

1 PENNSYLVANIA HOUSE OF REPRESENTATIVES
 TRANSPORTATION COMMITTEE
2 HEARING ON PENNSYLVANIA SEAT BELT REQUIREMENTS
 AND DISTRACTED DRIVING ISSUES

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6 COMMITTEE PRESENT:

 JOSEPH MARKOSEK, Chairman

7 MIKE CARROLL

 COSTA PAUL

8 MICHAEL GERBER

 JOSEPH PERARCA

9 CHELSA WAGNER

 RICHARD GEIST

10 KATE HARPER

 DICK HESS

11 KATHARINE WATSON
12

13 HELD ON: Tuesday, April 13th, 2010
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(Whereupon, the hearing commenced at approximately 9:42 a.m.)

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CHAIRMAN MARKOSEK: Good morning everybody. Just to get things started we normally see a flag and I don't see a flag to pledge. So we'll have an imaginary in your mind and we'll stand up and do the Pledge of Allegiance lean.

- - -

(Whereupon, the Pledge of Allegiance was said.)

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CHAIRMAN MARKOSEK: Thank you. Good morning. I'm State Representative Joe Markosek, I'm the chairman of the Pennsylvania Housing and Transportation Committee. Minority chair is on his way, Richard Geist, I expect he will be here shortly. I'd like to introduce the members who are here, we have Representative Joe Petrarca, Representative Paul Costa, Representative Katherine Watson, Representative Kate Harper, Representative Mike Carroll, Representative Chelsa Wagner and we're happy to be here this morning.

Just some brief remarks for hearing this

1 morning. First of all, I'd like to thank you for
2 coming today and all the hospitality that you've
3 showed us here the last few hours.

4 We're having a hearing on Pennsylvania seat
5 belt requirements and distracted driving issues, which
6 this committee has been working on. I know
7 Representative Watson and Harper have gotten very
8 adamant over the years relative to teen driving
9 distractions. And we recently had a bill passed,
10 about a year ago now from the house. And also a few
11 months ago we were able to get passed by the house a
12 bill that bans texting and handheld cell phones while
13 driving a vehicle and among some other things that the
14 bill has. And that is also in the senate and in my
15 understandings that those bills will be considered
16 shortly by the senate in the near future here when we
17 get back into session in the next couple weeks.

18 So with that I'd like to move forward and
19 invite the first panel. We have several panel's here
20 today and I'd like to invite Dr. Flaura Koplin
21 Winston, PHD, Founder and Co-Scientific Director,
22 Center for Injury and Research Prevention, the
23 Children's Hospital of Philadelphia. Also Mr. Eric
24 Teoh, Statistician, Insurance Institute for Highway
25 Safety, Mr. Justin McNaull, Director of State

1 Relations, AAA. And Mrs. Marlene Case, Victim
2 Advocate.

3 Let me just do a little housekeeping for
4 the benefit of the stenographer we need to all speak
5 directly in the microphone so we're going to have to
6 get good at passing the microphone here while we
7 speak. So perhaps I'll just have Dr. Koplín Winston
8 proceed first.

9 DR. WINSTON: Good morning. Thank you for
10 the opportunity to speak. My name is Dr. Flaura
11 Winston. I'm the scientific director and founder of
12 the Center for Injury Research and Prevention at the
13 Children's Hospital of Philadelphia. I am also an
14 associate professor of pediatrics at the University of
15 Pennsylvania School of Medicine, a practicing
16 pediatrician and the mother of two boys ages 15 and
17 20. So this is an issue that's near in my heart.

18 I work with the multidisciplinary group of
19 scientists at CHOP that is dedicated exclusively to
20 addressing injury, the leading cause of death for
21 children, teens, and adults in the United States. The
22 Center conducts research into the origin and nature of
23 childhood injuries and then seeks to develop effective
24 interventions to prevent recurrence of those injuries.

25 As traffic crashes are the leading cause of

1 death for children, adolescents and young adults, out
2 of need, we have developed a well-recognized expertise
3 in child passenger and teen driver crash-related
4 injury and have published and presented extensively on
5 the topic.

6 In my testimony today I will focus on
7 scientific evidence for the action that you're
8 considering as part of House Bill 67.

9 In 2008 in Pennsylvania 176 teen drivers
10 and their passengers died in teen driver crashes and
11 approximately 15,000 teen drivers were injured. When
12 we looked at all the people killed in crashes
13 involving teen drivers in 2008, the death toll rose to
14 242 citizens of Pennsylvania. Over the past five
15 years, 1,444 people died in Pennsylvania in teen
16 driver crashes. Left in the wake of these tragedies
17 are the families, schools and communities who are
18 devastated with grief and regret.

19 You may be overwhelmed to hear these
20 statistics. This is a huge loss of life about seven
21 classrooms of high schools students every year. You
22 may be saying, "Pennsylvania has a GDL system since
23 1999 and still we're facing a major public health
24 epidemic among our youth? What more can we do?"

25 Since 1999, there has been a watershed of

1 new data on ways to make GDL more effective at
2 reducing teen crashes and their related injuries and
3 death. Pennsylvania's limited GDL system is part of
4 the reason why we still have such a high death toll
5 related to teen drivers. We can do better. House
6 Bill 67 is a lifesaving step in the right direction.

7 House Bill 67 would limit teen drivers from
8 carrying more than one teen passenger; ban the use of
9 phones and other handheld devices; and it would hold
10 the teen driver responsible for making sure all
11 occupants younger than 18 are properly restrained.
12 This law, is enacted and then supported by adequate
13 education and enforcement, will substantially reduce
14 teen-driver related crashes and deaths.

15 Published research tells us that
16 restricting the number of passengers during the first
17 year of independent driving saves lives.

18 Peer passengers are a deadly distraction.
19 Just on teen passenger doubles the risk a teen driver
20 will get into a fatal crash; three or more passengers
21 quadruples the risk.

22 Despite these dire statistics, a recent
23 study conducted by the Children's Hospital of
24 Philadelphia and State Farm Insurance Companies found
25 that only one in ten teens knows that giving a friend

1 a ride is dangerous.

2 The risk is not just for the driver.

3 Another Children's Hospital and State Farm study
4 released in 2007 found that starting at ages 12 to 14,
5 a passenger's risk of dying in a crash with a teen
6 driver doubles, and the risk continues to rise for
7 each teen year. Most teen who die in crashes are
8 riding with a teen driver.

9 Perhaps more astounding: Most teens do not
10 consider themselves inexperienced drivers. We found
11 that, although 60 percent of teens believe
12 inexperienced heavily influences driving safety, only
13 15 percent consider their peers inexperienced.
14 According to other qualitative research from CHOP,
15 teens may incorrectly associate having a license with
16 experience, leading to a false sense of safety. There
17 is a real disconnect between perception and reality
18 among families and it puts our children at risk.

19 So you know the presence of passengers
20 causes teens to crash. But do passenger restrictions
21 make a difference? Three years after California
22 enacted their legislation, which limits the number of
23 teen passengers in a car driven by a teen, crash
24 fatalities among teen passengers in a car driven by a
25 teen, crash fatalities among teen passengers declined

1 25 percent.

2 Pennsylvania, once a forerunner in policies
3 to prevent motor vehicle deaths for children and
4 youth, now we lag behind New York, New Jersey,
5 Delaware, Maryland, West Virginia and 36 other states
6 that have some form of restrictions on passengers.

7 The majority of teen crashes are due to
8 driver error caused by inexperience and compounded by
9 distractions such as passengers and cell phones, as
10 well as inherent risk-taking such as speeding and
11 nighttime driving. While these factors cause crashes,
12 low rates of seat belt use kill teen drivers and their
13 passengers.

