#### TRANSPORTATION RESEARCH BOARD

# TRB Webinar: Texting While Driving – Implications of Legislation on Electronic Devices

March 15, 2021

@NASEMTRB #TRBwebinar

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- •1.5 Professional Development Hour (PDH) – see follow-up email for instructions
- You must attend the entire webinar to be eligible to receive PDH credits
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REGISTERED CONTINUING EDUCATION PROGRAM

## **#TRBwebinar**

## **Learning Objectives**

1. Identify current legislation and enforcement policies in use of electronic devices while driving

2. Discuss key findings and successes as presented in the report

**#TRBwebinar** 

# Examining the Implications of Legislation and Enforcement on Electronic Device Use While Driving | Webinar

Research conducted by Westat on behalf of the Behavioral Traffic Safety Cooperative Research Program (BTSCRP)



## Agenda



## Background Methodology Findings

- Review of Current Laws\*
- Effective Education and Enforcement
- Successes and Challenges

## **Sharing Best Practices**

- Model Legislation
- Presentation for Stakeholders
- Presentation for Law Enforcement
- Highlight Document for Legislators
- Model Press Release

<sup>\*</sup> Current laws as they existed in January 2019



# Distracted Driving and Electronic Device Use

- Distracted driving is a diversion of attention away from activities that are critical for safe driving.
- In 2018, 2,841 motor vehicle fatalities in the United States involved a distracted driver.
- Distracted driving is underreported.
- Many governments have passed laws restricting or banning the use of electronic devices to talk or text while driving.







## Key Definitions







## The following key terms are used in this presentation:



#### **Electronic Device**

Any portable electronic that is capable of wireless communication, electronic information, or data retrieval, and is not an in-vehicle system. This includes, but is not limited to, a cellphone, tablet, laptop, two-way messaging device, or electronic game.



#### Use

Holding, viewing, and manipulating of a handheld, mounted, or hands-free electronic device.



## Manipulating

Multiple types, swipes, or presses.



### Handheld

Holding or using a portion of the body to hold an electronic device.

## Key Definitions (continued)









### Operate a Motor Vehicle

Driving a motor vehicle on a public way with the engine running, including while temporarily stationary because of traffic, a traffic light or a stop sign.



#### **Text**

Reading or manually composing electronic communications including text messages, instant messages, and emails using an electronic device.



#### Hands-free

The use of an electronic device to talk or listen without use of either hand or any part of the body to prop the device, but instead by employing an internal feature (e.g., speakerphone) or an attachment to the device.



#### **Jurisdiction**

A geographic area or a population, including a city, county, state, or province.

## Study Plan







## Phase 1

Examine current electronic device use legislation across jurisdictions

Evaluate benefits and challenges of enacting and enforcing legislation

## Phase 2

Develop model legislation and supporting materials for stakeholders



## Review of Existing Legislation

- Conducted a literature and internet scan of laws in the 50 U.S. states and 10 Canadian provinces.
- Identified key components of laws, including:
  - Primary or secondary violation
  - Devices, drivers, conditions, and behaviors covered
  - Exemptions to the law
  - Penalties and sanctions
  - Ongoing efforts to update the law







# Assessment of the Strength of the Law

Developed classification scheme and point system to sort the jurisdictions, including:

- Violation Type
- Behaviors Covered
- Types of Drivers Covered

- When Law Is Enforceable
- Penalty/Fine Range
- Incremental Penalty/Fine

Assigned 0-3 points per component, for a score of 0-19 points for each jurisdiction.





