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BEFORE THE
PENNSYLVANIA HOUSE OF REPRESENTATIVES
OF THE TRANSPORTATION COMMITTEE

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IN RE: TEEN DRIVING ISSUES/DISTRACTED DRIVER

* * * * *

BEFORE: JOSEPH F. MARKOSEK, Chair
John Sabatina, Member
Paul Costa, Member
Tim Solobay, Member
Tony Payton, Member
John Siptroth, Member
Dante Santoni, Member
Kate M. Harper, Member
John Evans, Member
Kathy Watson, Member
Ron Miller, Member
Jake Wheatley, Member
Stacia Ritter, Executive Director

HEARING: Tuesday, July 24, 2007
8:50 a.m.

LOCATION: Holiday Inn
400 Arch Street, Franklin Room
Philadelphia, PA 19106

WITNESSES: Suzanne Hill, Dennis Durbin, M.D., Ronald Kosh, Frank McCorkle, Dr. Anne McCartt, Theodore Christopher, M.D., Kurt Meyers, Kevin Quinlan

Reporter: Sharon M. Marsh

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

02 -----

03 CHAIR MARKOSEK:

04 Welcome to the Pennsylvania House
05 Transportation Committee hearing this morning. Sorry
06 we're slightly late, but not that bad. And I think
07 we're going to have a very good hearing today. First,
08 I'd like to introduce myself. I'm State
09 Representative Joseph Markosek, Allegheny and
10 Westmoreland Counties. I'm the Chairman of the
11 Committee. And I'll just go around the table. We
12 have Representative Ron Miller, York County. He's a
13 member of the Committee who's here. Representative
14 Kathy Watson from Bucks County is here.
15 Representative John Evans from Erie County,
16 Representative Kate Harper from Montgomery County,
17 Representative Dante Santoni from Berks County,
18 Representative John Siptroth from Monroe County, and
19 Representative John Sabatina from Philadelphia County.
20 And more than likely, we'll have some folks coming in
21 as the hearing progresses.

22 But I wanted to say that the purpose of
23 the hearing is to discuss today the issue of
24 distracted driving. We have some specific bills,
25 particularly House Bill 163, which is sponsored ---

01 the prime sponsor is Representative Kathy Watson, as
02 well as several other bills that deal with distracted
03 driving and driving with the use of various
04 technologies, and combing your hair, and shaving, and
05 reading the newspaper, and all those kinds of things
06 that people do when they're distracted while driving.

07 Very first thing I'd like to do is ask
08 Representative Watson if she would take her place for
09 the testifying table there and give us an overview of
10 her bill, House Bill 163, and some of the background
11 and some of the history and purpose for introducing
12 the bill and anything she'd like to do.

13 Representative Watson?

14 REPRESENTATIVE WATSON:

15 Thank you, Mr. Chairman. Good morning
16 again to everyone. I apologize for my back to all
17 people who kindly came today. House Bill 163 is in
18 effect a reintroduction. I introduced the original
19 Teen Driving Bill in the last session. I did so
20 really on the heels of a bill that now the Majority
21 Whip, Representative McCall has done something with an
22 earlier Teen Driving version. If you will recall,
23 just looking at number of young people in the vehicle.
24 And Representative Tom Stevenson, at the time, had
25 also done something. My bill is a combination,

01 certainly, and I always give credit to those two
02 gentlemen. But I try to take it further based on
03 research. And the research, and you will hear from
04 folks from our very own Children's Hospital in
05 Philadelphia, and studies that have been done that
06 talk about why it is that young people die in
07 vehicles, particularly our young and inexperienced
08 drivers. Those new drivers, the first six months to a
09 year.

10 The Chairman had said to me this morning,
11 would I please talk about the genesis of the bill.
12 Perhaps the short answer is, the genesis of this bill
13 and the reason for the bill is that I'm a parent. And
14 certainly, I do not like reading --- unfortunate, our
15 son is grown. We still can't get him married, so
16 we're working on that one. But very seriously, it is
17 a parent's worst nightmare to lose a child. There
18 are, and certainly our friends and children I'm sure
19 could talk in another setting about all the illnesses
20 and things that happen to children that we really, as
21 a parent, can't control. And you just pray nightly
22 that none of those things happen. However, children
23 dying in traffic crashes, I think there are things
24 that we can do to reduce those numbers. I think that
25 because the signs and all the research says that we

01 can do more. And when I say we, parents do all that
02 they can, but they need us, as legislators, to help
03 them, to serve as a backup, to provide laws that they
04 can depend on, that they can talk over with their
05 children and say, it's so important there's even a law
06 that says this.

07 And that gets to one of the first things
08 in the bill, and I recognize for some people and in
09 some parts of our state, it seems controversial. And
10 that is that we would restrict the number of young
11 people in a vehicle with a new driver. And we would
12 restrict it to siblings or relatives who live in the
13 same dwelling or if there's parental approval, then
14 maybe there'd be one more. We also would have an
15 exception in the bill for passengers or those who
16 carry --- drive others on a farm setting situation. I
17 come from Bucks County, so actually others had given
18 me this suggestion and we put it in the bill.

19 At the same time we restrict, we restrict
20 because we know that one of the greatest, and actually
21 they say the greatest distraction for a young person
22 is other young people in the vehicle, more so even
23 than a cell phone or text messaging or changing the
24 CDs or eating a breakfast sandwich on the way to
25 school. But it is other young people in the vehicle.

01 And if you think back to a time when, perhaps, you
02 were a little younger and you were driving, you can
03 remember that. And those of you who are parents, if
04 you think, perhaps, more recently to a time when you
05 had two or three of your children in the back seat and
06 they began to fight with each other and you were in
07 traffic, do you remember what that was like? And you
08 were an experienced driver. That's called
09 distraction, ladies and gentlemen. And it's very
10 difficult for our young and new drivers.

11 In the same vein about young and new
12 drivers who have Graduated Driver Licensing Law, that
13 has been very effective. And if you hear from
14 PennDOT, you certainly have seen the statistics that
15 since 1999, when the Graduated Driver Licensing Law
16 was passed, indeed, the number of accidents and
17 fatalities for young drivers has decreased
18 significantly. But I would suggest to you that if you
19 are a parent of one of those who was severely injured
20 or one of those young people who died, the numbers
21 aren't low enough and we need to do what we can to
22 make them lower, and if we can, make them disappear.

23 To that end then, we would also add to
24 the number of hours that a young person would have to,
25 if you will, practice with an experienced driver. But

01 we are, again, trying to help parents based on the
02 research and be specific. So we would have ten hours
03 of what we call nighttime driving, five hours of in
04 climate weather. Very deliberately, because
05 regardless of what your personal restrictions might be
06 as a good parent on your young person when they first
07 get their license, sooner or later they get caught in
08 a terrible rainstorm or sooner or later they have to,
09 in that part time job, work later and are coming home
10 in the dark. The point being, that we need to give
11 them as much experience as possible for every possible
12 situation. And again, research tells us that, parents
13 have told us that.

14 The last part of the bill, which, again,
15 as I suppose controversial, you will recall that if we
16 have a young child from birth to three, we require
17 that they be put in the proper child passenger
18 restraint, the infant seat or the carseat. And
19 indeed, that's a primary violation. If you recently
20 had a child and come home from the hospital, you know
21 the hospital will not let you leave until you have the
22 proper carseat and it's properly installed. You'll
23 recall that, I believe it was 2002, we passed the
24 Booster Seat Law, that is providing a restriction and
25 requiring that young children from four up through age

01 seven and a certain pound requirement, but they should
02 be in the booster seat in the back seat with a
03 seatbelt. When that was done --- and I had a bill for
04 that, but it was done as an amendment to another bill.
05 And of course, in Harrisburg, we're familiar how that
06 all worked. At the time then, the one thing we
07 couldn't do to get it in, we couldn't make it a
08 primary seatbelt law in conjunction with the birth
09 through three. And yet, we certainly aren't saying,
10 well, the children are so valuable that we're making
11 it a primary law, birth through three, but once
12 they're four, we don't care. We do care. And so in
13 this bill, that would fix that.

14 It would also extend and make it a
15 primary law, particularly for our young drivers, that
16 up to age 18, an officer could pull you over if you
17 were not properly restrained or the other young person
18 in your car not properly restrained. Why to do that?
19 Because what we have learned is, that the most common
20 reason in the fatalities of young people in traffic
21 crashes is that they're ejected from the vehicle and
22 then they die.

23 So that's the genesis of the bill. I
24 think it behooves us to help parents wherever we can.
25 I will admit, ladies and gentlemen, this is not

01 cutting edge legislation. There are at least 34 other
02 states that do this. It does work, the science tells
03 us that. And I think it's important that we help
04 parents in any --- and grandparents and all those who
05 love their young people in anyway that we can to keep
06 them safe for as long as we can. And we recognize
07 these are all good kids and sometimes they just are
08 risk-taking and do things that have terrible
09 consequences. Thank you, Mr. Chairman.

10 CHAIR MARKOSEK:

11 Thank you, Representative, Watson. And
12 we appreciate --- I don't want to put you on the hot
13 seat here, so we'll ask you to please come join us and
14 we'll start through the rest of the hearing scheduled.
15 The next person to testify is Kevin Quinlan with the
16 National Transportation Safety Board. He's traveled
17 here from Washington, D.C. this morning. Kevin, do
18 you want to introduce your partner there, as well,
19 please?

20 MR. QUINLAN:

21 Good morning, Mr. Chairman and members of
22 the Committee. My name is Kevin Quinlan. I'm the
23 Chief of Safety Advocacy at the National
24 Transportation Safety Board. With me today is
25 Christopher Castrido (phonetic) of the Washington

01 Scholars Program. In my office, we refer to young
02 gentlemen like Chris, as slave labor because we don't
03 pay them. We don't pay them, but they help out a lot.

04 The National Transportation Safety Board,
05 as you may know, is an investigative agency. You
06 probably know us from our aviation investigations. I
07 think the important thing to note about the NTSB is
08 that we investigate. We do not regulate. We ask the
09 states to take actions based on our investigations.
10 We do not tell the states what to do.

11 You have a package that we have provided
12 written testimony, which I will not read. I may hit
13 some highlights in it. A brochure that has the Safety
14 Board's list of most wanted safety recommendations,
15 that is transportation improvements that we know work.
16 If you look in the center of it, you'll see measures
17 that keep planes from running into each other on the
18 ground and exploding in the air. If you go to the
19 very back, you'll see that there are measures to
20 improve youth highway safety, and that's what I'll be
21 talking about today. There is also a safety alert,
22 which we provide to the public, which has general
23 information on what a good Graduated Drivers Licensing
24 Law looks like and what the restrictions should be.

25 And then finally, Mr. Chairman, if you

01 are interested, I would like to point out, as
02 Representative Watson said, that the legislation that
03 you're considering, Representative Watson's
04 legislation and others, are not new. We have maps,
05 and if you would like, Mr. Chairman, I can provide
06 each member with a set of maps. The one in my right
07 hand is the passenger restrictions, and you'll notice
08 that Pennsylvania is surrounded by states that have
09 passenger restrictions as part of Graduated Drivers
10 Licensing.

11 And the other --- the newer phenomenon,
12 wireless communication device restrictions.
13 Pennsylvania is not quite surrounded by states that
14 have it, but I'm sure you will be. And I'd like to
15 talk briefly about those two issues.

16 Let's start off by framing the problem.
17 Traffic crashes account for 40 percent of all deaths
18 among 15 to 20-year-olds. Forty (40) percent. It's
19 the leading cause of death for this age group.
20 Nationally, 6.3 percent of drivers are teen drivers.
21 But they're involved in 12.6 percent of fatal crashes,
22 so they're over represented. But nationally, almost
23 20 percent of all highway fatalities occur in crashes
24 involving young drivers. The crash statistics for
25 Pennsylvania are more ominous. On average, over the

01 last eight years, teens made up about 5.7 percent of
02 drivers, but 14.2 percent of drivers involved in fatal
03 crashes, not quite tripling, nearly 23 percent of the
04 fatalities. In 2005, the last year for which we have
05 data, 286 people in Pennsylvania died in crashes
06 involving young drivers.

07 And teen passengers adversely effect the
08 risk-taking behavior of young drivers. You may be
09 aware of recent brain research, the brain development
10 and risk assessment research, basically saying that
11 the frontal lobe doesn't fully develop until you're in
12 your 20s. The relative risk of a crash with teen
13 passengers and a teen driver increases linearly with
14 each additional passenger. So if you have three
15 passengers, you have three times the likelihood of a
16 fatality occurring.

17 We investigated several crashes here in
18 Pennsylvania, including one in 2002 in Roaring Brook
19 Township. Five 16-year-olds were driving in the rain,
20 another hazardous condition. The driver lost control,
21 hit a tree, three died and two were injured. The
22 driver had a Junior Operator's Permit that did not
23 prohibit him from carrying teen passengers. In 2005,
24 a similar crash occurred in Springbrook Township, in
25 which two teens were killed.

01 In 2003, we did a major investigation of
02 a crash in Largo, Maryland, and it highlighted all of
03 the problems with young inexperienced drivers. That
04 crash involved multiple risk factors. The driver was
05 inexperienced and unbelted, was operating a
06 high-profile short-wheelbase sport utility vehicle.
07 Jargon for, it's easy to tip. And she was not
08 familiar with the vehicle. She was driving 15 to 20
09 miles an hour over the speed limit and she was talking
10 on a handheld cell phone while she was doing all of
11 this. We believe that she was scanning the traffic
12 ahead trying to find her friend who was leading her to
13 a place in Maryland. Looking for a friend, and what
14 happened was she lost her situational awareness. She
15 didn't know where she was in the traffic flow. And I
16 think we can all understand that.

17 Iowa researchers found that drivers
18 engaged in wireless conversations weren't aware of the
19 traffic around them. And at the Safety Board, we
20 found a similar relationship in all the other modes of
21 transportation. And there's a relationship between
22 poor situational awareness and poor performance.
23 There are --- this is a well studied area. Novice
24 drivers commit more driving infractions and are less
25 situationally aware than more experienced drivers.

01 The essential problem is over-tasking the
02 operational memory in the brain. It creates a kind of
03 cognitive blindness, in which the driver may actually
04 see something, but can't process the information. So
05 that hazard, while it's seen, it's not perceived. And
06 one of the major contributors to this operational
07 overload is cell phone or wireless communications,
08 messaging.

09 We concluded that, at that time in 2003,
10 that state laws were inadequate to protect young
11 novice drivers from the distractions that lead to
12 accidents. And I want to point out here, we don't use
13 the term cell phone. We use the term interactive
14 wireless communication devices. And there's a good
15 reason for that. Cell phone denotes speech. And yet,
16 you'll see in the testimony, and I want to comment on
17 two items, that it's not just speech. Text messaging
18 is a problem that's increasing dramatically.

19 In 2005, we were notified that --- and
20 this is for Minority Chairman Geist, by the way. We
21 were notified that an adult bicycle rider was killed
22 and the young driver, the 17-year-old driver who
23 killed him was text messaging with both thumbs while
24 he was driving. That was the first one that we had
25 seen of text messaging problems, just last month, June

01 28th, in Canandaigua, New York. A 17-year-old SUV
02 driver with four other recent high school graduates in
03 her car was text messaging as she was driving. She
04 was speeding past, passed a car, tried to cut back in,
05 hit a semi-trailer, the car exploded and all five
06 teens were killed. Phone records indicate that she
07 had been text messaging. So we think it's important
08 that you consider text messaging, and that's why we
09 used that term, interactive wireless communication
10 devices.

11 This issue seems to be increasing and
12 needs to be prohibited, at least for young drivers.
13 Well, why is this all important? You already have a
14 Graduated Drivers Licensing Program and we're involved
15 in working with you on that, and we appreciate it.
16 And we know that you did --- you had a lot of effect.
17 But there is a study from Johns Hopkins University and
18 the American Academy of Pediatrics that indicated that
19 states with comprehensive Graduated Drivers Licensing
20 Laws achieve greater fatality reductions than those
21 states with weaker laws. What's stronger? What's
22 weaker? What's comprehensive? Well, it's those other
23 restrictions, the nighttime restriction, which you
24 have and have had great success with. Some states
25 don't have that. The passenger restriction and the

01 wireless communications device restriction, add those
02 to it and you will achieve the maximum that we think
03 you can achieve with the Graduated Drivers Licensing
04 Law.

05 A very simple way in regard to teen
06 passenger restrictions --- or teen graduated licensing
07 restrictions more is better. And the research
08 evidence says that. So the Safety Board strongly
09 recommends that you consider and adopt a passenger
10 restriction and an interactive wireless communications
11 device restriction for young drivers while they are in
12 the learning process. That usually means a learner's
13 permit, and in Pennsylvania, it's called the Junior
14 Operator's Permit. Other states call it other things.
15 We think that will give them the opportunity to get
16 the experience they need in driving in the safest
17 possible environment.

18 Representing the Safety Board, I want to
19 thank you, Mr. Chairman and members of the Committee,
20 for your time. I'd be glad to answer any questions
21 you may have.

22 CHAIR MARKOSEK:

23 Thank you very much. Before we get in to
24 questions, since you mentioned Chairman Geist, and I'm
25 sorry I forget to mention, he is not here today. He

01 has a bicycle --- the Tour de Toona in his hometown of
02 Altoona this week. So it's a very important event for
03 him there, and that's where he is. Frank Grasso
04 (phonetic), from his staff, is here, though, and we
05 certainly welcome him, as well. We do have --- just
06 to mention, there's a couple of pieces --- other
07 pieces of legislation. Representative DePasquale has
08 a bill in relative to --- relating to text messaging
09 while driving. And I know Representative Chelsea
10 Wagner also has a restricted driving piece of
11 legislation, too. I just thought I'd mention those.
12 Representative Siptroth has a question.

13 REPRESENTATIVE SIPTROTH:

14 Thank you, Mr. Chairman. Mr. Quinlan,
15 thank you very much for joining us and testifying
16 today. You had indicated that particularly
17 individuals holding Junior Driver's Licenses are more
18 prone to have accidents, simply based on their
19 behavior and also their education, driving behind the
20 wheel. What about those individuals that may be 18,
21 but yet, not 20, where the brain lobe is completely
22 developed, as you indicated and reactions may not be
23 the same? Should there be some restrictions placed on
24 those individuals if they haven't held a Junior
25 Driver's License prior to that and have gained some of

01 that experience?

02 MR. QUINLAN:

03 Let me answer that in several different
04 tracks, because it is a complex question. First, the
05 only state that I know of that applies Graduated
06 Driver's Licensing to other than young drivers is
07 Maryland, but the restrictions are somewhat different.
08 There's no alcohol restriction if they're over 21.
09 There's no --- the supervised driving restriction is a
10 little bit different. So I --- the continuation of
11 restrictions, other than seatbelt and zero alcohol
12 tolerance, is not common in the states, and Maryland
13 being the only one that has it.

14 Should there be? I'm not sure I'm
15 qualified to answer that. We know for sure that
16 whenever you start licensing, whether it's 14, 15, 16,
17 17, the first year to the first two years of licensure
18 is the most dangerous time. Graduated Licensing has a
19 very strong effect, up to 40 percent reduction in
20 fatals for 16-year-olds. And there is a halo effect
21 for 17-year-olds, but it does not continue to
22 18-year-olds. So perhaps, there should be some
23 consideration of some other restrictions, but we know
24 of no state that does that.

25 REPRESENTATIVE SIPTROTH:

01 I can almost imagine the infringement on
02 adults, your constitutional rights and all that sort
03 of thing. But I appreciate your candid testimony and
04 thank you very much.

