

In this chapter we will be looking at driver distractions, those things that make us take our eyes off the road, hands off the steering wheel and mind off the road ahead. Anything we may tend to do outside of piloting our 3500 – 4000 pound vehicle can distract us. Let's look at some of these distractions.

9.1 Driver Distractions

Distractions are everywhere. Driving is a skill that requires your full attention to safely control your vehicle and respond to events happening on the roads around you. Driving involves constant and complex coordination between your mind and body. Events or things that prevent you from operating your car safely are called distractions. There are 3 types of distractions, and they are anything that takes your:

Eyes off the road (VISUAL)

Mind off the road (MENTAL / COGNITIVE)

Hands off the steering wheel (MANUAL)

When you think about the actions you make in your vehicle other than just driving, you can see that they often involve more than one type of distraction. For instance, if you change your radio station, you take a hand off the steering wheel (MANUAL) to press a button and you take your eyes off the road (VISUAL) to look at what button you want to press.

Driver distractions are the leading cause of most vehicle collisions and near collisions. According to a study released by the National Highway Traffic Safety Administration (NHTSA) and the Virginia Tech Transportation Institute (VTTI), 80 percent of collisions and 65 percent of near collisions involve some form of driver distraction. The distraction occurred within 3 seconds before the vehicle crash!

The principal actions that cause distracted driving and lead to vehicle collisions are:

Using electronic devices

Reaching for an object inside of the vehicle

Looking at an object or event outside of the vehicle

Eating while driving

Applying cosmetics (makeup), or shaving

Drivers who engage more frequently in distracted driving are more likely to be involved in a vehicle crash or near collision.

9.2 "Dial D" for Disaster

The NSC (National Safety Council) says there are 5 myths drivers tend to believe when it comes to cellphones and driving:



- **Drivers can multitask** – The human brain cannot do two things at the same time like watch tv and hold a phone conversation. Both take concentration.
- **Talking on a cellphone is just like speaking to a passenger** – Adult passengers are also copilots. They can alert drivers to traffic problems and help avoid crashes.
- **Hands-free phone calls are safe while driving** – Drivers talking on cellphones can miss seeing up to 50% of their driving environments, including pedestrians and red lights.
- **I only use my cellphone at stoplights so it's ok** – Even at stoplights it is important to remain an attentive driver. For example, a AAA study shows that people are distracted up to 27 seconds after they send a voice text.
- **Voice-to-text is safe while driving** – Voice-to-text is even more distracting than holding your phone. You're mentally distracted by composing the message and visually distracted by common autocorrect errors.

Cell phone use is so apart of our everyday life that many times we do not realize when, where, and how often we are utilizing our “cellular phones.” Cell phone use while driving has increased significantly within the last few years.

It is true that new technology has made it easier to talk and drive, and your vehicle may be equipped with such technologies that allow you to do so. Manufacturers are trying to make your driving experience more convenient. With the increase of such technologies, however, it is important to remain aware of the road and avoid distractions. With any technology in your vehicle, ensure you learn about its functions and how to properly use it without adding distractions to your driving experience.

Studies have shown that driving performance is lowered and the level of distraction is higher for drivers engaged in cell phone conversations. The use of a hands-free device does not lower distraction levels. The percentage of vehicle collisions and near collisions attributed to dialing is nearly identical to the number associated with talking or listening.

Make and finish your cell phone calls or texts before you start your vehicle and drive. **If your phone rings while you are driving, let your voice mail pick up the call or ignore text messages. If you must respond, pull over to a safe location and park before using your cell phone. HOWEVER , when you pull over do so on the surface streets. Do not pull over to make/return non-emergency calls on the freeway. Pulling over on the freeway to make/return non-emergency calls is prohibited by CVC §21718 which states:**

(a) No person shall stop, park, or leave standing any vehicle upon a freeway which has full control of access and no crossings at grade except:

- (1) When necessary to avoid injury or damage to persons or property.
- (2) When required by law or in obedience to a peace officer or official traffic control device.
- (3) When any person is actually engaged in maintenance or construction on freeway property or any employee of a public agency is actually engaged in the performance of official duties.
- (4) When any vehicle is so disabled that it is impossible to avoid temporarily stopping and another vehicle has been summoned to render assistance to the disabled vehicle or driver of the disabled vehicle. This paragraph applies when the vehicle summoned to render assistance is a vehicle owned by the donor of free emergency assistance that has been summoned by display upon or within a disabled vehicle of a placard or sign given to the driver of the disabled vehicle by the donor for the specific purpose of summoning assistance, other than towing service, from the donor.

