ADDRESSING THE PROBLEM OF DISTRACTED DRIVING

(111–74)

HEARING

BEFORE THE

SUBCOMMITTEE ON
HIGHWAYS AND TRANSIT

OF THE

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

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U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

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October 28, 2009

SUMMARY OF SUBJECT MATTER

TO: Members of the Subcommittee on Highways and Transit

FROM: Subcommittee on Highways and Transit Staff

SUBJECT: Hearing on "Addressing the Problem of Distracted Driving"

PURPOSE OF HEARING

The Subcommittee on Highways and Transit is scheduled to meet on Thursday, October 29, 2009, at 9:30 a.m., in room 2167 of the Rayburn House Office Building to receive testimony regarding the impact of distracted driving on roadway safety. Witnesses will also discuss efforts and options for combating distracted driving, and integrating emerging technologies in a manner that does not jeopardize roadway safety. This hearing is part of the Subcommittee's effort to authorize Federal surface transportation programs. The Subcommittee will hear from the Secretary of Transportation, a State highway safety administrator, representatives from academia, the wireless industry, the trucking industry, a labor union, and highway safety advocates.

BACKGROUND

Distracted driving—or driving while engaging in behavior or activities that interfere with operation of a vehicle or divert the attention of the driver—has become a growing roadway safety concern. According to the National Highway Traffic Safety Administration (NHTSA), in 2008:

- 5,870 people lost their lives and an estimated 515,000 people were injured in police-reported crashes in which at least one form of driver distraction was reported on the crash report;
- Driver distraction was reported to have been involved in 16 percent of all fatal crashes in 2008, according to data from the Fatality Analysis Reporting System (FARS), increasing from 12 percent in 2004; and

- The age group with the greatest proportion of distracted drivers was the under-20 age group—16 percent of all under-20 drivers in fatal crashes were reported to have been distracted while driving.

There are a wide array of activities that cause vehicle operators' attention to be diverted away from the primary task of driving, which has the potential to cause or contribute to a crash. Much of the recent focus on this issue has been on the impact of the introduction of greater technology, both in-vehicle systems (e.g., GPS, traffic information, and MP3 players) and communication devices (e.g., cell phones and text messaging), which have grown quickly during the past decade. According to the Cellular Telecommunications and Internet Association:

- There were more than 276 million wireless cell phone subscribers in the United States as of June 2009, an increase of 42 percent from 194 million in June 2005, and nearly three times more than the 97 million wireless subscribers in June 2000. Minutes of use have surged to more than 1.1 trillion in June 2008 from 195 billion in June 2000.

- Over 600 billion text messages were sent in 2008, nearly four times the number sent in 2006. Over 110 billion text messages were sent in the United States in the month of December 2008 alone, a tenfold increase over just three years.

While cell phones, texting and e-mails and other integrated technologies have many beneficial uses, these services can increase risk of crashes when used while operating a motor vehicle. Research continues to explore the conditions that contribute to crashes, but there is a growing consensus that tasks that require the driver to divert their eyes from the road and/or hands from the steering wheel — such as dialing a handheld device, sending a text message, or looking at a map — pose a serious cognitive distraction and undermine driver performance. Yet, many people report that they talk on a cell phone or text while driving. According to a 2008 survey conducted for the American Automobile Association (AAA) Foundation for Traffic Safety, approximately 53 percent of drivers reported talking on a cell phone within the last 30 days. Two out of three drivers aged 18-34 reported using a cell phone while driving. The same survey found that 14 percent of respondents reported text messaging while driving in the past 30 days. Almost 50 percent of respondents aged 18-24 reported texting and driving within the last 30 days.

I. Recent Research Regarding Distracted Driving

Recent data demonstrate the significant roadway safety risks raised by distracted driving among passenger vehicles and commercial motor vehicles:

- **National Motor Vehicle Crash Causation Survey**—NHTSA recently conducted a nationwide survey of crashes involving light passenger vehicles with a focus on factors related to pre-crash events. The National Motor Vehicle Crash Causation Survey (NMVCCS) investigated a national representative sample of 5,471 crashes between July 2005 and December 2007. The survey assessed the critical event that preceded the crash, the causes for the event, and any other associated factors that might have played a role. Researchers assessed the reason underlying this critical event and attributed that reason to either the driver, the condition of the vehicle, failure of the vehicle systems, adverse environmental conditions, or roadway design. Each of these areas was further broken down to

determine more specific critical reasons. For the driver, critical reasons included driver distraction, which allowed the NMVCCS to quantify driver distraction involvement in crashes. Based on data from the NMVCCS, of the crashes in which the critical reason for the crash was attributed to the driver, approximately 18 percent involved distraction.

- **100-Car Naturalistic Driving Study**—In 2005, the Virginia Polytechnic Institute and State University (Virginia Tech), NHTSA, Virginia Department of Transportation, and the Virginia Transportation Research Council completed a 100-car naturalistic driving study. The study gathered pre-crash driving data, using instrumented vehicles for data collection. The study covered two million vehicle miles of driving and collected more than 42,000 hours of data. Over the course of the study, there were 15 police-reported and 67 non-police reported crashes. Additionally, there were 761 near-crashes. The study found that:

  - Nearly 80 percent of all crashes and 65 percent of all near-crashes involved driver inattention, just prior to the event;
  - Younger drivers had the highest rate of inattention-related crashes, with the rate being as much as four times higher for the 18- to 20-year-old drivers relative to some of the older driver groups; and
  - The use of hand-held wireless devices was associated with the highest frequency of secondary task distraction-related events, and was among the highest frequencies for crashes.

- **Driver Distraction in Commercial Vehicle Operations**—On July 27, 2009, the Virginia Tech Transportation Institute released preliminary findings of their study of driver distraction in commercial vehicles. Comprising about 200 long-haul trucks driving three million combined miles and using video cameras to observe the drivers and road, researchers observed 4,452 safety-critical events, which includes crashes, near crashes, and lane deviations. The preliminary findings of the study concluded that:

  - Eighty-one percent of the safety critical events involved some type of driver distraction;
  - Text messaging had the greatest relative risk, with drivers being 23 times more likely to experience a safety-critical event when texting; and
  - The study also found that commercial vehicle operators typically take their eyes off the forward roadway for an average of four out of six seconds when texting, and an average of 4.6 out of the six seconds surrounding safety-critical events, a period long enough for a vehicle to travel more than 100 yards at typical highway speeds.

- **Large Truck Crash Causation Study** — The Federal Motor Carrier Safety Administration (FMCSA) and NHTSA released the Large Truck Crash Causation Study (LTCCS) in July 2007. The LTCCS examined the causes of serious crashes involving large trucks. The study reviewed a representative sample of the 120,000 large truck crashes that occurred between April 2001 and December 2003. The LTCCS sample of 963 crashes involved 1,123 large

trucks and 959 motor vehicles that were not large trucks. The 963 crashes resulted in 249 fatalities and 1,654 injuries. LTCCS reported that eight percent of large-truck crashes occurred when Commercial Motor Vehicle drivers were externally distracted and two percent of large truck crashes occurred when the driver was internally distracted.

II. Laws and Efforts to Prohibit Use of Cell Phones or Texting While Operating a Motor Vehicle

Preventing and addressing driver distraction will require implementation of a combination of strategies to improve in-vehicle and roadway technology, expand driver education and outreach, as well as improvement to roadway infrastructure. Many States and localities have chosen to enact laws prohibiting talking on a cell phone and/or text messaging while driving. According to the Governor's Highway Safety Association, State cell phone driving laws currently include the following:

- Six States and the District of Columbia prohibit all drivers from talking on handheld cell phones while driving, with all but one, Washington State, having laws providing for primary enforcement of cell phone use laws;

- No State completely bans all types of cell phone use (handheld and hands-free) for all drivers, but many prohibit cell phone use by certain segments of the population, including: 21 States and the District of Columbia ban all cell use by drivers under 21 and 17 States and the District of Columbia prohibit school bus drivers from all cell phone use when passengers are present;

- Eighteen States and the District of Columbia ban text messaging for all drivers with nine States prohibit text messaging by novice drivers and one State restricts school bus drivers from texting while driving; and

- Similarly, a number of localities have enacted restrictions on cell phone use while driving.

Numerous bills have been introduced during the 111th Congress to address concerns arising from distracted driving. To date, bills have been introduced that would require States to bar the sending of text or email messages while operating a car or truck, or else risk losing Federal highway funds; address distracted driving by novice drivers and use of cell phones while driving; and a resolution to encourage more awareness of the danger of distracted driving during the holiday season.

On October 1, 2009, President Obama signed an Executive Order directing Federal employees not to engage in text messaging while driving government-owned vehicles, when using electronic equipment supplied by the government while driving, or while driving privately owned vehicles when they are on official government business.

Secretary LaHood also announced the U.S. Department of Transportation's (DOT) intention to develop three separate rulemakings to combat distracted driving in the rail, truck, and bus industries. The DOT intends to ban text messaging and restrict the use of cell phones by truck

and interstate bus operators, and to suspend and revoke the Commercial Driver Licenses of school bus drivers convicted of texting while driving.

PRIOR LEGISLATIVE AND OVERSIGHT ACTIVITY

On July 16, 2008, the Subcommittee on Highways and Transit held a hearing on NHTSA's behavioral highway safety programs.

WITNESSES

VIDEO PRESENTATION

Dr. Tom Dingus
Director
Virginia Tech Transportation Institute

PANEL I

The Honorable Carolyn McCarthy
Congresswoman
New York, 4th District

PANEL II

The Honorable Ray LaHood
Secretary
U.S. Department of Transportation

PANEL III

Mr. Vernon F. Betkey, Jr.
Chairman
Governors Highway Safety Association

Dr. Tom Dingus
Director
Virginia Tech Transportation Institute

Mr. Bobby Franklin
Executive Vice President
CTIA- The Wireless Association®

Mr. John Ulczycki
Group Vice President- Research, Communications & Advocacy
National Safety Council

Mr. Randy Mullett
Vice President of Government Relations and Public Affairs
Con-way Inc.

Mr. Robert Strassburger
Vice President of Safety & Harmonization
Alliance of Automobile Manufacturers

Mr. Edward Wytkind
President
Transportation Trades Department, AFL-CIO

ADDRESSING THE PROBLEM OF DISTRACTED DRIVING

Thursday, October 29, 2009

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The Subcommittee met, pursuant to call, at 9:30 a.m., in Room 2167, Rayburn House Office Building, Hon. Peter A. DeFazio [Chairman of the Subcommittee] presiding.

Mr. DEFAZIO. The Subcommittee on Highways and Transit will come to order. Today, we are going to begin to delve into the issue of distracted driving, not a new issue, but an issue recently complicated by the proliferation of technology. We do know that 6,000 people died in 2008 where there were reports of one form of driver distraction or another, and that is not necessarily a comprehensive number. That is a statistic that we want to bring down, way down. And there were also a large number of injuries and, obviously, a tremendous amount of property damage due to distracted driving. It seems to be most problematic among young and inexperienced drivers, but it is a problem for drivers of any age, depending upon the technology.

So today we are going to hear from the Secretary of Transportation, who has taken on this cause and is determined to make it part of his legacy, to help reduce the deaths and the injuries, and we will hear from other experts. There is not unanimity yet on what steps to take, but we hope to find our way to a path to deal with this issue through the hearing. And with that, I will turn to the honorable Mr. Duncan.

Mr. DUNCAN. Well, thank you very much, Mr. Chairman, for calling this hearing. It is not a new problem. In May of 2001, when Mr. Petri was Chairman of the Subcommittee, I attended a Subcommittee hearing that addressed the same issue and, of course, 8 years later we are still faced with some of the challenges we discussed in 2001, except the problem has grown tremendously since that time because so many people today are addicted to the BlackBerry and other gadgets.

In fact, I remember reading a few months ago where a young woman in New York City was so intensely involved with her BlackBerry that she walked into an open manhole cover in New York City. And then just yesterday, in the Politico newspaper, they had a story about a man who was almost hit by a car in Georgetown because he was trying to read his BlackBerry as he crossed the street.

And so with all advances in technology, we have witnessed an increase in the number of devices and gadgets that can take our eyes and our minds off the road. I remember walking, a few years ago, walking up the street just from the Rayburn Garage to the Capitol Hill Club, and six vehicles passed me, and four of those six drivers were talking on their cell phone.

Most people agree that drivers should not type e-mail messages on their BlackBerrys or text their friends on their cell phones while they are driving.

And I want to say that, you know, I certainly, first of all, want to commend Secretary LaHood for convening the Summit on Distracted Driving and bringing this issue to the forefront of the administration's agenda. We certainly all need to do everything we can to discourage people from using these new gadgets while they are driving and to keep their eyes on the road.

And I certainly look forward to hearing from Secretary LaHood and our other witnesses and all the experts on this problem. It is a difficult one because there is a problem about enforcement and so forth. But we need to emphasize that, unfortunately, we have more people killed in 3-1/2 or 4 months on the Nation's highways than in all U.S. aviation accidents combined since the Wright brothers' flight, and that shows how dangerous our highways still are. And in this Subcommittee we need to do, and certainly try to do, everything we can to make our roads and highways safer. So thank you for calling this hearing, and I look forward to hearing from the witnesses.

Mr. DEFAZIO. I thank the gentleman for his statement and his concern with the issue.

With that, we will begin with a video presentation by Dr. Tom Dingus, Director, Virginia Tech Transportation Institute.

VIDEO PRESENTATION BY D. TOM DINGUS, DIRECTOR, VIRGINIA TECH TRANSPORTATION INSTITUTE

Mr. DINGUS. Mr. Chairman, I have been asked today to show some videos from a series of studies that we have done that we refer to as naturalistic driving studies. These are large-scale studies where we collect a variety of sensor data and video data using sophisticated instrumentation. This instrumentation is in drivers' own cars and trucks. They are not given any specific instructions. They just drive as they normally do.

Thus far we have collected data from over 600 drivers. Each driver was driving their vehicle, either car or heavy truck, between 4 and 18 months. So we have collected 100,000 hours of continuous driving data and over 7 million miles. This is an important methodology because it allows us, for the first time, to get detailed information on driver behavior just prior to crash and near-crash events.

Human performance and behavior, it is well known, account for over 90 percent of vehicle crashes. A subset of these behaviors really create most of the crash risk. This is impairment due to alcohol primarily. Inattention and distraction is a big one, drowsiness, and then judgment-related error.

This study provides a new opportunity to get real-world data in the larger context of driving and get detailed pre-crash information.

So what I am going to do is show you some examples of the data that we have collected from a variety of different studies. This study is called the ″Hundred Car study.″ What you are going to see here in a minute is a teen driver, 18 years old, who is driving through a neighborhood, who is lost and pulls out her cell phone and begins to dial. What this little graph here shows you is that she makes a very hard-braking maneuver and that is what allowed us to find the event.

But if you look in this screen right here, you will see a child on a tricycle come out in front of her and she just barely misses that child. So in the lower left she takes out her cell phone, she begins to dial and then you see the tricycle right there.

Research has shown that drivers look back and forth between their cell phones and the forward roadway. If her sequence of eye scanning had been opposite of what it was she probably would have hit the child. I will play it one more time.

This next case is a teen driver talking on a cell phone, and this is also a very common occurrence of what we see. This is a newly licensed teen driver, 16 years of age. And she essentially runs off the road and hits the curb on the right and misses a sign by about 12 inches—so I will play it for you—and continues to talk. Now, teens aren't very good at controlling their vehicles. Talking with one hand on the phone and being engrossed in the conversation created a near-crash event in that case.

For this one I have to ensure that there is no video being recorded. Some of these are sensitive for privacy reasons. This is a driver, teen driver, newly licensed teen driver, texting on his phone. It is a little hard to see, but in the lower left, he doesn't have either hand on the steering wheel for most of the time. He is driving with his knees and he hits the left curb and barely misses trees and signs. So he is not in good control of his vehicle. He is going about 45 miles an hour. We see this kind of behavior all the time.

This is a semi-tractor-trailer driver. He is using a mobile data terminal which includes a full keyboard and a display screen. He has got it sitting on his steering wheel. He runs off on the right shoulder of the road and then corrects back as a truck is passing, but fortunately keeps it in the lane without overcorrecting a little bit, or he would have hit the truck. But you can see him looking down, typing a message, barely able to control his 18-wheel truck. His eyes are off the road for somewhere in the neighborhood of 4 or 5 seconds while he is doing this task.

Here is a driver who is a truck driver again, semi-tractor-trailer. He is going to text while he drives. As you see, neither hand on the wheel. He is driving on a road with no shoulder. And he just shifted and now he is going to essentially run off the road to the right, just off the pavement. Two-lane road.

This is a driver that is reaching for a ringing wireless device. It looks like, it is hard to tell, but it looks like he is trying to pull it out of a jacket pocket. But you see he nearly has a head-on collision while he is trying to get to the wireless device. Right there.

I am going to show you a crash. There is not—I can't show you many crashes because the subjects have to agree to release the data and, particularly in the case of trucks, truck drivers are not

willing to do that very often. But this one is blurred to the point, with no video playing, that I can show you. You are going to see a truck roll over in the median. Now, this is a reading task. But it is an external task. As he passes this bobtail tractor, he is fascinated by the writing on the side of it and he is looking, trying to read what it is. He takes his eyes off the road for 5 seconds, comes across a stopped line of cars, luckily misses that minivan, but rolls over in the median. An interesting aspect of this data is the police report said that he was following too closely or tailgating, and that a distraction wasn't mentioned as a cause in the police report. He didn't even remember it until he was interviewed after the crash. And that is a shoe.

So those are the videos, Mr. Chairman. Can I answer any questions at this point?

Mr. DEFAZIO. Dr. Dingus, we have you on a subsequent panel, so I think we will reserve our questions, if that is okay, so we can move ahead with the other—with the Secretary and with the Member panel. So thank you. We will call you back up.

We would ask the Honorable Carolyn McCarthy from New York's Fourth District to come forward and testify for 5 minutes to the bill she has introduced on this issue.

TESTIMONY OF THE HON. CAROLYN McCARTHY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mrs. MCCARTHY. Thank you, Mr. Chairman. And I thank Ranking Member Duncan for having me here today. And I appreciate the Members being here also. I commend the Chairman and certainly the Members for recognizing the importance of distracted driving in our Nation.

Our former colleague—and now Secretary LaHood—has done a terrific job in bringing this matter to the attention of Congress as well as nationwide. But much like the Department of Transportation's recent Distracted Driving Summit, hearings such as this serve as a great opportunity to vet plausible and effective solutions to this growing problem.

Having had surgery during July, I could not drive, so I had a lot of people driving me around to different appointments. And every one of them was text messaging. And I tell you, I was scared for my life, mainly because of the way they were driving, anything that was going to hit was going to hit on my side, and I didn't appreciate that. So it is banned for anyone in the car that is driving myself.

Along those lines, I certainly thank President Obama, who in signing an executive order, effectively banned all Federal employees from texting behind the wheel.

Both initiatives represent important steps toward cultivating safety on our Nation's roadways, but fall short of applying these safety precautions to each and every driver. This is why I am here today to testify.

The dangers of distracted driving are not limited just to Federal employees. Several studies, including one conducted by Virginia Tech Transportation Institute, recently concluded that drivers are 23 times more likely to get into an accident while texting and driv-

ing. With smart devices that provide access to e-mail, text messaging, the Internet and more, individuals are becoming more increasingly reliant upon mobile technology in their everyday lives.

Unfortunately, as these devices continue to evolve and become more affordable, their inappropriate and unsafe use continues to grow as well.

Almost as rapidly as these devices have developed, so too have hands-free and voice-activated technologies, each of which is designed to give individuals increased mobility and attentiveness while communicating. But even with the best technology many manufacturers are coming out with, driver attention is taken away from what you are supposed to be doing, and that is driving.

We, as Members of Congress, should seek out ways to encourage the use of these technologies in an effort to lower the risks throughout our transportation system. Recent surveys suggest large majorities, regardless of political affiliation, believe irresponsible use of hand-helds behind the wheel should be illegal.

Most recently, a New York Times-CBS poll shows that 90 percent of adults agree that sending a text message while driving should be illegal. Our goal should be to facilitate effective changes that keep more drivers' hands on the wheels and eyes on the road.

You saw with what we had just seen as far as some of the videos, I have seen many people driving with their knees and doing 60 to 70 miles an hour, and it is only by the grace of God that they did not cause an accident or cause someone else's injury.

H.R. 3535, the Alert Drivers Act, which I was proud to introduce with my colleague, Nita Lowey, I believe represents a strong first step toward combating preventable roadway accidents. My bill directs the Secretary of Transportation to establish minimum texting-while-driving standards of protection that State legislators must meet; and will also allow States to establish stricter standards as they see fit. And much like the laws that establish the legal age to consume alcohol and blood alcohol concentration limits for drivers, the bill would withhold a percentage of Federal highway funding to States that do not comply.

The bill has garnered the support of consumers and affected industries to create a solution to distracted driving.

While some States like New York State, my home State, have taken it upon themselves to ban the practice within its borders, others still lack effective and prudent measures to curb their behavior. What makes a nationwide ban so important is the fact that distracted driving is a practice that is not isolated within particular States. Moreover, inconsistent laws across our country serve only to confuse and embolden drivers who text and drive.

Let me finish up with saying that we have an opportunity here, obviously, to strengthen highway safety. But we also have an opportunity to cut down on accidents and deaths which also cost this Nation a great deal of money.

There are many solutions out there. I certainly am willing to work with the the Committee and Secretary LaHood to come to a solution down the road. With that, I am open to any questions.

Mr. DEFAZIO. Excellent. Thank you. And thanks for your advocacy and your initiative and leadership on this issue.

Anyone have any questions? If not, thank you for your testimony. Appreciate it. Look forward to working with you on this issue.

With that, we would move on to the next panel, which would be the Honorable Ray LaHood, Secretary of the Department of Transportation.

Mr. Secretary, thank you for being here today. The Secretary called because he wanted to indicate his extraordinary interest in being at this hearing and asked if I would reschedule so he could be here personally. Normally Secretaries don't testify before Subcommittees, and so we are particularly honored to have him here. But when he was calling to ask me to reschedule, I happened to be turning onto my street and driving. And so I had to say please, Mr. Secretary, could you hold on for a minute until I can pull over so we can continue the conversation? I thought that particularly embarrassing to have that conversation while driving and I didn't have a hands-free unit with me. So thank you for your indulgence, then, and thank you for being here today.

TESTIMONY OF HON. RAY LaHOOD, SECRETARY, U.S. DEPARTMENT OF TRANSPORTATION

Secretary LAHOOD. Mr. Chairman, thank you for changing the time to make it convenient for me to be here. And as I told you in our phone conversation, this is a very, very important issue for me and to you and Ranking Member Duncan, to all the Members that are here. Thanks for your interest, and the opportunity to appear to discuss what I believe is one of the most important issues that we can really address, and that is distracted driving.

Transportation safety is the Department's highest priority. Distracted driving is a dangerous practice that has become a deadly epidemic. Our research shows that unless we take action now, the problem is only going to get worse, especially among our Nation's youngest drivers. I think it really is an epidemic among our youngest drivers. This trend distresses me deeply, and I am personally committed to reducing the number of injuries and fatalities caused by distracted driving.

Four weeks ago the Department of Transportation hosted a summit to help us identify, target, and tackle the fundamental elements of this problem. We brought together over 300 experts in safety, transportation research, regulatory affairs and law enforcement. More than 5,000 people from 50 States and a dozen countries also participated via the Web.

We heard from several young adults who had engaged in distracted driving and who discussed the terrible consequences of their actions. We also heard from several victims of this behavior whose lives have been changed forever. Mothers and fathers who lost children and children who lost a parent told us their stories. And I want you to know that I promised these families I would make this issue my cause.

The unanimous conclusion of the summit participants is that distracted driving is serious and an ongoing threat to safety. This conclusion is born out by the facts. Our latest research shows that nearly 6,000 people died last year in crashes involving a distracted driver and more than half a million people were injured. This is not a problem caused by just a few negligent drivers.

To the contrary, AAA Foundation for Traffic Safety, a nonprofit educational and research organization, reports that 67 percent of drivers admitted to talking on their cell phone within the last 30 days while behind the wheel. And 21 percent of drivers indicated they had read or sent a text or e-mail message, a figure that rose to 40 percent for those drivers under the age of 35.

As shocking as these numbers are, it is clear that this problem is only getting worse. And the youngest Americans are most at risk. While the worst offenders may be the youngest, they are not alone. On any given day last year, an estimated 800,000 vehicles were driven by someone who used a hand-held cell phone at some point during the drive.

People of all ages are using a variety of hand-held devices such as cell phones, personal digital assistants, navigation devices, and they are behind the wheel.

However, the problem is not just confined to vehicles on our roads. It affects all modes of transportation. Experts agree that there are three types of distractions: number one, visual; taking your eyes off the road; Number two, manual; taking your hands off the wheel; and number three, cognitive; taking your mind off the road.

While all distractions can adversely impact safety, texting is the most troubling because it involves all three types of distractions. In the words of Dr. John Lee of the University of Wisconsin, this produces the perfect storm.

For all these reasons, at the conclusion of the summit I announced a series of concrete actions that President Obama's Administration and DOT are taking to put an end to distracted driving. The President's Executive Order banning texting and driving for Federal employees is the cornerstone of these efforts and sends a strong, unequivocal signal to the American public that distracted driving is dangerous and unacceptable.

The Executive Order prohibits Federal employees from engaging in text messaging while driving government-owned vehicles; when using electronic equipment supplied by the government while driving; and while driving privately owned vehicles when on official government business. This ban takes effect government-wide on December 30, this year. However, I have already advised all 58,000 DOT employees that they are expected to comply with this Order immediately.

DOT is also working internally to formalize compliance and enforcement measures, and we are in close consultation with the General Services Administration and the Office of Personnel Management, providing leadership and assistance to other executive branch agencies to ensure full compliance with the Executive Order by all Federal departments and agencies no later than December 30.

DOT is also taking other concrete actions to reduce distracted driving across all modes. For instance, 1 year ago we began enforcing limitations on texting and cell phone use throughout the rail industry.

We are taking the next step by initiating three rulemakings. Number one, to codify restrictions on the use of cell phones and other electronic devices in rail operations. Two, to consider banning

texting messages and restricting the use of cell phones by truck and interstate bus operators while operating vehicles. And three, to disqualify school bus drivers, convicted of texting while driving, from maintaining their commercial driver's licenses. We will work aggressively and quickly to evaluate regulatory options and initiate rulemaking as appropriate.

Moreover, our State and local partners are key to any success we have in addressing distracted driving. I have encouraged our State and local government partners to reduce fatalities and crashes by identifying ways that States can address distracted driving in their strategic highway safety plans and commercial vehicle safety plans. And to assist them in their efforts, I have directed DOT to develop model laws with tough enforcement features for all modes of transportation.

There are other affirmative measures that States can take immediately to reduce the risk of distracted driving. For example, we are encouraging the installation of rumble strips along roads as an effective way to get the attention of distracted drivers before they deviate from their lane.

Education, awareness, and outreach programs are essential elements of the action plan. These measures include targeted outreach campaigns to inform key audiences about the dangers of distracted driving and take high visibility enforcement actions.

We are still researching the effectiveness of combining high-visibility enforcement with outreach campaigns in the distracted driving context, but we are hopeful that such efforts may prove effective in the same way that we have been able to use them to reduce drunk driving and increase seatbelt use. All of these measures are the beginning, not the end, in solving the problem with distracted driving.

DOT will continue to work closely with all stakeholders to collect and evaluate comprehensive distracted driving-related data needed to better understand the risks and identify effective solutions. And the administration will continue to work with Congress, State and local governments, industry and and the public to end the dangers posed by distracted driving and encourage good decisionmaking by drivers of all ages. We may not be able to break everyone of their bad habits, but we are going to raise the awareness and sharpen the consequences.

And I want to thank you, Mr. Chairman, and your Subcommittee for the interest you have shown in this issue, and I am looking forward to any questions that anyone might have about this. Thank you very much.

Mr. DEFAZIO. Thank you, Mr. Secretary.

I first turn to John Mica. I was remiss in not giving John time for his opening remarks. So you can do opening remarks and any questions you have for the Secretary, John.

Mr. MICA. Thank you. I will try to be brief. And first I want to thank you, Peter, for holding this hearing, along with our Ranking Member, Mr. Duncan, and the Secretary for being here and focusing attention on this issue. Mr. Duncan and I have not had a chance on our side to sit down and talk about legislative proposals and our support or opposition—at least from the Republican side—

or what we favor, but I wanted to come this morning for just a minute.

First of all, usually when the Secretary of the administration comes on, they get, you know, boxed by the—no matter what you say or do you get criticized by the opposition. And I want to do just the opposite. I want to take a minute to praise my colleague, former colleague and now our Secretary, for taking a very positive initiative.

I know he was criticized—not enough, or not legislative or tough enough, or something—by some folks, but I think he did exactly the right thing. He called attention to a growing problem and a growing issue. And I think he did it; he started in his own back yard, which is with Federal employees and others we have jurisdiction over, and he outlined a very comprehensive approach.

I think he has touched on all the things that he can do from an executive standpoint and from the administration's standpoint, and we are encouraged to work with him on rail, trucks, buses, all of the things that you mentioned here today, I think we will be very supportive of from our side of the aisle. So I came not to criticize, but to praise.

I do, however, want to say that distracted drivers is one part of the problem. There are many types of distractions, and we know now we are up to around 6,000 fatalities, as you cited, from distraction.

I remember one ride my wife and I took down a road in Tallahassee, and I thought our life was over when a young lady coming in the opposite direction was putting her makeup on and drove us off the road into a ravine. We were not injured, fortunately, but it was a distracted driver. Cell phones and textings are other forms of distraction.

Now, one of the things I would ask is that—well, let me lead up to this. First, sometimes like one administration ends and the next administration begins, I think we need some continuity of efforts to try to improve situations. If you do this on a risk-based approach, you just look at the statistics. And first of all, 12,865 people died last year not using seatbelts. I remember when Norm launched that effort with the administration. You know, seat belts, that is nice. And then I looked at the number of people that were killed. That is one of the highest numbers right there. In fact, it is higher than speeding. Speeding is second. It is 11,674.

And then, of course, one that I happened to see—after I left you all last night, and we went home after a wonderful dinner and the Historical Society had honored our Committee last night, and Ray LaHood addressed them. I saw yesterday's hearing in the Senate and it was pretty interesting to hear that. And I heard Dorgan lost his mother to a drunken driver. That was pretty dramatic commentary from the Senator. But alcohol still is an incredible killer; 11,773 last year were killed by alcohol.

I say all this, that we need the continuum of the seatbelt proposal, we need tough enforcement, and tough enforcement does work.

Let me just say in conclusion here, we had a huge problem in central Florida and Florida with big trucks and deaths. I mean, it

was—some of the nightly news displays of the carnage on the road was horrible. And this is about 2003, I think, I took an interest.

So we looked at a couple of things in enforcement. And then I found—and we have made some simple suggestions like you are doing here for improvements—and we found out that Florida had not passed laws compliant with what the Federal Government required. And we went to the legislature. They changed the law and they got twice as much money and twice as much enforcement. I just got the statistics on the last year and it is absolutely dramatic, the lives that haven't been lost through tough enforcement. And the Secretary did mention enforcement. So I know, in a cooperative effort of enforcing laws—and that Senate hearing and this hearing will probably talk about carrot-and-stick approaches, getting the right balance of carrot and stick from us. But I just say we will work with you and try to make the rest of what you started work, because it is important in lives saved and lost and tragedies. Lives lost is one thing, but the disruption in human—just society.

I have been getting text messages all week from one of my close friends who rode off the highway last week and his wife was in intensive care all last week, on the verge of death—so far she is coming out of it—in an automobile accident on 95. So these are important issues. And I thank you all again for approaching this today.

I apologize. I am distracted by another Committee meeting, so I have to speak and run. But thank you.

Mr. DEFAZIO. I thank the gentleman for his remarks and his concern.

Mr. Secretary, if I could ask a few questions. And you may not be intimately familiar with this program, you have got a big Department, but there is something called the Future Strategic Highway Research Program which apparently includes a large-scale naturalistic driving study. And I am wondering when we might expect to hear or see results from that program and recommendations that might come from it.

Secretary LAHOOD. You know what? I don't know, Mr. Chairman. I will have to get back to you on that.

[Information follows:]

Insert to the Transcript – page 25, line 569
Secretary LaHood
October 29, 2009

Question:

When will we see results of or recommendations from the Future Strategic Highway Research Program that includes a large-scale naturalistic driving study?

Answer:

Field data collection is expected to start in Calendar Year 2010 and will run for two full years. Analysis of study data will take approximately one and a half years and preliminary results will be available in 2013.

Mr. DEFAZIO. Sure. I am sorry. We should have given you a heads-up. But if you can let us know, that would be helpful. Because if you were able to stay to listen to the later panel you would find there is some difference of opinion, and I am certain perhaps you have heard some of that at your summit. It seems like everybody agrees texting is, by far and away, the most dangerous activity.

And then you get down to hand-held cell phones. But there are some studies that portray even hands-free, voice-activated devices as distracting as a hand-held cell phone, which personally I find a little bit difficult to believe. But I don't know if much of that came up at your summit and if you had any opinion on hand-held versus hands-free cell phones.

Secretary LAHOOD. Well, I just spent 2 days in Detroit and I rode in a new Taurus. And they have a program where you can put your BlackBerry in a little device and it will sync all of your numbers. So all you have to do is talk. They have the technology, then, where you just say, dial such a number and it automatically does it. The epidemic is with people texting while driving.

But I will tell you this, Mr. Chairman, I think any distraction is a problem. I think eating a hamburger, putting your make-up on, shaving, texting, talking on a cell phone, these are all distractions. But the epidemic is really with people texting. But all of these other things are distractions, too.

I met a young man from Chicago at the summit whose mother was riding a motorcycle, and she was sitting at a stop light and another person came up, a woman, and plowed into the back of her, going 35 miles an hour. The woman that plowed into his mother, who was killed, was painting her fingernails. And now he has an organization called the Black Nail Brigade where he paints one hand, the fingernails on one hand, and wears a T-shirt called the Black Nail Brigade and travels all over the country trying to persuade people not to text, not to paint your nails, not to shave, not to put on make-up, not to eat a McDonald's hamburger while you are driving. These are all distractions.

And as much as I like driving the Taurus and as much as I like their sync system where you put your BlackBerry in and it syncs all of your numbers and you talk to it, it is a distraction. Texting while driving is the biggest distraction. I think all these things are a distraction.

Mr. DEFAZIO. Yes. And I wonder, and I don't know. I remember when I was learning to drive they had what in those days were movies and they would show crashes to try and sort of put a little reality on you as a kid. And I did see one YouTube video clip of a bunch of kids in a car crash due to distracted driving, very dramatic. I wonder if we are looking at either disseminating or developing some materials that could be used in schools and in drivers' ed programs around the country. It is clear distracted driving is a particular problem for young drivers because of the combination of inexperience and use of these devices. It seems to me that would be a useful educational tool.

Secretary LAHOOD. I think there are three solutions for texting, and I think education is one of them. I think we have to get into driver education programs and really teach children, 16-year olds

when they are learning how to drive, that you need to put your seatbelt on. And they do teach that.

And we need to teach them the second thing you need to do is put your BlackBerry in the glove compartment, put your cell phone in the glove compartment, so that you are not distracted from what you are supposed to be doing.

So I think education. I think personal responsibility. I think we need to teach the idea that you have a personal responsibility for people, your friends that are in the car, and people around you. And I also think enforcement—.08 and seatbelt laws prove that enforcement works. Everybody in America knows what .08 means now when they see it. Ten years ago they probably did not. Everybody knows click it or ticket, what that means. It means that when you click it, you are putting your seatbelt on and you are going to avoid a ticket.

Enforcement is important. And I know there are not enough police to enforce all these things. That is why I talk about personal responsibility, and I also talk about education. But enforcement is very important, too, and that is what all of you are going to have to get into when you write your bill.

Mr. DEFAZIO. This will be my last question then I will turn to Mr. Duncan. There are proposals to require the States to move forward with some restrictions or sanctions and/or enforcement, under—as Mrs. McCarthy has in her legislation—under penalty of loss of Federal funds. Do you think we should go that far, or do you have a particular opinion on that?

Secretary LAHOOD. Well, I do think the States are the incubators. I am proud of our State of Illinois, where Mr. Lipinski and Mr. Schock and I come from. They have passed a very, very good law. But 17 other States have passed good laws, too. But I believe in the carrot-and-the-stick approach, and I am not going to sit here and tell all of you what bill you ought to be supporting.

