

01 WITNESSES: Craig Reed, Captain Dennis Dougherty,
02 Chris Ross, Josh Shapiro, Gary Horewitz,
03 Dan Mullin, Cathy Rossi, Ted Leonard,
04 Joe Divis, Bobby Ryder, Paul P. Jovanis,
05 Ed McCarthy, Matt Sundeen, Tom McCarey,
06 Eric Bugaile

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01 P R O C E E D I N G S

02 -----

03 CHAIR:

04 We'll call this hearing to order. Brief
05 remarks. For years we've been talking about
06 distracting driving and one of the things we wanted to
07 do was during this --- the time of the summer and late
08 summer was to go out and collect some remarks in the
09 public about the overall subject. And we could think
10 of no better place than to come here, to the
11 University of Pennsylvania and hear from some very
12 interesting people.

13 I would like the Committee members to
14 introduce themselves, starting at my left.

15 REPRESENTATIVE BALDWIN:

16 Representative Roy Baldwin from Lancaster
17 County.

18 REPRESENTATIVE SHAPIRO:

19 Representative Josh Shapiro. I'm an
20 interloper on this Committee.

21 CHAIRMAN MCCALL:

22 Keith McCall, Minority Chairman.

23 REPRESENTATIVE SANTONI:

24 Dante Santoni, Berks County.

25 REPRESENTATIVE STAIRS:

01 Jess Stairs, Westmoreland County.

02 REPRESENTATIVE SCAVELLO:

03 Mario Scavello, Monroe County.

04 REPRESENTATIVE EVANS:

05 John Evans, Erie County.

06 CHAIR:

07 And that's it for members. We have some
08 staff folks here. Eric Bugaile and Paul Jovanis. And
09 I'm going to turn the mic over to Keith, and we're
10 going to get started.

11 CHAIRMAN MCCALL:

12 Thank you, Mr. Chairman. Let me just
13 take this opportunity to thank Chairman Geist, members
14 of the Committee for participating in today's hearing.
15 This is an extremely important hearing in my mind, and
16 one that is timely. It is an issue --- driving
17 distraction is an issue that has confronted both the
18 House and the Senate over the course of the last 10 or
19 15 years. There has been much debate by the public at
20 large, as well as in the press as to what the overall
21 cause and real cause of driving distraction is on our
22 roads.

23 And I think it's incumbent upon us to
24 reach out to the public and get input from various
25 constituencies on their thoughts, so we can really

01 shape a good piece of legislation for consideration by
02 the House of Representatives. So I want to thank the
03 Chairman, and certainly Representative Gerber, who has
04 been a leader in our Congress on this issue for taking
05 the time to bring the Committee here for this
06 important hearing.

07 CHAIR:

08 Thank you. First on the list is Craig
09 Reed, PE, Director of Bureau of Highway Safety &
10 Traffic Engineering. If you want to use the podium,
11 you can, or if you want to pace and lecture, you can
12 do that.

13 MR. REED:

14 Good morning. Like you said, my name is
15 Craig Reed. I'm the Director of the Bureau of Highway
16 Safety & Traffic Engineering in PennDOT. The Bureau
17 is responsible for a variety of highway transportation
18 programs that are intended to maintain and improve the
19 mobility and safety of transportation system users.
20 Our safety programs range from pavement markings and
21 traffic control devices to programs for injuries and
22 seat belt usage and decreasing aggressive driving or
23 driving under the influence.

24 Our responsibilities also include
25 collecting and managing the information on all

01 recordable motor-vehicle crashes within the
02 Commonwealth. On behalf of Secretary Biehler, I'd
03 like to thank you for the opportunity to provide
04 testimony at this public hearing.

05 Determining the causes of crashes is
06 vital to identifying and prioritizing crash mitigation
07 programs. Distracted driving is one type of causal
08 factor and is typically defined as an object or event
09 that draws one's attention from the driving task.
10 Research literature identifies four ways in which
11 drivers may be distracted: visually, audibly,
12 physically or cognitively. For the purposes of this
13 kind of testimony, I also include fatigue as a
14 distraction, even though fatigue driving is
15 characterized by a progressive withdrawal of
16 attention, rather than an object or event.

17 A 2004 study by the National Highway
18 Traffic Safety Administration attributes one-fourth of
19 all crashes to inattentive driving. That study
20 defines inattentive as distracted, fatigued or look
21 but didn't see. Approximately 12 percent of these
22 inattentive crashes involved one or more distracted
23 drivers, four percent that were sleepy or had fallen
24 asleep and ten percent that looked, but didn't see.
25 The study also observed that an estimated one percent

01 of all heavy truck crashes, 36 percent of fatal truck
02 crashes and 15 to 33 percent of fatal to the truck
03 occupant crashes are attributed to fatigue.

04 It should also be noted that distracted
05 and fatigued driving are thought to be under reported
06 since there is most often no evidence of driver
07 distraction or fatigue at the crash scene and drivers
08 may be reluctant to admit distraction.

09 Other statistics of interest observed
10 from the national data include 23 percent of
11 distracted drivers say they were distracted by looking
12 for something outside the vehicle, such as a building
13 or a street sign. Nineteen (19) percent of drivers
14 were dealing with a child or another passenger.
15 Fourteen (14) percent were looking for something
16 inside the vehicle. Eleven (11) percent were
17 distracted by another driver. Three percent were
18 distracted by an animal outside of the car, and 20
19 percent were distracted by some other distraction.

20 Taking a look a little more closely here
21 at home, Pennsylvania crash report includes 31 driver
22 codes that attempt to identify actions that may have
23 contributed to causing a crash. These 31 codes
24 include driver was distracted, driving using a
25 handheld phone, and driving using a hands-free phone.

01 It should be noted that the phone action codes were
02 added to Pennsylvania's crash report form in 2001.

03 In Pennsylvania, over the last five
04 years, 2001 to 2005, distracted driving had been
05 recorded for an average of nearly 11,000 crashes a
06 year, or approximately eight percent of all reportable
07 crashes in the Commonwealth. These crashes, over that
08 five-year period, accounted for 45,000 injuries, 1,300
09 major injuries and 301 fatalities.

10 Over that same period, police reported
11 distraction due to the use of handheld or hand-free
12 phones on approximately 1,000 crashes per year, or
13 less than one percent of all reportable crashes.

14 When considering gender and age, we
15 compared the percentage of male and female driver
16 involvement in all crashes versus involvement in
17 reported distracted driver crashes. In all cases
18 except the 18 to 24-year-old females, and 55 to
19 64-year-old males, the percentages were equal.

20 In the category of 18 to 24-year-old
21 females, these drivers accounted for 13.6 percent of
22 all crashes, and 16.2 percent of distracted driver
23 crashes, suggesting an over representation in
24 distracted driver crashes. For males age 55 to 64, we
25 found an under representation based upon involvement

01 of five percent of all crashes and only four percent
02 of distracted driver crashes. Overall, Pennsylvania
03 statistics are generally consistent with those derived
04 from national data.

05 In closing, I would like to share with
06 you a few other observations that cannot be directly
07 correlated to distracted driving, but are worthy to
08 note. Each year, approximately 1,500 fatalities occur
09 on Pennsylvania's highways. Although research report
10 varies in the exact number, the majority of crashes
11 are due to driver error. Secondly, approximately 40
12 percent of all crashes involve, single vehicle run-
13 off-the-road crashes.

14 Finally, 29 percent of fatal crashes
15 involving a 16-year-old driver occur when the number
16 of occupants is three or more. For the 20 to 49 year
17 old age group, this percentage decreases to 18
18 percent.

19 I'm sure we all recognize, but I point
20 out that distracted driving is a behavioral issue.
21 Like all other behavioral issues, it's difficult to
22 address. Successful intervention most often results
23 from a comprehensive coordinated use of engineering
24 education and enforcement actions. Thank you.

25 CHAIR:

01 Thank you very much. Just a couple
02 questions. When you read about this stuff, and I
03 guess, you get to the point you read so much. How
04 many of these are multiple factors? Distraction, not
05 just where it would fit into one category.

06 MR. REED:

07 I don't have an exact number, but I would
08 say the majority --- you know, I'd say a very high
09 percentage. Eighty (80) to 90 percent all involve
10 some type of multiple factors.

11 CHAIR:

12 And then the next question is, if the
13 percentage is so high, why are there so few tickets
14 written in Pennsylvania by police forces for
15 inattentive driving?

16 MR. REED:

17 Well, again, ---.

18 CHAIR:

19 They have to observe it if we observe it.

20 MR. REED:

21 I guess as you point out --- I point out
22 in the testimony, often by the time a --- unless a
23 police officer observes the crash, by the time they
24 get to the crash scene, there's very little evidence
25 that inattentiveness may have been a contributing

01 factor to the crash. And a lot of times drivers are
02 very hesitant to admit that, because they're afraid
03 --- even though we're a no-fault state, they're afraid
04 that if they admit that, they're going to be assigned
05 some sort of blame, and it would be --- you know,
06 present more problems for them. So it really is very
07 difficult to pin down an end report.

08 CHAIR:

09 What I'm referring to is that person
10 who's in traffic reading a book, doing all these
11 different things, do they ever get written up?

12 MR. REED:

13 Perhaps your next speaker could address
14 that more appropriately than I. I would doubt
15 that ---.

16 CHAIR:

17 Why don't you address it right now? Just
18 do it.

19 CAPTAIN DOUGHERTY:

20 Usually what happens at --- if somebody's
21 committing a violation, such as you're describing,
22 falls under the vehicle code careless driving, which
23 somebody operates a vehicle in careless, disregard for
24 personal safety is ---. That's what could be cited
25 for careless driving. Usually, even if somebody's

01 engaging in another activity, they're going to commit
02 another moving violation, whether it's following a
03 vehicle too closely, weaving, which will be driving on
04 roadways waiting for traffic. And quite often, if
05 they're going to be cited, they're going to be cited
06 for the more applicable moving violation, the actual
07 violation, rather than ---.

08 Careless driving is a very broad vehicle
09 code section, and sometimes it's difficult to prove,
10 because when you take it to the next level, to court,
11 how do you prove it was careless if no crash resulted
12 from it.

13 CHAIR:

14 Thank you. Anybody else? Dante.

15 REPRESENTATIVE SANTONI:

16 I think we're going to be hearing about a
17 bill that deals with not using the cell phones while
18 driving. But in your testimony you talk about codes
19 --- a handheld phone and a hands-free phone. Is there
20 --- and I know there's a bill that restricts it to
21 just hands-free. Is there a distinction with more
22 crashes with a handheld than hands-free, or is it just
23 as dangerous with anything --- any type of distraction
24 while using a hands-free or not?

25 MR. REED:

01 I think any time you're distracted it's
02 just as dangerous. And as I reported in some of the
03 statistics from the national studies, there's just a
04 whole ton of ways a driver can be distracted. I
05 couldn't assign a heavier weight to any one over
06 another.

07 REPRESENTATIVE SANTONI:

08 You don't have statistics that speak ---
09 there's no statistics that describes so many crashes
10 happened hands-free, and ---?

11 MR. REED:

12 I could produce those. I don't have
13 those with me right now.

14 CHAIR:

15 Anything else? Thank you very much.

16 MR. REED:

17 You're welcome.

18 CHAIR:

19 Next to re-appear, Captain Dennis
20 Dougherty, Director of Patrol Services Division. And
21 before you start, do you want to give us a report on
22 Captain McHale (phonetic). Is he surviving?

23 CAPTAIN DOUGHERTY:

24 He graduated last week there. So I
25 actually saw him down there, provisional with somebody

01 who's next in line to go. And I think he's enjoying
02 himself. Not that he didn't enjoy himself then with
03 members of the legislature, but he is having a good
04 time down there, I believe.

05 Good morning. As you stated, my name is
06 Dennis Dougherty. I'm the Captain with the
07 Pennsylvania State Police. I'm the Director of the
08 Patrol Services Division and the Bureau of Patrol. On
09 behalf of Colonel Jeffrey B. Miller, the Commissioner
10 of State Police, I would like to thank the Committee
11 for the invitation to provide testimony at this public
12 hearing today.

13 Distracted driving is a major concern to
14 the State Police because highway safety is a major
15 objective of the State Police. In our efforts to
16 achieve this objective, troopers enforce the traffic
17 laws of the Commonwealth as part of their normal
18 patrol duties. Troopers also investigate vehicle
19 crashes in the hope of identifying causal factors and
20 then taking the appropriate enforcement action to
21 hopefully help prevent future crashes.

22 According to the National Highway Traffic
23 Safety Administration, NHTSA, which is more commonly
24 known as acronym. Craig Reed mentioned this study,
25 driver inattention is the leading factor in most

01 crashes and near crashes. And some of the primary
02 causes of inattention that NHTSA mentioned are cell
03 phone use and drowsiness. It mentioned some other
04 more common types of distractions, such as reaching
05 for a moving object in the vehicle, reading or
06 applying makeup.

07 The Pennsylvania Driver's Manual states
08 driving requires constant awareness of everything
09 around you, such as speed, signs and road conditions.
10 Many drivers at some point look away from the road
11 while they're driving, whether it's to dial a cell
12 phone, when talking on the phone, to read a map,
13 newspaper, to apply makeup, eat fast food, drink a cup
14 of coffee, check their BlackBerry, or even only
15 changing radio station or a CD.

16 However, the more frequently a driver
17 engages in such multi-tasking activities, the greater
18 the chances they'll be involved in a vehicle crash.
19 No one can be sure when it is safe to look away from
20 the road. The situation on a highway can change in an
21 instant, leaving the driver little or no time to
22 react.

23 Such examples of distracted driving are
24 even more of a problem when the driver is already
25 committing another motor-vehicle violation, such as

01 following a vehicle too closely or speeding.

02 Again, the Pennsylvania Driver's Manual
03 recommends that for safety purposes, drivers should
04 pull to the side of the road to make or receive calls.
05 The National Highway Traffic Safety Administration
06 states that the primary responsibility of the driver
07 is to operate a motor vehicle safely.

08 The task of driving requires full
09 attention and focus. Cell phone use can distract
10 drivers from this task, risking harm to themselves and
11 others. And therefore, the safest course of action is
12 to refrain from using a cell phone while driving.

13 According to the NHTSA study I saw, six
14 percent of drivers use handheld phones while driving
15 in 2005, and that was a slight increase from five
16 percent in 2004. The number of drivers speeding with
17 headsets on are using a hands-free phone while
18 driving, and increased from only .4 percent in 2004 to
19 .7 percent in 2005.

20 Since 2001 Pennsylvania State Police have
21 been collecting data on the use of cellular telephones
22 by drivers involved in vehicle crashes investigated by
23 the State Police. I would note that part of this data
24 collection effort, that we did not note or collect
25 information to show whether the cell phone use

01 contributed to the crash.

02 An analysis of the data collected
03 indicate that the number of drivers in possession of a
04 cell phone has more than doubled since 2001, but those
05 persons using a cell phone at the time of the crash
06 has remained at a fairly constant rate of just over
07 one percent. 2001, 33 percent of drivers in crashes
08 had a cell phone with them at the time of the crash,
09 and of these drivers, 1.2 percent were using the cell
10 phone at the time of the crash. In 2005, 80 percent
11 of the drivers involved in crashes had a cell phone
12 with them, but again, only 1.2 percent of these
13 drivers were using the phone at the time of the crash.

14 However, as Mr. Reed alluded to, in many
15 cases these figures were based solely on the
16 statements of the drivers, and they may not be an
17 accurate reflection of cell phone usage. This
18 reflects a good part of any data that we collect
19 related to the role of cell phone usage or any
20 secondary activity in a vehicle crash.

21 Mr. Reed also mentioned that the new
22 Department of Transportation crash report does contain
23 an entry block that refers to distracted driving.
24 However, the police officer or trooper, again, is
25 going to rely on the observation of a witness or even

01 the statement of the driver to make a determination in
02 most cases whether a cell phone use or some other type
03 of distracted driving played a part in the crash. So
04 again, this may not be a true indicator of the effect
05 of cell phone usage in vehicle crashes.