(5) Where stopping, standing, or parking is specifically permitted. However, buses may not stop on freeways unless sidewalks are provided with shoulders of sufficient width to permit stopping without interfering with the normal movement of traffic and without the possibility of crossing over fast lanes to reach the bus stop.

(6) Where necessary for any person to report a traffic accident or other situation or incident to a peace officer or any person specified in paragraph (3), either directly or by means of an emergency telephone or similar device.

(7) When necessary for the purpose of rapid removal of impediments to traffic by the owner or operator of a tow truck operating under an agreement with the Department of the California Highway Patrol.

(b) A conviction of a violation of this section is a conviction involving the safe operation of a motor vehicle upon the highway if a notice to appear for the violation was issued by a peace officer described in Section 830.1 or 830.2 of the Penal Code.

Here are a few things to keep in mind when it comes to cell phone use:

When it comes to using a cellphone while driving, CVC 23123 States:

(a) A person shall not drive a motor vehicle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.

(b) A violation of this section is an infraction punishable by a base fine of twenty dollars (\$20) for a first offense and fifty dollars (\$50) for each subsequent offense.

(c) This section does not apply to a person using a wireless telephone for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity.

(d) This section does not apply to an emergency services professional using a wireless telephone while operating an authorized emergency vehicle, as defined in Section 165, in the course and scope of his or her duties.

(e) This section does not apply to a person driving a school bus or transit vehicle that is subject to Section 23125.

(f) This section does not apply to a person while driving a motor vehicle on private property.

Heads up....this also means you cannot use your cell phone while sitting at red lights or at stop signs. These are huge red flags!

If the cellphone is mounted in the windshield:

Effective January 1, 2017, it is illegal to drive while holding and using an electronic wireless communications device, unless the device is mounted on the windshield similar to a Global Positioning System (GPS) device, or is mounted or attached to, a vehicle's dashboard or center console as long as it does not hinder the view of the road. The driver may use a feature or function with the motion of a single swipe or touch. This does not apply to manufacturer-installed systems that are embedded in a vehicle. **CVC § 23123.5 states:**

(c) A handheld wireless telephone or electronic wireless communications device may be operated in a manner requiring the use of the driver's hand while the driver is operating the vehicle only if both of the following conditions are satisfied:

(1) The handheld wireless telephone or electronic wireless communications **device is mounted** on a vehicle's windshield in the same manner a portable Global Positioning System (GPS) is mounted pursuant to paragraph (12) of subdivision (b) of Section 26708 or is mounted on or affixed to a vehicle's dashboard or center console in a manner that does not hinder the driver's view of the road.

(2) The driver's hand is used to activate or deactivate a feature or function of the handheld wireless telephone or wireless communications device with the motion of a single swipe or tap of the driver's finger.

If the handheld device is going to be mounted on the windshield, similar to a GPS device, then it may be mounted in a seven-inch square in the lower corner of the windshield farthest removed from the driver or in a five-inch square in the lower corner of the windshield nearest to the driver and outside of an airbag deployment zone, CVC § 26708 (B) (12)

Drivers under 18 years old:

(a) This section applies to a person under the age of 18 years.

(b) Notwithstanding Sections 23123 and 23123.5, a person described in subdivision (a) shall not drive a motor vehicle while using a wireless telephone or an electronic wireless communications device, even if equipped with a hands-free device.

(c) A violation of this section is an infraction punishable by a base fine of twenty dollars (\$20) for a first offense and fifty dollars (\$50) for each subsequent offense.

(d) A law enforcement officer shall not stop a vehicle for the sole purpose of determining whether the driver is violating subdivision (b).

(e) Subdivision (d) does not prohibit a law enforcement officer from stopping a vehicle for a violation of Section 23123 or 23123.5.

(f) This section does not apply to a person using a wireless telephone or a mobile service device for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity.

(g) For the purposes of this section, “electronic wireless communications device” includes, but is not limited to, a broadband personal communication device, specialized mobile radio device, handheld device or laptop computer with mobile data access, pager, and two-way messaging device.

A violation point shall be given:

Notwithstanding subdivision (f) of Section 12810, **a violation point shall be given only for a conviction of a violation of** subdivision (a) of Section 23123, subdivision (a) of Section 23123.5, or subdivision (b) of Section 23124, occurring on or after July 1, 2021, that occurs within 36 months of a prior conviction for the same offense.