But we are going to work with you and we will work with Senator Schumer and Senator Rockefeller. We will work with you, Mr. Chairman, and anybody else that wants to put legislation together. We need legislation. And we are willing to work with you on this. And we have got to look at what the States have done, because they are the incubators for these things.

Mr. DEFAZIO. Thank you. I turn now to Mr. Duncan.

Mr. DUNCAN. Well, thank you, Mr. Chairman. And Mr. Secretary, I commended you during my opening statement for your recent summit. And I will tell you today that I will support you as strongly as I can on anything that you want to do on this.

This is not a Republican or Democratic thing. It is a very serious and growing problem, as you have said. And I know all of us have personal stories. And I frequently have used a cell phone while driving myself. I have never sent a text message.

But I will say this: If this hearing had been held last week, as scheduled, I probably wouldn't have felt as strongly about it as I do now. But Friday afternoon when I flew home to Knoxville, I was driving on the interstate connector on a road where the people go 65 and 70 miles an hour. And I have an XM radio in my car and I—you know, you can push buttons and go from AM, FM and back to the XM and a lot of different stations. And I took my eyes off

the road, and then I looked up after a few seconds and I saw the pickup truck up in front of me had come almost to a stop. I had to suddenly jerk my wheel. I went across from the left lane to the right lane and into the emergency lane and went into a spin, came back and whammed into the concrete median. Did a complete 360-degree turn in heavy traffic when cars were zipping by me right and left. And I still can't believe that I wasn't hit or that I didn't hit somebody else in all that heavy traffic. It is just miraculous. But it was because I was distracted, and I learned my lesson in a very dramatic way. And I am very fortunate that it wasn't much much worse.

But I thank you for this effort you are making. Education is important, calling attention to the problem in every way that you can, as you are doing here this morning, that is important.

I do have a question about, and you alluded to it, in that sometimes the police and the law enforcement say that they are overloaded trying to handle the rapes and the murders and all that. And they really, in the past, haven't had as much interest maybe as they should have about trying to enforce laws against the use of a cell phone and things like that. What do you think we can do to get more support from the law enforcement community on this?

Secretary LAHOOD. Well, I think we will have it, Mr. Duncan. I think that law enforcement is very concerned about this. They know that this is a serious issue and they are the ones that investigate serious accidents and see people that are injured. And so I think we will have their support.

Mr. DUNCAN. Did you have good participation in your summit from the law enforcement?

Secretary LAHOOD. Law enforcement are very interested in this and they are very concerned about it. And I believe that when States pass laws, State police and others will enforce them, and have done that. And I think it will be true at the Federal level.

I think that the example of that is, you know as well as I do, in the old days maybe when there weren't .08 laws and there wasn't as much attention on drunk driving, maybe law enforcement didn't look at it as seriously. But I can tell you now that when a policeman comes up on somebody whose blood alcohol level is above the legal limit, they are arrested.

They take these things seriously because it is in the law, and they are charged with the responsibility of really enforcing these laws. And I believe they will take that responsibility seriously.

Mr. DUNCAN. Well, you made a good point about the .08. When I first started practicing law in the early seventies, the limit in Tennessee and in most States was .15. And then because of action by this Committee, all the States lowered their thresholds, and that is important. But we have met success with those types of actions, and so I will support those types of actions in regard to this problem as well. And I thank you very much for taking time out of your busy schedule to be with us this morning.

Mr. DEFAZIO. Mr. Coble, do you want to recognize your guests? And then we will go on with questions.

Mr. COBLE. Well thank you, Mr. Chairman.

Mr. Secretary, good to have you with us. Mr. Chairman, and the gentleman from Tennessee, we are blessed, we are honored today

to have friends from the Danish Parliament who will be visiting in our country I think for another week. I say to you, my friends from Denmark, you will be another week, will you, in this country? Well, it is good to have you.

And, Mr. Chairman, I invited them to sit in on our transportation hearing. And we have a member who sits on the Transportation Committee in Copenhagen, and she especially was interested. Thank you, Mr. Chairman. And thank you all for being with us.

Mr. DEFAZIO. Thank you, Howard. Welcome here to the hearing.

Mr. Bishop, I recognize you, but I would also like to recognize that I understand you have a bill that deals in particular with the issues of novices and distracted driving, and I want to recognize your work in that area and recognize you for your questions.

Mr. BISHOP. Thank you very much, Mr. Chairman. Mr. Chairman, I had wanted to make an opening statement, but out of deference to Secretary LaHood's time—and if you would prefer if I could wait till the third panel to make that opening statement, that is fine with me.

But if I may, just to Secretary LaHood, thank you very much for being here. I just wanted to commend you on your comments with respect to drivers' ed. And that is one of two bills that I am working on, an effort to standardize and modernize our drivers' ed curriculum.

And it really is, I found, shocking to learn that 15 States do not require any form of basic driver education for teen drivers; nineteen States don't require any form of classroom training before licensing. And we have not updated our drivers' ed curriculum since the 1940s.

So I welcome your comments. I look forward to working with you and I, as I say, I am working on legislation that would address these issues.

Mr. Chairman, also if I may request unanimous consent to place into the record testimony on this subject from Advocates for Highway and Auto Safety.

Mr. DEFAZIO. Without objection.

Mr. BISHOP. Thank you. I yield back the balance of my time, and I will make my opening statement before the third panel. Thank you.

Mr. DEFAZIO. Okay. On the Republican side now, Mr. Latta.

Mr. LATTA. Thank you very much Mr. Chairman. I don't have an opening statement, but if I could ask just some questions of the Secretary.

Mr. Secretary, thanks very much for being with us today and for your passion on the subject. You know, I think that all of us in elective office, we put a lot of miles on our car, and I think you told me the age of one of your cars is about the age of one of mine. And I am sure that I have seen everything that you have seen, everything from people now watching television driving down the road at night, to reading books, newspapers; of course all the things you mentioned about eyelashes, lipstick, hair.

Years ago my uncle, with a carload of kids, dropped his cigarette lighter underneath him when he was driving and so that was catching the seat on fire at the same time.

But you know—and then probably topping them all off, several years ago my wife and I were on the interstate and a car zipped by. And as it was going by, I thought, boy, they are going by quickly. It was a young lady driving the car, changing her clothes while driving. And at that time she had her sweater off the top of her head driving down the road about 70-plus miles an hour.

And I have also been trying to instill in our kids—my daughters are 17 and 16, and the one has been driving for about a year and a half. Our youngest daughter, who is 16, is finishing up her driver's education right now in Ohio. And in Ohio, several years ago when I was in the legislature, we changed the law that you had to have 50 hours with your parent in the car before you could get that license. I voted for that bill. I helped the sponsor on it. I was on the Committee. And let me tell you something. I never realized how long 50 hours is with your kids in the car. It is a long time. But it really shows to me that, you know, younger kids need that. Because I remember when I got my driver's license license years ago, I drove home. I mean, I went down and took the test and that was the beginning of driving.

But we are all very, very concerned about distracted driving, especially now when we are talking about what could be happening with folks using texting or their cell phones. Because one of the things I have tried to do, and I hope my kids have listened to me, because I said there are two things in their first year of driving, they are not allowed to listen to the radio in car. And, of course, there's no cell phones to be used at all. But you know, and I have tried to trick them to figure out if they are listening to the radio in the car, because I put it on a station I know they wouldn't have been listening to. And if I get in the car and they are listening to a different station, I have a talk with them.

But you know, when we are talking about on the distracted driving end, would you agree that from the studies, especially the one that we saw a little bit earlier, that with texting and talking on the phone there is a difference between that and reading and different things right now? I know how passionate you are about all distractions, but would you say that the one, especially just on the texting right now and speaking on phones, might be a little more different than some of the other ones right now?

Secretary LAHOOD. Well, Mr. Latta, you probably don't want to hear this, but I think all of these things are a distraction. I really do. I am not going to give up on this idea. Texting is an epidemic, particularly among young people. But in Washington, D.C., talking on a cell phone is illegal. Now, when I drive around Washington, which I do in my 1998 Buick, I see everyone, just about everyone on a cell phone. And I know that they can't be driving safely when they are doing that.

Mr. LATTA. Just to follow up with that, Mr. Secretary, I guess one of the things that—and you mentioned that you have been up in Detroit and seen the vehicles and how they are being produced, that you can use more hands-free. But it is almost to the point anymore, are we going to even be able to stop it? I doubt it, because even though we have passed very restrictive drunk driving laws—I served as the Chairman of the Judiciary Committee in the Ohio Senate when I was in the legislature. I served as a criminal justice

in the House. Year after year, we had bill after bill after bill dealing with drunk driving, but we haven't been able to get that under control. But hopefully we are instilling folks with the major penalties.

But at the same time, you know, if we are able to get vehicles out there that can allow people to use some of these devices, hands-free, in my opinion that is a much better thing to do because, again, folks are still playing with their radios, they are still playing with their CDs, and there are a lot of things in the car that they are still doing.

But I think, in my opinion, and I know where you are coming from, that any distraction—but I don't think that we are ever going to prevent that. You know, we can put all the laws on the book, because I did in my Judiciary Committee when I was in the Ohio Senate. I had 141 bills in one session.

But I just think that—and I understand that what you are saying, that you believe they are all a distraction. But would you just, again, though, if you could make something safer, wouldn't you agree that is the way to go?

Secretary LAHOOD. Well, I will say this. I will say that 10 years ago I am sure people never thought we would get to where we are at with .08, because you know as well as I do, in the old days police used to put somebody in a police car and drive them home or give them a pat on the back and say, you know, go on home. But we have, because of strong advocacy groups, because of good laws by Congress, because of very good enforcement.

And the same is true of click it or ticket. Somebody that works at DOT told me recently they got a ticket in Washington, D.C. for not having their seatbelt on, and I think it is like a $50 ticket.

So, Mr. Latta, I am not going to give up on the idea that all of these things are a distraction. I am not. And I think they are.

Mr. LATTA. I appreciate that, and maybe we can hear more discussion later on. Thank you very much, Mr. Secretary. Thank you, Mr. Chairman.

Mr. DEFAZIO. I thank the gentleman. Mr. Boccieri.

Mr. BOCCIERI. Thank you, Mr. Chairman. I do not have an opening statement but I would like to ask the Secretary a question.

Mr. DEFAZIO. That is the point we are at, go right ahead.

Mr. BOCCIERI. Thank you. Mr. Chairman, or Mr. Secretary, you had suggested that in a recent hearing that you were not going to equivocate on any kind of distraction, whether it is trains, planes or automobiles, distractions were to figure out a way to get cell phones, texting and all other laptops out of the hands of people who were delivering the public somewhere safely.

And in light of what happened with respect to the pilots who overflew their checkpoints, are you advocating for a ban of cell phone use or operators of planes and trains? I think there was a train in Los Angeles that the driver or the operator was texting while driving. Is this the goal of——

Secretary LAHOOD. We have put out a restriction now that—an enforcement that train drivers are not allowed to use cell phones or BlackBerrys. They are not allowed to. Absolutely.

The two pilots that flew the plane from San Francisco and overflew Minneapolis, their licenses have been revoked by the FAA.

They have an appeal process that they can follow. Pilots who are flying hundreds of people, over 100 people from one point to another, when those people get on the plane, they think they are going to get there safely. The last thing they want to hear is that the pilot had their laptop, checking their schedules, trying to figure out when the next time is they were going to work. And that is why their licenses were revoked.

There are three investigations going on: one by the FAA, one by Delta, and one by the NTSB. We cannot allow this to happen.

People who drive school buses, light rail, trains, automobiles, should not be distracted by anything.

Mr. BOCCIERI. It is already illegal to drink and drive. It is already illegal to be distracted while you are driving. How do you propose the mechanisms to enforce these types of regulations?

Secretary LAHOOD. Personal responsibility, education, and enforcement. Good laws with tough penalties, and .08 proves we can get there. We are not there yet; but it is not perfect. People are still killed by drunk drivers and injured by drunk drivers. But we have made progress.

Click it or ticket. If you don't have a seatbelt on, you get a ticket. If you do have it on, you probably have a pretty good chance of not being injured or killed if you get in an accident.

So I say let's really upgrade driver education particularly for first-time drivers, 16-year-olds. You know, I have four grown children. When they started driving, they all took driver education. I lived in fear. I think every one of them had an accident. Fortunately, it wasn't serious. But they never talked, even back in those days, about fastening a seatbelt. Now they do. We need to get them to talk about putting their cell phones away.

There are ways to do these things, .08 and click it or ticket proves that we can do it. It is not perfect. But we are going to get there. We are at the starting point.

Mr. BOCCIERI. There are quite a few people tragically that are killed by folks who get behind the wheel or get behind a train or whatever other public transit vehicle and they are tired. They haven't had enough sleep. Can you speak to that.

Secretary LAHOOD. After the Colgan Air crash in Buffalo, we conducted 12 safety summits around the country looking at regional jets, which I know many of you fly. For 14 years I flew one from Peoria to Chicago in order to get out here. And during those hearings, we talked about having regional jet pilots fly from one part of the country to the other part of the country and then start their job and the fatigue involved in that.

We talked about training, and we are going to put out a report, and we are looking at this very seriously. We also look at that in terms of hours of service for truck drivers. And we are addressing that issue. That comes under our purview.

So we are trying to address these issues.

Mr. BOCCIERI. My time is about to expire.

Just one commitment from you, Mr. LaHood, that this will be based on sound research. I trust that you are going to make certain that all of this will be based on sound research and that every decision that we will make regarding public transit will be made from that data.

Secretary LAHOOD. Absolutely. We have one of the best research departments at DOT. We have just brought some great people on. We do a lot of research. Our safety organization, called NHTSA, does a lot of good research. It will be based on sound research, yes, sir.

Mr. DeFazio. Mr. Brown.

Mr. BROWN OF SOUTH CAROLINA. Thank you, Mr. Secretary, for being here today. I enjoyed being with you last night.

I appreciate your interest in this particular safety issue, and I know some of the States have already addressed it.

Are you encouraging the States to pass some kind of restrictive law, or are you looking for Congress to pass a Federal law?

Secretary LAHOOD. We don't have to give much encouragement to States. Eighteen States have done it in all different forms and fashions. And as I said earlier, they are the incubators for good ideas. Our work will really be with Congress working with all of you on the way forward for finding the right legislation, and we can do some things on our own. The President did sign an executive order. We have told all of our people from this day forward, starting a few weeks ago, that they can't use their cell phones and BlackBerries and text, particularly since many of those devices are government-issued.

So we can do some things in the Department. We want to work with Congress, and the States will be doing their own thing.

Mr. BROWN OF SOUTH CAROLINA. I noted that Washington, D.C. already has a ban on that. And do we have any statistics to prove that before and after the ban whether there is a significant drop in fatalities?

Secretary LAHOOD. I don't have those figures, but I will get them to you.

[The information follows:]

Insert to the Transcript – page 45, line 1044
Secretary LaHood
October 29, 2009

Question:

Do we have any statistics regarding the cell phone ban in Washington, DC to prove whether there is a significant drop in fatalities after the ban?

Answer:

The average number of fatalities in the four years after the ban was promulgated in 2004 was lower than in the four years prior to the ban. It is not clear whether this change was due to the random fluctuations typical in small states, or to any specific cause.

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008
Fatals	48	68	47	67	43	48	47	44	34

Between 2000 and 2003, and average of 57.5 people died in highway crashes annually. Between 2005 and 2008, the average number of fatalities fell to 43. It is not clear that this decline in fatalities is statistically significant.

Roadside observational surveys show that immediately after the ban went into effect, cell phone use fell by 41 percent. Nearly 5 years after the ban, cell phone use was 43 percent lower than would have been expected without the ban.

Mr. BROWN OF SOUTH CAROLINA. I think the Ranking Member was quoting some statistics about number of fatalities based on different actions, and I would just like to bring your attention—I know you already know this—that 22,000 Americans every year are killed because of unsafe highway conditions. And I know that we have been talking about the reauthorization bill and where we are going to move on that.

Could you give us some ideas about when we could expect another highway reauthorization bill?

Secretary LAHOOD. Well, as you know, we have recommended an 18-month extension. Not many people around Capitol Hill paid much attention to that, since now it looks like there will be an extension through maybe December 12th or something like that. That is what we have been hearing.

The President wants a very strong, comprehensive, robust transportation bill. He believes in it. We believe in it. We believe it can make a difference. We believe it will put people to work. But we also believe we have got the find $400 or $500 billion to pay for it, because that is probably what it takes to have the kind of bill that we all want, that you want and we need. We need some time to do that, to put together a good bill and to find the money to do it.

So from our end, we are pushing for an 18-month extension.

Mr. BROWN OF SOUTH CAROLINA. I would hope that we could close that gap some. In my State of South Carolina I know we have got almost 12 percent unemployment. I think we are approaching 10 percent unemployment around the Nation, and we all know that building roads has a direct effect of putting people to work. So I would hope somehow that we could all work together.

Secretary LAHOOD. Mr. Brown, I know that there is probably not a person on this Committee that agrees with us on this. Mr. DeFazio reminds me of that every time I see him. So does Chairman Oberstar. But it is not because we don't want a strong bill, a comprehensive bill. We want that.

We think the bill that Mr. Oberstar and all of you have written is a pretty darn good bill. But we need to find the $400 or $500 billion to pay for it. And we would like some time to do that.

Mr. BROWN OF SOUTH CAROLINA. I understand. And I am grateful that you talk about 400 or 500 billion so we can really solve some of the problems.

Thank you for your service.

Mr. DEFAZIO. Ms. Napolitano.

Mrs. NAPOLITANO. Thank you, Mr. Chairman.

Good morning, Secretary LaHood. Good to see you, sir.

And I am glad that Mr. Bishop is looking at adding to the driving school curriculum, that section, to be able to educate youngsters.

Are you, by chance, working with the automobile industry to try to develop some technology or mechanisms to be able to address some of the things that have been discussed here, including the Breathalyzer, something to the effect that the automobile would sense any electronic waves going on and warn the driver about texting or phone usage, something that would help and add to and enhance the ability for that driver to remember that it is illegal to do so?

And when you talk about the issue of distracted driving, I think that should be part of some of the States being able to ask their law enforcement agencies to include not necessarily putting on lipstick. Smoking is also a distraction. I had an individual that worked with me that dropped a cigarette, and as he was reaching for it down below his feet, he ended up hitting another car. So there are many things that cause accidents.

And how do we get the information disseminated—whether it is to the public, whether it is to the car users—should it be in manuals that they are given when they purchase a car? All of those areas that if we are really going to be serious about this, we need to be sure we hit every single area that we can.

Secretary LAHOOD. Well, I just spent 2 days in Detroit, Congresswoman, and I spent a half a day with each of the American car manufacturers, Chrysler, Ford, and GM. And I just had the CEO, Mr. Henderson, from GM, in our office a few days ago. Every chance I got I asked them for their help on distracted driving. We need your help either in advertising that you do or in technology that you are looking at. Many of them already have technology for hands-free types of opportunities.

But I will tell you this, as I have said earlier, I think it is a distraction. But they are committed to working with us on this, and they are committed to safety and it is one of their top priorities. So we have had lots of discussions with them, and I know they will continue.

Mrs. NAPOLITANO. Even a pamphlet or some kind of an indicator inside of a packet when they purchase an automobile to remind people that these are things that can conceivably lead them to an unfortunate accident.

The other area is in regards to statistics that might be available from the States that have bans on utilization of handheld devices. Do you get stats back from them, from law enforcement so that we have a better picture of whether it is working, those bans are working? Are they being enforced?

Secretary LAHOOD. At the summit that we held, the day-and-a-half summit, we had State legislators from around the country. Eighteen States have passed laws with respect to distracted driving. Some are different than others, but as I said, the States are the incubators. We are going to look at what States have done. We are going to provide that information to Congress as a way to say this is what States have done and work with all of you on the way forward for legislation.

Mrs. NAPOLITANO. Do you have any future concept of working with the cable industry to be able to do it as a public service announcement to remind people, especially youngsters and families who have youngsters, about some of these distractions that they are not even thinking about? The only thing they can think of is a cell phone.

Secretary LAHOOD. All of the safety groups were at our summit. We are working with the National Safety Council and a number of other groups who have a great deal of interest in distracted driving. They are going to be very helpful to us when we figure out exactly what we want to say.

There is a public service message that has been put up already that is running and on the air about distracted driving, but we have to say it often enough that people really begin to understand it.

Mrs. NAPOLITANO. Repetition. Thank you, sir.

Thank you, Mr. Chair. I yield back.

Mr. DEFAZIO. Mr. Coble.

Mr. COBLE. Thank you, Mr. Chairman.

Secretary, good to have had you at the transportation dinner last night. It was good to see and visit with you there.

Mr. Secretary, are cell phone bans common among operators of mass transit systems?

Secretary LAHOOD. Yes.

Mr. COBLE. I have heard that discussed pro and con. I am glad to hear an affirmative answer to that.

Secretary LAHOOD. We are developing a rule for trucks, but we have put out an enforcement that people who drive trains are prohibited from using cell phones.

Mr. COBLE. I thank you for that.

Mr. Chairman, in the film that was shown to us earlier, it indicated that 90 percent of the accidents are a direct result of human performance or lack of proper performance. And I think that figure alone, Mr. Chairman, indicates the sorely needed attention that needs to be directed to this issue.

Thank you, Mr. Chairman.

Mr. DEFAZIO. Ms. Richardson.

Ms. RICHARDSON. Thank you, Mr. Chairman.

I just have one question for the Secretary.

As I read your testimony and you talked about the summit, and I believe in here it says together with over 300 experts in safety, transportation research, regulatory affairs and law enforcement, all participated, and it said that young people kind of gave their stories. I would like to take a little different spin than some of the comments that I have heard today.

Realistically we live in the 21st century and I don't think—I could be wrong—but I don't think we are not going to have GPS systems, I don't think we are not going to have BlackBerries and phones. I think we are kind of there.

And so my question would be slightly different. What can we do to work with the various industries to say okay, if we are going to have some of these devices, how can we have them be more safer or in a better environment while we drive or while we do the things that we do? Because I personally—you know, being of the younger generation, I don't see us where everyone is going to put their BlackBerry and put it in the glove compartment. I think that would be great, but I don't know if that is really realistic of what is going to happen.

So I would like to suggest another alternative of what can we do—and I think some industries are going to talk today—to be more proactive and to say as you develop these systems, how can we have them make more sense? Because pilots do multitask, you know, vessels, everyone is multitasking. We have Members who are listening in hearings and texting messages at the same time. So what do you think about that theory?

And I do support all of the enforcement and how we can do things better. So I am not in opposition to that. I am just saying what about that other piece.

Secretary LAHOOD. Let me just first say when people started working on .08 and seatbelt laws, people said it couldn't be done, you are not going to get drunk drivers off the road, you are not going to get people to wear seatbelts. It is a way of life for us now, though.

I think we can get there. I do think it takes a while to get this.

But the specific answer to your question is that the wireless industry participated in our safety summit. I was with the Chairman of the FCC yesterday at the Senate hearing. They are committed. He and I agreed that we are going to get a group of people together to figure out how to make these devices maybe not as usable, if that is possible.

But I do think if we use the model of .08 and seatbelt enforcement, personal responsibility, education, particularly in our driver education programs and with the industry, we will get there.

Ms. RICHARDSON. I look forward to that effort. Thank you, sir.

Mr. DEFAZIO. Mr. Schock.

Mr. SCHOCK. I am not sure what can be added other than to say I think it is important that aside from all of the votes that we take here in Congress and the legislation we could push, probably one of the most powerful things that we each have is our respective bully pulpits. And as demonstrated by States and as demonstrated by the District of Columbia and other municipalities that have passed bans on texting, but also the longest bans that I am aware of are on cell phone usage. And I would argue many of them have not been too effective in getting people to stop using their cell phones.

And I think what is essential—and I am glad to hear the Secretary talk about it this morning—is education. Because as you mentioned, Chairman DeFazio, the YouTube video, anyone who has seen that of the crash with young people there, you can't help but be affected. And I think it really makes you reflect on your own habits and your own decisions that you are making by allowing yourself to be distracted whether it is texting, eating, talking to your kids, or whatever it might be that is diverting your attention.

So I would just say I commend the Secretary for making this an issue. Certainly more people are talking about it because of your leadership, because of the work of your department. I commend you for that. I want to work with you. We will support legislation here to do something similar to what other municipalities have done.

But I really believe the most important component is for all of us to become missionaries for the cause, but also that there be a public awareness campaign of the true risk so that young people understand—all people, actually. I would argue, as one of the younger Members, one of the reasons why young people are at risk is because they tend to like their technology and use it more frequently. But I think as some of our more senior members of the population get comfortable with the technology, they will begin multi-tasking as well with text messaging.

But to your point, it is putting down your makeup, it is not eating a hamburger, and we still need a strong public awareness cam-

paign to help drill that into the minds of the people to make wise choices.

So I look forward to working with you on it, and I thank the Chairman for having this meeting.

Mr. DEFAZIO. Mr. Arcuri.

Mr. ARCURI. Thank you, Mr. Chairman.

Mr. Secretary, thank you very much for being here and your leadership in this area.

Forgive me if this question was already asked, but are there any national statistics out there with regard to the number of automobile accidents caused as a result of texting as opposed to DWI or alcohol-related?

Secretary LAHOOD. We will get those for you.

[The information follows:]

Insert to the Transcript – page 56, line 1298
Secretary LaHood
October 29, 2009

Question:

Are there any national statistics on the number of automobile accidents caused by texting as opposed to DWI or alcohol-related?

Answer:

There are no national statistics on texting versus alcohol. Overall, distraction is cited in crashes twice as often as is alcohol. For *fatal* crashes, the reverse is true: alcohol is cited twice as often as distraction in fatal crashes.

A total of 37,261 people were killed in motor vehicle crashes in 2008. During that year, 11,773 people were killed in impaired driving crashes and 5,870 people were killed in crashes reported to have involved distraction. Approximately 465,000 police-reported crashes involved *some* level of alcohol in 2008 (we are unable to determine how many of those specifically involved impaired driving with illegal BAC levels), while approximately 1.1 million crashes involved distracted driving. There may be some overlap in these crashes, as some crashes may have involved both alcohol involvement and distraction.

Mr. ARCURI. Thank you.

And the second point that I want to make is it has been a few years since I was a prosecutor, but one of the things that I recognized was that as a result of the public outcry, the law enforcement agencies did much more with respect to law enforcement and the prosecutors did much more with respect to the prosecution. That happened not only with DWI where there was also the incentive, with respect to the fines, and then the prosecutors would look at additional fine money for the police agencies to put more police on the street, more prosecutors.

But additionally, as the outcry developed, we would never think twice about not trying to get the maximum for somebody that passed a school bus. And yet, you know, there was this idea that well, it is just a cell phone or it is just texting. And it has been a few years, so I know things have changed. But I think your idea about pushing to get the idea out there, that this is a major cause, will be critically important.

And my other suggestion is get the prosecutors on board as well because they are the ones that make—we could have the police doing all of the things that they need to, but without tough fines by the prosecutors, you know, they are just not going to stick on the other end.

Secretary LAHOOD. I really agree on that, particularly on .08. When the laws were passed and it became the standard, prosecutors really have made the difference because that really gets in the newspaper then because people really see it is being taken seriously. It is not just a slap on the hand or a slap on the back and see you later or whatever.

Mr. ARCURI. And the last thing, just from an ex-prosecutor's perspective, the last thing a prosecutor wants is to have let somebody go on a prior texting offense with a slap on the wrist and then they cause an accident on it in the future.

So I think as that message gets out to prosecutors as well as law enforcement, I think that will greatly strengthen it and any incentive you can put in there for prosecutors to get tough I think will strengthen it as well.

So thank you, sir.

Mr. DEFAZIO. I thank the gentleman.

Mr. Platts.

Mr. PLATTS. Thank you, Mr. Chairman.

Mr. Secretary, good to see you. Thanks for your leadership on this issue, especially your summit.

I was grateful for one of my State representatives, Eugene De Pasqually, being allowed to attend, and I know it helped him in his work in the general assembly back home.

I want to especially commend the focus on younger drivers. When I was in the State House and we adopted similar State laws, as my colleague referenced, about 50 hours with an adult and things, it was staggering to see that the greatest threat to a 16- or 17-year-old losing his or her life was in a car accident.

So the focus here, and combine that stat that already existed prior to texting and cell phones, add the challenge of being a good driver with texting, cell phones with a young, inexperienced driver, and we truly have a great threat to our youth out there.

Is there any consideration to supporting Federal legislation as a starting point to follow the lead of some States where we do ban any cell phone use or texting by 18 and under? I know some have said 21 or under 21. And the reason I suggest that specifically is because of the data about young drivers and that we all have learned behavior.

And my boys are 10 and 13 now. They have never been in a car that they weren't strapped in, starting with their baby seat, then their booster, car seat, now a regular seatbelt. So they get in the car and it is automatic, and it is great because they get in the car with my mom—different generation—and if she doesn't immediately put her seatbelt on, I guarantee you one of them makes sure she does.

So they learned the behavior, and it is going to stay with them the rest of their lives. So if we target that younger group that we know is at risk to begin with and they know it is a learned behavior to not do something, in essence, would the administration consider supporting that?

Secretary LAHOOD. I think your point is a good point. It is not one I have heard—it is not one I have heard during these hearings, but I know exactly what you are saying about your own children because I have been admonished by my grandchildren, who have been in seatbelts all of their lives, that you need to put your seatbelt on. And that is a great example, one I am going to continue to use from here on out, because I do think these learned behaviors at a young age really can make a difference. And so I think that is a great point.

As far as what we are going to support, we are going to work with all of you and figure out what the best way forward is, trying to see what the States have done that really has worked and then incorporate it in what you all want to do in the House and Senate.

Mr. PLATTS. Thank you, Mr. Secretary, and again, appreciate you taking the lead on a very challenging and life and death issue.

Thank you, Mr. Chairman. I yield back.

Mr. DEFAZIO. Mr. Bishop has one more question, I am told.

Mr. BISHOP. Mr. Secretary, you said a few moments ago—perhaps it seems like a lot longer ago—that you said you would never have thought we would get to where we are now on .08 percent on blood alcohol content.

Do you believe that it was the imposition of sanctions that got us to that point?

Secretary LAHOOD. Well, I believe it was education, educating people that drunk drivers injure and kill people. I think it was tough penalties. In our State, if you get picked up for drunk driving they don't send you home. They, the police, don't give you a ride home. They put you in jail, they take away your license for 3 months, and you have to pay tough penalties, and you have to go to counseling. That is like for the first offense.

Now, you know, when I was growing up or, you know, even a few years ago, you know, what would happen. The police would throw you in the back of their car, take you home, give you a pat on the back. And that doesn't happen any more.

So it is a combination of a lot of things, Mr. Bishop. And that is why I say solving this texting is a combination—will take a com-

bination of good education, personal responsibility, and strong enforcement.

Mr. BISHOP. If I may—I am in full agreement with what you just said. If I may, it does appear, though, that there is a very clear track record that when we impose sanctions as opposed to incentives that we get the kind of compliance we were hoping for.

I mean, for example, the minimum drinking age, every State complies as a result of sanctions. Zero alcohol tolerance in 1995, every State complies. Commercial driver's license law, every State complies. Yet when we do something like child safety and booster seat incentive grants, so far only five States have come into compliance beyond those that were already in compliance. When we did primary seatbelt law incentive, so far only 10 States have come into compliance in addition to the 19 States that were already in compliance.

So it seems to me that we have a pretty clear history that sanctions are more effective at bringing about the kind of behavior we all find desirable than incentives are.

Secretary LAHOOD. I think you have answered your own question.

Mr. BISHOP. That was one of the reasons I wanted to pose it.

Secretary LAHOOD. You got it on the record very well.

Mr. BISHOP. Thank you, Mr. Chairman. I yield back.

Mr. DEFAZIO. I have no further questions. Unless Mr. Duncan has further questions, we will thank you for your testimony.

Secretary LAHOOD. Thank you.

Mr. DEFAZIO. And you notice I did not raise the issue of the reauthorization with you today.

Secretary LAHOOD. You got a Republican to do it. Very bipartisan.

Mr. DeFazio. You will find there is some substantial unanimity among Members of this Committee that we need a long-term authorization.

Thank you, Mr. Secretary.

Secretary LAHOOD. I am glad you didn't pass up the opportunity.

Mr. COBLE. Mr. Chairman, I want to remind the Secretary that neither did I mention the Yadkin River bridge again, Mr. Secretary.

Secretary LAHOOD. I have heard from every Member of your delegation, Mr. Coble. Now you twice.

Mr. DeFazio. We will now ask for the next panel to come forward.

Mr. Vernon Betkey, Jr., Chairman, Governors Highway Safety Association; Mr. Tom Dingus, Director, Virginia Tech Transportation Institute will make a second appearance; Mr. Bobby Franklin, Vice President of CTIA - the Wireless Association; Mr. John Ulczycki, Group Vice President - Research, Communications & Advocacy, National Safety Council; Mr. Randy Mullett, Vice President of Government Relations and Public Affairs, Con-way Inc.; Mr. Robert Strassburger, Vice President of Safety & Harmonization, Alliance of Automobile Manufacturers; and Mr. Edward Wytkind, President of Transportation Trades Department, AFL-CIO.

TESTIMONY OF VERNON F. BETKEY, JR., CHAIRMAN, GOVERNORS HIGHWAY SAFETY ASSOCIATION; TOM DINGUS, DIRECTOR, VIRGINIA TECH TRANSPORTATION INSTITUTE; BOBBY FRANKLIN, EXECUTIVE VICE PRESIDENT, CTIA - THE WIRELESS ASSOCIATION; JOHN ULCZYCKI, GROUP VICE PRESIDENT - RESEARCH, COMMUNICATIONS & ADVOCACY, NATIONAL SAFETY COUNCIL; RANDY MULLETT, VICE PRESIDENT OF GOVERNMENT RELATIONS AND PUBLIC AFFAIRS; ROBERT STRASSBURGER, VICE PRESIDENT OF SAFETY & HARMONIZATION, ALLIANCE OF AUTOMOBILE MANUFACTURERS; AND EDWARD WYTKIND, PRESIDENT, TRANSPORTATION TRADES DEPARTMENT, AFL-CIO

Mr. DEFAZIO. We will start in the order I read your names. So, Mr. Betkey, you are recognized for 5 minutes.

I have read your all of testimony, and I know the Members have as well, so I am going to ask you to summarize your best points.

If you are familiar with other members of the panel and their position—in particular, I would note there is disagreement over gradations of problems with the distracted driving and electronic devices. And one member of the panel asserts quite definitively that even voice actuated cell phones are as bad as handheld cell phones and others. And anybody who wants to address that because that will be an ongoing concern to the Committee.

So thank you. You will each be recognized for up to 2 minutes to summarize, and then we will try to get into questions and a little interaction with the members on the panel.

Mr. Betkey.

Mr. BETKEY. Chairman DeFazio, Ranking Member Duncan and Members of the Committee, thank you for the opportunity to testify today to discuss the important issue of distracted driving, and I thank you for giving national attention to distracted driving and also to highway safety in general. It is very important to all of us.

I am Vernon Betkey. I am the Chairman of the Governors Highway Safety Association, and I am Maryland's Highway Safety Coordinator as well.

The Governors Highway Safety Association is a nonprofit organization that represents State highway safety agencies. The GHSA is very concerned about distracted driving and believes that the problem is only going to worsen in the future, particularly as new technologies are developed and brought into the vehicle.

While we are grateful for the attention being paid to this serious highway safety problem, we submit that the problem cannot be solved by the enactment of legislation alone. We adamantly suggest a comprehensive approach that includes data and research, legislation, education, enforcement, and adjudication, employer policies, technology, and funding.

Further, we suggest that both the Federal and State governments have a strong role to play in each of these areas. The Federal Government can ensure that States take action based on solid research and data, best practices and model policies. And they can also ensure that they develop appropriate training for law enforcement and the judiciary, construct media campaigns that can be implemented by the States and evaluate technology that will control or manage distractions in the vehicles. The States can enact and

enforce appropriate legislation, implement community-based education campaigns, and work with employers and the judiciary.

Together, and with adequate funding, Federal and State governments can work to minimize distractions, maximize public safety and reduce crashes, deaths, and associated injuries on the Nation's highways.

That concludes my testimony, Mr. Chairman. I appreciate the opportunity to be with you here today, and I look forward to answering your questions.

