



The Tragedy in Distracted Driving



[Lee Huber](#)

Expert Witness, Ergonomist; Managing Consultant & Partner

March 28, 2024

Grim Statistics

When did distracted driving begin? That's tough to pinpoint, but it probably started in earnest once horseless carriages began dodging both their counterparts and horses in uncontrolled traffic early in the last century, and crash statistics began to climb. Distractions, now more complex and numerous than ever, expose a great many of our motoring public to harm.

Pure numbers may not shock a person's belief system enough to alter unwanted behavior. Rather, to touch human emotions deeply, stories of human experience can counter cold statistics. A story with a tragic outcome captures the public conscience like few others. We'll first review statistics of distracted driving to show how large the problem is, then take a closer look at human elements behind a case that slammed our region, its conscience—and, more specifically, a local family a few years ago.

A Positive Trend

For years, U.S. highway fatality rates in raw numbers hovered around 50,000 deaths annually, according to the National Highway Traffic Safety Administration (NHTSA). Then, over a few decades, traffic fatalities dropped considerably. That downtrend began around the early 1980s.

What changed? Several things drove down vehicle fatality rates:

- Improved vehicle safety features overall
- Advancements in seat belt design
- Enforcement of seat belt use
- Better braking systems
- Air cushion restraints
- Stronger impaired driving enforcement

Crash and fatality reduction continued until highway deaths dropped to 33,561 in 2013.

The Trend Reversed

After 2013, annual highway fatalities started to climb once again. The rise was dramatic. Consider that by the year 2022 about 42,795 people died on our roads. That's a rate of 117 people a day. Look at these statistics another way. Suppose a commercial airliner crashed and killed 117 people every day of the year. Outrage over these airline tragedies would be inescapable. Yet today, here on the highways, vehicle carnage goes on daily.

Smart Phone Studies

Increased crash statistics come about partly from a surge in distracted driving. Among several types of such driving, texting continues its notoriety. With smart phone technology, people found they could multi-task in a different dimension. Along with texting, those exercising a dim conscience can now extend their wrongdoing with video chats, social media, YouTube, Zillow and more, all while driving. It's impossible to overstate the seriousness of such irresponsible behaviors, none of which are justifiable. How widespread is the errant behavior?

In 2011, an Allstate Insurance study of 1,000 people focused solely on texting, revealing that 63% of drivers text and drive. Those drivers were in the 18–29-year age group. Unfortunately, it was also found that drivers in the 30–44-year group texted close to the highest group, at 58%.

How does smart phone use affect the crash rate? In spite of 49 states having laws against texting-driving (for our purposes, composite phone use is assumed, along with texting), U.S. Department of Transportation records show that from 2012 to 2019, approximately 26,000 people perished in crashes involving a distracted driver. In this same period, distracted driver fatalities increased 10%.

Smart Phone Peril

NHTSA also found that a texting driver takes their eyes off the road for five full seconds. At only 60 miles hour as an example, that's an incredible travel span: the length of 1.4 football fields, plenty of time to miss several critical driving decisions! When motorists face even moderate traffic conditions, literal life-death decisions to avoid collisions of any sort must be made in split seconds, and constantly. This knowledge brings us to a vital part of this narrative: Human Factors.

Human Factors' Influence

Human factors are elements in ergonomics that involve studies of human interface with systems and machines, a science used to improve designs and optimize human performance. These studies can show what happens when we switch focus between different objects. For example, with human lag time for reengaging from distractions back to a primary focus or objective, there is always a delay in making critical decisions. In fact, a driver's brain cannot 'switch' back from a focused distraction on one's phone to assess something instantly and flawlessly, such as avoiding a pedestrian within a crosswalk that they are about to strike, driving just 45 mph.

Human Factors Psychologist and Cognitive Neuroscientist @David Strayer, PhD, affirms concerns about delayed driver reaction times and elevated risks through his studies. The work incorporates, among other aspects, driving simulators and specially equipped test vehicles to analyze driver behaviors. Dr. Strayer's research found that crash risks increased 400% when speaking on a cell phone, hands-free or not. He's stated those odds are essentially the same as if a driver is alcohol impaired. It gets worse. When a phone is in use for texting while driving, crash risk increases an alarming 800%, compared to normal, focused driving!

Delayed refocusing also partially explains the disturbing serpentine driving paths and inconsistent speeds of impaired drivers, whether it be through fatigue, chemicals or phones. (Not to overlook the possibility of driver medical emergencies).

