provisional license holders during the first 12 months after licensing	school bus drivers	all drivers	primary
Mississippi	no	no	no	learner's permit and intermediate license holders	primary
Missouri	no	no	no	drivers 21 and younger	primary
Montana	no	no	no	no	not applicable
Nebraska	no	learner's permit and intermediate license holders younger than 18	no	all drivers	secondary
Nevada	no	no	no	no	not applicable
New Hampshire	no	no	no	all drivers	primary

New Jersey	all drivers	learner's permit and intermediate license holders	school bus drivers	all drivers	primary
New Mexico	no	no	no	no	not applicable
New York	all drivers	no	no	all drivers	primary; secondary for text messaging
North Carolina	no	drivers younger than 18	school bus drivers	all drivers	primary
North Dakota	no	no	no	no	not applicable
Ohio	no	no	no	no	not applicable
Oklahoma	learner's permit and intermediate license holders	no ³	school bus drivers and public transit drivers	learner's permit holders, intermediate license holders, school bus drivers and public transit drivers	primary
Oregon	all drivers	drivers younger than 18	no	all drivers	primary
Pennsylvania	no	no	no	no	not applicable
Rhode Island	no	drivers younger than 18	school bus drivers	all drivers	primary
South Carolina	no	no	no	no	not applicable
South Dakota	no	no	no	no	not applicable
Tennessee	no	learner's permit and intermediate license holders	school bus drivers	all drivers	primary
Texas	drivers in school crossing zones	intermediate license holders for the first twelve months	bus drivers when a passenger 17 and younger is present	bus drivers when a passenger 17 and younger is present; intermediate license holders for first twelve months; drivers in school crossing zones	primary
Utah	all drivers	no	no	all drivers	primary for texting; secondary for talking on a hand-held cellphone ⁴
Vermont	no	drivers younger than 18	no	all drivers	primary
Virginia	no	drivers younger than 18	school bus drivers	all drivers	secondary; primary for school bus drivers
Washington	all drivers	learner's permit and intermediate license holders	no	all drivers	primary
West Virginia	no	drivers younger than 18 who hold either a learner's permit or an intermediate license	no	drivers younger than 18 who hold either a learner's permit or an intermediate license	primary
Wisconsin	no	no	no	all drivers	primary
Wyoming	no	no	no	all drivers	primary

¹The laws in Arkansas and California prohibit police from stopping a vehicle to determine if a driver is in compliance with the law. Clearly, that language prohibits the use of checkpoints to enforce the law, but it has been interpreted as the functional equivalent of secondary provisions that typically state the officer may not stop someone suspected of a violation unless there is other, independent, cause for a stop.

²In Louisiana, all learner's permit holders, irrespective of age, and all intermediate license holders are prohibited from driving while using a hand-held cellphone and all drivers younger than 18 are prohibited from using any cellphone. Effective April 1, 2010 all drivers, irrespective of age, issued a first driver's license will be prohibited from using a cellphone for one year. The cellphone ban is secondary for novice drivers age 18 and older.

³In Oklahoma, learner's permit and intermediate license holders are banned from using a hand-held electronic device while operating a motor vehicle for non-life-threatening emergency purposes.

⁴Utah's law defines careless driving as committing a moving violation (other than speeding) while distracted by use of a hand-held cellphone or other activities not related to driving.

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1005 N. Glebe Road, Suite 800, Arlington, VA 22201 USA | tel 703/247-1500 | fax 703/247-1588

Q&As: Cellphones, texting, and driving

January 2011

[More information on cellphones](#)[Hide all answers](#)

1 | How many people use cellphones?

Cellphone use in the United States has grown quickly during the past decade. There were about 293 million wireless cellphone subscribers as of June 2010, according to CTIA – The Wireless Association, an industry trade group.¹ That's up 51 percent from 194 million in June 2005 and 3 times the 97 million wireless subscribers in June 2000. Minutes of use have surged to about 2.3 trillion in June 2010 from 195 billion in June 2000.

2 | Do drivers frequently use phones behind the wheel?

Yes, though it's hard to determine accurately just how many drivers use phones. Combining observational and self-reported data on phone use, the federal government estimated that drivers using phones nearly tripled during 2000-08, from 4 to 11 percent, and then declined to 9 percent in 2009. Federal observational data indicate that 5 percent of drivers in 2009 were talking on hand-held phones at any moment during the day. This means about 672,000 passenger vehicles on the road at any moment during the day were driven by people talking on hand-held phones.²

A 2009 Institute telephone survey of 1,219 drivers 18 and older indicates phone use may be somewhat lower than government estimates. Drivers on average reported spending about an hour in the car each day, with about 4 minutes of that time on the phone. This translates into roughly 7 percent of time behind the wheel on the phone.³ The discrepancy between the two estimates may be a result of drivers in the Institute survey understating how much phoning while driving they do because the practice has negative connotations. It also could reflect different methodologies. Government researchers observed hand-held phone use among drivers waiting at intersections during the daytime, then adjusted this for self-reported hands-free use. The Institute's survey estimates self-reported driver phone use on all kinds of roads during all hours.

3 | Who is most likely to talk on a cellphone while driving?

Young drivers ages 16-24 are more likely than other drivers to talk on hand-held cellphones according to daytime observational surveys of drivers the federal government conducted nationwide in 2009. Eight percent of drivers ages 16-24 were observed talking on hand-held phones, compared with 5 percent of those ages 25-69 and 1 percent of drivers 70 and older.² In the Institute's 2009 survey of drivers' self-reported phone use, people younger than 30 spent 16 percent of driving time on the phone, compared with 7 percent for drivers 30-59 years old, and just 2.5 percent for drivers 60 and older.⁴

Men in the Institute's survey reported spending slightly more time on the phone than women (7 percent versus 6 percent). This differs from the government's and other observations that female drivers use cellphones more. Drivers reported using phones more on weekdays and during afternoons and evenings. Use rates were 8 percent during these times.³ This is in line with government observations that use is higher on weekdays.²

4 | Does using a cellphone while driving increase crash risk?

Yes. Two controlled studies link talking on a cellphone directly to increased crash risk. A 2005 Institute study of drivers in Western Australia found cellphone users four times as likely to get into crashes serious enough to injure themselves.⁵ The study used cellphone billing records to verify phone use of crash-involved drivers. Increased risk was similar for males and females, drivers younger than 30 and those 30 and older, and hands-free and hand-held phones. The findings were consistent with 1997 research that showed phone use among Canadian drivers was associated with a fourfold increase in the risk of a property damage crash. The Canadian study also used cellphone billing records to verify phone use of drivers.⁶

5 | How many crashes have been caused by drivers using cellphones?

The federal government estimates that in 2009, 5,474 people were killed and an additional 448,000 were injured in motor vehicle crashes that were reported by police to have involved distracted driving. The government estimates that 18 percent of these deaths and 5 percent of these injuries involved cellphones.⁷ However, these estimates are imprecise and likely underestimate distraction's role in crashes, as many police reports don't have information on distracting events. Police crash reports aren't a reliable way to count cellphone-related collisions because drivers often don't volunteer that they were on the phone.

It is possible to estimate the expected number of crashes linked to phoning while driving. An Institute analysis suggests this practice could account for 22 percent of all crashes, or about 1.3 million in 2008, based on how much phoning while driving motorists admitted to researchers and the estimated risk of driver phone use.³ However, there is a disconnect between estimated crashes and real-world data, which indicate that crashes have been holding steady in recent years, even as cellphone use in general and driver use of phones in particular have proliferated.

About 5.5 million police-reported motor vehicle crashes occurred during 2009, the latest year for which federal data are available. This count doesn't differ much from the approximately 6 million crashes recorded annually during the early 1990s, when cellphones started getting popular, and it is lower than the 6.4 million crashes in 2000, when federal researchers began documenting the increase in phone use while driving.

An increase in cellphone-related crashes isn't showing up in insurance claims either. An analysis by the Highway Loss Data Institute indicates that the frequency of insurance claims for crash damage filed under collision coverage during 1998-2008 hasn't increased, even though driver phone use has escalated.⁸

A 2006 Virginia Tech Transportation Institute study used video cameras to monitor drivers in about 100 vehicles for about a year. Four percent of crashes or near-crashes were attributable to talking on a cellphone, researchers estimated.⁹

6 | Are hands-free cellphones safer?

No, at least not after the conversation begins. Two studies of crashes using cellphone billing records to verify phone use found about a fourfold increase in crash risk with conversing on both hands-free and hand-held phones.^{5,6} The studies were unable to estimate crash risk from different types of hands-free devices. They also were unable to determine whether there was any benefit associated with hands-free devices while placing the call. Experimental research using driving simulators indicates that phone conversation tasks, whether using hand-held or hands-free devices, affect some measures of driving performance.^{10,11} Hands-free phones may eliminate some of the physical distraction of handling phones, but the cognitive distraction from phone conversations remains.

7 | How does cellphone use affect driving performance?

An Institute review of more than 120 cellphone studies, about half of which were experimental studies using driving simulators or vehicles instrumented with video cameras, sensors, and other equipment, found that nearly all reported that some measures of driver performance were affected by the cognitive distractions associated with cellphone tasks.¹¹ Phone conversation tasks typically increased reaction times and travel speeds and increased lane deviations and steering wheel movements. Statistical analyses that aggregated the results of 33 studies and 23 studies, respectively, reported similar findings.^{10,12} Some studies have found that older drivers' performance is more affected by cellphone tasks, particularly their reaction time. Few studies included drivers younger than 18, and evidence is mixed on the effects of phone use for teenage drivers compared with adult drivers. Findings also are mixed on whether driving performance while talking on a cellphone improves with practice. Some simulator studies suggest that the negative impact of phone use on driving performance may lessen with experience.^{13,14} Other simulator research has found no change in performance with practice.¹⁵

Using functional magnetic resonance imaging, researchers at Carnegie Mellon University found a 37 percent reduction in brain activity associated with driving when research subjects listened via a headset to spoken sentences that they judged as true or false while steering in a driving simulator. Researchers concluded that listening and processing information from a phone conversation can draw mental

resources away from driving, worsening driving performance, even when drivers are not holding or dialing a phone.¹⁶

Further evidence comes from a few studies of small samples of people observed during their everyday driving. One study included drivers of 100 vehicles instrumented with video cameras and other monitoring technologies. Only a few serious crashes occurred, but researchers calculated the odds of being in a near-crash or crash were 2.8 times higher when dialing a hand-held phone than when phones weren't being used. The odds of a near-crash or crash were 1.3 times higher when talking on a hand-held phone, although this was not statistically significant. But because drivers spend more time talking on a hand-held phone than dialing, the percentage of crashes and near-crashes estimated to be attributable to talking and dialing on hand-held phones were both about 4 percent.⁹

8 | Do bans on hand-held phones work to reduce driver phone use?

Institute research has documented that all-driver bans on hand-held phoning can have large and lasting effects on phone use. In November 2001, New York became the first state to implement a universal ban on hand-held cellphones. Observed driver hand-held cellphone use declined by an estimated 47 percent immediately after the ban. Use then began going back up, but when measured more than 7 years after the ban, use was 24 percent lower than would have been expected without the ban. Soon after a ban was passed in the District of Columbia in 2004, observed driver hand-held phone use dropped by 41 percent. Nearly five years after the ban, the rate of phone use was 43 percent lower than would have been expected without a ban. Connecticut's ban took effect in 2005. Observed hand-held phone use declined an estimated 76 percent immediately after a ban; more than 3 years later, use was 65 percent lower than would be expected without a ban.¹⁷

In the Institute's telephone survey of cellphone use, drivers in states with hand-held bans were less likely to say they talk on phones while driving. Forty-four percent of drivers in states with bans reported they don't use phones when driving, compared with 30 percent in states without such laws. The percent of drivers who talk on phones and always talk hands-free was 22 in states with all-driver bans on hand-held phones, and 13 in states without all-driver bans.⁴

9 | Do hand-held phone bans reduce crashes?

There is no evidence so far that banning hand-held phone use reduces crashes, even though Institute research demonstrates that bans on hand-held phoning while driving can have big and long-term effects in curbing phone use. A 2009 analysis by the Highway Loss Data Institute found that hand-held bans had no effect on insurance claims. Researchers compared claims for crash damage in 4 jurisdictions before and after hand-held phone use bans, finding steady claim rates before and after laws went into effect.⁸

Many drivers still use hand-held phones where use is banned, and others may simply switch to hands-free phones. Given that crash risk increases substantially with drivers' use of either hand-held or hands-free phones, bans on hand-held cellphones won't eliminate the problem entirely. Laws prohibiting hands-free phones are difficult to enforce, plus drivers may be unfamiliar with restrictions in their state. In the Institute telephone survey, 18 percent of drivers in states with a universal ban on hand-held phone use either believed there was no law or were unsure. The proportion was even higher (48 percent) among drivers in states with a universal texting ban. Many drivers don't believe police pay much attention to them. Only 29 percent of drivers in states with universal hand-held phone bans who knew about the bans and 22 percent of drivers in states with universal texting bans who were aware of the restrictions felt they were strongly enforced.⁴

10 | How common are bans on hand-held cellphones and texting?

Bans are widespread in other countries and are becoming more common in the U.S. Nine states (California, Connecticut, Delaware, Maryland, New Jersey, New York, Oregon, Utah, and Washington) and the District of Columbia have enacted laws that ban drivers of all ages from using hand-held cellphones.

More common in the US are laws that restrict young drivers from using any type of cellphone. Teenage drivers in 28 states and the District of Columbia have such laws. School bus drivers in 19 states and the District of Columbia are restricted from using all cellphones while driving a bus.

In Australia, drivers in Victoria and Tasmania are banned from using all phones, except ones secured in a commercially designed holder fixed to the vehicle that can be operated without touching any part of the phone.

Text messaging is banned for all drivers in 30 states and the District of Columbia. In addition, novice drivers are banned from texting in 8 states (Alabama, Indiana, Maine, Mississippi, Missouri, Oklahoma, Texas, and West Virginia), and school bus drivers are banned from text messaging in 2 states (Oklahoma and Texas).

Cellphone laws in the US

11 | Why do more laws cover only teenage drivers?

Cellphone bans for young drivers are becoming more common amid concerns about the role distractions play in teenagers' elevated crash risk. Distractions of any type are a common factor in crashes of newly licensed 16-year-old drivers.¹⁸ Some research also shows teenage drivers tend to use cellphones and other emerging technologies more than adult drivers.¹⁹ States increasingly have graduated licensing laws that place restrictions on newly licensed drivers, e.g., limiting nighttime driving and the number of passengers a novice driver can carry. Cellphone bans are being added to those restrictions.

See Q&A: Teenagers — graduated driver licensing

More about the licensing law in your state, or any state

12 | Do teenagers comply with cellphone bans?

Young drivers often ignore cellphone restrictions, according to an Institute study of North Carolina's cellphone ban for young beginning drivers. The state bans the use of any telecommunications device by drivers younger than 18 under its graduated licensing system. Observed cellphone use by teenagers leaving high schools in the afternoon changed little from 1-2 months before to 5 months after the restriction took effect on Dec. 1, 2006.²⁰ About 11 percent of teenage drivers were seen using phones before the law. That percentage rose slightly to 12 percent in the postlaw survey. Cellphone use remained steady at about 13 percent at comparison sites in South Carolina, which doesn't restrict teenage drivers' phone use. When observed postlaw, less than 1 percent of teenage drivers in North Carolina were using hands-free phones. About 2 percent were observed dialing or texting and about 9 percent were holding a phone to their ear.

The study coupled driver observations with telephone surveys of North Carolina parents and their teenagers. In postlaw surveys, about two-thirds of teenagers said they knew about their state's law, compared with 39 percent of parents. Three-quarters of teenagers and 95 percent of parents said they approved of the law. The proportion of teenagers who reported using phones while driving declined somewhat following the law. However, of those who owned a phone and admitted to ever talking on the phone while driving, about half admitted they used their phones, if they had driven, on the day prior to the interview. There was no evidence of focused enforcement or publicity of the law. Only 22 percent of teenagers and 13 percent of parents believed the ban was being enforced fairly often or a lot.²⁰

13 | Is cellphone use more distracting to drivers than other tasks?

Evidence is mixed. For example, some experimental studies found that phone conversations are more disruptive than conversations with passengers or adjusting a radio.¹¹ However, two statistical analyses combining the results of multiple experimental studies found similar decrements in reaction time for conversation tasks with passengers and with hand-held or hands-free phones.^{10,12} Two studies reported that talking on cellphones or having a 0.08 percent blood alcohol concentration (BAC) — the legal threshold for impairment — has a comparable effect on some simulated driving tasks.^{21,22} However, the risks associated with alcohol impairment accumulate over the entire duration of a trip, whereas the risks of cellphone use generally apply for only a portion of a trip. In addition, crash risk increases substantially at very high BACs, and the implications of the experimental studies for drivers in their own vehicles is unknown.