Mr. DEFAZIO. Thank you for being succinct.

Dr. Dingus.

Mr. DINGUS. Thank you, Mr. Chairman, Ranking Member Duncan, and Members of the Subcommittee. Thank you for the opportunity to testify before you today on this important topic.

My name is Tom Dingus. I am from Virginia Tech. I am testifying before you today as a 25-year veteran of driving safety research for several important points that must be carefully considered in determining an appropriate action to this growing problem.

First, our research has shown that the distraction issues that we face today are much different than those we faced just a few years ago, and consequently are resulting in a growing number of crashes. Texting, typing, reading, and dialing are much, much worse than eating, tuning a radio or talking.

Second, our driving distraction problem is particularly time critical because the number of crashes involving complex tasks is growing exponentially.

Third, while safety benefits can be realized with the deployment of electronic devices, these benefits can only be attained in vehicles engineered to minimize driver distraction.

Fourth, teen drivers by far represent the largest population of those who engage in complex tasks while they drive and, consequently, are at a greatest risk.

Fifth, the problem of driver distractions associated with electronic devices is multi-dimensional, requiring multiple solutions. Specifically, major differences exist between devices that are designed to be used in the vehicle and portable devices that are carried by consumers in the vehicles.

In conclusion, driving distractions associated with electronic devices is creating a serious, rapidly growing public health risk. However, measured action is warranted so that solutions enacted with good intent do not stifle improvements in traffic safety. Therefore, I recommend the following approach:

One, a national primary law banning the use of handheld wireless devices in a moving vehicle; two, regulations limiting functionality of visually demanding in-vehicle devices in a moving vehicle, including trucks; third, broadly applied standards for testing of potentially distracting devices prior to market introduction.

Thank you very much.

Mr. DEFAZIO. Mr. Franklin.

Mr. FRANKLIN. Mr. Chairman and Members of the Subcommittee, on behalf of CTIA and our wireless industry members, thank you for the opportunity to be here.

With more than 280 million subscribers connected just about anywhere at any time, the wireless industry recognizes that being

always available can have a downside when irresponsible drivers manually text and e-mail while behind the wheel. When a driver takes their eyes off the road and their hands off the wheel to send or read a text or e-mail, their actions are not compatible with safe driving.

To help solve this problem, CTIA advocates for three components: Legislation, technology, and education. We believe this strategic combination is most likely to deliver the results we all desire: safer drivers and safer roads.

First on legislation, CTIA has been working with the National Conference of State Legislators to create model legislation that could be adopted across the country that prohibits manual texting and e-mailing while driving. However, as Secretary LaHood has noted, we won't make this problem go away simply by passing laws.

Second, we believe technology will continue to improve safety through new apps, changes in cars, even the roads themselves. It is important technology be effective and consumer friendly, but also that legislation not freeze innovation in place with inflexible mandates.

Finally, third—and we believe the most important component to changing behavior—is education. Earlier this year, CTIA partnered with the National Safety Council to develop the on-the-road off-the-phone campaign, educatingteen drivers and their parents about the dangers of distracted driving. We believe this PSA is impactful and are proud that so many have already viewed this TV spot.

Thanks again for the opportunity to be here. As we have just seen, the wireless industry continues to demonstrate our attempt to change this behavior.

Mr. DEFAZIO. Thank you.

Mr. Ulczycki.

Mr. ULCZYCKI. I am Vice President of Research, Communications & Advocacy for the National Safety Council.

Chairman DeFazio, Ranking Member Duncan, thank you for the opportunity to speak about the dangers of distracted driving and the use of cell phones.

Earlier this year, the NSC became the first national organization to call for a ban on all cell phone use while driving. As an employer organization, we did that based on the risk and on the exposure. We estimate there are 100 million people in the United States who engage in this risky behavior.

More than 75 research studies have shown that using a phone while driving is dangerous. Multiple studies have established that the risks of using a cell phone while driving increases the risk of a crash by four times. More than 30 research studies have shown that there is no safety benefit from hands-free devices.

There are three principal distractions from cell phone use. The first two are visual, taking your eyes off the road, and mechanical, taking your hands off the wheel. And that is clearly what happens when people are texting or reading or sending e-mail, and those are of great concern to us.

The third cognitive distraction, taking your mind off the road, is also of great concern. Brain scan imagery shows that 30 percent of the brain that should be engaged if driving is lost while you are

talking on a cell phone. So one effect is that people on cell phones can have their eyes straight ahead on the road but they truly do not see vehicles or pedestrians.

We are taking a multi-faceted approach to this problem, including legislation, enforcement, education, technology, and employer policies. We know that strong laws visibly enforced are the most effective method to change behavior. We know a total ban on cell phone use is necessary because cell phone conversations are causing the largest number of crashes.

We are reaching out to law enforcement to encourage enforcement pilots that will demonstrate that cell phone laws can be enforced. We are developing educational initiatives, such as the one that my associate from CTIA just showed you, to reach teens and their parents. We are working with companies to develop technologies that manage incoming and outgoing calls and messages.

We have called on employers to act on more than 460 of our member companies, including commercial carriers, bus companies, and some of the world's largest and smallest companies have put in total bans on cell phone use by all of their employees, covering 1.5 million employees today.

We encourage the Congress to enact or encourage States to pass strong laws banning cell phone use while driving. We also encourage the Congress to support research that will quantify the number of deaths and injuries that are being caused by both handheld and hand-free conversations.

Thank you again for this opportunity to discuss this issue.

Mr. DEFAZIO. Thank you.

Mr. Mullett.

Mr. MULLETT. Chairman DeFazio, Ranking Member Duncan, Members of the Subcommittee, thank you for the opportunity to testify on behalf of the American Trucking Associations on distracted driving.

ATA recognizes that a driver's ability to perform multiple cognitive tasks simultaneously is extremely limited. Our membership agrees that the use of some technologies, particularly handheld electronic devices, has increased the potential for driver distraction beyond the benefits derived from their use. In fact, the majority of fleets, including Con-way, have policies and procedures in place to limit their use while the truck is moving.

We believe that a systematic approach is necessary to ensure that the use of these devices does not contribute to crashes.

ATA supports legislation to ban the practices of reading, writing, or sending text messages on a handheld mobile device while driving. Specifically, we support the anti-texting provisions contained in the Alert Drivers Act in 2009, as introduced in the Senate. I believe that the companion is Mrs. McCarthy's bill that she spoke about this morning.

However, other strategies are needed to bolster Federal and State law. Public attitudes and perceptions will need to change, and any legislation will have to apply to all drivers on the highway. In addition to effective legislation and regulation, we need a significant public education effort, exploration into the use of technology to reduce distractions caused by technology, tough penalties and ef-

fective enforcement of the laws, and proper funding of these initiatives.

ATA believes that efforts to regulate the use of vehicle communication devices other than handheld units used for texting should be done through regulation, not legislation.

In-cab fleet communication systems have been used in the trucking industry for many years. These systems help drivers perform their jobs safely, effectively, and efficiently. Because of the special characteristics of in-cab communication and the way these technologies are used in the trucking industry today, detailed analysis and public comment is required if restrictions are being considered. The efficiency and safety benefits of in-cab communication technologies should not be lost, but they can be reasonably restricted.

Mr. Chairman, ATA looks forward to working with Congress and the administration to ensure that in-cab communications technology is used safely and responsibly.

Thank you for the opportunity to testify.

Mr. DEFAZIO. Mr. Strassburger.

Mr. STRASSBURGER. Thank you, Mr. Chairman.

Turning directly to the matter at hand, Alliance members are committed to advancing motor vehicle safety, and we take concerns about driver distractions seriously. From step one, we engineer new vehicle information and communication systems, telematic systems, to help the driver perform their primary task: the safe operation of their car or truck.

We do this by engineering these systems according to our driver-focused telematics guidelines. These guidelines address the essential safety aspects of driver interaction with visual/manual interfaces with the goal being to maximize eyes on the road.

It is a rare crash that occurs while a driver's eyes are on the roadway. When a driver's eyes are not, the risk of a crash increases. Looking away from the road scene is the principal contributor to crashes and near misses. But we are not stopping there.

Automakers are working on important safety enhancements right now that use wireless communications. In the near future, cars will be linked wirelessly to other cars near them and with their surroundings to further enhance safety by informing drivers of hazards and situations they can't see. Realtime navigation will also be provided, which will be critical to advancing how we manage congestion and even further reducing C02 emissions.

So what should be done?

We need appropriate laws with high visibility enforcement. We need consumer education about these laws and to support law enforcement activities and, further, to educate drivers about the risks of driving distracted.

Finally, we need continued research so that we can further understand driving behaviors to enable the development of ever safer systems. And all of this should be done without severing the wireless communication link to vehicles, which enables tomorrow's safety and environmental benefits.

Mr. Chairman, that concludes my statement.

Mr. DEFAZIO. Thank you.

Mr. Wytkind.

Mr. WYTKIND. Thank you, Mr. Chairman and Mr. Duncan and the Subcommittee, for inviting Transportation Labor to testify.

No one wants to improve the safety of our highways more than the men and women who drive for a living. And to truly combat distracted driving, we believe we must ban text messaging and limit the use of other communication devices.

However, new policies must strike the balance between safety and the unique concerns and working environment of transportation workers. For many of our members, the vehicle is their workplace and communications devices are critical to performing their functions. Transportation workers need access to communication devices for everything from emergency situations to communicating with an employer, and first responders rely on communication devices to respond effectively and efficiently.

The reason we are here today is because our roads are far too dangerous. We concur with that. And because of the sheer time that drivers that I represent spend on the road, they witness accidents all the time. They are often the first or only person available to alert the authorities so we must be sure they are able to help to perform that function, and this requires access to a cell phone or other device.

Clear policies are needed. Let me give you an example: In some States bus drivers are allowed to use cell phones in emergencies as long as the driver is stopped and off the bus. But a competing policy forbids bus drivers from leaving the bus even in the event of an emergency. These two directives are obviously at odds, and that is bad public policy.

But setting that question aside, it illustrates the need to examine the real world consequences of policy making and to make sure that you enlist the employees of this industry and their unions in advancing any ideas you might put forward.

Employees and other sectors of the economy can use the phone for occasional personal use and family emergencies, but of course for transportation workers whose workplace is their vehicle, the situation is different. Because they are required to be in their vehicle all day, the ban would prevent drivers from making calls that you and I take for granted. So while this may not be a policy concern for policy leaders, employers must take notice of this problem.

Bus drivers, taxi cab drivers, vehicles for hire and others rely on citizens band radio, GPS devices, and other technologies to do their jobs. And if limits are imposed, the implications for workers must be understood.

Because workers are required by their employers to use these devices, any penalties for using devices on the job must be directed at the employers, not the employees. And for firefighters and paramedics, cell phones and PDAs are essential. The last thing we want to do is take away a tool for these emergency responders when they are en route to an emergency. We want to be sure that regulators understand these unique situations.

Lastly, as you move forward, we ask that you recognize the role that mobile communications play in our sector. We must look very carefully at public policy ideas and understand the real world implications for workers and hopefully through their unions we can advocate the right balance.

Thank you for inviting us today, Mr. Chairman.

Mr. DEFAZIO. Thank you. We will proceed to questions.

The one major issue in contention I would like any and all members of the panel to address is this disagreement over the issue of cognitive distraction just by engaging in a conversation on a cell phone even if it is voice-activated and hands-free. Obviously, the manufacturers feel—and it was earlier described by someone the device in a Ford vehicle where you could voice activate a BlackBerry and conduct a conversation.

But Mr. Ulczycki would say that a hands-free cellphone is as dangerous as a hand-held cell phone. I don't know if it goes so far as to say it is as dangerous as texting. So anybody want to jump in on that?

Dr. Dingus, you have done a lot of work. You have done what they call naturalistic studies. They have done some cognitive MRI-based studies. I am having trouble relating to Mr. Ulczyki's position that hands-free cell phones are as dangerous as hand-held phones.

Could you address that?

Dr. DINGUS. Yes, Mr. Chairman.

There is a big difference. If your eyes are off the road, for example, some of these tasks require your eyes to be off the road for 4 or 5 seconds. If you are engaged in an intense cell phone conversation, the best data we have is your reaction time is delayed by three-tenths of a second. So it is an effect but it is about one-tenth the effect of taking your eyes off the road for some of the video that I showed. So it is not that there is no effect, but it is much, much less.

Mr. DEFAZIO. Anybody else want to jump in on that issue?

Mr. ULCZYCKI. Yes, sir, I would like to address that.

While the risk shown from Dr. Dingus's studies, while the risk associated with taking your hands off the wheel and your eyes off the road are significant, the duration of those activities is much shorter than the duration of conversations. A conversation, people may be engaged in a conversation during most of a 1-hour commute, for example, yet the actual time they spent dialing the phone or taking their eyes off the road would be much smaller. And we think it is the duration of the conversation and the total exposure that actually causes the conversations to cause more crashes rather than the taking the eyes off the road and the hands off the wheel. It is really the combination of risk and exposure.

Mr. STRASSBURGER. If I could, Mr. Chairman, let me just follow up with what both John and Dr. Dingus talked about.

The real world studies that Dr. Dingus has conducted and other studies that we are aware of are consistent and they are not showing as great an effect from cognitive distraction as we once thought from other studies, epidemiological studies, or simulator-based studies.

With respect to one study that I am aware of, it was a study conducted by OnStar, published in a peer reviewed journal, called Risk Analysis that looked at 3 million drivers and 91 million minutes of cell phone usage. There the average conversations was on the order of 2 minutes where the carrier rounded up by 1 minute. So drivers

are able to self-regulate, and it appears from the studies, the naturalistic studies, that that is exactly what they are doing.

Mr. DEFAZIO. If I could, to follow up on.

If it is the intensity of the conversation and the duration that is a factor, I really don't understand how having a passenger sitting next to you and having an intense conversation or argument with them wouldn't be equally dangerous.

Mr. ULCZYCKI. Yeah, and the science has shown that they are clearly very different because in fact the passenger very often is a co-driver and an adult passenger in particular is seeing the road in front of them and helping the driver manipulate and navigate those situations. That is not the case when you are talking on a cell phone, and there have been numerous studies that have shown the difference.

In fact, adult passengers are a safety benefit. People get in fewer crashes—adults get in fewer crashes with adult passengers. That is not the case with teenagers where passengers are clearly a distraction.

Mr. DEFAZIO. Anybody else have an opinion?

Okay. With that, Mr. Duncan stepped out for a moment. There is a vote, but they are delaying this vote for some period of time.

So I am going to recognize Mr. Bishop now, and I will have to step out to answer questions with my staff.

So you are in charge.

Mr. BISHOP. [Presiding.] I am not sure I am up to this, Mr. Chairman.

I have some questions for Mr. Betkey, if I may.

Mr. Betkey, did the Governors Association support the 21 drinking age sanction?

Mr. BETKEY. No, they did not.

Mr. BISHOP. Now that it is in place, does the Governors Association recognize that this was good public policy?

Mr. BETKEY. It has shown that it has been, yes.

Mr. BISHOP. Did the Governors Association support the .08 percent blood alcohol content sanction?

Mr. BETKEY. No, they did not.

Mr. BISHOP. And now that that is in place, does the Governors Association recognize that that is good policy?

Mr. BETKEY. It is shown that it has.

Mr. BISHOP. You know I have a bias here obviously.

Is it reasonable to think that those laws would have been in place and fully compliant across our 50 States had we not imposed the sanctions?

Mr. BETKEY. That is a good question, Mr. Bishop.

I guess that with the sanctions imposed, it accelerated the time frame. Given time, the States probably would have probably come into compliance with incentives.

Mr. BISHOP. Has any State ever lost Federal highway dollars as a result of their failure or inability to comply with a sanction-imposed requirement?

Mr. BETKEY. Not to my knowledge.

Mr. BISHOP. So if that is the case, are—this is an honest question—are we dealing with a philosophical issue or are we dealing with an issue that is practical? I mean, if we agree that the public

policies that the Federal Government has tried to put in place has had the kind of outcomes that any reasonable person would support, and if we agree that States have never lost dollars as a result of sanctions being imposed, what is the antipathy to the sanction?

Mr. BETKEY. I would say it is a philosophical difference from the Association. The Association has never approved of sanctions. We were always more from an incentive side than the sanctions side. And remembering, too, Mr. Bishop, that we work for the States that would be sanctioned. So it would be very hard for us to take a position against our own State.

Mr. BISHOP. Understood.

One last question. Does the Association have any statistics on how many lives either have been lost or would have been saved as a result of sanctions—I mean that have been lost as a result of States not accepting the incentives associated with the child booster seat law, for example, or the primary seatbelt law?

Mr. BETKEY. I don't have those statistics with me, but we can certainly research them and get back to you.

Mr. BISHOP. Thank you.

I will yield to my friend from California.

Mrs. NAPOLITANO. Thank you, Mr. Bishop. And I am sitting here listening with great interest.

Most of you deal with adults, and yet it is the children or the youngsters aged 18 I would imagine that have the highest rate of accidents or possibility of getting into accidents because of their ability to multitask.

What are your suggestions? Not any of you are under 18. You have children. You have youngsters that you know. What do they tell you? What is it that we can do to convince these youngsters the importance of their ability to be cognizant that they are in a death machine, if you want to call it that? I am not talking about it will kill somebody, but it is a possibility. It is a vehicle. It can maim, kill-- themselves and somebody else.

How do we get that important message to the youngsters in the different areas that you are in?

Mr. ULCZYCKI. Congresswoman, I would like to address that.

A couple of things. First of all, there is no good substitute for good parenting, and I must tell you that parents play an important role in managing the risks of their teens. And we have seen this in graduated licensing, because even if a State doesn't have a perfect graduated licensing law in their State, a parent can have a perfect graduating license law in their home.

And we think parents are critical. And a lot of parents of teenagers—and I have had six myself—know or believe that the kids aren't listening to them but the research is clear that they are, that kids do listen to parents. So that certainly is the first, is parent education.

And one of things that we did with CTIA in the PSA you saw, it is really targeting parents to engage in that conversation. So that is the first part.

The second part is that it is difficult—and we have seen no evidence that general communications to teens, which are risk takers, telling them about the risks by itself is enough to change their behavior. Risk takers do not—education awareness doesn't make risk

takers change their risk levels. What does work, though, are a couple of things. We have seen that when teens get together in working groups, in what is called peer-to-peer programs, that those can be effective in peer groups and in some high schools where that has been done. And we have seen that. That has indeed been very effective.

We think there are in fact some kinds of online and some viral programs that we are testing that we are very optimistic about in terms of not messages necessarily coming from adults but messages coming from the teens themselves, sharing among them and really establishing culture, what we could call social norms among teen groups, where it is simply not cool to text while driving. And if the teens are sharing that message among themselves, we think it has a much higher likelihood of success.

Mrs. NAPOLITANO. That is a great video.

But have you considered having youngsters develop a peer program, interactive virtual reality-type thing to where they understand their concept of what it means?

Mr. ULCZYCKI. Yes. As a matter of fact we just gave out some awards this past weekend to a group of kids from Minnesota who did exactly that, and there are groups around the country in high schools and kids who are doing programs among themselves and their own peer groups.

Mrs. NAPOLITANO. I would hope you share them.

Mr. ULCZYCKI. Be happy to.

Mr. FRANKLIN. Congresswoman, if I may, John just mentioned working with CTIA and we did the PSA which, as he noted, was directed at parents. We think parents have a lot of sway over their teen drivers in setting the rules.

But just before the hearing started, I hadn't seen John in a couple of weeks because of some of his meetings, and we caught up because we have been e-mailing back and forth about other components of our campaign, meaning we are trying to develop viral videos that would show up where teens are online, on YouTube, places like that, that, as he says, can have teens talking directly to teens to try to make it very uncool to do what it is that they are doing that is so dangerous.

Mr. DeFazio. [Presiding.] I just want to warn you the votes are picking up now, so this vote will probably close out pretty quickly.

Mrs. NAPOLITANO. Okay.

Sometimes unfortunately parents are not there. It is either a dysfunctional family or they don't have somebody.

But the last question very quickly is following the metro derailment in California, there was an intense debate about putting video cameras on the rail, the train, and that was opposed. But how do you feel—and I know that it is an invasion of privacy—but would that help being able to keep people from doing things they are not supposed to, especially if they are banned?

Mr. DEFAZIO. I am going to leave you with the gavel because the votes are running down here.

And I have additional questions. I will submit them in writing, particularly to Dr. Dingus, regarding commercial applications.

Thanks very much. I appreciate it. Sorry about the abrupt ending here. I appreciate your testimony in this matter.

[Whereupon, at 11:30 a.m., the Subcommittee was adjourned.]

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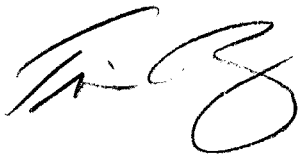

Rep. Tim Bishop
Opening Statement
Transportation & Infrastructure Committee
Addressing the Problem of Distracted Driving
October 29, 2009

Mr. Chairman, I would like to thank you and the Ranking Member for holding this important hearing. I would also like to commend this committee's leadership for underlining the importance of safety on our roads and highlighting strategies to prevent injury and deaths as a result of distracted or inexperienced driving.

It is the responsibility of this committee to ensure that our nation's roadways are not only up to the task of connecting our communities and promoting commerce, but also with protecting the safety of American's, both directly and indirectly involved with transportation.

While all of the jurisdictions and responsibilities of this committee are important and intertwined, I can guarantee you that the first thought of any parent as they watch their child back out of their driveway is not about financing mechanisms to pay for road improvements or the nuances of congestion mitigation. Their primary concern is the safety of that child until he or she returns home.

According to the National Highway Traffic Safety Administration, 3,406 young drivers aged 15-20 were killed in motor vehicle crashes in 2006. An additional 4,569 others, including teen and other passengers in vehicles with the young drivers, and occupants in other cars, were killed in these crashes. All in all, in 2006, nearly 8,000 people lost their lives in crashes involving young drivers. Most importantly, experts have shown a clear link between a lack of driver education and experience and a rise in teen driving fatalities.

Unfortunately, safety is often secondary in the minds and actions of decision makers. Yet another reason to pass a six-year reauthorization of the surface transportation bill is to enact the robust safety provisions included in Title II of the bill considered by this Subcommittee in June. It is my hope that this title will be further strengthened before the full committee considers the bill.

One effort towards strengthening the safety provisions of the highway reauthorization bill is the inclusion of the Safe Teen and Novice Driver Uniform Protection Act or STANDUP Act that I introduced along with my colleagues Congressmen Castle and Van Hollen. This legislation would encourage states to implement a three-stage graduated driver licensing system to acclimate novice drivers to the fundamentals and responsibilities of the road. Among other provisions, the bill would also encourage a prohibition on nighttime driving during the learner's permit and intermediate stages, as well as implement a passenger restriction prohibiting inexperienced drivers from traveling with inexperienced passengers.

Furthermore, the STANDUP Act compliments my good friend, Congresswoman McCarthy's, texting legislation by prohibiting all non-emergency cellular devices for new drivers. My bill also encourages the Secretary of Transportation to adopt other requirements that he deems appropriate, such as specific time frames for learner's and intermediate stages, at least 30 hours behind-the-wheel, supervised driving by an adult, automatic delay of full licensure if permit holder commits an offense; or other requirements.

I have been fortunate to have the assistance of organizations that share my concerns for our teen drivers. Advocates for Highway and Auto Safety, Allstate Insurance Company, and others from the SafeRoads4Teens coalition have been instrumental in developing and promoting the STANDUP Act and I thank them for their help.

I am also interested in helping states better develop drivers' education programs that will better prepare inexperienced drivers for the rigors of the road. According to the GMAC Insurance National Drivers Test, 20.1 percent of drivers on the road – or roughly 41 million licensed Americans – would not pass a written drivers test exam if taken today. According to the GMAC report, seventy-two percent of drivers could not properly identify a typical safe following distance from the car in front of them and only 15 percent of drivers knew what to do at a traffic light displaying a steady yellow signal (stop if it is safe to do so).

These are startling revelations, but not surprising when you learn that 15 states do not require basic driver education for teen drivers, 19 states do not require any classroom training before licensing, and that driver education curricula have not been formally updated since the 1940s.

I could go on and on with statistics that would shock and dismay the traveling public, but in the interest of time I will merely say that I am developing new legislation to encourage states to modernize and standardize drivers' education requirements.

Mr. Chairman, it is my hope that this hearing will shine a brighter light on the issues surrounding driver safety and strategies that Congress can help implement to protect ourselves and our loved ones from unforeseen tragedy. I again thank you for holding this hearing and look forward to hearing from our panelists. I also would like to give a special thanks to Congresswoman McCarthy and Secretary LaHood for appearing before us.

STATEMENT OF THE HONORABLE PETER A. DEFAZIO
CHAIRMAN
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

HEARING ON
ADDRESSING THE PROBLEM OF DISTRACTED DRIVING

October 29, 2009

Good morning. As we have seen in numerous media reports, distracted driving is a serious problem. In recent years we have seen an increasing number of fatal crashes resulting from distracted driving as more and more Americans use cell phones, PDAs, and GPS units in their cars while driving. This hearing is meant to focus on the issues behind distracted driving and to explore the most effective options to reducing the threat distracted driving poses to the traveling American public.

In 2008, nearly 6,000 people lost their lives and an estimated 515,000 people were injured in police-reported crashes in which at least one form of driver distraction was reported on the crash report. That same year, driver distraction was reported to have been involved in 16 percent of all fatal crashes, increasing from 12 percent in 2004. Most troubling, young drivers under age 20, who have the least amount of driving experience and therefore should arguably be even more focused on the road, make up the greatest proportion of distracted drivers. Sixteen percent of all under-age-20 drivers in fatal crashes in 2008 were reported to have been distracted while driving.

It is clear that cell phone conversations using handheld devices, texting, and e-mailing are a major problem for drivers. But distracted driving is more than that. GPS units that help us find where we're going; MP3 players, eating, and even reading are all causes of distraction while behind the wheel. More research needs to be done so we can fully understand the extent of this problem, but the research that has been done shows a growing consensus that tasks that require the driver to divert their eyes from the road and/or their hands from the steering wheel pose a serious distraction that undermines driver performance.

In public opinion polls, more than 90 percent of Americans acknowledge they know that talking on a phone while driving is risky and some 86 percent of adults between the ages of 18-29 say people should not be allowed to text message while driving. However, the AAA Foundation for Traffic Safety reports that 67 percent of drivers admitted to talking on their cell phone within the last 30 days while behind the wheel, and 21 percent of drivers indicated they had read or sent a text or e-mail message. In other words, Americans know texting or using a handheld cell phone while driving is dangerous, but they do it anyway.

The Department of Transportation's recent Distracted Driving Summit put a spotlight on an issue we've known is a problem for some time. I'm happy to welcome Secretary LaHood here today to talk about the Department's efforts to combat distracted driving. We'll also see a

video presentation on research done at Virginia Tech University and hear from a host of other experts who will share their expertise with us.

Distracted driving is a serious problem threatening are roadways and it's clear we must take action. I look forward to hearing from our witnesses today to inform our decision-making process as we proceed with a solution.

Thank you.

STATEMENT OF
THE HONORABLE JAMES L. OBERSTAR
HEARING ON Addressing the Problem of Distracted Driving
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
OCTOBER 29, 2009

I want to thank Chairman DeFazio and Ranking Member Duncan for holding this important hearing today.

Improving roadway safety will be a top priority for this Committee as we continue to move forward with the Surface Transportation Authorization Act.

Every year tens of thousands of Americans are killed on our nation's roadways. However, the costs of these numbers cannot be measured simply in dollars and cents or statistics. These numbers represent brothers and sisters, sons and daughters, mothers and fathers, and friends and family members.

Over the past five years, an average of over 41,500 people have lost their life the nation's roadways. The annual economic cost of motor vehicle crashes to the U.S. economy is $289 billion. Despite the human and economic cost associated with motor vehicle crashes, for too long we have accepted traffic fatalities as a regular occurrence.

Recently, there has been a lot of focus on distracted driving, or driving while engaging in behavior or activities that interfere with operation of a vehicle or divert the attention of the driver.

There is a growing consensus that tasks that require the driver to take their eyes away from the road and/or hands from the steering wheel — such as dialing a cell phone or sending text message — undermine driver performance.

According to the National Highway Traffic Safety Administration, 5,870 people lost their lives and an estimated 515,000 people were injured in police-reported crashes in which at least one form of driver distraction was cited on the crash report. Driver distraction was reported to have been involved in 16 percent of all fatal crashes in 2008, increasing from 12 percent in 2004.

This is a particularly significant problem among younger drivers, with 16 percent of all under-20 drivers in fatal crashes reported to have been distracted while driving.

This is unacceptable. If we are to commit to making roadway safety a priority, and preventing the tragic loss of life and injuries that occur every day on our roads, we must get serious about all aspects of roadway safety.

I congratulate Secretary LaHood for convening the Distracted Driving Summit. That event, like this hearing, will lay the groundwork for developing consensus on the policies, approaches and technologies that will end this dangerous and preventable behavior.

I'd also like to commend the Secretary for his leadership in creating a new safety council within DOT, designed to enhance the culture of safety at the department.

We as a nation need to make a new commitment to saving lives and sparing countless individuals and their loved ones from the pain that comes in the wake of traffic crashes.

Addressing this troubling number of fatalities on our roadways will require a comprehensive approach to highway safety. We as policy makers must work to ensure that all aspects of roadway safety—vehicle safety, human factors, and roadway environment—remain a priority as we rewrite our nation's surface transportation programs.

Preventing and addressing driver distraction will require implementation of a combination of strategies to improve in-vehicle and roadway technology, expand driver education and outreach, as well as improvement to roadway infrastructure.

The Surface Transportation Authorization Act makes a significant commitment to addressing the roadway safety crisis facing the nation.

This hearing provides an opportunity to build on the progress we have made in the Committee Print, and will allow us to consider further policies and approaches to address these emerging and preventable crashes, loss of life and injury.

I want to welcome and thank all of our witnesses for being here today, I look forward to hearing your testimony on this critical issue.

Congresswoman Laura Richardson
Statement at Subcommittee on Highways
Hearing on "Addressing the Problem of Distracted Driving"
2167 Rayburn House Office Building
Thursday, October 29, 2009
9:30 A.M.

Mr. Chairman, I want to thank you for convening this hearing to discuss the problem of distracted driving. As we will hear today, this is a growing problem that costs kills thousands of drivers, riders, and pedestrians every year and tragically impacts the young at a particularly high rate. And unfortunately, if left unchecked, this problem is only going to grow.

However this is a problem, unlike many we face, that has some clear solutions. While rates of distracted driving, and thus the injuries and deaths that go along with the practice, continue to rise, there are steps both the public sector and the private sector can take to mitigate the practice and help solve the problem.

We in the public sector must work to enact stricter laws. We have seen States which have enacted laws AND followed up with enforcement have seen rates of distracted driving fall even while the national averages are rising. Enforcement is essential in fixing this problem because we have seen that merely enacting laws is not enough to deter distracted driving, people must know that the law will be enforced.

Today's hearing highlights that we must be particularly conscious of the problem of texting while driving. When texting results in an auto accident it often does not make headline news, limiting the public's awareness of the issue. We have recently seen high profile incidents of train crashes linked to texting, and the solace we can take from these tragedies is a greater public awareness of the problem of texting while operating a vehicle. Rates of texting while driving have been rising far faster than the rates of other distractions, and this is particularly concerning because texting means you are diverting your attention, your eyes, and your hands from the task of driving.

While public education can play a role in reducing these dangerous practices, unfortunately even the most effective public education programs historically have only changed the behavior of a relatively small percentage of people.

It is striking to me that in a recent poll 90% of respondents agreed that texting should be made illegal, indicating that there is a general awareness of the dangers of distracted driving. However, in a separate study, 21% of respondents said they have texted while driving in the last 30 days, and this number rose to 40% for drivers under 35. This seeming contradiction shows that public education is not enough; enforcement is needed to truly change behavior.

I am proud to see my home State of California continue to enact and enforce stricter cell phone and texting laws. However these laws must evolve with the technology and there are still many States with no laws at all on the books. We must continue to work to make sure that the

government at all levels does its job to make the roads as safe as possible for all our citizens.

The most progress in remedying this problem will come through partnerships with the private sector. We need the wireless industry to look at the research and develop safe solutions. As we will hear today "hands free" is a start, but not an end. We must focus on systems that minimize distractions and allow drivers to keep their eyes on the road, their mind on driving, and their hands on the steering wheel.

I'd like to thank the Secretary and all our distinguished witnesses for appearing before us today and I look forward to hearing their statements.

Thank you, Mr. Chairman

Statement of Vernon F. Betkey Jr.
Chairman, Governors Highway Safety Association (GHSA)
Before the House Subcommittee on Highways and Transit
House Transportation and Infrastructure Committee
October 29, 2009

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I. Introduction

Good morning. My name is Vernon F. Betkey Jr. and I am Chairman of the Governors Highway Safety Association (GHSA). GHSA is a nonprofit association that represents state highway safety agencies. Our members administer federal behavioral highway safety grant programs that are authorized under Title II of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Members are appointed by their governors to administer these grant programs and implement statewide behavioral highway safety programs. As part of states' highway safety programs, GHSA members can use a portion of the funds authorized under Title II of SAFETEA-LU to educate the public about the dangers of distracted driving and enforce distracted driving laws in the states that have enacted them.

According to recently released data from the National Highway Traffic Safety Administration (NHTSA), nearly 6,000 people were killed and more than half a million people injured in police-reported crashes involving at least one form of distraction.
This is likely an under-estimate because it is very difficult for law enforcement officials to discern whether or how distractions played a part in a motor vehicle crash. At the same time, it is important to remember that driver distraction is unlikely to be the sole contributing factor to a crash. A distracted driver may also be speeding, following too closely, driving impaired, making frequent lane changes, etc.

Using data from the national observational survey called National Occupant Protection Use Survey (NOPUS), NHTSA estimated that, at any given daylight moment in 2008, approximately 6% of all drivers (812,000 drivers) are using a hand-held electronic device while driving. This increased from 4% in 2002. NOPUS also found that visible manipulation of handheld devices (such as for text messaging) increased from .04% to 1% in that same period. Other NHTSA data sources (Fatality Analysis Reporting Systems, General Estimates System) show similar trends with respect to distractions in general. Clearly, there has been an increase in driver distraction (including but not limited to distraction caused by electronic devices). According to NHTSA data, that has resulted in increased crashes, fatalities, injuries and property damage.

GHSA firmly believes that the problem of distracted driving is significant and is only likely to increase in the future. In order to solve the problem, GHSA feels that distracted driving must be addressed with a comprehensive approach. An effective strategy must include one that focuses on data and research, legislation, education, enforcement and adjudication, employer policies, technology and funding. The remainder of my testimony will address these areas and will discuss the role the federal government could take in each.

II. Data and Research

Determining the nature, scope and impact of driver distraction is very difficult for a variety of reasons. There are different definitions of distractions that have been used in various databases and research reports. Further, it is very difficult for law enforcement officials to detect if someone has been driving distractedly (particularly as a result of electronic device use) because drivers in crashes are not always truthful about their driving behavior. As a result, it is necessary to examine distracted driving data from many sources, using different databases and types of research studies.

The federal government could convene data experts to develop a single definition of distraction that could be used in various federal databases and federally-funded research studies. The federal government could also develop a single definition of serious injuries, work with states to collect improved serious injury data, and develop a national database of serious injuries similar to the Fatality Analysis Reporting System (FARS). That would yield better information on the contributing factors associated with all serious injuries, including those caused by distracted drivers. If the National Accident Sampling System (NASS) were better funded and more crashes

investigated in depth, then much more detailed data could be collected on distracted driving crashes.

Additionally, NHTSA's model crash data element guideline, the Model Minimum Uniform Crash Criteria (MMUCC), could include more detailed data attributes about distraction than it presently does. Changes to the current MMUCC distracted driving data attributes could be considered when MMUCC is next updated. NHTSA could also develop training for law enforcement officials to help them more appropriately code Police Accident Reports to reflect driver distraction.

A number of research studies have been conducted on driver distraction using different research techniques. Each technique – naturalistic driving studies, simulator studies, and epidemiological studies – have their biases, strengths and weaknesses and no one approach "trumps" or is more important than the others. In order to fully understand driver distraction, it is necessary to look at these studies in total.

There are several questions on which further research is needed.

