

1 HOUSE OF REPRESENTATIVES
2 COMMONWEALTH OF PENNSYLVANIA

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4 House Bills 892 and 1684

5 * * * *

6 House State Transportation Committee

7 Main Capitol Building
8 Majority Caucus Room 140
9 Harrisburg, Pennsylvania

10 Tuesday, April 3, 2018 - 1:35 p.m.

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12 COMMITTEE MEMBERS PRESENT:

13 Honorable John Taylor, Majority Chairman
14 Honorable Rosemary Brown
15 Honorable Mindy Fee
16 Honorable Kate Harper
17 Honorable Doyle Heffley
18 Honorable Tim Hennessey
19 Honorable John Lawrence
20 Honorable Jim Marshall
21 Honorable Ron Marsico
22 Honorable Greg Rothman
23 Honorable Todd Stephens
24 Honorable William Keller, Minority Chairman
25 Honorable William Kortz
Honorable Ed Neilson
Honorable Michael Schlossberg

1300 Garrison Drive, York, PA 17404
717.764.7801

Key Reporters

keyreporters@comcast.net

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STAFF PRESENT:

Eric Bugaile
Majority Executive Director

Meredith Biggica
Minority Executive Director

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1 MAJORITY CHAIRMAN TAYLOR: Good
2 afternoon, everyone. Thank you for being here at
3 this hearing of the House Transportation Committee.
4 I'm Representative John Taylor from Philadelphia.
5 I'm joined by my colleague, Chairman Bill Keller,
6 from Philadelphia.

7 How's the championship there, Mr.
8 Chairman?

9 MINORITY CHAIRMAN KELLER: How about
10 that? Another break.

11 MAJORITY CHAIRMAN TAYLOR: Two in a
12 couple months here.

13 What we're here to talk about is some
14 serious business. This committee has tried to
15 harness some of the various bills that have come up
16 over the years on distracted driving. We're going
17 to talk about a few today. Eventually, I think
18 there will be a bill. There will be a new law in
19 the books that prohibits people from doing some of
20 the very things we know they do each and every day.
21 Whether or not they're perfect bills or whether or
22 not they're completely enforceable, and it was
23 another matter.

24 But I think we're going to hear,
25 particularly from Mrs. Miller today, that if some

1 of that might have been on the books, maybe someone
2 thinks another way about whether or not they should
3 pick up that phone, or any other distraction that
4 we go through. I think this committee, throughout
5 this particular session, is focused on safety and
6 we're going to continue to so do.

7 Chairman Keller.

8 MINORITY CHAIRMAN KELLER: Thank you,
9 Mr. Chairman.

10 Again, I just want to thank you, as
11 you've been doing with this committee, bringing up
12 important subjects and having hearings. I think
13 every time we've had a hearing we've learned more,
14 and it helps us move legislation forward. So,
15 thank you.

16 MAJORITY CHAIRMAN TAYLOR: I'd like to
17 start on my far left. Majority Caucus Room where
18 we're always a little spread out, and have our
19 members introduce themselves.

20 REPRESENTATIVE HEFFLEY: Thank you, Mr.
21 Chairman. State Representative Doyle Heffley,
22 122nd District, Carbon County.

23 REPRESENTATIVE FEE: Good afternoon.
24 Mindy Fee, 37th District, northern Lancaster.

25 REPRESENTATIVE MARSHALL: Good

1 afternoon. Representative Jim Marshall, 14th
2 District, parts of Beaver County, parts of Butler
3 County.

4 REPRESENTATIVE MARSICO: Good afternoon.
5 Ron Marsico. I represent parts of Dauphin County,
6 105th Legislative District.

7 MR. BUGAILE: Eric Bugaile. I'm the
8 Executive Director of the transportation committee
9 for the Republicans.

10 MS. BIGGICA: Meredith Biggica. I'm the
11 Executive Director of the transportation committee
12 for the Democrats.

13 REPRESENTATIVE NEILSON: Ed Neilson,
14 174th Legislative District, Philadelphia County.

15 REPRESENTATIVE KORTZ: Good afternoon,
16 everyone. My name is Representative Bill Kortz,
17 38th District, Allegheny County.

18 REPRESENTATIVE HARPER: Kate Harper,
19 Montgomery County.

20 REPRESENTATIVE SCHLOSSBERG: Mike
21 Schlossberg, 132nd District, Lehigh County.

22 REPRESENTATIVE BROWN: Rosemary Brown,
23 189th District, Monroe and Pike counties.

24 REPRESENTATIVE LAWRENCE: John Lawrence,
25 southwestern Chester County and a part of Lancaster

1 County.

2 MAJORITY CHAIRMAN TAYLOR: Everybody
3 should be aware as well that we're being recorded,
4 video and audio.

5 With that, I think we're going to start
6 off with, we have at least three bills that are
7 specific to this particular hearing. We're going
8 to start out with Representative Rosemary Brown.
9 Both Representative Murt and Representative Boback
10 had some emergencies that kept them from being
11 here, but we're going to deal with Representative
12 Boback's statement through Chairman Harper in a
13 second. Rosemary.

14 REPRESENTATIVE BROWN: Thank you, Mr.
15 Chairman. I'd like to thank both of the chairmen
16 and the committee and members who are here today to
17 listen to the testimony regarding several of the
18 bills, but especially House Bill 1684, which I
19 have, which is for hands-free cellphone use in
20 Pennsylvania.

21 I'm hoping that the hearing today will
22 offer some more details, and we can kind of vet out
23 the bill in all different fashions; any concerns
24 that we may have so we will have a possibility of
25 moving the bill forward. The real goal of the bill

1 is to ensure that our roadways are as safe as
2 possible as we have all this wonderful technology
3 and different ways that we're using this
4 technology, but really, we have to be concerned
5 about public safety and our roadways. That is
6 really the goal of the bill is to try and get that
7 accomplished and make the use as safe as possible.

8 So, I thank all the testifiers being
9 here, and again, Mr. Chairman, for having this
10 hearing to allow us to gain more details to the
11 bill.

12 MAJORITY CHAIRMAN TAYLOR: Chairwoman
13 Harper.

14 REPRESENTATIVE HARPER: Thank you, Mr.
15 Chairman. Representative Boback, who couldn't be
16 here today, has a bill that would add a 25-dollar
17 penalty to people convicted of being a distracted
18 pedestrian while using an interactive device, leave
19 the curb or other place of safety. She's given me
20 a statement to read to the committee, if I might,
21 Mr. Chairman.

22 This is Representative Boback's words:

23 Good afternoon. Thank you to Chairman
24 Taylor for inviting Representative Boback to
25 address the committee today. I am sure, like me,

1 most motorists have experienced a careless
2 pedestrian using a device while crossing the street
3 or walking their busy roadways. Distracted
4 pedestrians have become a menace to motorists who
5 have little control of a person stepping into the
6 path of a moving vehicle.

7 This blatant activity puts walkers, as
8 well as motorists and their passengers at risk. As
9 a result, Representative Boback has proposed
10 legislation to address the issue of a distracted
11 pedestrian and their impact on drivers.

12 Her legislation would create a penalty
13 for distracted pedestrians who are using an
14 interactive communication device and suddenly leave
15 a curb or place of safety and walk or run into the
16 path of a vehicle so close as to constitute a
17 hazard and distracted pedestrians who are using an
18 interactive communication device while crossing a
19 roadway at any point, other than a crosswalk, and
20 do not yield the right of way to vehicles on the
21 roadway.

22 The problem of distracted walking is
23 very real and a serious issue. Technology has
24 invaded every aspect of our life and people stop
25 paying attention to their surroundings and now

1 stare at small digital screens. People need to pay
2 more attention, as too many are being hurt and
3 injured in careless situations.

4 While the below statistics don't reflect
5 distracted walking alone, they do shed light on the
6 dangers pedestrians face. According to the Center
7 for Disease Control and Prevention, according to
8 Representative Boback, in 2015, 5,376 pedestrians
9 were killed in traffic crashes in the United
10 States. 129,000 pedestrians were treated in
11 emergency departments for nonfatal crash-related
12 injuries in 2015.

13 Most pedestrian deaths occur in urban
14 areas, non-intersection locations and at night.
15 This issue has become such a problem that some
16 towns, such as Fort Lee, New Jersey, have banned
17 texting while walking. If caught texting while
18 jaywalking in that town, violators face up to an
19 85-dollar fine.

20 In London, England, some lampposts have
21 been padded in order to protect the large numbers
22 of people using mobile devices while walking. Even
23 New York City has lowered the speed limit in some
24 areas as a way to cut down on the number of
25 pedestrian injuries. Just last week NBC News

1 reported that in 2016, nearly 6,000 Americans were
2 killed while walking, according to a new study.
3 Experts say distracted drivers and distracted
4 pedestrians are both to blame. Both distracted
5 driving and distracted pedestrians cause many
6 problems. And Representative Boback fears, if we
7 don't address these issues, more Pennsylvanians
8 will be harmed.

9 According to Representative Boback, we
10 need to work to create common sense solutions to
11 discourage this reckless, irresponsible behavior,
12 and she believes that her legislation is the first
13 step in that process.

14 Thank you, members of the committee and
15 chairmen, for hearing me out on Representative
16 Boback's bill in her words. Thank you.

17 MAJORITY CHAIRMAN TAYLOR: Thank you,
18 Chairman Harper.

19 The testifiers today are also prepared
20 to talk about House Bill 896 (sic), which has been
21 introduced by Representative Tom Murt. Basically,
22 for the edification of our audience, 896 (sic) is
23 really an add-on bill. It creates an added fine
24 and an added set of duties to careless driving.

25 So, if you are convicted of using any

1 type of device, as well as food in your car, a
2 drink in your car, anything that distracts you,
3 there will be an additional fine over and above
4 that which is assessed to careless driving.

5 It also creates a driver education
6 program with those fines that PennDOT can
7 administer.

8 Is there any member who wants to comment
9 on those bills before we move to our panels?

10 (No response).

11 MAJORITY CHAIRMAN TAYLOR: With that, I
12 had the pleasure of meeting Paul and Eileen Miller
13 a few weeks back, who are very brave parents, who
14 are willing to talk about the death of their son
15 and the reasons that his death occurred. And I
16 think, particularly Eileen, has gone over and above
17 that which could be expected of any grieving parent
18 to educate the public about that which is going on
19 in our society and drivers, particularly, with
20 young folks. She's here to testify today.

21 Eileen, thank you again for coming.

22 MS. MILLER: Thank you.

23 MAJORITY CHAIRMAN TAYLOR: When you're
24 ready, we'll be glad to listen.

25 MS. MILLER: Good afternoon, Chairman,

1 and members of the committee. I would say good
2 afternoon, and thank you for having me. I'm going
3 to tell you a little bit about my family.

4 This is my husband, Paul, here sitting
5 next to me. We were blessed to have two beautiful
6 children. I have a daughter, Nicole, and we just
7 had our first granddaughter who will be nine months
8 old.

9 I had a beautiful son, Paul. His whole
10 life he wanted to become a police officer from the
11 time he was like 5 years old. That's all my son
12 wanted to do. So, he set out to school, he was
13 21 years old, and tried to get in to become a
14 police officer when he came right out of high
15 school. But, he wound up that he was right out of
16 high school, in the program, the Act 120 program at
17 Lackawanna College.

18 He found out while he was going through
19 the program that he was too young to be able to
20 shoot the gun because he was too young. So he
21 switched all of his credits into the criminal
22 justice program. So he did two years of college at
23 Lackawanna College and that brought him to East
24 Stroudsburg.

25 He was a very loving, caring person.

1 His whole life everybody, once you met him, you
2 fell in love with him. He had a wonderful smile
3 and always, always, always knew what he wanted to
4 do in his future.

5 So, on July 4th, he had two jobs while
6 he was still going to school. He worked for me,
7 which is a cleaning service. He worked at Gerrity
8 Supermarket. On July 4th he came in the door after
9 work at 3 o'clock, kissed and hugged me like he
10 always did, and said, mom, I'm going to a party at
11 ESU. Kissed me, hugged me and said, I love you,
12 and walked out the door. I never knew in a million
13 years that would be the last kiss and hug that I
14 would ever have from my son. He left. He went to
15 go to a party with friends at ESU.

16 My son did everything right that night.
17 He stayed overnight. He wound up being all the way
18 down in Bethlehem, which was further. He had two
19 beers. But more than anything, he was tired and he
20 didn't know his environment. So, he stayed
21 overnight.

22 The next morning he was on his way back.
23 Again, he called Gerrity, showing his
24 responsibility and how mature he was and said, I'm
25 going to be late. I was further than where I was.

1 I didn't know my surroundings. I'm going to be
2 late. His boss said, Paul, take your time. It's
3 the 5th of July. Go home and take a shower; when
4 you get here you get here.

5 Meanwhile, I was having a party for my
6 friends, and it was a quarter to 12 and I was
7 sitting at my porch. All of a sudden, two state
8 troopers pulled up in front of my house back to
9 back. Right out of a movie scene, your heart
10 sinks.

11 Two state troopers walked up and said,
12 is this 1407 Fig Street? And I said yes. Deep in
13 my heart I was already saying, is there something
14 wrong with my son, and they wouldn't say anything.
15 They said, is your husband home? I said yes. We
16 walked inside, and right away they were like, do
17 you have a Toyota Corolla? What would it be doing
18 down on Route 33? We were, like, Route 33? Where
19 is that? They said, it's down by East Stroudsburg
20 University. Right away I kept saying, it's my son,
21 it's my son.

22 But they weren't right away. What had
23 happened is, they pulled up my husband's
24 registration, and they looked at it and it did not
25 match it, so they pulled up my son's. But there's

1 a lot of things going on. At the time we did not
2 realize that he was hit and what had happened.

3 So what had happened is, my son was
4 coming back and he was going north on Route 33 and
5 a tractor-trailer was coming south. For miles
6 people had witnessed that tractor-trailer off the
7 road, lane switching, and he was going 69 in a
8 45-mile construction zone. He had crossed over two
9 lanes of highway, a grassy median, and hit my son
10 head-on and had pushed him back into an embankment.

11 And then following behind my son was a
12 van full of 12 people, and they had then hit that
13 tractor-trailer. So, there we were sitting with
14 two state troopers. They had a reason to believe
15 it was my son because it was my husband's car, but
16 we weren't understanding why they couldn't really
17 understand it was him. So they were asking us, did
18 he have markings on his body? We said, yes, he had
19 three tattoos. He had a big Celtic cross, the word
20 trust and faith. What we didn't realize is that,
21 his body was dragged out and down along the highway
22 from the force of the impact of the tractor-trailer
23 had hitting him.

24 So, it took us a while. I just remember
25 screaming on my knees, not my son; not my son; not

1 him. To find out that, there we were. I wanted to
2 go see him. They kept telling us, no, we couldn't
3 because he was considered a criminal case now. But
4 I told them, I'm coming down. I'm going to view my
5 child, he's mine, and I want to see him. We could
6 not go down until after 3 o'clock because it
7 happened at 7:55 in the morning. And due to the
8 reconstruction of the accident, three helicopters
9 were life-lined in.

10 I did go down to see him. That's no way
11 you should ever view your child in your life is to
12 see him at a morgue where you can't even identify
13 him. They had him in the body bag with just his
14 head and I couldn't even identify him. I had to
15 tell the coroner that I had to unzip the body bag
16 to look at his clothes from the night before when
17 he walked out the door. And that's how I
18 identified my child, and nobody should ever in
19 their life have to view their child like that.

20 Then I asked for a priest to come in,
21 and then I said a prayer with him, and I whispered
22 in his ear that day that I would fight for change
23 when I found out what had happened to him, and
24 that's what I have been doing ever since. It was
25 not even then we found out. It was not until we

1 started going to court. They were never going to
2 prosecute him.