05 MR. QUINLAN:

06 Thank you. I am limited. When the Board
07 makes a recommendation, really all I can talk about is
08 that recommendation.

09 REPRESENTATIVE SIPTROTH:

10 Thank you.

11 CHAIR MARKOSEK:

12 Thank you. Representative Harper?

13 REPRESENTATIVE HARPER:

14 Thank you, Mr. Chairman. I thought I
15 read a study that said ---. In Pennsylvania and other
16 places I'm sure, they argue over whether you should
17 ban handheld cell phones, all cell phones, and of
18 course, text messaging is the next thing because it
19 involves your --- you know, presumably taking your
20 eyes off the road and using your hands and not having
21 them on the wheel. But I thought I read a study that
22 says that the message itself or the communication was
23 the distracting part of it. Do you know anything
24 about that? In other words, ---

25 MR. QUINLAN:

01 Yes.

02 REPRESENTATIVE HARPER:

03 --- hands-free does not necessarily solve
04 the problem because the communication the person may
05 be having hands-free may be as upsetting or as
06 enthralling or whatever so they're not paying
07 attention. And when you were talking about
08 situational awareness, I was wondering whether you
09 were familiar with that study and whether you guys
10 have any recommendations regarding hands-free or not
11 hands-free or things like that.

12 MR. QUINLAN:

13 We have two recommendations on wireless
14 communications device use. One is for young drivers,
15 because they are most at risk. The second one is for
16 bus drivers, any driver carrying passengers in
17 commerce, otherwise known as bus drivers. And that
18 came from an investigation of a crash involving a tour
19 bus in Alexandria, Virginia, in which the driver was
20 on a cell phone and ran into the lower part of a
21 bridge on the George Washington Parkway, because it's
22 not one of those that are straight across. Well,
23 there's a greater burden of care because they're in
24 commerce, and that means that they should be as safe
25 as possible.

01 Let me go back to cognitive issues. When
02 teenagers dial a cell phone or text message, they do
03 it like this. 301-555-1212. When an adult does it,
04 they do 301-555-1212. They're always searching. They
05 go up and back down, not particularly safe either.
06 And that's been shown in some research --- and I'd be
07 glad to pass this around. It's kind of an obscure
08 chart. But the University of Utah did research on
09 simulators, in which there were multiple demands, one
10 of which was a cell phone conversation. And you see
11 from this research that when you move to dual tasks,
12 even experienced drivers have a 2.5 percent increase
13 in the likelihood of crash. But the difference is
14 that for novice drivers, it's 6.4 percent. So while
15 there's an increased risk for experienced drivers when
16 they're on a cell phone or messaging, it's not as
17 great as for teens. That's why we focus on teens,
18 because they are the highest risk group.

19 Now, in terms of ---

20 REPRESENTATIVE HARPER:

21 What --- right.

22 MR. QUINLAN:

23 --- handheld, hands-free ---

24 REPRESENTATIVE HARPER:

25 Right.

01 MR. QUINLAN:

02 --- I can eventually get to answer all of
03 your questions. And you can find this in our report
04 on that Largo, Maryland crash. The hands-free creates
05 a kind of biomechanical problem, and that is, you tend
06 not to look at your mirrors and you tend not to move
07 your head. But the conversation --- and that's
08 impairing. There's no doubt about it, because you
09 don't know where you are in the traffic flow. And
10 it's very clear in that crash, when the wind gusts hit
11 that vehicle, the young lady driving the car had no
12 idea that there was no one in the next lane. So when
13 she went just like one tire width over the lane, she
14 over corrected and because it was a high center
15 gravity vehicle, she basically crossed, hit a
16 guardrail and ended on top of the minivan full of
17 Canadian tourists. So she didn't know where she was
18 or what she was doing. The cognitive blindness that I
19 talked about in my statement occurs for everybody, but
20 it's worse for teens.

21 REPRESENTATIVE HARPER:

22 So this would be true whether or not it's
23 hands-free?

24 MR. QUINLAN:

25 That's correct.

01 REPRESENTATIVE HARPER:

02 Okay. Thank you very much.

03 CHAIR MARKOSEK:

04 Thank you. Representative Evans?

05 REPRESENTATIVE EVANS:

06 Thank you, Mr. Chairman. And thank you,
07 Mr. Quinlan, for testifying here this morning. You
08 mentioned in your testimony here that, perhaps, the
09 most important distraction young drivers face is the
10 presence of other passengers. And I commend
11 Representative Watson for her legislation, which does
12 address this issue with teen drivers. I'm just
13 curious what feedback you have received from states
14 that have this type of a law on the books from law
15 enforcement officials. Have they been successful in
16 identifying these violations? Have there been issues
17 with primary and secondary offenses? As you know, in
18 Pennsylvania, the Seatbelt Law, which is on the books,
19 is a secondary offense, which means that the police
20 officers cannot pull an individual over for that
21 violation. There has to be another violation that
22 occurs to prompt them to prosecute for seatbelt. Is
23 that a similar situation with these teen driving
24 regulations, and what law enforcement feedback can you
25 provide for us?

01 MR. QUINLAN:

02 Boy, is that a loaded question. The
03 primary enforcement in Graduated Licensing is parental
04 enforcement. This is the one area that I can think of
05 that's so obvious where state law helps the parents.
06 Actually, the other area is child safety, booster
07 seats and child safety seats. The state law defines
08 the minimum standard and that's what's parents look
09 for. So most of the enforcement, in truth, is done by
10 parents.

11 Secondly, this --- I've been trying ---.
12 You know, I'm Irish and I talk a lot. I'm trying not
13 to go out of range about secondary enforcement,
14 because secondary enforcement sends the message that
15 this law is not as important. In truth, most of the
16 Graduated Licensing provisions, nighttime driving
17 restriction, cell phone restriction, passenger
18 restrictions are in effect natural secondary
19 enforcement. The police officer doesn't know whether
20 the driver holds a Junior Operator's Permit or not
21 unless you have, as they do in Australia, a decal in
22 the window. The officer can't possibly know that, may
23 have an idea that the driver is under a certain age,
24 but can't know for sure. Unlike with speeding, they
25 have a radar gun. They have an objective measure.

01 They know or they have leadar (phonetic) or one of
02 those. They know when a person is speeding.

03 So it's natural secondary enforcement.

04 The more restrictive the state law in terms of
05 restricting police officers, the less likely it is to
06 be enforced. So that's the feedback that I've gotten.
07 But it's natural. What they find is --- they find
08 another offense naturally. Whether you write it in to
09 the law or not, and I would suggest, I would counsel,
10 that you do not need to write that in to the law.
11 Secondary enforcement sends --- that terms sends a
12 very bad message to the police officers and to the
13 public, too, because ---.

14 Massachusetts repealed its seatbelt law
15 and my mother said she didn't need to wear her
16 seatbelt anymore and I said, as long as I'm driving,
17 you do. So I hope that answers your question. The
18 feedback is, is it's harder. The more restrictions
19 you put on the police, the harder it is to enforce it.

20 REPRESENTATIVE EVANS:

21 Yeah. I think your point is well taken.
22 We do get some feedback from law enforcement from time
23 to time that, you know, they are burdened with lots of
24 paperwork, and they're stretched in their
25 responsibilities, and the state police compliments are

01 down. And you know, covering more territories, that
02 does create some pressures, you know, for law
03 enforcement. But I think that your answer clears that
04 up somewhat as far as the parental role in all of this
05 in the mix. I think your idea with the decal, I might
06 add, might be something --- if you mention that in
07 front of the Committee, that might be something we can
08 work on at sometime in Pennsylvania, as well.

09 MR. QUINLAN:

10 We can send you information on that if
11 you'd like. In Australia, all of the states in
12 Australia, and they're a federal system like the U.S.,
13 the driver must have an L or a P, meaning provisional,
14 decal in the front and back windows. And they
15 actually just reverse so it's fairly easy. And I was
16 in Vermont in April and they're considering adding
17 that provision so the police officer can determine ---
18 better determine who's under --- in a certain license
19 status.

20 REPRESENTATIVE EVANS:

21 Thank you, Mr. Chairman.

22 CHAIR MARKOSEK:

23 Okay. Thank you. Good suggestion.

24 Representative Miller?

25 REPRESENTATIVE MILLER:

01 Thank you, Mr. Chairman. Thank you for
02 the testimony. One of the things, and maybe I can
03 make a statement and you can help me understand why I
04 struggle with this, I don't understand what the
05 difference if I'm talking to my wife on my cell phone
06 as I'm driving or if I'm talking to my wife in the
07 car, especially if it's a --- not a handheld, but an
08 ear piece. Why is that a difference in my
09 concentration or my awareness of traffic around me?

10 MR. QUINLAN:

11 Let me not answer that question and
12 answer another question.

13 REPRESENTATIVE MILLER:

14 Okay.

15 MR. QUINLAN:

16 This is full disclosure from the federal
17 government. If you're talking with your wife in the
18 car, you have four eyes observing the road, getting a
19 sense for what's going on and there's feedback between
20 you. You are probably still looking ahead and
21 scanning and doing what you need to do to drive. But
22 she may be doing the same thing also. When you're on
23 a cell phone, you don't have that second pair of eyes
24 and your concentration is focused on the conversation.
25 Now, there are different kinds of conversations and

01 some --- I hesitate to bring this up because there's
02 some research that indicates that the more intense the
03 conversation, the greater the degree of impairment.
04 Because if you're in an argument, in an intense
05 conversation, doing business on the phone and you got
06 a client that you need to --- and you're focused
07 completely on that, then your attention is drawn away
08 from the road ahead. So there is a difference between
09 the two. I know I'm not directly answering your
10 question, but you can see the qualitative differences
11 in the kinds of conversations.

12 REPRESENTATIVE MILLER:

13 Would it not then seem to follow suit
14 that we should probably ban listening to books on
15 tapes since I tend to get very involved in those books
16 on tapes?

17 MR. QUINLAN:

18 And I have exchanged books on tape or CD
19 with legislators from different states because we have
20 all of that. I have a 110-mile roundtrip commute to
21 Washington every day, so I have lots of them. The
22 difference is that you still have the attention that
23 you're paying to the road. It's like music. It's the
24 same thing as music. You may be hearing this, but,
25 you know, sometimes you can shut things out and focus

01 on what you need to do. That's what you're doing.
02 When an emergency comes up, you know what traffic
03 looks like. You know how close you are. What happens
04 on a cell phone conversation is the head space changes
05 like that. Whereas, when you're listening to the book
06 on tape, it's more likely to be like that.

07 REPRESENTATIVE MILLER:

08 Okay. Thank you. Thank you, Mr.
09 Chairman.

10 CHAIR MARKOSEK:

11 Okay. Very interesting. Representative
12 Watson?

13 REPRESENTATIVE WATSON:

14 Thank you, Mr. Chairman. Thank you, Mr.
15 Quinlan, for being here. It's certainly longer than
16 110 miles, but we appreciate you attending.

17 MR. QUINLAN:

18 And thank you for your work on the
19 Impaired Driving Legislation several years ago.

20 REPRESENTATIVE WATSON:

21 Right, the DUI. They're just things that
22 I think are important. I would so follow-up to what
23 Representative Evans said and just say that in the
24 course of doing all of the research for this bill, one
25 of the groups I particularly talked to were local

01 police, but also state police. And interestingly, it
02 was the state police who had said at the time that
03 they saw it as making it uniform and primary, not
04 because they wanted to issue violations to a
05 17-year-old or an 18-year-old in a vehicle for not
06 wearing a seatbelt, but they saw it so many times and
07 they could not legally stop that young person and say,
08 you have to buckle up. And, in fact, the young person
09 knew they couldn't stop them. And I guess for those
10 that are from this general area, years ago New Jersey
11 went to a primary seatbelt law. And if you come from
12 particularly South East Pennsylvania and you tend to
13 take a summer vacation, you go to the New Jersey
14 shore. Or the colloquial expression used for those
15 from Pittsburgh is, are you going down the shore this
16 weekend. It makes an English teacher nuts, but that's
17 okay.

18 In any event, what I always noticed was,
19 as you would drive over the Walt Whitman Bridge or the
20 Ben Franklin, which are the two major bridges to get
21 over there, you would --- and there's a sign, you
22 would watch people in Pennsylvania go like this and
23 thrown the seatbelt on, because what they knew was, as
24 they crested down and they came into New Jersey, they
25 could be stopped, and, indeed, the New Jersey police

01 were very adept at doing that. In any event, my point
02 being somewhat humorously, but seriously, the point is
03 that when the law backs you up, people are more likely
04 then to follow because most of us are very law abiding
05 people. What's the law say? Okay. I'll make sure I
06 do that. And I think that in this case, the police
07 were saying, give us that, then at least we can stop
08 and say you have to do it. I can issue you a warning.
09 But for a young person, since we know that contributes
10 to the deaths that we've seen, we want them buckled
11 up, that's one way to do it. So they weren't looking
12 at it as --- because it is hard to enforce and how can
13 you tell, perhaps, maybe an 18-year-old from a
14 19-year-old. But I guess it gives them that probable
15 cause, a reason that they are legally able to say, you
16 need to do this. And so with that in mind, I thought
17 then that we would include that in the bill.

18 MR. QUINLAN:

19 In truth, they will find something else
20 first anyway, because they're just not going to stop a
21 car with two or three teens in it because they can't
22 --- you don't have probable cause for the stop. You
23 have to find something else, and so it does not need
24 to be written in to the bill. And since you --- this
25 is a threefer for me because we've talked about

01 Graduated Driver's Licensing and we've talked about
02 booster seats and child safety seats. And I want to
03 compliment you all on what you did with that. It's
04 just wonderful. And the Children's Hospital in
05 Philadelphia could not be better.

06 The threefer is primarily seat belt
07 safety. Now, you know you're not considering that,
08 but that will save the most lives, any measure that
09 you will consider. And I'm going to drop it right
10 there and leave it because we're not considering that.
11 You are surrounded by states that have it, except for
12 Ohio.

13 CHAIR MARKOSEK:

14 Well, thank you, Mr. Quinlan, for that
15 very, very interesting testimony. Great questions
16 from the group and you've been very candid and we
17 really appreciate the frankness. It was wonderful
18 testimony.

19 MR. QUINLAN:

20 Thank you, Mr. Chairman. My pleasure.

21 CHAIR MARKOSEK:

22 I might mention that we do have the state
23 police later on, on the agenda. The next person to
24 testify is Dr. Dennis Durbin, who is the Co-Scientific
25 Director of the Center for Injury Research and

01 Prevention, the Children's Hospital of Philadelphia.
02 So the previous testifier gave you a nice segway, Dr.
03 Durbin. He said how wonderful Children's Hospital is
04 and here you are representing them. And good morning.
05 We appreciate you tending this morning.

06 DR. DURBIN:

07 Good morning.

08 CHAIR MARKOSEK:

09 You may proceed, sir.

10 DR. DURBIN:

11 It's a pleasure to be here. Chairman
12 Markosek and members of the Committee, thank you for
13 the opportunity to speak with you today. As you said,
14 my name is Dennis Durbin. I'm a pediatric emergency
15 physician at the Children's Hospital of Philadelphia
16 and I also co-direct the hospital's Center for Injury
17 Research and Prevention.

18 With me today, is Suzanne Hill, the
19 director of Outreach and Advocacy at our injury
20 center. And she has distributed to you a packet of
21 information that contains some materials to which I'll
22 be making reference during my comments. In addition,
23 in that packet is more extensive written testimony in
24 draft form that we will submit in support of my ---
25 the comments that I'll make here today, as well.

01 I help lead a multidisciplinary group of
02 scientists at CHOP that is dedicated exclusively to
03 addressing injury, the leading cause of death for
04 children and adolescents in this country. The Center
05 conducts research into the origin and the nature of
06 childhood injuries and then seeks to develop effective
07 interventions to either prevent the occurrence or
08 mitigate the effects of those injuries.

09 The fact that traffic crashes are the
10 leading cause of death for children, adolescents, and
11 young adults both nationally, and here in
12 Pennsylvania, has compelled us to develop a
13 well-recognized expertise in child passenger and teen
14 driver crash-related injury. We have published and
15 presented extensively on the topic and consult
16 regularly with the National Highway Traffic Safety
17 Administration and other state legislatures to inform
18 federal safety regulations and state legislation
19 concerning child and adolescent traffic safety.

20 In my testimony today, I will focus on
21 the scientific evidence for action that Pennsylvania
22 should take in order to achieve greater reduction in
23 the number of children --- number of crashes and
24 injuries related to teen drivers. As Mr. Quinlan
25 pointed out, in Pennsylvania alone, nearly 300 people

01 are killed each year and hundreds more are injured in
02 crashes involving a teen driver. Teen drivers were
03 responsible for one out of every six motor vehicle
04 deaths in Pennsylvania in 2005. Left in the wake of
05 these tragedies are the families, schools and
06 communities who are devastated with grief and regret.

07 On behalf of Children's Hospital, I
08 congratulate the legislature on implementing a
09 Graduated Driver Licensing system in 1999. You
10 already understand the statistics and the facts
11 related to teen driver-related crashes and fatality
12 risks and that a GDL system protects teen drivers and
13 their passengers and all road users by phasing in full
14 driving privileges over time while teens acquire their
15 new driving skills and mature under safer driving
16 conditions.

17 However, I'm here today to say that
18 Pennsylvania's GDL system is inconsistent with recent
19 evidence-based best practice as recommended by the
20 National Highway Traffic Safety Administration, by the
21 NTSB, by the American Academy of Pediatrics and many
22 other distinguished organizations and experts. Our
23 limited GDL system is part of the reason why we have
24 such a high death toll related to teen drivers. We
25 can do better and House Bill 163 is a lifesaving step

01 in the right direction.

02 Extensive published research describes
03 the causes of teen crashes. The majority of teen
04 crashes are due to drive error caused by inexperience
05 and compounded by distractions that we've been talking
06 about, such as passengers and wireless communication
07 devices, as well as inherent risk-taking such as
08 speeding and nighttime driving. Strong evidence
09 supports Graduated Driver Licensing Laws that have
10 provisions for no or no more than one teen passenger,
11 limited nighttime driving, zero tolerance to alcohol,
12 varied supervised driving experience and primary
13 enforcement of seatbelt laws.

14 In January 2006, our Center's
15 Co-Director, Dr. Flaura Winston, submitted oral and
16 written testimony providing compelling evidence that
17 supports House Bill 163's improved provisions
18 regarding passenger and nighttime driving
19 restrictions, as well as increased and varied
20 supervised driving during the learner's permit phase.
21 I have resubmitted this testimony, updating it to
22 reflect the current science and I urge the Committee
23 to revisit that testimony to address questions
24 regarding those best practice recommendations.

25 Inexperience, distraction and risk-taking

01 are among the most important factors leading to teen
02 crashes, accompanying low rates of seatbelt use kill
03 teen drivers and their passengers. Therefore, I would
04 like to direct the remainder of my comments to the
05 evidence in support of primary enforcement of the
06 Commonwealth's seatbelt requirement, a topic that Mr.
07 Quinlan had introduced.

08 Teens have the lowest belt use rates of
09 any age group. Results of a very recent national
10 survey conducted by our research group and
11 representative of all U.S. 9th, 10th and 11th grade
12 public school students and contained in this report,
13 which is in your packet, confirmed that teens are
14 inconsistent with their seatbelt use. Only 79 percent
15 of students reported often or always using seatbelts
16 when driving and only 70 percent reported often or
17 always using seatbelts as passengers, consistent with
18 other national sources of teen belt use data.

