DRIVEN TO DISTRACTION: TECHNOLOGICAL DEVICES AND VEHICLE SAFETY

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON COMMERCE, TRADE, AND CONSUMER PROTECTION

AND THE

SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY, AND THE INTERNET

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WITNESSES

DRIVEN TO DISTRACTION: TECHNOLOGICAL DEVICES AND VEHICLE SAFETY

WEDNESDAY, NOVEMBER 4, 2009

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON COMMERCE, TRADE, AND CONSUMER PROTECTION, JOINT WITH THE SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY, AND THE INTERNET, COMMITTEE ON ENERGY AND COMMERCE, WASHINGTON, DC.

The subcommittees met, pursuant to call, at 9:35 a.m., in Room 2123, Rayburn House Office Building, Hon. Rick Boucher [chairman of the Subcommittee on Communications, Technology and the Internet] presiding.

Present from the Subcommittee on Commerce, Trade, and Consumer Protection: Representatives Rush, Schakowsky, Sutton, Green of Texas, Barrow, Matsui, Castor, Space, Dingell, Ex Officio; Radanovich, Pitts, Terry, Murphy, Gingrey, and Scalise.

Present from the Subcommittee on Communications, Technology, and the Internet: Representatives Boucher, Markey, Eshoo, Inslee, Butterfield, Matsui, Christensen, Castor, Space, Welch, Dingell, Waxman, Ex Officio; Stearns, Shimkus, Terry, and Blackburn.

Staff Present: Michelle Ash, Chief Counsel, CTCP Subcommittee; Anna Laitin, Professional Staff; Roger Sherman, Chief Counsel, CTI Subcommittee; Amy Levine, Counsel; Bruce Wolpe, Senior Advisor; Will Cusey, Special Assistant; Sarah Fisher, Special Assistant; Shawn Chang, Counsel; Lindsay Vidal, Press Assistant; Theresa Cederoth, Intern; Aaron Anpaw, CBC Fellow; Greg Guice, FCC Detailee; Timothy Robinson, Counsel; Will Carty, Minority Professional Staff; Sam Costello, Minority Legislative Analyst; Brian McCullough, Minority Senior Professional Staff; Shannon Weinberg, Minority Counsel; and Amy Bender, Minority Detailee.

OPENING STATEMENT OF HON. RICK BOUCHER, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF VIRGINIA

Mr. BOUCHER. The hearing will come to order. Good morning to everyone. We convene today a joint hearing of the Subcommittee on Communications and the Subcommittee on Consumer Protection, both subcommittees of the House Committee on Energy and Commerce; and our subject is consideration of safety issues associated with drivers distracted by wireless and other electronic communications devices.

I want to acknowledge and express appreciation for the excellent cooperation of Chairman Rush of the Consumer Protection Subcommittee and his fine staff as we made preparations for today's

hearing. By prior arrangement, I will be chairing this first portion of the hearing and Chairman Rush will then chair the balance.

The National Highway Traffic Safety Administration estimates that 25 percent of accidents involve some form of driver distraction, resulting in 5,870 deaths and more than 500,000 injuries in a recent year. Texting while driving would appear to be alarmingly prevalent, with 21 percent of drivers in a recent survey indicating that they have done so within the last month. Among less experienced teen drivers, that number more than doubles to 46 percent, and 51 percent of those teen drivers admitted to cell phone use while driving.

The use of electronic devices while driving imperils not only the distracted drivers, but all highway users. Those who are not distracted are victims of crashes that are caused by those who are. We are interested in learning this morning whether the problem is sufficiently egregious that a Federal legislative response is now required, and if that response is in fact now required, what should that response be.

Some States have laws prohibiting the use of handheld cell phones by all drivers; 21 States and the District of Columbia ban all cell phone use by novice drivers, including both handheld and hands-free phones; 18 States and the District of Columbia prohibit text messaging by all drivers. And we are interested in learning how effective these laws have been and whether our witnesses believe that the time has arrived for Federal legislation that practically would ban some or all of these practices, perhaps by withholding Federal highway funds or some portion thereof from States that do not adopt the federally recommended prohibitions.

There is also a sufficient Federal role for education; and the wireless industry has launched a campaign to educate the public about the dangers of distracted driving. Is it time for the Federal Government to expand beyond these privately funded education efforts?

Chairman Genachowski of the FCC has suggested an aggressive public education campaign somewhat similar to the highly successful one that recently promoted the digital television transition. I will look forward to hearing his comments this morning on how such a campaign could be structured, including the respective roles of the public and private sectors and his thoughts about how effective such a campaign might be. Other suggestions from our witnesses for an appropriate Federal response to the problem would be welcome as well.

Finally this morning, I want to point out the excellence that has been achieved by Virginia Tech's Transportation Institute in evaluating the safety issues associated with driver distraction and inattention. Tom Dingus is the institute's director, and he is one of our witnesses on the second panel this morning. Tom will be discussing with us the pioneering work that he and the Virginia Tech Institute have accomplished in the use of naturalistic driving studies through which sophisticated instrumentation is installed in vehicles for the continuous monitoring of driver behavior and performance.

Mr. Dingus has widely acknowledged national expertise on the use of naturalistic driving observation, having 25 years of experi-

ence in the field and having authored more than 40 books, 150 technical publications and 20 major widely read reports on the subject. I congratulate Mr. Dingus for the advances in the field that he and the Virginia Tech Transportation Institute have achieved, and we will look forward to hearing his testimony along with that of our other witnesses this morning.

That concludes my opening statement. And at this time I am pleased to recognize the ranking Republican on our Communications Subcommittee, the gentleman from Florida, Mr. Stearns.

OPENING STATEMENT OF HON. CLIFF STEARNS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. STEARNS. Good morning and thank you, Mr. Chairman. I want to welcome our former colleague, Ray LaHood, and also Mr. Genachowski, the Chairman of the FCC; and so I welcome all of you in taking your time to be with us. And I thank Chairman Rush for his participation for holding this timely hearing.

The fundamental question, I guess, is, how do we address a very real safety issue concerning drivers that simply are distracted by electronic communication devices? The big question is, is legislation needed, is regulation needed, or would a robust educational campaign be sufficient to take care of the problem? So I look forward to our hearing the panelists.

And as new technologies continue to flourish, we are more and more distracted in our lives. This is especially true when we get behind the wheel of a car. Distraction caused by cell phone text messaging while driving increases the risk of accidents by 23.2 percent times in comparison to normal driving. That is according to the Virginia Tech Transportation Institute report.

The report also points out that texting took a driver's focus away from the road for an average of almost 5 seconds, enough time, the report pointed out, to travel the length of a football field at 55 miles per hour.

Furthermore, according to a AAA study, 61 percent of teens admitted to engaging in risky behavior while driving. Of that 61 percent, 46 percent of teens admitted to sending or reading text messages while driving, and 51 percent talk on cell phones while driving.

Now, other studies cite the use of a wireless device as the number one source of driver inattention. Along with drunk driving, the use of electronic devices is becoming the biggest threat to driver safety, especially among our teenagers.

These numbers are staggering. So the question now becomes, what do we do about it. The first and perhaps most important step is education in my opinion. In September 2009, the wireless industry in partnership with the National Safety Council—they launched a teen-focused education campaign to provide parents and teens with information on the dangers of distracted driving. As part of the campaign, a television public service announcement and Web site were developed to remind teens and novice drivers that when they are on the road, be off the phone.

The PSA is the latest in a series of educational efforts undertaken by the industry dating back nearly a decade. The industry has distributed the public service announcement to more than 600

television stations across this country. The wireless industry should be commended for their ongoing educational efforts.

Furthermore, Federal, State and local governments are getting involved. I commend our Secretary LaHood for convening the Distracted Driving Summit last month and FCC Chairman Genachowski for committing to hold a distracted driving workshop in the coming weeks. I hope that this is just the beginning of the government's educational efforts.

But more, obviously, can be done. For example, local school districts need to encourage driver education teachers to spend more time talking about the dangers of using a cell phone or fiddling with an iPod while driving. Local auto clubs, civic organizations and PTAs can get involved as they did to help fight drunk driving. This need not be a government-run educational program.

However, will education be enough to stem the tide of dangerous driving habits? A growing number of States are adding laws to combat this problem. Eighteen States, in fact, and the District of Columbia already have passed laws making texting while driving illegal; and seven States and the District have banned driving while talking on a handheld cell phone.

If the States are going to pass their own safety laws, the question would be, does the Federal Government need to enact laws as well? I would prefer at first to allow the States to address the issue without a Federal mandate or withholding of Federal transportation funds.

One legislative proposal that has been mentioned would penalize States by withholding 25 percent of their Federal highway funds if the State does not enact a law prohibiting drivers from writing, reading or sending text messages while driving. In 1998, in order to promote seatbelt use, Congress opted instead to incentivize States to enact seatbelt laws. Congress created two grant programs to encourage and increase the use of seatbelts and child safety seats and to encourage States to increase seatbelt use rate.

While this approach may be better, I do not believe the Federal Government needs to have an all-out Federal program at this time. But I look forward to hearing our witnesses and more on this subject.

So thank you, Mr. Chairman. I look forward to questioning some of these witnesses on this important subject. Thank you.

Mr. BOUCHER. Thank you very much, Mr. Stearns. The gentlelady from California, Ms. Eshoo, is recognized for 2 minutes.

OPENING STATEMENT OF HON. ANNA G. ESHOO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. ESHOO. Good morning, Mr. Chairman. I want to thank you and the chairman of the Consumer Protection Subcommittee for having this joint hearing, for this timely discussion about the misuse of electronics while driving, and welcome our two distinguished witnesses, Secretary LaHood and Chairman Genachowski, both obviously good friends of the House, having served here as a Member of the House and also a staffer in the House.

I think I come from the commonsense end of the spectrum. I think everyone should follow traffic signals and the rules of the

road. I think drivers should not be distracted by using electronic devices. It ought to go without saying that drivers should not have their eyes focused on an electronic device, be reading a message or texting anyone.

Every State has laws to deal with reckless driving problems and some, like California, have a stricter regime for dealing with electronic devices. In my State, no one is permitted to text while driving, or using a handheld phone, and drivers under 18 may not use any electronic device at all.

The New York Times has been publishing an ongoing series about the use of electronic devices and distracted driving. A recent article described the British method of enhanced penalties for dealing with electronically distracted drivers and told the sad story of a young woman who killed someone very much like herself while texting.

So I think that some attempts to educate drivers have backfired. As another New York Times article noted, it seems that young people laugh off the scare films about this and often see themselves as invincible.

One article in the New York Times series that I found particularly troubling recounted the experiences of truck drivers. They are not kids and they are not inexperienced drivers. They are people who should know better, but it has become common practice for long-haul drivers to use full-scale computer terminals when driving. The Virginia Tech Transportation Institute found that truckers using on-board computers faced a 10 times greater risk of crashing, nearly crashing, or wandering from their lane.

So we are not just dealing with texting on phones or similar devices. We have an epidemic of electronic distraction.

Let's consider the problem of the GPS systems which are specifically designed for drivers. When a driver reprograms the device while barreling down the freeway at 65 miles per hour, that activity can be just as dangerous as sending a text message. So we need to make laws evenhanded and inclusive. It makes no sense to require hands-free phones if someone has to dial a number, it can be the momentary distraction that can end lives.

I look forward to hearing from our distinguished witnesses. Obviously, electronic devices are here to stay. And my guess is, as we move into ubiquitous fourth generation wireless devices, this problem can only worsen.

Thank you, Mr. Chairman.

Mr. BOUCHER. Thank you very much, Ms. Eshoo.

The gentleman from California, Mr. Radanovich, the ranking member of the Consumer Protection Subcommittee is recognized for 5 minutes.

OPENING STATEMENT OF HON. GEORGE RADANOVICH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. RADANOVICH. Thank you, Mr. Chairman. Appreciate you calling today's hearing on distracted driving. I was speaking a little bit earlier, but I was a little bit distracted on my BlackBerry; and I have put it down now so I am focused.

But there is no doubt that drivers need to be attentive when driving their vehicle. Over 37,000 people died on our roads as a result of auto accidents in 2008. And although the number is quite large, the good news is that it is significantly lower than the number of fatalities in 2007.

We have seen improvements in vehicle safety, and we have lowered the overall rate of auto-related deaths through multiple approaches, technology improvements that enhance vehicle safety, education campaigns to lower the incidence of drinking and driving, and greater enforcement of existing laws including seatbelt laws.

These improvements have all been accomplished through the combination of public/private partnerships, as well as through cooperation between the States and Federal Government; and should be examined as a potential approach in reducing distracted driving.

Nonetheless, there is no single cure to preventing the tragic loss of life on our roads that is inevitable every year. A car is a several-thousand-pound instrument that can travel at great speeds on the highway and needs to be regarded with respect for its capability to cause serious injury or death with one moment of driver error. Even the best technology, such as lifesaving air bags, is generally limited to those inside the vehicle and cannot save pedestrians or unprotected passengers.

Addressing the root causes of accidents and seeking to prevent them is good public policy. We continue to battle a never-ending fight over alcohol-impaired driving, which is the most serious factor affecting highway deaths.

The current topic of distracted driving is not new. Cell phone use has been a growing fixture for more than a decade and has been in the public debate regarding its effect on driving for nearly as long. How we do it efficiently and effectively is but another question.

Many States have responded with hands-free requirements for drivers that use cell phones while operating their vehicle. I am interested in how those efforts have affected driver behavior and whether their experiences are relevant to the latest concern, texting while driving.

Again, a growing number of States have assumed their traditional role of writing the laws governing driver behavior with respect to texting and enacting various laws to ban the practice. I am sure no one here supports the notion that taking your eyes off the road is a good idea, nor that we want to be driving down the road when another driver isn't watching the road. Changing driver behavior to avoid distractions and focus on driving is the core issue of what we are addressing here today.

Given that texting is disproportionately conducted by younger drivers who have grown up with this technology, the risks associated with texting while driving will only increase as the population most likely to text actually becomes a larger percentage of drivers on our roads.

I believe that we should allow the States to continue to act in this area and supplement their efforts where we can with a public/private education campaign. Ultimately, as we have discovered in other laws Congress has sought to force the States to enact, it will

depend in large part on effective enforcement and whether enforcement and education are sufficient deterrents to alter behavior.

Early evidence suggests it is difficult to enforce a complete ban on cell phones, as many users will switch to hands-free devices that are difficult to detect. Similarly, funds available to provide for increased enforcement is a luxury that most States and the Federal Government do not enjoy, particularly when weighed against competing priorities to improve driver safety such as efforts to curb drunk driving.

Finally, as many of our panelists will probably agree, enforcement alone is not the solution. I have a number of questions about how we can use existing State laws, combined with public/private education campaigns, to improve deterrence and whether such efforts will be effective. According to Ms. McCartt's testimony, it is unclear whether the frequency of crashes in States that have enacted bans has actually been lowered when compared to crash data prior to the bans. So the evidence should be substantiated before a ban is considered as a solution, if we want to improve safety.

I am equally interested in exploring how technology can be used to improve safety and discuss the specific applications being developed to address the uses of devices while driving. The technology that has made our lives much easier and made us more productive may also hold potential to mitigate many of the risks associated with the same devices.

Finally, one aspect that I rarely hear discussed related to all driver safety issues, but which I believe is relevant is the level of qualifications of the drivers. I believe in States' rights to qualify and license their residents to drive a vehicle, but I think at some point we should discuss whether the bar is set appropriately to test for competency or whether we should be encouraging the States to reexamine their approach to issuing driver's licenses.

Thank you, Mr. Chairman. I yield back.

Mr. BOUCHER. Thank you very much, Mr. Radanovich.

[The prepared statement of Mr. Radanovich follows:]

Statement of the Honorable George Radanovich
Ranking Member. Subcommittee on Commerce, Trade, and Consumer Protection
Hearing on Distracted Driving
November 4, 2009

Thank you Mr. Chairman for calling today's hearing on Distracted Driving. There is no doubt that drivers need to be attentive when driving their vehicle. Over 37,000 people died on our roads as a result of auto accidents in 2008. Although the number is quite large, the good news is that it is significantly lower than the number of fatalities in 2007. We have seen improvements in vehicle safety that have lowered the overall rate of auto related deaths through multiple approaches: technology improvements that enhance vehicle safety, education campaigns to lower the incidence of drinking and driving, and greater enforcement of the existing laws, including seat belt laws. These improvements have all been accomplished through the combination of public-private partnerships, as well as through cooperation between the states and Federal government and should be examined as a potential approach to reducing distracted driving.