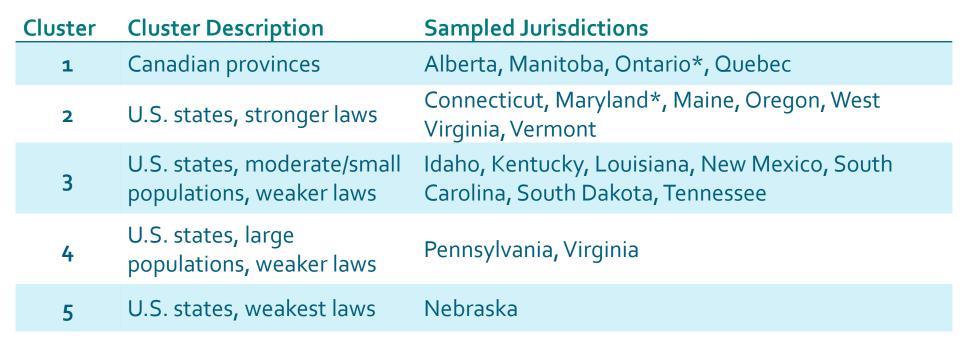


# Cluster Analysis to Select Jurisdiction Sample

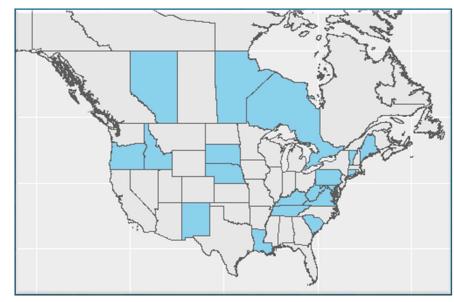








- Selected 20 jurisdictions for detailed review
- Included a diverse set of laws and jurisdiction characteristics



<sup>\*</sup> Selected with certainty

# In-depth Review of Selected Jurisdictions









### Internet scan

• Background on electronic device use legislation, enforcement, and education and outreach.



## Telephone discussions with key stakeholders

 Conducted discussions with state/provincial representatives, law enforcement, and nonprofit agencies, focused on steps taken to update and implement electronic device use laws.



## **Quantitative** Findings









## Key components of the laws

- Behaviors covered
- Drivers covered
- When law is enforceable
- Exemptions to the law



## **Strength of laws**

## Behaviors Covered

Behavior	Number of Jurisdictions	Percent
Reading	38	62%
Texting	31	51%
Handheld	27	44%
Speaking	2	3%
Manipulation/ Dialing	2	3%



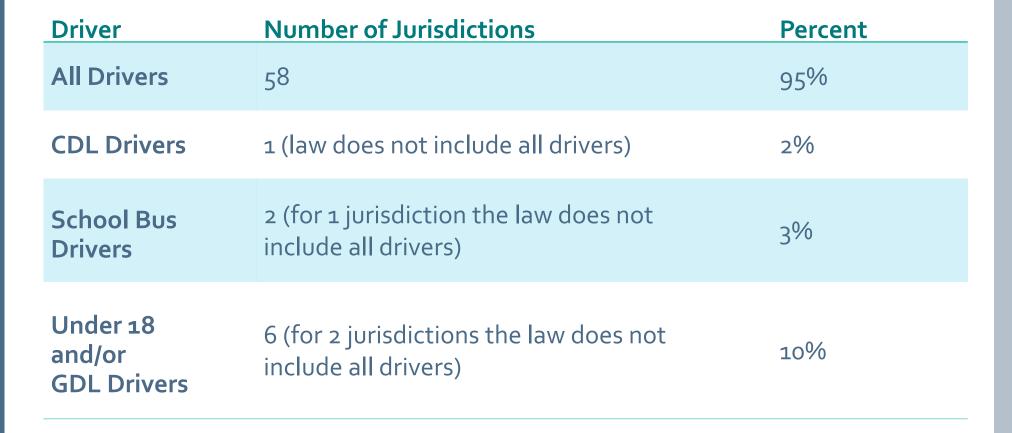




Data collected in January 2019

Electronic device use law may cover more than one behavior therefore the total is more than 100%