14 | Is texting while driving a problem?

Texting in general is on the increase. Annualized text messages soared to about 1.8 trillion in June 2010 from 57 billion in June 2005.¹ Many people report that they text while driving. A 2009 Institute survey found that 13 percent of drivers of all ages have texted while driving, and this jumps to 43 percent among 18-24-year-old drivers.⁴ Similar results were found in other studies.^{23,24}

There hasn't been a lot of research on the safety effects of texting and driving, but three studies of young drivers using driving simulators all found that receiving, and especially sending, text messages impeded drivers' reaction times and lane-keeping ability.^{25,26,27} In a study involving large trucks instrumented with video cameras and other monitoring technology, the odds of a traffic conflict, lane drift, near-crash, or crash were 23 times higher when a truck driver was texting. A limitation is that less than 1 percent of the incidents involved crashes; most were lane drifts or other driver errors. It's unknown how such incidents relate to actual crashes. It also is unclear whether the results generalize to passenger vehicle drivers.²⁸

15 | Do drivers comply with text messaging bans?

So far it appears that drivers, especially young adults, largely shrug off texting bans. An Institute study found that among 18-24 year-olds — the group most likely to text — 45 percent reported texting while driving in states that bar the practice, just shy of the 48 percent of drivers who reported texting in states without bans.⁴ Among drivers 25-29, 40 percent reported texting in states with bans, compared with 55 percent in states without bans.

Many drivers are unclear about the laws in their state. Forty-eight percent of drivers in states with universal texting bans believed there was no law or were unsure. Plus, only 22 percent of drivers who were aware of the restrictions felt they were strongly enforced.⁴

16 | Do bans on driver text messaging reduce crashes?

Not according to research by the Highway Loss Data Institute. A 2010 study examined insurance claims filed for damage to vehicles before and after driver texting bans were enacted in four states. There was no reduction in claim rates relative to comparison states. Rather, there was a significant increase of 7-9 percent in the frequency of claims in 3 of the 4 study states. Increases in the frequency of claims also were found for rated drivers 25 and younger in these 3 states.²⁹

17 | Can technology be used to prevent crashes caused by distracted driving?

Automakers are rolling out crash avoidance systems that warn drivers when they are not paying attention. Some systems may intervene if the system judges that a crash is imminent. Systems like lane-departure warning and forward-collision warning promise to prevent many kinds of distracted driving crashes, not just those that result from cellphone use (see *Status Report*, April 17, 2008). But this isn't a quick fix. Most new vehicles don't have crash avoidance features, and it will take some time before the systems are in wide use as newer vehicles supplant older ones. Plus, the effects of these technologies on real-world crashes have not yet been established.

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High Visibility Enforcement Demonstration Programs in Connecticut and New York Reduce Hand-Held Phone Use

By Linda Cosgrove, Neil Chaudhary, and Scott Roberts

Driving while distracted increases the likelihood of a crash (NHTSA, 2010), and recent well-publicized events have brought this unsafe driving behavior to the forefront of the public eye. According to CTIA-The Wireless Association (2009) about 285 million Americans (91% of all Americans) now own cell phones, compared to only 1 million in 1987. The National Health Interview Survey (Blumberg & Luke, 2010) found that nearly one in four households were wireless only (no land line), up nearly 2 percentage points from the year before. The popularity of text messaging is increasing, and videotaped footage of drivers who were texting immediately before a crash has circulated widely on television and the Internet.

The National Highway Traffic Safety Administration estimates that 6% of drivers nationwide were using an electronic device at any given time in 2008 (Pickrell & Ye, 2009). A meta-analysis (Horrey & Wickens, 2006) of 23 experiments that measured the effects of cell phone use on driving performance found that, across all studies, reaction times were consistently slower when using a cell phone than when not using a phone.

To address this problem, NHTSA initiated distracted driving demonstration programs in two communities to test whether a high visibility enforcement (HVE) model could reduce two specific instances of distracted driving -- talking or texting using a hand-held cell phone. The HVE model combines dedicated law enforcement during a specific period, paid and earned media emphasizing an enforcement-based message, and evaluation before and after. *Click It or Ticket*, NHTSA's best known and most successful HVE campaign for seat belt use, has also been effective in areas of aggressive driving and impaired driving. This report summarizes results from the first two of four waves of enforcement and media for distracted driving high visibility enforcement campaigns in two communities.

Background

Over the past several years legislatures have introduced laws banning hand-held cell phone use and texting in a number of States. New York and Connecticut passed laws banning hand-held cell phone while driving in 2001 and 2005 respectively. At the time of this report, 8 States and the District of Columbia have banned hand-held cell phone use for all drivers, and 30 States and the District have banned texting for all drivers (GHSA, 2010). Many States also ban any use of a cell phone (even with a hands-free device) for novice teen drivers. The demonstration projects were aimed to test whether HVE would be effective in persuading drivers not to use hand-held phones to talk or text, whether law enforcement would be able to observe violations, and whether an HVE campaign would increase drivers' perceived risk of receiving a citation for violating the law.

Hand-held cell phone use while driving dropped 56% in Hartford (from 6.8% to 3.1%) and 38% in Syracuse (from 3.7% to 2.3%).

Texting while driving declined 68% in Hartford (from 3.9% to 1.4%) and 42% in Syracuse (from 2.8% to 1.6%).

Under the leadership of the U.S. Department of Transportation Secretary Ray LaHood, NHTSA awarded cooperative agreements to Connecticut and New York to implement and evaluate demonstration programs that apply the high visibility enforcement model to distracted driving at the community level. Syracuse, New York, and Hartford, Connecticut, (a combination of three contiguous cities -- East Hartford, Hartford, and West Hartford) conducted the demonstrations.



Program Description

NHTSA worked with the Connecticut Department of Transportation and the New York Department of Motor Vehicles' (DMV) Governor's Traffic Safety Committee to conduct model high visibility enforcement programs in the two selected communities. In Connecticut, the participating law enforcement agencies were the Connecticut State Police and the Hartford, West Hartford, and East Hartford Police Departments. In New York, the New York State Police, the Syracuse Police Department, and the Onondaga County Sheriff's Office participated. Both communities planned to conduct four waves of enforcement over the course of one year.

Under separate contracts, NHTSA provided evaluation and communications support to both sites. Preusser Research Group was the evaluation firm and the Tombras Group was the communications firm.

Table 1
Demonstration Program and Evaluation Schedule

	Wave 1		Wave 2	
	CT	NY	CT	NY
Pre Wave Observations	March 18-22	March 25-27	July 8-12	July 8-10
Pre Wave Awareness	March 23-27	March 15-19	July 6-10	July 5-9
Media Flight	April 4-16	April 4-16	July 22-28	July 20-26
Enforcement Dates	April 10-16	April 8-17	July 24-30	July 22-31
Post Wave Observations	April 15-19	April 15-17	July 29-August 2	July 29-31
Post Wave Awareness	April 15-20	April 19-22	July 29-August 3	August 2-6

The first two waves of focused enforcement took place in April and July 2010. Table 1 shows the timeline for pre and post evaluation data collection, media flights, and enforcement in test and control sites.

Development of the Creative Material

In September 2009 NHTSA explored a variety of project themes and held focus groups in Syracuse and Hartford (four in each city). Six potential taglines were selected for assessment. The line "A phone in one hand leads to a ticket in the other" received the highest marks. Based on additional comments, the line for the demonstration project was shortened to *Phone in One Hand, Ticket in the Other*.

The creative material was designed to generate high awareness of stepped-up enforcement efforts regarding local cell phone laws and convince drivers to adhere to those laws. In December 2009, eight more focus groups were held in Hartford and Syracuse to test four TV commercial ideas. The "BAM!" concept received the highest marks, and became the ad for the demo project.

Earned Media

Secretary LaHood and NHTSA Administrator David Strickland launched the campaign with press events (U.S. DOT, 2010) in each State on April 8, 2010. These events generated considerable coverage from local and national media outlets including a feature on ABC-TV's *Good Morning America* (Clarke, 2010) and a feature on ABC News (San Miguel, 2010).

Each of the demonstration sites received sample earned media templates so that they could develop localized press releases, fact sheets and post wave press releases. Outreach with the news media and various partners during each wave resulted in scores of articles and events in both States. In Connecticut and New York, more than 100 news organizations developed news stories about the demonstration projects. Syracuse and Hartford actively generated opportunities to earn additional media for the program. For instance, New York initiated a media tour and the Connecticut DMV joined with Traveler's Insurance Company to sponsor a teen driving video contest.

Paid Media

NHTSA's Office of Communications and Consumer Information purchased air time to promote the program activity and emphasize the enforcement component among the target audience of men and women 18 to 45 years old. The television spots are available online at distraction.gov/hartford and distraction.gov/syracuse. Figure 1 shows a still shot from one of the animated Internet ads also located on the Web site.

Advertisers use "gross rating points" (GRPs) to determine how much of their target audience is reached by a specific advertisement multiplied by the number of times the target audience sees it. For the first wave in April 2010, NHTSA purchased two weeks of advertising in each demonstration location at a level of about 535 GRPs for television/cable, 400 GRPs for radio, and an additional 2 million online impressions on Web sites like USA Today.com. This was considered a strong buy that would reach the target audience enough times that the ad's message would resonate with them. For the second wave in July 2010, NHTSA purchased one week of advertising in each demonstration location at a level of about 300 GRPs for television/cable, approximately 240 GRPs for radio, and an additional 1.5 million online impressions. The media expenditures were \$219,290 in Hartford and \$88,904 in Syracuse for both waves combine (see Table 2).

The Connecticut Highway Safety Office also ran the *Phone in One Hand, Ticket in the Other* slogan on variable message boards in and around the pilot area and purchased digital billboards on major Hartford Interstate Highways I-84 and I-91. The billboard message also ran at the XL Center, a sports and concert venue in downtown Hartford. This message ran on the XL Center digital billboard and outdoor marquee.

Enforcement

Hartford and Syracuse chose enforcement strategies tailored to their communities. Hartford preferred a spotter technique, where an officer, usually standing on the side of the road, radioed ahead to another officer whenever a passing motorist using a hand-held cell phone was observed. The second officer made the stop and wrote the ticket. The Connecticut Highway Safety Office prepared citation holders, short brochures that officers used to hold the tickets to provide specific information about Connecticut's cell phone law, the fine amount, and the risks associated with distraction.

Syracuse preferred roving patrols where officers drove through their jurisdiction actively seeking out distracted drivers using cell phones or texting. Officers reported that higher vantage points, SUVs, and unmarked vehicles were particularly effective in identifying violators. Both States found that having the flexibility to schedule overtime shifts as needed was critical to the successful implementation of the enforcement mobilizations.

Figure 1
Scene From Animated Internet Banner Ad



Table 2
Media Buy

	Wave 1 (2 weeks)		Wave 2 (1 week)	
	Hartford	Syracuse	Hartford	Syracuse
TV Cost	\$108,651	\$36,898	\$57,098	\$21,517
Radio Cost	\$108,651	\$36,898	\$57,098	\$21,517
Online Cost	\$5,000	\$5,000	\$3,750	\$3,750
Total Cost	\$140,855	\$54,159	\$78,435	\$34,745

Table 3
Enforcement Hours and Citations Issued

	Wave 1		Wave 2	
	Hartford	Syracuse	Hartford	Syracuse
Dedicated Hours	1,345	1,370	1,856	1,337
Hand-Held Phone Use	2,329	2,185	2,327	1,977
Text/E-mail/Distracted	279	115	21	169
Citations/10k Population	107	167	100	156

Both Hartford and Syracuse dedicated officers to vigorously enforce the hand-held cell phone ban during the two waves, exceeding benchmarks based on previous high visibility enforcement campaigns. Table 3 shows the number of enforcement hours and phone and texting citations issued in each site, along with the rate of citations per 10,000 of each city's population.

Evaluation Methodology

Before and after each enforcement wave, NHTSA conducted observations of driver cell phone use and collected public awareness surveys at driver licensing offices in each test and comparison site.

Albany, New York, served as the comparison area for Syracuse. Bridgeport and Stamford, Connecticut, were non-contiguous control areas to match the demographics of the three Hartford area cities. Control sites allow evaluators to separate the effect of the demonstration program from extraneous influences that may be going on in the State. None of the control sites received the paid media advertising and law enforcement officers continued their usual enforcement activities without special emphasis on cell phone laws.

Cell Phone Observations

Cell phone observations were taken at 15 sites in each intervention area, plus 15 sites in Albany, 15 in Stamford, and 7 sites in Bridgeport. Sites were selected from road segments based on traffic volume estimates. Three of the sites in each area were highway off-ramps. The rest of the sites were identified from the highest volume segments, assuring that they were geographically dispersed throughout the areas. The main goal of site selection was to capture the bulk of the traffic streams in the given area.

Observation protocols were based on NHTSA's National Occupant Protection Use Survey (NOPUS) observation protocols, adapted to increase sample size. An earlier formulation of the method, consistent with NOPUS observation protocols, had observers sampling from traffic stopped at red lights. Therefore all selected sites were at traffic light controlled intersections. Pilot testing of this method resulted in few observations and NHTSA modified its method to observe moving traffic only. Observations were made from

street corners observing one direction of traffic (the vehicles traveling in the lanes nearest the observer) for one hour at each site. When traffic signals turned red, observers pivoted and sampled vehicles from the moving traffic on the cross street. Observers coded vehicle type, sex, estimated age (16-24, 25-59, 60+) and whether the driver was holding a hand-held phone to her or his ear, manipulating a cell phone (other than by holding to one's ear) and if the driver had a hands-free headset (e.g., Bluetooth) in the visible ear.

The main analyses were the average percentage of each of the three cell phone use categories separately for each test and control area. Weighting of data occurred prior to analysis so that each site held equal weight. That is, for a 15-site survey in which the number of observed drivers varied between sites, the percentage use recorded in each site contributed an equal 1/15 of the total use rate for that area. Binary logistic regressions analyses evaluated the significance of differences and chi squares were conducted for raw data for subsets of the data (e.g., age). Over 121,000 vehicles were observed for the first two waves of the demonstration program.

Self-Reported Use and Awareness Surveys

Motorists who visited driver licensing offices in the test and comparison sites completed a single page questionnaire asking whether they had seen or heard of the distracted driving program, enforcement, or messaging. They were asked about their cell phone use while driving and whether they had changed their cell phone use in the past 30 days, among other topics. Surveyors collected more surveys for the first (pre Wave 1) administration and will do the same for the final (post Wave 4) administration to increase the power of analyses for both baseline and final data. Over 11,000 self-report surveys were collected for the first two waves of the demonstration program.

Researchers collected some data a bit later than originally planned (Table 1). In Syracuse there was a clerical error on the final question about slogan recognition. For this question, the analyses report data from another survey administered two weeks later in both Syracuse and Albany. There were inexplicable fluctuations in the Wave 2 results (pre and post) in the Albany surveys compared to Wave 1. For example there were 14% (pre) and 11% (post) of the respondents who reported having gotten a ticket for using a hand-held phone in the past month for Wave 2. This value was only 1% in both pre and post Wave 1 surveys. The data collected two weeks later were more comparable to Wave 1 results. For this reason the researchers deemed the original data from Albany Wave 2 unreliable. The analyses report only the re-sampled post wave data for Albany.

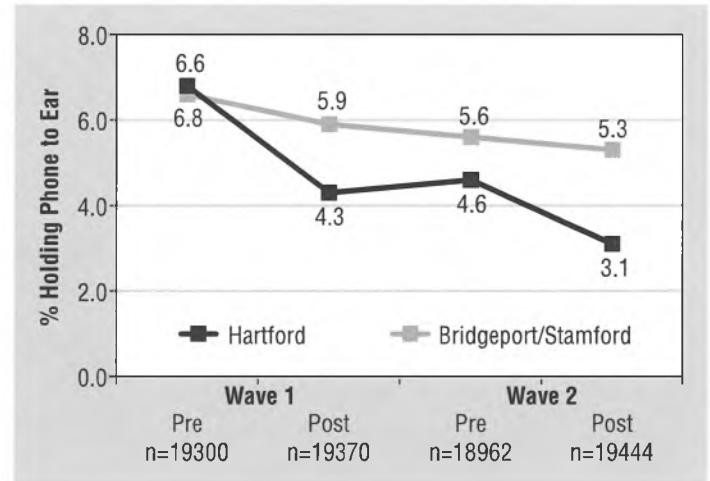
Results

Observed Phone Use in Connecticut

The results of Wave 1 showed a significant decrease ($p < .01$) in hand-held cell phone use in the Hartford areas from 6.8%

before the program to 4.3% afterwards (see Figure 2). The control areas also showed a slight decrease in hand-held cell phone use, but this was not statistically significant (6.6% to 5.9%, $p > .05$).