06 As I mentioned when I was in the
07 audience, if a trooper determines that use of a cell
08 phone by a driver was a contributing factor to a crash
09 or any traffic violation, can be cited under the
10 vehicle code, Section 3714 for careless driving. But
11 again, often a more specific traffic violation occurs
12 as a result of a driver engaging in a secondary
13 activity while they're driving. The more common ones
14 are following too closely, driving on roadways waiting
15 for traffic, and driving on the right side of the
16 roadway. And both of those later involved changing
17 lanes. It's just a matter of if it's a two-lane
18 highway or a four-lane highway.

19 Troopers, as all law enforcements are
20 expected to conduct enforcement against every observed
21 traffic law violator when possible. Special emphasis
22 of giving a driver under --- driving under the
23 influence of alcohol, controlled substance, exceeding
24 maximum speed limits and any other hazardous violation
25 which creates a risk of personal injury and/or

01 contributes to a traffic crash. The troopers must
02 also consider what offenses are the most serious and
03 readily provable. Some vehicle code violations are
04 easier to articulate and prove than others.

05 While the ability to multi-task may be a
06 desirable attribute in the office or at home, all
07 available research I've seen indicates that drivers
08 should do their best to focus solely on driving and
09 any potential hazards when they're behind the wheel.
10 Engaging in any other activity while driving increases
11 the chances that the driver will be involved in a
12 vehicle crash.

13 The State Police have and will continue
14 to take appropriate enforcement action against those
15 drivers who commit traffic violation in our effort to
16 minimize the number of vehicle crashes and resulting
17 injuries and fatalities that result far too often.

18 Once again, thanks for the opportunity to
19 appear before this Committee today, and I'd be happy
20 to answer any questions.

21 CHAIR:

22 I have just one, especially to Keith.
23 This just struck me. Correct me if I'm wrong. There
24 is a higher percentage of people involved in accidents
25 with inattentive driving than a percentage of non-use

01 of seat belts, based upon Pennsylvania's numbers; is
02 that correct?

03 CAPTAIN DOUGHERTY:

04 I'm not sure I'm aware of those. I mean,
05 we don't --- Pennsylvania, I didn't collect those.
06 This just shows that one of the leading is inattentive
07 driving. Not wearing his seat belt wouldn't be a
08 cause of a traffic accident.

09 CHAIR:

10 Right. And I know that that's such an
11 emphasis of the State Police is that they --- the
12 secondary offense is seat belt law.

13 CAPTAIN DOUGHERTY:

14 See, that would go to reducing injuries
15 and fatalities. It would not prevent crashes, but it
16 would minimize the number of people hurt in a traffic
17 accident.

18 CHAIR:

19 But if we emphasized inattentive driving
20 more, we would probably have less crashes; correct?

21 CAPTAIN DOUGHERTY:

22 We would hope so. I would hope so, yes.

23 CHAIR:

24 I just realized ---.

25 CHAIRMAN MCCALL:

01 Just a little follow-up on how you
02 collect data. And it's obvious that in 2001 to 2005,
03 the use of these people reporting that they had phone
04 --- or cell phones in their car at the time of an
05 accident, though exponentially, the actual admission
06 remained constant at 1.2 percent both in 2001 and
07 2005. So it's telling me that --- I mean, it seems
08 skewed that that number wouldn't move, that it
09 wouldn't be higher. And certainly, I don't think
10 there's really any incentive for anybody to tell you
11 that they were on the telephone, unless you observe it
12 when an accident occurs.

13 I'm wondering, do you keep any
14 information on your enforcement activity with people
15 that may be cited for, you know, driving too closely,
16 reckless driving and changing lanes, that the police
17 officers are observing --- I mean, there are a lot of
18 us who are on the highway all the time. We see people
19 driving by with the cell phone or putting makeup on,
20 all those things. Not just cell phones, I don't want
21 to just say a lot of it is cell phones.

22 CAPTAIN DOUGHERTY:

23 Sure.

24 CHAIRMAN MCCALL:

25 But what, I guess, kind of data does the

01 State Police have on citations that have been issued
02 in those instances where it may have been a cell phone
03 or some type of other distraction?

04 CAPTAIN DOUGHERTY:

05 We don't collect the data. We get our
06 information from the traffic citation that is
07 submitted, and the Administrative Office of Cordea
08 P.C. (phonetic) tracks a lot of the citation issues.
09 I didn't bring it with me, but I kind of get you
10 following too closely is written quite often. But
11 again, that's a difficult violation to prove if there
12 wasn't a crash, because quite often --- well, how do
13 you know he's too close if a crash didn't result. But
14 that's why part --- a lot of times they have the facts
15 on the highways, another indicator, if you wanted to
16 cite somebody.

17 I could get those dots, I didn't bring
18 them with me. As far as how many number per year,
19 certain citations. Following too closely is written
20 quite often, but it's not nearly as often as, say,
21 speeding.

22 CHAIRMAN MCCALL:

23 Because the numbers just --- when you
24 look at the numbers that you report, it really doesn't
25 show that that is certainly maybe a significant cause

01 --- it's a cause, ---

02 CAPTAIN DOUGHERTY:

03 Right.

04 CHAIRMAN MCCALL:

05 --- but it may not be a significant
06 cause, especially since there's such a great number
07 reporting that they now have those phones in their car
08 you can --- the accident rate where the person's
09 claiming that they're using them doesn't grow ---.

10 CAPTAIN DOUGHERTY:

11 Right. And again, that's --- you know,
12 that's based on their statement, and there may be a
13 witness observation. So there's no other independent
14 evidence. But you know, again, citation like
15 following too closely is difficult to prove in court
16 unless a crash resulted. Because quite often the
17 District Magistrate or District Judge may say, well,
18 how can you tell if somebody was too close if there
19 was no accident.

20 CHAIRMAN MCCALL:

21 What would you say --- just your
22 professional opinion. I mean, we're trying to look at
23 it as, as maybe, I don't know, are we looking for, you
24 know, a problem that maybe isn't there, but, you know,
25 we've always heard that it's a matter of maybe doing

01 engineering changes on our roadways or education
02 enforcement. In your professional opinion in law
03 enforcement, what should we be looking at, as policy
04 makers on this issue? I mean, when you talk driver
05 distraction, the big picture, not just cell phones?

06 CAPTAIN DOUGHERTY:

07 I think education is probably the main
08 component, just as any traffic violation, we need the
09 public to cooperate and take more time, you know, when
10 they're driving not to be in such a hurry to get to
11 work. That's probably one of the main causes that
12 people are taking --- pulling out into intersections
13 when they shouldn't be, misjudging other vehicles'
14 speed. So education is always a primary component.
15 Enforcement of distracted driving is going to be
16 difficult, because there's so many people who engage
17 in distracted driving, and how can you articulate that
18 that particular activity led to a crash. So
19 enforcement strictly of a distracted activity would be
20 difficult to do. And I think education is probably a
21 very important aspect of it.

22 CHAIRMAN MCCALL:

23 It's always difficult to legislate
24 behavior, because really what we're talking about here
25 is behavior modification. How do we change people's

01 behavior. And probably the best solution to that is
02 education.

03 CAPTAIN DOUGHERTY:

04 Right.

05 CHAIRMAN MCCALL:

06 Thank you.

07 CHAIR:

08 The Dean of Education in the House of
09 Representatives, Jess Stairs.

10 REPRESENTATIVE STAIRS:

11 I got a couple on here. I'd like to ask
12 you a educational question, since I got that. I was
13 just wanting to follow up on the Representative's
14 questions. And in your remarks, you know, you state
15 about research saying that drivers should focus on
16 driving only, and then, of course, in your end remarks
17 or engage any other activity while driving increases
18 the chances the driver might have an accident. And of
19 course, I'm not here to pick on the cell phone,
20 because I know there's people that's eating their
21 lunch and disciplining kids and 1,001 other things
22 maybe while they're driving.

23 So before we pass bills or legislation
24 to, you know, restrict any practice --- and you
25 mentioned education. What have we done in education

01 --- and you may --- would not have the information in
02 front of you right now, and maybe you can get that for
03 the Committee, but what have we done statewide,
04 whether it be PennDOT or the State Police or other
05 agencies, AAA, for example, I know they're here today,
06 to educate drivers --- and I know that's saying
07 something and making it sound very simple, educating
08 drivers. I think it's very complex to get people to
09 --- you know, to drive and try to be alert 99.9
10 percent of their time on driving rather than other
11 activities, whether they're late for work or what have
12 you. But what have we done in education? Do you
13 think we've done enough, or we have done the right
14 things, or is it askew? We give an education and go
15 to some really --- okay, let's start issuing
16 citations, or passing laws?

17 CAPTAIN DOUGHERTY:

18 From the State Police perspective, I'm
19 not sure what education efforts we undertake. We have
20 community services officers make presentations. To be
21 honest, I don't know what their lesson plans are, how
22 much it includes distracted driving, other than ---
23 I'm sure in high school they teach you basic driving
24 rules, but other than that, as far as State Police, I
25 really don't have any information. I can check to see

01 what particular programs we have designed that way,
02 but I'm not familiar to that.

03 REPRESENTATIVE STAIRS:

04 Well, maybe some of the other presenters
05 today, they might not have that with them today, or
06 they might present that, but I'd ask them if they
07 could give that to our Committee, whether it be the
08 Department of Transportation or AAA, or any agency out
09 there, just give us an opinion on what we're doing in
10 education, and whether it's futile or it's the wrong
11 way of doing, we should change our style of education
12 to give people. That's all I want to know, is how can
13 --- are they reachable, or are people going to still
14 drive while doing other things, because it won't
15 happen to me, it'll happen to somebody else. And
16 they'll just ignore the education.

17 CAPTAIN DOUGHERTY:

18 In most cases, State Police were doing
19 --- just safe driving as a whole. I mean, we
20 concentrate on DUIs, speed limits, but any type of
21 crash results, people are either going to be cited for
22 a different violation, which is, you know, part of the
23 vehicle codes, so ---. You know, it's particularly
24 focused on distracted driving. As far as education,
25 it's probably not something we do a whole lot of.

01 REPRESENTATIVE STAIRS:

02 And maybe we can look at that again, and
03 you might want to change your mind. Okay. Thank you.

04 CHAIR:

05 Mario?

06 REPRESENTATIVE SCAVELLO:

07 Thank you, Mr. Chairman. And thank you,
08 Captain, for your testimony. In the states that have
09 adopted cell phone --- eliminated cell phone usage in
10 a vehicle, has there --- are there any statistics that
11 accidents from distracted drivers have been reduced?

12 CAPTAIN DOUGHERTY:

13 I don't have that information. I know
14 New York has it as a secondary violation, but I don't
15 know how long they've had it, what the effect is.

16 REPRESENTATIVE SCAVELLO:

17 So it's been over a year, at least a
18 couple of years.

19 CAPTAIN DOUGHERTY:

20 Yeah, I don't have that information.

21 REPRESENTATIVE SCAVELLO:

22 Thank you.

23 CHAIR:

24 Thank you very much.

25 CAPTAIN DOUGHERTY:

01 Thank you.

02 CHAIR:

03 Next up is that fellow that keeps me
04 straight all the time on the floor, House
05 Representative Chris Ross, who has been involved in
06 this issue, I guess, from the get go. You probably
07 have battle stripes on inattentive driving than
08 anybody in the House, so ---. We're anxious to hear
09 what you have to say.

10 REPRESENTATIVE ROSS:

11 Thank you, Mr. Chairman. And thank you
12 for inviting me here. I'm sorry, I wasn't here for
13 the start. I got tangled up in a little bit of
14 traffic, which has been known to happen down here in
15 Philadelphia from time to time.

16 It is true that I've been interested in
17 this subject for a number of years. As a matter of
18 fact, I actually know the legislator in New York who
19 introduced the cell phone ban there in --- or the
20 adjustment to the cell phone rules in New York City
21 and New York State, and was concerned about this issue
22 for a number of years. And my immediate reaction ---
23 and I'm not holding myself out here as an expert.
24 You're certainly are going to hear from a number of
25 other people today that are --- really have more

01 detail and facts, and perhaps technical expertise in
02 this subject, but really is coming before you as a
03 layperson who is --- drives the roads, looks at other
04 people as they're driving, and also just really
05 considering what goes on in the car, and what seems to
06 be dangerous behavior.

07 And it struck me that the idea of
08 focusing strictly on cell phones was too narrow. And
09 really looking at some of the information that has
10 been presented to me, and I among other things have
11 had a chance to look at a rather thick document here,
12 which I didn't make copies for all of you before, but
13 does go into a tremendous amount of detail. This was
14 done in Australia actually, and they refer to a number
15 of studies in Canada, the United States and elsewhere.
16 And they really frame this discussion in a much
17 broader way than merely referring simply to cell
18 phones. They talk about inattention and then
19 separately is also distracted driving. Inattention,
20 letting your mind wander, daydreaming, not paying
21 strict attention to the road, maybe getting a little
22 drowsy, and then distracted driving, which has an
23 incredibly large number of possible sources,
24 everything from, obviously, the cell phone to other
25 kinds of electronic devices, navigational equipment

01 that is being used in a lot of cars to a whole range
02 of other kinds of behavior that distract people.

03 Obviously, moms with --- and dads with
04 kids that are acting up in the backseat. The idea
05 that some people actually go out and try and read the
06 morning newspaper or a novel as they're driving down
07 the highways, doing your morning shaving because
08 you're a little late to work or doing your makeup. So
09 a broad range of different kinds of activities.

10 And so a number of terms ago, I put a
11 piece of legislation together, which was designed to
12 consider a broad array of different kinds of
13 distracted driving and fit it into the code as it
14 currently exists, tied into the subject of careless
15 driving, which is currently, I think, on the books and
16 is an offense, which has a series of different fines
17 associated with it. And the idea behind this session
18 is my House Bill, number 946, which applies an
19 additional penalty where distracted driving can be
20 determined, either through witnesses, as was described
21 earlier, or through direct observation or admission.

22 And it's a penalty if you actually engage
23 in activity that causes you to be pulled over by the
24 police, or if you're in a traffic accident, or
25 something along that line. And it talks about a

01 variety of other kinds of things, including but not
02 limited to the use of a cell phone. Any electronic,
03 electrical, mechanical, personal grooming device,
04 food, drink, book or printed matter shall be an
05 additional penalty added on, or otherwise that are
06 found to be violating the rules of the road in one way
07 or another or contributing to an accident.

08 I think this is sort of a logical
09 approach, because it broadens the scope out a little
10 bit and really considers all of the different sources
11 rather than simply narrowly focusing on one. And I
12 did note in reviewing the information from Australia
13 that this was not considered the most frequent cause
14 of distracted driving accidents, the use of cell
15 phones, that there are a variety of others,
16 particularly distractions from other passengers. And
17 I did pick up some of the comments earlier that they
18 actually talk about confusing road signs as being a
19 source of accidents. So there are a range of other
20 things that go beyond the legislation that I've got
21 before you this morning, that also need to be
22 considered to help us reduce the number of crashes
23 that we have on the road, and improve the safety for
24 all of our constituents and the people of Pennsylvania
25 as a whole.

01 So that's sort of a brief summary of what
02 I'm attempting to do with my legislation. And
03 obviously, I'm happy to try and answer any questions
04 that, Mr. Chairman, you or any of the members of the
05 Committee might have.

06 CHAIR:

07 Well, being a subject of nobody's an
08 expert, are you the House expert?

09 REPRESENTATIVE ROSS:

10 That's fairly frightening.

11 CHAIR:

12 We admit it. That's why we're having
13 this hearing. Anybody have any questions? I would
14 like to introduce --- I keep forgetting to do this,
15 but Joe Petrarca, another member of Armstrong and
16 Westmoreland County, joined us. And he's here with
17 Eric and the late Mike Gerber. Go ahead, Keith.

18 CHAIRMAN MCCALL:

19 Just a quick question, Representative
20 Ross. And it goes back to the previous question.
21 Anything on education in your legislation that would
22 require, maybe, our driver's manuals to address driver
23 distraction, or, you know, some form of education
24 component?

25 REPRESENTATIVE ROSS:

01 No. My Bill is really pretty narrow and
02 focused on this particular tweet to the whole subject
03 of careless driving, extending that, but I think it's
04 an excellent idea, and certainly would be supportive
05 of that sort of an effort, because clearly sometimes
06 people don't think about what they're doing, and that
07 winds up creating accidents. So anything that we can
08 heighten people's sensibilities in this area a little
09 bit, probably even merely the discussions we're having
10 here today, being broadcast on the news media I'm sure
11 are going to be helpful in and of themselves.