One question relates to the relative riskiness of various distractions, included but not limited to electronic devices. The University of North Carolina Highway Safety Research Center (HSRC) conducted initial research for the AAA Foundation for Traffic Safety on this question in 2001, with a more detailed naturalistic driving study of 70 drivers in 2003. Both studies found that distractions other than cell phone use caused drivers to be at higher risk. Since that time, cell phone use has increased substantially and texting is more prevalent, especially among teens. The use of other potentially distracting nomadic devices (iPods, MP3 players, etc.) also appears to have increased. A federally-funded study (in particular, a naturalistic driving study such as the 2003 HSRC study) would help address the broader issue of the role of different types of distraction.

Research about the safety of hands-free versus hand-held cell phones is not definitive. Studies conducted by the Insurance Institute for Highway Safety (IIHS) and the University of Utah have found that the crash risk for hands-free cell phones is identical to that of hand-held phones. The Virginia Tech Transportation Institute 100-car naturalistic driving study found that hands-free phone were less distracting than hand-held. Virginia Tech has recommended the use of voice-activated hands-free phones. All researchers agree that hands-free phone use is not without risk. More federally-funded research on this topic could help resolve this inconsistency and would be of tremendous value to state legislators contemplating whether to prohibit only hands-held or all cell phone use.

Another major question is the impact of distracted driving legislation on distracted driving. For example, there is relatively little research on the impact of legislation on the use of electronic devices by the general population and target groups such as teens. IIHS has conducted several studies on the impact of hand-held cell phone bans with varying results. Its study of a teen cell phone ban in North Carolina showed that cell phone use actually increased after the ban was enacted. The study of the District of Columbia's hand held ban showed that it did impact cell phone use, primarily because the ban was actively enforced. The study of New York's hand-held ban showed that cell phone use was initially impacted but that a year later, cell phone use was nearly at the level prior to the law's enactment. It is suggested that more federally-funded research on the impact of legislation is needed to properly address this issue.

There are no studies of the effectiveness of text messaging bans, so federally-funded research in this area would be invaluable. Research is also needed on the effectiveness of employer distracted driving policies, educational campaigns, and enforcement activities. Further, there has been no review of the impact of cell phone policies or text messaging bans in European Union countries, Japan, Australia, Israel, two Canadian provinces and a number of other countries. Since those countries have had longer experience with hand-held cell phone bans, it would be illustrative to see what impact those bans have had.

A tremendous amount of research will be needed to evaluate the effectiveness of emerging technologies to eliminate or minimize distractions. The federal government can provide an objective eye with which to determine the cost/benefits of such technology.

Perhaps the most important research question concerns the relative crash risk of various types of distracted driving or the effects of various countermeasures. As noted previously, there is some research on the relative risk of using different types of cell phones. However, there is no research on the relative risk of different types of distractions such as texting, using CD or MP3 players, using navigation systems, etc. There is little data on how much crashes, fatalities or injuries would be reduced if different countermeasures were implemented. As a result, governments and private entities are taking action without knowing whether it will have any impact. Here again, federally-funded research would be invaluable.

III. Legislation

Given the limitations of current data and the absence of definitive research in certain areas, GHSA has taken a more cautious approach in supporting distracted driving legislation. Currently, the Association encourages all states to enact text messaging bans, primarily because the recent Virginia Tech study showed that truck drivers who text message are 23 times more likely to be involved in a crash.

GHSA also supports complete cell phone bans for novice drivers (including teens) and school bus drivers. Research by IIHS and others clearly indicate that teens are easily distracted while driving and that this contributes to a high rate of teen driving crashes. Therefore, it is appropriate that electronic devices that cause teen distractions should be prohibited while the teen learns to drive. Further, the National Transportation Safety Board (NTSB) supports a ban on the use of electronic devices by novice drivers. A ban on teen use of electronic devices can easily be incorporated in a state's graduated driver licensing law and enforced by parents.

Due to the uncertainties about the effectiveness of hand-held versus hands-free cell phone bans, the Association has not supported either a hand-held ban or a complete ban. GHSA believes that a hand-held ban may give drivers a false sense of security that a hands-free device is safe. Furthermore, the type of hands-free devices allowed by states is not the same as the voice-activated hands-free devices recommended by Virginia Tech. As noted previously, hands-free is not risk free.

Currently, 18 states plus the District of Columbia (DC) have enacted text messaging bans for all drivers, 9 states have enacted text messaging bans for novice drivers, 17 states plus DC have enacted novice driver cell phone bans, six states plus the DC and the Virgin Islands have enacted hand-held cell phone bans and 18 states plus DC have enacted school bus driver cell phone bans. Two states – Maine and New Hampshire – have addressed distracted driving more broadly. A summary of current state distracted driving laws can be found on the GHSA website, www.ghsa.org/html/stateinfo/laws/cellphone_laws.html.

According to the National Conference of State Legislatures, 43 states have considered more than 200 pieces of legislation addressing the issue of distracted driving in the past year alone. Clearly, this is an area where state legislatures have been extremely active. Eleven states have enacted text messaging bans in the last year alone. GHSA believes that, given the momentum in the states and within the next two years, nearly all states will have enacted text messaging bans.

Even in those states without specific distracted driving laws, states have sufficient legislative authority regarding reckless or negligent driving with which to address the distracted driving problem. It is important to remember, however, that legislation alone will not solve the problem of distracted driving. Hands-free cell phone and text messaging bans are very difficult to enforce because it is often difficult for the law enforcement official to observe and apprehend a distracted

driver texting or using a hands-free device. Texting is particularly difficult to detect if the driver is texting in his/her lap.

If the legislation is not enforced, then public confidence in the legislation is eroded. A lack of public trust with distracted driving laws may spill over into other traffic safety laws. Experience with speeding laws illustrates what happens when traffic safety laws are not consistently enforced.

One activity that the federal government could undertake is the development of model legislation on distracted driving. This could include appropriate levels for fines or penalties.

IV. Enforcement and Adjudication

As noted in the previous section, legislation alone is insufficient to solve the problem of distracted driving. Distracted driving laws must be properly enforced and adjudicated. When they are properly enforced, as the most recent IIHS research of the District of Columbia's hand held cell phone ban indicates, then cell phone bans can have an impact. If strongly enforced distracted driving laws are not supported by the judiciary and charges are dismissed, then that impact will be significantly reduced.

As shown by the two high visibility enforcement campaigns conducted annually by the states – Click It Or Ticket and Over the Limit, Under Arrest -- enforcement works best in conjunction with paid media that raises awareness about the enforcement. Real gains in seat belt usage nationwide can be largely attributed to this type of high visibility enforcement campaign.

One of the challenges regarding this type of enforcement, however, is that the paid media component is very expensive and there are no new funds with which to conduct additional high visibility enforcement campaigns. In addition, utilizing existing enforcement and media resources for yet another high visibility enforcement campaign may weaken other critical enforcement efforts such as the two previously mentioned.

Furthermore, state and local law enforcement agencies are stretched very thin, partly by competing priorities and partly by recession-related cutbacks. Our experience has shown that, even if additional funds are available for another high visibility enforcement campaign, law enforcement agencies in many jurisdictions would not take advantage of those funds since they have neither the manpower nor interest in more overtime enforcement.

GHSA believes that the federal government can assist in several ways. Just as NHTSA funded the development, testing and deployment of new low manpower sobriety checkpoints, the Agency could work with law enforcement organizations to develop, test and evaluate special enforcement techniques for apprehending distracted drivers, particularly those drivers using electronic devices. Certain visual cues (such as frequent braking by the driver) could be identified that would aid law enforcement in the recognition and apprehension of distracted drivers.

NHTSA has recently solicited states to participate in a demonstration project involving the enforcement of a hand-held cell phone ban. The results of that demo project should be a valuable first step in the process of assisting law enforcement with appropriately and effectively addressing distracted drivers.

The federal government could also evaluate and document the best practices of states like New York, New Jersey and Washington State that are actively enforcing their distracted driving laws. Additionally, the federal government could develop, pilot test and then disseminate training for law enforcement as well as the judiciary.

V. Education

Research has shown that education efforts alone have little impact in changing driving behavior. Federal and state distracted driving campaigns, by themselves, will raise public awareness about the issue but will not necessarily be effective in changing distracted driving behavior.

NHTSA research, as previously noted, has shown that education in conjunction with high visibility enforcement campaigns is very effective. Research by the Centers for Disease Control and others have shown that education efforts that are part of a larger multi-prong community program can also be effective.

The federal government can assist by developing model educational efforts that are intended to be used with broader community programs. NHTSA has experience in developing "social norming" campaigns whose purpose is to change the normative behavior of drivers in a variety of community settings such as speeding in neighborhoods, school zones or work zones. A similar approach could be taken with distracted driving. Campaigns aimed at specific target populations such as teen drivers or young women could also be developed.

VI. Employer Policies

Employer policies banning the use of electronic devices while driving hold promise. Since employers can be held liable for the dangerous driving behavior of their employees, employers have a self-interest in ensuring that their employees drive safely. According to the National Safety Council, 469 of their member companies have a complete cell phone ban. As the number of work-related cell phone crashes increase, the number of employer bans can be expected to increase as well.

One of the advantages of an employer ban is that it has a greater potential for being enforced than other types of distracted driving policies. An employer can specify that an employee caught violating a company ban will be subject to severe disciplinary action, up to or including dismissal. All it takes is one employee to be caught and the example will be set for others in the company. The recently announced distracted driving policy of the NTSB serves as a model that could be adopted by both public agencies and private sector organizations.

The federal government could develop a model employer policy with input from stakeholder organizations. The model policy could be pilot tested at select companies, revised if necessary and then disseminated through such organizations as the National Safety Council and the Network of Employers for Traffic Safety (NETS).

VII. Technology

There are two types of technology of concern. Devices that are part of the vehicle itself (such as in-vehicle navigational devices, heads up displays, etc.) are regulated by NHTSA. Devices that are not part of the vehicle but are brought in by drivers – so-called nomadic devices -- are regulated by the states. As noted previously, many states are actively exercising that authority.

The federal government should use its authority to ensure that new in-vehicle devices are safe. NHTSA can continue to work cooperatively with the automobile industry as new in-vehicle technology is developed and refinements to the industry's voluntary guidance on distraction are made. NHTSA could also make certain that the industry is, in fact, following its own guidance.

The federal government can also test the effectiveness of technology that is designed to block the use of nomadic devices under certain circumstances. Although NHTSA does not have specific legislative authority to test breathalyzers, the Agency does so as a courtesy to law enforcement and judicial officials. Once tested, NHTSA then issues a list of certified products. Congress might consider authorizing NHTSA to take a similar approach with respect to emerging technologies

that block the use of cell phones for certain populations, block text messaging, warn drivers of the presence of other drivers using cell phones, etc.

The federal government can also serve as the incubator for the development of new technology that will block or, at least, manage the use of distracting technology. Congress could authorize small incentive grants for inventions that serve this purpose. These grants would hasten development of appropriate technology and bring it to the market as quickly as possible.

As the National Safety Council has noted on several occasions, technology has caused the problem of distracted driving but technology can also be the best solution to the problem. GHSA strongly concurs with this position.

VIII. Funding

Implementation of these recommendations will require additional resources. States need resources to enforce distracted driving laws, purchase paid media to support the enforcement effort, train law enforcement and the judiciary, undertake community campaigns, and enhance their data collection efforts. At present, there are no new federal highway safety grant funds for this purpose. As a result, states will have to dip into their current federal behavioral safety grant funding in order to address the issue. This means that states will divert funding from impaired driving, safety belt, motorcycle safety and child passenger safety programs – all programs that address critical highway safety issues.

The federal government will need considerably more resources to conduct all the necessary research, develop and evaluate model policies and programs, and enhance federal data systems. NHTSA's behavioral research budget lacks sufficient funding to address the various highway safety issues calling for study. The NHTSA cell phone enforcement demonstration project had to be carved out of its current research and demonstration budget for occupant protection. NHTSA does not have the resources to improve the definition of serious injuries, assist states in the collection of serious injuries or create a national database for such injuries. The NASS budget has been reduced from $20 million to $12 million, and NHTSA has been forced to use existing funding to support nine separate data systems. If this issue is to be addressed satisfactorily, then, clearly, more federal funding is urgently needed.

The reauthorization of surface transportation programs provides an opportunity to correct the funding problem for both the federal government as well as state governments. The reauthorization provides an opportunity for Congress to address distracted driving in a thoughtful and comprehensive manner

This concludes my statement. The Governors Highway Safety Association appreciates the opportunity to testify on this important issue, and we look forward to working with the Subcommittee on distracted driving and all highway safety issues in the near future.

Questions for Mr. Vernon F. Betkey, Jr.
Chairman
Governors Highway Safety Association
Highways and Transit Subcommittee Hearing
October 29, 2009

Questions from Chairman DeFazio

1. Mr. Betkey, your written testimony noted the effectiveness of high-visibility enforcement campaigns for seat-belt and drunk-driving laws. Yet many States lack distracted driving laws, meaning there is nothing for police officers to enforce. Do you believe we can afford to wait for States to act on their own to pass distracted driving laws? Federal-aid highway sanctions have proven highly effective in reducing fatalities—under the .08 sanction and the 21 minimum drinking age sanction, all States came into compliance to avoid losing federal funds. Under the current primary seatbelt incentive, 20 States still have yet to come into compliance. As much as we would like incentives to work, they have simply proven to be ineffective. Would you support a sanction to encourage States to move quickly to reduce distracted driving fatalities?

   As noted in the GHSA testimony, states already have sufficient authority under aggressive driving, negligent driving or reckless driving laws with which to address distracted drivers. Further, states are aggressively addressing the issue of distracted driving. In 2009 alone, more than 200 pieces of distracted driving legislation were considered by state legislatures and 12 states enacted texting bans. GHSA believes that nearly all states will enact texting bans in the next two years. GHSA submits that sanctions for distracted driving are both unnecessary and heavy-handed. As noted in our testimony, the enactment of distracted driving legislation, by itself, will not solve the distracted driving problem in this country.

2. Your written testimony stated that distracted driving is "unlikely to be the sole contributing factor to a crash." What data do you have to support this claim?

   According to NHTSA FARS Data, in 2008, there were 5,800 fatalities involving some form of driver distraction. However, in only 189 of these was a cellular telephone present in use in the vehicle. In 5,128 crashes, the driver was operating the vehicle in a careless or inattentive manner. These crashes are often assumed to be cell phone related, but the driver may have been distracted by another passenger, by eating or by a multitude of distractions.

   Additonally,we have anecdotal evidence about contributing factors to distracted driving crashes based on conversations with law enforcement. Law enforcement tell us that drivers who drive while using a cell phone are also doing other risky behavior such as speeding and other forms of aggressive driving.

3. GHSA encourages the federal government to provide incentives for states to pass strong, three-tiered teen licensing laws that include a ban on using all electronic devices while driving. The federal

government has provided incentives to states for more than 5 years to adopt primary safety belt laws and child safety seat laws, yet we still do not have these laws in all states. Is there reason to believe that providing incentives to enact bans on electronic devices would be more effective than they have been for primary safety belt and child safety seat laws?

Not all highway safety issues are alike, nor do the solutions for one issue translate into solutions for other highway safety issues. There is strong opposition to primary belt laws from those who believe that they impinge on personal freedom or target minorities. Motorcyclists oppose primary belt laws because they believe that such laws are a step towards mandatory motorcycle helmet laws. There is opposition by some state legislators to certain child safety laws who (in our view mistakenly) believe that decisions about child passenger safety should best be left up to the parents. With respect to distracted driving, there appears to be broad public support for taking action against such behavior. As noted above, state legislatures have been very actively addressing this issue. States are already acting very quickly on the distracted driving issue, and unlike with some of the other safety issues the lack of opposition to these laws should make passage very likely in the near future. We have been told by our members that in states like Ohio, Missouri and Michigan, statewide texting bans are likely to pass in 2010. A financial incentive will increase the speed of passage.

3. One challenge with the graduated driver license systems currently in place for most states is effectively enforcing laws targeting specific age groups. How do you suggest states address this enforcement problem? What are some examples of effective programs individual states are using to curb distracted driving? Are there any leading programs targeting teen drivers?

Enforcement programs targeting teen drivers are very difficult. A study by the Insurance Institute for Highway Safety showed that an enforcement effort outside a high school in North Carolina had no impact. Enforcement of teen graduated licensing restrictions, including cell phone bans, rests largely with the parents. Parents have to be encouraged to send very clear messages to teens that using a cell phone is both dangerous and unacceptable. New Jersey has an excellent program in which parents are given a special educational program at the time their child receives his/her driving license. The educational component includes information about the dangers of cell phone usage.

4. Have you considered low cost investments to help keep drivers who make a poor choice – they become distracted while driving—on the roadway itself? Can investments like rumble strips, guardrails, and median cable barriers mitigate injuries or death due to distracted driving? What planning measures should states put in place to ensure that roadway safety infrastructure investments like rumble strips, guardrails, and median cable barriers are also included as priorities to ensure that distracted drivers and all drivers have a chance at survival in the event that distraction occurs?

Low cost infrastructure improvements can help keep distracted drivers on the road and mitigate collisions with fixed objects should the driver leave the roadway. States have two

opportunities to support these types of improvements. The first is in the Strategic Highway Safety Plan (SHSP). That plan is a policy document that identifies the most significant highway safety issues based upon available data and data analysis. If a state identifies distracted driving as a priority emphasis area, then it will also delineate countermeasures that could be undertaken to address the issues. It does not, however, identify specific locations or projects to be implemented. That is done are part of a state's State Transportation Plan (STP). It should be noted, however, that state Departments of Transportation – not the State Highway Safety Office – are responsible for development and implementation of the STP.

5. Mr. Dingus stated in his testimony that back in 2001 he testified that if we wait for better data on distracted driving we will simply be allowing more fatalities to occur. Do you see the need for quick action to start correcting this problem, rather than more delay while research is being done?

We concur that quick action on distracted is needed. As noted in our testimony, such action cannot be limited to enactment of legislation. Rather, a comprehensive approach must be encouraged. Such an approach would include research, legislation, enforcement, employer policies, education and new technology. Sufficient funding must be provided so that all of these elements can be enacted.

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U. S. House of Representatives
Committee on Transportation and Infrastructure
Subcommittee on Highways and Transit

Hearing:

"Addressing the Problem of Distracted Driving"

Thursday, October 29, 2009 at 9:30 a.m.
Rayburn House Office Building (HOB)
Washington, DC

Testimony of Thomas A. Dingus, Ph.D., CHFP
Director, Virginia Tech Transportation Institute
Newport News Shipbuilding Professor of Engineering
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Room 2167, Rayburn House Office Building
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Chairman DeFazio, Ranking Member Duncan, and members of the Highways and Transit Subcommittee, thank you for the opportunity to testify before you today on a very important topic; "*Addressing the Problem of Distracted Driving.*" I am hopeful that my testimony will give you a unique and valuable perspective as you weigh the important policy decisions surrounding this issue.

My name is Thomas A. Dingus. I am Director of the Virginia Tech Transportation Institute (VTTI) and I am testifying before you today as a long-time driving safety researcher. I have been involved in the study of transportation safety and human factors research for 25 years, including the issues surrounding driver distraction and inattention. This research has resulted in over 40 book chapters and refereed journal publications, over 150 technical publications, and over 20 major technical reports on this subject. I have testified before the Subcommittee on Highways and Transit in 2001, as well as providing presentations to a Congressional Roundtable, the National Council of State Legislatures, the National Safety Council, and the Virginia Legislature on issues of driver distraction and inattention. I have worked with the Federal Highway Administration, the National Highway Traffic Safety Administration, the Federal Motor Carrier Safety Administration, several major automobile manufacturers, and a number of automotive suppliers in the conduct of development, evaluation, and research activities associated with driver distraction and inattention issues.

Given recent catastrophic crash events and disturbing trends, there is an alarming amount of misinformation and confusion regarding the distraction associated with using devices such as cell phones while driving a vehicle. The findings from our research at VTTI can help begin to clear up these misconceptions as it is based on real-world driving data.

There are several important points that must be carefully considered in determining an appropriate action to this growing problem. **I would like to highlight the importance of these points for your consideration.**

The distraction issues that we face today are much different than those faced just a few short years ago, and consequently, are resulting in a growing number of crashes.

Many of the electronic devices being used in automobiles today require greater visual and cognitive attention from the driver than do conventional tasks. Driving distraction, an old problem, has entered a new dimension. Historically, secondary tasks performed in a moving vehicle were, for the most part, relatively simple. Tuning a radio or eating represented some of these common tasks. While it is true that these tasks take attention away from the roadway and do cause crashes, they are not the predominant distractions of today's driver. With the explosion of wireless device use, including handheld portable devices that can perform the same functions as your computer, both the visual and cognitive aspects of distraction are much greater than ever before.

The driving distraction problem is now particularly time critical because the number of crashes involving complex tasks such as texting, typing, reading and dialing has the potential to grow exponentially.

Texting while driving has the potential to create a true crash epidemic if texting-type tasks continue to grow in popularity and the generation of frequent text-message senders reaches driving age in large numbers.

Several recent high visibility trucking and transit crashes have been directly linked to texting from a cell phone. We can all agree that strong action must be taken to combat this growing problem; however, how to legislate that strong action presents some challenges.

Just a few short years ago, the technology of texting wasn't available. Many will continue to argue that the true extent of this threat to public safety cannot be estimated precisely.

However, VTTI's naturalistic data collection has provided new insight into the driving distraction problem. Our studies present findings from several large-scale, driving studies at VTTI, using sophisticated cameras and instrumentation in participants' personal vehicles to provide a clear picture of driver distraction under real-world driving conditions.

These studies have shown that text messaging using a cell phone was associated with the highest risk of all non-driving tasks. Text messaging, which is approximately 20 times riskier than driving while not using a phone, also had the longest duration of eyes-off-road time (an average of 4.6 seconds). This equates to a driver traveling the length of a football field at 55 mph without looking at the roadway. In contrast, talking/listening to a cell phone allowed drivers to maintain eyes on the road and was not associated with an increased safety risk to nearly the same degree.

While there are safety benefits that will be realized with the continued deployment of electronic devices, these benefits can be attained only in vehicles engineered to minimize driver distraction.

Driving is a visual task and non-driving activities that draw the driver's eyes away from the roadway, such as texting and dialing, should always be avoided.

Many in-vehicle technologies promise to make driving safer. These technologies include collision-warning systems, night vision systems, and "Mayday" alert systems. In addition, studies have shown that cell phones do in fact have significant safety benefits such as reducing the response time of emergency personnel in the case of a crash.

However, while these electronic devices have shown safety benefits, these benefits can be fully realized only when they are incorporated in systems designed to minimize distraction in a moving vehicle. That is, with prudent design and selective restrictions, it may be possible to enhance safety as part of the electronic revolution in the automobile instead of increasing crashes and fatalities. For example, a voice-activated cell phone using a simple interface that can be used to contact emergency or law enforcement personnel would allow an obvious safety benefit to be realized while minimizing the associated safety decrement.

In contrast, handheld, portable devices brought into, but not intergrated with, the vehicle, constitute the majority of the driving distraction problem. "True hands-free" device use, such as voice-activated systems, are less risky than hand-held devices if they are designed well enough so the driver does not have to take his or her eyes off the road often or for long periods. However, "headset" use with a manual cell phone is not substantially safer than "handheld" use because the primary risk associated with both tasks is answering, dialing, and other tasks that require your eyes to be off the road.

Teen drivers, by far, represent the largest population of those who text while they drive.

Teens believe they can multi-task much better than older adults who have been driving a significantly longer period of time. They also mistakenly believe they can text and not take their eyes off the forward roadway at all. They do not have the maturity or the experience to adequately assess their risk while driving in general much less their risk while using a cell phone while driving. Our research has shown that teens tend to engage in cell phone tasks much more frequently, and in much riskier situations, than adults. Thus, our real-world driving data indicate that teens are four times more likely to be involved in a related crash or near-crash event than their adult counterparts.

The problem of driver distraction associated with electronic devices is multi-dimensional, requiring multiple solutions.

There are important differences in the deployment of electronic technology in the automobile. Specifically, the major differences exist between devices that are designed to be used in-vehicle and portable devices that are carried by consumers into vehicles.

In-vehicle devices. Automotive stakeholders in this mobile information revolution have recognized the potential risk to the public. Automobile manufacturers and suppliers have already taken measures to improve design and provide the appropriate functionality of *in-vehicle* systems. It is important for the government to continue to support the continuing efforts by these stakeholders to address the distraction issue through design and implementation of safer devices. Specifically, the following considerations are important for in-vehicle devices:

- Follow human factors design principles such as limiting visual information complexity and maximizing display legibility and speech intelligibility.
- Provide appropriate functionality of devices, including limiting functionality in some cases, in a moving vehicle. This will be necessary as more electronic convenience features become commonplace.
- Develop a consistent driver interface for selected driver interface functions. This can significantly reduce the task load required and therefore can reduce distraction.
- Use properly designed true "hands-free," voice input/output devices when effective. Hands-free operation can reduce visual distraction relative to manual-control/visual display devices. However, voice systems, as with any other interface, require careful design and development. When properly implemented, true hands-free systems can provide an appropriate alternative method of input and information retrieval.
- Hands-free devices, although advantageous in many instances, may also pose risks. Care should be taken to limit "cognitive distraction" through simplification of design and messaging.

I believe that, in general, the automotive industry is currently taking appropriate action to protect public safety. Most automobile manufacturers and some major suppliers are actively engaged in research, product evaluation, and standards development activities aimed at safely deploying electronic devices. As long as this activity continues and results in devices that limit functionality and minimize driver distraction, I believe that no regulatory action on these entities is necessary. However, I also believe that efforts to implement standards that require testing of potentially distracting automotive technologies needs to be more broadly applied.

Portable devices. Of greater concern than the design of in-vehicle devices is the introduction of portable devices into cars and trucks. These devices include standard cell phones as well as cell phones that have additional wireless features such as internet access, personal digital assistants, and portable computers.

In general, portable devices are not designed to be safely used by the driver in a moving vehicle. In addition, unlike in-vehicle devices, vehicle manufacturers and suppliers do not have any control over their functionality or design.

Public awareness and education programs are an important part of the solution to the driver distraction problem, but they will be insufficient in and of themselves.

Many organizations, including the wireless communication industry, have recognized the hazards associated with these devices. Several have implemented public awareness programs aimed at reducing distraction-induced crashes by educating drivers about the consequences of distraction and persuading them to limit associated activities. There are many historical examples of the effectiveness of such public awareness campaigns. Examples include seat belts, drinking and driving, motorcycle helmets, and many non-driving related public health initiatives. This historical perspective tells us that such a campaign will help reduce unsafe behavior associated with electronic devices. However, the effectiveness, in terms of people influenced to behave safely, for even a successful public persuasion program, will be in the range of 15-20%. Therefore, while such endeavors are important and should be supported, they will not be sufficient in and of themselves.

From this perspective, I believe that laws and enforcement methods aimed at limiting the use of handheld portable electronic devices in moving vehicles are necessary to provide an effective set of countermeasures to the distraction problem and protect public safety.

Conclusion

Driving distraction associated with electronic devices has the potential to pose a serious public health risk. Due to this risk and the rapid rate of deployment of these technologies, quick and decisive action is needed. However, in-vehicle devices also have been shown to actually enhance safety in some cases. Therefore, measured action is also warranted so that solutions enacted with good intent do not stifle the improvements in driving safety.

In 2001, at the Subcommittee on Highways and Transit hearing on "Driver Distraction: Electronic Devices in the Automobile," I indicated that "if we wait until we have very accurate data to act, the data will likely tell us that hundreds of thousands of crashes and thousands of fatalities will have resulted from delayed action."

We can now provide that accurate, real-world data to show that the odds of being involved in a crash or near-crash increase as much as 20 times for drivers who are dialing, texting, typing or reading compared to those drivers who are not distracted while

driving. Distractions from using electronic devices while driving, and specifically texting while driving, could quickly create an injury epidemic if popularity continues to grow exponentially. The time to take action is now.

Therefore, I recommend the following:

- **A primary law banning the use of handheld, wireless devices in a moving vehicle. The law should:**
  - Preclude use of: Cell phones, MP3 players, BlackBerrys, iPhones, etc., as well as headset use with conventional cell phones
  - Exclude "true-hands-free" and in-vehicle devices that are simple to operate and do not require substantial "eyes-off-road time"
  - Carry a significant monetary fine and "points"
  - Include a total cell phone ban for newly-licensed teens and for special cases such as school buses
  - Exclude emergency communications for all users
- **A regulation limiting functionality of visually-demanding, in-vehicle devices in a moving vehicle is necessary**:
  - Includes manual navigation destination entry and all "keyboard" tasks
  - Includes all complex reading tasks
- **Standards for testing of potentially distracting devices prior to market introduction need to be broadly applied.**

Again, thank you very much for giving me the opportunity to testify before you on this important issue. I will be happy to answer any questions you have regarding my recommendations. Feel free to contact me at the address on the cover page of my written testimony, (540) 231-1501, or tdingus@vtti.vt.edu.

Questions for Dr. Tom Dingus
Director
Virginia Tech Transportation Institute
Highways and Transit Subcommittee Hearing
October 29, 2009
Questions from Chairman DeFazio

1. Dr. Dingus, did your research look at motor carriers and the in-cab fleet communication systems they utilize to receive pickup, delivery, routing, and other important information? Are motor carriers any more likely to be distracted by these mobile communications devices than cell phones?

Our naturalistic driving research captured a number of "mobile data terminal" or in-cab fleet communication tasks being performed under actual revenue-producing runs. These data allow us to assess not only the distraction associated with these tasks, but the frequency and circumstances, under which they are performed on our roadways.

Mobile data terminals can be extremely dangerous if they are not properly designed by qualified Human Factors Engineers. In general, drivers can read a very short message, listen to a longer message, or press a button or two and maintain a reasonable level of safety with minimal eyes-off-road time. In contrast, reading multiple lines or screens of text, or manually entering a message reply via a keypad, keyboard or touch screen should never be done in a moving truck. The crash risk associated with these visually/manually demanding tasks is much higher than with cell phones; with the exception of cell phone texting. Some mobile data systems are simple and well designed allowing the driver to use important system features while driving. A critical safety feature of safe mobile data terminals is that they physically "lock out" many of the available complex functions while the vehicle is in motion.

2. The Virginia Tech Transportation Institute found that visually demanding tasks, such as texting and dialing a cell phone, are some of the most dangerous types of distracted driving behavior. In what ways does using a hands-free device reduce the degree of distraction, if at all? Are there other technologies that could allow drivers to use their cell phones in a safe manner while driving?

To answer this question, it is important to make the distinction between "hand-held", "headset hands-free", and "true hands-free." As the names imply, a conventional cell phone can be used with or without a headset. The only difference between the two is that the driver is not holding the phone to their ear during the conversation. Several highly-publicized studies have found no meaningful difference between these cases. However, it is critically important to realize that the great majority of cell phone crash risk is caused by searching/answering, dialing, reading, typing, texting and navigating menus. A headset does nothing to reduce this risk. In fact, donning a headset in a moving vehicle can also be a distracting task.

In contrast, a "true hands-free" phone interface implies voice only answering, dialing and potential menu navigation and other messaging. If they are well designed, these interfaces allow the driver to keep his/her eyes on the road and hands on the wheel while performing all available tasks. Our research has shown that voice-only, or voice with a simple manual task such as a single button-press, can reduce the distraction crash risk to very low levels.

There are other technologies that could allow drivers to use their cell phones in a safer manner while driving. There are many emerging systems and technologies that allow drivers to perform a variety of valuable tasks both safely and efficiently. There are also "jamming" devices which do not allow certain tasks or devices and route calls to voicemail, etc. when the vehicle is moving. My opinion is that the devices that completely preclude cell phone use will not be effective unless legislated and completely integrated into the technology.

3. In his written testimony Mr. Ulczycki from the National Safety Council said the research done at Virginia Tech failed to measure cognitive distraction and therefore those that use your research to defend the argument that cell phone conversations don't represent a dangerous cognitive distraction is wrong. How do you respond to that assertion?

The VTTI naturalistic driving studies observed the occurrence of a crash or near-crash event during actual driving, and subsequently determined the causes and contributing factors of that event. All cases where we observed a crash or near-crash event when: a) The driver's response was delayed or in error, and b) The driver's eyes were on the roadway, were classified as a form of "cognitive distraction." What we have discovered is that cognitive distraction cases were rare compared to crash and near-crash events that occurred when "visual distraction" was present (i.e., a distracted driver's eyes were somewhere other than the forward roadway in the seconds just prior to the critical safety event). For example, in our '100-Car" study, in 14 of the 15 rear-end crashes that were observed, the driver's eye gaze was away from the forward roadway within 3 seconds of the onset of the precipitating event (e.g., lead vehicle braking).

All of our studies conducted to this point (i.e., over 600 drivers, over 100,000 hours and over 7,000,000 miles of video and kinematic observation in both cars and trucks) are consistent in the finding that cell phone conversations are far less risky than tasks such as texting, dialing, reading or typing.

Other high-quality studies performed using simulators and instrumented vehicles show "cognitive distraction" created during a very emotional or complex conversation, driver reaction time is delayed by about 0.3 seconds. In almost all real-world circumstances, the driver has a sufficient "buffer" available to avoid a crash when an unexpected event occurs, even with a 0.3 second reaction delay. In contrast, for visually demanding tasks, we observed glances away for the forward roadway lasting 4.0 seconds or more. These are the tasks that lead to a larger numbers of crashes.

These findings are further supported by epidemiological (i.e. crash) databases in the U.S. The NHTSA and others estimate that at any given point in time, roughly 10% of drivers are talking on a cell phone while driving. Estimates sited by the NSC claim that cell phone conversations increase crash risk by a factor of 4 times. This essentially means that the number of crashes in the U.S should be: (10% X 4; for cell phone users) + (90% X 1; for non cell phone users) = 130% or 30% higher than before cell phone use was widespread (less than a decade ago). In reality, we have seen no such increase in the number of crashes; in fact, there has been no increase at all. Given no increase in crashes over this period of time, a number as large as 30% could not possibly be "masked" by other factors. Therefore, the risk associated with the cognitive distraction associated with a cell phone conversation could not possibly be nearly as high as the NSC contends.

4. Your written testimony states that portable devices are not designed to be used within vehicles. Can you expand on that thought?

Hand-held devices, including cell phones, Iphones, Blackberries, Smart Phones, MP3 players and PDAs are not designed to be used in a "dual task" environment. Dual task means that the user must be able to simultaneously perform two tasks (like driving and texting) both safely and efficiently. Specifically, these nomadic hand-held devices are not designed to minimize the amount of time that you spend looking at them nor are they designed to limit your manual interactions to one or at most two operations. In fact they are most often designed to give the user the greatest degree of desired functionality practical. Given recent advances in technology, these devices are very functionally powerful with many applications resident on the same device.

We have tested such devices using instrumented vehicles on our Smart Road test track for many years. Our results have shown that it is not uncommon for these devices to require the driver to glance 30 or more times away from the roadway to perform common functions. To provide some perspective to these findings, we commonly classify any task that requires more than 2 glances away from the roadway as "complex". Our naturalistic driving data show that complex tasks in general increase crash risk by 3 times. Highly complex tasks such as texting using a cell phone increase crash risk over 23 times.

New technology is evolving that can automatically integrate hand-held devices into a "dual-task" interface. Specifically, when a cellular device enters the vehicle, its presence is detected and it automatically locks out many of the complex functions and converts the manual interface to a true hands-free interface. Such technology, if it becomes a legislated or industry norm, will save many lives over the coming years.

Testimony of Bobby Franklin, Executive Vice President,
CTIA – The Wireless Association®
before the
House Transportation & Infrastructure Subcommittee on Highways and Transit

October 29, 2009

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today on behalf of CTIA – The Wireless Association® and the wireless industry.

I want to thank Chairman DeFazio for convening today's hearing on distracted driving. CTIA and its member companies have long recognized the need to educate wireless consumers about safe driving and wireless use. The safety of our consumers and others on the road is very important to the wireless industry.

Everyone in this room has witnessed the impressive growth in the use of wireless services over the past decade. Wireless devices allow consumers to stay in touch with family and friends, work on the go, and receive news and information anytime, anywhere. A wireless device is also one of the best safety tools for consumers in emergency situations. In fact, wireless subscribers make more than 290,000 calls to 911 and other emergency services daily.

