

Automobiles

Auto Fatalities Are Rapidly Increasing: A Root Cause Analysis

by Paul M. Veillon

There is no question that the highways are becoming more dangerous. Insurance Journal, drawing data from the National Safety Council, reports that the number of traffic deaths nationwide has been increasing and will soon reach its highest level since 2007; fatality events are up 14% in the first six months of 2015. The trend begs the question: Why? The Insurance Institute for Highway Safety (IIHS) blames the economy, and the National Safety Council (NSC) blames lower gas prices. Neither the economy nor gas prices are subject to legislative remedy, but the root cause is more likely something that is: smartphone proliferation.

Conventional Wisdom: Economic Growth and Lower Gas Prices are Dangerous

The NSC ties the rate of fatalities to the rate of miles driven. "While the high death and injury toll could be due to many factors, an improving economy with lower gas prices and unemployment rates herald increases in vehicle miles traveled," according to Deborah A.P. Hersman, NSC President and CEO. The IIHS also ties the highway fatality rate to the economy,² calling fewer fatalities the "silver lining" to a recession and stating: "The economy is the main player; the unemployment rate and the number of traffic deaths are always closely correlated."

Conventional Wisdom Debunked

Is it as simple as "more miles and lower gas prices mean more fatalities"? Probably not. When the National Highway Transportation Safety Agency (NHTSA) evaluated the steady decline in fatal collisions between 2005 and 2010, the economy was not one of the factors in its assessment: "Many important safety improvements to roadways (e.g., improved lighting, rumble strips), vehicles (e.g., air bags, electronic stability control) and occupant behavior (e.g., restraint use, reduced alcohol-impaired driving, moving children in the back seat) contributed to the occupant fatality reduction."³

NHTSA's observation is likely more reliable than the IIHS and NSC direct correlation between job growth or loss and fatalities since both unemployment and fatalities decreased in 2005, 2006, and 2007. Likewise, according to the German Social Accident Insurance association, commuting fatalities declined 17.88% between 2012 and 2013 in Germany⁴ even though unemployment also fell from 6.4% in January 2011 to 5.5% a year later and 5.3% a year later.⁵ Gas prices in the US declined by 30% between 2008 and 2009⁶ and by less between 2012 and 2013⁷, but unlike last year, fatalities in those former periods declined.⁸

In the IIHS tweet, "The economy is the main player," it cited Bill Viscic's August 19, 2015 article in Forbes, "Traffic Deaths On The Rise: What's Really To Blame?" But Viscic did not conclude that the economy was the main player. Viscic points out that, "The 3.4% increase in miles traveled doesn't square with the 14% jump in fatalities for the first half of this year."⁹

The IIHS argues, "The unemployment rate and the number of traffic deaths are always closely correlated." But, according to Dr. Edward Tufte, a statistician and professor emeritus of political science, statistics, and computer science at Yale University, "Empirically observed covariation is a necessary but not sufficient condition for causality."¹⁰ To illustrate the point, consider the following spurious correlation involving certain fatalities (a full sample is available here: <http://tylervigen.com/spurious-correlations>):

In other words, anyone with an agenda who can show that whatever they don't like has been increasing with a similar

pace to traffic fatalities can blame that factor. A second element - a plausible connection between the factors - is also necessary.

"Sexy" Sells On the Local News

The WSDOT would like to blame marijuana for at least some of the deaths. They recently published a press release citing the rise in fatalities in 2014 and 2015 compared to 2013 when Washington decriminalized marijuana. King 5 picked up the story.¹¹

The WSDOT claims that the number of drivers involved in fatalities whose blood contained THC has increased in the past two years. But whether cannabis caused those fatalities: WSDOT admits in the King 5 story that many of those same drivers "also tested positive for alcohol and other drugs."¹² and THC tests are positive long after the drug's psychoactive effect is gone (even the National Institute on Drug Abuse, the Office on National Drug Control Policy, and NHTSA "concede testing marijuana levels that reflect 'driving impairment remain elusive'"¹³).