19 The result, unbelted teens are
20 over-represented in crash fatality statistics. In
21 2005, 60 percent of the teens killed in crashes in
22 Pennsylvania were unrestrained. We need to get our
23 youth into seatbelts if we want to save lives.

24 Less than a year ago, we were struck by a
25 tragedy close to home here in Southeastern

01 Pennsylvania. It involved three 18-year-old boys and
02 a 17-year-old girl returning home from jobs at the
03 King of Prussia Mall. The only survivor of the crash
04 reported that the driver sped up and lost control of
05 the car after hitting a pothole and crashing into a
06 pole.

07 Inexperience and a momentary decision to
08 speed caused the crash. Lack of seatbelts killed the
09 children. The only survivor was wearing her belt and
10 suffered a minor injury on her neck. The others
11 suffered fatal injuries, at least one, due to ejection
12 from the vehicle. Perhaps, primary enforcement of our
13 belt law would have made a difference for these kids
14 and their families.

15 Research has consistently shown that, on
16 average, the effect of primary enforcement is larger
17 than secondary enforcement in increasing belt use and
18 decreasing injuries among adult drivers and
19 passengers. Teenage drivers are also more likely to
20 wear seatbelts in primary enforcement states according
21 to research from the Insurance Institute for Highway
22 Safety.

23 The benefits of a primary enforcement
24 provision will extend beyond the driver to the
25 passengers he carries, as well. Research conducted

01 and published by our center found that 13 to
02 15-year-old passengers, those prior to driving age,
03 were more than twice as likely to ride unrestrained in
04 vehicles in secondary enforcement states than were
05 their peers in primary enforcement states. In this
06 study, we found that nearly two-thirds of 13 to
07 15-year-olds riding with an unrestrained driver in a
08 secondary enforcement state were themselves
09 unrestrained, suggesting that teen passengers model
10 the restraint use of the driver at a time
11 developmentally that may be important for establishing
12 long term adult safety behaviors.

13 On a related note, House Bill 163
14 provides an exemption to the passenger restriction
15 provision when the teen driver is transporting
16 siblings, a provision found in several other GDL laws.
17 In a paper published this past month in the journal of
18 Injury Prevention, researchers from our center
19 reported that the risk of crash injury to children
20 driven by teens who are their siblings is 40 percent
21 lower than if the teen driver is not a sibling. It is
22 important to note, however, that the risk of injury to
23 children driven by siblings was still higher than for
24 those children driven by adults.

25 Busy parents have come to rely on their

01 children to help with shuttling siblings to various
02 family commitments. By allowing a family member
03 exemption, passenger restrictions may be more readily
04 accepted by families, and are supported, in part, by
05 our initial research.

06 However, our research has also shown that
07 teen drivers are less likely to make sure that
08 everyone in the car is buckled up. In fact, children
09 driven by novice teen drivers are three times as
10 likely to have no restraint use at all, as those with
11 adult drivers.

12 If we are to allow siblings and one
13 non-sibling passenger to ride with teen drivers, as
14 House Bill 163 suggests, there needs to be appropriate
15 education and strong disincentives such as
16 postponement of full-driving privileges in addition to
17 fines if occupants are not properly restrained.

18 In summary, our current laws are not in
19 alignment with guidelines for optimal Graduated Driver
20 Licensing. This can serve as a source of confusion
21 for parents. As it has been said earlier,
22 responsibility for enforcing GDL lies not only with
23 law enforcement, but with parents. An optimal GDL
24 law, which includes primary enforcement of the
25 Commonwealth's seat belt requirement, will support

01 parents' efforts to develop and maintain safe driving
02 house rules for their teens. Primary seatbelt laws
03 may also help to establish a lifelong habit of
04 seatbelt use.

05 The good news is that Pennsylvania has
06 the foundation for an effective Graduated Driver
07 Licensing Law. Let's make Pennsylvania a model GDL
08 state, and in doing so, we'll prevent unnecessary
09 tragedy and heartache to our families and communities.

10 Chairman Markosek and members of the
11 Committee, I thank you for this opportunity to share
12 the evidence that supports the addition of primary
13 enforcement of restraint laws that will protect the
14 most vulnerable on our roads, children and young
15 adults. We are grateful to those that called for this
16 hearing and for those who drafted the legislation.
17 Mr. Chairman, I'm ready to respond to any questions
18 the Committee might have.

19 CHAIR MARKOSEK:

20 Okay. Thank you, Dr. Durbin. Questions?
21 Representative John Sabatina?

22 REPRESENTATIVE SABATINA:

23 Thank you, Doctor. Thank you for your
24 testimony. You mentioned a couple of ways that you
25 would better House Bill 163. Would you re-hatch those

01 with an explanation?

02 DR. DURBIN:

03 The principal way is to --- as the prior
04 conversation was touching on, is to include a primary
05 enforcement provision to the Commonwealth's restraint
06 law as part of the GDL Law, essentially saying that
07 novice teens, when they're covered by the GDL Law, are
08 under an obligation to ensure the proper restraint of
09 all the occupants in the vehicle. There are
10 components of that in the law, but they're at a
11 secondary enforcement. In addition to, I believe, the
12 fine for violation of the secondarily enforced
13 seatbelt law is only \$10, which I'm not sure is much
14 of an adverse incentive for average family. So that's
15 the first significant recommendation that we're
16 making.

17 And I guess the other is to say that the
18 sibling exemption, the household member exemption, I
19 wanted to bring to your attention is, in fact,
20 supported by some early research that we've just
21 published in the last month, that demonstrates that
22 children driven by sibling teens are at a lower risk
23 of injury and are generally restrained a little better
24 than children driven by non-sibling teens.

25 CHAIR MARKOSEK:

01 The Chair is pleased to announce that
02 Representative Jake Wheatley from Pittsburgh has
03 arrived. Welcome, Jake.

04 REPRESENTATIVE WHEATLEY:

05 Thank you.

06 CHAIR MARKOSEK:

07 Any other questions?

08 DR. DURBIN:

09 Can I just --- I forgot, the other thing
10 that we're suggesting, which Mr. Quinlan spoke at
11 length on, is a restriction on cell phones or other
12 wireless communication devices for the reasons that
13 have already been stated.

14 CHAIR MARKOSEK:

15 I have a question, Doctor. On page seven
16 of your testimony, you have a chart titled fatal crash
17 characteristics by driver of age back in 2003. And I
18 was just curious because you break it down to drivers
19 that are 16-years-old and then the age group 17 to 19
20 and then drivers 20 to 49 would be characterized as
21 adults. I'm just curious that the --- obviously, the
22 younger drivers have the higher percentages of crash
23 characteristics, except for alcohol. It's much higher
24 for the adults. I'm just curious about that. You
25 know, I would've thought that it would've been pretty

01 high with the younger drivers, as well.

02 DR. DURBIN:

03 That's a common perception, that alcohol
04 is the problem. And I think, while I certainly do not
05 want to minimize the adverse consequences of young
06 teens driving under the influence of alcohol, the data
07 suggests it is not as pervasive a problem as, I think,
08 a common perception would hold. So we need to draw
09 the attention of the legislature and to parents to the
10 things that really are causing teen crashes more
11 commonly than alcohol. I would say this, while
12 alcohol involvement is not as common an underlying
13 cause of crashes for novice drivers as it is for an
14 older ones, when novice drivers are under the
15 influence of alcohol, the effects of the alcohol are
16 worse than they are for a more experienced driver. So
17 it's a two part message here. While it's not as
18 common a phenomenon and we should draw more attention
19 to the things that are the common causes, when it's
20 present, it's a far more lethal combination in a young
21 teen driver.

22 CHAIR MARKOSEK:

23 Okay. Thank you. Representative
24 Santoni?

25 REPRESENTATIVE SANTONI:

01 Just a quick question. On the primary
02 versus secondary for seatbelt use, you indicate
03 enforcement should be primary. Maybe I should've
04 asked Mr. Quinlan. In your study, do people know what
05 their state law is and does it say, okay, since it's
06 --- since I live in a state with a primary law, I'm
07 going to wear my seatbelt more so than in a state
08 where somebody says, oh, it's only a secondary law,
09 I'm not going to wear it?

10 DR. DURBIN:

11 That one they do. There's a research
12 report from the National Highway Traffic
13 Administration, 2006 data, which is the most recent
14 data available. States with primary enforcement have,
15 on average, 85 percent belt use rates. Those with
16 secondary enforcements, 74 percent. So there's about
17 a 10 to 11 percent gap in overall restraint use rates
18 in states with primary versus secondary enforcement.
19 We've done a number of studies, both qualitative and
20 quantitative, in our work in child passenger safety
21 that has demonstrated parents are very aware of the
22 child restraint laws, as wells as the seatbelt laws in
23 their state. And as it has been said previously, they
24 look to the law to decide what they're going to
25 enforce in their house, making the assumption, if it's

01 the law, it must be important.

02 And in the report that I've given you, on
03 page 12, just a sort of tangential issue of the
04 awareness of teens to traffic laws, we asked teens, in
05 the context of talking about cell phone use while
06 driving, what would convince you not to use your cell
07 phone while driving? And the number one reason was,
08 if my license could be taken away if I was caught,
09 because it's against the law. So teens are motivated
10 by law. Parents are motivated by the law. As has
11 been said here, I think we view law as trying to be
12 supportive of what parents are trying to do, not take
13 away their rights or responsibility to raise their
14 children and their families the way they want.

15 In my personal experience and in my
16 research experience, laws are really --- they're an
17 aide to families to do the right thing. And we
18 consistently hear from families when laws have been
19 passed that they love that, because now it's far
20 easier to negotiate with either a 4-year-old or a
21 16-year-old about where they sit in the car and how
22 they're restrained and whether or not they can drive.
23 You can fall back on the argument, it's the law and
24 this is the way it has to be.

25 CHAIR MARKOSEK:

01 Representative Harper?

02 REPRESENTATIVE HARPER:

03 Thank you, Mr. Chairman. Thank you,
04 Doctor. I was also drawn to that chart on page seven.
05 And it shows a huge, huge percentage of accidents,
06 fatal crash characteristics for young drivers, as
07 driver error. And to put together the testimony that
08 we heard from you this morning and from the gentleman
09 from the National Transportation Safety Board, that
10 driver error number includes the errors caused by a
11 lack of attention either because you have too many
12 passengers in the car or something is going on, either
13 text messaging ---

14 DR. DURBIN:

15 Uh-huh (yes).

16 REPRESENTATIVE HARPER:

17 --- or cell phones; right?

18 DR. DURBIN:

19 That's right.

20 REPRESENTATIVE HARPER:

21 So that's really something that we do
22 have to address if we want to hit the heart of what's
23 causing teens to get killed in car accidents?

24 DR. DURBIN:

25 That's exactly right. I think it's

01 really incumbent upon us, legislature, citizens to ---
02 we need to start thinking about driving not as sort of
03 a right of passage that one is entitled to when you
04 turn 16, but a skill that needs to be developed over
05 time. I mean, nobody puts a freshman walk-on at
06 quarterback without sending him out to practice for
07 several months and in real game situations and learn
08 the drills. You would never think of doing that on a
09 sports team and yet, you know, we're highly likely and
10 willing to put our teens behind the wheel of a car
11 with limited practice, limited, you know, game
12 situations and expect them to succeed. It's just ---
13 it's unrealistic.

14 And so we hope that laws contribute to
15 advancing the public's perception that driving is a
16 very --- the acquisition of driving privileges is a
17 sentinel life event that takes time to acquire and
18 should be done in the context of increasing
19 responsibility demonstrated by the teens.

20 We're engaged in a research program now
21 trying to figure out all the different ways
22 non-legislatively that we can help parents and teens.
23 And one of the ways is to, I think, really identify
24 this as not a right of passage, but as a very
25 important life event that requires a lot of time and

01 attention to manage properly.

02 REPRESENTATIVE HARPER:

03 That's all.

04 CHAIR MARKOSEK:

05 Okay. Thank you. Representative

06 Wheatley?

07 REPRESENTATIVE WHEATLEY:

08 Thank you, Mr. Chairman. And I have a
09 question more towards the line of --- I want to go
10 back to the driver error. Do you have any research or
11 in any of your research, have you found that cell
12 phone usage is more prevalent of a cause of the
13 distraction versus three or more passenger versus
14 going for the radio or changing a DVD or even do you
15 have any data that suggests which caused more of the
16 fatalities?

17 DR. DURBIN:

18 We don't in our own research. I'm not
19 aware of good research that has done the comparison of
20 the relative contribution of different types of
21 distraction. I can tell you that young drivers, 16 to
22 24-year-olds have the highest reported --- actually,
23 observed use of cell phones in any age group in the
24 country, about ten percent in direct observation
25 studies done by the National Highway Traffic Safety

01 Administration.

02 So cell phone use, and these are handheld
03 cell phone use by drivers, are clearly one of the most
04 common potential distractions in the young drivers.
05 How that rates as an important risk factor for a crash
06 relative to other passengers or changing the radio,
07 it's not a magnitude that's similar to the other
08 passengers. As Mr. Quinlan mentioned, the addition of
09 one passenger doubles the risks of a fatal crash
10 versus a 16-year-old adding another one. The risk
11 goes up incrementally with each additional passenger.
12 So it's at a magnitude that's similar to the --- to
13 multiple passengers in the car. But I'm not aware of
14 a certain study prepared.

15 And police accident reports, upon which a
16 lot of this research is based, don't have an
17 opportunity for officers to actually note all the
18 different types of distraction that may be present and
19 make, I believe, a judgment about which one may have
20 been more important.

21 REPRESENTATIVE WHEATLEY:

22 Sure. And I'm curious because today is
23 cell phones and I'm sure when some of us were young
24 teen drivers, it was something else. Is this a recent
25 phenomenon that we're seeing, with these numbers

01 showing that teens are more susceptible to fatalities
02 or crashes and --- or can you --- maybe you don't
03 know, but can someone share with this Committee what
04 was it 20 years ago before the cell phone usage?

05 DR. DURBIN:

06 Well, we've known about cell phones and
07 their risk of crash involvement for eight years or so.
08 Well, it's almost about eight now. Specific to teen
09 drivers is a more recent piece of research evidence,
10 in part, because of the widespread explosion of teens
11 having access to these devices. Twenty (20) years ago
12 the problem wasn't as much distraction as it was
13 nobody wearing seatbelts 20 years ago. So traffic
14 fatality numbers were far higher than they are now. I
15 mean, we've made a lot of progress in vehicle crash
16 worthiness, in seatbelt use, in road design, all of
17 those things that contribute to reductions in
18 motor-vehicle crash fatalities.

19 In the area of teen drivers, it's a very
20 --- it's a relatively newly researched area, say in
21 the past 10 to 20 years. It doesn't enjoy the
22 longstanding track record of research that other
23 aspects of motor-vehicle research enjoyed. So today
24 it is wireless communication devices. I don't know
25 what it will be next. But there are new technologies

01 going into the vehicle every day and new technologies
02 that can be purchased and placed in the vehicle
03 ostensibly to monitor young teen drivers. But we have
04 some concerns about proper use of those devices. But
05 there isn't anything known yet about the proper way in
06 which, for example, a video camera installed in the
07 vehicle, ostensibly, to help a parent observe what's
08 going on the vehicle of the teen driver. We don't
09 know yet how to best use that potential technology to
10 help the parent and not, in fact, have the technology
11 become a distraction, another distraction in the
12 vehicle for the teen.

13 So I think the next generation is going
14 to be more in vehicle technologies that monitor the
15 vehicle performance, maybe actively take over the
16 performance of the vehicle when something is sensed
17 that's not going well. Perhaps, monitor the driver.
18 But we just don't know yet what potential impact that
19 those will have.

20 REPRESENTATIVE WHEATLEY:

21 And I appreciate those answers, because
22 as we become more technologically advanced and more of
23 our vehicles are starting to be equipped with more
24 things to distract drivers in general, DVDs, you have
25 movie screens being played in the system. So how do

01 all of these things --- I mean, we are focusing on the
02 cell phone use and text usage, but if a teen is in the
03 vehicle and their friends are playing games or DVDs
04 are being played, what does that do? I mean, where
05 --- so it seems like we need to really look at this
06 holistically and talk about the new advances in
07 automobiles, and how people are using them, and how
08 they're being designed and not just focus on, in my
09 opinion, just on the cell phones because in the next
10 couple years, cell phones will be obsolete anyway.
11 Thank you.

12 CHAIR MARKOSEK:

13 Okay. Thank you. Dr. Durbin, thank you
14 very much. Again, very interesting. Appreciate your
15 time and effort in being here today. It's very
16 important. Next, we have Mr. Ronald Kosh of the
17 Mid-Atlantic AAA.

18 BRIEF INTERRUPTION

19 MR. KOSH:

20 Thank you, Mr. Chairman. Good
21 morning ---.

22 CHAIR MARKOSEK:

23 Break for the stenographer.

24 BRIEF INTERRUPTION

25 CHAIR MARKOSEK:

01 Okay. Thank you. We have Mr. Ronald
02 Kosh of the Mid-Atlantic AAA, who is here today.
03 Welcome, sir. And you may proceed.

04 MR. KOSH:

05 Thank you, Mr. Chairman. Good morning to
06 you and the Committee. I'm with the AAA Mid-Atlantic.
07 AAA, collectively, throughout the Commonwealth has
08 more than three million members. In this area, which
09 I represent five counties, Southeastern corner of the
10 state, is almost 700,000 members.

11 As an organization, we work to preserve
12 our freedom of mobility and improve travel safety.
13 Teen driving has been and remains one of AAA's top
14 priorities. We have undertaken and funded numerous
15 studies and we've polled our members on teen driving
16 issues, along with many others.

17 Study after study shows that our teen
18 drivers are our most dangerous drivers, to themselves
19 and others. Car crashes remain the leading cause of
20 death among 16 to 19-year-olds. The age group's
21 per-mile fatality rate is four times that of adults.
22 The reasons are clear. As you heard earlier in
23 previous testimony, young drivers are inexperienced,
24 immature or overconfident. They are prone to peer
25 pressure, inclined to take risks, are increasingly

01 distracted and tempted to multi-task behind the wheel.

02 Sadly, just last month, as we mentioned
03 earlier, five teens on a trip to a New York lake died
04 in a head-on crash with a truck. Police said the cell
05 phone of the 17-year-old driver had received and sent
06 text messages in the seconds before the crash. While
07 we will never know if the driver was actually doing
08 the text messaging herself, we do know that a
09 succession of calls and text messages on her phone
10 likely contributed to the deadly crash.

11 This month, AAA, in conjunction with the
12 current addition of Seventeen Magazine, released the
13 results of a study on teen driving behaviors. An
14 alarmingly high number of teen drivers engage in
15 high-risk behavior while driving. More than half of
16 the teens surveyed admitted to risky behavior behind
17 the wheel, including 51 percent who said they talk on
18 a cell phone, 43 percent said they read text messages,
19 and 32 percent, they send text messages. A third of
20 them were sending text messages while driving.

21 We already know that car crashes kill
22 more teens than suicide, drugs or guns combined. Now,
23 teen drivers are telling us that they are increasingly
24 distracted by electronic devices. Placing
25 restrictions on driving privileges is nether a

01 punishment nor an indictment of today's teens. The
02 fact is, driving conditions have changed, and not for
03 the better.

04 Nationally, there are some 5,000 teen
05 driving crash fatalities each year. Here in
06 Pennsylvania, there are 100 fatalities annually for
07 crashes involving just 16 and 17-year-olds. And
08 considering the fact that 16-year-olds are only
09 driving for, at most, six months of the year that is
10 an extraordinary rate.