While the industry recognizes the importance of wireless devices for public safety, CTIA and its member companies also recognize that drivers are faced with numerous potential distractions when they are on the road. Some of these distractions may be caused by drivers' inappropriate use of wireless devices. To help modify this behavior, the wireless industry has long been at the forefront of efforts to encourage safe driving. The wireless industry's approach to help raise consumer awareness on

this issue has been multifaceted and has included legislative advocacy, public outreach, and consumer education. We believe that all facets of this approach are necessary to make consumers fully aware that their first responsibility when driving is to drive safely. No single part of this approach alone will be enough to reinforce safe driving behavior.

There has been a lot of discussion lately about the need to restrict texting and emailing while driving, and we agree that actions that require drivers to take their hands off the wheel and their eyes off the road for extended periods of time are incompatible with safe driving. For this reason, the wireless industry supports passage of legislation at the state level that would prohibit manual text and email messaging by all drivers. CTIA is working collaboratively in this effort with the National Conference of State Legislatures; through these efforts, we hope to encourage the adoption of consistent state legislation addressing this problem.

In addition, CTIA and its member companies have urged state lawmakers to pass legislation that would help younger and less experienced drivers fully direct their attention on the task of driving. The wireless industry supports prohibiting provisional or novice drivers from using wireless devices while driving, except in emergency cases. This type of safety measure is consistent with other graduated licensing measures, such as passenger limits and time-of-day restrictions, which allow less experienced drivers the opportunity to more fully develop their driving skills and judgment. These conditions provide inexperienced drivers with the opportunity to acquire much-needed driving experience in a lower-risk environment than they might otherwise provide for themselves. Such safety measures are a constructive means of

allowing younger drivers the ability to acquire the necessary experience to ultimately become more skilled and responsible drivers.

Notwithstanding the current focus on the development of an appropriate legislative response to the problem of texting and emailing while driving, passing laws will not be enough to promote safe driving and modify driver behavior. For that reason, the wireless industry has not focused exclusively on legislation as we have sought to promote driving safety.

Education and outreach are necessary for any distracted driving campaign to be successful. The wireless industry has a long record of working to educate drivers about responsible driving behavior. In 2000, CTIA and its member companies distributed nationally a series of radio and television segments that reminded viewers of sensible safety measures and directed those viewers to a dedicated online resource that presented a wide range of safety tips on the subject. CTIA also designed and printed collateral materials incorporating the industry's safe driving tips. We continue to distribute those materials to appropriate audiences and these safety tips are still posted online.

That original campaign was updated in 2004 and 2007. As part of the 2007 updates, we produced ten public service announcements featuring 'real-life' scenarios where responsible behavior and sound judgment were exhibited by the driver. In addition to distributing these PSAs nationally, CTIA offered state highway safety agencies affiliated with the Governors Highway Safety Association the opportunity to co-brand the segments and have them redistributed in the agency's area, at no charge.

Safety representatives in twelve states[1] took advantage of CTIA's offer, and the PSAs were re-recorded with the appropriate agency's tags and delivered to radio outlets in its respective state.

In an extension of our longstanding commitment to education and outreach efforts, CTIA recently partnered with the National Safety Council to create a national campaign targeting parents and teenagers to raise awareness about the dangers of distracted driving. This partnership, which was months in the making, is a collaborative effort to further both organizations' mutual goal of promoting safe driving. We officially launched the campaign last month, when CTIA and NSC unveiled a hard-hitting television commercial that we hope will air in markets across the country.[2]

This new campaign is geared at not only making teens aware that their actions behind the wheel have consequences, but also at reaching parents and identifying some real life situations their teens might encounter when driving. Both CTIA and the National Safety Council recognize the need to target both groups to ensure that this important message reaches them.

In addition to our focus on legislative and educational responses to the problem of distracted driving, the industry also is considering how technology may help to address this issue. We caution, however, that technological solutions should not be based on technology mandates, which can freeze innovation, nor fail to recognize that the key to any successful technological approach will be its consumer-

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[1] Alaska, Arizona, Delaware, Florida, Illinois, Maryland, Minnesota, Missouri, New Jersey, Nevada, Tennessee, and Wisconsin

[2] The commercial is available at http://info.howcast.com/onroadoffphone.

friendliness. Carriers and manufacturers can engineer all sorts of amazing capabilities into their products, but if consumers fail to adopt or enable those capabilities, the effort and money that goes into developing them will be for naught.

* * * * *

Whether it is texting or emailing, reaching for a GPS device or MP3 player, being drowsy, or eating a snack on the road, drivers face many distractions. The wireless industry remains committed to working with the various stakeholders on the distracted driving issue. We take seriously the safety of our consumers and others on the road and will continue our multifaceted approach on the distracted driving issue by advocating for laws to prohibit texting and emailing while driving and restrictions on youth drivers. This issue also will require ongoing educational efforts to change the driving public's behavior. Accordingly, we will continue to raise public awareness about safe driving through the media and capitalizing on partnering opportunities where appropriate.

In closing, I want to again thank Chairman DeFazio and the Subcommittee for bringing additional attention to this matter. This is a challenge we can solve together, and the wireless industry looks forward to working with all of you to get the message out that the number one priority for all drivers is safety.

Questions for Mr. Bobby Franklin
Executive Vice President

CTIA-The Wireless Association®

Highways and Transit Subcommittee Hearing
October 29, 2009

Questions from Chairman DeFazio

1. Mr. Franklin, I understand your association supports the passage of legislation at the state level that would prohibit manual text and e-mail messaging by all drivers. What about state laws banning cell phone conversations while driving? Do you support a federal-aid highway sanction on States that don't ban texting?

Answer

CTIA supports passage of state statutes that prohibit manual text messaging by anyone while operating a motor vehicle. Text messaging while driving is incompatible with safe driving and CTIA is committed to educating wireless consumers about safe driving and responsible wireless use. In addition, CTIA supports state statutes that would prohibit wireless use by novice or provisional drivers, except in cases of emergency. Prohibiting wireless use by novice or provisional drivers is consistent with numerous other restrictions many states place on these types of drivers.

CTIA is neutral on outright bans of cellular use while driving and on hands-free legislation. Likewise, the Association takes no position on whether the federal government should preclude states from receiving federal highway funds if their legislatures fail to enact text-messaging prohibitions.

2. While technology such as cell phones and MP3 players are part of the distracted driving problem, there are also technologies that could help to counteract the problem. For example, some technology allows drivers to monitor their teen's driving behavior, while other devices could potentially limit distractions in the car, such as blocking cell phone signals while a vehicle is in motion. Can technology be a part of the solution? What are some of the more promising technology solutions that could improve driver safety?

Answer

As a threshold matter, CTIA does not support laws or regulations that would impose technological solutions, as mandated solutions often have the unintended result of inhibiting or freezing innovation. Additionally, technological solutions must fit within the existing legal and regulatory framework that governs the communications industry. A cornerstone of the Communications Act of 1934 is the prevention of willful interference with radio signals. Thus, CTIA does not support proposed "solutions" that involve interference with lawful wireless signals.

With these caveats, we certainly recognize that technological innovation can contribute to safer driving. Wireless service providers, handset manufacturers, and applications developers are engaged in efforts to develop solutions that will promote safer driving. Many technology

solutions are based on software applications that require no network infrastructure changes, while others will require equipment to be deployed within carriers' networks.

Several companies are marketing solutions that leverage a mobile device's GPS capability or utilize cell tower triangulation to calculate speed to prevent outgoing communications when a user is driving, except in emergencies. Most phones are equipped with GPS chips to comply with the Federal Communications Commission E-911 rules, which require carriers to provide accurate phone position data.

Still other companies are offering hardware solutions. One solution provider is marketing a car key device that wirelessly disables a teenage driver's mobile device, so the phone cannot be used to send text messages while driving.

While CTIA does not promote any single technological solution, we are confident that the investment and innovation occurring in this space will yield solutions that will aid in combating the problem of distracted driving. However, as I noted in my written testimony, the key to the adoption of these technologies will be the degree to which each is affordable and consumer-friendly.

3. Are you or any of your members supporting the development of any research or technologies to prevent distracted driving?

Answer

As a trade association, CTIA is working to facilitate ongoing discussions between applications providers, handset manufacturers and carriers to hasten the introduction of effective solutions into the marketplace. In December, CTIA hosted a workshop to explore potential technological solutions to the distracted driving problem. Solution providers had an opportunity to present their proposal to a group of experts representing both wireless carriers and handset manufacturers. These presentations were followed by an opportunity for questions and dialogue with the carrier and handset manufacturer participants representing CTIA's membership. This exchange provided solution providers with an opportunity to discuss the merits of their respective products, as well as to answer questions about any legal, technical or financial obstacles impeding their rollout. The solutions providers that participated in CTIA's workshop included Aegis Mobility, Drive Safely Corporation, Safe Driving Systems, Illume Software, Try Safety First, Vlingo, and Zoom Safer.

STATEMENT OF
THE HONORABLE RAY LAHOOD
SECRETARY OF TRANSPORTATION
BEFORE THE

SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
U.S. HOUSE OF REPRESENTATIVES

HEARING ON

ADDRESSING THE PROBLEM OF DISTRACTED DRIVING

October 29, 2009

Chairman DeFazio, Ranking Member Duncan, and Members of the Committee:

Thank you for the opportunity to appear before you today to discuss the important issue of distracted driving.

Transportation safety is the Department's highest priority. Distracted driving is a dangerous practice that has become a deadly epidemic. Our research shows that unless we take action now, the problem is only going to get worse, especially among our Nation's youngest drivers. This trend distresses me deeply, and I am personally committed to reducing the number of injuries and fatalities caused by distracted driving.

Four weeks ago, the Department of Transportation (DOT) hosted a Summit to help us identify, target and tackle the fundamental elements of this problem. We brought together over 300 experts in safety, transportation research, regulatory affairs, and law enforcement. More than 5,000 people from 50 States and a dozen countries also participated in the summit via the web. We heard from several young adults who had engaged in distracted driving and who discussed the terrible consequences of their actions.

We also heard from several victims of this behavior, whose lives have been changed forever. Mothers and fathers who lost children, and children who lost a parent, told us their stories. And I want you to know, I promised these families that I would make this issue my cause.

The unanimous conclusion of the Summit participants is that distracted driving is a serious and ongoing threat to safety. This conclusion is borne out by the facts. Our latest research shows that nearly 6,000 people died last year in crashes involving a distracted driver, and more than half a million people were injured.

This is not a problem caused by just a few negligent drivers. To the contrary, the AAA Foundation for Traffic Safety, a nonprofit educational and research organization, reports that 67 percent of drivers admitted to talking on their cell phone within the last 30 days while behind the wheel, and 21 percent of drivers indicated they had read or sent a text or e-mail message, a figure that rose to 40 percent for those drivers under the age of 35.

As shocking as these numbers are, it is clear that this problem is only getting worse, and that the youngest Americans are most at-risk. While the worst offenders may be the youngest, they are not alone. On any given day last year, an estimated 800,000 vehicles were driven by someone who used a hand-held cell phone at some point during their drive. People of all ages are using a variety of hand-held devices, such as cell phones, personal digital assistants, and navigation devices, when they are behind the wheel. However, the problem is not just confined to vehicles on our roads -- it affects all modes of transportation.

Experts agree that there are three types of distraction: (1) visual – taking your eyes off the road; (2) manual – taking your hands off the wheel; and (3) cognitive – taking your mind off the road. While all distractions can adversely impact safety, texting is the most egregious because it involves all three types of distraction. In the words of Dr. John Lee of the University of Wisconsin, this produces a "perfect storm."

For all of these reasons, at the conclusion of the Summit I announced a series of concrete actions that the Obama Administration and DOT are taking to put an end to distracted driving.

The President's Executive Order banning texting and driving for Federal employees is the cornerstone of these efforts and sends a strong, unequivocal signal to the American public that distracted driving is dangerous and unacceptable. The Executive Order prohibits Federal employees from engaging in text messaging:

- While driving government-owned vehicles;
- When using electronic equipment supplied by the government while driving; and
- While driving privately-owned vehicles when on official government business.

The ban takes effect government-wide on December 30, 2009. However, I have already advised all 58,000 DOT employees that they are expected to comply with the Order immediately. DOT is also working internally to formalize compliance and enforcement measures, and we are, in close consultation with the General Services Administration and the Office of Personnel Management, providing leadership and

assistance to other executive branch agencies to ensure full compliance with the Executive Order by all Federal departments and agencies, no later than December 30.

DOT is also taking other concrete actions to reduce distracted driving across all modes. For instance, one year ago, we began enforcing limitations on texting and cell phone use throughout the rail industry. We are taking the next step by initiating three rulemakings:

- One to codify restrictions on the use of cell phones and other electronic devices in rail operations;

- One to consider banning text messaging and restricting the use of cell phones by truck and interstate bus operators while operating vehicles;

- And a third to disqualify school bus drivers convicted of texting while driving from maintaining their commercial driver's licenses.

We will work aggressively and quickly to evaluate regulatory options and initiate rulemakings as appropriate.

Moreover, our State and local partners are keys to any success we have in addressing distracted driving. I have encouraged our State and local government partners to reduce fatalities and crashes by identifying ways that States can address distracted driving in their Strategic Highway Safety Plans and Commercial Vehicle Safety Plans. And, to assist them in their efforts, I have directed DOT to develop model laws with tough enforcement features for all modes of transportation.

There are other affirmative measures that States can take immediately to reduce the risks of distracted driving. For example, we are encouraging the installation of rumble strips along roads as an effective way to get the attention of distracted drivers before they deviate from their lane.

Education, awareness and outreach programs also are essential elements of our action plan. These measures include targeted outreach campaigns to inform key audiences about the dangers of distracted driving, and taking high visibility enforcement actions. We are still researching the efficacy of combining high visibility enforcement with outreach campaigns in the distracted driving context, but we are hopeful that such efforts may prove effective in the same way that we have been able to use them to reduce drunk driving and increase seat belt use.

All of these measures are the beginning, not the end, to solving the problem of distracted driving. DOT will continue to work closely with all stakeholders to collect and evaluate comprehensive distracted driving-related data needed to better understand the risks and identify effective solutions. And the Administration will continue to work with Congress, State and local governments, industry and the public

to end the dangers posed by distracted driving and encourage good decisionmaking by drivers of all ages. We may not be able to break everyone of their bad habits – but we are going to raise awareness and sharpen the consequences.

I particularly want to thank Congress for its dedication to combating distracted driving, and I look forward to further collaboration with you as we work to tackle this menace to society.

That concludes my testimony. I look forward to answering your questions.

Questions for the Honorable Ray LaHood
Secretary
U.S. Department of Transportation
Highways and Transit Subcommittee Hearing
October 29, 2009

Questions from Chairman DeFazio

QUESTION 1: Secretary LaHood, your written testimony stated that DOT research shows that nearly 6,000 people were killed last year as a result of distracted driving. How confident are you in these numbers? Do we currently have good quality data to accurately track the number of crashes and fatalities that come as a result of distracted driving? What type of research does the Department have on which types of distracted driving that are most dangerous? What is the Department doing to convey this information to the States?

Part 1: How confident are you in these numbers? Do we currently have good quality data to accurately track the number of crashes and fatalities that come as a result of distracted driving?

ANSWER: The Department is confident that, as stated in our report, *An Examination of Driver Distraction as Reported in NHTSA Databases*, in 2008, 5,870 people were killed in police-reported crashes in which at least one form of driver distraction was reported. The reported distractions include using cell phones or text messaging devices, eating or drinking, reading road signs, and actions of passengers, among others. The proportion of *fatal crashes* that were reported to involve driver distraction, 16 percent, is similar to the proportion of *injury crashes* involving driver distraction, 21 percent, and the proportion of property damage only crashes involving driver distraction, 18 percent, from a national survey of crash causation.

These distracted driving figures are based on Fatality Analysis Reporting System (FARS) and General Estimates System (GES) data and there are inherent limitations in this data, however. The data for FARS and GES are based on police accident reports that are conducted after the crash has occurred. These reports vary across police jurisdictions, thus creating potential inconsistencies in reporting. Some police accident reports identify driver distraction as a distinct reporting field, while others identify distraction from the narrative portion of the report. Further, the FARS and GES data include only those crashes in which at least one form of driver distraction was actually reported by law enforcement, thus creating the potential for an undercount.

In addition to, and contributing to, inconsistent reporting of distraction on police accident reports, there are challenges in determining whether the driver was distracted at the time of the crash. Self-reporting of negative behavior, such as distracted driving, is lower than actual occurrence of that behavior. Law enforcement must also rely on crash investigation information to determine if distraction was involved in those crashes that

result in driver fatalities. The information available to law enforcement may not indicate distraction even where it was a cause of or a factor in the accident. For these additional reasons, reported crashes involving distraction may be undercounted.

There are currently efforts underway to improve reporting of distracted driving through multiple means. As police accident reports are controlled by individual States, we are working with the States on the improvement of those reports by implementing the Model Minimum Uniform Crash Criteria (MMUCC) variable on driver distraction. NHTSA will also work to train law enforcement on collection of distracted driving involvement during the crash.

Part 2: What type of research does the Department have on which types of distracted driving are most dangerous?

ANSWER: As discussed at the Distracted Driving Summit this past fall, distracting activities can affect drivers in different ways and can be categorized as cognitive (mental workload associated with a task), visual (require driver to look away from the roadway), and manual (require the driver to take a hand off of the wheel and manipulate a device). The safety impact of distraction is dictated by the task itself and the workload it imposes on the driver. There are no forms of driver distraction that are safe and thus the Department encourages all drivers to refrain from any distractions and concentrate on the primary responsibility of driving.

Part 3: What is the Department doing to convey this information to the States?

ANSWER: Last September I hosted the first national summit on distracted driving, which gathered 300 senior transportation officials, elected officials, safety advocates, law enforcement representatives, private sector representatives, researchers, and citizens to discuss the safety consequences of distracted driving and consider steps we can take to reduce their toll. Many States and organizations representing States were at the summit, and the Department has used the public interest generated by the summit to focus additional State attention on this issue.

In early December, the Department hosted a meeting of 20 stakeholder groups, including several groups representing States, to develop model distracted driving legislation for States. We hope to send consensus draft legislation to the States early next year.

The Department is also conducting demonstration programs in Connecticut and New York to test the effectiveness of high-visibility law enforcement combined with targeted media for reducing distracted driving behaviors. This is the same technique that has been used successfully in the *Click It or Ticket* and the *Drunk Driving. Over the Limit. Under Arrest.* nationwide enforcement campaigns. If this strategy is successful, we will work with other States to replicate the program.

The Research and Innovative Technology Administration (RITA) is developing an online research data clearinghouse (including risks and best practices). The clearinghouse is

designed as a one-stop source of information on distracted driving issues. It includes information on research studies, analytic methods and tools, and best practices or strategies.

QUESTION 2: States are currently facing revenue shortages and are making difficult budget choices. How do you expect States to make progress on these safety issues without necessary revenues? Without a long-term authorization, States lack the ability to make comprehensive transportation safety advances. Wouldn't a long extension of existing laws hinder States in trying to make improvements to highway safety?

ANSWER: We strongly support an 18-month interim reauthorization and the use of that 18-month period to work with the Congress to develop a comprehensive long-term reauthorization proposal that addresses the high priority needs of the Nation in the 21st century. While our existing highway and transit programs have served the Nation well in the past, we find that considerable reform is necessary if we are to meet the new challenges that face our Nation. Improving the performance of our surface transportation systems in both urban and rural areas, while addressing environmental, safety, congestion, and climatic concerns, are essential goals of a restructured surface transportation program. If we are to make the changes to current programs to address these new national priorities, we will require adequate time to research and analyze competing options in arriving at proposals that are most effective and financially sound. This process will take time and necessitates a reasonable extension of the current surface transportation programs that ensures that there is no lapse in transportation investment that would be a major disruption to States' construction programs and severely impact the national economy and jobs growth. For these reasons, we will continue to support a short-term reauthorization extension while we continue to work on developing a longer term legislative proposal.

QUESTION 3: Secretary LaHood, your written testimony reiterated the Department's recently announced plans to initiate separate rulemakings to (1) ban text messaging and restrict cell phone use by truck and bus drivers, and (2) revoke the commercial driver's licenses of school bus drivers convicted of texting while driving. Mr. Mullett, with Con-Way Inc., who we heard from on the third panel, claimed in his written testimony that there has been "minimal research available on distracted driving pertaining directly to commercial motor vehicle drivers." What research has the Federal Motor Carrier Safety Administration (FMCSA) conducted on distracted driving among truck and bus drivers? How did the Department develop the scope and focus of the proposed rulemakings?

ANSWER: FMCSA recently completed its "Driver Distraction in Commercial Vehicle Operations" study and released the final report on October 1, 2009. The purpose of the study was to investigate the prevalence of driver distraction in commercial motor vehicle safety-critical events (e.g., crashes, near-crashes, lane departures). The study recorded and analyzed these safety-critical events in a naturalistic data set that included over 200 truck drivers and 3 million miles of data. The naturalistic data set was obtained by conducting the study in real-world circumstances by recording drivers operating their vehicles.

Odds ratios (OR) were calculated to identify tasks that were high risk. For a given task, an odds ratio of "1.0" indicated the outcome was equally likely to occur in the safety-critical event data as in the baseline, non-event data. An odds ratio greater than "1.0" indicated the outcome was more likely to occur, and odds ratios of less than "1.0" indicated the outcome was less likely to occur. The most risky behavior identified by the research was "text message on cell phone," with an odds ratio of 23.2. This means that the odds of being involved in a safety-critical event is 23.2 times greater for drivers who text message while driving than it would be if they were not text messaging while driving.

The Department's regulatory approach is based upon the research described above, an analysis of current crash data, and the feedback received at the Distracted Driver Summit held on September 30 - October 1, 2009.

Because of the safety risks associated with texting, the Department decided to address the problem of texting in an expedited, stand-alone rulemaking to be completed no later than May 2010. The feedback the Department received during the Distracted Driving Summit from four United States Senators, several State legislators, safety advocacy groups, senior law enforcement officials, the telecommunications industry, and the transportation industry, suggest there is widespread support for a ban against texting. The rulemaking to prohibit texting will include a proposal that could result in school bus drivers being "disqualified" from using their commercial driver's license for a specified period of time if they are convicted of violating a Federal or State law or regulation concerning texting.

With regard to cell phones, the research and crash data indicate there are safety risks associated with the use of these devices while driving. As we develop rules regarding cell phone usage we will assess these safety risks and consider the distinction between the safety risks associated with hand-held and hands-free cell phone usage.

QUESTION 4: Mr. Mullett testified about the various job-related electronic devices that professional truck drivers have in their cabs and use to more efficiently carry out their duties. These same devices, such as devices to receive dispatch information, can easily distract a driver on the road if they require a driver to read and write messages. A recent study by FMCSA found that a driver who interacts with or looks at a dispatching device is 10 times more likely to be involved in what the study termed a safety-critical event (crashes, near crashes, and lane departures) than if they were not interacting with the device. Do you plan to require limitations on use of dispatching devices or other in-cab communication systems? What alternatives will you allow trucking companies to use to communicate with drivers?

ANSWER: FMCSA will focus first and foremost on completing a rulemaking to prohibit texting by CMV drivers while driving. FMCSA will also pursue an aggressive regulatory schedule to restrict or limit cell phone use when it poses a safety hazard. FMCSA will then work with stakeholders to examine the safety risks associated with

other sources of driver distraction and build a framework for a rulemaking to address those safety risks.

The Department acknowledges the concerns of motor carriers that have invested significant resources in electronic dispatching tools and fleet management systems. While this technology is used by many of the Nation's largest trucking fleets, the Department would expect safety-conscious fleet managers not to allow or require their drivers to type or read messages while they are driving.

To the extent that there are fleets that require drivers to type and read messages while they are driving, we will take appropriate regulatory action to address the safety problem. Based on the discussions during the Distracted Driving Summit, as stated above, our top priority is to initiate a rulemaking to address the safety risks associated with texting by prohibiting all truck and bus drivers subject to the Department's authority from texting while they are operating on public roads.

QUESTION 5: Mr. Mullett also testified about technologies that turn off when a commercial vehicle is in motion. What role do you see technology playing in helping to solve the problem of distracted driving?

ANSWER: I appreciate efforts being made to develop technologies to reduce the risk of cell phone use and texting. The most obvious and certain way to eliminate these risks at this point in time is for drivers to put their cell phones and wireless mobile devices away and to focus their attention on driving. However, the Department is open to considering all approaches that address these risks.

QUESTION 6: We heard from employee representatives on the third panel and their concerns that communication devices may be necessary in the context of employees carrying out their jobs. In his testimony, Mr. Wytkind of the Transportation Trades Department, AFL-CIO, noted several situations when a truck, bus, or school bus driver may need to use a cell phone in emergency situations or in the context of their job. Do you anticipate the rulemaking will address these concerns? Under what conditions will use of cell phones or other electronic devices be permitted in emergencies?

ANSWER: FMCSA will work with the full range of stakeholders including safety advocacy groups, the research community, the telecommunications industry, State motor carrier safety enforcement agencies, and the truck and bus industries to examine the safety risks associated with communication devices to build a framework for a rulemaking to address those safety risks.

The Department acknowledges the concerns of motor carriers that have invested significant resources in electronic dispatching tools and fleet management systems. While this technology is used by many of the Nation's largest trucking fleets, the Department would expect safety-conscious fleet managers not to allow or require their drivers to type or read messages while they are driving. To the extent that there are fleets

that require drivers to type and read messages while they are driving, we will take appropriate regulatory and enforcement action to address the safety problem.

The distracted driving rulemakings will be notice-and-comment proceedings that provide all interested parties the opportunity to participate by submitting comments in response to the Department's regulatory proposals. We will review each and every comment submitted to the rulemaking docket and take into consideration the concerns we receive in drafting the final rule, including concerns about the need for certain exceptions.

QUESTION 7: Drivers will always have distraction in and out of the car. Would you agree that in addition to behavioral laws, we should focus on making roadway infrastructure safety improvements as well? Do we need a comprehensive approach in order to mitigate the driver distraction?

ANSWER: The Department remains committed to a comprehensive approach to mitigating driver distraction that addresses both driver behaviors and roadway infrastructure safety improvements. SAFETEA-LU's Highway Safety Improvement Program provided $5 billion for highway safety infrastructure improvements. Improvements such as the installation of crashworthy barriers mitigate the severity of crashes, including those caused by distractions. Rumble strips installed on shoulders and centerlines can be particularly effective in preventing crashes caused by distracted or drowsy drivers, by alerting drivers when they deviate from their traffic lane.

Question from Representative Dent

QUESTION: Secretary LaHood, in September 2007, the House passed a resolution I introduced recognizing the third week of October as National Teen Driver Safety Week. Having just completed our third Teen Driver Safety Week, I would like to direct the Department of Transportation's attention to the impact distracted driving has on our nation's young people. The Children's Hospital of Philadelphia recently completed a National Young Driver Survey, in which 500 teens were questioned about their driving habits and those of their peers. 48% of the survey's respondents admitted they have talked on cell phones while driving and another 53% have texted while behind the wheel. Like many parents with children approaching driving age, I find these results to be unsettling. However, the survey also revealed that teens with parents who set rules and monitor their driving behavior in a helpful, supportive way are half as likely to be involved in a crash. Teens who are monitored by their parents are also 30% less likely to use a cell phone while driving. Experts from my District working with the Children's Hospital of Philadelphia, the Lehigh Valley Health Network, and AAA East Penn have all conveyed to me that one of the greatest challenges we face in addressing distracted driving among teens is the lack of adequate information about teen driving habits. They believe the development of policy and programs that will be effective must take into account the teen perspective and experience around driving. Does the Department have plans to study and take steps to combat the impact of distracted driving habits on teen driver safety? If so, will the Department specifically address the importance and value of parental oversight?

ANSWER: The Department has several ongoing studies of distracted driving and teens, including two studies authorized by SAFETEA-LU. One study examines the behavioral effect of a new education module specific to the hazards of distracted and drowsy driving for novice teen drivers in rural communities. After study participants complete their driver education courses and receive their driver's licenses, their vehicles will be fitted with a portable data collection system and their driving behavior will be recorded for six months to collect objective data on driver performance specific to distraction and drowsiness.

A second study is evaluating Graduated Driver Licensing (GDL) laws, cell phone laws for younger drivers to reduce distracted driving, as well as a social-norms model awareness campaign to increase awareness of and compliance with GDL cell phone laws. Observations of cell phone use will occur at selected high schools in North Carolina.

I agree that parental oversight is a key factor in ensuring young drivers' safety, and recent research shows that parents play a fundamental but often underappreciated role in determining their children's driving attitudes and behavior. NHTSA employs a three-pronged approach to ensuring teen driver safety, focusing on reducing teen access to alcohol, increasing seat belt use, and a strong graduated drivers' license system. NHTSA recently initiated a demonstration project with the State of Arkansas to develop approaches to encourage parents to take a more active role in enforcing these laws and standards. In addition, NHTSA recently facilitated, in conjunction with numerous representatives of the licensing and driver education community, the development of consensus driver education administrative standards. One of the key areas included in the standards is parental involvement, which stresses the need for parents to take a forceful role ensuring that their children comply with all licensing requirements, including those related to cell phone use. Finally, NHTSA and the American Association of Motor Vehicle Administrators recently completed development of a model driver education curriculum manual, which includes guidelines on both distraction and parental involvement.

The Department has several studies underway to research the effect of parental involvement on teen driver safety. One study focuses on driver education intervention, and will include real-time data collection from in-vehicle video systems. Another study will focus on using a social norming approach and will evaluate the impact of a social norming campaign on compliance with cell phone GDL restrictions.

Testimony by Rep. Carolyn McCarthy
Highways and Transit Subcommittee
October 29, 2009

- Thank you Chairman Peter DeFazio and members of the Subcommittee for holding this hearing and inviting me to testify.

- I commend the Chairman and the members for recognizing the importance of distracted driving in our nation.

- Much like the Department of Transportation's recent Distracted Driving Summit, hearings such as this serve as great opportunities to vet plausible and effective solutions to this growing problem.

- I commend Secretary LaHood for his work in organizing that successful summit.

- Similarly, I commend President Obama, who, in signing an executive order, effectively banned all Federal employees from texting behind the wheel.

- Both initiatives represent important steps toward cultivating safety on our nation's roadways, but fall short of applying these safety precautions to each and every American driver.

- This brings me to why I am here today…

- The dangers of distracted driving are not limited to Federal employees.

- It is a problem that some studies, including one conducted by Virginia Tech University, say can lead to one being 23 times more likely to get into an accident.

- With "smart" devices that provide access to e-mail, text messaging, the Internet and more, individuals are becoming increasingly reliant upon mobile technology in their everyday lives.

- Unfortunately, as these devices continue to evolve and become more affordable, their inappropriate and unsafe use continues to grow as well.

- Almost as rapidly as these devices have developed, so too has hands-free and voice-activated technologies, each of which is designed to give individuals increased mobility and attentiveness while communicating.

- We, as Members of Congress, should seek out ways in which to encourage the use of these technologies in an effort to lower risk throughout our transportation system.

- Recent surveys suggest large majorities, regardless of political affiliation, believe irresponsible use of handhelds behind the wheel should be illegal.

- Most recently, a New York Times/CBS News Poll indicated that 90% of Adults agree that sending a text message while driving should be illegal.

- Our goal should be to facilitate effective changes that keep more drivers' hands on the wheel and eyes on the road.

- H.R. 3535, the ALERT Drivers Act, which I was proud to introduce with my colleague Rep. Nita Lowey, I believe, represents a strong first-step toward combating preventable roadway accidents.

- My bill directs the Secretary of Transportation to establish minimum texting while driving standards of protection that state legislatures must meet, while also allowing states to establish stricter standards as they see fit.

- And much like the laws that established the legal age to consume alcohol and blood alcohol concentration limits for drivers, the bill would withhold a percentage of federal highway funding to states that do not comply.

- The bill has garnered the support of consumers and affected industries to create a solution to distracted driving.

- While some states, including New York, have taken it upon themselves to ban the practice within its borders, others still lack effective and prudent measures to curb this behavior.

- What makes a nationwide ban so important is the fact that distracted driving is a practice that is not isolated within particular states. Moreover, inconsistent laws across our country serve to only confuse and embolden drivers who text and drive.

- Each day that passes without an effective nationwide ban represents a day that drivers and passengers are put at risk.

- Often times, it is the legality of an issue that leads to effective behavioral change.

- For those residents in states that do not ban texting, there is little incentive to encourage people to stop texting aside from an accident itself.

- We, in Congress, have an opportunity to create this law and keep our Federal regulations up to date with evolving technology's unintended dangers.

- It is my hope that through this hearing and others, we can formulate a comprehensive strategy of how best to educate drivers, both young and old, of the dangers of distracted driving and keep them safe.

- Again, I thank Chairman DeFazio for his commitment to this cause, as well as the other members of the Subcommittee for allowing me the time to speak on this important issue.

Submitted to the:

SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
OF THE
U.S. HOUSE OF REPRESENTATIVES
TRANSPORTATION AND INFRASTRUCTURE COMMITTEE

Written Testimony of

THE AMERICAN TRUCKING ASSOCIATIONS

Regarding

"Addressing the Problem of Distracted Driving"

Held on

October 29, 2009

Driving Trucking's Success

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Introduction

Chairman DeFazio, Ranking Member Duncan, and other Members of the Subcommittee, thank you for the opportunity to communicate the American Trucking Associations' (ATA)[1] recommendations on "Distracted Driving."

I am Charles (Randy) Mullett, Vice President of Government Relations and Public Affairs for Con-way Inc. Con-way is a $5 billion freight transportation and logistics company with businesses in less-than-truckload and full truckload freight services, truckload brokerage, logistics, warehousing, supply chain management and trailer manufacturing. Con-way is based in San Mateo, California. Con-way's services are used by some 400,000 customers. Its operations employ over 30,000 people.

It is my pleasure to appear before the Subcommittee today on behalf of ATA. Con-way is a longstanding and active member of ATA, and I currently serve on ATA's Board of Directors and also five of its policy committees.

ATA's membership recognizes that a driver's ability to perform multiple cognitive tasks simultaneously is extremely limited. Our membership realizes that some new technology, particularly, handheld electronic devices, have increased the potential for driver distraction beyond the benefits derived from their use. ATA and its membership is well aware of the results of Virginia Tech Transportation Institute's (VTTI) naturalistic driving study that found that text messaging on a cell phone has an estimated combined crash and near crash risk of 23 times higher than normal.[2]

ATA's comments are directed at the devices that are most problematic—primarily, the use of hand-held electronic devices and the act of reading, writing or sending a text message with such devices while a motor vehicle is in motion. ATA and its member carriers support a a ban on the use of these devices to read, write or send a text message while operating a motor vehicle

Our testimony will address the following:

- What is distracted driving?
- What are the potential consequences of distracted driving?
- How ATA has addressed the distracted driving issue?
- Why restrictions on in-cab fleet communication systems should be considered in a rulemaking process?
- The need for a systematic approach to reduce distracted driving

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[1] ATA is a united federation of motor carriers, state trucking associations, and national trucking conferences created to promote and protect the interests of the trucking industry. Its membership includes more than 2,000 trucking companies and industry suppliers of equipment and services. Directly and indirectly through its affiliated organizations, ATA encompasses over 34,000 companies and every type and class of motor carrier operation.

[2] See VTTI website at http://www.vtti.vt.edu/.

What is Distracted Driving?

Distracted driving can be defined in several ways. One explanation is that a motor vehicle operator's attention is focused on an activity that is not driving related to the point that it has a negative impact on driving performance. Driving is primarily a 360° visual scan of the roadway environment with a focus on the road ahead, performing quick decisions to adjust to changing conditions, and physically making corrections to maintain vehicle control. In other words, driving includes visual, physical and cognitive components. Anything that takes a person's eyes on the road, hands off the wheel and mind off the primary driving task is a distraction.

There are many recognized forms of distracted driving. They include talking on a cell phone, using a cell phone or hand-held mobile device to read or send a text message, eating, reading, reaching for an object in the vehicle, spilling or dropping something, using an audio/visual device, reacting to an unruly passenger, performing personal hygiene, and focusing intently on an activity outside the vehicle. However, ATA believes the most egregious and highest risk driving distraction is the use of a cell phone or other hand-held electronic device to read or send text messages.

What Are the Consequences of Distracted Driving?

Using such devices can produce driver performance errors that can and do lead to tragic consequences. They are:

- More frequent lane departures;
- Drivers staring directly in front of them and not scanning their mirrors or looking for vehicles that may be approaching;
- Impeding traffic by driving slower than the flow, causing other drivers to make lane changes;
- Not using turn signals;
- Using only one hand on the wheel when cornering;
- Not noticing pedestrians or two-wheeled vehicles;
- Running traffic signals or stop signs;
- Maneuvering quickly to make an exit or a turn, or reacting quickly after erroneously entering an exit only lane; and,
- Sudden or lack of braking.