Lives Lost in a Moment

Not all distracted drivers use phones to mentally disengage from motor vehicle operations; however, the numbers are sobering considering how driver phone use has exploded. The harshest example of the drivers-with-a-phone enigma struck a fellow safety professional and his family deeply in February of 2016. @Thomas (Tom) Goeltz is a Senior Vice President and Director, Risk Management Services for the international insurance broker, Brown and Brown, Inc. out of the Minneapolis, Minnesota office. On that day, Mr. Goeltz took an urgent call about his daughter and a motor vehicle crash. This is a report no parent should get; it was a fatal crash, forever changing his family's life.

Tom Goeltz' daughter Megan was gone, a beautiful young life shortened by an unthinkable act. This twenty-two-year-old woman, a medical professional, lost not only her life, but also her unborn baby. It happened when the other driver lost control of his speeding vehicle that went airborne and crashed into the woman's car. Her vehicle was stationary at a stop sign at time of impact.

It was suspected that the driver impacting the victim's vehicle may have been using his phone at the time and caused the crash. That motorist, in his early 20s at the time, was traveling at high speed. At the time of final impact, much of the vehicle's kinetic energy was dissipated. That happened because the other driver's vehicle struck other objects before impacting the victim's car at 54 mph, as calculated by a crash reconstructionist.

Justice Without Peace

This tragic story took another shocking turn nearly three years later when final sentencing was announced for the driver causing that crash. For vehicular homicide, an appropriate charge in this case, the violator could have received 10 years and a \$20,000 fine. Instead, he pled guilty to misdemeanor reckless driving and received a one-year sentence. In modern wrist-slap fashion, the court allowed actual time incarcerated to be only about 60 days, with work release. The fine was a mere \$500 plus 20 hours of community service.

Prosecutors could not prove the other driver was texting, although he admitted to using the phone, driving recklessly and being distracted during the fatal crash. The driver had his texting app open around the crash time, but proof of actual texting during the mishap eluded prosecutors. Toxicology results indicated possible driver impairment; however, they were inadmissible since law enforcement failed to follow protocol at the crash site. This was hardly a just result for killing innocents.

At his sentencing in 2019, news reports indicated the guilty party cited deep condolences for the loss and that he would live forever with it. 'Forever' is no longer an appropriate term in the case. Instead, the man failed to learn from history. Four years after the fatal crash, the individual's recidivism carried over to his next incident. In that case, the reckless driver was reportedly fined for traveling over 100 mph. That action was a violation of his previous 2016 crash probation. Yes, it resulted in more jail time, but amazingly, only 20 days. Justice still eludes Megan and her surviving family.

Campaign to Do Right

Eight years later the Wisconsin based family figuratively carries an eternal torch for Megan, their unborn grandson, surviving granddaughter and other victims of tragic, unnecessary phone use while driving. They campaign for an awakening to put down phones while driving, period.

@Tom Goeltz, the deceased woman's father, is a frequent speaker against distracted driving and has testified to state governments for toughening laws against driver phone use and harsher penalties against violators. Mr. Goeltz, eloquent and intense in his call for justice, admits to frustration about the slow process in achieving it. He cited the example of an astounding 10-year quest just to upgrade Minnesota law, making it illegal to hold a phone in hand while driving. On the upside, Mr. Goeltz has been called in to corporations across the country to present against distracted driving. That move is gaining ground. Revisiting Dr. David Strayer's research shows companies with policies against phone use while driving have lower vehicle accident frequencies and with no lost productivity, a solid win-win for all.

Stark Similarity: Impaired vs. Distracted

Lawmakers must strengthen distracted driving laws to deal with the problem. The hope is that judges hearing such cases will heed calls for justice, and act in a more prudent manner when sentencing those who continue their dangerous actions. For example, parallels between an addicted, impaired driver and a phone-distracted driver are striking. Without strong consequences, how will errant drivers alter their own behavior? History provides damaging clues.

Consider the differences between alcohol impaired driving fatalities from 50 years ago to today. Back in the day, a drunk driver too often received the proverbial 'wrist slap' and was sometimes immediately allowed back on the open road. Today in Minnesota, impairment penalties are heavier. Depending upon a driver's alcohol concentration and severity of the case, a felony DUI or criminal vehicular homicide can net an offender from seven to 10 years in prison and fines ranging from \$14,000 to \$20,000. **It took the better part of a century** for Minnesota to establish alcohol-impaired driving as a felony. Lawmakers finally did so in 2001.