14 When used, seat belts reduce the risk of
15 fatal injury to front-seat passengers by 45 percent.
16 Enforcing seat belt use for teens is even more
17 crucial. Teens have the lowest seat belt use of any
18 age group. The result of this carelessness is deadly.
19 In recent years, two-thirds of teens that died in
20 crashes were not wearing seat belts. Primary seat
21 belt laws are proven to be more effective. Where they
22 are in place, seat belt use is about 10 percent higher
23 than in states with no primary seat belt laws on the
24 books.

25 Whether a state enforces primary or

1 secondary laws directly impacts young driver safety.
2 The five states with the highest teen seat belt use
3 California, Maryland, North Carolina, Michigan and
4 Oregon also are among the strongest primary seat belt
5 laws.

6 CHOP research has also shown that teen
7 drivers are less likely to make sure that everyone in
8 the car is buckled up. In fact, children driven by 15
9 to 17 year old drivers are three times as likely to
10 have no restraint at all as those with adult drivers.

11 As teen driver crash risk increases with
12 every passenger, a law that requires seat belt use for
13 all occupants, regardless of seating position, would
14 better protect their passengers.

15 Additional data from CHOP show 13 to 15
16 year olds were more than twice as likely to ride
17 unrestrained in secondary enforcement states than were
18 their peers in primary enforcement states. In this
19 study, we found that age and restraint use of the
20 driver is associated with restraint use of 13 to
21 15-year-old passengers suggesting that teens may mimic
22 the restraint use of the driver.

23 Still, primary enforcement belt laws have
24 an effect on belt use for pre-driving teens that is
25 independent of the effects of the driver's belt use.

1 Even states with high-baseline restraint use rates
2 would benefit by upgrading restraint use laws to
3 primary enforcement.

4 CHOP is supportive of a cell phone ban.

5 The research that you will hear described by my
6 colleagues today, clearly links use of cell phones and
7 texting while driving to increased crash risk. What
8 is unclear is if a law that only bans hand-held
9 devices is adequate. The research from the Insurance
10 Institute for Highway Safety suggests that these
11 handheld-only bans do not significantly lower the
12 numbers of reported crashes, as we would hope. We do
13 not know why and I do not fully understand the
14 limitations of the study.

15 Perhaps, these laws need to be a complete
16 ban that includes hands-free and that also provides
17 other supportive activities such as primary
18 enforcement, education provided to law enforcement,
19 publicizing the enforcement, as well as public
20 awareness efforts that promote alternatives to cell
21 phone use while driving. All of these could serve to
22 change the culture of cell phone use in the car. I'm
23 interested to hear more from my colleagues about this.

24 In closing, we recognize that parents and
25 families are the first line of defense. A study we

1 published this past October in Pediatrics found that
2 teens, whose parents set clear rules and boundaries
3 while offering lots of support, were half as likely to
4 crash compared with teens who said their parents were
5 less involved.

6 Research done on this issue proves that
7 laws not only empower law enforcement to protect
8 road-users, they also empower families to determine
9 the right rules for their homes and cars. With more
10 than a decade of such research, we have learned that
11 parents look to the law to guide them on how to
12 protect their children in vehicles. They've
13 essentially said, "If it were important, there would
14 be law."

15 With that in mind, we urge Harrisburg to
16 send the message that introducing certain driving
17 privileges gradually for novice teen drivers is a
18 lifesaving strategy for communities and families.

19 Chairman Markosek and Members of the
20 committee, I thank you for this opportunity to share
21 the evidence that supports House Bill 67. We are
22 grateful for those that called for this hearing and
23 drafted the legislation.

24 CHAIRMAN MARKOSEK: Okay. Thank you,
25 Doctor, we appreciate that. Before we go any further

1 I just want to introduce Representative Richard Geist,
2 co-chairman.

3 CHAIRMAN GEIST: Thank you for your
4 wonderful testimony. It's just absolutely amazing to
5 see all of you here. You folks do a fabulous job and
6 thank you very much for having us. And I don't want
7 to hold this show up any longer lets go on with the
8 testimony.

9 CHAIRMAN MARKOSEK: Thank you, Chairman.
10 What we'll do have is before Mr. Teoh testifies we'll
11 open it up to questions from the members. With that
12 Mr. Teoh, he's the Statistician for the Insurance
13 Institute for Highway Safety.

14 MR. TEOH: Chairman, thank you. The
15 Insurance Institute for Highway Safety is a nonprofit
16 research and communications organization whose mission
17 is to reduce the deaths, injuries, and property damage
18 that occur on our nation's roads. Most teenagers
19 fatally injured in crashes are drivers, but many
20 teenagers also die as passengers. In Pennsylvania, 39
21 percent of passenger vehicle occupant deaths among 16
22 to 19 years old during 2004-2008 were passengers.

23 A major risk factor for teenage drivers is
24 passenger presence, especially teenage passengers.
25 Figure one of the testimony shows some evidence of

1 this. Specifically, teenagers' have a high fatal
2 crash risk when driving alone increases dramatically
3 when passengers are added.

4 Teenage passengers create distractions for
5 drivers who are inexperienced to start with and who
6 need to be paying full attention to the driving task.
7 Plus the presence of peers in the vehicle may induce
8 some further risks.

9 Passenger restrictions can involve some
10 inconvenience for parents. Still, Insurance Institute
11 For Highway Safety surveys of parents show strong
12 support for graduated licensing in states where it has
13 been adopted and for passenger restrictions where they
14 are in effect.

15 Evaluations conducted in the states that
16 have enacted passenger restrictions have found these
17 restrictions are effective in reducing crashes of
18 teenage drivers transporting other teenagers.

19 Additionally, IIHS has evaluated the effect
20 of US State GDL laws on the rate of teenager driver
21 fatal crash involvement per 100,000 teenagers during
22 1996 to 2007 and the contributions of specific
23 licensing components. The fatal crash rate for 15 to
24 17 year-old drivers was 21 percent lower when they
25 were prohibited from having teenage passengers in

1 their vehicles versus allowing two or more passengers.
2 Allowing only one teenage passenger reduced the rate
3 by 7 percent. A companion study by the Highway Loss
4 Sata Institute, an affiliate of IIHS, evaluated the
5 effect of GDL laws on the frequency of insurance
6 collision claims per insured vehicle year among
7 insured teenage drivers during 1996 to 2008.
8 Collision insurance covers damage to the insured
9 driver's vehicle, and the majority of collision claims
10 are for relatively minor crashes. The study found a 5
11 percent reduction in the rate of collision claims for
12 16 to 17 years old drivers subject to restrictions
13 allowing no more than one teenage passenger, compared
14 with drivers not subject to passenger restrictions or
15 those allowed to have more than one teenager
16 passenger.

17 Implementing a stronger passenger
18 restriction as part of Pennsylvania's GDL law will
19 reduce the rate of teenage crashes and save lives.

20 Thank you.

21 CHAIRMAN MARKOSEK: Okay. Thank you very
22 much. Next we have Justin McNaull, Director of State
23 Relations for Pennsylvania AAA.

24 MR. MCNAULL: Good morning and thank you
25 for the opportunity to speak with your committee

1 today. I'm Justin McNaull, Director of State
2 Relations for AAA. I assist AAA staff around the
3 country in their traffic safety advocacy efforts.
4 Here in Pennsylvania, I work with Ted Leonard of the
5 AAA Federation on behalf of the AAA clubs and AAA
6 members in the Commonwealth.