Nonetheless, there is no single cure to preventing the tragic loss of life on our roads that is inevitable each year. A car is a several thousand pound instrument that can travel at great speeds on the highway and needs to be

regarded with the respect for its capability to cause serious injury or death with one moment of driver error. Even the best technology – such as life saving airbags – is generally limited to those inside the vehicle and cannot save pedestrians or unprotected passengers.

Addressing the root causes of accidents and seeking to prevent them is good public policy. We continue to battle a never-ending fight over alcohol impaired driving, which is the most serious factor affecting highway deaths. The current topic of distracted driving is not new. Cell phone use has been a growing fixture for more than a decade and has been in the public debate regarding its effect on driving for nearly as long. How we do it efficiently and effectively is another question.

Many states have responded with hands-free requirements for drivers that use their cell phone while operating their vehicle. I am interested in how those efforts have affected driver behavior and whether their experiences are relevant to the latest concern: texting while driving. Again, a growing number of states have assumed their traditional role of writing the laws governing driver behavior with respect to texting and enacted various laws to ban the practice. I am sure no one here supports the notion that

taking your eyes off the road is a good idea, nor that we want to be driving down the road when another driver isn't watching the road.

Changing driver behavior to avoid distractions and focus on driving is the core of the issue we are addressing. Given that texting is disproportionately conducted by younger drivers who have grown up with the technology, the risks associated with texting while driving will only increase as the population most likely to text actually becomes a larger percentage of drivers on our roads.

I believe we should allow the states to continue to act in this area and supplement their efforts where we can with a public-private education campaign. Ultimately, as we have discovered in other laws Congress has sought to force states to enact, it will depend in large part on effective enforcement and whether enforcement and education are sufficient deterrents to alter behavior. Early evidence suggests it is difficult to enforce a complete ban on cell phones, as many users will switch to hands free devices that are difficult to detect. Similarly, funds available to provide for increased enforcement is a luxury that most states and the Federal government do not enjoy, particularly when weighed against competing

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the drivers. I believe in the States' rights to qualify and license their residents to drive a vehicle, but I think at some point we should discuss whether the bar is set appropriately to test for competency or whether we should be encouraging the states to reexamine their approach to issuing driver licenses.

I thank the Chairman and yield back.

The gentleman from Georgia, Mr. Barrow, is recognized for 2 minutes.

OPENING STATEMENT OF HON. JOHN BARROW, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. BARROW. I thank the Chair.

The chairman has set the table by pretty much setting forth the real purposes for this hearing today. One is to raise awareness of the problem—and it is a real problem; and second, to explore whether or not a Federal response is appropriate to this problem and, if so, what is the best response at the Federal level.

On the issue of raising awareness to this problem, I, like a lot of folks have thought and reflected a great deal on my own practices and what other folks do, and I can't help but think that one of the real insidious aspects of this problem is the incredible disconnect between what folks are doing and what they are feeling while they are doing it.

If someone is impaired because they are under the influence of alcohol, they know that they are impaired. Deny what you will, say what you will, anybody who is impaired because they have had too much drink knows that it is not having a positive impact. As a subjective matter they know they are at risk to the extent they think about it at all.

But you take somebody who is riding down the road and they are text messaging, the subjective experience is the exact opposite. Here are people that are doing two very complicated things at once, and it is sort of exhilarating in a way. One of the reasons why folks do it, sometimes they do it just to show they can do it.

It is an insidious aspect of this problem that the objective effects of being impaired by distraction from electronic devices is, insofar as the rest of the world is concerned, exactly the same as the impact of being impaired by being under the influence of alcohol. Insofar as the way your car behaves, there is no difference; but the subjective experience of the person who is doing it is the exact opposite, and that is one of the things, I think, that gets a lot of people doing this and adds to our problem of trying to figure out what the right solution is.

As far as the appropriate level of Federal response concerned, I don't know what that is. But I know this. I want to commend the Obama administration and Secretary LaHood, in particular, for setting a good example. The Federal Government is both a contributor to the problem to the extent we have got rolling stock and people on the roads, but it is also setting a good example or a bad example. And the administration has set a good example by making sure that as far as Federal employees are concerned we are going to observe the highest and best standards and ban these practices.

So I want to commend Secretary LaHood for leading by example, and I look forward to any contributions you all have to make as to what the appropriate response is beyond that.

Thank you, and I yield back.

Mr. BOUCHER. Thank you, Mr. Barrow.

The gentleman from Illinois, Mr. Shimkus, is recognized for 2 minutes.

Mr. SHIMKUS. Thank you, Mr. Chairman. I will be brief.

I want to welcome my colleague and friend, Ray LaHood, who is my mentor also, and I miss him on the floor—helping me sort through some of these votes, Ray. So I just wanted to say that publicly.

Chairman, welcome. We hope you don't make any major announcements tomorrow after visiting with us today so we will be watching for that.

The second panel, Steve Largent, our former colleague on this committee, I want to welcome you.

Distracted driving is bad. I am on the record that distracted driving is bad.

Issue two: I have never been for the Federal Government extorting highway funds to obtain some means to an end that should be decided through the States.

So I look forward to the hearing. Thank you, Mr. Chairman. I yield back.

Mr. BOUCHER. Thank you very much, Mr. Shimkus.

The gentlelady from California, Ms. Matsui, is recognized for 2 minutes.

OPENING STATEMENT OF HON. DORIS O. MATSUI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. MATSUI. Thank you Chairman Boucher, and also Chairman Rush for calling today's joint hearing. I applaud your leadership in addressing this very important issue.

I would also like to thank Chairman Genachowski and my former colleague, Secretary LaHood, for being here this morning.

It is very important that we examine the safety issues caused by drivers who are distracted by communication devices. With more than 270 million cell phone subscribers, most Americans rely on wireless devices to communicate with their family, their friends and for business purposes.

Recent studies have shown that about four out of five cell phone owners make calls while driving, and nearly one in five send text messages. While several States, including my home State of California, have banned texting and the use of handheld phones while driving, such prohibitions have not deterred enough motorists from using such devices or prevented accidents as a result.

In California, we have had a number of tragic incidents involving cell phones or texting, including last year's tragic commuter train incident—an accident in which the operator was texting and 25 people died.

A current study by Car and Driver Magazine indicated that texting poses a greater threat than driving under the influence. That being said, I am pleased that the administration, as well as the wireless industry, are taking on this issue. I applaud the leadership of Secretary LaHood for bringing a renewed sense of urgency to address distracted driving in all modes of transportation, particularly vehicles that transport children. Additionally, I commend Chairman Genachowski for indicating in his testimony that the FCC will explore ways in which drivers could be informed via outreach and education programs.

Moving forward, we must promote greater awareness regarding the dangers of driving while distracted. It is my hope that we get to the point where Americans see the value of safe cell phone use in the same way they view putting on a seatbelt. It is a precautionary measure they can't afford not to use.

I thank you, Mr. Chairman, for holding this important hearing today. I look forward to working with you and our colleagues on this committee to address this issue. And I yield back the balance of my time.

Mr. BOUCHER. Thank you, Ms. Matsui.

The gentleman from Nebraska, Mr. Terry, is recognized for 2 minutes.

OPENING STATEMENT OF HON. LEE TERRY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEBRASKA

Mr. TERRY. Thank you, Mr. Chairman. And witnesses, thank you for being here. And Ray, it is always great to see you here.

I think we all understand that every car wreck is caused by distraction, whether it is the momentary flash of going over in your mind your opening statement and missing the stop sign, or the too highly dangerous yet becoming all too common actions of texting while driving, or drinking while driving. I think it is appropriate that we have the discussions here—well, maybe not here, but at least nationally have discussions regarding these dangerous activities while driving.

I am concerned, though, that we are talking about taking Federal action. I believe that driving laws, in particular, are inherent to States' rule, including ages for alcohol—those should be up to States—and therefore, I would encourage every State to look at any laws regarding texting while driving.

Also, as we look here or have this discussion, I want to see where our witnesses lie on hands-free technologies, because they are obviously less distracting. Is that something that should also be banned as well?

So I want to hear what the involvement recommended by the Federal Government and to what extent that involvement should be on hands-free wireless technology.

So I will yield back my 2 seconds.

Mr. BOUCHER. Thank you, Mr. Terry.

The gentlelady from the Virgin Islands, Mrs. Christensen, is recognized for 2 minutes.

OPENING STATEMENT OF HON. DONNA M. CHRISTENSEN, A REPRESENTATIVE IN CONGRESS FROM THE VIRGIN ISLANDS

Mrs. CHRISTENSEN. Thank you, Mr. Chairman. You know, with this hearing, I think that we may be at the beginning of a major public health advance, as many have said, much like seatbelts have been; and so I thank the Chairs and ranking members for holding this important hearing.

And I also want to thank our witnesses who are testifying and extend a special welcome to our former colleague, Secretary LaHood and President and CEO Steve Largent.

And, Secretary LaHood, I want to take this opportunity to thank you for your commitment to this cause in fulfillment of your prom-

ise to those who you met who have lost loved ones or been victims of distracted driving; and also to thank you, Chairman Genachowski, for what you have done and plan to do to address this problem, and for reminding us also that technology has also saved lives.

I made reference to seatbelts, and I became a more consistent seatbelt wearer shortly before my first daughter turned 15, when she was taking driving lessons, to be an example to both of them when they began to drive. Too many, young and old, have lost their lives in car accidents because they did not wear seatbelts. But seatbelts have also saved countless lives.

The same can happen with the initiatives and new technologies to reduce distractions while driving we are discussing today. I will have to admit that I have texted while I was driving, but that is a thing of the past. From personal experience, I can tell you that just talking on the phone, even with a Bluetooth, or just looking down to change a radio channel can be a significant distraction and even lead to an accident.

So, for me, this is a public health issue that affects everyone, but mostly our young people. There are many dangers that threaten their lives, and we need to reduce them wherever we can as we are exploring today. As has been said, it will take the efforts of one to reduce accidents caused when we take our eyes off the road to text, to call, to read or for any other reason.

I am proud to say that my district, the U.S. Virgin Islands, has enacted laws that ban the use of handheld devices, require drivers to use hands-free devices and, just last week, to prohibit text messaging or on watching videos while driving.

So I look forward to the testimony, and I would like to especially thank the witnesses for the efforts they have already been undertaking, especially those who are sharing their personal tragedies with us on this issue.

Mr. BOUCHER. Thank you, Mrs. Christensen.

The gentlelady from Tennessee, Mrs. Blackburn, is recognized for 5 minutes.

I am sorry, for 2 minutes.

OPENING STATEMENT OF HON. MARSHA BLACKBURN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TENNESSEE

Mrs. BLACKBURN. Thank you, Mr. Chairman. And I probably won't even use the 2 minutes, but I appreciate your graciousness of offering 5 there.

I do want to welcome our former colleagues, Mr. LaHood, who was always very kind to me—Mr. Largent, we are glad to see you here. And, Mr. Chairman, I am delighted that you are here with us. We welcome all of our witnesses.

And, Mr. Chairman, I thank you for the hearing today. I think that sometimes we grow very weary of the long arm of the Federal Government telling us what we can and cannot do. And we are, at the same time, very concerned about what we see as the distraction that is there from utensils and innovations and gadgets and items in our cars that do distract us from watching the road and keeping both hands on the wheel.

I think that where we are going to move with this and where my questioning will move with you all is looking at where the public education responsibility is, and then if there is something that is needed there for education or not.

And, Mr. Chairman, I am going to really be interested in your comments on public education. I am always pleased to see an item where we can agree and where we can focus our energies together. So I am going to be interested in your comments.

And I applaud all the industries that have moved forward with public service education to raise the awareness and to educate our citizens, especially younger drivers, about the perils of distraction and driving.

I thank you all, and I yield back.

Mr. BOUCHER. Thank you, Ms. Blackburn.

The gentleman from Michigan, Mr. Dingell, chairman emeritus of the full committee, is recognized for 5 minutes.

OPENING STATEMENT OF HON. JOHN D. DINGELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. DINGELL. Mr. Chairman, I thank you. I commend you for convening today's hearing. And I look forward to the results of our inquiry into the distraction that relates to technological devices and driving.

I particularly want to welcome our old friend, Mr. LaHood, back. Welcome back, Mr. Secretary.

And I also want to welcome Chairman Genachowski of the Federal Communications Commission.

I anticipate an informative discussion about the dangers posed by technological devices to driver safety, as well as roles played by government industry and other groups in identifying and in addressing them.

Rather than focus my remarks on the finer details of the matter, I would like to take this opportunity to remind my colleagues of the necessity to ground public policy in adequate research and to provide administrators with flexibility to adopt measures of proper character in the face of change. Although we share a justified measure of concern about the relationship between use of certain technological devices and driver safety, we have to guard against enthusiastically enacting overly prescriptive statutes and directing creation of regulatory regimes that, in the long term, may stifle innovation and ultimately show them to be of marginal benefit to the cause of improving driver safety.

By analogy then, in response to widespread apprehension concerning the safety of consumer products, particularly children's toys, the Congress and the President enacted the Consumer Product Safety Improvement Act. The result was the implementation of regulations with unnecessary broad application, coupled with a peculiar absence of flexibility in their administration by the Consumer Product Safety Commission.

I would note that this committee was rather careful in its handling of those matters in a fully bipartisan way. But, of course, when the matter got to the United States Senate, again, things do change.

While certain issues such as texting while driving lend themselves quite easily to being addressed by statutory or regulatory resolution, I urge my colleagues to exercise a modicum of restraint in addressing the large matter at hand, thereby ensuring design and implementation of sound public policy that recognizes and incorporates the necessity that I just mentioned.

Thank you for your courtesy, Mr. Chairman. I yield back the balance of my time.

Mr. BOUCHER. Thank you very much, Mr. Dingell.

The gentleman from Georgia, Mr. Gingrey, is recognized for 2 minutes. And he is not here.

The gentleman from Pennsylvania, Mr. Murphy, is recognized for 2 minutes.

OPENING STATEMENT OF HON. TIM MURPHY, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF PENNSYLVANIA

Mr. MURPHY OF PENNSYLVANIA. Thank you, Mr. Chairman. And welcome to our distinguished and esteemed panelists today.

I want to say that when I was coming in from the airport the other day, one of my staff driving me, we were driving slow because there was a vehicle in front of us with its turn signal on, swerving lane to lane. No one could pass because none of us were quite clear what was going on. This vehicle eventually exited off a ramp, and I could glance over and see the driver, no hands on the wheel, hands on texting and eyes were not even on the road. I am surprised the driver did not end up in the Potomac River—unfortunately, an all-too-common scene that we see and one that many times ends up with tragic consequences with auto accidents and deaths of all ages.

We have—that is one of the many concerns we have. Obviously, the Department of Transportation is deeply concerned about the things that contribute to that, whether it is a parent trying to scold their child in the back seat or buckle someone up when they should have done those things before the car was moving, to changing channels on the radio to putting makeup on in the car, shaving, reaching for something underneath. All those are dangerous practices and all those that we need to be paying attention to.

But in this particular case it is the issue of technology and how none of us can cut the tether to communicate with our offices and other people somehow as if all of these things are life-and-death matters. I am looking forward to hearing any solutions to this, of what can be done.

All of us at times have been guilty of doing this very thing. All of us need to be paying better attention to keeping our eyes on the road and our mind on the road, and finding ways to do this that are sensible, practical and, above all, safe; and I am looking forward to hearing these recommendations from both of you.

And with that, I yield back.

Mr. BOUCHER. Thank you, Mr. Murphy.

The gentleman from Massachusetts, Mr. Markey, is recognized for 2 minutes.

OPENING STATEMENT OF HON. EDWARD J. MARKEY, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF MASSACHUSETTS

Mr. MARKEY. Thank you, Mr. Chairman, very much.

So we have this new phenomenon. "DUI" used to stand for "driving under the influence"; now it stands for "driving using the Internet."

And this new DUI is something that obviously is a combination of the jurisdictions of the two gentlemen sitting here today. The jurisdiction of the Federal Communications Commission and Chairman Genachowski has created this anytime, anywhere communications capability, but it is now being applied over to Secretary LaHood's jurisdiction—trains, planes and automobiles. And over there we see pilots using computers, laptops, and missing their airport by 150 miles, or subway operators who are texting when they should be looking at the next stop, or truck drivers who have their computers on their laps while they are out with 18-wheelers on the highway. So this is clearly a huge issue.

