

Ten Years, Ten Questions: A Reflection On Safe Driving Advocacy

by Tim Hollister*

It was January 2008, and I had a seat at the table, a voice in the impending conversation.

Connecticut was reeling, from 49 teen-driver-related deaths in 2006 (among more than 5,000 nationally), and then seven teen fatalities in six weeks during August and October 2007. Connecticut's governor, a grandmother herself, had had enough, and appointed a task force to overhaul our state's teen driver law. The group would build on the heroic efforts of three mothers who had lost teens in crashes in the span of eleven days in 2002, but plainly there was more to be done. Governor Rell asked me to serve, because one of the 2006 fatalities, on December 2, had been my son Reid, seventeen years old, the driver in a one-car crash on an interstate highway. I had an opportunity to make sure that Reid had not died in vain.

I sat in the legislative committee room, wood-paneled with a semicircle of seats and microphones, public access TV cameras trained on us. Our task was to strengthen our "Graduated Driver's License" law: on the table were nighttime curfews, passenger restrictions, rules about cell phones and texting, greater penalties for alcohol and drug use, a mandate for seat belts, license suspensions for violations, powers for law enforcement, and parent education. All stakeholder groups in teen driving were represented, and we had been provided access to traffic safety experts to help us.

As befits a public policy process, the task force's work had been publicized, and soon a highly interested group, parents of teen drivers, began sending us e-mails. At that first meeting, Bill Seymour, of the Department of Motor Vehicles, our liaison to the state government, passed out the first batch. Two immediately caught my eye, and as I perused the others it became clear that these two, while not a



majority view, were not atypical. They brought my blood rapidly to a boil:

While the intention is to reduce the incidence of horrific accidents that maim or kill multiple teens, the fact is that these laws would cause a huge inconvenience.

And then:

The fact is that our children have to grow up, and to do that they have to make mistakes, and some of those mistakes will be fatal.

I was unprepared to learn that there were forces arrayed *against* safer teen driving. And little did I know then, as my own journey as a parent advocate began, that these two e-mails were mere examples of the obstacles that traffic safety professionals and advocates confront every day, not just to safer teen driving, but to safer driving by everyone. My work has left me today, ten years this month after Reid's crash, with a load of frustration but glimmers of hope about traffic safety in America. Below, a summary of

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what I have learned, followed by ten questions for the professionals and advocates, and drivers everywhere.

The Connecticut task force recommended, the legislature accepted, and the governor signed (in April 2008) revisions to our teen driver law that made it one of the strictest in the nation: an earlier curfew, longer passenger restrictions, mandatory seat belts, a ban on texting, license suspensions for violations, enhanced powers for police, and a required safe teen driving class for parents. The class, a controversial proposal, demonstrated that the political mood was to risk the ire of parents in the name of safety.

After the Task Force finished its work, I kept going, plunging into articles and data, trying to understand what I should have known during the eleven months in 2006 when I had supervised Reid's driving. After a year of work, I concluded that the existing resources for parents of teen drivers did not explain why teen driving is so dangerous, or what parents can do, day-by-day, to prevent the very predictable situations that lead to crashes from occurring in the first place. In 2009, I started "From Reid's Dad," a national blog for parents of teen drivers, which in 2013 became a book, *Not So Fast*. Through this process, I learned about the obstacles to the moral imperative of making our roads safe for all drivers.

An initial realization was that success in traffic safety advocacy is measured in crashes, fatalities, and injuries that did not occur. Success is prevention, and while we can count reductions in crashes, we have no idea whose lives were saved. For example, in the specific context of teen driving, success is parents understanding that the human brain does not develop its risk assessment and danger avoidance functions until we reach our mid-twenties, and there is nothing they can do about this biological fact except to make it part of their daily, cautious supervision. Advocates have achieved something when they convince parents to act like air traffic controllers, to go through a safety checklist each time their teen gets behind the wheel (destination, route, timetable, passengers, fatigue, communications plan, and seat belts), and to clear the young driver for departure only after concluding that it is safe to drive right then.

I learned that traffic safety advocacy requires a particular profile and platform. Reid's death gave me an opening, in the sense that parents, at least from sympathy initially, would listen to me. However, to convince them to rethink their supervision, my story had to be just so: *I had been* a mainstream parent. *I thought* I had been well-informed and hands-on with Reid. Looking back on Reid's crash, I was less haunted by the feeling that I had made a terrible mistake and more confused by the sense that *I had done what parents are supposed to do*, but my son still died. It absolutely helped that Reid's crash did not kill anyone else. It was important that Reid's car slamming into the butt of a guardrail was caused by his inexperience with how to handle a high-speed skid, and that we had evidence that he wasn't texting or fooling around, he wasn't on his cell phone or under the influence of drugs or alcohol, and at that time (before we overhauled our teen driver law), he was within the state's curfew and his two teen passengers (who were injured but recovered) were legal. In my blog, book, and presentations to parents and teens, I fashioned a message in which grief opened the door, but "I was one of you" was the hook.

