States’ Lawmakers Turn Attention to the Dangers of Distracted Pedestrians

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Many joggers don earbuds and listen to music to distract themselves from the rigors of running. But might the Black Eyed Peas or Rihanna distract them so much that they jog into traffic?

That is the theory of several lawmakers pushing the latest generation of legislation dealing with how devices like iPods and cellphones affect traffic safety. The ubiquity of interactive devices has propelled the science of distraction — and now efforts to legislate against it — out of the car and into the exercise routine.

In New York, a bill is pending in the legislature’s transportation committee that would ban the use of mobile phones, iPods or other electronic devices while crossing streets — runners and other exercisers included. Legislation pending in Oregon would restrict bicyclists from using mobile phones and music players, and a Virginia bill would keep such riders from using a “hand-held communication device.”

In California, State Senator Joe Simitian, who led a successful fight to ban motorists from sending text messages and using hand-held phones, has reintroduced a bill that failed last year to fine bicyclists $20 for similar multitasking.

“The big thing has been distracted driving, but now it’s moving into other ways technology can distract you, into everyday things,” said Anne Teigen, a policy specialist for the National Conference of State Legislatures, which tracks legislative developments.

Exercising in Central Park on Tuesday, Marie Wickham, 56, said she understood what all the fuss was about:
A man listened to headphones as he ran along the National Mall in Washington.

“They’re zigging, they’re zagging, they don’t know what’s around them. It can definitely be dangerous.”

But Ms. Wickham added that she would be opposed to any ban of such devices. “I think it’s an infringement on personal rights,” she said. “At some point, we need to take responsibility for our own stupidity.”

Pedestrian fatalities increased slightly for the first time in four years in the first six months of 2010, according to a report released last week by the Governors Highway Safety Association, an organization based in Washington that represents state highway safety agencies.

Among the states, Arizona and Florida had the largest increases in pedestrian fatalities, followed by North Carolina, Oregon and Oklahoma. Nationally, pedestrian traffic fatalities had dropped to 4,091 in 2009 from 4,892 in 2005, the report stated.

“One of the reasons we think the trend may be turning negatively is because of distracted pedestrians,” said Jonathan Adkins, spokesman for the safety group.

The New York bill was proposed by State Senator Carl Kruger, a Brooklyn Democrat who has grown alarmed by the amount of distraction he sees on the streets in his neighborhood and across New York City. Since September, Mr. Kruger wrote in the bill, three pedestrians have been killed and one was critically injured while crossing streets and listening to music through headphones.

“We’re taught from knee-high to look in both directions, wait, listen and then cross,” he said. “You can perform none of those functions if you are engaged in some kind of wired activity.”

Hal Pashler, a professor of cognitive science at the University of California, San Diego, said that listening to sounds through two earbuds creates a particularly powerful kind of “auditory masking” that drowns out external sounds. Such masking not only goes directly into the ear, it also is involuntary in the sense that the sound floods the brain even when a person tries to listen to something else — say, traffic.

“It’s even more overwhelming than the kind of multitasking costs we normally talk about,” Mr. Pashler said.

As it is written, Mr. Kruger’s proposal, which was first introduced in 2007, would apply only to cities with populations of one million or more. But Mr. Kruger would like to expand the bill to cover even smaller cities. Violators would face a civil summons and a $100 fine.

“This is not government interference,” he said. “This is more like saying, ‘You’re doing something that could be detrimental to yourself and others around you.’ ”

But some outdoor exercisers who rely on music for a boost see the proposals as little more than a distraction for law enforcement officials. “Chasing down the runner who has his headphones in instead of chasing down the driver who’s been at the local pub sounds like they’re trying to pick the low-hanging fruit,” said John Wiant, 43, a runner from Newport Beach, Calif.

In Arkansas, an avalanche of criticism on Tuesday led a legislator to withdraw a proposal that would have banned pedestrians from wearing headphones in both ears. Other lawmakers have tried to strike some sort of balance between public safety and the gravity of the offense.
In California, Mr. Simitian is proposing the $20 fine on bicyclists who send text messages and a $30 increase on the existing $20 penalty for doing the same activity while driving a car, a difference that he said reflects the relative risk the behavior poses to others.

“At some point,” he said, “you do have to simply rely on the good judgment of folks as they go through their daily lives.”

Mr. Simitian added that he believed that efforts to legislate against distraction outside the car could diminish the seriousness of hard-fought campaigns and laws meant to curb distracted driving.

“Is there a problem out there with distracted pedestrians? I’d be the first to acknowledge it,” he said. But, he added, “It’s appropriate to distinguish between 4,000 pounds of steel and glass coming at you and a pedestrian who may well put themselves at risk but probably poses less of a risk to the general public.”

Andrew Keh, Ian Lovett and Evin Demirel contributed reporting.