

Hon. Suzanne Anton,
Attorney General,
Minister of Justice
Room 232
Parliament Buildings
Victoria, BC
V8V 1X4

July 7, 2015

Honourable Minister,

Re: Distracted Driving Public Consultation

At the BC Injury Research and Prevention Unit (BCIRPU), it is our mission to reduce injuries and death in BC. While the number of injuries and deaths from crashes has declined in recent years, motor vehicle collisions remain the leading cause of unintentional injury death across all ages throughout the province. As we must continue efforts to reduce the number of crashes, we welcome the opportunity to influence and improve safety on our roads.

As you know, distracted driving is the second leading contributing factor to crash-related deaths after speed, and now accounts for more motor vehicle crash victims than alcohol. Distractions while driving reduce a driver's ability to drive safely by interfering not only with visual and auditory senses, but also cognitive and physical abilities.¹ These distractions extend beyond mobile phone use, both hand-held and hands-free, to other electronic devices such as GPS systems, mp3 players and iPods, the new iWatch, and other entertainment and information systems (e.g. Heads Up Displays) now considered standard accessories in newer vehicles.

Research in determining levels of cognitive distractions has found that whereas listening to the radio is a minimal risk for distraction, talking on a cell phone either hands free or handheld is a moderate risk, and activities such as responding to in-vehicle voice activated features come with extensive risk to cognitive abilities to drive safely.² We are encouraged by the complete ban on any electronic use while driving for novice drivers

¹ Vermette E. [Curbing distracted driving: 2010 survey of state safety programs](#). Washington, DC: Governors Highway Safety Association, 2010.

² Strayer DL, Cooper JM, Turrill J, Coleman J, Medeiros Ward N, Biondi F. [Measuring Cognitive Distraction in the Automobile](#). Washington, DC: AAA Foundation for Traffic Safety, 2013.

under the Graduated Licensing Program (GLP) in British Columbia. We applaud this broad approach to addressing distracted driving and recommend stronger legislation in the form of an expansion of this strategy to all drivers, with the current exceptions where drivers may also use electronic devices if dialling 9-1-1 in an emergency, while safely parked and off the road, and for active emergency personnel.

While some members of the public perceive a limited ban on hand-held mobile phone use as reasonable due to the visual and physical distraction, this strategy only begins to address the larger issue of distracted driving due to electronic devices. This limited approach may lead to a false security of security on the part of the public and tacitly endorses the safety of hands-free devices.^{3,4} For example, some researchers have suggested that a switch to hands-free mobile use may be undermining the protective effect of mobile phone bans when driving.⁵

Many drivers engage in distracted driving without understanding or weighing the risks of injury or death to themselves or others on the road. Although surveys report broad support for stricter distracted driving laws and public recognition of the risk of distracted driving, social norms remain more accepting of distracted driving than of driving under the influence of alcohol; many individuals see themselves as exceptions who are able to manage the complex task of driving while engaged with a mobile device.^{6,7} We must set a higher standard by the use of strong legislation and enforcement, supported by public education and social marketing.

Lessons from past road safety issues like seat belt use and intoxicated driving confirm that there can be a large gap between awareness of a safety issue and behaviour change. Facilitating the right enforcement strategies can help to close this gap.⁷ Research suggests that effectiveness of distracted driving laws are strengthened when applied to broader populations and all devices, and this may relate to enforcement

³ National Safety Council. [Understanding the distracted brain. Why Driving While Using Hands-free Cell Phones is Risky Behaviour](#). White Paper April 2012.

⁴ Robertson R. [Distracted Driving: So What's the Big Picture?](#) Ottawa: Traffic Injury Research Foundation, 2011.

⁵ Burger NE, Kaffine DT, Yu B. Did California's hand-held cell phone ban reduce accidents? *Transportation research part A: policy and practice* 2014;66:162-172.

⁶ Atchley P, Hadlock C, Lane S. [Stuck in the 70s: The role of social norms in distracted driving](#). *Acc Anal Prev* 2012; 48:279-284.

