

Companies weigh risks of distracted driving

By Larry Copeland, USA TODAY

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Distracted driving has emerged over the past five years as perhaps the top road safety priority in the USA. April is National Distracted Driving Awareness month.



Brett T. Roseman, for USA TODAY

Ray Alford, 52, an Enbridge Energy employee, returns a phone call outside of his company truck while working near Hobart, Ind., on March 28.

Most attention has focused on individual drivers, especially young ones. Now, many businesses — concerned about liability issues in the face of new laws and the impact of distraction-related crashes on their bottom line — are beginning to develop policies for their fleet drivers.

A new federal law that prohibits commercial vehicle operators from using handheld cellphones while driving affects about 4 million truck and bus drivers, plus tens of millions of other fleet drivers. A commercial motor vehicle is one that weighs more than 10,000 pounds and crosses a state line for business purposes, or any vehicle above 26,000 pounds.

PHOTOS: [Enbridge Energy Partners and its driving policy](#)

The law, which took effect Jan. 3, applies to major companies such as U.S. Wal-Mart and Greyhound and to mom-and-pop businesses such as florists, bakeries and dry cleaners.

Drivers who violate the new [Federal Motor Carrier Safety Administration](#) law face fines of \$2,750 for each offense and loss of their commercial operator's license for multiple violations. Companies that require or allow drivers to use handheld phones while driving face a maximum penalty of \$11,000.

"The new (federal) law does put the onus on business owners," says [Chris Hayes](#), a risk control official for Travelers insurance company, the nation's largest commercial vehicle insurer.

Some companies are not aware of their potential exposure, says Steven Bojan, senior loss control consultant for transportation risk at Chicago-based insurance broker Hub International. "You may be driving your own car for work," Bojan says. "Now, it's a work-related vehicle."

Currently, no state bans all cellphone use — handheld and hands-free — for all drivers. But nine ban using handheld devices; 35 states and the [District of Columbia](#) prohibit text messaging for all drivers; and 30 states and [D.C.](#) ban all cellphone use by new drivers.

Drivers who cause a crash while violating either the new federal law or one of the state laws also might put their employers at risk beyond being fined. "They have liability," Bojan says. "These plaintiffs are looking at cellphone use as a cause of crashes. If you're talking on the cellphone while driving for work (and cause a crash), it probably increases the company's liability. The best practice for many fleets is to have some form of distracted-driving policy."

[Don Taylor](#), manager of fleet safety at Los Angeles-based Reliance Steel & Aluminum, implemented a distracted-driving policy for the company in August. *"I knew the liability exposure we have with cellphones is a big issue,"* Taylor says. *"It's a big, hot-button issue in the industry, and we wanted to get out in front of it."*

Reliance, the nation's largest metal service company with 1,800 trucks on the road daily, communicated the policy to its 240 locations. *"For our commercial fleet, it's simple,"* Taylor says. *"Our drivers are not allowed to use any kind of electronic communication device while driving. That's CB, cellphone, text. It cannot be used, period, unless the vehicle is safely and legally parked."*

Enbridge Energy Partners, an energy transportation company specializing in liquid petroleum, recently updated and consolidated various policies it has had since the advent of cellphones, says [Richard Adams](#), vice president of U.S. operations. *"We recognized the importance of having a cohesive, very clear policy around the utilization of cellphones,"* he says.

Enbridge's policy for most of its 6,000-plus employees: *"You're not to do company business via cellphone, even in your own vehicle,"* Adams says.

Enbridge's distracted-driving policy is part of a broader approach toward getting employees to focus fully on the job. *"We're trying to change our culture to ensure that in everything we do, they're focused on the task at hand,"* Adams says. The company believes that will cut down on all workplace accidents. Included in the policy: Every driver does a 360-degree inspection around a vehicle before getting in; drivers always back into parking spaces.

For smaller companies especially, a crash by a fleet driver can have a devastating impact on the bottom line, Hayes says. *"If you have two drivers and one has questionable driving practices, it could put the whole business in jeopardy,"* he says. *"If one person has an accident because they're distracted, you could be losing 50% of your delivery people."*

Hayes says one challenge in implementing distracted-driving policies is helping managers and supervisors understand that they may not be able to reach employees precisely when they'd like. *"They need to have the flexibility to call a driver, get their voice mail because they're driving, and be OK with that,"* Hayes says. *"Or have a short conversation and have the driver say, I'll have to call you back when I'm in a safer place."*