Figure 2
Observed Hand-Held Phone Use in Connecticut



There were further reductions in observed hand-held cell phone use in the second wave in the Hartford intervention area. In between waves, there was minimal increase in hand-held cell phone use in the Hartford areas, when the program was silent. Observed use was 4.6% at the pre measurement of the second wave, dropping to 3.1% in the post measurement ($p < .01$). Use in the control areas continued a slight, although not statistically significant, downward trend, starting at 5.6% and dropping to 5.3% ($p > .05$).

From the baseline (pre Wave 1) to the end of the second wave (post Wave 2) hand-held cell phone use dropped 56% (from 6.8% to 3.1% in the Hartford areas compared to 20% (6.6% to 5.3%) in the control areas).

Most of the decrease in cell phone use was attributed to drivers age 25 to 59 in the Hartford area. Young drivers 16 to 24 dropped 5.3 percentage points (from a pre of 9.0% to a post of 3.7%) following enforcement during Wave 1. However, relatively small sample sizes for this group made this drop only marginally significant ($p < .06$). There was no change for the second wave for the young drivers and there was also no change in use among this group for control areas in either wave. For the 25- to 59-year-old age group, there were significant pre to post drops for both waves in the Hartford area. The changes in the control areas were not significant for either wave and there were no significant effects for the oldest drivers in either wave in either area.

There were significant drops in observed phone use for men and women in both waves in the Hartford area. Surprisingly, there were significant (p 's $< .05$) pre to post decreases among female drivers in the control area for both waves but no change for male drivers.

For Wave 1, headset use significantly decreased from pre to post in both the Hartford area (3.5% to 2.8%) and in the control area (4.1% to 2.7%). For Wave 2, none of the pre to post differences were significant in either the test or control sites.

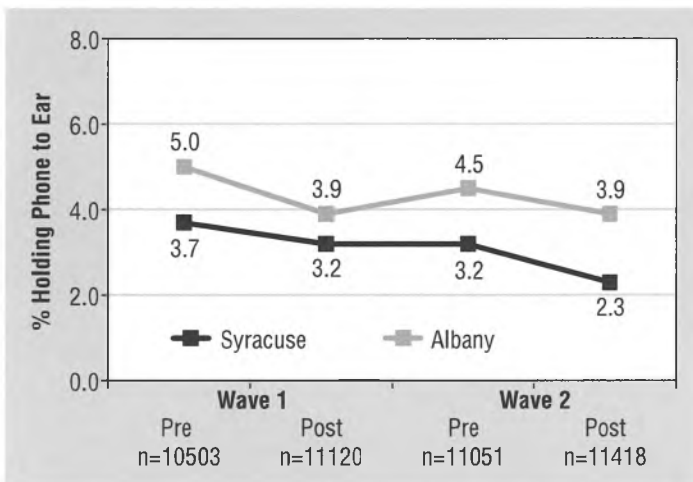
The percentage of people observed manipulating their phones decreased significantly in Wave 1 from pre to post. There was a larger decrease in the Hartford area (3.9% to 2.7%) than in the control area (2.8% to 2.1%). For Wave 2 there was another significant pre to post decrease without much of an increase between waves in the Hartford area (2.6% to 1.4%). There was no change in the control area for the second wave (2.6% to 2.6%).

Observed Phone Use in New York

The results of Wave 1 showed a non-significant decrease in hand-held cell phone use in Syracuse going from 3.7% to 3.2% ($p > .05$) (see Figure 3). There was an unexpected decrease in use in the control area that did reach significance. In Albany use started at 5.0% and dropped to 3.9%.

Wave 2 results were more in line with expectations. Between waves there was no increase in hand-held cell phone in Syracuse and use remained at 3.2%. After the second wave there was a significant drop in use to 2.3% ($p < .01$). Use in Albany rebounded between waves and was 4.5% prior to Wave 2. There was a drop in hand-held cell phone use in Albany (to 3.9%) but this decrease was not significant.

Figure 3
Observed Hand-Held Phone Use in New York



From the baseline (pre Wave 1) to the end of the second wave (post Wave 2) hand-held cell phone use dropped 38% (from 3.7% to 2.3%) in Syracuse compared to a 22% decline (from 5.0% to 3.9%) in Albany.

Drivers 25 to 59 accounted for most of the decrease in cell phone use in Syracuse in Wave 1, but not enough to influence the overall observation rate. None of the other age categories in Syracuse showed a decrease for this wave. The same age group was also the only significant decrease for the Albany

drivers in Wave 1. For Wave 2, this group was again the only age group showing a significant decrease in Syracuse. In Albany, despite no overall significant drop, the drivers under 25 showed a significant decrease in driving while using a hand-held phone.

During Wave 1, male drivers showed a significant decrease in driving while on a hand-held phone in Syracuse while women did not. This effect for men was also the only significant drop in Albany. In the second wave men again significantly reduced their use in Syracuse while women did not. Conversely, there was a small but significant decrease in use by women in Albany but not men.

Observations of phone manipulation (e.g., texting, dialing) significantly decreased ($p < .05$) in Syracuse in Wave 1 (2.8% to 2.2%). There was also a decrease in Wave 2 (2.2% to 1.6%), but this decrease was not significant. The observed rate of manipulating a phone while driving was much higher in Albany than Syracuse. In both waves there was a significant pre to post decrease in observed phone manipulation in Albany (Wave 1: 6.3% to 5.3%; Wave 2: 5.7% to 3.0%). Both cities showed an overall decrease of 43% in observed phone manipulation from the baseline to the end of the second wave, with an absolute change of 1.2 percentage points in Syracuse and 3.3 points in Albany.

There were no significant changes in Syracuse in the percentage of drivers observed with hands-free headset. In both waves (pre and post) the rate was about 2% (ranging from 1.7% to 2.3%). Albany's rate of hands-free use was more variable ranging from 4.4% to 2.6%. There was a significant decrease between pre and post use rates during Wave 1 (4.4% to 2.8%).

Self-Reported Cell Phone Use and Program Awareness in Connecticut

Respondents in Connecticut were aware of and knowledgeable about the program and enforcement. From pre to post in Wave 1, Hartford area respondents reported increased chances of getting tickets while there was no effect in the control area. In both Syracuse and the control site, Albany, respondents also reported hearing more general distracted driving information after Wave 1 than before. In Wave 1 there was a decrease in the percentage reporting that it is important for police to enforce the hand-held cell law in both Hartford and control areas, but much of the decrease was restored by Wave 2. There was a pre to post increase in the Hartford area in Wave 1 for reports of having ever gotten a cell phone ticket. Similarly there was a pre to post (Wave 1 only) increase in reports of getting a ticket in the past month (for the control area also).

During Wave 2 there was an increase in the percentage of respondents in the Hartford area who heard about enhanced police enforcement. There was no such increase during Wave 1, but there was an overall gain between the waves. There were no significant effects for the control area.

During Wave 1 there was actually a decrease in the percentage of people having heard about distracted driving in general (both areas) but in Wave 2 there was a large increase (pre to post) in recognition for the Hartford area (but not the control area).

Awareness of the *Phone in One Hand, Ticket in the Other* slogan started at 5% in the pre of Wave 1. Following the first wave, recognition rose significantly to 32%. There was also a significant increase in the control area but not of the same magnitude (5% to 11%). Wave 2 led to further increases in recognition in the Hartford areas (27% to 47%). There was no increase in the control areas (8% to 10%).

Recognition of other slogans was not as high. The other most recognized slogan in the Hartford area following Wave 2 was *I-Promise Not to Drive Distracted* which was recognized by 15% of respondents. A local TV station (WFSB) has been running messages with this slogan between enforcement waves. Ten percent of the respondents recognized *Hang Up or Pay Up*, an enforcement type distracter slogan not in use in the area. Recognition of Oprah Winfrey's *No Phone Zone* was at 8%.

There was an increase in Wave 1 for judgments of frequency of cell phone use while driving, with no effect for the control group. The effect dissipated by Wave 2 -- the Wave 2 pre and post measures were much lower than the post of Wave 1. There was also a significant increase in self-reported texting during the first wave in the Hartford area. During the second wave there was a significant decrease in reported use by the control area respondents.

Self-Reported Cell Phone Use and Program Awareness in New York

Overall, Syracuse respondents knew about the enforcement and messaging campaign. Drivers in Syracuse reported having heard about the cell phone enforcement with significant pre to post increases for each wave. They also reported hearing about distracted driving (in general) more in the post of Wave 1 than in the pre of Wave 1 and this was also true in Albany. There was also an increase in self-reported tickets within the last month for Wave 1 in Syracuse. There was an increase in both waves for perceived strictness of police enforcement in Syracuse while there was a significant decrease during Wave 1 in Albany, the control site.

Unexpectedly, self-reported hand-held cell phone use increased from pre to post in Wave 1 in Syracuse. Albany's rates stayed the same. There were no changes in self-reported texting while driving.

Recognition of the main message, *Phone in One Hand, Ticket in the Other*, increased 32 percentage points in Syracuse (5% to 37%). The rates were flat in Albany, going from 4% to 5%.

Slogan recognition for Syracuse went from 5% to 21%. It is likely that recognition would have been even higher immediately following the campaign. Indeed, the recognition was

at 37% following Wave 1. Rates in Albany, the control site, stayed the same going from 4% to 5%.

Recognition of other slogans was considerably lower at the end of Wave 2 in Syracuse. For example *Hang Up or Pay Up*, (not in use in the area) was 11%. Eight percent of the respondents recognized Oprah Winfrey's *No Phone Zone*.

There was an unexpected increase from pre to post in the first wave in Syracuse respondents' judgment of how frequently they use a hand-held phone while driving, similar to the findings in Hartford. This increase was not present in Albany, and was not present in the second wave in either area. Self-reported cell phone use rates for both pre and post in the second wave were lower than the post in the first wave for Syracuse. Figures 4 through 8 show public awareness findings for Syracuse, Hartford, and the control sites over both waves.

Figure 4
In the Past Month, Have You Seen or Heard About Distracted Driving in [Connecticut/New York]?

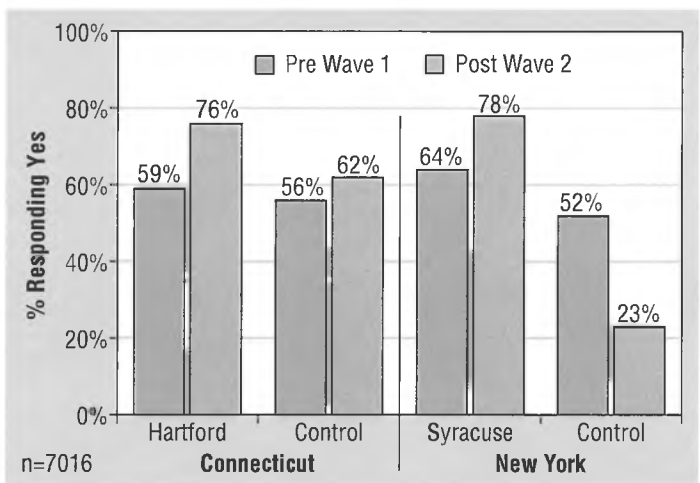


Figure 5
Awareness of "Phone in One Hand, Ticket in the Other" Slogan in Connecticut and New York

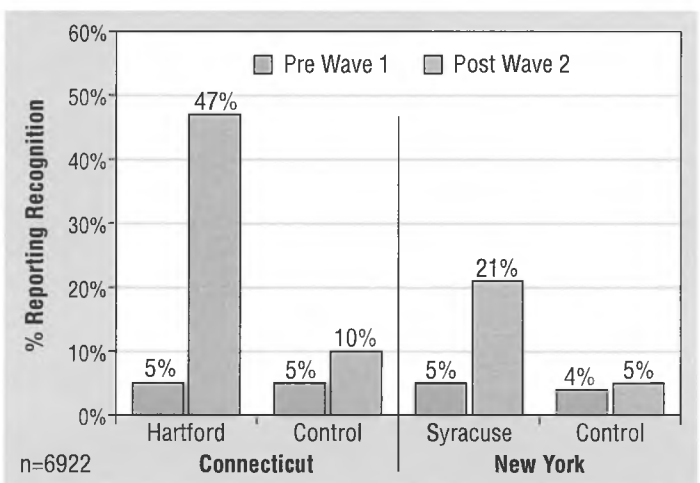


Figure 6

What do you think the chances are of getting a ticket if you use a hand-held cellular phone while driving?

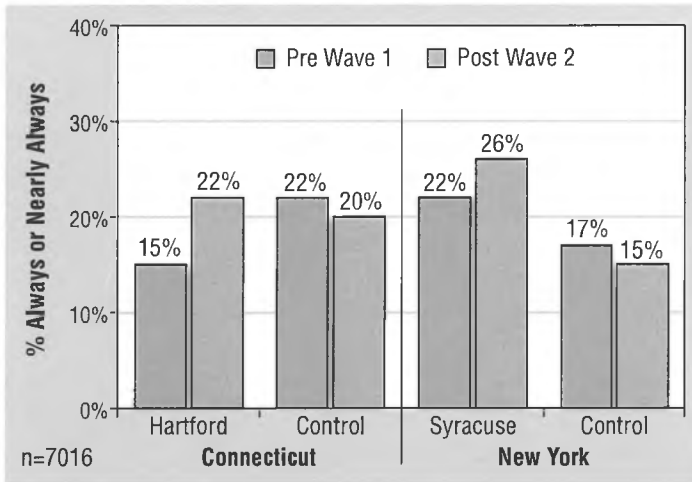


Figure 7

Strictness of Enforcement of Hand-Held Phone Law

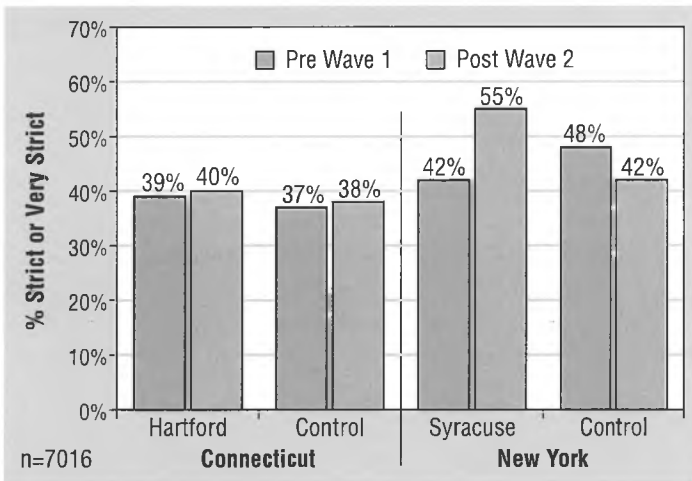
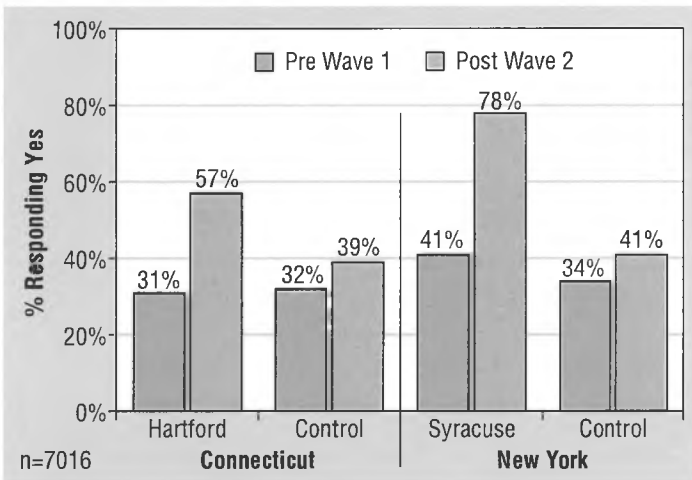


Figure 8

In the past month, have you seen or heard about police enforcement focused on hand-held cellular phone use?



Discussion

The most apparent finding from the first two waves of NHTSA's distracted driving demonstration programs in Syracuse and Hartford is that awareness about cell phone use and texting is remarkably high. About 6 in 10 in both communities had heard something about distracted driving, even before the new *Phone in One Hand, Ticket in the Other* advertisements aired. This most likely reflects the influx in media discussing the issue. Insurance companies, mobile phone providers, and safety organizations have been addressing the dangers of using a cell phone and texting while driving, especially for teens, and have sponsored advertisements on national television. State legislatures have passed texting and cell phone bans. The U.S. Department of Transportation held a summit in Washington, DC, in September 2009 bringing together over 250 researchers, government agencies, industry representatives, public advocates, and elected officials to discuss what could be done to reduce the preventable deaths and injuries that distracted driving is causing in America. The President issued an Executive order advising Federal workers to "put it down." In January 2010 Oprah started the *No Phone Zone* and on April 30, the Oprah Winfrey Show launched a "No Phone Zone Day" with a live TV broadcast, rallies in six cities – Atlanta, Boston, Detroit, Chicago, Los Angeles, and Washington – and a national public service announcement campaign.