Now, in a previous generation, we would wind up mandating seatbelts, mandating air bags, trying to use technologies to protect against the deficiencies that existed in the old technology, the automotive technology, so that we can protect passengers. And Mothers Against Drunk Driving would come along, and they would urge a public education campaign so that we would discourage that kind of behavior.

I think what we have to do here is to try to find solutions that perhaps could, in the same way we did with seatbelts and air bags, find new technologies that can help us to deal with this issue, find technological solutions that can help us to navigate through this labyrinth of new issues that are being created, while mindful of the fatalities that are being created across our country because of the recombinant technological DNA that Chairman Genachowski and Secretary LaHood's jurisdictions are now bringing to our attention.

We thank you, both of you, for your work on this issue.

Thank you, Mr. Chairman.

Mr. BOUCHER. Thank you very much, Mr. Markey.

The gentleman from Louisiana, Mr. Scalise, is recognized for 2 minutes.

OPENING STATEMENT OF HON. STEVE SCALISE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. SCALISE. Thank you, Mr. Chairman.

With the technological advancements in wireless electronic communications, we are now enjoying greater use of our cell phones and are communicating in ways never imagined. These advancements include hands-free devices, as well as vehicles with built-in phones, both of which have improved our ability to communicate. But even with all of these advances, drivers still face countless distractions when behind the wheel.

Mr. Chairman, I appreciate the importance of this issue, and I am glad that we are discussing the safety and health of the American people. However, I do regret that we are not here today discussing the single biggest health care issue in our country, the

1,990-page government takeover of health care that we will likely be voting on in the next week.

Our committee has yet to have a hearing on the recently filed bill that will jeopardize health care for the vast majority of Americans, nor have we had the opportunity to ask direct questions about the bill to Health and Human Services Secretary Sebelius, the very Cabinet official who will oversee this trillion-dollar government run takeover of health care.

Mr. Chairman, Speaker Pelosi's latest bill spends over $1 trillion on a government takeover while adding $700 billion in new taxes on families and small businesses and imposing $500 billion in cuts to Medicare.

And, even worse, changes are still being written behind closed doors where Speaker Pelosi and the Democrats running Congress are brokering deals and employing budget gimmicks to conceal the true cost of the bill, which led the Wall Street Journal earlier this week to call the new health care bill "the worst bill ever"—I quote—and decried the massive taxes, spending and what the Wall Street Journal called, quote, "dishonest accounting."

This is all being done at the expense of the American people who, if this legislation is enacted, will face rationed care, lower quality, higher premiums and hundreds of billions in new taxes at a time when our economy can least afford it, including a new health care czar and unprecedented government control of medical care.

Mr. Chairman, again let me say I think it is a disservice to the American people if we do not hold a formal hearing on the 1,990-page government takeover of health care that Speaker Pelosi filed this week, and we may be voting on in the next week.

I would like to welcome our witnesses here today, and I yield back.

Mr. BOUCHER. Thank you very much, Mr. Scalise.

The gentleman from Washington State, Mr. Inslee, is recognized for 2 minutes.

Mr. INSLEE. Thank you. Obviously, if you look at the numbers, the number of Americans killed by distractions may exceed September 11th every year. This is obviously a serious issue.

I appreciate the Chair having this committee hearing. The one thing I hope we look at it and I will look forward to: the witnesses in trying to distinguish and parse out the types of distraction—visual, auditory or textual, and cognitive. And the reason I note that is that I think where we may be heading is a way to try to reduce the first two. But the cognitive is one that is going to be something that—I think Americans want to maintain the right to talk to people in their car, and I suspect they are going to want to maintain the right to talk to people out of their car once we can give them hands-free systems that do not either physically detract them from using their hands or visually detract them from using their eyes; and I suspect that is where we are going to end up.

So I will be very interested in any of the testimony trying to distinguish the source and nature of that distraction that allow this technology to move forward. Thank you.

Mr. BOUCHER. Thank you, Mr. Inslee.

The gentleman from Ohio, Mr. Space, is recognized for 2 minutes.

OPENING STATEMENT OF HON. ZACHARY T. SPACE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. SPACE. Thank you, Mr. Chairman. And I would like to thank Chairman Rush, Ranking Members Radanovich and Stearns, as well as our witnesses.

Mr. Chairman and Mr. Secretary, welcome, and thank you for your appearance today and for your attention to this issue, which is of considerable concern. I have two kids who are both college age, and I have to say, I am alarmed and struck by the findings and your anticipated testimony on just how dangerous texting is, specifically for young people. Certainly, I can't imagine losing a family member to a distracted driver, as Mr. Teater has, but certainly, I hope that our work here today will help bring attention to and help us come up with some solutions for this pressing problem.

I come from Ohio, and Ohio does not have a law banning texting or even using a cell phone, even teenagers using cell phones. I think we have got a long way to go.

But we are making some progress. ODOT, under its Director, Jolene Molitoris, recently held a mini safety summit on distracted driving, and I think we have made some significant progress there. What I think we have to do is balance out what some of our colleagues have referred to today as States' rights with what I believe to be a compelling need for public safety. And my colleague from Washington, Mr. Inslee's reference to handheld devices—not handheld, but hands-free devices, voice activation, certainly represents an attractive avenue. And I only ask that when these issues are considered, we factor in the needs of rural America as well, where we spend a lot more time in our cars than they do in many urban areas.

Again, I would like to thank both panels—Mr. Largent, nice to see you again—for your time here today. And I yield back my time. Thank you, Mr. Chairman.

Mr. BOUCHER. Thank you very much, Mr. Space.

The gentlelady from Ohio, Ms. Sutton, is recognized for 2 minutes.

OPENING STATEMENT OF HON. BETTY SUTTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Ms. SUTTON. Thank you, Mr. Chairman. And thank you for holding today's hearing on this issue that is clearly affecting so many lives throughout our Nation—distracted drivers.

We have all seen the drivers on the phone next to us; and we have all been stuck behind a driver who fails to see the light has turned green, and it is because they are sending a text. Or, the other day I was behind a driver who failed to move when the light turned green; and as she turned, I saw that she was holding a bowl of food—a bowl of food—that she was eating at the same time she was driving.

Some of us have known someone whose life has been disrupted because of a distracted driver. And trends and technology have only added to the number of distractions facing our drivers. And so there is growing concern about the risk associated with drivers' use of cell phones and Internet technologies, texting and other devices

that are brought into vehicles. And the use of these devices does pose a serious safety risk, not only for the driver, obviously, but for other drivers and pedestrians and passengers and bicyclists.

You know, not too long ago my husband, who was walking our dog on a quiet neighborhood street, was hit by a car, by a distracted driver. And although he wasn't badly injured, it was certainly a wake-up call, and it was pretty startling. And if they had hit my dog, he probably would have been killed, and then there would have been a lot of problems. So we clearly need to act.

I would like to applaud my friend, Secretary Ray LaHood, for holding a summit on this topic and for his leadership on this and so many other issues.

In Ohio, the Department of Transportation Director, Jolene Molitoris, has held a summit also to explore ways to prevent texting while driving. I am interested in hearing from the witnesses today, from researchers and safety advocates and the industry and the administration, about how we should pursue this very complicated problem of distracted driving and what we need to do to prevent and guard against the poor safety results that occur when we allow distracted drivers to persist.

And I yield back.

Mr. BOUCHER. Thank you very much, Ms. Sutton.

The gentlelady from Florida, Ms. Castor is recognized for 2 minutes.

OPENING STATEMENT OF HON. KATHY CASTOR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Ms. CASTOR. Thank you, Chairman Boucher and Chairman Rush, very much for calling this important hearing on distracted driving.

I would like to thank Secretary LaHood and Chairman Genachowski. You all have been very proactive. Right off the bat, you have taken very seriously the significant public safety threat that distracted driving poses to families all across America.

It is a big problem in my home State of Florida. And there are many sad stories from all across the country. But one that hit home a year or so ago in Saint Petersburg, Florida, where a young man named Davin Dyslin was working. He checked out of work, got in his truck, left. He realized that he forgot to clock out, and as he was preparing to turn around, his cell phone went off. He reached down to get it.

At the same time, he didn't realize he barreled right into a tanker truck, and the tanker had 8,500 gallons of gasoline in it. Though, mercifully, it did not ignite, Davin broke six ribs, his nose, a bone in his back and then was in a coma and intensive care for a few days.

He was incredibly lucky. He lived, and he did not take anyone else's life.

But in just the statistics for 2007 in Florida, 2,000 Floridians died due to distracted driving. Florida does not have a law banning cell phone use while driving or texting, unlike many other States and the District of Columbia. This may explain partly why we have so many deaths on our highways.

Last year the State legislature had a big knock-down-drag-out fight over this. Tried to pass a law, but they were unable to come

to an agreement. I hope they will revisit it and I hope we can examine solutions here.

But I would also like to make a public plea to parents to set a good example for their kids. When they drive and they have their children in the car, they need to be sure that they are not unnecessarily on their cell phone and are not texting, themselves, so the kids learn the right habits.

There is a long history in this body of enforcing national highway safety standards by using them as conditions for highway funding. That is the method by which we raised the drinking age to 21. That is how we enforced the national speed limit. I will be interested to hear all of the witnesses' opinions as to whether we should do that in this case, in light of the research that shows equivalence between distracted driving and drunk driving.

Thank you. I yield back.

Mr. BOUCHER. Thank you very much, Ms. Castor.

The chairman of the Energy and Commerce Committee, the gentleman from California, Mr. Waxman, is recognized for 5 minutes.

OPENING STATEMENT OF HON. HENRY A. WAXMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. WAXMAN. Thank you very much, Mr. Chairman.

Welcome our witnesses today. Good to see you both.

I want to thank Chairmen Boucher and Rush for convening this joint hearing on a compelling topic. Driver distraction, stemming from the use of wireless and other technological devices, is a risk we all face in every mode of transportation as drivers, passengers, pedestrians and, for many, as parents.

Just recently, we all read about two commercial pilots who lost track of time and overshot the Minneapolis airport by 150 miles because they were busy looking at personal computers. Thankfully, the passengers on that trip arrived safely.

The same cannot be said for the 25 commuter rail passengers who were killed in September 2008 in my congressional district when a Metrolink commuter train and a freight train collided head on in Chatsworth, California. While that Chatsworth crash remains under investigation, the National Transportation Safety Board has focused in part on dozens of cell phone text messages received and sent by the Metrolink engineer up to 22 seconds before the crash.

Today's hearing focuses on drivers' use of devices built in or brought into the passenger vehicles.

Secretary LaHood, I want to thank you for your leadership and vision in recognizing the scope of this problem and organizing the recent distracted driving summit. I particularly want to commend you for your role in working with President Obama, who issued an executive order barring executive branch employees from texting while driving. It affects millions of Federal workers and demonstrates this administration's commitment to this issue. Your continued focus will be essential for keeping up that momentum.

And I also want to thank and commend Chairman Genachowski of the FCC for offering the expertise of his agency to inform the committee about where technology is headed and what the communications industry can do to promote responsible use of these de-

vices. Your testimony gives us the opportunity to better understand the research, legislative, educational and technological solutions that are available to address distracted driving and save lives on our roads and highways.

And while my next comment does not pertain to the subject of today's hearing, this is the first time I have seen you since the FCC's release of the notice of proposed rule-making for preserving the open Internet, and I want to take this opportunity to compliment you on the process you are using for this rule-making and for your commitment to data-driven decision-making. As you know, I am a proponent of strong net neutrality rules, and I believe we are going to get a better rule as a result of your open and thoughtful approach.

I also want to thank our second panel of experts, including David Teater from the National Safety Council, who brings the unique perspective of a parent who tragically lost his 12-year-old son to a driver who ran a red light while distracted by a phone conversation. And I am sorry for his loss, and I hope our work here today will prevent further tragedies.

Thriving innovation in the technology sector is generating robust consumer demand for portable music, video, texting, phone, GPS and Internet capabilities. The increasing availability of Bluetooth, Wi-Fi signals and voice-activated systems to enable these devices in cars forces us to consider the challenges and opportunities these technologies may pose for safe driving.

There is disagreement among researchers and among our panelists as to how and whether distraction from these technologies can be effectively measured and minimized. One key outstanding question is whether hands-free devices are any safer than handheld, and whether hands-free laws have a positive impact on driver safety. New research and development today, including an upcoming 2,000-car naturalistic driving study, offers an unprecedented opportunity to resolve some of these disputes.

Strong research is essential for forming public policy. I believe we are at a critical juncture that requires an all-hands-on-deck approach, all-hands-on-the-steering-wheel approach, from government industry, academics and the driving public. What we have learned from decades-long campaigns to promote seatbelt use and combating drunk driving is that driver behavior is hard to change.

But strong laws, through research, consistent enforcement, creative education, innovative technology and industry participation, are essential ingredients for success. I welcome our witnesses and appreciate their coming forward in such a helpful manner to help us address this very critical safety issue.

Thank you, Mr. Chairman.

Mr. BOUCHER. Thank you very much, Mr. Waxman.

The gentleman from Pennsylvania Mr. Pitts is recognized for 2 minutes.

OPENING STATEMENT OF JOSEPH R. PITTS, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF PENNSYLVANIA

Mr. PITTS. Thank you, Mr. Chairman.

Thank you for holding this hearing on safety issues caused by drivers distracted by wireless and electronic communication devices. I think we all agree that distracted drivers are impediments to road safety. The National Highway Transportation Safety Administration estimates that 25 percent of crashes involve some form of distraction.

While it is important to keep in mind that this statistic encompasses all forms of distraction and not just electronic and wireless device distraction, the rise in electronic and wireless device usage has introduced new traffic safety challenges. Texting while driving is particularly concerning, as the driver is manually, visually, and cognitively distracted.

I am pleased to hear that several wireless carriers have taken it upon themselves to initiate a number of public education campaigns to increase the level of awareness on the correlation between texting and distracted driving.

Twenty-one States and the District of Columbia have passed legislation banning text messaging while driving. In fact, some States have gone further and have prohibited all drivers from talking on handheld cell phones while driving.

As I am sure we will hear in today's testimony, distraction from electronic and wireless devices can take many forms. And I support sensible safety requirements.

I welcome our distinguished witnesses today. I look forward to hearing from our witnesses regarding this important issue. And I yield back.

Mr. BOUCHER. Thank you, Mr. Pitts.

The gentleman from Texas, Mr. Green, is recognized for 2 minutes.

Mr. GREEN. Thank you, Mr. Chairman. I ask unanimous consent my full statement be placed in the record.

Mr. BOUCHER. Without objection the statements of all Members will be placed in the record.

OPENING STATEMENT OF HON. GENE GREEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. GREEN. I want to thank both our chairs for calling this hearing on distracted drivers. And I guess, as practicing law, I would probably say my statement is going to be against interest, Mr. Chairman, because I think every one of us up here and probably everyone in the audience is probably guilty of the concerns we have. In fact, on the way in this morning, my wife pointed out that a lady next to us in traffic was actually putting on her eye makeup and had her whole kit or whatever there sitting there.

And most of these laws come from our State legislature. I know, in Texas, we, a few sessions ago, passed legislation on new drivers, teenage drivers. We this last session dealt with public school zones. And so you see the pendulum moving there.

I guess my interest was that, even though I use my BlackBerry and my cell phone literally all the time, I know it is dangerous. And so I think I need a law saying not to do it. But historically, we depend on our States for doing that.

And there are things that are really useful. I know GM has the OnStar. Ford has a provision that they can do in their SYNC that

is successful, so there are things that we can do that are hands-free. But I think I have seen the studies like we will probably hear today that, even if it is hands-free, it still distracts you from your eyes on the road. And so I want to thank our first panel and our second panel, particularly our first panel because both the Secretary of Transportation and our Chair of the FCC, I have had the opportunity the last couple of weeks to talk with each of you. I appreciate the relationship that we have.

And, Chairman Waxman, I may disagree a little bit on the net neutrality, but hopefully, we will get there, that all of us can support.

But again, welcome you, and thank you, Mr. Chairman.

[The prepared statement of Mr. Green follows:]

Congressman Gene Green
House Committee on Energy and Commerce
Commerce, Trade, Consumer Protection & Communications, Technology, and the Internet
Joint Subcommittee Hearing
"Driven to Distraction: Technological Devices and Vehicle Safety"
November 4, 2009

Chairmen Rush and Boucher, thank you for holding this hearing on what has become a major safety hazard on our nation's roadways – distracted drivers.

Portable communications devices have become increasingly useful, packed with features, and a necessary part of our daily lives. They increase productivity, keep us connected to family and coworkers while we are away from our home or office, and allow us to transport anything from work files to photos, stream or carry videos and music, and stay connected to email and the internet.