## Drivers Covered









## When the Law is Enforceable

Law Enforceable	Number of Jurisdictions
At All Times	30
In Motion Only	29

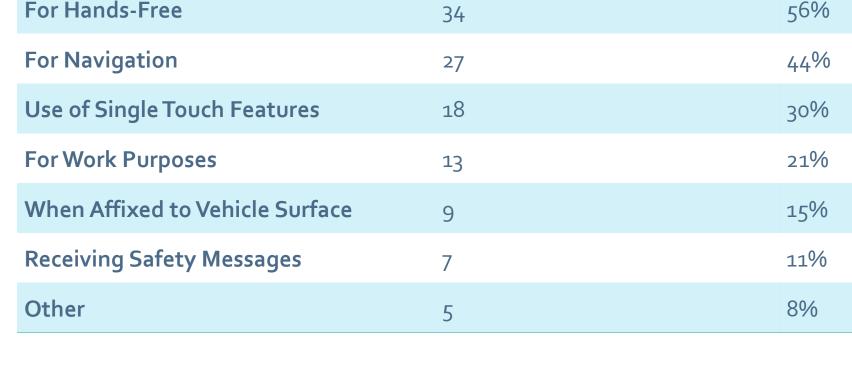






Data collected in January 2019

## **Exemptions** to the Law



48

41

**Number of Jurisdictions** 

Percent

79%

67%







Data collected in January 2019

**Exemption** 

For Hands-Free

**Contacting Emergency Services** 

For Emergency Personnel

Electronic device use law may cover more than one behavior therefore the total is more than 100%

## Assessing the Strength of the Law







Jurisdictions	Total Points
Ontario	17
Maryland	16
California, Colorado, New Brunswick, New Hampshire, New Jersey, Newfoundland, Nova Scotia, Oregon, Quebec, Rhode Island, Saskatchewan, Vermont, West Virginia	14
Connecticut, Hawaii, Maine, Nevada	13
Alabama, Arkansas, Delaware, Louisiana, Massachusetts, Washington	12
District of Columbia, Florida, Indiana, Kansas, Kentucky, Michigan, Nebraska, North Dakota	11
Alaska, Illinois, Mississippi, New Mexico, North Carolina, Ohio, Texas, Utah, Virginia	10
Iowa, Minnesota, Oklahoma, South Dakota, Tennessee	9
Idaho, Pennsylvania, South Carolina, Wyoming	8
Missouri	7
Arizona	6
Montana	0

## Updated Findings

- October 2020 conducted a review to check on the status of electronic device laws in all the states and provinces.
- Overall, 17 jurisdictions updated their electronic device law:



**10** updated to a handheld law



updated fines and penalties



updated to a primary law







## Qualitative Findings

## Based on in-depth review with selected jurisdictions:

- Process for enacting or revising a law,
- Language and interpretation of laws,
- Distracted driving penalties and fines,
- Enforcement strategies,
- Public awareness and information, and
- Data collection and evaluation.







# Strategies Used to Enact or Revise an Electronic Device Use

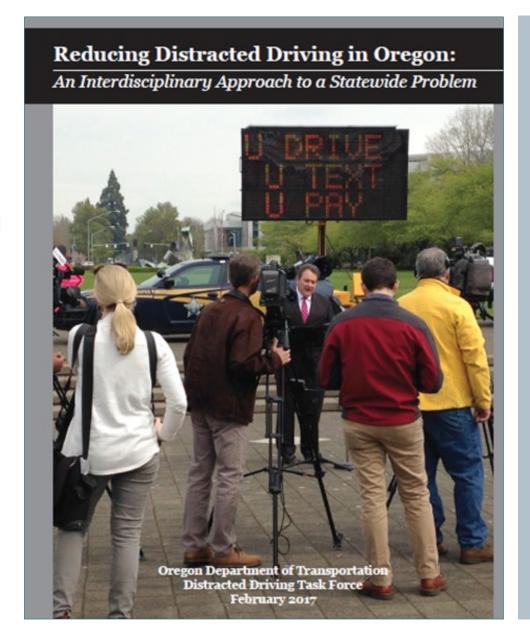






## Jurisdictions used different strategies:

- Building a coalition or team of stakeholders.
  - Invite groups with opposing opinions to encourage the exchange of ideas.
- Starting with a basic texting law and adding more rigorous clauses.
- Adopting local ordinances.



# Challenges Faced in the Process of Enacting or Revising an Electronic Device

## **Challenges:**

- Meeting the eligibility requirements for NHTSA 405E funding.
- Resistance to revisions in the law, specifically handheld bans.









## Language and Interpretation of Electronic Device Use Laws



- The language of the law should be inclusive or wide-ranging, for example:
  - "mobile electronic device" instead of "mobile communication device"
  - "manipulating" instead of "texting"
- Exemptions can make the law challenging to enforce for example, requiring the vehicle to be in motion.