3 I kept being told by the district
4 attorney's office, I didn't want to hear he was
5 tired. I didn't want to hear, the sun was in his
6 eyes. It was not until our civil case that we
7 started to find out what it was. It was not until
8 I got his statements; until I heard he had a ping
9 on his one phone to his other phone, and that's
10 when he looked up, and he never even knew he hit my
11 son. It's was when he was looking for his phone
12 that his statement said, and that's when I started
13 looking. It wasn't even that he was on his phone.
14 He was reaching for it.

15 So, that's when everything started to
16 really click for me. He never said he was sorry;
17 never anything. I had to fight for justice through
18 the system. That was another hard thing was that,
19 they never wanted to file charges. He was
20 speeding. He was going through a construction zone
21 and everything else.

22 I met him through the victim's dialogue
23 program through the victim's advocacy just last
24 year. He did admit to me everything; that he was
25 distracted. I forgave him. I don't want to ever

1 hold that hate. I'm doing good work. I'm out
2 speaking to everybody about not reaching for that
3 phone, not being on that phone.

4 In my heart of hearts, I know people
5 believe that it's never going to be them. People
6 think it's never gonna be them. Then again last
7 year, since then, a year -- almost within a year my
8 husband started tripping, falling, walking into
9 walls, and my husband was diagnosed with ALS.

10 So it's not something that the doctors a
11 hundred percent can say that this happened, but I
12 slowly watch. Because somebody did something so
13 horrific and so bad, all because of something that
14 was so preventable that my husband was then
15 diagnosed with ALS, and it was definitely the
16 stress and anxiety of that. It was a trigger.

17 So then, August of 2016, we were again
18 on Route 80 going down the highway, slow, fast,
19 slow, fast. And again, ba-boom, we got hit by
20 another distracted driver on his phone. So the new
21 handicap van that we had just got for my husband,
22 we got hit a second time. So, we were both taken
23 by the ambulance.

24 When I looked in the rear-view mirror,
25 he was on his phone again. I told the state police

1 he was on his phone. The state trooper again said
2 to me, if we doesn't admit to it, we can't say that
3 he was on it. We're not going to go and search and
4 get a search warrant. I said to him, he was on it.
5 I know he was. So when we went to hospital, again,
6 we got there and he came back and the state trooper
7 said, Mrs. Miller, he admitted he was distracted.
8 So that's two times we were hit by distracted
9 driving.

10 When my son was killed, on the coroner's
11 report, he was not listed as -- he's just a road
12 crash fatality, so my son was never listed as a
13 distracted driving fatality. But in court, thank
14 God, the judge told him he was distracted and he
15 admitted it. This time it's actually listed as a
16 distracted driving in 2016.

17 So it's not a matter of if you're going
18 to be affected. It's just a matter of time when
19 you are going to be affected by somebody being on a
20 cell phone. It's going to happen. It's not if.
21 It's when it's going to happen to you and your
22 family, and we are the living proof of it.

23 The numbers are going up. It's
24 happening more and more and more all the time. You
25 do not want to be on the phone. It's time for

1 Pennsylvania, it's time for us to step up. I've
2 been fighting for this six years. Everybody is
3 addicted to their phones. Six years. It's time
4 for us to pass the bill, the hands-held bill.

5 Believe me, I want you to understand
6 this. I've been all over; I speak all over. These
7 are petitions I've been having everybody sign.
8 People want the bill. They want it. I'm telling
9 you, hands free is not risk free. You're still
10 distracted in your brain, but it's a step up.

11 Law enforcement can actually enforce it.
12 If they see you on your phone and you have the
13 hands-held bill, they'll be able to pull you over.
14 Now, you can't tell whether you're texting,
15 scrolling, e-mailing. It will be a big step in
16 saving lives, I'll guarantee it. It will.

17 Also, I don't know if you saw on the
18 back. When I told you that I met the man that
19 killed me (sic) -- Jennifer Storm was going to be
20 here today but she couldn't because she was in
21 State College. She strongly, strongly supports the
22 bill as well.

23 I just want you to know, the after-
24 effects of losing your child is devastating. I
25 think about him every minute of every day and what

1 he would have been doing. He would have become
2 that police officer. He always planned on going
3 back to do that. He never got that opportunity.
4 In one second his life was taken. One second, my
5 whole life was shattered. I think about him every
6 minute of every day, and especially now with my
7 husband being sick, I could use his physical
8 strength. I miss him more than anything.

9 Everybody on the road when they're
10 driving, their one and only task is to just drive.
11 Get in that car, get from A to B and just drive.
12 Nobody today is doing it. Nobody gets in that car
13 and just drives. Everybody is always on their
14 phone. No matter what they're doing, they're doing
15 it. They're looking -- every stop sign you can go
16 to; everywhere you go, everybody you see.

17 Even on our way down here, I can't even
18 tell you, 10 cars that go by, eight of them are on
19 their phone; eight of them. They're so addicted to
20 them. When I'm out speaking to all these kids,
21 adults -- Companies are calling me. The companies
22 are even saying to me, I have everybody on their
23 phone all the time. They're driving their
24 forklifts, they're on their phones.

25 Everybody please come; please come and

1 speak and tell your story. I tell everybody, I
2 want you to PAASS for Paul. I use the letters
3 PAASS for Paul: P for no phone, no alcohol, no
4 anything addictive, no speeding, and always,
5 always, always wear your seat belt. If you did
6 these four things, you would go home alive and
7 arrive alive every day.

8 There's nothing more important than a
9 life, and this is an opportunity for Pennsylvania
10 to lead the step. All our surrounding states have
11 it. Every one of us -- Everyone around us. New
12 York -- Everybody says to me, I don't want to go to
13 New York, because when I go to New York, I'll get
14 an 800-dollar fine. I won't touch my phone if I go
15 to New York.

16 Do the same in Pennsylvania. Do the
17 same thing here. Step up. It's time for us to
18 pass this thing. You can save lives. You guys can
19 all be life savers here. You can save a life if
20 you pass this bill.

21 It's important -- everybody says -- I'll
22 say to them, what can you do not to touch that
23 phone? They all say, I'll do it if I get a high
24 fine and points off my license. Perfect bill.
25 Perfect bill. I'm begging you. I've been begging,

1 please every time we get to the house everything
2 goes dead. This is the time for us to step up and
3 please pass this bill. Do it -- I can't beg any
4 more.

5 Remembering my son and all the people
6 who have died and injured due to distracted
7 driving, I'm begging you to pass this bill from my
8 heart in memory of my son.

9 MAJORITY CHAIRMAN TAYLOR: Thank you,
10 Eileen. We all understand how hard it is for you
11 to do what you're doing and to make these
12 statements. I think at the beginning of any
13 hearing, we want to establish why; why would we
14 consider these bills. I think your testimony is
15 powerful enough that it's very clear as to why.

16 The how is sometimes a little trickier,
17 but I think we're going to get to that. I think,
18 in Paul's memory, we're gonna to pass meaningful
19 legislation.

20 MS. MILLER: I really hope so. I don't
21 want this to happen to anybody sitting here. Every
22 time I see a crash on TV and I see they cross that
23 center line, I know what they were doing. I know
24 what they were doing.

25 I just don't want -- Every time I turn

1 on the TV, I don't even want to turn it on. Every
2 time I drive by and I see somebody on their phone,
3 I run over to them, I'm like, don't do it. You
4 don't want to be living my life.

5 MAJORITY CHAIRMAN TAYLOR: Chairman
6 Keller.

7 MINORITY CHAIRMAN KELLER: Thank you,
8 Mr. Chairman.

9 Mrs. Miller, thank you for not only your
10 testimony, but for your bravery. I know how hard
11 this must be for you. I don't think -- At times
12 you must be totally frustrated. But if you think
13 about it --

14 I think one of the best lobbying
15 organizations in the country is MADD. I think that
16 started just like what you're doing. So, when you
17 get disgusted, just think about what happened, just
18 people like you staying at it and never giving up.

19 MS. MILLER: I'll never give up. Even
20 when this law is passed, I'll keep trying for
21 stronger and harder laws, and harder and harder. I
22 don't want it to ever let go. It's always a life.
23 This is not a Democratic/Republican issue. It's a
24 human life issue. That's what I want it to be. I
25 just don't want it to happen to anybody else.

1 MINORITY CHAIRMAN KELLER: Again, thank
2 you. Thank you very much.

3 MS. MILLER: Thank you.

4 MAJORITY CHAIRMAN TAYLOR:
5 Representative Brown.

6 REPRESENTATIVE BROWN: Eileen, I just
7 want to say thank you again. I know we have met
8 many times. And, Paul, thank you for coming. I do
9 know, obviously, after our conversations that
10 you've worked very hard. Eileen was very active
11 with us on our Safe 80 Task Force in Monroe County
12 as well. She's offered a great amount of expertise
13 and assistance with us.

14 One thing I just wanted to point out
15 that Eileen did mention to other members of the
16 committee, there are 15 other states that now have
17 hands-free cellphone legislation. I believe that's
18 now 16 as of yesterday, because I think Georgia --

19 MS. MILLER: Just passed it yesterday or
20 the day before.

21 REPRESENTATIVE BROWN: That's something
22 that came up to me I was reviewing yesterday. It's
23 growing.

24 If you look at the northeast, you'll see
25 our border states, New York and New Jersey and West

1 Virginia, Rhode Island. Then you look at the West
2 Coast is where you'll see some of the other states
3 that have it.

4 But, it's very difficult for a driver
5 going through, especially in the area that I have
6 with a lot of commuters going to New York and New
7 Jersey, it's almost -- as well as an enhanced
8 safety that we need to have and also fairness to
9 the driver on a regional aspect that there's
10 consistency in some of our laws as well.

11 I just wanted to point that out to the
12 members. We now have 16 other states with this.
13 It is enforceable, which I think is a very
14 important point.

15 MR. MILLER: Mr. Chairman, I didn't come
16 here today to talk today, but I think I should say
17 at least two things.

18 My name is Paul Miller. I have ALS,
19 five and a half years. Normally you have two to
20 five years to live. About three years ago, I was
21 told not to drive anymore, so I haven't. When I
22 get in the car with my wife, I'm scared to death to
23 be on that road. I feel helpless because I'm not
24 driving.

25 You see it. People are back and forth.

1 What about the drivers that are making the phone
2 call and smoking? Their hands aren't even on the
3 wheel.

4 All I can say is, Pennsylvania needs to
5 stay focused; be ahead of the game. Don't be a
6 follower for these other states. It's easy for me.
7 I just tell people, turn the dang thing off because
8 if it rings, pings, you're going to want to look at
9 it. I only have a flip phone, and I spend \$100 for
10 the year. It's only in case I'm doing something.
11 If I fall, I could call somebody. It's an easy
12 cure.

13 I'm so proud of my wife because she goes
14 to high schools and speaks to the kids. We figured
15 there was no loss coming, so her way is to educate
16 the youth before they get to drive.

17 Me, I thank you for having this today.
18 I just wanted to say a couple things. But we need
19 stronger laws, and they have to be enforced so
20 these people don't keep picking up their phone when
21 they're driving.

22 Thank you.

23 MAJORITY CHAIRMAN TAYLOR:

24 Representative Kortz.

25 REPRESENTATIVE KORTZ: Thank you, Mr.

1 Chairman.

2 And Mr. and Mrs. Miller, let me offer my
3 sincere condolences to you both on the loss of your
4 son.

5 MS. MILLER: Thank you.

6 REPRESENTATIVE KORTZ: Unfortunately, it
7 takes tragedies to get things changed. It's sad,
8 but it's the truth of the situation.

9 I agree with you a hundred percent. We
10 need to put this into law. I commend
11 Representative Brown for bringing this bill
12 forward. A number of years ago, as you know, we
13 put into law, you can't text and drive.

14 MS. MILLER: I know.

15 REPRESENTATIVE KORTZ: But people still
16 do it.

17 MS. MILLER: I know.

18 REPRESENTATIVE KORTZ: You're exactly
19 right. If you drive down the highway leaving here,
20 you will see folks coming the other way, they're
21 texting and driving.

22 MS. MILLER: I know.

23 REPRESENTATIVE KORTZ: It's time to put
24 more teeth in that law.

25 Now, several years ago, that being said,

1 we did pass a law called Daniel's Law, a gentleman
2 on a motorcycle, distracted driver. He was killed.

3 MS. MILLER: I know that.

4 REPRESENTATIVE KORTZ: We tried to put
5 more teeth in that law, again, from a tragedy. I
6 hope we, as a committee and as the House of
7 Representatives, take this up and push this
8 forward.

9 Thank you for your testimony. Again, my
10 deepest sympathies to you and your family.

11 MS. MILLER: Thank you kindly.

12 MAJORITY CHAIRMAN TAYLOR: Thank you,
13 Eileen. We'll move on to the state police and our
14 PennDOT panel.

15 MS. MILLER: Thank you kindly.

16 MAJORITY CHAIRMAN TAYLOR: I'm sure
17 we'll be talking soon. Thanks again.

18 MS. MILLER: Thank you very much, and
19 everybody be safe.

20 MAJORITY CHAIRMAN TAYLOR: Next we have
21 Major Edward Hoke, the Director of the Bureau of
22 Patrol with the Pennsylvania State Police, along
23 with Gavin Gray, who is our Highway Safety and
24 Section Chief of PennDOT.

25 We're also joined by Chairman Hennessey

1 and Representative Stephens. Anybody new?

2 (No response).

3 MAJORITY CHAIRMAN TAYLOR: Gentlemen,
4 good afternoon. Thanks so much for being here. It
5 doesn't matter to me, but on my list, Major, you're
6 first. If you would like to start, we will be glad
7 to listen.

8 MAJOR HOKE: Good afternoon. Before I
9 begin, I want to offer my condolences as well as to
10 the Miller family. Their courage is tremendous.
11 To step forward and to bring this issue to light
12 under the circumstances which they live every day,
13 is truly commendable.

14 Good afternoon, Chairmen Taylor and
15 Keller, and members of the House Transportation
16 Committee. I am Major Edward Hoke, the Director of
17 the Bureau Control of the Pennsylvania State
18 Police. I appreciate the opportunity to offer
19 testimony this afternoon on PSP's perspective
20 regarding House Bills 892 and 1684, which focus on
21 prohibiting distracted driving.

22 The responsibility of improving highway
23 safety is a core function of policing, and is one
24 that is taken very seriously by all Pennsylvania
25 law enforcement agencies. The PSP and municipal

1 police officers from across the Commonwealth work
2 hard every day to enforce the traffic laws to
3 prevent crashes and to improve highway safety.

4 According to the Pennsylvania
5 Department of Transportation, 2016 statewide crash
6 statistics, there were 129,395 reportable crashes,
7 in which 1,188 people lost their lives and another
8 82,971 people were injured. To put these numbers
9 into perspective, the total for reportable crashes
10 in 2016 was the 13th lowest since 1950 when 113,748
11 crashes were reported.

12 While the causes of the crashes often
13 vary, the use of alcohol and/or drugs and speeding
14 have been identified as the two most frequent
15 contributing factors in fatal crashes. Of
16 particular interest to this discussion is the fact
17 that distracted driving was also identified as a
18 causal factor in 2016 in 61 of the fatal crashes
19 that claimed the lives of 69 people.

20 PennDOT's distracted driving crash
21 statistics also show that a hand-held cellular
22 phone was in use in 1,146 crashes resulting in
23 eight fatalities and 701 injuries. To a lesser
24 degree, a hands-free cellular phone was determined
25 to be in use in 83 of the crashes, resulting in one

1 fatality and 70 injuries.

2 A distracted driving crash is one in
3 which the investigating law enforcement agency has
4 confirmed that the primary causal factor for the
5 crash was inattentive driving. While distracted
6 driving is most commonly thought of today as
7 texting and driving, it also includes such actions
8 as eating, grooming or talking to passengers in the
9 vehicle or on a cellular phone. Any action or
10 activity that causes a driver to divert or focus
11 their visual, physical or cognitive attention away
12 from the conscious act of controlling a vehicle
13 while navigating the road can significantly
14 increase the likelihood of a crash occurring.

