Testimony on Distracted Driving
By
Ted Leonard
Executive Director, Pennsylvania AAA Federation
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Good morning, Mr. Chairman and members of the House Transportation Committee. Thank you for giving AAA the opportunity to speak about the issue of distracted driving.

Distracted driving is not a new issue. It's been around since the invention of windshield wipers in the early 1900's. During the past century, wipers and a host of other innovations designed to enhance motorists' comfort, safety and convenience drew negative reaction until people learned to manage the distractions they caused. In the 1930's, it was the radio; in the 50's, drive up windows and fast food, in the 80's mobile phones, and in the 90's telematic devices. Rubbernecking, adjusting the radio, attending to children, talking to a passenger, eating and drinking, using a mobile phone, reading a map or GPS device are all activities that divert the driver's attention from the task at hand and place the driver, passengers and others on the road at risk.

AAA categorizes distractions as three types:

Physical – distractions that cause a driver to take his or her hands off the wheel or eyes off the road. Examples include tuning a radio, dialing a mobile phone or text messaging. Even a momentary distraction can cause you to run off the road or miss a traffic signal.

Intellectual – Activities that take a driver's mind off the road. Examples are having a conversation or thinking about what to prepare for dinner. How many times have you found your mind wandering while driving? Your eyes are on the road, but your mind isn't. It's difficult to miss a large yellow school bus with red lights flashing, but how many drivers have driven past a loading school bus claiming they didn't "see" the bus when in reality their mind wasn't on the task at hand.

Combination – Some activities take your hands, eyes and mind off the task at hand. Examples would include reading a map while driving or programming a GPS.

Like earlier innovations, mobile phones and other in-vehicle electronic devices add a significant measure of convenience, safety and security to people's lives. But, concerns about their safe use are growing. According to CTIA, the wireless industry association, the number of wireless subscribers in the United States now numbers more than 230 million. A 2005 NHTSA survey estimated that at any given moment, ten percent of U.S. drivers are using some type of phone, whether hand-held or hands free. Among our highest risk population, teen drivers, that percentage is even higher. This summer, AAA conducted a study in conjunction with *Seventeen Magazine* that focused on teen driving

behaviors. According to the survey, a high number of teen drivers engage in high risk behavior while driving: 58 percent drive with multiple teen passengers in the vehicle; 51 percent talk on a cell phone while driving; 43 percent read text messages; 32 percent send text messages; 40 percent exceed the speed limit and 11 percent drink and drive.

The AAA Foundation for Traffic Safety sponsored a University of North Carolina study to identify, through crash and field data, the major sources of driver distraction that result in crashes or near misses, and to understand the relative importance of these distractions as a cause of crashes[1]. The study confirmed that mobile phones are a distraction. But the data also confirmed that other distractions such as looking at outside objects and tuning the radio or CD player also distract drivers. In fact, they contribute to more crashes than mobile phones. In decreasing order of magnitude, the distractions were:

Outside person, object or event – 29%
Adjusting radio/CD – 11%
Other occupant – 10%
Moving object in vehicle – 4%
Other device brought into vehicle – 3%
Vehicle climate controls – 3%
Eating, Drinking – 2%
Cell phone – 1.5%
Smoking – 1%

A December 2001 report of the Joint State Government Commission of the Pennsylvania General Assembly noted a similar hierarchy of distracting events[2]. The report concluded that, "A statutory or regulatory restriction on specific driver distractions does not yet appear to be warranted bused upon available data."

A follow-on AAA study examining the full range of distractions contributing to crashes collected real-world driving data on the frequency and duration of distractions and measured their effects on driving performance.[3] The study noted that, "Although recent research has primarily been focused on the safety implication of wireless communications and other in-vehicle technologies, the results of both the Phase I crash data analysis and the Phase II field data study have demonstrated that many driver distractions are neither new nor technological in nature. Rather, they are aspects of everyday driving that people are likely to seldom think about. A challenge for the highway safety community is to develop methods for modifying people's driving behavior, so that they do not engage in these potentially dangerous activities at inappropriate times while driving. The human element is, and always has been, the most difficult to influence in the quest for increased safety on our roadways."