Despite the national attention and motorists' beliefs that distracted driving by others is a dangerous activity, surveys show that motorists are willing to engage in the behavior themselves. Changing driver behavior presents a challenge, but high visibility enforcement campaigns are a proven countermeasure in a variety of traffic safety areas. The intent of a high visibility enforcement campaign is not to issue tickets. Rather, the intent is to deter drivers from engaging in that particular behavior in the first place. In other words, if drivers violate a particular law, there should be a high certainty that they will receive a ticket. While issuing one citation to a motorist may persuade that person to avoid that offense in the future (known as specific deterrence), highly visible enforcement seeks to have 100 or 1,000 other drivers know about that one citation so they choose to avoid that behavior (general deterrence).

The new slogan, *Phone in One Hand, Ticket in the Other*, proved effective in conveying the message of increased cell phone enforcement to the public. Nearly 50% of respondents in Hartford and 20% in Syracuse reported that they had seen and heard about the program after just the first wave of the program. People reported having heard about the enforcement, recognized the increased strictness of the police, and thought that their chance of getting a ticket if they used a hand-held cell phone increased. An interesting anomaly in the public awareness data is that self-reported use of a hand-held cell phone actually increased during the first wave, before finally decreasing at the end of the second wave. One

explanation is that drivers were becoming more aware of their cell phone use while driving because of the increased media. There was strong public support for the program, with 8 out of 10 drivers believing that it is important for the police to enforce the hand-held cell phone law.

Observed cell phone use decreased in both sites by the end of the second wave of the *Phone in One Hand, Ticket in the Other* demonstration program. Before the distracted driving programs began, observed cell phone use in Syracuse was about half that of the rest of the Nation and Connecticut was close to average. Both States have had hand-held cell phone bans while driving for some time – 2001 for New York and 2005 for Connecticut. After the second wave of the high visibility enforcement campaign, hand-held cell phone use decreased 38% in Syracuse (from 3.7% to 2.3%) and 58% in Hartford (from 6.8% to 3.1%). The laws alone may have served to keep these States at or below the national average, but the addition of high visibility enforcement and media emphasizing the enforcement drove the rates down even lower. High levels of national media and celebrity attention to distracted driving, such as by the *Oprah Winfrey Show*, may account for some of the high public awareness of the issue and for the steady declines in observed hand-held cell phone use in the control sites and among women in three of the five sites overall.

Unlike other periodic traffic safety campaigns, there was no rebound or ratcheting effect during the period between waves where the observed behavior reverted close to previous levels. It remains to be seen whether this trend will continue throughout the remaining two waves, but it is promising and suggests that social norms towards phone use and texting are shifting towards finding it as unacceptable as driving while impaired by alcohol.

The law enforcement agencies in both sites exceeded program expectations. Ticketing rates of about 20 citations per 10,000 population are common benchmarks for effective belt enforcement programs, a rate deemed sufficient to change motorists' behaviors. Enforcement rates for the distracted driving demonstration programs in Syracuse and Hartford were more than five times that benchmark. Officers reported that they were enthusiastic about the dedicated advertising that focused on their increased enforcement. They reported that coordinated enforcement activities with neighboring law enforcement agencies expanded the visibility of their enforcement efforts. They reported positive public reactions -- the general theme was that "it was about time."

There are challenges to enforcing hand-held cell phone and texting bans. The most obvious challenge is the difficulty in observing the offense. Syracuse law enforcement officers preferred roving patrols and found higher observation locations or taller vehicles like SUVs useful in seeing down into a pas-

senger vehicle to observe texting offenses. Hartford officers found the spotter, or stationary, strategy effective but both chose strategies that suited their community and resources and both used other strategies as well. Because this was a demonstration program, additional reporting paperwork was required. The Hartford officers felt that their post ticketing paper work was more time consuming than a seat belt ticket but they are working to improve the process in time for the third wave.

There are two additional waves of enforcement planned in Hartford and Syracuse. The third wave will begin in October 2010; the fourth and final wave will occur in the spring of 2011. At the conclusion of the fourth wave, NHTSA's Office of Behavioral Safety Research will prepare a final report detailing all four waves.

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U.S. Department of Transportation
**National Highway Traffic Safety
 Administration**

Alaska 2010 Highway Safety Phone Survey

- **An Alaskan View of:**
 - Drivers' attitudes,
 - Awareness of enforcement and media and
 - Self-reported driving behavior

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August, 2010

Executive Summary:

As reported by Alaskan Drivers:

- **One in four** have driven within two hours of drinking an alcoholic drink in the past 60 days.
- Nearly **70%** believe that **the court system is somewhat to very tough on enforcing drunk driving laws.**
- Almost **half** believe that chances of **getting arrested for drinking and driving** are at least **very likely.**
- **91% always buckle up.**
- **41%** think it is **unlikely** they'll get a **ticket for not wearing a seatbelt.**
- **49% rarely or never** drive over **35mph in a 30 mph** zone.
- **81% rarely or never** drive over **70 mph in a 65 mph** zone.
- **79%** of 4-8 years olds **always use booster seats.**
- **61% talk** on their **cell phone** while driving.
- **86% never text** while driving.
- **72%** usually **use headlights** when driving **in daylight.**

Introduction:

The Alaska Injury Prevention Center (AIPC) designed and implemented a phone survey, in compliance with the National Highway Traffic Safety Administration guidelines. A randomly selected representative sample of Alaska licensed drivers was asked a series of questions in the five-minute phone survey. The questions addressed driver attitudes, awareness of highway safety enforcement and communication activities and self-reported driving behavior. The questions addressed the following topics: seatbelt use, drinking and driving, headlight use, talking and texting while driving, speeding and booster seat use.

Methodology:

A five-minute telephone survey, was conducted in August, 2010. The survey included 40 questions, mostly closed-ended, introduction, screener, and demographics questions. Craciun Research Group (CRG) was contracted with to conduct the survey. AIPC provided CRG with questions, conducted analysis and wrote the report of survey findings. CRG reviewed the survey and made suggestions for changes; programmed the approved survey; prepared the four sample frames from CRG's database of Alaska residents, with quotas for age categories; conducted the survey, and provided the data to the client.

Total sample size for the survey was four hundred (n=400) Anchorage, Kenai/Soldotna, Mat-Su and Fairbanks and Juneau residents for a total margin of error of +/-5% with 95% confidence.

Analysis:

The analysis section is broken out into 6 sections. Each section addresses behaviors and potential motivational variables and demographic variables which might affect the behavior choices. Motivational variables include awareness of enforcement efforts and perceived likelihood of getting caught engaging in an illegal and unsafe behavior. Analysis was done utilizing PASW 18 (formerly know as SPSS.) Frequencies and crosstabs were the primary analytical tests used for this preliminary review of the data. Additional analysis will be conducted in the next few months to provide a broader vision of highway issues.

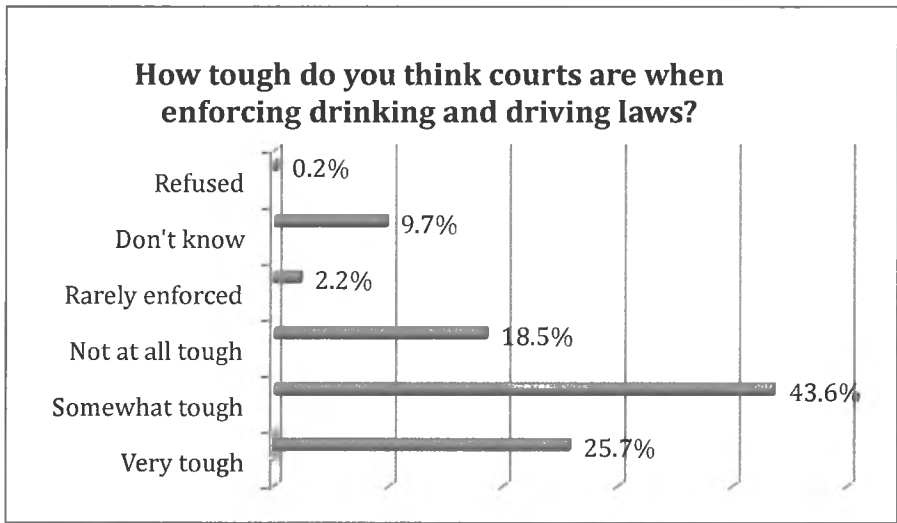
Drinking and Driving

Just over one in four (27%) persons of driving age reported driving a motor vehicle within 2 hours of consuming an alcoholic drink in the past sixty days. These persons are referred to as “drinking- drivers” throughout this report. Thirty-two percent of males and 21% of females reported at least one drinking-driving trip in the past 60 days. Within these groups, 8% of men and 4% of women have taken 4 or more drink-driving trips in the past 60 days. ¹

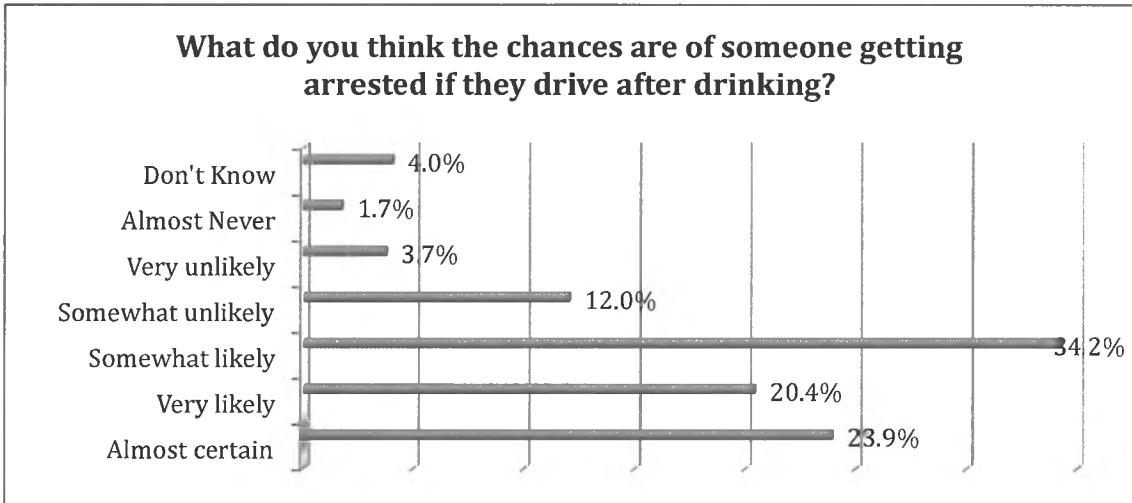
When examined by education, the percentage of the driving-age public who reported driving a motor vehicle within 2 hours of drinking any alcoholic beverages ranged from 22% - 26% for respondents with a GED to those with a 4-year degree. The percent jumped to 42% for those with a postgraduate degree.

Looking at type of vehicle driven revealed that drivers of cars, SUV’s and trucks all had about a 30% chance of drinking and driving. Only 4% of van drivers reported having made at least one trip after drinking alcohol.

¹ Q.22 In the past 60 days, how many times have you driven a motor vehicle within 2 hours after drinking an alcoholic beverage? Never, Once, Two or three times, Four or five times, Many times, Some. I don't know how many, Refused



Participants were also asked how tough they thought courts were in enforcing drinking and driving laws.² Most answered that they thought courts were somewhat to very tough. (69.3%)

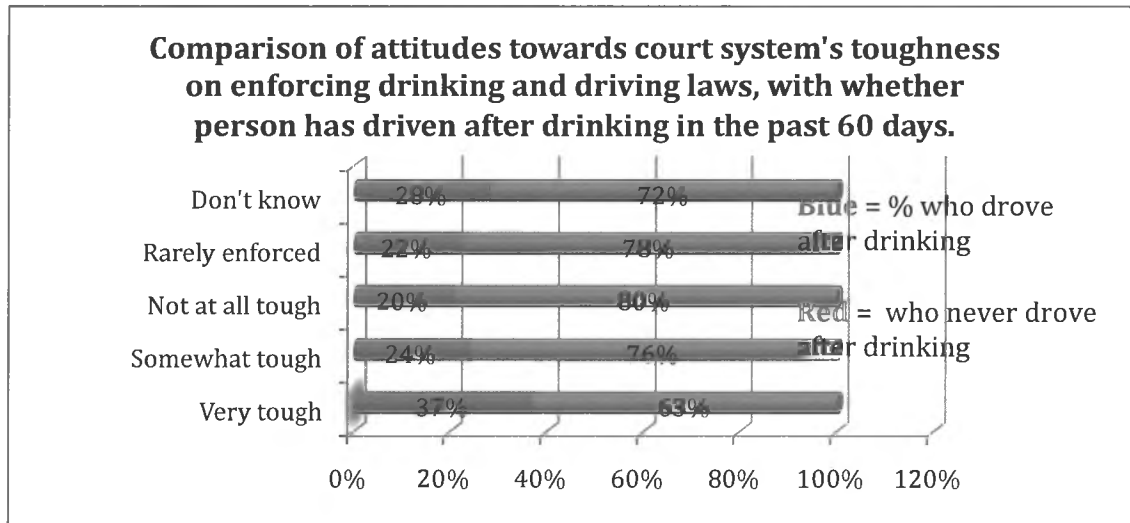


Participants were also asked how tough they thought courts were in enforcing drinking and driving laws.³

² Q.15 In your opinion, how tough do you think the courts are when enforcing drinking-and-driving laws?
Very tough, Somewhat tough, Not at all tough, Rarely enforced, Don't know/ Unsure, Refused

³ Q.15 In your opinion, how tough do you think the courts are when enforcing drinking-and-driving laws?
Very tough, Somewhat tough, Not at all tough, Rarely enforced, Don't know/ Unsure, Refused

Twenty-three percent of the driving-age public believed that a driver who had too much to drink to drive safely was “almost certain” to be arrested by the police. Seventy-eight percent believe a person’s chances are “Somewhat likely” or more that they will get arrested if they drive after drinking. Twenty-six percent believed that the courts are very tough when enforcing drinking and driving laws. While 70% believe that the courts are somewhat to very tough with enforcing these laws.



Of those who believe that the courts are very tough enforcing drinking and driving laws, 37% had driven after drinking in the last 60 days. Participants were asked whether they had “read, seen or heard anything about drunk-driving enforcement in Alaska.”⁴ Sixty-seven percent answered yes. Of those who self reported making many trips after drinking in the last 60 days, 82% were aware of drunk driving enforcement.

Seatbelt Use

In the 2010 seatbelt observation survey for Alaska, 86.7% of drivers and passengers were observed wearing a seatbelt. When asked: “How often do you use a seatbelt when you drive or ride in your personal vehicle” 91% answered “always” and 5% said “almost always.”⁵ Only 1.2% said never. Fifty-five percent said they had read, seen or heard about seatbelt enforcement in the past 60 days.⁶ And 29% believed that a person would always or nearly always get a ticket for not using a seatbelt.⁷ Forty-two percent answered that the chance was never or seldom.