7 During the last 15 years, AAA clubs have
8 been active across the country promoting graduated
9 driver licensing, enacting improved teen licensing
10 processes that have saved thousands of lives. During
11 this time, we've seen all 50 states enact varying
12 forms of graduated driver licensing. Some states have
13 come back for multiple bites at the apple to improve
14 safety for teens and others. In many of these states,
15 those "return trips" to teen driver safety have
16 involved establishing or improving passenger limits.
17 As the members of the committee know, Pennsylvania has
18 had this dialogue for several years. The time to act
19 is now.

20 Ample research has shown the benefits of
21 restricting teen passengers from riding with new teen
22 drivers. For a state like Pennsylvania that already
23 has a number of good GDL components, I'd encourage
24 consideration of a couple points. A couple years ago
25 the AAA Foundation for Traffic Safety and Johns

1 Hopkins research has shown that GDL components have a
2 positive, additive effect. As states add components
3 to their GDL systems, they get greater reductions in
4 crashes, injuries, and deaths. Similarly, as states
5 strengthen components, they get better results.
6 Adding a passenger limit, and making it a good one,
7 will improve safety in Pennsylvania.

8 Improving safety for teen drivers improves
9 safety for us all. According to AAA's "Everyone is at
10 Risk" report, nearly two-thirds of the people killed
11 in teen driver crashes are people other than teen
12 drivers. In Pennsylvania it's about 62 percent. And
13 we've tracked this data across the years, we've seen a
14 correlation between drops in teen driver deaths, and
15 reductions in all people killed in teen driver
16 crashes. There's financial benefit in improving teen
17 driver safety, as well. I'm not talking about
18 sanctions and incentives, but about real costs being
19 incurred now by Pennsylvania's families and
20 government. According to the analysis done by PIRE
21 for AAA, crashes involving divers ages 15 to 17 in
22 Pennsylvania cost \$1.2 billion in 2006. Reduce these
23 crashes and you save lives, of course, but also
24 medical costs, emergency response costs, lost wages,
25 property damage, and more.

1 People in Pennsylvania support GBL.
2 According to surveys by the AAA Pennsylvania
3 Federation, 96 percent of AAA members support limiting
4 the number of passengers in a vehicle with a teen
5 driver. These public support numbers generally track
6 near 90 percent and higher when we survey nationally.
7 You constituents support this effort.

8 We do sometimes hear criticism that GDL
9 isn't consistent with the needs and wants of rural
10 communities. Although I don't have Pennsylvania
11 specific data, earlier at this conference we heard
12 about surveying by AAA Kansas and Wichita State
13 University that showed support for GDL was unchanged
14 in both metropolitan and rural parts of Kansas.
15 Pennsylvania has some rural communities but it's
16 nothing compared to the distances involved in rural
17 Kanas. Yet when asked, parents and teens in Kanas, a
18 rural state with a legislature that's as conservative
19 as they come, all supported night limits, passenger
20 limits, and other components of GDL. Surveying in
21 Pennsylvania would likely show the same.
22 Thank you for you continued interest in and
23 support for improving teen driver safety. Passing a
24 passenger limit is the next needed step for the people
25 of Pennsylvania for teens, their families, and all of

1 us who travel the state's roadways. Thank you.

2 CHAIRMAN MARKOSEK: Thank you very much. I
3 see me Representative Mike Gerber has arrived. And
4 I'd be remiss if I didn't mentioned our wonderful
5 staff. I don't want to stay last, first in our hearts
6 how's that, Ms. Marlene Case, victim and advocate.

7 MS. CASE: My son died on November 23rd in
8 a car accident along with another boy and they were
9 six boys in the car. Thank you for listing to what I
10 would like to say today. Also we want to thank your
11 family and friends and Pottsgrove High School
12 Community for helping us to deal with Andrew's
13 untimely death and for being there for us throughout
14 this awful tragedy.

15 When my husband and I got first married we
16 wanted to have children more than anything. We were
17 blessed with having Sarah, Andrew, and Jimmy who are
18 most precious to us. Over the past 20 years we have
19 had the joy of loving, raising, and protecting our
20 children. Our goals for them is to be happy, healthy,
21 educated, have nice careers, and eventually have
22 families of their own. We wanted our children to
23 receive a Catholic education therefore they all
24 attended Saint Aloysius grade school.

25 Sarah graduated from Saint Pius X High

1 School and is now a student at Penn State. Andrew and
2 Jimmy wanted to go to Pottsgrove High School mostly so
3 they could be more involved with the sports programs.
4 We were also pleased with the curriculum there. Along
5 with sports we always tried to keep them involved with
6 activities. Along with all of these thing we both had
7 a lot of fun laughing and joking around with Sarah,
8 Andrew, and Jimmy as they did with each other.
9 Working towards our goals we never imagined that a
10 tragedy of this nature would ever be a part of our
11 life. What happened to Andrew has completely
12 devastated Sarah, Jimmy, Curtis, myself, Curtis's
13 family, and my family, leaving our entire family
14 changed forever. The pain is excruciating for us all
15 as it is for Michael's family and friends, he's the
16 other boy that died. We cannot think of words to
17 adequately describe the depths to which we miss
18 Andrew. It is still almost impossible to believe he
19 is gone. Andrew was a very caring person and wanted
20 to be friends with everyone. He never worried about
21 anything. He was very talented with lacrosse and
22 other sports such as swimming, baseball, football, and
23 snow boarding. He even played the saxophone and took
24 art classes.

25 We realize that what happened on November

1 23 was an accident but giving the fact that Andrew and
2 Michael died under circumstances that could have been
3 prevented is extremely devastating. The original plan
4 that night was for all the boys to be taking 2 cars to
5 the movies. But instead all six boys got into
6 Austin's SUV and later learning from the police report
7 that he got behind the wheel under the influence of
8 marijuana, driving recklessly, dropped his cell phone
9 and tried to find it, and driving without proper car
10 insurance and drove into an embankment. If we would
11 have known this was going to happen we would have
12 never permitted Andrew to travel under such unsafe
13 circumstances. It is disappointing to know that a
14 parent who is a role model for her children can be so
15 irresponsible to allow her 16 year old son and herself
16 to take such chances at jeopardizing not only her own
17 children but others as well.

18 Whenever our children are out with their
19 friends my husband and I keep in touch with them every
20 few hours to make sure they were okay. I had spoken
21 to Andrew at 8:37 that night. The accident happened
22 at 8:49 which we were not aware of. At 10:30 when he
23 was not home I called him several times and there was
24 no answer. Jimmy started calling the other boys that
25 Andrew was also with. Nobody was answering their

1 phones. My husband drove to the boys houses in hopes
2 of finding them. We were all so worried about him
3 that we started calling hospitals and thin finally
4 after calling 911 we were told to go to Phonenixville
5 Hospital. Words cannot describe what we learned at
6 that time.

7 Austin we heard you apologize to all of the
8 families during the last court hearing and we all hope
9 that you feel compelled to rectify this terrible
10 tragedy by possibly speaking to teenagers about the
11 ramifications of carelessness and irresponsible
12 behavior while driving. We would be very thankful to
13 you for this.

14 Everyone misses Andrew and Michael terribly
15 and we will continue to pray for them for the rest of
16 our lives. We also hope and pray that Austin, Dylan,
17 Garrett, and Kyle have learned from this tragedy to
18 prevent this from happening in the future and will be
19 able to live productive and happy lives. Curtis and I
20 will try our best to continue to teach Sarah and Jimmy
21 to be good responsible, and hard working citizens. We
22 will continue to provide them with a meaningful life
23 so they can continue to meet their endeavors. Thank
24 you.

