



## It Seems to Us

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# Distracted Driving

*“In mid-December a recommendation from the National Transportation Safety Board (NTSB) that the 50 states and the District of Columbia should ban all drivers’ nonemergency use of portable electronic devices (PEDs), other than those designed to support the driving task, attracted a great deal of media attention.”*

This and more than a dozen other recommendations are contained in a NTSB report related to a fatal multi-vehicle collision on I-44 in Gray Summit, Missouri that occurred on August 5, 2010. The accident killed the young driver of a pickup truck who, according to the report, was fatigued from inadequate sleep and had engaged in six text message exchanges in the 10 minutes immediately prior to slamming into the back of a truck-tractor. A school bus whose driver was distracted by a motor coach that was stationary on the shoulder then ran into the trucks. A second school bus was following too closely and rammed the back of the first bus, killing one of its passengers. In addition to the two fatalities there were 38 injuries ranging from minor to serious.

It is indisputable that the tragedy would have been avoided if three of the four drivers had been properly attentive. (The driver of the truck-tractor was blameless; he had simply slowed down because of traffic merging from two lanes into one before a work zone.) It is equally indisputable that distracted driving is a leading cause of motor vehicle accidents. Even so, it is a bit curious that the NTSB chose this particular accident report to recommend a sweeping ban on drivers’ use of PEDs. The driver of the pickup truck was violating Missouri’s Teen Text Messaging law that had gone into effect the previous year. In other words, had he been obeying existing law it is almost certain he would be alive today.

For drivers of all ages, texting while driving is a fundamentally bad idea. CTIA, the association for the wireless telecommunications industry, recognizes that it is clearly incompatible with safety and supports banning the practice, which is all too common even among drivers who recognize the risks. In a March 2010 White Paper entitled *Understanding the distracted brain*, currently available at [distracteddriving.nsc.org](http://distracteddriving.nsc.org), the National Safety Council (NSC) notes “near-public consensus” that texting while driving is a serious safety risk.

There is less consensus on other specific distractions such as cell phone use. State legislative efforts to curb cell phone use by drivers generally target texting and handheld cell phones, drawing a distinction between holding the phone and using it hands-free. The NSC White Paper argues that this gives the false impression that using a hands-free phone is safe, whereas in fact the cognitive distraction is about the same in either case. The NSC was quick to applaud the NTSB recommendation. On the other hand, drivers experience countless distractions every day and it is utterly unrealistic to try to eliminate them all.

The question whenever we bring up a subject on this page is, of course, what it has to do with Amateur Radio. In this case there are at least two answers.

The first and most important is that when operating mobile,

safety must be our number one concern. Guiding a motor vehicle is an awesome responsibility. Radio amateurs have been operating mobile for decades without being perceived as a threat to public safety, but if there is ever any doubt in your mind about your ability to discharge that responsibility you should either pull off the road (if it is safe to do so) or turn off the radio.

The second is that the NTSB recommendation, coming as it does just before new legislative sessions in many states, is bound to trigger proposals for tougher distracted driving laws. There was a wave of such bills three years ago, which led the ARRL Board of Directors in January 2009 to instruct the Executive Committee to develop a policy statement, including recommended statutory language to protect amateurs’ ability to operate mobile prudently. The statement, entitled *Mobile Amateur Radio Operation*, explains why two-way radio use is substantially different from full-duplex cell phone use. It has been used successfully by ARRL volunteers and members at the state level to argue either for narrow definitions that clearly do not include amateur and other two-way radios or for an appropriate exception. It is available at [www.arri.org/other-state-issues](http://www.arri.org/other-state-issues) under the heading “Cell Phone Issues.” We are currently reviewing the statement to see if any changes are needed to bring it up to date.

At this point the NTSB has only released a synopsis of its Gray Summit accident report, not the full report. We don’t yet know whether the broad term “portable electronic devices” is intended to encompass all or some Amateur Radio equipment, but it seems likely that it could be construed that way. Thus it becomes even more important that proposed distracted driving legislation be reviewed for possible unintended consequences early in the 2012 state legislative sessions.

In August 2009 NSC President Janet Froetscher responded to an ARRL inquiry to say that “Until such time as compelling, peer-reviewed scientific research is presented that denotes significant risks associated with the use of Amateur Radios, two-way radios or other communications devices, the NSC does not support legislative bans or prohibitions on their use.” However, she also noted that the “best safety practice is to have one’s full attention on their driving, their hands on the wheel and their eyes on the road. Drivers who engage in any activity that impairs any of these constitutes an increased risk.” Those are good words to remember even as we seek to protect Amateur Radio mobile operation from the impact of new legislation.