12 CHAIRMAN MCCALL:

13 All right. Thank you very much.

14 CHAIR:

15 Roy?

16 REPRESENTATIVE BALDWIN:

17 Representative Ross, in a previous
18 hearing we had heard about distraction as it deals
19 with teenage drivers and the number of occupants in a
20 car. Is there any, I guess, statistical data that
21 you've seen that would indicate that that's a major
22 distraction with teenagers, or ---?

23 REPRESENTATIVE ROSS:

24 I noticed that that was one of the things
25 that was discussed in the report from Australia, that

01 particularly new drivers who don't have as much
02 experience are a little bit exuberant and perhaps have
03 some excited people in the car with them, that that
04 increases the level of distraction. I don't have any,
05 you know, hard and fast data, but that was something
06 that was mentioned in here as being an important
07 issue. And certainly, I know that the idea of giving
08 them a sort of half step that we've actually done in
09 legislature already for the new drivers to try and get
10 them comfortable, get a little road experience
11 underneath them before they add all the layers of
12 distraction that might otherwise be tempting to lose
13 their focus a little bit, I think, is certainly a good
14 idea.

15 REPRESENTATIVE BALDWIN:

16 Thank you.

17 CHAIR:

18 Just to note, we're going to be going on
19 --- when we come back we'll address that.

20 REPRESENTATIVE ROSS:

21 I think it's a great idea.

22 CHAIR:

23 Yeah, so remedial action to the teenage
24 driving. Anyone else? Thank you very much, Chris.

25 REPRESENTATIVE ROSS:

01 Thank you.

02 CHAIR:

03 Is this your former campus?

04 REPRESENTATIVE ROSS:

05 No, no. I have daughter --- I send some
06 money here, but ---.

07 CHAIR:

08 I'm just joking. Next up is Josh
09 Shapiro, an ad hoc member of our Committee.

10 REPRESENTATIVE SHAPIRO:

11 Thank you. Chairman Geist, Chairman
12 McCall, fellow colleagues, thank you for the
13 opportunity to testify before you today on the topic
14 of driver distractions, and in particular, the
15 distraction posed by the use of handheld cell phones
16 while driving.

17 In June I introduced House Bill 2821,
18 with over 30 co-sponsors, which would make it a
19 summary offense to operate a vehicle while using a
20 handheld cell phone. Exceptions were carved out in my
21 legislation for emergency workers or for drivers in
22 emergency situations. Drivers would still be
23 permitted to use their cell phones while driving,
24 provided they use the hands-free device, such as a
25 speakerphone or a headset or Blue Tooth.

01 While cell phones have clearly become a
02 key to managing our daily lives, and not a tool which
03 I wish to eliminate I do seek to make their use safer.
04 A driver does have the right to use a cell phone while
05 driving, but the driver does not have the right to
06 threaten the lives of other drivers and passengers
07 through the use of that cell phone.

08 My aim is simple. To disconnect
09 distracted drivers and to make our roadways safer. I
10 think the facts are clear. According to the National
11 Highway Traffic Safety Administration in their April
12 2006 report, driver inattention is the leading factor
13 in most crashes and near crashes. The most common
14 distraction, the use of cell phones. In Pennsylvania,
15 according to PennDOT figures, 1,170 crashes were
16 reported in 2004 because of the use of handheld cell
17 phones. That number is likely higher, as you heard
18 earlier from Captain Dougherty, because the reporting
19 is done on a voluntary basis by those drivers.

20 National Highway Traffic Safety
21 Administration reports that the percentage of drivers
22 holding cell phones to their ears increased from five
23 percent to six percent between 2004 and 2005. Let me
24 put that in perspective for you. That means that at
25 any given moment on the U.S. roadways 974,000

01 motorists are operating their vehicle while using a
02 cell phone.

03 Unfortunately, young people between the
04 ages of 16 to 24 are most likely to be driving with a
05 handheld cell phone. A full ten percent of the
06 drivers on our roadways using a handheld cell phone
07 are between the age of 16 and 24, and given the
08 legislation that Chairman Geist just referred to, that
09 we will be considering when we return, I think we all
10 recognize the dangers posed by young drivers. And I
11 think this is hardly the demographic that we want
12 distracted behind the wheel.

13 Studies show that using a hands-free or
14 handheld cell phone is a distraction for a driver. I
15 acknowledge that. I also acknowledge that there are
16 all sorts of distractions for drivers, as
17 Representative Ross talked about. If we can construct
18 a car without a radio, without buttons, without knobs,
19 without children, without food, without passengers, we
20 would certainly make our roadways safer. And I agree
21 with Director Reed, that these behaviors are certainly
22 behaviors, it's very hard to legislate them.

23 We have the technology at our disposal to
24 address at least one of these distractions. House
25 Bill 2821, my legislation, is a realistic attempt to

01 make our drivers less distracted, make use of the
02 technology to make our roadways safer. Studies have
03 shown that getting a cell phone out of the hand of
04 drivers makes them drive more safely.

05 In a recent study done by Design Science,
06 with a hands-free device, 71 percent of the drivers
07 tested steered more accurately. 100 percent of the
08 drivers had faster brake time. And 92 percent of
09 those drivers maintained more consistent speed when
10 using a headset and having their hands available to be
11 on the wheel.

12 Other states are far ahead of us. New
13 York passed a ban on the use of handheld cell phones,
14 as Representative Ross alluded to in 2001. New
15 Jersey, Connecticut and the District of Columbia have
16 also passed laws to ban the use of handheld cell
17 phones. And California passed a bill in both the
18 House and Senate, and the Governor has indicated his
19 willingness to sign it when it reaches his desk.

20 It is time for us to make our roadways
21 safer, and I believe my legislation is a concrete
22 first step. It clearly has public support and has
23 already passed in a slightly different version in the
24 State Senate.

25 After introducing my legislation, I

01 received significant support from across the state. I
02 want to share with you a few of the e-mails and
03 letters I've received, and we received dozens of them.
04 And Mr. Chairman, I'd just like to share just a couple
05 of them. This one is from Christina in Spring Grove,
06 Pennsylvania. Although, I'm not in your district, I
07 just want to thank you for proposing the banning the
08 use of handheld cell phones. My father was hit
09 head-on and killed by a man operating a vehicle by
10 using a cell phone. It has been two years since the
11 accident, and we're now awaiting for the driver to
12 appear for a preliminary hearing.

13 The proposed ban would be a great asset
14 to Pennsylvania's roadways, since the cell phone use
15 has gotten out of hand. We asked Christina to appear
16 today. Unfortunately, she was attending this hearing
17 --- attending the preliminary hearing and couldn't be
18 here today.

19 I also received an e-mail from the Chief
20 Risk Officer of one of the largest insurance companies
21 in the State of Pennsylvania, from out in the
22 Pittsburgh area. Prompt passage of this legislation
23 will save many Pennsylvanians from injury or death.
24 As Chief Risk Officer for a major asset manager, it is
25 my business to think about ways to control risk. Your

01 bill is a sterling example of improved risk control.

02 This is from Allen in Jenkintown,
03 Pennsylvania. I'm 200 percent behind your effort to
04 enact a hands-free cell phone law. I almost got hit
05 the other day when I turned into a one-way street, and
06 the woman had just exited a parking lot going the
07 wrong way while talking on her handheld cell phone.
08 She was oblivious to the fact that she was going the
09 wrong way on a one-way street. Please get this bill
10 through, it's long overdue.

11 This is from John in Highspire, who's not
12 a lover of government, as you'll see. I do not want
13 politicians legislating people's behavior until their
14 behavior adversely affects others. I believe that to
15 be the case here, and I hope your legislation passes.

16 Mr. Chairman, I have dozens of those
17 e-mails. I won't share any more with the Committee,
18 but I do believe that this is a reasonable approach to
19 address an out-of-control problem. It is a way in
20 which we can use the technology available to us to
21 make our roadways safer without infringing upon the
22 rights of Pennsylvanians. So Mr. Chairman, I would be
23 more than happy to address any questions from you or
24 Committee members. And I wanted to thank you for
25 honoring your word and commitment to having this

01 hearing today. Thank you.

02 CHAIR:

03 Anybody have any questions?

04 REPRESENTATIVE EVANS:

05 Representative, would you not agree that
06 one of the most distractions --- one of the most
07 distracted times when using a cell phone is when
08 you're dialing the phone?

09 REPRESENTATIVE SHAPIRO:

10 I do, and I think that that is an issue
11 that many of the cell phone companies who are going to
12 testify later will address. Many cell phones now come
13 equipped with voice dialing. Many cell phones now
14 come equipped with speed dialing so that the time in
15 which you have to hold the phone in your hand is
16 limited under the new technologies that have been made
17 available by the cell phone companies.

18 REPRESENTATIVE EVANS:

19 Wouldn't though be a flaw in your
20 legislation, because hands-free, you still have to
21 dial the number. That's the most distractible time,
22 or one of the most distractible instances is when
23 you're making the call. I just don't see how using a
24 hands-free phone in your legislation would eliminate
25 that aspect.

01 REPRESENTATIVE SHAPIRO:

02 Sure. Representative Evans, with certain
03 phones you certainly can do that with voice dialing,
04 and many more phones are coming equipped with that
05 today. Certainly not all, and I acknowledge that
06 point. As the technology progress as newer phones get
07 developed, I think they'll all probably have that.
08 I'd be interested to hear what the cell phone
09 companies have to say. But certainly dialing is a
10 distraction. Any of these uses of phones are a
11 distraction, but if we can limit the amount of time
12 people are holding them in their hands, I think that
13 we're going to be able to make our roadways safer.

14 REPRESENTATIVE EVANS:

15 Thank you.

16 CHAIR:

17 Keith?

18 CHAIRMAN MCCALL:

19 Just to follow-up with the question asked
20 of Representative Ross. And I thank you,
21 Representative Shapiro, for your work you've been
22 doing on this legislation. Just as an education
23 component, do you have an education component in your
24 legislation, anything that would require us to put
25 anything in, say, the driver's manual or offer any

01 type of public education programs?

02 REPRESENTATIVE SHAPIRO:

03 We do not, but I think that that would be
04 an important aspect of this. I have noted that
05 various cell phone companies have had --- they do have
06 posters that are up in various places that encourage
07 the use of driving with a headset. That's in a lot of
08 their advertisements nowadays. I think that'd be an
09 excellent amendment or additional piece of legislation
10 to compliment this bill.

11 CHAIRMAN MCCALL:

12 Thank you.

13 CHAIR:

14 Thank you very much.

15 REPRESENTATIVE SHAPIRO:

16 Thank you very much, Mr. Chairman.

17 CHAIR:

18 Next is Sprint Nextel, Gary Horewitz.

19 OFF RECORD DISCUSSION

20 MR. HOREWITZ:

21 Mr. Chairman, two things. We do have a
22 DVD of one of Sprint Nextel's --- a 30-second clip of
23 one of our education programs that I do want to share,
24 that I do want to share with the Committee at an
25 appropriate time this evening.

01 CHAIR:

02 How many minutes do you need to set that
03 up?

04 MR. HOREWITZ:

05 I think it's --- well, they're going to
06 set up now, so probably --- we can do it at the end.

07 CHAIR:

08 Well, why don't we just take five minutes
09 here and let you set up, and we'll come back here and
10 Josh has pop over here.

11 MR. HOREWITZ:

12 The other question, I wonder if my
13 colleagues, Joe Divis from Cingular Wireless and Dan
14 Mullin from Verizon Wireless can join me and speak as
15 well.

16 CHAIR:

17 Absolutely. We need all the help we can
18 get.

19 MR. HOREWITZ:

20 That's for sure.

21 SHORT BREAK TAKEN

22 VIEWS VIDEO

23 MR. HOREWITZ:

24 I just want to point out, at the end of
25 the video, Mr. Chairman, but is that --- and of

01 course, the dean of education will tell you that one
02 of the best way to teach teens is with other --- is
03 with their peers, and that's why the focus on driving
04 program you'll see in the video is teens talking to
05 other teens. And again, we'll present some more
06 material on that as we testify. Thank you.

07 Mr. Chairman, Committee and guests. I
08 want to, again, thank you for the opportunity to speak
09 on this issue. My name, again, is Gary Horewitz. I'm
10 with Sprint Nextel. Joined by my colleagues, Don
11 Mullin and Joe Divis. Cingular Wireless, Verizon
12 Wireless and Sprint Nextel are pleased to be here on
13 this very important topic of driver distraction.

14 We, as three of the four national and
15 largest wireless carriers are very strongly committed
16 to increase the safe driving practices continually
17 educating our customers and the need for safe and
18 commonsense driving. We believe this education and
19 effort is showing its value. Wireless phone users
20 make millions of calls every day, including emergency
21 calls that can help make our roads and communities
22 safer when people report accidents and hazardous
23 situations.

24 Right now our nation has about 218
25 million wireless phone users, and that use of those

01 phones has proven a valuable resource for police and
02 other emergency personnel, reporting the incidents
03 that we talked about.

04 The 911 calls to report drunk or
05 aggressive drivers, accidents and other highway
06 situations, and the industry association, the Cellular
07 Telephone Industry Association estimates that there's
08 over 224,000 calls to 911 from wireless phones every
09 day.

10 In addition to instantly put people in
11 touch with health and emergency, the cellular phone
12 aids public safety by giving peace of mind to hurried
13 motorists permitting some drivers to communicate with
14 their destination, allowing them to thus drive with
15 less anxiety.

16 The business person who's caught in
17 traffic, travels the road more safely and securely,
18 because he or she can call ahead to the destination
19 when delayed, rather than anxiously trying to make up
20 that time. Parents become better motorists when they
21 have the ability to check in with their children or to
22 make arrangements if road delays occur.

23 But I think we've heard today in our
24 testimony about the myriad of distractions and, of
25 course, education being so crucial, and that is really

01 the focus of our testimony today. There are a number
02 of activities other than the driving test and a
03 commonly used phrase in some of the literature is
04 secondary task, by which a driver could be distracted
05 from the most important one, safe driving.

06 Secondary tasks that could potentially
07 hamper safe driving include eating, operating the
08 radio, searching for that elusive CD, eating, reading,
09 applying makeup, using a wireless phone, or other
10 wireless device, and other grooming tasks.

11 A recent magazine, the article Wireless
12 Way, I believe it's been distributed to all of you and
13 we've made extra copies here available. It cites some
14 transportation experts that we'd like to note about
15 these myriad of potential distractions and the roll of
16 education. Colonel James Champagne, who's the
17 chairman of the Governor's Highway Safety Association,
18 Pennsylvania's a member, is quoted in the article as
19 saying, quote, national traffic crash data does not
20 indicate the cell phone use while driving is anywhere
21 near the top when looking at the different types of
22 distracted driving. In fact, cell phone use as a
23 cause of traffic crashes ranked behind drowsy driving,
24 reaching for something in the car while driving,
25 turning the radio knob, eating, putting on makeup and

01 talking with passengers. That's not to diminish the
02 importance that we understand about all distractions,
03 including the potential use for a wireless phone.

04 But to that point, at least one recent
05 study shows the act of talking to a passenger in the
06 car can require the same level of cognitive effort as
07 communicating on the cell phone.

08 James Sayer, he's a Ph.D. at the Human
09 Factors Division of University of Michigan
10 Transportation Institute, he authored a 2005 study,
11 the effects of secondary tasks, naturalistic driving
12 performance. That study illustrates the comparison of
13 talking to the passengers and using a wireless device.
14 Dr. Sayer provides further insight when he's quoted as
15 saying --- the research was found that, quote,
16 learning that doing something other than driving
17 basically always has a negative effect on performance.
18 So again, there's an acknowledgement that tasks ---
19 any secondary task other than driving can potentially
20 cause a problem.

21 Sayer continued in the article saying,
22 quote, I'm not claiming that cell phones are safe, but
23 I think that they have been vilified because they are
24 new and visible. There are lots of other things in
25 the car that have negative consequences in terms of

01 driving.

02 Mr. Chairman and members of the
03 Committee, we believe that the core issue is found in
04 the word potential. Engaging in any secondary task
05 has the potential to distract the driver and poor
06 driving. The key is for drivers to understand that
07 secondary tasks may require physical or mental effort.