25 CHAIRMAN MARKOSEK: Mrs. Case, let me first

1 offer my sincere condolences, I'm sure I speak for all
2 the committee, I'm sorry for your loss and really the
3 best thing we can do to help nullify your pain is pass
4 legislation, strong legislation so that this is never
5 repeated or minimized this repeating again in
6 Pennsylvania.

7 With that the panel is here for questions,
8 I know Chairman Gist was a question.

9 CHAIRMAN GIST: I have a statement also
10 Representative Kathy Watson has been a super active of
11 the position and does a very very good job with it.

12 My question for you, is you didn't say much
13 about the increased hours that a person needs to drive
14 on a permit and we've been hearing a lot of that from
15 other people. And I thought that would come in your
16 statistical analysis of other states and AAA. I don't
17 think you're going to break that, so there will be
18 caveats and anything that bypass -- but the question
19 is on the increased hours.

20 MR. MCNAULL: One interesting thing about
21 GDL is states have been able to do it in slightly
22 different ways to work for them. The hope that you
23 don't end up losing all the GDL out of AAA concerns
24 for our community and have put in extensions for
25 various reasons. And modest folks redemptions and

1 advocates we're generally supportive of the matter of
2 whole barn door.

3 There is very little research statically
4 with practice hours and what the right number is.
5 Most states have settled in that 50 to 60 hour range.
6 The effort to have ten hours of nighttime driving is a
7 very positive step. The five hours is something that
8 we haven't seen in any other states yet it make sense.

9 But when we step back and really look at
10 the driving hours it's a bench mark the parents, it's
11 a beginning place to demonstrate work and practice.

12 DR. WINSTON: I'm glad you brought this up
13 it's a very important issue. We limit our testimony
14 to three main topics I'm glad we have time to talk
15 about this.

16 The reality of having driving hours but
17 what parents need to hear is they need to increase the
18 quality and quantity of the practice and by adding
19 those hours sends a message that your child is not
20 ready to actually drive alone by just going back and
21 forth to school during the day, that's not enough.
22 You have to give your child other kinds of practice
23 and I think that's a really good addition. What I
24 would love is for to us be able to evaluate and set a
25 model I want Pennsylvania again to be the vanguard

1 state and be the model. And we can look at these laws
2 and what affects they have. I really appreciate you
3 bringing the topic up. Going down the table in line
4 of there order.

5 MR. TEOH: For your question, we believe
6 that it's important for teens to have a significant
7 amount of time to learn how to operate a motor
8 vehicle. However, we did actually evaluate the fact
9 of increasing practice hours in our GDL site and what
10 we found was that it was 20 hour increased in the
11 number of practice hours was associated with 92
12 percent decrease in the rate of accidents.

13 CHAIRMAN MARKOSEK: Thank you.

14 REPRESENTATIVE WATSON: Thank you. And
15 good morning to all of you here. Dr. Watson, it's
16 nice to see you again. This is the lady that I
17 learned from, so thank you very much.

18 The bill that is currently coming out to
19 the senate is different than what happened. And I
20 know you and I have had this discussion because you
21 thought I was being to easy when I suggested we would
22 have a law with one exception for siblings. Because
23 in lots of family it's the oldest who learns to drive
24 and takes the youngest to band practice and I said I'm
25 trying to account for family life at the same time and

1 safe some lives.

2 However, in appropriations committee to
3 reduce this to the timeframe where we talked about
4 having only one teen and it would be from the time
5 they get their license up to 18 as was the primary
6 seatbelt law and so forth to try and keep everything
7 together. It's reduced to just six months and I
8 wonder if you were aware that and it maybe too soon to
9 comment or if you want to get statics and then come
10 back to us. I would be curious to see what you
11 perceive what the difference would be.

12 Likewise the 65 hours was reduced also for
13 a reason that I still find hard to understand because
14 parent don't do the 50 so they couldn't do the 65, and
15 I think that statement alone sells our parents across
16 Pennsylvania sells them short. I think most parent do
17 care and if you explain to them the validity of what
18 they are doing and the fact that it's harder to drive
19 now then when they learned I think they would get it.
20 But if you could comment there was a bag hang up about
21 the number of young people in the car.

22 DR. WINSTON: Exactly what is the senate
23 bill now?

24 REPRESENTATIVE WATSON: The senate bill
25 would say that it's restricted to one teen in the

1 vehicle for the first 6 months after they get their
2 license. And then up to three up to 18.

3 DR. WINSTON: And what evidence to they
4 base this.

5 REPRESENTATIVE WATSON: I'm not sure they
6 had any particular evidence, but it was more
7 California I think they used a couple states where
8 they only do 6 months. And see that comes as a
9 problem when it comes back to the house what do we do?
10 At amend it again an make goes SMIB or do we start at
11 6 months so I'm really looking for some direction
12 today.

13 DR. WINSTON: Well, it is absolutely the
14 case of the first six months highest risk for teens,
15 we know that. So we want to put them for the first
16 six months of independent driving we want to put them
17 in situations where they can handle the driving task.
18 And then gradually increase their privileges over
19 loner periods of time. I'm still very concerned with
20 having the one passenger. We already have it. It
21 shows that increasing the passenger in the vehicle
22 for -- with teens it's a double risk of a fatal crash.
23 I guess if I had to suggest would they be interested
24 in 6 months and no passengers, would senate be
25 interested in that?

1 REPRESENTATIVE WATSON: I don't know. I
2 think they particularly people are thinking back to
3 their driving experience and these are all responsible
4 people who know now lead very responsible lives and
5 have very responsible teens and so they never has that
6 experience.

7 DR. WINSTON: I think what is really
8 important in this time of limited resources of the
9 rise of health care cost that we need to start putting
10 evidence in place with our lives and that there is
11 overwhelming evidence about passengers and the
12 challenge that passengers place on their drivers.
13 They will eventually have passengers in the car, it's
14 not saying that they'll never have them, they are just
15 not ready in the first six months to one year to have
16 passengers in the car. So I think that's really
17 important that we get the evidence to them so that
18 they understand that they are putting teens and their
19 families at risk for tragedy by putting in place such
20 a weak law. It's definitely better than what we have
21 now, but it is not hard enough. And if it's going to
22 take another five years to get the next part, think
23 about how many teens are going die in that period of
24 time. So I think we got the time right now we to the
25 momentum, we have citizens behind us, evidence behind

1 us, now is the time to have the evidence turned into
2 policy that is going to save lives.

3 As far as the hours go 50 hours is well too
4 low, 65 is too low, all of them are too low. How many
5 hours does it take someone to learn how to throw a
6 football, how many hours does it take for someone to
7 learn how to play the violin all of the other complex
8 skills takes many, many, many hours.

9 The institution of 65 is not just
10 increasing by 15 hours it's increasing the message
11 that we have to give for them to have quality time and
12 practice in terms of before teens can drive alone. I
13 think that would be, again, a mistake not to get us to
14 the point where we have a strong GDL law, as strong as
15 another states. Pennsylvania is lagging behind and I
16 think we need to understand that it's costing us
17 lives, it is costing us money.

18 CHAIRMAN MARKOSEK: Representative Mike
19 Carroll.

20 REPRESENTATIVE CARROLL: Thank you, Ms.
21 Case, for your moving testimony. If you know, how old
22 was the driver and how long did he have his driver's
23 license at the time of the accident?

24 MS. CASE: He was just 16 and only had his
25 driver's license or three weeks.

1 REPRESENTATIVE CARROLL: Thank you very
2 much.

3 CHAIRMAN MARKOSEK: Thank you all.

4 Next panel is Mr. David Teater, Senior
5 Director of Transportation Strategic Initiatives,
6 National Safety Counsel, Mr. Peter Kissinger,
7 President and Chief Executive Officer, AAA Foundation
8 for Traffic Safety, Mr. David Preusser, President of
9 Preusser Research Group and Mr. Eric Teoh,
10 Statistician, Insurance Institute for Highway Safety.

