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PDFRCW 46.61.670Driving with wheels off roadway.It shall be unlawful to operate or drive any vehicle or combination of vehicles over or along any pavement or gravel or crushed rock surface on a public highway with one wheel or all of the wheels off the roadway thereof, except as permitted by RCW 46.61.428 or for the purpose of stopping off such roadway, or having stopped thereat, for proceeding back onto the pavement, gravel or crushed rock surface thereof. PDFRCW 46.61.673Dangerously distracted driving.(1)(a) It is a traffic infraction to drive dangerously distracted. Any driver who commits this infraction must be assessed a base penalty of thirty dollars.(b) Enforcement of the infraction of driving dangerously distracted may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of a separate traffic infraction or an equivalent local ordinance.(c) For the purposes of this section, "dangerously distracted" means a person who engages in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation of such motor vehicle on any highway.(2) The additional monetary penalty imposed under this section must be deposited into the distracted driving prevention account created in subsection (3) of this section.(3) The distracted driving prevention account is created in the state treasury. All receipts from the base penalty in subsection (1) of this section must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to support programs dedicated to reducing distracted driving and improving driver education on distracted driving. Top of page north This page is managed by Roads and Maritime Services In collaboration with Your rating will help us improve the website. PDFRCW 46.63.110Monetary penalties.*** CHANGE IN 2025 *** (SEE 1848-S.SL) ***(1)(a) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed $250 for each offense unless authorized by this chapter or title.(b) The court may waive or remit any monetary penalty, fee, cost, assessment, or other monetary obligation associated with a traffic infraction unless the specific monetary obligation in question is prohibited from being waived or remitted by state law.(2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is $250 for each offense; (b) RCW 46.61.210(1) is $500 for each offense. No penalty assessed under this subsection (2) may be reduced.(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.(4) There shall be a penalty of $25 for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed $25 for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter, it is immediately payable and is enforceable as a civil judgment under Title 6 RCW. If the court determines that a person is not able to pay a monetary obligation in full, the court shall enter into a payment plan with the person in accordance with RCW 46.63.190 and standards that may be set out in court rule.(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed:(a) A fee of $5 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040;(b) A fee of $10 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the general fund; and(c) A fee of $5 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the traumatic brain injury account established in RCW 74.31.060.(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 or 46.61.212 shall be assessed an additional penalty of $24. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.(b) $12.50 of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as follows: $8.50 in the state general fund and $4 in the driver licensing technology support account created under RCW 46.68.067. The moneys deposited into the driver licensing technology support account must be used to support information technology systems used by the department to communicate with the judicial information system, manage driving records, and implement court orders. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.(9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the person may request a payment plan pursuant to RCW 46.63.190.(10) The monetary penalty for violating RCW 46.37.395 is: (a) $250 for the first violation; (b) $500 for the second violation; and (c) $750 for each violation thereafter.(11) The additional monetary penalty for a violation of RCW 46.20.500 is not subject to assessments or fees provided under this section.(13) The additional monetary penalties for a violation of RCW 46.61.165 are not subject to assessments or fees provided under this section.(14) The monetary penalty for a violation of RCW 46.63.200 is not subject to assessments or fees provided under this section.NOTES:Rules of court: Monetary penalty schedule—IRLJ 6.2.Findings—Intent—2023 c 388: "The Washington auto theft prevention authority account was created in 2007 to provide dedicated funding from traffic infraction collections to support programs designed to prevent and prosecute motor vehicle theft. The legislature finds that over the years, funding from the account has been diverted to other nonauto theft uses such as department of corrections' operations and youth gang prevention programs. The legislature further finds that revenues from traffic infractions have decreased as more drivers access diversion and deferral programs designed to assist people with retaining their licenses. Fund diversions and decreasing traffic infraction revenue threaten the viability of motor vehicle theft prevention programs at a time when the number of motor vehicle thefts have increased 88 percent between the year 2021 and 2022. In order to provide more secure funding to combat and prevent motor vehicle theft, the legislature intends each fiscal year to deposit into the Washington auto theft prevention authority account $7,000,000 of insurance premium tax collections that would otherwise be deposited to the general fund and to have this deposit grow by inflation. The legislature further intends for moneys collected from the traffic infraction surcharge in RCW 46.63.110(7)(b) to be deposited into the state general fund." [2023 c 388 s 1.]Effective date—2023 c 388: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2023." [2023 c 388 s 5.]Effective date—2021 c 240: See note following RCW 46.63.060.Finding—Intent—2019 c 467: See note following RCW 46.20.289.Finding—Intent—Effective date—2019 c 403: See notes following RCW 46.04.071.Finding—Effective date—2019 c 65: See notes following RCW 46.81A.020.Effective date—Contingency—2012 c 82: "Except for section 4 of this act, this act takes effect June 1, 2013. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2012, in the transportation appropriations act, this act is null and void." [2012 c 82 s 6.] Funding was provided in the transportation appropriations act (section 208(15), chapter 86, Laws of 2012).Effective date—2010 c 252: See note following RCW 46.61.212.Effective date—2009 c 479: See note following RCW 2.56.030.Short title—2007 c 356: See note following RCW 74.31.005.Findings—Intent—Short title—2007 c 199: See notes following RCW 9A.56.065.Effective date—2005 c 288: See note following RCW 46.20.245.Effective date—2002 c 175: See note following RCW 7.80.130.Effective date—1997 c 331: See note following RCW 70.168.135.Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.Intent—1984 c 258: See note following RCW 3.34.130.Effective date—Severability—1982 1st ex.s. c 14: See notes following RCW 46.63.060.Severability—1982 c 10: See note following RCW 6.13.080.Severability—1981 c 330: See note following RCW 3.62.060.Severability—1981 c 19: See note following RCW 46.63.020.Effective date—Severability—1980 c 128: See notes following RCW 46.63.060.Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.Additional statutory assessments: RCW 3.62.090, 46.64.055. 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Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page iii Share Suggested Citation:"Front Matter." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page iv Share Suggested Citation:"Front Matter." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page v Share Suggested Citation:"Front Matter." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page vi Share Suggested Citation:"Front Matter." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page vii Share Suggested Citation:"Front Matter." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page viii Share Suggested Citation:"Front Matter." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Below is the uncorrected machine-read text of this chapter, intended to provide our own search engines and external engines with highly rich, chapter-representative searchable text of each book. Because it is UNCORRECTED material, please consider the following text as a useful but insufficient proxy for the authoritative book pages. B E H A V I O R A L T R A F F I C S A F E T Y C O O P E R A T I V E R E S E A R C H P R O G R A M BTSCRP RESEARCH REPORT 1 2021 Research sponsored under the direction and oversight of the Governors Highway Safety Association Subscriber Categories Law â€¢ Safety and Human Factors Using Electronic Devices While Driving LEGISLATION AND ENFORCEMENT IMPLICATIONS Amy Benedick Sharon Levi Elizabeth Petraglia Doreen De Leonardis Westat Rockville, MD BEHAVIORAL TRAFFIC SAFETY COOPERATIVE RESEARCH PROGRAM Since the widespread introduction of motor vehicles more than a century ago, crashes involving their operation remain a significant public health concern. While there have been enormous improvements in highway design and construction, as well as motor vehicle safety, which have been instrumental in lowering the rate of crashes per mil- lion miles in the United States, more than 35,000 people die every year in motor vehicle crashes. In far too many cases, the root causes of the crashes are the unsafe behaviors of motor vehicle operators, cyclists, and pedestrians. Understanding human behaviors and developing effective countermeasures to unsafe ones is difficult and remains a major weakness in our traffic safety efforts. The Behavioral Traffic Safety Cooperative Research Program (BTSCRP) develops practical solutions to save lives, prevent injuries, and reduce costs of road traffic crashes associated with unsafe behav- iors. BTSCRP is a forum for coordinated and collaborative research efforts. It is managed by the Transportation Research Board (TRB) under the direction and oversight of the Governors Highway Safety Association (GHSA) with funding provided by the National Highway Traffic Safety Administration (NHTSA). Funding for the program was originally established in Moving Ahead for Progress in the 21st Century (MAP-21), Subsection 402(c), which created the National Cooperative Research and Evaluation Program (NCREP). Fixing Americaâ€™s Surface Transportation (FAST) Act continued the program. In 2017, GHSA entered into an agreement with TRB to manage the research activities, with the program name changed to Behavioral Traf- fic Safety Cooperative Research Program. The GHSA Executive Board serves as the governing board for the BTSCRP. The Board consists of officers, representatives of the 10 NHSTA regions, and committee and task force chairs. The Research Committee Chair appoints committee members who recommend projects for funding and provide oversight for the activities of BTSCRP. Its ultimate goal is to oversee a quality research program that is committed to addressing research issues fac- ing State Highway Safety Offices. The Executive Board meets annu- ally to approve research projects. Each selected project is assigned to a panel, appointed by TRB, which provides technical guidance and counsel throughout the life of the project. The majority of panel mem- bers represent the intended users of the research projects and have an important role in helping to implement the results. BTSCRP produces a series of research reports and other products such as guidebooks for practitioners. Primary emphasis is placed on disseminating BTSCRP results to the intended users of the research: State Highway Safety Offices and their constituents. 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C O O P E R A T I V E R E S E A R C H P R O G R A M S AUTHOR ACKNOWLEDGMENTS This document fulfills the Task 8 requirement to prepare a final report for BTSCRP Project BTS-03, â€œExamining the Implications of Legislation and Enforcement on Electronic Device Use While Driving.â€ The final report summarizes the work performed on Tasks 1 through 7, including the findings from Phase 1 on existing electronic device legislation; provides a description of the deliverables developed in Phase 2 to share information on best practices related to enacting an electronic device use law, education, and enforcement; and discusses future research needs. The final report was edited by Dr. James Jenness, Quality Assurance Reviewer, and the Westat Editorial Department prior to delivery to TRB to ensure both scientific and editorial quality. CRP STAFF FOR BTSCRP RESEARCH REPORT 1 Christopher J. Hedges, Director, Cooperative Research Programs Lori L. Sundstrom, Deputy Director, Cooperative Research Programs William C. Rogers, Senior Program Officer Jarrel McAfee, Senior Program Assistant Eileen P. Delaney, Director of Publications Natalie Barnes, Associate Director of Publications Doug English, Senior Editor BTSCRP PROJECT 03 PANEL Michael J. Hanson, Minnesota Department of Public Safety, St. Paul, MN (Chair) Lauren V. Stewart, Maine Bureau of Highway Safety, Augusta, ME (GHSA Monitor) Marisa Elijah Auguste, University of Connecticut, Storrs, CT Paul Boase, Transport Canada, Ottawa, ON Tara Casanova-Powell, Association of Traffic Safety Information Professionals, Virginia Beach, VA Miguel Jaller, University of California, Davis, Davis, CA Maurice R. B. Masliah, Headlight Consulting Inc., Toronto Ainsley L. Mitchum, California Department of Motor Vehicles, Sacramento, CA Bryan E. Porter, Old Dominion University, Norfolk, VA Kathy J. Sifrit, NHTSA Liaison BTSCRP Research Report 1: Using Electronic Devices While Driving: Legislation and Enforce- ment Implications presents the results of an examination of the current state and provincial legislation on electronic device use while driving; evaluates the benefits and impediments associated with enacting, enforcing, and adjudicating electronic device use; and proposes model legislation and educational materials that can be used by relevant stakeholders to enact a law and educate key individuals on the importance of the law. Distracted driving is a complex and ever-increasing risk to public safety on roadways. Driversâ€™ use of electronic devices significantly diverts human attention resources away from the driving task. The enforcement community faces significant challenges as electronic device use has expanded beyond simply texting or talking. Legislation regulating electronic device use while driving is inconsistent in content and implementation. For example, many states currently prohibit texting while driving without addressing various other functions of todayâ€™s portable and in-vehicle electronic devices. We do not know the effectiveness of current distracted driving legislation, such as primary handheld bans and texting bans. This confusion may lead to the continued perception among drivers that it is acceptable to use electronic devices while driving. In BTSCRP Project 03, â€œExamining the Implications of Legislation and Enforcement on Electronic Device Use While Driving,â€ Westat was asked to: (1) examine the essential components of current state and provincial legislation (e.g., language, penalties, sanctions) used to address distracted driving while using electronic devices; (2) evaluate the benefits and impediments associated with enacting, enforcing, and adjudicating texting and hands- free legislation; and (3) develop model legislation to deter distracted driving while using electronic devices. F O R E W O R D By William C. Rogers Staff Officer Transportation Research Board 1 Summary 2 Chapter 1 Background 3 1.1 Objectives 3 1.2 Kickoff Meeting 3 1.3 Work Plan 4 Chapter 2 Examine Current Electronic Device Legislation and Strategies 4 2.1 Review of Existing Legislation 8 2.2 Assessing the Strength of the Law 8 2.3 Cluster Analysis and Sample Selection 12 2.4 In-Depth Review of Selected States and Territories 30 Chapter 3 Development of Deliverables to Share Best Practices 30 3.1 Interim Report 32 3.2 Sharing Best Practices 35 Chapter 4 Conclusions and Future Research Needs 35 4.1 Conclusions 35 4.2 Future Research Needs A-1 Appendix A Protocol for Ranking the Strength of Distracted Driving Laws B-1 Appendix B Proposed Sample of Jurisdictions and Methodology C-1 Appendix C Discussion Guides with Key Stakeholders D-1 Appendix D Model Legislation E-1 Appendix E Guidance on Presentation for Key Stakeholders F-1 Appendix F Presentation for Key Stakeholders G-1 Appendix G Presentation for Law Enforcement Officers H-1 Appendix H Highlight Document for Legislators I-1 Appendix I Model Press Release J-1 Appendix J Research Webinar for Practitioners K-1 Appendix K References C O N T E N T S Page 2 Page 1 Share Suggested Citation:"Summary." 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BTSCRP Project BTS-03, â€œExamining the Implications of Legis- lation and Enforcement on Electronic Device Use While Driving,â€ was conducted to review actions taken by jurisdictions to restrict the use of electronic devices by drivers. The objec- tives of the study included examining existing state and provincial legislation; evaluating the benefits and impediments associated with enacting, enforcing, and adjudicating electronic device legislation; and developing model legislation and educational materials that can be used by relevant stakeholders to enact laws and educate key individuals on the importance of the laws. The first phase of the study included a review of existing legislation for the 50 U.S. states, the District of Columbia, and 10 Canadian provinces, with a focus on the language, penal- ties, and sanctions used to address electronic device use while driving. Based on the results of the review, the existing laws were ranked according to their strength, and cluster analysis was used to group similar jurisdictions together. A sample of 20 jurisdictions was drawn for a further in-depth review of legislation, enforcement practices, and public awareness strategies, conducted via an Internet scan and telephone discussions with key stakeholders. Based on the findings of the review, the second phase of the study focused on developing a series of deliverables to share information on best practices related to enacting an electronic device use law, as well as education and enforcement. The materials developed include model legislation, a customizable presentation for stakeholders regarding the development of legislation, a presentation for law enforcement on outreach and enforcement strategies, a highlight document for legislators on the importance of electronic device use legislation, a model press release, a research webinar, and a discussion of future research needs. The in-depth review revealed that the jurisdictions used different strategies to enact or revise distracted driving laws, including building a coalition or team of stakeholders, starting with a basic texting law and adding more rigorous clauses, and adopting local ordinances. The content and wording of electronic device use legislation affect both acceptability and enforcement capabilities. Law enforcement agencies have a central role in developing the language and content of the law, enforcing the law, and in public outreach and education efforts. Most jurisdictions attempt to collect and disseminate data on distracted driving crashes, and several jurisdictions indicated that enforcement programs are data driven. Further evaluation is necessary to determine the effectiveness of electronic device use laws, fines, penalty structures, and public awareness campaigns. S U M M A R Y Using Electronic Devices While Driving: Legislation and Enforcement Implications Page 3 Page 2 Share Suggested Citation:"Chapter 1 - Background." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 3 Share Suggested Citation:"Chapter 1 - Background." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Below is the uncorrected machine-read text of this chapter, intended to provide our own search engines and external engines with highly rich, chapter-representative searchable text of each book. Because it is UNCORRECTED material, please consider the following text as a useful but insufficient proxy for the authoritative book pages. 2 Background Driver distraction is defined as a diversion of attention away from activities critical for safe driving and toward a competing activity (Lee et al. 2008). Distraction is a subset of inattention, which is characterized by activity that actively diverts the driverâ€™s attention from the driving task, such as talking or texting on a cell phone; eating and drinking; talking to other occupants in the vehicle; and adjusting the temperature, radio, entertainment, or navigation system controls. An estimated 2,841 people were killed in motor vehicle crashes involving distracted drivers in 2018 (National Center for Statistics and Analysis 2019b). Driver distraction is likely under- reported as a cause in crashes; therefore, fatalities caused by distracted driving may be much greater (National Center for Statistics and Analysis 2019a). Research has shown that driver distraction, in particular visual and manual activities such as interaction with an electronic device, is related to higher crash risk. One study examining the relationship between cell phone use and crash risk, based on case crossover analysis using naturalistic driving data, visualâ€“manual tasks overall, and texting in particular, found increased incidents of crashes relative to driving without performing any observable secondary tasks [visualâ€“ manual interaction overall: odds ratio (OR) 1.83, 95% confidence interval (CI) 1.03â€“3.25; texting: OR 2.22, CI 1.07â€“4.63] (Owens et al. 2018). While the findings also point to a slight elevation in crash involvement during handheld cell phone conversations, this was not statistically signifi- cant. Using data from the same naturalistic study, analysis of prevalence of driver cell phone use indicated that this behavior is fairly common, with drivers making an average of 1.6 texts and 1.2 calls per hour of driving (Atwood et al. 2018). Among younger drivers, calls (and in particular texting) were more pervasive behaviors. Drivers aged 16 through 19 sent an average of 2.9 texts per hour of driving, and drivers of ages 20 through 29 sent an average of 2.6 texts per hour of driving. After adjusting for age and gender effects, the findings also point to increased crash rates for drivers who are texting. Severe crash rates increased 8.3%, and overall crash rates increased 6.5% for every text per hour of driving. The call rates per hour of driving, however, did not have a significant relationship with crash rates. Numerous studies in laboratory and simulator settings also point to the negative effects of electronic device use on driver performance (see Caird et al. 2014; Oviedo-Trespalacios et al. 2016). As a result, many U.S. states and local governments, as well as administrations around the world, have passed laws restricting or banning the use of electronic devices by drivers to talk or text while driving (World Health Organization 2011). As of January 2019, texting while driving was banned in 31 U.S. states; an additional two states had banned manipulation and dialing (in addition to texting); and 27 jurisdictions, including the 10 Canadian provinces, 16 U.S. states, and the District of Columbia, had prohib- ited the use of a handheld electronic device for all drivers on all roadways (see Section 2.1.2). (Throughout this report, the term â€œjurisdictionâ€ refers to the U.S. states and Canadian provinces unless otherwise specified.) In addition, there are some jurisdictions with special handheld laws covering specific types of drivers, including commercial drivers (one jurisdiction), school C H A P T E R 1 Background 3 bus drivers (two jurisdictions), and drivers under 18 or under graduated driving license (GDL) provisions (six jurisdictions). It is important to note that commercial drivers are already pro- hibited from texting or using handheld cell phones under federal law [49 Code of Federal Regulations (CFR) 392.80 and 49 CFR 393.82]. Every year, in many jurisdictions, attempts are made to revise, amend, or update the distracted driving laws. Despite the prevalence of distracted driving laws, the use of electronic devices while driving still remains an issue. Data from the 2018 National Occupant Protection Use Survey (NOPUS) showed that 3.2% of drivers were observed holding a cell phone, and 2.1% of drivers were observed physically manipulating an electronic device (National Center for Statistics and Analysis 2019c). 1.1 Objectives The three main objectives of BTSCRP Project BTS-03, â€œExamining the Implications of Legis- lation and Enforcement on Electronic Device Use While Driving,â€ were to: 1. Examine current state and provincial legislation, with a specific focus on the language, penalties, and sanctions used to address distracted driving with respect to use of an electronic device; 2. Evaluate the benefits and impediments associated with enacting, enforcing, and adjudicating electronic device legislation; and 3. Develop model legislation and educational materials that can be used by relevant stake- holders, including legislators, law enforcement, local government, and traffic safety officials, to enact laws and educate key individuals on the importance of the laws. 1.2 Kickoff Meeting The Westat team worked with the TRB Senior Program Officer to conduct a kickoff tele- conference on January 10, 2019. The purpose of this initial meeting was to review the objectives of the project, discuss the planned research approach and project timeline, and provide an opportunity for discussion. Prior to the meeting, Westat prepared and delivered a meeting agenda to help ensure that the discussion addressed all proposed activities. Topics included the projectâ€™s objectives and antici- pated challenges, details on Westatâ€™s technical approach, specific types of data to be included in the evaluation, and anticipated deliverable requirements and specifications. During the meet- ing, Westat staff asked the project panel members about their specific areas of interest. Westat documented the decisions and made appropriate updates to the technical approach. 1.3 Work Plan The work plan included a detailed description of how Westat planned to accomplish the research objectives in each of the two phases: (1) data collection and analysis, and (2) devel- oping outreach and model legislative materials. The project panel approved the work plan on January 10, 2019. Page 4 Page 4 Share Suggested Citation:"Chapter 2 - Examine Current Electronic Device Legislation and Strategies." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 5 Share Suggested Citation:"Chapter 2 - Examine Current Electronic Device Legislation and Strategies." 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Strategies 7 accrued. The number of points assigned varies by jurisdiction, and a higher number of points assigned to the violation is associated with an increased severity of punishment. Additionally, aspects of a motoristâ€™s driving record (including points accumulated) may be reported to insurance companies, which may use them in determining premium rates or whether to renew or cancel an insurance policy. Most jurisdictions do not issue points for the first offense of the distracted driving law (66%, N = 40), but may issue warnings. Five jurisdictions issue a penalty of one to two points for a first offense (8%); 12 jurisdictions issue three to four points (20%); and three jurisdictions (New York, Manitoba, and Prince Edward Island) issue five or more points for the first offense (5%). In addition, there are 10 jurisdictions with an incremental penalty scale, issuing a higher number of points for subsequent offenses (16%). Fines Under the Distracted Driving Law Most jurisdictions have a fine associated with a violation of their distracted driving law, but the amount varies considerably, as detailed in Table 4. Note that Missouriâ€™s law does not carry a fine. In other traffic safety issues, such as seat belt enforcement or speeding, a higher fine has been associated with a stronger law and resulted in higher rates of compliance (Nichols et al. 2014; Elvik 2014). However, in many jurisdictions, fines may be lower due to constituentsâ€™ inability to afford a higher fine. This does not necessarily mean that the jurisdiction does not view distracted driving as an important safety issue, but rather that it is related to the socio- economic status of the residents. Attaching a higher fine might be viewed as unrealistic, thus making it less likely for the law to be enforced. There are 32 jurisdictions with an incremental fine structure, issuing a higher fine following subsequent offenses (52%). Exemption Number of Jurisdictions Percent Contacting emergency services 48 For emergency personnel 41 For hands-free use 34 For navigation 27 Use of single-touch features 18 For work purposes 13 When affixed to vehicle surface 9 Receiving safety messages 7 Other 5 79 67 56 44 30 21 15 11 8 Notes: Data were collected in January 2019. Distracted driving laws may include more than one exemption; therefore, the total is more than 100%. Table 3. Exemptions to the distracted driving laws. Fine range Number of Jurisdictions Percent No fine 1 Up to $25 4 $26â€“$75 12 $76â€“$100 15 $101â€“$150 7 $151â€“$200 2 Over $200 19 2 7 20 25 11 3 31 Note: Data were collected in January 2019. Table 4. Fines under the distracted driving law. 8 Using Electronic Devices While Driving: Legislation and Enforcement Implications 2.2 Assessing the Strength of the Law Following the initial scan of existing legislation, a protocol was developed for assessing the strength of the laws across all the jurisdictions. The protocol was provided to the project panel for review. The revised protocol is shown in Appendix A. 2.2.1 Methodology for Assessing Strength of the Laws A classification scheme and points system were developed to sort the jurisdictions by the strength of the laws. This classification was necessary for the cluster analysis to create groupings of states and provinces with similarly structured legislation. Initially, the primary components of the distracted driving laws were identified. Subsequently, a point system was developed for classification. The components and point system are detailed in Table 5. Once all points were assigned, it was possible to determine a total score for each of the juris- dictions, as presented in the following. 2.2.2 Findings for Assessing Strength of the Laws As indicated in Table 5, eight categories of components were considered in the classification scheme for assessing the strength of the laws, allowing for a score of 0 to 19 points for each jurisdiction. The total score ranged from a high of 17 points to a low of 0 points (as detailed in Table 6). The strength of the law was a primary consideration in the cluster analysis and sample selec- tion. These are detailed in the following section. 2.3 Cluster Analysis and Sample Selection Following the initial scan and ranking of existing distracted driving legislation, a cluster analy- sis of states and provinces with similarly structured legislation grouped the jurisdictions for further study. The cluster analysis was based on the results of the assessment and ranking of the strength of the laws, as detailed in Section 2.2. The objective of the analysis was to obtain a sample of 20 out of 61 jurisdictions (50 U.S. states plus the District of Columbia and 10 Canadian provinces) to include in a more detailed review. The sample selected included a relatively diverse set of laws related to distracted driving, as well as a range of population characteristics, so that the information gathered would cover a range of laws, challenges, and populations. The selected sample represents jurisdictions with stronger distracted driving laws somewhat more heavily, since the objective of the project was to develop model legislation as well as best practices for education and enforcement. 2.3.1 Methodology for Cluster Analysis The methodology for the cluster analysis is described in detail in Appendix B: Proposed Sample of Jurisdictions and Methodology. To generate a sample that covered a range of laws and population characteristics and would not result in a sample with more â€œstrong lawâ€ juris- dictions, the researchers used a clustering algorithm to group all 61 jurisdictions into five clus- ters, based on characteristics of their distracted driving laws and populations. (Before settling on this approach, the researchers tested several clustering methods, which are discussed in Section B.2.4.) The researchers then drew a fixed sample of jurisdictions from each cluster, along with at least one alternate jurisdiction per cluster in case one or more selected jurisdictions chose Examine Current Electronic Device Legislation and Strategies 9 Component Points Assigned Justification Violation Type No law 0 Primary violations are well received by law enforcement. It is a common belief that if the law is addressing an important traffic safety issue, the violation would be considered a primary offense. Secondary 1 Primary 2 Behaviors Covered* No behavior 0 Law does not enforce any of the behaviors, or there is no law. Texting 1 Limits the enforcement to a two-way communication device, meaning that someone could be manipulating a portable game, but since they are not texting, they cannot be cited, even though the behavior and level of distraction are similar. Manipulating/dialing 2 Additional limitations beyond texting (which would include dialing or manipulating the electronic device) simplify enforcement and expand the types of devices covered to all electronic devices. Handheld 3 More severe and most inclusive and, therefore, easier to enforce Reading or speaking 1 extra point More restrictive, but difficult to enforce. Note that many texting laws do include a reading restriction. Types of Drivers Covered Law does not address any driver populations. 0 Law only addresses specific populations. 1 Less severe and difficult to enforce All drivers 2 All drivers and there are one or more laws that are more stringent for specific populations 1 extra point More restrictive on behaviors covered under the law or increased fines/penalties for special populations, although may be difficult to enforce When Law Is Enforceable Law is not enforced in any situation. 0 Law is not clearly enforceable in any situation, or there is no law. Only when vehicle is in motion 1 Allows for device use during stops in trafficâ€”higher potential for use while driving. At all times (stationary or in motion) 2 Enforceable at all times Penalty Range for First Offense Warning/0 points 0 More points are associated with a stronger penalty and may increase compliance. 1â€“2 points 1 3â€“4 points 2 5 or more points 3 Incremental Penalty No 0 Incremental penalty may increase compliance. Yes 1 Fine Range for First Offense No fine 0 Higher range of fines may increase compliance. Low (Up to $25, $26â€“$75) 1 Medium ($76â€“$100, $101â€“ $150) 2 High ($151â€“$200, over $200) 3 Incremental Fine No 0 Incremental fines may increase compliance. Yes 1 *For laws with multiple behaviors covered, the least restrictive and easiest to enforce behavior was used for coding. Table 5. Primary components of distracted driving laws and classification scheme. 10 Using Electronic Devices While Driving: Legislation and Enforcement Implications not to participate. This form of stratification, while somewhat rough, guaranteed that jurisdic- tions with a variety of law and population characteristics were represented in the final sample. The cluster analysis file comprised a number of data sources for each jurisdiction, including details on the different electronic device use laws identified by the Westat study team, data on fatal injuries, licensed drivers, motor vehicle registrations, vehicle miles traveled (VMT), and population. Further details on the data sources are presented in Appendix B. After merging all data sources into a single file, the statistical staff ran quality-control checks to verify that all merging was done correctly, and they checked for any outlying or unexpected data points. During these checks, such variables as fatalities, licensed drivers, vehicle registra- tions, VMT, and number of 15- to 24-year-olds were converted to rates per 1,000 population. Before clustering, the statisticians standardized all variables to have a mean of 0 and a standard error of 1. This effectively weighted each variable in the analysis equally. As a final check, the statistical team looked at the correlation between normalized fatality rate and normalized law strength, calculated by totaling all law strength points. The correlation was â^’0.57 (p < 0.0001), which is moderate-to-strong, negative, and significantly different from zero. This means that jurisdictions with stronger laws tended to have lower fatality rates, and vice versa. Even though fatality rates included all types of traffic-related fatalities, not just distracted drivingâ€“related fatalities, it was encouraging to see that the law strength scoring had the relationship that would be expected with fatality rates. As described in detail in Appendix B, the researchers tested three different clustering methods: hierarchical clustering, K-means, and model-based cluster analysis (Mclust). This was done as a sensitivity analysis; each clustering method has strengths and weaknesses, and the authors wanted to ensure that the different methods independently produced roughly consistent results. All three methods suggested that five clusters were appropriate, and the findings are detailed in the following. 2.3.2 Results of Cluster Analysis As indicated previously, three methods for clustering were tested; K-means was selected because it is best suited to this analysis. K-means does not place any assumptions on the distri- butions of the variables, and it is designed to find an overall optimal solution. Findings of the final K-means model with five clusters are presented in Table 7. U.S. and Canadian Jurisdictions Total Points Ontario Maryland Alberta, British Columbia, Georgia, Manitoba, New York, Prince Edward Island California, Colorado, New Brunswick, New Hampshire, New Jersey, Newfoundland, Nova Scotia, Oregon, Quebec, Rhode Island, Saskatchewan, Vermont, West Virginia Connecticut, Hawaii, Maine, Nevada Alabama, Arkansas, Delaware, Louisiana, Massachusetts, Washington District of Columbia, Florida, Indiana, Kansas, Kentucky, Michigan, Nebraska, North Dakota Alaska, Illinois, Mississippi, New Mexico, North Carolina, Ohio, Texas, Utah, Virginia Iowa, Minnesota, Oklahoma, South Dakota, Tennessee Idaho, Pennsylvania, South Carolina, Wyoming Missouri Arizona Montana* 17 16 15 14 13 12 11 10 9 8 7 6 0 *No distracted driving law resulted in 0 points across all components. Table 6. Assessing strength of the law, jurisdictions by total points. Examine Current Electronic Device Legislation and Strategies 11 The heat map depicted in Table 8 shows how the authors were able to generalize and describe each cluster. Red indicates a cluster is, on average, low in terms of the row variable, and green represents clusters with a higher average value for the row variable. For example, looking at the total population row, Cluster 1 (primarily Canadian provinces) has the lowest average popula- tion, and Cluster 4 (U.S. states with large populations) has the highest average population. Before drawing the sample, a decision was made to discard Montana since, at the time of writ- ing, the state had no distracted driving law in place. In addition, Alaska, Hawaii, Prince Edward Island, and the District of Columbia were discarded due to their unique features making it dif- ficult to generalize any findings to other jurisdictions. Ontario and Maryland were selected with certainty because these jurisdictions have the strongest laws (highest law scores) in Canada and the United States, respectively. After following these parameters, a sample of 18 jurisdictions was selected from a pool of 55 jurisdictions, with representation from each cluster. The authors selected three jurisdictions Cluster General Description of Cluster Jurisdictions in Cluster 1 Canadian provinces and Colorado, stronger laws, lower population Alberta, British Columbia, Colorado, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Prince Edward Island, Quebec, Saskatchewan 2 U.S. states and Ontario, relatively stronger laws Connecticut, Delaware, District of Columbia, Hawaii, Georgia, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, Ontario, Oregon, Rhode Island, Vermont, Washington, West Virginia 3 U.S. states, moderate-to- small populations, relatively weaker laws Alabama, Alaska, Arkansas, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, Wisconsin, Wyoming 4 U.S. states, large populations, relatively weaker laws California, Illinois, Michigan, Minnesota, Pennsylvania, New York, Texas, Virginia 5 U.S. states, weakest laws, high vehicle usage/fatality rates Arizona, Florida, Montana, Nebraska Table 7. Final clusters of U.S. and Canadian jurisdictions. Variable Cluster Number 1 2 3 4 5 Law-Related Variables Violation type Behaviors covered Drivers covered Law enforceable Penalty range Incremental penalty Fine range Incremental fine Non-Law-Related Variables Total population Fatality rate % population ages 15â€“24 Licensed driver rate Vehicle registration rate VMT per population Table 8. Heat map of average clustering variable value, by cluster. 12 Using Electronic Devices While Driving: Legislation and Enforcement Implications from Cluster 1 because of the similarities in the characteristics across these jurisdictions (pri- marily Canadian provinces). Five out of 13 eligible jurisdictions in the stronger-laws U.S. states cluster were selected because the authors wanted to oversample jurisdictions with strong laws. This left 10 jurisdictions to sample from the remaining three clusters (32 total jurisdictions). The authors sampled from each cluster proportional to its size in order to obtain the required sample; at least one alternate was selected for each cluster. [Sampling was performed using the sample() and sample_frac() functions in R.] The final sample is presented in Table 9, and Figure 1 presents a corresponding map, with the selected jurisdictions shaded in blue. 2.4 In-Depth Review of Selected States and Territories Westat conducted an in-depth review of legislation, enforcement strategies, public aware- ness activities, and other details related to the distracted driving law for the selected jurisdic- tions. During the in-depth review, the research team identified successes, challenges, and lessons learned. Cluster General Description of Cluster Sampled Jurisdiction(s) Alternate(s) 1 Canadian provinces Alberta, Manitoba, Ontario, Quebec New Brunswick 2 U.S. states, relatively stronger laws Connecticut, Maryland, Maine, Oregon, West Virginia, Vermont Georgia, New Jersey 3 U.S. states, moderate-to-small populations, relatively weaker laws Idaho, Kentucky, Louisiana, New Mexico, South Carolina, South Dakota, Tennessee Missouri, North Dakota 4 U.S. states, large populations, relatively weaker laws Pennsylvania, Virginia California 5 U.S. states, weakest laws Nebraska Arizona Notes: Maryland and Ontario were selected with certainty. Alaska, District of Columbia, Hawaii, Montana, and Prince Edward Island were excluded from selection. Table 9. List of proposed jurisdictions, by sampling stratum (cluster). Figure 1. Map of sampled jurisdictions. Examine Current Electronic Device Legislation and Strategies 13 The in-depth review built on the information gathered during the initial scan and included components of the law that were initially identified in the review of legislation but needed further study to clarify or provide additional detail. These components include: â€¢ Language of the Law. Identifying whether there was ambiguity in the language that could affect enforcement or adjudication. â€¢ Exemptions to the Law. Understanding those exemptions that may affect enforcement or adjudication as well as how exemptions are worded in the law. â€¢ Types of Roadways Covered. Identifying whether jurisdictions were enforcing the law on certain types of roadways more than others and whether the law was more stringent for viola- tions on certain roadway types. â€¢ Devices Covered. Understanding whether detailed information on the specific device types covered by the law was useful or detrimental to enforcement and adjudication. â€¢ Effects of Penalties and Fines. Understanding the measured or perceived effects of higher penalties and fines as well as incremental penalties and fines. â€¢ Relationship Between Distracted Driving Laws and Manslaughter Convictions or Jail Time. Understanding the impact of this type of association on how the law is enforced and adjudicated, as well as on driver behaviors. The in-depth review included two components: a detailed Internet scan, and discussions with stakeholders in the U.S. states and Canadian provinces, as detailed in the following sections. 2.4.1 Internet Scan The first step of the in-depth review was a comprehensive examination of state/provincial annual reports, highway safety plans, traffic safety websites, and other literature databases. News articles discussing pending legislation, sharing opinions of law enforcement and other key stake- holders regarding weakness in current legislation, and describing public information campaigns were also reviewed. Data gathered during the web scan included information pertaining to the background or history of the lawsâ€”for example, how the law was enacted; enforcement efforts, such as high- visibility campaigns; public outreach and educational efforts; and any data gathered related to enforcement, measuring outreach, and impact of the law on crash rates. The researchers also documented contact information for state/provincial representatives identified throughout the search. 2.4.2 Discussion with State/Provincial Representatives To supplement findings from the Internet scan, telephone discussions were conducted with state/provincial representatives, including representatives from program offices, legislatures, nonprofit agencies, research firms, and law enforcement agencies. Discussion guides were devel- oped for the different types of stakeholders and provided to the project panel for review and approval (see Appendix C). A list of contacts was identified during the web scan and provided to panel members for review. The discussions with stakeholders reviewed a variety of key issues, including: â€¢ General information on the law: penalties, fines, wording; â€¢ Process of enacting the law, including strategies and challenges; â€¢ Making changes to the law; â€¢ Enforcement of the law, including strategies and challenges; â€¢ Public awareness campaigns and education outreach; 14 Using Electronic Devices While Driving: Legislation and Enforcement Implications â€¢ Data collection and evaluation; â€¢ Safety culture and political culture; and â€¢ Issues related to technology. Multiple attempts were made to contact each of the selected jurisdictionâ€™s representatives, via both email and telephone. Table 10 details the agencies and dates of contact for those stake- holders with whom telephone discussions were conducted. In several jurisdictions, the tele- phone discussions were held with several representatives from different agencies, but only the primary agencies that participated in the calls are listed in the table. As part of the in-depth review, the authors also spoke with Jennifer Smith, the CEO and co-founder of StopDistractions.org, a nonprofit organization that brings together distracted driving victims, victim survivors, foundations, and the general public to build awareness about the dangers of distracted driving. StopDistractions.org has partnered with advocates for dis- tracted driving and electronic device use laws in many of the U.S. states and cities and has been influential in helping to pass legislation. In addition, Westat staff attended the 7th Annual Dis- tracted Driving Summit in Roanoke, Virginia, and spoke with experts from around the country about distracted driving. Overall, representatives in the jurisdictions showed a high level of interest in participating in and receiving the results of the research study. Several agencies were interested in receiving guidance on language for a model law and enforcement techniques, as well as examples of public information and education campaigns. Representatives were committed to reducing distracted driving in their respective jurisdictions and indicated that the issue is dynamic and generally receives growing support and attention from the public. 2.4.3 Summary of Key Findings from In-Depth Review Process of Enacting or Revising a Distracted Driving Law The in-depth review revealed that one of the key strategies when revising a distracted driving law was to build a coalition or team of stakeholders. A number of jurisdictions indicated that including a variety of partners in the process was important to enacting or revising an existing distracted driving law to make it more rigorous. Important partners include relevant state or provincial government agencies such as highway safety, law enforcement, judiciary, and the department of motor vehicles (DMV), as well as political leaders such as legislators and the Jurisdiction Primary Points of Contact Date of Interview Alberta Office of Traffic Safety, Government of Alberta June 26, 2019 Connecticut Highway Safety Office, Connecticut Department of Transportation July 9, 2019 Idaho Highway Safety Office, Idaho Transportation Department July 2, 2019 Maine Maine Bureau of Highway Safety July 2, 2019 Manitoba Manitoba Infrastructure and Manitoba Public Insurance June 25, 2019 Maryland Maryland Highway Safety Office June 25, 2019 Nebraska Nebraska Division of Public Health June 25, 2019 Ontario Safety Policy and Education Branch, Ontario Road Safety Policy Office June 24, 2019 Oregon Transportation Safety Division, Oregon Department of Transportation June 14, 2019 Pennsylvania Pennsylvania Department of Transportation and Pennsylvania State Police July 1, 2019 Quebec SociÃ©tÃ© de lâ€™assurance automobile du QuÃ©bec July 25, 2019, response in writing due to language barriers Tennessee Tennessee Highway Patrol June 11, 2019 Virginia Highway Safety Office, Virginia DMV and DriveSmart VA July 22, 2019 Table 10. Log of phone discussions on legislation and enforcement of electronic device use. Examine Current Electronic Device Legislation and Strategies 15 state governor or provincial lieutenant governor. Nongovernmental stakeholders such as safety organizations and community leaders can also help facilitate and garner support for a new law. Victim advocates may also serve as leading voices for stronger distracted driving laws, as has been the case in Maryland and Pennsylvania. Several jurisdictions felt that it is important to invite groups that might be in opposition to the law to coalition meetings to better understand their concerns and arguments and attempt to address them or achieve a compromise. For example, in some states, issues regarding racial profiling have been raised by different groups; by includ- ing concerned parties, it may be possible to reach a compromise, such as a review of citation demographics on an annual basis. In Alberta, community members participated in the vetting process of a new law or revi- sions to an existing law in order to increase legislative and public acceptance (Daniel 2018). The Connecticut Highway Safety Office gathered stakeholders from the police, DMV, and judicial branch to work together on the distracted driving law. In Maine, the New England AAA played a key role in spearheading recent legislation. In Ontario, distracted driving policy changes were made in cooperation with members of the public, enforcement partners, road safety groups, and community groups in both consultations and a public forum. Coalition partners in Virginia hired a lobbyist to aid them in supporting their transition from a texting law to a hands-free ban. In Oregon, an interdisciplinary task force was created in 2016 to tackle distracted driving. The task force included experts from the fields of transportation, research, law enforcement, communications, health care, the behavioral sciences, and policy, as well as the judicial and legislative branches, with the goal of covering every facet of distracted driving. The task force made recommendations related to necessary data and reporting, legislation and policy, enforce- ment, and education and communication (see Figure 2). The work of the task force supported the revision of the distracted driving law. Source: Oregon Department of Transportation 2017. Figure 2. Oregon distracted driving task force report. 