Unfortunately, with the growth in popularity and expansion of features on these devices there have been negative consequences, and as we are here today to look at, distracted drivers on our roadways is one of the most dangerous consequences.

In vehicle technology like GPS and GM's OnStar can provide valuable services to alleviate traffic congestion by routing drivers around heavy traffic and notifying responders if a driver is stranded or in a wreck, and cell phones can be valuable to travelers lost or with a broken down vehicle – but increasingly, people are using these devices as they would sitting in the audience here today or standing in line at the coffee shop while they are behind the wheel of a car.

Technology can help alleviate some of these distractions – I have a Bluetooth headset I use frequently while driving around the district. I have seen commercials for the Ford Sync system that uses voice commands to control audio and phone devices. Voice-to-SMS or text software like those being developed by Promptu could help drivers pay more attention to the road. But for the most part, we need to educate drivers, particularly our young, less experienced drivers that these distracted driving is deadly.

There have always been a number of distracted drivers on our roads, whether it was someone eating, tuning the radio, or putting on makeup, this is not a new issue, but the growth in penetration of mobile devices, and the increasing number of features on those devices has exasperated the problem.

I applaud states that have taken action on this. My home state of Texas has taken action to prevent novice and intermediate drivers from using mobile devices while behind the wheel, but as far reaching, and as prevalent as this problem is, we need to look at what we can do on the federal level to curtail this practice.

I again want to thank the Chairmen for holding this joint hearing to look at this issue. I welcome today's witnesses and look forward to their testimony and hearing of their efforts to address this issue.

Mr. BOUCHER. Thank you very much, Mr. Green.

The gentleman from Illinois, Mr. Rush, the chairman of the Consumer Protection Subcommittee, has arrived, and I would ask if he would care to make an opening statement.

Mr. RUSH. Mr. Chairman, I waive an opening statement and submit it for the record in the interest of time.

Mr. BOUCHER. Thank you very much, Mr. Rush.

The gentlelady from Illinois, Ms. Schakowsky, is recognized for 2 minutes.

OPENING STATEMENT OF HON. JANICE D. SCHAKOWSKY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Ms. SCHAKOWSKY. I want to welcome both witnesses, but I want to give a special acknowledgement to my former colleague from Illinois and friend, Ray LaHood, and congratulate him on his leadership.

In Illinois, according to the Illinois Department of Transportation, cell phone distractions were listed as either the primary or secondary cause of more than 1,000 accidents. However, serious and fatal accidents don't just happen on the highways and city streets. They also happen in our driveways and parking lots, often due to distractions.

On Monday, I participated in a press conference with five families who had lost or nearly lost a child due to power windows. In one case, a mother pulled into the driveway of her home and put up her window to keep out the impending rain. She hadn't noticed that her 5-year old had unbuckled his seat and stuck his head out the window. And by the time her daughter alerted her to the situation, the boy had already turned blue and required resuscitation. That child survived, but not all families have been so lucky.

I have an excerpt from the Federal Register that reads, playing with the controls of power-operated windows can cause death through strangulation and other types of injury. Despite extensive publicity given to the National Highway Safety Bureau's Public Advisory, tragedies resulting from accidental operation of power windows are still being reported. This is August 1969—1969—and we are still seeing so many thousands of, if not millions, of injuries and some deaths. So NHTSA has proposed a rule that is inadequate. And as we have Secretary LaHood here today I do intend to ask him about that proposed rule.

Thank you and I yield back.

Mr. BOUCHER. Thank you, Ms. Schakowsky.

The gentleman from North Carolina, Mr. Butterfield, is recognized for 2 minutes.

OPENING STATEMENT OF HON. G.K. BUTTERFIELD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Mr. BUTTERFIELD. Thank you very much.

I, too, want to thank you Chairman Boucher and Chairman Rush for convening this important hearing and thank the two witnesses for their testimony today. I think I know Secretary LaHood just a

little bit better than Chairman Genachowski, but welcome to both of you.

I don't come to this hearing, Mr. Chairman, with clean hands. I have been a culprit in this whole idea of texting while driving. Several months ago, I made a very deliberate decision that I was going to stop doing so, and I have done so.

In my prior life, I was a trial judge and was one of the first judges in my State to have technology on the bench, and I found myself being distracted from court proceedings because I would read e-mail and do research there on the bench. And after several months of doing that, I even stopped doing that on the bench.

And so this is a real issue, a real issue not only for drivers but those who hold critical roles in our work. And so thank you for your attention and thank you for convening this hearing, and I look forward to changing the law so that we can protect the public as we go forward.

One final story. I was riding with a friend a couple of years ago, and a teenager was in front of us. And she was driving and talking on her cell phone, and my friend said, that young teenager needs to put that telephone down and pay attention to what she is doing. And then several minutes later, his cell phone rang, and he began a conversation on his cell phone. And so I reminded him that he had just criticized the young lady in front of him. And his response was, well, I am conducting business; she was just having a casual conversation.

But we all find excuses to defend our behavior, but this is a subject that we must deal with.

So thank you so very much. I yield back the balance of my time.

Mr. BOUCHER. Thank you very much, Mr. Butterfield.

That concludes opening statements by members of the two subcommittees.

And we welcome now our very distinguished first panel of witnesses. Our former colleague from the State of Illinois, the distinguished gentleman, Ray LaHood, who is now the Secretary of the United States Department of Transportation; and also the Chairman of the Federal Communications Commission, Mr. Julius Genachowski.

We are honored to have both of you with us this morning and look forward to your comments.

Without objection, your prepared written statement will be made a part of the record, and we would welcome your oral summaries of approximately 5 minutes.

STATEMENTS OF THE HONORABLE RAY LAHOOD, SECRETARY, DEPARTMENT OF TRANSPORTATION; AND THE HONORABLE JULIUS GENACHOWSKI, CHAIRMAN, FEDERAL COMMUNICATIONS COMMISSION

Mr. BOUCHER. And Secretary LaHood, we are pleased to begin with you.

STATEMENT OF THE HONORABLE RAY LAHOOD

Secretary LAHOOD. Well, Chairman Boucher, and, Chairman Rush, thank you.

And to Ranking Member Radanovich and Stearns, our thanks to you also for the opportunity to appear today to discuss the important issue of distracted driving. Transportation safety is the Department's highest priority. Distracted driving is a dangerous practice that has become a deadly epidemic.

Our research shows, unless we take action now, the problem is only going to get worse, especially among our Nation's youngest drivers. This trend distresses me deeply, and I am personally committed to reducing the number of injuries and fatalities caused by distracted driving.

About 4 weeks ago, the Department of Transportation hosted a summit to help us identify, target, and tackle the fundamental elements of the problem. We brought together over 300 experts in safety, transportation research, regulatory affairs, and law enforcement. More than 5,000 people from 50 States and a dozen countries participated in the summit via the Web. We heard from several young adults who had emerged—who had engaged in distracted driving and who discussed the terrible consequences of their actions. We also heard from several victims of this behavior whose lives have been changed forever. Mothers and fathers who lost children and children who lost a parent told us their stories.

And I want you to know, I promised these families I would make this issue my cause. A unanimous conclusion of the summit participants is that distracted driving is a serious and ongoing threat to safety. This conclusion is borne out by the facts. Our latest research shows that nearly 6,000 people died last year in crashes involving a distracted driver, and more than half a million people were injured.

This is not a problem caused by just a few negligent drivers. To the contrary, AAA Foundation for Traffic Safety, a nonprofit educational and research organization reports that 67 percent of drivers admitted to talking on the cell phones within the last 30 days while behind the wheel and 21 percent of drivers indicated they had read or sent a text or e-mail message, a figure that rose to 40 percent for those drivers under the age of 35. On any given day last year, an estimated 800,000 vehicles were driven by someone who used a handheld cell phone at some point during their drive.

This problem is not just confined to vehicles on the road; it affects all modes of transportation. Experts agree there are three types of distraction; visual, taking your eyes off the road; manual, taking your hands off the wheel; and cognitive, taking your mind off the road. While all distractions can adversely impact safety, texting is the most troubling because it involves all three types of distractions.

For all of these reasons, at the conclusion of the summit, I announced a series of concrete actions that President Obama's administration and DOT are taking to put an end to distracted driving. The President's Executive Order banning texting and driving for Federal employees is the cornerstone of these efforts. It sends a strong unequivocal signal to the American public that distracted driving is dangerous and unacceptable. The Executive Order prohibits or bans Federal employees from engaging in texting messages while driving government-owned vehicles; when using electronic equipment supplied by the government while driving; and

three, while driving privately-owned vehicles when an official—when on official government business.

The ban takes effect government-wide on December 30th, this year. However, I have already advised all 58,000 DOT employees that they are expected to comply with the order immediately.

Meanwhile, the Department is taking several actions to address distracted driving. And I am pleased to announce today that DOT and our friends at FCC are launching a joint effort to evaluate technology that may help curb distracted driving. Our Department will work together to evaluate technology-based solutions to the problem and coordinate consumer outreach in education.

I look forward to working with the FCC Chairman Genachowski, who will help us take advantage of FCC's technical expertise. In addition, the Department has awarded demonstration programs in two States with handheld cell phone laws, New York and Connecticut, to test the impact of high-visibility law enforcement action on community compliance with these laws. We will evaluate these programs and report the results in about 18 months. This is taking place in Syracuse, New York, and Hartford, Connecticut. We hope this approach will prove as effective in reducing distracted driving as it has been in reducing drunk driving and increasing seatbelt use.

These efforts will build on steps already under way. For instance, 1 year ago, we began enforcing limitations on texting and cell phone use throughout the rail industry. We are taking the next step by initiating three rulemakings or enforcements: one, codifying restrictions on the use of cell phone and other electronic devices in rail operations; two, to consider banning texting messages and restricting the use of cell phones by truck and interstate bus operators while operating vehicles; and three, disqualifying school bus drivers convicted of texting while driving from maintaining their commercial driver's license. We will work aggressively and quickly to evaluate regulatory options and initiate rulemaking as appropriate.

In addition, I have encouraged our State and local government partners to reduce fatalities and crashes by identifying ways that States can address distracted driving.

To be sure, these measures are the beginning, not the end, to solving the problem. Drivers must take personal responsibility for their actions when they are behind the wheel. Since my time, I have gone over, the rest of this will be in the record, and I look forward to your questions.

[The prepared statement of Mr. LaHood follows:]

STATEMENT OF
THE HONORABLE RAY LAHOOD
SECRETARY OF TRANSPORTATION
BEFORE THE

SUBCOMMITTEE ON COMMERCE, TRADE, AND CONSUMER PROTECTION
AND THE
SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY, AND THE INTERNET
COMMITTEE ON ENERGY AND COMMERCE
U.S. HOUSE OF REPRESENTATIVES

HEARING ON

DRIVEN TO DISTRACTION:
WIRELESS DEVICES AND VEHICLE SAFETY

November 4, 2009

Chairman Rush, Chairman Boucher, Ranking Members Radanovich and Stearns, and Members of the Committee:

Thank you for the opportunity to appear before you today to discuss the important issue of distracted driving.

Transportation safety is the Department's highest priority. Distracted driving is a dangerous practice that has become a deadly epidemic. Our research shows that unless we take action now, the problem is only going to get worse, especially among our Nation's youngest drivers. This trend distresses me deeply, and I am personally committed to reducing the number of injuries and fatalities caused by distracted driving.

Four weeks ago, the Department of Transportation (DOT) hosted a Summit to help us identify, target and tackle the fundamental elements of this problem. We brought together over 300 experts in safety, transportation research, regulatory affairs, and law enforcement. More than 5,000 people from 50 States and a dozen countries also participated in the summit via the web. We heard from several young adults who had engaged in distracted driving and who discussed the terrible consequences of their actions.

We also heard from several victims of this behavior, whose lives have been changed forever. Mothers and fathers who lost children, and children who lost a parent, told us their stories. And I want you to know, I promised these families that I would make this issue my cause.

The unanimous conclusion of the Summit participants is that distracted driving is a serious and ongoing threat to safety. This conclusion is borne out by the facts. Our latest research shows that nearly 6,000 people died last year in crashes involving a distracted driver, and more than half a million people were injured.

This is not a problem caused by just a few negligent drivers. To the contrary, the AAA Foundation for Traffic Safety, a nonprofit educational and research organization, reports that 67 percent of drivers admitted to talking on their cell phones within the last 30 days while behind the wheel, and 21 percent of drivers indicated they had read or sent a text or e-mail message, a figure that rose to 40 percent for those drivers under the age of 35.

As shocking as these numbers are, it is clear that this problem is only getting worse, and that the youngest Americans are most at-risk. While the worst offenders may be the youngest, they are not alone. On any given day last year, an estimated 800,000 vehicles were driven by someone who used a hand-held cell phone at some point during their drive. People of all ages are using a variety of hand-held devices, such as cell phones, personal digital assistants, and navigation devices, when they are behind the wheel. However, the problem is not just confined to vehicles on our roads -- it affects all modes of transportation.

Experts agree that there are three types of distraction: (1) visual – taking your eyes off the road; (2) manual – taking your hands off the wheel; and (3) cognitive – taking your mind off the road. While all distractions can adversely impact safety, texting is the most egregious because it involves all three types of distraction. In the words of Dr. John Lee of the University of Wisconsin, this produces a "perfect storm."

For all of these reasons, at the conclusion of the Summit I announced a series of concrete actions that the Obama Administration and DOT are taking to put an end to distracted driving.

The President's Executive Order banning texting and driving for Federal employees is the cornerstone of these efforts and sends a strong, unequivocal signal to the American public that distracted driving is dangerous and unacceptable. The Executive Order prohibits Federal employees from engaging in text messaging:

- While driving government-owned vehicles;
- When using electronic equipment supplied by the government while driving; and
- While driving privately-owned vehicles when on official government business.

The ban takes effect government-wide on December 30, 2009. However, I have already advised all 58,000 DOT employees that they are expected to comply with the Order immediately. DOT is also working internally to formalize compliance and enforcement measures, and we are, in close consultation with the General Services Administration and the Office of Personnel Management, providing leadership and assistance to other executive branch agencies to ensure full compliance with the Executive Order by all Federal departments and agencies, no later than December 30.

DOT is also taking other concrete actions to reduce distracted driving across all modes. For instance, one year ago, we issued an emergency order banning texting and cell phone use by locomotive engineers throughout the rail industry. We are taking the next step by initiating three rulemakings:

- One to codify restrictions on the use of cell phones and other electronic devices in rail operations;

- One to consider banning text messaging and restricting the use of cell phones by truck and interstate bus operators while operating vehicles;

- And a third to disqualify school bus drivers convicted of texting while driving from maintaining their commercial driver's licenses.

We will work aggressively and quickly to evaluate regulatory options and initiate rulemakings as appropriate.

Moreover, our State and local partners are keys to any success we have in addressing distracted driving. I have encouraged our State and local government partners to reduce fatalities and crashes by identifying ways that States can address distracted driving in their Strategic Highway Safety Plans and Commercial Vehicle Safety Plans. And, to assist them in their efforts, I have directed DOT to develop model laws with tough enforcement features for all modes of transportation.

There are other affirmative measures that States can take immediately to reduce the risks of distracted driving. For example, we continue to encourage the installation of rumble strips along roads as an effective way to get the attention of distracted drivers before they deviate from the roadway.

Education, awareness and outreach programs also are essential elements of our action plan. These measures include targeted outreach campaigns to inform key audiences about the dangers of distracted driving, and taking high visibility enforcement actions. We are still researching the efficacy of combining high visibility enforcement with outreach campaigns in the distracted driving context, but we are hopeful that such efforts may prove effective in the same way that we have been able to use them to reduce drunk driving and increase seat belt use. The Department has awarded demonstration programs in two States that have handheld cell phone laws --

New York and Connecticut -- to test approaches for using the high visibility law enforcement model to affect community attitudes about the seriousness of distracted driving and compliance with their laws. We will be evaluating media messages and law enforcement techniques and anticipate having results to share with other States in about 18 months.

Due to the complexity of this problem, there will be an ongoing effort to obtain better data and conduct targeted research. We are now developing a plan that will standardize the Department's data collection, collect data from a large scale naturalistic driving study, and look into how intelligent transportation systems and other technologies may be helpful in combating distraction and keeping the driver safe.

All of these measures are the beginning, not the end, to solving the problem of distracted driving. DOT will continue to work closely with all stakeholders to collect and evaluate comprehensive distracted driving-related data needed to better understand the risks and identify effective solutions. And the Administration will continue to work with Congress, State and local governments, industry and the public to end the dangers posed by distracted driving and encourage good decisionmaking by drivers of all ages. We may not be able to break everyone of their bad habits – but we are going to raise awareness and sharpen the consequences.