08 Drivers need to learn when secondary
09 tasks are inappropriate and when to give their full
10 mental and physical effort to the most important task.
11 Again, safe driving. Most importantly, focus on just
12 cell phone usage while ignoring these other secondary
13 tasks could lead to not addressing the vast majority
14 of potential distractions. And again, some of the
15 numbers that you've heard today from the other
16 witnesses would reflect this.

17 The information above --- and the experts
18 that you've heard from highlights the importance of
19 educating consumers about many forms of distracted
20 driving. Again, Cingular Wireless, Verizon Wireless
21 and Sprint Nextel provide some of this education in
22 the materials that we have put in our phones the
23 customers receive and without corporate communications
24 media. Some carriers provide brochures focused solely
25 on driving safety. But beyond that we provide direct

01 education on driver distraction, especially to younger
02 drivers such as the ones you saw on the video, who are
03 not as experienced in appreciating the impact of
04 potential distractions in order to manage them.

05 My colleague, Joe Divis, will speak more
06 about this, but Cingular Wireless has developed and
07 nationally distributes a program called Be Sensible,
08 don't drive yourself to distraction. There's a video
09 teacher's guide and a classroom poster and activities.
10 My company Sprint Nextel was partner with state
11 highway patrols. And again, we will make --- plan to
12 make the Pennsylvania State Troopers and Pennsylvania
13 priority with this. And we have also partnered with
14 National Association of Secondary School Program on
15 our program, which is called Focused on Driving. We
16 use real teams shown in videos and the materials in
17 problem-solving discussions on distracted driving
18 recognizing peer-to-peer education is the best method
19 --- one of the best methods to reach teens.

20 Verizon Wireless, my colleague, Dan, will
21 speak to that. Drive Responsibly, Call with Care
22 provides educational video and instructional guides
23 for new drivers. These programs have reached millions
24 of new drivers. Again, wireless phones, as we have
25 heard are very important to Pennsylvania citizenry.

01 They are invaluable to Pennsylvania businesses, and
02 they are critical to the safety of all Pennsylvania
03 residents and visitors.

04 A driver can engage in poor driving due
05 to a variety of reasons, including engaging in
06 secondary tasks at inappropriate times. The wireless
07 industry continues to provide crucial education about
08 the many potential distractions, the impact of
09 distracted driving and making sure there's appropriate
10 focus on the most important task, safe driving. I
11 want to thank you for that.

12 And again, if my colleagues could speak a
13 moment about their similar education programs and
14 position as well, but I also would like to make some
15 of our posters available. And just as a quick example
16 of some of the posters we've put in the schools, it's
17 a picture of a car and showing its 2800 pounds and
18 mascara being .6 ounces. It says taking the wheel is
19 a ton of responsibility. Similar posters show that
20 the 2800-pound car can carry the 32 ounces of fast
21 food. Compact discs being two ounces, and we, of
22 course, include the four-ounce cell phone with a
23 2800-pound car. So education is of paramount
24 importance to Sprint Nextel as well as my colleagues
25 company. And I'll allow them to speak. And of

01 course, I welcome your questions. And thank you for
02 the opportunity.

03 MR. MULLIN:

04 Good morning. Dan Mullin with Verizon
05 Wireless. I just want to add a little bit to what
06 Gary said about what Verizon Wireless is doing. On
07 the technical front back in the year 2000, the company
08 sent out a request to all manufacturers to include
09 voice activated dialing, two-way speaker phone and all
10 the phones that were manufactured, in addition to make
11 hands-free devices more widely available. I don't
12 know if you recall back in the early days each phone
13 had a different size jack and you had to get a special
14 headset for that. We had asked manufacturers to
15 include a standard two and a half millimeter jack so
16 that different headsets can be used with different
17 phones, and we asked that that be completed by 2002,
18 and we had accomplished that. And so now you can get
19 a headset pretty much anywhere and plug it into your
20 phone to make it more --- hands-free more easily
21 available.

22 CHAIR:

23 You should do that with the chargers.

24 MR. MULLIN:

25 In addition, similar to what Gary

01 described, Verizon Wireless has a VIQ videotape,
02 vehicle intelligence quest videotape. It's made
03 available to schools across the country for
04 educational programs. Again, mainly aimed at the
05 teen, teen segment of the population. In addition to
06 that, more recently we've come up with a stand-alone
07 brochure that's available at all of our stores and
08 information on our website that focuses solely on
09 education about safe driving.

10 MR. DIVIS:

11 Mr. Chairman, members of the Committee.
12 My name is Joe Divis with Cingular Wireless. And I
13 briefly mentioned Cingular's program. In 2002
14 Cingular Wireless launched Be Sensible, don't drive
15 yourself to distraction. It's an award winning
16 campaign with multiple facets, but the one I want to
17 talk today is about that which is focused on teen
18 drivers. This is our second edition. This is
19 actually our first edition, but we've updated it in
20 the last year. And it's not just Cingular putting it
21 together, but we've worked with partners from the
22 American Driver, Penn Traffic Safety Education
23 Association, the Driving School Association of America
24 as well as some technical assistance from NHTSA.

25 Since the program's been launched, we

01 estimate that it has reached over 11 million young
02 people in over 17,000, almost 18,000 high schools and
03 driver education schools. So the distribution has
04 been significant. Twelve (12) states have adopted it
05 for statewide use. And I think what's really
06 important, is 99 percent of the educators who we've
07 talked to about it say they'll use it again with 88
08 percent saying the teens have learned how to manage
09 the distraction, because it is --- it is a widely
10 ranging program with respect to the distractions that
11 teens particularly face in the automobile. So I think
12 it goes to what was testified earlier with respect to
13 the importance of education and as discussed here, the
14 carrier's commitments to educating our customers,
15 particularly the younger segment, as well our National
16 Trade Association, CTIA has similarly been doing
17 outreach with respect to PSAs and other educational
18 efforts to stress the importance of safe driving.
19 Thank you.

20 CHAIR:
21 Questions? Jess.

22 REPRESENTATIVE STAIRS:
23 Thank you, Mr. Chairman. Thank you,
24 gentlemen, for your testimony. I used to travel
25 approximately 240 miles a day from the Poconos to New

01 York City, and being on the road, you know, those ---
02 for those miles, sometimes with traffic it was even
03 later. I witnessed people reading road maps, reading
04 newspapers, having lunch, and I think one of the most
05 distracting is drinking a beverage. If you reach over
06 and everybody, especially in the morning they all have
07 their cups of coffee, looking to place it.

08 CHAIR:

09 Eight O'clock.

10 REPRESENTATIVE STAIRS:

11 Eight O'clock coffee, there you go. And
12 putting makeup on in the vehicle. So some of the
13 things that we talked about, changing a compact disc,
14 there are a tremendous amount of distractions. Are we
15 going to legislate every one of them? Do our police,
16 our State Police and our local police have the
17 opportunity to enforce all this. You know, with
18 everything else that they're burdened with. I do see
19 it as an issue with young kids, and if there's any
20 possible way that we can incorporate that into a 16
21 year old, that first year. I think it's some --- and
22 I applaud you for your --- for the information that
23 you have, the education. Have you offered that to the
24 counties? In many counties they have these safety
25 coordinators that they meet with kids on a regular

01 basis. I know Monroe does. I'd love to ---.

02 MR. DIVIS:

03 For Cingular this is available. Anybody
04 can go onto our website, order this and we will ship
05 it out. We've shipped out, you know, thousands of
06 these. And even our most recent second edition, my
07 understanding, we're already in the thousands of those
08 being distributed. And we would certainly, I think
09 --- because we don't have the market cornered on this.
10 Certainly you've seen Sprint Nextel and Verizon
11 Wireless. We'd certainly be glad to work with the
12 Committee or whomever, the experts that have been here
13 today and get as many of these out as possible.

14 REPRESENTATIVE STAIRS:

15 What we had seen earlier, was that yours
16 or was that ---?

17 MR. HOREWITZ:

18 That was part of the Sprint Nextel
19 program. And that particular program is relatively
20 new, just in the past couple years.

21 REPRESENTATIVE STAIRS:

22 Could you e-mail back to the legislators,
23 that kind of thing?

24 MR. HOREWITZ:

25 I would be happy ---.

01 REPRESENTATIVE STAIRS:

02 And to the students as well. I'm going
03 to ask you gentlemen a question that I asked earlier
04 of the captain. In states that have adopted the cell
05 phone repeal, from using --- the use of the cell phone
06 in a vehicle, excuse me, has accidents --- those
07 reduced --- have we reduced accidents from distracted
08 driving. Do you have that information?

09 MR. HOREWITZ:

10 No, I'm not aware of any statistics in
11 those states to indicate that.

12 REPRESENTATIVE STAIRS:

13 Okay. Thank you.

14 CHAIR:

15 The Northern Virginia study that was done
16 with the in-car cameras, I believe you have the study
17 Have you read it? I read a synopsis of it. Does your
18 industry have that available?

19 MR. HOREWITZ:

20 I think it's referred to, Chairman, in
21 the Wireless Way article. It is one of the things
22 illustrated in that study. I believe you're referring
23 to the 100-car camera study. One of the things that's
24 reflected in that and that's reflected in the Wireless
25 Way article is the fact that ---.

01 CHAIR:

02 We have to call time out once again. Her
03 computer ---.

04 OFF RECORD DISCUSSION

05 MR. HOREWITZ:

06 I believe you were referring to ---.

07 CHAIR:

08 I was talking about the Virginia Tech
09 study which clearly showed the habits that people
10 didn't even know they had. That's what started me to
11 really go down the road in education and a lot of hard
12 education, rather than after-the-fact punishment.

13 MR. DIVIS:

14 Mr. Chairman, I think you've heard from
15 the testimony today and the studies that have been
16 done, including the Virginia Tech, that there are a
17 multitude of distractions that drivers face, or can
18 avail themselves of. And certainly, you know, we're
19 very much aware of them and are trying to look at this
20 in a holistic way from the educational efforts that we
21 engage in.

22 MR. HOREWITZ:

23 I think that one of the things that --- a
24 study is looking at, again, there's a myriad of
25 distractions, and talk about distractions of trying to

01 determine what they called incidents versus near
02 crashes versus actual crashes, and there was a very
03 wide disparity from what they considered incidents or
04 of looking away from the road or having to make
05 driving adjustments and actual crashes. But it's
06 interesting to note that the follow-up studies will be
07 very interesting, and a follow-up analysis will be
08 interesting to look at the relative risk and weight of
09 the various distractions, because one of the list of
10 distractions in that was daydreaming, which I think is
11 kind of interesting of how one would determine from a
12 video camera that --- watching a video camera that
13 someone was daydreaming, and I think that we'll find
14 that looking at how much one person engages in one
15 potential secondary task and exposing that person to
16 additional risk versus another secondary task is
17 probably the most important.

18 So I think our initial comment on that
19 study is that that study was illuminating, but more
20 importantly leads us to looking at more closely some
21 of the conclusions and more closely raises even more
22 questions to learn from it.

23 CHAIR:

24 One more thing. You mentioned that in
25 your testimony and the things that we've read, the

01 number of 911 calls that are made for cell phones
02 while moving. Do you have an industry-wide number
03 that all of the providers can give us on 911 calls and
04 the nature of the calls to report accidents or crimes,
05 or ---?

06 MR. HOREWITZ:

07 The number --- the 224,000 number ---

08 CHAIR:

09 Yeah.

10 MR. HOREWITZ:

11 --- that was provided is actually ---.

12 CHAIR:

13 You said that was in a year?

14 MR. HOREWITZ:

15 That's actually --- the 224,000 is every
16 day.

17 CHAIR:

18 Every day.

19 MR. HOREWITZ:

20 And that's from wireless phones in
21 general, whether moving or not, whether it's a person
22 walking down the street. So that's just basically
23 tracking the role of wireless phones, which I believe,
24 and I don't want to misstate this, is the number one
25 way that phone calls to 911 come in.

01 CHAIR:

02 I know I called in a drunk driver one day
03 while I was moving and following him, so ---.

04 MR. HOREWITZ:

05 But the number that I cited was all types
06 of calls to emergency services, typically 911 ---.

07 CHAIR:

08 224,000 a day?

09 MR. HOREWITZ:

10 Per day.

11 MR. MULLIN:

12 Nationally.

13 MR. HOREWITZ:

14 Nationally. And again, a person may be
15 in a car and a person may not be in a car, just on the
16 street. And again, realizing that a crash on the
17 highway may lead to a lot of calls, a dozen calls into
18 911. You know, it's not just that means 224,000
19 instantly.

20 CHAIR:

21 Saving lives.

22 MR. HOREWITZ:

23 I'm sorry?

24 CHAIR:

25 You're saving lives through that.

01 MR. HOREWITZ:

02 That's one thing that there's no question
03 about, that wireless phones and people having more
04 wireless phones is enabling emergency services to
05 respond quicker and saving lives. There's never been
06 a question about that.

07 CHAIR:

08 I just want to get around to the
09 front-end of all this stuff. Keith.

10 CHAIRMAN MCCALL:

11 Just quick. The information or the
12 educational --- because I think one of the important
13 components of anything that we do will be education.
14 The bottom line. And there may be other aspects that
15 legislation would pass, but I think anything that we
16 do has to have an educational component. Are all
17 three of your educational CDs or information available
18 to the community?

19 MR. MULLIN:

20 Absolutely.

21 MR. HOREWITZ:

22 Yes.

23 CHAIRMAN MCCALL:

24 And say, I do something and my district
25 will say, the three have --- these are the programs

01 that are available. You know, I could write to my
02 schools, and I think I will do that. Would they be
03 available free of charge to the school districts as
04 well?

05 MR. DIVIS:

06 Absolutely.

07 MR. HOREWITZ:

08 Yes. These are made free of charge.

09 MR. MULLIN:

10 Yes.

11 CHAIRMAN MCCALL:

12 How long have you been doing the
13 educational component? Is this new, relatively new, a
14 year, two, three years old?

15 MR. DIVIS:

16 2002.

17 CHAIRMAN MCCALL:

18 2002?

19 MR. MULLIN:

20 The same with us, four years.

21 CHAIRMAN MCCALL:

22 Have you been tracking or trying to see
23 the impact the educational component has had? Is it
24 showing up any way in statistics? Are you trying to
25 monitor that?

01 MR. DIVIS:

02 Well, in the survey we've done, that have
03 --- taking advantage of Cingular Wireless's Be
04 Sensible program, 99 percent of those educators would
05 use it again, and another 88 percent feel that it has
06 an impact with the students. Because it's --- you
07 know, as I'm sure as you saw with the other video,
08 it's done teen-on-teen, you know, and trying to reach
09 them in a way that you and I, we don't get reached.
10 So we try to speak to the teens in their language.

11 CHAIRMAN MCCALL:

12 I would be curious, though, to see if you
13 can extrapolate the education component to real world
14 to say, look at the 16 to 24 year age group where we
15 are --- if you're targeted in one specific area or if
16 your programs are, say, in one particular school
17 district, school district wide, can you see a
18 reduction in fatalities or accidents through driver
19 distraction? I know it's tough because a lot of that
20 data is not out there, but I'd just be curious to see
21 if they're going to try to track it or look at the
22 data that way to see that it's having an impact.

23 MR. HOREWITZ:

24 I know we're --- we're all looking at
25 trying to, not necessarily in that particular method

01 you're talking about, but trying to determine impact,
02 and I'm not aware of impact data on a particular
03 program, but I'm sure that's something we can look in
04 to see if --- that at least that we have tried to
05 measure impact and certainly provide that to the
06 Committee.

07 CHAIRMAN MCCALL:

08 Great. Thank you.

09 MR. MULLIN:

10 It'll also be difficult because we find
11 that most of the schools already have a driver
12 education program, and this is just one thing added to
13 it. So to determine the impact of the difference
14 is ---.

15 CHAIRMAN MCCALL:

16 Well, that's another issue here. We
17 don't have mandatory driver education in Pennsylvania,
18 so ---.

19 MR. MULLIN:

20 Yeah.

21 CHAIRMAN MCALL:

22 Thank you very much.

23 CHAIR:

24 Any other members of the Committee?

25 Josh?

01 REPRESENTATIVE SHAPIRO:

02 Thank you, Mr. Chairman. Just to --- I
03 believe it was Representative Scavello that asked the
04 question about what has happening in other states
05 having the passage of --- and it's just banning the
06 use of handheld cell phones. No state has banned the
07 use of them. My understanding, and I'd be curious to
08 hear what NCLS has to say is that, in New York, which
09 was the first state to go with the ban --- banning the
10 use of handheld cell phones, they saw a drop of, it
11 was 3.something percent to 1.something percent in the
12 use of handheld cell phones. So at least in New York
13 --- and again, I would be curious to see what the
14 other states are showing there was a decrease in the
15 use of handheld cell phones.

