



*Passion. Preparation. Persistence.*

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## THE BASSETT BULLETIN™

### TEXTING AND DRIVING

Text messaging, or “texting,” is the term referring to the exchange of brief written messages between mobile phones, over [cellular networks](#). While the term most often refers to written messages, it also includes messages containing image, video, and sound content. An individual message is referred to as a “text message” or “text.” Texting is most often used between mobile phone users, as a substitute for voice calls in situations where voice communication is impossible or undesirable.

While the initial growth of texting was slow, it is currently the most widely used mobile data service. Accordingly, the use of text messaging for business purposes has grown significantly during this decade because many employers turn to technology such as texting messaging to seek competitive advantages. For example, employers may use text messaging to send alerts, to confirm deliveries or other tasks, and for instant communication between a service provider and a client.

Despite the fact that texting is a relatively new phenomenon, it is quickly gaining negative attention attributable to recent studies that discuss the risks associated with distracted driving. The following newsletter will discuss: (1) alarming findings that studies have shown associated with texting while driving and (2) why employers, especially those in the transportation industry, should be aware of the issues associated with texting while driving.

### WHAT STUDIES ARE SHOWING

In July of this year, the [Virginia Tech](#) Transportation Institute released the results of an 18-month study that involved placing cameras inside the cabs of more than 100 long haul trucks, and recorded the drivers over a combined driving distance of three million miles.<sup>1</sup> The study concluded that when the drivers were texting, their risk of crashing was 23 times greater than when not texting. Although this study focused on trucker drivers, researchers found that in the moments before a crash or near crash, most drivers typically spent nearly five seconds looking at their devices. This is enough time to cover more than the length of a football field at typical highway driving speeds.

<sup>1</sup> [In Study, Texting Lifts Crash Risk by Large Margin](#), The New York Times, July 27, 2009.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

Recent laboratory research conducted at the [University of Utah](#) supports Virginia Tech Transportation Institute's findings. This study used a sophisticated driving simulator to examine college students and showed an eight times greater crash risk when texting than when not texting.<sup>4</sup> Similar to Virginia Tech's findings, this study also concluded that drivers took their eyes off the road for about five seconds when texting.

Additionally, [Car and Driver](#) Magazine conducted an experiment to show just how dangerous driving and texting could be.<sup>5</sup> This experiment took place at a deserted airstrip and showed that texting while driving had a bigger negative impact on driver safety than being legally drunk (.08) because it slows down a driver's reaction time. While being legally drunk added 4 feet to a driver's stopping distance when driving 70 mph, reading an email added 36 feet, and sending a text added 70 feet.<sup>6</sup>

## WHAT DOES THIS MEAN FOR EMPLOYERS?

As employers continue to use cell phones to improve their businesses, they cannot ignore findings that show the magnitude of the risk of being involved in an accident when texting while driving. The most important thing an employer can do to prevent texting related accidents while protecting their company and employees is to implement an internal cell phone policy. All employers, including private corporations, non-profits, government agencies, educational institutions, and mass transit should implement cell phone policies not only for their fleets and commercial drivers, but also for all employees.

A cell phone policy will improve the safety of all drivers on the road, potentially limit employer liability in an accident, and free employees from feeling pressure to respond immediately when they are behind the wheel. The following are some of the recommendations that the National Safety Council suggests employers should include in a cell phone policy:

- ★ Company employees are not permitted to use a cell phone, either hand-held or hands-free, while operating a motor vehicle on company business and/or on company time.
- ★ Company employees are not permitted to read or respond to emails or text messages while operating a motor vehicle on company business and/or on company time.
- ★ While driving, calls cannot be answered and must be directed to voicemail.
- ★ If an employee must make a call, the vehicle should be parked in a safe location before making the call.

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<sup>4</sup> *Id.*

<sup>5</sup> Texting and Driving Worse Than Drinking and Driving, CNBC, June, 2009.

<sup>6</sup> *Id.*

## TAKE AWAYS

- ★ Texting is often substituted for making a phone call when driving; however, it significantly increases the chances of being involved in an accident.
- ★ Texting while driving slows down a driver's reaction time and causes a driver to take their eyes off the road for about five seconds.
- ★ While the use of texting in businesses continues to increase, employers cannot ignore the reality that they may be exposing themselves to liability in texting related accidents.
- ★ Businesses large and small should educate employees and implement internal cell phone policies to protect themselves and their employees.



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