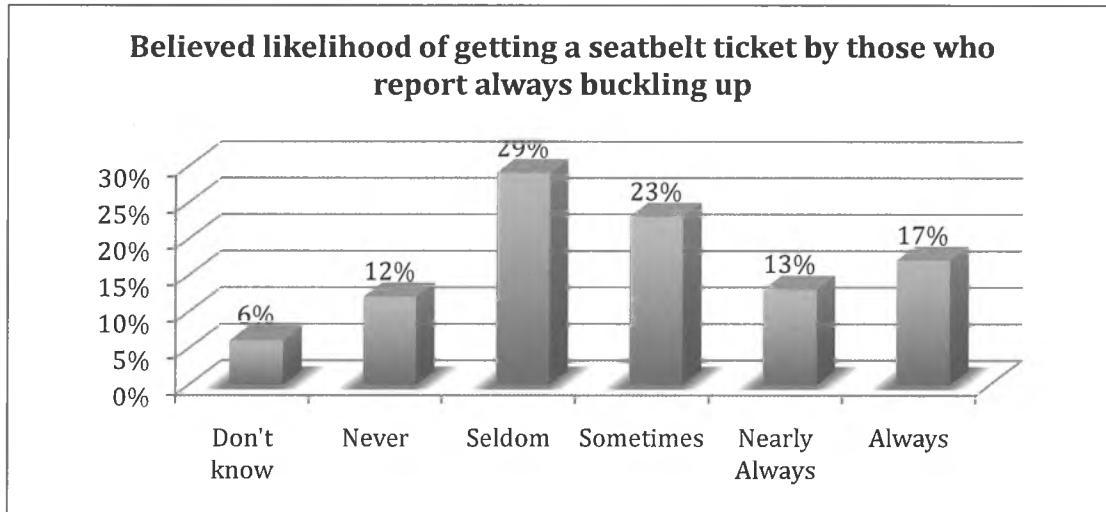
⁴ Q.21 In the past 60 days, have you read, seen or heard anything about drunk-driving enforcement in Alaska? Yes, No, Don't know/ Unsure, Refused

⁵ Q.11 How often do you use a seatbelt when you drive or ride in your personal vehicle? Always, Nearly always, Sometimes, Seldom, Never, Unsure, Refused

⁶ Q.12 In the past 60 days, have you read, seen or heard anything about seat belt enforcement in Alaska? Yes, No, Don't know/ Unsure, Refused

⁷ Q.13 What do you think the chance is for you to get a ticket if you do not wear your seat belt? Would you get one: Always, Nearly always, Sometimes, Seldom, Never, Don't know/ Unsure, Refused

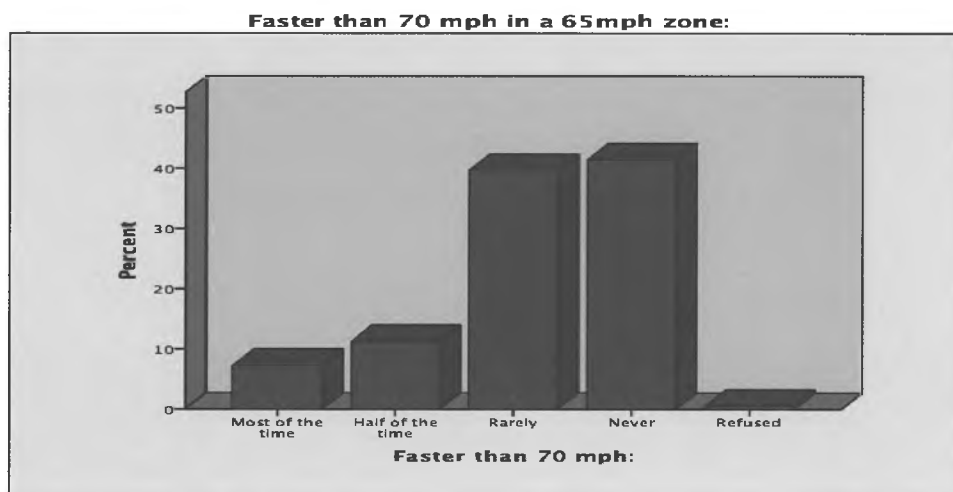
The degree of certainty of which a person would get a seatbelt ticket did not seem to be effected by awareness of seatbelt use enforcement. Sixty-four percent of those who thought they had no chance of getting a seatbelt ticket had heard about seatbelt enforcement in the last 60 days. Sixty percent of those who thought they would always get a ticket had also heard of the enforcement efforts.



For those who always wear a seatbelt, 12% felt that they would never get a ticket for not buckling up and 17 percent felt they would always get a ticket. Forty-one percent thought they would never or seldom get a ticket. While 30% thought they would always or nearly always get a ticket.

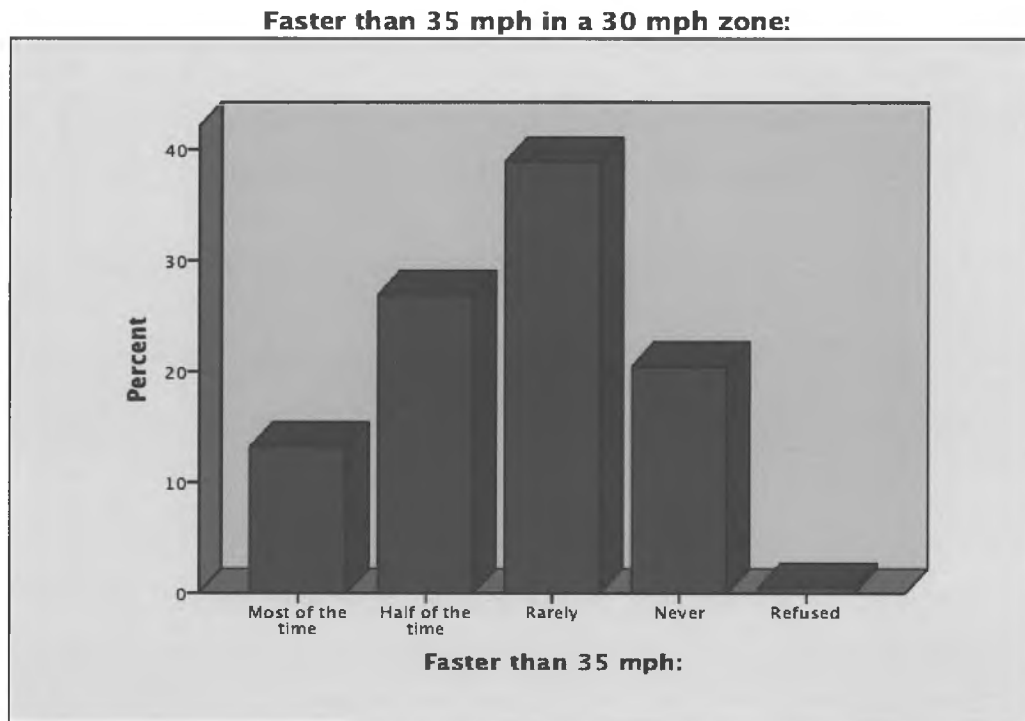
Speeding

Two scenarios were presented concerning speeding. The first was how often a driver goes more than 70 mph in a 65 mph zone.⁸ And the second how often the driver goes



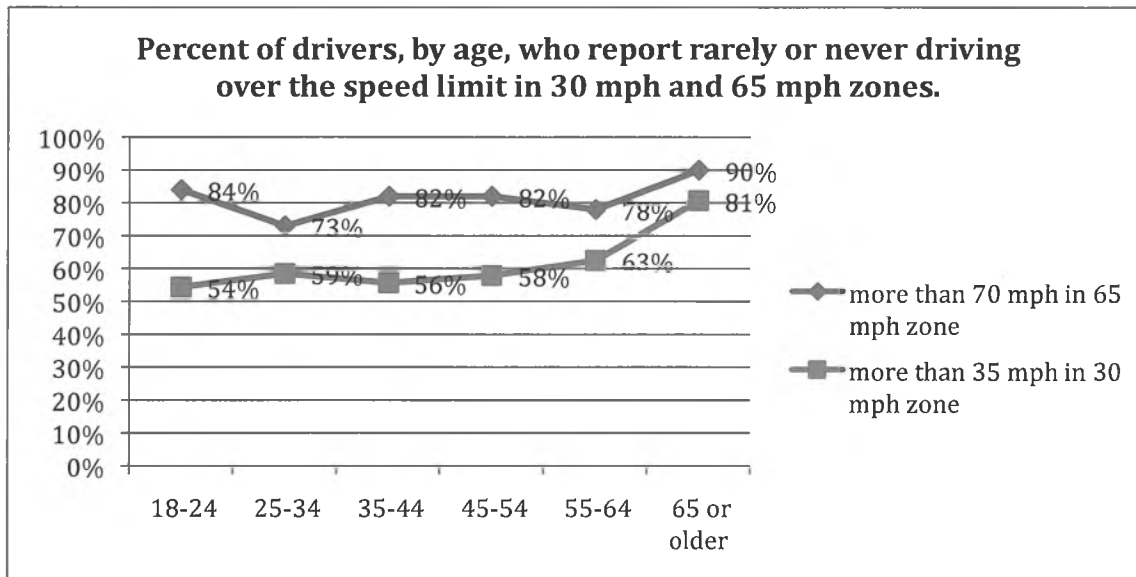
⁸ Q.18 On a road with a speed limit of 65 mph, how often do you find yourself driving faster than 70 mph: Most of the time, Half of the time, Rarely, Never, Refused

faster than 35 mph in a 30 mph zone.⁹ People report being more likely to speed in 30 mph areas than 65 mph areas. Eighty-one percent say they rarely or never go over 70 in a 65 area. However, 59% say they rarely or never drive more than 35 mph in a 30 mph zone.



Considering this further, gender makes a difference. Eighty percent of men and 82% of women report never or rarely driving over 70 in a 65 zone. While Sixty-three percent of men and 56% of women report rarely or never driving faster than 35 in a 30 mph zone.

⁹ Q.17 On a local road with a speed limit of 30 mph, how often do you find yourself driving faster than 35 mph: Most of the time, Half of the time, Rarely, Never, Refused



Looking at the data by age group shows that there is an increase in the percent of drivers who drive close to the speed limit with an increase in age. But this doesn't really show until the 65-year and older group of drivers.

Cell Phones:

Ninety-three percent of respondents said that there is at least one cell phone in their households. Cell phones have become commonplace in and out of cars. This is the first time cell phone use and ownership questions were asked in an Alaska Highway Safety phone survey. The answers here will serve as baseline data.

Multiple questions were asked concerning cell phone use in cars. Questions included how often the driver talks on the phone, reads or sends texts, makes or answers calls, whether these happen more often on city or rural roads, and whether hands-free devices are used while driving.¹⁰ Additionally, the 2010 Alaska NOPUS observational surveys collected data about observed cell phone usage rate for drivers. The statewide observed cell phone use rate was 5.1%. The observed usage rates by borough were:

¹⁰ Q.25 How often do you talk on a cell phone while driving your car? Almost every time you drive, Every two or three times, Sometimes, not often, Never, Don't know/ Unsure, Refused

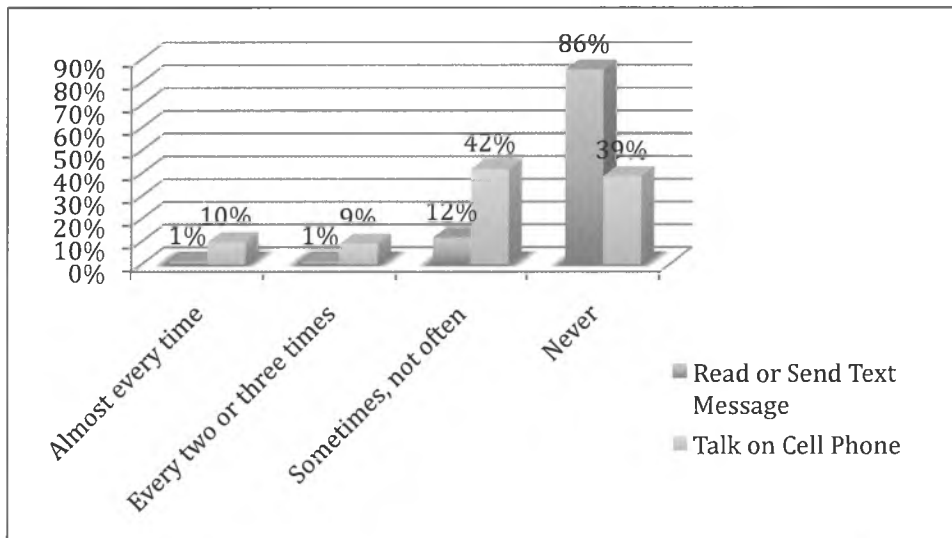
Q.26 How often do you read or send text messages while driving your car? Almost every time you drive, Every two or three times, Sometimes, not often, Never, Don't know/ Unsure, Refused

Q.27 Do you make calls from your car, answer them or both? Make calls, Answer them, Both, Refused

Q.28 Do you take or make calls when you are driving in a city or town or only on rural roads? In cities or towns, in rural areas, Both, Neither, Refused

Q.29 Do you have a "hands-free" cell phone arrangement in your vehicles? Yes, No, Not in every car I drive, Refused

MatSu 8.0%, Kenai/Soldotna 6.0%, Anchorage 5.0%, Fairbanks 4.9%, and Juneau 2.0%. These numbers do not include use where a hands-free device was in use.



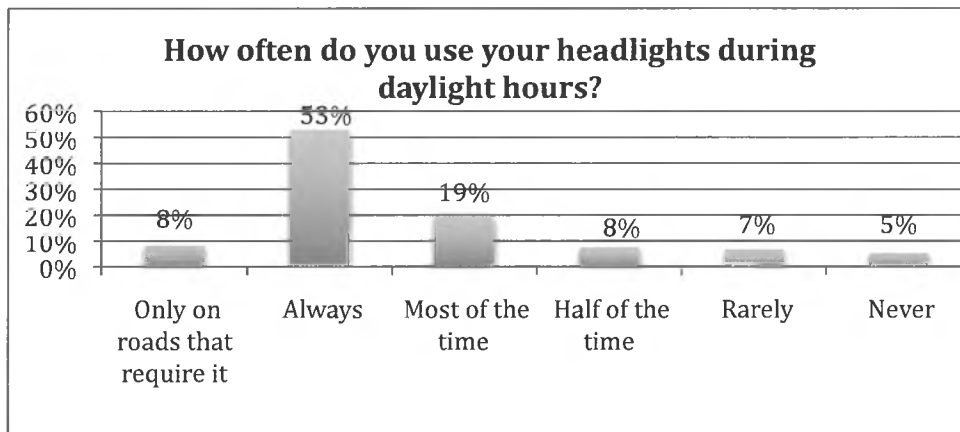
Most people (86%) report that they never read or send texts while driving. Two percent say they text at least every two or three times that they drive. While 19% of drivers talk on their cell phones at least every two or three times that they drive. And 42% say they talk on their phone some times but not often. Thirty-nine percent of drivers say they never talk on a cell phone while driving.

The next three questions were only asked of those who have used a cell phone while driving. Just over a third (36%) of cell phone using drivers have a hands-free device. Seventy-six percent of users have both made and received phone calls. Twenty-one percent have only answered calls. Sixty percent use cell phones in both rural and urban areas. Twelve percent use them only in urban areas, and 9% in only rural areas.

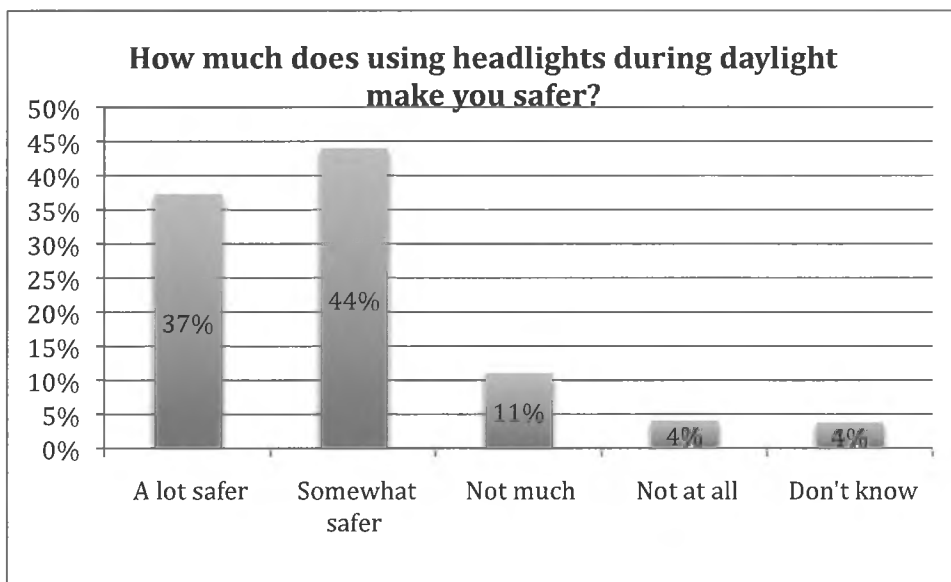
Headlights:

Headlight use was defined as a crash prevention strategy in the Alaska Strategic Highway Safety Plan. The survey asked two questions concerning headlight use in order to determine baseline behavior and attitudes.¹¹

¹¹ Q.23 During daylight hours, would you say you use your headlights: Only on roads that require it, Always, Most of the time, Half of the time, Rarely, Never, Don't know/ Unsure, Refused
 Q.24 Do you think using headlights during daylight makes you a lot safer, somewhat safer, not much safer or not at all? A lot safer, Somewhat safer, Not much, Not at all, Don't know/ Unsure, Refused



Drivers were asked how often they use their headlights during daylight hours, and how much they think doing so makes them safer. Fifty-three percent said they use their lights all of the time and 72% said always or most of the time. This is slightly higher than the NOPUS observations of headlight use, in which observers determined that headlight use was 45.5% in Anchorage, 45.3% in Fairbanks, 22.9% in Juneau, 29.3% in Kenai/Soldotna, and 30.3% in MatSu 30.3%. Statewide, 42.5% of cars observed had their headlights on during daylight hours.