# Distracted Driving Penalties and Fines

- Most jurisdictions assign fines and penalties for electronic device use that are similar to those for other traffic violations.
- Media campaigns are important to increase public acceptance of enforcement and fines.
- Several jurisdictions have incremental fine and/or penalty structures, but no measures of effectiveness yet.
- Many jurisdictions have more punitive measures for crashes that result in serious injuries or fatalities.







## **Strategies**











- Include law enforcement when developing the law's language and content.
- Enforce the law at higher rates during enhanced enforcement or high-visibility periods.
- Strategies:
  - Focused patrols
  - Elevated vehicles
  - Video/Photography
  - Roving patrols
  - Covert tactics
  - Coordinated campaigns





## Public Awareness and Information







## **Public Awareness Campaigns:**

- Following enactment or revision of electronic device use laws.
- During Distracted Driving Awareness Month.
- Use social media, public events, and school programs with young drivers.
- Develop partnerships.







## Public Awareness and Information

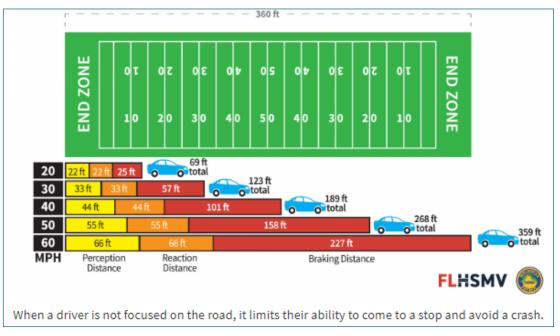






## **Targeted Websites / Media Sources**



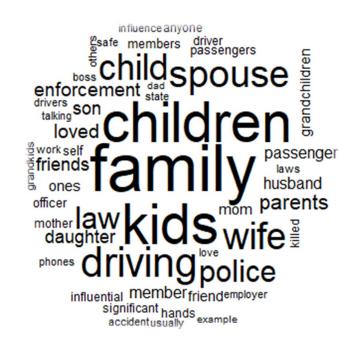


https://handsfreetn.com/

## Data Collection and Evaluation



- Texting or electronic device use collected via crash forms.
- Citation data used to plan enforcement and outreach.
- Surveys to assess public awareness and support for laws.
- Observational data collection of electronic device use.
- Need for further evaluation of the effectiveness of electronic device use laws.



#YourSayVA
Digital Town Hall
Distracted Driving







# Effects of Safety and Political Culture

- Many jurisdictions point to change in perceptions of distracted driving.
- In some jurisdictions, the lack of safety culture may hinder the transition to a more rigorous law at this time.
- Specific actions may be taken to ensure that the electronic device law will meet public expectations.







# Comparing Jurisdictions Within the Sampled Clusters

- Weaker law groupings were more likely to express challenges in initiating rigorous laws, conducting enforcement, and launching public information campaigns.
- Stronger law groupings were more likely to pass rigorous laws and updates, improve law language, conduct law enforcement, and launch public awareness campaigns.







## Summary Findings

- An electronic device use law needs to be phrased in a manner that avoids exceptions or loopholes.
- Coalition building is critical for the success of all components of a distracted driving program.
- High-visibility enforcement and targeted public information, education, and outreach campaigns are important tools in an effective program.
- It is important for jurisdictions to employ a data-driven approach and evaluation.









## Materials Developed









Model Legislation

Presentation for Different Stakeholders

Law Enforcement Presentation

Highlight Document for Legislators

Model Press Release

## Model Legislation









#### **Audience**

Key stakeholders involved in promoting legislation related to electronic device use while driving.



### **Purpose**

To provide guidance and language they can use to enact or revise an electronic device use law.



#### **Structure**

Description of key components of model legislation, along with model law language, including definitions of terminology, prohibitions, exemptions, and penalties.

## Example Model Law: Definitions of Terminology Used

The legislation should clearly define the terminology used.
This is an example of how to define terminology in your law.

Section 1: The following provides definitions of the terminology used in Section 2, "Prohibitions" and Section 3, "Exceptions".

