

Comments on Bill 7, Motor Vehicle Act

**Submission by the
Canadian Wireless Telecommunications Association**

To

**the Law Amendments Committee of the Nova Scotia
Legislature**

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INTRODUCTION

As a long-time advocate of driver safety and the responsible use of wireless devices, the Canadian Wireless Telecommunications Association (CWTA) is pleased to participate in the review of *Bill 7, Motor Vehicle Act* undertaken by the Law Amendments Committee (herein “the Committee”).

The CWTA is the authority on wireless issues, developments and trends in Canada. The association represents cellular, PCS, messaging, mobile radio, fixed wireless and mobile satellite carriers as well as companies that develop and produce products and services for the industry. Together, our members account for 95% of wireless services used by Canadians. In the province of Nova Scotia 550,000 people own a mobile phone and use it to call for help in emergencies, to communicate with loved ones and to do their jobs, everyday.

The CWTA strongly supports the Government of Nova Scotia’s goal to improve road safety. The CWTA believes a combination of education, training and public awareness to be the most successful avenues for behaviour modification. If, however, the government does consider legislation to be necessary, we respectfully suggest it broaden the legislation to truly make Nova Scotia’s roads safer by fully enumerating all distractions. Specifically enumerating only wireless devices, which according to many studies are only fifth or sixth on the list of distractions at the wheel, will only create a false sense of security and perhaps legitimize other forms of distraction.

CWTA’S COMMITMENT TO DRIVER AWARENESS: HISTORY AND APPROACH

The CWTA believes education, training and public awareness are all key to reducing driver distractions and improving road safety. Our industry has long been committed to the issue of driver safety and has worked to raise public awareness of the need to stay focussed on the road and drive in a safe and responsible manner. This includes promoting simple guidelines for the use of a wireless device while driving, such as:

- Avoid unnecessary calls;
- Keep conversations brief; and
- Suspend conversations when driving conditions become hazardous.

Furthermore, the industry has always encouraged the use of hands-free devices to make it easier for drivers to keep both hands on the wheel.

As early as 1988, the wireless industry has undertaken public awareness campaigns to encourage safe driving practices, including several marketing campaigns with slogans such as: “*Safe Driving – Your First Priority*”; “*Drivers often face distractions on the road – A cell phone shouldn’t be one of them*”; “*Practice Safe Cell*” and “*Safety - Your Most Important Call.*” The CWTA also runs national public service announcements as part of our public awareness campaigns, which have aired across Canada on stations such as

the Weather Network and Sportsnet. More recently in October 2007 and again last week, in time for the winter driving season, the industry launched “*Keep two eyes on the road, keep two hands on the wheel*”, national advertisements to promote safe driving and staying focussed behind the wheel, which in Nova Scotia ran in the Halifax Chronicle Herald.

Working closely with a variety of well-respected safety organisations, including the Road Safety Educators Association, Young Drivers of Canada and the Insurance Bureau of Canada, the CWTA also produced the popular *Driven to Distraction* driver-training video. Over thirty-five thousand copies of the video have been distributed to employers, driving instructors, safety associations, insurers, police, schools and other organisations for use in driver training. The wireless industry also runs a “*Focus on Driving*” campaign to highlight positive actions individuals can take to mitigate their risks behind the wheel. As part of this campaign, the CWTA’s members have adopted the *Wireless Industry Focus on Driving Guidelines*. In addition to offering information on other general distractions which face drivers, these guidelines are a commitment by CWTA members to promote responsible driving initiatives in the workplace, offer employees guidance regarding wireless use and encourage employees to avoid taking calls unless absolutely necessary, and certainly to never use data services while actively engaged in driving (See Appendix 1).

DISTRACTION: THE FACTS

The CWTA believes that to increase road safety and reduce accidents public policy should address the much broader category of distracted driving, which involves a momentary lapse in attention that may have serious consequences for the driver. According to the National Highway Traffic Safety Administration in the U.S. driver distraction is estimated to be a contributing cause in 20% to 30% of all motor vehicle crashes.¹ Overall figures indicate that there are many other sources of driver distraction, as indicated in Table 1.

Table 1: Major Causes of Distraction in Reported Accidents (U.S.)

Outside person/object/event	29.4%
Adjusting radio/cassette/CD	11.4%
Other occupant in vehicle	10.9%
Adjusting vehicle controls	2.8%
Eating or drinking	1.7%
Using/dialling a wireless phone	1.5%

Source: Stutts et al. AAA Foundation for Traffic Safety 2001. Figures based on adjusted Crash-worthiness Data System (CDS) data.