16 I wanted to come back to something that I
17 believe Verizon had testified about, in terms of
18 making hands-free devices or headsets available on all
19 your phones, all your phones having the same size jack
20 and all your phones having voice dialing.

21 MR. HOREWITZ:

22 Yes.

23 REPRESENTATIVE SHAPRIRO:

24 Did I get your testimony correct?

25 MR. HOREWITZ:

01 Yes, that's correct.

02 REPRESENTATIVE SHAPIRO:

03 In terms of Nextel Sprint and in terms of
04 Cingular, are you at the same place where Verizon is?

05 MR. HOREWITZ:

06 I think with respect to the jacks, that's
07 universal among the industry, that everything fits the
08 way it should. Depending on the manufacturer, I think
09 depends on whether --- what equipment accompanies the
10 phone, and we all work with different manufacturers
11 and have different ways, you know, we --- over the
12 last couple of years, Blue Tooth has come out, which
13 is, you know, becoming very popular, because it
14 doesn't have the strings that --- or the jack issue.
15 So I think you have a multitude of solutions out there
16 that the carriers provide.

17 REPRESENTATIVE SHAPIRO:

18 So is it fair to say the vast majority of
19 your phones, if not all of your phones, as in the case
20 of Verizon, has either the availability, because
21 you're giving it --- a headset and voice dialing, is
22 that --- I'm just trying to understand the technology
23 here. Are all the phones at the same level of
24 technology?

25 MR. HOREWITZ:

01 I'm not sure that I can say without
02 having done the research, but we'll do that to make
03 sure that every single one of our phones has voice
04 dialing, but we certainly have a significant amount of
05 our product line has voice dialing capability, and our
06 phones, again, have the universal jacks so that one
07 can buy a headset, or again, the Blue Tooth capability
08 of doing that wirelessly to the device itself.

09 I think that something is also very
10 instructive, that we were talking here today about, is
11 behavior. And behavior, again, is very difficult to
12 change, very difficult to measure. Education is key.
13 Enforcement can play a role, but sometimes it's easier
14 --- sometimes things are difficult to enforce on
15 behavior as you heard as well, and also I think you're
16 trying to get at, Representative, is technology also
17 has potential and solutions, and I think that's
18 something we have and continue to work toward every
19 day to try to see if there's technological solutions,
20 because the easiest way to do --- to make the behavior
21 the safest is with technology. And I think that also
22 some of the research that is going on about trying to
23 tie in devices toward the future where the device is
24 more plugged into the car directly and recognizing
25 that a driver is there, and potentially that the

01 driver is engaging a more complicated driving maneuver
02 as a sensor would do, would try to turn off
03 distractions.

04 In speaking to the University of
05 Michigan, that that's some of the research that
06 they're doing, and some of our manufacturers are
07 supporting, so I think it's something that we're
08 looking at every day and helping to support research
09 into finding ways to make it easier and safer for our
10 customers. Again, voice dialing is one of the
11 examples. Having the availability of technology like
12 headsets or devices that Blue Tooth are plugged into
13 the cars is, again, some ways we're trying to do it.
14 Maybe we don't know what the best way is doing it, but
15 that's something we work on every day.

16 REPRESENTATIVE SHAPIRO:

17 And we appreciate that. And so I guess
18 it's fair to say that if not all of your phones coming
19 with voice dialing and a headset, the vast, vast
20 majority of them do. And I would argue that behavior
21 can be changed with very readily available technology,
22 which it sounds like the industry is committing itself
23 to, and I do appreciate that. Thank you, Mr.
24 Chairman.

25 CHAIR:

01 All right. Being that we're at the
02 University of Pennsylvania, we're going to recess, one
03 hour.

04 LUNCH BREAK TAKEN

05 CHAIR:

06 Now, the next presenter is --- it's not
07 because of you that everybody left. Everybody had to
08 get back to their districts, so ---. Next up is our
09 good friend Ted Leonard, and his daughter Cathy. Ted,
10 you're up.

11 MR. LEONARD:

12 Thank you. Actually, Cathy is going to
13 do the talking, be our expert witness.

14 MS. ROSSI:

15 Good afternoon, Mr. Chairman and members
16 of the House Transportation Committee. Thank you for
17 giving AAA the opportunity to address the issue of
18 distracted driving. Since the dawn of the automobile
19 age, more than 100 years ago, AAA has been a
20 motorist's friend and a safety advocate. Over the
21 past century we've seen many innovations draw debate.
22 Motor vehicle administrators gathered in an emergency
23 meeting in 1929 to address the threat to highway
24 safety, that the introduction of the AM radio would
25 have on drivers.

01 History tells us that it takes time to
02 fully understand the implications of innovations and
03 how we can best address the challenges that they
04 create. Like earlier innovations, cell phones have
05 added significant convenience and safety to people's
06 lives, yet they have also complicated distractions on
07 the road.

08 Concerns about cell phone use while
09 driving has grown significantly. It's important to
10 state at the outset that AAA believes cell phones are
11 only one of many distractions the drivers face.
12 People put a high premium on making the most of their
13 time, so much so that it can become a priority over
14 safety.

15 AAA is here to testify today that
16 distracted driving ranks as one of the top safety
17 concerns everywhere, for drivers in Pennsylvania in
18 particular. In AAA poles, all members and of all
19 drivers both statewide and in the Philadelphia
20 five-county region distracted driving ranks among the
21 top three safety concerns of motorists. Driver
22 distraction is a factor in 25 to 50 percent of all
23 vehicle crashes nationwide.

24 In Pennsylvania the number of fatalities
25 involving distracted drivers has more than doubled in

01 the past five years. These distractions can be
02 physical, intellectual or both. Physical distractions
03 like tuning a radio, dialing a cell phone, eating,
04 sipping coffee or minding children, all cause a driver
05 to take his or her hands off the wheel or eyes off the
06 road. Mental activities, such as having a
07 conversation with a passenger or thinking about a
08 confrontation with a spouse or a problem at work all
09 take the driver's mind off the road. And then there's
10 the combination of activities that may take a driver's
11 hands, eyes and mind off driving. Reading maps,
12 newspapers or text messages.

13 The bottom line is distractions cause
14 drivers to react more slowly to traffic conditions and
15 events, such as someone making a turn, yielding,
16 stopping, pulling out suddenly or changing lanes. The
17 presence of a triggering event is what distinguishes a
18 distracted driver from a driver who is independent or
19 lost in thought.

20 According to a study by the AAA
21 Foundation for Traffic Safety, and this is the study
22 that was done in 2001, young drivers, that is under
23 the age of 20, are the most likely to be involved in
24 distraction-related crashes. Statistically, teens are
25 the most easily distracted drivers. And that's no

01 surprise to anyone who has parented teens.
02 Inexperience, immaturity, and inclination to take risk
03 lead to teen crashes.

04 Distractions significantly increase the
05 risk for crash, specifically, a teen crash. That is
06 why AAA supports stronger teen driving laws that
07 include passenger restrictions for young drivers.
08 Passengers are a distraction. A study at Johns
09 Hopkins found that the chance a 16 year old will die
10 in a crash increases 39 percent for the single
11 passenger, 86 percent with two passengers, and 182
12 percent with three or more passengers. A car full of
13 teen passengers driven by a teen has been described by
14 some as a rolling party barge. Crashes just waiting
15 to happen.

16 Thirty-four (34) states have laws with
17 passenger restrictions on young drivers. Pennsylvania
18 is not one of them. AAA urges legislators to do
19 something about it like passing stronger teen driving
20 restrictions. We must prevent young drivers from
21 loading a vehicle with distracting passengers and
22 becoming that proverbial party barge.

23 AAA supports laws that help keep young
24 drivers focused on one thing, and that is driving. My
25 colleagues have fielded test questions about crashes

01 caused by teenagers text messaging on their cells
02 while driving. AAA supports legislation that
03 prohibits young drivers from using a cell phone while
04 at the wheel except for emergencies at the side of the
05 road.

06 A AAA Foundation study shows that
07 handheld or hands-free, it is not the telephone itself
08 that is the big issue, it is the conversation that is
09 the distraction. The concentration and the
10 intellectual focus are the distraction.

11 Looking at outside objects, turning the
12 radio or CD player are distractions that appear to
13 contribute to more crashes than cell phones.
14 Although, as more and more drivers acquire cell
15 phones, this can change.

16 AAA prefers to comprehensively address
17 all distractions. For example, a cell phone is a
18 safety device much like jumper cables or other items
19 that AAA recommends drivers keep in their vehicles.
20 AAA does not advocate using a cell phone while driving
21 or any device that takes attention away from driving.
22 We support efforts to educate drivers on safe cell
23 phone use, including the phone when the vehicle is not
24 in motion and avoiding emotional or complicated
25 telephone conversations.

01 AAA urges the National Highway Traffic
02 Safety Administration, cell phone manufacturers and
03 the automobile industry to continue research,
04 identifying characteristics that will minimize driver
05 distraction during cell phone use, and use of other
06 information devices in motor vehicles.

07 Video, entertainment, computer or data
08 displays, such as GPS can pose significant driving
09 distractions. Unless information is critical to
10 vehicle operation or navigation or emergency response
11 in installing these devices where they are visible to
12 drivers should be prohibited by law.

13 Until we have more information available
14 through one-of-a-kind research, AAA does not encourage
15 legislative or administrative proposals restricting
16 the use of specific devices with some exceptions such
17 as for best drivers and teen drivers.

18 AAA encourages law enforcement agencies
19 to collect the data on all types of distractions
20 influencing drivers involved in crashes. There are
21 too many motor-vehicle crashes and too many tragic
22 losses associated with these crashes.

23 We recognize we cannot eliminate all
24 driver distraction through legislation. We can teach
25 motorists, especially young drivers, how to better

01 manage distractions on the road and make safety the
02 priority. The reality is, as roads become more
03 congested and demands on drivers increase, it is
04 likely that newer in-vehicle technologies, that more
05 potential driver distractions can even change the
06 landscape of the challenges we face today. Thank you
07 for the opportunity to testify, and I'd be happy to
08 take any questions.

09 CHAIR:

10 Thank you. Does anybody have any
11 questions? Keith. Thank you very much.

12 MS. ROSSI:

13 I did want to add the educational answer
14 that I think has been raised earlier by one of the
15 legislators, and that is AAA does have driving
16 programs that incorporate distracted driving into its
17 programs. One of the driver improvement programs has
18 eight segments, and one is on distracted driving.

19 An interesting thing is that last year we
20 had 3,000 people take that course in the mid-Atlantic
21 region. Some states require certain offenders to take
22 the driver improvement program that AAA offers, and
23 it's offered by other agencies as well. In
24 Pennsylvania it's optional. In Maryland it's
25 mandatory. In Delaware and New Jersey, it's optional.

01 Our AAA Foundation that did the study I
02 referred to, also has a specific distracted driving
03 program now in the works. It will be implemented
04 probably sometime in the next year. When it is it
05 will be in the high schools first.

06 CHAIR:

07 Thank you very much. Next up is
08 Teamsters Local 463, Bobby Ryder. The floor is yours.

09 MR. RYDER:

10 Yes. I was asked to come down here by
11 Rep Shapiro to support his Bill and represent drivers
12 throughout the Tri-State area. And at first, I kind
13 of like just blew you guys off, because members will
14 just screw me up for being a part of this bill.

15 After representing Teamsters in a lot of
16 accidents and they come back to me, I would say at
17 least 50 percent of them say I was on the telephone.
18 And the first thing I tell them, don't tell the
19 company you're on the telephone, because right away
20 you could be terminated for working unsafe.

21 So I come down here to do the right thing
22 and testify for the Shapiro Bill and answer any
23 questions you fellows have.

24 CHAIR:

25 Chris?

01 REPRESENTATIVE ROSS:

02 I was just curious, did you have a sense
03 of how many of the drivers that you represent that use
04 hands-free versus handheld?

05 MR. RYDER:

06 I would say I don't have a sense of that.
07 Out of the officers that work for the union, there's
08 three of them that use hands-free cell phones.

09 CHAIR:

10 Josh.

11 REPRESENTATIVE SHAPIRO:

12 Bobby, thank you for your testimony
13 today. The 15-percent statistic that you cited, were
14 they --- they were Teamsters who were driving and they
15 were on the phone when the accident occurred, or they
16 were struck by another driver using the phone?

17 MR. RYDER:

18 Most of the experience I had are with our
19 own members. On a cell phone, not putting their truck
20 in gear. You're driving an 18-wheeler, shifting
21 gears, you're on a different route, your phone rings,
22 you grab your phone --- mostly drivers that I
23 represent, from my experience.

24 REPRESENTATIVE SHAPIRO:

25 And I recognize it would be sort of a

01 change in culture for your drivers, frankly it would
02 be a change of culture for all motorists in
03 Pennsylvania to be required to use a headset or use
04 some sort of speakerphone, but is it your sense that
05 that would cause any problems to Teamsters in this
06 case to outfit the trucks with hands-free devices?
07 And that's something that could be reasonably done?

08 MR. RYDER:

09 Yeah, I would think so. I think it
10 probably cost about \$15 for headsets.

11 REPRESENTATIVE SHAPIRO:

12 If that. Thank you.

13 CHAIR:

14 Thank you very much.

15 MR. RYDER:

16 All right. Thank you.

17 CHAIR:

18 Next up is Pennsylvania State University,
19 Paul Jovanis, Ph.D., Professor, Civil & Environmental
20 Engineering.

21 OFF RECORD DISCUSSION

22 MR. JOVANIS:

23 I'd first like to thank the authors of
24 the legislation for inviting me to contribute to this
25 discussion on this important legislation. One thing

01 I'd like to make clear from the start is the opinions
02 expressed in my testimony and whatever questions and
03 answers I give today on my own, and they don't
04 represent Penn State or anyone at the University,
05 other than myself.

06 This is the second time that I've been
07 asked to testify about cell phones and driver
08 distraction. In 2000 I testified before another
09 hearing in Harrisburg, and at that time my position
10 was that we didn't have enough evidence to support any
11 changes in cell phone use and driving. And I'm here
12 to tell you this afternoon that I've changed my
13 position on this, based on my experience in the last
14 six years, and the weight of the research evidence,
15 which I think fairly, clearly supports at a minimum
16 restrictions on cell phone use of the type of that
17 you're contemplating here for hands-free operation.

18 And I would say a significant portion of
19 the literature really supports the ban of the use of
20 cell phones while driving completely. The testimony
21 that I prepared kind of outlines the scientific
22 evidence to support that position, and I'll just try
23 to hit the highlights, and then allow some time for
24 questions.

25 I think there have been several studies

01 that have indicated that the use of cell phones is
02 increasing. I'm sure you've heard that earlier this
03 morning. And I think of particular concern in the
04 highway safety field is the increasing use of
05 electronic use of electronic devices, including cell
06 phones, by 16 to 24 year old drivers, which represent,
07 obviously the youngest driving group, but they're also
08 the worst drivers by a large number of measures, and
09 those that have the highest risk of being involved in
10 accidents.

11 And I have a 16 year old at home that
12 just got her learner's permit, and she's on the cell
13 phone all the time, and I'm seriously concerned about
14 how we're going to manage her paying attention to
15 driving while she's got that cell phone attached to
16 her hip.

17 So I think that's a particular concern as
18 we look forward, and more and more of those younger
19 drivers are going to be getting into vehicles, and
20 those are drivers that really are electronically wired
21 to their friends, they communicate often. They text
22 message. They do everything that most of us that are
23 older don't do, and they do it at a very high rate.
24 So I think that represents a particular imperative to
25 be aware of cell phone use while driving.

