New Cell Phone Technology May Help Reduce Distracted Driving

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Bans against cell phone use and laws prohibiting texting while driving undermine civil liberties, ignore other activities that distract drivers, and do not impact the personal choice to use mobile devices responsibly. Nonetheless, readily available technologies can reduce the problem without the enactment of new bans or policies. For example, one smartphone technology prevents drivers from texting or emailing and automatically sends reply messages in response to incoming calls or messages. And for commercial drivers, software allows fleet operators and risk managers to oversee the cell phone use of employees while driving. Legislation and existing laws should allow—not stifle—innovations in technologies that reduce driver distraction involving cell phones.

Driving distractions caused by cell phone conversations and texting have prompted legislation restricting or banning the practices in 30 states and caused [former] U.S. Secretary of Transportation Roy LaHood to declare texting while driving a "menace to society." Even [talk show host] Oprah Winfrey has mounted an offensive against operating a vehicle while using a keypad.

Despite recognizing the risks involved with drivers' concentration being divided between the road and writing, civil libertarians have been outspoken about their concerns that laws banning or restricting operation of mobile devices while driving might threaten personal freedoms.

"Some of the concerns I've had regarding anti-cell phone or texting laws is that it ignores two things. First, it ignores the legion of other drivers who are driving while distracted due to something other than their cell phone," said Carl Gipson, director for Small Business, Technology, and Telecommunications studies at the Washington Policy Center.

"Second," Gipson continued, "these laws are often overhyped. The reality is that no matter how many laws or regulations are enacted, it comes down to personal choice. 'Do I knowingly act in an irresponsible way to the detriment of myself and others around me? Or do I act in a manner that is most likely to lead to the safety of myself and others?"

New technologies already on the market might resolve the divisive issue without enacting new policies and laws perceived as eroding personal liberty. Software company ZoomSafer, for example, provides smartphone technologies that prevent texting or emailing while driving and sends auto-reply messages on a drivers behalf in response to incoming texts or emails.

Legislation Worsens Behavior

The U.S. Department of Transportation estimates 16 percent of all road fatalities are caused by distracted drivers, but it recognizes banning driver cell phone use only can happen at the state and local level. Hands-free technologies operated through automobile audio systems may mitigate the perils somewhat, but LaHood has requested further research to determine whether these technologies also present too much of
a distraction. LaHood has sternly opposed carmakers' integration of social networking software in vehicle navigation systems, such as OnStar's Facebook feature.

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On January 5, 2011, ZoomSafer unveiled a new, patent-pending software service, FleetSafer Vision, which will allow corporate fleet operators and risk managers to measure and manage employee use of mobile phones while driving, regardless of the type of phone used. ZoomSafer founder and CEO [chief executive officer] Matthew J. Howard says his company's software complements current legislation.

"We believe that education and legislation along with technology are part of an effective solution to impact the complex behavior associated with the use of cell phones while driving," Howard said. "Unfortunately the data to date has shown that legislation alone has been ineffective and may even make the behavior worse because drivers now try to hide the fact that they are using their phone."

Gipson agrees legislation isn't the only answer.

"We must also make sure that existing laws on the books allow for innovations in this area," he said. "There are many stories that list dozens of companies working to solve this problem from the free-market end, rather than the regulatory or statutory end. If the stick isn't working as well as it should to discourage bad behavior, let's use the carrot," Gipson said.

**Rising Concern for Businesses**

Howard says accidents and associated costs provide sufficient incentive for companies to consider a product such as FleetSafer Vision.

"There is a clear liability and risk associated with employee use of cell phones while driving in the scope of work," Howard said. "The U.S. courts have consistently defined scope of work very broadly—whether it's a company vehicle or personal vehicle, an employee or company liable phone, and during [both] business and non-business hours.

"The research is clear that visual distractions caused by use of cell phone increases the likelihood of a crash or near-crash by as much as 23 times," he added. "Therefore, the financial incentive for a company is to protect their brand and their bottom line—the cost of a crash with injuries averages about $120,000, and there are many examples of multimillion-dollar lawsuits based on an enterprise's direct or vicarious liability associated with such a crash," he said.

Howard says businesses are only now beginning to realize the amount of liability inherent in employees' use of phones and other mobile devices while driving. "Less than 18 months ago, this was a side story in local papers, but with the popularity of the topic in the mainstream press—'distracted driving' was Webster's [Dictionary] word of the year—it has become a board-level issue" for many companies, he said.

"In 2011 it will definitely be part of the risk management strategy for companies across the United States as well as their conversations with commercial-lines insurance providers," he said. "Our Web traffic and pipeline of sales opportunities clearly show that there is a growing desire to better understand the issue,
create a safe driving policy, and ultimately establish solutions and practices to ensure compliance and reduce risk," said Howard.

Further Readings

Books


Periodicals and Internet Sources


- Michael Austin "Texting While Driving: How Dangerous Is It?," Car and Driver, June 2009.


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