Any of these driver errors can, by themselves or in combination, lead to a serious crash.

How Has ATA Addressed the Distracted Driving Issue?

ATA has been proactively engaged in addressing the distracted driving issue for nearly two years. ATA commissioned a special Safety Task Force in early 2008 to

examine evolving safety issues, and to suggest possible initiatives that would enhance highway safety. ATA's Safety Task Force produced more than 20 recommendations that eventually led to adoption of more than 15 new ATA policies.

One of the safety issues addressed by ATA's Safety Task Force was distracted driving. It became apparent that there was minimal research available on distracted driving pertaining directly to commercial motor vehicle (CMV) drivers. Most of the research involved passenger vehicle drivers. What appeared to be particularly lacking (and in many cases continues to be absent) is research on:

- How many crashes occur because of distracted driving?
- What kinds of distracted driving are most likely to cause crashes?
- How has the addition of electronic devices (integrated and not integrated in vehicles) contributed to driver distraction? Are there offsetting safety benefits of these devices and, if so, under what conditions should these be used?
- Are there devices or systems that could help limit the causes of distraction or produce alerts, if attention is lost?
- What public educational and training efforts have been or could be effective in reducing distractions?
- What company policies have been successful?
- What regulatory/law enforcement measures have proven to be most productive?

In 2008 there was one specific data set of interest to the motor carrier community. The Federal Motor Carrier Safety Administration (FMCSA) noted in their Large Truck Crash Causation Study that internal distraction was an associated factor in 2% of large truck crashes and inattention in 9%. For both large trucks and passenger vehicles, there was a statistically significant link between the associated factors and coding of the critical reason for the crash. Among the 10 associated factors that showed a correlation, inattention was ranked 6th and distraction by object or person inside the vehicle was ranked 10th.[3]

ATA also conducted an opinion survey of its safety committees on the use of non-integrated electronic devices.[4] From the responses of these industry leaders, ATA found that:

- 67% of the respondents had a policy restricting or limiting the use of "portable" electronic devices while driving.
- 86% responded that laws and rules involving such e-devices should apply to all vehicles not just CMVs.
- 65% indicated that research should be conducted prior to enactment of any regulations.

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[3] See FMCSA website http://ai.fmcsa.dot.gov/ltccs/default.asp.

[4] Since it was limited sample focused on interested professional, the survey does not necessarily reflect the motor carrier industry as a whole.

Based on the information at hand, in October 2008 ATA adopted the following policy on distracted driving:

> "ATA supports the safe use of technologies and encourages drivers and/or motor carriers to consider a range of policies and safeguards intended to reduce, minimize and or eliminate driver distractions that may be caused by the increased use of electronic technologies (e.g., global positioning systems, cellular phones, etc.) during the operation of all types of motor vehicles. ATA strongly encourages and recommends that manufacturers of these devices, vehicle manufacturers, policymakers, motor carriers and organizations representing motor carriers and the motoring public promote and adopt awareness, training and safety policies on the use of such technologies–unless required by current laws or regulations– during the operation of a motor vehicle on our nation's highways."

Since development of this policy, ATA has aggressively promoted efforts to reduce distracted driving among CMV drivers and the general public. This has included:

- Active discussion of distracted driving control measures at ATA events.
- Contributing to the National Safety Councils' (NSC) International Symposium on Distracted Driving.[5]
- Advising ATA-affiliated state trucking associations on development of distracted driving legislation.
- Participating with law enforcement (Commercial Vehicle Safety Alliance (CVSA)) in revealing the risk of distracted driving.
- Reviewing new research on distracted driving including the VTTI naturalistic driving study.
- Delivering an educational broadcast in conjunction with CVSA, NSC, and VTTI.
- Taking part in the U. S. Department of Transportation's (DOT) Distracted Driving Summit.

Most recently, and of interest to this Subcommittee, ATA's Executive Committee voted on October 7, 2009 to support the ALERT Drivers Act of 2009 (S. 1536) that would require States to ban the practice of reading, writing or sending a text message on a hand-held mobile device while driving.

Restrictions on In-Cab Fleet Communication Systems Should Be Addressed in Rulemaking

In-cab fleet communication systems have been used in the trucking industry for many years. They provide a cost effective way for trucking companies to maintain contact with their drivers while on the road. These systems allow dispatchers to provide essential pickup, delivery, routing, road closure, emergency traffic conditions, weather

[5] See NSC webpage http://www.nsc.org/resources/issues/dd_int_symposium.aspx.

and other information to drivers so they may perform their jobs safely, effectively, and efficiently.

These systems are used by many carriers and the vast majority of fleets using them have recognized the potential distraction they may cause to drivers if they are fully functional while the truck is in motion. As a result, the majority of fleets have policies and procedures in place to limit their use while the truck is moving. Most fleets use axle-sensors or similar technology that recognize when the truck is moving and automatically blanks the screen of the communications system. As a result, drivers cannot read or write a message. These policies are in place in most fleets for their solo or single drivers.

However, many fleets with in-cab communication systems also have team operations, where two drivers alternate driving the truck. One driver drives while the other driver rests in the sleeper berth compartment of the cab. Team operations are typically used for longer hauls when the delivery of the freight is time-sensitive. In trucking, team operations are even more dependent upon effective communications with the dispatching office. In many fleets, these in-cab communication systems are fully functional while the truck is operating, but it is the non-driving co-driver who is able to communicate with the dispatch department. These instant, over-the-air messaging systems have been a key to improving efficiency in motor carrier freight delivery, and the industry believes their proper use can enhance safety on the highway.

These communication devices offer many advantages to the industry, the public and to highway safety. Because of the special characteristics of in-cab communications and how these technologies are used in the trucking industry today, detailed analysis and public comment is required if restrictions are being considered. ATA recommends that any possible controls and restrictions on their use be handled in a rulemaking process by FMCSA, rather than by legislation.

The Need For A Systematic & ComprehensiveApproach To Reduce Distracted Driving

ATA believes that Congress can help reduce distracted driving. However, legislation alone will not solve the problem. Public attitudes and perceptions will need to change and any legislation will have to apply to all drivers on the highway. Furthermore, the laws that are enacted will need to be accompanied by effective enforcement and tough penalties for violations.

Above all, we need to focus on changing behaviors that lead to distracted driving in a systematic and comprehensive manner by:

- Supporting research, data collection and analysis that reveals the degree and extent of the problem, which will aid policy makers in making decisions;
- Aiding efforts to communicate the need for change;
- Promoting public education and awareness efforts;
- Sponsoring ways to use technology to reduce distractions caused by technology;

- Developing policy and, as necessary, legislation to drive change;
- Supporting tough penalties and providing means to assure strong, effective enforcement; and
- Properly funding the above initiatives.

Summary

ATA supports Congress in addressing the hand-held mobile telephone texting problem. Unfortunately, texting while driving has become socially acceptable and we need strong laws and a systematic approach in order to make it socially unacceptable. We also propose that the DOT rulemaking process should be used to address restrictions on other cell phone use, and any potential restrictions on in-cab communication devices.

ATA believes that:

- The use of hand-held electronic devices and the act of texting with such devices while a motor vehicle is in motion should be banned.
- Distracted driving can be properly defined and the consequences of this problem mitigated.
- Industry can contribute significantly to alleviating distracted driving.
- The efficiency and safety benefits of in-cab communication technologies should not be lost, but they can be reasonably restricted.
- An integrated and systematic approach to distracted driving will be most effective.

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity for ATA to offer its recommendations on how to address distracted driving. We look forward to working with this Subcommittee, Congress, DOT, FMCSA, and other stakeholders to improve the safety and productivity of our Nation's highway transportation system.

Questions for Mr. Randy Mullett
Vice President of Government Relations and Public Affairs
Con-way Inc.
Highways and Transit Subcommittee Hearing
October 29, 2009

Questions from Chairman DeFazio

1. Mr. Mullett, in your written testimony you stated that any legislation to reduce distracted driving should apply to all drivers on the highway. As you know, DOT has announced a rulemaking to ban text messaging and restrict the use of cell phones by truck and interstate bus operators. How does ATA feel about that rulemaking considering it wouldn't apply to all highway users?

ATA welcomes the Department of Transportation's (DOT) announcement that it intends to initiate rulemaking in regards to text messaging and cell phone use. As stated in our testimony we encourage proactive steps to curb inappropriate use of these devices. ATA continues to advocate that such use must be restricted among all users of the public highways, both passenger vehicle and commercial motor vehicle drivers. For this reason, ATA supports a federal law requiring states to enact legislation, applicable to all highway users, to ban text messaging while operating a vehicle.

2. How do carriers ensure that their drivers are adhering to a company policy that restricts the use of mobile devices while driving? Do they check call logs?

Non-compliance is a driver behavioral problem and is difficult for motor carriers to exercise control while their employees are on the road. Steps to help assure compliance with any established policy will vary by company, and may include:

Reinforcement: Performing training, providing media on the hazard of text messaging and cell phone use, or simply asking driver when a call is made to a company facility "Are you on your cell phone?" and then followed up by "Are you driving?"

Monitoring: Using company personnel or special third-party road patrols to spot check drivers' compliance. Some fleets also use "1-800" call services, which provide the public an opportunity to comment on a driver's driving behavior including the misuse of mobile devices.

Technology: Incorporating new advances in system design that restricts the use of communication devices, while the vehicle is motion.

Discipline: Encouraging change in driver behavior through progressive enforcement measures including the potential of termination.

3. In your written testimony you mentioned that ATA believes industry can contribute significantly to alleviating distracted driving. What specifically can industry do to contribute?

The trucking Industry can assist by:

- *Establishing and enforcing employee policies that ban or restrict the use of specific mobile devices that can be distracting.*
- *Encouraging and working with manufacturers of mobile and in-cab devices to produce devices that limit the potential of distracted driving.*
- *Aiding researchers in the conduct of field studies regarding distractive driving.*

- *Reaching out to employee's families through promotional campaigns aimed at distracted driving.*

- *Working as part of like-minded coalitions to support appropriate legislative or regulatory initiatives.*

4. In his testimony, Mr. Strassburger of the Alliance of Automobile Manufacturers (AAM) noted guidelines that AAM has developed to address essential safety aspects of driver interaction with visual-manual interfaces. These guidelines address product design, use, and installation to maximize "eyes on the road" by the driver – such as "proper positioning of displays close to the driver's normal line of sight" to allow a driver to continue to watch the roadway. Given the prevalent use by truck drivers of in-cab fleet communication systems, have ATA member companies or truck manufacturers developed similar standards or guidelines?

The Federal Motor Carrier Safety Regulations (49 CFR 393.60) already require devices not to be mounted to obstruct driver's view of road and highway signs and signals through the windshield, more than 6 inches below the upper edge of the windshield, more than 4.5 inches above the dash, and in the viewing area swept by windshield wiper blades.

There have also been long standing and published recommended practices concerning location and operation of instruments and controls in motor truck cabs, such as Society of Automotive Engineers J680 and ATA's Technology and Maintenance Council's (TMC) RP 401B. TMC is also currently balloting a engineering recommended practice, "Driver Communications Interface", to help minimize driver distraction from on-board communications equipment using electronic driver displays for wireless communications.

As for steps taken by industry, ATA members have increasingly asked truck manufacturers and suppliers to reduce the potential for in-cab systems to be a distraction to the driver when driving. Leading suppliers of after-market in-cab fleet management systems have responded by applying design best practices for in-motion user interfaces that allow for only critical information to be available when driving, allowing the driver to maximize keeping eyes on the road. In about half of the units that have been deployed, the devices have a separate display and keyboard configuration, which allows for installation of the display unit at eye level. The devices are fixed and non-fixed and are not mounted in the viewing area restricted by regulation. This may include mounting on the dash to ensure drivers keep their eyes primarily on the road and enable scanning of the driving environment. The trend will be for in-cab fleet communications systems to use displays designed into the dash by truck manufacturers using human factors engineering best practices.

Since proper installation of in-cab equipment is already a regulated subject and an issue that is being addressed by industry, any proposed revisions regarding maintenance of a driver's view should be open to public comments and a topic of the DOT rulemaking.

5. Are voice-activated in-cab communications technologies available today? Are these widely used among trucking companies? What is the cost difference between the voice-activated communications systems to receive dispatch and other information versus more standard models that require a driver to read and type on a screen?

Voice-activated devices may be standard, optional or even unavailable in currently used trucks. This is dependent upon the equipment supplier and device.

Today's new systems are adding the capability to access information through a text to speech interface that allows the driver to listen to messages. Some devices allow drivers to listen to turn by turn directions, dispatches and other email messages with the costs of these features bundled in the overall product cost.

Devices that allow audible commands by a driver are not readily available in today's marketplace. Voice activation features for driver initiated messages is more challenging given the noise in an in-cab truck environment. To install a microphone and software in day-cabs and over the road vehicles, which filters noise from the background sounds, could be several hundred dollars in cost and maintenance. Such devices as "blue tooth" could possibly be used for audible commands if proper consideration is given to the noise level in a driving environment.

The nature of trucking operations generally requires that drivers have timely access to critical information from their home office for dispatching updates and routing directions. The ability to use voice-activated systems in accessing this information should be part of the DOT rulemaking.

6. A recent study by FMCSA found that a driver who interacts with or looks at a dispatching device is 10 times more likely to be involved in what the study termed a safety-critical event (crashes, near crashes, and lane departures) than if they were not interacting with the device. This seems to be a significant problem. Would ATA support limitations on the use of such devices unless they are completely voice activated?

ATA supports the safe use of dispatching devices. ATA believes that that further research, study, and public input is needed prior to controlling the use of dispatching devices while the vehicle is being driven. More consultation will be required with the equipment providers to determine available and future options for in-cab application and appropriate equipment specifications. Voice-activation may prove to be such an option. Detecting the vehicle in motion could be another. Discovery of what will be practical should be an element of the DOT rulemaking.

7. You mentioned in your written testimony that most in-cab communications technologies have the ability to recognize when a truck is moving and automatically blank out the screen of the communication system, limiting drivers from reading or writing a message. In such instances, how do drivers receive essential communications from dispatchers?

Newer systems are configurable either as an option or as part of the standard equipment.

Late models of these systems can sense the vehicle is moving and lock the use of the keyboard or touch screen, while the vehicle is in motion. Incoming messages may be received and stored in background processes that are not visible to the driver and cannot be read until the vehicle is stopped.

Another option is a screen blanking approach. These systems typically provide a message waiting light which, in some implementations, flash when an urgent message is received. Screen blanking has its limitations. Drivers need to pull off the road to read their messages, which is inefficient and has other potential safety and cargo security risks (changing lanes, using exit/access ramps, parking on the shoulder, exposure to theft or damage to sensitive cargo, etc.).

Since there is current variability in product design and selection, ATA supports a full and open discussion of these issues in an upcoming DOT rulemaking.

8. Your written testimony also mentioned that for team drivers, the automatic blank out is often not turned on because the "non-driving co-driver is able to communicate" with a dispatcher. In team driving situations, as you point out, the non-driving driver is supposed to be resting in the sleeper berth of the cab. Are the communications devices in the front part of the cab or the sleeper berth? If they are in the sleeper berth, does that affect a driver's ability to get adequate rest?

As stated previously in Question 4, the communications devices are mounted in the dash area in keeping with Federal regulations and industry recommended practice. With some equipment, the monitor can be turned to face the passenger seat, or the sleeper berth compartment, and the

keyboard has a lengthy cable that may allow it to be used by a driver who has acquired rest but is still relaxing in a sleeper berth compartment.

As the device allows, audio functions can be turned off or down to avoid possible disruption of a resting driver, while using the sleeper berth. When a team driver is in the passenger seat, or in the sleeper berth resting but not sleeping, he or she can respond to the occasional message that may be transmitted from dispatch and retrieve any stored notices that needs to be downloaded. This is a practice in the industry which has been safely used for years.

ATA shares the Subcommittee's concern about drivers having the ability to gain proper rest while using sleeper berths. Sleeper berth usage provides solo and team drivers valuable opportunities for sleep and rest. A rational return to greater flexibility in use of the sleeper berth for rest breaks would provide drivers even more reasonable periods of beneficial rest.

9. Your testimony stated that texting while driving has become "socially acceptable". What methods do you believe have the potential to be successful in reversing this type of attitude?

ATA believes a multi-faceted approach should be undertaken that includes all elements of the Selective Traffic Enforcement Program model:

- *Continued research and data collection that reveals to the public the degree and extent of the problem including actual rate of crash occurrences;*
- *Passage of strong, primary enforcement laws with stiff penalties;*
- *Public education efforts including public service announcements focused on how and why the law will be enforced;*
- *Visible and regular enforcement "waves," and*
- *Subsequent, straightforward communications to the public on the results of the enforcement efforts.*

Alliance OF AUTOMOBILE MANUFACTURERS

STATEMENT

OF

THE ALLIANCE OF AUTOMOBILE MANUFACTURERS

BEFORE THE:

SUBCOMMITTEE ON
HIGHWAYS AND TRANSIT

OF THE

COMMITTEE ON TRANSPORTATION & INFRASTRUCTURE
U.S. HOUSE OF REPRESENTATIVES

OCTOBER 29, 2009

PRESENTED BY:

Robert Strassburger
Vice President of Vehicle Safety & Harmonization

Thank you, Mr. Chairman and members of the Subcommittee. My name is Robert Strassburger and I am Vice President of Vehicle Safety and Harmonization at the Alliance of Automobile Manufacturers (Alliance). The Alliance is a trade association of eleven car and light truck manufacturers including BMW Group, Chrysler Group LLC, Ford Motor Company, General Motors Company, Jaguar Land Rover, Mazda, Mercedes-Benz, Mitsubishi Motors, Porsche, Toyota and Volkswagen. The Alliance members consider safety to be a top priority.

Alliance members implement cutting–edge technology as a part of our efforts to prioritize safety in vehicle designs. We are committed to advancing motor vehicle safety and we take concerns about driver distraction seriously. From program initiation, we engineer new vehicle systems taking into consideration how these systems will be used in the real-world driving environment. We design these systems to help drivers perform their primary task – safely operating their car or truck which includes helping them to keep "eyes on road."

The most recent and comprehensive studies involving real world driving experiences – such as Virginia Tech's "100 Car Study" demonstrate that visual distraction is the primary concern when driving. In that study, looking away from the road scene for extended periods was found to be the principle contributor to crashes and near misses. There is also significant research that shows hands-free technology provides a safer alternative to hand-held cell phones and texting devices because it keeps drivers' hands on the wheel and eyes on the road.

Recent polling data suggest that drivers will be more likely to obey hand-held bans if they are given the option of using a safer alternative -- hands-free technology. We are concerned that overly-broad bans of advanced communications technologies and features in the name of reducing driver distraction will not improve real world safety, but simply force drivers to use hand-held devices surreptitiously. Therefore, we support improving safety with a realistic and workable solution that combines prohibiting hand-held texting and calling with encouraging the development and use of hands-free, voice-activated technologies.

Alliance members have long recognized that in-vehicle information and communications systems – also known as telematics systems – have the potential to distract drivers if not properly designed. For nearly a decade, Alliance members have worked to ensure that vehicle-integrated telematics systems are designed to help drivers keep their eyes on the road.

Challenged by NHTSA, the Alliance initiated development of its Driver Focus – Telematics Guidelines in July 2000. The first full iteration of the Guidelines was completed in early 2002 at which time Alliance members committed to NHTSA to engineer new vehicle telematics systems in accordance with the Guidelines. The Guidelines are now in their third iteration and the Alliance is committed to updating them or developing new modules as scientific understanding of driver behavior continues to evolve.

The Guidelines are a "best practices" document that addresses essential safety aspects of driver interaction with visual-manual interfaces. They consist of 24 principles that address the design, use, and installation of telematics systems with the goal of maximizing "eyes on road." The Guidelines provide criteria and verification procedures for use by automotive manufacturers and telematic device manufacturers during product development. Each individual Guideline has associated with it:

- Rationale
- Criterion / Criteria
- Verification Procedure(s)
- Examples (as appropriate)
- Cites to supporting peer-reviewed research

The 24 guidelines are divided into five groups:

- Installation (5 Principles)
- Information Presentation (4 Principles)
- Interactions with Displays and Controls (6 Principles)
- System Behavior (3 Principles)
- System User Information (6 Principles)

The Guidelines assume manufacturers will follow rigorous process standards when developing telematics systems. Let me highlight two key principles:

- *Principle 1.4 – Addresses the positioning of visual in-vehicle telematics displays*
  The proper positioning of displays close to the driver's normal line of sight allows drivers to continue to monitor the roadway peripherally while looking at the display.

- *Principle 2.1 – Sets visual demand limits*
  Eyes-off-road time is limited because functions or features must not exceed specified visual demand or driving performance criteria.

The Guidelines are just one example of how Alliance members build and sell cars every day, cars that are safer than they have ever been. We take the information learned through research and design new and ever safer products to the market. Let's look at the numbers, and I realize that they do not tell the whole story, but they are important to review.

Motorists in the United States have never been safer. In 2008, the nation recorded its lowest traffic fatality rate: 1.28 fatalities per 100 million vehicles miles traveled. Some of this decline is a result of a reduction in vehicle miles traveled, or VMT. But not all of it. Traffic fatalities actually fell three times more than VMT. The reasons are clear – more people are using their safety belts, traffic laws are being enforced, and automakers are equipping vehicles with more advanced safety technologies.

Further reducing traffic fatalities will require a cooperative effort of vehicle manufacturers, government and non-government stakeholders to address each element of vehicle safety including roadway infrastructure, driver behavior and vehicle design.

Every day the industry is engaged in high-tech research and implementation of new safety technologies with real-world safety benefits, such as autonomous braking systems and vehicle safety communications systems for crash avoidance. Automakers are working on important safety advancements right now that rely upon wireless communications. For example, wireless communications serve as the backbone for many new safety technologies including

automatic crash notification, road hazard notification and real-time road navigation. Additionally, future technologies such as the Department of Transportation's IntelliDrive program will rely heavily on vehicles sharing information through wireless communications. So what should be our roadmap from here?

First, we need appropriate laws with high–visibility enforcement. The Alliance supports a ban on hand-held texting and hand-held calling, while driving, to accelerate the transition to more advanced, safer ways to communicate. The Alliance supports the use of a texting ban like those that have been proposed by Representative McCarthy and Senator Schumer to combat unsafe behavior, and is working with Congress and other stakeholders to ensure that the legislation passed allows for innovative technologies to be included on the cars of the future.

Second, we need consumer education so that drivers know that, even with the cutting-edge technology found in today's cars – driving distractions remain a risk. Not just hand-held texting and hand-held calling, but eating, drinking, searching for a CD – anything that prolongs a driver's "eyes off road" presents a risk.

Finally, we need continued research so that we can further understand driver behaviors and to evaluate alternative means of addressing the concern.

This three-pronged approach has worked for 0.08 blood alcohol limits and "Click it or Ticket" safety belt usage campaigns. It can work here as well if we all work together.

So in conclusion, ban hand-held texting and hand-held calling while driving, but don't sever the wireless link to cars, which is the backbone of future safety technologies.

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Alliance OF AUTOMOBILE MANUFACTURERS

December 18, 2009

The Honorable Peter A. DeFazio
Chairman
Subcommittee on Highways and Transit
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Rep. DeFazio:

Re.: "Addressing the Problem of Distracted Driving" Hearing (October 29, 2009)

This responds to your letter dated December 2, 2009 requesting the Alliance's response to questions for the record to the above referenced hearing. Enclosed is the requested response.

Sincerely,
Alliance of Automobile Manufacturers, Inc.

Robert Strassburger
Vice President
Vehicle Safety and Harmonization

Enclosure

cc: Jeff Schnobrich

ALLIANCE OF AUTOMOBILE MANUFACTURERS, INC.
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
"ADDRESSING THE PROBLEM OF DISTRACTED DRIVING"
OCTOBER 29, 2009
RESPONSE TO QUESTIONS FOR THE RECORD

Q. Mr. Strassburger, your written testimony cited the Virginia Tech study that points to visual distraction as the primary concern when driving. Has your association considered the role that cognitive distraction, which Mr. Ulczycki of the National Safety Council believes is the primary concern, might play in traffic crashes and fatalities? Is there any possibility of considering cognitive distraction the next time you update your Driver Focus Guidelines?

A. Role of Cognitive Distraction. Yes, the Alliance has previously considered and continues to consider the potential role of cognitive distraction in crash causation. Crash data trends, epidemiological research, and recent "naturalistic" driving studies continue to indicate that visual–manual distractions are a key contributor to crash and near–crash involvement. On the other hand, real–world conversations (the form of cognitive distraction of instant interest) do not appear to increase crash risk. These results, taken from real–world sources, are at variance with laboratory and simulator studies that do not incorporate important factors such as driver individual differences, driver choice and compensatory mechanisms present when immersed in real traffic conditions. Specific concerns with two of the most often cited studies are explained below.

A number of different research methodologies have been used to evaluate changes in driving performance due to distraction from a variety of secondary (non–driving) tasks. Some studies have utilized volunteer drivers in driving simulators, and others have used instrumented vehicles on test tracks or on public roads. In others, "naturalistic" real world driving behavior has been examined using in–vehicle cameras and other monitoring equipment to record drivers' behavior during every day, routine driving over a prolonged period of time (e.g., the Virginia Tech 100-Car Study)[1].

Unfortunately, the studies that the NSC has chosen to rely upon are of questionable validity and relevance to real world driving and their findings have not been confirmed with the real world data. The Alliance and other organizations acknowledge that driver distraction is a very complex issue and that it is challenging to determine how the results of various laboratory experiments relate to the real world experience. Further research and study are needed to better understand this relationship. However, the one indisputable area of agreement is that manual texting (a visual–manual task) should be banned, while driving.

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[1] Dingus, T. A., Klauer, S.G., Neale, V. L., Petersen, A., Lee, S. E.,Sudweeks, J., Perez, M. A., Hankey, J., Ramsey, D., Gupta, S.,Bucher, C., Doerzaph, Z. R., Jermeland, J., and Knipling, R.R. (2006). "The 100-Car Naturalistic Driving Study: Phase II – Results of the 100-Car Field Experiment" (Technical Report No. DOT HS 810 593). Washington, DC: U.S. Department of Transportation National Highway Traffic Administration.

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To explain our differences in opinion, further explanation of the research is required. It is our understanding that the NSC appears to base its claim that, *"It is this loss of brain function devoted to driving and the resulting inattention blindness that cause us so much concern,"* on two research studies. One study cited by the NSC involved brain scan imagery research that was conducted by Carnegie Mellon University[2]. This study examined brain activation using functional Magnetic Resonance Imaging (fMRI) to determine the impact of auditory language comprehension (i.e., listening, not speaking) associated with what was described as a *"simulated driving task."* However, the methods used in the Carnegie Mellon study call into serious question its validity and relevance to real world driving. The study participants were not driving a real car or even a vehicle simulator; they were playing a video game with a "track–ball" mouse. A deliberately challenging (winding) course was created for the video game and was fixed at an apparent travel speed of 42 mph so that test participants could not slow down or brake. Unlike real–world driving where lane drifts are visually detected by lane line crossing and then corrected, in this study *"...the program prevented the vehicle from leaving the road but recorded each time it made contact with the boundaries of the road as a road–maintenance error."* (Just et al., 2008, p. 78). The study participants were told in the driving–only condition to focus their complete attention to the video game "driving" task but in the dual–task condition, they were told that responding to the questions was as important as the video game "driving" task. They did not respond to the questions by voice but instead pressed "True" and "False" buttons with the hand that was not manipulating the mouse or trackball used for steering (i.e., the 'driving' hand). Separate from these methodological concerns regarding the study's validity, one must question the applicability of the overall findings when participants are asked to ponder something as innocuous as whether it is true or false that *"Botany is a biological science and it deals with the life, structure, and growth of plants?"* (Just, et al., 2008, p. 78). This Carnegie Mellon research did not include cell phones or even simulated vehicle driving nor did their research allow the participant to choose to not provide an answer because both tasks were of equal importance – further complicating the ability to understand the relevance of this research to the real world.

The other study often cited by the NSC involved experimental studies conducted at the University of Utah[3] using a driver training simulator[4]. In this study, test subjects – on different occasions – drove

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[2] Just, M. A., Keller, T. A., and Cynkar, J. (2008). A decrease in brain activation associated with driving when listening to someone speak. *Brain Research, 1205*, 70-80.
[3] Strayer, D. A., Drews, F. A., and Crouch, D. J. (2006). A comparison of the cell phone driver and the drunk driver. *Human Factors, 48*, 381-391.
[4] Driving training simulators are less useful in measuring behavioral change than driving research simulators that allow for better scenario construction and measurement.

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controlled routes on the training simulator under three conditions; normal driving, while using a cell phone, and after being dosed with alcohol calculated to reach a blood alcohol concentration (BAC) of 0.08 % wt/vol. Test subjects were engaged in natural conversations based on *"previously established subjects of interest"* while driving a simulated freeway scenario for 24 miles. It should be noted that that Dr. Key Dismukes of NASA, in his presentation at the U.S. Department of Transportation's Distracted Driving Summit stated that attentional absorption in a secondary (non–driving) task is maximized when the task is (a) of personal interest, (b) highly emotional, (c) difficult, or (d) novel. How well the conversations used in the University of Utah research match those typically found in real world driving merits further research, but at present do not appear to be representative of real–world risks.

Laberge–Nadeau et al. (2004)[5] conducted a large–scale epidemiological study using two cohorts (over 36,000 drivers), roughly half of whom used cell phones while driving and half of whom did not. The study found that the relative risk of being involved in at least one crash in a given year was approximately 1.38 for those in the cell phone user group versus the non–user group. This estimate is far-lower than the NSC's preferred epidemiological estimate of 4.3 and much closer to recent estimates from "naturalistic" research. The Virginia Tech 100–Car Study findings further validate that: (1) listening/talking on a cell phone has a risk ratio of 1.3 (statistically non-significant) which is significantly lower than the effects found in the Utah simulator and (2) the University of Utah study findings are not generally replicated in the real world.

As far as the Alliance has been able to determine, the elevated crash risk postulated by these brain scan imagery and simulator–based studies cannot be found in the real–world empirical data. Although at times an excellent tool to study the effects of secondary (non–driving) tasks on driving performance, there currently is no well established method for correlating the results of simulator–based studies to crash data or even real world driving situations. Indeed, a report recently published by the U.S. Department of Transportation's National Highway Traffic Safety Administration's concluded that *"it is virtually impossible to use experimental results to predict real – world risks associated with different secondary tasks ... the ultimate safety effects of new in–vehicle technologies cannot be known until the technologies are used in real–world driving, and data pertaining to drivers' willingness to engage in secondary tasks are obtained."*[6] Further, at the USDOT's Distracted Driving Summit, Dr. Ann Dellinger of

[5] Laberge-Nadeau, C., Maag, U., Bellavance, F., Lapierre, S., D., Desjardins, D., Messier, S., and Saidi, A. (2003). Wireless telephones and the risk of crashes. *Accident Analysis and Prevention, 35*, 649-660.
[6] Ranney, T. A. (April, 2008). *Driver distraction: A review of the current state of knowledge* (Technical Report No. DOT HS 810 787). Washington, DC: U.S. Department of Transportation National Highway Traffic Safety Administration.

the CDC stated observational studies such as Virginia Tech's 100–Car Study are the closest approximation to real world driving and that driving performance is degraded more in simulator–based studies than on public roads. The Virginia Tech 100–Car Study quantifies the relative crash/near–crash risk of non–driving tasks using real world driving data. As both Dr. Dellinger and Dr. Ranney noted, in real world driving, drivers engage in secondary (non–driving) tasks selectively, according to conditions then existing in their driving environment.

Several other "naturalistic" studies substantiate the far greater role that visual–manual distraction plays in elevating crash risk. The recently completed heavy truck "naturalistic" driving study with 735,000 miles of driving also conducted by Virginia Tech[7] clearly demonstrates the dangers of manual texting when driving (a visual–manual task) while also finding that cognitive workload due to conversation does not increase crash risk significantly.

Young and Schreiner's analysis of 3 million drivers making 91 million cell phone calls with an embedded, hands–free system found the risk of a crash when in a hands–free call was less than or equal to the risk when not engaged in a hands–free call[8]. If cognitive distraction is a significant precursor of crashes, then data from this extremely large sample should have provided some indication of increased crash involvement, but it did not.

Data from the University of Michigan Transportation Research Institute (UMTRI) conducted Field Operational Test on road departure warning systems similarly found a 'benign' effect for cell phone conversations during driving concluding that: *"... this study demonstrates the importance of conducting such a naturalistic study, as controlled studies cannot always account for the effects of driver choice and perceived risk."*[9]

In summary, laboratory (including simulator) studies can be used to assess the nature and relative impact of secondary (non–driving) task workload on driver performance measures such as reaction time, lane position, following distance and speed and other parameters. However, without extensive work

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[7] Olson, R., L., Hanowski, R. J., Hickman, J. S., and Bocanegra, J. (September, 2009). *Driver distraction in commercial vehicle operations* (Technical Report No. FMCSA-RRR-09-042). Washington, DC: U.S. Department of Transportation Federal Motor Carrier Safety Administration.

[8] Young, R. A., and Schreiner, C. (2009). Real-World Personal Conversations Using a Hands-Free Embedded Wireless Device While Driving: Effect on Airbag-Deployment Crash Rates. *Risk Analysis, 29* (2), 187-204.

[9] Sayer, J. Devonshire, J., and Flanagan, C. (2007). Naturalistic driving performance during secondary tasks. *Proceedings of the Fourth International Driving Symposium on Human Factors in Driver Assessment, Training and Vehicle Design*, 224-230.

correlating the impact of changes in these measures to real world driving performance, they cannot be used as a direct indicator of increased crash risk. The findings from "naturalistic" studies – such as the Virginia Tech 100–Car Study, the Virginia Tech heavy truck driver distraction study, the UMTRI Field Operational Test assessment of secondary (non–driving) task, and other studies – provide the best estimates of actual risk even though the specific estimates may be further refined as better data becomes available such as that which is likely to result from the NHTSA–sponsored and Alliance–supported Strategic Highway Research Program 2 (SHRP2) "naturalistic" driving study that is scheduled to begin in June 2010[10]. This on–road research effort will collect approximately 5,000 vehicle–years of "naturalistic" driving data, greatly enhancing our understanding of driver behavior in the real world driving environment.

Updating the Alliance Driver Focus–Telematics Guidelines. The Alliance's Driver Focus–Telematics Guidelines were last revised in June 2006. This revision reflects research findings known to the Alliance through 2005. The Alliance recently completed a review of the June 2006 revision and determined that the research conducted over the course of the last four years was consistent with the criteria and methodologies in the June 2006 Guidelines. Most importantly, the Alliance remains committed to further evolving its Guidelines as research warrants.

Q. Your testimony mention DOT's Intellidrive program, which focuses on information being shared wirelessly between vehicles, and between vehicles and infrastructure. Do you see promise in this program for helping to bring information to drivers in a safe manner?

A. As part of their basic design processes, Alliance members consider how the systems that they integrate into their vehicles will be used in the driving environment with one of the goals being to optimize interactions with the driver and avoid distractions. This includes such commonplace instruments such as the speedometer as well as new radar and laser–based technologies (i.e, "driver assist" systems) that have been introduced such as adaptive cruise control, lane departure warning and blind spot warning systems. The IntelliDrive℠ Dedicated Short–Range Communications (DSRC) operating at 5.9 GHz offers the potential to wirelessly link these systems to other vehicles or the infrastructure to expand the detection range and available information resources to drivers. While wirelessly linking these systems should not increase the potential to distract drivers, attention needs to be given to the manner in which driver notification methodologies are developed. Alliance members are

[10] http://onlinepubs.trb.org/onlinepubs/shrp2/NDSFAQ.pdf

participating in collective, public–private efforts to develop and evaluate the technologies and associated policies that are encompassed by the IntelliDrive℠ Initiative, which include specific plans to evaluate and address the driver–vehicle interfaces for such technologies, including distraction mitigation. The UMTRI research referenced in response to the question above is representative of the research being conducted to ensure that "driver assist" systems help drivers perform their primary task which is the safe operation of their motor vehicle.