01 On the third page of the testimony you
02 see just sort of highlights of what I think are the
03 sort of salient points that come out of the research
04 literature in this field, and I think that one of the
05 things that caused me to change my mind on this
06 subject was just that virtually every research study
07 published after 2000 with one exception really points
08 to declines in driving performance when using cell
09 phones. And I think the particular problem that gets
10 highlighted is the difficulty in detecting events that
11 are occurring in the peripheries sort of on the
12 outside part of your field of view, and anything from
13 pedestrians, bicyclists, people entering from cross
14 streets, people changing lanes. And I think that's a
15 particular type of event that I've observed just in
16 the last six years as being just --- detectable from
17 cell phone drivers that I observe every day in the
18 State College area.

19 I mean, I have sort of done a field trial
20 to sort of try to identify people who are using their
21 cell phone while they're driving, and virtually, every
22 time I see somebody locked into a lane, traveling at a
23 constant speed, virtually not paying attention to any
24 of the events around them. I pass the vehicle, or the
25 vehicles passes me, and I see somebody with a cell

01 phone. So I've obviously changed my position on this
02 completely, and am very concerned about crash risks
03 associated with cell phone use.

04 Hands-free operations, I think, help
05 unquestionably, because you don't have to physically
06 manipulate the device, but from my own personal point
07 of view, as I think AAA has testified, it's the
08 cognitive load and the additional mental attention
09 that needs to be spent on the conversation that's
10 occurring over the cell phone, which is potentially
11 dangerous to the driver.

12 As I said, I certainly support this
13 legislation, because it's a step in the right
14 direction, and it will help --- I would hope that once
15 we get more experience with legislation like this,
16 that the Commonwealth will support a complete ban.

17 Hands-free laws have been implemented and
18 are successful. I don't know if you heard earlier
19 this morning, but there's evaluation studies in
20 Washington D.C. where the cell phone use went down,
21 where there was adequate enforcement. So there's
22 evidence that the laws can be implemented and that
23 they are effective.

24 And I think lastly, I would just --- I'd
25 be a little remiss if I didn't point out that in the

01 U.S. we've killed 42,000 people a year, pretty
02 consistently for the last 10 to 15 years. And we've
03 made almost no dent in that number. I'm not really
04 too sure where Pennsylvania's number stands over that
05 time period, but I don't think we've done a whole lot
06 better here in the Commonwealth. It kind of bounces
07 up and down a little bit, but I don't think we've made
08 a lot of progress. And I think that's just an
09 indication that we have an inability to take --- make
10 the tough judgment calls that we need to make to
11 improve highway safety.

12 I think this is one of those tough
13 judgment calls. Obviously some people will be
14 inconvenienced, but I hope that we'll be able to pass
15 the legislation and improve the roads of the
16 Commonwealth. So I'd be happy to take any questions
17 from anyone.

18 CHAIR:

19 Chris, go ahead.

20 REPRESENTATIVE ROSS:

21 I have several. I'll just state one or
22 two and let the other members, particularly since I'm
23 not a full member of this Committee, I'm on here ---.

24 CHAIR:

25 You're a couple of rookies.

01 REPRESENTATIVE ROSS:

02 Just a couple of things that you raised
03 with the studies and the research that you've been
04 doing. One of your comments was the level of highway
05 deaths has stayed stable at about 42,000 per year.
06 And I was curious about that, because we've heard
07 earlier testimony that the cell phone usage has gone
08 up, and also --- I may be wrong, but I would imagine
09 that the amount of miles driven by the highway public
10 has also gone up. So would that in and of itself
11 indicate that there was a need for this particular
12 legislation at this time?

13 MR. JOVANIS:

14 Well, I wouldn't say this particular
15 legislation, but I guess what I was trying to do was
16 to set a context, in particular in the U.S. If you
17 look internationally, comparable --- countries with
18 comparable economies to ours, in western Europe,
19 Sweden, Germany, the Netherlands, England, have done a
20 much better job in reducing the absolute number of
21 fatalities over the 10 to 15-year period that would
22 remain stable. Their VMT is growing, their mileage is
23 growing, Australia is another example. And so the
24 difference is, they've taken tough measures to
25 regulate the driver and try to have the driver be more

01 responsible and operate the vehicle in a safer way.

02 And I think that this is an example of
03 the kind of legislation that we have not been able to
04 enact in the past. Other countries have done so, and
05 have done so successfully, and I think as a result of
06 that, the numbers on their fatalities and their
07 accident-related losses have really declined.

08 CHAIR:

09 If I may, I have one follow-up. And that
10 bothered me about the other technique that you're
11 using really a little bit, you focused in on cell
12 phone usage. Did you study or try to review other
13 distractions?

14 MR. JOVANIS:

15 Well, yeah. I spent about five years
16 working in California on in-vehicle navigation
17 displays, and we did a whole series of driving
18 simulator studies when I was a faculty member at UC
19 Davis.

20 The whole question of driver distraction
21 is getting a lot more attention now, because we're
22 able to get a better handle on measuring it.

23 There have been two sets of major
24 studies, one at Virginia Tech and one at a site in
25 Michigan that allow us to look inside the vehicle and

01 be able to see what the driver is doing prior to crash
02 events and prior to other kinds of near misses and
03 other critical events. And the drivers do all kinds
04 of crazy things that they shouldn't do. Using the
05 cell phone is one of many, and I think AAA --- I heard
06 AAA testify to that. Some of those other kinds of
07 behaviors are very difficult to change, other than
08 through education, which is a tough way to go. I
09 think this is one way where you can enact legislation
10 with the support of the police with proper enforcement
11 and follow-up adjudication. You can have an effect on
12 the behavior of the driver.

13 I just came back from a meeting in
14 Washington D.C. about three weeks ago, and we looked
15 at videotapes in the Virginia Tech study. And the
16 kinds of driver distractions they were looking at is
17 somebody driving down the road, they looked down at
18 their feet. We don't know why. And literally two
19 seconds later they run into a tree. Now, absent
20 looking at their feet, they would have been able to
21 avoid that crash.

22 CHAIR:

23 Or cell phone.

24 MR. JOVANIS:

25 There might have been a cell phone

01 ringing that they didn't pick up on the audio, but
02 just sometimes those distractions are extremely
03 difficult for safety folks to be able to understand
04 and to apply some measure to counteract. I guess
05 that's the point I'm trying to make. Cell phone
06 distractions is one where we have an opportunity to do
07 so.

08 CHAIR:

09 But if we had the opportunity to deal
10 with the distractions in a more broad base way, that
11 wouldn't be changing the proposal?

12 MR. JOVANIS:

13 No. Oh, no. No.

14 CHAIR:

15 And finally, the last question I have is,
16 you mentioned that the conversation on the cell phone
17 is extremely distracting, and that seems to be a major
18 factor and you're quite concerned about that. Why
19 would a conversation with someone on a cell phone be
20 more distracting than having a conversation with
21 someone in the backseat?

22 MR. JOVANIS:

23 Well, you don't have a face-to-face
24 situation with that person, backset or front seat.
25 Okay. I think you --- I would say there's a

01 --- it's easier for the driver, presumably they're
02 friendlier with the person in the back, they're
03 socially interactive with them to just say hold on a
04 minute and attend to the driving task.

05 So I think that's the principal reason.
06 I know what I thought the people who are on a cell
07 phone, and I'm in my office and I'm talking to someone
08 in an automobile. If I hear a hesitancy in their
09 voice, the first thing I'll tell them is, do you want
10 me to call you back later, or do you want to call me
11 back, because sometimes you can tell that they're
12 being distracted and they're not able to process that.

13 I guess the other observation I make is
14 people conduct business over a cell phone in a car,
15 and those are tough discussions. You know, they can
16 be negotiations, they can be disagreements, and I
17 think those kind of things handled over the telephone
18 are difficult enough to do as it is, let alone while
19 you're trying to operate a motor vehicle.

20 CHAIRMAN MCCALL:

21 There was some different testimony from
22 AAA.

23 CHAIR:

24 Yeah, let's follow up just a moment, the
25 Virginia Tech study. The stuff that I've read and the

01 synopsis in the articles, cell phones were way down on
02 the list, and especially the numbers that they
03 compiled when it came to accidents caused by
04 distracted drivers. So why wouldn't you address the
05 number one, two, three causes if you want immediate
06 corrective action, rather than going to the ninth or
07 tenth cause.

08 MR. JOVANIS:

09 Okay. Let me ---.

10 CHAIR:

11 I mean, there's this tremendous --- I
12 know, glitz to, quote, unquote, cell phone. I mean,
13 you know, it's pretty tough --- when I read that I was
14 really surprised that it actually --- even though it
15 was done by the Hokies, not by Penn State, I felt that
16 it really clarified a lot of stuff because of the
17 in-camera use.

18 MR. JOVANIS:

19 Okay. Let me see, you asked a lot of
20 questions in the middle there. Let me see how I can
21 knock them off one at a time.

22 BRIEF INTERRUPTION

23 MR. JOVANIS:

24 The Virginia Tech folks were able to
25 capture all kinds of different distractions in

01 vehicles.

02 CHAIR:

03 Correct.

04 MR. JOVANIS:

05 And I think while we would certainly like
06 to be able to eliminate those kinds of distractions
07 some of those are going to be extremely difficult to
08 eliminate just on the cause of the nature of the kinds
09 of activities people are undertaking. I don't know
10 how you enact a law that says you can't put on your
11 makeup in a car, or you can't eat food in the car, or
12 you can't --- you know, scratch your elbow in the car.
13 I mean, there's only --- look down like just prior to
14 a crash if that occurring. I think some of those
15 kinds of behaviors, which they were ---.

16 CHAIR:

17 They were the predominant behaviors,
18 though, resulting in accidents; correct?

19 MR. JOVANIS:

20 As far as they could tell.

21 CHAIR:

22 Yes.

23 MR. JOVANIS:

24 Right. As far as they could tell. But
25 let me just point one thing out to you, though. Okay.

01 I don't want to get too far into the scientific
02 discussion on the Virginia Tech study. Those folks
03 are good folks, they know what they're doing, and
04 they're highly respected researchers in their field.
05 One of the things that they did not have a real good
06 sense of are questions like how long was the driver
07 driving down that particular route and how did that
08 drive on that particular route influence their level
09 of attention, their level of fatigue, questions like
10 that. They were really focused on the driver.

11 And what I'll tell you, frankly, is when
12 safety researchers or any researcher focus on one part
13 of a problem, they're likely to find that that part of
14 the problem is contributing to the phenomenon that
15 they're trying to study. So the fact that they found
16 that drivers were doing things that they weren't
17 supposed to do, is not particularly surprising by
18 itself. The fact that they're able to get a really
19 good insight about exactly what the driver was up to,
20 I think is really valuable for us in the long term.

21 CHAIR:

22 I'm sorry, I jumped into Chris's
23 question.

24 MR. JOVANIS:

25 That's okay. And I just want to say one

01 other thing. I don't know specifically what kind of
02 numbers you saw from Virginia Tech. Numbers that talk
03 about the number of times that crashes were preceded
04 by a particular activity, I would say are accurately
05 measured, okay. What you don't know is, how many
06 times did people undertake that activity and not be
07 involved in a crash because they typically haven't
08 been able to capture that.

09 And I know when they presented
10 information at this meeting I was at about three weeks
11 ago, and they tried to come up with some notion of the
12 probability of having a crash when you do something
13 like talk on the cell phone, eat food in the car,
14 apply your makeup and a bunch of other distraction-
15 type categories. Those numbers, I think, are a little
16 more questionable, because it takes the number of
17 times you're doing something, the number of times you
18 had a crash divided by some number in the bottom, some
19 denominator, because you're coming up with a
20 percentage, and it's the number at the bottom that's
21 questionable to me. I don't know that they derive
22 that number in the best way that they possibly could.

23 CHAIR:

24 But it wasn't a product of study; right?

25 MR. JOVANIS:

01 I would say to the extent that they were
02 able to count and identify these crash events, I think
03 there were about 66 crashes in 400 or 600 --- 450-some
04 odd near crash events, to the extent that they were
05 able to identify those, they were certainly
06 quantitative.

07 CHAIR:

08 People forgot they were on camera.

09 MR. JOVANIS:

10 Yeah. Well, they showed a picture of
11 somebody who was either drunk or under the influence
12 of drugs, and it was a miracle this guy didn't kill
13 himself, because he literally went --- crossed over
14 the roadway and went head-on into a tractor-trailer
15 and barely missed him coming back the other way. And
16 he was never --- he didn't get involved in a crash on
17 that trip. He managed to navigate himself home safely
18 somehow or other

19 So I don't want to be too negative about
20 the Virginia Tech study, but I think it's one study
21 that tells you something about driver distraction, but
22 there's lots of other studies out there that tell you
23 other things that you should consider as well.

24 CHAIR:

25 Any other questions?

01 REPRESENTATIVE ROSS:

02 I'd just make a comment that there's no
03 reason why we couldn't prevent eating, reading,
04 putting makeup on in the car, too. And obviously,
05 people talk on the cell phones safely and people talk
06 on the cell phones unsafely, just as they eat safely
07 and unsafely in the car. And you know, from my point
08 of view we would want to stop the unsafe behavior and
09 reduce the risks. That would be more productive.

10 CHAIR:

11 Josh?

12 REPRESENTATIVE SHAPRIO:

13 Thank you, Mr. Chairman. Just a brief
14 question. I want to focus a little bit on the
15 enforcement side. I don't know whether your research
16 has indicated this or not, but from your experience in
17 studying this issue, do you have any take on whether
18 or not from a law enforcement standpoint this should
19 be a primary offense or a secondary offense?

20 MR. JOVANIS:

21 Well, I can tell you from the safety
22 point of view, it should be a primary offense. That
23 would be from the safety point of view. Now, the
24 difficulties involved with law enforcement community
25 in having the manpower to support that, I wouldn't be

01 able to comment on. But I think unquestionably from a
02 safety perspective you would want to have it as a
03 primary offense.

04 REPRESENTATIVE SHAPIRO:

05 So the only way to really enforce that
06 would be through visual sighting or visual by the
07 officer?

08 MR. JOVANIS:

09 Right.

10 REPRESENTATIVE SHAPIRO:

11 As in my role as Chairman of the
12 subcommittee on safety, we had discussions in
13 Harrisburg on the fact that our seatbelt laws are a
14 secondary offense in Pennsylvania, and the rationale
15 behind some of the critics of those who wish to make
16 it a primary offense is that it leads to the potential
17 abuse by police officers for racial profiling and
18 other concerns that they have is one of the reasons
19 why we've been able to move seatbelts into a primary
20 offense in Pennsylvania. So I'm just wondering how
21 this differs and, you know, do we get into situations
22 where an officer says a person was on the cell phone
23 and the person denies it.

24 MR. JOVANIS:

25 Yeah, that's beyond my ability to

01 testify. I'm not an expert in that area. But I will
02 tell you that we should have a primary seatbelt law as
03 well. I mean, the safest you could do to prevent an
04 injury in a crash is to have a seatbelt on. Better
05 than airbags, better than anything else.

06 CHAIR:

07 Even if your state has a better
08 compliance as a secondary than they do as other states
09 as primary?

10 MR. JOVANIS:

11 If we had it as a primary, it would be
12 better than what we have now.

13 CHAIR:

14 Well, if you use that rationale --- if we
15 use the rationale of logic, we would actually say,
16 well, if you would have 80 percent now, and the
17 mandatory 75, you can have a five-percent reduction.

18 REPRESENTATIVE REED:

19 Thanks, Mr. Chairman. I appreciate your
20 support in all this, and I also appreciate your
21 comment that you made about what is realistic behavior
22 and modifier, and in this case, we do have the
23 technology available to try and modify the behavior as
24 it pertains to using cell phones while driving.

25 I wanted to ask you, I agree, and I made

01 the comment in my testimony that you are cognitively
02 impaired, and we can argue degrees, when you have that
03 conversation on the cell phone, whether you're using a
04 hands-free device or a handheld device, I acknowledge
05 that, I accept that. There have been some studies
06 done, including the one that I cited earlier Design
07 Science, which talks about how you actually are able
08 to drive the car more effectively in terms of your
09 acceleration, direct the vehicle your brake time is
10 faster, your steering is more accurate when you have
11 the ability to have both hands on the wheel because
12 you're using a headset.

