



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY

January 19, 2024

The Honorable Mike Moser, Chairperson
The Honorable Barry DeKay, Vice Chairperson
Transportation and Telecommunications Committee
Nebraska Legislature
Post Office Box 94604
Lincoln, Nebraska 68509

Dear Chairperson Moser and Vice Chairperson DeKay:

Advocates for Highway and Auto Safety (Advocates), an alliance of consumer, safety, medical, public health and law enforcement groups and insurance companies working together to pass highway and auto safety laws that prevent crashes, save lives, reduce injuries, and contain costs, supports enactment of Legislative Bill (LB) 1033. This legislation will improve safety on Nebraska roads by upgrading the state's distracted driving law to primary enforcement. Current state law is secondary enforcement which significantly hinders law enforcement efforts as they are required to first observe another violation before stopping the driver for distracted driving. Considering the prevalence of distracted driving crashes, this legislation is critical and timely.

In 2022, there were an estimated 250 traffic fatalities in Nebraska according to the National Highway Traffic Safety Administration (NHTSA).ⁱ Distracted driving caused nearly 41,000 crashes, over 14,000 injuries, and 119 deaths in Nebraska from 2010-2019.ⁱⁱ Additionally, it's important to note that distracted driving crashes are known to be underreported due to differences in police crash report coding, database limitations and other challenges. Wireless communication device distraction, which includes manual, visual and cognitive components, is a serious issue contributing to crashes and deaths, and numerous studies and surveys have found that its incidence is on the rise. NHTSA noted the percentage of drivers visibly manipulating hand-held devices while driving increased by 127 percent between 2012 and 2021.ⁱⁱⁱ NHTSA's most recent survey on the issue found that twice as many people reported cell phone use than in past surveys when they were involved in a crash or a near crash. A survey performed by Nationwide Insurance found that half of those surveyed (51 percent) admitted to holding a cell phone while driving despite 66 percent saying that doing so is dangerous.^{iv} The Insurance Institute for Highway Safety (IIHS) released a roadside survey in 2019 that found manipulation of devices while driving is up 57 percent over the prior 2014 survey.^v More can and should be done to eradicate driver distraction.

The AAA Foundation for Traffic Safety found that the use of electronic devices while driving can result in mental distractions that can persist for up to 27 seconds after returning to the driving task.^{vi} According to research on driver cognitive distraction compiled by IIHS, "researchers have found that brain activity associated with visual processing and attention is suppressed when drivers are cognitively distracted (*Bowyer et al., 2009; Strayer et al., 2006; Just et al., 2008*)."^{vii} As a result, "cognitive distractions can lead to so-called 'inattention blindness' in which drivers fail to comprehend or process information from objects in the roadway even when they are looking at them (*Strayer et al., 2003*)."^{viii} Strengthening the law to primary enforcement, as proposed by LB 1033, will help deter drivers from taking their eyes off the road and their mind off the task of driving.

Distracted driving not only results in crashes, deaths and injuries, but it also unnecessarily expends taxpayer dollars. Nationally, crashes in which at least one driver was identified as being distracted imposed an economic cost of \$98.2 billion in 2019.^{viii} Adjusted for inflation only, that amounts to \$119.8 billion in 2023 dollars.^{ix} In 2018, distracted driving crashes cost employers nearly \$19 billion.^x In Nebraska, the annual economic costs of all crashes were \$1.7 billion in 2019 dollars.^{xi} Adjusted for inflation only, this cost is approximately \$2.1 billion in current dollars.^{xii}

Each distracted driving death and serious injury irrevocably changes the lives of families and communities in Nebraska and across the nation. We urge you to support LB 1033, a critical measure to curb dangerous and deadly distracted driving.

Sincerely,



Catherine Chase, President

cc: Transportation and Telecommunications Committee Members

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- ⁱ Early Estimates of Motor Vehicle Traffic Fatalities in 2022, NHTSA, Apr. 2023, DOT HS 813 428, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813428>.
 - ⁱⁱ Nebraska Department of Transportation Highway Safety Office (NDOT HSO). Nebraska Drivers Involved in Distracted Driving Crashes. Retrieved January 6, 2021 and available at: <http://dot.nebraska.gov/media/6510/dvrcell.pdf>.
 - ⁱⁱⁱ Traffic Safety Facts Research Note: Driver Electronic Device Use in 2021, Aug. 2022, NHTSA, DOT HS 813 357, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813357>.
 - ^{iv} Edelman Data & Intelligence, “Bad driving has Americans on Edge,” March 2022, commissioned by Nationwide Insurance, available at: <https://news.nationwide.com/bad-driving-has-americans-on-edge/>.
 - ^v IIHS, *Driver cellphone interactions increase 57 percent*, January 24, 2019.
 - ^{vi} AAA Newsroom, *New Hands-free Technologies Pose Hidden Dangers for Drivers*, October 22, 2015.
 - ^{vii} IIHS HLDI, Topics, Distracted Driving, available at: <https://www.iihs.org/topics/distracted-driving>.
 - ^{viii} The Economic and Societal Impact of Motor Vehicle Crashes, 2019, NHTSA, Feb. 2023, DOT HS 813 403, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>.
 - ^{ix} Bureau of Labor Statistics Inflation Calculator, available at https://www.bls.gov/data/inflation_calculator.htm.
 - ^x Cost of Motor Vehicle Crashes to Employers 2019, NETS, 2018 data expressed in 2019 \$, available at <https://trafficsafety.org/?download=26813>.
 - ^{xi} The Economic and Societal Impact of Motor Vehicle Crashes, 2019, NHTSA, Feb. 2023, DOT HS 813 403, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>.
 - ^{xii} Bureau of Labor Statistics Inflation Calculator, available at https://www.bls.gov/data/inflation_calculator.htm.