



# Mobile phones and driving

## *Why you should question the law*

There's a danger we could be making decisions we think are safe (and we're encouraged to believe are safe) but actually come with high levels of risk, warns **Dr Helen Wells**



cars, and to stop thinking of the law as a framework that has done the thinking for us.

This isn't about nagging drivers about their obligations, it's about stopping us from being lulled into a false sense of security, and providing protection from making decisions that we think are safe (and are encouraged to believe are safe) that actually aren't.

But you've got a hands-free kit, right? None of this applies to you. You've made a safe switch from handheld to hands-free because you get that fiddling with your phone means one hand off the wheel and your eyes off the road. You saw the adverts, the campaigns, you made sure you knew what the law said you could and couldn't do, and you are now happily and safely chatting away with your hands on the wheel and your eyes on the road. Sorry. Bad news. You may just have made the choice to crash in a legal, rather than an illegal way. Ok, so you've reduced the risk of getting caught by a police officer, or on someone's dash cam, but chances are that was only one of the risks that motivated your choice. You actually wanted to be safer.

The specific law targeting mobile phone use by drivers was developed in 2003 - a year when the Nokia 3310 (*pictured*) was an exciting piece of technology and a game of Snake could keep us occupied for hours. There was little else that a mobile phone could do back then. Real high-end tech offered some 2G phone signal and a low megapixel camera. Fast forward 16 years and much has changed in terms of what a mobile phone can 'do'; it is a high resolution camera, a calendar, a banking system, a library, a measurement tool, a diet tracker, to name but a few. It has become a desktop that fits into our pocket. No wonder we find it hard to put down. And if we watch the way cars are advertised now, we see communication technology promoted as allowing drivers to productively use their time while driving - because (we are told) cars can pretty much drive themselves now, so it's fine to make them our mobile offices.

But let's think about what we are actually being encouraged to do and compare it to what we, as responsible drivers, want to be doing. And if we're already focused on driving, let's think about ways we can challenge other people who maybe still find themselves tempted by distractions:

### **"I'VE GOT A HANDS-FREE KIT"**

You and umpteen million other drivers. Unfortunately, there is plenty of research that shows that hands-free mobile phone use whilst driving is equally as distracting as handheld use. The current law relates only to handheld mobile phone use. But much research has shown that there is no difference between handheld and hands-free use in terms of the distraction they cause. Both cause drivers to brake inappropriately, swerve between lanes, fail to spot hazards, react more slowly and otherwise drive inappropriately, and any type of phone use makes you four times more likely to crash than if you were driving without distraction. It is the cognitive (mental) distraction that interferes with the driving task, rather than simply the physical act of 'holding' a phone. In fact, for 5 minutes after finishing a phone conversation, you're still four times more likely to crash. Having your eyes on the road and hands on the wheel isn't enough if your >>

**WE SHOULD ALL** be pretty well aware of the increasing safety problems being posed by drivers using mobile phones at the wheel. We probably also know that being caught using a handheld phone whilst driving attracts a fine of £200 and six points on your licence, because that activity has been proven to be dangerous. So, as good law-abiding drivers, we just need to abide by the law and we'll not only be driving more safely but we'll reduce the risk of punishment, right?

Well, yes. Sort of.

We might think we can rely on the law as a good guide to what we should and should not be doing. If something is likely to kill us, or other people, it will be illegal, right? If something is legal, it's surely because it's been looked at by experts and they've concluded it's safe, isn't it? Most of us want to keep ourselves, and other road users safe - but with increasing amounts of new kit being thrust upon us, the law simply can't keep up with the technology that is out there. It's time to think in a different way about what we get up to in our

## SAFETY UPDATE

>> mind is elsewhere. Using these hands-free technologies may be keeping us safer from the risk of prosecution (although note that you can still be charged with Driving Without Due Care and Attention, for example), but they're not doing anything to help safety. Theoretically we could pat ourselves on the back for eradicating handheld phone use by drivers, whilst watching the numbers of people killed or seriously injured on the road go up and up. So let's think about how we challenge ourselves and others when temptation has us reaching for the phone:

### **“ARE YOU STILL THERE MATE? DAVE? DAVE? WHERE ARE YOU?”**

But surely having a hands-free call is the same as chatting to a passenger, isn't it – and no-one's talking about banning that? Well no, there are differences. Chances are a passenger (particularly an adult who is also a driver) will let the conversation with you lapse when you approach a tricky junction, or need to navigate a roundabout. They won't keep on at you, asking for a response, when they can see that you are occupied – mentally and physically – in a tricky driving task – not least because it's their safety at stake too. Dave? Are you there, Dave?

This is called shared situational awareness, and callers on the other end of the phone (handheld or hands-free) don't have this. Dave? Dave? Can you hear me now? And being the polite and conscientious people we are, we want to keep our callers happy. But we get distracted by the need to tell them why we are not carrying on the conversation, and their incessant demands for a response. Dave? Speak up Dave! Perhaps it's more accurate to compare hands-free callers with the kids in the back that won't shut up. They don't get that mummy is having to concentrate on joining the motorway just now, or that daddy needs to focus on parking, and will try to engage them in a conversation there and then about whether Spiderman or Ironman would win in a fight.

If you've ever found yourself turning the radio down while you search for a house number, you may have experienced some of the kind of attention overload that a phone conversation can cause a driver. But there's more bad news. Having a phone conversation encourages a driver to picture in their head what their conversation partner is saying, where they are and what they're up to.

The parts of the brain used to create these pictures are also needed for the task of driving. So, by having a phone conversation a driver is introducing competition between tasks for attention in the brain. The upshot is that drivers on the phone can look directly at something ahead of them, for example a child stepping off

the kerb, but not actually see them as they don't have the attention available to fully process it.

Much like a computer, we need enough processing power to carry out a task - without it parts of the system fail. If you don't see that child stepping off the kerb, you won't react. Perhaps those meal plans could wait until you're home?

### **“I'VE GOT AN APP FOR THAT...”**

Fair enough. There are lots of apps 'out there' that promise to help drivers reduce the temptation to use their phone while driving, but there are some that do the opposite. If you (or someone you know) is choosing an app to help reduce distraction, make sure it's one that prevents all calls getting through, not one that stops calls but allows texts to come through (for example) and not one that just diverts calls to a hands-free kit. Some apps are designed to 'protect' the user from prosecution by removing the need for them to hold their phone – so just encourage a switch from one form of risk to another.

### **“I DON'T USE MY PHONE WHILE DRIVING.”**

Great news. You've seen the campaigns, the pictures of people with their phone clamped to their ear, or the footage of people furtively typing in their lap whilst occasionally glancing at the road. You don't use your phone while driving and you condemn other people you see doing it. But perhaps you occasionally check the screen to see what's just caused it to light up? Perhaps you scroll through your music when that song you hate comes on? Perhaps you might be tempted to like that picture of someone's kid doing something adorable, or someone's new eyebrows, while waiting in traffic? Or perhaps you might want to livestream yourself giving a particularly impassioned rendition of a Bonnie Tyler number? OK, we're being rather specific here, but the point is that there are many forms of 'use' (and they are constantly evolving and emerging) that the campaigns sometimes don't really capture. It's easiest to illustrate distracted driving with someone doing something really obvious (like holding a phone to their ear), but the danger here is that we look at them and, if the image doesn't capture something that we do, we will dismiss the broader message because we think it doesn't apply to us.

### **“I WAIT UNTIL I'M STOPPED IN TRAFFIC TO USE MY PHONE.”**

OK, you know that you shouldn't use your phone whilst driving. But it can't hurt to just check in with what's going on with your screen whilst you're waiting at the lights can it? Unfortunately it can. If we are distracted whilst waiting in

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traffic we have detached ourselves from our surroundings. We may fail to notice that the lights have changed, and then start off in a panic. We might not notice that motorcyclist coming up alongside us as we change lanes because we suddenly realise we are in the wrong one. Then we drop our phone in the footwell...