Alcohol Is a Problem, But It's Not the Culprit

According to NHTSA statistics from the Fatality Analysis Reporting System (FARS), while alcohol remains a substan-

tial factor in fatal collisions, alcohol-related fatalities accounted for a steady 30% of all incidents in 2011, 2012, and 2013 and the total number of alcohol-related collisions did not increase (29,867 in 2011, 31,006 in 2012, and 30,057 in 2013).¹⁴ Conclusion: alcohol does not explain the recent increased rate of fatalities.

It's Not Speed Limits

According to Viscic in Forbes, "Fatalities were down in Texas and Montana, states with some of the highest speed limits in the nation."

Cellphones & Smartphones: Are They the Root Cause?

Viscic concluded, "Cellphone use likely has a more direct link to the new rise in traffic fatalities and injuries. An NSC study earlier this year indicated cellphone use is a factor in one quarter of all accidents."

That hypothesis is plausible. We know from hard scientific data from WSU that using a smart phone impairs drivers - both experienced police officers and regular Joes - as much or more than alcohol.¹⁵

Plus, smartphone ownership has skyrocketed during the same period that fatalities have increased. According to the Pew Research Center, "64% of American adults now own a smartphone of some kind, up

from 35% in the spring of 2011."¹⁶ That's an 83% increase. And smartphone owners are using data, not just sending SMS messages: "30% of smartphone-dependent Americans say that they 'frequently' reach the maximum amount of data that they are allowed to consume as part of their cell phone plan, and 51% say that this happens to them at least occasionally."¹⁷

NHTSA reports that from 2010-2012, the percentage of cell-phone-related fatalities held steady at 12% of all incidents, but in 2013, while the total number of fatalities went down, the number of cell-phone-related fatalities increased both in number and as a percentage (14%) of incidents.¹⁸ The New York Times ratified that claim two months ago relying on two other sources:

The AAA Foundation for Traffic Safety, which conducts an annual survey about driver behavior, found in its 2014 survey that 36.1% of drivers read a text or email in the 30 days before the survey, and 27.1% typed one. Those figures are an increase over two years earlier, when the 2012 index found that 34.7% read a text or email and 26.2% typed one. Also, the National Safety Council, a nonprofit organization, estimated

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(Continued from page 12)

Monday that crashes from texting drivers rose to 6 percent of all crashes, up from an estimated 5% last year.¹⁹

According to CNBC, the same National Safety Council has reported that - as of 2013 - 27% of all collisions involved using a cell phone in some way, and the figure increased in 2014 and again in 2015.²⁰

Unlike employment rates and marijuana consumption, which merely correlate with increased fatality rates, smartphones proliferation correlates with increased fatalities and there is a plausible causal connection between the two and direct evidence of their relationship. Smartphones appear to be the leading suspect explaining the increased driving fatality rate over the past 5 years.

Policy Implications in Washington

Washington became the first state in 2007 to prohibit texting and driving, and it strengthened that law in 2010 when it made texting and driving a primary offense. The law is not meaningless: "In its fight against distracted driving, the National Safety Council has also stated, '[t]ransportation safety professionals claim that education alone won't change behaviors. It takes laws combined with increased education and high-visibility enforcement campaigns to successfully reduce the number of crashes, catastrophic injuries and deaths involving cell phone use while driving.'"²¹

But the legislature has not provided law enforcement with adequate tools to regulate distracted driving. In Washington, there is no law against updating Facebook, surfing the Internet, watching YouTube, or reading the news on one's smartphone while driving. Police have to innovate, e.g., by dressing up as construction workers, to spot drivers specifically texting rather than simply using their phone at all.²²

The Washington Senate in March 2015

passed legislation to update the distracted driving law to include using a smartphone in any way.²³ but the House failed to pass the bill.²⁴ We encourage the legislature to reconsider the bill and take action in the next session.

1 "Traffic Deaths, Costs On Pace to Reach Highest Since 2007," INSURANCE JOURNAL, August 18, 2015 (available as of August 22, 2015 at <http://www.insurancejournal.com/news/national/2015/08/18/378840.htm>).