13 So my sense is, and I'm no expert, and
14 you clearly are, Doctor, but my sense is that there's
15 cognitive impairments and there's physical impairments
16 when you're using the cell phone. And I would accept
17 the argument that cognitively, that your level is
18 diminished from your having that conversation, just as
19 it is, I'm sure, when you're concentrating on a radio
20 station or having a conversation with a passenger in
21 the car, doing your makeup, et cetera. But
22 physically, are you seeing in your scientific look at
23 this, as Design Science saw it, that you're able to
24 physically drive the car, get better when you're using
25 a hands-free device?

01 MR. JOVANIS:

02 Well, first of all, let me say, I
03 appreciate the invitation that your staff gave me to
04 come, and so I don't want to be in a situation where
05 I'm not supporting the legislation, because I do. The
06 difficulty is, the skill that it takes to mechanically
07 operate the vehicle, hold onto the steering wheel,
08 direct the vehicle, apply the accelerator and the
09 brake, there's a physiological component to that, but
10 --- which is facilitated by not holding onto a cell
11 phone at the same time.

12 But there is a cognitive element that you
13 still have to go through to reach the decision, based
14 on the driving environment that's in front of you to
15 apply the brake, apply the accelerator or change the
16 direction of the vehicle. And that's the aspect of
17 the cell phone use that is distracting to the driver.
18 And as I said, I think the --- especially the more
19 recent studies really have indicated this notion of
20 the cognitive load that cell phone conversation places
21 on you.

22 You can have different people sort of
23 testify to different things that would give you the
24 impression that the physiological part of what you're
25 doing in the car is separate from the cognitive part,

01 but they're not. And you know, one of the most sort
02 of famous things that you read about and that I teach
03 in my safety classes is that human beings are single
04 channel processors. There's only one place all this
05 information is going, and it's going right up in here.

06 CHAIR:

07 You can't get this all.

08 MR. JOVANIS:

09 She may be really fast at timesharing.

10 But we're a single channel processor. Now, you can do
11 multiple tasks and you do them real quickly, but
12 you're basically timesharing those, and you're
13 spending a little bit of time on one, turning that one
14 off, going to a little bit of time on the other. So
15 it's all coming back to the same place, and that's you
16 cognitively making decisions about what particular
17 physical actions you're taking and how you're tracking
18 potential crash targets out in the roadway system. So
19 it's true to some extent, but I think it's important
20 to recognize this notion of the single channel
21 processor, which has been around for a long time. And
22 I think most people --- most researchers in the safety
23 field kind of accept that notion.

24 REPRESENTATIVE SHAPIRO:

25 The Matthew study, which you cited,

01 saying that hands-free operation is the least
02 distracting from an operations testing. Can you just
03 provide a little bit more background on that?

04 MR. JOVANIS:

05 I'll have to pull it out of here. They
06 looked at a number of different cell phone
07 configurations in the vehicle, and ---.

08 REPRESENTATIVE SHAPIRO:

09 You can get back to me, if you want.

10 MR. JOVANIS:

11 This was an on-the-road test. Right.

12 And they looked at a number of different
13 configurations and found that the hands-free was the
14 best of the three that they tested. One of which was
15 sort of a voice recognition or a voice
16 interactive-type system. I have the study here. I
17 can get back to you with a comment on that.

18 REPRESENTATIVE SHAPIRO:

19 Thank you.

20 CHAIR:

21 Thank you very much.

22 MR. JOVANIS:

23 Thank you.

24 CHAIR:

25 I appreciate your testimony. Next is Ed

01 McCarthy.

02 MR. MCCARTHY:

03 Good afternoon, Mr. Chairman.

04 Representatives of the Committee, thanks for the
05 opportunity to talk to you about driver distraction.
06 There's a large number of --- a large amount of
07 scientific evidence to indicate that drivers become
08 distracted as they drive. A substantial percentage of
09 distractions are classified as external to vehicle.
10 Accident databases suggest that external to vehicle
11 driver distraction is a major contributory factor to
12 accidents, and that these incidents are likely
13 underreported.

14 The census is now emerging that subjects
15 can be distracted even when concentrating on the task
16 in front of them, and that areas of high visual
17 clutter search times for important visual stimuli are
18 slowed considerably.

19 I'd like to touch upon four areas and
20 their relationship to driver distractions. Older
21 drivers, sign clutter, headlights and weather. The 65
22 and older age group will exceed 50 million by the year
23 2020, accounting for nearly one-fifth of the driving
24 population in the country. In effect, this design is
25 controlled by the 85th percentile performance

01 requirements, the design driver of the early 21st
02 century would be an individual over the age of 65. So
03 I believe it's relevant to consider these design
04 drivers' ability to safely contend with distractions.

05 Safe driving demands competence ---
06 sensory, cognitive and psychomotor functionality in
07 order to respond correctly to the constantly changing
08 highway environment. Critical information is relayed
09 to motorists primarily through visual and auditory
10 signals. And of those, vision provides as much as 85
11 percent of the information needed to make safe driving
12 decisions.

13 The amount of light needed to drive
14 roughly doubles every 13 years. A 45 year old
15 requires four times as much light as a 19 year old, a
16 60 year old requires nearly ten times as much.

17 The ability to focus declines with age,
18 colors are harder to see, peripheral vision and depth
19 perception narrow and declines with age. Glare
20 sensitivity increases. A 55 year old takes eight
21 times longer to recover from glare than a 16 year old.

22 Regarding sign clutter. There are over
23 500,000 billboards in the United States, and the
24 number grows by approximately 5,000 to 10,000 a year.
25 Road users receive most of their information visually,

01 complex and cluttered backgrounds make individual
02 pieces of information more difficult to identify and
03 can make the driving task more difficult.

04 Research indicates that road users
05 perform best under moderate levels of demand. There
06 are periods of high task demand that is known that the
07 duration of drivers' glances at signs becomes shorter,
08 as more time is needed to accommodate control and
09 guidance tasks, and less is available for reading
10 signs.

11 Positive guidance, a concept developed by
12 the Federal Highway focuses on how road users,
13 primarily motorists, acquire and interpret and apply
14 information in the driving task. In practical
15 application, positive guidance suggests competition
16 for driver attention. The presence of information
17 irrelevant to driving-related tasks may have a
18 negative impact on safety.

19 As for headlights. AAA Foundation for
20 Traffic Safety made the following comments regarding
21 headlight illumination. Headlight glare was cited as
22 a growing problem for drivers. A thin layer of road
23 grime can block 90 percent of a typical headlight's
24 light. And 30-h iv style headlights actually diffuse
25 light, increasing glare of others. One half of all

01 vehicles, or 110 million had misaligned headlamps in
02 states which inspect headlamp alignment.

03 Federal Highway also in December of 2003
04 stated in a report on retro reflectivity levels, or
05 science, that regulatory warning and guidance
06 information is compromised under dark conditions or
07 conditions when headlamp illumination is less than
08 optimal.

09 The global agreement concerning
10 halogenized headlights reduces overhead illumination
11 by 33 percent. It also noted that field experiments
12 conducted with 50 different vehicles having a variety
13 of headlamp types and more than 1,500 headlamp
14 distributions found that overhead signs received
15 marginally sufficient illumination. Only 50 percent
16 of the vehicles provided adequate illumination to meet
17 the legibility requirements.

18 Moving to weather. Rain makes headlamps
19 less effective. It acts like a lens which scatters
20 lights and distorts the visual image, filters away
21 light and causes back scatter, which is light
22 reflected back by the rain to the driver's eye.
23 Windshield wipers are only 100 percent effective, and
24 they can smear across the windshield and only sweep
25 part of the visual field. The formation of dew on

01 sign surfaces can cause a reduction of up to 80
02 percent in retro reflected performance. Dirt can
03 cause reductions in lamp intensity and is large enough
04 to be a concern. And a layer of road salt on a
05 windshield will significantly reduce contrast
06 sensitivity through the film and increased reaction
07 time.

08 In an increasing complex driving
09 environment, the risk of driver distraction is growing
10 with the sensory, cognitive and psychomotor abilities
11 of a design driver declining with age. The external
12 visual environment, including the preponderance of
13 roadway advertising and logo signing creates
14 competition for drivers' attention to critical guide
15 signs and other traffic-controlled devices. In a
16 roadway environment where guide signing must compete
17 with increasingly provocative and explicit advertising
18 and in-vehicle distractions, fixed independent
19 illumination of overhead signing will better direct
20 drivers' attention to the task at hand. Thank you.

21 CHAIR:

22 Thank you very much. Any questions?

23 REPRESENTATIVE ROSS:

24 So if I'm understanding the bottom line,
25 basically, the best way that we could really be

01 leaders in Pennsylvania in reducing distracted driving
02 is by a very broad comprehensive approach to a lot of
03 these different factors that are causing people to
04 lose their attention?

05 ATTORNEY HOREWITZ:

06 Yes.

07 REPRESENTATIVE ROSS:

08 Thank you.

09 CHAIR:

10 Josh? Thank you very much.

11 ATTORNEY HOREWITZ:

12 Thanks.

13 CHAIR:

14 We appreciate it. Matt Sundeen. And
15 tonight you have a PowerPoint?

16 MR. SUNDEEN:

17 I do. So with your indulgence, if you
18 want to take the comfortable seats. I think our tech
19 person just walked out of the room, but let's ---.

20 Hello, Mr. Chairman and members of the
21 Committee. Thanks for having me here today. My name
22 is Matt Sundeen. I am with the National Conference
23 and State Legislatures and we're headquartered down in
24 Denver, Colorado. What I wanted to do is kind of give
25 you a little perspective nationally of what's going on

01 in this issue, what other states are doing with
02 distracted driving.

03 We talked about this a little bit earlier
04 this morning, the numbers attached to distracted
05 driving nationally. You see some of the figures up
06 there. National Highway Traffic Safety Administration
07 estimates 20 to 30 percent of motor-vehicle crashes
08 involved some sort of distracted driving as a
09 contributing cause, and you see what that translates
10 into, in terms of fatalities, injuries, numbers of
11 motor-vehicle crashes and actual property damage from
12 crashes.

13 So nationwide it's a significant figure
14 that we're talking about here involving distracted
15 driving. And how significant is it for your fellow
16 lawmakers nationwide. Well, over the last five years
17 we've seen every state in the United States address
18 this issue. In 2003 Congress took it up, although
19 that Bill actually didn't go anywhere. There's as
20 many as 300 local communities nationwide, and actually
21 that number might be a little bit higher that have
22 examined some sort of legislation or ordinance related
23 to distracted driving.

24 And then --- it's fairly a significant
25 issue for us. Within the transportation program it's

01 clearly our number one issue in terms of the number of
02 calls that we get, and conference-wide it's right up
03 there with some of our top issues, elections,
04 redistricting, things like that. So it's something I
05 get a lot of calls about at NCSL. Our transportation
06 issue amongst all the transportation issues that we
07 handle, something that a lot of lawmakers are talking
08 about.

09 So why is driver distraction such a big
10 issue that we're seeing it nationally. I think
11 clearly, you know, distraction has been an issue since
12 we've had model Ts. You can be distracted by an
13 endless list of things in the car, but clearly the
14 interest in driver distraction legislation has grown
15 since the introduction of technology into the car.

16 You see the number of cell phone
17 subscribers up there. Over 204 million now in the
18 United States. And it's estimated between 50 and 75
19 percent of those used are phones while they're
20 driving. But of course, as you know, and it's been
21 said in prior testimony, it's clearly not just the
22 phones in the car that's drawing all the attention.
23 If the visibility of the phone, if you're behind
24 someone and they have their hand to their ear, you
25 know what they're doing. But it's also the complexity

01 of the phone, it's the texting ability, a lot of
02 things that you can do in your home or in your office,
03 you can now do in the car, not just with phones, but
04 with navigational systems, fax machines, computers.

05 There's a lot of different technology
06 going in the car, and I think that's really the
07 primary responsibility drawing attention to this
08 particular issue. So the question is, are cell phones
09 dangerous to use while driving? I think clearly the
10 question here is more --- are cell phones more
11 dangerous than other activities in the car, because as
12 we all know, there's an endless list of things that
13 can distract you in the car.

14 And I think the first thing to notice
15 really is the crash data that are out there in the
16 states don't answer this question effectively.
17 There's only a dozen states that are published
18 statistics, and a lot of the examples in the states,
19 the statistics come from pilot studies where maybe one
20 division would then --- the Department of Public
21 Safety was studying this issue or there were a limited
22 number of drivers. So you really don't have a
23 comprehensive picture from the crash data on how many
24 cell phones are involved in motor-vehicle crashes.

25 From the statistics that we do have, it

01 seems to indicate that a very small percentage of
02 crashes have cell phones as a causal factor. But
03 there's a lot of questions about data reliability.
04 The primary one is, if you come across a crash scene
05 and you're a law enforcement officer, there really
06 aren't any physical indicators there to show whether a
07 cell phone was involved in the crash. It's not
08 similar to things like drunk driving or seatbelts
09 where it's clear from somebody's BAC level, if they
10 were drunk. There are physical indicators that
11 they're using a seatbelt.

12 With a cell phone there's no physical
13 indicator. A lot of times law enforcement has to rely
14 on the self-reporting --- the driver or witness
15 reporting, and because of that, there are a lot of
16 questions about the data reliability and the
17 effectiveness of this published data. There was an
18 example in 2002 where the California Highway Patrol
19 sent a report to the state legislature where they
20 analyzed some of their data and tried to come up with
21 a result on motor-vehicle crashes. Well, the L.A.
22 Times got ahold of that data. They questioned the
23 validity of it and actually did their own analysis and
24 came up with a much higher figure, CHP had to go back
25 and re-analyze their own statistics and come back with

01 a different figure than the legislature. So I think
02 that all goes to the questions of data reliability,
03 and whether we actually have a picture from the crash
04 data. And I think the answer is clearly no.

05 So then we talk about all the studies,
06 and there have been a number of them discussed today,
07 and I think there are studies out there that are on
08 both sides of the issue. There had been a couple done
09 that seem to equate the use of a cell phone while
10 driving with drunk driving in terms of the number of
11 motor-vehicle crashes. There's also been several
12 studies from the University of Utah, Harvard Center
13 for Risk Analysis, the Virginia Tech one has been
14 mentioned a lot today. And the one on the bottom you
15 really can't see, Insurance Institute for Highway
16 Safety has published a study from Australia.

17 So there's a number of studies that seem
18 to indicate that phones are risky. On the opposite
19 side there's a few studies out there that put cell
20 phones low on the list of distractions. So you know,
21 you have that NCSL and materials related to all of
22 these studies if you're interested.

23 Beyond that, I think, you as legislators
24 are interested in what the public opinion is on it.
25 This was from a Gallup Pole that was done in March of

01 2003 that indicates that while a lot in the public a
02 lot of people use their phones while driving, many
03 people seem to support some sort of restriction.
04 There's not a consensus on what's more dangerous, the
05 outgoing call, the incoming call, that type of thing,
06 but the public supports the increasing public
07 awareness, and in some cases they support restrictions
08 to varying degrees.

09 Here's kind of a chart on where we see
10 the state legislation going on this issue over the
11 last couple of years. You can see sort of a trending
12 upwards. The first column, the colors aren't really
13 easy to distinguish there, but the purple on the left
14 is the number of proposed bills. And you can see the
15 total number of states who have proposed bills in the
16 last couple of years is up around 50.

17 If you look at the past legislation,
18 that's been trending upwards. If you asked me about
19 five or six years ago where legislation was going in
20 the states, in almost every example, legislation was
21 pretty much dead on arrival. That's not true anymore.
22 We have a number of states that are passing
23 legislation, a lot of states considering legislation,
24 it's moving through committees. And I think if you
25 get a picture of what the existing laws are out there,

01 I think a lot of times --- I know we had some press in
02 the room, and they were here earlier, a lot of times I
03 think it's mischaracterized as a ban on cell phones in
04 the car.

05 But clearly, states are doing a lot of
06 different things, 28 states plus D.C. have laws
07 related to cell phone use in the car. As was
08 mentioned earlier, the three states plus D.C. that
09 have the prohibition on the handheld phones,
10 California will have it pretty soon. As was mentioned
11 earlier, passed through the Assembly and Senate.
12 Governor Schwarzenegger will sign the bill. So we'll
13 have some big states there, too, New York and then
14 California and New Jersey with prohibition of a
15 handheld in a car.