15 For example, a vehicle moving at 65
16 miles per hour travels at approximately 95 feet per
17 second. In the few seconds that it would take a
18 driver using a hand-held phone to complete a call,
19 it is not hard to conceptualize how a crash can
20 occur even if the driver's distraction was brief.
21 Drivers need to focus all of their attention on the
22 dynamic task of operating a vehicle to avoid
23 potentially deadly consequences.

24 While the current crash statistics for
25 distracted driving are alarming, the true magnitude

1 of this problem may be underreported. Law
2 enforcement often faces many challenges when trying
3 to determine if a driver's distraction was truly a
4 contributing casual factor in a crash.

5 The passage of House Bill 1684, which
6 seeks to prohibit a driver from using a hand-held
7 cellular phone while the vehicle is in motion
8 imposes a presumption that the driver was engaged
9 in a call if the device is held to or in close
10 proximity to the operator's ear would certainly
11 serve to reduce the opportunity for distraction by
12 the driver by prohibiting the conduct completely
13 except for in emergency situations.

14 The passage of House Bill 892 and 1684
15 would be an important step forward in helping to
16 reduce the likelihood of distracted driving
17 crashes. By prohibiting a specific action, the
18 legislation is also lessening an opportunity for
19 distraction. If the legislation were to pass,
20 voluntary compliance would seem to be encouraged by
21 the consequence of the assignment of points upon a
22 conviction for a violation.

23 Well-crafted legislation is essential to
24 ensuring that police officers have the statutory
25 authority necessary to keep our highways safe.

1 Both bills would enhance that authority.

2 Regardless of the challenges now and
3 into the future, the Pennsylvania State Police and
4 our municipal law enforcement partners remain
5 committed to protecting and serving the citizens of
6 this Commonwealth.

7 Thank you for the opportunity to provide
8 our perspective. I would be happy to answer any of
9 your questions.

10 MAJORITY CHAIRMAN TAYLOR: If it's okay
11 with you, Mr. Chairman, I'd like to go right to
12 Gavin and then we'll have questions.

13 MR. GRAY: Good afternoon. Again, my
14 name is Gavin Gray. I'm the chief of the highway
15 safety section within the Department of
16 Transportation. I'll be giving a brief overview of
17 the written testimony that we've previously
18 provided.

19 The department overall is supportive of
20 any action that really focuses on distracted
21 driving and the reducing of crashes and fatalities
22 associated with that, because it not only impacts
23 the traveling public within the Commonwealth, but
24 it also impacts our workers within work zones
25 within the Commonwealth.

1 Overall, we've seen that state crash
2 data has shown an eight and a half percent increase
3 from 2013 to 2017, which mirrors national numbers
4 that we've seen from our federal partners with the
5 National Highway Safety Traffic (sic)
6 Administration. Unfortunately, both -- One of the
7 things that NHTSA and also PennDOT experiences with
8 trying to report this information and trying to
9 accurately develop countermeasures to support it,
10 is that, we feel like the state police have
11 previously testified to, that the information is
12 generally underreported. The way that we collect
13 the crash report information and are able to
14 analyze that information, a lot of times, involves
15 whether there was a witness or evidence, and then
16 that kind of skews the data that we have to take
17 action against.

18 So, generally speaking, I think both at
19 the national level and within the Department of
20 Transportation, we feel that those numbers, while
21 representative, are probably underreported with the
22 information that we utilize.

23 One of the things that NHTSA has come
24 out and said that 94 percent of all the crashes
25 that they have observed nationally interact with

1 some type of human behavior in some fashion. They
2 do have data that basically supports the need to
3 deal with things like these proposed bills are
4 introducing.

5 So, one of the things that we really
6 focus on with reducing the distracted driving
7 starts with the Commonwealth strategic highway
8 safety plan. That is a combination of things of
9 all safety stakeholders within the Commonwealth.
10 One of the safety focus areas within that document
11 specifically talks to distracted driving and the
12 things that can be done to reduce and act as
13 countermeasures to curb that both proactively and
14 reactively. So, one of the things that we really
15 focus on with those partners, the educational and
16 outreach component, is the proactive. The
17 enforcement partners deal with more -- some of the
18 reactive nature of some of the things we have to
19 deal with with distracted driving.

20 So, overall, with our coordination with
21 our local safety partners, there's a couple of
22 things that we currently do within regards to the
23 confines of these bills that I wanted to make
24 everyone aware of. So, distracted driving
25 certainly starts with an educational component and

1 making sure that people understand what's happening
2 so that they can actually change their behavioral
3 habits, because if that doesn't happen,
4 unfortunately, we'll always be in the reactive
5 state with what we're doing with safety relative to
6 distracted driving.

7 So, this month is a national month
8 relative to distracted driving awareness, so
9 there's a lot of events happening nationally from
10 campaign perspective with NHTSA and also that we
11 support here at PennDOT. But we do things
12 throughout the year using federal funding through
13 mechanisms of grants to provide outreach to the
14 public. That can be at schools. It can be going
15 to different events throughout the Commonwealth to
16 bring awareness to these issues so that people have
17 that general understanding of kind of the facts, if
18 you will, with regards to distracted driving, so
19 that they're informed; they can make good conscious
20 decisions when they are behind the wheel because it
21 all starts with them as the drivers.

22 So overall, I'd like to thank everyone
23 for your continued interest in this topic and also
24 other safety issues that you've brought to
25 committee in the past. Our only suggestion

1 relative specifically to House Bill 1684, there's
2 specific guidance within the NHTSA requirements
3 relative to language that could be added to bills
4 like these that would allow for additional funding
5 to come to the Commonwealth that could support our
6 programs.

7 It is a fairly significant dollar figure
8 that would support the continuing education
9 components of what these bills are trying to
10 introduce. So, there's some minor modifications
11 that would make Pennsylvania eligible for that
12 grant funding at the national level.

13 At this time, I'd be open to any
14 questions that the committee might have.

15 MAJORITY CHAIRMAN TAYLOR: And, Gavin,
16 could you make sure that -- I'm sure we might have
17 it. Make sure we have that language.

18 MR. GRAY: Certainly.

19 MAJORITY CHAIRMAN TAYLOR: Chairman
20 Keller.

21 MINORITY CHAIRMAN KELLER: Thank you,
22 Mr. Chairman.

23 Major, in 2014, we passed Act 85 that
24 bans hand-held devices for people who have a CDL
25 license. Do you have any statistics on how many

1 traffic violations were issued to CDL drivers for
2 violating that law?

3 MAJOR HOKE: I can certainly get that
4 information for you, sir.

5 But, to speak to that piece of
6 legislation, it was a very important step forward.
7 Obviously, the operator of an 80,000-pound
8 commercial motor vehicle, the level of
9 responsibility that those operators bear with
10 operating a vehicle that size is certainly much
11 more significant than the operator of a passenger
12 vehicle, just from the perspective that a vehicle
13 that size can cause a tremendous amount of damage
14 when it is involved in a crash.

15 I would suggest to you that,
16 respectfully so, if this body saw fit to pass
17 legislation with regard to commercial vehicles, the
18 next step in that direction would be to also pass
19 legislation comparable to the operation of
20 passenger vehicles.

21 MINORITY CHAIRMAN KELLER: I understand
22 that, and we all agree with you, of course. People
23 that operate an 80,000-pound vehicle, of course,
24 it's more important that they're not allowed to do
25 it.

1 I was just wondering if you had any
2 statistics, because, one of the arguments against
3 this is that it is not forcible. We already have a
4 law on the books for commercial drivers. I was
5 just wondering how many violations there were that
6 could help us prove that it is enforceable.

7 MAJOR HOKE: Sir, I don't necessarily
8 know that looking at pure statistics for a
9 violation with regard to a commercial motor
10 vehicle --

11 MINORITY CHAIRMAN KELLER: How about
12 this? I'm wondering if there are any violations.

13 MAJOR HOKE: Yes, there are. I can say
14 that --

15 MINORITY CHAIRMAN KELLER: And you will
16 be able to get us how many?

17 MAJOR HOKE: I can certainly do that for
18 you, yes.

19 MINORITY CHAIRMAN KELLER: Thank you
20 very much. Send it to the Chairman of the
21 committee so we can share that.

22 MAJOR HOKE: Yes, sir.

23 MINORITY CHAIRMAN KELLER: Thank you.

24 MAJORITY CHAIRMAN TAYLOR:

25 Representative Schlossberg.

1 REPRESENTATIVE SCHLOSSBERG: Thank you,
2 Chairman. And thank you to everyone who has
3 testified.

4 I come at this from a couple of
5 different angles. First, to someone who four weeks
6 ago had their car totaled by a distracted driver.
7 So, that was fun. Fortunately, everybody was fine,
8 but a fun experience nonetheless.

9 Second, in my previous livelihood, I was
10 a member of Allentown City Council. I was a senior
11 at Muhlenberg College when a friend of mine, who
12 was a young woman named Jacy Good, was a freshman.
13 That name might sound familiar to some of you.
14 Jacy's parents were killed in a head-on car
15 accident the day she graduated college by a
16 distracted driver, unfortunately. And working with
17 Jacy on Allentown City Council, we passed a law
18 banning hand-held phone use while driving.
19 Unfortunately, that law was struck down in the
20 courts.

21 But, this is one I've had a passion for
22 and pay a lot of attention to, so I'm very grateful
23 for all of the representatives to have introduced
24 this legislation.

25 My question is this: There are many

1 states now that have enacted these laws. It seems
2 that there are -- they're in a variety of different
3 structures. Some are complete hand-held bands.
4 Other have it as a secondary offense.

5 I'm very curious about what's the best
6 way -- if you two are able to answer this -- what
7 the best way to design such a law should be? How
8 hard should the penalties be? Who should it apply
9 to? What's the most affected way, according to the
10 data out there, to create a law like this?

11 MR. GRAY: One of the things that we
12 rely on resources from the federal government for,
13 there's different associations and administrations
14 that deal with that, and they communicate to the
15 states to try to have somewhat a consistency with
16 that.

17 So, to start with, one of the things --
18 one of the requirements that I mentioned to be
19 eligible for the federal funding, one of the things
20 that they found to be a best practice, one of the
21 requirements of their funding is that the offenses
22 be able to be a primary offense. That's one of the
23 pieces that, first and foremost, if you don't have
24 a law that supports that, it won't make us eligible
25 for the federal funding within regards to those

1 categories.

2 So, from the national level, they would
3 say that it starts there. But then, there's other
4 more finite elements like the discussion of, when
5 we're talking about some of the GDL language that's
6 in the bills and having total cell phone bans for
7 those under 18, they would also advocate for anyone
8 that has a GDL license to be included in that as
9 well. So that's somebody that's an inexperienced
10 driver that maybe would be over 18 that would then
11 also have those same restrictions.

12 So, there's a myriad of best practices
13 that we can certainly get additional information
14 from NHTSA to provide that information, if that
15 would be something that the committee is interested
16 in. We can certainly share that type of
17 information with everyone.

18 REPRESENTATIVE SCHLOSSBERG: Thank you.

19 MAJORITY CHAIRMAN TAYLOR: Chairman
20 Harper.

21 REPRESENTATIVE HARPER: My question is
22 along the same lines, and I think it goes to Major
23 Hoke.

24 We have a law against distracted
25 driving, and we have a law against cell phone use

1 by CDL drivers. But the problem seems to be
2 growing instead of shrinking. Is there something
3 wrong with the way the current law is written that
4 makes it different to prosecute those offenses?

5 MAJOR HOKE: In follow-up to
6 Representative Keller's question here a minute ago,
7 the law's very clear when it comes to commercial
8 motor vehicles, and it's very easy for law
9 enforcement to enforce those two provisions of the
10 code.

11 With regard to 3316, prohibiting text-
12 based communications, from a law enforcement
13 perspective, enforcing that law is much more
14 difficult because of the requirements of that piece
15 of legislation. It's very difficult to be able to
16 determine with any great degree of certainty
17 without actually ascertaining the phone from the
18 operator that they were, in fact, reading, sending
19 or writing a text while that vehicle was in motion.
20 So there is a distinction between the types of
21 vehicles and the pieces of legislation; one being
22 more difficult to enforce than the other.

23 REPRESENTATIVE HARPER: And that's what
24 I'm trying to get at in order to see that we write
25 the law better the next time. So I guess I have

1 two questions.

2 If the driver who gets hit was looking
3 in the rear-view mirror, as Mr. Miller testified,
4 and saw somebody on the phone, you can't use that
5 testimony?

6 MAJOR HOKE: It would certainly aid us
7 in the investigation, and we could certainly use
8 that information to potentially obtain a search
9 warrant at some point, if necessary. But, there
10 are those additional investigative steps we would
11 have to take in that instance.

12 But, if you change one of those details
13 in that entire scenario; if you eliminate that
14 testimony or that witness account from us, then we
15 are basically left to basically ask the operator,
16 were you, in fact, using your phone at the time of
17 the crash?

18 REPRESENTATIVE HARPER: Just one
19 follow-up -- one more follow-up, Mr. Chairman, if I
20 might.

21 I'm a lawyer also. I recognize that
22 seizing somebody's cell phone has Fourth Amendment
23 implications to it. At the same time, driving on
24 Pennsylvania's highways is a privilege; not a
25 right. Is there anything we can do to make it

1 easier for you to get the cell phone evidence after
2 a crash or something like that?

3 MAJOR HOKE: I've looked at a number of
4 bills here in the past that suggests that or offer
5 that as a means to further an investigation for law
6 enforcement. Again, we're governed by the
7 Constitution, so it would have to fall in line with
8 that -- obviously, that premise.

9 Certainly, it would be a tool for us to
10 aid an investigation when we -- when we think an
11 operator was involved with a crash because of
12 distracted driving through the use of that phone.
13 That would certainly aid us.

14 REPRESENTATIVE HARPER: I also would
15 think that you would instruct anybody investigating
16 an accident to ask the witnesses if they saw the
17 phone in use.

18 MAJOR HOKE: Long before -- Many years
19 ago, actually, the state police began to tabulate
20 information at crash scenes, where before it
21 actually became part of a report, an official
22 report, we would ask them, were you using a cell
23 phone at the time of the crash? So we were dialed
24 into that possibility for quite some time.

25 REPRESENTATIVE HARPER: Thank you.

1 Thank you, Mr. Chairman.

2 MAJORITY CHAIRMAN TAYLOR:

3 Representative Brown.

4 REPRESENTATIVE BROWN: Thank you, Mr.
5 Chairman.

6 Chairman Harper actually touched on most
7 of my questions. It really was from a law
8 enforcement standpoint and a PennDOT standpoint.
9 And I would second the fact on the NHTSA
10 guidelines, if I could get a copy of that with them
11 as well because that's very helpful information.

12 Is there something on a law enforcement
13 end that you would write the bill differently as
14 far as for an enforcement or for a fine structure,
15 or something based on your experience from that law
16 enforcement? You pretty much touched a little bit
17 on that, but is there anything additional?

18 MAJOR HOKE: Yes, Representative.

19 With regard to House Bill 1684, this
20 pertains to a definition in both instances here.
21 It's the definition of a law enforcement officer
22 and a first responder are not defined in that piece
23 of legislation. That could be problematic for us
24 moving a case forward in court, because those roles
25 are not clearly being defined by definition. That

1 could certainly aid the law enforcement community
2 with a prosecution.

3 REPRESENTATIVE BROWN: Thank you. We'll
4 definitely look at that. Thank you.

5 MAJORITY CHAIRMAN TAYLOR:
6 Representative Heffley.

7 REPRESENTATIVE HEFFLEY: Thank you, Mr.
8 Chairman.

9 Over here. Just an inquiry, I guess.
10 When you do the investigations and you
11 can access the cell phone and you see somebody was
12 on the cell phone in a certain time frame -- I know
13 in court for motor vehicles, they'll have some kind
14 of on-board recording device. I know E-logs are
15 mandated now, so they all have some kind of
16 on-boarding recording device. I know that Ford
17 Motor Company puts an on-board recording device in
18 every vehicle, and they data mine that information
19 for their own use.

