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Texas supporters of texting ban say statistics underestimate dangers of distracted driving

People shudder when they see this driver.

His bobbing head follows a familiar rhythm, nodding down to write or read a text and then glancing at the road to check traffic.

He tends to drift out of his lane and sometimes rear-ends the car in front of him.

State troopers and local police officers listed cellphone use as a contributing factor in 3,283 accidents in 2012. But traffic safety experts say the number vastly understates the true extent of the problem.

The suspicion is that cellphone use ranks with DWI and speeding as chief causes of injury and death on streets and highways.

"I wouldn't say it's the most important thing, but it's pretty close," said Sgt. Brandon Price, a veteran traffic cop in Allen. "I have really started to talk to people, especially kids, about the dangers of cellphone use while driving."

Nearly two dozen Texas cities have prohibited texting and driving. Efforts to impose a statewide ban have failed in the Legislature even though safety advocates suspect that cellphone use is increasingly the cause of accident injuries and death.

But that assertion is hard to prove because of data-gathering problems.

At a crash, officers are supposed to ask if a cellphone was involved. Most drivers reflexively say, "No." Sometimes, particularly in minor wrecks, the question doesn't get asked. Police want to clear the wreckage quickly and get traffic flowing again.

"Do we have good data to know the extent to which cellphone use contributes to accidents? Not even close," said Sgt. Paul Lassalle, a traffic safety expert at the Houston Police Department.

"It's hard to get at. Drivers don't want to confess they were doing something silly, like talking on the phone, that caused the wreck."

Drunken driving

The push to criminalize texting while driving is analogous to the 1980s campaign to stiffen penalties for drunken driving.

Mothers Against Drunk Driving, or MADD, brought grieving families touched by DWI accidents to the state Capitol to humanize the issue for lawmakers.

Now, three decades later, advocates for a texting-while-driving ban have adopted that same dramatic tactic.

In addition to the human stories, MADD marshaled impressive statistics on death and injuries caused by drunken drivers. DWI already was against the law, and accident investigators paid close attention to gathering evidence for arrest and prosecution.

The data component that ties accidents directly to cellphone use has mostly been missing from the anti-texting campaign.

“The act has to be illegal for it to become more important to police officers to capture the data,” said Jeff Kaufman, a traffic safety expert at the Houston-Galveston Area Council, which coordinates local government activities. “Texting while driving is not illegal. So we capture the data, and then what?”

Researchers have studied cellphone use on the highways since 2000. They’ve estimated that one in 10 drivers is texting or talking on the phone at any given moment.

But those studies don’t directly tie cellphones to real accidents that injure and kill people. The only place to find that data is the CR-3, the standardized form that all Texas law officers fill out to document a crash.

The investigating officer sends the completed CR-3 to the Department of Transportation in Austin. Analysts use that to examine the real causes of crashes — not academic studies.

Low on the list

The CR-3 contains a list of 73 “factors and conditions” that may have contributed to an accident. Officers check as many of those boxes as they wish. No. 72, “mobile/cellphone use,” was listed as a factor in 3,283 crashes in 2012, including 35 fatal crashes. TxDOT reported an estimated 500,000 crashes last year.

Undoubtedly, cellphone use contributes to more accidents than investigators can confirm.

On the list of factors and conditions, No. 19 is “distraction in vehicle.” No. 20 is “driver inattention.” Investigators checked No. 19 as a factor in 10,261 accidents last year.

They checked No. 20 in 82,833 accidents. Those two categories accounted for 408 fatal accidents.

If the investigator sees a cellphone, he might suspect the driver had been talking or texting when the accident happened. But unless the driver or a passenger admits it, the officer checks No. 19 or 20.

“People are reluctant to admit they were on the phone because they think there is a law against it already,” said Price, the Allen traffic officer. “It’s really underreported.”

The Texas House and Senate passed a texting ban in 2011. Gov. Rick Perry vetoed the bill, saying it amounted to unwarranted government intrusion.

The House passed the ban this year, but the bill died in the Senate.

Some senators didn’t want to vote for the ban if Perry was going to veto it a second time. Others said eating and dealing with pets and children in the backseat causes a lot of so-called distracted driving.

So, they wondered, why single out texting while driving as a criminal offense? Would a ban on pets in the car be next?

Paul Lassalle, the Houston Police Department’s traffic safety liaison with the public, said the deterrent value of an anti-texting law, combined with a follow-up ad campaign, would save lives.

“We can testify in court just like we do for seatbelt violations,” Lassalle said. “We pull up next to somebody and see them texting, and they stop. I can clearly see that they are texting on the phone.”

Chicken or egg

Rep. Tom Craddick, R-Midland, the bill’s sponsor, acknowledged the chicken-or-egg conundrum when it comes to investigators documenting the connection between cellphone use and crashes.

“If they check it, they can’t prosecute you for it,” he said. “And if they don’t check it because they can’t prosecute it, it becomes even more underreported.”

The important thing, Craddick said, is for officers to acquire another tool — a texting ban — to improve traffic safety.

“I’m not going to stop until we get this done,” he said.

As of now, 41 states have enacted some form of texting ban.

An estimated 500,000 CR-3s pour into TxDOT each year.

Carol Rawson, director of the agency's traffic operations division, acknowledges that the available data on cellphone use as a contributor to crashes is inadequate.

"We know we have a problem," she said. "But what is the best way to skin a cat?"

One idea is to revise the CR-3 to put a tighter focus on cellphone use and encourage police departments to pay more attention to the issue. Creating new data fields on the CR-3 would help safety experts pinpoint the problems, she said.

"Was the driver talking on the phone? Was he texting? Using his phone's GPS to get directions?" she said. "Making changes to the CR-3 takes a lot of coordination."

Price, the Allen traffic cop, said he favors an outright ban on texting and driving. He spends a lot of time aiming a radar gun at cars and trucks and writing tickets.

After 17 years in the squad car, he knows speeding is dangerous.

Drivers who use their phones are common, he said, and they also are dangerous.

"You don't have both hands on the wheel and your field of vision is restricted when you hold the phone against your ear," Price said.

Even so, he said he doesn't stop motorists who are talking or texting to give them a warning about it.

"We have to be careful," he said. "We don't lecture the motorist. It's not productive."