16 Using Electronic Devices While Driving: Legislation and Enforcement Implications Source: Tennessee Highway Patrol 2019. Figure 3. Tennessee introduces hands-free legislation. At the time of the in-depth scan in 2019, several jurisdictions were attempting to update or revise their legislation. One strategy for developing a stronger law is to initially prohibit texting and then develop more rigorous laws over time. This may include adding more rigorous clauses, such as hands-free laws for specific types of roadways (such as work zones) or drivers (such as commercial truck drivers or young drivers). Of the selected jurisdictions, revisions under con- sideration for the 2019 legislative cycle included: â€¢ Update to a hands-free law: Maine, Pennsylvania, South Carolina, South Dakota, Tennessee (see Figure 3), and Virginia; â€¢ Update to a primary law: Nebraska; and â€¢ Increase in fines: Vermont. In U.S. jurisdictions, one thing to take into consideration when developing or revising a dis- tracted driving law is access to NHTSA 405E funding. In a few jurisdictions, being compliant with the required language to be eligible for 405E funding served as a key source for the wording and content of the law. At the time of writing, there were only four states (Connecticut, Oregon, Maine, and New Jersey) eligible for funding based on the language of their laws. Eligible states can use 50% of the funds for NHTSA Section 402 purposes and 50% for distracted driving purposes, such as funding enforcement efforts and outreach and educational programs. The Connecticut Highway Safety Office convened a team of lawyers, police officers, DMV represen- tatives, and judicial members to develop a law that mirrored the Federal Register requirements for 405E funding. For example, one of the requirements is that the driving test must include Examine Current Electronic Device Legislation and Strategies 17 a question on distracted driving. Previously, the DMV had a randomized test that included a distracted driving question in a portion of the administered tests, but the team worked to make this question standard on the exam. Similarly, leaders in Oregon and Maine took steps to design updated legislation that would improve driving behavior and comply with NHTSA 405E requirements. These jurisdictions contacted regional or federal NHTSA staff to ensure that the legislation being considered matched the requirements for NHTSA 405E funding. While other states were interested in applying for NHTSA 405E funding, representatives were concerned about the complexity of the requirements. A few states indicated that model language in line with NHTSA requirements would be helpful since state governments are more inclined to support legislation that is likely to result in additional funding that can be used to support the legislative change. In addition to NHTSA 405E grant money, identifying alternate funding sources was mentioned by several jurisdictions as something to consider when revising or enacting a law. Specifically, when proposing a new law or revision, jurisdictions should identify potential funding oppor- tunities for any special enforcement efforts, education, and outreach that will follow a law change. In addition, when possible, this funding should come from sources outside of the state or provincial government to minimize the potential for legislators to block the bill due to any financial obligations it would pose to the jurisdiction. While several jurisdictions have made recent revisions to their laws, some have not succeeded in passing updated distracted driving laws. These jurisdictions shared some of the challenges they encountered during their attempts to enact or revise their distracted driving laws. In Idaho, businesses and farmers were in opposition to including a hands-free ban to the stateâ€™s distracted driving law. Businesses and farmers viewed the inclusion of a hands-free ban as challenging in their work environments. However, in an attempt to influence state legisla- tion, the cities of Hailey, Idaho Falls, Ketchum, Pocatello, and Sandpoint enacted local ordi- nances banning handheld use of cell phones. This method has been successful in moving from secondary to primary seat belt enforcement laws in several states. In addition, the Idaho High- way Safety Office was developing a media campaign to promote hands-free cell phone use. The office was also establishing partnerships with major companies in the state to bring their employees on board by emphasizing the economic benefits of reducing distracted driving. In Virginia, nonprofit organizations led by Drive Smart Virginia have lobbied and worked on revisions to the distracted driving law that would transition from a texting and driving law to a hands-free law. However, in 2019, for the second straight year, the distracted driving legislation was blocked in the closing days of the session after passing in the stateâ€™s House and Senate. With each failed attempt, representatives in Virginia spend time analyzing the reasons why the bill failed and address these issues with their next proposal. In December 2019, the Richmond City Council passed a city ordinance to ban the use of handheld cell phones while driving. Language and Interpretation of Distracted Driving Laws The content and wording of distracted driving legislation can affect the ability to enforce the law as well as how well the law is accepted by the motoring public. In some jurisdictions, the language of the law is inclusive or wide-ranging, allowing for a broad interpretation. For example, in Alberta, the law prohibits handheld use of a device for all drivers, on all roadways, whether in motion or stopped. In Ontario, the wording of the distracted driving regulation in the Highway Traffic Safety Act is quite broad and refers to whenever the device is in hand. In court, this has even been enforced in cases where the cell phone was off but was in the hand of the driver. The Connecticut and West Virginia laws are written in such a way that they are open to interpretation. Connecticutâ€™s distracted driving law prohibits drivers from holding a mobile 18 Using Electronic Devices While Driving: Legislation and Enforcement Implications electronic device, including a cell phone, in their hand. This includes instances where the vehicle is at a stop sign or even on the side of the road if the engine of the vehicle is still running. Although the Connecticut law includes many behaviors such as reading, texting, and manipu- lating the device, there is still some room for interpretation. For example, holding the cell phone to look at GPS or listen to music is still permissible, which makes enforcement of the law more challenging. In West Virginia, the language of the law prohibits handheld use of the electronic device, but does not prohibit manipulation of the device if it is mounted using a hands-free device. Addi- tionally, the law is enforceable if the driver is operating a motor vehicle (engine running), includ- ing while temporarily stopped because of traffic, a traffic control device, or other momentary delays. However, the law allows use of an electronic device when operating a motor vehicle after the driver has moved the vehicle to the side of, or off, a highway and halted in a location where the vehicle can safely remain stationary. Several jurisdictions openly discussed the challenges of enforcing distracted driving laws. These challenges often relate to the law covering only certain behaviors or to some of the exemp- tions allowed. For example, prior to the 2019 revisions to Maineâ€™s distracted driving law, the law prohibited texting only while driving and allowed drivers to use a phone to play music, search for directions, or dial. The law was challenging to enforce because it required the officer to prove that the motorist was texting. These exemptions made it more difficult to prove a driver broke the law. Similarly, in Pennsylvania, exemptions in the law such as using GPS or making a call may make it more challenging to enforce the texting law. New Mexicoâ€™s and Louisianaâ€™s distracted driving laws only prohibit texting while driving. In New Mexico, like many other jurisdictions, law enforcement may not conduct a search of a cell phone, and there are often difficulties enforcing the law because officers will only issue a citation when they can see a driver blatantly texting while behind the wheel or when they observe erratic driving. In Louisiana, law enforcement indicates that under the current law, drivers who insist that they are using their phones for something other than texting may not be cited, and officers cannot search through someoneâ€™s phone due to an individualâ€™s right to privacy. In a few states, the distracted driving law is a secondary offense, so law enforcement cannot pull anyone over for texting unless they see another offense. For example, in Nebraska, it is well known that texting and driving is a secondary offense for young drivers with a GDL, limiting the officerâ€™s ability to change behavior among this high-risk group of drivers. In Idaho, the distracted driving law is for texting while driving and excludes cases where the vehicle is stopped at an intersection or any other type of behavior such as using the GPS. Simi- larly, the distracted driving law in South Carolina requires that, in order to issue a citation, law enforcement must observe the driver texting while the vehicle is in motion; this was also the case for the previous law in Tennessee. This limits some types of enforcement activities, such as those at stops or intersections. Tennessee recently passed a revised distracted driving law (effective July 2019). The new hands-free law includes provisions that allow for enforcement when the vehicle is stopped at a traffic light or stop sign. In Virginia, the law states that it is unlawful to manually enter multiple letters or text. This additional language regarding multiple letters has further limited enforcement capabilities as the citations on texting are contested if there is no evidence of typing multiple letters. During the most recent attempt to revise the law to a hands-free ban, state representatives lobbying the bill wanted to use the word â€œholdâ€ as opposed to â€œuseâ€ to avoid possible exemptions. As noted previously, this bill was not passed. In Kentucky, the law states that the driver is in violation when using an â€œelectronic commu- nication deviceâ€ while operating a motor vehicle, which technically places using a smartphone Examine Current Electronic Device Legislation and Strategies 19 as a GPS device or even browsing the Internet or social media outside the parameters of the law. Discerning between those who are texting and those using their phone for various other reasons is a difficult task for law enforcement. Exemptions such as those described here affect law enforcement officersâ€™ ability to enforce the law. Due to these challenges, several jurisdictions admitted that electronic device enforcement is not a priority within their law enforcement agencies. A number of jurisdictions designed the language of the laws to reduce these types of limita- tions. In Oregon, the language was revised from a â€œmobile communication deviceâ€ to a â€œmobile electronic deviceâ€ in order to broaden the definition of device usage and remove many exemp- tions to the statute. Similarly, in Maine, the updated legislation refers to a â€œhandheld electronic device,â€ which includes cell phones as well as other types of devices. Quebec avoided the com- plexities that can arise from vague definitions of â€œuseâ€ by specifying in the legislation â€œa driver who is holding a device is presumed to be using it.â€ Using clear language to describe when electronic device use is allowed when the vehicle is not in motion, such as while contacting emergency personnel, is also important. In addition to enforcement challenges, jurisdictions discussed issues related to prioritizing distracted driving offenses in the adjudication process. Although enforcement rates are high in Connecticut, many citations are dismissed due to the number of citations that need to be processed by the court system. This may be a source of frustration for law enforcement and may have an impact on their willingness to enforce the law if it is not seen as a priority within other agencies in the jurisdiction. Distracted Driving Penalties and Fines While the fines and penalties across the jurisdictions differ substantially, many jurisdictions indicated that the penalty and fine for a distracted driving citation are consistent with other traffic violations in their state or province. In Connecticut, fines were set at $150 for a first violation, $300 for a second, and $500 for any subsequent offense. The law went into effect at the same time that other traffic safety fines were raised, which increased public acceptance of the fine structure. In Alberta, the revision to the distracted driving law in 2016 added a three- point penalty; this change actually made the law more consistent with other traffic violations within the province that also have a three-point penalty. In Ontario, the penalties for distracted driving were increased as part of a package on vulnerable road user amendments, which helped to increase public acceptance. Several jurisdictions pointed to the difficulty in issuing citations with high fines and the need for simultaneous public awareness campaigns to increase public acceptance of enforcement. In some states, law enforcement personnel initially expressed concern over issuing substantial fines. However, with the increase in public education and outreach, it became easier to issue citations over time because drivers could no longer indicate that they were unaware of the law. Several jurisdictions have an incremental fine or penalty structure. In Quebec, incremental fines and penalties were introduced in 2015, then updated in 2018 with fines increasing to a range of $300 to $600 (plus costs) and five demerit points. SociÃ©tÃ© de lâ€™assurance automobile du QuÃ©bec believes that this structure reflects how highly dangerous distracted driving behavior is and aims to reduce the number of repeat offenses. However, across the different jurisdic- tions there was some question as to the effectiveness of an incremental fine structure. In Maine, Maryland, and Connecticut, there may be cases in which the system does not work as intended. Specifically, a driver may be issued a second citation soon after the first citation and both will be issued as a first citation due to delays in processing citation paperwork. In Maine, an upcoming update to a fully integrated computerized e-citation system will assist in preventing this type of lag between a first and second citation. 20 Using Electronic Devices While Driving: Legislation and Enforcement Implications It is interesting to note that none of the jurisdictions that participated in the discussions were able to point to any evaluation of the impact of an incremental fine or penalty structure. In Manitoba, an amendment to the Highway Act in 2018 allows for police officers to issue a roadside suspension of a driverâ€™s license if they observe someone driving with a handheld device. The roadside suspension is 3 days for a first occurrence and 7 days for subsequent occurrences. The goal is to employ an immediate deterrent for the distracted driving behavior, prevent post- conviction reversals, and protect other Manitobans from injury by distracted driving. There is no appeal or review; however, in order to ensure safety of the driver, a temporary permit may be issued to allow for a single drive to another location, and the suspension starts 24 to 36 hours following the citation. This type of roadside suspension is similar to that used for street racing in this jurisdiction. A number of jurisdictions have more punitive measures in cases where a crash involving a driver distracted by a cell phone results in death or injury. For example: â€¢ Maryland introduced â€œJakeâ€™s Lawâ€ under which a driver who causes serious injury or death while talking on a handheld cell phone or texting may receive a prison sentence of up to 3 years and a fine of up to $5,000. The circumstances that led to this legislation assisted in publicizing the dangers of distracted driving, via earned media and social media and social networks. â€¢ Under 2018 legislation in Ontario, careless drivers (including those who are distracted by handheld or hands-free devices) who cause death may be fined $2,000 to $50,000 and six demerit points, receive a license suspension of up to 5 years, and receive up to 2 years jail time. â€¢ Pennsylvania introduced â€œDanielâ€™s Law,â€ which enhances the penalties for a crash caused by texting while driving resulting in serious bodily injury or death. Under the law, drivers who text and cause a fatal injury may receive a 5-year jail sentence; drivers who cause bodily injury while texting and driving may receive a 2-year jail sentence. â€¢ In Connecticut, misconduct or manslaughter can be charged in the case of a fatal crash caused during the conduct of an infraction. Enforcement Strategies Law enforcement has a central role in the prevention of distracted driving. Several juris- dictions mentioned the importance of including law enforcement when developing the law language and content; otherwise, the proposed law might introduce enforcement challenges. Following the introduction of a new or revised distracted driving law, the language of the law is disseminated to law enforcement. In most jurisdictions, this is accomplished through memoranda to officers and updates to the penal code books. In Alberta, a joint committee was created and a presentation was conducted with law enforcement agencies. In Idaho, training is provided to law enforcement on documenting distracted driving and cell phone use in crash reports. During these discussions, the researchers found that enforcement of distracted driving laws varied. Jurisdictions with primary laws preventing handheld use of electronic devices conducted electronic device enforcement as part of their normal traffic safety routine. Con- versely, in jurisdictions with secondary or texting laws, enforcement appeared to be less of a priority. Many jurisdictions conducted higher rates of distracted driving enforcement during enhanced enforcement periods or high-visibility periods. In the United States, this often occurs in April, during the U.S. Department of Transportationâ€™s (DOTâ€™s) National Dis- tracted Driving Awareness Month. Canadian provinces often opt for enhanced enforcement periods as well. In Manitoba, there are enhanced distracted driving enforcement periods during 3 separate months of the year, and funding is included for the Royal Canadian Mountain Police as well as local law enforcement agencies. Examine Current Electronic Device Legislation and Strategies 21 In some jurisdictions, enforcement is data driven and primarily occurs in areas with high rates of distracted driving crashes. For example, Maryland extended enhanced distracted driv- ing enforcement in the southern counties by adding sustained enforcement and overtime hours for a 6-month period, starting in April (National Distracted Driving Awareness Month) and continuing through September. Enforcement strategies identified by jurisdictions include: â€¢ Focused Patrols. Connecticut set up focused patrol zones manned by multiple officers, includ- ing a spotter, an officer to pull over the vehicles, and others to write citations (see Figure 4). â€¢ Use of Elevated Vehicles. Pickup trucks, commercial trucks, utility vehicles, and buses have been used by enforcement agencies to spot distracted drivers in several jurisdictions, includ- ing Tennessee, Maine, Manitoba, and Quebec. In Tennessee, the use of elevated vehicles is titled Operation Incognito, and the Tennessee Highway Safety Office and Highway Patrol invite media and community partners to board a bus and assist as spotters (see Figure 5). The spotters notify police in patrol cars when they see distracted drivers. â€¢ Use of Video or Photography. In Idaho, elevated vehicles were used, and the drivers were videotaped to ensure that there was evidence of texting behavior. The use of video or photo- graphs may serve as a strategy in cases of laws with problematic language for enforcement. â€¢ Roving Patrols. In Maine, state police have used two-officer details in unmarked vans and SUVsâ€”one officer to drive and the other to survey nearby cars. â€¢ Covert Tactics. Vermont has used undercover flaggers in work zones, as well as a spotter on a hill peering into vehicles using binoculars. In Maryland, law enforcement in Montgomery and Frederick counties dressed as panhandlers, carried signs (with the text â€œAre you using your cell phone?â€), and radioed in to another officer who would pull distracted drivers over Source: Highway Safety Office, Connecticut Department of Transportation. Figure 4. Connecticut distracted driving focused enforcement zone. 22 Using Electronic Devices While Driving: Legislation and Enforcement Implications and issue citations. In Pennsylvania, work vehicles from the Pennsylvania Turnpike and PennDOT have been used to camouflage police and allow for observation of distracted driving violations. One unique campaign that was discussed is a joint effort by the six New England states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. â€œJust Drive New Englandâ€ is a coordinated distracted driving education and enforcement campaign run during April and is part of National Distracted Driving Awareness Month (see Figure 6). This partnership was developed in 2018 and addresses drivers in New England, who travel between states in the region at a relatively high frequency. The goal is to reach drivers through a coordinated campaign that includes enforcement and highway signage to remind them to stay focused and engaged while driving. Public Awareness and Information In many jurisdictions, following the initial enactment or revision of the distracted driving law, a strong public awareness campaign was designed. Examples include the following: â€¢ Maryland developed a campaign called â€œPark the Phone Before You Driveâ€ related to its hand- held cell phone law. The campaign materials were distributed via Marylandâ€™s traffic safety partners. Outreach also included the law enforcement community regarding enforcement. â€¢ Connecticut adapted the NHTSA â€œU Drive. U Text. U Pay.â€ campaign. Press events and ride- alongs were conducted with police to gain publicity about the distracted driving law through Source: Tennessee Highway Safety Office newsroom. Figure 5. Tennessee operation incognito invitation. Examine Current Electronic Device Legislation and Strategies 23 earned media. The slogan was also used in radio spots and at movie theaters, concerts, and events. For the period following the enactment of the law, citation holders with information about the law and the dangers of distracted driving were distributed, along with the citation, to anyone in violation. The slogan continues to be used during distracted driving focus peri- ods in April and August each year. â€¢ Because studies showed that the number of people found guilty of distracted drivingâ€“related offenses had been rising since 2008, Quebec began employing multifaceted public service campaigns annually in 2011. The campaigns include television commercials, online messages, social media campaigns, radio and Spotify ads, window decals, and a mobile app that restricts incoming messages and calls. Campaign slogans are updated annually to ensure that the mes- saging is novel in the publicâ€™s mind and to prevent the impact from dissipating. As with enforcement activities, in many jurisdictions, public outreach and education efforts are limited to National Distracted Driving Awareness Month. This is when most public aware- ness campaigns focus on the topic, particularly through paid media. Some of the distracted driving campaigns are discussed in the following: â€¢ In Alberta each year, February is designated for distracted driving prevention. One of the more prominent campaign slogans Alberta has used was in 2013 and was titled â€œCrotches Kill.â€ The campaign targeted drivers who texted while driving and included billboards, radio, social media, online display ads, and a website (see Figure 7). â€¢ Manitoba developed a social marketing campaign, â€œSave the 100,â€ referring to the approximately 100 traffic fatalities that occur each year in the province. The campaign focuses on traffic safety culture by showing the public that high-risk behaviors cause injuries. The campaign targets distracted driving, impaired driving, and speeding. It includes a television spot that depicts a child being hit by a distracted driver who is on the phone, and it entreats Manitobans to protect members of their community. â€¢ Based on findings from focus groups with the public after distracted driving became the lead- ing cause of crashes in 2014, Ontario developed a campaign titled â€œPut Down the Phone. It Happens Fast.â€ The television advertisement developed for the campaign depicted a young man struck by a vehicle after a driver looked at a phone for just a few seconds. It was heavily publicized and won a platinum award for most hits on Google. A knowledge, aptitudes, and Source: Massachusetts Executive Office of Public Safety and Security and Maine Highway Safety 2018. Figure 6. Just Drive New England campaign. 24 Using Electronic Devices While Driving: Legislation and Enforcement Implications behavior (KAB) survey conducted before and after the campaign found that after the ads were viewed by the general public, awareness of the dangers of distracted driving increased significantly. â€¢ The Tennessee Highway Safety Office promoted a campaign called â€œThumbs Down to Texting & Driving.â€ This campaign spread awareness by encouraging the public to post photos of two thumbs down with the #ThumbsDownTN hashtag on social media throughout the month of April. In many of the jurisdictions, social media, public events, and programs in schools with young drivers are important methods for increasing awareness of distracted driving. Connecticut works with Kramer International to bring the educational program â€œSave a Life Tourâ€ to high schools across the state to discuss the dangers of mobile phone use and distracted driving. The program began in approximately 30 schools in the first year, and now reaches 80 schools annually. The Idaho Office of Highway Safety has designed a distracted driving prevention program for schools titled â€œPut It Down.â€ The program is designed for various school representatives, including administration, faculty, student government, and student club members. Schools that complete all of the required activities, including pre- and post-distracted driving sur- veys, distracted driving awareness activities, a report, and program evaluation activities, receive materials and giveaways, and their program is publicized on the Idaho Highway Safety Office website. Manitoba Public Insurance uses a distraction virtual reality simulator called â€œDRIVR-X: Choose Your Realityâ€ in high schools and at community events to educate students on the dangers of distracted driving. The simulator is housed in a kiosk and allows teenagers to choose different distraction options, including answering the phone. The simulator then shows the impact of their choices and distracted driving. DRIVR-X is now in development for commer- cial drivers. Source: Alberta Office of Traffic Safety 2013. Figure 7. Albertaâ€™s award-winning â€œCrotches Killâ€ campaign. Examine Current Electronic Device Legislation and Strategies 25 In New Mexico, driver education is a mandatory subject in high schools. This offers an excel- lent opportunity to emphasize the dangers of distracted driving and educate students on the law prohibiting any cell phone use for teenaged drivers. Through a grant from State Farm, â€œDrive Smart Virginiaâ€ uses a distracted driving simulator (see Figure 8) that is taken to different high schools throughout the state to educate students on the dangers of distracted driving. Facilitators conduct pre- and post-survey assessments with students, and survey results indicate that more than 90% of students report a behavioral change with respect to distracted driving and willingness to engage in different behaviors that are deemed distracting. Several jurisdictions also emphasize partnerships to promote awareness of distracted driving. The Vermont State Police partners with the Associated General Contractors of Vermont, the Vermont Youth Safety Council, and the Vermont Highway Safety Alliance to promote safe driving habits related to handheld electronic devices. Many outreach and community events are held throughout the year. The Canadian Council of Motor Transport Administrators established the Canadian Dis- tracted Driving Task Force, which has representatives from all Canadian provinces. The task force aims to reduce distracted driving as a contributing factor to motor vehicle collision fatalities and serious injuries in Canada. The task force conducted a joint study of distracted driving laws, enforcement, and public awareness strategies in Canada and worldwide, which is summarized in the Distracted Driving White Paper (Canadian Council of Motor Transport Administrators 2018). â€œDrive Smart Virginiaâ€ leads many efforts to prevent distracted driving, including promot- ing changes to legislation and promoting public awareness. Since 2013, the program has held an annual Distracted Driving Summit that focuses on how to tackle distracted driving through advocacy, enforcement, corporate policies, education, and research. Several representatives acknowledged the challenge of maintaining substantial campaigns year- round. Efforts were often focused after an initial legislative campaign, after a law was enacted or revised, or during National Distracted Driving Awareness Month. The exceptions in the United States are states with NHTSA 405E grants that are in a more advantageous position to fund activities year-round. Source: Drive Smart Virginia. Figure 8. A student using the Drive Smart Virginia simulator. 26 Using Electronic Devices While Driving: Legislation and Enforcement Implications The researchers were not able to easily identify educational and outreach materials related to distracted driving for some of the jurisdictions. Based on reviews of state highway plans and highway safety websites, it seems that distracted driving may not be a top traffic safety priority in some jurisdictions. For example, at the time of this review, on the West Virginia Governors Highway Safety Program page (West Virginia Division of Motor Vehicles â€“ Highway Safety, n.d.), which is a part of the state division of motor vehicles, distracted driving was not listed as one of the stateâ€™s emphasized programs. Similarly, although the South Dakota Highway Safety Office homepage focuses on a number of traffic safety topics, at the time of this review, distracted driving was not listed as part of the key efforts. While there may be limitations in funding for the time and resources that can be devoted to distracted driving awareness in some jurisdictions, several jurisdictions make use of informa- tion developed by other government agencies or traffic safety advocates. For example, Louisiana was part of the national â€œPut It Downâ€ campaign through NHTSA, which is now being called â€œU Drive. U Text. U Pay.â€ On its Office of Highway Safety website, it provides some information on distracted driving but also includes hyperlinks to information created by NHTSA. Data Collection and Evaluation Most jurisdictions attempt to collect and disseminate data on distracted driving crashes, and several jurisdictions indicated that enforcement programs were data driven. Use of cell phones or texting was specifically noted in crash forms under distracted driving or inattentive driving in many of the jurisdictions (e.g., Idaho, Maine, Nebraska, Ontario, Oregon, South Carolina, and Virginia); however, some jurisdictions (e.g., Kentucky, New Mexico, and South Dakota) use a distracted driving field that is inclusive of all types of distractions. Virginia develops a report on fatalities (including those resulting from distracted driving) and disseminates it to key stakeholders on a weekly basis. In addition, Virginia law enforcement officers have access to an online crash reporting system that includes queries on distracted driving. As noted earlier, due to the difficulty in establishing cell phone use in the aftermath of a crash, reporting on distracted driving crashes may not accurately represent the use of elec- tronic devices. In Maryland, crash reports define and capture distraction violations as driver- contributing circumstances in crashes and identify such factors as cell phone use or, more generally, the driverâ€™s â€œfailure to pay full-time attention.â€ Because cell phone use is difficult to validate at the scene of a crash, the latter code is more commonly used in reports. Citation data on distracted driving are collected in many jurisdictions and used to plan enforcement and outreach activities. Several jurisdictions, including Alberta, Maine, Maryland, New Mexico, Oregon, and Vermont, disseminate annual data on citations online. However, other jurisdictions do not have the capacity to track citations because some law enforcement agencies have not yet moved to electronic data systems. In Virginia, several law enforcement agencies still use paper citations. Eventually the citations are entered into an electronic database, but the delay means that access to distracted driving citations cannot always be made in a timely manner. Several jurisdictions use public knowledge, attitudes, and motoristsâ€™ behaviors to support highway safety activities, legislation, and enforcement. In many cases, survey data point to a high level of awareness of the dangers of distracted driving. For example, in December 2017, a survey of Ontarians revealed that an overwhelming majority (90%) felt it was dangerous to send/read a text message or use a handheld device while driving, and perceptions of these dangers have increased since 2015 (85%). In Nebraska, a majority of respondents (61%) to the Annual Traffic Safety Study in 2018 supported a law allowing a ticket solely for cell phone use while driving, and most respondents (92%) supported a law allowing drivers to be stopped and ticketed solely for texting while Examine Current Electronic Device Legislation and Strategies 27 driving (Nebraska Annual Traffic Safety Study 2018). These findings may support transition to a primary law. In Vermont, the annual Governorâ€™s Highway Safety Program KAB survey indicated that 98% of respondents were aware of the law banning handheld electronic device use while operating a vehicle; 55% of respondents said they never used an electronic communication device while driving (Vermont Agency of Transportation 2018). The focus of a digital town hall survey administered by the Virginia Governorâ€™s office was on distracted driving (N = 2,084) (Virginia DMV and Virginia Tech 2018). Overall, findings pointed to a negative perception of distracted driving by commonwealth citizens. Respondents were asked for three words to describe the act of driving distracted; the word â€œdangerousâ€ was mentioned most frequently (see Figure 9). In response to the question â€œWho might be the most influential person in getting you to put away your phone before driving?,â€ the most common responses were related to family (see Figure 10). Manitoba Public Insurance uses annual KAB surveys with the public to measure recall of road safety campaign messages and changes in reported driving behavior. These surveys are conducted before and after campaigns, with surveys at 2- and 6-month intervals following the campaign. Quebec also conducts KAB surveys and press review analysis following public awareness campaigns. While only a few jurisdictions indicate that they conduct quantitative evaluations on their public outreach and education programs, several do monitor social media and conduct analysis on these data. Ontario addressed the need for evaluating the effectiveness of updated legislation on dis- tracted driving behavior and crashes. However, this analysis can only be conducted 3 to 5 years after initiation or updates to the law. The anticipated timeframe for the next evaluation will be between 2021 and 2023. Another useful evaluation tool is observational data of electronic device use. In addition to the NOPUS estimates collected annually, a few states collect electronic device use data, some during their annual state seat-belt surveys. In Connecticut, observational surveys of distracted driving are conducted regularly. In 2018, Maine conducted a statewide observational survey Source: Virginia DMV and Virginia Tech 2018. Figure 9. Three words used to describe the act of driving distracted, #YourSayVA digital town hall distracted driver survey. 28 Using Electronic Devices While Driving: Legislation and Enforcement Implications of distracted driving (Chaudhary and Raboin 2018). With respect to the Canadian provinces, Manitoba conducts annual observational surveys of cell phone use along with other driver behaviors. Quebec conducted a field study in 2017 to observe distracted drivers and identify the sources of distraction. Effects of Safety and Political Culture Representatives from jurisdictions discussed the impact of the safety and political culture on distracted driving. In many jurisdictions, there has been a change in the public perception of distracted driving. While the use of cell phones has not necessarily dropped, tolerance for distracted driving is low. Representatives in Ontario indicated that the public accepts the Highway Safety Act and views it as a part of the driving obligation and responsibility of road users. Members of the public have sent correspondence that points to a low tolerance for distracted driving and a desire for increased enforcement and penalties. In Connecticut, it has become common for drivers who receive citations to admit that they should have remembered to put down the phone. Awareness of the enhanced enforcement period has also increased. Residents of Manitoba exhibited a high level of concern for distracted driving and the safety risk to the public. While citizens accepted the severity of the measures taken, some wrote to the Minister of Infrastructure to request an explanation of the updated legislation. Manitoba high- way safety professionals worried that distracted driving behavior is addictive; therefore, stricter laws may not have the desired impact. While members of the public understood the danger, they struggled to quell the desire to engage with their phones while driving. In Alberta, representatives felt that their safety culture might be less developed than in some of the neighboring provinces, despite recent improvements. Their approach is still more reactive than proactive, which is why revisions to policy often occur closely following a tragic event. Source: Virginia DMV and Virginia Tech 2018. Figure 10. Person who could influence stopping phone use while driving, #YourSayVA digital town hall distracted driver survey. Examine Current Electronic Device Legislation and Strategies 29 During the discussions with state representatives, the researchers heard that the public was less inclined to support government oversight. However, some of these representatives mentioned that their jurisdictions were family oriented, so appeals to youth and the safety of the community were more likely to be supported. In situations such as these, customized and targeted messages might be the best approach. There are some jurisdictions where the safety culture may not allow for transition to a more rigorous law at this time. For example, according to state representatives in Nebraska, the public was not inclined to accept government efforts to eliminate their ability to use a handheld cell phone while driving; therefore, a hands-free law is not in its strategic plan. In this situation, perhaps gradual changes to the law and behaviors covered may prove more effective. As anticipated, similarities were identified across the cluster analysis groupings of the dis- tracted driving laws, enforcement strategies, public awareness and information, and the safety and political cultures. Specifically, jurisdictions with weaker laws were more likely to have chal- lenges in initiating more rigorous laws and conducting enforcement and public information campaigns. In contrast, jurisdictions with stronger laws were more likely to have successfully passed rigorous distracted driving laws and updates, improved the language of their laws to minimize opportunities for exemptions, and employed increased law enforcement and public awareness efforts. The stronger law clusters often pointed to a stronger safety and political culture that enabled more effective actions to prevent distracted driving. Page 5 Page 30 Share Suggested Citation:"Chapter 3 - Development of Deliverables to Share Best Practices." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 31 Share Suggested Citation:"Chapter 3 - Development of Deliverables to Share Best Practices." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 32 Share Suggested Citation:"Chapter 3 - Development of Deliverables to Share Best Practices." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 33 Share Suggested Citation:"Chapter 3 - Development of Deliverables to Share Best Practices." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 34 Share Suggested Citation:"Chapter 3 - Development of Deliverables to Share Best Practices." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Below is the uncorrected machine-read text of this chapter, intended to provide our own search engines and external engines with highly rich, chapter-representative searchable text of each book. Because it is UNCORRECTED material, please consider the following text as a useful but insufficient proxy for the authoritative book pages. 30 The primary objectives of Phase 1 of this project were to gather information on current leg- islation and conduct an in-depth examination of the different strategies and methods used to enact and enforce electronic device use laws and educate the public about these laws. The find- ings of Phase 1 were presented to the project panel in an interim report and follow-up meeting. The information gathered supported the development of the deliverables in Phase 2 related to sharing good practices. 3.1 Interim Report The interim report included a summary of the findings from Phase 1 on existing electronic device legislation and enforcement practices and the proposed plan for development of the Phase 2 materials. This section summarizes some of the key findings from Phase 1 that were presented in the interim report and were incorporated into the Phase 2 materials. 3.1.1 Language of a Model Law â€¢ The language proposed for the model law should be clear and carefully scrutinized to mini- mize interpretations. â€¢ Representation from law enforcement personnel when developing the language of the law is necessary to ensure that the model law is enforceable. â€¢ As NHTSA 405E funding is substantial, model language that is in line with NHTSA require- ments is likely to be helpful for U.S. states. 3.1.2 Fines and Penalties â€¢ While a number of jurisdictions had incremental penalties or incremental fines, the effective- ness of this measure has not been evaluated. Several jurisdictions indicated that the incremen- tal method may have some flaws that need to be addressed related to delays in the citation processing system. â€¢ In general, jurisdictions indicated that penalties and fines ought to be in line with other traffic safety citations. There is some concern that if the penalties and fines are too high, it may nega- tively affect enforcement of the law. However, most jurisdictions indicated that the public was accepting the penalties and fines in place for distracted driving. â€¢ A number of jurisdictions had legislation in place allowing for a prison sentence for injury or fatal crashes that could be attributed to distracted driving. When legislation was connected to a specific traumatic event, it provided an opportunity to raise public awareness. C H A P T E R 3 Development of Deliverables to Share Best Practices Development of Deliverables to Share Best Practices 31 3.1.3 Education and Enforcement Efforts â€¢ Effective tools include a combination of high-visibility enforcement of the law and targeted public information, education, and outreach campaigns. This is in line with previous research that has shown public information, education campaigns, and community-sponsored events coupled with rigorous law enforcement operations positively influence motoristsâ€™ behavior and remind the public of the consequences of disobeying the law. â€¢ Jurisdictions shared many of the enforcement challenges as well as recommended strategies and practices. These served as the basis for the law enforcement PowerPoint presentation (Appendix G). 3.1.4 Coalition Building â€¢ It is clear that while law enforcement assumes the primary responsibility for enforcing traffic safety laws, the success of a targeted safety program is enhanced by a clear plan and continuous support from key community members. An effective and sustained program must have the acceptance, support, and participation of key stakeholders such as: â€“ Government officials, â€“ Judges and prosecutors, â€“ Marketing and media representatives, â€“ Medical professionals and emergency responders, â€“ Educators, â€“ Victim advocates, and â€“ Community representatives and business owners. â€¢ Working with different partners to design the distracted driving law is critical to maximizing public acceptance. 3.1.5 Data Collection and Evaluation â€¢ Data collection and evaluation efforts included observational electronic device use surveys, crash and citation data, and public perception surveys. The extent to which these data are collected and analyzed varied greatly from jurisdiction to jurisdiction. â€¢ Effective programs track success, identify limitations, and use data to direct future activities. Continuous and periodic evaluation of the impact of distracted driving enforcement and education is essential for sustaining its success. Monitoring vehicle occupant behavior prior to and throughout the implementation of a traffic safety program is critical for several reasons: â€“ Initial measures will allow representatives to understand the current situation and the extent of the problem with respect to: ï¿½ Overall electronic device use rates; ï¿½ Distracted drivingâ€“related traffic stops, citations, and warning violations issued; ï¿½ Serious injury and fatal crash rates related to distracted driving; and ï¿½ High- risk populations for targeting education and outreach. â€“ Periodic measures will enable representatives to identify: ï¿½ If and when program goals are met; ï¿½ Enforcement and education strategies that are most or least effective; ï¿½ Changes needed to improve current education and enforcement approaches; ï¿½ How to redirect resources; and