20 Are you ever able to access that
21 information to cross-reference whether a vehicle is
22 moving while the cell phone was being used?

23 MAJOR HOKE: I don't want to speak to
24 the ability of what our crash reconstructionists
25 have the ability to do, but we do have the ability

1 to download the data recorders that are on board
2 the vehicles. And I'm not sure whether that
3 actually is a data that's actually captured by that
4 device or not. So I don't want to misspeak, but
5 it's certainly something that I could look into and
6 follow up with you and provide you with that
7 information.

8 MAJORITY CHAIRMAN TAYLOR:
9 Representative Neilson.

10 REPRESENTATIVE NEILSON: Thank you, Mr.
11 Chairman.

12 Major, if I could follow up on
13 Representative Keller's question a little bit. I
14 drive down the turnpike a lot, back and forth to
15 here, and I can't see inside a truck to see if
16 somebody is using a phone. How do you?

17 He asked you for a list of violations.
18 Are these violations that are gonna come after the
19 occurrence, or actually people that were pulled
20 over for offending that act? Because I mean, you
21 can't see. That's real. I can't see in their
22 right hand. I pass the guy. We don't know what's
23 in his hand.

24 MAJOR HOKE: Sir, everything is in
25 perspective. In other words, what would be your

1 perspective of the trooper alongside the road as a
2 vehicle is approaching, can they view the operator
3 side? Are they off on that side of the berm where
4 they can see that vehicle approaching? If it's at
5 night, the phone give off a glow; it will emit a
6 glow.

7 So, there are indicators there that
8 would give a trooper an idea that the operator may
9 be engaged with a cell phone holding it up to his
10 ear, something of that nature.

11 REPRESENTATIVE NEILSON: Can you also
12 when you're getting that stats together, can you
13 also give us the stats on Act 98 of 2011 and how
14 many drivers got ticketed along our highways by the
15 state police just for texting?

16 But if you could break it down a little
17 further for me, I'd like to make sure that's the
18 only fine they were issued. I mean, they were
19 pulled over for speeding and then someone says,
20 hey, you were texting. I want to keep it in
21 perspective that people were pulled over for
22 texting, so to say.

23 MAJOR HOKE: One of the problems that I
24 had mentioned here earlier was with the under-
25 reporting, the aspect of crash investigations.

1 Along those lines, one of the things that when we,
2 as an agency, began to tabulate the statistics for
3 distracted driving, there's six sections of the
4 code that pertain. Two of them, reckless driving
5 and the other one, um -- reckless driving, careless
6 driving. I'm sorry.

7 What we did with our TraCS database,
8 which is the software program that we use to issue
9 and track our citations, electronic citations, we
10 built into that program a means for our troopers to
11 indicate that it was being issued for a charge of
12 careless driving, but the driver was distracted.
13 So whether that action was one with -- involved the
14 use of a hand-held phone or whether that involved
15 the act of engaging in a conversation where you're
16 looking at the passenger and not concentrating on
17 the road. But clearly, their behavior was
18 indicative of distraction.

19 We ask them to now indicate that on the
20 citation so we have a better means of gauging what
21 is distracted driving and how often, where, in
22 previous -- previous to that program being
23 modified, careless distraction citation could have
24 included a multitude of other things that didn't
25 deal with distractions or the reckless aspect of

1 operating a vehicle. It could have been
2 intentionally being driven in a manner that was
3 unsafe. But we would not have a means to recognize
4 that.

5 So now, in the last year or so, we've
6 been able to track them more accurately; get a
7 sense of where we're at with distracted driving.

8 REPRESENTATIVE NEILSON: Thank you. You
9 read the proposed legislation at your dispose --

10 MAJOR HOKE: Yes, sir.

11 REPRESENTATIVE NEILSON: -- in detail
12 because you've made some suggestions on
13 definitions.

14 MAJOR HOKE: Yes, sir.

15 REPRESENTATIVE NEILSON: How about
16 definitions -- I couldn't help but notice Gavin has
17 an Eyewatch on next to you. This talks about
18 phones and stuff like that. It doesn't really talk
19 about devices. I mean, Gavin probably can answer
20 his phone right from his wrist right now as we
21 talk.

22 What's going to define that? Can you
23 get us a list of citation -- suggestions on what
24 you would actually define as a device that should
25 be banned from a driver from using? I don't know

1 how many times I drive with my iPad next to me. We
2 do a lot of stuff here. I don't have my laptop
3 open, but it's something that devices have to be
4 more exploratory. If you can get us a list of what
5 you think we should be looking for, that would be
6 great.

7 Then I'll switch to you Gavin since I
8 picked on your Eyewatch a little bit. How much
9 funding do you spend annually on distracted driving
10 on education?

11 MR. GRAY: I would have to get you the
12 specific number because it's broken down into
13 different components. Some of it, like part of
14 this month, we do a campaign that focuses on public
15 education, so there's one component there. But
16 then we also have grant funding that comes through
17 us through NHTSA so that -- To add all those up for
18 the specific components of it, I'd have to get you
19 a specific number relative to that.

20 But, like I said, there's different
21 components of our different programs that focus
22 towards distracted driving in the education. And
23 then there's also indirect things that we do with
24 supporting state and local police with different
25 enforcement events, which some of the events that

1 they do are targeted towards distracted driving as
2 well.

3 So, to sum all of those up, I'd have to
4 get back to you with an exact number on that.

5 REPRESENTATIVE NEILSON: Thank you very
6 much. Thanks for your testimony. Thank you, Mr.
7 Chairman.

8 MAJORITY CHAIRMAN TAYLOR:
9 Representative Kortz.

10 REPRESENTATIVE KORTZ: Thank you, Mr.
11 Chairman. Thank you, gentlemen, for your
12 testimony.

13 Major, in the case of a vehicular
14 accident where there's a fatality, does that scene
15 become a criminal scene right then and there?

16 MAJOR HOKE: Yes.

17 REPRESENTATIVE KORTZ: Okay. Since it
18 is a criminal scene, you're going to collect all
19 the evidence necessary, right?

20 MAJOR HOKE: Correct.

21 REPRESENTATIVE KORTZ: Okay. Isn't part
22 of that evidence the cell phones, or do you have to
23 go out and seek a warrant on those cell phones to
24 see what they were doing? I mean, that is part of
25 the evidence.

1 MAJOR HOKE: It could be part of the
2 evidence. In order for us to actually seize that
3 cell phone, we would have to have some clear-cut
4 indication that that phone was in use at the time
5 of the crash.

6 REPRESENTATIVE KORTZ: You have to?

7 MAJOR HOKE: Well, unlike the vehicle.
8 That's the distinction here. The vehicle that was
9 involved that caused the fatality clearly is
10 evidence because we know that was involved in the
11 commission -- potentially in the commission of a
12 homicide by vehicle.

13 Making that leap to that cell phone is a
14 tougher distinction because of the lack of probable
15 cause that we would have. Again, if we have that
16 probable cause, we could certainly use that
17 information to further the information. We could
18 seize the cell phone if we had probable cause, and
19 then obtain a warrant to get into that phone and
20 obtain the phone records down the road. But in
21 just --

22 Simply because somebody has a cell phone
23 in their possession and is involved in a crash
24 where there's a fatality does not necessarily mean
25 that that phone was in use at the time. We've got

1 to make that -- We've got to bridge that gap if
2 we're going to say this was truly a distracted
3 driving crash because of the use of that cell
4 phone. There's got to be some indication there to
5 us that that phone was in use at the time.

6 REPRESENTATIVE KORTZ: Do we need to
7 change something in the law to give you that?
8 Because everything at that scene is part of the
9 crime scene; the black box in the truck or car that
10 tells the vehicle's speed and all that. I mean,
11 that cell phone is right there.

12 Is there something we can do through
13 legislation to allow you to take a look at that
14 cell phone, compare the time stamp to what was
15 going on to the time of the crash? I mean, that
16 would be a clear indicator if you could link those
17 two together on a time line.

18 MAJOR HOKE: If this body saw fit to
19 potentially draft legislation with regard to
20 providing law enforcement with that authority, that
21 would certainly prove to be, I believe, beneficial
22 at some point. But again, it would have to fall
23 within the parameters of --

24 The courts have already gone on record
25 indicating the cell phone is much more than just a

1 phone per se because of all the things people keep
2 within that -- within that device. You know, many
3 folks, their lives are intertwined within that
4 device. And to allow law enforcement to simply
5 access that device without a warrant, again,
6 without a law in place to allow us to do that, we
7 can't pursue that.

8 REPRESENTATIVE KORTZ: Okay. Thank you.
9 Thank you, Mr. Chairman.

10 MAJORITY CHAIRMAN TAYLOR:
11 Representative Stephens.

12 REPRESENTATIVE STEPHENS: Thank you, Mr.
13 Chairman.

14 Gentlemen, thank you so much for your
15 testimony. Again, following up on this issue of
16 enforceability, is the only prohibition in our
17 crimes code -- I'm sorry, in our vehicle code on
18 this subject, the texting while driving provision,
19 is that the only bold-face provision that we find
20 an outright prohibition?

21 MAJOR HOKE: It's the only one, sir,
22 that deals with the act of using the hand-held
23 device to read, send or text a message. The other
24 provisions that are mentioned are 1622 and 1621,
25 which are the prohibition for the use of hand-held

1 devices by commercial vehicle operators, and then
2 the others that I had mentioned with regard to
3 distracted driving were the careless and reckless
4 sections.

5 REPRESENTATIVE STEPHENS: So I guess --
6 And I recall this debate occurring when the
7 discussion on the texting legislation was moving
8 forward, and the whole question came down to
9 enforceability. And I get it.

10 I was frustrated then with the fact that
11 I didn't feel like we were going to be able to do a
12 great job enforcing that statute, for the simple
13 reason that, you know, right now, I'm looking at my
14 phone and I'm doing a lot of things, but I'm not
15 texting and I'm clearly not able to drive while I'm
16 looking down at my phone and looking up a phone
17 number or searching Facebook or checking the
18 weather, or whatever I might be, or texting
19 Representative Neilson -- or, I'm sorry, calling
20 Representative Neilson or something like that.

21 I don't know how familiar you are with
22 the laws in the neighboring states, but I think in
23 New Jersey, it's a crime just to have the phone in
24 your hand, period. At least that's how I was
25 advised by a nice state police who stopped me to

1 inform me of that about a year or so ago. But,
2 look, I mean, it worked. Obviously, I didn't pick
3 up the phone for the rest of the trip.

4 Is that something -- Is that type of a
5 bright line rule something that you would find very
6 helpful in terms of enforcement?

7 MAJOR HOKE: You just demonstrated a
8 very clear distinction when you demonstrated the
9 act with your phone.

10 An operator is permitted to use the
11 phone to, perhaps, call up a voice interactive
12 number or scroll through their Rolodex until they
13 find a number they want to complete a call with by
14 simply manipulating those buttons on the phone.
15 It's a permissible act, but yet, it looks as if the
16 operator of the vehicle could potentially be
17 texting and driving in violation of the other
18 provision of that law.

19 From a law enforcement perspective, I
20 can tell you I attended training down in Quantico,
21 Virginia, and in passing through both Maryland and
22 Virginia, their law is very clear. I knew that I
23 could not engage in the operation of a hand-held
24 cell phone. As soon as you enter those states,
25 there's signs clearly posted, hand-held phones

1 prohibited.

2 So there is -- There is no ambiguity in
3 the law. It's very clear-cut. It's very, you
4 know, very straightforward.

5 So, to answer your question, I think
6 that, you know, a ban is a ban. So it prohibits
7 the conduct -- It would eliminate a means of
8 distraction.

9 REPRESENTATIVE STEPHENS: Okay. Thank
10 you very much.

11 MAJORITY CHAIRMAN TAYLOR: Gentlemen,
12 thank you very much. I think there will be some
13 other folks that can answer more technological
14 questions that I think this group will have.

15 I mean, I'm always amazed that -- This
16 is Samsung; not on this, but on the iPhone. But if
17 I'm driving, it comes across the bottom it will not
18 receive any messages at all. I don't know how it
19 knows I'm driving. Seriously, you can disable it
20 by saying you're not driving, but it comes up that
21 you're not getting. Maybe we'll get to the point
22 where driving -- the mechanism in the vehicle will
23 completely disable the phone.

24 But, until that time, we appreciate your
25 testimony. We appreciate the advise on 684, for

1 example, and we'll make those adjustments. So,
2 thank you.

3 I'm going to take the liberty, since our
4 next three testifiers are here, I'm going to ask
5 them all to gather together. Their testimony is a
6 little different each, but we're going to ask Steve
7 and Ted and Joe, I know you're all here, if you
8 could all take a seat.

9 (The testifiers complied).

10 MAJORITY CHAIRMAN TAYLOR: Thanks to all
11 three of you for being here. Steve, I have you as
12 going first, so there must be some logic to that
13 from my staff's perspective. If you could just
14 identify yourself for the record, and then you can
15 proceed.

16 MR. BLACKISTONE: Thank you, Chairman
17 Taylor and Chairman Keller. I'm Steve Blackistone.
18 I'm in charge of State and Local Liaison for the
19 National Transportation Safety Board from
20 Washington, D.C.

21 Before I start my statement, let me say,
22 as echo as many others have, thank you to
23 Mrs. Miller for her powerful testimony. In what
24 has been a very difficult challenge, difficult time
25 for her. But her statement really brings home the

1 importance of significance of some of the numbers
2 you'll hear from us, some of the abstract
3 investigations that I'll be talking about. I think
4 it's very important to keep in mind the things that
5 she has said.

6 Having said that, I appreciate the
7 opportunity to talk to you about some of NTSB's
8 recommendations regarding distracted driving.
9 These recommendations represent over 15 years of
10 experience and lessons that we've learned from a
11 number of accident investigations that we've
12 conducted involving crashes where portable
13 electronic devices were involved.

14 As a result of our investigations, we've
15 seen firsthand that distraction is a growing and
16 life-threatening problem. To reduce the crashes
17 and injuries and deaths, drivers and other
18 operators need to completely disconnect from
19 portable electronic devices.

20 NTSB is an independent federal agency
21 charged by Congress to investigate transportation
22 accidents, determine their probable cause and make
23 recommendations on preventing their reoccurrence.
24 And these recommendations are our most important
25 tool for bringing about change.

1 More than 37,000 people were killed on
2 our nation's highways in 2016, and it's estimated
3 that almost one in 10 of those deaths occurred as a
4 crash -- in a crash that involved distracted
5 driving. However, while data is being collected,
6 currently there is no reliable method accurately to
7 determine exactly how many crashes involve portable
8 electronic devices or other distractions, so it
9 really is impossible to know the true scope of the
10 problem.

11 Portable devices are ubiquitous.
12 According to industry sources, there are almost
13 396 million wireless subscriber connections as of
14 the end of 2016. That's more than one for every
15 man, woman and child in this country, and we use
16 them while we're driving.

17 Since 2002, we have investigated at
18 least six major highway crashes in which
19 distraction, due to the use of a portable
20 electronic device, contributed to the outcome, and
21 I've described these crashes for you in my written
22 statement. But given the accelerating frequency of
23 these accidents and the dangerous habits that we've
24 discovered from our investigations, in 2011, we
25 called for a nationwide ban on the use of portable

1 electronic devices while driving. That is, any
2 use, hand held or hand free in any type of vehicle.

3 Epidemiological, driver simulator,
4 naturalistic studies, all types of research have
5 shown that the risk of crash is higher when the
6 driver uses an electronic device. These studies
7 have been conducted by a variety of different
8 institutions, and they've made the case that
9 portable electronic devices used by motor vehicle
10 operators is dangerously distracting.

11 Drivers don't just experience a visual
12 or a manual distraction when they're using a cell
13 phone. They also suffer a cognitive distraction.
14 Recent studies by the Triple A Foundation for
15 Traffic Safety show that a hands-free is not risk
16 free. A driver's level of cognitive distraction
17 is about equal whether using a hand-held or a
18 hand-free device. Even voice-based systems may not
19 totally eliminate the distraction and may have
20 unintended effects.