11 MS. CASE: Two weeks after our boy's
12 accident there was another accident, I don't know if
13 you're aware, two girls died also in an SUV with 6
14 kids. And the boy that was driving was 18. I don't
15 know too much about that accident and there was
16 another accident, I think it was in the beginning of
17 January, and a boy and a girl died and they were also
18 6 kid in an SUV, so, you know, this we didn't know
19 those boys were all going to be in the came car
20 together.

21 CHAIRMAN MARKOSEK: Thank you. I know I
22 may just be preaching to the choir with this group and
23 you know the bills are in the senate and I would
24 suggest those live in Pennsylvania to contact your
25 state senators and indicate some of the same

1 information that you brought to us today. With that.

2 We will start with Mr. David Teater.

3 MR. TEATER: Thank you for the opportunity
4 to testify. My name is Joe Teater, I'm with the
5 National Safety Council we're a congressionally
6 chartered nonprofit organization throughout the
7 country, including Pennsylvania. Our job is to reduce
8 accidental caveats that cause serious injuries. The
9 National Safety Council became the first national
10 organization to call for bans on cell phones while
11 driving. In January or 2009 we called for a total
12 band on cell phone driving by all drivers, we've been
13 working very hard on that subject ever since. What
14 I'd like to share with you this morning in addition to
15 my written testimony, which you have in front of you,
16 I'd like to highlight.

17 First of all, we believe cell phones are a
18 unique form of distraction. We didn't have this
19 distraction at any great extent just a few years ago.
20 If you think about it we've been driving for about
21 hundred years and talking on telephones for about 75,
22 only to bind those two activities. Is a new very fast
23 and it's growing fast.

24 The National Highway Traffic Safety
25 Administration reported that distracted driving was

1 involved in nearly 6,000 traffic deaths last year and
2 more than a half million injuries. NHTSA estimates
3 that 11 percent of all drivers at any given time are
4 using cell phones. And in January of this year the
5 NCS reported that 1.6 million crashes, more than one
6 in four of all motor vehicles crashes involve cell
7 phone use at the time of the crash.

8 Driver distractions fall in to three
9 categories. Everyone understands the danger of visual
10 and mechanical distractions, but the third kind of
11 distraction -- cognitive distraction associated with
12 phone conversations is also of great concern to us.
13 Cognitive distraction results from the need for our
14 brains to be involved at the same time, in both
15 driving and a conversation with a remote person. It
16 is the conversation with a person not in our driving
17 environment that is the source of the problem. Unlike
18 visual and mechanical distractions, with cognitive
19 distraction the driver is not aware that they are
20 distracted, resulting in the distraction lasting for
21 much longer periods of time.

22 It is very important for those of us to
23 change the behavior, it will not solve the problem.
24 And I think in some cases like attempting to e-mail or
25 texting maybe very difficult. What it does is it sets

1 a baseline for the state saying that kids can't text
2 while driving it helps employ -- it helps
3 organizations like ours educate the public. So it's a
4 very, very critical first step.

5 Also I'll just mention primary enforcement
6 is critical especially texting. The National Safety
7 Council have a great concern that we are all out there
8 especially telling kids who are addicted to texting.
9 You know, just literally addicted to texting, just try
10 and taking the phone away from them. And I mean they
11 can't get through a day without texting. You have
12 parents who say you can't text while driving, you have
13 a school system that says don't text while driving.
14 And the state legislature passed a secondary
15 enforcement, we think it could actually be damage. So
16 I encourage you look at these.

17 And lastly, I just want to close with a
18 couple statements. Some of you have who read my
19 biography know I got into this business a few years
20 ago as a result of my 12-year-old son was killed by a
21 driver in 2004. The young lady was driving straight
22 down the road while she talked on the phone. She
23 passed four cars and a school bus, our vehicle was the
24 fourth southbound and she veered through the
25 intersection. The dated record said she never touched

1 her brakes. The folks on the school bus saw her look
2 at her cell phone, which was her distraction.

3 Another story I'd like to share with you is
4 JC. I've been telling her story for a year and a
5 half. JC graduated here in Pennsylvania. It was a
6 wonderful day to watch her graduate, they were on
7 their way home and an 18 old driver talking on his
8 phone sitting at a red light for some reason turned
9 left. He was sitting at the red light thought it
10 turned green cognitively distracted on the cell phone,
11 he wasn't reaching down, he didn't have his eyes off
12 the road turn left in front of an 18-wheeler. The
13 18-wheeler veered off and hit JC and her family head
14 on. Her parents both died in the accident. JC had
15 very serious injuries, she wasn't breathing, she had a
16 shattered pelvis, broken wrist, two broken feet,
17 broken fibula, lacerated liver, two partially
18 collapsed lungs and brain injury. She had 10 percent
19 chance of surviving the first 36 hours. Here she is
20 today wearing a sign on her back telling people her
21 injuries was a result of a phone call. And JC I'm so
22 proud of you and what you're doing now. Thank you so
23 much. Please think of those people as you consider
24 this.

25 CHAIRMAN MARKOSEK: Thank you, Mr. Teater.

1 We have met JC, she's been to the capital.

2 Next is Mr. Peter Kissinger, President and
3 Chief Executive Officer, AAA Foundation for Traffic
4 Safety.

5 MR. KISSINGER: I'm the President and CEO
6 of AAA Foundation for Traffic Safety. Distractive
7 driving is a serious widespread traffic safety problem
8 that comprises a variety of distractions, including
9 cell phones. The distractions can be physical, taking
10 your hands off the wheel, visual, taking your eyes off
11 the road and perhaps most importantly cognitive taking
12 your mind off the road. The risks with driving and
13 using cell phones are real.

14 There is substantial body of research
15 including simulator studies, and similar studies where
16 we put cameras in the cars to observe what was going
17 on. We suggest the risks of being in a motor vehicle
18 while using a cell phone goes up by four times. And
19 there is growing evidence that texting is even more
20 risky.

21 The overwhelming research that a hands free
22 cell phone use is just as risky as handheld use.
23 Unfortunately, two out of three drivers believe that
24 handheld phones are more safe than hands free phones.

25 Our nationwide survey last year suggested

1 that nine out of ten drivers considered it
2 unacceptable to text while driving. Seven out of ten
3 drivers considered it unacceptable for a driver to use
4 a hand-held cell phone while driving. One out of
5 three considered it unacceptable for a driver to use a
6 hands-free cell phone while driving. In that same
7 survey over two out of three drivers admitted to
8 talking on the cell phone while driving. Over one out
9 of five admit to texting while driving. Cell phone
10 usage was the highest among middle age drivers, while
11 texting was the highest among teenagers. Of course,
12 younger than 40 -- I should point out that those
13 younger than 40 about 40 percent reported texting
14 while driving. This do as I say not as I do attitude
15 is a serious challenge to combating these problems.

16 Independent evaluations of the
17 effectiveness of the laws banning hand-held cell
18 phones while driving have shown a drop in usage.
19 However, the question about the long term
20 effectiveness remain, including the concerns of
21 encouraging hands free cell phone use.

22 Similarly questions regarding the
23 effectiveness of hand-held cell phone bans in terms of
24 reducing crashes and preventing the increase of death
25 remains. And I believe you'll probably be hearing

1 about that with the next testifier. I hope I've
2 answered your questions.