11 A study just released earlier by our AAA
12 Foundation for Traffic Safety, in conjunction with
13 researchers at Johns Hopkins, found that 16-year-old
14 drivers are involved in 38 percent fewer fatal crashes
15 and 40 percent fewer injury crashes if their state has
16 a Graduated Driver Licensing Program with at least
17 five of seven common components. Pennsylvania has
18 only five of the seven basic components. We still
19 lack two critical elements, a nighttime driving
20 restriction that begins at 10:00 p.m., not 11:00 p.m.,
21 and a passenger restriction that allows no more than
22 one passenger, with the exception of family members.

23 In Pennsylvania, teen drivers can have as
24 many passengers as there are seatbelts in the vehicle.
25 The law does nothing to prevent teen drivers from

01 loading a car with distracting passengers. A car full
02 of teens driven by a teen is a virtual crash waiting
03 to happen. Thirty-seven (37) states, and I think the
04 map that I saw earlier that the NTSB distributed has
05 increased that slightly to something like 39 percent
06 --- 39 states and the District, now have a passenger
07 restriction for teen drivers.

08 Studies show the chances that a teen will
09 die in a crash increase exponentially with each
10 additional passenger. Researchers at Johns Hopkins
11 found that the chances a 16-year-old will die in a
12 crash increase 39 percent with a single passenger, 86
13 percent with two passengers, and 182 percent with
14 three or more passengers.

15 Another study by the AAA Foundation of
16 Traffic Safety found that young drivers, under age 20,
17 are most likely to be involved in distraction-related
18 crashes. Statistically, teens are the most easily
19 distracted drivers and distractions increase the risk
20 of a crash. AAA has found that nighttime and
21 passenger restrictions do lower death and injury crash
22 rates for young drivers. We also believe that tough
23 but fair laws that focus specifically on our young
24 drivers can save both their lives and the lives of
25 others on the road. If we look to the results of a

01 study that AAA completed last year, we found that the
02 majority of those killed in teen driver crashes are
03 people other than the teens themselves. Teen drivers
04 put everyone else on the road at risk.

05 Changing our laws to respond to these
06 statistics seems to make sense to motorists. We
07 polled Pennsylvanians across the Commonwealth, asked
08 them how they feel about limiting the number of
09 passengers in a new teen driver's car. Unequivocally,
10 they said, yes. Ninety-three (93) percent of those
11 polled favor teen passenger legislation. And in
12 another AAA poll done only here in the five county
13 area, 80 percent respondents favored teen passenger
14 restrictions. We also polled on the teen cell phone
15 issue. Ninety-seven (97) percent of Pennsylvanians
16 also said, yes, ban teen drivers from using cell
17 phones or electronic devices. And again, in the
18 separate poll here in this area, 89 percent, yes. The
19 results are overwhelming.

20 The more experience we can give teens
21 behind the wheel, the more we can get teens to buckle
22 up, the more we can help teen drivers manage their
23 distractions, and the better role models we can be as
24 adult drivers, the safer our teen drivers will be on
25 the road.

01 We urge you to strengthen Pennsylvania's
02 teen driving laws. Getting a driver's license today
03 is still a rite of passage. The conditions on the
04 roads have changed. We live in a faster-paced world
05 with faster cars, more vehicles, and far more
06 aggressive and distracted driving. We have a
07 responsibility to protect our young people from
08 crashes, injuries and deaths. And we believe that one
09 of the ways we can do it is by changing the rules of
10 the road for young drivers. Thank you. Any
11 questions? I'd be happy to respond to questions.

12 CHAIR MARKOSEK:

13 Okay. Thank you very much. I have one
14 question. Sir, you mentioned nighttime driving
15 restriction begin at 10:00 instead of 11:00 ---

16 MR. KOSH:

17 Uh-huh (yes). Yes.

18 CHAIR MARKOSEK:

19 --- for teen drivers. How many states do
20 that now? Is that a common practice?

21 MR. KOSH:

22 It's becoming increasingly. And to give
23 you an example, New York State, which we border on a
24 large portion of our --- of the Commonwealth, it's
25 9:00 p.m. and has been 9:00 p.m. for many years.

01 Delaware, just earlier this year, the Assembly adopted
02 a 10:00 p.m. threshold, 10:00 p.m. to 6:00 a.m. And
03 in Pennsylvania, it's 11:00 to 5:00.

04 CHAIR MARKOSEK:

05 Representative Watson?

06 REPRESENTATIVE WATSON:

07 I just wanted to thank you, Mr. Kosh, and
08 just make a general point. As you were surveying and
09 looking at the young drivers being inexperienced,
10 immature and overconfident, suggestion to add that,
11 for the most part, those that are involved in the
12 crashes, too, are very good young people trying to do
13 their best, but again, make that one mistake and,
14 indeed, it proves fatal, perhaps, for them, certainly
15 for their passengers, and, perhaps, for others on the
16 road. I think sometimes, and in light of Dr. Dubin's
17 testimony, too, we overlook. We tend to want to write
18 it off. And I'm sure you found that out in your
19 research. We want to write it off that somehow they
20 were just not good kids and maybe they were drunk and
21 this and that, and they're not. They're just ---.

22 MR. KOSH:

23 Absolutely.

24 REPRESENTATIVE WATSON:

25 There are children who are good children,

01 with good parents. And my suggestion is, they just
02 may need the help of the General Assembly in
03 Pennsylvania to just do it all a little bit better.

04 MR. KOSH:

05 Absolutely. And I think as I mentioned
06 in there, it's not intended to be an indictment of
07 them. On the other hand, as you say, they are good
08 kids typically and everyone of us that have children
09 have really gone through some difficult times waiting
10 for them to be home at the right time, just wondering
11 where and what could've happened.

12 CHAIR MARKOSEK:

13 Representative Wheatley?

14 REPRESENTATIVE WHEATLEY:

15 Thank you, Mr. Chairman, and thank you,
16 Mr. Kosh, for your presentation. I have a couple
17 questions. One, the age of how we define teen
18 drivers, would the numbers change, for instance, we
19 included 18-to-25-year-olds --- 16-to-25-year-olds
20 would the numbers change as it relates to fatalities
21 and the amount of fatalities?

22 MR. KOSH:

23 I'm not sure I understand. Would the
24 number changes ---?

25 REPRESENTATIVE WHEATLEY:

01 Would that still be the largest rate of
02 fatalities caused compared to other adult age groups?

03 MR. KOSH:

04 Well, I think the numbers would drop
05 dramatically if we adopt the restrictions that we're
06 talking about here.

07 REPRESENTATIVE WHEATLEY:

08 No. No. No. I'm saying if we looked at
09 the data right now between the ages of --- the crash
10 data for ages 16 to 25, instead of 16 --- as we talked
11 about through 16 to 19, but if we included the
12 25-year-old age group, all the way up from 16 to 25,
13 would that still be the largest number --- numerical
14 number of fatalities compared to other age groups,
15 cause of death?

16 MR. KOSH:

17 That I don't know. I suspect it would.
18 I mean, the typical --- the fatality rate, the
19 accident rate is generally higher at younger ages and
20 it drops off as you get up in the 20s --- late 20s and
21 30s, and your insurance rates typically demonstrate
22 that. And that's the reason for it, because in
23 actuarially those rates are lower as you get up and
24 then they go higher at the very eldest age.

25 REPRESENTATIVE WHEATLEY:

01 So for me, I'm looking at a personal
02 experience. Because last year I spent a lot of time
03 inside of all of my high schools and this was one of
04 the issues that teens, of course, bring up the most.
05 Because, you know, they want to be able to have,
06 quote, unquote, some freedom in driving. But as a
07 17-year-old, I was driving and I was also a
08 serviceman. So we start making these types of changes
09 to our driving laws and we have special categories for
10 teen drivers, so a 17, 18-year-old --- even though
11 I'm, in my mind, a mature enough adult to join the
12 military, serve in the military, fight for this
13 country, we would impose that I don't have the
14 maturity to drive with safety with two people in the
15 car, with three people the car or don't have the
16 ability to understand that if I'm using a cell phone
17 or not using a cell phone or messing with my CD
18 player, that that could cause me to be distracted and
19 maybe cause an accident because I will quite frankly
20 say as an adult ---. I'm 35 now. I still have those
21 challenges. I still use a cell phone. I still mess
22 with the CD player. I still drive with a lot of noise
23 and people in my car and I'm still distracted by my
24 young daughter, who is in the back seat sometimes.
25 So at what point --- and I know we go

01 through this train --- we kind of group people. At
02 what point do we allow for teens to have the freedom
03 that we enjoy as adults? At what point do teenagers
04 demonstrate that they're able to drive past 10:00 and
05 not be in a fatality? But, I mean, at what point can
06 you do that?

07 MR. KOSH:

08 Well, I think typically what states have
09 found as it drops off, as the GDL provision is
10 eliminated ---. And I applaud your military
11 background and I can sympathize with it because I was
12 enlisted at 17, as well. And I will say that the
13 military, at that point, and this was long before it
14 became a law across the United States, I was required
15 to wear my seatbelt and put seatbelts in a car when
16 they didn't come equipped with them. The military was
17 far ahead of the rest of country in adopting traffic
18 safety implications. And I have a son who is a Second
19 Lieutenant in the Marine Corps right now and I can
20 assure you the first thing they do in Quantico is
21 impress upon them the fact of what they have to do to
22 maintain their licensing requirements or they are,
23 indeed, in deep doodoo.

24 But I think your question is --- to
25 answer your question, those are --- like any

01 responsibility in the process of becoming an adult,
02 those privileges, rights and privileges, if you will,
03 are graduated as they are incorporated. You earn your
04 ability to have a right. We don't automatically at
05 certain --- we do in some cases with drinking or
06 voting and whatnot at a particular age, but the whole
07 purpose of Graduated Driver Licensing is to allow that
08 experience to be acquired over a reasonable period of
09 time, to try and become a much more confident and
10 accomplished and experienced driver. The right age,
11 I'm not sure if 17 or 18 is the cutoff. Some states
12 have it down at 18. Some had it 17 and a half. They
13 found that wasn't the right age. In Pennsylvania, you
14 used to be able to go out, get your permit and get a
15 driver's license at age 16. It's now, essentially, 16
16 and a half because you have to have six months driving
17 experience.

18 So we found, by implementing these things
19 over time, those responsibilities are earned and they
20 become much more effective and lifesaving.

21 REPRESENTATIVE WHEATLEY:

22 Yeah. And I appreciate that. And I
23 guess I'm always curious or I'm a little curious and
24 leery, so to speak, when we start talking about data
25 and how are --- and I would agree, at 17, I was far

01 less mature than I am at 35. And some would say I
02 haven't matured much, but I was far less at 17. So I
03 can appreciate the fact that we need to try to impress
04 upon this, to build experience and build in things
05 that protect not only our teenagers, but protect our
06 other drivers on the road. And when I was 17, excuse
07 me for this longwinded background, in Minnesota, we
08 were required, as part of our curriculum in the
09 schools, to have driver's ed courses. So it was part
10 of your curriculum. And if you wanted to drive and
11 you wanted to be a teen driver, in school, as part of
12 your curriculum, you went through a driver's ed
13 courses and it was the same three or four months of a
14 regular class. So you went there after school. You
15 did your little training. You did your driving
16 training. They put you through all the different
17 scenarios. And then you applied for your permit and
18 you did the written exam and then you did the road
19 test.

20 In Pennsylvania, I'm not sure if that's
21 our program. I mean, it's not like we build in to the
22 curriculum for teen drivers. We believe we want them
23 to be more experienced. We want them to have more
24 access to knowledge and understanding, build it in to
25 their programming, their curriculum. So those who go

01 through this after school curriculum, they're getting
02 all the safety tests. They're getting all the
03 examinations, not only in class, but on the road. So
04 they build up hours. They build up --- and it's not
05 like outside of their normal behavior. And so it's
06 kind of like, if we're going to do this process, let's
07 do it, again, in my opinion, in a holistic way. We're
08 trying to build more experienced drivers. But I would
09 say, many of our adults probably need to understand
10 what makes them a better driver, as well. But if
11 we're going to do that, let's build it into the way
12 that we train them, not make this somehow disjointed,
13 not something that they have to go out and only do ---
14 build it into our programs and ---.

15 MR. KOSH:

16 Pennsylvania already has that.
17 Pennsylvania has an approach where there is
18 certification during the entire licensing --- or
19 during the six month learning permit process. They
20 indeed, and in fact, Pennsylvania adopted that a
21 number of --- several years ago. I'm not sure how
22 many it is now. They seem to run together. But it
23 has probably been, at least, a half a dozen years or
24 more. And it actually is a very worthwhile program
25 and they have the --- you have to have X number hours

01 and it has to be a certified period of time. So I
02 think what we're talking about, it's already being in
03 place in the state.

04 REPRESENTATIVE WHEATLEY:

05 If that's the case, then shouldn't we see
06 our numbers be somehow different or are you saying
07 just by nature of being 16, 17, 18, 19, you just will
08 always be at risk and there's very little we can do,
09 except for --- why don't you legally ---?

10 MR. KOSH:

11 I think all of those elements are
12 important and, indeed, because 16, 17-year-olds, we
13 are not getting --- we still aren't getting the kind
14 of results. We got some results, but there is still
15 --- we are leaving things. We are leaving lives on
16 the table, because these elements have not been
17 incorporated. And Pennsylvania is only one of 11
18 states or so that has not adopted that. And those
19 results are being demonstrated with great effect in
20 other states, as the two previous witnesses have
21 testified.

22 REPRESENTATIVE WHEATLEY:

23 Thank you.

24 CHAIR MARKOSEK:

25 Representative Evans?

01 REPRESENTATIVE EVANS:

02 Thank you, Mr. Chairman, and thank you,
03 Mr. Kosh, for your testimony this morning. I think
04 that one of the components that we have to consider
05 along with legislation is education in this process.
06 It's a very key component. And I'm referring to the
07 handout you gave us with the advertisement from --- or
08 it's not the advertisement, but the survey from
09 Seventeen Magazine that AAA helped to conduct and was
10 taken by the distracted results here that 58 percent
11 of teens say they drive with friends in the vehicle
12 and 51 percent of teens talk on their cell phone while
13 driving, 46 percent of teens text on their cell phone
14 driving, while driving.

15 MR. KOSH:

16 Frightening.

17 REPRESENTATIVE EVANS:

18 It is very frightening. And I think that
19 this type of collaboration and getting into a magazine
20 and communicating with teens in this type of
21 publication is a very good thing. And I'm just
22 curious if AAA is looking at other means of education,
23 whether it be via internet, some of the
24 non-traditional ways of communicating now that seem to
25 be more effective than the old traditional ways, via,

01 you know, network TV or newspapers and so on. Are you
02 finding new ways to get the education message out?

03 MR. KOSH:

04 We're trying. We're trying, and that's
05 obviously a challenge. And this is one demonstration
06 of it, but there are others. We are doing some
07 things, looking into blogging in the blogosphere and
08 there's other elements in what constitutes
09 communication today. It is an important element, as
10 you point out. And you can't --- you know, how much
11 is enough and where do you go? You have to keep
12 looking for the opportunity and be where they are.

13 REPRESENTATIVE EVANS:

14 Yeah. The other thing about this
15 particular survey in this magazine that was
16 interesting is that it uses real life examples of
17 celebrities who have broken the law, have been cited
18 for different driving violations. And I think that
19 that sends a powerful message, because young people
20 look up to these celebrities and then they can see
21 real life examples from those role models, quote,
22 unquote, and other peer groups. I think it's very
23 effective, and hopefully it's going to help you in
24 getting that message out.

25 MR. KOSH:

01 We hope so. Obviously, there's some out
02 there that aren't the best role models, but I believe
03 we can find the ones that are.

04 REPRESENTATIVE EVANS:

05 Thank you, Mr. Chairman.

06 CHAIR MARKOSEK:

07 Thank you. As long as you're not using
08 text messaging to get the word out. Representative
09 Watson?

10 REPRESENTATIVE WATSON:

11 Just a comment in follow-up to
12 Representative Evans' question and that is for my
13 colleagues, too. Perhaps, you are not aware that
14 through PennDOT, we have programs in all of the
15 counties in Pennsylvania for highway safety. And
16 those programs, over the years, have done a great
17 deal. I mean, they expand. They include seatbelts
18 and child passenger and bicycle and motorcycle safety.
19 But you have coordinators. It's really a grass root.
20 And what PennDOT did that was, I think, very effective
21 in using federal money being transferred through the
22 state, is that while they have certain requirements
23 that they have to do, they allow the individual, I'll
24 call it executive director, of the local program to
25 tailor the program to get the message out to those

01 counties in a way that works for people in those
02 counties best. But you will see that they work in
03 schools all the time.

04 So as we talk about finding ways that we
05 need to educate, I think with the help of places such
06 as Children's Hospital and all the knowledge and the
07 work that you've already done with AAA and combining
08 it with a network that Pennsylvania already has
09 working and available, we certainly could do more and
10 get more of the message out. Once we get --- and I
11 know that Children's Hospital is working on it,
12 finding and doing a study that what's the best way to
13 really reach the most number of young people, you
14 know. I'll call it young speak. I don't know what
15 else to call it. But what's the best way to really
16 get them to stop and to listen. But we have the
17 network already in place to also do that. Thank you,
18 Mr. Chairman.

19 CHAIR MARKOSEK:

20 Thank you. Mr. Kosh, thank you very
21 much.

22 MR. KOSH:

23 Thank you.

24 CHAIR MARKOSEK:

25 Again, very --- this has been a great

01 hearing so far. I'm happy to say that we have Mr.
02 Frank McCorkle from the Pennsylvania State Police.
03 Office McCorkle, welcome this morning. I think his
04 testimony is being distributed. And get yourself
05 settled and you may start, sir, whenever you're ready.

06 MR. MCCORKLE:

07 Good morning. I'm Lieutenant Frank D.
08 McCorkle of the Pennsylvania State Police. I'm the
09 Patrol Section Commander for Troop K, Philadelphia.
10 On behalf of Colonel Jeffrey B. Miller, the
11 Commissioner of the Pennsylvania State Police and
12 Captain David F. Young, the Commanding Officer of
13 Troop K, I would like to thank you for the invitation
14 to provide testimony at this public hearing concerning
15 juvenile drivers and distracted drivers.

16 Highway safety continues to be a major
17 objective of the Pennsylvania State Police. In our
18 efforts to achieve this purpose, troopers enforce the
19 traffic laws of the Commonwealth as part of their
20 patrol duties. Troopers also investigate vehicle
21 crashes to identify causal factors and then take
22 appropriate enforcement action to help prevent future
23 crashes.

24 According to the National Highway Traffic
25 Safety Administration, or NHTSA, driver inattention is

01 the leading factor in most crashes and near crashes.
02 The primary causes of inattention are distracting
03 activities such as cell phone use and drowsiness.
04 However, additional distractions identified by NHTSA
05 are reaching for a moving object in the vehicle,
06 reading and applying make-up.

07 As the Pennsylvania Driver's manual
08 states, driving requires constant awareness of
09 everything around you such as speed, signs and road
10 conditions. Many drivers, at some point, look away
11 from the road, whether it is to dial a cell phone,
12 when talking on the phone, to read, apply make-up, eat
13 fast food, drink a cup of coffee, check their PDA or
14 even only to change the radio station or replace a CD.
15 However, the more frequently a driver engages in such
16 multi-tasking activities, the greater the chance that
17 they will be involved in a vehicle crash. No one can
18 be sure when it is safe to look away. The situation
19 on a highway can change in an instant, leaving a
20 driver with little time to react. Such examples of
21 distracted driving are even more of a problem when the
22 driver is committing another moving violation, such as
23 speeding or following another vehicle too closely.