⁷ Ibrahim JK, Anderson ED, Burris SC, Wagenaar AC. State laws restricting driver use of mobile communications devices: Distracted-driving provisions, 1992–2010. *Am J Prev Med* 2011;40(6):659-665.

challenges.^{8,9} Without continued enforcement and public awareness campaigns, the literature suggests effects of bans and penalties can be short-lived.^{7,10,11}

Furthermore, despite the similar risks of drunk driving and distracted driving to all road users, the penalties are substantially different. Initial evidence from other jurisdictions demonstrates the role of primarily enforced laws and stiffer penalties in changing driver behaviour in the short-term and enacting longer term cultural change.^{12,13,14} Additionally, a legal review applying the lessons of drunk driving to distracted driving outlines the importance of expected enforcement, as well as immediate and longer term penalties.¹⁵ Specifically, it suggests first-time fines equal to those for reckless driving, increasing with subsequent violations, as well as non-monetary penalties such as license suspension, driving points, and eventually jail time.¹⁵ We have strong evidence that such measures have been effective locally in changing behaviour and subsequently protecting the public from alcohol-related injury and death.¹⁶ We propose that similar mechanisms may be needed for distracted driving.

For example, Alaska's penalties for text messaging while driving are the same as those for driving under the influence violations, with high fines and potential jail time.¹⁵ Nova Scotia's strategy of increasing the monetary fine for each subsequent distracted driving offence is impressive. We also congratulate the BC government on the introduction of penalty points and would support increasing these with each subsequent offense. We advocate that distracted driving penalties should correspond more closely with the level of risk that distracted drivers impose on all road users, which can be comparable and worse than that of intoxicated drivers.

⁸ Abouk R, Adams S. Texting bans and fatal accidents on roadways: Do they work? Or do drivers just react to announcements of bans? *American Economic Journal: Applied Economics* 2013;5(2):179-199.

⁹ Lim SH, Chi J. Are cell phone laws in the US effective in reducing fatal crashes involving young drivers? *Transp Policy* 2013;27:158-163.

¹⁰ McCartt AT, Hellinga LA, Strouse LM, Farmer CM. Long-term effects of handheld cell phone laws on driver handheld cell phone use. *Traffic Injury Prevention* 2010;11(2):133-141.

¹¹ Brown K. Steering the Nation's Cell Phone Laws in the Right Direction. *Temple Journal of Science, Technology & Environmental Law* 2012 Summer2012;31(1):31-44.

¹² Jacobson SH, King DM, Ryan KC, Robbins MJ. Assessing the long term benefit of banning the use of hand-held wireless devices while driving. *Transportation Research Part A: Policy and Practice* 2012 12;46(10):1586-1593.

¹³ Gras M, Font-Mayolas S, Planes M, Sullman MJ. The impact of the penalty point system on the behaviour of young drivers and passengers in Spain. *Saf Sci* 2014;70:270-275.

¹⁴ Ferdinand AO, Menachemi N, Blackburn JL, Sen B, Nelson L, Morrisey M. The Impact of Texting Bans on Motor Vehicle Crash-Related Hospitalizations. *Am J Public Health* 2015;105(5):859-865.

¹⁵ Williams ME. Learning from the Past to Improve the Future: Taking a Lesson from America's Drunk Driving Dilemma to Cure the Current Texting While Driving Epidemic. *New Eng.J.on Crim.& Civ.Confinement* 2015;41:253.

¹⁶ Brubacher JR, Chan H, Brasher P, Erdelyi S, Desapriya E, Asbridge M, et al. Reduction in fatalities, ambulance calls, and hospital admissions for road trauma after implementation of new traffic laws. *Am J Public Health* 2014;104(10):e89-e97.

We appreciate and congratulate the Ministry of Justice work to ensure safety on our roads, and for engaging the public in this discussion. We urge you to consider the research evidence that clearly indicates the link between injuries and deaths as the result of multiple sources of distracted driving. Convenience for travelers and road users is important, but should not take precedence over safety when determining the rules on BC roads.

Thank you for the opportunity to voice our concerns, and to present an injury prevention and population health view on this matter. If you would like further information on our research, please do not hesitate to contact me.

Sincerely yours,



Ian Pike, PhD
Director, BC Injury Research and Prevention Unit
Associate Professor, Department of Pediatrics, Faculty of Medicine,
University of British Columbia
Associate Scientist, Child and Family Research Institute
Co-Executive Director, The Community Against Preventable Injuries