9.3 Earbuds and Headsets

Hearing is more important to driving than many people realize. The sound of horns, a siren, or screeching tires can warn you of danger.

Sometimes you may hear a vehicle but cannot see it, especially if it is in your blind spot. Even worse, imagine playing loud music or wearing earbuds or a headset. In addition to not seeing the car in your blind spot, you can't even hear it. Hence, wearing earphones and headphones make it difficult to hear other noises while driving. It is against the law to wear earplugs or a headset in both ears while driving. In the same sense, do not turn your stereo so loud that you cannot hear anything outside your vehicle. Vehicle code 27400 says: A person operating a motor vehicle or bicycle may not wear a headset covering, earplugs in, or earphones covering, resting on, or inserted in, both ears. This prohibition does not apply to any of the following:

- (a) A person operating authorized emergency vehicles, as defined in Section 165.
- (b) A person engaged in the operation of either special construction equipment or equipment for use in the maintenance of any highway.
- (c) A person engaged in the operation of refuse collection equipment who is wearing a safety headset or safety earplugs.

(d) A person wearing personal hearing protectors in the form of earplugs or molds that are specifically designed to attenuate injurious noise levels. The plugs or molds shall be designed in a manner so as to not inhibit the wearer's ability to hear a siren or horn from an emergency vehicle or a horn from another motor vehicle.

(e) A person using a prosthetic device that aids the hard of hearing.

9.4 Are You Eating a Crash Diet?

If you are eating in your vehicle while driving, you are focusing on your food and not on your driving. You are not only chewing and swallowing; you are also opening packages, unwrapping and re-wrapping food, reaching, leaning, spilling, wiping, and cleaning yourself or your vehicle. These are quite a number of distractions for one driver on one trip. You are safer when you stop to eat or drink. Allow yourself plenty of time to stop, rest from driving, and enjoy your meal.

9.5 Are You Being Driven to Distraction?

What do children, friends, and pets all have in common? All can be dangerous distractions while driving.



Teach your young children that driving is an important job and that you must concentrate when you are behind the wheel. Buckle up your children properly. Give them distractions—books, games, or other appropriate toys to occupy their time. If you need to attend to your children, pull over to a safe place. Do not try to handle children while you are driving.

A loose pet in a moving vehicle can be very dangerous. Although not illegal in California, unrestrained pets in side an enclosed vehicle can be hugely distracting if he is seeking your attention, putting his face right in front of yours, starts chewing up the upholstery or is vomiting because he is carsick. Properly secure your pet in a pet carrier, portable kennel, or specially designed pet harness when you are driving. We all know that an accident can happen in a heartbeat, but regret lasts a lifetime.

When you are driving with friends and relatives, establish some strategies to keep your passengers under control. A carload of friends can be very distracting with loud talking, quarreling over music selections, or roughhousing. Arguments and other disturbing conversations should be held in a safe, appropriate place, not while you are driving in your

vehicle. During an argument you become less observant and more likely to fail to anticipate hazards, which may result in a collision.

9.6 Turning Dials Can Turn Your Head



Making destination entries on an in-vehicle navigation system, radio surfing for a good song, or adjusting your vehicle's climate controls are distracting activities that can put you in danger of a vehicle collision or near collision. The availability of in-vehicle Internet and email access from cell phones, tablets, and other portable devices are added distractions that increase your risk of a collision if you engage in these activities while driving. Here are a few tips to staying safe:

- Adjust your vehicle's controls (climate controls, mirrors, radio, seat, etc.) before you begin to drive.
- Check your email, voice mail, and text messages before you begin to drive.
- Take advantage of normal stops to adjust controls.
- Ask your passenger to adjust the radio, climate control, navigation system, etc. for you.

9.7 Hygiene and driving

Are you using your rearview mirror or visor mirror as a mini vanity in the morning or on the way to a date? If so, you could be jeopardizing your health and your safety. If you would rather look "dead than simple," be sure to avoid touch-ups in the car to avoid the reality of the former!

Usually, when men or women use the rear-view mirror to shave or put on makeup, they have to move it from its place, taking time to move the mirror that should be used to pay attention to the road. It is estimated that drivers who are alert react in 1.5 seconds, while

those who is distracted, such as when shaving or applying makeup, would require at least 3 seconds.