21 There's no doubt that the adoption of a
22 safe-driving behavior, free of electronic device
23 use, will require a cultural shift. If change is
24 to happen, it's going to require a three-pronged
25 approach: Good laws, good education and good

1 enforcement. We've seen this kind of approach work
2 before in other areas. One particular example is
3 the widespread use of seat belts.

4 Before states required vehicle occupants
5 to use seat belts, only about 14 percent of
6 occupants used them. After states started passing
7 seat belt laws, belt use jumped to 59 percent in
8 eight years. Today, with stronger seat belt laws,
9 high visibility enforcement and education
10 campaigns, seat belt usage nationally is about
11 90 percent; although it's somewhat lower than that
12 here in Pennsylvania. States with the strongest
13 laws, those enabling primary enforcement, have the
14 highest use rates.

15 Distraction is unsafe. It takes the
16 driver's attention away from the driving task.
17 NTSB is especially concerned about distractions
18 from the use of electronic devices, both because of
19 our investigations and because of the data that
20 we've seen regarding use in the general population.
21 With more and more drivers using the devices,
22 instead of focusing on safety, everyone on the road
23 is at risk, and we certainly have seen that
24 illustrated here today.

25 And distraction is not just about

1 holding a device or in a hand or glancing away from
2 the road for a minute. It's about straying away
3 mentally from the driving task. Even a momentary
4 distraction of a driver's attention, such as
5 reading a text message, can have catastrophic
6 consequences.

7 NTSB believes that a significant number
8 of lives can be saved and injuries avoided if
9 Pennsylvania expands and strengthens its law to
10 include all nonemergency use of all portable
11 electronic devices.

12 I thank you for the opportunity to
13 testify for your consideration of this important
14 issue, and I'll be glad to respond to any questions
15 that you have.

16 Before doing that, though, I would like
17 to respond to a question I believe Representative
18 Neilson raised to about how best to define the
19 terminology that we're talking about here. NTSB
20 has always used the term portable electronic
21 device, which captures a variety of different
22 devices. One of the things to recognize is, we
23 know what the technology is today. We don't know
24 what the technology will be in 10 years.

25 You made reference to the Apple watch

1 that Gavin is wearing. In 10 years, it may be
2 something totally different. It's impossible to
3 capture that change in technology without some sort
4 of generic language such as that. So, that would
5 be our recommendation to you.

6 MAJORITY CHAIRMAN TAYLOR: I'm going to
7 ask all three to testify, and then we're going to
8 have some questions. Ted.

9 MR. LEONARD: I would like to extend my
10 condolences as well to Mr. and Mrs. Miller on the
11 loss of your son, having lost a mother-in-law in
12 similar circumstances a couple years ago. I
13 completely understand your pain.

14 Good afternoon, Chairman Taylor and
15 Chairman Keller, and members of the House
16 Transportation Committee. My name is Ted Leonard.
17 I'm the Executive Director of the Pennsylvania
18 Triple A Federation, which is the state association
19 of the eight Triple A clubs in Pennsylvania
20 encompassing 3.2 million member-motorists.

21 Thank you for giving us the opportunity
22 to provide information on the important issue of
23 distracted driving. Any task that requires a
24 driver to take their eyes or attention off the road
25 is a distraction and should be avoided while the

1 vehicle is in motion, including the use of hand-
2 held or hands-free cell phones.

3 Distracted driving tops drivers' list of
4 growing dangers on the road according to a survey
5 released just last week by the Triple A Foundation
6 for Traffic Safety. Their Annual Traffic Safety
7 Culture Index shows that 88 percent of drivers
8 believe distracted driving is on the rise, topping
9 other risky behaviors like aggressive driving,
10 drivers using drugs and drunk driving.

11 The proportion of drivers who report
12 talking on a cell phone regularly or fairly often,
13 when behind the wheel, jumped 46 percent since
14 2013. Nearly half of drivers report recently
15 talking on a hand-held phone while driving, and
16 nearly 33 percent have sent either a text message
17 or an e-mail.

18 Despite their behavior, nearly 58
19 percent of drivers say talking on a cell phone
20 behind a wheel is a very serious threat to their
21 personal safety, while 78 percent believe that
22 texting is a significant danger. A recent study by
23 the Triple A Foundation shows drivers talking on a
24 cell phone are up to four times likely to crash,
25 while those who text while driving are up to eight

1 times likely to be involved in a crash.

2 In 2015, the Triple A Foundation
3 released two studies on distracted driving. The
4 first study found that a driver has finished making
5 a call, tuning a radio or composing a text message
6 via voice command, that distraction can last for an
7 additional 27 seconds.

8 Second study found that 58 percent of
9 teen driver crashes were due to driver distraction.
10 The risk of a 16- or a 17-year-old driver being
11 killed in a crash increases 44 percent when one
12 passenger younger than 21 is in the vehicle;
13 doubles when he's carrying two passengers younger
14 than 21, and quadruples when three or more
15 passengers are in the vehicle.

16 The study also showed that in 50 percent
17 of rear-impact crashes, the driver exhibited no
18 reaction at all before the crash; meaning, there
19 was no braking or steering to avoid the crash.

20 While Triple A strongly supports texting
21 bans, we do not have a national position on
22 hand-held bans. Based on the Triple A Foundation's
23 extensive research into cognitive distraction,
24 Triple A warns drivers not to use a cell phone
25 whether it be hand held or hands free while behind

1 the wheel. Hands-free is not risk free.

2 Having said that, there are two sections
3 of House Bill 1684 that I would like to note. The
4 first is that the ban only applies when the car is
5 in motion. The Triple A recommends that drivers
6 not use cell phones for nonemergency calls while
7 operating a vehicle, even if the car is stopped.
8 Research found that potentially unsafe mental
9 distractions can persist for as long as 27 seconds
10 after dialing, changing music, or sending a text
11 using voice commands.

12 At the 25-mile-an-hour speed limit that
13 was used in the foundation study, drivers travel
14 the length of nearly three football fields. During
15 this time, motorists could miss stop signs,
16 pedestrians or other vehicles while the mind is
17 readjusting to the task of driving.

18 Secondly, the bill only bans engaging in
19 a call while on a hand-held phone. The definition
20 of engaging in a call is somewhat narrow. The term
21 does not include holding a hand-held mobile
22 telephone to activate, deactivate or initiate
23 another function of a phone. This may allow for
24 using the phone for other functionalities, such as
25 taking a picture or playing a game.

1 I would note that in our most recent
2 survey of Triple A members in Pennsylvania,
3 85 percent would favor passing a state law banning
4 the use of hand-held cell phones while driving.
5 Triple A has supported in the past comprehensive
6 distracted driving bills. I believe Representative
7 Ross, Chris Ross, in the past sessions has
8 introduced such bills and we've testified on behalf
9 of those bills.

10 Distracted driving not only increases
11 the risk of a crash, but also may increase the
12 severity of a crash. For this reason, we would
13 appreciate your consideration of a standard or
14 primary seat belt law. Appropriate seat belt use
15 is the single most effective driver and passenger
16 behavior that reduces deaths in motor vehicle
17 crashes.

18 According to PennDOT's 2016 Crash Facts,
19 of the total number of fatalities in vehicle
20 crashes, 52.2 percent were not wearing a seat belt.
21 According to NHTSA, states with a primary seat belt
22 law had higher seat belt use rates 92 percent in
23 2016.

24 Our experience with drunk and drugged
25 driving and other serious safety issues tell us

1 discouraging dangerous behaviors requires a multi-
2 pronged approach, as Steve has mentioned: Good
3 legislation, effective enforcement and effective
4 public education.

5 Triple A supports educational efforts to
6 inform drivers of the safest practices to cell and
7 smart phone use and other integrated in-vehicle
8 communication, information and entertainment
9 devices, as well as the many other forms of
10 distraction.

11 Any level of risk is too high when it
12 comes to safe driving. Tasks that require a driver
13 to take their eyes or attention off the road or
14 hands off the wheel while the vehicle is in motion
15 should be avoided.

16 Thank you.

17 MAJORITY CHAIRMAN TAYLOR: Thank you,
18 Ted. I'm sure there will be questions for both
19 Steve and Ted. Joe. Good afternoon.

20 MR. REGAN: Good afternoon,
21 Representative. My name is Joe Regan. I'm a
22 retired veteran of Lower Merion Township Police
23 Department in Montgomery County. I served for
24 28 years and I retired in 2011. I also serve as
25 Recording Secretary and Legislative Committee

1 Chairman of the Fraternal Order of Police,
2 Pennsylvania State Lodge, which represents 40,000
3 law enforcement professionals throughout
4 Pennsylvania.

5 I'd liked to thank the committee
6 Chairmen, Taylor and Keller, and other members of
7 the House Transportation Committee, along with the
8 executive directors as well, for their work on
9 matters of concern of Pennsylvania's police
10 officers.

11 I appear before you today to discuss the
12 Pennsylvania FOP's position on two pieces of
13 legislation intended to address the dangers imposed
14 by distracted driving. I especially want to thank
15 Mr. and Mrs. Miller today for their testimony and
16 their comments that they made.

17 House Bill 892 creates a new summary
18 offense of distracted driving in cases where a
19 driver is also found to be driving carelessly. It
20 also creates an awareness fund from fines generated
21 related to violations.

22 House Bill 1684 goes further by imposing
23 a prohibition on hand-held mobile phone calls while
24 driving, except with the use of hands-free
25 accessories, or in all cases for minors under

1 18 years of age.

2 Both House Bill 892 and 1684 are
3 intended to respond to the growing problem of
4 distracted driving. There are several potential
5 reasons for distracted drivers: Texting while
6 driving, use of a hand-held mobile phone,
7 prohibited use of hearing impairment devices,
8 talking to a passenger, putting on makeup, and the
9 list goes on and on.

10 The National Highway Traffic Safety
11 Administration reports that distracted driving was
12 a factor in almost 400,000 traffic accidents across
13 the United States in 2015, resulting in 3,500
14 deaths. That same year here in Pennsylvania,
15 distracted driving was a factor in almost 15,000
16 crashes and 61 deaths. In 2016, sadly, that number
17 increased to over 16,000 distracted driving
18 crashes.

19 For perspective, the number of crashes
20 in which distracted driving was a factor is almost
21 60 percent higher than crashes in which alcohol was
22 a factor. Clearly, distracted driving is a serious
23 problem in Pennsylvania.

24 As a police officer, I have seen
25 firsthand the aftermath of an accident involving a

1 distracted driver. Having advanced training in
2 accident investigation, one of the many causes of
3 vehicular accidents I investigated is the reaction
4 time of the driver. Perception/reaction time is
5 important for safe driving, and this diminishes
6 with the use of devices and other distractions
7 resulting in drivers taking their eyes off the
8 road.

9 By way of example, the average
10 perception/reaction time that is accepted by the
11 American Association of State Highway and
12 Transportation officials is 2.5 seconds. That's
13 1.5 seconds for perception and one second for
14 reaction, 2.5 seconds, and that's on the high-end.
15 Many investigators go as low as 1.6.

16 So, thinking about how fast you're
17 driving, someone going 25 miles per hour, in
18 2 seconds you travel 73.3 feet. If you add in
19 perception/reaction time using 2.5, to bring the
20 vehicle to a complete stop it's 183 feet, and
21 that's at 25 miles per hour. At 55 miles per hour,
22 using all those factors, 403.15 feet, which is
23 pretty close to about a football field, just to
24 bring a vehicle to a complete stop. You add in
25 that with any type of texting or any other

1 distraction, and it just brings it way up.

2 The destruction doesn't end with the
3 vehicles. Families and lives are ruined in an
4 instant. Distracted driving is not a fad or
5 something that's going away quickly. Sadly, it's
6 here to stay, and as technology advances, the
7 chances of distracted driving are only going to
8 increase.

9 The Pennsylvania Fraternal Order of
10 Police supports House Bills 892 and 1694 because
11 they take meaningful steps to curb distracted
12 driving. Driving is a privilege and should be
13 taken seriously by everyone. There's nothing more
14 important than what's happening when you're behind
15 the wheel.

16 We can't stop technology from advancing,
17 but we can stop distracted driving, and House Bills
18 892 and 1694 take strong first steps here in
19 Pennsylvania to do just that. The Pennsylvania FOP
20 supports these bills sponsored by Representative
21 Brown and Representative Murt.

22 Thank you very much.

23 MAJORITY CHAIRMAN TAYLOR: Thank you,
24 Joe. I'm going to turn to members now, and I would
25 ask that if you have a specific panelist that you

1 want to answer your question, please note that. If
2 not, we'll see who would like to answer.

3 Representative Fee.

4 REPRESENTATIVE FEE: Thank you, Mr.
5 Chairman.

6 First I'd like to extend my sympathy and
7 admiration to the Miller family. I appreciate them
8 coming here today to testify.

9 I guess my question is: Out of the 15
10 states, now 16 with Georgia as of yesterday, I'm
11 not sure how many of those states have had the ban
12 with hands free. But, do we have any particular --
13 any specific data with a reduction in crashes from
14 any of those states over time and how long of a
15 period? I guess anybody can answer.

16 MR. BLACKISTONE: Representative Fee, at
17 this point it's difficult to develop any data.
18 Most of those laws have been adopted just in the
19 last few years, and there hasn't really been enough
20 time yet to be able to study the impact on them. I
21 know the National Highway Traffic Safety
22 Administration is looking at that.

23 The other problem is, it's very
24 difficult to measure any particular -- the effects
25 of any particular counter measure, simply because

1 there's so much going on in the highway safety
2 world at any one time. It's hard to tease out what
3 the effect of one thing is.

4 If a state has, for example, seen a big
5 economic downturn in recent years, that, typically,
6 is associated with reduction in traffic fatalities.
7 It has nothing to do with the traffic law
8 enforcement or nothing to do with what's happening
9 in the highway world. It just is a correlation
10 that's been fairly commonly identified.

11 If there had been other enforcement
12 campaigns or other types of initiatives that have
13 been undertaken, those can have an effect. So it's
14 very difficult to tease it out, but I know there
15 are efforts underway.

16 MAJORITY CHAIRMAN TAYLOR:
17 Representative Heffley.

18 REPRESENTATIVE HEFFLEY: Thank you,
19 Mr. Chairman. I thought I would come over here
20 rather than hiding behind the podium.

21 I just want to also express my sympathy
22 to the Millers. Thank you for coming down and
23 continuing this fight. I log many miles on Route
24 33. I know the road. I'm very familiar with it.

25 I guess the question I had, right now

1 there is technology available through an app that
2 you can download on your phone as the Chairman had
3 alluded to earlier, in which it will -- it senses
4 when the phone is traveling at a certain speed, and
5 it will block any kind of text messages or anything
6 from coming in.

7 Would that be something -- I know I want
8 to put it on my daughter's phones and everything
9 else. But is that something that, you know,
10 putting that kind of technology -- obviously, as
11 technology develops, also they put safeguards in.
12 Would that be something that could, potentially,
13 save lives if that was kind of mandated -- or maybe
14 just on -- for youth to begin with -- for younger
15 drivers or to expand it onto different age groups.

16 MR. LEONARD: There's not been a lot of
17 research and study. I'm familiar with the apps
18 that you're talking about, having had four
19 teenagers myself. It does not only block the text
20 messages incoming, but can block outgoing cell
21 phone calls while the vehicle is in motion.

22 There's also some discussion at one
23 time, I believe NHTSA was talking to the OEMs
24 about building this in in-vehicle technology so
25 that cell phone calls would be blocked with a 9-1-1

1 override while the vehicle was in motion. But,
2 we're not aware of a whole lot of research of how
3 effective those have been.

4 It does seem like it would be something
5 that would be very useful or helpful and wanted by
6 parents of teen drivers and, perhaps, by employers
7 who don't want their employees driving in the
8 company vehicle and using cell phones and so forth.