3 CHAIRMAN MARKOSEK: Thank you.

4 Next is Mr. David Preusser.

5 MR. PREUSSER: Hello, I am David Preusser.

6 I am president of Preusser Research Group in
7 Connecticut. Thank you for inviting me to your state
8 and for also inviting me to testify.

9 Distraction is a common occurrence for
10 drivers and can have serious consequences on
11 performance. A distracting event is anything that
12 takes the driver's attention away from the primary
13 (i.e. driving) task and results in the delay in
14 recognition of information necessary for optimum
15 driving performance. Potential sources of
16 distractions are many, such as cell phone
17 conversations, adjusting the radio or climate control
18 devices, eating or drinking, presence of passengers,
19 outside person/object, et cetera. NHTSA estimates
20 that approximately 25 percent of police-reported
21 crashes have driver distraction/inattention as a
22 contributing factor.

23 Cell phone use while driving has become far
24 more widespread in recent years. Less than 1 percent
25 of our population had cell phones in 1987; it is

1 estimated that 82 percent had cell phones by 2007, the
2 figure is even higher today.

3 Cell phone use while driving can divert
4 attention aurally, cognitively, and even visually and
5 physically. Dialing and receiving calls are
6 especially distracting since multiple modalities are
7 involved, i.e. hands and eyes, compared to hand-held
8 phones, hands free devices show a slight advantage in
9 driving performance but the conversation itself can be
10 quite distracting, especially if emotionally charged
11 ir cognitively demanding.

12 It is estimated that cell phone use while
13 driving increases crash risk by a factor of four. The
14 majority of studies using a driving simulator show a
15 decrement in driving performance associated with cell
16 phone use relative to performance of "normal" driving.
17 Drivers using cell phones generally show difficulty
18 maintaining lane position and speed, impaired visual
19 search and decision making, in addition to slowed
20 reaction times.

21 Cell phone laws typically prohibit the use
22 of the hand held devices. Studies show that hand held
23 phone use drop significantly in the months after such
24 laws go into the effect. For instance, use of
25 handheld devices dropped from 6.1 percent to 3.5

1 percent a few months after a law was passed in
2 Washington, DC. Yet this immediate reduction may not
3 be sustained over time. In New York, which had passed
4 a similar law some years earlier, use of hand held
5 phones slowly returned over time to their pre-law
6 levels.

7 Perhaps a more serious problem with cell
8 phone laws is the fact that a large number of studies
9 found the use of hands-free devices to be only
10 slightly safer than regular hand-held phones. Thus
11 the distraction may not lie with the manipulation of
12 the device as much as in the conversation itself.
13 Crundall et. al suggest that cell phone conversations
14 differ from driver-passenger conversation in one
15 crucial way conversational suppression. That is, when
16 both parties can see the road, the conversation will
17 slow or cease completely under high road demands and
18 will pick up again when it is safe to do so.

19 Overall it appears as those cell phone laws
20 are effective in reducing the use of hand-held
21 devices, at least in the short run. Such laws are
22 currently in effect in New York, DC, Connecticut,
23 Utah, California, Washington, Oregon. We recently
24 implemented NHTSA/State initiatives in Syracuse, New
25 York and Hartford, Connecticut will determine whether

1 or not hand-held cell phone use can be reduced using
2 high visibility enforcement of these laws and whether
3 an actively enforced ban on hand-held devices will
4 reduce crashes. Thank you.

5 CHAIRMAN MARKOSEK: Thank you very much.
6 Mr. Teoh.

7 MR. TEOH: Many US drivers talk on
8 cellphones while driving. Observational surveys
9 conducted by the National Highway Safety
10 Administration indicate that at any given time during
11 daylight hours in 2008, 6 percent of passenger vehicle
12 drivers were talking on hand-held phones, cell phone
13 use increased from 4 to 11 percent of daytime drivers
14 from 2000 to 2008. Recently the insurance institute
15 estimated 7 percent of driving time in 2008 was spent
16 talking on the cell phones. Studies have estimated
17 that cell phone uses associated increases the risk or
18 crashes. The National Safety Council had separately
19 estimated that in 2008 20 to 25 percent of crashes
20 were caused by cell phone use. IHHS studied driver
21 cell phone use following three bans on handheld use by
22 all driver in New York, Connecticut, and the District
23 of Columbia found that long-term reductions in
24 handheld use varied form 24 to 65 percent. Some of
25 the reductions in handheld use occurred as drivers

1 switched to hands-free devices, but probably not all
2 of it.

3 However, this clear change in driver phone
4 use behavior has not been accompanied by reductions in
5 crashes in the states with handheld bans. The Highway
6 Loss Data Institute, recently analyzed collision claim
7 frequencies before and after bans took effect in New
8 York, Connecticut, and the District of Columbia
9 relative to claim frequencies in nearby jurisdictions
10 that did not have bans. Results were the same: No
11 reduction in claim frequencies coincident with the
12 laws.

13 Nationally, there has been no increase in
14 insurance claim frequency. Similarly the number of
15 police reported crashes (inaudible) during this
16 period.

17 The finding that state and national crash
18 rates are uncorrelated -- the changes in the driver
19 cellphone use is drastic and increases driver error.
20 One possible explanation is that the crash risk
21 associated with cell phone use is (inaudible) another
22 is driver distraction in the absence of cell phone use
23 is underestimated. It's possible that driver phone
24 use is displacing other distracting behavior that
25 similarly increases crash risk. At this time, the

1 explanation is unknown. What is known is that
2 population crash risk has not increased with driver
3 phone use, and state laws that reduce phone improved
4 safety as measured by crashes reported to the
5 insurers.

6 Regarding texting it's apparent that
7 looking at a phone and manipulating it with both hands
8 is inconsistent with safe driving. There is not a lot
9 of research on texting and driving but three studies
10 of young drivers found that receiving, and especially
11 sending text messages led to decrements in simulated
12 driving performance, particularly lane keeping and
13 reaction time.

14 Laws banning texting while driving,
15 especially ones allowing drivers to dial phones, are
16 difficult to enforce. So far it appears that drivers,
17 especially young adults, largely ignore texting bans.
18 The risk associated with various types of hands-free
19 phones, including fully hands-free devices, relative
20 to other devices has not been established. The most
21 serious knowledge deficit is understanding why banning
22 driver cell phones use does not reduce collision claim
23 frequencies, even though research has demonstrated the
24 risk of phone use while driving and that bans reduce
25 how often phones are used behind the wheel.

1 IIHS will continue to conduct research to
2 understand apparent discrepancies in the findings of
3 various studies and seek answers to key questions so
4 that public policy remain. Thank you.

5 CHAIRMAN MARKOSEK: Okay. Thank you.
6 Thank you for testifying.

7 REPRESENTATIVE COSTA: Are we getting more
8 and more people playing with Ipods creating even more
9 distractions?

10 MR. TEOH: Thank you for your question. We
11 in our course of data we do not detailed on all the
12 circumstance.

13 REPRESENTATIVE COSTA: Thank you.

14 REPRESENTATIVE CARROLL: Carl, thank you.
15 It's just seem to me at any honest conversation I had
16 with anyone who's attempted text and/or speak on the
17 cell phone they knowledge on almost every instance
18 that there is a distraction there. And I just have
19 come to the absolute conclusion that results in
20 unnecessary accidents and deaths.

21 CHAIRMAN MARKOSEK: We yeah I have a
22 question, I'm not sure who would be best to answer.
23 Are there any states that are -- that have or talking
24 about a totaling ban on the use of interactive
25 electronic devices?