24 Pennsylvania State Police investigated
25 384 traffic deaths during the first six months of

01 2007. Thirteen (13) of these deaths involved a
02 distracted operator. Most of the distracted operator
03 crashes involve rear-ending another vehicle or
04 striking a fixed object.

05 While the ability to multi-task may be a
06 desirable attribute in the office or at home, all
07 available research indicates that drivers should do
08 their best to focus solely on driving and potential
09 hazards when they are behind the wheel. Engaging in
10 any other activity while driving increases the chances
11 that the driver will be involved in a vehicle crash.
12 The State Police have and will continue to take
13 appropriate enforcement action against those drivers
14 who commit traffic violations in an effort to minimize
15 the number of vehicle crashes and the resulting
16 injuries and fatalities.

17 While distracted drivers represent a
18 significant traffic hazard, young drivers are another
19 area of concern. Drivers age 15 to 20 are twice as
20 likely to be in a fatal crash as adult drivers.
21 Sixteen (16) year old drivers have crash rates five
22 times greater than 18-year-old drivers. The National
23 Highway Transportation Safety Administration, NHTSA,
24 cites factors including lack of driving experience and
25 inadequate driving skills, excessive driving during

01 nighttime, higher-risk hours, risk-taking behavior,
02 poor driving judgment and decision making, drinking
03 and driving and distractions from teenage passengers.
04 Young males are more likely not to use seatbelts.
05 This is particularly risky since NHTSA reports that,
06 in 2004, 74 percent of passenger vehicle occupants
07 killed were partially or totally ejected from the
08 vehicle in which they were traveling.

09 NHTSA reports that motor vehicle crashes
10 were the leading cause of death for 15 to
11 20-year-olds. Fifteen (15) to 20-year-olds account
12 for 6.3 percent of U.S. drivers, but account for 16
13 percent of all U.S. crashes and 12.6 percent of all
14 fatal U.S. crashes. During the first six months of
15 2007, 15 to 20-year-olds accounted for 22 percent of
16 all fatality victims in crashes investigated by the
17 Pennsylvania State Police.

18 Distracted drivers and young drivers are
19 each identified as at-risk for traffic crashes, but
20 the combination of the two can have deadly effects.
21 NHTSA reports that 16-year-old drivers are more likely
22 to be involved in a fatal crash when other teenagers
23 are in the car and that the risk increases with ever
24 additional passenger. In 2003, six of every ten teen
25 passenger deaths occurred with a teen driver at the

01 wheel.

02 In recent weeks, the headlines have
03 reported a New York State crash in which five teens
04 were killed when their vehicle slammed head-on into a
05 truck. There is reason to believe that the
06 17-year-old driver may have been text messaging.
07 Closer to home, in May of 2007, two Bucks County
08 teenagers were leaving their high school when they
09 were involved in a collision in which a teenage
10 pedestrian was killed. In April 2006, three Chester
11 County teenagers were searching for a residence on a
12 country road when the 17-year-old operator lost
13 control, causing the vehicle to roll over killing one
14 of the passengers and seriously injuring the other.
15 Troopers in Lebanon County have twice this year
16 investigated crashes where multiple teenagers were
17 traveling in the same vehicle and a crash resulting in
18 death occurred. Highway risks due to juvenile and/or
19 inattentive drivers are very real.

20 Again, on behalf of the Pennsylvania
21 State Police, I thank you for the opportunity to
22 appear before this Committee today. I would be happy
23 to answer any questions.

24 CHAIR MARKOSEK:

25 Lieutenant, thank you very much. We

01 appreciate that. Representative Santoni?

02 REPRESENTATIVE SANTONI:

03 Lieutenant, thank you very much for your
04 testimony. There's been a lot of discussion today
05 about seatbelt use being primary, instead of secondary
06 enforcement. And I would really like to get your
07 feedback on that, as your opinion of that. And also,
08 do you --- I mean, do you see people without seatbelts
09 and say I can't pull them over because it's a
10 secondary offense? I'd just like to get some
11 feedback.

12 MR. MCCORKLE:

13 Yes, we do see them. There is a ---
14 actually a federal section for seatbelts that is
15 occasionally used for commercial vehicle operators,
16 but there are many occasions when officers do see
17 people without seatbelts and they can't pull them over
18 because they have to commit another violation. Our
19 State Police experience is that people without
20 seatbelts are about five or six times more likely to
21 die in a fatal crash than other occupants.

22 REPRESENTATIVE SANTONI:

23 So you would support that, Pennsylvania
24 making that a primary, seat belt use?

25 MR. MCCORKLE:

01 Yes.

02 REPRESENTATIVE SANTONI:

03 Thank you, Mr. Chairman.

04 CHAIR MARKOSEK:

05 Thank you. I'm pleased to announce that
06 Representative Tony Payton from Philadelphia County
07 has joined us here this morning. Welcome,
08 Representative Payton. Representative Siptroth has a
09 question.

10 REPRESENTATIVE SIPTROTH:

11 Thank you, Mr. Chairman. Lieutenant
12 McCorkle, thank you very much for testifying. This is
13 going to be sort of a hypothetical instance. Mr. Kosh
14 from AAA cited the same accident that claimed five
15 teenagers in New York. And you made reference to it
16 in your testimony, as well. In Mr. Kosh's testimony
17 he indicated that they would never know --- no one
18 would never know whether or not the driver was
19 actually text messaging or not. So in looking at
20 that, how would you in the law enforcement and
21 sometimes as a prosecutor in some of the lower courts
22 use that piece of evidence that is furnished by the
23 telephone company, a bill history, a phone log
24 history? How would you use that in an instance such
25 as this? Would you theorize that the individual that

01 was driving was, in fact, text messaging just simply
02 based on the phone bill or would there have to be some
03 other substantive information provided? And that's
04 --- because folks may have insurance if this becomes
05 law, which is great bill --- there's no question about
06 it, but they may have instances where insurances ---
07 insurance companies may not cover it simply because
08 they're violating the law. So if you could respond to
09 that? I know it's ---.

10 MR. MCCORKLE:

11 Sure. Since the phone records have been
12 reported in the press, I would presume that the police
13 would have those phone records, and that would be one
14 of the things you would acquire. And it's my
15 understanding that it is confirmed that the phone was
16 in use at the time of the crash. Whether or not she
17 was text messaging or talking has not been determined,
18 but there were text messages sent in very close
19 proximity to it. That would be something that the
20 investigator would be gathering if you were looking at
21 the driver surviving and you had a potential homicide
22 by vehicle case. It wouldn't be --- obviously would
23 not be ironclad proof that she was texting, but it
24 would be something, with other testimony, that you
25 would put in to reinforce her violation that she was

01 committing. But we don't have a you can't talk on the
02 phone --- cell phone law while driving. So it would
03 be similar to reading a paper or just looking away.
04 It would be items that you would pile together to add
05 up to the totality that she was not paying attention
06 to a degree that caused the crash.

07 REPRESENTATIVE SIPTROTH:

08 Okay. And I guess I'm leaning more so as
09 to whether she passed her phone off prior to even
10 answering it to her friend or another individual,
11 another occupant in the car. And it's a long stretch,
12 but nonetheless, that may have happened. So that's
13 why I, you know, included that portion of the
14 prosecution of the individual.

15 MR. MCCORKLE:

16 I need to avoid you in a courtroom.

17 REPRESENTATIVE SIPTROTH:

18 Thank you very much, Lieutenant.

19 Appreciate it.

20 CHAIR MARKOSEK:

21 Okay. Thank you. Representative Harper?

22 REPRESENTATIVE HARPER:

23 Thank you. Lieutenant, in Harrisburg,
24 when we discuss whether or not to make a traffic type
25 of law primary or secondary, like seatbelts, one of

01 the arguments that we hear is that law enforcement
02 could use something minor like the seatbelt law, and
03 we're talking about something minor compared to other
04 crimes, okay, to harass people. Young men, for
05 example, could be stopped. Right now, they have ---
06 you have to have reasonable suspicion or probable
07 cause, but at least reasonable suspicion to stop
08 somebody in a car. And people have argued that if we
09 make seatbelt enforcement primary, it would just be a
10 tool that officers could use to harass a class of
11 individuals, young men, who might be viewed as, I
12 don't know, illegal for some other reason. Can you
13 respond to that and give us, you know, the rationality
14 or arguments that we can use with our colleagues, who
15 are truly worried that something we're doing to
16 protect the safety of young people could be used to
17 harass them?

18 MR. MCCORKLE:

19 Okay. If a traffic stop for a normally
20 minor violation leads to a criminal case, those cases
21 are attacked by the defense in suppression hearings to
22 have the evidence suppressed. And one of the things
23 examined is how many citations or warnings the police
24 department writes for that particular violation versus
25 how many of them lead to higher level arrests. The

01 State Police, among other police departments, analyze
02 the outcomes of their officers' stops also, as far as
03 what violations did they pull people over and even the
04 biographical makeup of the people stopped. And that
05 can be used to determine whether or not that was a
06 legitimate stop based on that violation. If that is
07 the only violation that department has written for
08 that section in quite a while, it's more likely to be
09 attacked then if there had been a record of that
10 violation being enforced thoroughly.

11 REPRESENTATIVE HARPER:

12 So what you're suggesting, Officer, is
13 that if a police department consistently enforces the
14 Seat Belt Law, it's less likely that they use it for
15 some pretext to stop somebody for some other reason?

16 MR. MCCORKLE:

17 Yes, ma'am, that would be right.

18 REPRESENTATIVE HARPER:

19 And it would be more defensible in court,
20 in that a defense attorney could be counted on, maybe,
21 to raise the issue in the other case. Is that where
22 you're going with that?

23 MR. MCCORKLE:

24 Yes. The defense would be counted upon
25 to raise the issue, and if there was a record of

01 showing consistent enforcement of that section, then
02 that would be the prosecution's rebuttal.

03 REPRESENTATIVE HARPER:

04 Thank you very much. Thank you, Mr.
05 Chair.

06 CHAIR MARKOSEK:

07 Thank you. Representative Wheatley?

08 REPRESENTATIVE WHEATLEY:

09 Thank you, Mr. Chairman. I love you, Mr.
10 Chairman.

11 CHAIR MARKOSEK:

12 Well, we got the love out of the way.
13 Just ask your question.

14 REPRESENTATIVE WHEATLEY:

15 Lieutenant, thank you for your
16 presentation. And I want to say, and I say this all
17 the time at the Appropriations Committee when the
18 State Police come before us, you know, I really do
19 appreciate the job you do on the Turnpike. I use it a
20 lot. And I think you have a complement of over 200
21 and so men and women there and I've gotten to know a
22 lot of them over my trips and travels from Pittsburgh.
23 So I really do appreciate them. I wanted to --- two
24 areas that you mentioned and that were asked questions
25 of, one was the Seat Belt law. And, you know, I'm

01 always curious. If we did impose a law that made the
02 seatbelt primary, a primary offense, I mean, and I
03 know that there's only so much you can give in
04 advance, how interested really would the state trooper
05 be if they saw a motorist who was, otherwise, doing
06 everything within the law except for the seatbelt?
07 How willing --- how often do you think they would pull
08 people over in that violation?

09 MR. MCCORKLE:

10 They would. And the reason is, the
11 trooper, like almost everybody else, doesn't like to
12 do paperwork, and if there's a crash, it causes them
13 more paperwork. If it's a fatal crash, then it could
14 cause that trooper a lot more paperwork. And the
15 non-seatbelted passengers in Pennsylvania are, I
16 believe, about 14 percent. But the fatality victims
17 are about 66 percent. So they realize that that
18 person is far more likely to die. And one, they want
19 to save the lives. And two, they want to cut down on
20 that massive amount of paperwork that that's going to
21 cause them.

22 REPRESENTATIVE WHEATLEY:

23 So that leads me to a secondary question.
24 We also, in Harrisburg, are discussing this whole
25 issue around the smoking ban and the issue of if you

01 should make smoking with children in the car a primary
02 or secondary offense. And if that became law and it
03 was a primary offense, would that be something that
04 you would support and would that be something that you
05 would enforce?

06 MR. MCCORKLE:

07 I think that would be something beyond
08 what I was prepared to talk about today. I wouldn't
09 have the numbers directly attributable such as the
10 seatbelt.

11 REPRESENTATIVE WHEATLEY:

12 But so --- I'm just going down this train
13 because would smoking be considered a distraction from
14 driving? Would that be something that you would
15 consider a distraction from driving?

16 MR. MCCORKLE:

17 I would say it is a distraction. It's
18 probably not one of the greater ones.

19 REPRESENTATIVE WHEATLEY:

20 One of the greater ones. And this whole
21 issue around --- and I think you went through a great
22 presentation to show that, you called them driver
23 inattention and you distinguished that category from
24 young teen drivers who also may be drivers who are
25 inattentive to driving. And I think you, again, did a

01 --- made out a great piece of talking points when you
02 not only talked about cell phone usage, but you talked
03 about the whole thing around applying make-up or, you
04 know, moving objects in the vehicle, or even eating or
05 drinking. So all these things are things that are
06 distractions. And I think some earlier conversations
07 from some of the earlier presenters --- I mean, I
08 don't know how you do your analysis of what was the
09 actual thing that caused this crash, but there could
10 be any multitude of things that were done simultaneous
11 or could have led to this person being in this
12 accident. And this being a young driver who was
13 inexperienced, who may have looked away for a moment
14 to read or to look at a radio station or whatever,
15 could've caused it.

16 So I'm not necessarily debating the fact
17 that teenage drivers and other drivers need to have
18 some things pulled away from them as they drive, but
19 I'm just trying to get to the practicality of how we
20 do this type of stuff, from a law enforcement angle.
21 I mean, you would like probably to see all types of
22 distractions outlawed in some form or fashion to help
23 you do your job, but then our road is to try to find a
24 balance for that. We want to have safe roads. We
25 want to have safe driving --- drivers on the road, but

01 we want to have a balance where individuals are given
02 some type of freedoms inside of their cars to do ---
03 to drive on the road. You know what I'm saying? So
04 how do we find that balance?

05 And so I guess that's more of a statement
06 then a question to you. But I do find that you are
07 not just attacking cell phones. You're not just
08 talking about young age drivers. You're talking about
09 all types of drivers who are putting themselves and
10 others on --- or in harm's way when they drive and
11 they're not paying attention. So how can we, as
12 lawmakers, policymakers, minimize people who don't pay
13 attention, whatever their ages are, people who don't
14 pay attention and put themselves and others in harm's
15 way? How do we do that? And so my question to you,
16 as a law enforcement agent, what would you suggest?
17 Would you suggest we just stop at the cell phone and
18 seatbelt or should we go further? Should we outlaw,
19 you know, driving with kids who are watching DVDs and
20 playing games in the back seat? I mean, where do we
21 draw the line? How do we do this in a way that makes
22 sense?

23 MR. MCCORKLE:

24 If we're talking all operators, which I
25 believe you are, we already actually have statutes to

01 cover most of those violations. A DVD player can't be
02 operated forward of the back --- of the front row of
03 passenger seats. So that's already covered. The
04 reckless driving section was revised a few a years ago
05 to include careless driving, which covers most of
06 those sections. And it would be an obvious, in most
07 cases, additional violation that would lead to
08 discovery of these violations that would be occurring
09 within the passenger compartment, such as failure to
10 drive in your lane or crossing in the opposing lane or
11 tailgating somebody. So ---.

12 REPRESENTATIVE WHEATLEY:

13 And have you seen the numbers go up or
14 down as it relates to troopers stopping people for
15 those violations and have you seen the numbers go up
16 or down as it relates to crashes or fatalities based
17 off of the --- these causes of distraction or
18 violations of law?

19 MR. MCCORKLE:

20 Okay. The change in a Reckless Driving
21 Statute to include reckless and careless driving
22 would've led to additional violations basically by
23 revising the name of the section. The crashes caused
24 by distracted drivers, I'm not aware of any increase
25 in those crashes.

01 REPRESENTATIVE WHEATLEY:

02 Thank you. Oh, one final question.

03 Would you be in favor of or against helmets on
04 motorcyclists?

05 MR. MCCORKLE:

06 Do I have to answer that? In favor of
07 it.

08 CHAIR MARKOSEK:

09 Representative Miller?

10 REPRESENTATIVE MILLER:

11 Thank you, Mr. Chairman. Lieutenant
12 McCorkle, in your response to Representative Harper's
13 question about the primary and secondary for seatbelts
14 and being able to pull over for not wearing a
15 seatbelt, in your response, you almost the made the
16 case that I'm going to hear in Harrisburg, why we
17 don't want to do that because to assure that we're not
18 targeting people. If it came to court, we would
19 probably say, well, how many in this group have you
20 ticketed? So it seems to me the obvious is, you write
21 a lot of tickets so you cover yourself for the primary
22 not wearing a seatbelt. So it's one of the difficult
23 things and I guess it's more of an observation, Mr.
24 Chairman, as to what makes it so difficult for us to
25 get it done in Harrisburg, some of these law changes,

01 because there's always a second side to everything
02 that can be argued. But I appreciate that answer. It
03 just made me think in a little bit different vein of
04 thought. Thank you. Thank you, Mr. Chairman.

05 CHAIR MARKOSEK:

06 You're welcome. Representative Watson?

07 REPRESENTATIVE WATSON:

08 Thank you, Mr. Chairman. Lieutenant
09 McCorkle, thank you very much. As the maker of this
10 bill, I had worked with the State Police. You and I
11 have not worked together or talked, but I was given to
12 understand by some of the folks that I did speak with
13 that, and this goes to my colleague Representative
14 Miller's question or comment, that it wasn't as much
15 about the opportunity to write the ticket as it would
16 be to stop the young person, issue the warning, but
17 impress on them and get them to buckle up. And then I
18 believe you, in your earlier testimony, stated, yes,
19 indeed, state troopers, my word, routinely, but I'm
20 guessing that it is, especially if you're watching on
21 a turnpike, observe drivers not properly restrained,
22 not buckled up, but unless they do something really
23 untoward and illegal against the law, you can't stop
24 them. And yet, your testimony quotes the high
25 percentage of those who if involved in a crash

01 seriously injured or died largely because they're not
02 buckled, restrained in the vehicle and can be ejected.

03 Am I correct, though? I mean, the folks
04 I talked to, it wasn't as much about writing a ticket
05 and I'm assuming, in following Representative Harper's
06 question, issuing a warning, that would count in a
07 positive way that you certainly cared. You're not
08 targeting anybody. I guess I always presume the best
09 of the police anyway, that they're not really out to
10 do it. What can I say? But I'm Irish. I always
11 assume the best in the police. Genetically, my uncle
12 was a police officer. But very seriously, I would
13 presume that the issue, and what they said to me, was
14 really the opportunity for education. The warnings
15 and education, not giving you the ticket makes a point
16 and gets the young person buckled up. Yes, no, sir?

17 MR. MCCORKLE:

18 Yes. However, as far as stopping
19 somebody for initiating a contact just because of that
20 not wearing a seatbelt, to give them a warning opens
21 up a nasty can of worms if something else does come
22 out of that stop, such as --- I mean, if that's why
23 you initiated that stop and they happen to be wanted
24 for murder or, you know, have 25 pounds of drugs in
25 the car of something and we've headed down where we

01 have problems. So at different times in traffic
02 safety checkpoints and during different special
03 enforcement awareness periods, there are stops and
04 contacts conducted just for that purpose. And there's
05 special Click it or Ticket warnings and some other
06 cards that are prepared just for that. But it's a
07 practice that most police departments view as
08 potentially risky, because you're stopping them for
09 something that's not in the law.