9 REPRESENTATIVE HEFFLEY: And we talk
10 about distracted driving, and we primarily point to
11 cell phone use and texting. But just to shift a
12 little bit over some of the other distractions,
13 I've witnessed all kinds of things that have
14 distracted people from spilling a coffee in a
15 vehicle to causing an accident to an animal in the
16 front seat. And now, in more and more of the cars
17 they have touch screens for heat control and
18 everything else. I find that to be very
19 distracting.

20 With the overall phrase of distracted
21 driving and the dis -- if we're looking at this,
22 I'd like to look at it in the entirety of
23 distracted driving. Are there other -- Like the
24 Garmin, I see people that have this thing, you
25 know, stuck on his windshield while they're

1 driving, which, from my understanding they were
2 never allowed to even have those fussy dice thing
3 from the rear-view mirror, but yet, they have
4 something stuck on their windshield.

5 How often is that captured in that
6 overall phrase of distracted driving?

7 MR. LEONARD: The Triple A Foundation
8 has done a study leaning towards the sort of
9 infotainment systems and the other systems that are
10 in the vehicle. They've rated specific systems
11 which are higher cognitive distractions than
12 others. In fact, they've rated even specific
13 vehicles which have a higher degree of these
14 cognitive distraction devices embedded in them.
15 I'd be happy to get you that.

16 REPRESENTATIVE HEFFLEY: All right.
17 Thank you very much. Thank you, Mr. Chairman.

18 MAJORITY CHAIRMAN TAYLOR: Chairman
19 Marsico.

20 REPRESENTATIVE MARSICO: Thank you, Mr.
21 Chairman.

22 Steve, as the National Transportation
23 Safety Board -- on the board, you've had a chance
24 I'm sure to look up the other states that have
25 enacted similar legislation or laws --

1 MR. BLACKISTONE: Yes, we have.

2 REPRESENTATIVE MARSICO: -- for
3 distraction.

4 Are there any states that really stand
5 out in your mind that maybe Pennsylvania should
6 model, as far as their laws that have been enacted?

7 MR. BLACKISTONE: I probably -- The
8 answer is not really. All of the states that have
9 adopted -- Now 16 states that have adopted a
10 hands-free cell phone requirement would be the
11 states I'd tell you to look at first.

12 There are some variations in the law. I
13 haven't looked at enough detail to be able to tell
14 you that any one particular law stands out above
15 the others.

16 Our concern is that, hands-free usage is
17 distracting just as is hand-held usage. So for us,
18 the states that will stand out is the state that's
19 willing to say to its drivers, no, you shouldn't be
20 talking even on a hands-free phone.

21 REPRESENTATIVE MARSICO: So, do any
22 other states now have --

23 MR. BLACKISTONE: No other -- No state
24 has yet taken leadership on that.

25 REPRESENTATIVE MARSICO: Okay. Thank

1 you. Thank you, Mr. Chairman.

2 MAJORITY CHAIRMAN TAYLOR: I'd just like
3 to follow up on what Representative Heffley
4 mentioned.

5 You know, GPS, Google search, commercial
6 vehicles, whether they be cabs, Uber, Lyft, all
7 depend on that device for navigation, which,
8 without such a device could be a safety concern as
9 well.

10 I mean, how do any of you feel about
11 that in terms of banning the device completely
12 when, in fact, it seems to be the preferred method
13 rather than even the -- I use it instead of my
14 vehicle mapping.

15 MR. BLACKISTONE: NTSB's recommendation
16 is that states prohibit the use of any portable
17 electronic device, except for those that are used
18 in the driving task, so that would enable you to
19 use a --

20 MAJORITY CHAIRMAN TAYLOR: It could be
21 as dangerous as any other activity actually when
22 you're kind of plug in a -- I mean, one, if they're
23 being prudent, would pull over and do it. So,
24 that's already written into, like, say these other
25 states that Ron was talking about, that's an

1 exception to the hand-held ban?

2 MR. BLACKISTONE: That is what we have
3 recommended. I don't necessarily know that any
4 states have written it in precisely that language.

5 MAJORITY CHAIRMAN TAYLOR: Okay. Thank
6 you.

7 MR. LEONARD: Mr. Chairman, I just want
8 to mention that I have a navigation device in my
9 car that will not allow me to program it while the
10 vehicle is in motion.

11 MAJORITY CHAIRMAN TAYLOR: Yeah, I think
12 that exists for a lot of them. People try to do it
13 at red lights or -- Does it prohibit you from,
14 like, while you're in --

15 MR. LEONARD: While the car is in
16 motion, if I try to program it --

17 MAJORITY CHAIRMAN TAYLOR: If it's in
18 motion; not if it's in drive.

19 MR. BLACKISTONE: -- tells me to pull
20 over.

21 MAJORITY CHAIRMAN TAYLOR: It makes
22 sense to do that. Sometimes that's not available
23 either as a maneuver.

24 MR. LEONARD: Right.

25 MAJORITY CHAIRMAN TAYLOR:

1 Representative Kortz.

2 REPRESENTATIVE KORTZ: Thank you, Mr.
3 Chairman.

4 Gentlemen, thank you for your testimony
5 today. Mr. Blackistone, you had testified that
6 since 2002, you've investigated at least six
7 highway crashes where there were fatalities.
8 Obviously, you read through here, they're very,
9 very horrific crashes. But you state in here that
10 it was because of a hand-held device. How were you
11 able to prove that?

12 If it was so horrific and the device was
13 destroyed, did you go back to the phone company and
14 ask them to see if they were using it at that point
15 in time of the crash --

16 MR. BLACKISTONE: Yes.

17 REPRESENTATIVE KORTZ: -- based on the
18 black box that's in the vehicle?

19 MR. BLACKISTONE: It would have been
20 based on a variety of different factors that would
21 be different in each of the cases. For example, in
22 the Alexandria, Virginia crash, the driver
23 acknowledged that he was using his device.

24 But yes, we, as part of our
25 investigative authority, have the power to subpoena

1 any recording device or any electronic device
2 that's in a vehicle. So we were able to get those
3 and then download the usage from the device so we
4 could put together a timeline on when it's used.
5 And that has become a fairly standard part of every
6 accident investigation that we conduct.

7 REPRESENTATIVE KORTZ: That's standard
8 procedure for the NTSB?

9 MR. BLACKISTONE: Right.

10 REPRESENTATIVE KORTZ: You go to the
11 phone company, or whichever provider, and you don't
12 necessarily want to know what they were texting.
13 You just want to know that it was being activated;
14 is that correct?

15 MR. BLACKISTONE: A text was received at
16 this time. A text was sent. A voice message or
17 voice conversation was conducted at this time.

18 We try and put together a timeline of
19 the operator's activities typically for the
20 72 hours prior to the accident so we can look at
21 issues like fatigue and drug use. But, we will
22 specifically look at the use of any electronic
23 device, whether it be a cell phone or portable CB
24 radio or anything else.

25 REPRESENTATIVE KORTZ: Okay. Separate

1 question. CB usage by truckers, where do you guys
2 stand on that? Have states banned that? I don't
3 know.

4 MR. BLACKISTONE: I don't believe -- I
5 don't know the answer affirmatively. I don't
6 believe states have banned it. As I said, our
7 recommendation is any use of any portable
8 electronic device by the operator.

9 REPRESENTATIVE KORTZ: Okay. Thank you.
10 Thank you, Mr. Chairman.

11 MAJORITY CHAIRMAN TAYLOR:
12 Representative Brown.

13 REPRESENTATIVE BROWN: Thank you, Mr.
14 Chairman.

15 I think this is for Steve. Steve, as a
16 follow-up to Representative Fee asking about the
17 other states that have passed hands-free
18 legislation and the reduction in crash statistics,
19 I know that's still in the works and trying to
20 gather that.

21 But I remember reading an article, it
22 was a few months back, talking about the -- as you
23 were talking about the multi-pronged approach, so
24 when passing a law and then behavior changes and
25 also a public relations sort of program. The

1 article had mentioned that the states that were
2 passing laws, they were noticing a behavioral
3 change in drivers where they're actually -- when
4 they took the survey, they were less likely to use
5 their phone, period. Obviously, we talked about
6 during this hearing the best fix is no phone, but
7 until we get to that point, at some point, you
8 know, with technology.

9 Do you have any information on that?
10 Because it seemed to be that, just passing the law
11 for a hands-free legislation changed the behavior
12 in the mindset of drivers where they stopped using
13 their phones, based on surveys.

14 MR. BLACKISTONE: Yes, we have seen that
15 in a number of areas. The mere fact that a state
16 passes a law sends a message to the people in that
17 state, this is the right thing to do. Many people
18 -- most people will obey the law simply because
19 that's what it is.

20 We have seen -- And the best example
21 here is in child safety seats. People look to the
22 law for guidance. I don't know if you're a parent
23 or not, but many parents that I know will put their
24 kids in a particular type of child seat because
25 that's what the law says. That must be the right

1 thing to do.

2 So, that same type of mentality carries
3 over to cell phone use as well. The law is much
4 more about -- is about much more than just enabling
5 the law enforcement community to make arrests.
6 It's also in and of itself a very strong
7 educational tool.

8 REPRESENTATIVE BROWN: Okay. Thank you
9 very much. Thank you, Mr. Chairman.

10 MAJORITY CHAIRMAN TAYLOR:
11 Representative Neilson.

12 REPRESENTATIVE NEILSON: Thank you, Mr.
13 Chairman.

14 Thank you, gentlemen. Teen drivers, I
15 have two of them right now; both have their
16 permits. We talked a lot about that. I've taken
17 them up to get their driver's license, and they did
18 not take as part of their testing or part of them
19 to get their driver's license nothing about
20 distracting driving; nothing.

21 Are you guys aware of any other states
22 that have mandatory education for kids that are
23 just about to get their license, and maybe like a
24 15-minute video or a half-hour video they have to
25 see to -- If they would just hear the Millers'

1 story -- I mean, I'm going to make my children
2 watch this. When I get home, they're going to
3 watch this. They're going to see your testimony,
4 okay.

5 Is there any other states do you know of
6 that make that part of a requirement to get their
7 driver's license, instead of just knowing what a
8 stop sign is, what a yield sign is, what a dotted
9 line is?

10 MR. BLACKISTONE: I'm not aware of any.
11 There are sources we can check with such as the
12 American Association of Motor Vehicle
13 Administrators, who very well may have that kind of
14 information. I'm confident there are a number of
15 states that do have those kinds of programs, even
16 if it's not written into the law.

17 There's some states, and Virginia is one
18 that comes to mind, where, when the teenager gets
19 his driver's license, he actually has to go before
20 a magistrate of the court to receive it. It's a
21 court procedure, and the magistrate gives a little
22 lecture on safe driving. I'm sure that varies from
23 one jurisdiction to another, but it's intended to
24 do exactly that.

25 REPRESENTATIVE NEILSON: That wouldn't

1 work here because my city -- I'm from Philadelphia.
2 Living here, I'm bigger than our whole state. So,
3 we don't have magistrates --

4 MR. BLACKISTONE: Right.

5 REPRESENTATIVE NEILSON: --
6 unfortunately. The (inaudible words) legislator
7 eliminated 'em.

8 To get back on national stuff, you are
9 both national organizations. What's going on in
10 Washington? I mean, you make recommendations
11 according to your charge by Congress and by seeing
12 such a problem nationwide. Is there anything going
13 on in Washington that we should be aware of, like,
14 to move this in a different direction?

15 MR. BLACKISTONE: I am not aware of any
16 legislation in Congress that might address this in
17 particular, such as mandating the states passage of
18 distracted driving law or they would lose highway
19 construction funds.

20 On the regulatory level, National
21 Highway Safety Administration I know is putting --
22 has been working very diligently in this area
23 putting together educational programs, best
24 practices guides for law enforcement and that sort
25 of thing.

1 REPRESENTATIVE NEILSON: Well, thank
2 you, gentlemen. Thank you, Mr. Chairman.

3 MR. BLACKISTONE: If we do hear of
4 things in Congress, we'll certainly be glad to let
5 you know.

6 MAJORITY CHAIRMAN TAYLOR: Chairman
7 Hennessey.

8 REPRESENTATIVE HENNESSEY: Thank you,
9 Mr. Chairman.

10 To the Miller family, our sympathies,
11 and thanks for the courage that you showed and the
12 fortitude and strength to come in here and testify
13 about something as tragic as all that.

14 Joe, Ted, Steve, not to -- I appreciate
15 all your testimony, but the statistics really do
16 tell stories here. The statistics that Ted, you
17 used to say the risk for a 17-year-old driver being
18 killed goes up by 44 percent when there's a one
19 young passenger in the car, and I think doubles
20 when there's two and quadruples when there's three.
21 That's something very easy for people to get their
22 arms around.

23 As a parent I can talk to my young
24 children about, you know, why it's dangerous. We
25 can show it's dangerous statistically.

1 Joe, I think yours would be the
2 testimony -- the part of your testimony that struck
3 me the most was that the number of crashes
4 involving distracted driving is 60 percent higher
5 than drunk drivers having crashes. That again is
6 something that somebody could relate if you're a
7 parent to teenage drivers and say, this is what --
8 here we have empirical proof of what's going on.

9 With all that being said, I agree that
10 any distracted driving is dangerous driving. But
11 it would seem to me intuitively that texting has to
12 be more dangerous than reading your e-mails, for
13 example, on the phone. Although my eyes are
14 getting bad in my older age, so it's hard to read
15 those.

16 But texting would seem to me more
17 dangerous than reading e-mails than talking on a
18 hand-held phone, and maybe the least dangerous
19 would be talking on a hand-free phone.

20 If you could break down any of your
21 statistics with raw numbers and give us those raw
22 numbers, I think it would help the debate. Because
23 if texting proves, as I suspect it will, to be the
24 most dangerous activity, we could then decide that
25 that would be a more serious offense and it would

1 carry a higher punishment than something which is
2 lesser. All right?

3 So, in grading is important in the work
4 that we do up here in passing legislation. If you
5 can flesh out those details for us and get that
6 information to us, it might be very helpful.

7 MR. LEONARD: We have done studies on
8 various causes of distraction. I believe, if I
9 recall, the number 1 distraction is like reaching
10 for a moving object within the car; actually a
11 higher level than talking on a cell phone.

12 REPRESENTATIVE HENNESSEY: I understand
13 that, but I don't know if we can prevent people
14 from doing that. But we can craft legislation that
15 says if you're texting, you get a more serious
16 punishment than if you're simply talking on a
17 hands-free phone, because we have to grade it.

18 Yes, I agree that all kind of distracted
19 driving is dangerous, but some, seems to me, has to
20 be more dangerous than others. We should know that
21 and have statistics to back it up so we can craft
22 the legislation properly.

23 So, if you can go back to your
24 organizations to see whether or not you could flesh
25 that out for us, it would be helpful.

1 MR. LEONARD: We will do that.

2 REPRESENTATIVE HENNESSEY: Okay. Thank
3 you very much. Thanks, Mr. Chairman.

4 MAJORITY CHAIRMAN TAYLOR: Anyone else?
5 (No response).

6 MAJORITY CHAIRMAN TAYLOR: Gentlemen,
7 thank you. I appreciate your testimony. I would
8 point out that Steve's written testimony that he
9 submitted, saying this to members, is filled with a
10 lot of details that we should review as well. So
11 thank you.

12 MR. REGAN: Mr. Chairman, one comment.

13 MAJORITY CHAIRMAN TAYLOR: Sure.

14 MR. REGAN: In doing research for this
15 hearing, I was coming up the turnpike. It's
16 115 miles. I think like many adults, you want to
17 be responsible. You don't want to be texting.

18 The research that I had done with our
19 accident reconstruction guys, he said there are
20 studies out there now. I have a two-hour drive to
21 Harrisburg. I'm going to call so and so and I want
22 to discuss some issue, something personal. But the
23 conversation gets really long.

24 Studies out there now are saying that
25 the longer you're in that conversation, it's

1 starting to gear it towards, that you're like in a
2 DUI mode. You're getting completely distracted the
3 longer the conversation goes on. Personally, I
4 never thought that. I'm on a long ride. I have to
5 take care of some business. I'm going to make that
6 phone call because this guy talks long or whatever.