- "Electronic Device" means any portable electronic that is capable of wireless communication or electronic information or data retrieval and is not is not an invehicle system. This includes, but is not limited to, a cellphone, tablet, laptop, two-way messaging device, or electronic game. "Electronic Device" does not include in-vehicle systems, two-way radio, citizens band radio, or amateur radio equipment.
- "Use" includes holding, viewing, and manipulating, including, multiple swipes or presses of a handheld, mounted, or hands-free electronic device.
- "Handheld" means holding or using a portion of the body to hold an electronic device.
- "Operate a Motor Vehicle" means driving a motor vehicle on a public way with the motor running, including while temporarily stationary because of traffic, a traffic light or a stop sign or otherwise stationary. "Operate A Motor Vehicle" does not include operating a motor vehicle with or without the motor running when the operator has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.
- "Text" means reading or manually composing electronic communications including text messages, instant messages, and emails using an electronic device.
- "Hands-free" means the use of an electronic device to talk or listen without use of either hand or any part of the body to prop the device, but instead by employing an internal feature (e.g., speakerphone) or an attachment to the device.

## Example Model Law: Prohibitions

The prohibited behaviors should be clearly stated.
This is an example of how to identify prohibited behaviors in your law.

Section 2: The following prohibitions apply to using an electronic device while operating a motor vehicle, except as provided in Section 3, "Exceptions."

- · A person may not operate a motor vehicle while using a handheld electronic device.
- A person may not operate a motor vehicle while dialing numbers or inputting text, engaging in multiple swipes or multiple taps, this includes use when the device is hands-free.
- A person may not stream, record, or broadcast video, this includes use when the device is hands-free.
- A person may not use applications on the device that depict motion on the device's screen, with the exception of a global positioning system (GPS) or navigational software, this includes use when the device is hands-free.
- Drivers who are 16 or 17 years of age are restricted from using any type of electronic device while driving, even with hands-free accessories, with the exception of GPS or navigational software.

# Example Model Law: Exemptions

Any exemptions to the law must be clearly stated.
This is an example of possible exemptions to include in your law.

Section 3: The following exemptions apply to Section 2, "Prohibitions."

- A cellphone or mobile electronic device may be used, by a driver of any age, in an emergency situation, when contacting an emergency response operator, a hospital, physician's office, health clinic, ambulance company, or fire or police department.
- The law does not apply to an individual driving or operating an emergency vehicle while the individual is acting within the scope of the individual's employment.
- GPS or navigational software use is allowed when the electronic device is being used hands-free, however, inputting the destination must be performed when the operator has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary with the engine turned off.
- Use of a citizen's band radio or two-way radio by an operator of a moving commercial motor vehicle on a public road or highway is allowed.

## Example Model Law: Penalties and Fines

Outline the penalties and fines. Below is an example of how to outline penalties and fines in your law.

Section 4: The following penalties apply to a violation of Section 2, "Prohibitions."

#### Fines:

- A person who violates Section 2, "Prohibitions" commits a traffic infraction for which a fine of \$\_\_\_\_ will be issued.
- A second or subsequent offense under this section is subject to a fine of \$\_\_\_\_\_.

#### Points / License Suspension:

- Depending on the system in the state
- Incremental Penalty additional points for second or third offense.
- License Suspension for third offense within a 3-year period.

# Presentation for Different Stakeholders









#### **Audience**

Key stakeholders involved in legislation development, enforcement, education, and evaluation related to an electronic device use law.



## **Purpose**

Provide information and guidance on developing a new law or modifying an existing law, and highlight successful strategies, protocols, and procedures from different jurisdictions.



#### **Structure**

Presentation of information on implementation stages of effective legislation, with specific guidance for each of the key audiences.

## Presentation for Different Stakeholders | Targeted Modules







Developing and Implementing Electronic Device Legislation to Deter Distracted Driving