I particularly want to thank Congress for its dedication to combating distracted driving, and I look forward to further collaboration with you as we work to tackle this menace to society.

That concludes my testimony. I look forward to answering your questions.

Ms. SCHAKOWSKY [presiding]. Thank you, Secretary LaHood.
Mr. Genachowski, please.

STATEMENT OF THE HONORABLE JULIUS GENACHOWSKI

Mr. GENACHOWSKI. Thank you.

And thank you to Chairman Boucher and Rush, and Ranking Member Stearns and Radanovich for the opportunity to testify on this important topic.

I would like to commend Secretary of Transportation Ray LaHood for his excellent statement and his leadership on this issue. As the Secretary indicated in his statement, the FCC and DOT will be partnering on a range of efforts to address this important issue, and I look forward to our agencies working together.

This issue, as we have heard from many of the Members, is a personal one for so many of us. I have an 18-year-old myself, and I see how he and his friends incessantly text and use technology. There is a big part of me, obviously, that is excited about all of the opportunities of technology, but boy, do I worry when he gets behind the wheel and gets on the road. And it is a conversation that we have many conversations about. This is a very real topic with serious safety implications.

Let me begin by giving some context to this serious problem and then describe some avenues the FCC is pursuing to be a part of this solution. First, text growth and wireless devices has been astronomic. In 1995, 34 million people subscribed to mobile phone service; in 2009, 276 million subscribers, and growing today. The vast majority of teenagers, four out of five, have mobile phones, as parents well know. Now, these technologies——

Ms. SCHAKOWSKY. Is your mike still on.

Mr. GENACHOWSKI. I apologize. Is it on now?

Thank you.

These technologies in some ways contribute to safety. When a car breaks down at night, when there is an emergency when you are on the road, there is obvious value to having a mobile device. At the same time, however, mobile devices, especially in cars, have had some unintended and dangerous consequences.

We now know that mobile communication is leading to a significant increase in distracted driving, resulting in injury and loss of life. According to Triple A, nearly 50 percent of teens admit to texting while driving; 11 percent of all drivers on the road are holding an electronic device. That amounts, as we have heard, to over 800,000 distracted drivers at any given time.

NHTSA reported in 2008 that driver distraction is the cause of 16 percent of all fatal crashes, 5,800 people killed; and 21 percent of crashes resulting in an injury. That is over 500,000 people injured. There is no way around it, this is an urgent problem that must be addressed.

Now, I don't believe there is a single solution to this problem. All of us have a responsibility to tackle this issue; raising awareness, setting an example, pursuing other strategies, individuals, companies in the wireless base, as well as those of us in government. One necessary step is to work to develop a cultural norm that driving while texting is completely unacceptable.

In this regard, I want to acknowledge that the industry trade association, CTIA, in cooperation with the National Safety Council has initiated a joint campaign with the slogan, "On the Road, Off the Phone," focused on educating teen drivers on the dangers of distracted driving. They have devised a Web site for parents, and they are pursuing other educational measures. I urge all carriers to support and be innovative with this and other campaigns.

On the Federal level, I salute the leadership the President has shown in issuing his Executive Order that prohibits Federal workers from texting while driving. I applaud Secretary LaHood and the Department of Transportation for taking action to raise public awareness through an impressive coordinated effort, partnering with States and localities to encourage additional safety measures and initiating rulemakings to address the dangers of distracted driving.

At the State level, as we have heard, 18 States have already made it illegal to text while driving. Putting the brakes on the distracted driving epidemic will require both dedication and creative thinking, and the FCC is committed to doing its part to address this growing crisis.

At the FCC, I reenforce to agency employees the importance of complying with the President's Executive Order. I believe we can play an important and constructive role in being role models and in three critical areas.

First, we can seek to identify and facilitate the developments of innovative technologies that could reduce the risk of distracted driving. We are already witnessing new technologies that could potentially be harnessed to generate a positive impact. We should explore a full range of technologies that could reduce or eliminate driver distractions.

For example, some smart phones and other technologies will allow users to control their mobile devices in vehicle systems using their voices. There may be opportunities to use RFID sensor technologies in key chains that would disable selected functions in a driver's mobile device activated by the start up of their cars. These are technologies worth exploring.

And to help address this issue, I am pleased to announce that the FCC will be partnering with the Department of Transportation to create a joint working group to identify and assess new technologies that could help prevent distracted driving. The DOT is already receiving numerous inquiries, as is the FCC, and we look forward to making progress.

Second, the FCC can bring together industry groups, consumer, and consumer advocacy groups and other stakeholders to coordinate a much broader response to the challenges of distracted driving. We intend to work with all stakeholders on educational and awareness campaigns.

And third, the FCC will itself pursue consumer outreach and education on distracted driving. Our Consumer and Governmental Affairs Bureau has already launched a Web site and has begun its educational effort. I see that my time is about to expire, so I can return to this during the questions.

Let me say that we take this very seriously at the FCC. We see this as an area where the Department of Transportation and the

FCC can work effectively together, where our agency with its expertise on communication can be a resource both to the Department of Transportation and to the committee as this important issue is explored.

[The prepared statement of Mr. Genachowski follows:]

Testimony of
Chairman Julius Genachowski
Federal Communications Commission

Before the
Subcommittees on Communications, Technology and the Internet and
Commerce, Trade, and Consumer Protection
Committee on Energy and Commerce
U.S. House of Representatives

Joint Hearing On
Driven To Distraction: Technological Devices and Vehicle Safety

November 4, 2009

I would like to thank Chairmen Boucher and Rush, Ranking Members Stearns and Radanovich, and other distinguished Members of the Subcommittees for the opportunity to testify on the important topic of distracted driving. I want to commend Secretary of Transportation Ray LaHood for his excellent statement and his leadership on this issue. This hearing has been called to explore a pressing concern: the increasing level of distracted driving relating to the use of communications devices, and the safety risks posed by that use. In this statement, I will briefly discuss some of the context for this problem, and then describe some actions that the Federal Communications Commission is pursuing to be a constructive part of the solution.

First, context. Communications technologies, particularly mobile wireless devices and networks, are a major contributor to job creation and the economy. According to CTIA, wireless capital expenditures from 1998-2008 totaled more than $200 billion. In addition to promoting economic growth, these technologies connect us every day to family, friends and colleagues and are powerful tools for addressing many of the major challenges facing the nation. Mobile communications can save lives, improving emergency response by – for example – providing stranded motorists with immediate means to reach help, and by giving ambulance services, public safety answering points, and other first responders instant access to 21st century communications networks. Mobile communications can also help promote better health care – for example – by enabling remote diagnosis and monitoring, or providing better care at lower cost for patients with diabetes, heart disease, and other illnesses. And mobile communications can play a role in improving education and fostering a clean energy future. Further, mobile broadband will contribute significantly to our nation's overall broadband strategy, which, as Congress has directed, must seek to provide all Americans with high-speed Internet access.

Growth in wireless devices has been astronomic. In 1995, only 34 million people subscribed to mobile phone service. By the summer of 2009, there were 276 million subscribers. Today, the vast majority of teenagers – four out of five – now have mobile phones, as parents well know.

The popularity of mobile devices, however, has had some unintended and even dangerous consequences. We now know that mobile communications is leading to a significant increase in distracted driving, resulting in injury and loss of life. According to AAA, nearly 50% of teens admit to texting while driving. I learned last week that 11 percent of all drivers on the road are holding an electronic device. That amounts to 812,000 distracted drivers at any given moment. The National Highway Traffic Safety Administration reported in 2008 that driver distraction is the cause of 16% of all fatal crashes - 5,800 people killed - and 21% of crashes resulting in an injury – 515,000 people wounded. Distracted driving endangers life and property and the current levels of injury and loss are unacceptable. There's no way around it - this is an urgent problem that simply must be addressed.

I do not believe there is a single solution to this challenge. The responsibility lies with all of us - individuals, companies in the wireless space, as well as government. Everyone involved can and should take appropriate action, with the goal of dramatically reducing and ultimately eliminating the risk of distracted driving due to the use of communications devices. Individuals should take personal responsibility. Adults should drive responsibly, and families and friends should help each other drive responsibly. Drivers of all ages - not just teenagers - must refrain from texting while driving. We should develop a cultural norm that driving while texting is totally unacceptable.

The wireless industry has made some strong first efforts to raise public awareness. The industry trade association, CTIA, in coordination with the National Safety Council, announced a joint "On the Road, Off the Phone" campaign that is focused on educating teen drivers on the dangers of distracted driving. Together they have devised a website for parents and teens that includes suggested ground rules for teen drivers, and have rolled out a public service announcement warning of the dangers of texting while driving. I also acknowledge that some carriers have taken independent action to alert their customers not to text and drive.

We also recognize the central role of the States in this area. According to the Governor's Highway Safety Association, 18 States as well as the District of Columbia have made it illegal to text while driving. Moreover, the National Traffic Safety Board has identified prohibiting the use of interactive mobile devices by young novice drivers as one of its top "wish list" items for rulemaking at the state level.

On the Federal level, I applaud Secretary LaHood and the Department of Transportation for leading an impressive, coordinated effort to increase public awareness of the dangers of distracted driving. In addition, the National Traffic Safety Administration has encouraged the Federal Motor Carrier Safety Administration – the agency tasked with reducing crashes of large trucks and buses – to prohibit mobile use by commercial drivers of school buses and motor coaches, except in emergencies. Also at the Federal level, as you are aware, the President recently issued an Executive Order that prohibits Federal workers from texting while driving on the job or when using government vehicles. With respect to FCC staff, I have urged our employees to set an example by forbearing from texting and driving at any time, and to ask their families and friends to do the same.

Putting the brakes on the distracted driving epidemic will require both dedication and creative thinking, and the FCC is committed to doing its part to address this growing crisis. I believe we can play an important and constructive role in three critical areas.

First, we can identify and seek to facilitate the development of innovative technologies that could prevent or reduce the risk of distracted driving. New ideas, advances in technology, and entrepreneurial thinking can create solutions that are sustainable, consumer-friendly, and non-intrusive. We are already witnessing new technologies that could be harnessed to generate an immediate impact. We should explore a full range of technologies that can reduce or eliminate driver distractions. For example, some smartphones and other technologies allow users to control their mobile phones and vehicle systems using their voices. These technologies might be used by drivers to avoid the dangerous distraction of looking at device screens. There may also be opportunities to use RFID-sensor technology in keychains that would disable selected functions on a driver's mobile device activated by the start up of their car. In addition, there is what some call "haptic" technology, which simulates a sense of touch, creating the impression of buttons or controls even on flat surfaces. Could haptics be used to give drivers more control over their cars and electronic devices while keeping their eyes on the road? Could existing voice-to-text technologies be used to improve safety? These questions are worth exploring. And to help answer these questions, the FCC will undertake a new initiative to identify and assess technologies that can reduce distracted driving.

Second, we can bring together industry groups, consumers, and other stakeholders to coordinate a much broader response to the challenges of distracted driving. We hope to work with handset manufacturers, wireless providers, and the mobile app developer community, to encourage voluntary solutions that could change consumer behavior. The Commission stands ready to play a role in initiating and facilitating many of these types of discussions. I note the success of the DOT distracted driving summit. We hope to build on DOT's experience and excellent work.

Third, the FCC will pursue consumer outreach and education. We at the Commission can bring to bear our recent experience with the digital television transition, as well as on broadband, to increase public awareness of the dangers of distracted driving. The FCC's Consumer and Governmental Affairs Bureau has already issued a Consumer Advisory and launched a website to serve as a clearinghouse and launching point for information on distracted driving. This group is working with our New Media team to use new social networking tools to spread awareness to a much larger -- and younger – audience than we ever could before, including the 100,000 people who follow us daily on Twitter. To help inform and guide our efforts in each of these areas, the FCC will be holding a distracted driving workshop in the next few weeks. This will bring together some of the best minds, ideas, and approaches for addressing this critical issue, and we hope it will help all stakeholders identify and explore the most effective levers for addressing this crisis

In closing, I look forward to continuing to work with the Committee, Secretary LaHood, consumer groups, auto safety advocates, and wireless industry participants and innovators on this important issue. Thank you for the opportunity to speak to you today.

Ms. SCHAKOWSKY. I thank both the witnesses.

We will begin with questions. And I would like to begin.

Secretary LaHood, I am not trying to change the subject here, but I was so moved by these families, some of whom lost children in power windows. And it is related to the issue of distraction. Often, they step out of the—the driver steps out of the car or is distracted in the car and doesn't notice what is going on with the windows.

NHTSA, as it was required by the Cameron Gulbransen Kids and Transportation Act, did an investigation and proposed a rule, a rule that is just amazing. It says that, it says that there will be no cost to the rule that it proposed and that it will save exactly zero lives. That is the proposed rule. It says that only on windows that feature one touch or express-up closing will have to have this auto reverse in it. You would do it in elevators and garage doors and everything else.

And so I wanted to ask if you believe that—if you have looked at that rule. If you haven't, I would certainly like to meet with you about that, and if you think that the rule that is proposed achieves the goal of child safety.

Secretary LAHOOD. Well, I will say this, nobody is going to take a backseat to those of us at DOT for safety. That is our number one priority. It is now and always will be.

Number two, I have seen the press release that you make reference to that you are involved in. And we will go back and look at the figures that are in that release and look at the study. I will be happy to meet with you.

I have reviewed the rule. If I thought the rule was not going to meet the highest safety standards, I wouldn't have agreed with it. But, look, now there are additional statistics, and we will look at it. And we will be happy to meet with you about this.

But I make no apologizes for the fact safety is our number one, that is what we care about. And if kids are going to be injured or if people are going to be injured by the fact that we don't have the right mechanics in the cars in the windows, we will look at that, and we will work with you on it.

Ms. SCHAKOWSKY. OK, great. Because the window that they said, the kind of window that they said had to have auto reverses generally already have that technology, and they are generally only found in the driver's window. So we can talk further about that. Thank you.

I wanted to ask you about the mind distraction, you talked about that, and what evidence there is, either one of you can answer, in terms of hands-free as compared to—obviously, actually texting is the worse—but is hands-free also, talking on the phone, a hazard?

Secretary LAHOOD. Madam Chair, I would say this. I would say all of these things are a distraction. We have really focused on texting because it is an epidemic. Everybody in this room is hooked on cell phones. Teenagers are hooked on texting. Now, most of us, some of us, and I will include myself in this; I am not smart enough or good enough to be able to text and drive, but teenagers think that they can. And there are just too many examples of children killing their friends or injuring their friends trying to text while driving.

But I say this, I say eating a hamburger, shaving, putting your make-up on, you know, any kind of distraction takes your eyes and hands and your ability to drive safely, any of these things do. But texting while driving is our focus because it is an epidemic and because it injures our teenagers and the people around them. But we are going to focus on all kinds of distractions. Hands-free is a distraction.

Ms. SCHAKOWSKY. Did you want to add anything, Mr. Genachowski?

Mr. GENACHOWSKI. No, I agree. I think there are a number of issues where it could be helpful to raise awareness to educate the public. But there is no question that the most pressing vital issue now is texting while driving. And it is also the area where we have the biggest opportunity to work together to create a cultural norm that it is completely unacceptable. There are a number of good suggestions that were made during the opening statements. We have heard of in these statements, there is no question that texting is a priority. It is the epidemic. It is also the one where I think we can do the most in the near term to shape a changed cultural norm.

Ms. SCHAKOWSKY. Thank you. And I yield back.

Mr. Stearns is recognized for 5 minutes.

Mr. STEARNS. Thank you, my colleague.

Mr. Secretary, you mentioned in your opening statement that there are 6,000 fatal crashes involving distracted drivers. How many involved, of the 6,000, have actually, can you pinpoint to text messaging or distraction from electronic devices, such as cell phone?

Secretary LAHOOD. I will get you the exact figure, but the majority of them. I don't have the exact figure, but I will be happy to get it for the record.

Mr. STEARNS. OK. Because I think it is important if we can talk about what the actual numbers would be. I mean when you talked about the three things of distraction; the visual, the manual, and the cognitive, I see this lots of times with my children when they have a stack of CDs on the front seat, and they take their mind off to go search through those CDs. And they search through, find them, look at them while they are driving and then put them into the CD player. And as mentioned by other people, ladies putting on make-up. You know, I oftentimes see people who have their dog in the front seat and the dog is going back and forth in the front seat while they are driving. So there are lots of things here. I agree that texting is a very serious thing.

