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A Call to Action:

Regulate Use of Cell Phones on the Road

When a cell phone goes off in a classroom or at a concert it is irritating, but at least lives are not endangered. When on the road, however, irresponsible cell phone users are more than irritating: they are putting lives at risk. Many have witnessed drivers so distracted by dialing and chatting that they resemble drunk drivers, weaving between lanes, for example, or nearly running down pedestrians in crosswalks. A number of bills to regulate use of cell phones on the road have been introduced in state legislatures and the time has come to push for their passage. Regulation is needed because drivers using phones are seriously impaired and because laws on negligent and reckless driving are not sufficient to punish offenders.

No one can deny that cell phones have caused traffic deaths and injuries. Cell phones were implicated in three fatal accidents in November 1999 alone. Early in November, a driver distracted by his cell phone killed two-year-old Morgan Pena. Morgan's mother, Patricia Pena, reports on *Car Talk* that the driver "ran a stop sign at 45 mph, broadsided my vehicle, and killed Morgan as she sat in her car seat." A week later, a woman distracted by a phone call killed corrections officer Shannon Smith, who was guarding prisoners by the side of the road, according to Len Besthoff of WRAL News. In another tragic incident, Jamie Stockwell from the Washington Post, reports that on Thanksgiving weekend the same month that Shannon Smith was hit, John and Carole Hall were killed when a Naval Academy midshipman crashed into their parked car (B8). The driver said in court that when he looked up from his cell phone he was

dialing, he was three feet from the car and had no time to stop (Stockwell B8). Accidents such as these are evidence that cell phone usage while driving seriously sidetracks the user diverting attention away from driving. Furthermore, such accidents alert the public to the seriousness of this issue.

Expert testimony and public opinion suggest that driving while phoning is dangerous. Frances Bents, an expert on the relation between cell phone and accidents, estimates that between 450 and 1,000 crashes a year have some connection to cell phone use (qtd. in Layton C9). In a survey published by Farmers Insurance Group, 87% of those polled said that cell phones affect a driver's ability, and 40% reported having narrow escapes with drivers distracted by phones ("New Survey"). Statistics such as these not only point to the pervasiveness of the situation, but they also demand attention—attention that state legislatures should be giving to bills that would regulate the usage of handheld devices while driving.

Scientific research confirms the dangers of using cell phones while on the road. In 1997, an important study appeared in the New England Journal of Medicine. The authors, Donald Redelmeier and Robert Tibshirani, studied 699 volunteers who made their cell phone bills available in order to confirm the times when they had placed calls. The participants agreed to report any nonfatal collision in which they were involved. By comparing the time of a collision with the phone records, the researchers assessed the dangers of driving while phoning. They found the use of a "cellular telephone was associated with a risk of having a motor vehicle collision was about four times as high as that among the same drivers when they were not using their cellular telephones" (456.) To put this information into perspective, the study compared their findings to other distractions like driving while impaired. The researchers found that the cell phone usage risk is "similar to the hazard associated with driving with a blood alcohol level at the legal limit" (Redelmeier and Tibshirani 456). In reports by news media, the latter claim

was exaggerated (“similar to” is not “equal to”), but the comparison with drunk driving is startling nonetheless. Another study appearing in the 1998 issue of Accident Analysis and Prevention focused on Oklahoma, one of the few states to keep records on fatal accidents involving cell phones. Using police records, John M. Violanti of the Rochester Institute of Technology investigated the relation between traffic fatalities in Oklahoma and the use or presence of a cell phone. He found a nine-fold increase in the risk of a fatality if a phone was being used and a doubled risk simply when a phone was present in a vehicle (522-23). The latter statistic is interesting, for it suggests that those who carry phones in their cars may tend to be more negligent (or prone to distractions of all kinds) than those who do not. Both of these studies link cell phone usage while phoning to negligent behavior, and even suggest that cell phone usage while driving is similar to the risk one takes while driving under the influence of alcohol. Certainly, this comparison should raise the concern of state legislatures.