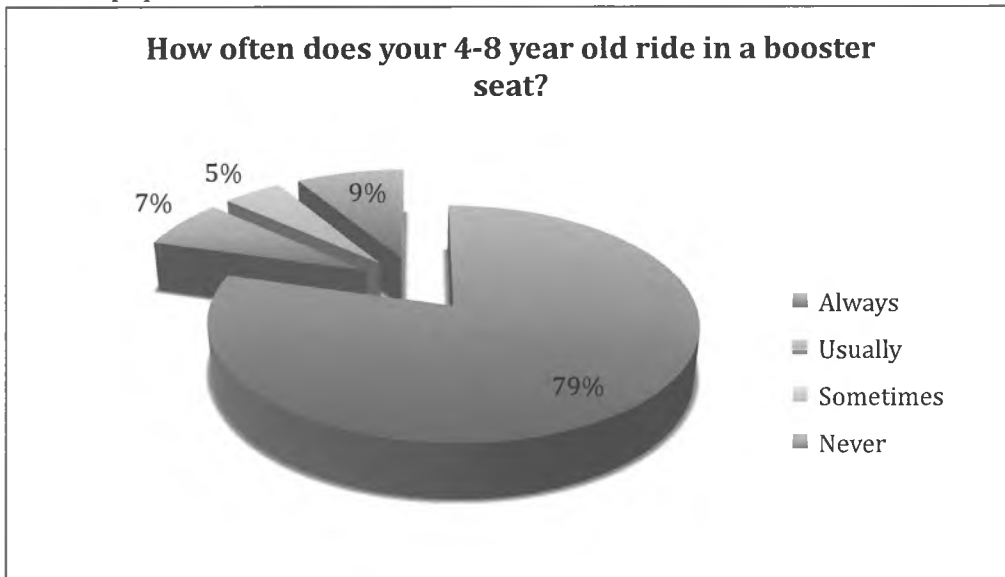
There was a statistically significant correlation between those who felt that using headlights makes a person safer, and people who use headlights.

Booster Seats

The Alaska Injury Prevention Center conducted 3 booster seat use observations studies. The first took place in June 2009, prior to implementation of new booster seat legislation. Fifty-two percent of observed children were using appropriate child passenger safety devices. The second took place in October, 2009 after the legislation,

mandating booster seat use for most children between 4 and 8 years old was signed into law, and a major public awareness campaign was implemented. At that point, 74% of children were using appropriate child passenger safety devices. In July, one-year follow-up observations were made, with a finding that 80% of children were properly restrained.

This phone survey also asked about booster seat use. It first asked whether the driver being interviewed ever drove in a car with a 4-8 year old.¹² If the answer was yes, a follow-up question was asked, how often that child rode in a booster seat.¹³



Drivers' self reported answers mimicked observed use at 79%. This is a dramatic increase from the 52% use observed prior to the media campaign and implementation of the law.

Conclusions:

Results from the 2010 phone survey addressing highway safety issues in Alaska provide useful information for future safety interventions.

- Addressing speeding in low speed limit areas is important, especially since these areas usually involve multiple modes of transportation including bikes and pedestrians.
- Most people wear seatbelts, and at the same time, most people do not think that it is likely that they will get a ticket for being unbuckled. It would be helpful to

¹² Q.30 Do you ever drive with a child between the ages of four and eight? Yes, No, Refused

¹³ Q.31 How often is the child riding in a booster seat? Always, Usually, Sometimes, Never, Refused

better understand the motivators for wearing seatbelts, and possibly build them into campaigns for other desired behavior changes.

- Only 16% of people report texting while driving. Tracking changes in this statistic will be important for prioritization of highway safety efforts. It is currently a small number of those who say they text and drive, and texting is reportedly not being done very often. The risk created by texting and driving may be minimal.
- There is a majority belief (70%) that the courts are tough when enforcing drinking and driving laws. Understanding how this perception grew would be helpful for future behavior change and perception creating campaigns.

Conducting phone surveys with Alaskan drivers has created an opportunity to gain insights into behaviors, levels of awareness and motivators for behaviors. This information will be useful to assist with developing future initiatives as well as monitoring success with current one.

National Highway Traffic Safety Administration
(<http://www.nhtsa.gov/>)

Research on distracted driving reveals some surprising facts:

- 20 percent of injury crashes in 2009 involved reports of distracted driving. (NHTSA).
- Of those killed in distracted-driving-related crashes, 995 involved reports of a cell phone as a distraction (18% of fatalities in distraction-related crashes). (NHTSA)
- In 2009, 5,474 people were killed in U.S. roadways and an estimated additional 448,000 were injured in motor vehicle crashes that were reported to have involved distracted driving. (FARS and GES)
- The age group with the greatest proportion of distracted drivers was the under-20 age group – 16 percent of all drivers younger than 20 involved in fatal crashes were reported to have been distracted while driving. (NHTSA)
- Using a cell phone use 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)

Highlights

Police-reported data from the Fatality Analysis Reporting System (FARS) and the National Automotive Sampling show that:

- In 2009, there were 30,797 fatal crashes in the United States, which involved 45,230 drivers. In those crashes 33,808 people died.
- In 2009, 5,474 people were killed in crashes involving driver distraction (16% of total fatalities).
- 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.
- The under-20 age group had the highest proportion of distracted drivers involved in fatal crashes (16%). The age group with the next greatest proportion of distracted drivers was the 20- to-29-year-old age group – 13 percent of all 20-to-29-year-old drivers in fatal crashes were reported to have been distracted.
- Of those drivers reportedly distracted during a fatal crash, the 30-to-39-year-old drivers were the group with the greatest proportion distracted by cell phones. Cell phone distraction was reported for 24 percent of the 30-to-39-year-old distracted drivers in fatal crashes.
- An estimated 20 percent of 1,517,000 injury crashes were reported to have involved distracted driving in 2009.

The National Motor Vehicle Crash Causation Survey (NMVCCS) is a nationally representative survey specifically focused toward documenting events and conditions leading up to crashes.

- NMVCCS captures distraction as an associated factor to the crash and/or as the critical reason that made the crash imminent. Driver distraction was coded as the critical reason in 18 percent of the crashes. Data describing the specifics of the distraction — for example adjusting the radio or eating — are included in this data set.

Data Sources

The following NHTSA data sources were used in the research:

- Fatality Analysis Reporting System (FARS)
- National Automotive Sampling System (NASS) General Estimates System (GES)
- National Motor Vehicle Crash Causation Survey (NMVCCS)
- The 100-Car Naturalistic Driving Study
- National Occupant Protection Use Survey (NOPUS) of Driver Electronic Use
- Motor Vehicle Occupant Safety Survey (MVOSS)



February 14, 2011

Representative Cathy Muñoz
House of Representatives
State Capitol
Juneau AK 99801-1182

Dear Representative Muñoz:

On behalf of our respective organizations, we would like to thank you for introducing HB 22, an Act prohibiting the use of a cellular telephone when driving a motor vehicle; and providing for an effective date.

We met recently to review proposed legislation and decided to unanimously support this bill.

Again, thank you for addressing this issue. Please contact the APOA office in Anchorage at 277-0515 if there is anything our organizations can do to assist in the passage of this bill.

Sincerely,

John Lucking Jr., President
Alaska Peace Officers
Association
PO Box 240106
Anchorage AK 99524

Tom Clemons, President
Alaska Association of
Chiefs of Police
183 Nelson Ave
Wasilla AK 99654

Michele Logan, President
Women Police
of Alaska
PO Box 233306
Anchorage AK 99523

cc: Bob Herron

January 28, 2011

Representative Munoz
State Capitol Room 403
Juneau, AK 99801

Re: HB35 and HB68

Dear Honorable Representative Munoz-

Thank you for your support of both of these bills. I think that even hands-free use should be banned except in the event of an emergency. Talking on any cell phone is really dangerous because it creates a distraction from the primary function of driving. And for those who say that hands-free is not a distraction because one's hands are not involved, it's simply not true. Drivers talking on a cell phone are not fully engaged in the act of driving and are less likely to respond to events. I used to talk on my cell phone frequently, but have reduced that dramatically after almost being involved in two accidents.

Please support a total ban on driving while using a cell phone.

Sincerely,

A handwritten signature in cursive script that reads "Michele Foley". The signature is written in black ink and is positioned above the printed name and address.

Michele Foley
1097 Willow Grouse Road
Fairbanks, AK 99712
907.479.0684

February 20, 2011

Gary & Kathy Miller
20135 Cohen Dr
Juneau, AK 99801-8211

Representative Cathy Munoz
State Capitol Room 403
Juneau AK, 99801

Subject: HB 22, 35, 68 & 128.

Dear Representative Munoz,

We support legislation that prohibits the use of cell phones and devices for texting while people are driving. We believe that the police should be allowed to pull offenders over and ticket them if they violate this.

Thank you.

Gary Miller
Kathleen Miller

Gary & Kathleen Miller

Kendra Kloster

From: RDeising@aol.com
Sent: Monday, January 31, 2011 3:43 PM
To: Rep. Cathy Munoz
Subject: Cell Phone Bill HB 22

Greetings Representative Munoz, I write to you in support of HB 22 that you have worked so hard to get on the floor of the Session going on. My name is Ricky Deising 58 year old male who has lived here in Juneau the past 32 years and I ride a Harley Davidson Motorcycle, The reason I support this bill are several but what took place last summer comes to mind firstly, I was riding down the road by the Juneau Empire when out of the DOT parking area a car pulled out in front of me with the driver on her cell phone in her left hand which was blocking her view of the road, I had to react fast by locking up my brakes and sliding sideways to avoid being run over, when the driver did hear me yelling and I came to a stop with my foot hitting her door she realized what had just happened, after yelling at her for being on her cell phone and almost ending my life, she said very casually sorry and drove away while still talking on her phone, Being a grown adult is one thing, but kids never would have had a chance and probably could or would have been seriously injured or killed because of this action by a cell phone user while driving, and not paying attention to the task of being a safe and responsible person behind the wheel of a moving vehicle, there have been several other near misses by drivers on their phones just pulling over into the next lane without even looking because their view is blocked by the phone in their hand, lucky again for me that I am a skilled rider and have been able to avoid a crash while going 55 mph on a motorcycle. I ask that each and everyone of our Elected Officials please support HB 22 and pass it into law. With the passing of this HB 22 I can guarantee many lives will be saved that other wise will be lost to someone using a cell phone driving down the road.

Praise Life & Namast'e Ricky Deising 4500 Glacier Hwy Juneau Alaska.

Kendra Kloster

Subject: Please outlaw cell phone use when driving

Dear Members of the Alaska State Legislature:

I respectfully request that you create a law prohibiting motor vehicle drivers from talking on cell phones - including hands free models - when they are driving, except in the event of an emergency.

There is sufficient evidence that distractions are a significant cause of accidents. And talking on a cell phone including a hands free cell phone takes attention from the most important job at hand, driving. (Please see the websites below.)

I recognize that many people think they are skilled multi-taskers; and they like the convenience of being able to keep in touch with friends and family while driving. However, the benefits don't outweigh the costs in terms of potential danger and harm that may eventuate by inattentiveness at the wheel. If it is truly important for a driver to be in contact with friends and family while motoring, the driver can pull off the road and return or place a call.

While I understand there is a movement afoot to prohibit the use of hand held cell phones, this approach does not adequately take into consideration the danger involved in simply talking on a cell phone, whether hand held or not.

Your consideration will be most appreciated.

Thank you.

Andrea Veach
PO Box 90534
Anchorage, Alaska 99509

<http://pubsindex.trb.org/DOCs/Publications%20from%20TRIS%20on%20Distracted%20Driving.pdf>

<http://www.bmj.com/content/331/7514/428.abstract>

<http://www.nhtsa.gov/About+NHTSA/Press+Releases/2010/ci.Consumer+Advisory:+Make+Safety+Your+Constant+Companion+This+Summer+Driving+Season.print>

<http://www.distraction.gov/stats-and-facts/#electronic>

http://www.ehow.com/about_5188398_accidents-caused-cell-phone-use.html

Kendra Kloster

Subject: FW: Support Cell Phone Ban

Please note my support for legislation (three bills) that would ban cell phone use while driving. I would ban "all" cell phone use, including "hands-free" which I understand causes some drivers to become distracted and to cause a crash, injury or death. I experienced almost getting run over on three separate occasions (all in a cross walk) due to cell phone use. I subscribe to the idea of "do no harm," by which I mean people should not have the "freedom" to run over me due to their distracted driving habits.

Sincerely,

Gene Miller

3261 Foster Avenue
Juneau, AK 99801-1924

907-463-6720 or 907-723-5537 (cell)
gmiller03@live.com

Kendra Kloster

Subject: Drive Safe Alaska Coalition

Dear Rep. Munoz,

I share your concern with cellphone usage while driving and am pleased you have introduced HB-22. My public relations firm is in the process of forming the Drive Safe Alaska Coalition, a public awareness campaign to educate Alaskans on the dangers of texting while driving. MSI Communications has spearheaded several public awareness campaigns, including one for the AK Men's Run to raise funds for cancer research as well as political campaigns such as Alaskans Standing Together that helped re-elect Senator Lisa Murkowski.

Educating Alaska drivers on the dangers of texting while driving is our way of giving back. Many of us here at MSI are parents of teenagers and well aware of the impact texting has on their lives. We believe educating them on safe driving could only enhance our communities. I've attached a summary and hope you will support this effort by including it in the capital budget.

Please call me with any questions.

Regards,

Ingrid Parish

Account Manager

MSI Communications
3501 Denali Street, Suite 202
Anchorage, Alaska 99503
Phone 907.569.7070

Cell 907.230.0415
Fax 907.569.7090


msicommunications
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Kendra Kloster

From: Rep. Cathy Munoz
Sent: Tuesday, March 08, 2011 9:05 AM
To: Kendra Kloster
Subject: FW: HB 22

From: Stan and Heather [<mailto:haustin@chugach.net>]

Sent: Monday, March 07, 2011 7:00 PM

To: Sen. John Coghill; Sen. Cathy Giessel; Senator.Fred.Dyson@legis.state.ak.us-gmail.com; Rep. Mike Doogan; Rep. Mia Costello; Rep. Beth Kerttula

Cc: Rep. Cathy Munoz

Subject: HB 22

Dear Senators Coghill, Giessel, and Dyson, and Representatives Doogan, Costello, and Kerttula,

Please support HB 22. National statistics show that motor vehicle and pedestrian accidents have risen precipitously since the wide-spread use of cell phones. Some studies see rates of cell phone distraction as similar to the impairment caused by drug or alcohol use.

- Drivers using cell phones have the same reaction time as drunk drivers - they are 9% slower to brake and 19% slower to return to normal driving speeds.
- Drivers using cell phones are four times as likely to get into an auto accident.
- While some states have imposed laws requiring the use of hands-free devices while driving, statistics do not demonstrate that these devices significantly reduce the risk of an accident. 1

I concur that use of any cell phone (including hands-free) while driving should be illegal. Telephone conversations involve complex mental activity, including the perceptive processes also required for driving or even walking; and the mechanism of, and reflexes associated with operation of a motor vehicle are altered when engaged in telephone conversation.

(That does not seem to be the case if conversing with someone in your car or if one is listening to any type of music.)

I have experienced a "near miss" by another car because the driver was using a cell phone and I have observed such gross inattentiveness of a cell-phone-using pedestrian that she nearly walked into a car.

Such misdirected perception that people fail to see something that is directly in front of them is referred to by cognitive researchers as "inattention blindness." 2,3.

Finally, I do not think that the argument many might posit, "they'll still drive and talk" has any merit. People do break laws; but most abide by them. If, in this instance, just one life is saved, or catastrophic injury averted, by enacting a "no cell phone use while driving" law, would it not be worth it?

Please let me know your thoughts on this matter. I urge you to support and vote in favor of HB 22. We need a law with stiff fines for those who use any electronic device while driving.

1. <http://www.robbinlaw.com/cell-phone-auto-accidents.html>

2. <http://www.nytimes.com/2010/01/17/technology/17distracted.html>

3. <http://news.rutgers.edu/medrel/news-releases/2009/03/cell-phone-studies-w-20090304>

Sincerely,
Heather J. Austin,

My husband, Stanley Austin, M.D., also supports HB 22.
2412 W. Marston Dr. 99517

Kendra Kloster

Subject: FW: Cell Phone bill (House #68)

From: Kevin M Stowell [<mailto:buffalothery@aci.net>]

Sent: Sunday, March 06, 2011 10:29 PM

To: Rep. Tammie Wilson

Cc: Rep. Cathy Munoz

Subject: Cell Phone bill (House #68)

Dear Ms. Wilson,

I'm writing to express my views of the cell phone bill(s) that are in the House. I'm a big supporter of individual rights, and would rather not have the government regulate most personal choices. BUT, talking on a cell phone while driving doesn't only affect the person driving & talking, it puts others at danger. Talking on a cell phone and driving has statistics that compare it to drunk driving, it's a hazard to the general public.

My person story: numerous times I've had to take actions to avoid people that were distracted by talking while driving. When I lived in Anchorage, I was almost killed numerous times while riding my Harley... all because people think their petty phone calls are more important than other's lives. A couple of years ago I was driving on the Parks going to Fairbanks when a truck was speeding down the hill towards me... it was a four lane road in that spot and I had to pull off to the shoulder because the guy talking on his phone was coming down the slow lane of the opposite (MY) lane! This past Thursday, I had a lady put out in front of me and I almost lost control trying to slow down and not hit her... guess what, she was on her cell phone. A couple of minutes later I had to wait for someone going way to slow to make a turn, because they were distracted by talking and trying to one hand turn a big truck.