And by the way, it's also illegal. So if the risk of getting caught is the risk that is motivating you, don't assume that you won't still suffer the legal consequences. A lot of drivers don't know this and assume, again, that the law will be related to a kind of common sense understanding of the issue that says you can't be causing a danger if you are stationary. There's a kind of logic here, but it's not a guarantee of safety. It suggests that we are trying to carve out useful moments of phone action during our journey, and that we see the driving as the distraction, not catching up on our screens.

### **"I'M A GOOD DRIVER. I CAN EASILY HANDLE DOING TWO THINGS AT THE SAME TIME."**

We all know drivers who brag about being better than average. They, and 80% of all the other drivers out there, apparently. You don't have to be a maths genius to work out that there's something going on here. Seemingly we're a little prone to over-estimating our own talents in this area, and we can't all be right. Drivers suffer from something called a self-enhancement bias which means we tend to think that the bad stuff won't happen to us, and unfortunately people who were proved wrong are probably not around to tell us about it.

But if they are absolutely certain they are actually better than average (maybe they've got the certificates or a major no claims bonus to prove it) and won't be persuaded otherwise, then isn't that even more reason for them to make sure that they are paying 100% of their attention to the road? After all, by definition, those roads



## Q & A

### **CAN YOU USE HANDS-FREE WHILE DRIVING?**

It is illegal to hold a mobile phone or satnav while driving.

### **WHAT ABOUT WHEN RIDING A MOTORBIKE?**

That is also illegal.

### **HOW IS 'HANDS-FREE' DEFINED?**

To be legally hands-free, you must have access to a Bluetooth headset, a voice command system, a dashboard or windscreen mount. A hands-free device needs to be set up before a journey, so you can take calls without handling the device.

### **SO IS 'HANDS-FREE' DEEMED TO BE SAFE?**

No. A police officer can stop you if he/she believes you have been distracted by using a mobile phone while driving, even if it's fully hands-free.

### **WHAT EFFECT DOES USING A MOBILE PHONE HAVE ON MY DRIVING?**

Research has shown that drivers who use mobile phones, whether hand-held or hands-free, are much less aware of what's happening on the road around them. They fail to see road signs, they react more slowly to hazards and they take longer to brake.

are filled with drivers who aren't as good. And they could do something stupid that puts the rest of us at risk at any time!

They could well be the best driver in the known world, but that doesn't mean they have guaranteed powers in terms of their attention. While most of us can multi-task up to a point, depending on the tasks, we eventually get to a stage where it's tricky to maintain both tasks well. When thinking about using a phone while driving, one task involves navigating several tonnes of metal, at speed, down a road with multiple other vehicles and pedestrians. The other task may involve talking to your partner about tonight's meal plans. But which task takes priority? And what if something unexpected happens on the road when you're focusing on your phone conversation? The answer is that it takes time for you to pull your full attention back to driving. And you may not do that in time to react to the unexpected.

Some of the example behaviours we've given above are legal and some are not. Some people will go and look up the case law and consult an expert to find out which are which. We'd rather you didn't. The point is that they are likely to be distracting, and that needs to be the principle that determines what we do and don't do – not the law. It can't keep up with technology and we can't rely on it to tell us what is and isn't safe. Likewise we certainly can't trust car manufacturers to only sell us stuff that is safe. They want to sell us stuff that sells.

If you have to have a conversation in the car, have that conversation with yourself and ask if you should be using your phone, not if you can get away with doing it.

*Mobile phone laws unfortunately just encourage the 'law-abiding driver' (no matter how well-intentioned) to choose between a legal, and an illegal way to die. ■*



Dr Helen Wells (above left) and colleague Dr Leanne Savigar (whose Road Safety Trust funded project explored ways of preventing mobile phone use among drivers), with Dr Gemma Briggs (who has carried out research into the effects of hands-free mobile phone use on drivers). The project was funded by the Road Safety Trust.