10 REPRESENTATIVE WATSON:

11 I know. I was suggesting that if it
12 became a primary law, then it might change things,
13 that you could do that?

14 MR. MCCORKLE:

15 Yes. And the goal particularly with the
16 young folks is to change their behavior.

17 REPRESENTATIVE WATSON:

18 Okay.

19 MR. MCCORKLE:

20 We want them to survive those crashes.

21 REPRESENTATIVE WATSON:

22 Thank you very much. Thank you, Mr.
23 Chairman.

24 CHAIR MARKOSEK:

25 You're welcome. Lieutenant McCorkle,

01 excellent testimony and I appreciate your time with us
02 here today and some of the extra duty you had to do
03 here with some of our questioning. But that's okay.
04 It has been a great hearing so far and you've been
05 part of it. So we appreciate you coming here today.
06 Thank you.

07 MR. MCCORKLE:

08 Thank you.

09 CHAIR MARKOSEK:

10 Our next testifier is Dr. Anne McCartt.
11 Hopefully I pronounced that correctly. And Anne is
12 with the Insurance Institute for Highway Safety. Ms.
13 McCartt, welcome.

14 MS. MCCARTT:

15 Thank you. It's a pleasure to be here
16 today. I think you have a copy of my ---.

17 CHAIR MARKOSEK:

18 One second, please. We have several
19 members that have joined us from Western Pennsylvania
20 this morning, Representative Paul Costa and
21 Representative Tim Solobay.

22 REPRESENTATIVE COSTA:

23 Good morning.

24 REPRESENTATIVE SOLOBAY:

25 Good morning.

01 CHAIR MARKOSEK:

02 We're happy to have them here. Ms.

03 McCartt, you may begin. Thank you.

04 MS. MCCARTT:

05 Thank you. As I said, it's a pleasure to
06 be here today. If you're not familiar with my
07 organization, I'm with the Insurance Institute for
08 Highway Safety. We're a non-profit research and
09 communications organization and we look for ways to
10 reduce the death, injuries and property damage from
11 --- resulting from highway crashes. We are supported
12 entirely by the nation's automobile insurers.

13 What I'm going to be focusing on today is
14 what I hope will be a compelling case for enacting a
15 strong passenger restriction. But I wanted to point
16 out that, I've been listening to the testimony and
17 question, that the Institute has also done research in
18 a couple of other areas that have come up today, and
19 I'd be happy, in the question period, to answer
20 questions about those. For example, we've
21 demonstrated through our research the benefits that
22 would be --- that are acquired through a primary belt
23 law.

24 Before I came to the Institute, I did a
25 study that looked at factors influencing teenagers'

01 belt use and found that the primary factor was that
02 the state had a primary belt law. We've also done a
03 number of studies on cell phones. And I'm going to
04 leave a review of the literature I brought with me.
05 In fact, we did a study that was mentioned early that
06 established the crash risk involved with using cell
07 phones and established that handheld and hands-free
08 phones don't make a difference in the risk.

09 But if I could, I'm just going to lead
10 you through my written testimony. I think you have a
11 copy. As the other speakers have noted, the young
12 driver problem is certainly well-recognized and
13 acknowledged. But I think less recognized is that the
14 age group most affected by licensing policies,
15 16-year-olds, has, by far, the highest crash risk of
16 drivers of any age. You can see two figures below
17 that show the crash involvement and the fatal crash
18 involvement for miles traveled by driver age. So
19 nationally, the crash risk for miles driven by
20 16-year-olds is twice that for 18 to 19-year-olds and
21 it's about seven times the risk for drivers ages 30 to
22 59. And the fatal crash statistics are very similar.

23 I wanted to point out, too, this is not
24 in my written testimony, but we've done a couple of
25 studies that demonstrate that when drivers are driving

01 in their --- when teenagers are in the permit period,
02 their crash risk is very low. But their very highest
03 crash risk occurs in the first few months after they
04 get their license and began to drive independently
05 without their parents in the vehicle. There have been
06 some questions, too, about inexperienced drivers who
07 are older. And it's true that drivers of any age,
08 when they first begin to drive, have a high crash
09 risk, but teenage drivers who are inexperienced have
10 the highest crash risk of any other driver group.

11 So the problem is that if I said,
12 16-year-old, as a group, are inexperienced, they're
13 also young and they're the most immature, so they
14 sometimes don't make the best decisions, they are more
15 apt to take risk. And compared with fatal crashes of
16 older drivers, those involving teenage drivers more
17 often, as you seen these statistics from Dr. Durbin,
18 research updated in 2005, teenagers are more likely to
19 speed. They're more likely to be involved in
20 single-vehicle crashes, run-off-the-road crashes, and
21 they're more often to include multiple passengers.
22 And I want to come back to these statistics a little
23 bit later to show you how these crash risks change as
24 you add passengers to the mix.

25 Another point that we sometimes miss is

01 that, although teenagers who are killed are usually
02 drivers, many teens also die as passengers. So
03 nationally, in 2005, 38 percent of motor vehicle
04 occupant deaths among teenagers were passengers. And
05 at age 16, the number of driver and passenger deaths
06 were about equal. In Pennsylvania, in table two, you
07 can see 41 percent of motor vehicle deaths of 16 to
08 19-year-olds in the ten years from '95 to 2005 were
09 passengers. Among 16-year-olds, over half of the
10 occupants killed, 54 percent, were passengers.

11 Looking again at national statistics,
12 over half of fatally injured teenage passengers are in
13 vehicles driven by teenage drivers. The percentages
14 are dramatically high for 16 and 17-year-olds, 70 and
15 74 percent, respectively.

16 So looking at the risk of passengers and
17 what that does to crash risks, a major, perhaps, the
18 major risk factor for teenage drivers is the presence
19 of passengers, especially teenage passengers. When
20 you look at older drivers, and someone asked the
21 question earlier about the presence of a spouse, it's
22 actually the case that for older drivers, passengers
23 either have no effect on crash risk or decrease crash
24 risk, but for young drivers, passengers greatly
25 magnify the risk. And there's a figure on the

01 following page that is based on a study that we did in
02 2000. And this shows the crash risk when you add
03 passengers to the vehicle for 16, 17 and then 30 to
04 59-year-old drivers. So as you can see in these
05 figures, the driver death rate per million trips for
06 16-year-olds were 2.0 with no passengers. It goes up
07 to about 3 with one passenger, 4 with two passengers,
08 and nearly 6 with three or more passengers. For
09 17-year-olds, you see a similar pattern.

10 And then again, looking at that table
11 four, we've talked about the different driver errors
12 that are present in crashes of drivers at different
13 ages. Table four shows the characteristics of fatal
14 crashers --- crashes of young drivers when there are
15 teenage passengers present. So speeding, driver
16 error, single-vehicle crashes are more frequent in
17 crashes with teenage passengers and these
18 characteristics increase with the number of teenagers
19 in the vehicle. So looking at driver error, for
20 example, 71 of the crashes of 16, 17-year-old drivers
21 had driver error when the driver was alone. That
22 increases to 85 percent when there are three or more
23 teenage passengers in the vehicle.

24 The reasons why passengers increase crash
25 risk, I think, are obvious. They create distractions

01 for drivers who are inexperienced to start with and
02 need to be paying full attention to driving. Plus,
03 the presence of peers in the vehicle may induce
04 risk-taking behavior.

05 I want to present just a little bit of
06 evidence that looks at whether parents are --- whether
07 inconvenience for parents is created by passenger
08 restrictions, that becomes burdensome. That is an
09 argument that is sometimes made against passenger
10 restrictions, but the Institute and some other
11 organizations have done studies where we surveyed
12 parents and teens and these surveys show strong
13 support for Graduated Licensing in general and for
14 passenger restrictions where they're in effect.

15 So I've taken some results from a study
16 that we did in California when their Graduated
17 Licensing Law went into effect in 1998. California
18 was the first state to have a meaningful passenger
19 restriction. At that time, their passenger
20 restriction did not allow passengers younger than 20
21 in a vehicle during the first six months of licensure
22 unless an adult was present. Since then, their law
23 has been strengthened to extend the passenger
24 restriction to the first year of licensure. When we
25 surveyed parents, as you can see in table five and

01 six, there was strong support for Graduated Licensing
02 and for the passenger restriction. There was less
03 support among teenagers for the passenger restriction,
04 but still 39 percent did approve.

05 We also found that, although Graduated
06 Licensing does limit their social activities, and you
07 can see the evidence for this in tables seven and
08 eight, still most teens said, if you look at the last
09 question in table seven, most teens were still able to
10 do the social activities that they did before
11 passenger restriction. And finally, in table eight,
12 you can see that, overall, California parents, too,
13 said that they were not burdensome, inconvenienced as
14 a result of the passenger restrictions.

15 So now, there are 39 states, plus the
16 District of Columbia, that have introduced passenger
17 limitations as part of their Graduated System. Four
18 studies of the restriction in California, including an
19 Institute study, found large reductions in crashes
20 involving teenage passengers after the restriction was
21 passed. Similarly, in North Carolina, multiple
22 passenger crashes declined by 32 percent among
23 16-year-olds and by 15 percent among 17-year-old
24 drivers. National studies of the effects of Graduated
25 Licensing also report crash reduction due to passenger

01 restrictions. So given all this positive evidence, we
02 believe that adopting a passenger requirement makes
03 sense in Pennsylvania.

04 I'd like to just close. A lot of the
05 speakers today mentioned the crash in New York that
06 involved five teenage girls. Actually, I live in
07 Albany, New York, and I'm very involved in ---
08 emotionally involved in the issue because my son is 16
09 and has just gotten his learner's permit. But I think
10 that the crash in New York just brings together almost
11 all the issues involved in teen safety. There were
12 multiple passengers in the vehicle. They were
13 followed by another vehicle with multiple passengers.
14 They were driving at night. They were driving a
15 vehicle that we would not recommend for a teenager, an
16 SUV. And that was, I believe, a factor in the fact
17 that some of the crash had to do with the driver
18 over-correcting, which is, you know, difficult in an
19 SUV to maneuver it like that. The teenage driver was
20 doing what is a somewhat difficult maneuver for a new
21 driver, which was pass --- was to pass a slow moving
22 vehicle. There was speed involved, although not
23 really excessive speed.

24 But I think what brought it together for
25 me in terms of trying to understand how something

01 could go so wrong was when the news came that there
02 was text messaging and a cell phone being used. And I
03 remember I told this group that I read a study about
04 --- that asked teenagers about the use of cell phones
05 and other technology in the vehicle. And one of the
06 things I remember they said is when there are
07 passengers in the vehicle, the cell phone can become
08 part of the --- what may be even a party like
09 atmosphere in the vehicle, where the cell phone may be
10 passed from the driver to the passenger.

11 And the other thing I would note, and
12 this point was made earlier, when you look at the
13 victims in that crash, they were all good teenagers.
14 They had just graduated. They were cheerleaders.
15 They were all set to go to college. And so I think
16 that we can learn a lot by looking at that crash and,
17 as you are doing, focusing on passengers and
18 distractions as very big risk factors for teens.
19 Thank you.

20 CHAIR MARKOSEK:

21 Thank you very much. I just have one
22 brief question. You mentioned the aspect of SUVs and
23 we hadn't heard that yet here today. We did --- one
24 of the previous folks mentioned a SUV tipping over.
25 But in terms of just SUVs adding to teen driver

01 un-safety, I'm curious, you know, do we have any
02 empirical data on that or is there --- is that a
03 feeling that you have or is there a specific reason
04 why an SUV would be more dangerous than another type
05 of vehicle?

06 MS. MCCARTT:

07 Yes. And I realize that you probably
08 don't have the ability to limit something like the
09 vehicle driven by a passenger (sic). But, yes, there
10 are numerous studies that demonstrated --- have
11 demonstrated that SUVs and pick-ups have a tendency to
12 roll over. That's because of their higher center of
13 gravity. There's a technology electronic stability
14 control that we have documented. It goes a long, long
15 way in helping to prevent roll-over-crashes involving
16 SUVs and pick-ups. But I believe that the SUV that
17 the teen was driving was not new enough to have that
18 technology.

19 The other difficulty in this crash was
20 that it had multiple passengers, again, even
21 increasing further, the likelihood of rolling over.
22 And generally, our Institute believes that the safest
23 vehicles for teens are mid-size or large cars.
24 Although, again, electronic stability control, we
25 believe, will go a long way to help make SUVs and

01 pick-ups safer.

02 CHAIR MARKOSEK:

03 Okay. Thank you. Representative Payton?

04 REPRESENTATIVE PAYTON:

05 Thank you, Mr. Chairman. Thank you for
06 your presentation. I just have one quick question. I
07 believe you mentioned a 32 percent decline in fatal
08 crashes among 16 to 17-year-olds. Is that just from
09 North Carolina or is that nationwide data?

10 MS. MCCARTT:

11 I believe that the statistic I cited was
12 from North Carolina, ---

13 REPRESENTATIVE PAYTON:

14 Is it ---?

15 MS. MCCARTT:

16 --- where they had a passenger
17 restriction.

18 REPRESENTATIVE PAYTON:

19 Okay. And there's 39 states that have a
20 passenger restriction? Is there some sort of data
21 from those 39 that we can compare to North Carolina?

22 MS. MCCARTT:

23 Well, I think that the best studies that
24 have been done that look at national data and try to
25 extract information on the effectiveness of different

01 Graduated Licensing Provisions, I believe the
02 gentleman who testified earlier from NTSB mentioned
03 those studies. I believe that those studies do
04 indicate that passenger restrictions are --- have been
05 effective when you look at nationwide data.

06 REPRESENTATIVE PAYTON:

07 Thank you very much. Thank you, Mr.
08 Chairman.

09 CHAIR MARKOSEK:

10 Representative Miller?

11 REPRESENTATIVE MILLER:

12 Thank you, Mr. Chairman. Just a quick
13 question. On page one, on the scope of the problem,
14 the figure one chart, it is dated 2001-2002 and also
15 figure two, when will updated figures to redo these
16 charts be available? And the reason I ask, I believe
17 much of this data will somewhat be varied, at least
18 for the 16, 17-year-old, because of the way we have
19 changed our driving requirements and behind-the-wheel
20 requirements and we have ---. I would just expect, at
21 least the 16 to 17 to compact in the difference
22 between them, and it would be significant, but I'm not
23 sure. And I was just wondering when we might see
24 additional data to prove or disprove that.

25 MS. MCCARTT:

01 I wish we had newer data. These data are
02 taken from a national survey of drivers. It's a very
03 good survey of drivers that tracks their --- the kind
04 of driving they do and the number of miles.
05 Unfortunately, the latest survey that was funded by
06 Congress was 2001-2002. And researchers, such as
07 myself, would urge you to do whatever you can to urge
08 the federal government to fund a newer study, because
09 it's a real problem actually for researchers, that we
10 don't have good data on miles driven and we have ---
11 we also don't have good data, as we used to, on
12 licensed driver by state.

13 REPRESENTATIVE MILLER:

14 Okay. Thank you. Thank you, Mr.
15 Chairman.

16 CHAIR MARKOSEK:

17 You're welcome. Representative Sabatina?

18 REPRESENTATIVE SABATINA:

19 Thank you, Mr. Chairman. Thank you for
20 your testimony, Ms. McCartt. I actually do not have a
21 question. I have more of an introduction. It is my
22 honor and my privilege to announce that in the
23 audience we have a visitor by the name of Denise
24 Gallagher. Ms. Gallagher is the mother of Lacey
25 Gallagher, who was killed in an automobile accident on

01 the Turnpike this April. And as many of you know, I
02 have an amendment to House Bill 163 to name this Bill
03 Lacey's Law, to give it a name, and to give it a face,
04 and to give it a story, and to give it a purpose, and
05 to make it hit home for the other parents and the
06 other children that this does happen and it's not ---.
07 I think when you are young you have a feeling of
08 indestructibility, noting can happen to me. Well,
09 it's --- and I believe I had it at one time. Like
10 Jake, maybe I'm getting wiser with my years. But I
11 just wanted to announce that she is in the audience
12 and I would like the members of this Committee to
13 commend her for her strength and her bravery and her
14 interest in being here today. Thank you.

15 CHAIR MARKOSEK:

16 The Chair thanks the gentleman and ---.

17 REPRESENTATIVE WATSON:

18 Mr. Chairman, may I just add, too, that,
19 Representative Sabatina, I talked --- that's an agreed
20 to amendment. I think I had that conversation with a
21 reporter who had interviewed me a while ago and for
22 all the young people, there are a number in Bucks
23 County, and for all the young people across the state
24 of Pennsylvania, I think this would be a good
25 amendment if agreed to.

01 REPRESENTATIVE SABATINA:

02 Thank you for that.

03 CHAIR MARKOSEK:

04 Thank you. We all support that,
05 certainly. Representative Costa?

06 REPRESENTATIVE COSTA:

07 Thank you, Mr. Chairman. Thank you, Ms.
08 McCartt, for your testimony. I do have a question for
09 you. When they compiled the studies, do they ever
10 look at if these accidents involving these teens is
11 happening to and from school or to and from school
12 functions?

13 MS. MCCARTT:

14 Yeah. Actually, we did a study not that
15 long ago that looked at crashes in Fairfax County,
16 Virginia. If you look at the fatal crashes or crashes
17 of any severity and plot them by the time of day, you
18 see these very distinctive spikes, upper spikes,
19 during the morning hours when teens are likely driving
20 to school and then in the afternoon when they're
21 likely coming home. In some states, you also see a
22 spike around lunch time. Some school districts limit
23 teenagers from leaving the campus to, you know, go to
24 lunch off campus. And there's actually a study in
25 North Carolina that shows those school policies are

01 effective in reducing crashes. And I think that is
02 something that parents often overlook, that ---. Our
03 study indicated it wasn't so much that the teenage
04 drivers during these periods were doing riskier
05 things. It's simply a fact that there are a lot of
06 them on the road.

07 And in fact, we found very many of them
08 occur very close to the school and a pretty high
09 percentage actually involve teenage --- two teenage
10 drivers colliding with one another. And although this
11 is probably not a practical suggestion in some
12 situations, really the safest way for people --- for
13 students to travel to school, even teenagers, is in a
14 school bus. So we would caution parents just to
15 recognize that teens can get in crashes whenever
16 they're driving, including going to and from school.

17 REPRESENTATIVE COSTA:

18 Thank you.

19 CHAIR MARKOSEK:

20 Thank you. Representative Solobay?

21 REPRESENTATIVE SOLOBAY:

22 Thank you. Thank you, Mr. Chairman. Are
23 you also familiar with a study or a pilot project that
24 was done? And you had mentioned North Carolina. I
25 think it was North Carolina, South Carolina, Georgia,

01 where they go into the schools and also a correlation
02 of teenage accidents in construction sites? And I
03 bring it up because, you know, every spring, and
04 summer and fall we have these orange flowers that
05 bloom in Pennsylvania on a regular basis, which ties
06 also a whole other concept of teenage driving
07 accidents, and that's in the construction zone. And
08 there is a specified program that I had viewed that is
09 tied in --- they tie it into their driver's education
10 class or even above and beyond, they'll come in and do
11 these seminars just trying to make the awareness of
12 what that is. Has there been any correlation to the
13 unfortunate situation with construction zone
14 accidents ---

15 MS. MCCARTT:

16 I'm not ---.

17 REPRESENTATIVE SOLOBAY:

18 --- in teen drivers?