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[1] Stutts, J. and Reinfurt, D. "*The Role of Driver Distraction in traffic Crashes.*" University of North Carolina Highway Safety Research Center, May 2001.

[2] Pennsylvania Joi9nt State Government commission (2001*). Driver Distractions and Traffic Safety.* Staff Report of the General Assembly of the Commonwealth of Pennsylvania Joint State Government Commission, Harrisburg, Pa.

[3] Stutts, J., Feaganes, J., et al., "Distractions in Everyday Driving" University of North Carolina Highway Safety Research Center, June 2003.

In March 2002, the National Conference of State Legislatures (NCSL) released a report documenting an eight-month study that brought together state legislators and staff, wireless service providers, auto manufacturers, federal agencies, safety groups and researchers to address the issue of technology in motor vehicles[4]. The report recommended, among other things, that states rather than local jurisdictions should decide whether to regulate the use of wireless telephones and other technologies and that all states should collect data about the involvement of driver distractions on crash report forms. The forum failed to agree on whether legislation should be passed restricting the use of specific technologies, including wireless telephones, in motor vehicles and on whether hands-free phones should be allowed but hand-held phones prohibited. It also failed to agree on whether wireless phone use, as opposed to all potential driving distractions, should be singled out for reporting on state crash report forms.

A 1997 study which appeared in the New England Journal of Medicine[5] examined the risks associated with mobile phones and found that "using a cellular phone was associated with a risk of having a motor vehicle collision that was about four times as high as that among the same driver when they were not using their cellular telephones" yet, the authors of this study went on to note that, "Our study indicates an association but not necessarily a causal relation between the use of cellular telephones while driving and subsequent motor vehicle collision. We caution against interpreting our data as showing that cellular telephones are harmful and that their use should be restricted. Even if a causal relationship with motor vehicle collisions were to be established, drivers are vulnerable to other distractions that could offset the potential reductions in risk due to restricting the use of cellular telephones." The authors of the NEJM also pointed out that hands free phones are not risk free. It is the conversation that provides an intellectual distraction to the driver. Studies at Carnegie Mellon, the University of Rhode Island and the University of Utah have reached the same conclusion – the problem is as much holding the conversation as it is holding the phone while operating a vehicle. Because mobile phones are visible, people believe that they alone are the problem, and that mobile phones pose a greater risk than other distractions.

New York, New Jersey, Connecticut and the District of Columbia have enacted bans on driving while talking on a *hand-held* cellular phone. California and Washington have bans that will go into effect in July 2008. This year, Washington became the first state in the nation to enact a ban specifically on text messaging while driving. Laws prohibiting the use of cell phones by teens are now in place in 18 states and the District of Columbia, and Maine, this year, expanded its state prohibition of teen drivers from using cell phones to include all forms of hand-held technology. Kentucky and Minnesota have passed legislation to prohibit school bus drivers from using a cellular phone. Utah has added the misdemeanor of careless driving to its aggressive driving law. It defines careless driving as two or more distracting activities occurring during one continuous period of driving

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[4] Sundeen, M. (2002). Along for the Ride: Reducing Driver Distractions. Final Report of the Driver Focus and Technology Forum. Denver, CO: National Conference of State Legislatures.

[5] Donald A. Redelmeier and Robert J. Tibshiriani, "Association between Cellular Telephone Calls and Motor Vehicle Collisions." *The New England Journal of Medicine* 336:7, February 13, 1997.

and prescribes penalties including up to six months in jail, $1,000 in fins, and license suspension up to three months.