Some groups have argued that state traffic laws make legislation regulating cell phone use unnecessary. Sadly, this is not true. Laws on traffic safety vary from state to state, and drivers distracted by cell phones can get off with light punishment even when they cause fatal accidents. For example, although the midshipman mentioned earlier was charged with vehicular manslaughter for the deaths of John and Carole Hall, the judge was unable to issue the verdict of guilty. Under Maryland law, he could only find the defendant guilty of negligent driving and impose a \$500 fine (Layton C1). Such a light sentence is not unusual. The driver who killed Morgan Pena in Pennsylvania received two tickets and a \$50 fine—and retained his driving privileges (Pena). Milo Ippolito of the Atlanta Journal-Constitution reports that in Georgia, a young woman distracted by her phone ran down and killed a two year old; her sentence was ninety days in boot camp and five hundred hours of community service (J1). Laws that lead to such light sentences understandably distress the families of the victims. Furthermore, such light

sentences for people who have caused deaths by willful negligence suggest to other would be cell phone users to go ahead and dial up while driving. Even if drivers become distracted, cause an accident, and are punished the ramifications are not stiff enough to cause drivers to pause before using their cell phones. Light sentences for this kind of negligent behavior make no sense especially when compared to other types of driver negligence. For example, running red lights, failing to stop for a school bus and drunk driving are shown to be especially dangerous. Therefore, special laws have been drafted *and passed in state legislatures* making them illegal and imposing specific punishments; phoning in a moving vehicle should be no exception. Unlike more general laws covering negligent driving, specific laws leave little ambiguity for law officers and for judges and juries imposing punishments. Such laws have another important benefit—they leave no ambiguity for drivers. Currently, drivers can tease themselves into thinking they are using their car phones responsibly because the definition of “negligent driving” is vague.

In the United States, it is highly unlikely that legislation could be passed on the national level, since traffic safety is considered a state and local issue. As of December 2000, twenty counties were restricting use of cell phones in moving vehicles (“Cell Phones”). To date, only a few counties and towns in the United States have passed traffic laws restricting cell phone use. The first town to restrict use of handheld phones was Brooklyn, Ohio (Layton C9). Reported by Christine Haughney of the Washington Post, in “Taking Phones out of Drivers’ Hands,” another county leading the way in cell phone regulation is Suffolk County, New York (A8). There it is illegal for drivers to use handheld phones for anything but an emergency call while on the road (Haughney A8). Until more counties and local governments follow the examples set by Brooklyn, Ohio and Suffolk County, New York, drivers will continue to use cell phones that divert their attention away from driving causing anywhere from minor fender-bender accidents to

fatal head-on collisions. Obviously, until there is regulation at a broader state level, cell phone usage while driving will continue to cause harm.

Laws passed by counties and towns have had some effect, but it makes more sense to legislate at the state level. Local laws are not likely to have the impact of state laws, and keeping track of a wide variety of local ordinances is confusing for drivers. Even a spokesperson for Verizon Wireless has said that statewide bans are preferable to a “crazy patchwork quilt of ordinances” (qtd. in Haughney A8). Unfortunately, although a number of bills have been introduced in state legislatures, as of early 2001 no state law seriously restricting use of the phones has passed—largely because of effective lobbying from the wireless industry.

Despite the claims of some lobbyists, tough laws regulating phone use can make roads safer. In Japan, for example, accidents linked to cell phones fell by 75% just a month after the country prohibited using a handheld phone while driving (Haughney A8). Research suggests and common sense agrees that it is not possible to drive an automobile at high speeds, dial numbers, and carry on conversations without significant risks. When such behavior is regulated, obviously the roads will be safer. “It’s definitely an issue that is gaining steam around the country,” says Matt Sundeen of the National Conference of State Legislatures (qtd. in Layton C9). Lon Anderson of the American Automobile Association agrees: “There is momentum building,” he says, to pass laws (qtd. in Layton C9). The time has come for states to adopt legislation restricting the use of cell phones in moving vehicles. With so much evidence proving that drivers who use handheld devices while driving are negligent and do cause accidents, it is careless of state legislatures to disregard the seriousness of this issue and not demand that regulations and laws governing punishments for violators be drafted and passed immediately. Regulating the use of cell phones while driving may be the only way to make roads safer and save lives.

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