Testimony by John Ulczycki
Group Vice President - Research, Communications & Advocacy
National Safety Council

before the
Subcommittee on Highways and Transit
Committee on Transportation and Infrastructure
United States House of Representatives Hearing

"Addressing the Problem of Distracted Driving"

October 29, 2009

Chairman DeFazio, Ranking Member Duncan, and Members of the subcommittee, thank you for affording me the opportunity to speak here this morning about the dangers of distracted driving and the use of cell phones while driving. I am John Ulczycki, Group Vice President of Research, Communications and Advocacy for the National Safety Council, a Congressionally chartered nonprofit organization with 95 years of service to our nation preventing injuries and deaths at work, in homes, communities, and on the roads.

The National Safety Council has been working to reduce deaths and injuries resulting from motor vehicle crashes for nearly all of those years. I appear before you today about the serious issue of distracted driving. Earlier this year, the National Safety Council became the first national organization to call for bans on all cell phone use while driving. I would like to explain why we believe cell phones are in a special category of distractions and require special attention and legislation banning their use in motor vehicles.

Our nation has made significant progress in recent years in making our roads safer. Countermeasures such as primary seat belt laws that have contributed to a substantial increase in seat belt use, effective enforcement of stronger impaired driving laws, expansion of graduated driver licensing for teen drivers, and moving children to back seats away from air bags, have all individually had significant impact on reducing injuries and deaths. In addition, greatly improved vehicle safety, including air bags, anti-lock brakes, vehicle structures and stability control technology, have had an impact. Our roadways are also greatly improved in recent years with safety engineering improvements, such as lane departure rumble strips. The scientific evidence available related to each of these actions tells us that these initiatives by themselves, should have each contributed to reductions in the number and frequency of crashes, and the number and rate of injuries and deaths.

The national fatality rate is at an all-time low, due in part to all of these improvements and a significant reduction in miles travelled due to the depressed economy. An eight percent decline in the fatality rate last year and a seven percent decline through the first six months this year are encouraging signs and welcome news. However, with all of the significant safety efforts that have been implemented this decade, we expected to see even greater reductions in crashes, injuries and deaths.

We believe there are other factors at work in our society that are counter-acting the even more significant positive gains we should have seen. We believe cell phone use is one of the most significant. Over the last decade, wireless phones have grown to occupy an important part of our lives. More than 270 million people have cell phone subscriptions in the U.S. today. Eighty percent of adults admit to talking on cell phones while driving. We estimate that there are 100 million people in the U.S. who engage in this risky behavior at one time or another. NHTSA reported in October that on any given day, more than 800,000 vehicles are being driven by someone using a hand-held cell phone. It is unknown how many more are driving while using hands-free devices.

How risky is it to talk on a cell phone while driving? Research from more than 75 peer-reviewed studies has shown that using phones while driving is dangerous. Research using epidemiological methods, performed by scientists associated with the Insurance Institute for Highway Safety, has reported that the use of cell phones while driving increases the risk of a crash by a multiple of four. There was no difference in the risk for drivers using hand-held or hands-free devices. .

There are three principal distractions associated with cell phone use while driving that accounts for this risk. A person talking on a cell phone while driving may experience a visual distraction if they take their eyes off the road. They may have a mechanical distraction if they take their hands off the wheel. Research from the Virginia Tech Transportation Institute, using naturalistic study methods, has defined the significant risks associated with taking one's eyes off the road and hands off the wheel. These two distractions are very involved with activities like texting and emailing. In fact, VTTI has reported that professional truck drivers involved in texting in one study were 23 times more likely to be in a crash. Clearly, texting is of great concern.

The third cause of distraction -- cognitive distraction associated with phone conversations -- is also of great concern to us. Cognitive distraction results from the need for our brains to be involved, at the same time, in both driving and a conversation with a remote person. It is the conversation with a person not in our driving environment that is the source of the problem. Research has shown that the impact of conversations with a person physically seated next to you are very different than one on a cell phone. Brain scan imagery from research at Carnegie Mellon University shows that up to 37% of the brain that should be engaged in driving is lost while talking on a cell phone. Experimental studies at

the University of Utah have further measured the specific risk of cognitive distraction, showing that drivers on cell phones fail to see up to half of the information in the driving environment that people not on cell phones recognize. It is this loss of brain function devoted to driving and the resulting inattention blindness that cause us so much concern.

There is broad agreement among most in the scientific and safety communities that hands-free devices do not significantly reduce the risks associated with phone conversations while driving. More than 30 research studies have compared the differences between hand-held and hands-free phones. These studies have consistently shown no safety benefit from hands-free devices. Hands-free devices do not remove the risk of cognitive distractions associated with cell phone conversations.

In addition, research at Virginia Tech Transportation Institute has reported the effects of people handling hands-free devices to dial and manipulate devices while driving. VTTI researchers have concluded that taking one's hands off the wheel to use conventional hands-free devices carries increased risk rather than providing a safety benefit.

There are many things that can distract motorists from their primary duty to operate their vehicles safely. Studies have placed the risk of cell phone use to be greater than common in-car activities like eating, drinking, listening to or adjusting the radio, and inserting a CD. These activities distract drivers' attention briefly and divert hands and eyes, but they generally do not pose significant distractions to the drivers' brains, or they occur for very short durations.

Is talking on a wireless device the most dangerous thing we could do while driving? Probably not. Research from experimental and naturalistic studies has reported that activities like reading, putting on makeup, turning around in the drivers' seat, or reaching for a moving object are briefly more dangerous than talking on a cell phone. These activities take a driver's hands off the wheel, their eyes off the road and their brain off of driving.

However, all distractions are not the same when it comes to causing crashes. With 100 million people admitting that they engage in cell phone conversations, an activity that makes them four times more likely to be in a crash, statistical analysis suggests that cell phone conversations are the leading distraction-related cause of crashes.

Fortunately, we do not have 100 million people reading newspapers, putting on makeup, or reaching for objects in the back seat for hours every day while driving. And at least for now, we don't have that many texting or emailing while driving. So while these are higher risk activities, they occur less frequently and for shorter durations. Because fewer people are doing them for shorter periods

of time, we believe they lead to far fewer crashes than do cell phone conversations.

Earlier this month, the National Highway Traffic Safety Administration reported that distracted driving was involved in nearly 6,000 traffic deaths last year and more than a half million injuries. Our analysis suggests cell phone conversations are the single largest contributor to those injuries and deaths.

So how do we address this issue? We know from our experience, working with the automotive industry and the insurance industry to increase seat belt use, that changing the behaviors of the American motoring public requires leadership, research, education, legislation and enforcement. It would be wonderful if we could simply educate our way out of this problem. However, the knowledge we have of how to change human behavior suggests otherwise.

Today, more than 90% of Americans acknowledge in public opinion polls that they know that talking on a phone while driving is risky. Yet 80% of them admit doing it. People are aware of the risks of cell phone use while driving, yet they are choosing to do it any way. Making more people aware of the risks will not change their behavior. Education is important to be sure, but there is no evidence that asking risk-takers to change their own risky behavior has ever had much of an effect. Years of traffic safety education programs have taught us the unfortunate axiom that education, by itself, does not change behavior. The most effective education to change behavior is education about enforcement. "Click it or Ticket" and "Drunk Driving: Over the Limit, Under Arrest" are not just clever slogans. They are research-based educational messages tied to the enforcement of specific laws. These kinds of educational messages, tied to enforcement of laws, do work in changing behavior.

For many years, seat belt use in this country was below 50%, despite millions of dollars spent on awareness advertising. Beginning in the 1980s, laws began to be passed requiring seat belt use. Slowly, belt use began to increase. In 1995, seat belt use was 61% when the National Safety Council began working with the automotive and insurance industries to promoting high visibility enforcement and "Click it or Ticket". Since that time, national seat belt use has increased and stands at 84% today. What we learned from the Air Bag and Seat Belt Safety Campaign was that strong laws, visibly enforced, are the most effective method to change unsafe behavior on our roads.

Law enforcement agencies around the country have already begun developing and deploying enforcement models for cell phone laws. We look forward to working with them to develop effective enforcement strategies and to show that bans on cell phone use can be effective in increasing compliance with laws and reducing crashes, injuries and deaths. As we consider what kind of laws would be most effective in addressing this issue, we note some areas of strong agreement in the scientific and safety communities.

There is a high degree of recognition that teens are the most at-risk group owing to their driving inexperience and their greater propensity to use mobile devices while driving. Thus, we believe there is significant support for laws banning the use of cell phones by young, novice drivers. We also believe there is strong consensus that texting is a high-risk activity and there appears to be a growing consensus that texting ought to be banned. We certainly support such legislation. We will continue to communicate with all legislators -- state and Federal -- that total bans, vigorously enforced -- represent best practices in safety. We know from research that when traffic safety laws are vigorously enforced, compliance improves and crashes are reduced.

We believe there is general agreement among most in the scientific community that conventional hands-free devices do not reduce the risk. Some research ties the risk to cognitive distraction, while others tie it to the manual dialing and handling of hands-free devices. The bottom line is we see no evidence in the peer-reviewed scientific literature that suggests conventional bluetooth-type hands-free devices provide any safety benefit. The only way we can see any benefit from laws that allow hands-free devices is if these laws cause people to reduce the amount of time they are on the phone while driving. We see no significant evidence that these laws have done that.

It should be noted there are a few organizations who do not agree with the overwhelming body of evidence that cell phone conversations represent a dangerous cognitive distraction. These claims, principally led by researchers at the Virginia Tech Transportation Institute, are based on a few naturalistic studies that fail to measure cognitive distraction, observe only a small number of police-reported crashes, and do not account for risk exposure.

The NSC advises this Committee to carefully examine claims of researchers that are inconsistent with the larger body of published, peer-reviewed studies. We think all research methods are important, but each method has significant limitations. In evaluating any issue, the NSC believes the best practice is to focus on the convergence of scientific evidence from all credible sources and methods, and to assess the strengths and weaknesses of each.

We believe that an objective review of the entire body of research leads to a conclusion that phone conversations while driving -- hands free or hand held -- pose a significant crash risk. We urge the Congress to take action to enact strong laws banning cell phone use of all kinds. We also urge the Congress to support research to quantify the number of people who are being injured and dying from hand-held and hands-free cell phone conversations.

While no legislature has yet enacted a total ban on all cell phone use while driving, many employers have done so. The National Safety Council has 20,000 member organizations that employ more than 8 million people at 55,000 work

places across the nation. More than 460 of our member companies have established policies that prohibit all use of cell phones by employees while on company business, or when using company-owned cell phones or vehicles. These policies cover an estimated 1.5 million employees.

These organizations with bans include several cities, one of the nation's largest trucking companies, large companies with thousands of sales and delivery people, and small businesses. These organizations would not accept their employees operating machinery in their factories or distribution centers in a manner that makes them more likely to be injured, and they don't accept it when their employees are operating machinery on roads either. They also do not want to accept the liability that comes with allowing employees to do their jobs in an unsafe manner that puts themselves and others at risk. Whether you are operating a piece of machinery in a factory or on the highway, one's full attention must be focused on the task at hand and not diverted by a phone conversation.

Even the National Transportation Safety Board has looked at the evidence and enacted a total ban for its staff on cell phone use while driving, including hands-free conversations. We urge the Congress, as employers, to implement total cell phone bans while driving for yourselves and for your staffs to reduce your risk of injury and that of the people who share the roads with you.

Early reports from organizations that have implemented bans indicate that productivity, customer service and profitability are not affected by cell phone policies. Most importantly, employees are safer because they are not engaging in high-risk activities while driving.

Using cell phones while driving has become part of our culture. Changing this part of our culture will not be easy. It will take leadership, research, education, legislation and visible enforcement. But it must be done. There is no phone call, email or text message that is worth a human life.

Thank you again for the opportunity to discuss this important issue. I am happy to take your questions.

Making our World Safer

December 16, 2009

The Honorable Peter A. DeFazio
Chairman
Subcommittee on Highways and Transit
Committee on Transportation and Infrastructure
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman DeFazio,

I am pleased to provide my responses to two questions for the record, following my testimony at the "Addressing the Problem of Distracted Driving" Subcommittee Hearing on October 29. I appreciate the opportunity to respond to these questions.

In my testimony, I referred to "more than 30 studies" that compared the effects of hands-free and hand-held phones on drivers. These studies have consistently reported no benefit to hands-free devices. Please see Attachment A.

The second question relates to my statement that cell phone conversations are the leading cause of distraction-related crashes. The question provided paraphrases my comments. For clarification, I did not say that cell phone conversations represent a majority of distracted driving-related fatalities. From my written testimony to the Committee:

> "However, all distractions are not the same when it comes to causing crashes. With 100 million people admitting that they engage in cell phone conversations, an activity that makes them four times more likely to be in a crash, statistical analysis suggests that cell phone conversations are the leading distraction-related cause of crashes.
>
> Fortunately, we do not have 100 million people reading newspapers, putting on makeup, or reaching for objects in the back seat for hours every day while driving. And at least for now, we don't have that many texting or emailing while driving. So while these are higher risk activities, they occur less frequently and for shorter durations. Because fewer people are doing them for shorter periods of time, we believe they lead to far fewer crashes than do cell phone conversations."

The National Safety Council estimates that 25% of all crashes can be attributed to drivers engaged in cell phone use. Our estimate of the involvement of text messaging in crashes is between 3% and 18% of crashes. These estimates are based on statistical analysis of two components: relative risk of the activities and prevalence of drivers engaging in the activities.

Prevalence
The National Occupant Protection Use Survey (NOPUS) found that in 2008, 11% of drivers are using hand-held or hands-free phones in any typical daylight moment (National Center for

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Statistics and Analysis, 2009). By comparison, NOPUS reported 1% of drivers in a typical daylight moment are visibly manipulating hand-held devices. Text messaging is only one of several types of activities included in the category of "visibly manipulating hand-held devices". Therefore; it is assumed that text messaging is being performed at any daylight moment by less than or equal to 1% of drivers. In our detailed statistical analysis, a range of 0.5% to 1.0% is used.

Relative Risk

A large body of research has addressed the risk of talking on a cell phone while driving (McCartt et al., 2006), but the risk associated with text messaging is not yet as well researched. Two epidemiologic studies have directly linked talking on a cell phone to a 4x increased crash risk. One study that correlated cell phone records and crash reports found a four-fold increase in the risk of a property-damage crash associated with cell phone use (Redelmeier and Tibshirani, 1997) and another study found a fourfold increase in the risk of a crash serious enough to injure the driver (McEvoy et al., 2005). The increase in crash risk did not differ significantly between male and female drivers or between younger and older drivers. The increased risk was similar for hand-held and hands-free phones.

Comparable epidemiologic studies investigating the crash risk associated with text messaging have not yet been conducted. One naturalistic study of truck drivers shows text messaging contains a 23x increased risk (Olson et al., 2009). However, several methodological issues limit the applicability of this finding. First, it is not known if the risks experienced by truck drivers, the study population, can be generalized to the driving public. Second, the relative risk estimates developed in this study include factors other than just crashes such as near-crashes, crash-relevant conflicts, and unintentional lane deviations. Because the risk estimate includes factors other than crashes, using it to estimate the number of crashes is problematic.

A simulator-based study has also assessed the risks of text messaging while driving (Strayer, Unpublished). This study of college students in a computer simulated driving environment found that text messaging increased the risk of crashes eightfold. Because this study is based on computer simulations versus the actual driving environment, and because the study is limited to young drivers, the applicability of this finding is also limited. Because of the stated limitations of both studies, no one risk level can as yet be established for text messaging. Instead, we use a risk range of 8x-23x to derive crash involvement.

Statistical Analysis of Prevalence and Risk

The percent of crashes that are attributable to either cell phones or text messaging is estimated using the prevalence and risk estimates presented above. With 11% of the driving public at any daylight moment using cell phones at a 4x increased risk, approximately 25% of all crashes can be attributed to cell phone use. Using the same technique, a range of text messaging crash percent estimates is provided below representing a selection of likely prevalence levels and high and low risk level estimates.

Percent of Crashes Attributable to Text Messaging

Percent Prevalence	Relative Risk	
	8x	23x
0.5%	3%	10%
0.6%	4%	12%
0.7%	5%	13%
0.8%	5%	15%
0.9%	6%	17%
1.0%	7%	18%

As shown in the table above, the percent of crashes attributable to text messaging ranges from a low of 3% to a high of 18%.

Conclusion
Although the relative risk of text messaging is substantially higher than for cell phone conversations, the percent of crashes attributable to cell phone conversations is much higher than for text messaging. This is due to the significantly greater number of people engaged in phone conversations than in text messaging. This analysis by the National Safety Council shows that cell phone conversations account for 25% of crashes, compared to 3%-18% of crashes for text messaging.

McCartt AT, Hellinga LA, Braitman KA. (2006) Cell Phones and Driving: Review of Research. Traffic Inj Prev, Vol. 7, pp. 89-106.

McEvoy SP, Stevenson MR, McCartt AT, Woodward M, Haworth C, Palamara P, Cercarelli R. (2005) Role of Mobile Phones in Motor Vehicle Crashes Resulting in Hospital Attendance: A Case-Crossover Study. Br Med J doi:10.1136/bmj.38537.39512.55 (published 12 July 2005).

National Center for Statistics and Analysis, (2009) Driver electronic device use in 2008. Traffic Safety Facts Research Note (DOT HS 811 184). Washington, DC: National Highway Traffic Safety Administration.

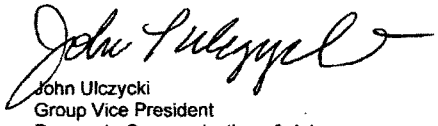
Olsen RL, Hanowski RJ, Hickman JS, Bocanegra J. (2009) Dirver distraction in commercial vehicle operations (FMCSA-RRR-09-042). Washington, DC: Federal Motor Carrier Safety Administration.

Redelmeier DA, Tibshirani RJ. (1997) Association between Cellular-Telephone Calls and Motor Vehicle Collisions. N Eng J Med, Vol. 336, pp. 453-458.

Strayer D, (2009) accepted for publication in Human Factors.

Thank you very much for the opportunity to testify before the Subcommittee. I look forward to continuing our important work in preventing the devastating injuries and deaths caused by distracted driving.

Sincerely,



John Ulczycki
Group Vice President
Research, Communications & Advocacy

Attachment A

First Author	Additional Author Name(s)	Year	Title	Key findings
Abdel-Aty, M.	–	2003	Investigating the relationship between cellular phone use and traffic safety.	Results show that there is no significant difference between using a hands-free versus a handheld cellular phone, though both were related to significantly higher error rates than baseline. Lane deviation and crossing the median were significantly more likely to occur than other errors. Crashing and failing to stop were significantly less likely to occur than other errors. Also, the distraction related errors did not end with the termination of the phone call. Drivers with higher citation rates and lower levels of experience tended to make more errors while driving and using a phone. Drivers with higher levels of cellular use had fewer errors while on the phone.
Alm, H	Nilsson, L.	1994	Changes in driver behaviour as a function of handsfree mobile phones—a simulator stud	Findings showed that a mobile telephone task had a negative effect on reaction time and led to a reduction of the speed level. In the condition where drivers had to perform the hard driving task, findings showed that a mobile telephone task had an effect only on the drivers' lateral position. Finally, the mobile telephone task led to an increased workload for both the easy and the hard driving task.
Alm, H.	Nilsson, L.	1995	The effects of a mobile telephone task on driver behaviour in a car following situation	A mobile telephone task had a negative effect upon the drivers' choice reaction time, and that the effect was more pronounced for the elderly drivers. Furthermore, the subjects did not compensate for their increased reaction time by increasing their headway during the phone task. The subjects' mental workload, as measured by the NASA-TLX, increased as a function of the mobile telephone task. No effect on the subjects' lateral position could be detected
Beede, K.E.	Kass, S.J.	2006	Engrossed in conversation: the impact of cell phones on simulated driving performance.	Performance was significantly impacted in all four categories when drivers were concurrently talking on a hands-free phone. Performance on the signal detection task was poor and not significantly impacted by the phone task, suggesting that considerably less attention was paid to detecting these peripheral signals. However, the signal detection task did interact with the phone task on measures of average speed, speed variability, attention lapses, and reaction time.
Brace, C.L	Young, K.L., Regan, M.A.	2007	Analysis of the literature: The use of mobile phones while driving	Using a cell phone can distract drivers visually, physically, and cognitively. The distraction caused by talking on a cell phone, regardless of HH or HF application, impairs drivers' ability to maintain appropriate speed, throttle control, and lateral position of the vehicle. It can also impair drivers' visual search patterns, reaction time, and decision-making process.
Brookhuis, K.A.,	De Vries, G., De Waard, D.,	1991	The effects of mobile telephoning on driving performance.	Results showed no difference in workload between handheld and hands free. With both types, there was a significant decrease in changes in lateral positioning while on phone. Subjects checked the rearview mirror significantly less often while phoning. Reaction time to brake increased (though not significantly) on the phone. Reaction time to speed variations and heart rate increased significantly. If subjects had to dial the number manually, a substantial effect on steering wheel amplitude was apparent. No differences were found by age. Distraction is not inhibiting at the operational level, but at the tactical level. - Eventual recommendation that hands free is better (though this is not really supported).
Caird, J.K.	Willness C.R., Steel, P., Scialfa, C.	2008	A meta-analysis of the effects of cell phones on driver performance	This is a comprehensive meta-analytical study of the effects of cell phone use on driving performance based on a total of 33 independent inquiries. Handheld and hands-free phones produced similar reaction time decrements. A mean increase in reaction time of .25 sec. was found for all types of phone-related tasks. Drivers using either phone type do not appreciably compensate by giving greater headway or reducing speed.
Charlton, S.G.	–	2008	Distractive effects of cellphone use.	Driving performance suffered during cell phone use as compared with in-car passenger conversations and no-conversation controls in terms of speed, reaction times, and avoidance of road and traffic hazards.
Cooper, P.J.	Zheng, Y., Richard, C., Vavrik, J., Heinrichs, B., & Siegmund, G.	2003	The impact of hands-free message reception/response on driving task performance.	The results clearly showed a negative impact of the message task on driver decision-making performance when this involved the more complex tasks of weaving and especially left-turning. Such decision-making decrements in the presence of the messages were exacerbated by adverse pavement surface conditions. The overall effect of the messages in the case of the traffic signal task (long trigger) was to produce a more conservative response on the part of subject drivers. But when the driving task moved away from the familiar and towards the more demanding, the effect of the cell message intervention on driver performance changed. In the more critical short-trigger weave situation (short spaces between targets), drivers decelerated less when the messages were playing than they did under the no-message condition. They thus made significantly less speed adjustment and ended up going substantially faster through the weave maneuver than they did when not exposed to the messages. The Time to Collision was shorter (less safe) when subjects were listening/responding to messages. ☺
Horrey, W.J.	Wickens, C.D.	2006	Examining the Impact of Cell Phone Conversations on Driving Using Meta-Analytic Techniques	This is a meta-analytical study based on a total of 23 independent inquiries. Hands-free and handheld phones revealed similar patterns of results for both measures of performance. Conversation tasks tended to show greater costs than did information-processing tasks.
Ishigami, Y.	Klein, R.M	2009	Is a hands-free phone safer than a handheld phone?	Talking on the phone, regardless of phone type, has negative impacts on driving performance especially in detecting and identifying events. Performance while using a HF phone was rarely found to be better than when using a handheld phone. Drivers may compensate for the deleterious effects of cell phone use when using a HH phone but neglect to do so when using a hands-free phone.
Lamble, D.	Kauranen, Laakso, Summala	1999	Cognitive load and detection thresholds in car following situations: safety implications fo using mobile (cellular) telephones while driving	The results indicated that drivers' detection ability in a closing headway situation was impaired by about 0.5 s in terms of brake reaction time and almost 1 s in terms of time-to-collision, when they were doing a non-visual cognitive task whilst driving. This impairment was similar to when the same drivers were dividing their visual attention between the road ahead and dialing series of random numbers on a keypad.

Attachment A

First Author	Additional Author Name(s)	Year	Title	Key findings
Lui, B.-S.	Lee, Y.-H.	2005	Effects of car-phone use and aggressive disposition during critical driving maneuvers.	Analysis of task performance revealed a mean correct rate of 90% for addition tests in the laboratory, however, this decreased to 87.5% in city traffic and 75.8% at intersections. The mean (SD) response time for these addition tests was 3.8 (1.9) s in the laboratory, 4.5 (1.9) s in city traffic, and 5.6 (2.4) s at the intersections. These results confirm the notion that the combination of decision making and car-phone communication at signalized intersections increases accident risk. This study has examined compensatory behavior as drivers attempt to reduce workload. Driving speed while passing through green lights and simultaneously performing addition tests was 6.4% lower (45.1 km/h) than in normal driving. This indicates that drivers adjust their speeds to keep subjective perception of risk levels constant. When they respond to a red light, distraction causes drivers to react later, to compensate, drivers brake harder.
Lui, B.-S	Lee, Y -H.	2006	In-vehicle workload assessment: effects of traffic situations and cellular telephone use.	Analysis of task performance revealed that mean response time was markedly increased (11.9%) for driving on urban roads compared to motorways. The mean driving speed only decreased 5.8% in the presence of phone tasks in comparison to normal driving without distractions. In addition, overall physiological workload increased through compensatory behavior in response to the phone tasks.
Matthews R.	Legg, Charlton	2003	The effect of cell phone type on drivers subjective workload during concurrent driving and conversing	All phone types resulted in significantly higher ratings than of workload than control including mental demand, physical demand, temporal demand, performance, effort, and frustration. Intelligibility was lower than the HH phone for the HFS, but not the HFH. Significant difference were found in physical demands between the HH and HF phones, and frustration between HH and HFS versus HFH phones. No significant differences between the phone types were found for mental demand, temporal demand, performance, or effort.
McEvoy, SP.	Stevenson, M. R., McCartt, A. T., Woodward, M., Haworth, C., Palamara, P.,	2005	Role of mobile phones in motor vehicle crashes resulting in hospital attendance: A case-crossover study.	Mobile phone use within the period during and up to 10 minutes before the estimated time of the crash was associated with a fourfold increase in the likelihood of crashing. Similar results were obtained when we analyzed only the interval up to 5 minutes before a crash. Analyses with paired matching to compare the hazard interval with an equivalent single control interval also showed significant associations between mobile phone use and the likelihood of a crash. Sex, age group, or type of mobile phone did not affect the association between phone use and risk of crash. In particular, both hand held and hands-free phone use while driving was associated with increased risk.
Nilsson, L	Alm, H.	1991	Effects of mobile telephone use on elderly drivers' behavior - including comparisons to younger drivers' behavior	Cell phone conversation had a negative impact on reaction time for both older and younger drivers. Cell phone use was associated with a reduction in speed and increased variation in lateral position. Drivers' mental workload increased when driving was com
Parkes, A.M	Hooijmeijer, V.	2001	Driver situation awareness and carphone use.	Drivers who talked on a HF cell phone showed slower reaction time, particularly at the beginning of the conversation, and reduced awareness of surroundings compared to drivers who were not using a cell phone.
Patten, CJD	Kircher, A., Östlund, J , & Nilsson, L.	2004	Using mobile telephones: Cognitive workload and attention resource allocation.	Participants' reaction times to LED increased significantly when conversing but there was no significant difference between hands-free and hand-held units (45% increase in the complex conversation). Increasing the complexity of the conversation significantly increased reaction time for both phone types. Accuracy of peripheral detection was significantly lower for both phone types versus baseline. HH usage lead to lower means speeds while HF usage was associated with increases in mean speed.
Rakauskas, M.	Gugerty, L. & Ward, N J.	2004	Effects of cell phone conversations on driving performance with naturalistic conversation	HF cell phone use caused participants to have higher variation in accelerator pedal position, drive more slowly with more variation in speed, and report a higher level of workload regardless of conversation difficulty level.
Ranney, T.	Watson, G., Mazzae, E.N., Papelis, Y.E., Ahmad, O.,	2004	Examination of the distraction effects of wireless phone interfaces using the National Advanced Driving Simulator-Preliminary report on freeway pilot study	There were no statistically significant differences between drivers using HF and HH on the driving performance outcome measures. HH phone use was associated with fastest dialing times and fewest dialing errors.
Redelmeier, DA	Tibshirani, RJ	1997	Association between cellular-telephone calls and motor vehicle collisions.	cell phone use is associated with an increased risk of property-damage-only collision compared to no cell phone use
Rosenbloom, T.	–	2006	Driving performance while using cell phones: An observational study.	There were no statistically significant correlations between drivers' self-reported driving disturbance and actual disturbances in speed and gap keeping, thus they were not aware of their performance decrements. Speed was not significantly different when drivers were on the phone versus not on the phone. However, safe gap keeping diminished significantly while drivers were on the phone.
Strayer, D L.	Drews, F.A.	2003	Effects of cell phone conversations on younger and older drivers.	Cell phone use in simulated driving slowed braking reaction time by 18%, increased following distance by 12%, had no impact on speed, and increase speed recovery time by 17% compared to driving only.
Strayer, D.L.	Drews, F.A., & Johnston, W.A.	2003	Cell phone-induced failures of visual attention during simulated driving	Use of a HF cell phone degrades driving performance compared to control conditions. Cell phone conversations increased braking reaction time and impaired both explicit recognition and implicit perceptual memory.
Strayer, D.L.	Drews, F.A.	2004	Profiles in Driver Distraction: Effects of Cell Phone Conversations on Younger and Older Drivers	Drivers distracted by competing activities (i.e. cell phone conversation) demonstrated poor ability to control their speed and following distance. Cell phone use was associated with a two-fold increase in the number of rear-end collisions.
Strayer, DL	Drews, Crouch	2006	A Comparison of the Cell Phone Driver and the Drunk Driver.	HH and HF cell phone cause similar levels of impairment in driving performance. When drivers were talking on either a HH or HF phone, their braking reactions were delayed and they were involved in more crashes than when they were not talking on a cell pho

Attachment A

First Author	Additional Author Name(s)	Year	Title	Key findings
Strayer, DL	Johnston, WA	2001	Driven to distraction: Dual-task studies of simulated driving and conversing on a cellular telephone.	HH and HF both showed significant increases in reaction time but there were no differences found between decrements for HH versus HF. Probability of missing the simulated traffic signal doubled when subjects were on the phone. Response time slowed significantly for both, but was slower when ss were talking than when they were listening. Gender and age did not contribute to differences.
Törnros, JEB	Bolling, AK	2005	Mobile phone use--Effects of handheld and handsfree phones on driving performance.	Use of HH and HF phone increased mental workload (peripheral detection), lateral position deviation due to dialing, decreased lateral position deviation due to talking. Talking on a HH phone reduced speed (compensatory effect?).
Treffner, P.J.	Barrett, R.	2004	Hands-free mobile phone speech while driving degrades coordination and control	While talking on a cell phone, drivers demonstrated brake initiation that was temporally closer to the corner than when not using the phone. During the conversations, drivers had to employ a higher degree of late deceleration resulting in a harsher style of braking. Under conversation, there was a later onset of mediolateral g-forces, which suggests a delayed or slower anticipatory response under critical conditions such as obstacle avoidance.
Uno, H	Hiramatsu, K.	2000	Effects of auditory distractions on driving behavior during lane change course negotiation-estimation of spare mental capacity as an index of distraction.	Speed control deteriorated when the driver's mental capacity decreased below a certain level (6-7 bits/s) due to an auditory arithmetic task that was communicated via headphones.
Young, K	Regan, M	2007	Driver distraction: A review of the literature.	Results showed that although the physical distraction associated with handling the phone can present a significant safety hazard, the cognitive distraction associated with being engaged in a conversation can also have a considerable effect on driving. Indeed, studies have found that conversing on a hands-free phone while driving is no safer than using a hand-held phone

WRITTEN STATEMENT OF
EDWARD WYTKIND, PRESIDENT
TRANSPORTATION TRADES DEPARTMENT, AFL-CIO

BEFORE THE
HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTE ON HIGHWAYS AND TRANSIT
ON
ADDRESSING THE PROBLEM OF DISTRACTED DRIVING

October 29, 2009

On behalf of the Transportation Trades Department, AFL-CIO (TTD) I want to thank the Committee for the opportunity to testify on the need to address the problem of distracted driving. TTD consists of 32 affiliated unions representing workers in all modes of transportation, including those employed in transit, over-the-road bus, school bus operation, passenger vehicle transportation and emergency response.[1] The consequences of distracted driving confront our affiliated unions and their members on a daily basis, and we understand the need to improve safety in the operation of motor vehicles. There is no question that more must be done to combat distracted driving, including limiting the use of communication devices. As Congress and regulators move forward in this effort, they must also recognize the role that mobile communication devices play in the transportation sector. When limits or bans are imposed on the use of communication devices the workplace for our members changes, and any rules must reflect this reality. It is therefore necessary that clear policy govern the use of communication devices for transportation workers. Specifically, workers need access to phones for emergency situations, first responders must continue to be able to use communication devices when appropriate, and any implemented reforms must recognize that for many of our members the commercial or passenger vehicle is their workplace.

At the outset, let me state clearly that no one wants to improve the dangerous situation faced by motorists more than the men and women who spend their days driving for a living. Our members see firsthand the disturbing consequences of distracted driving, and we understand and agree with the experts about the dangers presented by this issue. To that point, I would like to commend Secretary LaHood and the Department of Transportation for raising awareness about motorist safety through their national Distracted Driving Summit. I would like to commend this Committee for subsequently holding this hearing. And finally, I would also like to thank Chairman Deborah Hersman and the National Transportation Safety Board for their continued vigilance on this issue and other problems facing our transportation system. Together, these efforts suggest an important new direction for and commitment to addressing the issue of distracted driving.

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[1] Attached is a complete list of TTD affiliated unions.

Transportation Trades Department, AFL-CIO
888 16th Street, NW • Suite 650 • Washington, DC 20006 • tel: 202.628.9262 • fax: 202.628.0391 • www.ttd.org
Edward Wytkind, President • Patricia Friend, Secretary-Treasurer

For too long, our roadways have been plagued by unnecessary accidents and deaths. In 2008, more than 37,000 lives were lost and an estimated 5,811,000 accidents occurred.[2] Even more tragically, many of these deaths and accidents may have been preventable. Although there is spirited debate about certain aspects of distracted driving, the scientific literature is relatively clear: the use of electronic devices presents very real dangers to the driving public. With the massive popularity of telecommunication devices – especially cellular phones and other wireless handheld devices – growing exponentially, these dangers are only likely to increase. In the interest of attending to these concerns as expeditiously and thoughtfully as possible, we believe that a ban on text messaging and the use of handheld phones is warranted for all motor vehicle operators. However, it is also essential that any decision strike the correct balance between safety and the needs of affected workers.

In a world of increasing innovation and telecommunication dependence, curbing the use of cellular phones raises a host of issues that requires attention. In our industry, where work is inherently mobile, communication devices can be necessary for work purposes and even serve a role in furthering safety. It is important that any laws or regulations meant to improve safety include the concerns of workers and ensure that motor vehicle operators are allowed to carry communication devices when necessary and allow for their use where appropriate.

An area of potential concern for transportation workers is emergency situations. Mobile phones and other such devices are necessary tools for enhancing safety. We believe it is important that motor vehicle operators be able to carry a telecommunication device for emergency needs and not be penalized for using them when appropriate. As the mere presence of this hearing suggests, our roadways are too dangerous and accidents are an unfortunate reality of daily travel. Because of the sheer time commercial motor vehicle operators spend on the road, they are often witness to numerous accidents, and at times are either the first or only person able to alert the authorities. With safety in mind, it would be neither practical nor safe to prohibit workers from using their cell phones in these emergency situations. Additionally, it is important that workers are safeguarded from punishment in intervening properly in the event of an emergency. This requires some clarification of critical terminology. As just one example, it is necessary for regulatory purposes that we properly define the term "operation" relative to a vehicle. For bus drivers, a running motor is essential for everything from keeping their passengers heated during inclement weather to ensuring they can resume their schedule. Clearly, a bus that has stopped but requires heat for its passengers should not, for purposes of distraction or potential penalty, be considered "operational." I am sure other such definitional matters will arise, and it is important for transportation workers that clear and decisive language is used in any regulation.