My thoughts: I think the "except for emergencies" provision is weak. If I was talking while driving, I'd hit 911 on my phone and have a story made up... if I can think how to defeat this section of the bill, I'm sure others can (I wouldn't do that, because I don't talk and drive, and don't even have a cell phone). Also, the "hands free" provision is weak as most statistics I've seen show that hands free is just as distracting. Do you know the reason this was put in, because in my view, it should be removed.

Thank you for your time,
Kevin M Stowell
North Pole, AK

Kendra Kloster

Subject: H.B. 22

From: BrettRose [mailto:brettnrose@gci.net]
Sent: Monday, February 07, 2011 11:52 AM
To: Rep. Cathy Munoz; BrettRose
Subject: H.B. 22

Dear Rep Cathy Munoz

Please reconsider H.B. 22

As one person has said you are creating the "PHONE POLICE".
As a police officer is talking on the phone/radio he will be stopping a citizen for talking on the phone !
Does this make sense ?

So add another voter to the NO on H.B.22 list.

Brett Freyder
Juneau
723-5456

Kendra Kloster

Subject: FW: Cell Phone Ban

From: Bryan Hickok [<mailto:hickokcl@gmail.com>]
Sent: Wednesday, March 09, 2011 12:38 PM
To: Rep. Cathy Munoz; Rep. Dan Saddler; Rep. Chris Tuck
Subject: Cell Phone Ban

Here are two things not often brought up when talking about the cell phone ban legislation - Potential to distract and level of distraction.

One would be hard pressed to argue cell phone use when driving doesn't have the potential to distract. Yet when taking a step back and looking at the big picture, we see there are countless actions and activities which can and do distract drivers. Something as simple as changing the radio, dealing with kids in the back seat, eating fast food drive-thru, reading a map or directions, pets in the car, putting in a new CD, looking at a GPS device, and so forth. All of these examples have the potential to distract the driver, yet our state is focused solely on only one activity? That being a cell phone in your ear while driving? Why the lack of consistency when it comes to possible driver distractions if one's motivation for passing this new law is safety on Alaskan roads?

The second part is level of distraction. There's no question everything I've mentioned thus far has the potential to distract. But the level of possible distraction is not static or set for all drivers in all conditions. My ability to talk to my wife while driving down Northern Lights is far different then a 16 year old's ability to talk to his buddy while driving down C Street at midnight with 4 other friends in the car and the music blaring.

What this bill fails to address is that the activity is not what makes a driver potentially distracted and therefore dangerous, but rather what's dangerous is a driver allowing themselves to be distracted. They are the source of the danger, not the activity. And here's the kicker - This law will not compel irresponsible drivers to drive more safely. We can rationalize in our own minds how nanny state laws will be better for all of us, but at the end of the day there has to be a line in the sand where each of us takes personal responsibility for our own actions.

And where are the state statistics to warrant such a law? A person being frustrated at what they perceive as distracted drivers due to cell phone use is not cause for enacting a new law. Correct me if I'm wrong, but I'm not under the impression Alaska is facing an epidemic of automotive related deaths due to cell phone drivers being distracted on our roads. Where are all the deaths in Anchorage that can be directly tied to drivers talking on cell phones and therefore justifying this law?

Protecting us from ourselves is foolhardy and never addresses the underlining issues. Not to mention this law is taking up valuable time in the limited 90 day session of the legislature. Why are our elected busybodies attempting to mandate behavior instead of focusing on the real issues facing our state? With a gas line nowhere in site, oil production concerns, and a pipeline that may run dry in the near future, why are we focused on such trivial matters as preventing citizens from driving with a phone up to their ear? It's mind numbing insanity.

Bryan Hickok of Anchorage



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For Immediate Release,

1/12/2010

Contact:

Amy Williams

Communications

Director

(630) 775-2307

amy.williams@nsc.org

National Safety Council Estimates that At Least 1.6 Million Crashes are Caused Each Year by Drivers Using Cell Phones and Texting

Washington, DC – The National Safety Council announced today that it estimates at least 28% of all traffic crashes – or at least 1.6 million crashes each year – are caused by drivers using cell phones and texting. NSC estimates that 1.4 million crashes each year are caused by drivers using cell phones and a minimum of 200,000 additional crashes each year are caused by drivers who are texting. The announcement came on the one-year anniversary of NSC's call for a ban on all cell phone use and texting while driving.

"We now know that at least 1.6 million crashes are caused by drivers using cell phones and texting," said Janet Froetscher, president & CEO of the National Safety Council. "We know that cell phone use is a very risky distraction and texting is even higher risk. We now know that cell phone use causes many more crashes than texting. The main reason is that millions more drivers use cell phones than text," she said. "That is why we need to address both texting and cell phone use on our roads."

"This new estimate provides critical data for legislators, business leaders and individuals to evaluate the threat and need for legislation, business policies and personal actions to prevent cell phone use and texting while driving," Froetscher said. "There was great progress made in 2009, particularly regarding a broad recognition that texting is dangerous. We now need the same broad consensus that recognizes cell phone use while driving causes even more crashes."

Froetscher said public support for laws banning cell phone use while driving is gaining momentum.

"Public opinion research conducted in 2009 by the AAA Foundation for Traffic Safety and Nationwide Insurance show public support for total bans on cell phones at 43 and 57 percent respectively," Froetscher said. "With public support now around 50 percent, we will continue to educate people about the risks of cell phone use while driving and the value of effectively-enforced laws in changing behavior and reducing crashes."

In constructing its estimates, NSC used widely-accepted statistical methods and analysis based on data of driver cell phone use from the National Highway Traffic Safety Administration (NHTSA) and from peer-reviewed research that quantifies the risk of using a cell phone and texting while driving. NSC's statistical model and estimates were peer-reviewed by academic researchers in traffic safety and biostatistics.

The estimate of 25% of all crashes -- or 1.4 million crashes -- caused by cell phone use was derived from NHTSA data showing 11% of drivers at any one time are using cell phones and from peer-reviewed research reporting cell phone use increases crash risk by four times. The estimate of an additional minimum 3% of crashes -- or 200,000 crashes -- caused by texting was derived by NHTSA data showing 1% of drivers at any one time are manipulating their device in ways that

include texting and from research reporting texting increases crash risk by 8 times. Using the highest risk for texting reported by research of 23 times results in a maximum of 1 million crashes due to texting; still less than the 1.4 million crashes caused by other cell phone use.

The National Safety Council (www.nsc.org) saves lives by preventing injuries and deaths at work, in homes and communities, and on the roads, through leadership, research, education and advocacy.

[NSC Press Kit](#)

[Cell Phone Fact Sheet](#)

[Public Opinion Fact Sheet](#)

[Attributable Risk Estimate \(Cell Phones & Texting\)](#)

[Risk Estimate Model \(Full Study\)](#)

[Risk Estimate Summary](#)

[Risk Estimate Table](#)

[NSC Bios](#)

[NSC Media Coverage](#)

NSC received significant media coverage on Jan. 12 when it announced that 28 percent of crashes are caused by drivers using their cell phones. NSC also announced the launch of FocusDriven - Advocates for Cell-Free Driving. Below are some highlights of this coverage.

[ABC News](#)

[CBS News](#)

[CBS News "The Early Show"](#)

[FOX News](#)

[MSNBC](#)

[Oprah Winfrey Show](#)

[New York Times Series on Distracted Driving](#)

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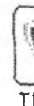
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PRESS IMAGES


A student talks on a hands-free cell phone while operating a high-tech driving simulator. The simulator was used during a University of Utah study that found motorists who talk on cell phones while driving are as impaired as drunken drivers with blood-alcohol levels at the legal limit of 0.08 percent.

Photo Credit: Jim Moulin

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DRIVERS ON CELL PHONES ARE AS BAD AS DRUNKS

UTAH PSYCHOLOGISTS WARN AGAINST CELL PHONE USE WHILE DRIVING

6

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June 29, 2006 -- Three years after the preliminary results first were presented at a scientific meeting and drew wide attention, University of Utah psychologists have published a study showing that motorists who talk on handheld or hands-free cellular phones are as impaired as drunken drivers.

"We found that people are as impaired when they drive and talk on a cell phone as they are when they drive intoxicated at the legal blood-alcohol limit" of 0.08 percent, which is the minimum level that defines illegal drunken driving in most U.S. states, says study co-author Frank Drews, an assistant professor of psychology. "If legislators really want to address driver distraction, then they should consider outlawing cell phone use while driving."

Psychology Professor David Strayer, the study's lead author, adds: "Just like you put yourself and other people at risk when you drive drunk, you put yourself and others at risk when you use a cell phone and drive. The level of impairment is very similar."

"Clearly the safest course of action is to not use a cell phone while driving," concludes the study by Strayer, Drews and Dennis Crouch, a research associate professor of pharmacology and toxicology. The study was set for publication June 29 in the summer 2006 issue of *Human Factors: The Journal of the Human Factors and Ergonomics Society*.

The study reinforced earlier research by Strayer and Drews showing that hands-free cell phones are just as distracting as handheld cell phones because the conversation itself – not just manipulation of a handheld phone – distracts drivers from road conditions.

Human Factors Editor Nancy J. Cooke praised the study: "Although we all have our suspicions about the dangers of cell phone use while driving, human factors research on driver safety helps us move beyond mere suspicions to scientific observations of driver behavior."

The study first gained public notice after Strayer presented preliminary results in July 2003 in Park City, Utah, during the Second International Driving Symposium on Human Factors in Driver Assessment, Training and Vehicle Design. It took until now for the study to be completed, undergo review by other researchers and finally be published.

Key Findings: Different Driving Styles, Similar Impairment

Each of the study's 40 participants "drove" a PatrolSim driving simulator four times: once each while undistracted, using a handheld cell phone, using a hands-free cell phone and while intoxicated to the 0.08 percent blood-alcohol level after drinking vodka and orange juice. Participants followed a simulated pace car that braked intermittently.

Both handheld and hands-free cell phones impaired driving, with no significant difference in the degree of impairment. That "calls into question driving regulations that prohibited handheld cell phones and permit hands-free cell phones," the researchers write.

The study found that compared with undistracted drivers:

- Motorists who talked on either handheld or hands-free cell phones drove slightly slower, were 9 percent slower to hit the brakes, displayed 24 percent more variation in following distance as their attention switched between driving and conversing, were 19 percent slower to resume normal speed after braking and were more likely to crash. Three study participants rear-ended the pace car. All were talking on cell phones. None were drunk.

- Drivers drunk at the 0.08 percent blood-alcohol level drove a bit more slowly than both undistracted drivers and drivers using cell phones, yet more aggressively. They followed the pace car more closely, were twice as likely to brake only four seconds before a collision would have occurred, and hit their brakes with 23 percent more force. "Neither accident rates, nor reaction times to vehicles braking in front of the participant, nor recovery of lost speed following braking differed significantly" from undistracted drivers, the researchers write.

"Impairments associated with using a cell phone while driving can be as profound as those associated with driving while drunk," they conclude.

Are Drunken Drivers Really Less Accident-Prone than Cell Phone Users?

Drews says the lack of accidents among the study's drunken drivers was surprising. He and Strayer speculate that because simulated drives were conducted during mornings, participants who got drunk were well-rested and in the "up" phase of intoxication. In reality, 80 percent of all fatal alcohol-related accidents occur between 6 p.m. and 6 a.m. when drunken drivers tend to be fatigued. Average blood-alcohol levels in those accidents are twice 0.08 percent. Forty percent of the roughly 42,000 annual U.S. traffic fatalities involve alcohol.

While none of the study's intoxicated drivers crashed, their hard, late braking is "predictive of increased accident rates over the long run," the researchers wrote.

One statistical analysis of the new and previous Utah studies showed cell phone users were 5.36 times more likely to get in an accident than undistracted drivers. Other studies have shown the risk is about the same as for drivers with a 0.08 blood-alcohol level.

Strayer says he expects criticism "suggesting that we are trivializing drunken-driving impairment, but it is anything but the case. We don't think people should drive while drunk, nor should they talk on their cell phone while driving."

Drews says he and Strayer compared the impairment of motorists using cell phones to drivers with a 0.08 percent blood-alcohol level because they wanted to determine if the risk of driving while phoning was comparable to the drunken driving risk considered unacceptable.

"This study does not mean people should start driving drunk," says Drews. "It means that driving while talking on a cell phone is as bad as or maybe worse than driving drunk, which is completely unacceptable and cannot be tolerated by society."

University of Utah Cell Phone Research

Previous research by Strayer, Drews and colleagues include:

- A 2001 study showing that hands-free cell phones are just as distracting as handheld cell phones.
- A 2003 study showing that the reason is "inattention blindness," in which motorists look directly at road conditions but don't really see them because they are distracted by a cell phone conversation. And such drivers aren't aware they are impaired.
- A 2005 study suggesting that when teenagers and young adults talk on cell phones while driving, their reaction times are as slow as those of elderly drivers.

The University of Utah psychologists conducted the alcohol study because a 1997 study by other researchers evaluated the cell phone records of 699 people involved in motor vehicle accidents and found one-fourth of them had used their phone in the 10 minutes before their accident – a four-fold increase in accidents compared with undistracted motorists.

Those researchers speculated there was a comparable risk from drunken driving and cell phone use while driving. So Strayer and Drews conducted a controlled laboratory study.

The study included 25 men and 15 women ages 22 to 34 who were social drinkers (three to five drinks per week) recruited via newspaper advertisements. Two-thirds used a cell phone while driving. Each participant was paid \$100 for 10 hours in the study.

The driving simulator has a steering wheel, dashboard instruments and brake and gas pedals from a Ford Crown Victoria sedan. The driver is surrounded by three screens showing freeway scenes. Each simulated daylight freeway drive lasted 15 minutes. The pace car intermittently braked to mimic stop-and-go traffic. Drivers who fail to hit their brakes eventually rear-end the pace car. Other simulated vehicles occasionally passed in the left lane, giving the impression of steady traffic flow.

Each study participant drove the simulator during three sessions – undistracted, drunk or talking to a research assistant on a cell phone – each on a different day.

The simulator recorded driving speed, following distance, braking time and how long it would take to collide with the pace car if brakes were not used.

The study was funded by a \$25,000 grant from the Federal Aviation Administration – which is interested in impaired attention among pilots – and by Strayer’s and Drews’ salaries. The Utah Highway Patrol loaned the researchers a device to measure blood-alcohol levels.

Driving while Distracted: A Growing Problem

The researchers cited figures from the Cellular Telecommunications Industry Association indicating that more than 100 million U.S. motorists use cell phones while driving. The National Highway Transportation Safety Administration estimates that at any given moment during daylight hours, 8 percent of all drivers are talking on a cell phone.

“Fortunately, the percentage of drunk drivers at any time is much lower,” Drews says. “So it means the risk of talking on a cell phone and driving is probably much higher than driving intoxicated because more people are talking on cell phones while driving than are driving drunk.” The main reason there are not more accidents is that “92 percent of drivers are not on a cell phone and are compensating for drivers on cell phones,” he adds.

Cell phone use is far from the only distraction for motorists. The researchers cite talking to passengers, eating, drinking, lighting cigarettes, applying makeup and listening to the radio as the “old standards” of driver distraction.

“However, over the last decade many new electronic devices have been developed, and they are making their way into the vehicle,” the researchers write. “Drivers can now surf the Internet, send and receive e-mail or faxes, communicate via a cellular device and even watch television. There is good reason to believe that some of these new multitasking activities may be substantially more distracting than the old standards because they are more cognitively engaging and because they are performed over longer periods of time.”

News media may obtain a copy of the study by emailing leesiegel@ucomm.utah.edu or, starting June 29, by going to <http://hfes.org> and clicking on “What’s New”

Other studies by Strayer and colleagues on cell phones and driving may be downloaded from: <http://www.psvch.utah.edu/AppliedCognitionLab/>

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WTAE.com

Woman Gets Jail For Cell Phone Car Crash That Killed H.S. Girl

Related To Story


Driver In Car Crash Apologizes To Family

POSTED: 4:32 pm EST July 30, 2009

UPDATED: 4:50 pm EST July 30, 2009

'Just Let It Ring' Is Britnee Moore's Message To Others

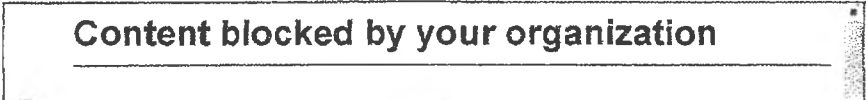
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Britnee Moore expresses remorse as a judge sends her to jail for causing a car crash that killed 16-year-old Hope Maley.