2 Visit the scintillating IIHS Twitter Feed Here: https://twitter.com/IIHS_auto_safety.

3 Starnes, M., & Burgess, M., National Highway Traffic Safety Administration, "Passenger vehicle occupant fatalities: the decline for six years in a row from 2005 to 2011," Report No. DOT HS 812 034, June 2014 (available as of August 22, 2015 at <http://www.nrd.nhtsa.dot.gov/Pubs/812034.pdf>).

4 German Social Accident Insurance Association, "Work-related and Commuting Accidents," (available as of August 22, 2015 at <http://www.dguv.de/en/Facts-and-figures/Work-related-and-commuting-accidents/index.jsp>).

5 Eurostat, "Unemployment Rate by Sex and Age Groups - Monthly Average," (available as of August 22, 2015 at http://ec.europa.eu/eurostat/en/web/products-datasets/-/UNE_RT_M).

6 US Energy Information Administration Data on Petroleum and Other Liquids (available as of August 22, 2015 at http://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=PETS&EMM_EPMO_PTE_NUS_DPG&f=A).

7 Id.

8 Paula Eisenstein, NBC News, "US Traffic Fatalities Drop Sharply, Reversing Trend," October 13, 2013 (available as of August 22, 2015 at <http://www.nbcnews.com/business/us-traffic-fatalities-drop-sharply-reversing-trend-8C11503973>).

9 Bill Viscic, "Traffic Deaths On The

Rise - What's Really To Blame?" Forbes, August 19, 2015 (available as of August 22, 2015 at <http://www.forbes.com/sites/billviscic/2015/08/19/traffic-deaths-on-the-rise-whats-really-to-blame/>).

10 Edward Tufte, Ph.D., THE COGNITIVE STYLE OF POWERPOINT: PITCHING OUT CORRUPTS WITHIN, 2006.

11 KING 5 News, "Fatal Crashes Involving Marijuana Double in Washington," August 20, 2015 (available as of August 22, 2015 at <http://www.king5.com/story/news/local/2015/08/20/fatal-crashes-involving-marijuana-double-in-washington/32084631>).

12 Id.

13 René Marsh, "Fed Study: Booze Impact Greater Than Pot on Driving," CNN Politics, June 25, 2015 (available as of August 22, 2015 at <http://www.cnn.com/2015/06/24/politics/marijuana-study-drivers-impact/>).

14 National Highway Transportation Safety Administration Fatality Analysis Reporting System Encyclopedia (available as of August 22, 2015 at <http://www.fars.nhtsa.dot.gov/Crashes/CrashesAlcohol.aspx>).

15 Lynda Byron, King 5 News, "Distracted Driving Dangers a Focus of WSU Lab's Work," May 7, 2015 (available as of August 22, 2015 at <http://www.king5.com/story/news/local/investigations/2015/05/07/distracted-driving-wsu-spokane-lab/70972944>); Strayer, et al., "A Comparison of the Cell-Phone Driver and the Drunk Driver," HUMAN FACTORS, vol. 48, no. 2 (2006) at 381-91.

16 Aaron Smith, Pew Research Center "US Smartphone Use in 2015," April 1, 2015 (available as of August 22, 2015 at <http://www.pewinternet.org/2015/04/01/us-smartphone-use-in-2015/>).

17 Id.

18 National Highway Transportation Safety Administration, "Distracted Driving 2013," April 2013 (available as of August 22, 2015 at <http://www.nrd.nhtsa.dot.gov/Pubs/812132.pdf>).

19 Matt Ritchel, "More People Do More Than Text While Driving," NEW YORK TIMES, May 19, 2015 (available as of August 22, 2015 at <http://bits.blogs.nytimes.com/2015/05/19/some-people-do-more-than-text-while-driving/>).

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22 CNN, "Cops Latest Trick to Catch Texting Drivers," July 30, 2015 (available as of August 22, 2015 at <http://www.cnn.com/videos/us/2015/07/30/cops-disguise-construction-workers-distracted-driver-text-georgia.wsb>).