AAA understands that distracted driving – including the use of cell phones – is a major contributor to vehicle crashes. We also believe that distractions come from more than hands and eyes. Drivers can be distracted talking on the phone or eating an egg and cheese biscuit in the car. AAA recommends that states continue to collect and evaluate data and research, and that the public and private sectors continue to educate motorists, through driver's manuals and driver education, about the dangers of distracted driving and how to manage them. The bottom line is that drivers are responsible for keeping their eyes on the road and their minds on driving.

Teen Cell Ban Chart

- New York, New Jersey, Connecticut the District of Columbia have enacted bans on driving while talking on a hand-held cellular phone. California and Washington have bans that will take effect July 1, 2008.
- Twenty-nine states introduced legislation prohibiting the use of cell phones by learner's permit holders and provisional licensees, except for emergency calls.
- This year, Washington became the first state in the nation to enact a ban specifically on text messaging while driving.
- Laws prohibiting the use of cell phones by teens are now in place in 17 states and the District of Columbia.

*_Italics_: Indicates a state with an all-driver hand-held cell ban but without teen specific ban
*Bold: Indicated a state-wide hand-held ban is in place

STATE	"HANDS-FREE" DEVICES ALLOWED?	TEXTING PERMITTED?	TEEN CELL PRIMARY OR SECONDARY	DETAILS
Colorado	No	No	Secondary	Drivers with a learner's permit - regardless of age - may not operate a cell phone.
California	**No**	**No**	**Secondary**	**Prohibits a person possessing a valid instruction permit, student license, or provisional license, from driving a motor vehicle while using a wireless telephone or a mobile service device, including a handset equipped with a hands-free device. (Effective 7/08)** **Effective 7/2008, all drivers must use hands free devices.**
Connecticut	**No**	**No**	**Primary**	**Drivers under 18 years of age may not use any hand-held cell phone (including hands-free) while operating a motor vehicle. All drivers are banned from using a hand-held cell phone while driving.**
Delaware	No	No	Primary	Drivers with any graduated license may not use a cell phone while driving (even "hands-free")
District of Columbia	**Yes**	**No**		**Persons holding a learner permit may not operate a motor vehicle while using a cell phone.**
Illinois	No	No	Primary	Drivers in learner or intermediate licensure stage prohibited from using cell phones.
Maine	Yes	No	Primary	Instructional permit holders or restricted licensees under 18 may not use a cell phone while driving.
Maryland	No	No	Secondary	Drivers under 18 holding a learner or intermediate permit may not use a wireless communication device

Minnesota	No	No	Primary	Learner's and provisional license holders under age 18 may not operate a vehicle while using a cell phone for 12 mos.
Nebraska	No	No	Secondary	Learner's permit and intermediate license holders younger than 18 may not use a cell phone or other wireless communication device (effective 1/1/08)
New Jersey	**Yes**	**No**	**Primary**	**Use is prohibited for drivers under 21 while operating a moving vehicle (except in an emergency situation) on a Graduated License permit or provisional license**
New York	***Yes***	***No***	***Primary***	***Hands free cell phone devices are required while operating a vehicle for all drivers.***
North Carolina	No	No	Primary	Cell phone use prohibited for drivers under 18 years of age.
Oregon	No	No	Secondary	Prohibits the use of cell phones and other wireless communication devices by drivers under 18 years of age. The new law carries with it a $90 fine, is enforced and will take effect January 1, 2008.
Rhode Island	No	No	Primary	Drivers younger than 18 may not operate a cell phone.
Tennessee	Yes	No	Primary	Learner's permit and intermediate license holders shall operate a motor vehicle in motion on any highway while using a hand held cellular telephone
Texas	Yes	No	Primary	Drivers under 18 may not use a wireless handheld communication device in learner or intermediate stage.
Virginia	No	No	Secondary	Drivers holding an intermediate license may not use cell phones, including hands-free devices.
West Virginia	No	No	Primary	Drivers may not operate a cell phone in the learner and intermediate stages.
Washington	**Yes**	**No**	**Secondary**	**Hands free cell phone devices are required while operating a vehicle. Drivers may not text message while driving**