Also, for men or women who use the mirror that is in the visor or sunshade, visibility in the front windshield is further impeded, since lowering the visor will cover your eyes and you won't be able to see the road in front.

9.8 Looks Can Kill

Looking out your window at what you are passing while driving can be a distraction if you are concentrating on:



- A burning building
- A car stuck in a precarious position
- A car accident
- Interesting artwork

Always focus on your driving. It is crucial that you remain alert while on the road in order to arrive at your destination safely.

Regarding accidents and stalled vehicles on the road, these events quickly draw our attention to them especially when we see numerous flashing red, yellow or amber lights surrounding the scene. Though we may be tempted to “get a better view” by driving as close

to the scene as possible, remember that the recent Move over Slowdown law (CVC 21809) requires that:

(a) A person driving a vehicle on a highway approaching a stationary authorized emergency vehicle that is displaying emergency lights, a stationary tow truck that is displaying flashing amber warning lights, or a stationary marked Department of Transportation vehicle that is displaying flashing amber warning lights, shall approach with due caution and, before passing in a lane immediately adjacent to the authorized emergency vehicle, tow truck, or Department of Transportation vehicle, absent other direction by a peace officer, proceed to do one of the following:

(1) Make a lane change into an available lane not immediately adjacent to the authorized emergency vehicle, tow truck, or Department of Transportation vehicle, with due regard for safety and traffic conditions, if practicable and not prohibited by law.

(2) If the maneuver described in paragraph (1) would be unsafe or impracticable, slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.

(b) A violation of subdivision (a) is an infraction, punishable by a fine of not more than fifty dollars (\$50).

(c) The requirements of subdivision (a) do not apply if the stationary authorized emergency vehicle that is displaying emergency lights, the stationary tow truck that is displaying flashing amber warning lights, or the stationary marked Department of Transportation vehicle that is displaying flashing amber warning lights is not adjacent to the highway or is separated from the highway by a protective physical barrier.

9.9 Distractions and Young Drivers

The leading cause of death for 15–20 year olds are vehicle collisions. Vehicle collisions make up approximately one-third of all deaths for this age group. More collisions occur when passengers, usually other teens, are in the vehicle with a teen driver. Statistics show 2 out of 3 teens die as passengers in a vehicle driven by another teen.

These statistics are caused by a teen’s immaturity, driving inexperience, overconfidence, and risk-taking behaviors. Before your teen takes to the road, explain to them the dangers of engaging in distracting activities and driving. Many teens do not see the connection between the things that distract them and their age group’s high rate of vehicle collisions and death.

Give your teen strategies and rules to help them keep their passengers under control. No roughhousing, provoking the driver to speed, or engaging in any other type of dangerous activity while riding in a vehicle.

Instruct your teen to set up their radio, CD player, iPod or any other music playing device before driving and to play the music at a listening level that is not distracting. Regardless of age, it is illegal to wear headphones or earplugs in both ears when driving a motor vehicle or riding a bicycle.

Talk with your teen about how to deal with driving distractions. Discuss what could happen if they try to answer a cell phone, send a text message, send a tweet to the POTUS asking why the sky is blue, search for music, or spill a drink on themselves while they are driving. Explain the importance of driving safely and staying alive.

9.10 Other Deadly Distractions

In this age of multitasking, it is common to do more than one task at the same time. You already multitask when you are driving; your mind and body are working simultaneously to drive your vehicle. You should not add another task on top of what you already need to do to drive safely. These tasks should never be done while you are driving:

Reading a newspaper, book, or map.

Personal grooming, such as hair grooming, shaving, or applying makeup.

Smoking, lighting up, or putting out a cigarette.

Working in your car: typing on a laptop, making business calls, and writing notes or reports.

Undistracted Driving: When driving, the condition of the road and the behavior of other drivers can change abruptly, leaving you little or no time to react. When you are driving, follow these rules:

Stay focused Scan your surroundings. When another driver makes a mistake, you need time to react. Give yourself this reaction time by keeping enough space on all sides of your vehicle. This space will give you room to brake or maneuver if necessary. Knowing what's going on ahead of your vehicle is important so scan about 10-15 seconds down the road. Take in as much of the scene as possible

Pay attention and expect the unexpected Before changing lanes, look into your rearview mirror for nearby vehicles and over your shoulder to check for blind spots. Blind spots can hide a motorcyclist, a vehicle, or a bicyclist. Watch for things about to happen, like a ball rolling into the street or a vehicle door opening.