Key Audiences







Community Stakeholders and Advocates



Highway Safety Administrators



Public Health Officers

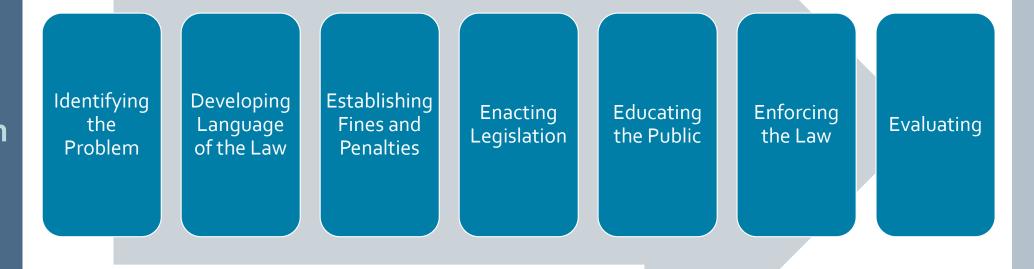


Law Enforcement



Educators

Presentation for Different Stakeholders | Implementation Stages









## Presentation for Different Stakeholders | Structure







- Introductory section
- Sections tailored for each audience, highlighting their individual role:
  - Coalition Building
  - Components and Language of the Law
  - Challenges in Promoting Legislation
  - Designing Public Awareness Campaigns
  - Effective Enforcement Strategies
  - Enforcement Challenges
  - Data and Evaluation
  - Education Opportunities

# Presentation for Law Enforcement









#### **Audience:**

Law enforcement across different types of jurisdictions.



### Purpose:

To provide law enforcement with information to support effective education and enforcement of an electronic device use law.



#### **Structure:**

Presentation includes details on specific topics related to educating the public and enforcing an electronic device use law.

## Presentation for Law Enforcement | Topics

- Identifying the Problem
- Prioritizing Distracted Driving as a Safety Issue
- Officer Training
- Effective Enforcement Strategies
- Public Information and Education
- Data-Driven Approach
- Officer Safety
- Feedback and Motivation









# Highlight Document for Legislators









#### **Audience**

Designed for delivery to legislators and policy makers by highway safety administrators and community stakeholders and advocates.



### Purpose

To inform legislators on the importance of a stronger law to prevent electronic device use while driving.



#### **Structure**

Two-page document that includes background and statistics, the benefits of a stronger law, and key components of a strong law.

# Highlight Document for Legislators

Use of images and infographics to draw attention to key points









Distracted driving is a major public health and safety concern. An estimated 2,841 people were killed in motor vehicle crashes involving distracted drivers in 2018.¹ Distracted driving is underreported and is likely a contributing cause in far more fatal crashes. Dialing, texting, and browsing the internet on electronic devices are some of the most common distractions while driving. Studies show that engaging in these behaviors while driving is extremely risky. It takes about five seconds, on average, to read or send a text. In that time span, when a driver's eyes are on a device and not on the road, a vehicle traveling at 55 miles per hour can travel the length of a football field.²

### Why We Need a Stronger Law

#### Constituents want a stronger law

A survey of over 700 drivers



63%

said they were more afraid of distracted drivers than drunk drivers.<sup>3</sup>

A majority of drivers support laws restricting distracted driving, with almost **75%** supporting a law against holding and talking on a cellphone and **88%** supporting a law against reading, typing, or sending a text or email while driving.<sup>4</sup>

## Stronger laws can prevent injuries and save money

Distracted driving laws have resulted in significant reductions in motor vehicle crash-related emergency department visits.<sup>5</sup>

## Stronger laws may increase funding for traffic safety initiatives

Section 405 of the Fixing America's Surface Transportation (FAST) Act, the National Priority Safety Program, provides funding to address selected national priorities for reducing highway deaths and injuries. Specifically, 8.5% of 405 funds (called 405E) are earmarked for distracted driving grants. To have access to the funds, states must enact and enforce a prohibition on texting as well as a ban on the use of all electronic devices for all drivers aged 18 and younger, plus meet additional requirements.

Eligible states can use 50% of the 405E funds for Section 402 purposes, which include a broader range of traffic safety initiatives, such as drug- and alcohol-impaired driving. The FAST Act also allows states with distracted driving data conforming to the most recent Model Minimum Uniform Crash Criteria (MMUCC) to use 75% of the funds for Section 402 purposes.<sup>9</sup>

1. National Center for Statistics and Analysis. (2019, October). 2018 Fatol

## Model Press Release









#### **Audience**

Key stakeholders involved in media and education on electronic device use while driving.



#### **Purpose**

To provide instructions on how to communicate information on legislation to deter distracted driving via targeted media for different audiences.



#### **Structure**

A targeted document that provides both general guidelines and examples of customizable text.