Are you advocating this morning that the Federal Government pass legislation much like the Schumer bill.

Secretary LAHOOD. What I am advocating is working with Congress to eliminate this epidemic. And we are going to work with Congress on this. We know Congress is going to do something, and we are going to work with Congress. I am not here to endorse any bill today. But we need to do something about it.

I will tell you this, Mr. Stearns. Ten years ago, people had no idea what .08 is, but they know what it is now. And people 10 years ago had no idea what "Click It or Ticket" was, but they know what it is now. They know that you need to get your seatbelt on,

or you are going to get a ticket. And they also know that if your blood alcohol level goes above .08, you can't drive your car, and you will probably be arrested.

Mr. STEARNS. Reclaiming my time here.

With the seatbelt, what we did was provide grants, and we didn't penalize the States with a 25 percent reduction in their transportation fees. So the Federal Government can take lots of steps to do this and not necessarily penalize States. In fact, based upon statistics, each State could develop its own legislation.

Mr. Genachowski, I have a question for you. Is there some technology-wide or things that are happening that exist that could eliminate driver distraction? You know, we have seen this with voice-activated devices. To be sure, we want to allow the driver to have emergency communication with his cell phone for whatever reason, and we wouldn't want the person to be denied the use of the cell phone for emergencies. So do you see anything down the road about technology?

Mr. GENACHOWSKI. We have seen, as you know, Mr. Stearns, tremendous innovation in the wireless base. I am an optimist on technology and its ability to contribute to solutions to problems like this.

Smart phones are getting smarter. There may be ways that smart phone technology, applications on smart phones can be helpful. RFID technology can be helpful here. There is a question of how far to go, how to balance the various desires that we have.

We know, at one end, we don't want anyone texting while driving. We also know that if someone has an emergency in a car where they are sitting still, that we want them to be able to call 911 or call their family. And I would—what we will do at the FCC working with DOT is begin to shine a spotlight on the different technologies that may be available and to see if there are ways to incentivize technologies, maybe increase incentives in the market to develop technologies that address the fundamental goal of safety.

Mr. STEARNS. And do you think, in your opinion, do you think the Federal Government has to do something with the legislation like the Schumer bill?

Mr. GENACHOWSKI. We don't have a position on the legislation other than we want to be a resource for this committee in working on education and working on developing technologies. As the committee explores legislation, we will be a resource, particularly on the communications technology component of it.

Mr. STEARNS. Just to divert, I can't miss this opportunity. You and I have talked a little bit about network neutrality. And perhaps you could explain why you have decided to pursue network neutrality regulations without first conducting a market analysis.

As you know, I sent you a letter on this hoping that the FCC would at least establish that there is a need for it before you issue a rule, and now you have a comment period, so I might not have an opportunity again. So I thought with my opportunity here, if you don't mind just commenting on, we are hoping that maybe you would answer my letter that I sent. I think it is three pages, and we had about almost 20 members of the Energy and Commerce sign it, and we are hoping that you will answer it and perhaps give

us an idea why you couldn't conduct a market analysis before you consider a net neutrality rule.

Mr. GENACHOWSKI. Mr. Stearns, the fundamental goal of this proceeding is to ensure that the freedom of the Internet is preserved. It is the principle of a free, unfettered deregulated Internet that causes us to proceed. Of course, as you know, we are at the beginning of a proceeding.

An open Internet deserves an open proceeding. In this proceeding, we will be receiving lots of economic information and studies. The economic issues the expression issues, all of the issues will be focused on during the course of this proceeding. What we wanted to do was to make sure that we had an open process with full participation from everyone as we looked at this important issue for the country.

Mr. STEARNS. If possible, Madam Chair, just if you possibly could answer our question with maybe just your reply to it, that would be appreciated. Thank you.

Ms. SCHAKOWSKY. And now our chairman emeritus, Mr. Dingell.

Mr. DINGELL. Thank you, Madam Chair.

Again, Mr. Secretary, welcome back. Yes or no to this question: Are individual States doing a good job of adequately addressing distractions caused by drivers using technological devices? Yes or no?

Secretary LAHOOD. Yes.

Mr. DINGELL. Does the Department of Transportation have sufficient authority with which to address distractions caused by drivers using technological devices? Yes or no?

Secretary LAHOOD. Yes.

Mr. DINGELL. If not, are there improvements, or if so, are there improvements that should be made either by additional Federal statutory or regulatory action that would either change or supplant or add to State statutory and regulatory authority? Yes or no?

And then, Mr. Secretary, I am going to ask you to submit to us a list of suggestions of what those things might be. This is not a trap, old friend.

Secretary LAHOOD. Well, look, there are 18 States that have passed laws. I would like to really sort of, you know, see how we are going interact with those. And I will be happy to submit an answer for the record.

Mr. DINGELL. I will submit to you then a question in writing on this particular point.

Secretary LAHOOD. Good. Thank you.

Mr. DINGELL. Because I don't want to load you down at this particular time.

Now, Mr. Secretary, should the Congress choose to write a new statute relating to prevention of driver distraction caused by the use of technological device, should we adopt a measured approach? Should we have additional research? Should we look at the statistical and factual situation that we confront at this particular time or as it might change?

Secretary LAHOOD. Look, I think good research, I think good statistics, I think all of these things, I think Congress is going to move forward with some bill. And we want to work with Congress on

this, and we think we can help provide some good research, some good back-up information, and be a good resource.

Mr. DINGELL. The reason for my question, Mr. Secretary, you will remember we danced around on the question of seatbelts and air bags for a long time. And we rushed air bags with a result, and we came up with a situation which, frankly, killed people, particularly children, frail, elderly and small women and others who were vulnerable to the explosive impact of the opening of the bag. Do we need to do a little bit of work to understand more fully what needs to be done as we move into this question?

Secretary LAHOOD. Yes.

Mr. DINGELL. Now, Mr. Secretary, is it necessary or would it be wise to create an inventory of technological devices whose use in vehicles leads to a driver's distraction?

Secretary LAHOOD. Yes, and we are going to work with the FCC and the automobile industry to do that.

Mr. DINGELL. Would such an inventory be useful as a basis for Federal action to reduce driver distraction?

Secretary LAHOOD. Yes.

Mr. DINGELL. Mr. Genachowski, welcome to you. What authorities does the Federal Communications Commission have related to prevention of driver distraction?

Mr. GENACHOWSKI. Well, as you know, we have authority with respect to cell phones. I think our first focus is on education of consumers, making sure that we have the information about the technology and that we are providing to this committee as it does its work information on the area.

Mr. DINGELL. Of course, my reading of the Federal Communications Acts in their various iterations indicate to me that your powers lie not with regard to regulation to drivers but rather of dealing with the question of the suitability, efficacy, workability, and other things relative to the communications devices as opposed to regulating driver behavior or driver activities; is that correct?

Mr. GENACHOWSKI. That is correct. And there are many areas in which communications devices and spectrum as it relates to safety is part of the FCC's work.

Mr. DINGELL. Now, this question, yes or no, and it will be followed by an additional question: Do you believe that the FCC should play a greater role in reducing driver distraction as caused by the use of technological devices? Yes or no?

Mr. GENACHOWSKI. Yes.

Mr. DINGELL. All right. Now, what should that additional role be? In other words, what would you expect us to ask you to do, or what is it that you would suggest that you could or should do at the Commission?

Mr. GENACHOWSKI. Be involved in raising awareness, education, focusing on the technologies that may be helpful in addressing this problem, bringing our expertise to bear with respect to technology devices and the industry to help address the public safety issue that has been presented here.

Mr. DINGELL. Now, Mr. Genachowski, what additional statutory authority would you need to become effective in carrying out the responsibilities of the Commission as you envision them?

Mr. GENACHOWSKI. We at this point are not asking for any additional authority, and we are not proposing any specific rules. We want to be a resource to be helpful in education and helpful on technology.

Mr. DINGELL. I have the feeling, and I note my time is up, I have a feeling that you are neither suggesting nor requesting additional authorities for the Commission in terms of becoming a regulatory body in terms of driver behavior; is that correct or incorrect?

Mr. GENACHOWSKI. I didn't hear the first part of the question, but we are not looking to become a regulator of drivers. We will stay focused on our communications authority.

Mr. DINGELL. Gentlemen, thank you for your courtesy.

Thank you, Madam Chairman.

Ms. SCHAKOWSKY. Thank you.

Mr. Radanovich.

Mr. RADANOVICH. Thank you, Madam Chairman.

And I want to welcome Secretary LaHood back.

And also Chairman Genachowski, thanks for being here. As we were talking and up on the panel a lot of us were relating a lot of incidences that occur in our personal history. I rolled up the window on my son's finger as I was taking him to ball practice. I almost went off the road once. In Yosemite National Park, there was a tragic accident many years ago where somebody was coming out of the tunnel, the Wawona tunnel, where the best view of Yosemite, and other people were pulled off enjoying the view, and he reached down to grab a pack of cigarettes and hit some ice, went off the road and killed about four people in a tragic accident.

We all share this concern about driver safety. But there are a couple of things I have learned about in preparing for this hearing, and I am looking forward to the testimony in the next panel of a gentleman by the name of Tom Dingus, who is with Virginia Tech, and the transportation studies that he had because he has done what is called a relative crash or near crash risk-estimate chart that a lot of us will have the information, if you don't already.

And I have noticed a couple of things, and I want to go over this and then perhaps ask two questions. One is that it charts all the different things that happen in a vehicle from anywhere between adjusting the radio to text messaging and what are the odds of these things, what is the increased probability that that activity is going to lead to an accident.

And I find a lot of things that are grouped into one thing, and then one particular piece of behavior that stands out dramatically more than anything else, and that is text messaging. It seems that a lot of things are grouped into the 1 to 10 times more likely that you will be involved in an accident; that includes applying make-up, reading, dialing handheld devices, handling CDs, adjusting the instrument panel—that is a tough one for me—talk, listening on a handheld, talking or listening to the radio, reaching for an object in the vehicle. All those are grouped around like a likelihood of 1 or 10 more times like or at risk of being involved in an accident or in a near accident.

And what stands out as 23 times more likely to be involved, far and away beyond all the other ones, is text messaging. And I think a lot of us included in our opening statements about text mes-

saging, how it tends to be, as Mr. Butterfield was saying, that a younger person is the one that is more inclined to be doing that. And they are more inclined to be distracted, far and away above at risk of being—of causing these accidents.

And my fear is that, if you approach this issue from a wide-open perspective, that we are going to be looking at a driver's license—you know, people wanting to get a driver's license are going to be equal to an airline pilot getting an airline pilot and the driver's seat looking like a cockpit on an airline to try to achieve the results that you want to do.

So I would like to note two things. And one is, from each of you, do you recognize the clear data difference between text messaging and then all the other behaviors or at-risk behaviors as being one that stands out dramatically? And the other would be if you were to weigh three things as approaches to what you think is more important, you know, from most important to least important, and that would be the three issues I think you would want this to deal with, and that would be public education, innovation, relying on auto manufacturers and/or communications folks through their design of their equipment and the new technology to deal with this problem or regulation; if I can get you to rate what would be the most important approach and what would be the least approach of public education, innovation and regulation and then get some sense of, do you recognize that it is text messaging that is by far and away the most at-risk behavior in the vehicle?

Secretary LAHOOD. Well, Mr. Radanovich, as I said in my testimony, I think text messaging, distracted driving and text messaging is an epidemic. I believe that. That is why we had a 2-day summit. That is why all of these people watched it on the Web and came to over 300 in person and heard the horror stories from parents and family members.

Mr. RADANOVICH. My time is drawing down.

Secretary LAHOOD. I think there are three things.

Mr. RADANOVICH. Would you rate those? What do you think is the most important approach, Ray?

Secretary LAHOOD. Educate, driver education. When you teach kids how to drive, you have got to make sure they put their seatbelt on and put their BlackBerry or their cell phone in the glove compartment.

I think enforcement is important. I think under .08 and seatbelts, enforcement has worked. And I also think personal responsibility, we have to take personal responsibility when we get behind the wheel of a car.

Mr. RADANOVICH. Thank you, Mr. Secretary.

If I can get a reaction from Mr. Genachowski, too.

Mr. GENACHOWSKI. I agree with the Secretary, and I add that focusing on technology innovation as part of the menu of solutions is important as well.

Mr. RADANOVICH. All right. Fair enough. Thank you.

Ms. SCHAKOWSKY. Ms. Eshoo.

Ms. ESHOO. Thank you Madam Chairwoman.

Thank you for your testimony. It is really great to see the two of you here.

And I think it is an eloquent statement that you are both here because whatever is fashioned will not be successful unless there is a highly collaborative relationship between the two of you as the leaders of this and your agencies. So thank you.

My question is, I mean, there are many good questions and suggestions that have been made. My question is, where do we put the limit on electronic device use? Have you given thought to that? I can't help but think of how far we have come with technologies in our country. And I always want to see innovation motivated by everything that we do and that we are the leaders in the world on it. So by no means do I want this effort to cut into what I just described.

On the other hand, what many of our blessings are we know are a burden when it comes to driving, and more than a burden, it can be a disaster. Should this just be with handheld devices? What about the computer terminals in trucks? Should we be looking at the regulation of GPS use? I don't know how far you have drilled down on this, but if you have any thoughts about it, I would like your reactions.

And then two things that I would like to state before you answer the question. First, to the Chairman of the FCC, I want to take this opportunity to thank you, Chairman Genachowski, for moving ahead with the net neutrality rulemaking, despite pressure not to and significant pressure not to. So I appreciate your work and your leadership on this. I think it is a highly important issue for our country.

And to Secretary LaHood, you probably haven't seen this yet, but Senator Klobuchar and I just sent you a letter about our very straightforward legislation. It is a proposal that would require recipients of Federal funding under the Federal Surface Transportation Program to install broadband conduit as part of the construction. I call this affectionately, "the ditch digging bill." I think it makes eminent sense. I think it is something that we have just completely—it is so common sense that we have left it out. I think it makes all the sense in the world, and we haven't done it. So I am not going to ask you to comment on it because you probably haven't seen the letter. It just went out. But I would like to hear back from you when you do.

So, anyway, back to my question about where we place some parentheses around this, that we protect innovation, but how far should we go and if you have given any thought to this?

Secretary LAHOOD. Well, I like your approach about putting fiber down. I think as we are doing all this stimulus, I mean, we are resurfacing, and we are redigging up. I mean, it makes a lot of sense.

Ms. ESHOO. It really does. I mean why build and then tear it up, put it in and then resurface it again?

Secretary LAHOOD. And particularly in rural areas where broadband is so important. It is the connection to the world to the rural areas. It makes a lot of sense.

Ms. ESHOO. Good. I am encouraged. Good.

Secretary LAHOOD. Look, I want to err on the side of the best safety that we can. And we are going to work with our friends at the FCC on this. But I don't think we should, there should be no

distractions when we are driving a car; there just shouldn't be. We would save a lot of injuries and a lot of lives.

Ms. ESHOO. Well, I appreciate your personal commitment to this. As you called it, this is a personal cause of yours, and that is going to go a long way for protecting people in the country.

Mr. Chairman.

Mr. GENACHOWSKI. I agree. And I would just add that—and I agree also on the ditches, as you know. Technology often has this feature over the course of American history; it provides extraordinary opportunities and benefits to the country, but it can have negative effects that come with it. It is true of the car itself.

And so, over time, we as a country identify safety issues, and we mobilize to tackle it, whether it is drunk driving or seatbelts or child seats in cars. And over the course of experience with this, I think the core lesson for me is that the inevitability that technology will have great opportunities is true; that it will have down sides is also true; that we will address the down sides is not automatic.

We have to do what the committee is doing today. We have to do what Secretary LaHood is doing and others here are doing to shine light on the dangers that are brought about by technology, focus on education, focus on how technology can be part of the problem, focus on how the government can be a role model and focus on all innovative ideas for how government action can contribute to a solution so that we have both continuing improvement and technology innovation, and that we tackle with real energy and moment the safety issues that can be presented by technology.

Ms. ESHOO. Thank you very much.

Thank you.

Mr. RUSH [presiding]. The Chair now recognizes the gentleman from Pennsylvania, Mr. Pitts, for 5 minutes.

Mr. PITTS. Thank you. Thank you, Mr. Chairman.

Again welcome, Secretary. Congratulations on your marvelous service to our country.

Mr. Secretary, you mentioned in your testimony a rule DOT is working on to restrict the use of cell phones by truck and interstate bus operators. Could you expand on that please?