23 Michael Konopasek, KING 5 News, "Bill to Stiffen WA Distracted Driving Law Gets Bipartisan Support," February 12, 2015 (available as of August 22, 2015 at <http://www.king5.com/story/news/politics/2015/02/12/bill-stiffen-wa-distracted-driving-law/23288631>); Associated Press, "Senate Votes to Ban Smartphone Use Behind the Wheel," March 10, 2015 (available as of August 22, 2015 at <http://www.kirov.com/news/news/senate-votes-ban-smartphone-use-behind-wheel/nk578>).

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Paul Veillon is a WSJA EAGLE Member and solo practitioner at Galileo Law PLLC in Seattle.



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Conventional Wisdom Debunked

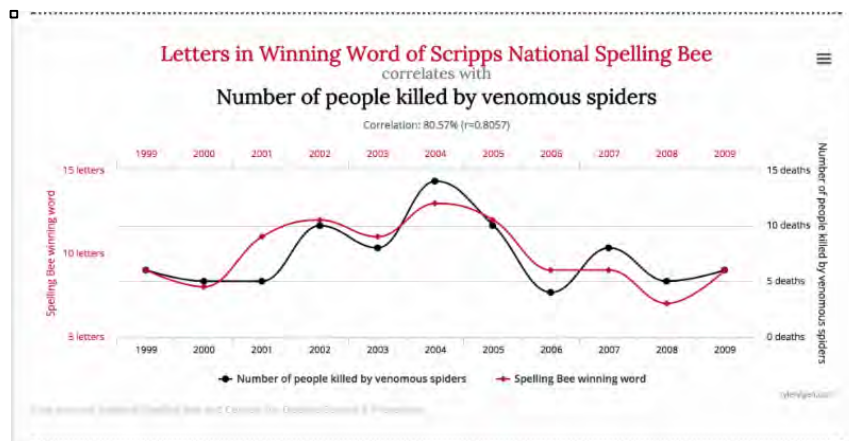
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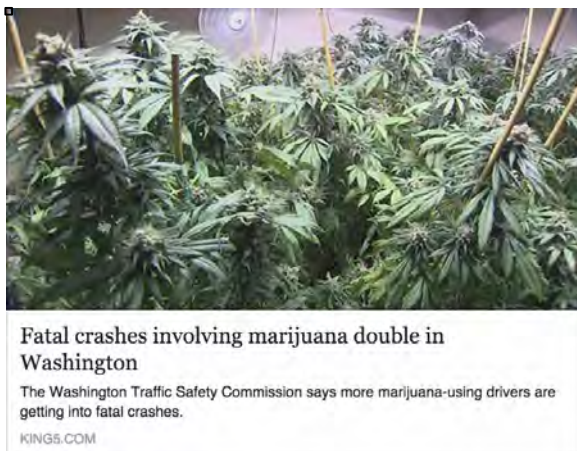
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The WSDOT claims that the number of drivers involved in fatalities whose blood contained THC has increased in the past two years. But whether Marijuana caused those fatalities: WSDOT admits in the King 5 story that many of those same drivers “also tested positive for alcohol and other drugs,”¹² and THC tests are

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Plus, smartphone ownership has skyrocketed during the same period that fatalities have increased. According to the Pew Research Center, "64% of American adults now own a smartphone of some kind, up from 35% in the Spring of 2011."¹⁶ That's an 83% increase. And smartphone owners are using data, not just sending SMS messages: "30% of

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Policy Implications in Washington

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Cops' latest trick to catch texting drivers - CNN Video
Police in Marietta, Georgia, are dressing as construction workers in order to crack down on distracted driving. CNN affiliate WSB reports.
CNN.COM

But the legislature has not provided law enforcement with adequate tools to regulate distracted driving. In Washington, there is no law against updating Facebook, surfing the Internet, watching YouTube, or reading the news. Police have to innovate, e.g., by dressing up as construction workers, to spot drivers actually texting instead of just spotting them using their phone in any way.²²

The Washington Senate in March passed legislation to update the distracted driving law to include using a smartphone in any way,²³ but the House failed to pass the bill.²⁴ We encourage the legislature to reconsider the bill and take action in the next session.

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