1 MR. TEATER: The answer is, no it's just
2 starting to service. (Inaudible) very very difficult
3 to do that right now and as you heard in previous
4 testimony crash (inaudible) if you look at safety
5 improvements both in the road ways and in the vehicles
6 a driver (inaudible)

7 CHAIRMAN MARKOSEK: Okay. Thank you all.
8 I wish we could have talked to all of our senators and
9 some of our house members as well must but
10 nevertheless sometimes we are only able to do what we
11 can do relative to doing things. But I want to thank
12 you all.

13 And the last panel on seatbelt requirements
14 again we have Jim Fell, Philip Haseltine, Justin
15 McNaull and David Preusser.

16 MR. PREUSSER: Every state except New
17 Hampshire has a seatbelt use law for all front seat
18 passenger vehicle occupancy. Some state lawsuit are
19 primarily and officer can stop for an observed belt
20 law violation alone. Some states are secondary, an
21 officer must observe some other violation before a
22 belt use ticket may be issued. Pennsylvania has what
23 I have referred to as a tertiary law. Not only must
24 the officer observe some other violation but the
25 officer must write that violation. Then, and only

1 then, can an officer issue a \$10 violation ticket.

2 Pennsylvania's tertiary seat belt law is
3 one of the weakest in the nation. In fact, it is
4 virtually unenforceable in its own right in any
5 meaningful way.

6 Speakers who will follow me have
7 highlighted the virtues and benefits of a primary
8 versus a secondary law. But, what happens when the
9 laws is tertiary? The result in Pennsylvania has been
10 catastrophic.

11 For the period of 2004 through 2008 belt
12 use in Pennsylvania was 34 percent, 32 percent, 32
13 percent, 32 percent and 33 percent for this period as
14 compared with 42 percent, 41 percent, 41 percent, 42
15 percent, and 42 percent nationally. Regional belt use
16 including New Jersey, New York, Pennsylvania and
17 Puerto Rico tracked the national average. Regional
18 belt use would have been substantially higher than the
19 national average had Pennsylvania not been included.
20 It is believed that hundreds of lives, and hundreds of
21 millions of dollars, literally, would have been saved
22 during this period had Pennsylvania adopted a primary
23 law in 2004.

24 Who is dying in Pennsylvania? The answer
25 is, is young adults. Belt use is lower for persons

1 ages 21 to 34. Belt use is slightly higher for
2 teenagers; higher still for old persons. The youngest
3 adult problem is particularly severe for males in
4 pickup trucks.

5 Pennsylvania has reported that their belt
6 use observation study shows a statewide belt use rate
7 of 85 percent in 2008. This is a very strong number
8 above the national average. Unfortunately, there is
9 conflicting data. FARS crash data suggests that belt
10 use in Pennsylvania is somewhere in the low 70s, ten
11 points below the national average. As previous
12 speakers have demonstrated, weak belt law states tend
13 to have belt use rates which are well below the
14 national average. Pennsylvania has one of the weakest
15 belt use laws. Preusser Research Group has been
16 observing passenger vehicles in Pennsylvania over the
17 last few years in support of three different "buckle
18 up" evaluations covering the most of the state.
19 Average observed belt use has been in the low to mid
20 70s.

21 I encourage Pennsylvania to consider this
22 conflicting information and take appropriate action
23 before more lives are lost. Specifically, I hope that
24 you will adopt a Primary Seat Belt Law. Thank you for
25 the opportunity to provide this testimony to the

1 committee.

2 CHAIRMAN MARKOSEK: Okay. Thank you. Mr.
3 Jim Fell.

4 MR. FELL: Good morning. I'd like to thank
5 you for allowing me to testify today. My name is
6 James Fell and I'm the Senior Program Director with
7 the Pacific Institute for Research and Evaluation an
8 independent non-profit public health organization
9 dedicated to improving the health, safety and
10 well-being of U.S. citizens through the application of
11 science and practice.

12 The goal of transportation safety advocates
13 is to reduce the annual toll of some 34,000 deaths,
14 2,300,000 injuries, and \$230 billion in societal costs
15 due to motor vehicle crashes in the American. I'd
16 like to discuss how primary seat belt laws can help
17 reduce the number of deaths and injuries on
18 Pennsylvania's roadways each year. There is no reason
19 why anyone should die or become seriously injured
20 because of the lack of seat belt use.

21 There is specific state legislation that
22 has proven effective in raising the seat belt usage
23 rates in states that adopt it. I'm testify today on
24 the merits of upgrading your seat belt law to one
25 allowing primary enforcement. Primary enforcement is

1 sometimes referred to as standard enforcement. Both
2 terms mean the same thing for the purposes of this
3 testimony I'll use the term primary enforcement.

4 Primary enforcement allows a law
5 enforcement officer to stop a vehicle and issue a
6 citation when the officer observes an unbelted driver
7 or passenger. Secondary enforcement, which is what
8 Pennsylvania has now, means that a citation for not
9 wearing a seat belt can only be written after the
10 officer stops the vehicle or cites the offender for
11 another infraction. In states with secondary laws, a
12 police officer can stop a motorist for a
13 malfunctioning taillight or an expired license tag,
14 but cannot stop a motorist for violating the state's
15 seat belt law, research shows that a primary law will
16 not only save lives and reduce injuries in
17 Pennsylvania, but will also save your citizens
18 substantial amounts of money in associated health care
19 costs.

20 Primary seat belt laws have a proven track
21 record of increasing a state's seat belt use rate. In
22 2008, the average seat belt use rate in states without
23 primary enforcement laws was 13 percentage points
24 higher than in states without primary enforcement
25 laws. Seat belt use was 88 percent in primary laws

1 states versus 75 percent in states without primary
2 enforcement.

3 When states upgrade their laws from
4 secondary to primary, dramatic increases in seat belt
5 use are often observed. For example, when three
6 states New Jersey, Alabama, and Michigan -- upgraded
7 their secondary seatbelt laws to primary laws.

8 If Pennsylvania could raise their seat belt
9 use to 90 percent, and a primary law would most
10 certainly would do that, you would save an estimated
11 33 lives, 1,678 injures and \$110,927,000 in cost to
12 the state.

13 85 percent of all medical costs for crash
14 victims fall on society, not the individuals involved.
15 Medical costs for unbelted crash victims are 50
16 percent higher than for those who are belted.

17 Now observations show that if a driver is
18 wearing a seat belt, 86 percent of the time the child
19 in the vehicle will also be restrained. If a driver
20 is not wearing a seat belt, however, the child will be
21 restrained only 24 percent of the time. Keep in mind,
22 traffic crashes are the leading cause of death among
23 children.

24 Air bags are supplemental restraints and
25 are designed to be used with seat belts. They help

1 protect adults in a frontal crash, but they don't
2 provide a protection in side or rear impact crashes or
3 in rollovers. Seat belts are needed for protection in
4 all types of crashes and work well with air bags to
5 provide optimum safety. In fact, seat belts help
6 prevent airbag injuries by keeping occupants away from
7 deploying airbags. And remember, even if you're a
8 good driver, wearing your seat belt is your best
9 defence against drunk, drowsy, distracted and
10 aggressive drivers.

11 In 2008, seat belts prevented 13,250
12 fatalities and approximately 355,000 serious injuries.
13 If all passengers vehicle occupants over age four had
14 worn seat belts in 2008, an additional 4,152 lives
15 would have been saved.

16 Now, you may have heard some arguments
17 against primary seat belt laws. Some think it lead to
18 differential enforcement -- sometimes referred to as
19 racial profiling.

20 In-depth studies conducted in states that
21 upgraded their seat belt laws to primary enforcement
22 have found no evidence to show any shift in
23 enforcement patterns which could be interpreted as
24 harassment, in fact, increases in citations issued fir
25 seat belt violations were usually proportionately

1 greater among whites than minorities.