POSTED: 10:59 am EDT
July 30, 2009
UPDATED: 1:17 pm EDT
July 31, 2009



WAYNESBURG,

Pa. -- A young

Waynesburg woman expressed remorse Thursday as a judge ordered her to serve jail time for causing a car crash that killed a 16-year-old high school student.

Britnee Moore, 20, was found guilty in June of homicide by vehicle. Judge William Nalitz sentenced her to no less than five months and no more than 36 months in the Greene County Jail.

"The judge did say during the sentencing that no sentence would help the family, but I disagree. I was hoping she would be mandated to a state prison," said Hope Maley's mother, Darlene. "Hope's life matters, and I just have not seen any remorse. The defendant has never apologized in over 2 1/2 years."

Maley's family said Moore never apologized to them. Outside the courtroom on Thursday, Moore did tell Channel 4 Action News that she was sorry.

"I'm just real sorry for my actions and I hope a lot of other people learn from this," said Moore, who told reporters, "I take full responsibility for this."

More: [Read Britnee Moore's Letter To Victim's Family \(PDF\)](#)

State police said Moore was going too fast in a 45 mph zone and reaching for a cell phone when her car collided head-on with Hope Maley's car in Franklin Township in March 2007.

Maley, who attended Waynesburg High School, was pronounced dead at the scene of the wreck on a curvy section of Route 218 near Randy Hoge Road.

Asked if she had a message for the Maley family, Moore said, "I'm very sorry for your loss. My prayers go out to you."

More: [Read Hope Maley's Mother's Letter To Judge](#)

Police estimated that Maley was driving somewhere between 25 mph and 47 mph when the collision happened.

In addition to the homicide by vehicle charge, Moore was convicted of involuntary manslaughter and reckless endangerment.

Moore hopes her example will teach people "not to pick up their cell phone when they're driving. Just let it ring, no matter how important your call is, and don't rush."

Previous Stories:

- June 29, 2009: ['Run For Hope'](#)



Britnee Moore



Hope Maley

[Remembers Greene Co. Teen Crash Victim](#)

- June 4, 2009: [Woman, 20, Guilty In Car Collision That Killed High School Girl](#)

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WSOCTV.com

Stanley Teen Killed In Crash Using Cell Phone While Driving



Posted: 5:34 pm EDT September 7, 2009 Updated: 8:43 am EDT September 8, 2009

GASTON COUNTY, N.C. -- A 16-year-old Stanley girl crashed while using a cell phone and died Sunday night, witnesses and investigators said.

Brittany Johnson, an East Gaston High School student, was driving on Mauney Road toward Stanley when she wrecked at about 6:30 p.m. Troopers said she ran off the right side of the road, struck an embankment, went airborne and then hit a utility pole.

Rescue crews found the teen's Chevrolet Lumina on its side, and it appeared the top of the car hit the utility pole just above the teen's head before the car spun around. Johnson was pronounced dead at the scene.

Neighbors who heard the crash ran out to help. Greg Burch said the car was wrapped like a horseshoe around the pole.

"We tried to help her out, but we couldn't do nothing for her," Burch said.

Burch said he found Johnson's cell phone on the ground nearby, and it had an unfinished text message to her mother on the screen.

He said he used the number marked "Mom" to make a heartbreaking phone call.

"I asked her if her daughter drove a green Lumina," Burch said.

He said he told her to come to the scene quickly, but she asked the question he didn't want to answer.

"It was tough. She asked me how she was, and I said, 'I don't know,'" Burch said.

He said he suspected the worst, but he didn't want to say it.

On Monday, Johnson's grandmother hugged Burch and thanked him for making the call.

She whispered a little goodbye as she stared down at the growing memorial of flowers, stuffed animals and notes placed at the scene by friends and supporters.

"It hurts, Brit. It hurts, but I know you are with God now so you'll be OK," Helen Anderson said.

Anderson said Johnson was her first grandchild. She said she hopes other teens will learn from the tragedy.

"I hope they learn their lesson and don't put their families what we are going through now. Don't text and drive. It's not that important," she said.

Classmates and friends cried together at the pole Monday. Johnson's boyfriend put her picture on the pole, and together they silently said goodbye.

"I'll always love her," Anderson said.

Family members said they are still working on funeral plans. A memorial service for Johnson was held at the First Baptist Church in Stanley on Monday evening.

North Carolina is one of nine states that bans texting for certain groups. In some cases, they restrict drivers younger than 18, and in others, the ban has to do with restrictions on the license, not the driver.

On Dec. 1, North Carolina will join a group of 18 states that have total bans, which restrict all drivers from texting while driving.

South Carolina does not have any sort of cell phone ban, but it could be forced to adopt one if Congress goes ahead with a nationwide ban.

Several studies have indicated how dangerous texting while driving can be. A study from Car And Driver magazine found texting is more dangerous than driving drunk. A study out of Virginia Tech found text messaging could take the driver's eyes off the road for 4.6 seconds. That's equal to driving the length of a football field at 55 mph

• **LINK:** [Virginia Tech Study On Cell Phone Use And Driving Distraction](#)

• **LINK:** [Car And Driver: Texting While Driving Feature](#)

Previous Stories:

- June 10, 2009: [N.C. Lawmakers Vote to Ban Texting While Driving](#)
- February 10, 2009: [Text-Messaging Ban For N.C. Drivers Sought In House](#)
- November 16, 2007: [Texting Drivers Put Others At Risk](#)

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PITTSBURGH TRIBUNE-REVIEW

Crash survivor urges cell-phone ban

By Brad Bumsted
STATE CAPITOL REPORTER
Thursday, March 12, 2009

HARRISBURG — Jacy Good lost her parents in a May vehicle crash she says could have been avoided if the driver at fault had not been talking on a hand-held cell phone.

The Goods were returning to their Lancaster County home on the day that Jacy, 22, graduated from Muhlenberg College in Allentown. Jay and Jean Good, both 57, died in the crash on Route 222 when their station wagon, stuffed with Jacy's belongings, was hit by a tractor-trailer that swerved to avoid a minivan that ran a red light, police say.

Jacy Good suffered a shattered pelvis, several broken bones and a brain injury.

Now she is the "face" of a state House effort to ban hand-held cell phone use by drivers and to make text messaging while driving illegal.

"I will not stop until this bill becomes law," Good said Wednesday after a news conference. Enacting the law would honor her parents, she said.

"Paramedics and the doctors were giving her a less than 10 percent chance" of living, said Northern Berks Regional Police Chief Scott Eaken. He confirmed the 18-year-old minivan driver was talking on a cell phone when the crash happened and was cited for traffic violations.

Berks County District Attorney John Adams said he decided against filing charges of homicide by vehicle or involuntary manslaughter because his office could not establish that the driver ran the light because he was on the phone. It did not rise to the level of "reckless or gross negligence" as it might have if the driver were intoxicated or speeding 30 miles above the limit, Adams said.

"The guy was on the phone with somebody from Bible camp or Bible school," he said, but added, "An inexperienced driver should not be on a cell phone."

Rep. Josh Shapiro, a Montgomery County Democrat, cited Good's story, other crash statistics and the bill's 70 co-sponsors as reasons he believes lawmakers will pass the legislation. He began pushing the idea four years ago without much data. His bill failed to gain traction last session.

"We've got the technology available today to save lives in Pennsylvania," Shapiro said.

But Matthew Brouillette, president of the Commonwealth Foundation, a conservative policy group, said he isn't convinced the bill would make the highways safer.

"There is no way to adequately regulate and punish activities that distract drivers," Brouillette said. "Whether it is eating, putting on makeup or talking on the phone, the issue is more about personal responsibility and paying the consequences for bad decisions than trying to come up with another law that has not proven to make our roads safer."

Under the bill, violators would be charged with a summary offense carrying a \$50 fine. Motorists could use speaker phones or cell phones with earpieces.

About 1,200 crashes involving drivers with hand-held phones occur in Pennsylvania each year, according to PennDOT figures. Fifty-six crashes in 2007 involved drivers using hands-free cell phones, Shapiro said.

Six states, including New York and New Jersey, have enacted bans, as has the District of Columbia.

"My friends from New York and New Jersey don't understand why Pennsylvania is having trouble passing this bill," Good said.

Pollster Mike Young, a former political science professor at Penn State University, said the average Pennsylvanian probably places the issue far down a growing list of things to worry about.

"Pennsylvania is not an 'early adopter' of most reforms, nor an enthusiastic advocate of state restrictions on social behavior," he said.

Senate Transportation Chairman Rob Wonderling, a Republican from Montgomery County, said the Senate's priority is "to put Pennsylvanians back to work."

Wonderling said a cell phone ban likely won't be debated early this session, but he wouldn't rule it out. He said he would take a "deliberative approach" with any such bill, weighing others' views.

Verizon Wireless supports statewide legislation to ban hand-held cell phones while driving but questions municipal regulations that drivers can find confusing, said Laura Merritt, a Dublin, Ohio-based spokeswoman for the company.

"We will certainly not oppose anything of that nature. We strongly encourage our drivers to focus on driving," Merritt said.

Brad Bumsted can be reached at bbumsted@tribweb.com or 717-787-1405.

(13) "highway" means the entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for purposes of vehicular travel, including but not limited to every street and the Alaska state marine highway system but not vehicular ways or areas;

(14) "highway work zone" means an area identified by advance signing where road construction, repair, or maintenance work is being done on or adjacent to a highway, whether or not work is actually being done at that time;

(15) "low-speed vehicle" means a motor vehicle that has four wheels, that was manufactured to be capable of propelling itself and achieving a minimum speed of 20 miles an hour and a maximum speed of 25 miles an hour, that has not been modified to have a maximum speed greater than 25 miles an hour, and that meets weight, equipment, and safety standards set by the department by regulation; weight, equipment, and safety standards shall be consistent with, and may not exceed, federal standards;

(16) "motor vehicle" means a vehicle which is self-propelled except a vehicle moved by human or animal power;

(17) "motorcycle" means a vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground; the term does not include a tractor;

(18) "motor-driven cycle" means a motorcycle, motor scooter, motorized bicycle, or similar conveyance with a motor attached and having an engine with 50 or less cubic centimeters of displacement;

(19) "official traffic-control device" means a sign, signal, marking, or other device not inconsistent with this title, placed or erected by authority of a state or municipal agency or official having jurisdiction, for the purpose of traffic regulating, warning, and guiding;

(20) "owner" means a person, other than a lienholder, having the property in or title to a vehicle, including but not limited to a person entitled to the use and possession of a vehicle subject to a security interest in another person, but exclusive of a lessee under a lease not intended as security;

(21) "physical injury" has the meaning given in AS 11.81.900;

(22) "revoke" means the termination, by formal action of the Department of Public Safety or the Department of Administration or by formal action of a court, of a certification, registration, license, permit, or privilege issued or allowed under this title or regulations adopted under this title; the certification, registration, license, permit, or privilege may not be reissued, renewed, or restored during the time for which revoked; however, after that time, an application for a new certificate, registration, license, permit, or privilege may be made;

(23) "roadway" means that portion of a highway designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder, even though the sidewalk, berm, or shoulder is used by persons riding bicycles or other human powered vehicles; and in the event that a highway includes two or more separate roadways, the term refers to each roadway separately but not to all such roadways collectively;

(24) "serious physical injury" has the meaning given in AS 11.81.900(b);

(25) "suspend" means the temporary withdrawal, by formal action of the Department of Public Safety or the Department of Administration or by formal action of a court, of a certificate, registration, license, permit, or privilege issued or allowed under this title or regulations adopted under this title, effective for a period of time which must be specifically designated by the appropriate department or by the court;

(26) "traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using a highway or vehicular way or area that is open to public use for purposes of travel;

(27) "traffic safety corridor" means a portion of a highway on which signs have been erected designating that portion as a traffic safety corridor under AS 19.10.075;

(28) "underinsured motor vehicle" means a motor vehicle licensed for highway use with respect to ownership, operation, maintenance, or use for which there is a bodily injury or property damage insurance policy or a bond applicable at the time of an accident and the amount of insurance or bond is less than the amount the covered person is legally entitled to recover for bodily injury or property damage from the owner or operator of the underinsured motor vehicle;

(29) "vehicle" means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over a highway or vehicular way or area; "vehicle" does not include

(A) devices used exclusively upon stationary rails or tracks;

(B) mobile homes;

(30) "vehicular way or area" means a way, path, or area, other than a highway or private property, that is designated by official traffic control devices or customary usage and that is open to the public for purposes of pedestrian or vehicular travel, and which way or area may be restricted in use to pedestrians, bicycles, or other specific types of vehicles as determined by the Department of Public Safety or other agency having jurisdiction over the way, path, or area.

(b) The commissioner of public safety or the commissioner of administration, as appropriate, shall adopt regulations to define other terms that are used in this title and in regulations adopted under this title. (§ 50-1-1 ACILA 1949; am § 3 ch 81 SLA 1973; am §§ 13, 14 ch 241 SLA 1976; am § 1 ch 135 SLA 1977; am § 14 ch 70 SLA 1984; am § 1 ch 13 SLA 1985; am § 88 ch 74 SLA 1985; am § 2 ch 130 SLA 1988; am § 4 ch 53 SLA 1990; am § 33 ch 119 SLA 1990; am § 9 ch 168 SLA 1990; am § 5 ch 8 SLA 1993; am § 63 ch 63 SLA 1993; am § 16 ch 55 SLA 1994; am §§ 27, 28 ch 6 FSSLA 1996; am § 114 ch 81 SLA 1997; am E.O. No. 99 §§ 65 — 70 (1997; am § 3 ch 64 SLA 1998; am § 11 ch 93 SLA 1998; am § 18 ch 33 SLA 1999; am § 4 ch 142 SLA 2002; am § 7 ch 45 SLA 2006; am § 5 ch 95 SLA 2006; am § 30 ch 23 SLA 2007; am § 2 ch 99 SLA 2008)

Revisor's notes. — Formerly AS 28.35.260. Renumbered in 1984 as AS 28.40.100 and renumbered again in 2006. Subsection (a) was reorganized in 1984, 1989, 1990, 1993, 1994, 1998, 2002, 2006, 2007, and 2008 to retain alphabetical order.

Effect of amendments. — The 2002 amendment, effective October 3, 2002, added paragraph (a)(9).

The first 2006 amendment, effective May 27, 2006, added the definition of "traffic safety corridor" in subsection (a).

The second 2006 amendment, effective October 28,

2006, added the definition of "low-speed vehicle" in subsection (a).

The 2007 amendment, effective July 1, 2007, added paragraph (a)(29) [now (a)(5)], defining "criminal justice information".

The 2008 amendment, effective September 1, 2008, added paragraph (a)(30) [now (a)(21)].

Editor's notes. — Section 87, ch. 63, SLA 1993 provides "[i]f any section of this bill is found to violate the single subject rule it is severed from the rest of the bill."

NOTES TO DECISIONS

Steering a towed vehicle. — Despite the failure of paragraph (a)(7) to specifically mention towed vehicles, a person who steers a towed vehicle is "driving" within the meaning of that paragraph and AS 28.35.030(a), *Williams v. State*, 884 P.2d 167 (Alaska Ct. App. 1994).

A motor vehicle does not cease to be a motor vehicle whenever it cannot be started within the meaning of paragraph (a)(12) (now (a)(14)), *Williams v. State*, 884 P.2d 167 (Alaska Ct. App. 1994).

A towed snowmobile is a motor vehicle because steering such a vehicle, even if only partially, involves exercising control over the vehicle, and it amounts to operating the vehicle; where a motorist was operating a towed snowmobile while intoxicated, and refused to submit to a chemical breath test under the implied consent law, his driver's license was properly revoked. *Donkey v. Dept of Admin.*, 113 P.3d 1235 (Alaska 2005).

An all terrain three-wheeler is a motor vehicle for which a driver's license is required. *State v. Benolken*, 838 P.2d 280 (Alaska Ct. App. 1992).

Applied in *Conner v. State*, 696 P.2d 680 (Alaska Ct. App. 1985); *Caulkins v. State*, Dep't of Pub. Safety, 743 P.2d 366 (Alaska 1987).

Quoted in *Burton v. State Farm Fire & Cas. Co.*, 796 P.2d 1361 (Alaska 1990); *Fielding v. State*, 842 P.2d 614 (Alaska Ct. App. 1992); *Mezak v. State*, 877 P.2d 1307 (Alaska Ct. App. 1994); *State v. Simpson*, 53 P.3d 165 (Alaska Ct. App. 2002).

Stated in *Kingsley v. State*, 11 P.3d 1001 (Alaska Ct. App. 2000).

Cited in *Francis v. Municipality of Anchorage*, 641 P.2d 226 (Alaska Ct. App. 1982); *Uhde v. State*, 654 P.2d 1323 (Alaska Ct. App. 1982); *State v. Robertson*, 749 P.2d 902 (Alaska Ct. App. 1988); *State v. Straetz*, 758 P.2d 133 (Alaska Ct. App. 1988); *Progressive Ins.*