Meanwhile, if we truly wish to prevent distraction among transportation workers, the unique situation of the transportation workforce must be considered. Employees in many other sectors of the economy can utilize a phone for occasional personal use and for family emergencies – such as attending to the needs of a sick child or speaking to a doctor. However, the ability of transportation employees to use mobile devices is limited by the nature of their work, and the

[2] National Highway Traffic Safety Administration, Traffic Safety Facts: 2008 Data.

steps we are discussing today would further limit their access. In the case of motor vehicle operators, the only location for communication is their vehicle. While we recognize that this may not solely be resolved through legislation or regulation, it is nonetheless important that when bans or limits on mobile communications are implemented, workers are provided time to use cell phones while not operating their vehicle. If we fail to address this issue, employees may be tempted to utilize a phone during inopportune moments – creating precisely the type of distraction we wish to counteract.

Additionally, these perilous economic times are forcing many employers in transportation to cut back on communication equipment, like two-way radios, under the presumption that employees will use their personal cell phones for essential work duties. In this situation, employees are put in a bind between employer expectations and government policy. Clearly, any punishment for such behavior should rest with the employer.

Sustainable transportation safety is dependent on clarity. We do not want to create policies that have the unintended consequence of diminishing safety. The current problems bedeviling school bus drivers are instructive of the dangers a rash and ill-defined cellular ban can have for workers. Although many states ban cell phone use by bus drivers, they are careful to provide an exemption for emergency use, provided the driver is stopped and off the bus. But at the same time, other policies expressly prohibit bus drivers from leaving the bus entirely, even in the event of an emergency. This contradictory policy has sown confusion among drivers as to when they are legally allowed to use a phone in an emergency situation, and if and when they may disembark the vehicle. Creating confusion in emergency situations – especially when children are involved – is dangerous, counter-productive and representative of bad public policy. This is precisely why we urge clarity and careful examination of the issues that will be impacted when bans on communication devices are imposed and insist that an employee voice is included in the development of attendant regulations.

Another area of concern for transportation employees is the use of non-personal communication devices and other work-related technologies that may create driver distraction. Due to the inherent separation of employees from their work headquarters, motor vehicle operators are often required to be dispatched by citizens' band radio, global positioning devices and other electronic technologies. Although the research on the degree of distraction created by these technologies is currently the subject of debate, if legal or regulatory bans were to include such devices we believe enforcement actions should be directed at employers, not employees. Using a device at the behest of an employer, especially under duress, should not place a worker in violation. In addition, many operators must program and listen to automated voice technology systems that require constant monitoring and potential reprogramming in the event of a malfunction. As we look to address distracted driving, we believe these concerns merit further examination.

For firefighters and paramedics, the use of electronic devices, including cell phones and personal digital assistants are integral to their success and efficiency. These men and women deal with the tragedies that unfold on our highways and streets everyday and want nothing more than to help reduce these needless accidents and deaths. Electronic devices allow an incident commander to make critical demand decisions en route to an emergency and dispatchers to direct

paramedics to variable accident locations. Without these devices, first responder work would be hamstrung and the full benefits of an aggressive approach to distracted driving might be jeopardized. Even seemingly intermediary steps, like the proposed ban on text messaging, would have negative consequences. Volunteer firefighters, who often work in combo-teams or cross-county efforts with their professional counterparts, are dispatched via electronic devices. Their response time, and more importantly the ability of the fire service to protect the public, could be severely hurt without the use of communication devices.

Transportation labor has always supported policies that improve the safety of our roadways and the entire transportation network. We understand and recognize the dangers presented by driver distraction and support efforts to mitigate its effects. We also believe that creating a sustainable solution to distracted driving will require an acknowledgment of the pervasive influence of telecommunication devices in the transportation industry and the relevant concerns of transportation workers regarding the use of such devices. We look forward to working with this Committee, the Administration and other stakeholders to combat distracted driving.

Thank you again for the opportunity to share the views of transportation workers.

TTD MEMBER UNIONS

The following labor organizations are members of and represented by the TTD:

Air Line Pilots Association (ALPA)
Amalgamated Transit Union (ATU)
American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers (AFT)
Association of Flight Attendants-CWA (AFA-CWA)
American Train Dispatchers Association (ATDA)
Brotherhood of Railroad Signalmen (BRS)
Communications Workers of America (CWA)
International Association of Fire Fighters (IAFF)
International Association of Machinists and Aerospace Workers (IAM)
International Brotherhood of Boilermakers, Blacksmiths, Forgers and Helpers (IBB)
International Brotherhood of Electrical Workers (IBEW)
International Federation of Professional and Technical Engineers (IFPTE)
International Longshoremen's Association (ILA)
International Longshore and Warehouse Union (ILWU)
International Organization of Masters, Mates & Pilots, ILA (MM&P)
International Union of Operating Engineers (IUOE)
Laborers' International Union of North America (LIUNA)
Marine Engineers' Beneficial Association (MEBA)
National Air Traffic Controllers Association (NATCA)
National Association of Letter Carriers (NALC)
National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)
National Federation of Public and Private Employees (NFOPAPE)
Office and Professional Employees International Union (OPEIU)
Professional Aviation Safety Specialists (PASS)
Sailors' Union of the Pacific (SUP)
Sheet Metal Workers International Association (SMWIA)
Transportation · Communications International Union (TCU)
Transport Workers Union of America (TWU)
United Mine Workers of America (UMWA)
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW)
United Transportation Union (UTU)

October2009

January 12, 2010

The Honorable Peter DeFazio
Chairman
House Subcommittee on Highways and Transit
2165 Rayburn House Office Building
Washington, DC 20515

Dear Chairman DeFazio:

Thank you for the opportunity to testify before the Highways and Transit Subcommittee on October 29, 2009. Attached please find my response to your written follow-up questions for submission to the hearing record.

If you should have any other questions or concerns regarding my testimony or TTD's policies on distracted driving, please contact me.

Sincerely,

Edward Wytkind
President

Attachment

Transportation Trades Department, AFL-CIO
888 16th Street, NW • Suite 650 • Washington, DC 20006 • tel: 202.628.9262 • fax: 202.628.0391 • www.ttd.org
Edward Wytkind, President • Patricia Friend, Secretary-Treasurer

Mr. Wytkind, do most transit and over-the-road bus operators have a way to communicate an emergency without a cell phone?

Most transit and over-the-road bus operators have access to two-way radios that enable communication in the event of an emergency; however, some small rural and demand response transit operations may not have similar access. Nonetheless, across-the-board, these devices are notoriously unreliable and prone to malfunction, often requiring workers to use other means for emergency communication. In the interest of safety, workers should, at a minimum, have the ability to access cellular phones as backup devices for emergency use.

Some operators have already accounted for this reality. Following the tragic events of September 11, 2001 Greyhound distributed cell phones – pre-programmed with emergency numbers – to all drivers.[1] The phones enable workers to expeditiously respond to emergencies and are integrated into the company's overall security protocol.

Recently, a Greyhound bus driver represented by ATU local 1700 used a cell phone for precisely this type of situation. After a passenger went into insulin shock, the driver used his cell phone to call the authorities who met the vehicle at the nearby Delaware Memorial Bridge to administer treatment. If not for the prompt actions enabled by a cell phone, this routine emergency may have had more serious consequences.

Your written testimony focused on the need for cell phone access in case of emergencies. Do you believe that the need to have allowable cell phone access for emergencies outweighs the need for undistracted driving during the course of regular driving? Isn't it unlikely that someone would be penalized or punished for using a cell phone in a true emergency, even if there was some kind of ban?

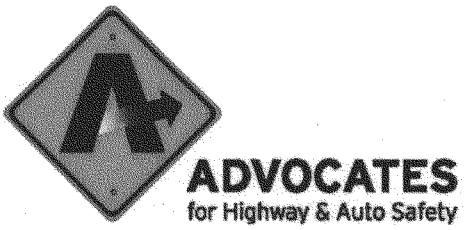
We do not believe access to a cell phone should outweigh the safety goals of preventing driver distraction. In our testimony, we did not suggest that emergency cell phone use take precedence over roadway safety, nor do we advocate such a policy today. To the contrary, we believe that a harmonious balance between preventing distracted driving and allowing cellular phone use for emergency purposes is both possible and beneficial. Cell phones are an inescapable reality today, and it is not practical to assume that workers will not use these devices in emergency situations. In fact, the legislation that addresses driver distraction in the 111th Congress provides for an emergency exemption for communication devices from proposed bans.[2]

Additionally, transit employees often work alone in their vehicles and have uninhibited contact with the public and minimal, if any, security protecting them or their passengers from criminal attacks. Assaults on transit operators are all-too-common and create a dangerous environment for workers, passengers and other vehicles. The U.S. Congress recognized the unique workplace circumstances of transit work in the *USA Patriot Act*, codifying stiff penalties for interfering with and endangering transit operations. Similarly, more than 20 states have adopted legislation

[1] "Greyhound Announces Additional Security Processes," October 31, 2001. Greyhound Lines, Inc.
[2] See S. 1536, S. 1938, H.R. 3535 and H.R. 3994

increasing penalties for assaulting transit workers. The fact remains that a cell phone may be a transit workers last line of defense for diminishing attacks and maintaining passenger composure while also providing a reliable means for alerting authorities.

Finally, it is our sincere hope that workers will not be unfairly sanctioned for using a cell phone during a true emergency. However, we know that some employers have used sound policy rules as a means to target specific employees. There is no reason to believe cell phone bans could not be likewise manipulated for this purpose. Moreover, all policies, no matter their intention, are vulnerable to imperfect outcomes. It is for these reasons that we urge clarity in the implementation of any cell phone ban.



STATEMENT SUBMITTED BY JACQUELINE S. GILLAN
VICE PRESIDENT
ADVOCATES FOR HIGHWAY AND AUTO SAFETY

ADDRESSING THE PROBLEM OF DISTRACTED DRIVING

BEFORE THE

HOUSE SUBCOMMITTEE ON HIGHWAYS AND TRANSIT

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

October 29, 2009

Advocates for Highway and Auto Safety (Advocates) is a coalition of consumer, health, safety, medical and insurance organizations working together to support adoption of laws and programs to reduce deaths and injuries on our highways. We focus our efforts on all areas affecting highway and auto safety – the roadway, the vehicle, and the driver. Advocates has a long history of working with the House Committee on Transportation and Infrastructure to advance public health and safety in surface transportation legislation.

Distracted driving affects the entire nation. The availability and common use of personal electronic devices makes it tempting to use a cell phone to call home, or a personal data assistant (PDA) to send a text message about a business meeting, or a laptop computer to contact a dispatcher about a delayed shipment all while driving a motor vehicle. Most poignant is the increased risk of a crash to our newest, least experienced and most vulnerable drivers – teenage drivers – caused by their use of distracting devices as novice operators of motor vehicles. We can adopt safety policies and laws, including uniform national state Graduated Drivers' License laws, that will make our teens safer drivers by reducing the use of distracting electronic devices while driving. We need the leadership and resolve to protect ourselves, and especially our children, by getting serious about, and remaining focused on, eliminating distracted driving.

The Dangers of Driver Distraction

Driver distraction is a growing and serious problem on our nation's roadways. Advocates has been involved with traffic safety since 1989, and we have addressed concerns regarding driver distraction for more than ten years. It is clear from an increasing body of safety research, studies and data that the use of electronic devices for telecommunications (such as mobile phones and text messaging), telematics, entertainment, and driver assistance can readily distract drivers from the driving task.[2]

Research has shown that the behavior of drivers using mobile phones, whether hand-held or hands-free, is equivalent to the behavior of drunk drivers at the threshold of the legal limit (0.08% blood alcohol concentration).[3] Crash risk is dramatically higher – as much as 4 times higher – when a driver is using a mobile phone, with no significant safety difference between hand-held and hands-free phones.[4,5]

Text messaging (texting) while driving poses even greater dangers. A 2009 study from the Virginia Tech Transportation Institute found that texting increased the risk of a

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[2] McCartt AT, Hellinga LA, Braitman KA. Cell Phones and Driving: Review of Research, *Traffic Injury Prevention* 2006; 7:89-106.
[3] Strayer DL, Drews FA, Crouch DJ. A Comparison of the Cell Phone Driver and the Drunk Driver, *Human Factors* 2006; 48:381-391.
[4] Redelmeier DA, Tibshirani RJ. Association between Cellular-Telephone Calls and Motor Vehicle Collisions, *The New England Journal of Medicine* 1997; 336(7):453-58.
[5] McEvoy SP, *et al.* Role of Mobile Phones in Motor Vehicle Crashes Resulting in Hospital Attendance: A Case-Crossover Study, *British Medical Journal*; July 2005:428-432.

safety-critical driving event by 23.2 times.[6] News reports of deadly crashes involving texting have become increasingly common.[7]

Studies have clearly demonstrated what common sense suggests: there is no doubt that drivers of all vehicles should have their minds on traffic conditions, their eyes on the road, and their hands on the wheel. To reduce the harmful consequences of distracted driving, distractions that interfere with safe driving behavior should be prohibited.

Research and education are not enough. We have learned from experience on many traffic safety issues, such as drunk driving and seat belt use, that public education based on research findings alone is not sufficient to change people's behavior. In order to get people to pay attention and to adopt safer behaviors, education must be combined with appropriate laws and tough enforcement. This is the tried and true method to change behavior in order to improve safety.

The recent national summit on distracted driving organized by Transportation Secretary Ray LaHood was a step in the right direction, all the more effective because it was immediately followed by President Obama's Executive Order banning federal employees from texting while driving on official business when using either a government vehicle or a government-supplied electronic communications device.[8]

Laws prohibiting the use of text messaging devices while driving, such as those increasingly being implemented in the states, are necessary to reduce distracted driving and its consequences. At the federal level, the Avoiding Life-Endangering and Reckless Texting by Drivers Act of 2009 (ALERT Drivers Act, S.1536/ H.R.3535) encourages states to pass lifesaving laws prohibiting texting while driving by imposing a sanction of federal-aid highway funds if after a three-year period the state fails to enact a law prohibiting texting while driving. This approach has been successfully used by Congress on other critical traffic safety laws that address impaired driving and commercial trucking, and sets a reasonable timeframe for states to prohibit texting while driving.

Advocates strongly supports the ALERT Drivers Act. However, we recognize that cell phone use and texting are not the only devices that distract people from safe driving. Driver distractions are also common in commercial vehicles, not just personal cars and light trucks. For that reason, Advocates also supports efforts to curtail the use of distracting electronic devices by commercial motor vehicle (CMV) drivers. Advocates has filed a petition for rulemaking with the Department of Transportation's Federal Motor Carrier Safety Administration, requesting that the agency evaluate the use of in-vehicle and after-market electronic devices by CMV drivers, determine which devices

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[6] Hanowski R, Olson R, Hickman J, Bocanegra J. Driver Distraction in Commercial Vehicle Operations, Virginia Tech Transportation Institute Center for Truck and Bus Safety; September 2009 FMCSA-RRR-09-042

[7] Dobben B. Text messages may have been distraction in crash killing 5 teens, Associated Press Newswires; July 13, 2007

[8] Executive Order No. 13513, Federal Leadership On Reducing Text Messaging While Driving, signed Oct. 1, 2009, 74 FR 51225 (Oct. 6, 2009).

distract attention from the driving task, and either restrict or prohibit the use of distracting devices by drivers while operating a CMV.

Teen Drivers and Distraction – Lack of Focus is Deadly with Communication Devices and with Companions

Extending distracted driving efforts to include the special risks faced by teen drivers would serve to reduce crashes and prevent thousands of injuries and deaths.

Motor vehicle crashes take an especially heavy toll on teens, especially teen drivers and their passengers. In 2007 alone, more than 7,600 people lost their lives in crashes involving young drivers ages 15 to 20.[9] More than 3,100 of these deaths were young drivers, and nearly 2,000 were passengers in the vehicle with the young drivers. About 2,500 people in other vehicles were killed in crashes with teen drivers. In just the last ten years, more than 80,000 people in the United States were killed in crashes involving teen drivers.

Teen drivers have the highest crash rates among all drivers. Per mile driven, drivers age 16 to 19 have crash rates four times higher than drivers age 20 and older.[10] Crashes involving teen drivers are also disproportionately likely to result in a fatality; fatality rates for drivers age 16 to 19 are four times higher than those of other drivers.[11]

Teen drivers are particularly at risk from distracted driving. The overwhelming majority of crashes involving teen drivers are caused by inexperience or distractions, rather than "thrill-seeking" or deliberate risk-taking.[12] For teen drivers, deadly distraction comes not just from texting and use of mobile phones; distraction due to the presence of peer (teen) passengers is also especially risky. Carrying one teenage passenger almost doubles the fatal crash risk of teen drivers compared to driving alone; the risk is five times higher when two or more teenagers were in the car.[13] The youngest teen drivers and their passengers are at the highest risk. Research of crashes involving 16-year-old drivers has shown that having multiple teenage passengers in the vehicle is twice as likely to cause a fatal crash as is alcohol-impaired driving.[14]

The epidemic of teen driver-related crashes is a major threat to public health. Fortunately, there is a proven solution for reducing crashes among teen drivers, preventing injuries, and saving lives.

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[9] National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (2008). Traffic Safety Facts 2007 Data: Young Drivers.
[10] Insurance Institute for Highway Safety, Beginning Teenage Drivers
[11] National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (2006). Traffic Safety Facts 2005 Data: Young Drivers.
[12] *Accident Analysis and Prevention*, 2003. 35: p. 921-925
[13] Doherty ST, Andrey JC, MacGregor C. The situational risks of young drivers: the influence of passengers, time of day and day of week on accident rates, *Accident Analysis and Prevention*, January 1998; 30(1):45-52
[14] Ibid.

Government and independent research have conclusively shown the benefits of licensing laws that gradually introduce new teen drivers to the responsibility and skills of operating a motor vehicle. Variations of these laws - often referred to as Graduated Driver Licensing programs, or GDL – have been used by many states and other countries since the 1980s, with dramatic, lifesaving results.

The most effective GDL laws have multiple components, including a three-stage licensing process and restrictions on nighttime driving, number and age of passengers, and cell phone use. Research shows that states with strong GDL laws have experienced a reduction in teen driver crashes of up to 40%.

Based on both state experience and research, we know which novice teen driver laws work to reduce crashes and save lives. However, teen driving laws still vary widely in strength and effectiveness from state to state. In many states teens are learning to drive under conditions that pose great risk to the teen drivers themselves, their passengers, and those who share the road with them. A national law is needed to close gaps in state GDL laws and to encourage states to upgrade weak GDL laws.

The STANDUP Act – GDL Laws Prevent Distraction for Novice Drivers

Legislation has been introduced that would make great strides in reducing teen driver-related crashes, injuries, and deaths. H.R. 1895, the Safe Teen And Novice Driver Uniform Protection (STANDUP) Act, sponsored by Rep. Tim Bishop (D-NY), Rep. Michael Castle (R-DE) and Rep. Chris Van Hollen (D-MD), is based on research showing the effectiveness of GDL laws, as well as on recommendations of the National Transportation Safety Board (NTSB).[15] The STANDUP Act addresses the major distractions affecting novice teen drivers – use of electronic communications devices and transport of teen passengers – as well as other factors known to increase crash risk among this group, including age, experience, and nighttime driving.

The bill establishes minimum requirements for state GDL laws; promotes state adoption with incentive grant funds; and - after 3 years - imposes a sanction to encourage states to meet those requirements. This sanctions approach is similar to the one Congress used to urge all 50 states to adopt a Minimum 21 Drinking Age,[16] a Zero Tolerance Blood Alcohol Concentration (BAC) law to combat underage drinking and driving,[17] and a .08% BAC law.[18] These laws are credited with saving more than 26,000 lives since their adoption.[19]

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[15] National Transportation Safety Board, Most Wanted Transportation Safety Improvements, November 2008

[16] National Minimum Drinking Age, 23 U.S.C. § 158.

[17] Operation of Motor Vehicles by Intoxicated Minors, 23 U.S.C. § 161.

[18] Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons, 23 U.S.C. § 163, as amended by § 351, Title III, Department of Transportation and Related Agencies Appropriations, 2001, Pub. L. 106-346 (Oct. 23, 2000).

[19] According to NHTSA the 21-Year-Old Drinking Age law, which was supported by then Secretary of Transportation Elizabeth Dole, and signed into law by President Reagan, has saved an estimated 26,333 lives from 1975 through 2007. Traffic Safety Facts 2007, Early Edition, DOT HS 811002, U.S. DOT.

Another successful safety measure was enacted in the late 1980s when this committee and Congress adopted the Commercial Driver License (CDL) law, bringing all 50 states in line with federal requirements by imposing a federal-aid highway funds sanction.

More than 20 years of experience in the highway safety field shows that when sanctions are in place, no state loses any money but every state adopts a critical traffic safety law. Without sanctions, the pace of state adoption of key safety laws is glacial. Incentive grants alone are ineffective. The issue of primary enforcement of seat belt laws is instructive. Although the largest incentive grant program in history designed to encourage states to pass these proven and effective belt laws was adopted in 2005, only a handful of states (8) have adopted laws thus far. As of 2009, only 29 states and D.C. have a primary enforcement seat belt law, leaving 24 states with weaker secondary enforcement laws, far lower seat belt use rates, and more motorists at risk of death or injury in a crash.

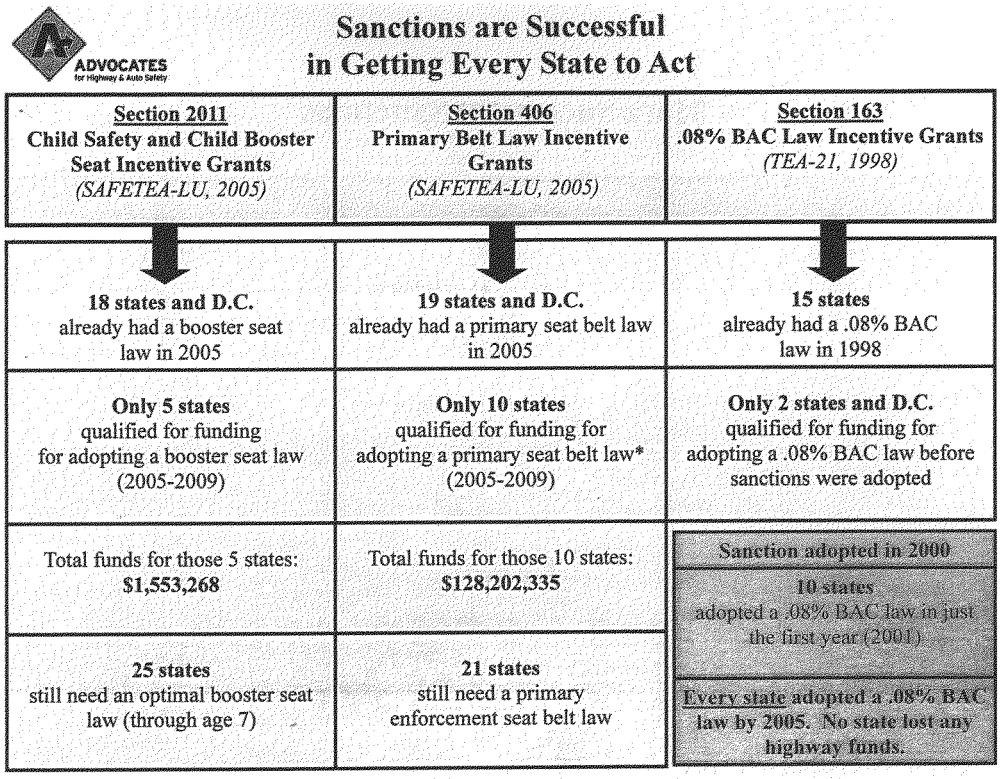
Enactment of the STANDUP Act will produce similar positive results: stronger teen driving laws in every state and thousands of lives saved.

Conclusion

The STANDUP Act is a readymade and reliable safety action plan for eliminating distraction and decreasing injury and death among teens, their passengers, and those who share the road with them. With the passage of H.R. 1895 and the resulting improvement of state GDL laws, American teens will come to benefit from an effective, lifesaving national teen driving policy that doesn't stop at state borders. Crashes involving teen drivers affect every region, every state, and every city and town in the United States. For this reason, H.R. 1895 enjoys bipartisan support. It also has the endorsement of more than 100 medical, consumer, public health, safety, automotive, and insurance organizations, as well as support among parents and teens.

Without federal action, the states will take years – perhaps decades – to upgrade their GDL laws, one component at a time. We simply can't afford to wait that long and allow thousands of teen drivers, their passengers, and others to be injured or killed in preventable crashes. We must ensure that every teen in every state will benefit from the protection of an effective GDL law when getting behind the wheel of a car.

To be truly effective, legislation aimed at addressing distracted driving should include the lifesaving elements of the STANDUP Act. We are happy to assist the committee with drafting a bill that will achieve this goal. It is a rare occasion when one policy decision can have such a dramatic effect on matters of life or death, injury and health.


ADVOCATES
for Highway & Auto Safety
Sanctions are Successful
in Getting Every State to Act
Section 2011
Child Safety and Child Booster Seat Incentive Grants
(SAFETEA-LU, 2005)
Section 406
Primary Belt Law Incentive Grants
(SAFETEA-LU, 2005)
Section 163
.08% BAC Law Incentive Grants
(TEA-21, 1998)
18 states and D.C.
already had a booster seat law in 2005
19 states and D.C.
already had a primary seat belt law in 2005
15 states
already had a .08% BAC law in 1998
Only 5 states
qualified for funding for adopting a booster seat law (2005-2009)
Only 10 states
qualified for funding for adopting a primary seat belt law*
(2005-2009)
Only 2 states and D.C.
qualified for funding for adopting a .08% BAC law before sanctions were adopted
Total funds for those 5 states:
$1,553,268
Total funds for those 10 states:
$128,202,335
Sanction adopted in 2000
10 states
adopted a .08% BAC law in just the first year (2001)
25 states
still need an optimal booster seat law (through age 7)
21 states
still need a primary enforcement seat belt law
Every state adopted a .08% BAC law by 2005. No state lost any highway funds.
* An additional 5 states received funding as safety belt performance states: 4 do not have primary enforcement seat belt laws, 1 has a law that does not meet federal standards.
Sources: National Highway Traffic Safety Administration & Federal Highway Administration
October 2009

More Successful Sanctions

21 Minimum Drinking Age *(1984)*	Zero Alcohol Tolerance *(1995)*	Commercial Driver License (CDL) *(1986)*
22 states already had a 21 minimum drinking age law in 1984	**24 states and D.C.** already had a zero tolerance law for youth under the age of 21 in 1995	Each state had its own CDL system in 1986
Every state adopted a 21 minimum drinking age law by 1987 after federal sanction.	**Every state adopted a zero tolerance law by 1998 after federal sanction.**	**Every state upgraded their law to federal requirements by 1992 after federal sanction.**

ADVOCATES for Highway & Auto Safety

saferoads4teens.org

The Safe Teen and Novice Driver Uniform Protection Act of 2009 (The STANDUP Act – H. R. 1895)

A public health crisis

Motor vehicle crashes are the #1 killer of American teens. On average, more than 10 teens are killed in the United States each day as a result of motor vehicle crashes. In 2007 alone, more than 7,600 people lost their lives in crashes involving young drivers ages 15 to 20. More than 3,100 of these deaths were young drivers, and nearly 2,000 were passengers of young drivers. Since 1999, more than 80,000 people have been killed in the United States as a result of crashes involving teen drivers.

A promising remedy

Research has shown that a Graduated Driver Licensing (GDL) program is an effective method for reducing the crash risk of new drivers. GDL programs introduce teens to the driving experience gradually by phasing in full driving privileges over time and in lower risk settings. Optimal GDL laws have multiple components, including a three-stage licensing process and restrictions on nighttime driving, number and age of passengers, and cell phone usage. Research shows that states with strong GDL laws have experienced a reduction in teen driver crashes of up to 40%.

The need for federal action

State GDL laws vary widely with regard to the components included and the strength of the restrictions. This has resulted in an uneven patchwork of stronger and weaker GDL laws across the nation. The federal practice of withholding a percentage of Highway Trust Fund monies from states until they have adopted key lifesaving highway safety laws – known as "sanctions" – has worked effectively to speed up the process of passing state laws and create a uniform safety policy across all 50 states and D.C. This practice has been successful on a number of important issues, such as establishing 21 as the minimum legal drinking age; establishing the allowable blood alcohol concentration level for drivers at .08%; and establishing a zero tolerance policy for underage drinking and driving. With the use of federal sanctions, all 50 states passed these laws in the time allowed, and no state lost money. Even more importantly, these laws are credited with saving more than 25,000 lives. Using this approach to improve state GDL laws would ultimately lead to a reduction in teen driver crashes and related deaths.

The Safe Teen and Novice Driver Uniform Protection Act of 2009 (STANDUP Act) would establish minimum requirements for state GDL laws:

- A 3-stage licensing process (learner's permit and intermediate stage before unrestricted driver's license);
- A prohibition on nighttime driving during the learner's permit and intermediate stages;
- A passenger restriction during the learner's permit and intermediate stage (no more than 1 non-familial passenger under the age of 21 unless a licensed driver over 21 years of age is in the vehicle);
- A prohibition on non-emergency use of cell phones and other communication devices, including text messaging, during the learner's permit and intermediate stages;
- Age 16 for issuance of learner's permit and and age 18 for lifting of all restrictions on newly-licensed teen drivers;
- Any other requirement adopted by the Secretary of Transportation, including learner's permit holding period at least 6 months; intermediate stage at least 6 months; at least 30 hours behind-the-wheel, supervised driving by licensed driver 21 years of age or older; automatic delay of full licensure if permit holder commits an offense, such as DWI, misrepresentation of true age, reckless driving, unbelted driving, speeding, or other violations as determined by the Secretary.

The STANDUP Act

The purpose of the STANDUP Act is to provide safety grants to states with qualifying GDL laws and urge all states to adopt GDL laws that meet specific minimum requirements within 3 years.

For 3 years following enactment of the STANDUP Act, states complying with the defined minimum requirements will receive grants based on the same ratio used to apportion funds under the Section 402 highway safety program. The annual authorization level is $25 million.

For States that do not comply with the minimum requirements section within three years of enactment, the Secretary shall withhold a percentage of certain federal highway construction program funds otherwise required to be apportioned to that State. The withholding percentage increases each year for the first three years after the incentive grant program ends. Funds withheld for noncompliance in the first two fiscal years of withholding will be returned to States that later come into compliance within three years following the year for which funds were withheld. Withheld funds that are not recovered by a State within the three-year period, and any other funds withheld for other fiscal years, will be returned to the U.S. Treasury.

saferoads 4teens

Saferoads4teens Coalition Members

Advocates for Highway & Auto Safety
Alabama Traffic Safety Center
Alliance of Automobile Manufacturers
Allstate Insurance Company
American Academy of Pediatrics
American College of Emergency Physicians
American Family Insurance
American Insurance Association
American Public Health Association
American Trauma Society
American Trucking Associations
Arizona Children's Center at Maricopa Med. Ctr.
Ashtabula Safe Communities (OH)
Assoc. of International Automobile Manufacturers
Brain Injury Association of Massachusetts
Buchanan County Sheriff's Office (VA)
Burlington County Sheriff's Department (NJ)
Caddo Nation Injury Prevention (OK)
Camdenton Police Department (MO)
Camp Fire USA – Patuxent (MD)
Car-Seat.org
Carmel Police Department (IN)
Carroll County Health Department (MD)
Center for Auto Safety
Center for Childhood Safety (WI)
Cheshire Medical Center (NH)
Children's Hospital of Philadelphia
City of Miami Gardens (FL)
Clarksville Police Department (TN)
Clifton Central High School (IL)
Clifton Central Comets Operation Safer Teens (IL)
Coalition for Health Funding
Commercial Vehicle Safety Alliance
Consumer Federation of America
Crossville Police Department (TN)
Davis County Health Department (UT)
DEDICATEDD (NY)
Drive Smart Virginia
Emergency Nurses Association
Estill Springs Police Department (TN)
Farmers Insurance
Franklin Police Department (TN)
GEICO
Hattiesburg Police Department (MS)
Indiana Criminal Justice Institute
Injury Prevention Resources (WY)
Jamestown Police Department (TN)
Kaw Nation Injury Prevention (OK)
KidsAndCars.org
Lake County Health District (OH)
Larimer Co. Teen Motor Vehicle Safety Coal. (CO)
Leech Lake Band of Ojibwe (MN)
Liberty Mutual Group
MADD
MADD Alabama
MADD Colorado
Make Roads Safe
Manchester Police Department (NH)
Marshall Police Department (MN)
Marshville Police Department (NC)
Maui Police Department (HI)
Meharry Medical College
Metropolitan Fire Chiefs
Mississippi SADD
Mourning Parents Act, Inc. (CT)
National Consumers League
National Fire Protection Association
National Organizations for Youth Safety
National Road Safety Foundation
National Safety Council
Nationwide Insurance
Odessa Police Department (TX)
Okeechobee County Sheriff's Office (FL)
Osage Nation Injury Prevention (OK)
Pacific Safety Council (CA)
Parents Against Tired Truckers
Prairie City Police Department (IA)
Property Casualty Insurance Association of America
Public Citizen
Remove Intoxicated Drivers – Oak Ridge (TN)
Roadway Safety Foundation
Rocky Mountain Insurance Information Association
SADD
SafeKids Worldwide
Safe Kids Cherokee County (GA)
Safe Kids Platte Valley (NE)
Safe Kids Southern New Jersey
Safe Kids Tuscaloosa (AL)
Safe Kids Webster County (IA)
Safety Solutions Coalition (UT)
San Carlos Police Department (AZ)
Schenectady County Traffic Safety (NY)
Spring Hill Police Department (TN)
St. John's Hospital (NY)
State Farm Insurance Companies
State Highway Safety Council (HI)
Stone County Sheriff's Office (MS)
Summit Healthcare Regional Medical Center (AZ)
Texas Agri-Life Extension Service
Think First of the Ark-La-Tex (LA)
Trauma Foundation
Travis County Sheriff's Office (TX)
Truck Safety Coalition
UAMS Safe from the Start (AR)
Union County Safe Communities (NC)
Unitrin
University of Delaware Cooperative Extension
University of Iowa Injury Prevention Research Center
USAA
Utah Center for Transportation Research
Washington County Sheriff's Office (TN)
Whirlwind Wheelchair International
Young Women's Resource Center (IA)

The Saferoads4teens Coalition is a broad and diverse group of consumer, health, safety, medical, teen and parent organizations as well as insurance companies and automotive representatives supporting a federal law, the STANDUP ACT, to strengthen state graduated driver licensing (GDL) laws. Motor vehicle crashes are the leading cause of death for all teens, and effective state GDL laws save lives and prevent injuries.

October 2009

Senate District 12

Senator Bill Diamond
Appropriations and Financial Affairs Committee, Chair
Government Oversight Committee, Member
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October 26, 2009

Committee on Transportation and Infrastructure
Subcommittee on Highways and Transit
2165 Rayburn House Office Building
Washington, DC 20515

RE: Addressing the Problem of Distracted Driving

Dear Chairman DeFazio and distinguished members of the Subcommittee on Highways and Transit:

As you discuss the creation of legislation to address the national issue of distracted driving, I encourage you to consider Maine's approach.

During the first half of Maine's 124th Legislative session, I sponsored a bill that makes failure to maintain control of a motor vehicle due to driving distracted a traffic infraction. Maine Public Law, Chapter 446 also adds penalties on drivers who cause accidents while engaged in distracting behaviors. This new law, that went into effect here in Maine on September 12th, takes into account a broader scope of distractions other than just cell phones and text messaging; such as putting on makeup, reading a book or the newspaper, using a GPS, watching DVD's or using a laptop computer.

By legislating the behavior rather than the technology, Maine has put into place a law that will not have to be revisited year after year, as new technology emerges to further distract our drivers. Maine's new law was drafted to give police officers flexibility in their enforcement.

As committee members know all too well, these are challenging times. States are struggling financially; setting legislative mandates for every state to follow often create hardships, for example the implementation of the Real ID Act that imposed unfunded federal standards for state driver's licenses and ID cards. By creating incentives in the promotion of federal legislation, each state can readily implement a distracted driving law like the State of Maine's.

I encourage the subcommittee to look carefully at Maine's law when creating legislation that bans texting while driving, or using cell phones when driving. I urge you to not focus solely on cell phones or a specific electronic device that people are interested in at any given moment. Technology is continually evolving and the next new device is always just around the corner. I encourage you to focus on the behavior and to create legislation that will withstand time and technology.

In summary, I would just like to reiterate that unfunded mandates will create further budgetary concerns for states and that by focusing on the behavior of distracted driving, rather than technology, you will create an easier to implement law that won't have to be revisited every few years as technology changes.

I would be happy to provide additional information and testimony. Please don't hesitate to contact me.

Sincerely,

Senator Bill Diamond

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