Secretary LAHOOD. Well, right now, if you are a truck driver, they have inboard computers, and they have other devices that they use to communicate either with their base or with other truck drivers. And we know that these are a huge, huge distraction, and so we are in the process of looking at this and trying to come up with a rule that can eliminate these distractions.

Mr. PITTS. Would the use of hands-free devices be restricted as well?

Secretary LAHOOD. That is something that we are looking at, and we are in the process of really evaluating that.

Mr. PITTS. What about the use of radios, for instance, listening to a radio, would that be restricted?

Secretary LAHOOD. Well, Mr. Pitts, look, we are looking at all of these things. These things are all distractions.

Mr. PITTS. I suppose if you are talking to someone in the car, that could be a distraction.

Secretary LAHOOD. That is correct. If you are eating a hamburger, if you are shaving, if you are adjusting your radio, if you are trying to adjust your GPS, all of these things are distractions. They take away from your ability to drive safely.

Mr. PITTS. Now, I am sure you are familiar with H.R. 3535, the Alert Drivers Act. Subsection D requires the Secretary to promulgate minimum penalties for those using a handheld phone while driving. Could you give us a ballpark of what those minimum penalties might be if that bill became law in order to be effective?

Secretary LAHOOD. I haven't really looked at that bill Mr. Pitts. And we are committed to working with Congress on the way forward here, but we are not endorsing any bills. I haven't looked at that, so I can't really give you——

Mr. PITTS. Chairman Genachowski, in your testimony, you mentioned that we should explore a full range of technologies that can reduce or eliminate driver distraction. Could you expand on what some of those technologies might be? Also, if you would support mandatory implementation of any of those technologies in the future?

Mr. GENACHOWSKI. The technologies that could potentially be helpful range from various voice-to-text technologies or other hands-free technologies. As Secretary LaHood mentioned, those don't eliminate distractions. They could reduce them, and it is an open issue how to tackle those.

Other technologies could eliminate particular kinds of uses while driving. For example, one could imagine technologies that disable texting while a car is in motion. We are just at the beginning of working with Secretary LaHood and the Department to catalogue technologies that may be helpful. I think by shining a light on this, we help incentivize further innovation to drive solutions, and this kind of discussion is very helpful.

Mr. PITTS. What has the FCC been able to learn from State-level implementation of bans on cell phone usage or texting while driving?

Mr. GENACHOWSKI. We are at the beginning of our data gathering and evaluation, so at this point no lessons to report.

Mr. PITTS. Do you have any plans to gather more effective data on cell phone use or driving?

Mr. GENACHOWSKI. We will work together with the Department of Transportation and as a resource to the committee to continue to improve the data that helps focus attention on the most serious problems and the best solutions.

Mr. PITTS. Now, you mention raising public awareness. What kind of things are you talking about? What tools does the FCC plan to use to raise public awareness of the dangers of cell phone usage or texting while driving?

Mr. GENACHOWSKI. The FCC has some experience engaging in outreach on consumer issues. It did it around digital television. It did it through a combination of working with private industry on developing a message; working in public-private partnerships on getting that message out through various platforms. Online can be effective for some audiences but obviously not for all audiences, and there are various mechanisms for community outreach. And the

more seriously one takes the need for education, the more one can do.

Mr. PITTS. Thank you.

Thank you, Mr. Chairman.

Mr. RUSH. The Chair thanks the gentleman.

The Chair now recognizes the gentleman from Georgia, Mr. Barrow, for 5 minutes.

Mr. BARROW. Thank you, Mr. Chairman.

In the interest of time I will waive questions.

Mr. RUSH. The Chair now recognizes the gentlelady from California, Ms. Matsui, for 5 minutes.

Ms. MATSUI. Thank you, Mr. Chairman. I won't take all of that time because I know we have a vote, and most of it has been covered.

But I want to ask you, Chairman Genachowski, because you mentioned in the testimony the FCC will pursue consumer outreach and education programs similar to your efforts with DTV transition and broadband plan. Now, what of the many education efforts can come from handset labeling? And what is the FCC's current role in labeling of wireless devices?

Mr. GENACHOWSKI. Well, labeling will be something that will be looked at as part of an overall inquiry into what kinds of educational efforts would work best.

Ms. MATSUI. OK. Then, do you believe that the FCC has the ability to impose consumer-oriented labeling requirements without explicit statutory authorization?

Mr. GENACHOWSKI. We haven't at this point studied the labeling issue. We are going to begin with a workshop on these topics very soon and we will look at all the issues.

Ms. MATSUI. OK. But if not—well, let's say, would you welcome Congress granting you that authority?

Mr. GENACHOWSKI. We will work with you and the committee to provide the information that you need and to provide recommendations as we develop these.

Ms. MATSUI. OK. Thank you.

And one more question for Secretary LaHood. I commend you on the 2-day summit on distracted drivers. And I particularly am very—I think it is great what the administration is doing regarding to ensure that school bus drivers do not endanger our youth. That is really particularly very important.

Do you foresee a need for the Federal Government to step in here and really actually enforce this, particularly with the wide range of school districts and States involved in this?

Secretary LAHOOD. We think enforcement has got to be part of the solution. And we know that there are a number of Members of Congress that have bills in the hopper, so to speak, and we are going to work with Congress on this. Enforcement works with .08 and "Click It or Ticket." We know it works. It has to be part of the solution.

Ms. MATSUI. OK. Thank you.

I appreciate that, and I yield back.

Mr. RUSH. The Chair thanks the gentlelady.

There are the votes that are now occurring on the floor, and I think we have a little over 5 minutes.

The gentleman from Texas, Mr. Green, your turn has come.

Mr. GREEN. Mr. Chairman, I don't know how much time. You said there was less than 5 minutes on the floor.

Mr. RUSH. Well, would you want to wait and hold your questions.

Mr. GREEN. What I would like to do is submit my questions both to the Secretary and to the Chairman, and that way we can dispense of it.

Mr. RUSH. Well, the Chair certainly appreciates it. Thank you so very much.

Ms. Castor, before you leave, are you—there is a vote that is occurring, as you know. We will reconvene, and are you going to come back?

Ms. CASTOR. I am going to try.

Mr. RUSH. All right. Well, you are listed as next.

Well, there is a vote that is occurring, and there are at least one or two questions that they might have. There are four votes. So, as you know, they will probably be anywhere from 30 to 40, 45 minutes. I am not sure if you have the time. There are only two or three more votes, so I will just ask those members to submit those questions in writing, so we won't hold you up.

Secretary LAHOOD. Thank you, Mr. Chairman.

Mr. RUSH. And so we will dismiss this panel. We want to let you know how much we appreciate you coming in and sharing your testimony with us and answering questions.

Secretary LAHOOD. Thanks for your leadership.

I appreciate it.

Mr. RUSH. Well, thank you so much.

Mr. GENACHOWSKI. Thank you, Mr. Chairman.

Mr. RUSH. Good seeing you again. We will recess the hearing, and we will reconvene the hearing in about 15 minutes after the last vote; 15 minutes after the last vote, the hearing will reconvene.

[Recess.]

Mr. RUSH. We will reconvene as soon as I can get another member from this side of the aisle here. I think the ranking member is in the committee room there, so as soon as I can get the ranking member—he's here.

All right, the committee is called to order for the purpose of hearing the second panel today. And the chairman is delighted to introduce the second panel. It is an esteemed panel, very knowledgeable and experts in their own areas. And the Chair is grateful, the subcommittee is grateful that you all would take the time out to be present to present your testimony and to be available for questions from the committee.

I want to begin introductions by introducing, from my left, Mr. David Teater. He is the Senior Director of the National Safety Council.

Seated next to Mr. Teater is Mr. Clarence Ditlow. Mr. Ditlow is the Executive Director of the Center for Auto Safety.

Seated next to him is Mr. Robert Strassburger, and he is the Vice President of The Alliance of Automobile Manufacturers.

And it is really a superb honor and a distinct privilege to welcome back to the committee that he served on when he was a Member of Congress, our friend, Mr. Steve Largent. Steve is the Presi-

dent and the CEO of the CTIA, The Wireless Association. Thanks so much, Steve. Always good to see you.

And next to Steve—Mr. Largent—is Mr. Tom Dingus. He is the Director of the Virginia Tech Transportation Institute.

And last but not least, the most superb witness that we have here in a lot of ways is Dr. Anne McCartt. She is the Vice President of the Insurance Institute for Highway and Auto Safety.

Dr. McCartt, thank you so much.

STATEMENTS OF DAVID D. TEATER, SENIOR DIRECTOR, TRANSPORTATION STRATEGIC INITIATIVES, NATIONAL SAFETY COUNCIL; CLARENCE M. DITLOW, EXECUTIVE DIRECTOR, CENTER FOR AUTO SAFETY; ROBERT STRASSBURGER, VICE PRESIDENT, VEHICLE SAFETY & HARMONIZATION, THE ALLIANCE OF AUTOMOBILE MANUFACTURERS, STEVE M. LARGENT, PRESIDENT AND CEO, CTIA—THE WIRELESS ASSOCIATION; THOMAS A. DINGUS, Ph.D., DIRECTOR, VIRGINIA TECH TRANSPORTATION INSTITUTE; AND ANNE T. McCARTT, VICE PRESIDENT, RESEARCH, INSURANCE INSTITUTE FOR HIGHWAY AND AUTO SAFETY

Mr. RUSH. It is the practice of this subcommittee that we will swear in the witnesses. So would you please stand and raise your right hand.

[Witnesses sworn.]

Mr. RUSH. Let the record reflect that the witnesses have all answered in the affirmative.

And now the Chair would like to recognize Mr. Teater. Mr. Teater, you are recognized for 5 minutes in summation of your testimony, and the record will be open for 2 weeks for your full testimony to be a part of the record.

And we would also like each and every one of you, if you would be cooperative with us and the committee members, some who would like to submit questions in writing to you, to fully respond within 7 days after you get the questions. We certainly would appreciate that.

The Chair now recognizes Mr. Teater for 5 minutes.

STATEMENT OF DAVID D. TEATER

Mr. TEATER. Thank you, Chairman Rush, Ranking Member Stearns, members of the subcommittee. I appreciate the opportunity to testify.

My name is David Teater. I am Senior Director of the Transportation Initiatives with the National Safety Council. I am also the father of Joe Teater. My son, Joe, was killed in a crash caused by a cell-phone distracted driver in Grand Rapids, Michigan, on January 20, 2004.

Joe was a wonderful kid, always happy, always smiling. He was the spark plug of our family. He was the youngest of our three sons. As you can imagine, our lives have been changed forever. Not a day goes by or will go by that we won't miss him, every single day. It is impossible to explain in words what the loss of a child like that means to somebody.

You know, maybe the worst part of this is, this tragedy was the result of a phone call. The young lady who ran a red light in broad

daylight was speaking on her phone and looking straight out the windshield, and she didn't see the four cars and a school bus stopped in the other southbound lane for the red light, and she didn't see our vehicle, which was about the fourth or fifth car to cross through the intersection. It is a clear example of cognitive distraction, the distraction of the phone conversation.

About a year after Joe's death, I started looking at the research on cell-phone distracted driving, and I was surprised at the large body of work that also existed in 2005 and the near-unanimous conclusion about how dangerous this activity is. I decided to leave the for-profit business world and advocate on behalf of others, like us, who have lost a loved one as a result of this new and rapidly escalating threat.

My journey over the last 3 years has included multiple speaking engagements with safety, business, parent groups all over North America. I helped launch a start-up technology company that has developed a solution to cell-phone distracted driving. I have reviewed nearly all the research on this issue, and I regularly speak about the distraction of cognitive—the cognitive distraction.

In January of this year, the National Safety Council became the first national organization to call for a ban on cell-phone driving, and they offered me the opportunity to come to work for them to lead that effort. And so I am now working, have been with the National Safety Council for 7 months, leading their efforts on distracted driving and teen driving.

So how dangerous is cell-phone driving? Well, research from more than 75 peer-reviewed studies have clearly shown that using phones while driving is dangerous. Several studies have reported that the use of cell phones increases the crash risk by a multiple of four. These studies also found no difference in handheld versus hands-free devices.

I was to talk this morning a little bit about the difference in distractions—cognitive, mechanical, visual. I would point out to the committee that we all understand, when we are visually and mechanically distracted, we don't know when we are cognitively distracted. It is actually mentally easier for me to have this conversation when I can look at you and see you're engaged and see if you're about to say anything than if I was trying to imagine all this on the phone while I was having this conversation.

We've been driving vehicles for 100 years, been talking on phones for about 75. We've only combined those two activities to any great degree in the last 5 or 10 years. And we never understood the cognitive demand of a cell phone—of a telephone conversation. We understand that now.

So how do we address the issue? Obviously, we do it through legislation enforcement, education and technology. We've talked a lot about legislation enforcement. I just want to point out we believe strongly at the National Safety Council that education will only work in the presence of good legislation and enforcement.

For years, in the seatbelt and even drunk-driving campaigns, we worked hard just to educate people about how dangerous it was, but it wasn't until States passed laws and we combined the two and did high-visibility enforcement that we really started to make a difference. So we've got to have both.

Even the National Transportation Safety Board has looked at this evidence, and they've put a policy in place banning all cell phone use for their employees. I think that's significant.

The National Safety Council has 20,000 corporate members. We know that at least 500 of them have already looked at the science and said, This is dangerous, we can't have it, and they've put cell-phone driving policies in place, banning their employees from using all kinds of cell phones, handheld and hands-free.

Lastly, I want to just talk about—I want to mention technology. Strong laws visibly enforced, combined with education, will help address this epidemic, except, please note, this is—and it was mentioned earlier—this is a unique distraction.

It is very, very difficult for us to ignore a ringing phone. It is even probably more difficult for a teenager to ignore an inbound text message. There's a compelling, almost addictive nature of the demand that's put on us when that phone call or text message comes in.

So laws will help. They'll start everything in the works. Education will help. But we really believe that this is an issue that needs to be addressed by technology.

I have met with—the NSC has met with, and we are encouraging several entrepreneurial companies; there are at least eight of them out there that have great ideas, there are at least four of them that have demonstrable product available in the very near future. Three of these companies should be to market with very early versions in the next few months. One company has had their technology tested on one of the large wireless operators, and the technology test was successfully passed.

These products are out there. They need to be encouraged. The wireless industry, sitting here at this table, the auto industry sitting here at this table and government agencies like the FCC, with proper engagement, can dramatically shorten the time to market for these lifesaving technologies. These small companies are finding, like most start-ups, that they're challenged with issues of capital and getting the attention of the large wireless operators, auto manufacturers, just getting phone calls returned.

So I think, of all the things that this committee might do, that could be the best is to encourage attention given to these technologies and get them to market. Some of them are just amazing. I don't have time to get into them now. But some of them even involve safe forms of communication. They don't just shut the phone off.

The 20-year-old woman who ran the red light causing the crash that killed my son, she was on the phone with her church at the time where she volunteered for kids my son's age. She was recently married, looking forward to leaving for basic training with her husband, who had just enlisted in the United States Air Force. Obviously, her life has been ruined as well as ours.

She was a good person. I am absolutely convinced that if she knew what I know today about how dangerous this activity is, or if there was a law in Michigan at the time prohibiting cell phone use, she would not have been on the phone and my son would be alive today.

There's no phone call, e-mail or text message worth a human life. So, thank you.

Mr. RUSH. Thank you very much.

[The prepared statement of Mr. Teater follows:]

Testimony of David Teater
Senior Director of Transportation Initiatives
National Safety Council

before the
Subcommittee on Commerce, Trade and Consumer Protection &
Subcommittee on Communications, Technology, and the Internet

Committee on Energy and Commerce
United States House of Representatives Hearing

"Driven To Distraction: Technological Devices and Vehicle Safety"

November 4, 2009

Chairman Rush, Chairman Boucher, Ranking Member Radanovich, Ranking Member Stearns, and Members of the subcommittees, thank you for affording me the opportunity to speak about the dangers of distracted driving and the use of cell phones while driving. I am David Teater, Senior Director of Transportation Initiatives for the National Safety Council, a Congressionally chartered nonprofit organization with 95 years of service to our nation preventing injuries and deaths at work, in homes, communities, and on the roads

I am also the father of Joe Teater who was killed in a crash caused by a cell phone distracted driver in Grand Rapids, MI on January 20, 2004. Joe was 12 years old and the youngest of our three sons. He was a wonderful kid who was always happy, always smiling and looking forward to his teen years and becoming a young man. The magnitude of such a loss can not be explained with words. My wife Judy and I will remember and deeply miss our son Joe every day, for the rest of our lives. The worst part of the tragedy of losing our son is knowing that Joe lost his life as the result of a phone call, and that his death could easily have been avoided. We are only one family, one of thousands who live with this reality and this knowledge every day. Cell phone driving has become an epidemic on our nation's roadways. We all must work together to stop it now.