16 What's far more common, though, are
17 restrictions on drivers with learner's permits and
18 younger drivers. You have 13 states plus D.C. that
19 have that kind of restriction, restrictions on school
20 bus driver use of the cell phone. An interesting one
21 that I like, Massachusetts requires they have at least
22 one hand on the steering wheel at all times while
23 using a cell phone. I thought that was sort of
24 self-evident, but, you know, driving on highways,
25 maybe that's not true.

01 There are actually some states that have
02 restrictions on local jurisdiction action where they
03 are pre-empting local jurisdictions with statewide
04 laws, and that's actually something I'll talk about a
05 little bit in Pennsylvania, but something for you to
06 consider as well.

07 If you look at the legislation being
08 considered this year, I think this kind of captures
09 what's consistent with already existing laws where you
10 see very few states considering this total prohibition
11 on phones in the car. Far more common are the things
12 like the restrictions on the younger driver use, the
13 restrictions on the hands-free. We've also seen some
14 states looking at things like televisions, DVD players
15 in the car. Of course, another favorite of mine, a
16 few states looking at the types of videos that you can
17 watch in the car. The infamous porn while driving
18 bills that came very popular about a year ago.

19 So there's a variety of things that
20 states are considering related to cell phone use and
21 other devices in the car. So what are the trends.
22 Again, cell phone legislation still leads. We have
23 this whole range of distraction issues in the car, but
24 by far and away, the one that generates the greatest
25 amount of tension from legislators nationwide are the

01 cell phone types of bills.

02 A lot of growing interest in the novice
03 driver legislation, and I think that's --- there was a
04 NTSB, National Transportation Safety Board study done
05 a couple years ago where they recommended that states
06 pass some sort of limitation or restriction on younger
07 driver use with cell phones in the car. You see the
08 growing interest in other distractions. The laws that
09 passed in D.C. and Connecticut both included
10 provisions related to broader range of distractions in
11 the car, things like reading and unsecure pets.

12 And we're seeing a number of other states
13 considering these types of provisions in their bills.
14 Also, greater interest in criminal cases, employer
15 liability insurance. We've had a number of lawsuits
16 now where employers have been held liable for
17 employees who are involved in crashes while using the
18 cell phone. So that's another trend to watch. And
19 states are also trying to improve their data
20 collection.

21 In terms of what's happened at the
22 federal level is pretty much nothing. Governor
23 Corzine, when he was a Senator in 2003 proposed a bill
24 that pretty much went nowhere. I talked about the
25 NCSB report that was issued in 2003. The interesting

01 thing about that, it was issued on a report where the
02 younger driver using a cell phone in a high profile
03 SUV on a windy day, this is the first time driving her
04 car and she was involved in a fatal crash that killed
05 five people. So among the things that she was doing
06 was using cell phones, and because of that NTSB
07 recommended this novice driver restriction.

08 In terms of local action, I think this is
09 something to be interested here in Pennsylvania on. I
10 think a lot of states have been concerned about having
11 piecemeal restrictions in their states. We had some
12 local communities passing restrictions. And in fact,
13 so far these 26 local communities nationwide have
14 passed some sort of handheld restriction. Most
15 significantly, Chicago, which did it last year, but
16 also Miami, Dade County, Santa Fe, New Mexico. Here
17 in Pennsylvania there's a half dozen local
18 jurisdictions that have passed handheld restrictions.
19 Conshohocken, West Conshohocken, all in through the
20 Philadelphia metro area.

21 The other interesting thing that has
22 happened here in Pennsylvania, there was court
23 decision related to one of those jurisdictions where
24 it said that the statewide law pre-empted the local
25 jurisdiction. That's not going to fly all across the

01 State of Pennsylvania yet. And it certainly doesn't
02 apply nationwide, but I think that's something to be
03 aware of. What a lot of states are doing is
04 legislators are looking at this and passing while it's
05 just a --- this is a state issue, and we're not going
06 to let the locals act on this issue, and that's one of
07 trends we're seeing in state legislatures.

08 Internationally, there's a number of
09 countries that have restrictions. I think this number
10 is actually closer to 50 now. You see some of the
11 examples that are up there, most of them are
12 restrictions on handheld use in a car. And then in
13 terms of data collection, we talked a little bit about
14 that. We're seeing more and more states trying to
15 improve their crash data. You see some of those
16 listed up there, including Pennsylvania, which is now
17 collecting the statistics, and also Pennsylvania, your
18 legislature, ordered a study a couple years ago on
19 this issue, and it was published and it was one of
20 eight states published a study related to cell phone
21 use in the car.

22 A final thing is, as the federal level
23 there's an effort, it's called a model minimum uniform
24 crash criteria or MMUCC. Are there crash criteria
25 that states use when they're trying to reform their

01 crash report forms. And there was a revision on that
02 nationally about two years ago to include cell phone
03 involvement in a motor-vehicle crash. So I think
04 we're going to see over the next couple years an
05 improvement on the number of statistics that are
06 collected by the states.

07 The question today are the handheld
08 phones effective. Are there technological solutions
09 that can improve safety on the road. Well, of course,
10 I think it depends on who you talk to. Intuitively,
11 you would think if your hands are free to use your
12 phone you have better control of the vehicle, even if
13 you are distracted. In a lot of jurisdictions that's
14 what's more politically palatable. I think clearly in
15 California that was a political compromise that
16 reached that allowed it to pass through the
17 legislature.

18 A lot of the studies seem to indicate is
19 really the cognitive distraction that's key. When
20 you're trying to interact with someone on the phone
21 that may be a little bit different than when you're
22 interacting with them in your vehicle or in person.
23 You have to focus more, and because of that you may be
24 more distracted. So many of the studies seem to
25 indicate there's really no difference between the

01 hands-free and the handheld. But again, it's sort of
02 who you talk to on that.

03 In terms of the enforcement, clearly in
04 New York and D.C. the jurisdictions have the longest
05 experience here. There hasn't been much problem with
06 enforcement. Talking to the law enforcement officials
07 in New York, they said the first month of the law is
08 like shooting fish in the barrel. Pretty easy to
09 ticket drivers, and a large number of drivers have
10 been ticketed in both jurisdictions.

11 The compliance rates interestingly --- it
12 was mentioned in this study as well, initially after
13 the law passed, when there was a lot of publicity,
14 great compliance. About six months later, eight
15 months later, the compliance rates were down sort of
16 considerably. You know, there's no real study in New
17 York that goes to whether the overall number of
18 motor-vehicle crashes has dropped because of the law.

19 Driver education, and this is one of my
20 last thoughts here. There's been a lot of talk about
21 that today. There was a study done by AAA back in
22 2003 to try to evaluate where states were on the
23 driver education programs. And you can see there,
24 those are the total number of states with each of
25 those components in their driver education manuals.

01 The majority of states don't have things like cell
02 phone usage in their driver education manuals. You
03 see only close to 20 states have something about cell
04 phone involvement in the driver education materials.

05 Another key thing to note here is there's
06 some questions about the effectiveness. If you have
07 something in your manual to say outlaw cell phones on
08 the road, or it says in your manual, you know, you
09 shouldn't use your cell phone, but you don't have a
10 law that says that use of a cell phone is illegal,
11 it's questionable whether anybody's going to pay
12 attention to it. If it's not illegal in your
13 jurisdiction, you know, okay, it's nice to know that
14 it's going to distract you. A lot of people know
15 that.

16 So we've seen a lot of industry campaigns
17 on this, and clearly driver education is a thing that
18 a lot of legislators were talking about. Finally,
19 just in terms of NCSL resources, I gave to you a copy
20 of our 2005 state legislative update along with a copy
21 of my PowerPoint slides. We're going to be updating
22 this. We do it once a year. So it's on my to-do list
23 when I get back to the office, but a lot of 2006
24 updates coming out, I would guess in the next month or
25 so.

01 We also had a working group --- in fact,
02 we were talking to some of the people in the room here
03 from Verizon and Sprint who are involved in the
04 working group. Where we formed a group of wireless
05 service providers, safety groups like AAA,
06 legislators, legislative staff. We came up with some
07 recommendations where everybody in the room agreed on,
08 and that was captured of the report back in 2002. We
09 also have a database available on our web today where
10 we track legislation. And then if you have any
11 additional questions after this meeting, this is my
12 contact information. And I'm happy to take any
13 questions from the Committee right now. Thank you for
14 your time.

15 CHAIR:

16 Does anyone have any questions? That's a
17 wonderful presentation, a lot of information in a very
18 short period of time. But it clearly shows that, to
19 me, that the technology is running way farther ahead
20 of us in the state and local government.

21 MR. SUNDEEN:

22 I think, absolutely, that's true. The
23 rate of technology can increase pretty quickly, and I
24 think we all know that. Ten years ago, how many
25 people had a cell phone, let alone a phone that they

01 used in their car, and if you did it was probably
02 something about this big; right?

03 CHAIR:

04 Or they had a three-watt ---.

05 MR. SUNDEEN:

06 Right. And clearly, we didn't have that
07 type of technology in the car that ---.

08 CHAIR:

09 It turned around and hit me, because ---.

10 MR. SUNDEEN:

11 Yeah. But I mean, you, as legislators,
12 know how long it takes to pass something in your
13 elected bodies. It's often quite difficult to do it.
14 It takes a lot of time, whereas the technology --- you
15 know, that changes on a daily basis almost.

16 CHAIR:

17 We were discussing something back here
18 about the remarks you made. How many people do you
19 notice going down the road now that are watching
20 television?

21 MR. SUNDEEN:

22 I think that number is growing.

23 CHAIR:

24 Can you see them with the little screens
25 on the dashboard. For me, I always had a GPS unit,

01 because I wanted to know my exact speed.

02 MR. SUNDEEN:

03 Right. Well, I think that number is
04 definitely growing, not only with the navigational
05 systems, but aftermarket products now allow people to
06 wire their cars in all sorts of different
07 configurations. And you know, I sort of jokingly
08 mentioned that no porn while driving craze. Well,
09 what happened with that is, a person pulled over in
10 New York, and they were watching --- they re-wired
11 their Mercedes so that they could watch videos through
12 their visors, and pulled over watching, you know, a
13 pornographic video. And of course, that made the USA
14 Today and New York Times and Wall Street Journal. And
15 printed the guy's name and the title of the movie he
16 was watching. So let that be a lesson to all of you.

17 CHAIR:

18 Any other members have questions? I want
19 to thank you. Make sure that Paul and Eric get all
20 the information. You just had a tremendous amount of
21 stuff.

22 MR. SUNDEEN:

23 Absolutely. And many of the studies that
24 were mentioned today, I have copies of in my office.
25 And I'm happy to share those with members of the

01 Committee. And the people who are on the Committee,
02 if you're interested in this information, feel free to
03 contact me as well. Thank you very much.

04 CHAIR:

05 Okay. We have one more. Tom McCarey.
06 Why don't you just go ahead and ---.

07 MR. MCCAREY:

08 Mr. Chairman, Mr. Chairman and members of
09 the Committee. Good afternoon. I want to thank you
10 for the opportunity to represent the National Motorist
11 Association at this hearing. Mr. Sundeen's a tough
12 act to follow, but it's good to be the headliner.

13 The National Motorists Association works
14 to protect the rights and privileges of motorists
15 throughout North America. We are a member-funded
16 grassroots organization working for traffic laws based
17 on sound engineering principles and public consensus,
18 not political win or knee jerk reactions. The
19 National Motorists Association opposes any law or
20 regulation making use of cell phones illegal while in
21 an automobile.

22 The NMA deplores this seemingly
23 unconscious and dangerous driving on the part of
24 certain cell phone users. The NMA is equally
25 disturbed by similar driving practices exhibited by

01 other drivers not using cell phones. Therein lies the
02 true issue. Distracted inattentive driving that
03 results in dangerous driving. In response to this
04 problem, every state, including Pennsylvania has some
05 form of law that addresses inattentive driving.

06 The cause of the inattentiveness is
07 largely irrelevant. It doesn't matter that the driver
08 is distracted by a conversation with a passenger,
09 tuning the radio, eating a snack or talking on a cell
10 phone. If the level of distraction reaches a point
11 the driver is no longer safely and responsibly
12 driving, they are guilty of inattentive driving and
13 other violations that may result from their
14 inattentiveness.

15 Inattentive driving in all its forms can
16 best be addressed through educational forums and to a
17 limited degree enforcement activities. Ultimately, it
18 has to be recognized that people do not want to be
19 involved in a traffic accident. If they are
20 sufficiently and frequently forewarned that
21 inattentiveness is the leading cause of all traffic
22 accidents, the message may well take hold.

23 Investing public resources into
24 educational and public relations efforts focused on
25 inattentive driving would be a productive use of these

01 funds. Pre-emptive laws that make otherwise innocent
02 harmless acts illegal are pervasive in the United
03 States. The range of pre-emptive state and federal
04 statutes is so extensive that it is literally
05 impossible for the average citizen to function from
06 day to day without violating multiple laws and
07 regulations. This is particularly true for those
08 persons driving on public roads.

09 Most of these pre-emptive laws are put in
10 place for one of two reasons. The first is the belief
11 that by making the innocent and harmless act illegal,
12 it will eliminate the possibility that this act will
13 lead to another actually harmful act. The second
14 reason and the underlying reason for making the
15 harmless use of cell phones illegal by vehicle
16 operators is ease of enforcement.

17 A blanket prohibition on cell phone use
18 is far easier to enforce than our inattentive driving
19 laws. This eliminates the need for exercising
20 thoughtful discretion and reasoned judgment. The
21 issue appears black and white. That the cell phone
22 user was causing no harm and endangering no one does
23 not have to enter into the decision-making process.

24 The National Motorists Association
25 opposes this type of politically expedient enforcement

01 practice. Innocent harmless behavior in and of itself
02 should not be illegal.

03 To date, there is no statistical
04 correlation between cell phone use and increased
05 accidents and no correlation between cell phone bans
06 and fewer accidents. Even the studies that attempt to
07 show a correlation will state that the findings are
08 not conclusive due to a lack of information.

09 With the explosion in cell phone use,
10 there would be an expectation of an explosive increase
11 in the number of accidents, but that has not happened.

12 If officials are truly interested in
13 increasing safety on our roads, they should forget
14 this current legislation. Instead there should be
15 more emphasis on enforcing the existing law of
16 distracted driving and mounting a safety campaign,
17 emphasizing the dangers of distracted driving. This
18 single action would target the true problem drivers,
19 not just drivers who happen to be using a phone.

20 I have a question and then a final
21 statement. Are there any points attached to this
22 Bill? Any points assessed to the driver?

23 CHAIR:

24 Mr. Shapiro?

25 REPRESENTATIVE SHAPIRO:

01 No, there are not.

02 MR. MCCAREY:

03 Why not?

04 REPRESENTATIVE SHAPIRO:

05 If you want to finish, I'd be more than
06 happy to ---.

07 MR. MCCAREY:

08 Well, that's part of my question. If
09 this is such a serious offense, why aren't there
10 points?

11 REPRESENTATIVE SHAPIRO:

12 That's a fair question.

13 MR. MCCAREY:

14 Do you have an answer?

15 REPRESENTATIVE SHAPIRO:

16 It's a fair question. I'll be more than
17 happy to look into it.

18 MR. MCCAREY:

19 Do you think this is as serious as
20 reckless driving? It has six points and a six-month
21 suspension. Do you think it's as serious as careless
22 driving. It has three points. The distracted driving
23 statute is 37.18 carries two points. The fact that
24 this is --- \$250 with no points indicates that this
25 legislation is primarily to raise revenue. If it's so

01 serious, why aren't there points?

02 That's the National Motorists
03 Association's position. There's already a law for
04 distracted driving. And I think you made a big
05 mistake not putting points on this, because it opens
06 the door for a lot of questions. And I'm ready to
07 answer any questions you guys have.

08 CHAIR:

09 Thank you very much.

10 MR. MCCAREY:

11 I suppose you want to get out of here.
12 I'm a little upset that the Channel Six guy left. So
13 I guess I'm not important enough for the news.

14 CHAIR:

15 Anybody have any questions from the
16 Committee? Thank you very much.

17 MR. MCCAREY:

18 Thank you.

19 CHAIR:

20 Good counterpoint. And that concludes
21 today's hearing. I want to thank everybody for
22 coming.

23 * * * * *

24 PUBLIC HEARING CONCLUDED AT 7:49 P.M.

25 * * * * *