Criminal Charges Vary

In comparing offenses, distracted drivers can skate with light sentences for their crimes, as seen in the Megan Goeltz tragedy. In light of Dr. Strayer's research cited earlier, this is an open challenge: can anyone justify why there should be any difference in penalties between impaired driving and distracted driving, especially with fatal outcomes? The public doesn't often see up close results of such driving. But law enforcement sees similarities of the two, with their first-on-scene observations of fatal outcomes.

In Utah, Dr. Strayer's home state, there's clear understanding of the distractions issue and they met the challenge. Utah has some of the toughest laws against distracted driving. Texting while driving in Utah is a felony, just as it is for alcohol impaired driving. Here is a state that stepped up beyond a cavalier treatment of distracted driving and its potential for terminal results.

Iowa and Minnesota: Too Lax?

Minnesota's neighboring state of Iowa is debating distracted driving as this is written. Foremost is whether there should be a 'hands free' upgrade to their existing law on phone use during driving. Of states with phone use restrictions while driving, 34 now have 'hands free' laws. Iowa's discourse also concerns penalties, with a mere \$45 minimum fine and up to a proposed, dismal \$1000 fine with possible license suspension for a fatal crash involvement.

In Minnesota, a \$50 first offense fine (plus modest surcharges to total \$125) for using one's phone while driving is a non-deterrent, humorless joke. A second offense rises to \$275 in fines plus surcharges. Again, no real deterrent. A \$2,000 minimal first offense fine could be more effective in changing driving behaviors, for starters. The problem-solving rests with lawmakers.

Lawmakers have offered hollow arguments favoring light fines for unlawful phone use while driving, citing that some constituents couldn't afford steeper penalties. Such farcical logic ignores end-of-life penalties suffered by each deadly crash victim. So, until legislators stop sanctioning light punitive actions for violators, more distraction-related deaths on highways may be expected.

Tighter Designs

Modern vehicle design refinements like Collision Warning, Automatic Braking and others to help reduce collisions are promising; however, they're mostly reactive to poor driving habits and attention issues. To the point, driver behavior is still key in reducing distractions. Smart phone 'Do Not Disturb' features, GPS interface to lock the phone at certain speeds and phone blocking apps are available as electronic controls to curtail some driving distractions. This requires voluntary action by drivers, and an unspecified number of them continue to ignore such controls.

Future vehicle designs may incorporate even more advanced voice recognition controls that would render a phone inoperable for drivers, 911 calls excepted. Yet, there would still be a need to recognize a passenger vs. the driver, with multiple occupants aboard.

Tougher Penalties Needed

Phone use while driving is set so deeply into behaviors, more powerful motivators are clearly needed for changes to happen. At the very minimum, a \$14,000 fine plus mandatory prison time in line with vehicular homicide charges involving a fatality with phone use would help captivate the motoring public's attention.

Accomplishing change initiatives will demand a lion's share of work to upgrade laws throughout the country. Consider sharing this article with lawmakers as well as your professional contacts. Perhaps with consistent effort, meaningful progress will be made without another century passing to achieve what Utah accomplished in applying punitive action to irresponsible drivers.

Character Strength and Her Memory: Treasures

While the wait unfolds for additional positive changes to safe driving laws, Mr. Goeltz serves as an exemplary model to move forward within an increasingly intolerant environment. He forgave the one who

ended his daughter's life. Tom Goeltz' action brings to mind the words of Kahlil Gibran, "Out of suffering have emerged the strongest souls; the most massive characters are seared with scars."

As a nation we would do well to look internally and educate others (including in homes and classrooms) while managing our own driving behavior. If we are sincere and follow the golden rule to treat others as we would be treated as consistently highly alert drivers, then safer driving can succeed. And Megan's memory will continue to emerge as more treasured than tragic.

The Tragedy in Distracted Driving©
Lee Huber, CPE

Expert Witness, Ergonomist; Managing Consultant & Partner
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Thomas Goeltz Senior Vice President & Director of Risk Management Services at Brown & Brown; Distracted Driving Victims Advocate - (NSC) National Safety Council

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Thank you Lee Huber. Great Job illustrating the problem. We must all work together to stop the carnage of over 45,000 lives lost in traffic fatalities on our roads each year. Is that acceptable to you?

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Lee Huber

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You are welcome, Tom. You've inspired us profoundly.

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