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Distracted Driving or Distracted Policymaking? Why the Proposed Car Cellphone Ban Is Wrong

No, you shouldn't text while you drive. But is talking on a hands-free cellphone just as dangerous? Instapundit blogger and PM contributing editor Glenn Harlan Reynolds doesn't think so, and he argues that the National Transportation Safety Board's proposal that drivers should be banned from using portable electronic devices is a major stretch of the facts.

BY GLENN HARLAN REYNOLDS



Matt Henry Gunther/Getty Images

On Tuesday the National Transportation Safety Board (NTSB) unanimously urged a complete ban on drivers talking on cellphones in cars—including hands-free devices. The ruling in itself doesn't have any teeth; it's a suggestion that the nation take up the kinds of strict bans that states now have on the books. But to me, it's a sign that policymakers can be just as distracted by preexisting agendas as drivers can be distracted by gadgets.

Let's start with the impetus for NTSB's pronouncement: a multivehicle crash that happened in Missouri in 2010. A 19-year-old pickup driver rear-ended a truck, and then was rear-ended by two school buses. Two people, including the pickup driver, were killed, and 38

were injured. Although there's no evidence as to whether the pickup driver was texting at the moment of the crash, he had sent or received 11 texts in the previous 11 minutes.

Yes, texting while driving is inherently dangerous: It takes your eyes off the road and your hands off the wheel. That is presumably why texting while driving is *already* illegal in Missouri for drivers under 21. But there's a big leap from the Missouri accident to the NTSB's suggestion for a broad, new national ban.

First, the Missouri crash was largely caused by more mundane safety issues that the NTSB seems to have deliberately downplayed. For all the discussion of the dangers of texting and driving, the [NTSB report](#) contains this rather significant finding: "Had the driver of the following school bus maintained the recommended minimum distance from the lead school bus, she would have been able to avoid the accident."

That's right: Don't follow too closely, just like they teach you in driver's ed. And why did the first school bus rear-end the pickup? According to the NTSB, that was "the result of the bus driver's inattention to the forward roadway, due to excessive focus on a motorcoach parked on the shoulder of the road."

So, despite the focus on texting as a cause of this particular accident, and on this accident as

purported evidence that drivers should be banned from using portable devices, NTSB's own report shows that the drivers involved in this scary wreck were involved because of driver inattention having nothing to do with cellphones, texting, or any other personal electronic devices. It was just the old-fashioned kind of driver inattention that has caused most accidents since the beginning of the automobile age, and that could have been prevented by a little attention to proper following distance and the road ahead.

Yet the No. 1 recommendation of the NTSB to the states is to "ban the nonemergency use of portable electronic devices (other than those designed to support the driving task) for all drivers." This selective focus suggests an agenda, and certainly those of us who have been paying attention to the various pronouncements coming from the NTSB and other highway-safety advocates have noticed a strain of hostility to cellphones and other devices for quite some time, despite a paucity of evidence suggesting that such devices are especially dangerous. (As the Cato Institute's Radley Balko [notes](#), while the number of cellphones on the road has skyrocketed in recent decades, traffic deaths and traffic accidents have declined.)

My suspicions here are only supported by the NTSB's leap from the already-banned texting to something completely different: talking. The Missouri accident had nothing to do with hands-free talking, and it's not at all clear to me that talking on a hands-free cellphone is any more distracting to drivers than talking to passengers in the car—or having screaming kids in the back seat, something that the NTSB has not, as yet, sought to ban.

Furthermore, it hasn't been proven that eliminating electronic distractions is a path to safer driving, as the Missouri accident shows. The fact is, drivers function despite all sorts of distractions: car radios, passengers, weather, roadside signs, intentionally distracting highway billboards, erratic behavior from other drivers, and so on. Learning to focus on the task at hand despite all that noise is an important part of learning to drive, and if we're hiring school-bus drivers who have trouble paying attention to the road and maintaining proper following distances, we've got bigger problems than those posed by the proliferation of gadgets.

The NTSB's emphasis on cellphones to the almost-complete exclusion of these other distractions renders its conclusion suspect and not very useful. Perhaps its members, too, need to learn to avoid distractions.

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