ï¿½ Officer feedback and motivation needs. 32 Using Electronic Devices While Driving: Legislation and Enforcement Implications 3.2 Sharing Best Practices In Phase 2 of the study, the Westat team developed a series of deliverables highlighting best practices with respect to electronic device legislation, enforcement, and education. The deliver- ables included: â€¢ Model legislation, â€¢ Presentation for stakeholders, â€¢ Presentation for law enforcement officers, â€¢ Highlight document for legislators, â€¢ Model press release, â€¢ Research webinar for practitioners, and â€¢ Presentation for Governorâ€™s Highway Safety Association. All deliverables were submitted to the project panel for review. These deliverables incorpo- rated information gathered during Phase 1 of the project and feedback from the project panel on the interim report, as well as information from existing toolkits aimed at addressing distracted driving through legislation, enforcement, and education. Each deliverable was designed to pres- ent customized information for different target audiences and is included in the appendices. The following sections describe each deliverable. 3.2.1 Model Legislation Based on the review of existing legislation and discussions with representatives from the selected states and provinces, the authors developed text for a model law (see Appendix D). Examples from states, localities, and provinces that have proven to be well written and reason- able to enforce were used as guides for wording and content. Available technology, electronic device uses, and potential future uses were considered when developing the language of the model law to ensure that it addressed current and future behaviors. In addition, when develop- ing the wording for the model law, the authors considered guidelines for NHTSA 405E fund- ing. Once a draft was developed, the model legislation was reviewed by Assistant Chief Thomas Didone of the Montgomery County Police Department in Maryland. The target audience for the document is key stakeholders involved in promoting legislation related to electronic device use while driving, including legislators and policy makers, highway safety administrators, law enforcement personnel, community stakeholders, and advocates. The purpose of the document is to provide stakeholders with guidance and language they can use to enact or revise an electronic device use law. The document includes an introductory section that describes the key components of model legislation, followed by specific model law language, including definitions of terminology, pro- hibitions, exemptions, and penalties. 3.2.2 Presentation for Stakeholders A presentation was developed to highlight the successful strategies, protocols, and procedures used by states and provinces when they were drafting and enacting legislation to deter distracted driving. The presentation was designed to provide relevant information and guidance for dif- ferent stakeholders responsible for drafting, enacting, implementing, and enforcing legislation, as well as educating the public on the significant safety benefits of complying with the law. The target audience is legislators and policy makers, highway safety administrators, law enforcement, community stakeholders and advocates, public health officers, and educators. Development of Deliverables to Share Best Practices 33 The presentation (see Appendix F) is designed for use by different presenters and functions as a slide deck so that it can be customized for the target audience. Appendix E provides guidance on the purpose and structure of the slides. The presentation begins with an introduction that is intended for all users and includes background, key definitions, and an overview of the differ- ent implementation stages of effective electronic device legislation. This is followed by tailored slides for each of the target audiences. These specifically address areas of interest for the intended audience, beginning with an opening slide describing the target audienceâ€™s role in developing, implementing, enforcing, and sustaining electronic device use legislation. This is followed by a series of slides outlining components that need to be considered by each audience. This struc- ture enables the user to present an overview of the topic to all audiences while providing more detailed and targeted information as needed. 3.2.3 Presentation for Law Enforcement Officers For a distracted driving traffic safety program to be effective, law enforcement officers need to be familiar with the legislation, understand that electronic device and distracted driving enforcement is an important part of traffic safety, and be willing to communicate this message to motorists. Findings from discussions with law enforcement officials on successful programs employed by different agencies, as well as from additional resources such as the International Association of Chiefs of Police (IACP) Distracted Driving Toolkit, guided the development of an in-depth electronic presentation for officers on effective enforcement strategies to prevent distracted driving (see Appendix G). The presentation includes enforcement strategies for jurisdictions with existing laws that present enforcement challenges, such as a texting law or a secondary law, as well as strategies for jurisdictions without such challenges. Important elements of effective enforcement efforts that are described in the presentation include: â€¢ Prioritizing distracted driving as a traffic safety issue within the law enforcement agency, â€¢ Conducting targeted training and education for law enforcement, â€¢ Implementing effective enforcement strategies, â€¢ Using data to direct enforcement efforts, â€¢ Highlighting officer safety and the importance of reducing distractions while driving for work, â€¢ Providing feedback to law enforcement officers, and â€¢ Motivating officers within the law enforcement agency. The presentation emphasizes the role of law enforcement in supporting the process of implementing or revising electronic device use legislation, public education, and ongoing sustainable enforcement efforts. The presentation is customizable and may be trimmed or segmented into several training sessions in accordance with agency needs. 3.2.4 Highlight Document for Legislators A comprehensive document was developed to help inform legislators on the importance of distracted driving legislation and the components of a strong electronic device use law (see Appendix H). The document was designed for delivery to legislators and policy makers by highway safety administrators and community stakeholders and advocates. To make the document an accessible decision-making aid, the research findings were orga- nized to clearly convey the most relevant and useful information in a concise manner. The summary includes background, the benefits of a stronger law, and key components of a strong law. The document presents critical information using statistics, infographics, and concise bullet points. 34 Using Electronic Devices While Driving: Legislation and Enforcement Implications 3.2.5 Model Press Release The model press release in Appendix I was designed to communicate (via targeted media) information on legislation to the general public, partners, special populations, and stake holders. The document contains examples from the jurisdictions as well as related press materials. The model press release provides general guidelines for a well-designed outreach message, as well as key components such as the importance of a compelling headline, a clear call to action, being concise, and suggested media channels. The document provides sample text and talking points for different stakeholders. The content is customizable, which is important both for dif- ferent types of jurisdictions (e.g., rural versus urban) and for different stakeholders, such as law enforcement personnel, community stakeholders, and highway safety agencies. Examples of related press releases and media pieces are also provided. 3.2.6 Research Webinar for Practitioners A research webinar was designed to present highway safety practitioners and researchers with the methods and key results from this project (see Appendix J). The webinar was designed as a PowerPoint presentation. The goal of the presentation was to review the study methodol- ogy and findings in detail as well as some of the best practices that were identified. The pre- sentation includes: â€¢ Study background; â€¢ Methodology description; â€¢ Review of key findings (including laws as they existed in January 2019), effective education and enforcement strategies in use, and successes and challenges experienced by different jurisdictions; and â€¢ Review of key deliverables designed to share best practices with stakeholders in states and communities. Conducting the research webinar provides an opportunity to answer any questions about the study and the findings. It also provides an opportunity for stakeholders to meet and estab- lish relationships that will allow them to share the challenges they face and brainstorm solu- tions. Based on input from contacts in the different jurisdictions, there is a strong interest in participating in this type of webinar. Page 6 Page 35 Share Suggested Citation:"Chapter 4 - Conclusions and Future Research Needs." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 36 Share Suggested Citation:"Chapter 4 - Conclusions and Future Research Needs." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 37 Share Suggested Citation:"Chapter 4 - Conclusions and Future Research Needs." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 38 Share Suggested Citation:"Chapter 4 - Conclusions and Future Research Needs." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Below is the uncorrected machine-read text of this chapter, intended to provide our own search engines and external engines with highly rich, chapter-representative searchable text of each book. Because it is UNCORRECTED material, please consider the following text as a useful but insufficient proxy for the authoritative book pages. 35 4.1 Conclusions Based on the review of existing electronic device legislation and related literature, discus- sions with key stakeholders, and feedback from the project panel, a series of deliverables were developed to share best practices. The deliverables present customized information for different target audiences and include model legislation; presentations for law enforcement, researchers, and practitioners; a highlight document for legislators; and content for a model press release. Findings from the review in the first phase of the study directly influenced the development of the deliverables. Based on information shared by jurisdictions regarding challenges develop- ing and enforcing electronic device use laws, the language of the model law was designed to minimize multiple interpretations, and the components of the law were clearly defined. The presentations emphasized the importance of coalition building and the roles of all of the dif- ferent stakeholders in enacting, enforcing, and publicizing an electronic device use law. This aligns with the recommendations made by representatives from jurisdictions that succeeded in revising their laws. The presentation for law enforcement outlines a variety of enforcement challenges shared by the jurisdictions, as well as suggested strategies and practices. Press releases and media materials the jurisdictions provided, as well as best practices, were used to develop the model press release document. Overall, the materials developed for this project were designed to pro- mote knowledge and awareness and serve as the basis for a toolkit on electronic device use legislation, education, and enforcement. 4.2 Future Research Needs Based on the Phase 1 findings and the lessons learned in developing the Phase 2 deliverables, the authors identified potential future research needs and possible forthcoming action items: â€¢ Better understand the effectiveness of hands-free laws in preventing distracted driving crashes. At the time of writing, there was a strong push for states to pass hands-free laws; however, research on the effectiveness of these laws is limited. There is also a lack of informa- tion with regard to the benefit of a hands-free law in contrast to banning other behaviors such as texting or handheld cell phone use. For example, the National Safety Council promotes a program encouraging motorists to drive â€œphone-freeâ€ and avoid what is known as inatten- tion blindness since, even when looking out the windshield, â€œ[drivers] can miss up to 50% of whatâ€™s around them when talking on a hands-free cell phoneâ€ (National Safety Council 2012). Additional research, such as naturalistic studies of drivers as well as research with drivers in simulated or controlled test track scenarios, may prove helpful to legislators and other C H A P T E R 4 Conclusions and Future Research Needs 36 Using Electronic Devices While Driving: Legislation and Enforcement Implications stakeholders interested in promoting these types of law changes. Concurrently, research that reviews injury rates, including injury severity, for different types of electronic device use laws may contribute to an understanding of the dangers associated with distracted driving and the effectiveness of the laws. â€¢ Evaluate the effectiveness of electronic device use laws with respect to fines and penalties. Possible research may include collecting and analyzing data to better understand the effect of the law on electronic device use while driving, specifically with respect to distracted driving and electronic device use crashes, injuries, and fatalities. Evaluating the effects of different components of the law, such as incremental fines and penalties, might better inform stake- holders to assist in making their case for enacting or revising legislation. While a number of jurisdictions have incremental penalties or incremental fines, the authors found that there has been no evaluation of the effectiveness of this measure to date. Several jurisdictions indicated that the incremental method may have some flaws that need to be addressed due to delays in the system with respect to processing citations and that this may have an impact on the effectiveness of the approach. In addition, the research also identified a lack of infor- mation on the effects of unique penalty measures, such as license suspension, on electronic device use. â€¢ Evaluate the effectiveness of outreach and education efforts on electronic device use laws. While many of the jurisdictions had some form of outreach or education on the dangers of electronic device use while driving, it was often limited by funding. As such, most jurisdictions only conduct outreach efforts on this topic during April, which is National Distracted Driving Awareness Month. Additionally, few jurisdictions indicated that they tracked their outreach efforts to better understand their reach and impact. Future research could identify strategies for developing partnerships to increase the funding and breadth of the message and identify- ing and testing possible evaluation methods for assessing effectiveness. â€¢ Examine the effectiveness of using crash, citation, and observational data to identify target audiences. Jurisdictions often use crash, citation, and observational data to identify routine offenders for outreach and enforcement. Information gained from evaluating the utility of these methods to reduce distracted driving would be beneficial for stakeholders deciding how to direct or redirect their efforts. â€¢ Evaluate approaches other than legislation to reduce distracted driving. Additional research to evaluate the effectiveness of different types of approaches to reduce distracted driving could include a review of educational methods such as targeted public outreach or teen education efforts on the topics of distracted driving and electronic device use. Com- paring different strategies within and across jurisdictions would help provide further guidance on best practices to prevent electronic device use. This research could be increasingly important as jurisdictions implement more rigorous legislation and look for additional methods to reduce electronic device use while driving. Another potential approach to reduce distracted driving could be a review of technological capabilities, such as cell phone applications or digital interventions. â€¢ Develop and evaluate a toolkit aimed at enacting legislation and targeted public outreach programs and instrumentation in a demonstration state. An in-depth review of each phase of implementation, from legislation through public outreach and enforcement, may pro- vide further insights on the needs of jurisdictions interested in developing more rigorous programming to prevent electronic device use while driving. The accompanying evaluation could include observational data, a review of crashes and injuries, and a review of the publicâ€™s awareness of related legislation. â€¢ Review new technologies to identify necessary revisions to the model law and accompanying materials developed under this project. Jurisdictions indicated that electronic device use laws require periodic adjustment to reflect technological developments. For example, introduction of new applications or hardware may affect the types of restrictions necessary for electronic Conclusions and Future Research Needs 37 devices. Ongoing or periodic review of new technologies will support efforts in the jurisdic- tions to maintain up-to-date legislation as well as public education efforts. â€¢ Explore the use of photo enforcement (or other technology) of handheld laws to aid in enforcement efforts. In addition to research needs, it is important to share project findings with stakeholders. Ways to share the findings could include: â€¢ Conduct a workshop or webinar with the states to discuss project findings. Workshops may include roundtable discussions specific to jurisdictions that are in different phases or with different needs, such as promotion of new legislation, improvements to enforcement, or education efforts. Similarly, a webinar can be tailored to different audiences. Evaluation tools such as surveys may be developed by an instructional designer to assess how the training product is received by the audience. â€¢ Obtain stakeholder feedback on the model legislation and other project deliverables. Possible stakeholders are law enforcement personnel, state legislators, state highway safety office employees, transportation safety advocates, first responders, insurance companies, federal agencies (U.S. DOT, NHTSA, Transport Canada, Centers for Disease Control and Prevention), the National Traffic Law Center, and the National Safety Council. Use of a short evaluation survey can assist with collection of stakeholder feedback via a uniform method. In addition to stakeholders from a variety of national agencies and organizations, feedback from stakeholders at the state and provincial level has the potential to enhance the utility of the materials. It is suggested that feedback from jurisdictions be collected immediately following delivery as well as at additional times (e.g., at 3, 6, and 12 months). Extended measures help to gauge public response over time. The authors suggest revisiting and updating the materials based on the feedback. â€¢ Targeted outreach to encourage adoption and use of stakeholder materials. This may include presentation at events such as the Governorâ€™s Highway Safety Association Annual Meeting and the Distracted Driving Summit, as well as via partners such as federal agencies, the National Safety Council, IACP, and nongovernmental organizations (NGOs). Page 7 Page 39 Share Suggested Citation:"Appendix A - Protocol for Ranking the Strength of Distracted Driving Laws." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 40 Share Suggested Citation:"Appendix A - Protocol for Ranking the Strength of Distracted Driving Laws." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 41 Share Suggested Citation:"Appendix A - Protocol for Ranking the Strength of Distracted Driving Laws." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 42 Share Suggested Citation:"Appendix A - Protocol for Ranking the Strength of Distracted Driving Laws." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 43 Share Suggested Citation:"Appendix A - Protocol for Ranking the Strength of Distracted Driving Laws." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 44 Share Suggested Citation:"Appendix A - Protocol for Ranking the Strength of Distracted Driving Laws." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Below is the uncorrected machine-read text of this chapter, intended to provide our own search engines and external engines with highly rich, chapter-representative searchable text of each book. Because it is UNCORRECTED material, please consider the following text as a useful but insufficient proxy for the authoritative book pages. A-1 An initial scan of existing legislation was conducted to determine the key components of that legislation. In January and February 2019, information was collected for all 50 U.S. states, the District of Columbia, and the 10 Canadian provinces. The initial scan was followed by a cluster analysis of states and provinces with similar structured legislation in preliminary groupings. This analysis was designed to separate the states and provinces into groups that are similar with respect to existing legislation and prevalence of electronic device use while driving, so that one or more states/provinces selected from each cluster would adequately represent both the variation in laws and the variation in driver behavior. The first step in this cluster analysis was to rank the laws by strength. This appendix serves as a guide for scoring each of the components of the laws reviewed in the initial scan. A.1 Main Components Considered Primary components of a distracted driving law considered for ranking the strength of the law are outlined in the following. Each table presents the component of the law, associated point val- ues, and justification for the point assignment. Higher points indicate either that the component is stricter or more restrictive or that the law is easier to enforce. A.1.1 Violation Type There are two main types of traffic violations: primary and secondary. A primary violation means a driver can be cited by a law enforcement officer whenever the offense is observed. A secondary violation is one where the driver can receive a citation for the violation only after the law enforcement officer observes a primary offense. See Table A-1. A P P E N D I X A Protocol for Ranking the Strength of Distracted Driving Laws Violation Type Points Assigned Justification No law 0 Primary violations are well-received by law enforcement. It is a common belief that if the law is addressing an important traffic safety issue, the violation would be considered a primary offense. Secondary 1 Primary 2 Table A-1. Violation types. A.1.2 Behaviors Covered There are three behaviors most commonly addressed by distracted driving laws: â€¢ Texting on the electronic device; â€¢ Manipulating or dialing on the electronic device; and â€¢ Handheld electronic device use. A-2 Using Electronic Devices While Driving: Legislation and Enforcement Implications Laws with texting restrictions prohibit drivers from using phones to send text messages. Manipulating or dialing is an expansion of texting. Under this type of law, drivers are restricted from dialing or using their fingers to engage in some activity on the phone (texting, browsing, sending emails, etc.), and this categorization covers all of the behaviors of a texting law as well as the manipulating or dialing restrictions. Handheld is the most inclusive behavior category and prohibits the driver from holding a phone to text, browse the internet, talk on the phone, and so forth. See Table A-2. Some jurisdictions also prohibit the driver from using the electronic device to read or speak. Although this type of law is more restrictive, these behaviors, similar to texting, are difficult to prove and, therefore, to enforce. It is important to note that, while research indicates that texting or manipulating an electronic device is likely more dangerous, it is also more challenging for law enforcement to enforce. A.1.3 Type of Drivers Covered Distracted driving laws can vary with respect to who is covered (meaning the population of drivers; see Table A-3). Most of the reviewed laws covered all drivers. However, one or two juris- dictions did not have a law limiting electronic device use for all drivers. Instead, the law addressed specific populations of drivers, such as commercial, school bus, or teenaged/GDL drivers. Also, several jurisdictions with laws that applied to all drivers had additional laws that were more stringent for specific populations. These laws were classified as more stringent because they were more restrictive or they had a more meaningful or punitive penalty. For example, the law may have prohibited texting for all drivers, but GDL drivers were not allowed to use any electronic device at all (which is roughly equivalent to a handheld ban). Behavior Points Assigned Justification No behavior 0 Law does not enforce any of the behaviors, or there is no law. Texting 1 Limits the enforcement to a two-way communication device, meaning that someone could be manipulating a portable game, but since they are not texting, they cannot be cited even though the behavior and level of distraction are similar. Manipulating/dialing 2 Adding limitations beyond texting (which would include dialing or manipulating the electronic device) simplifies enforcement and expands the types of devices covered to all electronic devices. Handheld 3 More severe and most inclusive and, therefore, easier to enforce. Reading or speaking 1 extra point More restrictive but difficult to enforce. Note that many texting laws do include a reading restriction. Table A-2. Behaviors covered. All drivers and there are one or more laws that are more stringent for specific populations (e.g., GDL, CDL, new drivers, school bus drivers) 1 extra point More restrictive on behaviors covered under the law or increased fines/penalties for special populations, although may be difficult to enforce. Drivers Covered Points Assigned Justification Law does not address any driver populations 0 Law only addresses specific populations 1 Less severe and difficult to enforce. All drivers 2 Table A-3. Drivers covered. Protocol for Ranking the Strength of Distracted Driving Laws A-3 A.1.4 When the Law Is Enforceable (Definition of Driving) The wording of the law varied with respect to whether the vehicle needed to be in motion in order for use of the electronic device to be considered a violation. Sometimes this is difficult to interpret due to the wording used. Some laws indicated that a driver was in violation only if the vehicle was in motion. If nothing else was specified, these were treated as â€œin motionâ€ laws only. Another situation that was treated as an â€œin motionâ€ law only was when the language of the law indicated that electronic device use was permitted when the vehicle was stopped at a traffic sig- nal, whereas other laws specified that if the vehicle was being operated on the roadway, either in motion or when stopped at a traffic signal, use of an electronic device was a violation of the law. These were categorized as â€œat all timesâ€ laws. See Table A-4. Assistant Chief Thomas Didone of the Montgomery County Police Department indicated that, in Maryland, there are additional nuances in how the laws are enforced. For example, texting is never allowed (at all times in the law), but handheld use of a phone (e.g., to browse the Internet) is allowed at a traffic light or stop sign. It is important to note that these slight differences are not easy to recognize from reading the law but were identified in conversations with law enforce- ment in the selected jurisdictions. A.1.5 Penalty Range Some jurisdictions assign points to the driverâ€™s license for certain moving violations (see Table A-5), and many jurisdictions suspend or revoke the driverâ€™s license when a certain number of points are reached. The number of points assigned varies by jurisdiction, and having more points assigned to the violation is associated with an increased severity of punishment. Addi- tionally, aspects of a motoristâ€™s driving record (including points accrued) may be reported to insurance companies, which may use this information in determining what rate to charge the motorist and whether to renew or cancel an insurance policy. It is important to note that some laws identified certain behaviors as warranting more points. For example, Assistant Chief Didone pointed out that in Maryland, a point is assigned to a texting violation, but a handheld violation is not associated with any points. 1â€“2 points 1 More points are associated with a stronger penalty and may increase compliance. 3â€“4 points 2 5 or more points 3 Penalty Range (for First Offense) Points Assigned Justification Warning/0 points 0 Table A-5. Penalty ranges. When the Law Is Enforceable Points Assigned Justification Law is not enforced in any situation 0 Law is not clearly enforceable in any situation, or there is no law. Only when vehicle is in motion 1 Allows for device use during stops in traffic; higher potential for use while driving. At all times (stationary or in motion)* 2 Enforceable at all times. *Some of the laws allow motorists to use electronic devices if the vehicle is pulled off the roadway. (This does not include being stopped at a stoplight.) Table A-4. When the law is enforceable. A-4 Using Electronic Devices While Driving: Legislation and Enforcement Implications A.1.6 Incremental Penalty An incremental penalty structure (see Table A-6) allows for an increase in the number of points assigned for violating the law on a second or subsequent offense. Incremental Penalty Points Assigned Justification No 0 Incremental penalty may increase compliance. Yes 1 Table A-6. Incremental penalties. A.1.7 Fine Range Most jurisdictions had a fine associated with a violation of their distracted driving law, but the amount of the fine varied considerably (see Table A-7). In other highway safety issues, such as seat-belt or speeding enforcement, a higher fine has been associated with a stronger law and resulted in higher rates of compliance (Nichols et al. 2014). However, in many jurisdictions, the fine may be lower due to constituentsâ€™ ability to afford a higher fine. It is important to note that this does not necessarily mean that the jurisdiction does not view distracted driving as an impor- tant safety issue. In addition, according to Assistant Chief Didone, if a fine is too high, there is a point at which officers will not enforce it because the fine is thought to be unreasonable. Other research has indicated that there is a point of diminishing returns (Nichols et al. 2014). It is for these reasons that the authors examined the effect of geography and socioeconomic influences when reviewing this component of the law. It is also important to note that some jurisdictions allow for reduction or dismissal of the fine if the offending motorist is able to provide proof of purchase of a hands-free device to prevent future citations. Fine Range (for First Offense) Points Assigned Justification No fine 0 Higher range of fine may increase compliance. Low $1â€“$25 1 $26â€“$75 Medium $76â€“$100 2 $101â€“$150 High* $151â€“$200 3 $201 or more *Regarding jurisdictions with higher fines (for example, $1,000 and over), an extra point was awarded to help differentiate these from other jurisdictions where the maximum fine was $300 or less. Table A-7. Fine ranges. A.1.8 Incremental Fine An incremental fine (see Table A-8) means that the fine associated with the violation increases with second or subsequent offenses. Table A-8. Incremental fines. Incremental Fine Points Assigned Justification No 0 Incremental fine may increase compliance. Yes 1 Protocol for Ranking the Strength of Distracted Driving Laws A-5 A.2 Other Components Considered The components of the law listed in the following were examined during the initial review but, due to ambiguity, proved to be more difficult to assign point values to when ranking. These components were considered after the jurisdictions have been ranked and initial cluster analysis is conducted. â€¢ Exemptions to the Law. Most jurisdictions have exemptions to their laws; for example, drivers are allowed to use cell phones to call emergency services. The authors decided that a count of all the exemptions allowed by each jurisdiction subtracted from the ranking score did not lend itself to the analysis. However, a review of the types of exemptions and their effects on enforcement was conducted. For example, allowing the electronic device to be used for navi- gation could make it challenging to cite a person for texting because drivers could claim they were entering a travel destination. â€¢ Type of Roadways Where the Law Is in Effect. At the outset, the researchers thought it was possible that some jurisdictions might have electronic device laws pertaining only to specific sections of roadways; for example, school zones or construction zones. The authors did not find this to be the case. However, the authors did find that some jurisdictions had more stringent laws for these sections of road (for example, the fine associated with the citation was doubled in a school zone). Similar to the Types of Drivers Covered section, the authors considered providing additional points for when a jurisdiction has a stricter law for different roadway sections. â€¢ Simplicity/Ambiguity of the Language in the Law. While this is important for law enforce- ment interpretation and enforcement, it is difficult to evaluate because it is subjective and adds the potential for reviewer bias. â€¢ Devices Covered. Some laws explain in great detail what type of device is considered an elec- tronic device (e.g., cellular phone, portable navigation device, portable laptop, and tablet), whereas other laws do not define a device and use more general terms. It is unclear if list- ing out different devices is useful to law enforcement with respect to helping them identify additional devices that could be in violation, or if keeping the terminology generic offers law enforcement more flexibility. This is something that was explored during the more detailed analysis and discussions that were held with the smaller sample of jurisdictions. â€¢ Association to Vehicular Manslaughter Laws and Jail Time. The authors did not specifi- cally explore this during the initial review, but it might be of some interest. For example, the state of Maryland issues jail time if a driver kills someone with a vehicle while texting. Whether a jurisdiction has a specific vehicular manslaughter law with respect to distracted driving was looked at in the more detailed analysis with the smaller sample of jurisdictions. This may be something to consider once a jurisdiction has a law and would like to take steps to strengthen it. Page 8 Page 45 Share Suggested Citation:"Appendix B - Proposed Sample of Jurisdictions and Methodology." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 46 Share Suggested Citation:"Appendix B - Proposed Sample of Jurisdictions and Methodology." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 47 Share Suggested Citation:"Appendix B - Proposed Sample of Jurisdictions and Methodology." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 48 Share Suggested Citation:"Appendix B - Proposed Sample of Jurisdictions and Methodology." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 49 Share Suggested Citation:"Appendix B - Proposed Sample of Jurisdictions and Methodology." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 50 Share Suggested Citation:"Appendix B - Proposed Sample of Jurisdictions and Methodology." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 51 Share Suggested Citation:"Appendix B - Proposed Sample of Jurisdictions and Methodology." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 52 Share Suggested Citation:"Appendix B - Proposed Sample of Jurisdictions and Methodology." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Below is the uncorrected machine-read text of this chapter, intended to provide our own search engines and external engines with highly rich, chapter-representative searchable text of each book. Because it is UNCORRECTED material, please consider the following text as a useful but insufficient proxy for the authoritative book pages. B-1 This appendix discusses the methodology used to select a sample of jurisdictions for in-depth review of distracted driving laws, educational and outreach efforts, enforcement strategies, and legislation challenges and successes. B.1 Proposed Sample of Jurisdictions As indicated in the project work plan, following an initial scan of existing distracted driving legislation, a cluster analysis of states and provinces with similarly structured legislation was conducted to group the jurisdictions for further study. The cluster analysis was based on the pro- posed Protocol for Ranking the Strength of the Law (now Appendix A, but delivered March 11, 2019, and reviewed by the panel) as well as additional characteristics, as described in detail in Section B.2. Table B-1 presents the selected sample of 20 states and provinces (and backups) representing the different groupings. These jurisdictions were included in the in-depth analysis of distracted driving law implementation. A P P E N D I X B Proposed Sample of Jurisdictions and Methodology Stratum (cluster) General Description of Cluster Sampled Jurisdiction(s) Alternate(s) 1 Canadian provinces Alberta, Manitoba, Ontario, Quebec New Brunswick 2 U.S. states, relatively stronger laws Connecticut, Maryland, Maine, Oregon, West Virginia, Vermont Georgia, New Jersey 3 U.S. states, moderate-to-small populations, relatively weaker laws Idaho, Kentucky, Louisiana, New Mexico, South Carolina, South Dakota, Tennessee Missouri, North Dakota 4 U.S. states, large populations, relatively weaker laws Pennsylvania, Virginia California 5 U.S. states, weakest laws Nebraska Arizona Note: Maryland and Ontario were selected with certainty. Alaska, District of Columbia, Hawaii, Montana, and Prince Edward Island were excluded from selection. Table B-1. List of proposed jurisdictions by sampling stratum (cluster). Figure B-1 displays a map of the sampled jurisdictions (shaded in blue) for the in-depth review. B.2 Methodology B.2.1 Motivation As previously noted, the objective is to obtain a sample of 20 out of 61 jurisdictions (50 U.S. states plus the District of Columbia, and 10 Canadian provinces) to contact for a more detailed review. This sample has a relatively diverse set of laws related to distracted driving, and a range B-2 Using Electronic Devices While Driving: Legislation and Enforcement Implications of population characteristics, so that the information gathered covered a range of laws, chal- lenges, and populations. The sample represents jurisdictions with stronger distracted driving laws somewhat more heavily, since the objective of this project is to develop model legislation as well as best practices for education and enforcement. Additionally, the details of these laws often vary, and having a diverse sample will allow any findings to be generalizable to other jurisdic- tions rather than limited to unique aspects of a particular jurisdiction. A simple random sample would not guarantee that the sample covers a range of law and popu- lation characteristics and would not result in a sample with more â€œstrong lawâ€ jurisdictions. At the other extreme, a hand-picked sample runs the risk of being biased since it would be selected at least in part by subjective, rather than objective, criteria. An ideal sample is between these two extremes: data-driven, but informed by expert opinion. To accomplish this, the researchers used a clustering algorithm to group all 61 jurisdictions into five clusters based on characteristics of their distracted driving laws and populations. (Before settling on this approach, several clustering methods were tested; these are discussed in Section B.2.4.) The researchers then drew a fixed sample of jurisdictions from each cluster, along with at least one alternate jurisdiction per cluster. This form of stratification, while somewhat rough, guaranteed that jurisdictions with a variety of law and population characteristics were represented in the final sample. B.2.2 Data Sources The analysis file was composed of data from several different sources, as discussed in the following. B.2.2.1 Jurisdiction Laws Access Database This is the database prepared by the Westat study team, which coded different aspects of the law for each jurisdiction. Using the database, jurisdiction laws were scored based on the protocol outlined in Appendix A: Protocol for Ranking the Strength of Distracted Driving Laws. Each variable level was assigned 0 to 3 points, depending on the variable. Any jurisdiction without a Figure B-1. Map of sampled jurisdictions. Proposed Sample of Jurisdictions and Methodology B-3 law, or without a particular element in the law, was assigned a score of 0 for the variable. In general, more points indicate a stricter law. More details on each of these variables can be found in Appendix A. The variables, levels, and assigned points are: â€¢ Violation Type (None = 0, secondary = 1, primary = 2); â€¢ Behaviors Covered (none = 0, texting = 1, manipulating/dialing = 2, handheld = 3, reading/ speaking = +1 extra point); â€¢ Drivers Covered (none = 0, specific populations only = 1, all drivers = 2, all drivers + more stringent for specific populations = +1 extra point); â€¢ When Law Is Enforceable (none = 0, only when vehicle is in motion = 1, at all times = 2); â€¢ Penalty Range (warning/0 pts = 0, 1â€“2 pts = 1, 3â€“4 pts = 2, 5+ pts = 3); â€¢ Incremental Penalty (yes = 1, no = 0); â€¢ Fine Range (no fine = 0, $1â€“$75 = 1, $76â€“$150 = 2, $151+ = 3); and â€¢ Incremental Fine (yes = 1, no = 0). For the remaining jurisdiction-level data sources, the researchers used data from 2017 since it was the most recent year available for all data sources. For data on provinces, territories were excluded (Yukon, Northwest Territories, Nunavut) as outside the scope of this project, although they are included in most Canadian source data. B.2.2.2 Fatal Injuries, 2017 For states, data were obtained from FHWA (statistics/2017/). For provinces, data were not directly available. A table was obtained from Transport Canada (2017.html). The table gives fatalities per 100,000 population rather than fatalities directly, so the authors obtained 2017 population estimates by province from Statistics Canada (https:// www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1710000501) and multiplied these fatality rates by 100,000 population to obtain fatality counts directly. Due to rounding, these estimates of fatalities may differ slightly from the actual counts, but they should be comparable to the U.S. state fatality counts for analysis purposes. B.2.2.3 Licensed Drivers, 2017 For states, data were obtained from FHWA (statistics/2017/). For provinces, these data were not directly available. As a proxy, the authors used a table of fatalities by province from Transport Canada (canadian-motor-vehicle-traffic-collision-statistics-2017.html). This table presents fatality rates per 100,000 population and per 100,000 licensed drivers. As described previously, the authors first used population to obtain an estimate of province-level fatalities, then used that estimate of fatalities to estimate the number of licensed drivers, since the fatality rate per 100,000 licensed drivers should simply be fatalities divided by licensed drivers/100,000. Again, due to rounding, this calculation may not result in the exact number of licensed drivers but should be a close enough proxy for this analysis. B.2.2.4 Motor Vehicle Registrations, 2017 For states, these data were obtained from FHWA (statistics/2017/). For provinces, these data were obtained from Statistics Canada (. gc.ca/t1/tbl1/en/tv.action?pid=2310006701). B-4 Using Electronic Devices While Driving: Legislation and Enforcement Implications In both data sources, publicly owned vehicles were excluded because privately owned vehicles are of primary interest for this analysis and because for both states and provinces the data sources note that the publicly owned vehicle counts may be of poor quality. B.2.2.5 Vehicle Miles Traveled, 2017 For states, these data were obtained from FHWA (statistics/2017/). For provinces, the latest direct province-level estimates of vehicle kilometers traveled (VKT) were from 2009, when the Canadian Vehicle Survey was ended. Rather than use outdated infor- mation, the authors again used the table of fatalities by province from Transport Canada (https:// www.tc.gc.ca/eng/motorvehiclesafety/canadian-motor-vehicle-traffic-collision-statistics-2017. html), since fatalities are also provided by billion VKT. As described previously, the researchers first used population to obtain an estimate of province-level fatalities, then used that estimate of fatalities to estimate VKT, since the fatality rate per billion VKT should simply be fatalities divided by VKT/1,000,000,000. Again, due to rounding, this calculation may not result in exact VKT, but should be a close enough proxy for this analysis. The researchers then converted VKT into VMT (vehicle miles traveled) (1 km = 0.6213712 mi) for comparability across states and provinces. B.2.2.6 Population, 2017 For states, state-level population estimates were obtained from the 2017 American Com- munity Survey of the U.S. Census Bureau, both overall and for 15- to 24-year-olds alone. This was because studies such as NOPUS suggest that younger drivers may use electronic devices at a significantly higher rate than older drivers. (See, for example, Api/Public/ViewPublication/812665; this publication also suggests that electronic device use rate may be higher among males than females. However, since for nearly all states males make up between 48% and 50% of the population, it is unlikely that variation in that small range would be useful for this analysis.) For provinces, similar population data were obtained from Statistics Canada (. statcan.gc.ca/t1/tbl1/en/tv.action?pid=1710000501). B.2.3 Data Preparation The laws database was coded from text variables into numeric variables for analysis. When necessary, blank values were coded as 0. For example, since Montana has no electronic device use laws, it was assigned a score of 0 for all law components. After merging all data sources into a single file, the researchers ran quality-control checks to verify that all merging was done correctly and to check for any outlying or unexpected data points. During these checks, it was noted that the correlations between population and fatalities, licensed drivers, vehicle registrations, VMT, and number of 15- to 24-year-olds were very high (ranging between 0.90 and 0.99). Since this degree of multicollinearity is likely to cause problems with modeling, the authors converted fatalities, licensed drivers, vehicle registrations, VMT, and number of 15- to 24-year-olds to rates per 1,000 population. Before clustering, all variables were standardized to have a mean of 0 and a standard error of 1. This effectively weights each variable in the analysis equally. If unstandardized variables were used, variables on a larger scale (such as population) would dominate the models, and the categorical law-related variables would have virtually no impact. As a final check, the authors looked at the correlation between normalized fatality rate and normalized law strength, calculated by totaling all law strength points. The correlation is Proposed Sample of Jurisdictions and Methodology B-5 -0.57 ($p < 0.0001$), which is moderate-to-strong, negative, and significantly different from zero. This means that jurisdictions with stronger laws tend to have lower fatality rates, and vice versa. Even though fatality rates include all types of traffic-related fatalities, not just distracted drivingâ€“related fatalities, at a very high level it is encouraging to see that the law strength scoring has the relationship one would expect with fatality rates. B.2.4 Clustering Analysis Three different clustering methods were tested. This was done as a sensitivity analysis; each clustering method has strengths and weaknesses, and the researchers wanted to ensure that the different methods independently produced roughly consistent results. B.2.4.1 Hierarchical Clustering Hierarchical clustering works from the bottom up, combining elements that are the most similar to each other. Each jurisdiction starts out as its own cluster. Then, the algorithm calcu- lates a dissimilarity score for each pair of jurisdictions. [The researchers used the hclust function in R, with Wardâ€™s minimum variance method (â€œward.D2â€). This method tends to result in the most compact clusters.] The jurisdictions with the lowest dissimilarity score (most similar) are grouped together, and a new set of dissimilarity scores were calculated using the new cluster. This process continued iteratively until all jurisdictions were grouped together into a single cluster. The output of this process is a tree-like object called a dendrogram. The dendrogram is a visual representation of the order in which observations were grouped together and is helpful to visualize the major groupings. Observations that were grouped together further up the tree are less similar from each other. The height of the â€œarmsâ€ joining clusters together also indicates how similar the clusters areâ€”a small height means that the two clusters are very similar, while a large height value would indicate a larger difference. Figure B-2 shows the dendrogram for the dataset, where each number represents a jurisdic- tion. Based on this figure, it looks like five major groupings of jurisdictions would be reason- able (identified by the red boxes). Although these clusters could be divided further, for the purposes of this study, it was generally preferable to have fewer, larger clusters than to overly restrict the sampling by defining too many clusters. Figure B-2. Dendrogram of hierarchical clustering output with 5 clusters defined. B-6 Using Electronic Devices While Driving: Legislation and Enforcement Implications B.2.4.2 K-means The K-means clustering algorithm is somewhat more advanced because instead of working iteratively by joining pairs, it is able to find optimal clusters across the whole dataset at once. It works by first randomly assigning each observation to a cluster. Then, it calculates the centroid (center mass) of each cluster and reassigns each observation to the cluster with the closest centroid. It iterates through these two steps until no observations change cluster assignments. The final clusters are optimal in the sense that they have the lowest within-cluster variation. [The researchers used the K-means function in R, with the default (Hartigan-Wong) algorithm and 20 random starts. Using multiple random starts protects against the algorithm stopping at a local optimum value or failing to converge.] The downside to K-means clustering is that the analyst must specify the number of clusters, and this is often unknown. However, since the hierarchical clustering algorithm was run first, the researchers were able to specify that five final clusters were wanted. For sensitivity testing purposes, the researchers also ran the K-means algorithm with 10 clusters. B.2.4.3 Model-Based Cluster Analysis (Mclust) The Mclust algorithm uses Gaussian (normal) mixture models to determine the optimal number of clusters, optimizing over the Bayesian information criterion (BIC), a measure of overall model fit that adds a penalty for models with more parameters (more clusters). This means that the algorithm does not suggest splitting into more clusters unless the split improves model fit more than the size of the penalty term. (The researchers used the Mclust package in R, with default settings except for adding a normal prior.) The final number of clusters and how the observations are clustered comes from the model with the largest BIC; that is, the best overall fit according to the BIC. The researchers chose to add a normal prior to the model to smooth out some of the noise (â€œregularizationâ€). After regu- larization, this algorithm recommended using five clusters as well. As a further sensitivity analysis, the researchers also tested running each algorithm with and without the extra points for driver type and behaviors covered. The results without the extra points were not markedly different from those presented here, so they were not pursued further. B.2.5 Clustering Results Since all three methods suggested five clusters, and the final clusters (see Table B-2) were very similar between algorithms, only the clusters from the final K-means model with five clusters are presented. Because hierarchical clustering looks for optimal pairwise combinations only (combining two jurisdictions or two clusters), it can often fail to identify an overall optimal solu- tion; the researchers used this method primarily to search for a reasonable number of clusters to input into the other methods. Model-based clustering is another good alternative, but it relies on the assumption that data are a mixture of multivariate normal distributions. This is not true in these data: even after normalization, the categorical variables used for law coding will always be bunched into 2- to 4-point masses rather than being approximately continuous. K-means, however, does not place any assumptions on the distributions of the variables, and it is designed to find an overall optimal solution. It is the method best suited to this particular problem, so it makes most sense to rely on the K-means results. The heat map depicted in Table B-3 shows how the authors were able to generalize and describe each cluster. Red means that a cluster is, on average, low in terms of the row variable, and green indicates clusters with a higher average value for the row variable. For example, looking at the total population row, Cluster 1 (primarily Canadian provinces) has the lowest average popula- tion, and Cluster 4 (U.S. states with large populations) has the highest average population. Proposed Sample of Jurisdictions and Methodology B-7 Note that these cluster descriptions are intentionally general, and each jurisdiction in a cluster may not perfectly agree with the high-level description. However, since the goal is simply to group jurisdictions that are roughly similar in order to end up with variety in the final sample, these clusters and descriptions work well. As a final check of the clustering, the researchers plotted (see Figure B-3) each jurisdiction against total population (x-axis) and against its total law strength (y-axis), where the law strength is simply the sum of all law-related variables. Both variables were normalized before plotting, so that 0 represents the average of all jurisdictions. This means that a jurisdiction with a law strength greater than 0 has stronger than average laws, based on the scoring procedure. Each jurisdiction name is color-coded based on the cluster, so that jurisdictions in the same cluster are the same color. This is a crude method of checking whether the clusters make intuitive sense; although the clusters were formed using the individual law variables rather than overall law strength, and population was not the only non-law factor used, one would still expect jurisdictions in the same cluster to be relatively close to each other on this plot, which is the case. The pink jurisdic- tions represent the stricter-law jurisdictions from Cluster 2, and as expected they all appear in Stratum (Cluster) General Description of Cluster Jurisdictions 1 Canadian provinces and Colorado, stronger laws, lower population Alberta, British Columbia, Colorado, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Prince Edward Island**, Quebec, Saskatchewan 2 U.S. states and Ontario, relatively stronger laws Connecticut, Delaware, District of Columbia**, Hawaii**, Georgia, Maine, Maryland*, Massachusetts, Nevada, New Hampshire, New Jersey, Ontario*, Oregon, Rhode Island, Vermont, Washington, West Virginia 3 U.S. states, moderate-to-small populations, relatively weaker laws Alabama, Alaska**, Arkansas, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, Wisconsin, Wyoming 4 U.S. states, large populations, relatively weaker laws California, Illinois, Michigan, Minnesota, Pennsylvania, New York, Texas, Virginia 5 U.S. states, weakest laws, high vehicle usage/fatality rates Arizona, Florida, Montana**, Nebraska Notes: *Maryland and Ontario were selected with certainty for the final sample. **Alaska, District of Columbia, Hawaii, Montana, and Prince Edward Island were included in the clustering process but excluded from selection. Table B-2. Final clusters of jurisdictions. Variable Cluster Number 1 2 3 4 5 Law-Related Variables Violation type Behaviors covered Drivers covered Law enforceable Penalty range Incremental penalty Fine range Incremental fine Non-Law-Related Variables Total population Fatality rate % population ages 15â€“24 Licensed driver rate Vehicle registration rate VMT per population Table B-3. Heat map of average clustering variable value, by cluster. B-8 Using Electronic Devices While Driving: Legislation and Enforcement Implications the upper portion of the plot. The Canadian provinces are shown in tan (also with stricter laws, since they all have law scores > 0), while the weaker-law U.S. states are split between the blue (Cluster 3, small-to-moderate populations) and coral (Cluster 4, larger populations). The green jurisdictions in Cluster 5 are spread across the plot more widely; this is because the clustering is based on individual variables rather than the totals on this plot. These jurisdictions are similar in law components, while their overall total scores are different; they also all have higher fatality rates, licensed driver rates, and vehicle registration rates than the average jurisdiction. Overall, these clusters seem to be effective at grouping together jurisdictions that are similar in terms of population characteristics or law strength. B.2.6 Sampling Before drawing the sample, the researchers decided to discard Montana because there was no distracted driving law in place. In addition, Alaska, Hawaii, Prince Edward Island, and the District of Columbia were discarded because the goal of the study was to provide generaliz- able findings, and each of these jurisdictions had unique features that would make it difficult to generalize any findings to other jurisdictions. The researchers also selected Ontario and Maryland with certainty because these jurisdictions had the strongest laws (highest law scores) in Canada and the U.S., respectively. After these exclusions, a sample of 18 jurisdictions was selected from a pool of 55, with rep- resentation from each cluster. The researchers selected three jurisdictions from the Cluster 1 because of the similarities in the different characteristics across these jurisdictions (primarily Canadian provinces). Five out of 13 eligible jurisdictions in the stronger laws, U.S. states cluster were selected, because the researchers wanted to slightly oversample jurisdictions with strong laws. This left 10 jurisdictions to sample out of the remaining three clusters (32 total jurisdic- tions). The researchers sampled from each cluster proportional to its size in order to obtain the required sample, plus at least one alternate for each cluster. [Sampling was performed using the sample() and sample_frac() functions in R.] The final sample is presented in Table B-1. Figure B-3. Scatterplot of population by law strength, with cluster groupings. Page 9 Page 53 Share Suggested Citation:"Appendix C - Discussion Guides with Key Stakeholders." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 54 Share Suggested Citation:"Appendix C - Discussion Guides with Key Stakeholders." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 55 Share Suggested Citation:"Appendix C - Discussion Guides with Key Stakeholders." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. 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Washington, DC: The National Academies Press. doi: 10.17226/26082. × Below is the uncorrected machine-read text of this chapter, intended to provide our own search engines and external engines with highly rich, chapter-representative searchable text of each book. Because it is UNCORRECTED material, please consider the following text as a useful but insufficient proxy for the authoritative book pages. C-1 Examining the Implications of Legislation and Enforcement on Electronic Device Use While Driving Discussion Guide: State Representatives/Safety Advocates In most jurisdictions, the investigation began with the traffic safety office/transportation department as the source of information on public awareness campaigns, challenges, and new laws under consideration, as well as for additional contacts. Interviews were conducted with law enforcement, advocates, and other policy makers. Name: Title/Agency: Date of Contact: I. Background Information on the Law 1. Can you tell me about your distracted driving law? What is your interpretation of the law; who does it cover, when, and what behaviors? 2. What do you think about the fine associated with a distracted driving citation? In your opinion, do you think the fine is appropriate? Why or why not? (Note â€“ this could be too low or too high.) 3. [If applicable] Do you think the incremental fine for repeat offenders is effective? Why or why not? 4. [If applicable] What do you think about the penalty points associated with a distracted driving citation? Do you think the penalty is appropriate? Why or why not? 5. [If applicable] Do you think the approach of having incremental penalty points for repeat offenders is effective? Why or why not? 6. Are you aware of any efforts to revise (or repeal) the distracted driving law? â€“ If yes, in what ways? II. Process of Enacting the Law 1. What were the challenges/successes? â€“ How did you overcome any challenges? 2. What was the process for identifying sponsors/partners? â€“ Who are they? What are their roles? 3. How did you obtain support/build momentum? 4. How long did it take from inception to enacting the law? Was the process incremental? A P P E N D I X C Discussion Guides with Key Stakeholders C-2 Using Electronic Devices While Driving: Legislation and Enforcement Implications 5. What was considered when selecting the wording for the law (language used in the law)? 6. Have you identified any weaknesses in the law? 7. In your opinion, are there any changes to the wording that could improve the law? â€“ Do you plan on making revisions, and if so, how are you going about it? 8. Does the law have any special intent/repercussions if there is an injury or fatality related to distracted driving? 9. Are you aware of any training or education for law enforcement personnel that took place when the distracted driving law went into effect/was revised? 10. Was there a special enforcement campaign following the enactment/revision of the dis- tracted driving law? III. Data 1. Does your state/province track distracted driving citations issued? â€“ If yes, who tracks the data? Who has access? Are the data used to guide enforcement efforts? How are they used to guide efforts? 2. Is distracted driving documented on your state/province crash reports? In what detail? 3. Are you aware of any state-/province-based cell phone use estimates (while driving)? IV. Public Information and Education Programs 1. Are you aware of any outreach or education for the general public when the distracted driving law went into effect/was revised? â€“ What did it involve? What kind of public outreach? For how long? 2. Are you aware of any ongoing programs or campaigns within your state/province to reduce distracted driving? â€“ If so, what are these programs? Do they target specific audiences? Is there a specific time of year (e.g., April â€“ Distracted Driving Awareness Month in the United States)? 3. How are the programs funded (what are the funding sources)? Does the state/province have a specific budget for programs/campaigns aimed at addressing distracted driving? 4. Are there documents, pamphlets, information, or other materials available that we can look at [handouts, stickers, public service announcements (PSAs), videos, etc.]? 5. Are you aware of any insurance companies in your state that treat distracted driving offenses in a unique manner, thereby affecting insurance rates? 6. Are you measuring the effectiveness of the program/level of outreach? â€“ If yes, how do you measure effectiveness/outreach? 7. Are there any other stakeholders or groups involved with the program or campaign? V. General Safety/Political Culture of the State/Province 1. Describe the overall safety culture of your state/province. 2. To what degree is government oversight tolerated in your state/province? VI. Impact of Technology 1. In the changing technological environment, does your law have the ability to stay relevant as it is written? â€“ How might you revise the law to make it more relevant and sustainable? Discussion Guides with Key Stakeholders C-3 VII. Anything Else of Importance 1. Is there anything else unique about your state/province or any other situation that you can think of that may have an impact on your ability to enforce distracted driving laws and change driver behavior? VIII. Other Points of Contact 1. Are there other points of contact that we should speak to (name, agency, telephone, email) regarding: â€“ Updates to the existing law (if relevant) â€“ Enforcement (possibly different levels of enforcement â€“ state/local) â€“ Adjudication â€“ Public awareness campaigns Examining the Implications of Legislation and Enforcement on Electronic Device Use While Driving Discussion Guide: Law Enforcement Name: Title/Agency: Date of Contact: I. Background Information on the Law 1. Can you tell me about your distracted driving law? What is your interpretation of the law; who does it cover, when, and what behaviors? 2. What types of devices are included (enforceable) under your distracted driving law? 3. When is the law enforceable? (i.e., when the car is in motion, stationary, parked). 4. What do you think about the fine associated with a distracted driving citation? In your opinion, do you think the fine is appropriate? Why or why not? (Note â€“ this could be too low or too high.) 5. [If applicable] Do you think the incremental fine for repeat offenders is effective? Why or why not? 6. [If applicable] What do you think about the penalty points associated with a distracted driving citation? Do you think the penalty is appropriate? Why or why not? How many points result in a suspension? 7. [If applicable] Do you think the approach of having incremental penalty points for repeat offenders is effective? Why or why not? 8. Based on your knowledge of your state/provincial law, when a serious or fatal injury is accompanied by a distracted driving offense, is the driver also charged with vehicular manslaughter or given jail time? 9. If yes, do you believe this penalty has an impact? In your opinion, is the general public within the state/province aware of this penalty? 10. Are you aware of any efforts to revise (or repeal) the distracted driving law? â€“ If yes, in what ways? 11. Are you aware of any training or education for law enforcement personnel that took place when the distracted driving law went into effect/was revised? C-4 Using Electronic Devices While Driving: Legislation and Enforcement Implications II. Enforcement Efforts 1. What challenges do you face when trying to enforce your distracted driving law? â€“ What do you attribute these challenges to? 2. Are there exemptions to the distracted driving law (e.g., the use of an electronic device for navigational purposes)? â€“ How do these exemptions affect enforcement of the law? 3. Is distracted driving enforcement a priority within the agency? Is it a part of your normal traffic enforcement? â€“ Additionally, is traffic enforcement (in general) a priority within the agency? 4. Are there periods of high-visibility enforcement geared toward distracted driving? â€“ If so, how often do you conduct high-visibility enforcement campaigns? When do these take place? Also, are certain areas targeted, such as high-crash locations? Who funds these efforts? 5. What type of enforcement strategies do you use when enforcing distracted driving (e.g., use of a spotter)? 6. Does your agency provide any ongoing training specific to distracted driving enforcement? â€“ If yes, what type of training and how often? III. Data 1. Does your state/province track distracted driving citations issued? â€“ If yes, who tracks the data? Who has access? Are the data used to guide enforcement efforts? How are they used to guide efforts? 2. Is distracted driving documented in your state/province crash reports? In what detail? 3. Are you aware of any state-/province-based cell phone use estimates (while driving)? IV. General Safety/Political Culture of the State/Province 1. Describe the overall safety culture of your state/province. â€“ How does traffic safety fit into the safety culture? 2. To what degree is government oversight tolerated in your state/province? V. Public Information and Education Programs 1. Are you aware of any programs or campaigns within your state/province to reduce distracted driving? â€“ If so, what are these programs? How often are they initiated and

how widespread are they? 2. Is distracted driving a topic that your school resource officers address? If so, how is it addressed? VI. Anything Else of Importance 1. Is there anything else unique about your state/province or any other situation that you can think of that may have an impact on your ability to enforce distracted driving laws and change driver behavior? VII. Other Points of Contact 1. Are there other points of contact that we should speak to (name, agency, telephone, email) regarding: â€“ Updates to the existing law (if relevant) â€“ Enforcement (state/local) â€“ Adjudication â€“ Public awareness campaigns Discussion Guides with Key Stakeholders C-5 Examining the Implications of Legislation and Enforcement on Electronic Device Use While Driving Discussion Guide: Attorneys, Legislators and Policy Makers Name: Title/Agency: Date of Contact: I. Background Information on the Law 1. Can you tell me about your distracted driving law? What is your interpretation of the law; who does it cover, when, and what behaviors? 2. What do you think about the fine associated with a distracted driving citation? In your opin- ion, do you think the fine is appropriate? Why or why not? (Note â€“ this could be too low or too high.) 3. [If applicable] Do you think the incremental fine for repeat offenders is effective? Why or why not? 4. [If applicable] What do you think about the penalty points associated with a distracted driving citation? Do you think the penalty is appropriate? Why or why not? 5. [If applicable] Do you think the approach of having incremental penalty points for repeat offenders is effective? Why or why not? 6. Are you aware of any efforts to revise (or repeal) the distracted driving law? â€“ If yes, in what ways? II. Process of Enacting the Law 1. What were the challenges/successes? â€“ How did you overcome any challenges? 2. What was the process for identifying sponsors/partners? â€“ Who are they? What are their roles? 3. How did you obtain support/build momentum? 4. How long did it take from inception to enacting the law? Was the process incremental? 5. What was considered when selecting the wording for the law (language used in the law)? III. Challenges 1. Have you identified any weaknesses in the law? 2. Are there any issues/difficulties prosecuting the distracted driving law? 3. In your opinion, are there any changes to the wording that could improve the law? â€“ Do you plan on making revisions, and if so, how will you go about it? IV. General Safety/Political Culture of the State/Province 1. Describe the overall safety culture of your state/province. 2. To what degree is government oversight tolerated in your state/province? V. Impact of Technology 1. In the changing technological environment, will your law stay relevant as it is currently written? â€“ How might you revise the law to make it more relevant and sustainable? C-6 Using Electronic Devices While Driving: Legislation and Enforcement Implications VI. Anything Else of Importance 1. Is there anything else unique about your state/province or any other situation that you can think of that may have an impact on your ability to enforce distracted driving laws and change driver behavior? VII. Other Points of Contact 1. Are there other points of contact that we should speak to (name, agency, telephone, email) regarding: â€“ Updates to the existing law (if relevant) â€“ Enforcement â€“ Adjudication â€“ Public awareness campaigns Page 10 Page 59 Share Suggested Citation:"Appendix D - Model Legislation." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 60 Share Suggested Citation:"Appendix D - Model Legislation." National Academies of Sciences, Engineering, and Medicine. 2021. 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D-1 Model Legislation A P P E N D I X D D-2 Using Electronic Devices While Driving: Legislation and Enforcement Implications Model Legislation A model electronic device distracted driving law takes into account current technologies and uses, as well as makes provisions (as best as possible) for future technology. The language used ensures that the law is enforceable. Additionally, the law attempts to stop the most dangerous behaviors associated with electronic device use, in particular those behaviors that result in diversion of attention from the driving task by taking eyes off the road for any extended period of time.1 Therefore, the law should prevent certain behaviors that may result in eyes off the road, even if the electronic device is hands-free or mounted. THE KEY COMPONENTS OF EFFECTIVE LEGISLATION ARE: â– Using the terminology â€œelectronic deviceâ€ as opposed to â€œcell phoneâ€ or â€œmobile deviceâ€, allows for greater coverage of the types of devices that are included in the law. Several jurisdictions2 (states and provinces) have adopted this more generic language in order to allow the law to extend to a variety of electronic or computerized devices. In addition, most of the current legislation does not specifically address wearables such as smart watches with communication capabilities. However, by using the more generic term â€œelectronic deviceâ€, wearables are an example of current and upcoming technologies that could be covered by the law. â– The law should be in effect at all times when the vehicle is traveling on public roads, this includes at stop lights and when temporarily slowed or stopped in traffic. Electronic device use should only be permitted when the vehicle is legally parked or pulled over on the side of the road. This is an important safety component and ensures enforceability of the law. â– The language in the law should clearly state the behaviors the driver cannot engage in, including: i. Hold or support an electronic device with any part of his/her body. ii. Use the electronic device to manually dial numbers or input text, engage in multiple swipes and/ or taps. This includes when the device is used hands-free (mounted, affixed, or resting somewhere in the vehicle). iii. Use an electronic device to stream, record, or broadcast video. This includes when the device is used hands-free (mounted, affixed, or resting somewhere in the vehicle). iv. Use the electronic device or applications on the device that display motion on the deviceâ€™s screen, with the exception of a global positioning system (GPS) or navigational software. This includes when the device is used hands-free (mounted, affixed, or resting somewhere in the vehicle). â– With respect to penalties and fines i. Fines should be in line with other traffic safety laws in the same jurisdiction, as this practice has been found to increase public support for the law. Incremental fines should be in place for subsequent violations. ii. Penalties for distracted driving should also be in line with other serious traffic offenses in the state. There is some belief that points against a driverâ€™s license that have the potential to result in temporary suspension or loss of a license are more impactful than monetary fines at modifying the behavior. Additionally, points on a license are often associated with increased insurance rates; therefore, making the penalty more punitive. Some jurisdictions report using a point penalty structure similar to serious offenses, such as driving under the influence (DUI). Other jurisdictions impose a license suspension for violations. If possible, the legislation should include points or license suspensions, and these should be incremental for subsequent violations of the law. 1 Lee, J. D., Young, K. L., and Regan, M. A. (2008). Defining driver distraction. Driver Distraction: Theory, Effects, and Mitigation, 13(4), 31-40 2 Alberta Government. (n.d.) Distracted Driving Law. Available at: Maine State Legislature. (n.d.) Distracted Driving & Text Messaging. Available at: maines-law-on-distracted-driving-text-messaging/9460 Model Legislation D-3 â– The law should have minimal exemptions. Possible common exemptions include: i. Law enforcement and first responders in the scope of their duties. ii. To report an emergency. iii. Use of GPS or navigational system hands-free, with no allowance for manual entry while driving. â– There should be separate legislation or an additional provision for other types of distractions such as eating, grooming, reading, etc. â– Additional legislation should be in place with more stringent restrictions for drivers under 18 years of age. â– An additional provision is recommended for a driver that causes serious injury or death while talking on a handheld cell phone or texting to include more punitive measures or approximated to reckless driving. For example, â€œJakeâ€™s Lawâ€ in Maryland, which states, â€œA driver that causes serious injury or death while talking on a handheld cell phone or texting may receive a prison sentence of up to three years and a fine up to $5,000.â€3 3 Maryland Motor Vehicle Administration. (2019) 2018 Maryland Distracted Driving Program Area Brief. Available at: . maryland.gov/safety/FY19_Distracted_ProgramAreaBrief%20FINAL.pdf D-4 Using Electronic Devices While Driving: Legislation and Enforcement Implications MODEL LEGISLATION EXAMPLE TEXT 1. Definitions of Terminology Used The following provides definitions of the terminology used in Section 2, â€œProhibitionsâ€ and Section 3, â€œExemptionsâ€. A. â€œElectronic Deviceâ€ means any portable electronic device that is capable of wireless communication or electronic information or data retrieval and is not is not an in-vehicle system. This includes, but is not limited to, a cell phone, tablet, laptop, two-way messaging device, or electronic game. â€œElectronic Deviceâ€ does not include in-vehicle systems, two-way radio, citizens band radio, or amateur radio equipment. B. â€œUseâ€ includes holding, viewing, and manipulating, including, multiple swipes or presses of a handheld, mounted, or hands-free electronic device. C. â€œHandheldâ€ means holding or using a portion of the body to hold an electronic device. D. â€œOperate a Motor Vehicleâ€ 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. â€œOperate a Motor Vehicleâ€ 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. E. â€œTextâ€ means reading or manually composing electronic communications including text messages, instant messages, and emails using an electronic device. F. â€œHands-freeâ€ 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. 2. Prohibitions The following prohibitions apply to using an electronic device while operating a motor vehicle, except as provided in Section 3, â€œExemptions.â€ A. A person may not operate a motor vehicle while using a handheld electronic device. B. 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. C. A person may not stream, record, or broadcast video, this includes use when the device is hands-free. D. A person may not use applications on the device that depict motion on the deviceâ€™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. 3. Exemptions The following exemptions apply to Section 2, â€œProhibitions.â€ A. A cell phone 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, physicianâ€™s office, health clinic, ambulance company, or fire or police department. B. The law does not apply to an individual driving or operating an emergency vehicle while the individual is acting within the scope of the individualâ€™s employment. Model Legislation D-5 C. 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. D. Use of a citizenâ€™s band radio or two-way radio by an operator of a moving commercial motor vehicle on a public road or highway is allowed. 4. Penalties The following penalties apply to a violation of Section 2, â€œProhibitionsâ€. A. Fines i. A person who violates Section 2, â€œProhibitionsâ€ commits a traffic infraction for which a fine of $____ will be issued. ii. A second or subsequent offense under this section is subject to a fine of $____. B. Points / License Suspension Assignment of points or license suspension should be structured similar to other traffic safety laws. 1. If the state has a points system, a. A person who violates Section 2, â€œProhibitionsâ€ commits a traffic infraction for which ____ points will be issued. b. A second offense under this section is subject to ____ points issued. c. A third or subsequent offense under this section is subject to ____ points issued and/or temporary suspension of the personâ€™s license for a period of ____ days. 2. If the state does not have a points system in place, a. A person who has a third or subsequent violation of Section 2, â€œProhibitionsâ€ within a 3-year period will be issued a suspension of his/her license for a period of: i. 30 days, if the person has 3 adjudications. ii. 60 days, if the person has 4 adjudications. iii. 90 days, if the person has 5 or more adjudications. Page 11 Page 65 Share Suggested Citation:"Appendix E - Guidance on Presentation for Key Stakeholders." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 66 Share Suggested Citation:"Appendix E - Guidance on Presentation for Key Stakeholders." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. 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The electronic presentation is intended for the following key audiences: â– Legislators and Policy Makers; â– Highway Safety Administrators; â– Law Enforcement; â– Community Stakeholders and Advocates; â– Public Health Officers; and â– Educators. The presentation includes an opening section for all users, followed by tailored sections for each of the key audiences. This will enable the user to present an overview of the topic to all audiences, while providing more detailed and targeted information, as needed. The introductory section (slides 1-14) is intended for all audiences, and includes the background, key definitions, and an overview of the different implementation stages of effective electronic device legislation. These slides are to be supplemented by the different subsections that specifically address areas of interest for the different key audiences. Each section, tailored for the different audiences, begins with an opening slide describing their role in developing, implementing, enforcing, and sustaining electronic device use legislation. This is followed by a series of slides outlining key components that need to be considered by each audience. The content includes: â– Legislators and Policy Makers (slides 15-26) â€“ Your Role, Coalition Building, Components and Language of a Distracted Driving Law, and Challenges in Promoting Legislation. â– Highway Safety Administrators (slides 27-44) â€“ Your Role, Coalition Building, Components and Language of a Distracted Driving Law, Challenges in Promoting Legislation, and Designing Public Awareness Campaigns. â– Law Enforcement (slides 45-51) â€“ Your Role, Importance of High Visibility Enforcement, Effective Enforcement Strategies, and Enforcement Challenges. â– Community Stakeholders and Advocates (slides 52-62) â€“ Your Role, Coalition Building, Components of a Distracted Driving Law, and Designing Public Awareness Campaigns. â– Public Health Officers (slides 63-67) â€“ Your Role, Data and Evaluation, and Goals of Ongoing Evaluation. â– Educators (slides 68-75) â€“ Your Role, Key Programs to Target Teens, Influencing Youth to be Influencers, and Peer to Peer Education Initiatives. Supplementary information to this electronic presentation on Developing and Implementing Model Legislation to Deter Distracted Driving is provided in the following documents: â– Model Distracted Driving Legislation; â– Document to Inform Legislators titled, â€œPromote Legislation to Reduce Distracted Driving;â€ â– Model Press Release document titled, â€œMessaging for Media on Distracted Driving;â€ â– Electronic Presentation for Law Enforcement titled, â€œEffective Enforcement of an Electronic Device Law.â€ Page 12 Page 67 Share Suggested Citation:"Appendix F - Presentation for Key Stakeholders." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 68 Share Suggested Citation:"Appendix F - Presentation for Key Stakeholders." National Academies of Sciences, Engineering, and Medicine. 2021. 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Because it is UNCORRECTED material, please consider the following text as a useful but insufficient proxy for the authoritative book pages. F-1 Presentation for Key Stakeholders A P P E N D I X F F-2 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 1 Developing and Implementing Electronic Device Legislation to Deter Distracted Driving Presentation for Key Stakeholders F-3 Slide 2 Key Audiences Legislators and Policy Makers Highway Safety Administrators Law Enforcement Community Stakeholders and Advocates Public Health Officers Educators F-4 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 3 [For all audiences] â€¢ Distracted driving is a major traffic safety issue affecting motorists. In 2018 alone, there were 2,841 motor vehicle fatalities that involved a distracted driver. â€¢ However, distracted driving is underreported and is likely a contributing cause in far more fatal crashes. Electronic device use, particularly dialing, texting, and browsing the internet while driving, are some of the more common distractions. Studies show that engaging in these behaviors while driving is extremely risky. It takes about 5 seconds, on average, to read or send a text. In that time span, with your eyes on your device and not on the road, a vehicle travelling at 55 miles per hour will cover the length of a football field. Background Distracted Driving ï‚– A diversion of attention away from activities critical for safe driving toward a competing activity. ï‚– In 2018, there were 2,841 motor vehicle fatalities in the U.S. involving a distracted driver. Distracted Driving Is Likely Underreported! ï‚– Research shows the use of electronic devices is a common cause of distracted driving resulting in serious safety implications. ï‚– Many states and local governments in the U.S. and internationally have passed laws restricting or banning the use of electronic devices to talk or text while driving. Presentation for Key Stakeholders F-5 Slide 4 [For all audiences] Purpose of This Presentation ï‚– Provide relevant information and guidance for different stakeholders responsible for drafting, enacting, implementing, and enforcing legislation on electronic devices. ï‚– Focus on the process of developing a new law or modifying an existing law. ï‚– Highlight successful strategies, protocols, and procedures from jurisdictions across North America to deter distracted driving, specific to electronic device use. ï‚– Guide each implementation stage of effective electronic device legislation. F-6 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 5 [For all audiences] â€¢ Here are some of the terms used in this presentation. [Read the definitions] â€¢ In most jurisdictions, â€œelectronic deviceâ€ does not include in-vehicle systems, two-way radio, citizens band radio, or amateur radio equipment. Key Definitions The following key terms are used in this presentation: â€œElectronic Deviceâ€ 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, and electronic game. â€œUseâ€ Holding, viewing, and manipulating of a handheld, mounted, or hands-free electronic device. â€œManipulatingâ€ Multiple types, swipes, or presses. â€œHandheldâ€ Holding or using a portion of the body to hold an electronic device. Presentation for Key Stakeholders F-7 Slide 6 [For all audiences] â€¢ [Read the definitions] â€¢ â€œOperate a Motor Vehicleâ€ does not include when the operator has pulled the motor vehicle over to the side of, or off of, a public roadway and has halted in a location where the motor vehicle can safely remain stationary. Key Definitions (continued) â€œOperate a Motor Vehicleâ€ 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. â€œTextâ€ Reading or manually composing electronic communications, including text messages, instant messages, and emails using an electronic device. â€œHands-Freeâ€ 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. â€œJurisdictionâ€ A geographic area or a population, including a city, county, state, or province. F-8 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 7 [For all audiences] â€¢ These are the implementation stages of effective electronic device legislation. The presenta- tion will provide detailed information for each of these stages. Implementation Stages of Electronic Device Use Legislation Identifying the Problem Developing Language of the Law Establishing Fines and Penalties Enacting Legislation Educating the Public Enforcing the Law Evaluating Presentation for Key Stakeholders F-9 Slide 8 [For all audiences] â€¢ Different data sources may be used to measure the magnitude of the problem. â€“ An increasing number of jurisdictions are identifying the type of distraction on crash reports. â€“ Citation data are used by many jurisdictions to plan enforcement and outreach activities. â€“ Observational surveys of electronic device use were also mentioned as an evaluation method. Currently, not many jurisdictions collect this data. Observations of electronic device use may be added to state observational surveys of seat-belt use. Important data to collect includes: ï¿½ Demographic information (gender, age). ï¿½ Time of day. ï¿½ Behavior observed (holding and talking versus manipulating). â€“ Several jurisdictions measure the publicâ€™s knowledge, attitudes, and behaviors to support highway safety activities, legislation, and enforcement. In many cases, the survey data point to a high level of awareness of the dangers of distracted driving. [Examples below should be updated with more recent statistics] ï¿½ For example, in December 2017, a survey of Ontarians revealed that a majority (90%) felt that it is dangerous to send/read a text message or use a handheld device while driving, and perceptions of these dangers have increased since 2015 (85%). ï¿½ In Nebraska, a majority of respondents to the Annual Traffic Safety Study in 2018 sup- ported a law allowing a ticket solely for cell phone use while driving (61%), and most respondents (92%) supported a law allowing drivers to be stopped and ticketed solely for texting while driving. ï¿½ These findings may support transition to a primary law. [Additional information on data and evaluation is presented in the sections specific to highway safety administrators and public health officials.] Identifying the Problem Different data sources may be used to measure the magnitude of the problem, support legislation, identify risk groups, and plan enforcement and outreach activities. ï‚– Crash forms or distracted driving citations to estimate electronic device use. ï‚– Pre-and post-implementation observational data of electronic device use to measure any behavior changes. ï‚– Public opinion surveys to assess the level of awareness related to the dangers of distracted driving and measure support for distracted driving laws. F-10 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 9 [For all audiences] â€¢ The language of the law has a significant impact on enforcement and public acceptance; there- fore, it is essential to give a great deal of thought to the wording. â€¢ Inclusive or wide-ranging language allows for broad interpretation of the distracted driving law. â€¢ A number of jurisdictions purposefully designed the language to reduce these types of limita- tions in the laws. â€“ In some jurisdictions, the language of the law was revised to a â€œmobile electronic deviceâ€ instead of a â€œmobile communication deviceâ€ in order to broaden the definition of device usage and remove many exceptions to the statute. â€“ Other jurisdictions avoided complexities that can arise from vague definitions of â€œuseâ€ by stating in the legislation that â€œa driver who is holding a device is presumed to be using it.â€ â€“ It is also important to note inclusion of clear language as to those instances or times in which electronic device use is allowed when the vehicle is not in motion, such as contacting emergency personnel, which is also important. [Additional information on model legislation is presented in the sections specific to legislators and highway safety administrators.] Developing the Language of the Law 9 ï‚– Content and wording of distracted driving legislation can impact the ability to enforce the law and public acceptance. ï‚– The language of the law should be inclusive or wide ranging. ï‚– â€œElectronic deviceâ€ instead of a â€œmobile communication deviceâ€ or â€œcellphone.â€ ï‚– Use qualifying statements â€œa driver who is holding a device is presumed to be using it.â€ ï‚– Clearly define terminology used in the legislation. ï‚– Exceptions to the law can make enforcement challenging. ï‚– For example, allowing handheld use but not allowing texting, requiring the vehicle to be in motion, or secondary enforcement versus primary. Presentation for Key Stakeholders F-11 Slide 10 [For all audiences] â€¢ Decisions regarding penalties and fines are an important part of the implementation of a distracted driving law. â€¢ Representatives in several jurisdictions indicated that there was some concern with setting a fine too high because officers may be reluctant to issue the citation. Therefore, it is important to assign fines and penalties that are similar to other traffic violations in your jurisdiction. â€¢ Although several jurisdictions have instituted incremental fines and penalties, there is limited research on reducing electronic device use to support whether these initiatives have been effective. This is an ongoing research need. Safety advocates in some of the jurisdictions spec- ulated that incremental penalties may be more effective than incremental fines because people are more willing to accept a one-time fee rather than the loss of their license. â€¢ In addition to incremental fines/penalties, several jurisdictions have more punitive measures, such as jail time, in cases where crashes involving electronic device use result in injury or death. â€¢ It is also important to educate the public on the fines and penalties associated with a distracted driving citation. For example, some law enforcement personnel initially expressed concern over issuing substantial fines in Connecticut; however, due to the high level of public educa- tion and outreach, it became easier to issue citations over time because drivers could no longer indicate that they were unaware of the law. Establishing Fines and Penalties ï‚– Decisions regarding penalties and fines are an important part of the implementation of electronic device legislation. ï‚– Assign fines and penalties for distracted driving that are similar to other traffic violations. ï‚– Several jurisdictions have incremental fine or penalty structures. ï‚– Several jurisdictions have more punitive measures in cases where a crash resulting in a death or injury involves a driver who is distracted by an electronic device. ï‚– Public information campaigns are important to increase public acceptance of fines and penalties. F-12 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 11 [For all audiences] â€¢ Several strategies are used when enacting or revising electronic device use legislation. â€“ A number of jurisdictions indicated that including a variety of partners in the process was key to enacting or revising electronic device use legislation. â€“ Another strategy for developing a stronger law is to initially prohibit texting and develop a more rigorous law over time. â€“ Some jurisdictions adopted local ordinances with the hope of influencing the state govern- ment to enact or revise a law. â€¢ With respect to challenges: â€“ While an increasing number of jurisdictions have been reporting type of distraction on their crash reports, few collect observational data. Collecting observational data is impor- tant because it helps to identify the problem areas and can guide legislation. Additionally, there is a need for research on the impact of distracted driving legislation and how certain components of the fine and penalty structure affect recidivism. â€“ At the time of writing, there were only four states (Connecticut, Oregon, Maine, and New Jersey) that were eligible for 405E funding from NHTSA based on the language of their laws. While states are interested in qualifying for 405E funding and for additional support from NHTSA, this can be challenging to match the language and requirements needed to receive the funding. [Update as needed] â€“ Jurisdictions indicated that there was sometimes resistance to revisions of the law. For example, politicians who believe that voting constituents would be against it and so will not support the law or any revisions. [Additional Information on model legislation is presented in the sections specific to legislators and highway safety administrators.] Enacting Legislation ï‚– Jurisdictions use different strategies to enact or revise electronic device use legislation, including: ï‚– Building a coalition or team of stakeholders. ï‚– Starting with the texting law and the addition of more rigorous clauses. ï‚– Adopting local ordinances. ï‚– Some of the challenges faced included: ï‚– Availability of data to support the need for legislation. ï‚– Using language to meet eligibility requirements for additional traffic safety grants (e.g., NHTSA 405E funding). ï‚– Resistance to revisions of the existing law. Presentation for Key Stakeholders F-13 Slide 12 [For all audiences] â€¢ In many jurisdictions, a strong public awareness campaign was designed following the initial enactment or revision of the distracted driving law. Public awareness campaigns also take place primarily during Distracted Driving Awareness Month (April). â€¢ Outreach efforts include social media advertisements, radio/TV commercials, public events, and programs in schools or with younger drivers. Because funding is limited, these events are often a result of partnerships. â€¢ When developing outreach messages, tailor the message so that it resonates with the target audience. Use language the audience will clearly understand. Use the data (crash, citation, observation) to identify the population in most need of the information. [Additional Information on educating the public is presented in the sections specific to highway safety administrators and educators.] Educating the Public ï‚– Public awareness campaigns are important when implementing electronic device use legislation. ï‚– Campaigns should be implemented: ï‚– Following the enactment or revision of the law. ï‚– During Distracted Driving Awareness Month. ï‚– Year-round via social media, public events, and programs in schools with young drivers. ï‚– Developing partnerships with other stakeholders is a key method to increase public awareness. ï‚– Outreach campaigns should be tailored so they resonate with the target audience. F-14 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 13 [For all audiences] â€¢ It is important to include law enforcement when developing the law, because the language of the law needs to be enforceable. Including law enforcement from the beginning helps to get their buy-in and supports the development of a more enforceable law. â€¢ Enforcement should be emphasized during high-visibility periods, such as Distracted Driving Awareness Month. â€¢ Efforts should be directed toward areas with higher rates of crashes involving distracted drivers or high rates of citations. â€¢ Finally, the type of enforcement strategies selected are often directly related to the language of the law, including any exemptions. [Additional information on enforcement is presented in the section specific to law enforcement.] Enforcing the Law ï‚– Law enforcement agencies are essential partners when developing the content and language for new or revised electronic device legislation. ï‚– Enforcement Strategies: ï‚– High-visibility enforcement during defined periods, such as Distracted Driving Awareness Month. ï‚– Using data to target enforcement areas, population, and time of day. ï‚– Enforcement activities are tailored to the local law, including any exemptions, such as a primary versus secondary law. Presentation for Key Stakeholders F-15 Slide 14 [For all audiences] â€¢ Evaluations can be used to assess the impact of new legislation, identify risk groups, and plan enforcement and outreach activities. â€¢ Observational surveys of electronic device use can be conducted. At the time of writing, not many of the jurisdictions collected observational data. One approach to gathering this information is to add electronic device use as one of the variables collected during the state observational surveys of seat belt use. [Additional information on evaluation is presented in the sections specific to highway safety admin- istrators and public health officials.] Evaluation ï‚– Periodic review is important to understanding the impact of the distracted driving law. ï‚– Evaluation can: ï‚– Assess the impact of new legislation, enforcement, fines, public awareness, and penalties. ï‚– Identify high-risk groups over time and target enforcement and outreach activities. ï‚– Evaluation can use information from the following sources: ï‚– Distracted driving crashes. ï‚– Distracted driving citations. ï‚– Observational surveys of distracted driving. ï‚– Public surveys of knowledge and awareness. F-16 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 15 [Additional slides for legislators and policy makers] Legislators and Policy Makers Presentation for Key Stakeholders F-17 Slide 16 [Read the role] As legislators and policy makers, your role is to lead the process in revising or implementing electronic device use legislation. What Is Your Role? F-18 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 17 â€¢ A key strategy to promote new distracted driving legislation is to build a coalition of stake- holders. An effective coalition extends the reach and intensifies the impact of the traffic safety programâ€™s education and outreach efforts by increasing the number of individuals who have a better understanding of the importance of distracted driving legislation and are willing to act as advocates. â€¢ A strong and effective coalition will increase the programâ€™s access to: â€“ Various safety advocates and capabilities within the community, â€“ Available physical and financial resources, and â€“ Different areas of expertise. Coalition Building ï‚– A key strategy to promote new distracted driving legislation is to build a coalition of stakeholders. ï‚– Coalitions extend the reach and intensify the impact of a traffic safety program. ï‚– Coalitions increase access to: â€¢ Various safety advocates and capabilities within the community. â€¢ Available physical and financial resources. â€¢ Different areas of expertise. Presentation for Key Stakeholders F-19 Slide 18 â€¢ Forming a coalition provides stakeholders with an opportunity to: â€“ Combine their resources, â€“ Exchange information and brainstorm, â€“ Disperse responsibilities and work assignments, â€“ Allocate funding and other resources, â€“ Plan community activities, â€“ Review goals and objectives of the program, â€“ Examine progress, and â€“ Develop and modify strategies for outreach. â€¢ Most notably, being part of a coalition can encourage individual members to take on leader- ship roles to increase compliance, raise the level of traffic safety, and improve the quality of life within their community. Coalition Building â€¢ Forming a coalition provides stakeholders with an opportunity to: â€¢ Combine their resources. â€¢ Exchange information and brainstorm. â€¢ Disperse responsibilities and work assignments. â€¢ Allocate funding and other resources. â€¢ Plan community activities. â€¢ Review goals and objectives of the program. â€¢ Examine progress. â€¢ Develop and modify strategies for outreach. â€¢ Being part of a coalition can encourage individual members to take on leadership roles to increase compliance with the law, prioritize traffic safety, and improve the quality of life within their community. F-20 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 19 â€¢ Several jurisdictions indicated that including a variety of partners in the process was key to enacting or revising a more rigorous distracted driving law. â€¢ Important partners to consider include relevant state or provincial government agencies such as those in highway safety, law enforcement, the judiciary, and the department of motor vehi- cles. Other possible partners include political leaders such as legislators and state governors. Nongovernmental stakeholders such as safety organizations and community leaders can also help facilitate and garner support for a new law. â€¢ Victim advocates can also serve as leading voices for stronger distracted driving laws, as has been the case in Maryland and Pennsylvania. â€¢ Several jurisdictionsâ€™ representatives mentioned the importance of inviting groups that might be in opposition to the law to coalition meetings in order to better understand their concerns and arguments and see if their concerns can be addressed or a compromise can be achieved. For example, in some states, issues regarding racial profiling have been raised by different groups. By including concerned parties, it may be possible to reach a compromise, such as through an annual review of citation demographics. â€¢ Examples of coalition building [Update with recent examples as needed]: â€“ In Alberta, community members participated in the vetting process of a new law or revision in order to increase legislative and public acceptability. â€“ The Connecticut Highway Safety Office gathered stakeholders from the police, DMV, and judicial branch to work together to piece together the distracted driving law. â€“ In Maine, the New England AAA played a key role in spearheading legislation. â€“ In Ontario, distracted driving policy changes were made in cooperation with members of the public, enforcement partners, road safety groups, and community groups in both consultations and a public forum. â€“ Representatives in Virginia hired a lobbyist to help them support the transition from a texting law to a hands-free ban. â€“ In Oregon, an interdisciplinary task force was created in 2016 to tackle distracted driving. The task force included subject-matter experts from the fields of transportation, research, law enforcement, communications, health care, the behavioral sciences, and policy, as well as the judicial and legislative branches, and had a goal of covering every facet of distracted driving. The task force made recommendations related to necessary data and reporting, legislation and policy, enforcement, and education and communication. The work of the task force supported the revision of the distracted driving law. Coalition Building Key members include: ï‚– Political leaders; ï‚– Highway safety agency staff; ï‚– Law enforcement; ï‚– Medical personnel and first responders; ï‚– Judiciary; ï‚– Department of Motor Vehicles (DMV); ï‚– Public health officials; ï‚– Safety organizations; ï‚– Community leaders; ï‚– Victim advocates; ï‚– Universities/research centers; and ï‚– Media. Presentation for Key Stakeholders F-21 Slide 20 â€¢ When helping to develop a law, take into account current technologies and uses and make provisions for future technology. â€¢ The law should attempt to stop the most dangerous behaviors associated with electronic device useâ€”specifically, behaviors that result in diversion of attention from the driving task by taking eyes off the road for any extended period of time, even if the electronic device is hands free or mounted. â€¢ For a law to be effective, its language must ensure that the law is enforceable. For example, jurisdictions indicated that â€œtextingâ€ is not only difficult to enforce but is also antiquated lan- guage. Current users are browsing, snapchatting, watching, creating videos, and manipulating devices in other ways. Therefore, it is important to scrutinize all language and terminology used in the law. â€¢ The penalty and fine structure should be clearly defined. â€“ In order to increase public acceptance, fines should be in line with other traffic safety laws. â€“ Incremental fines should be in place for subsequent violations. â€“ Penalties for distracted driving should also be in line with other serious traffic offenses. There is some belief that points against a driverâ€™s license that have the potential to result in temporary suspension or loss of the license are more effective at modifying behavior than monetary fines are. Additionally, points on a license are often associated with increased insurance rates, making the penalty more punitive. â€¢ The law should have few exemptions. Possible exemptions include: â€“ Law enforcement and first responders in the line of duty. â€“ Reporting an emergency. â€“ Hands-free use of GPS or navigational system. Key Components of Electronic Device Use Legislation ï‚– Take into account current technologies and uses, as well as make provisions for future technology. ï‚– Attempt to stop the most dangerous behaviors associated with electronic device use; specifically, behaviors that result in taking eyes off the road. ï‚– Use inclusive language: ï‚– The term â€œelectronic device,â€ as opposed to â€œcell phoneâ€ or â€œmobile device,â€ allows for greater inclusion of devices covered by the law. ï‚– Use clear descriptions of the behaviors that violate the law. ï‚– Have well-defined penalty and fine structures. ï‚– Have limited exemptions to the law. F-22 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 21 â€¢ The law should prohibit the use of electronic devices at all times when the vehicle is travel- ing on public roads, including when the vehicle is at traffic signals and when it is temporarily slowed or stopped in traffic. Use of the electronic device should be permitted only when the vehicle is legally parked or pulled over on the side of the road. This is important for safety and ensures enforceability of the law. â€¢ The language should clearly state driver behaviors that are in violation of the law. The driver should not: â€“ Hold or support an electronic device with any part of his/her body. â€“ Use the electronic device to manually dial numbers or input text or to engage in multiple swipes or taps. This includes when the device is used hands free (mounted, affixed, or rest- ing somewhere in the vehicle). â€“ Use an electronic device to stream, record, or broadcast video. This includes when the device is used hands free (mounted, affixed, or resting somewhere in the vehicle). â€“ Use the electronic device or applications on the device that display motion on the deviceâ€™s screen, with the exception of GPS or navigational software. This includes when the device is used hands free (mounted, affixed, or resting somewhere in the vehicle). Recommended Behaviors to Include in the Law ï‚– Electronic devices should be prohibited at all times when the vehicle is traveling on public roads, including when the vehicle is temporarily slowed or stopped in traffic or at traffic signals. ï‚– The language should clearly state that the driver should not engage in the following behaviors: ï‚– Hold or support an electronic device with any part of his/her body. ï‚– Use the electronic device to manually dial numbers or input text, as well as engage in multiple swipes or multiple taps. ï‚– Use an electronic device to stream, record, or broadcast video. ï‚– Use the electronic device or applications on the device that display motion on the deviceâ€™s screen, with the exception of GPS or navigational software. This includes when the device is used hands free (mounted, affixed, or resting somewhere in the vehicle). Presentation for Key Stakeholders F-23 Slide 22 â€¢ When developing legislation, clearly define the terminology used. The example on the slide shows how to define the terminology in the legislation. [This slide is intended to be a reference to the wording in the model law.] 