7 But the studies are out there now; that
8 the longer the conversation goes on, the more
9 distracted you're getting. It really is something
10 I think as adults we have to think about, because I
11 do it, and it really made me think today on that
12 ride up about, you know, you have a lot of time on
13 your hands and doing so many things, and we're all
14 busy. But that's something that I think to take
15 home. Think about that.

16 Thank you.

17 MAJORITY CHAIRMAN TAYLOR: Joe, I have
18 two friends, very smart folks; two different walks
19 of life, told the same story. You're on the phone
20 for a long conversation, hands free. They're on
21 their way to Harrisburg. Both described, that's
22 weird. I don't remember tunnels on the way to
23 Harrisburg. Two different folks got on the
24 Northeast Extension coming east on the turnpike and
25 instead of going straight, ended up in the Poconos

1 during the conversation.

2 So, I guess it happens. How two
3 different people told me that same exact story,
4 it's something we better be aware of.

5 Well, thank you, gentlemen.

6 (Thank-you response).

7 MAJORITY CHAIRMAN TAYLOR: I'm going to
8 do the same thing, if there's no objection, and ask
9 Dave and Sam, as well as our friends from the
10 Grange, Wayne and Vince, to assemble together.

11 (Testifiers complied).

12 MAJORITY CHAIRMAN TAYLOR: Gentlemen,
13 thank you. I have Dave ready to go first. If you
14 can just identify yourself, Dave, as you start and
15 let it rip.

16 MR. KERR: Chairman Taylor, Chairman
17 Keller, members of the committee: Good afternoon.
18 My name is David Kerr, Regional Vice President for
19 AT&T here in Pennsylvania.

20 I'd also like to extend our condolences
21 to Mrs. Miller and her family and her guest from
22 Texas as well, who's enjoined her on this journey.
23 We met Mrs. Miller ourselves on this journey. It's
24 very unfortunate. I've heard her story before, but
25 to hear it even again in this setting is -- is

1 tragic story to hear even a second time.

2 On behalf of our employees here in the
3 Commonwealth and around the world, I appreciate the
4 invitation to join you to discuss our nearly
5 decade-long campaign to remind drivers about the
6 dangers of distracted driving and that that is not
7 okay. So I'm going to talk a little bit today
8 about what AT&T is doing.

9 But I will share that our competitors,
10 the other wireless providers share, in the goal to
11 increase the education around the dangers of
12 distracted driving. I also will share, CTIA, our
13 national association, has a pretty expansive
14 scholarship program to award scholarships to
15 students to put digital videos in place. I haven't
16 seen any of these myself personally, but they're to
17 encourage other students about the dangers of
18 texting and driving, so the industry really is
19 committed to this education.

20 In 2009, our chairman at AT&T, Randall
21 Stevenson, announced efforts to raise awareness of
22 the dangers of texting while driving. Our texting
23 and driving IT CAN WAIT program launched in 2010 to
24 deliver a simple yet vital message to all wireless
25 users. When it comes to texting and driving, no

1 text is worth a life.

2 The campaign evolved over the years as
3 driving distractions grew beyond texting, as we
4 heard today, to social media, web surfing, selfies
5 and video chatting, and those types of activities,
6 which unfortunately are going on behind the wheel.
7 Our effort is sustained and multifaceted. It
8 includes several elements. Some of the highlights
9 include encouraging all of our employees to take
10 the pledge not to text and drive; and, in turn,
11 urge others to do so.

12 Since the campaign's launch, when you go
13 to the it can wait dot com website, you will see
14 that over 23 million people have pledged to not
15 drive distracted. Many celebrities have joined the
16 cause to deliver the message by television ads,
17 concerts, public appearances, Twitter, Facebook,
18 YouTube videos, really targeting millennials on
19 that effort.

20 Our aggressive social media campaign
21 encourages people to share the hash tag IT CAN WAIT
22 message with friends.

23 We've challenged device makers. This
24 has come up today, too, and app developer to work
25 with us. All Android devices presently include the

1 AT&T DriveMode app, which is one of the texting
2 while driving apps that was discussed today. It's
3 preloaded on Android devices, and the app is also
4 available to iPhone users in the app store as well.

5 I was just checking today in
6 preparation. There's been 20 million downloads of
7 the AT&T DriveMode app, and there are other apps
8 out there as well.

9 In 2013, we provided a kit of
10 no-texting-while-driving information to every high
11 school in the United States.

12 In June of 2014, we launched a new IT
13 CAN WAIT handle on Twitter, and it now has over
14 130,000 followers.

15 Towards the end of 2014, AT&T was one of
16 10 global companies to join Together For Safer
17 Roads, a coalition, an innovative cross-sector
18 coalition, focusing on improving road safety and
19 reducing deaths and injuries by road traffic
20 collisions.

21 In May of 2015, AT&T expanded the IT CAN
22 WAIT campaign from a focus on texting while driving
23 to include other smart phone distractions.

24 Last month we launched a new version of
25 our virtual reality experience to bring the public

1 face to face with the dangers of distracted driving
2 using the new VR technologies, as they call it. So
3 we participated in hundreds, if not thousands, of
4 events across the country to show the impacts of
5 distracted driving.

6 Here in Pennsylvania we posted scores of
7 events throughout the Commonwealth, from Love Park
8 in Philadelphia to the Erie County Courthouse, from
9 Bedford to Bensalem and many other communities in
10 between. I know some of you have participated in
11 some of our events, and we appreciate that.

12 Our employees have made presentations to
13 high schools and college students statewide; at
14 hospital-sponsored events, and even at companies
15 and some of our customers in the state who called
16 us and asked us what this campaign is about. They
17 wanted to provide training to their employees.

18 In 2016 and '17, we made several stops,
19 including here in the Main Capitol last spring.
20 Last month we joined -- this is the third year
21 we've done this with the Pennsylvania News Media
22 Association to announce the winners of IT CAN WAIT
23 essay contest. We team up with newspapers across
24 the Commonwealth to help spread the word about the
25 dangers of smart phone distractions while driving,

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1 and we're excited that the school press association
2 here in Pennsylvania joined us this year.

3 Last year, we officially kicked off the
4 2018 nationwide tour with an enhanced VR virtual
5 reality experience I mentioned. There will be
6 around 200 stops nationwide. We're currently
7 scheduled to be at the Farm Show for the Fire Expo
8 in May, and we expect some other stops as well.

9 We've also done extensive research on
10 the impact of the IT CAN WAIT campaign across many
11 categories. I won't go into great details because
12 we already heard some of the research today, but I
13 will focus on research that we've done over the
14 last couple of years that shows just how powerful
15 teen voices can be on this issue.

16 Ninety percent of teens say they will
17 stop texting while driving if a friend in the car
18 asked them to. 93 percent would stop if a parent
19 in the car asked them to, although I find that a
20 little hard to believe as a parent of four.

21 Seventy-eight percent of teen drivers
22 say they're likely not to text and drive if friends
23 tell them it's wrong or stupid, or probably some
24 other word there. 44 percent say they would be
25 thankful if a passenger complained about their

1 texting while driving.

2 These findings are among many of the
3 reasons why we remain inspired to continue this
4 campaign moving forward, and I would encourage all
5 of you and those in the audience and those watching
6 on TV to learn more about the campaign. Go to it
7 can wait dot com and take the pledge, and encourage
8 your friends, family and constituents to do the
9 same.

10 I'll just speak personally myself. When
11 I took the pledge -- I think we all know the pledge
12 is nonbinding. There's no way to enforce a pledge.
13 Take it in front of your kids. It means a little
14 bit more if you take that pledge, to your point,
15 Representative, take it in front of your kids,
16 because kids are always watching what adults do.

17 Thank you for the opportunity to join
18 today. I'll be happy to answer questions later.

19 MAJORITY CHAIRMAN TAYLOR: Thanks, Dave.
20 Sam.

21 MR. MARSHALL: Thank you. Sam Marshall
22 with the Insurance Federation. You have my
23 remarks, and I won't read them into the record.
24 I'll just be brief.

25 You know what the problem is. It's use

1 of cell phones. We're all guilty. We all have
2 done it ourselves. We've all been there. Question
3 is: What are you going to do about it?

4 We're not debating. We can quibble
5 about which type of distracted driving is the most
6 distracting, and what comes in second, third or
7 fourth. But we know what the problem is. It's
8 using your cell phone while you're driving. That's
9 what it is. Question is: What are you going to
10 do?

11 I'm an insurance guy. I'm going to err
12 on the side of safety. I'm going to recommend that
13 you do whatever you feel you can cobble together
14 the votes to do that's most strong.

15 We represent policyholders who drive on
16 the roads of Pennsylvania. We care about their
17 lives. We care about their safety. We're always
18 going to sit here and tell you, be as safe as you
19 possibly can. I will tell you, whatever you pass
20 in terms of making it have an impact, I'll share
21 with you some of our hard-learned observations.

22 First, make the violations primary; not
23 secondary. This isn't like seat belt usage or even
24 motorcycle helmets where, if you don't do it, the
25 main -- the main danger is to yourself. With

1 distracted driving, the main danger is to other
2 people as well. So, I think that merits a primary
3 enforcement.

4 Second, let the violations go on the
5 person's driving record. Let it be considered by
6 insurance companies for purposes of auto rating.
7 We tend to say, we'll fine the person, but it won't
8 go on his record; and, insurance companies, you
9 can't consider it when you're assessing his rates.
10 That doesn't make any sense to me. You want us
11 rating on the basis of how safe and how
12 non-distracted a consumer is.

13 These aren't no-harm no-foul violations.
14 These aren't just sort of courtesy warnings. These
15 are real dangers for people. You heard from -- You
16 have all the numbers and you heard the personal
17 testimony from Mr. and Mrs. Miller. I mean, it
18 needs no further amplification. You just need to
19 take it seriously.

20 Third, let insurance companies use
21 technology to determine when an insured is using a
22 phone while driving. Let us rate accordingly.
23 There are methods out there, there's technology out
24 there that can monitor whether people are using
25 their cell phones in a distracted way when they're

1 driving. They can monitor whether you're texting
2 while the car is in operation.

3 Let the insurance company say, here, you
4 know what consumer, you know what policyholder? If
5 you agree to plug in so that we can monitor that,
6 if you're not doing it, we're gonna give you a
7 discount. It's a great incentive. Financial
8 incentives tend to work.

9 Fourth, focus on the phones. I'll agree
10 that there are a lot of other distractions,
11 grooming, eating, things of that nature. Let's
12 target what's really at stake here, and that's the
13 use of hand-held phones while driving.

14 I'm not saying there are other things
15 that aren't also dangerous, but that's what it is.
16 Sometimes when you clutter up the law with too many
17 other issues, it tends either not to pass or not to
18 be followed once it does pass.

19 Fifth, I'd say publicize whatever it is
20 you do. I know that sounds obvious. We talked
21 about some of the laws that you passed already.
22 Our surveys, and surveys companies do of their own
23 policyholders shows time and time again people
24 aren't really aware of what the laws in a given
25 state are. Certainly not the laws here in

1 Pennsylvania.

2 In fact, getting ready for the hearing
3 today, my colleagues and I at the Federation said I
4 had to review, they know exactly what is it. Is it
5 texting? Is it cell phone? Is it hands free and
6 all of that.

7 One of the people testifying earlier
8 said, when you go into Maryland or Virginia they
9 have the billboards right when you come in on the
10 highways. You have that in some parts of
11 Pennsylvania, too, Click It Or Ticket it with seat
12 belts because we have a very clear law. You need
13 to publicize what that law is, because one of the
14 things that we discovered is, people's habits
15 aren't dictated necessarily what the laws are.
16 They're dictated by what people perceive the laws
17 to be.

18 If Pennsylvania is perceived as having a
19 really hard, tough, anti-cell phone law, you'll see
20 safety improve. I understand the technology in
21 these phones makes that difficult. There are a lot
22 of, is it texting? Is it holding the phone? Is it
23 reading a text or e-mail? How can you tell if the
24 person is just looking up a number to punch it in
25 and call, and that's okay, or is he texting? Those

1 are hard things.

2 But I would say, whatever it is you do,
3 having one clear law is going to help. Don't have
4 one entitled 75, one entitled 18, the hodgepodge of
5 laws sometimes we end up doing. Have one clear
6 law. Frankly, I'd say, have a law that you can put
7 on a billboard. That's actually what works.

8 The other related to that on the
9 publicizing end, our survey show no need to
10 publicize the danger. The danger is well-known.
11 It's beyond us. Everybody knows it's dangerous and
12 you still do it. You think it's a random danger.
13 It's not like smoking where you say, eventually
14 it's going to get everybody who does it. You know
15 what, I can get away with it in this one situation.
16 It's open road ahead of me, no problem, or anything
17 like that.

18 What we do find is, people actually care
19 a great deal what the penalty is when they're --
20 when they're deciding their own course of conduct
21 on the driving. You have a harsh penalty. Even if
22 it's not enforced all that often, I appreciate
23 Representative Keller's question about how often
24 are these things enforced. If that law is known
25 and the penalty is clear, and people -- that, in

1 and of itself, gets people to change their conduct.

2 There are a lot of other organizations
3 out there that will -- well-publicize the danger;
4 have things like the pledge and do all that.
5 That's all well and good. In terms of what can the
6 state do to provide something unique to this
7 problem, the state can say, we have a very clear
8 law and here's what the penalty is, and you know
9 what, it's going to mean something. It's going to
10 mean something in your insurance rates. It's going
11 to mean something on the enforcement end.

12 If I sound a little frustrated, it's
13 probably because I am. I've been to no shortage of
14 these types of hearings and press conferences over
15 the years. We've been banging the drums on safe
16 driving for a very long time as an insurance
17 industry.

18 I would love to be at a few more bill
19 signings. And even more than that, I would love to
20 be at a press event or a hearing where we're able
21 to come up with you and show you statistics of
22 improved -- lower fatalities, lower accidents
23 because we've seen a reduction in the world of
24 distracted driving. We're not there yet. So I'd
25 ask for action, and I'd ask for it to be

1 meaningful.

2 Thank you.

3 MAJORITY CHAIRMAN TAYLOR: Thank you,
4 Sam. Wayne.

5 MR. CAMPBELL: Let Vince.

6 MAJORITY CHAIRMAN TAYLOR: Vince. Okay.

7 MR. PHILLIPS: Well, good afternoon,
8 everybody. Thank you very much for convening the
9 hearing.

10 I want to commend the two chairs, first
11 of all, for your service to the citizens of
12 Commonwealth since you're both retiring and it's a
13 darn shame that you are. But, with your tenure
14 comes wisdom, and I think that's may be one of the
15 things that led you to schedule this hearing today.
16 So I just want to tell you that I appreciate it
17 very much.

18 For the record, I'm Vince Phillips. I'm
19 the lobbyist for the Pennsylvania State Grange.
20 With me is Wayne Campbell, the President of the
21 Pennsylvania State Grange.

22 I have to tell you, I had a lot to think
23 about even though I used to be the lobbyist for the
24 Driver's Ed teachers, so I'm not exactly a stranger
25 to this issue. But just giving thought to the

1 testimony from Mr. and Mrs. Miller and others, it
2 kind of got me to thinking. Rather than go through
3 my testimony per se, because you've got it in front
4 of you--I'll reference it certainly--but I want to
5 share a couple things with you.

6 First of all, why should the Grange care
7 about distracted driving? Now, this is a
8 supposition. I don't have any fine-tuned studies
9 to back it up. But, you know, if you're driving in
10 the city, you're probably going to be mindful
11 because there are other drivers in close proximity.
12 There are pedestrians, even those who are on their
13 cell phone. There's stop lights, there's traffic,
14 there's construction. Everything conspires in a
15 positive way to make you maybe a little more aware.