I further came to understand that videos showing high speed crashes, twisted metal, and spurting blood are not effective in promoting safe driving. I eventually realized that people pay money to go to the movies to see such gore, and that safe driving messages are best delivered by those who can tell searing stories of the aftermath for families and communities of all-too-avoidable crashes.

I also learned that getting state legislatures to adopt stricter driving laws requires tragedy that generates media coverage, which can move public opinion that in turn gives legislators political shelter from those who, for whatever reason, oppose new restrictions. I read about the crash that turned the tide against drunk driving in our country, in the late 1980's in Kentucky, where a driver with several DUI convictions plowed into a school bus, killing more than 20 children. This momentum, however, needs to be harnessed quickly, because the shock and outrage dissipate.

And I have learned that stricter traffic safety laws work. Nationally, annual deaths from motor vehicle

crashes have declined from more than 50,000 in the 1970's to about 35,000 in recent years. In Connecticut in 2014, that 2006 number, 49 teen-driver-related deaths, was reduced to ten, a remarkable public safety achievement.

But while learning the characteristics of successful advocacy, I also became acquainted with the forces that impede stricter safe driving laws and efforts to lower crash rates and fatalities. Motor vehicle crashes and deaths are so commonplace (among all drivers, on average, about 100 fatalities per day) as to be regarded as the price of our mobile society, rarely more than local news. Meanwhile, our culture glorifies automobiles and speed, and the automotive and electronics industries, and all of the businesses that intersect with them, are home to millions of jobs, a sector of the economy where federal and state legislators and regulators will only tread lightly, even in the name of safety.

Then there are the purveyors of messages that Matt Richtel of *The New York Times* has called “simultaneously warning and enabling”: Sign up for the latest, greatest texting plan – but don't use it while driving, or download an app to counter your impulse to remain connected at all times. Drink our alcohol, but be careful about your driving after you do. Buy our 300 horsepower car, but don't let an inexperienced driver go full speed. Enjoy social media on that dashboard-mounted, interactive, Internet-connected screen that mimics the functions of your cell phone, but don't let it distract you from the road ahead. And in a few states: use marijuana recreationally, but not before or while driving.

In teen driving, parent attitudes are yet another problem: A teen getting a license is undeniably convenient for parents, a new chauffeur, another pick-up and delivery service, especially to ferry younger siblings. Tossing the keys to a teen can give parents a feeling of validation that they have succeeded in child raising.

Vehicle safety technology is a promising part of the solution (air bags, electronic stability control, antilock brakes, forward collision warnings, automatic braking, lane departure and drowsy driving alerts, and rear bumper cameras). However, it will take about thirty years before a significant number of vehicles on the

road have most of these safety features.

Meanwhile, the accepted legal mantra (though in my opinion as a lawyer, debatable) is that driving laws are the province of state legislatures, and the federal government's only leverage to implement stricter national safety standards is the carrot of doling out federal highway safety funds. As a result, we have fifty states with fifty different motor vehicle laws. This piecemeal approach is further hampered by the philosophy that, no matter what the issue, “More government is never the answer.” I am informed by my traffic safety friends that this attitude is why several states, mainly in the Midwest, do not even have a primary seat belt law.

So where are we today? Confronted by this alarming new statistic: in 2015, more than 35,000 people died on American roads, *a seven percent increase from 2014*. More than four thousand of those deaths were in teen-driver-related crashes. In 2016, we are on pace for *yet another increase*. Decades of progress are beginning to reverse. Though lower gas prices are a factor, experts are attributing these spikes to the continuing proliferation of distracting electronic devices in cars – not just texting, but those dashboard screens with interactive functions. While driving today, one can post on Facebook, buy movie tickets, and scroll through family photos. The federal government, treading lightly, has responded only by issuing voluntary guidelines for car manufacturers and their electronics industry partners.

Thus, sadly, where we are is not where science, statistical evidence, and common sense should have led us by now. While the army of dedicated federal and state traffic and highway safety officials and professionals soldier on, and at national conferences proclaim that “zero deaths” is the only acceptable goal, we are losing ground. That is, as a society and culture of drivers and a nation of laws, we are confronted with these questions: Where do we draw the line between leaving traffic safety to the responsibility of individual drivers, and imposing requirements that would promote the safety of everyone on the road? When do we take unequivocal evidence that certain laws and regulations would save thousands of lives and use it to overcome the forces arrayed against making our roads safer?