19 MS. MCCARTT:

20 I'm not aware of a specific study, but it
21 makes sense to me that that would be a difficult
22 situation for a teen driver because I think no matter
23 how long teens are --- drive with their parents in the
24 vehicle, they're still things that come up when they
25 first begin to drive without the parent there that are

01 unfamiliar to them and difficult for them. So it
02 makes a lot of sense to me that a teenager would have
03 difficulty navigating a construction zone.

04 REPRESENTATIVE SOLOBAY:

05 They cite the intimidation of the
06 barrels, the Jersey barriers and things that ---.

07 MS. MCCARTT:

08 Sometimes, you know, the lanes are very
09 narrow. Sometimes you're traveling through those with
10 large trucks, which can be, I think, intimidating to a
11 new driver. So I don't know any research, but it
12 makes sense to me that those would be --- a
13 construction zone would be a problematic situation for
14 a new driver.

15 REPRESENTATIVE SOLOBAY:

16 Thank you.

17 CHAIR MARKOSEK:

18 Thank you. Representative Wheatley for a
19 brief question.

20 REPRESENTATIVE WHEATLEY:

21 Well, thank you, Mr. Chairman. I feel
22 like I'm the teenager on the panel and I'm trying to
23 fight for my right to freedom. But I wanted to go
24 back to what Representative Payton talked about. He
25 said North Carolina --- the study in North Carolina,

01 and just so I'm clear, what I understand is after
02 North Carolina instituted a passenger restriction law
03 or language, 32 percent, is that over the first year,
04 over six months --- they saw a 32 percent decline in
05 multi-crashes among 16-year-olds; correct?

06 MS. MCCARTT:

07 Yes. They found, overall, reductions.

08 REPRESENTATIVE WHEATLEY:

09 What was the overall reduction?

10 MS. MCCARTT:

11 I don't know the statistic. I know it
12 was a significant difference.

13 REPRESENTATIVE WHEATLEY:

14 Because 17-year-olds, according to what
15 said, is 15 percent.

16 MS. MCCARTT:

17 Right.

18 REPRESENTATIVE WHEATLEY:

19 And so I'm assuming 18-year-olds were
20 different, 19-year-olds are different. So an overall
21 --- I mean, if it was from 16 to 20, I don't know ---

22 MS. MCCARTT:

23 Right.

24 REPRESENTATIVE WHEATLEY:

25 --- what the age category was, there was

01 some reduction, but you don't know ---.

02 MS. MCCARTT:

03 Well, I think ---.

04 REPRESENTATIVE WHEATLEY:

05 Was that a six month period of review

06 or ---?

07 MS. MCCARTT:

08 I don't know that either. I'm sure it
09 was longer than six months. I believe it was --- I
10 think it's been three years. They have three years of
11 data now. But I can find that out and submit it to
12 you. And I think the reason they looked at 16 and
13 then 17-year-olds that those were the ages that would
14 be most affected by the law.

15 REPRESENTATIVE WHEATLEY:

16 So what I'm ---.

17 MS. MCCARTT:

18 The 18 and 19-year-olds wouldn't have
19 been covered, I think, unless they had just gotten
20 their license.

21 REPRESENTATIVE WHEATLEY:

22 Okay. So really, this is when you first
23 get your license? This will be a restriction placed
24 on your license?

25 MS. MCCARTT:

01 Right.

02 REPRESENTATIVE WHEATLEY:

03 And as you continue to drive through,
04 when you become 17, the restriction becomes something
05 different, 18, becomes something different?

06 MS. MCCARTT:

07 I think the restriction would, for most,
08 I believe --- the way most passenger restrictions
09 were, I believe, is they last for a certain number of
10 months after the teen gets the license and then, at
11 some point, they're --- they don't apply to drivers
12 anymore. But I think states vary whether that's 21 or
13 whether that's younger than 21.

14 REPRESENTATIVE WHEATLEY:

15 Okay.

16 MS. MCCARTT:

17 And I'm not sure exactly what the
18 California restriction is, but I believe it would
19 primarily have affected 16-year-olds, who can get a
20 license. In North Carolina, 16 and then, of course,
21 17-year-olds.

22 REPRESENTATIVE WHEATLEY:

23 Sure. And that brings me to a particular
24 point that I think you identified in your written
25 material, that really if you were going to hone in on

01 this problem, 16-years-old seems to be the appropriate
02 age to really start to try to do something around
03 this, because according to you, even they, that age
04 group, are somehow twice as likely than 18-year-olds
05 to be involved in some type of fatality or something
06 similar.

07 MS. MCCARTT:

08 Yeah. Eighteen (18) and 19-year-olds
09 still have a higher crash risk than adults. And I
10 know we've been sort of debating the appropriate age.
11 And I guess, to me, laws are a combination --- I'm
12 bringing the information on safety to you, the studies
13 that we've done, and I think that society has to
14 balance concerns, including mobility, including
15 economic viability. And so 16-year-olds and
16 17-year-olds, I think, have the highest crash risk.
17 Eighteen (18) and 19-year-olds still have a higher
18 crash risk than adults, but whether it's practical to
19 impose some of these limitations on the older drivers
20 is an issue that you would have to wrestle with.

21 REPRESENTATIVE WHEATLEY:

22 Because I wanted to --- and maybe I'm
23 reading this wrong, but in figure two, the fatal
24 crashes per 100 million miles traveled by driver age,
25 I see here that you have them listed out --- this

01 number for an 18-year-old, which I guess is six
02 fatalities per 100 miles --- 100 million miles, is the
03 same --- it equals to the same that you have for 75
04 and up; is that correct?

05 MS. MCCARTT:

06 Yes. And I --- yes, it is.

07 REPRESENTATIVE WHEATLEY:

08 And so at some point, will we say that
09 when you become 75 and over you become a risk too in
10 fatalities on the road?

11 MS. MCCARTT:

12 Well, I can explain that. It is true
13 that the fatal crash risk goes up beginning at age 75,
14 but what it's primarily driving that is not that
15 drivers 75 and older are more likely to be in a crash
16 as much as they're more likely to die or be severely
17 injured. So a part of what's driving the higher crash
18 --- fatal crash rate for 75 and older drivers is
19 they're more likely to die. They're not risk --- more
20 likely to be a risk-taking situation as a teen is.

21 REPRESENTATIVE WHEATLEY:

22 So again, I want to make sure I
23 understand what ---. So figure two is not necessarily
24 the driver causing an accident? It is if they're
25 going to be injured or killed in an accident?

01 MS. MCCARTT:

02 This figure does not capture who was at
03 fault in a crash.

04 REPRESENTATIVE WHEATLEY:

05 Okay.

06 MS. MCCARTT:

07 Yes. It is whether they were in a ---
08 whether these drivers were in a fatal crash.

09 REPRESENTATIVE WHEATLEY:

10 And then for figure one, would figure one
11 be a reflection of who was at fault in a crash?

12 MS. MCCARTT:

13 No, these were involvement.

14 REPRESENTATIVE WHEATLEY:

15 Okay. Involvement.

16 MS. MCCARTT:

17 Right.

18 REPRESENTATIVE WHEATLEY:

19 So when we start talking about --- again,
20 I'm sorry, this is my last question. Then I'll let it
21 go. When you go to page two of your written
22 testimony, I meant to ask the earlier presenters about
23 this, when we talk about the driving errors, the
24 speed, speeders of ages 16, 17 to 19 and 20 through
25 49, I'm interested to know what that looks like for

01 older than 50, what that looks like as it relates to
02 70 or 75-year-olds and so on and so forth? What does
03 that number look like?

04 MS. MCCARTT:

05 Well, the oldest drivers have --- excuse
06 me, don't have crashes due to risk-taking factors like
07 speeding. At some age, they do tend to have crashes
08 at a higher rate due to distraction and age
09 impairment, such as poor eyesight. They have a
10 greater difficulty sensing another driver is coming
11 and making complicated maneuvers like at
12 intersections. But --- so it's true that at some
13 point older drivers do have risks and certain states
14 do have special requirements in place that screen
15 drivers --- older drivers more regularly.

16 REPRESENTATIVE WHEATLEY:

17 And I do want to --- appreciate your
18 presentation and all of the presenters, because I
19 think this is a very critical issue that we need to
20 get our hands around in a real way. I just --- I want
21 to keep encouraging policymakers to look at the total
22 picture. And I know that, right now, we're in a move
23 to do something in this frame, and I don't want this
24 to be taken the wrong way, hot and sexy. Because
25 we're looking at teenage drivers, we're looking at

01 them being problematic on roads. We're looking at the
02 big issue for them right now being --- not only for
03 them, for everyone, cell phone usage. And we really
04 want to try to tackle this and do it in a way that
05 shows that we're trying to get our hands around this.
06 But there's a broader picture. There's a broader
07 public safety issue, health issue that we should be
08 really discussing. And this is just one aspect of the
09 broader picture. So I would just encourage us to look
10 at this in a holistic way and really take on this
11 whole problem. I mean, because it's not just teenage
12 drivers that are making our roads unsafe and
13 dangerous. There are a whole range of things that are
14 making our roads unsafe and dangerous that adults are
15 primarily driving, and we need to get our hands around
16 that, as well. Thank you.

17 CHAIR MARKOSEK:

18 Thank you very much. Ms. McCartt, thank
19 you very much. Thank you for traveling down here and
20 being with us today. Excellent testimony. Appreciate
21 it very much. Thank you. Next, we have our favorite
22 state agency of this Committee, PennDOT, is
23 represented by Kurt Myers, who is the Deputy Secretary
24 for Safety Administration and also Ms. Dolan, Janet
25 Dolan. Can we have brief moment here for the

01 technology, the tape?

02 SHORT BREAK TAKEN

03 CHAIR MARKOSEK:

04 Okay. We have the thumbs up, so we're up
05 and running here, rolling. The tape is rolling I
06 guess. So Mr. Myers, Ms. Dolan, thank you for
07 attending and you may proceed when ready.

08 MR. MYERS:

09 Okay. Thank you, Mr. Chair, members of
10 the Committee. To my right, as you heard, Janet
11 Dolan. Janet is the Director of PennDOT's Bureau of
12 Driver Licensing. And on behalf of the Secretary of
13 Transportation, Allen Biehler, I appreciate the
14 opportunity to testify today on House Bill 163, as
15 well as House Bill 1141.

16 Before addressing House Bill 163 and
17 House Bill 1141, I'd like to provide an overview of
18 some of the significant safety statistics relating to
19 16 and 17-year-old driver crashes and fatalities,
20 briefly discuss improvements that have been made in
21 Pennsylvania and then talk specifically about House
22 Bills 163 and 1141 and how that would improve our
23 current Graduated Driver Licensing Program, to keep
24 our most at-risk drivers, their passengers and those
25 of us who share the road with these drivers safe.

01 According to recent studies, the number
02 one killer of 15 to 20-year-olds nationwide and here
03 in Pennsylvania remains traffic crashes. Although
04 Pennsylvania's current GDL Program was a major
05 enhancement to young driver safety, there are still
06 improvements that can be made to help address young
07 driver safety.

08 While we have achieved a reduction in the
09 number of the crashes and fatalities for 16 and
10 17-year-old drivers as a result of the GDL provisions
11 that went into effect in 1999, we need to constantly
12 re-evaluate countermeasures, crashes and fatalities,
13 the causes and the environment. It has been nearly
14 ten years since these improvements were made. Now is
15 the time to consider additional provisions to the GDL
16 Program. Now is the time to look at ways to further
17 mitigate the risk factors for young drivers. And I
18 think that is where we find ourselves today,
19 considering additional countermeasures that will
20 reduce and mitigate the risk of crashes and fatalities
21 for young drivers.

22 GDL Programs have been very effective
23 nationwide. AAA Foundation for Highway Safety
24 published a study in 2007 evaluating the effectiveness
25 of GDL Programs by determining how many of the

01 National Highway Traffic Safety Administration's, or
02 NHTSA's, seven most common GDL criteria states had,
03 and then compared crash statistics. States that have
04 five of the seven criteria had 38 percent less fatal
05 crashes involving a young driver than those states not
06 having any GDL criteria. And states with four of the
07 seven criteria had 21 percent less fatal crashes than
08 those states not having any GDL criteria.

09 Pennsylvania will meet six of NHTSA's seven most
10 common GDL criteria if passenger restrictions are
11 implemented. And I might add here that the only one
12 we would not adhere to at that point in time would be
13 the time that the license for a driver to drive after.
14 Currently, our law allows up to 11:00. NHTSA's
15 recommendation is 10:00. So that's really the only
16 fundamental difference if this law is enacted.

17 Both nationally and in Pennsylvania the
18 trends for fatalities involving young drivers has
19 declined since the late 1990s, but there have been a
20 year-to-year fluctuations. In 1999, significant
21 enhancements were made to the young driver licensing
22 process. We followed the NHTSA Graduated Driver
23 Licensing model as the guide to incorporate the most
24 nationally recognized improvements into Pennsylvania's
25 Graduated Licensing Program. Those improvements were

01 a requirement for certification of 50 hours
02 behind-the-wheel-skill-building, a requirement for a
03 mandatory period of six months for skill-building, a
04 requirement that the supervising adult in the car with
05 the young driver must be at least 21, a requirement
06 that the nighttime driving curfew begin at 11:00 p.m.,
07 a requirement for stricter sanctioning for junior
08 drivers, a mandatory suspension of 90 days for a young
09 driver who accumulates six or more points or has a
10 high speed conviction of 26 miles an hour or more
11 above the posted speed limit, and a requirement that
12 young drivers can have no more passengers in their car
13 than available seatbelts.

14 There are a little over 113,000 16 and
15 17-year-old drivers in Pennsylvania, about one percent
16 of our driving population, which is approximately 8.5
17 million licensed drivers. This age group, however, is
18 involved in about 4.5 percent of all fatalities. In
19 2006, there were 68 fatalities involving 16 and
20 17-year-old drivers. Overall, there were 1,525
21 fatalities in Pennsylvania in 2006.

22 Since 1999, there has been a clear
23 reduction in the fatalities involving 16-year-old
24 drivers. With the latest data available for 2006,
25 that equates to a 70 percent reduction in fatalities

01 involving 16-year-old drivers. This is a positive
02 indication that the changes are working. In real
03 numbers, because that is what counts, this means that
04 42 fewer lives were lost in 2006 as compared to 1999,
05 before improvements were made, or a reduction from 60
06 to 18 fatalities. The same significant results have
07 been revealed in crashes involving 16-year-old drivers,
08 as well, 3,200 fewer crashes in 2006 as compared to
09 1999.

10 I think it's also important to speak to
11 crashes and fatalities involving 17-year-old drivers.
12 While the number of crashes involving a 17-year-old
13 driver has been declining since 1999, with some minor
14 year-to-year fluctuations, it wasn't until 2006 that
15 we saw the first significant decrease in fatalities
16 involving a 17-year-old driver. However, we are
17 concerned that it has taken until 2006 to realize
18 significant reductions in fatalities involving a 17-
19 year-old driver. These are drivers who have had a
20 six-month waiting period, 50 hours behind-the-wheel
21 training and remain junior drivers until, at least, 17
22 and a half.

23 The current GDL Program has done an
24 excellent job of addressing driver training. It is
25 now time to help our young drivers after they complete

01 the required driver training and obtain their junior
02 driver's license. I do believe that passenger
03 restrictions would have an impact here. Passenger
04 restriction is an effective tool that will help to
05 limit the distractions young drivers face as they
06 master the skills needed to safely operate a motor
07 vehicle.

08 Driving is a very complex activity.
09 Drivers must put together multifaceted evaluations,
10 make split second decisions and perform intricate
11 maneuvers. Young drivers and their lack of
12 experience, immaturity and risk-taking behavior
13 creates a potentially lethal mix. Many do not yet
14 understand the complexity of driving. There are many
15 elements to a comprehensive, young driver Graduated
16 Driver Licensing Program. All the elements need to
17 work in concert. Passenger restrictions would improve
18 our existing program by helping to reduce
19 distractions. Passenger restriction is a critical and
20 necessary improvement to Pennsylvania's GDL Program.

21 Current legislation in House Bills 163
22 and 1141 addresses teenage passenger restrictions, one
23 of the NHTSA's recommended criteria for GDL Programs.
24 These bills would limit the number of passengers under
25 18 years of age a junior driver may have in the

01 vehicle to one, unless it's a family member, or in the
02 case of House Bill 163, there's also the exemption to
03 allow for farm workers to travel between locations.

04 Young drivers generally transport more
05 passengers than older drivers, and these passengers
06 are usually their peers. Often, the combination of
07 inattention or distraction, inexperience and
08 immaturity is tragic. According to a 2000 study
09 published in the journal of The American Medical
10 Association, crash risk increased from 39 percent with
11 one passenger in the vehicle to 182 percent with three
12 passengers. The reasons are obvious. Additional
13 passengers, especially teenage passengers, create
14 distractions for drivers who are inexperienced to
15 start with and who need to be paying full attention to
16 the driving task. Plus, the presence of peers in the
17 vehicle often induces young drivers to take risks.
18 This has been cited in numerous studies, including a
19 1998 study published in the Accident Analysis and
20 Prevention Journal.

21 Pennsylvania crash statistics show that,
22 in 2006, 22 percent of all fatal crashes involving a
23 16 or 17-year-old driver had two or more passengers in
24 the vehicle. Also the review of the eight-year crash
25 data involving a 16 or 17-year-old driver, from 1999

01 to 2006, indicates that 27 percent of the fatal
02 crashes occurred while the driver had two or more
03 passengers in the vehicle. In addition, we find that
04 the same types of issues that have historically
05 contributed to young driver crashes continue to be
06 problems. They include driving too fast for
07 conditions, 47 percent, and driver inexperience, 17
08 percent, resulting in such things as over or under
09 compensation at curves. It is also notable that 40
10 percent of the crashes that involved a major injury or
11 fatality resulted from the driver hitting a fixed
12 object. These statistics are based on 2006 crash
13 data.

14 Our own statistics, the AMA, the
15 Insurance Institute for Highway Safety, NHTSA and many
16 other safety associations are calling upon states to
17 put young driver passenger restrictions in place.
18 Currently, 37 states and the District of Columbia have
19 passenger restriction, and I believe there are couple
20 of other states that have passed legislation to be
21 enacted, most allowing for family members exemptions.
22 Pennsylvania should and PennDOT is very supportive of
23 this direction.

24 PennDOT also supports the provisions of
25 House Bill 163 that addresses the seatbelt requirement

01 for young drivers, which is also a part of the NHTSA
02 recommended criteria for GDL Programs. House Bill 163
03 would make it a primary offense to transport a
04 passenger under 18 years of age who is not properly
05 restrained. However, as House Bill 163 reads
06 currently, it would not make it a primary offense for
07 a driver under 18 years of age who is not properly
08 restrained. PennDOT feels this should be amended to
09 make it a primary offense for the under 18-year-older
10 driver, as well.

11 It has been confirmed that teen drivers
12 are less likely to wear seatbelts. The analysis of
13 PennDOT's 2006 fatality reports showed that over 56
14 percent of the young drivers killed were not wearing
15 their seatbelts.

16 Seatbelt use in Pennsylvania in 2006 was
17 86.3 percent, which is higher than the national
18 average. The national average being 82 percent. This
19 does not appear to hold true, though, for young
20 drivers. In 2006, 60 percent of the people under the
21 age of 18 who were killed in crashes were not properly
22 restrained as compared to 40 percent of the total
23 fatalities in PA who were not properly restrained.