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, â€œProhibitionsâ€ and Section 3, â€œExceptionsâ€. ï‚– â€œElectronic Deviceâ€ means any portable electronic that is capable of wireless communication or electronic information or data retrieval and is not is not an in- vehicle system. This includes, but is not limited to, a cellphone, tablet, laptop, two-way messaging device, or electronic game. â€œElectronic Deviceâ€ does not include in-vehicle systems, two-way radio, citizens band radio, or amateur radio equipment. ï‚– â€œUseâ€ includes holding, viewing, and manipulating, including, multiple swipes or presses of a handheld, mounted, or hands-free electronic device. ï‚– â€œHandheldâ€ means holding or using a portion of the body to hold an electronic device. ï‚– â€œOperate a Motor Vehicleâ€ 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. ï‚– â€œTextâ€ means reading or manually composing electronic communications including text messages, instant messages, and emails using an electronic device. ï‚– â€œHands-freeâ€ 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: Definitions of Terminology Used F-24 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 23 â€¢ This slide shows how to write the prohibited behaviors when developing electronic device use legislation. [This slide is intended to be a reference to the wording in the model law.] 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, â€œExceptions.â€ ï,– A person may not operate a motor vehicle while using a handheld electronic device. ï,– 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. ï,– A person may not stream, record, or broadcast video, this includes use when the device is hands-free. ï,– A person may not use applications on the device that depict motion on the deviceâ€™s screen, with the exception of a global positioning system (GPS) or navigational software, this includes use when the device is hands-free. ï,– 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: Prohibitions Presentation for Key Stakeholders F-25 Slide 24 â€¢ As indicated earlier, a model law will have very limited exemptions. These should be clearly stated. [This slide is intended to be a reference to the wording in the model law.] 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 exceptions apply to Section 2, â€œProhibitions.â€ ï,– 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, physicianâ€™s office, health clinic, ambulance company, or fire or police department. ï,– The law does not apply to an individual driving or operating an emergency vehicle while the individual is acting within the scope of the individualâ€™s employment. ï,– 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. ï,– 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. F-26 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 25 â€¢ Assignment of points or license suspension should be structured similarly to other traffic safety laws. [If the state has a points system] â€¢ A person who violates Section 2, â€œProhibitions,â€ commits a traffic infraction for which ____ points will be issued. â€¢ A second offense under this section is subject to ____ points issued. â€¢ A third or subsequent offense under this section is subject to ____ points issued and/or tem- porary suspension of the personâ€™s license for a period of ____ days. [If the state does not have a points system in place] â€¢ A person who has a third or subsequent violation of Section 2, â€œProhibitionsâ€ within a 3-year period will be issued a suspension of his/her license for a period of: â€“ 30 days, if the person has 3 adjudications. â€“ 60 days, if the person has 4 adjudications. â€“ 90 days, if the person has 5 or more adjudications. [This slide is intended to be a reference to the wording in the model law.] Example Model Law: Penalties and Fines Outline the penalties and fines. This 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, â€œProhibitions.â€ Fines: ï,– A person who violates Section 2, â€œProhibitionsâ€ commits a traffic infraction for which a fine of $____ will be issued. ï,– A second or subsequent offense under this section is subject to a fine of $____. Points / License Suspension: ï,– Depending on the system in the state ï,– Incremental Penalty â€“ additional points for second or third offense. ï,– License Suspension â€“ for third offense within a 3-year period. Presentation for Key Stakeholders F-27 Slide 26 â€¢ These are some of the challenges to implementing or revising legislation that the authors heard from jurisdictions across the United States and Canada: â€“ In Idaho, there was resistance from businesses and farmers, who expressed opposition to including a hands-free ban to the stateâ€™s distracted driving law. Businesses and farmers viewed the inclusion of a hands-free ban as challenging in their working environment. However, in an attempt to influence state legislation, the cities of Hailey, Idaho Falls, Ketchum, Pocatello, and Sandpoint enacted local ordinances banning handheld use of cell phones. This method has been successful in other traffic safety efforts such as moving from secondary to primary seat belt enforcement laws in several states. â€“ In some cases, compromises regarding certain sections may enable passing of a more rigor- ous law than the existing legislation. For example, it may help to compromise on the level of the fine but still improve enforceability of the law by improving the language and adding needed restrictions. â€“ It is important to recognize why a law does not pass and work on improving the process; in Virginia, nonprofit organizations led by Drive Smart Virginia lobbied and worked toward revisions of the distracted driving law, to transition from a texting and driving law to a hands-free law. The law has been blocked twice. Following each failed attempt, they spent time analyzing the reasons why the bill failed and addressed these issues with their next proposal. â€“ By involving different kinds of stakeholders, including potential dissenters, you increase the likelihood that the law will pass. Challenges and Possible Solutions ï,– There may be resistance to implementing or revising a distracted driving law. ï,– Some possible solutions to address resistance include: ï,– If change is not possible at the state level, begin with local ordinances. ï,– Make revisions to selected sections of the law, targeting specific issues. ï,– Analyze why the bill did not previously pass and make adjustments. ï,– Invite key stakeholders to participate in the coalition and develop joint resolutions to respond to their concerns. F-28 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 27 [Additional slides for highway safety administrators] Highway Safety Administrators Presentation for Key Stakeholders F-29 Slide 28 [Read the role] What Is Your Role? As highway safety administrators, your role is to work with legislators and other policy makers to promote new or revise electronic device use legislation. As experts in the field, you can provide needed background information to support this process. Your agency will also be responsible for coordinating with law enforcement, developing and evaluating public awareness campaigns, and working with stakeholders. F-30 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 29 â€¢ A key strategy to promote new distracted driving legislation is to build a coalition of stake- holders. An effective coalition extends the reach and intensifies the impact of the traffic safety programâ€™s education and outreach efforts by increasing the number of individuals who have a better understanding of the importance of distracted driving legislation and are willing to act as advocates. â€¢ A strong and effective coalition will increase the programâ€™s access to: â€“ Various safety advocates and capabilities within the community, â€“ Available physical and financial resources, and â€“ Different areas of expertise. Coalition Building ï,– A key strategy to promote new distracted driving legislation is to build a coalition of stakeholders. ï,– Coalitions extend the reach and intensify the impact of a traffic safety program. ï,– Coalitions increase access to: â€¢ Various safety advocates and capabilities within the community. â€¢ Available physical and financial resources. â€¢ Different areas of expertise. Presentation for Key Stakeholders F-31 Slide 30 â€¢ Forming a coalition provides stakeholders with an opportunity to: â€“ Combine their resources, â€“ Exchange information and brainstorm, â€“ Disperse responsibilities and work assignments, â€“ Allocate funding and other resources, â€“ Plan community activities, â€“ Review goals and objectives of the program, â€“ Examine progress, and â€“ Develop and modify strategies for outreach. â€¢ Most notably, being part of a coalition can encourage individual members to take on leader- ship roles to increase compliance, raise the level of traffic safety, and improve the quality of life within their community. Coalition Building â€¢ Forming a coalition provides stakeholders with an opportunity to: â€¢ Combine their resources. â€¢ Exchange information and brainstorm. â€¢ Disperse responsibilities and work assignments. â€¢ Allocate funding and other resources. â€¢ Plan community activities. â€¢ Review goals and objectives of the program. â€¢ Examine progress. â€¢ Develop and modify strategies for outreach. â€¢ Being part of a coalition can encourage individual members to take on leadership roles to increase compliance with the law, prioritize traffic safety, and improve the quality of life within their community. F-32 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 31 â€¢ Several jurisdictions indicated that including a variety of partners in the process was key to enacting or revising a more rigorous distracted driving law. â€¢ Important partners to consider include relevant state or provincial government agencies such highway safety, law enforcement, the judiciary, and the department of motor vehicles. Other possible partners include political leaders such as legislators and state governors. Non- governmental stakeholders such as safety organizations and community leaders can also help to facilitate and garner support for a new law. â€¢ Victim advocates can also serve as leading voices for stronger distracted driving laws, as has been the case in Maryland and Pennsylvania. â€¢ Several jurisdictionsâ€™ representatives mentioned the importance of inviting groups that might be in opposition to the law to coalition meetings in order to better understand their concerns and arguments and see if their concerns can be addressed or a compromise can be achieved. For example, in some states, issues regarding racial profiling have been raised by different groups. By including concerned parties, it could be possible to reach a compromise, such as through an annual review of citation demographics. â€¢ Examples of coalition building [Update with recent examples as needed]: â€“ In Alberta, community members participated in the vetting process of a new law or revision in order to increase legislative and public acceptability. â€“ The Connecticut Highway Safety Office gathered stakeholders from the police, DMV, and the judicial branch to work together to piece together the distracted driving law. â€“ In Maine, the New England AAA played a key role in spearheading legislation. â€“ In Ontario, distracted driving policy changes were made in cooperation with members of the public, enforcement partners, road safety groups, and community groups in consulta- tions and a public forum. â€“ Representatives in Virginia hired a lobbyist to help them support the transition from a texting law to a hands-free ban. â€“ In Oregon, an interdisciplinary task force was created in 2016 to tackle distracted driving. The task force included subject-matter experts from the fields of transportation, research, law enforcement, communications, health care, the behavioral sciences, and policy, as well as the judicial and legislative branches, and had a goal of covering every facet of distracted driving. The task force made recommendations related to necessary data and reporting, legislation and policy, enforcement, education, and communication. The work of the task force supported the revision of the distracted driving law. Coalition Building Key members include: ï,– Political leaders; ï,– Law enforcement; ï,– Medical personnel and first responders; ï,– Judiciary; ï,– Department of Motor Vehicles (DMV); ï,– Public health officials; ï,– Safety organizations; ï,– Community leaders; ï,– Victim advocates; ï,– Universities/research centers; and ï,– Media. Presentation for Key Stakeholders F-33 Slide 32 â€¢ When helping to develop a law, take into account current technologies and uses and make provisions for future technology. â€¢ The law should attempt to stop the most dangerous behaviors associated with electronic device use; specifically, behaviors that result in diversion of attention from the driving task by taking eyes off the road for any extended period of time, even if the electronic device is hands free or mounted. â€¢ For a law to be effective, its language must ensure that the law is enforceable. For example, jurisdictions indicate that â€œtextingâ€ is not only difficult to enforce but is also antiquated lan- guage. Current users are browsing, snapchatting, watching, creating videos, and manipulating the device in other ways. Therefore, it is important to scrutinize all language and terminology used in the law. â€¢ The penalty and fine structure should be clearly defined. â€“ In order to increase public acceptance, fines should be in line with other traffic safety laws. â€“ Incremental fines should be in place for subsequent violations. â€“ Penalties for distracted driving should also be in line with other serious traffic offenses. There is some belief that points against a driverâ€™s license that have the potential to result in temporary suspension or loss of the license are more effective at modifying behavior than monetary fines are. Additionally, points on a license are often associated with increased insurance rates, making the penalty more punitive. â€¢ The law should have few exemptions. Possible exemptions include: â€“ Law enforcement and first responders in the line of duty. â€“ Reporting an emergency. â€“ Hands-free use of GPS or navigational system. Key Components of Electronic Device Use Legislation ï,– Take into account current technologies and uses, as well as make provisions for future technology. ï,– Attempt to stop the most dangerous behaviors associated with electronic device use; specifically, behaviors that result in taking eyes off the road. ï,– Use inclusive language: ï,– The term â€œelectronic device,â€ as opposed to â€œcell phoneâ€ or â€œmobile device,â€ allows for greater inclusion of devices covered by the law. ï,– Use clear descriptions of behaviors that are in violation of the law. ï,– Have well-defined penalty and fine structures. ï,– Have limited exemptions to the law. F-34 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 33 â€¢ The law should prohibit the use of electronic devices at all times when the vehicle is travel- ing on public roads, including when the vehicle is at traffic signals and when it is temporarily slowed or stopped in traffic. Use of the electronic device should be permitted only when the vehicle is legally parked or pulled over on the side of the road. This is important for safety and ensures enforceability of the law. â€¢ The language should clearly state driver behaviors that are in violation of the law. The driver should not: â€“ Hold or support an electronic device with any part of his/her body. â€“ Use the electronic device to manually dial numbers or input text, as well as to engage in multiple swipes or taps. This includes when the device is used hands free (mounted, affixed, or resting somewhere in the vehicle). â€“ Use an electronic device to stream, record, or broadcast video. This includes when the device is used hands free (mounted, affixed, or resting somewhere in the vehicle). â€“ Use the electronic device or applications on the device that display motion on the deviceâ€™s screen, with the exception of GPS or navigational software. This includes when the device is used hands free (mounted, affixed, or resting somewhere in the vehicle). Recommended Behaviors to Include in the Law ï,– Electronic devices should be prohibited at all times when the vehicle is traveling on public roads, including when the vehicle is temporarily slowed or stopped in traffic or at traffic signals. ï,– The language should clearly state that the driver should not engage in the following behaviors: ï,– Hold or support an electronic device with any part of his/her body. ï,– Use the electronic device to manually dial numbers or input text, as well as engage in multiple swipes or multiple taps. ï,– Use an electronic device to stream, record, or broadcast video. ï,– Use the electronic device or applications on the device other than GPS or navigational software. Presentation for Key Stakeholders F-35 Slide 34 â€¢ When developing legislation, clearly define the terminology used. The example on the slide shows how to define the terminology in the legislation. [This slide is intended to be a reference to the wording in the model law.] 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, â€œProhibitionsâ€ and Section 3, â€œExceptionsâ€. ï,– â€œElectronic Deviceâ€ means any portable electronic that is capable of wireless communication or 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. â€œElectronic Deviceâ€ does not include in-vehicle systems, two-way radio, citizens band radio, or amateur radio equipment. ï,– â€œUseâ€ includes holding, viewing, and manipulating, including, multiple swipes or presses of a handheld, mounted, or hands-free electronic device. ï,– â€œHandheldâ€ means holding or using a portion of the body to hold an electronic device ï,– â€œOperate a Motor Vehicleâ€ 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. ï,– â€œTextâ€ means reading or manually composing electronic communications including text messages, instant messages, and emails using an electronic device. ï,– â€œHands-freeâ€ 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. F-36 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 35 â€¢ This slide shows how to write the prohibited behaviors when developing electronic device use legislation. [This slide is intended to be a reference to the wording in the model law.] Example Model Law: Prohibitions The prohibited behaviors should be clearly stated. This is an example of how to identify prohibited behaviors in your law. The prohibited behaviors should be clearly stated. Below is an example of how to identify prohibited behaviors in your law: ï,– Section 2: The following prohibitions apply to using an electronic device while operating a motor vehicle, except as provided in Section 3, â€œExceptions.â€ ï,– A person may not operate a motor vehicle while using a handheld electronic device. ï,– 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. ï,– A person may not stream, record, or broadcast video, this includes use when the device is hands-free. ï,– A person may not use applications on the device that depict motion on the deviceâ€™s screen, with the exception of a global positioning system (GPS) or navigational software, this includes use when the device is hands-free. ï,– 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. Presentation for Key Stakeholders F-37 Slide 36 â€¢ As indicated earlier, a model law will have very limited exemptions. These should be clearly stated. [This slide is intended to be a reference to the wording in the model law.] 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 exceptions apply to Section 2, â€œProhibitions.â€ ï,– 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, physicianâ€™s office, health clinic, ambulance company, or fire or police department. ï,– The law does not apply to an individual driving or operating an emergency vehicle while the individual is acting within the scope of the individualâ€™s employment. ï,– 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. ï,– 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. F-38 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 37 â€¢ Assignment of points or license suspension should be structured similarly to other traffic safety laws. [If the state has a points system] â€¢ A person who violates Section 2, â€œProhibitions,â€ commits a traffic infraction for which ____ points will be issued. â€¢ A second offense under this section is subject to ____ points issued. â€¢ A third or subsequent offense under this section is subject to ____ points issued and/or tem- porary suspension of the personâ€™s license for a period of ____ days. [If the state does not have a points system in place] â€¢ A person who has a third or subsequent violation of Section 2, â€œProhibitionsâ€ within a 3-year period will be issued a suspension of his/her license for a period of: â€“ 30 days, if the person has 3 adjudications. â€“ 60 days, if the person has 4 adjudications. â€“ 90 days, if the person has 5 or more adjudications. [This slide is intended to be a reference to the wording in the model law.] Example Model Law: Penalties and Fines Outline the penalties and fines. This 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, â€œProhibitionsâ€. Fines ï,– A person who violates Section 2, â€œProhibitionsâ€ commits a traffic infraction for which a fine of $____ will be issued. ï,– A second or subsequent offense under this section is subject to a fine of $____. Points / License Suspension - Depending on the system in the state ï,– Incremental Penalty â€“ additional points for second or third offense ï,– License suspension â€“ for third offense within a 3-year period Presentation for Key Stakeholders F-39 Slide 38 â€¢ These are some of the challenges shared by jurisdictions across the United States and Canada to implementing or revising legislation: â€“ In Idaho, there was resistance from businesses and farmers, who expressed opposition to including a hands-free ban to the stateâ€™s distracted driving law. Businesses and farmers viewed the inclusion of a hands-free ban as challenging in their working environment. However, in an attempt to influence state legislation, the cities of Hailey, Idaho Falls, Ket- chum, Pocatello, and Sandpoint enacted local ordinances banning handheld use of cell phones. This method has been successful in other traffic safety efforts such as moving from secondary to primary seat belt enforcement laws in several states. â€“ In some cases, compromises regarding certain sections may enable passing of a more rigor- ous law than the existing legislation. For example, it may help to compromise on the level of the fine but still improve enforceability of the law by improving the language and adding needed restrictions. â€“ It is important to recognize why a law does not pass and work on improving the process; in Virginia nonprofit organizations led by Drive Smart Virginia have lobbied and worked toward revisions of the distracted driving law, to transition from a texting and driving law to a hands-free law. The law has been blocked twice. Following each failed attempt, they spend time analyzing the reasons why the bill failed and address these issues with their next proposal. â€“ By involving different kinds of stakeholders, including potential dissenters, the likelihood that the law will pass is increased. Challenges and Possible Solutions ï,– There may be resistance to implementing or revising a distracted driving law. ï,– Some possible solutions to address resistance include: ï,– If change is not possible at the state level, begin with local ordinances. ï,– Make revisions to selected sections of the law, targeting specific issues. ï,– Analyze why the bill did not previously pass and make adjustments. ï,– Invite key stakeholders to participate in the coalition, and develop joint resolutions to respond to their concerns. F-40 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 39 â€¢ The highway safety office can serve as a resource for all the data needed for a data-driven approach to legislation, enforcement, and education efforts. In doing so, the highway safety officer can assist in collecting, analyzing, managing, and distributing data to key stakeholders. Serving as a Resource for Data ï,– Serve as a resource for data to support a data-driven approach to legislation, enforcement, and education efforts. ï,– Assist with collection, analysis, and distribution of data, including: ï,– Crash, ï,– Citation, ï,– Observational, and ï,– Public opinion. Presentation for Key Stakeholders F-41 Slide 40 â€¢ Timing for outreach efforts should ideally be year-round, but often this is not feasible due to budgetary and staff restrictions. If restricted, focus outreach efforts around periods of high- visibility enforcement or other events such as changes in the legislation or Distracted Driving Awareness Month in April. Designing Public Awareness Campaigns ï,– Partner with coalition members to educate on risks of distracted driving and the importance of the electronic device use law. ï,– Timing for outreach efforts: ï,– Ideally, year-round. ï,– To publicize the initial enactment or revision of a distracted driving law. ï,– During enhanced/targeted periods â€“ such as Distracted Driving Awareness Month or other high-visibility enforcement campaigns. F-42 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 41 â€¢ It is important to employ various media outlets to deliver messages on distracted driving because it broadens the audience and the reach of the message. Methods to consider include: â€“ Press releases, â€“ Television and radio broadcast public service announcements (PSAs), â€“ Social media posts, and â€“ Public events and school programs. Designing Public Awareness Campaigns Possible media outlets and venues include: ï,– Press releases; ï,– Television and radio broadcast public service announcements (PSAs); ï,– Social media; and ï,– Public events and school programs: ï,– County fairs; ï,– Health fairs; and ï,– Sporting events. Presentation for Key Stakeholders F-43 Slide 42 â€¢ Key components of a well-designed outreach message include: â€“ 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 where distracted driving was a contributing factor. â€“ Compelling Headline. The headline should be direct, informative, and grab the audienceâ€™s attention. It should also be brief, keeping in mind character limitations of different dis- tribution platforms (e.g., Twitter 71 to 100 characters, Google 60 characters, Facebook 40 characters). It should be information rich and understandable; make sure to include keywords. â€“ Informative Leading Sentences. Include who, what, where, when, and why in the first few sentences of the body of the message. The remaining content should be supporting information. â€“ Customized Tone and Talking Points ï¿½ Tailor the message so that it resonates with the target audience. Use language the audience will clearly understand. ï¿½ Modify the message so it reflects the agency relaying the message. For example, certain messages are more appropriate from law enforcement, others from practitioners and other safety advocates. Relevant Timing Should coincide with an event. Compelling Headline Should be direct, informative, and grab audience attention. Informative Leading Sentences Include the who, what, where, when, and why in first few sentences. Customized Tone Tailored to the audience. Key Components of a Well- Designed Message F-44 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 43 â€¢ Key components of a well-designed outreach message include: â€“ 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. â€“ A Clear Call to Action. Have a goal in mind when developing the message, and clearly state what you want the audience to do or take away from the information. Provide hyperlinks to additional information and provide contact information for follow-up questions. â€“ Limits on Length. Keep the message brief to reduce the risk of losing the audienceâ€™s atten- tion. Typically stay between 400 and 600 words. â€“ When Possible, Use Multimedia. When possible, enliven the message by adding multimedia elements, including photos, videos, and infographics. Key Components of a Well-Designed Message Use Quotations as Support Supplement the facts with supporting quotes. Have a Clear Call to Action Have a goal in mind when developing the message. Be Conscientious of Length Keep the message brief to reduce risk of losing the audience. When Possible Use Multimedia Make the message more compelling by use of multimedia. Presentation for Key Stakeholders F-45 Slide 44 â€¢ Examples of campaigns following enactment or revision of a distracted driving law include the following [update as needed with current programs]: â€“ Maryland developed a campaign called â€œPark the Phone before You Drive,â€ which targeted the handheld cell phone law. The campaign materials were distributed via Marylandâ€™s traffic safety partners. Outreach also targeted the law enforcement community regarding the proper enforcement of Marylandâ€™s handheld cell phone law. â€“ Connecticut developed the â€œU Drive. U Text. U Pay.â€ campaign. Press events and ride-alongs were conducted with police to gain publicity about the distracted driving law through earned media. The slogan was also used in radio spots and at movie theaters, concerts, and events. â€¢ Examples of unique distracted driving campaigns during distracted driving awareness month include the following [update as needed with current programs]: â€“ In Alberta, February is designated for distracted driving prevention. One of the more prom- inent campaign slogans it used was in 2013 and was titled â€œCrotches Kill.â€ The campaign targeted drivers who texted while driving and included billboards, radio, social media, online display ads, and a website. â€“ Based on findings from focus groups with the public after distracted driving became the leading cause of crashes in 2014, Ontario developed a campaign titled â€œPut Down the Phone. It Happens Fast.â€ The television advertisement developed for the campaign depicted a young man struck by a vehicle after a driver looked at a phone for just a few seconds. It was heavily publicized and won a platinum award for most hits on Google. A KAB survey conducted before and after the campaign found that after the ads were viewed by the general public, awareness of the dangers of distracted driving increased significantly. â€“ The Tennessee Highway Safety Office promoted â€œThumbs Down to Texting & Driving.â€ This campaign spread awareness by encouraging the public to post photos of two thumbs down with #ThumbsDownTN on social media throughout the month of April 2019. Successful Public Awareness Campaigns Connecticut Citation Holder with Information on New Law Alberta Award Winning â€œCrotches Killâ€ Campaign Manitoba â€œSave the 100â€ Campaign F-46 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 45 [Additional slides for law enforcement] Law Enforcement Presentation for Key Stakeholders F-47 Slide 46 [Read the role] What Is Your Role? As law enforcement, you may support the process of implementing or revising electronic device use legislation by reviewing the text used and discussing enforcement practices in committees. Once a law is in place, your role is to educate the public and enforce the law. F-48 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 47 â€¢ Well-publicized and rigorous law enforcement operations have been shown to positively influence motoristsâ€™ behavior and remind the public of the consequences of disobeying the law. â€¢ Successful programs have shown that education and enforcement should go hand in hand. â€¢ Traffic stops are an important opportunity to educate the public on the risks of distracted driving. â€¢ Enforcement must be sustainable to be effective, meaning that it must occur throughout the year in addition to during high-visibility enforcement campaigns. Importance of High Visibility Enforcement Well-publicized and rigorous law enforcement operations have been shown to positively influence motoristsâ€™ behavior and remind the public of the consequences of disobeying the law. Successful past programs have shown that education and enforcement should go hand in hand. Traffic stops are an important opportunity to educate the public on the risks of distracted driving. For enforcement to be most effective, it must be sustainable. Presentation for Key Stakeholders F-49 Slide 48 â€¢ Leadership in the Agency. Visible commitment from agency leadership from the inception of the legislative idea through its enactment and enforcement will serve as a strong model for other officers who will look to leadership for support and direction. â€¢ Training. Law enforcement officers will become the face of the distracted driving enforcement effort, so it is critical that they become familiar with the details of the law and are trained on different enforcement strategies. All officers, not just those who are tasked with enforcing it (i.e., traffic safety unit), should be trained on the importance of traffic safety and encouraged to make contact if they see someone not adhering to the law. In addition, it is important that officers be trained not only on the details of the law, but on the safety risks related to distracted driving and the data behind why the law is necessary and should be enforced. â€¢ Enforcement Strategies. When establishing distracted driving enforcement as a priority within an agency, initial enforcement needs to be vigorous, with periodic mobilizations scheduled based on data analysis. There is no single best method for enforcing distracted driving. Each jurisdiction needs to customize a combination of tactical methods and technologies that works best for the agency and community. â€¢ Data-Driven Approach. Maintaining up-to-date records of observational surveys, citations, warnings, and crashes involving distracted driving will allow leaders to: â€“ Provide support to legislators to show the need for a law or a revision to an existing law; â€“ Evaluate how close they are to meeting program goals and objectives; â€“ Target enforcement efforts; â€“ Monitor the impact of ongoing activities; â€“ Plan for future enforcement actions; and â€“ Convey the programâ€™s progress to officers, stakeholders, and residents. â€¢ Providing Feedback. By keeping everyone abreast of successes and failures, leaders can prop- erly allocate resources to most effectively meet program goals. Regular meetings and reviews of performance enhance accountability throughout the agency, demonstrate the support of agency leadership for the program, and ensure that the programâ€™s initiatives are fully imple- mented and remain a priority throughout the agency. â€¢ Motivating Officers. Recognizing the efforts and accomplishments of officers can encourage them to take initiative and strengthen their commitment to the program. Program leaders can employ a variety of incentives that are customized to the needs of the officers and community. Incentives do not have to be elaborate; sometimes the most effective incentives can be simple recognition presented in front of peers. Key Elements of Effective Enforcement Efforts Some important elements of effective enforcement efforts include: ï,– Prioritizing distracted driving as a traffic safety issue within the law enforcement agency. ï,– Conducting specific training and education for law enforcement. ï,– Implementing successful enforcement strategies. ï,– Using data to direct enforcement efforts. ï,– Providing feedback to law enforcement officers. ï,– Motivating initiative within the law enforcement agency. F-50 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 49 â€¢ Often, the wording of the law presents law enforcement officers with challenges when trying to enforce distracted driving legislation. â€¢ Examples of challenges for law enforcement related to how legislation is worded are as follows [update as needed with current examples]: â€“ In Maine, prior to the 2019 revisions to the distracted driving law, the law only prohibited texting while driving and allowed drivers to use phones to play music, search for directions, or dial a call. The law was challenging to enforce because it required the officer to prove that the motorist was texting. â€“ In Pennsylvania, exemptions in the law, including use of a GPS or making a call, make it challenging to enforce the texting law. â€“ In New Mexico and Louisiana, distracted driving laws only prohibit texting while driving. In New Mexico, as in many other jurisdictions, law enforcement may not conduct a search of a cell phone, and there are often difficulties enforcing the law because officers will only issue a citation when they can see a driver blatantly texting while behind the wheel or when they observe erratic driving. â€“ Under the law in Louisiana [as of January 2019], drivers who insist that they are using their phones for something other than texting may not be cited, and officers cannot search through someoneâ€™s phone due to an individualâ€™s right to privacy. â€“ In some states (for example, Nebraska and South Dakota), the distracted driving law is a secondary offense, and law enforcement cannot pull anyone over for texting unless they see another offense. â€“ The existing distracted driving law in South Carolina as well as the previous law in Tennes- see required law enforcement to observe the driver texting when the vehicle is in motion. This limits some types of enforcement activities, such as when drivers are observed using electronic devices when stopped at a light or stop sign. Tennessee passed an updated dis- tracted driving law (effective July 2019). This hands-free law includes provisions that allow for enforcement when the vehicle is stopped at a traffic light or stop sign. â€“ In addition to enforcement challenges, jurisdictions discussed issues related to prioritizing distracted driving offenses in the adjudication process. For example, although enforcement rates are high in Connecticut, many citations are dismissed due to the number of citations that need to be processed by the court system. This may be a source of frustration for law enforcement and may have an impact on their willingness to enforce if the law is not seen as a priority within other agencies. Enforcement Challenges ï,– The content and wording of distracted driving legislation can affect the ability to enforce the law. ï,– For example, if the law often only covers certain behaviors and allows for exemptions that affect enforcement. ï,– Some common issues: ï,– Law only prohibits texting while driving. ï,– Law includes exemptions such as use of GPS or making a call. ï,– Law requires observation of behavior while the vehicle is in motion. ï,– Law is a secondary offense. ï,– Law enforcement has to prove that the phone is used for texting, but not able to examine the phone. ï,– Citations that are issued are dismissed. Presentation for Key Stakeholders F-51 Slide 50 â€¢ Following are some strategies to combat some of the enforcement challenges. [update as needed with current examples] â€¢ Focused Patrols. Connecticut sets up focused patrol zones manned by multiple officers includ- ing a spotter, an officer to pull over the vehicles, and others to write citations. Montgomery County, Maryland, uses a similar technique. Channelization includes use of law enforcement or construction equipment to narrow lanes and allow for better viewpoints of distracted driv- ing. However, it is not a checkpoint. Traffic is not stopped but slows; when necessary, vehicles are pulled to the side of the road. â€¢ Use of Elevated Vehicles. Pickup trucks, commercial trucks, utility vehicles, and buses have been used by enforcement agencies to spot distracted drivers in several jurisdictions including Tennessee, Maine, Manitoba, and Quebec. â€¢ Operation Incognito in Tennessee. Uses elevated vehicles to observe drivers. The Tennessee Highway Safety Office and Highway Patrol invite media and community partners to board a bus and assist as spotters. The spotters notify police in patrol cars when they see distracted drivers. â€¢ Use of Video or Photography. In Idaho, elevated vehicles were also used, and drivers were videotaped in order to ensure that there was evidence of texting behavior. The use of video or photos may serve as a strategy in cases of laws with problematic language for enforcement. Effective Enforcement Strategies Strategies include: ï,– Focused Patrols/Channelization â€“ Creating zones for distracted driving enforcement. ï,– Elevated Vehicles â€“ Used to spot drivers texting or using their device. ï,– Video/Photography â€“ May be used together with other strategies to ensure there is evidence of distracted driving. F-52 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 51 â€¢ Following are some strategies to combat some of the enforcement challenges. [update as needed with current examples] â€¢ Focused Patrols. Connecticut sets up focused patrol zones manned by multiple officers includ- ing a spotter, an officer to pull over the vehicles, and others to write citations. Montgomery County, Maryland, uses a similar technique. Channelization includes use of law enforcement or construction equipment to narrow lanes and allow for better viewpoints of distracted driv- ing. However, it is not a checkpoint. Traffic is not stopped but slows; when necessary, vehicles are pulled to the side of the road. â€¢ Use of Elevated Vehicles. Pickup trucks, commercial trucks, utility vehicles, and buses have been used by enforcement agencies to spot distracted drivers in several jurisdictions including Tennessee, Maine, Manitoba, and Quebec. â€¢ Operation Incognito in Tennessee. Uses elevated vehicles to observe drivers. The Tennessee Highway Safety Office and Highway Patrol invite media and community partners to board a bus and assist as spotters. The spotters notify police in patrol cars when they see distracted drivers. â€¢ Use of Video or Photography. In Idaho, elevated vehicles were also used, and drivers were videotaped in order to ensure that there was evidence of texting behavior. The use of video or photos may serve as a strategy in cases of laws with problematic language for enforcement. Effective Enforcement Strategies Strategies include: ï,– Roving Patrols â€“ Using 2-officer details in unmarked vehicles to survey other cars ï,– Covert Tactics â€“ Undercover flaggers in work zones, Highway Construction vehicles, Panhandlers, etc. ï,– Coordinated campaigns â€“ Joint effort by New England States to conduct enforcement and education Presentation for Key Stakeholders F-53 Slide 52 [Additional slides for community stakeholders and advocates] Community Stakeholders and Advocates F-54 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 53 [Read the role] What Is Your Role? As a community stakeholder and advocate, you have a key role in supporting policy makers in establishing an electronic device use law or promoting revisions to an existing law. You may be involved in testifying, coordinating with the media, collecting data, and generating public support for legislation. Presentation for Key Stakeholders F-55 Slide 54 â€¢ A key strategy to promote new distracted driving legislation is to build a coalition of stake- holders. An effective coalition extends the reach and intensifies the impact of the traffic safety programâ€™s education and outreach efforts by increasing the number of individuals who have a better understanding of the importance of distracted driving legislation and are willing to act as advocates. â€¢ A strong and effective coalition will increase the programâ€™s access to: â€“ Various safety advocates and capabilities within the community, â€“ Available physical and financial resources, and â€“ Different areas of expertise. Coalition Building ï,– A key strategy to promote new distracted driving legislation is to build a coalition of stakeholders. ï,– Coalitions extend the reach and intensify the impact of a traffic safety program. ï,– Coalitions increase access to: â€¢ Various safety advocates and capabilities within the community. â€¢ Available physical and financial resources. â€¢ Different areas of expertise. F-56 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 55 â€¢ Forming a coalition provides stakeholders with an opportunity to: â€“ Combine their resources, â€“ Exchange information and brainstorm, â€“ Disperse responsibilities and work assignments, â€“ Allocate funding and other resources, â€“ Plan community activities, â€“ Review goals and objectives of the program, â€“ Examine progress, and â€“ Develop and modify strategies for outreach. â€¢ Most notably, being part of a coalition can encourage individual members to take on leader- ship roles to increase compliance, raise the level of traffic safety, and improve the quality of life within their community. Coalition Building â€¢ Forming a coalition provides stakeholders with an opportunity to: â€¢ Combine their resources. â€¢ Exchange information and brainstorm. â€¢ Disperse responsibilities and work assignments. â€¢ Allocate funding and other resources. â€¢ Plan community activities. â€¢ Review goals and objectives of the program. â€¢ Examine progress. â€¢ Develop and modify strategies for outreach. â€¢ Being part of a coalition can encourage individual members to take on leadership roles to increase compliance with the law, prioritize traffic safety, and improve the quality of life within their community. Presentation for Key Stakeholders F-57 Slide 56 â€¢ Several jurisdictions indicated that including a variety of partners in the process was key to enacting or revising a more rigorous distracted driving law. â€¢ Important partners to consider include relevant state or provincial government agencies such as highway safety, law enforcement, the judiciary, and the DMV. Other possible partners include political leaders such as legislators and state governors. Nongovernmental stakehold- ers such as safety organizations and community leaders can also help to facilitate and garner support for a new law. â€¢ Victim advocates can also serve as leading voices for stronger distracted driving laws, as has been the case in Maryland and Pennsylvania. â€¢ Several jurisdictionsâ€™ representatives mentioned the importance of inviting groups who might be in opposition to the law to coalition meetings in order to better understand their concerns and arguments and see if their concerns can be addressed or a compromise can be achieved. For example, in some states, issues regarding racial profiling