¹ NCSL, *Cell Phones and Highway Safety* 2005.

In Canada, the Saskatchewan General Insurance examined 16,183 vehicle accidents and found that a total of 17% were caused by driver distraction. One percent of these were reported as related to the driver attempting to use or using a cellular phone; 32% were caused by an outside distraction.²

A more detailed analysis of distractions comes from the American Automobile Association's 2003 study, *Distractions in Everyday Driving*. The AAA study looked at the prevalence and duration (or percentage of driving time) of distractions in everyday driving, following the daily driving habits of 70 drivers with an in-car camera. The AAA found that 100% of drivers in the study were distracted at some point. In keeping with their 2001 figures (Table 1), the study found that approximately 85% of drivers turned their attention to something outside the vehicle, 64% manipulated vehicle controls, 54% conversed with another occupant in the vehicle, 50% ate or drank and 30% used a wireless phone.

Also, in the sixteen states that publish statistics on wireless phone involvement in motor vehicle crashes, data shows that cell phones were responsible for less than 1% of crashes.

Table 2 – Published US State Statistics Regarding Cell Phone Involvement in Crashes

	CA ²	FL*	MI	MN.	MT	NE	NY*	OK	PA	TN ²	TX	WI	KS	KY	MO	UT
Total Crashes	491083	243294	576951	94969	21778	75436	175218	73926	1E+05	30933	336665	2691	66703	7971	182261	69539
Inattention Factor in Crash	5677	1796	3841	28413	7105	4602	32867	8868	2358	n/a	n/a	669	911	173	51973	1496
Inattention as % of Total Crashes	1.15%	0.73%	0.66%	29.90%	32.0%	6.1%	18.8%	12.0%	1.6%	n/a	n/a	24.9%	1.37%	2.17%	28.52%	2.15%
Cell Phone Factor in Crash	611	366	879	223	77	115	216	348	139	7	1032	24	29	1	1496	164
Cell Phone as % of Total Crashes	0.12%	0.15%	0.15%	0.23%	0.35%	0.15%	0.12%	0.47%	0.09%	0.02%	0.28%	0.89%	0.04%	0.01%	0.82%	0.24%
Cell Phone as % of inattention	10.7%	20.4%	22.9%	0.78%	1.1%	2.5%	0.7%	3.9%	5.9%	n/a	n/a	3.6%	3%	0.58%	2.88%	10.96%

The fact that drivers spend more time engaged in a variety of activities other than concentrating on driving emphasizes the need to raise the public policy dialogue to address distractions in their entirety.

² Saskatchewan General Insurance (SGI), *Crash Data Report on driver distraction*, 2002.

COMMENTS ON THE PROPOSED LEGISLATION

The CWTA continues to believe that concerted public education and awareness-raising are the most effective in creating lasting change in driver behaviour. If the government is considering continuing with legislation, the CWTA would like to offer our industry's assistance in working with the government to move forward in addressing road safety.

The wireless industry agrees with the Government's recognition that there are many distractions that affect drivers behind the wheel; however, we are concerned that the focus on hand-held cellular telephones understates the issues of all distractions behind the wheel. Moreover, it is our understanding from discussions with officials that there are no plans to proscribe any further distractions under section 100D (1) at this time. The CWTA urges the Law Amendments Committee to recommend to the legislature that Bill 7 include all distractions. As is clear from the studies above, there are various distractions which should be prohibited under the legislation.

The following - although not exhaustive - is a list of other activities that can cause distractions while driving:

- Using of dispatch radios, portable computers, GPS equipment, video games, mp3 players and other electronic equipment
- Adjusting radios and changing CDs and/or cassettes
- Attending to other passengers or pets
- Engaging in personal grooming
- Consuming food or beverages
- Smoking
- Reading
- Communicating by words, gestures or other means to persons in another motor vehicle
- Responding to events outside the motor vehicle that are unrelated to the safe operation or control of the motor vehicle.

OTHER ACTIVITIES THE PROVINCE COULD UNDERTAKE TO PROMOTE ROAD SAFETY

As noted above, the CWTA believes education, training and public awareness can aid in the promotion of road safety. As such, the CWTA respectfully recommends the Government of Nova Scotia pursue long term public awareness and education to sensitize all drivers the risks associated with being distracted behind the wheel. The wireless industry would be pleased to lend our participation and support to any public awareness program the province undertakes.