16 But, if you're out in the country,
17 there's the perception that it's okay or more okay
18 to engage in some distraction behavior. Now, what
19 is this anyway? Sure it's a cell phone, but it's a
20 tool. It's a tool just like a car is a tool. And
21 the use of the tool determines the consequence. A
22 misuse of this tool, just like a misuse of the car,
23 is going to lead to terrible consequences.

24 And so, the bottom line here is that, if
25 you're driving in the countryside, you know, the

1 rules appear to be a little bit different. Now
2 give you a case in point.

3 On Easter Sunday I spent some time with
4 my youngest daughter who lives in Arlington.
5 Driving back, I'm in Maryland and Virginia, and
6 verboten, right? No cell phone use. And, I have
7 religion, no cell phone use.

8 Cross the Pennsylvania state line now, I
9 will tell you no cell phone use for me, even though
10 my wife did call me to see where I was, I didn't
11 answer the call. Now, shame on me. Except, no,
12 not really.

13 The thing I want to leave with you,
14 though, is the behavior of the other drivers who
15 are keeping pace with me through the State of
16 Maryland. When they got to the Pennsylvania
17 border, a good number of them drove what I would
18 characterize as somewhat erratically. It was
19 almost as if they felt that they could do something
20 in Pennsylvania that they could not do elsewhere.

21 And so, I think this underscores the
22 support of the Pennsylvania State Grange for
23 Representative Brown's legislation that there's got
24 to be something done to enhance the penalties and
25 the recognition by drivers and others that

1 something has got to be done.

2 Now, the other thing I would point out
3 to you, again, a personal antidote. My middle
4 girl, she was a high school student at Trinity High
5 School in Camp Hill. She always used to text my
6 wife on the way to school. I discovered, to my
7 amazement, when I asked her about that, that she
8 was always stopped at the same railroad crossing
9 for about two minutes on her way to school. Can
10 you believe that? What an unlikely set of
11 coincidences.

12 In other words, regardless of what you
13 do with distracted driving, you know it does get in
14 the way of human nature. I don't want anybody up
15 there to get mad at me. Please do not get mad at
16 me for what I'm about to say, but there were four
17 legislators on their cell phones or checking their
18 e-mails or something during the course of this
19 hearing this afternoon. Now, there's no
20 consequence from it. I don't pretend I have
21 sterling words of wisdom, so if you have to take a
22 text I forgive you. Please don't be angry, but
23 that's what I saw this afternoon.

24 Oh, look. Someone just texted me. What
25 do you think? Should I answer the text now?

1 Perhaps not. And that leads us to the other issue.

2 We've talked about statistics. I've
3 repeated statistics that I've heard and, frankly,
4 the statistics get worse the more I look into it.
5 But, there's another issue that also needs to be
6 addressed, and that is, cell phone use is a
7 symptom. It's a symptom of human nature that says,
8 distracted activities in the car are either
9 necessary or desirable.

10 Now, I'm kind of reaching far here, but
11 bear with me, because we've all been there. We've
12 all seen people put their makeup on while they're
13 driving. We've seen people play with their pets in
14 the front seat while they're driving. We've seen
15 people reading the newspaper while they're driving.
16 That gets a little scarier if I'm on the Schuylkill
17 Expressway, and I see that. It may well be that
18 they're reading about the Villanova game and it's
19 too riveting for them to put the paper down. I
20 don't know.

21 But, in reality, there's a lot of
22 distracted driving. So, I would ask the committee,
23 in addition to focusing on these particular pieces
24 of legislation, perhaps the conversation from
25 today, is look at the larger issue of what can be

1 done to stop other forms of distracted driving.

2 Now, President Wayne Campbell, in
3 addition to his many years of service for the
4 Pennsylvania State Grange and to his local
5 community in Perry County, he also has 30 years of
6 experience working for automobile dealerships, and
7 much of the time he was a service manager. As
8 such, he's very attuned to what goes on inside a
9 car and also the devices used to drive the car.

10 Wayne, I'd like to ask you to share
11 your observation.

12 MR. CAMPBELL: Thank you, Vince.

13 On behalf of the Pennsylvania State
14 Grange, I'd like to extend our condolences to the
15 Miller family for your loss. Words can't express
16 anyone's feelings or remorse in a time like this.
17 But, we're there with you.

18 As Vince said, I did spend almost
19 30 years in GM dealerships. And many times during
20 that, I could have amazed people with what I could
21 tell them about their vehicle, about their life and
22 their driving habits that they didn't know.
23 Vehicles don't lie.

24 Someone would come in -- The cars that I
25 got involved with were what many of you would refer

1 to as lemon cases. Several times a year, GM would
2 call us and ask us if we would work on a vehicle
3 because two or three other dealerships couldn't fix
4 it. I can remember of at least two cases where it
5 took us over a year to repair the vehicle, but we
6 eventually repaired it. Many times it was a very
7 simple repair. Problem was finding it.

8 I would like to express to you my
9 concern, and you're going to say this is something
10 that the Pennsylvania state legislature can't
11 address. You're right, you can't. But you can be
12 a leader and you can address your fellow coworkers
13 down in Washington that it is a problem, and that's
14 standardization of the controls in a vehicle.

15 You heard a couple people address today
16 voice or hands-free driving with their vehicles.
17 Yes, they're hands free. But, I myself, even with
18 the amount of years I have in working on vehicles
19 get very frustrated with my hands-free vehicle.

20 If you look at your controls, and if you
21 have more than one vehicle in your family, the
22 controls are not at the same location on each
23 vehicle. My wife drives a 2017 and I'm driving a
24 2018. The voice button is at two different
25 locations.

1 An ironic situation that happened on our
2 way in here today. About a month ago I had to
3 trade vehicles. My old vehicle broke down. The
4 cost of repairs was, in my years in the business, I
5 knew not to put two or \$3,000 into repairing
6 something; put it toward a new vehicle. My wife
7 has not had a chance to drive my new truck until
8 today.

9 This morning right before we came over
10 here, we had a phone call that my grandson had to
11 come down for an emergency orthodontist
12 appointment. My daughter is a special needs
13 teacher. She had taken off this morning to bring
14 him down, and one of the bands broke so he had to
15 come back down this afternoon. So, of course, who
16 gets the phone call? Grandma.

17 I'm here with Vince so, I throw my truck
18 keys to my wife. Of course, a guy with a truck, my
19 next words were, be careful. Vince and I are
20 coming across the Forster Street Bridge and my
21 phone rings. It's my wife. Oh, you can imagine
22 the first thing went through my head was, oh, no,
23 she hit something. Thank goodness it wasn't that.
24 It was, how do I turn the windshield wipers on?

25 Think about it. She's driving a 2017.

1 The windshield wipers are on the right-hand side on
2 the lever. With my 2018, they're on the left-hand
3 side on a twisty knob. No two vehicles are the
4 same.

5 When I was working in the dealership,
6 one of the first things I would do when a customer
7 come in with a vehicle that everybody else said
8 couldn't be repair was, take me for a ride. Show
9 me. What's it doing? You show me what I have to
10 do to duplicate it, because if I can't duplicate
11 it, our people can't fix it. And you would be
12 surprised how many times driving down the highway
13 the person would say, well, I push this and I do
14 this, and the next thing the tires are going down
15 the rumble stripes along the side of the road. And
16 my reply was, you drive. You just tell me what you
17 do. Let me work the controls, or let me look at
18 the scanner that I'm holding in my hand.

19 If we could get the car manufacturers to
20 standardize settings, and they're not going to want
21 to do it because, when you buy a new vehicle,
22 everybody wants the new fancy frills. That's fine,
23 but let the frills all be the same. Let it be the
24 windshield wipers are at one spot. The voice
25 control button is at one spot.

1 As I said, I get very frustrated in my
2 own vehicle because it has a maps program on it.
3 But push the voice button while you're driving and
4 try to get it to accept an address. The lady's
5 voice comes on and says, no address found. It's
6 like, I've been there a hundred times. It exists.
7 What's the next thing you do? Your eyes look down
8 at that TV screen in the center of the dash, and
9 you've now just traveled four or 500 yards down the
10 road.

11 So, that's the message I would leave you
12 with today. We can either lead, follow or get out
13 of the way. I think the best thing that everyone
14 has said here today is, hands-free devices are
15 great. But, give the Pennsylvania State Police the
16 ability to enforce that. Just plain, no devices;
17 no hand-held devices, period.

18 We managed that way in the '60s and
19 '70s, and then along came cell phones. We didn't
20 have the accidents back then. When you wanted to
21 adjust the heat on your old '67 truck, did you have
22 to look over to slide that bar across? You knew
23 where it was at.

24 So, again, thank you for allowing us to
25 address you here today.

1 MR. PHILLIPS: I do have one more
2 thought I'd like to share with you.

3 Getting back to the notion of human
4 nature, a lot of things go on that can distract
5 people. For example, following up on what Wayne
6 said, my wife has a car. I have a car. Her
7 controls are different, which means, when I drive
8 her car I have to remind myself how to use the
9 cruise control. Maybe I just can't be taught well,
10 I don't know. But, nonetheless, that's the usual
11 thing that happens. I've gotta in a sense re-learn
12 that behavior because I'm in a different vehicle
13 that's simply structured differently.

14 Now -- (Mr. Phillips open a box of Ritz
15 crackers). Kind of late in the day, right? A
16 little hungry, anybody? I'm willing to share. But
17 you're driving, you get hungry, what do you do?
18 You reach down for, well, food. And does that
19 become a course of distraction?

20 In other words, there's lots of things
21 out there, which is why I would ask you to think a
22 little larger than just hand-held electronic
23 device, perhaps, in the context of another hearing.

24 What are some ideas that could be
25 brought to the table? Let me just throw a couple

1 of things that could be talked about infinita later
2 on. One I already mentioned is driver's ed. You
3 know when I started using seat belts? It's when my
4 kids got after me because I was not. Think about
5 it.

6 Now, of course, driver's ed and my kids,
7 different ages at that time, but kids are taught
8 the correct way to drive in a formal teaching
9 environment. I know all the workability things,
10 budget for schools, mandated issues from the state,
11 I got all that. But still, if you teach them the
12 right way to drive, they may deviate from that but
13 at least they have a grounding.

14 One of the problems with graduated
15 driver's license in Pennsylvania, unfortunately, is
16 that it does rely on other adults to be the ones
17 who teach the kids all their bad driving habits.
18 So, that could be one thing to be revisited.

19 What's another thing? How about giving
20 law enforcement officers the ability to give
21 warning tickets if they see someone using a hand-
22 held device. We already talked about difficulties
23 with evidence. I understand that. But if an
24 officer sees someone on a phone, why not be able to
25 pull them over and at least give them a warning

1 ticket.

2 Sometimes a warning ticket is enough to
3 scare them into model behavior. I know that I
4 always get religion whenever I see a state police
5 officer on the side of the road. You would be
6 amazed at how righteous I can be for at least the
7 next few miles. Oh, excuse me. Are they still
8 here? Did I say that?

9 But, if there's a deterrent, and this
10 echoes what others have said, that might be the
11 thing that makes all the difference.

12 The last antidote I'll give you. My
13 middle daughter, Adrian, Adrian was a student at
14 Towson University. And I get a ticket from
15 Maryland's Motor Vehicle Bureau in the mail, it's a
16 40-dollar ticket for driving too fast on the
17 Baltimore Beltway. So I called her up, and I said,
18 Adrian, I got this ticket; shame on you, right, a
19 good fatherly talk. And she said, well, dad, you
20 know, I didn't drive at all that day. You know, I
21 looked at the picture and it was me smiling back.

22 So, first of all, I'm not a fan of big
23 brother is watching you. That's something I abhor,
24 but, you know, PennDOT could put up, as they have
25 in Maryland, the congratulations, you're on candid

1 camera. You go through it. You get a notice. You
2 will be photographed. Sometimes you even have a
3 flashing light that tells you you have been taken,
4 like I was.

5 I have to tell you, when I drive on the
6 Maryland Baltimore Beltway, I am the model decorum
7 because I know that someone is watching me. And
8 no, I don't like big brother. But, you know, just
9 the threat of being nailed in that way. So, if
10 there's a picture taken of someone on a cell phone
11 and you can get their license number, et cetera,
12 well, why shouldn't they be given a ticket for
13 that? Of course, that would be the topic of
14 conversation for another day.

15 Bottom line is, I very much appreciate
16 you spending the time with us all today, and I
17 thank you very much.

18 MAJORITY CHAIRMAN TAYLOR: Vince, big
19 brother will be tomorrow. I'm sure we're going to
20 hear that phrase a little bit tomorrow.

21 Representative Kortz.

22 REPRESENTATIVE KORTZ: Thank you, Mr.
23 Chairman.

24 Gentlemen, thank you for your testimony
25 today. I just have a comment.

1 And, Sam, I appreciate it. I think you
2 hit the nail right on the head. A few basic
3 truths, people are addicted to their phones, and
4 they do it in all conditions, and we've got to do
5 something about it.

6 I think we definitely have to put this
7 law into effect. We've got to tweak the language,
8 but it's getting worse. I know myself, when I
9 drive down the road and folks coming the other way,
10 everybody's on a phone. They're on the phone. So
11 thank you. I appreciate your candor. Thank you.

12 MAJORITY CHAIRMAN TAYLOR: I'm assuming
13 there are no other questions.

14 But I agree with Representative Kortz's
15 and Sam's comments. I think we do have to get to
16 the point where we have a very clear sound bite-
17 type law that we could easily put on a billboard.
18 I think that -- it is baffling, I think, to me that
19 we haven't done this more clearly already.

20 As I mentioned in our opening, we really
21 can't have a perfect law. We just need to do -- I
22 think banning the entire device as a hand-held is
23 probably the answer. I'm not being fresh here,
24 Vince, but we don't know what those members --
25 Sometimes their notes are on their phone for --

1 their entire testimony is on their phone. They
2 could be --

3 So, I mean, you don't know what someone
4 is doing when they're looking down, but it really
5 doesn't matter if you're driving because -- I mean,
6 it's a problem all the way around.

7 I made reference to tomorrow. Tomorrow
8 we'll have as many critics as we have supporters of
9 radar in our testimony. You can see today, we have
10 pretty able staff but there isn't a lot of folks
11 lined up to say this concept is wrong. And even if
12 law enforcement said that -- I mean, the state
13 police didn't testify that they have a problem with
14 the enforcement or worrying about the enforcement.
15 The FOP didn't say that. PennDOT didn't say it.

16 So, I think you'll see this committee
17 report out a bill, maybe a combined concept, but
18 something that's clear and definable. I think that
19 the educational part of that is going to work. We
20 think of very controversial stuff that we've done
21 already in terms of speed cameras and red-light
22 cameras. No matter what else you say about that,
23 it works. When people know that that's a
24 consequence, they stop doing it. Whether that
25 causes other people inconvenience, that's the way

1 it goes, and we'll deal with the repercussions of
2 that as elected officials.

3 So, to everyone who is here,
4 particularly the Miller family, we appreciate you
5 being here. We'll certainly make sure you're back
6 when we actually do conduct business, which I can
7 assure you will be very soon.

8 You're all welcome tomorrow. I think
9 the room will be a little more crowded tomorrow.
10 For our members, we're starting out early. But
11 before I get to that, Chairman Keller.

12 MINORITY CHAIRMAN KELLER: Thank you,
13 Mr. Chairman.

14 Again, I think this was an excellent
15 hearing with a lot of testimony and a lot of facts
16 we'll have to take into consideration. I'm glad to
17 hear that you think this is an important enough
18 issue that we will work on this bill and get it out
19 this session. I know we've had similar bills
20 passed, and they haven't gone anywhere. With these
21 testifiers and with this hearing, I'm sure -- and
22 with your commitment to do it, I'm sure we'll be
23 able to get something done.

24 Thank you.

25 MAJORITY CHAIRMAN TAYLOR: With that, we

1 will be in this room tomorrow at 10:30 a.m. with
2 the subject of local use of radar.

3 And again, thanks to everybody that
4 participated, and this hearing is adjourned.

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C E R T I F I C A T E

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