have been raised by different groups. By including concerned parties, it may be possible to reach a compromise, such as through an annual review of citation demographics. â€¢ Examples of coalition building [Update with recent examples as needed]: â€“ In Alberta, community members participated in the vetting process of a new law or revision in order to increase legislative and public acceptability. â€“ The Connecticut Highway Safety Office gathered stakeholders from the police, DMV, and judicial branch to combine efforts to piece together the distracted driving law. â€“ In Maine, the New England AAA played a key role in spearheading legislation. â€“ In Ontario, distracted driving policy changes were made in cooperation with members of the public, enforcement partners, road safety groups, and community groups in both consultations and a public forum. â€“ Representatives in Virginia hired a lobbyist to help them support the transition from a texting law to a hands-free ban. â€“ In Oregon, an interdisciplinary task force was created in 2016 to tackle distracted driving. The task force included subject-matter experts from the fields of transportation, research, law enforcement, communications, health care, the behavioral sciences, and policy, as well as the judicial and legislative branches, and had a goal of covering every facet of distracted driving. The task force made recommendations related to necessary data and reporting, legislation and policy, enforcement, education, and communication. The work of the task force supported the revision of the distracted driving law. Coalition Building Key members include: ï,– Political leaders; ï,– Law enforcement; ï,– Highway Safety Office; ï,– Medical personnel and first responders; ï,– Judiciary; ï,– Department of Motor Vehicles; ï,– Public health officials; ï,– Safety organizations; ï,– Community leaders; ï,– Victim advocates; ï,– Universities/research centers; and ï,– Media. F-58 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 57 â€¢ When helping to develop a law, take into account current technologies and uses and make provisions for future technology. â€¢ The law should attempt to stop the most dangerous behaviors associated with electronic device use; specifically, behaviors that result in diversion of attention from the driving task by taking eyes off the road for any extended period of time, even if the electronic device is hands-free or mounted. â€¢ For a law to be effective, its language must ensure that the law is enforceable. For example, jurisdictions indicated that â€œtextingâ€ is not only difficult to enforce but is also antiquated language. Current users are browsing, snapchatting, watching, creating videos, and manip- ulating the device in other ways. Therefore, it is important to scrutinize all language and terminology used in the law. â€¢ The penalty and fine structure should be clearly defined. â€“ In order to increase public acceptance, fines should be in line with other traffic safety laws. â€“ Incremental fines should be in place for subsequent violations. â€“ Penalties for distracted driving should also be in line with other serious traffic offenses. There is some belief that points against a driverâ€™s license that have the potential to result in temporary suspension or loss of the license are more effective at modifying behavior than monetary fines are. Additionally, points on a license are often associated with increased insurance rates, making the penalty more punitive. â€¢ The law should have few exemptions. Possible exemptions include: â€“ Law enforcement and first responders in the line of duty, â€“ Reporting an emergency, and â€“ Hands-free use of GPS or navigational system. Key Components of Electronic Device Use Legislation ï,– Take into account current technologies and uses, as well as make provisions for future technology. ï,– Attempt to stop the most dangerous behaviors associated with electronic device use; specifically, behaviors that result in taking eyes off the road. ï,– Use inclusive language: ï,– The term â€œelectronic device,â€ as opposed to â€œcell phoneâ€ or â€œmobile device,â€ allows for greater inclusion of devices covered by the law. ï,– Use clear descriptions of behaviors in violation of the law. ï,– Have well-defined penalty and fine structures. ï,– Have limited exemptions to the law. Presentation for Key Stakeholders F-59 Slide 58 â€¢ Timing for outreach efforts is ideally year-round, but this is often not feasible due to budget- ary and staff restrictions. If restricted, focus outreach efforts around periods of high-visibility enforcement or other events such as changes in the legislation or Distracted Driving Aware- ness Month in April. Designing Public Awareness Campaigns ï,– Partner with coalition members to educate on risks of distracted driving and the importance of the electronic device use law. ï,– Timing for outreach efforts: ï,– Ideally, year-round. ï,– To publicize the initial enactment or revision of a distracted driving law. ï,– During enhanced/targeted periods â€“ such as Distracted Driving Awareness Month or other high-visibility enforcement campaigns. F-60 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 59 â€¢ It is important to employ various media outlets to deliver messages on distracted driving because it broadens the audience and the reach of the message. Methods to consider include: â€“ Press releases, â€“ Television and radio broadcast PSAs, â€“ Social media posts, and â€“ Public events and school programs. Designing Public Awareness Campaigns Possible media outlets and venues include: ï,– Press releases, ï,– Television and radio broadcast PSAs, ï,– Social media, and ï,– Public events and school programs: ï,– County fairs, ï,– Health fairs, and ï,– Sporting events. Presentation for Key Stakeholders F-61 Slide 60 â€¢ Key components of a well-designed outreach message include: â€“ 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 where distracted driving was a contributing factor. â€“ Compelling Headline. The headline should be direct, informative, and grab the audienceâ€™s attention. It should also be brief, keeping in mind character limitations of different distri- bution platforms (e.g. Twitter 71 to 100 characters, Google 60 characters, Facebook 40 char- acters). It should be information rich and understandable; make sure to include keywords. â€“ Informative Leading Sentences. Include who, what, where, when, and why in the first few sentences of the body of the message. The remaining content should be supporting information. â€“ Customized Tone and Talking Points ï¿½ Tailor the message so that it resonates with the target audience. Use language the audience will clearly understand. ï¿½ Modify the message so it reflects the agency relaying the message. For example, certain messages are more appropriate from law enforcement, others from practitioners and other safety advocates. Relevant Timing Should coincide with an event. Compelling Headline Should be direct, informative, and grab audience attention. Informative Leading Sentences Include the who, what, where, when, and why in first few sentences. Customized Tone Tailored to the audience. Key Components of a Well- Designed Message F-62 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 61 â€¢ Key components of a well-designed outreach message include: â€“ 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. â€“ A Clear Call to Action. Have a goal in mind when developing the message and clearly state what you want the audience to do or take away from the information. Provide hyperlinks for additional information, and provide contact information for follow-up questions. â€“ Limits on Length. Keep the message brief to reduce the risk of losing the audienceâ€™s atten- tion. Typically stay between 400â€“600 words. â€“ When Possible, Use Multimedia. When possible, enliven the message by adding multimedia elements, including photos, videos, and infographics. Key Components of a Well-Designed Message Use Quotations As Support Supplement facts with supporting quotes. Have a Clear Call to Action Have a goal in mind when developing the message. Be Conscientious of Length Keep the message brief to reduce risk of losing the audience. When Possible Use Multimedia Make the message more compelling by use of multimedia. Presentation for Key Stakeholders F-63 Slide 62 â€¢ Examples of campaigns following enactment or revision of a distracted driving law include the following [update as needed with current programs]: â€“ Maryland developed a campaign called â€œPark the Phone before You Drive,â€ which targeted the handheld cell phone law. The campaign materials were distributed via Marylandâ€™s traf- fic safety partners. Outreach also targeted the law enforcement community regarding the proper enforcement of Marylandâ€™s handheld cell phone law. â€“ Connecticut developed the â€œU Drive. U Text. U Pay.â€ campaign. Press events and ride-alongs were conducted with police to gain publicity about the distracted driving law through earned media. The slogan was also used in radio spots and at movie theaters, concerts, and events. Brochures with information about the law and the dangers of distracted driving were also developed and distributed with citations for the period following the enactment of the new law. â€¢ Examples of unique distracted driving campaigns during distracted driving awareness month include the following [update as needed with current programs]: â€“ In Alberta, February is designated for distracted driving prevention. One of the more prom- inent campaign slogans it used was in 2013 and was titled â€œCrotches Kill.â€ The campaign targeted drivers who texted while driving and included billboards, radio, social media, online display ads, and a website. â€“ Based on findings from focus groups with the public after distracted driving became the leading cause of crashes in 2014, Ontario developed a campaign titled â€œPut Down the Phone. It Happens Fast.â€ The television advertisement developed for the campaign depicted a young man struck by a vehicle after a driver looked at a phone for just a few seconds. It was heavily publicized and won a platinum award for most hits on Google. A KAB survey conducted before and after the campaign found that after the ads were viewed by the gen- eral public, awareness of the dangers of distracted driving increased significantly. â€“ The Tennessee Highway Safety Office promoted â€œThumbs Down to Texting & Driving.â€ This campaign spread awareness by encouraging the public to post photos of two thumbs down with #ThumbsDownTN on social media throughout the month of April 2019. Successful Public Awareness Campaigns Connecticut Citation Holder with Information on New Law Alberta Award Winning â€œCrotches Killâ€ Campaign Manitoba â€œSave the 100â€ Campaign F-64 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 63 [Additional slides for public health officers] Public Health Officers Presentation for Key Stakeholders F-65 Slide 64 [Read role] What Is Your Role? As public health officials, your role is to support policy makers in their efforts to create or revise electronic device legislation. As experts in the field, you may provide needed background information to support this process or take part in evaluation efforts. F-66 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 65 â€¢ Researchers and other public health officers can serve as a resource for all the data needed for a data-driven approach to legislation, enforcement, and education efforts. In doing so, you can assist the highway safety officer in collecting, analyzing, managing, and distributing data to key stakeholders. Help Collect Data and Evaluate Program Effectiveness ï,– Effective programs track success, identify limitations, and use data to direct future activities. ï,– Continuous and periodic evaluation of the impact of distracted driving enforcement and education is essential to sustaining its success. ï,– Measures that may be useful for understanding electronic device use and for monitoring changes 0ver time: ï,– Overall electronic device use rates. ï,– Distracted driving related traffic stops, citations, and warning violations issued. ï,– Serious injury and fatal crash rates related to distracted driving. Presentation for Key Stakeholders F-67 Slide 66 â€¢ Examples of using data to support distracted driving prevention include: â€“ Regular Updates. Virginia develops a report on fatalities related to distracted driving and disseminates it to key stakeholders on a weekly basis. In addition, Virginia law enforcement officers have access to an online crash reporting system that includes queries on distracted driving. â€“ KAB Measures. In many cases, the survey data point to a high level of awareness of the dangers of distracted driving. For example: ï¿½ In December 2017, a survey of Ontarians revealed that the majority (90%) felt it was dan- gerous to send/read a text message or use a handheld device while driving; perceptions of these dangers have increased since 2015 (85%). ï¿½ Manitoba Public Insurance uses annual KAB surveys with the public to measure recall of road safety campaign messages and changes in reported driving behaviors. These surveys are conducted before and after the campaign, with surveys at 2- and 6-month intervals following the campaign. Quebec also conducts KAB surveys and press review analysis following public awareness campaigns. While only a few jurisdictions indicated that they conducted quantitative evaluations on their public outreach and education programs, several more conducted analysis of social media data. â€“ Observational Data. In addition to the NOPUS estimates collected annually, a few states have collected cell phone use data, some during their annual state seat-belt surveys. In Connecticut, observational surveys of distracted driving are conducted regularly. In 2018, Maine conducted a statewide observational survey of distracted driving. With respect to the Canadian provinces, Manitoba conducts annual observational surveys of cell phone use together with other driver behaviors. In 2017, Quebec conducted a study to observe distracted drivers and identify the sources of distraction. â€“ Meetings. The focus of a digital town hall held by the Virginia Governorâ€™s Office was on dis- tracted driving (N = 2,084). Findings pointed to a negative perception of distracted driving by commonwealth citizens. Respondents were asked to provide three words to describe the act of driving distracted. The word â€œdangerousâ€ was mentioned most frequently (Virginia DMV and Virginia Tech 2018). Using Data to Support Distracted Driving Prevention Some examples of how data can be used to support distracted driving legislation, enforcement, and public awareness activities include: ï,– Conduct observational surveys of distracted driving. ï,– Provide regular updates on electronic device use citations and crashes for key stakeholders. ï,– Measure knowledge, attitudes and behaviors in the public and share the information with stakeholders. ï,– Conduct surveys to measure exposure and effectiveness of public awareness campaigns. ï,– Meet with public to share opinions and perceptions. Three Words Used to Describe the Act of Driving Distracted, #YourSayVA Digital Town Hall Distracted Driver Survey F-68 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 67 â€¢ Evaluation helps you better understand program effectiveness. In particular: â€“ If and when program goals are met â€“ If the law is effective and which enforcement and education strategies are most and least effective â€“ Adjustments needed to improve current education and enforcement approaches â€“ How to redirect resources â€“ Provide officer feedback and motivation â€“ Identify if changes to the law are needed Goals of Ongoing Evaluation Periodic measures will enable jurisdiction representatives to identify: ï,– If and when program goals are met ï,– If the law is effective and which enforcement and education strategies are most and least effective ï,– Adjustments needed to improve current education and enforcement approaches ï,– How to redirect resources ï,– Provide officer feedback and motivation ï,– Identify if changes to the law are needed Presentation for Key Stakeholders F-69 Slide 68 [Additional slides for educators] Educators F-70 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 69 [Read role] What Is Your Role? As educators, you have a role in dissemination of information on the risks of distracted driving and any revisions to distracted driving laws. Your work may primarily be with young drivers, in which case you can encourage them to be positive influencers. Presentation for Key Stakeholders F-71 Slide 70 â€¢ Young drivers are a key target audience for distracted driving prevention. There are several strategies that can be used when working with young drivers to educate them on the dangers of distracted driving. [Review strategies on slide] Key Programs to Target Teens ï,– Young drivers are a key target audience for distracted driving prevention. ï,– Many jurisdictions have stricter legislation and penalties for young drivers. ï,– Public awareness efforts that target young drivers are promoted in many jurisdictions. The types of strategies used include: ï,– Targeted education programs in high schools ï,– Social media campaigns targeting young drivers ï,– Virtual reality and simulator experience ï,– Public awareness efforts at key venues and events attended by teens ï,– Driver education, specifically on distracted driving for teens ï,– Program design and evaluation with and by teensâ€”encouraging them to be influencersâ€”as well as peer-to-peer programs F-72 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 71 â€¢ An additional example of a PSA geared toward teenage drivers can be found here: â€“ Examples of Distracted Driving Prevention with Teens A Student Using the DriveSmart Virginia Simulator Targeted PSAs for Teens â€“ Canadian Example South Dakotaâ€™s Award Winning Jim Reaper Presentation for Key Stakeholders F-73 Slide 72 â€¢ It is recognized that youth have a pivotal role in promoting behavioral change and their energy should be harnessed to influence changes with respect to distracted driving. â€¢ Additional information on engaging youth as influencers can be found in: â€“ Henness, S. A., and Ball, A. (2019). Engaging Youth as Influencers in Leadership Event Planning. Journal of Human Sciences and Extension, 7(1). â€“ World Health Organization. Engaging Young People for Health and Sustainable Develop- ment: Strategic Opportunities for the World Health Organization and Partners. (2018). Geneva: World Health Organization. Engaging Youth to be Influencers ï,– It is recognized that youth have a pivotal role in promoting positive change in health and safety outcomes. ï,– Agencies around the world, including the World Health Organization, the United Nations, NGOs, and private-sector actors, are engaging young people in innovative ways. ï,– Key strategies for engaging youth to be influencers in the community include: ï,– Establishing an environment that allows young people to have space, voice, audience, and influence; ï,– Enabling young people to shape and implement agendas; and ï,– Explicitly committing to engagement and leadership by young people. F-74 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 73 â€¢ Peer-to-peer education could serve as an opportunity to educate about the risk of distracted driving. This form of education is based on people with similar characteristics or experiences learning from one another. Rather than adults who are outside the group telling teens what to do, members of the peer group take on the responsibility. â€¢ More information can be found in: Fischer, P. (2019). Peer-to-Peer Teen Traffic Safety Pro- gram Guide. (Report No. DOT HS 812 631). Washington, D.C.: National Highway Traffic Safety Administration. peer2peerbrochure_031519_v4-blankpages-tag.pdf. Peer-to-Peer Education Initiatives ï,– Peer-to-peer education is: ï,– Based on people with similar characteristics or experiences learning from one another. ï,– Considered an efficient, empowering, and low-cost way to reach a specific audience. ï,– Peer educators: ï,– Are typically self-motivated and welcome the opportunity to share what they know with their peer group. ï,– Use the established peer-centric communication channels (including social media) that are culturally and linguistically appropriate. ï,– Should be provided with targeted information to share with the peer group. Presentation for Key Stakeholders F-75 Slide 74 â€¢ These tips are based on Project Ignition, a joint program of the National Youth Leadership Council and NHTSA to pilot and support peer-to-peer teen traffic safety (National Youth Leadership Council 2016). â€¢ More information can be found in: Fischer, P. (2019). Peer-to-Peer Teen Traffic Safety Pro- gram Guide. (Report No. DOT HS 812 631). Washington, D.C.: National Highway Traffic Safety Administration. peer2peerbrochure_031519_v4-blankpages-tag.pdf. Key Strategies for Peer-to- Peer Programs Elements of a successful peer-to-peer effort include: â€¢ Pretesting messages to gauge teen response. â€¢ Communicating information that teens do not already know. â€¢ Combining communication strategies with other proven prevention countermeasures, such as advocating to change or enforce a law or policy. â€¢ Giving teens the opportunity to experience and discuss individually and in small groups what you want them to understand and consider if and why they should care and what they want to do about it. â€¢ Providing role playing and other opportunities to help teens build skills to resist peer pressure to engage in unsafe behaviors and skills to encourage and hold teens accountable for the promoted safe behaviors. â€¢ Including parents by educating them about the importance of setting limits and discussing driver safety with their teens. F-76 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 75 Example Programs Based on Youth Engagement Page 13 Page 143 Share Suggested Citation:"Appendix G - Presentation for Law Enforcement Officers." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 144 Share Suggested Citation:"Appendix G - Presentation for Law Enforcement Officers." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 145 Share Suggested Citation:"Appendix G - Presentation for Law Enforcement Officers." National Academies of Sciences, Engineering, and Medicine. 2021. 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Because it is UNCORRECTED material, please consider the following text as a useful but insufficient proxy for the authoritative book pages. G-1 A P P E N D I X G Presentation for Law Enforcement Officers G-2 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 1 Effective Enforcement of an Electronic Device Law Electronic Presentation for Law Enforcement Presentation for Law Enforcement Officers G-3 Slide 2 1 Background Distracted Driving is a diversion of attention away from activities critical for safe driving toward a competing activity. In 2018, there were 2,841 motor vehicle fatalities in the United States involving a distracted driver (7.8% of total motor vehicle fatalities). Distracted driving is commonly underreported. According to the World Health Organization, the use of electronic devices is a growing problem and considered a serious threat to traffic safety. Many states and local governments, in the United States and internationally, have passed laws restricting or banning the use of electronic devices to talk or text while driving. G-4 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 3 â€¢ For a traffic safety program to be effective, law enforcement officers need to be familiar with the legislation, understand that electronic device/distracted driving enforcement is an impor- tant part of traffic safety, and be willing to communicate this message to motorists. The pur- pose of this presentation is to share strategies to accomplish these goals. â€¢ The content in this presentation is based on knowledge and experience from previous work with law enforcement as well as findings from an in-depth scan of electronic device use legisla- tion and enforcement efforts across jurisdictions in the United States and Canada. Purpose of this Presentation 2 Enforcement countermeasures are essential to the success of an electronic device use law to reduce distracted driving. BACKGROUND This presentation is designed to provide law enforcement with essential information to support effective education and enforcement of an electronic device use law. The information in the presentation is based on experiences of law enforcement agencies across the United States and Canada. Presentation for Law Enforcement Officers G-5 Slide 4 â€¢ Often, effective enforcement goes beyond the officer issuing a citation. â€¢ It is important that law enforcement be involved in the process of developing or revising electronic device use legislation from the beginning. â€¢ You can help to ensure that the language of the law is enforceable. In addition, you might be able to provide support for the legislation by testifying for the general assembly from the perspective of enforcement and traffic safety. â€¢ Once the law is in place, you assist by educating the public and enforcing the law. What Is Your Role? 3 ï‚– Support the process of implementing or revising electronic device use legislation by reviewing the language used and testifying in front of a general assembly or committee. ï‚– Once a law is in place, your role is to educate the public and enforce the law. BACKGROUND G-6 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 5 â€¢ Key components of an effective traffic safety program include: â€“ Leadership in the Agency. Visible commitment from agency leadership, beginning with the inception of the legislative idea through its enactment and enforcement, will set a strong example for other officers, who will look to leadership for support and direction. â€“ Training. Law enforcement officers will become the face of the distracted driving enforcement effort, so it is critical that they become familiar with the details of the law and are trained on different enforcement strategies. All officers, not just those who are tasked with enforcing it (i.e., traffic safety unit), should be trained on the importance of traffic safety and encouraged to make contact if they see someone not adhering to the law. In addition, it is important that officers be trained not only on the details of the law, but also on the safety risks related to distracted driving and the data behind why the law is necessary and should be enforced. â€“ Enforcement Strategies. When establishing distracted driving enforcement as a priority within an agency, initial enforcement needs to be vigorous, with periodic mobilizations based on data analysis. There is no single best method for enforcing distracted driving. Each jurisdiction needs to customize a combination of tactical methods and technologies that works best for the agency and community. â€“ Data-Driven Approach. Maintaining up-to-date records of observational surveys, citations, warnings, and crashes involving distracted driving will allow leaders to: ï¿½ Demonstrate to legislators the need for a law or a revision to an existing law; ï¿½ Evaluate how close they are to meeting program goals and objectives; ï¿½ Focus enforcement efforts; ï¿½ Monitor the impact of ongoing activities; ï¿½ Plan for future enforcement actions; and ï¿½ Convey the programâ€™s progress to officers, stakeholders, and residents. â€“ Providing Feedback. By keeping everyone informed of successes and failures, leaders can properly allocate resources to most effectively meet program goals. Regular meetings and performance reviews enhance accountability throughout the agency, demonstrate the support of agency leadership for the program, and ensure that the programâ€™s initiatives are fully implemented and remain a priority throughout the agency. â€“ Motivating Officers. Recognizing the efforts and accomplishments of officers can encour- age them to take initiative and strengthen their commitment to the program. Program leaders can employ a variety of incentives that can be customized to the needs of the officers and community. Incentives do not have to be elaborate; the most effective incentives can be simple recognition presented in front of peers. Key Elements of an Effective Traffic Safety Program Some important elements of effective enforcement efforts include: ï‚– Prioritize distracted driving within your law enforcement agency. ï‚– Conduct targeted officer training and education. ï‚– Implement effective enforcement strategies. ï‚– Use data to direct enforcement efforts. ï‚– Provide feedback to law enforcement officers. ï‚– Motivate law enforcement officers to promote the initiative. 4BACKGROUND Presentation for Law Enforcement Officers G-7 Slide 6 â€¢ This presentation provides information on these subject areas. Presentation Topics 5 Identifying the Problem Prioritizing Distracted Driving as a Safety Issue Officer Training BACKGROUND Enforcement Public Information and Education Data-Driven Approach Officer Safety Feedback and Motivation G-8 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 7 Identifying the Problem â€œA problem clearly stated is a problem half solved.â€ DOROTHEA BRANDE 6 Presentation for Law Enforcement Officers G-9 Slide 8 â€¢ The first step in any effective traffic safety program is to define the problem. â€¢ Current and historical statistics provide the basic information needed to identify distracted driving safety challenges, define the extent of the problem, establish baseline measures, and target enforcement and educational interventions for maximum impact. A data-driven approach can support the development of a strategic plan by providing information needed to define the programâ€™s goals, objectives, appropriate countermeasures, and schedule. â€¢ Data can address the following questions: â€“ What is the current electronic device use rate while driving? â€“ Are there subgroup differences with respect to electronic device use while driving? â€“ Are there locations with large numbers of crashes where distracted driving was a factor? â€“ What is law enforcementâ€™s current level of effort with regard to traffic safety, specifically distracted driving enforcement? ï¿½ Number of traffic stops ï¿½ Number of warnings ï¿½ Number of citations Identifying the Problem Data can be used to answer the following questions: â€¢ What is the current electronic device use rate while driving? â€¢ Are there subgroup (age, sex, etc.) differences with respect to electronic device use while driving? â€¢ Are there locations with large numbers of crashes where distracted driving was a factor? â€¢ What is law enforcementâ€™s current level of effort with regard to distracted driving enforcement? â€¢ Number of traffic stops â€¢ Number of warnings â€¢ Number of citations 7IDENTIFYING THE PROBLEM G-10 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 9 Prioritizing Distracted Driving as a Traffic Safety Issue â€œMotivation is what gets you started. Commitment is what keeps you going.â€ JIM ROHN 8 Presentation for Law Enforcement Officers G-11 Slide 10 â€¢ Visible commitment from agency leaders from the inception of the legislative idea through enactment and enforcement of the law sets a strong example for other officers who will look to leadership for support and direction. â€¢ Strong leadership provides clear and consistent messaging by establishing priorities and issuing support for overall goals. â€¢ Within the law enforcement agency, a program leader should be officially designated by command staff and publicly given full authority to manage the program, monitor its prog- ress, and ensure that feedback is provided to program leaders, stakeholders, and community residents. Appointing a program leader sends a clear message that distracted driving is an integral part of the agencyâ€™s and communityâ€™s safety culture. â€“ Command staff can introduce the program and designate a leader during an all-staff meet- ing, during roll call, or through a memo to agency staff. The program leader may be the chief of the agency, the officer responsible for a traffic enforcement unit, or an individual designated especially for this program. Importance of Leadership ï‚– Appointing a program leader sends a clear message that reducing electronic device use is an integral part of the agencyâ€™s and communityâ€™s safety culture. ï‚– Having a champion will promote ownership within the agency and help ensure sustainability of enforcement activities. ï‚– The program leader will have full authority to manage the program, establish priorities, monitor progress, and ensure that feedback is provided to program leaders, stakeholders, and community residents. 9PRIORITIZING DISTRACTED DRIVING G-12 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 11 â€¢ The program leader will work with command staff to gain commitment and support from fellow officers, safety advocates, and community members. â€¢ It is important that the appointed leader be someone with the ability to inspire commit- ment and action. To do this, he or she must have support and buy-in from lieutenants and sergeants. â€¢ It is also important that the program leader foster commitment, accountability, and creativity among officers within the agency in order to maintain buy-in and advance the programâ€™s goals. Program Leader The program leader should: ï‚– Be motivated and passionate about decreasing electronic device use within the community. ï‚– Serve as a role model and source of information for developing and implementing the program. ï‚– Possess strong organizational skills. ï‚– Have the ability to inspire commitment, creativity, and action. 10PRIORITIZING DISTRACTED DRIVING Presentation for Law Enforcement Officers G-13 Slide 12 Officer Training â€œLearn as if you were not reaching your goal and as though you were scared of missing it.â€ CONFUCIUS 11 G-14 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 13 â€¢ Law enforcement officers will become the face of the distracted driving enforcement effort, so it is critical that they be familiar with the details of the law and trained on different enforce- ment strategies. â€¢ All officers, not just those who are tasked with enforcing the law (i.e., traffic safety unit), should be trained on the importance of traffic safety and encouraged to make contact if they see someone not adhering to the electronic device use law. â€¢ Officers should be trained not only on the details of the law but also on the safety risks related to distracted driving and the data behind why the law was enacted and should be enforced. Officers need to understand that enforcing this law should be an integral part of their traffic safety duties. With this information, they can create a climate of compliance through the publicâ€™s perception that the law will be enforced if they are stopped for a traffic violation. If drivers believe they will be cited (as opposed to only receiving a warning) for violating a traffic law, they will be more likely to obey those traffic laws. Training and Education ï‚– Law enforcement officers are the face of the enforcement effort. ï‚– Familiarity with the details of the electronic device use law is critical. ï‚– Officers should be aware of the safety risks of distracted driving and local data on this issue. ï‚– All officers should be encouraged to enforce the law and use the traffic stop as an opportunity to educate the public on the dangers of distracted driving. ï‚– Law enforcement will create a climate of compliance by actively enforcing the electronic device use law as an integral part of traffic safety duties. 12OFFICER TRAINING Presentation for Law Enforcement Officers G-15 Slide 14 â€¢ Formal training can assist law enforcement staff when interacting with the public by arming them with facts related to the state law and the importance of not using electronic devices while driving. The level of training can vary considerably among different agencies, depending on funding and resources. Content of Training 13 Training should include: ï‚– Why the agency has elected to make enforcement of electronic device use a priority. ï‚– Why electronic device use is a traffic safety issue in the community. Use data to discuss: ï‚– Number of crashes related to distracted driving, including those leading to serious injuries or fatalities. ï‚– Number of distracted driving-related traffic stops, citations, and warning violations issued. ï‚– Planned strategies for enforcing the law. OFFICER TRAINING G-16 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 15 â€¢ Training opportunities can include: â€“ Formal classroom training in basic law enforcement academies outlining the electronic device use law, importance of not driving distracted, and strategies for enforcing the law. â€“ Refresher courses offered to field officers. â€“ Informal instruction by first-line supervisors. â€“ Quick reference cards provided to officers, specifically to be used during the high-visibility enforcement campaigns. â€“ Roll call training to review best practices. â€“ Videos outlining strategies or tactics for identifying distracted drivers. Training Opportunities Training opportunities can include: ï‚– Formal classroom training in basic law enforcement academies. ï‚– Refresher courses offered to field officers. ï‚– Informal instruction by first-line supervisors. ï‚– Quick reference cards provided to officers, specifically to be used during the high-visibility enforcement campaigns. ï‚– Roll call training to review best practices. ï‚– Videos outlining strategies or tactics for identifying distracted drivers. 14OFFICER TRAINING Presentation for Law Enforcement Officers G-17 Slide 16 Enforcement â€œU Text. U Drive. U Pay.â€ U.S. DOT 15 G-18 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 17 â€¢ When developing a successful traffic safety program, the most effective tools program leaders can employ are highly visible police enforcement of the law and targeted public information, education, and outreach campaigns. â€¢ When establishing distracted driving enforcement as a priority within an agency, initial enforcement needs to be vigorous, with periodic mobilizations scheduled based on data analysis. There is no single best method for distracted driving enforcement. Each jurisdiction needs to customize a combination of tactical methods and technologies that works best for the agency and community. Enforcing the Law 16 ï‚– Following a change to the law or policy, it is important to conduct vigorous enforcement combined with education. ï‚– Ongoing enforcement as well as periodic data-driven mobilizations are recommended. ï‚– Each jurisdiction should customize a combination of tactical methods and technologies that work best for the agency and community. EFFECTIVE ENFORCEMENT STRATEGIES Presentation for Law Enforcement Officers G-19 Slide 18 â€¢ The way the law is written and the words used can present challenges for law enforcement. Some common challenges include: â€“ Law only prohibits texting while driving, â€“ Law includes exemptions such as use of GPS or making a call, â€“ Law requires observation of behavior while the vehicle is in motion, â€“ Law is a secondary offense, â€“ Law enforcement has to prove that the phone is used for texting but is prohibited from examining the phone, and â€“ Citations are dismissed in court. â€¢ These challenges may require law enforcement to get creative. The next few slides present some of the strategies used by law enforcement to enforce distracted driving laws. Enforcement Challenges 17 The content and wording of distracted driving legislation can affect the ability to enforce the law. ï‚– For example, if the law only covers certain behaviors and allows for exemptions, that affects enforcement. Some common challenges are as follows: ï‚– Law only prohibits texting while driving. ï‚– Law includes exemptions such as use of GPS or making a call. ï‚– Law requires observation of behavior while the vehicle is in motion. ï‚– Law is a secondary offense. ï‚– Law enforcement has to prove that the phone is used for texting, but is prohibited from examining the phone. ï‚– Citations are dismissed by court. EFFECTIVE ENFORCEMENT STRATEGIES G-20 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 19 â€¢ Create areas for enhanced enforcement manned by multiple officers, such as: â€“ Focused Patrols. Connecticut sets up focused patrol zones manned by multiple officers including a spotter, an officer to pull over vehicles in violation, and other officers to write citations. â€“ Channelization. Montgomery County, Maryland, uses law enforcement vehicles, construc- tion equipment, and parking cones to narrow lanes and allow for better viewpoints of distracted driving. However, it is not a checkpoint. Traffic is not stopped but slows; when a driver in violation of the law is spotted, the vehicle is pulled out of the queue to the side of the road. â€“ Safety Corridors. Ohio DOT and the State Highway Patrol work together to identify high- risk areas based on crash data and create safety corridors with signs. They conduct high rates of enforcement and education at schools and communities near these corridors. â€“ Multijurisdictional Patrols. These use crash and citation data to target specific areas for enforcement. At times, these can be joint operations involving multiple law enforcement agencies. Effective Enforcement Strategies Create areas for enhanced enforcement manned by multiple officers: ï‚– Focused patrol zone ï‚– Channelization ï‚– Safety corridor ï‚– Multijurisdictional patrols 18EFFECTIVE ENFORCEMENT STRATEGIES Presentation for Law Enforcement Officers G-21 Slide 20 â€¢ Use of specialized vehicles or equipment to enforce: â€“ Elevated Vehicles. Larger vehicles such as pickup trucks, commercial trucks, utility vehicles, and buses have been used by enforcement agencies to spot distracted drivers in several state and provincial jurisdictions, including Minnesota, Tennessee, Maine, Manitoba, and Quebec. Operation Incognito in Tennessee used elevated vehicles to observe drivers. The Tennessee Highway Safety Office and Highway Patrol invited media and community partners to board a bus and assist as spotters. The spotters notified police in patrol cars when they saw distracted drivers. â€“ Video or Photography. The use of video or photography may serve as a strategy in cases of laws with problematic language for enforcement. In Idaho, elevated vehicles were also used and drivers were videotaped in order to ensure that there was evidence of texting behavior. 19 Effective Enforcement Strategies Use of specialized vehicles or equipment to enforce: ï‚– Elevated vehicles ï‚– SUVs, buses, cherry pickers, tractor trailers ï‚– Video/photography EFFECTIVE ENFORCEMENT STRATEGIES G-22 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 21 â€¢ Use of unmarked vehicles and covert tactics: â€“ Roving Patrols. In Maine, state police used two-officer details in unmarked vans and SUVs; one officer drove and the other surveyed nearby cars. â€“ Covert Tactics. Vermont state police have used undercover flaggers in work zones, as well as a spotter on a hill peering into vehicles using binoculars. In Maryland, Montgomery and Frederick County law enforcement dressed as panhandlers, carrying a sign (â€œAre you using your cell phone?â€), and radioed to an officer down the road, who would pull dis- tracted drivers over and issue a citation. Work vehicles from the Pennsylvania Turnpike or PennDOT have been used to camouflage police observing distracted driving violations. 20 Effective Enforcement Strategies Use of unmarked vehicles and covert tactics: ï‚– Roving patrols ï‚– Undercover officers ï‚– Flaggers in work zones, highway construction workers, panhandlers, etc. EFFECTIVE ENFORCEMENT STRATEGIES Presentation for Law Enforcement Officers G-23 Slide 22 â€¢ Coordinated campaigns by multiple jurisdictions for education and enforcement. â€“ One unique campaign that was discussed is a joint effort by the six New England states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. â€œJust Drive New Englandâ€ is a coordinated distracted driving education and enforcement campaign run during National Distracted Driving Awareness month. In Canada there have also been a few coordinated campaigns. 21 Effective Enforcement Strategies Â– Coordinated campaigns by multiple jurisdictions for enforcement and education. EFFECTIVE ENFORCEMENT STRATEGIES G-24 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 23 Public Information and Education â€œEducation is the most powerful weapon we can use to change the world.â€ NELSON MANDELA 22 Presentation for Law Enforcement Officers G-25 Slide 24 â€¢ By providing details related to how and why the traffic safety program is being implemented and by demonstrating that enforcement is data driven rather than being viewed as a revenue stream, the public information and education program is likely to increase public support and promote success. â€¢ Make sure to use local data, when available, to promote safer driving behavior. Using local data will resonate more with your residents. â€¢ When developing materials, it is also important to differentiate between distracted driving and electronic device use, which is just one type of distraction. Public Information and Education ï‚– Make sure to incorporate public information and education to gain support from key stakeholders and community residents. ï‚– Provide the public with data, facts, and information on the dangers of distracted driving and the electronic device use law. Resources include: ï‚– Developing a Model Press Release on Electronic Device Use While Driving ï‚– IACP Distracted Driving Talking Points ï‚– The information you provide to community leaders and motorists needs to identify enforcement as an essential part of the electronic device use law. 23PUBLIC INFORMATION AND EDUCATION G-26 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 25 â€¢ Clear and consistent messaging encourages motorists to adopt behavioral changes. â€¢ Traffic stops are an excellent opportunity to educate the public. If residents are aware of the safety issues associated with using an electronic device while driving and are given details related to the traffic safety program, they will be more likely to support enforcement efforts. â€¢ Handouts, such as flyers and postcards with traffic safety information and information about the law, including what behaviors are prohibited, can be used during traffic stops to help educate the public. Communicating the Law to Motorists Traffic stops are opportunities to educate. ï‚– Take the time to explain the law and the dangers of distracted driving. ï‚– Develop and distribute flyers, postcards, or brochures that also provide this information. ï‚– Clear and consistent messaging may encourage motorists to adopt behavioral changes. Connecticut Citation Holder with Information on New Law 24PUBLIC INFORMATION AND EDUCATION Presentation for Law Enforcement Officers G-27 Slide 26 â€¢ The program leader or public information officer can start with grassroots activities. â€¢ It is important to note that, while community members and stakeholders cannot directly contribute to enforcement efforts, they can contribute to the programâ€™s success by working together to: â€“ Support education and law enforcement events, â€“ Exchange information and ideas related to public outreach, â€“ Plan community activities, â€“ Schedule and support public outreach events, â€“ Allocate funding and identify resources, â€“ Review goals and objectives of the program, and â€“ Assist with measuring objectives. Joint Education Efforts ï‚– Make every effort to identify individuals and organizations who have a vested interest in promoting traffic safety. ï‚– Community members and stakeholders cannot directly contribute to enforcement efforts, but they can work with you on education and public outreach. ï‚– Communication and information sharing may include: ï‚– Media such as press releases, public service announcements, and social media. ï‚– Attendance at local meetings such as resident association meetings, community coalition meetings, meetings with local emergency and medical personnel, etc. ï‚– Joint activities and events with community stakeholders. 25PUBLIC INFORMATION AND EDUCATION G-28 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 27 â€¢ Timing for outreach efforts is ideally year-round, but often this is not feasible due to budgetary and staff restrictions. If restricted, outreach efforts should be conducted around periods of high-visibility enforcement or other events such as changes in the legislation or Distracted Driving Awareness Month in April. Designing Public Awareness Campaigns 26 Timing for outreach efforts: ï‚– Ideally, year-round to publicize the initial enactment or revision of a distracted driving law. ï‚– Conduct during enhanced/targeted periods, such as Distracted Driving Awareness Month or other high-visibility enforcement campaigns. PUBLIC INFORMATION AND EDUCATION Presentation for Law Enforcement Officers G-29 Slide 28 â€¢ It is important to employ various media outlets to deliver messages on distracted driving because it broadens the audience and the reach of the message. Methods to consider include: â€“ Press releases, â€“ Television and radio broadcast PSAs, â€“ Social media posts, and â€“ Public events and school programs. Designing Public Awareness Campaigns Possible media outlets and venues include: ï‚– Press releases ï‚– Television and radio broadcast public service announcements (PSAs) ï‚– Social media Public events and school programs: ï‚– County fairs ï‚– Health fairs ï‚– Sporting events 27PUBLIC INFORMATION AND EDUCATION G-30 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 29 â€¢ Key components of a well-designed outreach message include: â€“ 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 where distracted driving was a contributing factor. â€“ Compelling Headline. The headline should be direct, informative, and grab the audi- enceâ€™s attention. It should be information rich and understandable; make sure to include keywords. It should also be brief, keeping in mind character limitations of different dis- tribution platforms (e.g., Twitter: 71 to 100 characters, Google: 60 characters, Facebook: 40 characters). â€“ Informative Introductory Sentences. Include who, what, where, when, and why in the first few sentences of the body of the message. The remaining content should be supporting information. â€“ Customized Tone and Talking Points: ï¿½ Tailor the message so that it resonates with the target audience. Use language the audience will clearly understand. ï¿½ Modify the message so it reflects the agency relaying the message. For example, certain messages are more appropriate when coming from law enforcement, others when coming from practitioners and other safety advocates. Key Components of a Well- Designed Message 28PUBLIC INFORMATION AND EDUCATION Relevant Timing ï‚– Should coincide with an event. Compelling Headline ï‚– Should be direct, informative, and grab the audienceâ€™s attention. Informative Introductory Sentences ï‚– Include the who, what, where, when, and why in first few sentences. Customized Tone ï‚– Tailored to the audience. Presentation for Law Enforcement Officers G-31 Slide 30 â€¢ Key components of a well-designed outreach message include: â€“ 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. â€“ A Clear Call to Action. Have a goal in mind when developing the message, and clearly state what you want the audience to do or take away from the information. Provide hyperlinks to additional information and provide contact information for follow-up questions. â€“ Limits on Length. To reduce the risk of losing the audienceâ€™s attention, keep the message brief. Typically stay between 400 and 600 words. â€“ When Possible, Use Multimedia. When possible, enliven the message by adding multimedia elements, including photos, videos, and infographics. Key Components of a Well- Designed Message 29 Use Quotations as Support ï‚– Supplement facts with supporting quotes. Have a Clear Call to Action ï‚– Have a goal in mind when developing the message. Be Conscientious of Length ï‚– Keep the message brief to reduce risk of losing the audience. When Possible, Use Multimedia ï‚– Make the message more compelling by using multimedia. PUBLIC INFORMATION AND EDUCATION G-32 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 31 Data-Driven Approach â€œIf you canâ€™t measure it, you canâ€™t improve it.