Going forward, in order to assess the effectiveness of Bill 7 if it becomes law, and to make assessments regarding the need for changes to the legislation in the future, legislators must have reliable information about what causes accidents. The CWTA, therefore, suggests that accident reporting forms are expanded to include a variety of

distractions to allow police to collect fulsome data about which distractions are a factor in traffic accidents.

CONCLUSION

The CWTA would like to thank the Law Amendments Committee for inviting us to participate in this important discussion.

As a long-time advocate for driver safety CWTA believes that affecting a decrease in traffic accidents cannot be achieved on a single-issue basis, and requires partnership among all stakeholders.

The wireless industry looks forward to the opportunity to work with the Government of Nova Scotia to ensure effective legislation is in place to make roads safer and reduce accidents.

APPENDIX 1: CWTA WIRELESS INDUSTRY EMPLOYEE RESPONSIBLE DRIVING GUIDELINES

Canadian Wireless Telecommunications Association

“Focus On Driving”

Wireless Industry Employee Responsible Driving Guidelines

The Canadian Wireless Telecommunications Association (CWTA) cares about the safety of Canadians. CWTA is committed to being a leader and innovator in promoting good driving habits through our *Focus on Driving* program. As such, we have developed these guidelines for wireless industry employees.

The wireless industry recognizes the importance of promoting and encouraging the responsible use of wireless devices while driving. Driver distractions, such as eating or drinking, tuning the radio, engaging in intense conversations, or reading a text message on a wireless device, can compromise a driver's ability to control a vehicle and may adversely affect a driver's situational awareness.

These guidelines are intended to address the safety and educational needs of wireless industry employees with respect to potential distractions.

The wireless industry considers safety to be a top priority. We are therefore committed to provide training, information and equipment to minimize employee distraction at the wheel.

The Industry Pledge

The wireless industry encourages all employees to participate in our responsible driving procedures. Specifically, we encourage employees to complete the CWTA *Focus on Driving* awareness quiz on the Focus on Driving Web site: www.focusondriving.ca.

- *Focus on Driving* information and best practices are provided to every employee.
- Relevant information about *Focus on Driving* is posted and updated on company intranets or other employee communication channels on a regular basis to increase employee awareness about this issue.
- We encourage employees to create awareness about *Focus on Driving* with customers, with their families, and within their communities.

The responsibility of operating any vehicle in a safe manner ultimately lies with the individual driver. The industry recommends that its employees and customers abide by the following guidelines while driving:

- Be aware of potential distractions while driving. These may take many forms, including:
 - eating and drinking
 - reading or writing
 - using a wireless device
 - grooming
 - minding children
 - conversing with passengers
 - smoking
 - adjusting in-car stereos and electronics
 - minding pets
- Always buckle up, keep your hands on the wheel and your eyes on the road.

Using a wireless device while on the road:

- If you must make or receive a call, advise the person to whom you are speaking that you are driving and, if necessary, suspend the call or safely pull off the road.
- Keep conversations brief.
- Avoid engaging in stressful or emotional conversations (including those with passengers) as these may divert your attention from the road.
- Never use data services such as text messaging, Web browsing or e-mail while operating a vehicle.
- Never take notes while driving.
- When dialling manually, dial only when stopped, or have a passenger dial for you.
- Allow your voice mail to answer a call if traffic is heavy or driving conditions are poor or it is otherwise unsafe to answer the phone
- Unless exceptional circumstances exist, avoid using wireless devices while driving in weather, road or traffic conditions that could reasonably be described as poor or unsafe.
- Consider using a hands free device to make it easier to keep both hands on the wheel. Ensure that the hands free device is in place before operating a vehicle.

- Be familiar with handset or hands free features such as speed dial, redial and voice-activated functions.
- Program frequently-dialled numbers on your handset.
- Be a Wireless Samaritan. Call 9-1-1 to report any crimes, life-threatening emergencies, accidents or drunk drivers. In Canada alone, more than six million calls per year are made to 9-1-1 or emergency numbers using a wireless phone.

CWTA Commitment to Focus on Driving

The CWTA and its members are committed to the safety of their employees.

The CWTA and its members will continue to closely monitor scientific developments related to driver distraction issues.

The CWTA and its members will continue to communicate to employees on the issue of responsible driving.

The CWTA and its members will continue to collaborate with key stakeholders to promote responsible driving through the *Focus on Driving* program.

About the CWTA (www.cwta.ca)

The Canadian Wireless Telecommunications Association (CWTA) is the authority on wireless issues, developments and trends in Canada. It represents cellular, PCS, messaging, mobile radio, fixed wireless and mobile satellite carriers as well as companies that develop and produce products and services for the industry.