24 House Bill 163 also proposes eliminating
25 the 15-day suspension requirement for young drivers

01 who are cited for high speed violations. PennDOT
02 would suggest this be amended to eliminate the
03 departmental hearing currently required for high speed
04 violations for young drivers as opposed to the 15-day
05 suspension. We believe that suspensions are a highly
06 effective tool for improving driver behavior. The
07 American Journal of Preventative Medicine published a
08 study in 1999 that indicated that suspensions are
09 effective in lowering crash rates and future
10 violations for up to two years after the end of the
11 suspension.

12 I'd like to make one final point before I
13 close. And I cannot stress enough the importance of
14 adult supervision of our young drivers. It is a
15 critical component of keeping our young drivers safe.
16 Parents, guardians must continue to make an active
17 role in this process as they will be able to best
18 gauge the young driver's knowledge, skills and
19 maturity. To this point, PennDOT also supports House
20 Bill 163 provision, which calls for additional
21 training for our young drivers, especially at night
22 and during inclement weather.

23 In closing, I'd like to reiterate that
24 PennDOT supports passenger restrictions for junior
25 driver's license holders, mandatory seatbelt use for

01 all vehicle occupants under the age of 18, with our
02 proposed amendments, and suspending young drivers
03 convicted of high speed violations for 105 days, and
04 eliminating the need for the departmental hearing.
05 But it can not only be PennDOT working towards this.
06 If we are to reduce crashes and fatalities for young
07 drivers, it has to be a partnership among all of us,
08 the General Assembly, law enforcement, all safety
09 advocates, schools, parents, guardians, teen drivers
10 and PennDOT.

11 We look forward to working with you, and
12 I would be happy to take any questions that you might
13 have at this time.

14 CHAIR MARKOSEK:

15 Thank you very much, Mr. Myers. Yes, we
16 do have some questions. Representative Costa?

17 REPRESENTATIVE COSTA:

18 Thank you, Mr. Chairman, and thank you,
19 Mr. Myers, for testifying. Just to go over some of
20 your statistics and to help Jake and play a little bit
21 of the devil's advocate, you're saying that 27 percent
22 of the fatal crashes occurred while the driver had two
23 or more. So 73 percent happened with two or less?

24 MR. MYERS:

25 That's correct.

01 REPRESENTATIVE COSTA:

02 That's kind of contrary to what we're
03 trying to do here. And then the next statement right
04 down the road here you put 56 percent of young drivers
05 did not have seatbelts. That seems to be the bigger
06 issue. We're saving more lives that way. And I'm
07 glad to see that you want to enforce the mandatory
08 seatbelt. That seems like that would do more than
09 what the kids do according to your statistics.

10 MR. MYERS:

11 If you're going to view each of these in
12 a vacuum, I would agree that some may be more
13 effective than others. However, I think it's a
14 consolidated approach ---

15 REPRESENTATIVE COSTA:

16 Right.

17 MR. MYERS:

18 --- using various means that have impacts
19 in those various areas. So from that standpoint, we
20 would agree that all of the amendments are important
21 to be implemented.

22 REPRESENTATIVE COSTA:

23 And again, I was trying to echo what
24 Representative Wheatley was saying earlier, that it's
25 not just the passengers in the car. It's the

01 seatbelts. It's the distractions. It's everything.
02 And hopefully, by the time we do finish Bill and it
03 gets to the Governor's desk, that we do consider all
04 those things. Thank you again.

05 CHAIR MARKOSEK:

06 Thank you. Representative Watson?

07 REPRESENTATIVE WATSON:

08 Yes. Thank you very much. Thank you for
09 your testimony. Excuse me. I just wanted to go to
10 your page three. Certainly, as the prime sponsor of
11 the Bill, and this is my second go around with this
12 Bill, so I got a lot of, I guess, emotional capital
13 invested aside from that. And I appreciate your
14 suggestions to work with PennDOT originally. Question
15 would be, your next to the last paragraph where you
16 talk about the driver and that the Bill does not
17 reflect that the driver would be required, can you
18 show me, because I guess we're going to a let me show
19 you and then you show me, but I was directing in the
20 bill ---. If you have a copy, if not I'll ---.

21 MR. MYERS:

22 We do.

23 REPRESENTATIVE WATSON:

24 Okay. To the bottom of page six --- and
25 my colleagues all have copies also. And what we did

01 in II, what would be line --- the beginning of line 24
02 of page six and then again on page seven of the Bill,
03 beginning at line 22, number three, I thought we were
04 very clear. Please understand it is my absolute
05 intent that I would make it a primary law up from
06 birth through 18 for children and young people to be
07 properly restrained when riding in a motor vehicle.
08 That's the correct way to say it. And that would
09 include then for those that are the 16 to the 18, both
10 the driver and the passenger. I have, at least, ---
11 I'm trying to look around and see. I know at least
12 one lawyer in the group on the panel. And certainly,
13 I have Mr. Muston (phonetic) in the back that is our
14 Counsel, and not here today, Eric Bugail (phonetic)
15 from ---. So I thought I was well covered, and I'm
16 pretty good about making my wishes known in a bill,
17 like it better have this.

18 In any event, my colleagues would agree
19 with that. So therefore, I'm concerned, but I thought
20 we --- where are we not reading correctly or you would
21 say something ---?

22 MS. DOLAN:

23 Here's what we have --- and just for
24 clarification, the amendments were from our
25 conversation ---.

01 REPRESENTATIVE WATSON:

02 We stick together with all due respect
03 Representative Harper.

04 MS. DOLAN:

05 Okay. So I'll just start, from the
06 driver of a passenger automobile shall secure or cause
07 to be secured in a properly adjusted and fastened
08 safety seat belt system any occupant who is eight
09 years of age or older and less than 18 years of age.
10 Here's where we make a change, including the driver of
11 a vehicle. So we --- they just called it out much
12 more.

13 MR. MYERS:

14 And I think that PennDOT Counsel's looked
15 at this and said that it essentially could be left to
16 interruption, and that's why adding that language
17 makes it very clear, so there's no question.

18 REPRESENTATIVE WATSON:

19 All right. And we'll certainly look at
20 that. But the point is, is make it crystal clear,
21 that everybody understands that all those voting on
22 the bill because they always ask those questions among
23 legislators that everybody understands. But most
24 importantly, that the motorist, the driver, the
25 passenger and the parents all understand that this

01 would be the intent behind the bill.

02 MR. MYERS:

03 And we certainly fully support that.

04 REPRESENTATIVE WATSON:

05 Okay. Thank you very much. I just am
06 trying to make sure that this is all going to work. I
07 wanted to clear that up. Thank you. Thank you, Mr.
08 Chairman.

09 CHAIR MARKOSEK:

10 You're welcome. Representative Miller?

11 REPRESENTATIVE MILLER:

12 Thank you, Mr. Chairman. I would just
13 like to re-emphasize a little bit on page three the
14 statistic that says 22 percent of all fatal crashes
15 involving a 16 or 17-year-old driver had two or more
16 passengers in the vehicle. If this is true --- and we
17 need clarification both maybe through the department
18 or any other testifiers today, because if that's true,
19 I'd be hard pressed to vote for this. It's a
20 contradiction that makes absolutely no sense. I'd say
21 let's put ten kids in a car. It's safer. And it's
22 --- that statistic just doesn't seem to make any
23 sense. So any clarification we can get as the Bill
24 moves forward, Mr. Chairman, I'd appreciate. But I
25 think we have to figure out why that is. It just

01 doesn't make any sense.

02 CHAIR MARKOSEK:

03 Ms. Dolan, would you like to comment on
04 this?

05 MS. DOLAN:

06 Yes. What we can do is we'll go back and
07 we'll get back out to everyone here the statistics and
08 do it broader so you can see the trends and things
09 like that. In here, we just take one part of the
10 statistics. So we can show you that.

11 REPRESENTATIVE MILLER:

12 Understood. Thank you.

13 CHAIR MARKOSEK:

14 Thank you. Representative Solobay from
15 Washington County?

16 REPRESENTATIVE SOLOBAY:

17 Thank you, Mr. Chairman. Kurt, I guess
18 the question I have, it's just not so much on this
19 particular bill, but even the way PennDOT comes up
20 with suggestions for us as far as the number of days,
21 where did 105 come out? Is that the typical 90-day
22 suspension plus the 15 that was originally talked
23 about?

24 MR. MYERS:

25 Yes.

01 REPRESENTATIVE SOLOBAY:

02 Okay. Thank you.

03 CHAIR MARKOSEK:

04 Okay. Thank you, Mr. Myers, Ms. Dolan.

05 Thank you very much.

06 MR. MYERS:

07 Thank you.

08 CHAIR MARKOSEK:

09 That was very good testimony, and we look

10 forward to hearing more from you as time goes on.

11 Thank you. Okay. We have one more testifier here

12 today, Mr. Theodore --- Dr. Theodore Christopher, who

13 is with the Pennsylvania Chapter of American College

14 of Emergency Physicians. Thank you, Doctor. Thank

15 you for attending, and once you get settled, you may

16 begin, sir.

17 DR. CHRISTOPHER:

18 Good morning.

19 CHAIR MARKOSEK:

20 Good morning.

21 DR. CHRISTOPHER:

22 Mr. Chairman, members of the Committee,

23 my name is Theodore Christopher. I'm currently the

24 Chairman of the Department of Emergency Medicine at

25 Thomas Jefferson University Hospital here in

01 Philadelphia. As a past president of the Pennsylvania
02 Chapter of the American College of Emergency
03 Physicians, otherwise known as Pennsylvania ACEP, I am
04 here on behalf of that organization that represents
05 over 1,300 emergency physicians here in the
06 Commonwealth.

07 Let me begin by thanking, first,
08 Representative Markosek for this opportunity to relay
09 the testimony of Pennsylvania ACEP on House Bill 163.
10 The Chapter also applauds Representative Watson as the
11 prime sponsor and those who have co-signed this bill.

12 In addition to some technical Title 17
13 amendments regarding provisions to obtain a junior
14 driver's license and learner's permit, we note an
15 important change to Section 4581 with the intent to
16 upgrade to a primary enforcement requirement. A
17 primary enforcement status would enable police
18 officers to engage and ticket based solely upon this
19 offense. This is a stricter standard from a secondary
20 enforcement classification, in which a penalty for
21 lack of seatbelt usage can occur only as a secondary
22 action when a driver has been convicted of another
23 offense.

24 We welcome this effort that will preserve
25 the safety of Pennsylvania's children. Pennsylvania

01 ACEP recognizes and appreciates any step that is taken
02 towards a primary seatbelt law in Pennsylvania as a
03 significant achievement. However, we have concerns
04 that there exists a lack of consistency in seatbelt
05 requirements in law enforcement that could create
06 confusion. In this legislation, there's confusion
07 between the added regulations, age groupings and
08 primary or secondary enforcement status of seatbelts.

09 HB163 reads that children age four
10 through eight-years-old must be utilizing a booster
11 seat restraint system and that it is now to be
12 considered a primary offense. The next statement is
13 clear that each driver and front seat occupant,
14 understood to be eight or older, shall wear a properly
15 adjusted and fastened safety seatbelt system. While
16 the impression is such that this would also be
17 considered a primary offense, language in Section
18 4581(b) Offense, seems to negate this and reduces the
19 enforcement to a secondary offense. It is
20 Pennsylvania ACEP's opinion that the intent of this
21 bill was to ensure primary enforcement for children up
22 to age 18. Section 4581 needs to be clarified to
23 ensure that the failure to properly secure a child up
24 to age 18 would be, in fact, a primary offense.

25 Again, we applaud the effort to upgrade

01 the enforcement to a primary offense. We also suggest
02 and encourage that this Committee consider a primary
03 seatbelt law as the best and safest solution to ensure
04 the safety of all age groups.

05 Will making seatbelt usage a primary law
06 really have that large of an impact? The answer is,
07 absolutely, yes. Studies have shown that a
08 significant number of fatalities could be reduced if
09 all states converted to primary laws. Primary law
10 enforcement increases restraint system usage rates
11 from 10 to 15 percentage points, as the states that
12 already have a primary seatbelt law have seen. This
13 isn't just about adult safety. Research has shown
14 that when the adults buckle-up, 87 percent of children
15 get buckled up, too. Lap-shoulder belts reduce the
16 risk of fatal injury to front-seat occupants by 45
17 percent and the risk of moderate-to-critical injury by
18 50 percent. It is clear that primary seat belt laws
19 increase usage and ultimately save lives.

20 To date, 26 states and the District of
21 Columbia have primary seat belt laws. Our neighbors,
22 New York, New Jersey, Maryland, Delaware have already
23 taken this step and Pennsylvania should follow this
24 example. Some might say that a standard seat belt law
25 infringes on a citizen's personal rights. Yet, I

01 counter with that with a notion that Pennsylvania
02 drivers expect to have the privilege of public
03 roadways, law enforcement and emergency personnel at
04 their service when needed. At the very least, we
05 should expect that our drivers be required to stay
06 safe on the road. According to the Advocates for
07 Highway and Auto Safety, the needless deaths and
08 injuries that result from non-use of seatbelts cost
09 society and estimated \$26 billion annually in medical
10 care, lost productivity and other injury-related
11 costs. Average inpatient hospital costs for traffic
12 crash victims who did not use seatbelts were 50
13 percent higher than for victims who were belted.

14 While this would be a cost-saving measure
15 for Pennsylvanians to buckle up, our concern is not
16 about the money. As an emergency physician working at
17 a level one trauma center here for 22 years, I have
18 treated hundreds of patients that were not wearing a
19 seatbelt, and it is those unfortunate images that
20 remain in my mind, the patients that didn't have to
21 suffer as they did if only they had taken the
22 precaution to buckle-up. These include patients
23 ejected from their vehicles or thrown through their
24 broken windshields, many of whom arrive dead on
25 arrival. There are countless others that have been

01 severely injured with physically disabling, chronic
02 medical problems or mentally disabling head injuries,
03 all largely preventable by use of seatbelts.

04 HB163 clearly acknowledges the importance
05 of using a restraint system for children. Again, we
06 recognize and thank Representative Watson and her
07 co-sponsors for their support of primary enforcement
08 and for taking an active role in protecting the safety
09 of Pennsylvania's children. Pennsylvania ACEP
10 supports this legislation, noting that amendments are
11 needed to create consistent safety and law enforcement
12 standards. Also, again, I encourage the Committee to
13 please consider standardizing to a primary enforcement
14 law for all age groups. The facts are certain and the
15 facts are clear. If we upgrade to a primary seat belt
16 law, we will be saving more lives in Pennsylvania.

17 I want to thank the Chairman for
18 scheduling this important public hearing and for
19 offering the Pennsylvania Chapter of the American
20 College of Emergency Physicians an opportunity to
21 comment. Thank you very much.

22 CHAIR MARKOSEK:

23 Thank you, Dr. Christopher, very good
24 testimony. We have any questions, comments?
25 Representative Watson?

01 REPRESENTATIVE WATSON:

02 Good morning, Dr. Christopher.

03 DR. CHRISTOPHER:

04 Good morning.

05 REPRESENTATIVE WATSON:

06 Thank you very much for being here.

07 Again, if I just might as the prime sponsor clarify,

08 in the previous speaker with PennDOT, it's very

09 important that we would come to an agreement and

10 understand. I'm sure you were listening to that.

11 DR. CHRISTOPHER:

12 Yes.

13 REPRESENTATIVE WATSON:

14 Would your group be satisfied, because

15 you felt that somewhere it was unclear, if it be added

16 then on page six, PennDOT wanted to, beginning, I

17 guess, line 28 to just have a comment saying,

18 including the driver of the vehicle, so that it's

19 perfectly clear? I thought it was clear, but if you

20 would show me where. You also referred to the four to

21 eight-year-olds. We knew that when that was passed,

22 we got it through as an amendment, and it couldn't be

23 added. It wasn't clear that it was primary. And the

24 goal of this Bill, one of the goals, would be that we

25 would, indeed, make the law the same from birth

01 through 18 to protect young people, children and young
02 adults, and particularly focusing on the teens since
03 we have statistics that say, if not buckled up,
04 they're more likely to die in a crash because they
05 often are ejected or partially ejected from the
06 vehicle. So if there's someplace, can you site where
07 you're not reading or not understanding? We thought
08 it was very that --- the way it's worded. It does say
09 we're making it primary for the booster seat.

10 DR. CHRISTOPHER:

11 I guess my question is if, because
12 through the bill --- I have a copy of the bill in
13 front of me. And I thought the Bill --- the amended
14 --- the brackets mean that those parts of the bill
15 will be removed.

16 REPRESENTATIVE WATSON:

17 Yes.

18 DR. CHRISTOPHER:

19 And so if it's the intent that if it's
20 not stated that the intent is that it is a primary
21 offense, then it's clear to me. But again, we always
22 --- I always like to consider my own policies from my
23 department. I like to make it totally unambiguous,
24 and if the intent is that not stating means that it
25 is, in fact, a primary offense, then that's clear to

01 me.

02 REPRESENTATIVE WATSON:

03 Yes, sir. And I know we'll take a look
04 again. That's exactly what it is. But we'll take a
05 look again, and I guess we'll make sure the next our
06 department asks I'm going to say, no, this is really
07 what it is and for my colleagues, this is the intent I
08 hope that we were there and we had the reasons
09 grounded in science why we were doing this for that
10 age group. I certainly hear you about primary seat
11 belt law for everybody. I'm not opposed in any way,
12 but I just am trying to fight one battle at a time.

13 DR. CHRISTOPHER:

14 I understand. I understand.

15 CHAIR MARKOSEK:

16 Okay. Doctor, thank you very much.

17 DR. CHRISTOPHER:

18 Thank you very much.

19 CHAIR MARKOSEK:

20 That concludes our formal testify ---
21 testimony from our testifiers, and I guess I would
22 just offer the floor one more time to Representative
23 Watson for some final remarks. Representative, great
24 Bill and I look forward to working with you on it.

25 REPRESENTATIVE WATSON:

01 Thank you, Mr. Speaker. I certainly
02 think I've spoken more than I necessarily or usually
03 do. But I certainly wanted to make the case with my
04 colleagues that I think that this is an important
05 piece of legislation. There are things ---
06 Representative Sabatina had an amendment. I certainly
07 am amenable that we look at, and I have to use the
08 correct term, we won't call it cell phones, but we
09 will call it interactive wireless communication for
10 young drivers. We may have to put a parenthesis in
11 there that it's cell phones so that everybody
12 understands, and texting, what we mean. I understand
13 that.

14 The goal of the Bill would stay the same
15 even with certain amendments, and that would be based
16 on research to make it safer for our young and
17 inexperienced drivers to get that license to first
18 drive. And the second goal is to back up
19 Pennsylvania's parents as they embark on that part of
20 their child's life, which is, perhaps, one of the most
21 frightening, having lived through it myself, that we
22 all have, and that is, we are sending them off on the
23 road behind what really can be a lethal weapon. We
24 are trying to inculcate and give them all the values
25 and all the knowledge that we can. And that we, as

01 legislators, will back up our Pennsylvania families
02 with laws that will help protect the young people to
03 the best that we all can do. Thank you very much for
04 the opportunity, Mr. Chairman.

05 CHAIR MARKOSEK:

06 Thank you very much. And I'm not sure if
07 the phrase interactive communication devices includes
08 electric shavers or hair curlers, but I'll get that
09 into the law, as well, because there's plenty of other
10 distracted driving, too. But just a little levity
11 there. But I want to thank all of the folks that
12 testified, thank the members, and certainly the staff
13 who really go unheeded so often. They do do a lot of
14 work here to set this up and I really appreciate it.
15 And with that, I would say the meeting is adjourned.
16 Thank you.

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HEARING CONCLUDED AT 12:06 P.M.

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