â€ PETER DRUCKER 30 Presentation for Law Enforcement Officers G-33 Slide 32 â€¢ Continuous and periodic evaluation of the impact of the electronic device use enforcement and education program is essential to sustaining its success. â€¢ Effective programs track success, identify limitations, and direct future activities. â€¢ Crash, citation, and observational survey data allow you to monitor progress and identify areas for increased enforcement and education. â€“ As an example, Ohio DOT and the State Highway Patrol worked together to identify high-risk areas based on crash data, then created safety corridors with signs, high rates of enforcement, and education at neighboring schools/communities. The program also includes ongoing evaluation. â€¢ Note: The figure in the slide is the weighted percentage of adults aged 18 through 64 years who reported that they had talked on their cell phone while driving at least once and read or sent text or email messages while driving at least once in the past 30 days, by sex and age group. (Centers for Disease Control and Prevention 2011). Data-Driven Enforcement ï‚– It is important to use local data on electronic device use while driving to direct enforcement activities. ï‚– Relevant data sources include: â€¢ Crash data identifying electronic device use, since the distraction issue on crash reports can quantify and identify at-risk locations and populations. â€¢ Citation data to plan enforcement and outreach activities. â€¢ Observational surveys of electronic device use, which can be helpful for identifying at-risk groups. 0DATA-DRIVEN APPROACH G-34 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 33 â€¢ Data may be used to set specific and measurable goals, such as increased enforcement hours, reduction in observed use of electronic devices, or modest reduction in distracted driving. Examples of specific and measurable goals include those in quotation marks in the following: â€“ â€œElectronic device use by law enforcement and agency personnel will be 0%.â€ This is critical as law enforcement officers and community leadership will become the face of the elec- tronic device use program and as such should serve as role models. â€“ â€œDecrease electronic device use in the community from X% to Y% by Z date.â€ A typical objective may be a decrease in the range of 3 to 5 percentage points, but this may be revised once this goal is met. â€“ â€œReduce the number of distracted driving fatal and serious injury crashes by X%.â€ â€¢ Modest targets could be appropriate here because the number of crashes in smaller communi- ties are few in a given year. Note: Each yearâ€™s crash totals should be compared to an average of the previous 3 to 5 years of crashes to reduce errors that may occur due to unusually high or low numbers of crashes in a given year. Measurable Outcomes 1 ï‚– Data may be used to set specific and measurable goals. ï‚– Performance indicators that may be used by program leaders as measurable outcomes include: ï‚– Observed decrease in electronic device use while driving. ï‚– Reductions in serious injury and fatal crashes involving electronic device use/distracted driving. ï‚– Reductions in electronic device use violations issued. ï‚– Increase in public awareness. DATA-DRIVEN APPROACH Presentation for Law Enforcement Officers G-35 Slide 34 â€¢ Data are also used to track program success. Performance Measures ï‚– Data may also be used to monitor and evaluate the success of the program. Measured changes in behavior can direct changes in actions or redirection of program efforts. ï‚– Possible evaluation measures include: ï‚– Monthly statistics of electronic device use citations and warning violations. ï‚– Distracted driving crash statistics. ï‚– Observational electronic device use surveys. ï‚– Public awareness surveys. 2DATA-DRIVEN APPROACH G-36 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 35 Officer Safety â€œSafety is something that happens between your ears, not something you hold in your hands.â€ JEFF COOPER 3 Presentation for Law Enforcement Officers G-37 Slide 36 â€¢ Distracted driving is also a safety concern for law enforcement. In addition to the numerous distractions in the patrol car, officers can also be distracted by their personal cell phones. Officer Safety ï‚– Distracted driving is a common problem for law enforcement officers: ï‚– Patrol vehicles contain numerous distractions, including the radio, onboard computer, sirens, lights, and other in-car technologies. ï‚– Officers also use their personal cell phones or other electronic devices. ï‚– The electronic device use law will often have exemptions for emergency personnel; however, it is still an unnecessary risk to officer safety. 4OFFICER SAFETY G-38 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 37 â€¢ Following are examples of efforts to increase officer safety: â€“ After several posts in social media pointing to excessive use of electronic devices by patrol officers, Washington State developed a special training module, Training, Research, and Education for Driving Safety (TREDS), with UC San Diego. This program discussed the importance of serving as role models for the public and the dangers of distraction. Wash- ington State has ongoing training for law enforcement using the training module. â€“ New York State Police â€“ Officer Safety Campaign ï¿½ Policy: Allows hands-free phone use under exigent circumstances but prohibits texting while the vehicle is in motion. ï¿½ Education: Developed an officer-focused driver safety campaign. The education program included the message â€œThink-Drive-Surviveâ€ and examples of officer injuries/crashes, using the screen of the mobile data terminal in the patrol vehicles. Also adopted the â€œBelow 100â€ program aimed at reduction of officer deaths in crashes. ï¿½ Technology: Implemented new technologies to reduce distractions in patrol cars. New technologies included voice-activated technologies for sirens, lockout of keyboards while vehicle is in motion, auto-reply to text messages that say the officer is driving. â€“ Case studies from the IACP Distracted Driving Toolkit (International Association of Chiefs of Police 2019). Efforts to Increase Officer Safety 5 ï‚– Accountability for distracted driving within the agency will increase officer safety as well as serve as a model for the public. ï‚– Several law enforcement agencies set internal policies restricting electronic device use in patrol vehicles. ï‚– Others use strategies that combine policy, education, and technology. ï‚– By reducing electronic device use, police officers set an example for safe driving. OFFICER SAFETY Presentation for Law Enforcement Officers G-39 Slide 38 Feedback and Motivation â€œA team is a group of individuals who support each other.â€ JEFFREY BENJAMIN 6 G-40 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 39 â€¢ Although most law enforcement agencies require regular personnel evaluation procedures, they may be infrequent. Feedback must be prompt enough to allow for adjustment in effort. During a distracted driving enforcement effort, officers must be kept aware of the changing trends so they can address them properly. â€¢ By keeping everyone informed of situations in the field, leaders can properly allocate resources to most effectively meet program goals. Regular meetings and reviews of performance enhance accountability throughout the agency, demonstrate the support of agency leadership for the program, and ensure that the programâ€™s initiatives are fully implemented and remain a prior- ity throughout the agency. Feedback and Motivation ï‚– Feedback and motivation will enable you to allocate resources effectively, demonstrate the support of agency leadership for the program, and ensure that the programâ€™s initiatives are fully implemented and remain a priority throughout the agency. ï‚– Regular feedback will allow for adjustment of enforcement activities. ï‚– During high-visibility mobilization periods, keep your officers aware of changing trends so they can address them properly. ï‚– Periodic review of data on crashes and citations can serve as the basis for feedback. 7FEEDBACK AND MOTIVATION Presentation for Law Enforcement Officers G-41 Slide 40 â€¢ In previous work with law enforcement agencies, examples were identified of opportunities used to provide feedback to officers and exchange ideas: â€“ Quarterly strategic advancement forum (SAF) meetings. â€“ Weekly meetings within a traffic unit. â€“ The use of a simple white board with the header â€œWe Are Making a Differenceâ€ and traffic safety statistics for the agency recorded on a weekly basis. â€“ Monthly emails from command staff or the program leader reporting the data to help demonstrate the impact their efforts have made. â€“ Periodic performance reviews with sergeants and line officers to provide opportunities for the leader of the program to evaluate level of effort. Feedback and Motivation 8 Opportunities used to provide feedback to officers and exchange ideas: Quarterly strategic advancement forum (SAF) meetings. Weekly meetings within a traffic unit. Weekly updates on traffic safety statistics on an agency white board under the header â€œWe Are Making a Difference.â€ Monthly emails from command staff or the program leader reporting the data to help demonstrate enforcement impact. Periodic performance reviews with sergeants and line officers to evaluate level of effort. FEEDBACK AND MOTIVATION G-42 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 41 â€¢ A successful traffic safety program requires that officers be motivated to meet the goals and objectives identified in the strategic plan. Recognizing the efforts and accomplishments of officers can encourage them to take initiative and strengthen their commitment to the pro- gram. Program leaders can employ a variety of incentives customized to the needs of the officers and community. Incentives do not have to be elaborate; the most effective incentives can be simple recognition presented in front of peers. â€¢ These incentives can include: â€“ Publicly recognizing individual officerâ€™s or unitsâ€™ exemplary efforts. â€“ Offering overtime funds during electronic device use mobilization given to officers who have high levels of performance throughout the year. â€“ Providing additional traffic safety equipment (breathalyzers, speed measuring devices, etc.). â€“ Distributing recognition in the form of plaques, certificates, coins, pens, or gold stars on weekly or agency-published reports. â€“ Recognizing efforts at the national, state, county, or local level, such as: ï¿½ International Association of Chiefs of Police National Law Enforcement Challenge. â€“ Allocating state highway safety officesâ€™ funds for electronic device use mobilizations. â€“ Spotlighting enforcement efforts on radio, TV, or print media. Feedback and Motivation Program leaders can employ a variety of incentives customized to the needs of the officers and community: â€¢ Publicly recognizing individual officerâ€™s or unitsâ€™ exemplary efforts. â€¢Offering overtime funds during electronic device use mobilization. â€¢ Providing additional traffic safety equipment. â€¢ Distributing recognition in the form of plaques, certificates, coins, pens, or gold stars on weekly reports or agency published reports. â€¢ Recognizing efforts at the national, state, county, or local level. â€¢ Allocating state highway safety officesâ€™ funds for electronic device use mobilizations. â€¢ Spotlighting enforcement efforts on radio, TV, or print media. 9FEEDBACK AND MOTIVATION Presentation for Law Enforcement Officers G-43 Slide 42 10 Learn More: NHSTA Distracted Driving IACP Distracted Driving Toolkit GHSA Distracted Driving Laws â€“ U.S. 20driving G-44 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 43 1 Learn More: CAA Distracted Driving Laws World Health Organization tracted_driving_en.pdf?ua=1 Drop It and Drive Page 14 Page 187 Share Suggested Citation:"Appendix H - Highlight Document for Legislators." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 188 Share Suggested Citation:"Appendix H - Highlight Document for Legislators." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 189 Share Suggested Citation:"Appendix H - Highlight Document for Legislators." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 190 Share Suggested Citation:"Appendix H - Highlight Document for Legislators." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 191 Share Suggested Citation:"Appendix H - Highlight Document for Legislators." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 192 Share Suggested Citation:"Appendix H - Highlight Document for Legislators." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Below is the uncorrected machine-read text of this chapter, intended to provide our own search engines and external engines with highly rich, chapter-representative searchable text of each book. Because it is UNCORRECTED material, please consider the following text as a useful but insufficient proxy for the authoritative book pages. H-1 A P P E N D I X H Highlight Document for Legislators H-2 Using Electronic Devices While Driving: Legislation and Enforcement Implications Promote Legislation to Reduce Distracted Driving 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 driverâ€™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.3 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.4 Stronger laws may increase funding for traffic safety initiatives Section 405 of the Fixing Americaâ€™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.8 1. National Center for Statistics and Analysis. (2019, October). 2018 Fatal motor vehicle crashes: Overview (Traffic Safety Facts Research Note. Report No. DOT HS 812 826). Washington, DC: National Highway Traffic Safety Administration. 2. National Highway Traffic Safety Administration. (n.d.). Distracted driving. Available at: . 3. Cambridge Mobile Telematics. (2018, February 15). Distracted driving vs. drunk driving: Fear and solutions. Available at: . com/blog/distracted-driving-vs-drunk-driving-fear-solutions/. 4. AAA Foundation for Traffic Safety. (2019, June). 2018 Traffic Safety Culture Index. Available at: index/. 5. Ferdinand, A. O., Aftab, A., & Akinlotan, M. A. (2019). Texting-while-driving bans and motor vehicle crashâ€“related emergency department visits in 16 US states: 2007â€“2014. American Journal of Public Health, 109(5), 748-754. 6. Karl, J. B., & Nyce, C. (2017). How cellphone bans affect automobile insurance markets. Journal of Risk and Insurance, 86, 567-593. doi: 10.1111/ jori.12224 7. Richard, C. M., Magee, K., Bacon-Abdelmoteleb, P., & Brown, J. L. (2018). Countermeasures that work: A highway safety countermeasure guide for State Highway Safety Offices (Report No. DOT HS 812 478). Washington, DC: National Highway Traffic Safety Administration. 8. Governors Highway Safety Association. (n.d.). Section 405 National Priority Safety Program. Available at: programs/405. Stronger laws can prevent injuries and save money Distracted driving laws have resulted in significant reductions in motor vehicle crash-related emergency department visits.5 Distracted driving laws banning handheld use of a cellphone reduce losses and incurred loss ratios of automobile insurers by approximately 3%.6 Increased ability to enforce the law Distracted driving laws that include clear language and cover common risky behaviors increase enforcement capability. Increased high-visibility enforcement, along with strong public awareness campaigns, reduce at-risk driving behaviors across various highway safety issues.7 Key Components of a Strong Electronic Device Use Law Effective legislation should include the following key components: FOCUS 1. The law must take into account current technologies and uses, as well as make provisions for future technology. 2. The language must ensure the law is enforceable. 3. The law must attempt to stop the most dangerous behaviors associated with electronic device use; specifically, behaviors that result in diversion of attention from the driving task by taking eyes off the road for any extended period of time, even if the electronic device is hands-free or mounted.9 CONTENT â– Using the terminology â€œelectronic deviceâ€ as opposed to â€œcellphoneâ€ or â€œmobile device,â€ allows for greater inclusion of devices covered by the law. â– The law should prohibit the use of electronic devices at all times when the vehicle is traveling on public roads, including when the vehicle is at traffic signals and when it is temporarily slowed or stopped in traffic. Use of the electronic device should be permitted only when the vehicle is legally parked or pulled over on the side of the road. This is an important safety component and ensures enforceability of the law. â– The language should clearly state driver behaviors that are in violation of the law. The driver should not: â€“ Hold or support an electronic device with any part of his/her body. â€“ Use the electronic device to manually dial numbers or input text or to engage in multiple swipes or taps. This includes when the device is used hands-free (mounted, affixed, or resting somewhere in the vehicle). â€“ Use an electronic device to stream, record, or broadcast video. This includes when the device is used hands-free (mounted, affixed, or resting somewhere in the vehicle). â€“ Use the electronic device or applications on the device that display motion on the deviceâ€™s screen, with the exception of GPS or navigational software. This includes when the device is used hands-free (mounted, affixed, or resting somewhere in the vehicle). â– Penalties and fines should be clearly defined: â€“ Fines should be in line with other traffic safety laws, in order to increase public support. Incremental fines should be in place for subsequent violations. â€“ Penalties for distracted driving should also be in line with other serious traffic offenses. There is some belief that points against a driverâ€™s license that have the potential to result in temporary suspension or loss of a license are more impactful than monetary fines at modifying the behavior. Additionally, points on a license are often associated with increased insurance rates, making the penalty more punitive. â– The law should have few exemptions. Possible exemptions include: â€“ Law enforcement and first responders in the line of duty. â€“ Reporting an emergency. â€“ Use of GPS or navigational system hands-free, with no allowance for manual entry while driving. â– Additional provisions or restrictions may include: â€“ More stringent restrictions for drivers under 18 years of age. â€“ More punitive measures for drivers causing serious injury or death while using an electronic device. â€“ Separate legislation or additional provisions for other types of distractions such as eating, grooming, reading, etc.9. Lee, J. D., Young, K. L., & Regan, M. A. (2008). Defining driver distraction. Driver Distraction: Theory, Effects, and Mitigation, 13(4), 31-40. Highlight Document for Legislators H-3 Key Components of a Strong Electronic Device Use Law Effective legislation should include the following key components: FOCUS 1. The law must take into account current technologies and uses, as well as make provisions for future technology. 2. The language must ensure the law is enforceable. 3. The law must attempt to stop the most dangerous behaviors associated with electronic device use; specifically, behaviors that result in diversion of attention from the driving task by taking eyes off the road for any extended period of time, even if the electronic device is hands-free or mounted.9 CONTENT â– Using the terminology â€œelectronic deviceâ€ as opposed to â€œcellphoneâ€ or â€œmobile device,â€ allows for greater inclusion of devices covered by the law. â– The law should prohibit the use of electronic devices at all times when the vehicle is traveling on public roads, including when the vehicle is at traffic signals and when it is temporarily slowed or stopped in traffic. Use of the electronic device should be permitted only when the vehicle is legally parked or pulled over on the side of the road. This is an important safety component and ensures enforceability of the law. â– The language should clearly state driver behaviors that are in violation of the law. The driver should not: â€“ Hold or support an electronic device with any part of his/her body. â€“ Use the electronic device to manually dial numbers or input text or to engage in multiple swipes or taps. This includes when the device is used hands-free (mounted, affixed, or resting somewhere in the vehicle). â€“ Use an electronic device to stream, record, or broadcast video. This includes when the device is used hands-free (mounted, affixed, or resting somewhere in the vehicle). â€“ Use the electronic device or applications on the device that display motion on the deviceâ€™s screen, with the exception of GPS or navigational software. This includes when the device is used hands-free (mounted, affixed, or resting somewhere in the vehicle). â– Penalties and fines should be clearly defined: â€“ Fines should be in line with other traffic safety laws, in order to increase public support. Incremental fines should be in place for subsequent violations. â€“ Penalties for distracted driving should also be in line with other serious traffic offenses. There is some belief that points against a driverâ€™s license that have the potential to result in temporary suspension or loss of a license are more impactful than monetary fines at modifying the behavior. Additionally, points on a license are often associated with increased insurance rates, making the penalty more punitive. â– The law should have few exemptions. Possible exemptions include: â€“ Law enforcement and first responders in the line of duty. â€“ Reporting an emergency. â€“ Use of GPS or navigational system hands-free, with no allowance for manual entry while driving. â– Additional provisions or restrictions may include: â€“ More stringent restrictions for drivers under 18 years of age. â€“ More punitive measures for drivers causing serious injury or death while using an electronic device. â€“ Separate legislation or additional provisions for other types of distractions such as eating, grooming, reading, etc.9. Lee, J. D., Young, K. L., & Regan, M. A. (2008). Defining driver distraction. Driver Distraction: Theory, Effects, and Mitigation, 13(4), 31-40. H-4 Using Electronic Devices While Driving: Legislation and Enforcement Implications Promote Legislation to Reduce Distracted Driving 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 driverâ€™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.3 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.4 Stronger laws may increase funding for traffic safety initiatives Section 405 of the Fixing Americaâ€™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.8 1. National Center for Statistics and Analysis. (2019, October). 2018 Fatal motor vehicle crashes: Overview (Traffic Safety Facts Research Note. Report No. DOT HS 812 826). Washington, DC: National Highway Traffic Safety Administration. 2. National Highway Traffic Safety Administration. (n.d.). Distracted driving. Available at: . 3. Cambridge Mobile Telematics. (2018, February 15). Distracted driving vs. drunk driving: Fear and solutions. Available at: . com/blog/distracted-driving-vs-drunk-driving-fear-solutions/. 4. AAA Foundation for Traffic Safety. (2019, June). 2018 Traffic Safety Culture Index. Available at: index/. 5. Ferdinand, A. O., Aftab, A., & Akinlotan, M. A. (2019). Texting-while-driving bans and motor vehicle crashâ€“related emergency department visits in 16 US states: 2007â€“2014. American Journal of Public Health, 109(5), 748-754. 6. Karl, J. B., & Nyce, C. (2017). How cellphone bans affect automobile insurance markets. Journal of Risk and Insurance, 86, 567-593. doi: 10.1111/ jori.12224 7. Richard, C. M., Magee, K., Bacon-Abdelmoteleb, P., & Brown, J. L. (2018). Countermeasures that work: A highway safety countermeasure guide for State Highway Safety Offices (Report No. DOT HS 812 478). Washington, DC: National Highway Traffic Safety Administration. 8. Governors Highway Safety Association. (n.d.). Section 405 National Priority Safety Program. Available at: programs/405. Stronger laws can prevent injuries and save money Distracted driving laws have resulted in significant reductions in motor vehicle crash-related emergency department visits.5 Distracted driving laws banning handheld use of a cellphone reduce losses and incurred loss ratios of automobile insurers by approximately 3%.6 Increased ability to enforce the law Distracted driving laws that include clear language and cover common risky behaviors increase enforcement capability. Increased high-visibility enforcement, along with strong public awareness campaigns, reduce at-risk driving behaviors across various highway safety issues.7 Highlight Document for Legislators H-5 Key Components of a Strong Electronic Device Use Law Effective legislation should include the following key components: FOCUS 1. The law must take into account current technologies and uses, as well as make provisions for future technology. 2. The language must ensure the law is enforceable. 3. The law must attempt to stop the most dangerous behaviors associated with electronic device use; specifically, behaviors that result in diversion of attention from the driving task by taking eyes off the road for any extended period of time, even if the electronic device is hands-free or mounted.9 CONTENT â– Using the terminology â€œelectronic deviceâ€ as opposed to â€œcellphoneâ€ or â€œmobile device,â€ allows for greater inclusion of devices covered by the law. â– The law should prohibit the use of electronic devices at all times when the vehicle is traveling on public roads, including when the vehicle is at traffic signals and when it is temporarily slowed or stopped in traffic. Use of the electronic device should be permitted only when the vehicle is legally parked or pulled over on the side of the road. This is an important safety component and ensures enforceability of the law. â– The language should clearly state driver behaviors that are in violation of the law. The driver should not: â€“ Hold or support an electronic device with any part of his/her body. â€“ Use the electronic device to manually dial numbers or input text or to engage in multiple swipes or taps. This includes when the device is used hands-free (mounted, affixed, or resting somewhere in the vehicle). â€“ Use an electronic device to stream, record, or broadcast video. This includes when the device is used hands-free (mounted, affixed, or resting somewhere in the vehicle). â€“ Use the electronic device or applications on the device that display motion on the deviceâ€™s screen, with the exception of GPS or navigational software. This

includes when the device is used hands-free (mounted, affixed, or resting somewhere in the vehicle). â– Penalties and fines should be clearly defined: â€" Fines should be in line with other traffic safety laws, in order to increase public support. Incremental fines should be in place for subsequent violations. â€" Penalties for distracted driving should
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penalty more punitive. â– The law should have few exemptions. Possible exemptions include: â€" Law enforcement and first responders in the line of duty. â€" Reporting an emergency. â€" Use of GPS or navigational system hands-free, with no allowance for manual entry while driving. â– Additional provisions or restrictions may include: â€" More
stringent restrictions for drivers under 18 years of age. â€" More punitive measures for drivers causing serious injury or death while using an electronic device. â€" Separate legislation or additional provisions for other types of distractions such as eating, grooming, reading, etc.9. Lee, J. D., Young, K. L., & Regan, M. A. (2008). Defining driver
distraction. Driver Distraction: Theory, Effects, and Mitigation, 13(4), 31-40. Page 15 Page 193 Share Suggested Citation:"Appendix I - Model Press Release." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies
Press. doi: 10.17226/26082. × Page 194 Share Suggested Citation:"Appendix I - Model Press Release." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 195 Share
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Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 198 Share Suggested Citation:"Appendix I - Model Press Release." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While
Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 199 Share Suggested Citation:"Appendix I - Model Press Release." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications.
Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 200 Share Suggested Citation:"Appendix I - Model Press Release." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi:
10.17226/26082. × Below is the uncorrected machine-read text of this chapter, intended to provide our own search engines and external engines with highly rich, chapter-representative searchable text of each book. Because it is UNCORRECTED material, please consider the following text as a useful but insufficient proxy for the authoritative book
pages. I-1 A P P E N D I X I Model Press Release I-2 Using Electronic Devices While Driving: Legislation and Enforcement Implications This document is organized such that it: â– Provides key components for you to consider when developing outreach messages. â– 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. â– 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: â– Press releases â– Public service announcements (PSAs) for television and radio broadcast â– Social media posts The content of the message should incorporate the following: Relevant Timing â– 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 â– The headline should be direct and informative and should grab the
audienceâ€™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
hashtags. Informative Introductory Sentences â– Include who, what, where, when, and why in the first few sentences of the message. The remaining content should support the information. Developing A Model Press Release on Deterring Electronic Device Use While Driving Model Press Release I-3 Customized Tone and Talking Points â– 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. â– 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 â– 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 â– 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 â– Keep the message brief to reduce the risk of losing the audienceâ€™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 â– Enliven the message by adding, when possible, multimedia elements such as photos, videos, and infographics. I-4 Using Electronic Devices While Driving: Legislation and Enforcement Implications 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. Law Enforcement Personnel Educating the public on the law, including what behaviors are prohibited, as well as the corresponding penalties and fines Distracted driving is dangerous and itâ€™s a crime. A
vehicle traveling only 30 miles per hour covers 44 feet during every second your eyes are off the road. Looking away for just 1 to 2 seconds is long enough to drift into opposing lanes of traffic. Why put yourself and others at risk? According to [insert City or State] law, the following behaviors are prohibited [insert simplified list of prohibited
behaviors] while driving. If you are caught [list prohibited behaviors] while driving, there are consequences. These include a fine of _______ [insert the fine and incremental fines for subsequent offenses] and [insert points assigned, if applicable] points on your license. Why put yourself and others at risk? Resist the risk to yourself and others. When
driving, focus on driving. Follow these steps for a safer driving experience: â– Make sure the vehicle is in park and in a safe location off the road before using the electronic device. â– Do not look at social media, browse the internet, scroll or tap on the device, or watch a video while driving. Even if the electronic device is mounted or being used
hands-free, your eyes are not on the road. Stay safe, and stay engaged in driving. â– Enter your destination into the GPS or navigation device before starting your drive. â– Avoid the temptation. Assign a passenger to be a â€œdesignated responderâ€ to reply to any texts, calls, or other messages you receive while driving. If you donâ€™t have a
passenger, turn on the â€œDo not disturbâ€ or similar feature on your phone. Focused driving is safer driving. Just remember [insert city, county, or state] drivers, phone in one hand [tag line can be modified to reflect the actual law, for example, for a texting-only ban], and ticket in the other.1 For more information see [insert hyperlinks and contact
information]. Announcing upcoming enforcement efforts related to distracted driving Every day, about 9 people are killed and more than 1,000 are injured in crashes involving distracted driving.2 Beginning on [insert date], [Insert law enforcement agency name] and other law enforcement agencies throughout [insert city, county, or state] will be
stepping up efforts to reduce distracted driving. The goal of this enforcement campaign is to save lives. Officers will be stopping and ticketing anyone who is driving while distracted. Just remember [insert city, county, or state] drivers, phone in one hand [tag line can be modified to reflect the actual law], and ticket in the other. #itcanwait. 1 United
States Department of Transportation. Traffic Safety Marketing. Available at: materials/distracted-driving/phone-one-hand-ticket-other 2 National Highway Traffic Safety Administration. (no date). High visibility enforcement. Available at: ?Driving- Safety/Enforcement-&-Justice-Services/HVE-enforcement. Model Press Release I-5 General safety
messages about distracted driving This is [insert name of agency representative] from the [insert law enforcement agency name]. Distracted driving is a major public health and safety concern. According to the National Highway Traffic Safety Administration (NHTSA), in 2018, an estimated 2,841 people were killed in motor vehicle crashes involving
distracted drivers.3 Studies show that engaging in these behaviors while driving is extremely risky. It takes about 5 seconds, on average, to read or send a text. In that time, when your eyes are on your device and not on the road, a vehicle traveling at 55 miles per hour can travel the length of a football field.4 â€œCell phones have a place in our lives,
but not while driving,â€ said former NHTSA Deputy Administrator Heidi King. Donâ€™t become a statistic; keep your eyes off your device and on the road. Protect your safety and that of other drivers and pedestrians. For more information, [insert website or contact information]. Educating the public on using the term â€œcrash,â€ not
â€œaccident,â€ when discussing distracted driving crashes Police officers like me, [insert name], and other traffic safety advocates will tell you, â€œItâ€™s no accident.â€ Saying the word â€œaccidentâ€ makes it appear as though crashes are inevitable rather than preventable. In fact, many automobile crashes and resulting injuries and fatalities
could be prevented if drivers made different choices. Such is the case with distracted driving, drunk or drugged driving, excessive speeding, etc. Being unsafe is no accident. For more information on safe driving tips, please see [insert hyperlinks to informative websites]. Facebook text for distracted driving enforcement Distracted driving contributes
to thousands of people losing their lives each year in the United States [or replace with numbers from your state or community to make the message more relatable]. We want to stop this dangerous and deadly habit â€" but we need your help. Pledge to put down the phone if youâ€™re driving, and speak up if youâ€™re with a driver who is distracted.
[Insert law enforcement agency name] will be stepping up enforcement of the distracted driving law starting on [insert date]. For more information on the law, [insert website or contact information]. Twitter text for distracted driving enforcement Do you tweet while driving? If yes, you are driving distracted and local law enforcement are looking for
you. Increased enforcement during [insert dates]. #ItCanWait #JustDrive #DistractedDrivingAwarenessMonth Highway Safety Advocates & Practitioners Educating the public on the law, including what behaviors are prohibited, as well as the corresponding penalties and fines When youâ€™re distracted, whoâ€™s driving? To help deter motorists
from engaging in certain distracted driving behaviors, the state has set strict penalties. Prohibited behaviors include [insert simplified list of prohibited behaviors]. The penalties can range from [insert the lowest fine] to [insert the highest fine] in fines and up to _____ [insert points, if applicable] driver violation points, as well as suspension or
revocation of your license [if applicable]. For more information on the specifics of the law, please see [insert hyperlinks to informative websites]. [Insert quote from agency representative about the importance of the law and how it helps to save lives.] 3 National Center for Statistics and Analysis, National Highway Traffic Safety Administration. (2019,
October). 2018 Fatal motor vehicle crashes: Overview (Traffic Safety Facts Research Note. Report No. DOT HS 812 826). Washington, DC: National Highway Traffic Safety Administration. Available at: . 4 National Highway Traffic Safety Administration. (no date). Distracted driving. Available at: distracted-driving. I-6 Using Electronic Devices While
Driving: Legislation and Enforcement Implications Any updates to the law, what they mean, and when they will take effect Did you know that holding or using a cell phone or other electronic device can increase your risk of getting into a crash? Analyzed data from an observational study of over 3,000 drivers indicated their crash risk was two to six
times greater when the drivers were manipulating a cell phone, compared with when they were not distracted5 [suggest revising the statistic to discuss the behaviors that are prohibited by your law]. The [insert state or city (in the case of a local ordinance)] law about electronic device use while driving is about to change. Effective [insert date the law
goes into effect] police will now be able to stop you and issue a ticket for [insert simplified list of prohibited behaviors]. The penalties can range from $__ to $__ [insert fine range] in fines, and up to_______ [insert points, if applicable] driver violation points, and suspension or revocation of license [if applicable]. Donâ€™t take a chance, put away your
phone while driving. For additional information on the risks of distracted driving, please see [insert hyperlinks to informative websites]. For more information on the specifics of the new law and enforcement efforts see [insert hyperlinks to informative websites]. General safety messages about distracted driving, including victim advocate stories More
and more people are driving while distractedâ€"texting, sending emails, and browsing the internet or apps. Our goal is to raise awareness about this dangerous behavior and promote a culture of safety. [Insert safety related quote, for example] â€œWe are committed to eliminating this unnecessary risk and strongly believe that no text, tweet, post,
video, message, snapchat, etc., is worth the risk of crash-related death or injury,â€ said [insert safety advocate name]. [Insert local victim advocate story, such as this example from a press release issued by the New York Governorâ€™s Traffic Safety Committee and DMV] Distracted driving awareness advocate Karen Torres said, â€œA text, a snap, a
quick glance in the other direction, is all it takes to change a life forever. Safety is so incredibly important, and we need to be proactive rather than reactive. Advocacy is born out of loss, but shouldnâ€™t be the reason to take preventive action while behind the wheel. In honor of National Distracted Driving Awareness Month, make it your personal
vow to put your phone down.â€ Torresâ€™s father, Patrick Mapleson, a New York State Department of Transportation highway maintenance worker, was struck and killed by a distracted driver in 2006 while working along Sunrise Highway in Eastport, NY.6 Resist the risk to yourself and others; when driving, focus on driving. Follow these steps for a
safer driving experience: â– Make sure the vehicle is in park and in a safe location off the road before using an electronic device, such as a phone, tablet, or even a smartwatch. â– Do not look at social media, browse the internet, scroll or tap on a device, or watch a video while driving, even if the electronic device is mounted or being used hands-free.
â– Enter your destination into the GPS or navigation device before you start your drive. â– Avoid the temptation. Assign a passenger to be a â€œdesignated responderâ€ to reply to any texts, calls, or other messages you receive while driving. If you donâ€™t have a passenger, turn on the â€œDo not disturbâ€ or similar feature on your phone.
Focused driving is safer driving. 5 Dingus, T.A., Guo, F., Lee, S., et al. (2016). Driver crash risk factors and prevalence evaluation using naturalistic driving data. Proceedings of the National Academy of Sciences, 113(10), 2636-2641. doi: 10.1073/pnas.1513271113. Kidd, D.G., and McCartt, A.T. (2015). The relevance of crash type and severity when
estimating crash risk using the SHRP2 naturalistic driving data. Fourth International Conference on Driver Distraction and Inattention. Washington, DC: Transportation Research Board. Owens, J.M., Dingus, T.A., Guo, F., et al. (2018). Crash risk of cell phone use while driving: A case-crossover analysis of naturalistic driving data. Washington, DC:
AAA Foundation for Traffic Safety. 6 New York Department of Motor Vehicles. (2019 April 9). GTSC and DMV highlight the dangers of distracted driving. Available at: . Model Press Release I-7 Distracted Driving Campaign Announcement The [insert agency name, preferably as a hyperlink to agency page] held a press conference to announce a public
safety campaign and enforcement effort to reduce instances of distracted driving. Distracted driving is a major public health and safety concern. According to the National Highway Traffic Safety Administration, in 2018 an estimated 2,841 people were killed in motor vehicle crashes involving distracted drivers.7 Distracted driving is underreported
and is likely a contributing cause in far more fatal and serious injury 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 5 seconds, on average, to read or send a text. In that
time, when a driverâ€™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.8 [Insert agency name] is launching a new public service announcement campaign to raise awareness about the dangers of distracted driving. The new campaign will be featured on [insert media sources,
e.g., radio, billboards, social media, highway transit signs]. State and local police will also launch an enforcement campaign focused on distracted driving, which will take place [insert location and dates]. Twitter Text on Assigning a Designated Texter Have a friend or family member who wonâ€™t stop Tiktok-ing, hash-tagging, Instagram-ing, or
texting while driving? #SpeakUp and offer to be the #Designatedtexter. #ItCanWait 7 National Center for Statistics and Analysis, National Highway Traffic Safety Administration. (2019 October). 2018 Fatal motor vehicle crashes: Overview (Traffic Safety Facts Research Note. Report No. DOT HS 812 826). Washington, DC: National Highway Traffic
Safety Administration. Available at: . 8 National Highway Traffic Safety Administration. (no date). Distracted driving. Available at: driving/ distracted-driving I-8 Using Electronic Devices While Driving: Legislation and Enforcement Implications EXAMPLES OF PREVIOUS ARTICLES AND PRESS RELEASES Below are links to articles and press releases
on the topic of distracted driving: â– Drop it and Drive Infographic Twitter, January 23, 2020 â– Survey: Majority of Central Iowans Distracted on the Road - and Itâ€™s Killing Us, October 8, 2019 â– Distracted Driving Campaign to Begin August 1, July 31, 2019 â– Sample Social Media Posts, April 2019 â– GTSC, DMV Highlight Dangers of
Distracted Driving, April 9, 2019 â– Most Baltimore-area Drivers Use Cell Phones Behind the Wheel, Regardless of Generation, April 4, 2019 â– Distracted Driving Awareness Month Kicks off Monday, March 31, 2019 â– Travelers Risk Index Reveals Seven Scary Stats Behind Distracted Driving, March 29, 2019 â– U.S. DOT and NHTSA Kickoff 5th
Annual U Drive. U Text. U Pay. Campaign, April 5, 2018 Hyperlinks for the above articles and press releases are available on the online version of this report, which can be found by going to www.TRB.org and searching for "BTSCRP Research Report 1." Page 16 Page 201 Share Suggested Citation:"Appendix J - Research Webinar for Practitioners."
National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 202 Share Suggested Citation:"Appendix J - Research Webinar for Practitioners." National Academies of Sciences,
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Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 205 Share Suggested Citation:"Appendix J - Research Webinar for Practitioners." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement
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search engines and external engines with highly rich, chapter-representative searchable text of each book. Because it is UNCORRECTED material, please consider the following text as a useful but insufficient proxy for the authoritative book pages. J-1 Research Webinar for Practitioners A P P E N D I X J J-2 Using Electronic Devices While Driving:
Legislation and Enforcement Implications Slide 1 â€¢ Introductions â€" presenter â€¢ Research managed under BTSCRP Examining the Implications of Legislation and Enforcement on Electronic Device Use While Driving: Webinar Research managed under the Behavioral Traffic Safety Cooperative Research Program (BTSCRP) Research Webinar for
Practitioners J-3 Slide 2 â€¢ The study methodology allowed for a review of U.S. and Canadian jurisdictions with varying electronic device use laws, enforcement strategies, public awareness strategies, and more. The findings presented here will reflect this variety and provide important information about the strength of the law in these jurisdictions.
â€¢ This presentation includes: â€" A short presentation on the background of this research; â€" A description of the study methodology; â€" A review of key findings, including laws as they existed in January 2019, effective education and enforcement strategies being used, and successes and challenges experienced by the different jurisdictions; and
â€" A review of key deliverables designed to share best practices with stakeholders in states and communities. â€¢ This webinar is an opportunity to answer any questions about the study and its findings. It also provides an opportunity for stakeholders to meet and establish relationships that will allow them to share the challenges they face and to
brainstorm solutions. Agenda Background Methodology Findings â€¢ Review of Current Laws â€¢ Effective Education and Enforcement â€¢ Successes and Challenges Sharing Best Practices â€¢ Model Legislation â€¢ Presentation for Stakeholders â€¢ Presentation for Law Enforcement â€¢ Highlight Document for Legislators â€¢ Model Press
Release 2 J-4 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 3 Background 3 Research Webinar for Practitioners J-5 Slide 4 â€¢ Distracted driving is a major traffic safety issue. In 2018 alone, 2,841 motor vehicle fatalities involved a distracted driver. â€¢ However, distracted driving is underreported and is
likely a contributing factor in many more fatal crashes. â€¢ There are different types of distraction behind the wheel, including eating, grooming, and electronic device use. â€¢ Electronic device use can include dialing, texting, browsing the Internet, watching videos, inputting information into GPS, and talking. Studies show that engaging in these
behaviors while driving is extremely risky. It takes about 5 seconds, on average, to read or send a text. A vehicle travelling at 55 miles per hour can travel the length of a football field in less than 5 seconds. â€¢ As a result, many states and local governments in the United States and internationally have passed laws restricting or banning the use of
electronic devices while driving. Distracted Driving and Electronic Device Use Distracted driving is a diversion of the driverâ€™s attention away from activities critical for safe driving toward a competing activity. In 2018, 2,841 motor vehicle fatalities in the United States involved a distracted driver. Distracted driving is underreported. Research
shows that electronic device use is a common cause of distracted driving, with serious safety implications. Many state and local governments in the United States and internationally have passed laws restricting or banning the use of electronic devices to talk or text while driving. 4 J-6 Using Electronic Devices While Driving: Legislation and
Enforcement Implications Slide 5 â€¢ The study was conducted in two phases. â€¢ The first phase included â€" A review of existing legislation across all 50 states and 10 Canadian provinces, with a focus on the language, penalties, and sanctions used to address distracted driving related to elec- tronic device use. â€" An in-depth evaluation of the
benefits and challenges of enacting, enforcing, and adjudicat- ing electronic device legislation for a sample of 20 jurisdictions. â€¢ The second phase involved development of deliverables to share best practices. These included model legislation and educational materials to help stakeholdersâ€"such as legislators, law enforcement, local government,
and traffic safety officialsâ€"enact a law and educate key indi- viduals on the importance of the law. Study Plan Phase 1 â€¢ Examined existing electronic device use legislation, with a focus on the language, penalties, and sanctions. â€¢ Evaluated the benefits and challenges of enacting, enforcing, and adjudicating electronic device legislation. Phase 2
â€¢ Developed model legislation and supporting materials for stakeholders to enact and enforce the law and to educate key individuals on its importance. 1 Research Webinar for Practitioners J-7 Slide 6 â€¢ The methodology for this study focused on four main tasks: â€" Reviewing the existing laws in all jurisdictions (50 U.S. states and 10 Canadian
provinces). â€" Ranking the existing laws according to the strength of the law. â€" Performing a cluster analysis and selecting a sample of 20 jurisdictions. â€" Conducting an in-depth review of these jurisdictions to better understand enactment and revision of their laws, as well as enforcement efforts and public outreach and education. â€¢ This
methodology will now be reviewed in detail. Methodology 2 J-8 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 7 â€¢ The review of existing electronic device legislation took place in January 2019. â€¢ Prior to reviewing each law, several key components of the law were identified that the authors wanted to
document, such as: â€" Affected roadways or specific locations where the law was in effect (e.g., school zones, work zones), â€" Exemptions to the law (e.g., ability to use navigation systems), and â€" Penalties and sanctions for offenses (including incremental fines and penalties). â€¢ A database was developed to compile information from the review.