## Model Press Release







#### Developing A Model Press Release on Deterring Electronic Device Use While Driving

#### This document is organized such that it:

- Provides key components for you to consider when developing outreach messages.
- Includes sample press releases or outreach messages organized by the type of agency and by topic. Supplement this sample text with your organization-specific information.
- Has hyperlinks to 2018 and 2019 press releases on distracted driving that you can use as references.

#### KEY COMPONENTS OF OUTREACH MESSAGES

When developing outreach messages, it is important that you use various media outlets to deliver messages on distracted driving because doing so broadens the audience and the reach of the message. You might consider the following methods:

- Press releases
- Public service announcements (PSAs) for television and radio broadcast
- Social media posts

The content of the message should incorporate the following:

#### Relevant Timing

The message should coincide with an event, such as Distracted Driving Awareness Month, a revision
to the legislation, an upcoming enforcement effort, the start of a public information and education
campaign, or reporting on a crash involving distracted driving.

#### Compelling Headline

• The headline should be direct and informative and should grab the audience's attention. It should also be brief, keeping in mind the character limits of different distribution platforms (e.g., Twitter: 71-100 characters; Google: 60 characters; Facebook: 40 characters). The headline should be information rich and understandable; make sure to include keywords, and depending on the platform, consider the use of hashtads.

#### Informative Introductory Sentences

 Include who, what, where, when, and why in the first few sentences of the message. The remaining content should support the information.

#### - 1

#### DEVELOPING A MODEL PRESS RELEASE ON DETERRING ELECTRONIC DEVICE USE WHILE DRIVING

#### **Customized Tone and Talking Points**

- Tailor the message so that it resonates with the target audience. Use a theme and language that the
  audience will clearly understand. For example, for teens, it is best to use social media with hashtags,
  photos, and current slang; with a more rural/small town, it might be appropriate to present a more
  community-oriented message.
- Modify the message so it reflects the agency conveying it. For example, certain messages will more
  appropriately come from law enforcement, others from practitioners, and others from
  safety advocates.

#### Use of Quotations as Support

Supplement the facts with supporting quotes. A strong quote can make the message more
compelling and can add a personal or emotional angle. The quote can come from a variety of
sources, including: law enforcement, highway safety office representatives, victim advocates,
members of the community, etc.

#### A Clear Call to Action

 Have a goal in mind when developing the message and clearly say what you want the audience to take away from the information. Provide hyperlinks to additional information as well as contact information for sources that can answer follow-up questions.

#### Limits on Length

 Keep the message brief to reduce the risk of losing the audience's attention. Typically stay between 400 and 600 words for a press release, and shorter for other types of social media (Twitter, Instagram).

#### Use of Multimedia, When Possible

 Enliven the message by adding, when possible, multimedia elements such as photos, videos, and infographics.

#### SAMPLE TEXT AND TALKING POINTS FOR PRESS RELEASES

The bullets below provide potential sample text that can be customized for different types of media outlets and talking points related to the use of electronic devices while driving. The talking points are organized by the type of agency and information being conveyed by the message.

Include additional information to customize this text for your agency, for example, details about your outreach or enforcement program (e.g., types of activities, length of time), quotes from agency representatives, agency contact information, and links to additional resources.

#### **EXAMPLES OF PREVIOUS ARTICLES AND PRESS RELEASES**

Below are links to articles and press releases on the topic of distracted driving:

- <u>Drop it and Drive Infographic Twitter</u>, January 23, 2020
- Survey: Majority of Central Iowans Distracted on the Road and It's Killing Us, October 8, 2019
- Distracted Driving Campaign to Begin August 1, July 31, 2019
- Sample Social Media Posts, April 2019

2

## Future Research Needs







- Further evaluation of the effects of electronic device use laws, including:
  - Effect on distracted driving crashes, injuries, and fatalities
  - Effects of different law components, including incremental fines and penalties
- Revising the model law to reflect emerging technology
- Evaluation of crash, citation, and observational data to identify target audiences (routine offenders) for outreach and enforcement efforts
- Further development of approaches other than legislation, such as targeted public outreach and education efforts



Feel free to contact us with any questions:

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Thank You







## Today's Panelists

## **#TRBWebinar**



Moderator: Elizabeth Petraglia, *Westat* 



Amy Benedick, Westat



Sharon Levi, Westat

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