2 Results of an evaluation of Maryland,
3 Oklahoma, and the District of Columbia's changed to
4 primary enforcement showed either no difference in
5 non-white versus white ticketing, comparing secondary
6 to primary enforcement, or that a greater increase in
7 ticketing when to whites following the change to a
8 primary enforcement law.

9 There is other information in my testimony
10 but I conclude by thanking you again for allowing me
11 to testify. I hope the information I have provided is
12 helpful I would be glad to answer any questions you
13 have.

14 CHAIRMAN MARKOSEK: Thank you.

15 MR. HASELTINE: Thank you for the
16 opportunity to testify here this morning. My name is
17 Paul Haseltine. I've spent the last forty years in
18 working in the field of traffic safety. Through time
19 I have devoted more of my energy to occupant
20 protection and seat belts use than to any other issue.

21 We all know that seat belts save lives but,
22 the full extent to which seat belts are effective in
23 reducing the risk of fatalities in certain types of
24 common crashes is less well-known. We frequently hear
25 that seat belts are 45 to 60 percent effective in

1 reducing fatalities, which is true.

2 Despite the well-known effectiveness of
3 seat belts, as documented in the NHTSA study,
4 experience throughout the United States and elsewhere
5 only shows that the highest usage rates are only
6 obtained when jurisdictions enact and enforce sound
7 laws with meaningful penalties. Among the key
8 provision if the most effective seat belt laws is
9 primary or standard enforcement, allowing law
10 enforcement officers to stop and cite violators just
11 as they can for any other traffic violation.

12 Unfortunately however, many of those how so
13 not buckle up exhibit other high-risk behaviors and
14 are over-involved in serious crashes. And, the
15 observed use rate is based on surveys taken during
16 daylight hours while belt use is generally lower at
17 night when many serious crashes occur.

18 While recent surveys show that more than 85
19 percent of front seat vehicle occupants are buckled
20 up, crash data show a very different picture. In
21 2008, 62 percent of passenger vehicle occupants killed
22 in Pennsylvania crashes were not wearing seat belts.
23 And, of those who died in night time crashes, 74
24 percent were unrestrained.

25 Despite all of the documented benefits of

1 buckling up and the need for strong laws to encourage
2 motorists to do so, many legislators are reluctant to
3 support primary enforcement legislation. The
4 arguments against primary generally fall into one of
5 two areas. First are concerns about the proper role
6 of government, the belief that "It's a personal
7 decision and government should stay out of our
8 personal lives."

9 Second are concerns about increasing the
10 potential for racial profiling by law enforcement
11 officers. Both are legitimate concerns that can be
12 satisfactorily addressed.

13 With respect to racial profiling, it is an
14 issue that should be promptly and effectively
15 addressed whenever it exists. But, racial profiling
16 is not related to the enforcement of seat belt laws.
17 Study after study in states changing from secondary
18 enforcement to primary enforcement show no increase in
19 profiling by law enforcement. Primary enforcement
20 laws have the support of many organizations concerned
21 with the civil rights of African Americans, Hispanics
22 and other ethnic groups. President Obama, when he was
23 a member of the Illinois State Senate, cosponsored the
24 primary enforcement bill that was enacted into law.

25 In closing, I have observed many state

1 legislatures debating the same issues you are no doubt
2 concerned about. When the debate has ended and
3 primary enforcement bills have been enacted; seat belt
4 use has increased, serious injuries and fatalities
5 have declined, economic costs to government have been
6 reduced and, the controversy surrounding the issue has
7 all but disappeared.

8 I urge you to consider the benefits, look
9 at the experiences of states that have enacted primary
10 laws, and vote to let law enforcement officers in
11 Pennsylvania to enforce the state's seat belt law in
12 the same manner they enforce other traffic laws.

13 Thank you again for the opportunity to
14 testify before you today.

15 CHAIRMAN MARKOSEK: Okay thank you.

16 MR. MCNAULL: Thank you for the opportunity
17 to speak again.

18 My fellow panelists' testimony has given
19 treatment to the safety benefits of seat belt use and
20 the experience nationwide. I want to place emphasis
21 on two points.

22 The seat belt is the single greatest safety
23 and arguably, in public health. They've proven
24 effective in the laboratory and in the field for
25 decades. There's no cost needed to deploy them --

1 they're already in vehicles. They are simple.
2 They're non-intrusive, taking just a couple seconds to
3 use. And most people are already using them. The
4 legal question of requiring their use has already been
5 addressed in the states. The remaining step is for
6 states to allow full enforcement of those laws.

7 The other issue I'd like to touch briefly
8 is racial profiling. Prior to my work with AAA, I
9 spent six years as a police officer in an inner suburb
10 of Washington, DC. We engaged our immigrant and other
11 minority communities in discussions about race,
12 enforcement, and justice. Racial profiling is not
13 about the enforcement status of your seat belt law.
14 It's about your police. A bad actor in law
15 enforcement already has dozens of pages of traffic
16 code that he can use to make bad traffic stops. If
17 you have concerns about racial profiling issues with
18 law enforcement, address them directly. Don't deprive
19 the good men and women of law enforcement and traffic
20 safety of a key tool that has been shown to save lives
21 in the very same minority communities whose rights
22 we're working to protect. Thank you for your time.

23 CHAIRMAN MARKOSEK: Thank you. I have a
24 couple of comments on some of the statistics for saving
25 lives with the primary seat belt use. My thought is if we

1 could save one live it's probably worth it.

2 I do have a question for Mr. Preusser,
3 relative to some of the statics about seat belt use.
4 We were, at least I was anyway, under the impression
5 your usage was much higher than some of the statics
6 that you mentioned and do I understand we have a
7 weaker law then all of our neighbors.

8 How do they actually see and do the studies
9 to see who has and who does not have a seat belt on
10 because a car, you know, moving down the highway I see
11 people sit in it but you don't necessarily -- there is
12 a shoulder strap in some cases that might not be there
13 and could have a seat belt on across their lap. How
14 do we that kind of research to count who has -- is
15 wearing a seat belt?

16 MR. PREUSSER: The first thing the state of
17 Pennsylvania we would come up with a standard plan and
18 kind of -- in urban are and we say we stay here, here
19 and here. Pennsylvania has adopted our plan and have
20 people standing here, here, and here, that result of
21 that number -- although the observations have tended
22 to be in 2009 was 88 so you have to say to yourself
23 we're above the national average. We look at your law
24 and compare it to other state laws, your seat belt
25 laws and say you should be very very low. I hope that

1 answered your question.

2 CHAIRMAN MARKOSEK: Thank you. Okay.

3 Thank you seeing no more questions I want to thank all
4 of you. I don't know about you I learned a lot and I
5 think the members of the committee did as well too. I
6 also want to say that we do very testimony submitted
7 for the written record by Judith Lee Stone, President
8 Advocates for Highway and Auto Safety. And if anybody
9 else here wants to testify to the committee you may
10 submit written testimony it will be included just
11 write along with all the other testimony we appreciate
12 you for coming and I want to thank the members for
13 attending and with that the meeting is adjourned.
14 Thank you.

15 - - -

16 (Whereupon, the hearing concluded at
17 approximately 11:34 a.m.)

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CERTIFICATE

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I, Krista Morici, Professional Court Reporter,
certify that the foregoing is a true and accurate
transcript of the proceedings which were held at the
time, place and on the date hereinbefore set forth.

I further certify that I am neither attorney
nor counsel for, not related to or employed by, any of
the parties to the action in which these proceedings
were taken. Further, that I am not a relative or
employee of any attorney or counsel employed in this
case, nor am I financially interested in this action.

Krista Morici
Professional Shorthand Reporter