Ten Questions

I now offer ten questions. These are intended to be provocative. They ask, “Why not?” and “Can’t we do better?” They are unconstrained by political reality, cultural norms, or public budgets. My aim is to provide to you readers, especially those in government and the traffic safety community, with pointed inquiries about where we are drawing the line today between freedom and safety:

1. Why does the government allow the manufacture and sale of cars that can go much faster than eighty miles per hour, when it is illegal to drive faster than eighty on any road in the United States? In the October 2007 crash in Connecticut that killed four teens, the estimated speed was 140 miles per hour. The federal government can mandate safety features for automobiles, the technology to install so-called “speed governors” exists, and they can be installed and even retrofitted at little cost.
2. Federal regulations ban cigarette advertising because smoking is dangerous, so why do we allow automobile advertising on television that shows illegal and unsafe driving? Ads show cars driving fast, in dangerous places, performing stunts and smashing through concrete and glass without a scratch. Would it really hurt sales to ban advertising that shows absurdly unsafe and plainly illegal driving?
3. The federal Food and Drug Administration does not allow products to be sold to the American public until they have been proven safe, so why does the federal government allow installation in cars of electronic devices that have nothing to do with the safe operation of the vehicle, without making the manufacturers first prove that these devices will not distract from safe driving? Are we allowing auto manufacturers to experiment with the safety of the American public? Why is the response to date only voluntary guidelines?
4. If assessment of risk and judgment about how to avoid it are not fully developed in the human brain until we reach age 22 to 25, why do states issue licenses to teens as young as 14, 15, and 16? Tradition and parent convenience are not acceptable answers.
5. Because it is well-established that new teen drivers have the highest crash rates, and that parent supervision is essential to the success of teen driver laws, why don’t all states require at least one parent or supervising adult, as a condition of putting their teen on public roads, to attend a class about the elevated dangers of teen driving?
6. Why do most distracted driving laws cover only cell phones and texting, but not distractions from dashboard-mounted, interactive, Internet-ready, smartphone-synched screens?
7. When all of the world’s leading public health and safety organizations agree that hands-free/voice-activated use of a cell phone can be just as distracting as hand-held use (because voice-activated causes what is called “cognitive blindness”), why do so many states ban or limit hand-held use, but allow hands-free?
8. Why do cell phone and distracted driving laws vary by state, when the driving technology and the risk are essentially the same everywhere? Has anyone considered the absurdity of someone driving from Maine to Florida passing through fourteen different sets of rules about cell phone use? One uniform set of rules would help drivers understand their obligations and law enforcement monitor compliance.
9. Why do most distracted driving laws focus on specific devices, such as cell phones and laptops, when it is foolish for our laws to try to keep pace with ever-evolving ways that information, music, and entertainment are delivered, and a more comprehensive approach would be a rule targeting driver conduct, such as: “Except in an emergency, no driver of a vehicle not in Park shall use any electronic device, whether in hand-held, hands-free, or voice activated mode, to send or read a message, send or view a photograph or video, make a phone call, or communicate with a person outside the vehicle”?

10. Why do legislators often demand incontrovertible statistical evidence before enacting stricter safe driving measures when the risks are obvious? In 2014, at a conference, I heard a leading traffic safety engineer say that, “We don’t know definitively how risky cell phone use while driving is.” Well, maybe not to the fourth decimal point, but should the lack of precise, multi-year data hold us back from common sense safety regulation when the danger, if not the exact quantity, is clear?

In summary, can we envision adopting driving laws that better align with science and evidence; requiring safety education for parents of teen drivers; banning cars that can go faster than any speed limit; allowing only advertising that proclaims features, but doesn’t show driving fantasies; making manufacturers prove that electronic devices are safe before installing them; imposing a uniform distracted driving law that focuses on driver conduct instead of particular devices; and treating hands-free and voice-activated the same as hand-held? The costs and even the inconvenience would not be substantial, but the lives saved would be.

I am left today with fear but also hope. My fear is that, as occurred with drunk driving, it will take an unimaginable crash – perhaps a teen with previous distracted driving violations plowing into a bus and killing many children – before we generate the political will to base our traffic safety laws on years of data and established science. I fear that we will continue to labor under the misplaced notion that

traffic safety must be the primary if not exclusive domain of the states, when safe driving is an obligation that changes little when one crosses a state line, and cries out for a uniform state law if not federal regulation.

What leaves me ultimately hopeful, however, is the dedication and expertise of the traffic safety community, the folks in the public and private sectors who, in the face of so many barriers, labor every day to educate the driving public, to improve the construction of roads, and to make cars safer. These are the people who are pushing the traffic safety boulder, which I now understand to be uphill. I know from watching their efforts during the past ten years that, even in the face of intractable obstacles, they will continue to work the problem. Despite my frustrations, I have been proud to stand with them and their work.

As I always say, I am not an expert, engineer, or professional; I’m just a Dad with a keyboard, fueled by a still-raw, emotional need to vindicate the memory of a boy who died. I’m a guy who has done some research and writing, an outsider questioning what has and has not been achieved, and why. It’s a strange thing, traffic safety advocacy: success is ephemeral and change is incredibly hard. No one wants to be Don Quixote. But like so many traffic safety advocates it has been my privilege to get to know and to bond with through tragedy – you know who you are – giving up and accepting fatalities and injuries as the price of our mobility, or beyond our control, is not an option.

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