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: â€¢ Primary or secondary violation â€¢ Devices, drivers, conditions, and behaviors covered â€¢ Ban of device use at all times or only when the vehicle is in motion â€¢
Exemptions to the law â€¢ Date the law went into effect â€¢ Penalties and sanctions â€¢ Connections to other laws â€¢ Ongoing efforts to update the law 1 Research Webinar for Practitioners J-9 Slide 8 â€¢ After dissecting each jurisdictionâ€™s law, its strength was assessed. â€¢ When assigning points for law strength, the authors considered the
following components in the classification scheme: â€" Violation type â€" Behaviors covered (an extra point was allowed for additional behaviors covered, such as reading or speaking) â€" Types of drivers covered (an extra point was allowed if the law covered all drivers and if one or more laws were more stringent for specific populations) â€" When
law is enforceable â€" Penalty and fine range for first offense â€" Presence of an incremental penalty/fine system â€¢ Points were assigned to the various components of the law, from 0 to 3 points, with a poten- tial for extra points for some categories. This allowed for a score of 0 to 20 points for each jurisdiction. â€¢ The protocol was reviewed and
approved by the BTSCRP Project Panel. Assessment of the Strength of the Law Developed classification scheme and point system to sort the jurisdictions, including: Assigned 0 to 3 points per component, for a score of 0 to 20 points for each jurisdiction. 2 â€¢ Violation Type â€¢ Behaviors Covered â€¢ Types of Drivers Covered â€¢ When Law Is
Enforceable â€¢ Penalty/Fine Range â€¢ Incremental Penalty/Fine J-10 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 9 â€¢ To group the jurisdictions for further study, the researchers conducted a cluster analysis of states and provinces with similarly structured legislation. The cluster analysis was based on
the results of the assessment and ranking of the strength of the laws. It also took into consid- eration fatal injury data, licensed drivers, motor vehicle registrations, vehicle miles traveled, and population data. â€¢ The objective of the analysis was to obtain a sample of 20 out of 61 jurisdictions to be included in a more detailed review. â€¢ Before
drawing the sample, it was decided to discard Montana because there was no dis- tracted driving law in place at the time. In addition, Alaska, Hawaii, Prince Edward Island, and the District of Columbia were discarded because each has unique features that would make it difficult to generalize any findings to other jurisdictions. Ontario and Maryland
were selected with certainty because these jurisdictions had the strongest laws (highest law scores) in Canada and the United States. â€¢ The sample included a relatively diverse set of laws, as well as a range of population charac- teristics, so that the information gathered would ideally cover a range of laws, challenges, and populations. The sample
represented jurisdictions with stronger laws somewhat more heavily, since the objective of the project was to develop model legislation as well as best practices for education and enforcement. â€¢ If asked: The researchers tested three methods for clustering jurisdictions and selected Kâ€"means. K-means does not place any assumptions on the
distributions of the variables and is designed to find an overall optimal solution. The final K-means model resulted in five clusters. Further detail is provided in the final report. Cluster Analysis to Select Jurisdiction Sample 3 Cluster Cluster Description Sampled Jurisdictions 1 Canadian provinces Alberta, Manitoba, Ontario*, Quebec 2 U.S. states,
stronger laws Connecticut, Maryland*, Maine, Oregon, West Virginia, Vermont 3 U.S. states, moderate/small populations, weaker laws Idaho, Kentucky, Louisiana, New Mexico, South Carolina, South Dakota, Tennessee 4 U.S. states, large populations, weaker laws Pennsylvania, Virginia 5 U.S. states, weakest laws Nebraska â€¢ Selected 20
jurisdictions for detailed review â€¢ Included a diverse set of laws and jurisdiction characteristics * Selected with certainty Research Webinar for Practitioners J-11 Slide 10 â€¢ The authors conducted an in-depth review for the 20 jurisdictions identified by the cluster analysis. â€¢ The authors first conducted an internet scan for the selected
jurisdictions to identify addi- tional information about their distracted driving laws as well as any enforcement or outreach and education efforts. A database was developed to organize the information from the web scan, including information pertaining to the lawâ€™s background or history. This information included how the law was enacted;
enforcement efforts such as high-visibility campaigns; public outreach and educational efforts; and any data pertaining to enforcement, outreach measurement, and the lawâ€™s impact on crash rates. The database also included contact infor- mation for state/provincial representatives identified during the search. â€¢ To supplement findings from the
internet scan, telephone discussions were conducted with state/provincial representatives, including representatives from program offices, legislative offices, nonprofit agencies, research firms, and law enforcement agencies. Discussion guides were developed for the different types of stakeholders and provided to the project panel for review and
approval. In-Depth Review of Selected Jurisdictions Internet scan: â€¢ Collected information about the law, enforcement, and education and outreach, including background for current legislation and steps taken to pass the law. Telephone discussions with key stakeholders: â€¢ Developed discussion guides. â€¢ Conducted discussions with
state/provincial representatives, legislative offices, nonprofit agencies, research firms, and law enforcement agencies. 4 J-12 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 11 â€¢ The next few slides present several key findings from this phase of the study. Key Findings 5 Research Webinar for Practitioners J-
13 Slide 12 â€¢ The quantitative findings are discussed first. Quantitative Findings Key components of the laws â€¢ Behaviors covered â€¢ Drivers covered â€¢ When law is enforceable â€¢ Exemptions to the law Strength of laws 6 J-14 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 13 â€¢ The researchers
collected data for 61 jurisdictions in January of 2019. â€¢ Based on the language of the law, reading and texting were the behaviors most commonly pro- hibited, followed closely by handheld electronic device use. In the initial review of the legisla- tion, manipulating/dialing were covered by laws in two jurisdictions (Utah and Wisconsin). â€¢ Again,
please note that the numbers on these slides reflect the restrictions covered under the law as they existed in January 2019. Since that time, some of the jurisdictions have succeeded in revising their laws. Behaviors Covered 7 Data collected in January 2019 Distracted driving law may cover more than one behavior; therefore, the total is more than
100% Behavior Number of Jurisdictions Percent Reading 38 62% Texting 31 51% Handheld 27 44% Speaking 2 3% Manipulation/ Dialing 2 3% Research Webinar for Practitioners J-15 Slide 14 â€¢ Electronic device use laws varied with respect to the population of drivers covered. â€¢ In most jurisdictions (N = 58), the law covered all drivers.
However, particular types of drivers were specifically identified in some jurisdictions, such as Arizona (where the law applied only to school bus drivers, teenagers, and GDL license drivers) and Missouri (where the law applied only to CDL drivers, teenagers, and GDL license drivers). Some jurisdictions had a law for the general population but
additional laws for specific types of drivers. Drivers Covered 8 Data collected in January 2019 Driver Number of Jurisdictions Percent All Drivers 58 95% CDL Drivers 1 (law does not include all drivers) 2% School Bus Drivers 2 (for 1 jurisdiction the law does not include all drivers) 3% Under 18 and/or GDL Drivers 6 (for 2 jurisdictions the law does
not include all drivers) 10% J-16 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 15 With respect to when the law is enforceable: â€¢ Some laws specified that a driver is in violation only if the vehicle is in motion; if no other restrictions were specified, these were treated as â€œin motion onlyâ€ laws. This
designation was also used when the law permits device use when the vehicle is stopped at a traffic signal. â€¢ Other laws specified that electronic device use is a violation if the vehicle is being operated on a public roadway, whether in motion or stopped at a traffic signal. These were categorized as â€œat all timesâ€ laws. â€¢ The jurisdictions were
fairly evenly split with regard to when the law is applicable, with 30 jurisdictions specifying that electronic device use is a violation if the vehicle is stationary or in motion (at all times) and 29 jurisdictions having laws that are in effect only when the vehicle is in motion (in motion only). One state, Arizona, does not specify when the law is enforceable.
When the Law Is Enforceable 9 Law Enforceable Number of Jurisdictions Always 30 When vehicle was moving 29 Data collected in January 2019 Research Webinar for Practitioners J-17 Slide 16 â€¢ During the initial scan, the researchers also noted a number of exemptions to the law. Most jurisdictions provided multiple exemptions in their electronic
device use laws. â€¢ The most common exemptions were when contacting emergency services (N = 48), use by emergency personnel (N = 41), and hands-free use (N = 34). Exemptions to the Law 10 Exemption Number of Jurisdictions Percent Contacting Emergency Services 48 79% For Emergency Personnel 41 67% For Hands-Free 34 56% For
Navigation 27 44% Use of Single Touch Features 18 30% For Work Purposes 13 21% When Affixed to Vehicle Surface 9 15% Receiving Safety Messages 7 11% Other 5 8% Data collected in January 2019. Distracted driving law may cover more than one behavior; therefore, the total is more than 100%. J-18 Using Electronic Devices While Driving:
Legislation and Enforcement Implications Slide 17 â€¢ After reviewing the laws in all 50 states and 10 provinces, the researchers assigned points for the strength of each law based on eight components: â€" Violation type â€" Behaviors covered (allowed an extra point for additional behaviors covered, such as reading or speaking) â€" Types of drivers
covered (allowed an extra point if the law covered all drivers and there were one or more laws that were more stringent for specific populations) â€" When law is enforceable â€" Penalty range for first offense â€" Incremental penalty â€" Fine range for first offense â€" Incremental fine â€¢ Each jurisdiction had a potential score of 0 to 20 points. The
total score ranged from a high of 17 points (for Ontario) to a low of 0 points (for Montana, which had no law). â€¢ The assessment of law strength was a key component considered during the cluster analysis (as discussed in the methodology) and for the selection of 20 jurisdictions for in-depth review. Assessing the Strength of the Law 11 Jurisdictions
Total Points Ontario 17 Maryland 16 Alberta, British Columbia, Georgia, Manitoba, New York, Prince Edward Island 15 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 Research Webinar for Practitioners J-19 Slide 18 â€¢ This section reviews the qualitative findings on electronic device use legislation based on the initial scan and the in-depth review with the 20 selected jurisdictions following the cluster analysis and sample selection. Qualitative Findings Based on in-depth review
with selected jurisdictions: â€¢ Process for enacting or revising an electronic device use law. â€¢ Language and interpretation of electronic device use laws. â€¢ Distracted driving penalties and fines. â€¢ Enforcement strategies. â€¢ Public awareness and information. â€¢ Data collection and evaluation. 12 J-20 Using Electronic Devices While Driving:
Legislation and Enforcement Implications Slide 19 â€¢ The process of enacting or revising an electronic device use law will be discussed first. â€¢ A number of jurisdictions indicated that including a variety of partners in the process was key to enacting or revising a more rigorous electronic device use law. â€" Important partners included state or
provincial government agencies such as highway safety, law enforcement, the judiciary, and the DMV, as well as political leaders, including support from legislative staff and the state governor or provincial lieutenant governor. â€" Nongovernmental stakeholdersâ€"such as safety organizations and community leadersâ€" can also help facilitate and
garner support for a new law. Victim advocates may also serve as leading voices for stronger distracted driving laws, as has been the case in Maryland and Pennsylvania. â€" In several jurisdictions, the authors also heard about the importance of inviting opposing groups to coalition meetings to better understand their views and determine whether
their concerns could be addressed or a compromise achieved. For example, in some states, con- cerns about racial profiling have been addressed through compromise, such as adding an amendment that mandates an annual review of citation demographics. â€¢ Another strategy for developing a stronger law is to initially prohibit texting and then
develop a more rigorous law over time. â€" Representatives from several jurisdictions stated that â€œtextingâ€ laws are not only difficult to enforce but also contain antiquated language, since current users are also browsing, snap- chatting, creating videos, watching, and manipulating their devices in other ways. There- fore, it is important to really
scrutinize the language used in the law. â€¢ Some jurisdictions adopted local ordinances in the hope of influencing the state government to enact or revise a law. For example, in Idaho, in an attempt to influence state legislation, Hailey, Idaho Falls, Ketchum, Pocatello, and Sandpoint enacted local ordinances banning handheld use of cell phones.
Similar ordinances have been instituted in Montana (to encour- age the writing of a state law). Richmond, Virginia, passed a local hands-free ordinance in December 2019. Process of Enacting or Revising an Electronic Device Use Law â€" Strategies Used Jurisdictions used different strategies to enact or revise electronic device use laws: â€¢ Building
a coalition or team of stakeholders. â€¢ Starting with a basic texting law and adding more rigorous clauses. â€¢ Adopting local ordinances. 13 Research Webinar for Practitioners J-21 Slide 20 With respect to challenges faced: â€¢ As of December 2019, only Connecticut, Oregon, Maine, and New Jersey were eligible for NHTSA 405E funding based on
the language of their laws. Several states expressed interest in clarifying their language in order to qualify for 405E funding and for additional NHTSA support as they are developing the language of their laws. These states want funding to help increase public outreach and education efforts to facilitate public acceptance of the law. â€¢ Other
jurisdictions mentioned resistance to revisions in the law. In Idaho, businesses and farmers opposed the addition of a hands-free ban to the existing distracted driving law because they saw it as challenging in their working environment. Passage of Virginiaâ€™s handheld ban keeps failing at the last minute due to the influence of only a few politicians.
Process of Enacting or Revising an Electronic Device Use Law â€" Challenges Faced Challenges: â€¢ Efforts to match language needed to be eligible for NHTSA 405E funding. â€¢ Resistance to revisions in the law, specifically handheld bans. 14 J-22 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 21 With
respect to the language used and how the law is interpreted: â€¢ Inclusive or wide-ranging language allows for broad interpretation of the electronic device use law. For example, in Alberta, the law prohibits handheld use of a device for all drivers, all roadways, in motion or stopped. In Ontario, the wording of the regulation in the Highway Traffic
Safety Act refers to whenever the device is in the driverâ€™s hand. In court, this law has been enforced even in cases where the electronic device is off but in the hand of the driver. â€¢ A number of jurisdictions have purposefully designed the language to reduce these types of limitations in the laws. â€" In Oregon, the term â€œmobile electronic
deviceâ€ was substituted for â€œmobile communication deviceâ€ to broaden the definition of device use and remove many exceptions to the statute. â€" Similarly, in Maine, an update to legislation referred to a â€œhandheld electronic device,â€ which includes cell phones as well as other types of devices. â€" Quebec avoided complexities that may
arise from vague definitions of the term â€œuseâ€ by stating that â€œa driver who is holding a device is presumed to be using it.â€ â€" Jurisdiction representatives also stated that clear language is important for specifying the conditions under which electronic device use is allowed when the vehicle is not in motion, such as when contacting
emergency personnel. Language and Interpretation of Distracted Driving Laws The content and wording of electronic device use legislation can affect the lawâ€™s acceptability and the ability to enforce it. The language of the law should be inclusive or wide-ranging â€" for example, â€œmobile electronic deviceâ€ instead of â€œmobile
communication device.â€ Exemptions can make the law challenging to enforce â€" for example, requiring the vehicle to be in motion. 15 Research Webinar for Practitioners J-23 Slide 22 The following were found when discussing penalties and fines with the selected jurisdictions: â€¢ In several jurisdictions, there was some concern about setting a
fine too high because officers may be reluctant to issue the citation. â€" Some law enforcement personnel in Connecticut initially expressed concern over issuing substantial fines; however, due to the high level of public education and outreach, it became easier to issue citations over time because drivers could no longer say they were unaware of the
law. â€¢ Although several jurisdictions instituted incremental fines and penalties, there was limited research to indicate whether these initiatives were effective with regard to electronic device use. For example: â€" In Manitoba, police can issue a roadside suspension of the driverâ€™s license when a driver violates the law. There is a 3-day
suspension for a first violation and a 7-day suspension for a second. â€" Incremental fines and penalties were introduced in Quebec in 2015, then updated in 2018, with fines increasing to a range of $300 to $600 (plus costs) and 5 demerit points. â€" The system has not always worked as intended in Maine, Maryland, and Connecticut when a driver
was issued a second citation soon after the first and both were issued as a first citation. This is usually due to delays in processing citation paperwork; e-citations may be a solution. â€¢ As previously noted, there is a need for additional research to support the effectiveness of incremental fines and penalties specific to electronic device laws. This
research might involve looking at other data, including the number of citations issued, data from observational studies on electronic device use, and crash data. Safety advocates in some jurisdictions specu- lated that incremental penalties are more effective than incremental fines because people are more willing to accept a one-time fee than the loss
of their license. â€¢ Several jurisdictions had more punitive measures, such as jail time, in cases where a crash involving an electronic device resulted in injury or death. Distracted Driving Penalties and Fines Most jurisdictions assign fines and penalties for distracted driving that are similar to those for other traffic violations. Public information
campaigns are important to increase public acceptance of enforcement and fines. Several jurisdictions have incremental fine or penalty structures, but no measures of effectiveness as yet. Many jurisdictions have more punitive measures for crashes that result in serious injuries or fatalities. 16 J-24 Using Electronic Devices While Driving: Legislation
and Enforcement Implications Slide 23 â€¢ Law enforcement personnel in the different jurisdictions often confirmed the importance of including law enforcement when developing a law. â€¢ Here are some of the enforcement strategies that were shared: â€" Focused Patrols. Connecticut set up focused patrol zones staffed by multiple officers,
including a spotter, an officer to pull vehicles over, and others to write citations. â€" Elevated Vehicles. Jurisdictions such as Tennessee, Maine, Manitoba, and Quebec have used elevated vehicles such as pickup trucks, commercial trucks, utility vehicles, and buses to spot distracted drivers. In Tennessee, the use of elevated vehicles was entitled
Operation Incognito. The Tennessee Highway Safety Office and Highway Patrol invited media and community partners to board a bus and assist as spotters, notifying police in patrol cars when they saw distracted drivers. â€" Video/Photography. Idaho drivers are videotaped to ensure that there is evidence of texting behavior. The use of video or
photographs may serve as a strategy in cases where the language of the law is problematic for enforcement. â€" Roving Patrols. In Maine, state police used two-officer roving patrols in unmarked vans and SUVs, with one officer to drive and the other to survey nearby cars. â€" Covert Tactics. Vermont has used undercover flaggers in work zones, as
well as a spotter on a hill who peers into vehicles using binoculars. In Montgomery and Frederick County, Maryland, law enforcement personnel have dressed as panhandlers, carrying a sign that says â€œAre you using your cell phone?â€ and radioing in to another officer who can pull over distracted drivers and issue a citation. In addition, work
vehicles from the Pennsylvania Turnpike or PennDOT have been used to camouflage police and allow for observation of distracted driving violations. â€" Coordinated Campaigns. One unique campaign is a joint effort by the six New England states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. â€œJust Drive New
Englandâ€ is a coordinated education and enforcement campaign that takes place during April as part of Distracted Driving Month. Enforcement Strategies Include law enforcement when developing the lawâ€™s language and content. Enforce the law at higher rates during enhanced enforcement or high-visibility periods. Strategies: â€¢ Focused
patrols â€¢ Elevated vehicles â€¢ Video/photography â€¢ Roving patrols â€¢ Covert tactics â€¢ Coordinated campaigns 17 Research Webinar for Practitioners J-25 Slide 24 â€¢ In many jurisdictions, a strong public awareness campaign has been deployed following the enactment or revision of the distracted driving law. Because of funding issues, in
some areas, campaigns occur only during Distracted Driving Awareness Month. â€¢ Outreach efforts include social media advertisements, radio and TV commercials, public events, and programs in schools or with younger drivers. Because funding is limited, these events are often the result of partnerships. Public Awareness and Information Public
Awareness Campaigns: Following enactment or revision of distracted driving laws. During Distracted Driving Awareness Month. Use social media, public events, and school programs with young drivers. Develop partnerships. 18 J-26 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 25 â€¢ The researchers also
spoke to representatives about data collection efforts within their jurisdictions. â€¢ Crash data were not used as frequently because of issues with underreporting. However, juris- dictions were more frequently identifying the type of distraction on their crash forms. â€¢ Citation data were used by many jurisdictions to plan enforcement and outreach
activities. â€¢ Several jurisdictions measured the publicâ€™s knowledge, attitudes, and behaviors to support highway safety activities, legislation, and enforcement. In many cases, the survey data point to a high level of awareness of the dangers of distracted driving. For example: â€" A December 2017 survey of Ontarians revealed that 90 percent
felt it was dangerous to send or read a text message or use a handheld device while driving. Perceptions of these dangers had increased, from 85 percent, since 2015. â€" In Nebraska, 61 percent of respondents to the 2018 Annual Traffic Safety Study supported a law allowing a ticket solely for cell phone use while driving. Ninety-two percent of
respon- dents supported a law allowing drivers to be stopped and ticketed solely for texting while driving. These findings may support transition to a primary law. â€" The Virginia Governorâ€™s Office held a digital town hall (with 2,084 online participants) focused on distracted driving. Participant input indicated a negative perception of dis- tracted
driving among commonwealth citizens. When participants were asked for three words to describe the act of driving distracted, the word â€œdangerousâ€ was most frequently mentioned. In response to the question, â€œWho might be the most influential person in getting you to put away your phone before driving?,â€ the most common responses
referred to family. â€¢ Observational surveys of electronic device use were also mentioned as an evaluation method. Not many of the jurisdictions collect this data. However, for U.S. states, this is something that could be added to state observational surveys of seat belt use. â€¢ Lack of evaluation data makes it more difficult to recommend certain
practicesâ€"for example, regarding incremental fines/penalties or stronger penalties for injuries or death caused by a distracted driving event. Several jurisdictions stated that they are interested in conducting evaluation of the newer laws, but it will take time. Data Collection and Evaluation Some jurisdictions capture texting or electronic device use
under distracted driving on crash forms. Citation data are used to plan enforcement and outreach activities. Public surveys assess awareness of the dangers of distracted driving and support for distracted driving laws. Some jurisdictions collect observational data on electronic device use. There is a need for further evaluation of the effects of the law.
19 #YourSayVA Digital Town Hall Distracted Driving Research Webinar for Practitioners J-27 Slide 26 With respect to changes in perception: â€¢ In many jurisdictions, use of electronic devices has not necessarily dropped, but tolerance for distracted driving is low. To this point, harnessing the voice of voting citizens and local victim advocates might
be an approach to influence lawmaker decisions. â€¢ However, there are still jurisdictions where revisions in the law, such as changing prohibited behaviors from texting to a handheld ban, are not widely accepted. â€¢ That being said, it may be challenging to find a one-size-fits-all approach. However, it is promising that many jurisdictions said their
constituents were less tolerant of distracted driving. Effects of Safety and Political Culture Many jurisdictions point to change in perceptions of distracted driving. â€¢ Some have harnessed the voice of voting citizens and victim advocates to help revise laws. In some jurisdictions, the lack of safety culture may hinder the transition to a more rigorous
law at this time. 20 J-28 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 27 â€¢ As anticipated, across the groupings in the cluster analysis, the authors identified similarities in distracted driving laws, enforcement strategies, public awareness and information cam- paigns, and safety and political culture. â€¢
Specifically, respondents from the weaker law groupings were more likely to note challenges to initiating more rigorous laws and conducting enforcement and public information cam- paigns. In contrast, stronger law jurisdictions were more likely to have succeeded in passing rigorous laws and updates to laws, improving the language of their laws to
avoid weaknesses, and conducting increased law enforcement and public awareness efforts. The stronger law groupings often pointed to a stronger safety culture that promoted more effective actions to prevent distracted driving. 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. 21 Research Webinar for Practitioners J-29 Slide 28 â€¢ To summarize, here are some

of the key findings identified in the review of the current legislation, enforcement, and education activities. â€¢ Language of the Model Law â€“ It is imperative that proposed language be carefully scrutinized to limit exceptions or loopholes. Similarly, components of the law should be clearly defined. â€“ Including law enforcement personnel during language development will be critical to help ensure that the model law is enforceable. â€“ Because 405E funding is substantial, U.S. states are likely to be helped by model language that is in line with NHTSA requirements when they develop programs to support the law. Several states requested guidance and resources from NHTSA to help ensure that their laws were compliant. â€¢ Coalition Building â€“ Working with different partners to design the distracted driving law is critical to maximize public acceptance. Coalition support is also important for ongoing effectiveness. â€¢ Education and Enforcement Efforts â€“ Public information and education campaigns, accompanied by well-publicized and rig- orous law enforcement operations, have been shown to positively influence motoristsâ€™ behavior and remind the public of the consequences of disobeying the law. Note that for enforcement to be most effective, it must be sustainable, meaning that it must occur throughout the year in addition to high-visibility enforcement campaigns. â€¢ Data Collection and Evaluation â€“ Jurisdictions vary greatly in the extent to which they collect and analyze data. Effective pro- grams track success, identify limitations, and use data to direct future activities. Continu- ous and periodic evaluation of distracted driving enforcement and education is essential to sustaining its success. 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. 22 J-30 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 29 â€¢ The second phase of the study involved the design of a series of materials identifying best practices that could be shared with various stakeholders. Sharing Best Practices 23 Research Webinar for Practitioners J-31 Slide 30 â€¢ These materials serve as different methods to communicate the information identified during Phase 1 to key audiences, including legislators, law enforcement personnel, policy makers, local government officials, researchers, and the general public. Some of these deliverables summarize main findings, and others are more instructional or a â€œhow to.â€ â€¢ In addition to the information gathered in Phase 1, the researchers used a variety of resources, such as existing toolkits and research publications, to guide the development of deliverables. â€¢ The materials developed include this presentation, as well as: â€“ Model legislation, â€“ Customizable presentation for stakeholders regarding the development of legislation, â€“ Presentation for law enforcement on outreach and enforcement strategies, â€“ A highlight document for legislators on the importance of electronic device use legisla- tion, and â€“ A model press release. Materials Developed 1. Webinar to inform practitioners of research results 2. Model legislation 3. Presentation for different stakeholders regarding the development of model legislation 4. Presentation for law enforcement regarding effective enforcement methods and strategies 5. Highlight document to help inform legislators on the development of electronic device use legislation 6. Model press release 24 J-32 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 31 â€¢ Designed for key stakeholders, including legislators and policy makers, highway safety administrators, law enforcement personnel, community stakeholders, and advocates. â€¢ In developing the model legislation, the authors have used examples from states, localities, and provinces that have proven to be well-written, easy to enforce, and apparently effective based on the research of enforcement activity and crash data. â€¢ When developing the wording for the model law, the authors considered guidelines for 405E funding. Model Legislation Audience: Key stakeholders involved in promoting legislation related to electronic device use while driving. Purpose: To provide guidance and language that can be used 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. 25 Research Webinar for Practitioners J-33 Slide 32 â€¢ When developing legislation, it is important to clearly define the terminology used in the law. The example on the slide shows how to define the terminology in the legislation. [This slide is intended to be a reference for the wording used in the model law.] The legislation should clearly define the terminology used. This is an example of how to define terminology in your law. Example Model Law: Definitions of Terminology Used Section 1: The following provides definitions of the terminology used in Section 2, â€œProhibitions,â€ and Section 3, â€œExemptions.â€ â€¢ â€œElectronic Deviceâ€ means any portable electronic device that is capable of wireless communication or 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. â€œElectronic Deviceâ€ does not include in-vehicle systems, two-way radio, citizens band radio, or amateur radio equipment. â€¢ â€œUseâ€ includes holding, viewing, or manipulating, including multiple swipes or presses of a handheld, mounted, or hands-free electronic device. â€¢ â€œHandheldâ€ means holding or using a portion of the body to hold an electronic device. â€¢ â€œOperate a Motor Vehicleâ€ 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. â€¢ â€œTextâ€ means reading or manually composing electronic communications, including text messages, instant messages, and emails, using an electronic device. â€¢ â€œHands-freeâ€ means the use of an electronic device to talk or listen without use of either the 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.MODEL LEGISLATION 26 J-34 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 33 â€¢ This slide shows how to describe the prohibited behaviors when developing electronic device use legislation. [This slide is intended to be a reference for the wording used in the model law.] The prohibited behaviors should be clearly stated. This is an example of how to identify prohibited behaviors in your law. Example Model Law: Prohibitions Section 2: The following prohibitions apply to using an electronic device while operating a motor vehicle, except as provided in Section 3, â€œExemptions.â€ â€¢ A person may not operate a motor vehicle while using a handheld electronic device. â€¢ A person may not operate a motor vehicle while dialing numbers or inputting text or while engaging in multiple swipes or taps; this includes use when the device is hands-free. â€¢ A person may not stream, record, or broadcast video; this includes use when the device is hands-free. â€¢ A person may not use applications on the device that depict motion on the deviceâ€™s screen, with the exception of a global positioning system (GPS) or navigational software; this includes use when the device is hands-free. â€¢ 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. MODEL LEGISLATION 27 Research Webinar for Practitioners J-35 Slide 34 â€¢ As indicated earlier, a strong law will have very few exemptions. These exemptions should be clearly stated. [This slide is intended to be a reference for the wording used in the model law.] Any exemptions to the law must be clearly stated. This is an example of possible exemptions to be included in your law. Example Model Law: Exemptions Section 3: The following exemptions apply to Section 2, â€œProhibitions.â€ â€¢ 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, hospital, physicianâ€™s office, health clinic, ambulance company, or fire or police department. â€¢ The law does not apply to an individual driving or operating an emergency vehicle while the individual is acting within the scope of the individualâ€™s employment. â€¢ GPS or navigational software use is allowed when the electronic device is being used hands-free; however, the destination must be input 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. â€¢ Use of a citizens band radio or two-way radio by the operator of a moving commercial motor vehicle on a public road or highway is allowed. MODEL LEGISLATION 28 J-36 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 35 â€¢ Assignment of points or license suspension should be structured similarly to other traffic safety laws. [If the state has a points system] â€“ A person who violates Section 2, â€œProhibitions,â€ commits a traffic infraction for which ____ points will be issued. â€“ A second offense under this section is subject to ___ points issued. â€“ A third or subsequent offense under this section is subject to ____ points issued and/or temporary suspension of the personâ€™s license for a period of ____ days. [If the state does not have a points system in place] â€“ A person who has a third or subsequent violation of Section 2, â€œProhibitions,â€ within a 3-year period will be issued a suspension of his or her license for a period of ï¿½ 30 days, if the person has 3 adjudications. ï¿½ 60 days, if the person has 4 adjudications. ï¿½ 90 days, if the person has 5 or more adjudications. [This slide is intended to be a reference for the wording used in the model law.] Outline the penalties and fines. This is an example of how to outline penalties and fines in your law. Example Model Law: Penalties and Fines Section 4: The following penalties apply to a violation of Section 2, â€œProhibitions.â€ Fines: â€¢ A person who violates Section 2, â€œProhibitions,â€ commits a traffic infraction for which a fine of $____ will be issued. â€¢ A second or subsequent offense under this section is subject to a fine of $____. Points / License Suspension: â€¢ Depending on the system in the state â€¢ Incremental Penaltyâ€“additional points for second or third offense â€¢ License Suspensionâ€“for third offense within a 3-year period MODEL LEGISLATION 29 Research Webinar for Practitioners J-37 Slide 36 â€¢ The authors developed a presentation to provide customized information and guidance for different stakeholders responsible for drafting, enacting, implementing, and enforcing legisla- tion on electronic devices, as well as educating the public on the significant safety benefits of complying with the law. â€¢ The presentation focused on the process of developing a new law or modifying an existing law. In doing so, it highlighted successful strategies, protocols, and procedures from juris- dictions across North America to deter distracted driving specific to electronic device use. Presentation for Different Stakeholders 30 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. J-38 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 37 â€¢ The presentation includes detailed and targeted modules for each type of stakeholder. The audiences include â€“ Legislators and policy makers, â€“ Highway safety administrators, â€“ Law enforcement, â€“ Community stakeholders and advocates, â€“ Public health officers, and â€“ Educators. â€¢ The images depicted on the slide are example slides from the presentations for different stake- holders in Appendix F. Presentation for Different Stakeholders 31PRESENTATION FOR STAKEHOLDERS Research Webinar for Practitioners J-39 Slide 38 â€¢ The presentation highlights strategies, protocols, and procedures that have been employed by the states and provinces that have been successful in drafting and enacting legislation to deter distracted driving. â€¢ It also provides information on the different implementation stages of effective electronic device legislation, from inception through enactment, education about and enforcement of the law, and the evaluation of efforts. â€¢ The slide is an example slide from the presentations for different stakeholders in Appendix F. Presentation for Different Stakeholders 32PRESENTATION FOR STAKEHOLDERS J-40 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 39 â€¢ The presentation functions as a slide deck that can be customized for the target audience. The introductory section is intended for all audiences and includes the background, key defini- tions, and an overview of the implementation stages of effective electronic device legislation. These slides are to be supplemented by the subsections that specifically address areas of inter- est to the key audiences. â€¢ Each section, tailored for an audience, begins with an opening slide describing that audienceâ€™s role in developing, implementing, enforcing, and sustaining electronic device use legislation. This is followed by a series of slides outlining key components that should be considered by each audience. The presentation includes the following content for specific audiences: â€“ Legislators and Policy Makers â€“ Your role, coalition building, components and language of a distracted driving law, and challenges in promoting legislation â€“ Highway Safety Administrators â€“ Your role, coalition building, components and language of a distracted driving law, challenges in promoting legislation, and designing public aware- ness campaigns â€“ Law Enforcement â€“ Your role, assisting with the development of the law, importance of high-visibility enforcement, effective enforcement strategies, and enforcement challenges â€“ Community Stakeholders and Advocates â€“ Your role, coalition building, components of a distracted driving law, and designing public awareness campaigns â€“ Public Health Officers â€“ Your role, data and evaluation, and goals of ongoing evaluation â€“ Educators â€“ Your role, key programs to target teenagers, encouraging youth to be influ- encers, and peer-to-peer education initiatives Presentation for Different Stakeholders Structure of the Presentation: Introductory section Sections tailored for each audience, highlighting their individual roles: â€¢ Coalition Building â€¢ Assisting with the Development of the Law â€¢ Components and Language of the Law â€¢ Challenges in Promoting Legislation â€¢ Designing Public Awareness Campaigns â€¢ The Importance of High Visibility Enforcement â€¢ Effective Enforcement Strategies â€¢ Enforcement Challenges â€¢ Data and Evaluation â€¢ Education Opportunities PRESENTATION FOR STAKEHOLDERS 33 Research Webinar for Practitioners J-41 Slide 40 â€¢ While the presentation for stakeholders did include a section for law enforcement, this presentation is more detailed and emphasizes the importance of educating the public and enforcement countermeasures to the success of an electronic device use law to reduce distracted driving. â€¢ This presentation is designed to provide law enforcement with essential information to support effective education and enforcement of an electronic device use law and is based on experiences of law enforcement agencies across North America. Presentation for Law Enforcement 1 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. J-42 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 41 â€¢ Topics that influence enforcement practices were incorporated into the presentation. These include: â€“ Identifying the problem; â€“ Prioritizing distracted driving within the agency, which includes the importance of leader- ship and oversight of the program; â€“ Training and educating enforcement personnel; â€“ Enforcement strategies; â€“ Outreach and education, including communicating the law to motorists; â€“ Using data to target enforcement and education efforts; â€“ Officer safety and the importance of reducing distractions while driving for work; and â€“ Providing feedback to officers. Presentation for Law Enforcement Topics: â€¢ Identifying the Problem â€¢ Prioritizing Distracted Driving as a Safety Issue â€¢ Officer Training â€¢ Effective Enforcement Strategies â€¢ Public Information and Education â€¢ Data-Driven Approach â€¢ Officer Safety â€¢ Feedback and Motivation 2PRESENTATION FOR LAW ENFORCEMENT Research Webinar for Practitioners J-43 Slide 42 â€¢ The authors developed a comprehensive 2-page electronic document to help inform legis- lators on the importance of distracted driving legislation and the components of a strong law. To make this document an accessible decision-making aid, the research findings and suggestions are organized to clearly convey the most relevant and useful information. Highlight Document for Legislators 3 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. J-44 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 43 â€¢ The document includes key messages that emerged as important components during Phase 1 of the project. Because the document is for a legislative audience with different levels of awareness about the dangers of distracted driving and motor vehicle safety, the use of tech- nical and statistical jargon was avoided and unfamiliar terms were explained. â€¢ The document presents key information using statistics, infographics, and concise bullet points. Highlight Document for Legislators Use of images and infographics to draw attention to key points DOCUMENT FOR LEGISLATORS 4 Research Webinar for Practitioners J-45 Slide 44 â€¢ The model press release is designed to communicate information on legislation to deter electronic device use while driving. It is a concise and targeted document that provides both general guidelines and examples of customizable text for use by different stakeholders, such as law enforcement personnel, community stakeholders, and highway safety agencies. â€¢ It was important that the text be customizable for different jurisdictionsâ€“for example, rural versus urban. Different messaging has different impacts. If the public cannot relate to it, they may say, â€œthis pertains to someone else and not me.â€ Model Press Release 5 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 the general public, partners, special populations, and stakeholders. J-46 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 45 â€¢ This document is organized such that: â€“ It first provides key components to be considered when developing outreach messages. â€“ It next includes sample press releases or outreach messages organized according to the agency sharing the information and by possible topics. The sample text should be supple- mented by organization-specific information. â€“ Finally, it provides hyperlinks to 2018 and 2019 press releases (on the topic of distracted driving) that the user can use as references. Model Press Release | Structure Key components of a well-designed outreach message, including: â€¢ Compelling headline â€¢ Clear call to action â€¢ Limits on length â€¢ Recommended media channels Sample text and talking points for different stakeholders Customizable content Examples of press releases and media pieces MODEL PRESS RELEASE 6 Research Webinar for Practitioners J-47 Slide 46 â€¢ As part of the final report, the authors highlighted potential future research needs and action items to further address distracted driving issues. The following are examples of possible action items and areas of research: â€“ The need to collect and analyze data to better understand the effect of the law on crashes, injuries, and fatalities. This includes evaluating the effects of different components of the law, such as incremental fines and penalties. â€“ Revising the model law to reflect technological developments. â€“ Examining the effectiveness of using crash, citation, and observational data to identify target audiences for outreach and enforcement. â€“ Developing and evaluating a toolkit aimed at enacting legislation and public outreach programs and instrumentation in a demonstration state. â€¢ In addition to research needs, it is important to share the project findings with stakeholders. This may include: â€“ Conducting a workshop or webinar with the states to discuss project findings, â€“ Obtaining stakeholder feedback on the model legislation and other project deliverables, and â€“ Further developing approaches other than enacting laws, such as targeted public outreach and education efforts. Future Research Needs Further evaluation of the effects of electronic device use laws, including: â€¢ Effect on distracted driving crashes, injuries, and fatalities â€¢ 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 7 J-48 Using Electronic Devices While Driving: Legislation and Enforcement Implications Slide 47 â€¢ Westat will also present this topic at one of the upcoming GHSA meetings, such as the execu- tive board or annual meeting. The presentation will address the background of the project; methodology used to complete Phase 1 and Phase 2; how the data was collected, consolidated, and evaluated; key study findings; and conclusions. â€¢ The presentation will also include a discussion of lessons learned, which include strategies and techniques used at each stage of developing and enacting model legislation, as well as implications for future research needs. Since the main mission of the GHSA is to implement federal grant programs for addressing behavioral highway safety issues, the presentation will focus heavily on the educational programs and outreach efforts identified during Phase 1. The presentation will also discuss the importance of the wording of the law and how subtle changes can have a large impact on enforcement efforts, education, and public acceptance. Whatâ€™s Next Presentation to GHSA Executive Board or Annual Meeting 8 Research Webinar for Practitioners J-49 Slide 48 â€¢ Thank you for your time. â€¢ Feel free to contact us with any follow-up questions. Thank You Feel free to contact us with any questions: Amy K. Benedick, PMP. | Senior Study Manager Westat, 1600 Research Blvd, Rockville, MD 20850 amybenedick@westat.com 9 Page 17 Page 251 Share Suggested Citation:"Appendix K - References." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 252 Share Suggested Citation:"Appendix K - References." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 253 Share Suggested Citation:"Appendix K - References." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Page 254 Share Suggested Citation:"Appendix K - References." National Academies of Sciences, Engineering, and Medicine. 2021. Using Electronic Devices While Driving: Legislation and Enforcement Implications. Washington, DC: The National Academies Press. doi: 10.17226/26082. × Below is the uncorrected machine-read text of this chapter, intended to provide our own search engines and external engines with highly rich, chapter-representative searchable text of each book. Because it is UNCORRECTED material, please consider the following text as a useful but insufficient proxy for the authoritative book pages. K-1 Alberta Office of Traffic Safety. 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Abbreviations and acronyms used without definitions in TRB publications: A4A Airlines for America AAAE American Association of Airport Executives AASHO American Association of State Highway Officials AASHTO American Association of State Highway and Transportation Officials ACIâ€“NA Airports Council Internationalâ€“North America ACRP Airport Cooperative Research Program ADA Americans with Disabilities Act APTA American Public Transportation Association ASCE American Society of Civil Engineers ASME American Society of Mechanical Engineers ASTM American Society for Testing and Materials ATA American Trucking Associations CTAA Community Transportation Association of America CTBSSP Commercial Truck and Bus Safety Synthesis Program DHS Department of Homeland Security DOE Department of Energy EPA Environmental Protection Agency FAA Federal Aviation Administration FAST Fixing Americaâ€™s Surface Transportation Act (2015) FHWA Federal Highway Administration FMCSA Federal Motor Carrier Safety Administration FRA Federal Railroad Administration FTA Federal Transit Administration HMCRP Hazardous Materials Cooperative Research Program IEEE Institute of Electrical and Electronics Engineers ISTEA Intermodal Surface Transportation Efficiency Act of 1991 ITE Institute of Transportation Engineers MAP-21 Moving Ahead for Progress in the 21st Century Act (2012) NASA National Aeronautics and Space Administration NASAO National Association of State Aviation Officials NCFRP National Cooperative Freight Research Program NCHRP National Cooperative Highway Research Program NHTSA National Highway Traffic Safety Administration NTSB National Transportation Safety Board PHMSA Pipeline and Hazardous Materials Safety Administration RITA Research and Innovative Technology Administration SAE Society of Automotive Engineers SAFETEA-LU Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (2005) TCRP Transit Cooperative Research Program TDC Transit Development Corporation TEA-21 Transportation Equity Act for the 21st Century (1998) TRB Transportation Research Board TSA Transportation Security Administration U.S. DOT United States Department of Transportation N O N -P R O F IT O R G . U .S . P O S TA G E P A ID C O LU M B IA , M D P E R M IT N O . 88 Transportation Research Board 500 Fifth Street, N W W ashington, D C 20001 AD D RESS SERVIC E REQ U ESTED ISBN 978-0-309-67379-2 9 7 8 0 3 0 9 6 7 3 7 9 2 9 0 0 0 0

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