About a year after Joe's death I started looking at the research on cell phone distracted driving. I was surprised at the body of work that already existed in 2005, and the near unanimous conclusion that the distraction of cell phone driving is unique and especially dangerous. I decided to leave the for-profit business world and advocate on behalf of others like us who have lost a loved one as a result of this new and rapidly escalating traffic safety threat. My journey over the last three years has included multiple speaking engagements with safety, business and parent groups all over North America. I helped launch a technology start-up company that has developed a technology solution to cell

phone distracted driving. I have reviewed nearly all the research on this issue and regularly speak about the cognitive distraction of phone conversations.

In January of this year, the National Safety Council became the first national organization to call for bans on all cell phone use while driving. A few months later I was offered the opportunity to join the NSC, leading their efforts to reduce injuries and deaths resulting from distracted driving and teen driver crashes. In my capacity at the NSC, I have the privilege of working with legislators, survivor advocates, wireless operators, auto manufacturers, companies looking to implement cell phone driving policies, researchers, and technology companies seeking a solution that will mitigate a problem that arose out of the rapid adoption of mobile communications technology.

The NSC believes cell phones are in a special category of distractions that require special attention and supports legislation banning their use in motor vehicles. We believe cell phone use is the largest cause of motor vehicle crashes, based on combining the risk with risk exposure from the large number of people using cell phones while driving. Earlier this month, the National Highway Traffic Safety Administration reported that distracted driving was involved in nearly 6,000 traffic deaths last year and more than a half million injuries. Our analysis suggests cell phone conversations are the single largest contributor to those injuries and deaths.

Our nation has made significant progress in recent years in making our roads safer. Traffic safety successes such as primary seat belt laws, effective enforcement of stronger impaired driving laws, expansion of graduated driver licensing for teen drivers, and moving children to back seats away from air bags, have all individually had a significant impact on reducing injuries and deaths. In addition, greatly improved vehicle safety, including air bags, anti-lock brakes, vehicle structures and stability control technology, have had an impact. Our roadways are also greatly improved in recent years with safety engineering improvements, such as lane departure rumble strips. The scientific evidence available related to each of these actions tells us that these initiatives by themselves, should have each contributed to reductions in the number and frequency of crashes, and the number and rate of injuries and deaths.

The national fatality rate is at an all-time low, due in part to all of these improvements and a significant reduction in miles travelled due to the depressed economy and high gas prices in 2008. An eight percent decline in the fatality rate last year and a seven percent decline through the first six months this year are encouraging signs and welcome news. However, with all of the significant safety efforts that have been implemented this decade, we expected to see even greater reductions in crashes, injuries and deaths. The US fatality rate remains one of the highest in the world. Thirty-seven thousand deaths, more than 100 every day are clearly not acceptable.

We suspect there are other factors at work in our society that are counter-acting the even more significant positive gains we should have seen, and we believe cell phone use is one of the most significant. Over the last decade, wireless communications devices have grown to occupy an important part of our lives. Today, more than 270 million Americans have cell phone subscriptions. Eighty percent of adults admit to talking on cell phones while driving. We estimate that there are 100 million people in the U S. who engage in this risky behavior at one time or another. NHTSA reported in October that at any given moment, more than 800,000 vehicles are being driven by someone using a hand-held cell phone. It is unknown how many more are driving while using hands-free devices.

How risky is it to talk on a cell phone while driving? Research from more than 75 peer-reviewed studies has shown that using phones while driving is dangerous. Research using epidemiological methods, performed by scientists associated with the Insurance Institute for Highway Safety, has reported that the use of cell phones while driving increases the risk of a crash by a multiple of four. There was no difference in the risk for drivers using hand-held or hands-free devices.

Driver distractions fall in to three categories. Everyone understands the danger of visual (eyes off the road) and mechanical (hands off the wheel) distractions, but the third kind of distraction -- cognitive distraction associated with phone conversations -- is also of great concern to us. Cognitive distraction results from the need for our brains to be involved, at the same time, in both driving and a conversation with a remote person. It is the conversation with a person not in our driving environment that is the source of the problem. Unlike visual and mechanical distractions, with cognitive distraction the driver is not aware that they are distracted, resulting in the distraction lasting for much longer periods of time.

Research has shown that the impact of conversations with a person physically seated next to you is very different than one on a cell phone. The passenger is in the same driving environment. They see looming threats and the conversation stops. Passengers provide an additional set of eyes and are engaged in the driving task. A phone conversation is different. Brain scan imagery from research at Carnegie Mellon University shows that up to 37% of the brain that should be engaged in driving is lost while talking on a cell phone. Experimental studies at the University of Utah have further measured the specific risk of cognitive distraction, showing that drivers on cell phones fail to see up to half of the information in the driving environment that people not on cell phones recognize. It is this loss of brain function devoted to driving and the resulting inattention blindness that cause us so much concern.

There is broad agreement among most in the scientific and safety communities that hands-free devices do not significantly reduce the risks associated with phone conversations while driving. More than 30 research studies have compared the differences between hand-held and hands-free phones. These studies have consistently shown no safety benefit from hands-free devices. Hands-free devices do not remove the risk of cognitive distractions associated with cell phone conversations.

There are many things that can distract motorists from their primary duty to operate their vehicles safely. Studies have placed the risk of cell phone use to be greater than common in-car activities like eating, drinking, listening to or adjusting the radio, and inserting a CD. These activities distract drivers' attention briefly and divert hands and eyes, but they generally do not pose significant distractions to the drivers' brains, or they occur for very short durations.

Is talking on a wireless device the most dangerous thing we could do while driving? Probably not. Research from experimental and naturalistic studies has reported that activities like reading, putting on makeup, turning around in the drivers' seat, or reaching for a moving object are briefly more dangerous than talking on a cell phone. These activities take a driver's hands off the wheel, their eyes off the road and their brain off of driving.

However, all distractions are not the same when it comes to causing crashes. With 100 million people admitting that they engage in cell phone conversations, an activity that makes them four times more likely to be in a crash, statistical analysis suggests that cell phone conversations are the leading distraction-related cause of crashes.

Fortunately, we do not have 100 million people reading newspapers, putting on makeup, or reaching for objects in the back seat for hours every day while driving. And at least for now, we don't have that many texting or emailing while driving. So while these are higher risk activities, they occur less frequently and for shorter durations. Because fewer people are doing them for shorter periods of time, we believe they lead to far fewer crashes than do cell phone conversations.

So how do we address this issue? We know from our experience, working with the automotive industry and the insurance industry to increase seat belt use, that changing the behaviors of the American motoring public requires leadership, research, education, legislation and enforcement. It would be wonderful if we could simply educate our way out of this problem. However, the knowledge we have of how to change human behavior suggests otherwise.

Today, more than 90% of Americans acknowledge in public opinion polls that they know that talking on a phone while driving is risky. Yet 80% of them admit doing it. People are aware of the risks of cell phone use while driving, yet they

are choosing to do it any way. Making more people aware of the risks will not change their behavior. Education is important to be sure, but there is no evidence that asking risk-takers to change their own risky behavior has ever had much of an effect. Years of traffic safety education programs have taught us the unfortunate axiom that education, by itself, does not change behavior. The most effective education to change behavior is education about enforcement. "Click it or Ticket" and "Drunk Driving: Over the Limit, Under Arrest" are not just clever slogans. They are research-based educational messages tied to the enforcement of specific laws. These kinds of educational messages, tied to enforcement of laws, do work in changing behavior.

As we consider what kind of laws would be most effective in addressing this issue, we note some areas of strong agreement in the scientific and safety communities.

There is a high degree of recognition that teens are the most at-risk group owing to their driving inexperience and their greater propensity to use mobile devices while driving. Thus, we believe there is significant support for laws banning the use of cell phones by young, novice drivers. We also believe there is strong consensus that emailing or texting is a high-risk activity and there appears to be a growing consensus that theses activities ought to be banned. We certainly support such legislation. However, we will continue to communicate with all legislators -- state and Federal -- that total bans, vigorously enforced, represent best practices in safety. We know from research that when traffic safety laws are vigorously enforced, compliance improves and crashes are reduced.

We believe there is general agreement among most in the scientific community that conventional hands-free devices do not reduce the risk. Some research ties the risk to cognitive distraction, while others tie it to the manual dialing and handling of hands-free devices. The bottom line is we see no evidence from the peer-reviewed scientific literature that suggests conventional bluetooth-type hands-free devices provide any safety benefit. The only way we can see any benefit from laws that allow hands-free devices is if these laws cause people to reduce the amount of time they are on the phone while driving.

It should be noted there are a few organizations who do not agree with the overwhelming body of evidence that cell phone conversations represent a dangerous cognitive distraction. These claims, principally led by researchers at the Virginia Tech Transportation Institute, are based on a few naturalistic studies that fail to measure cognitive distraction and observe only a small number of police-reported crashes.

The NSC advises this Committee to carefully examine claims of researchers that are inconsistent with the larger body of published, peer-reviewed studies. We think all research methods are important, but each method has significant limitations. In evaluating any issue, the NSC believes the best practice is to

focus on the convergence of scientific evidence from all credible sources and methods, and to assess the strengths and weaknesses of each.

An objective review of the entire body of research leads to a clear conclusion that phone conversations while driving -- hands free or hand held -- pose a significant crash risk. We urge the Congress to take action to enact strong laws banning cell phone use of all kinds. We also urge the Congress to support research to quantify the number of people who are being injured and dying from hand-held and hands-free cell phone conversations.

While no legislature has yet enacted a total ban on all cell phone use while driving, many employers have done so. The National Safety Council has 20,000 member organizations that employ more than 8 million people at 55,000 work places across the nation. More than 460 of our member companies have established policies that prohibit all use of cell phones by employees while on company business, or when using company-owned cell phones or vehicles. These policies cover an estimated 1.5 million employees.

These organizations with bans include several cities, one of the nation's largest trucking companies, large companies with thousands of sales and delivery people, and small businesses. These organizations would not accept their employees operating machinery in their factories or distribution centers in a manner that makes them four times more likely to be injured, and they don't accept it when their employees are operating machinery on roads either. They also do not want to accept the liability that comes with allowing employees to do their jobs in an unsafe manner that puts themselves and others at risk. Whether you are operating a piece of machinery in a factory or on the highway, one's full attention must be focused on the task at hand and not diverted by a phone conversation.

Even the National Transportation Safety Board has looked at the evidence and enacted a total ban for its staff on cell phone use while driving, including hands-free conversations. We urge the Congress, as employers, to implement total cell phone bans while driving for yourselves and for your staffs to reduce your risk of injury and that of the people who share the roads with you.

Early reports from organizations that have implemented bans indicate that productivity, customer service and profitability are not affected by cell phone policies. Most importantly, employees are safer because they are not engaging in high-risk activities while driving.

Strong laws, visibly enforced combined with education will help address this epidemic; however, because of the unique and compelling nature of cell phone use, we believe technology is likely the best solution. The NSC has met with, and is encouraging several entrepreneurial companies that are developing technology solutions. Four of these companies have demonstrable products that

hold great promise. One has successfully completed a technology trial with one of the nation's largest wireless networks. A few are only months away from initial, but limited product launch. All of these companies, like most start-ups, face significant challenges raising capital and getting the attention of customers and business partners. The wireless industry, the auto industry, and government agencies like the FCC, with proper engagement, can dramatically shorten the time to market for these life saving technologies.

Using cell phones while driving has become part of our culture. Changing this part of our culture will not be easy. It will take leadership, research, education, legislation and visible enforcement. But it must be done.

The 20 year old young woman, who ran the red light causing the crash that killed my son, was on the phone with her church where she volunteered for kids Joe's age. She was recently married and looking forward to leaving for basic training with her husband who had just enlisted in the U. S. Air Force. Both of our lives have been substantially impacted to say the least. She is a good person, and had she been aware of the dangers, or had there been a law banning cell phone use while driving in Michigan, Joe would be alive today. It is time for federal leadership on this issue. There is no phone call, email or text message worth a human life.

Thank you for the opportunity to testify this morning. I am happy to take your questions.

Mr. RUSH. The Chair now recognizes Mr. Ditlow for 5 minutes for an opening statement.

STATEMENT OF CLARENCE M. DITLOW

Mr. DITLOW. Mr. Chairman, Representative Stearns, thank you for the opportunity to testify today.

The Center for Auto Safety supports Federal regulation on the technology of cell phones and other communication devices, and we support State enforcement programs. We think a combination of the two must go forward.

And in that regard, when you look at technology, some of the devices are already integrated into the vehicle. And in 2007, the Center petitioned NHTSA to issue a safety standard that would disable devices when the car is shifted out of park into gear. NHTSA denied our petition.

But what we found out was that we had missed a huge opportunity to advance the cause for safer driving involving cell phones and communications devices. In 2008, we learned that NHTSA had done a study in 2003 addressing this.

So we filed a Freedom of Information Act saying we'd like to get all the records showing what you considered earlier and what you have to demonstrate the hazards. NHTSA denied the request.

And one appeal and one lawsuit later, in 2008, we found that the government had done, had withheld hundreds of pages of documents on the hazards of cell phones and other technological distractions. And Secretary Mineta had before him a plan to go forward, much like Secretary LaHood has today on this very issue. But they not only withheld and actually took back all the copies of their research and reports, but they disbanded the program. The General Accounting Office has documented this.

So the tragedy is, we lost 6 years in which we could be doing what we could be doing today. And Secretary LaHood, to his credit, with the National Driving Summit has moved forward on this.

The President's order banning texting for government workers is a good step. But as welcome as these steps are, they are not nearly enough to offset the safety threat of driver distraction caused by technological devices in motor vehicles. We don't even have an inventory of all the technologically distracting devices on the road today, let alone technologies that could help counter the distraction.

We have made great strides in other areas, but we are at risk of losing some of the gains we have gotten through driver programs, advanced technology and safer road design; and the Center for Auto Safety has eight recommendations for this committee. Our recommendations in terms of moving forward are:

To require NHTSA's Special Crash Investigation Unit to conduct a study on cell phone crashes using cases reported to it, just as the Agency has done for emerging technology such as air bags that injured out-of-position occupants. That's our first recommendation.

Our second recommendation is to require NHTSA to develop a safety standard that would require data recorders to indicate cell phone or other telematic device use during a crash.

Our third recommendation is to require NHTSA to provide an annual report to Congress, evaluating new electronic technologies

that the auto and telecommunications industries are introducing and including in new cars to assess the potential for distraction. If you don't know what's going into the vehicles, you can't develop countermeasures for it. We have to get a handle on this.

Our fourth recommendation is to enact H.R. 1895, the Safe Teen and Novice Driver Protection Act, which looks at younger drivers and their greater use of these devices and their greater risk of accidents. So you're putting a device in teenagers' hands who are the least-experienced drivers and the most prone for crashes.

Our fifth recommendation is to recognize that most States today require a blood alcohol content test for drivers in fatal crashes. We'd like States to require and investigate in fatal crash investigations to determine whether cell phones were used.

Our sixth recommendation is to require the telecommunications companies to provide information on cell phones and other communication devices used for safety studies on fatal and injury-producing crashes.

We want to—our seventh is to require NHTSA and the FCC to report on technology that can be used to prevent telematic device use while driving, similar to alcohol interlocks to prevents drunk driving. Alcohol interlocks were known for 20 years before we started using them. Let's not wait 20 years to see if there's comparable technology for technological distracting devices.

And finally, we'd like to require vehicle manufacturers who integrate cell phones and other telematics into automatic crash notification systems in their vehicles to provide information on use of such devices in crashes recorded by the ACN system. There is a huge lack of data to find what the best solutions are to this enormous problem. We need more data and the recommendations that we have will enable us to get the data to develop the effective solutions to reduce the trauma on the highway and to prevent future deaths in distractive accidents such as happened to the Teater family.

Thank you.

Mr. RUSH. The Chair thanks Mr. Ditlow.

[The prepared statement of Mr. Ditlow follows:]

Statement of Clarence M. Ditlow
Executive Director, Center for Auto Safety
On "Driven To Distraction: Technological Devices and Vehicle Safety "
Before the Subcommittees on
Commerce, Trade & Consumer Protection
Communications, Technology & the Internet
of the
House Energy and Commerce Committee
November 4, 2009

Mr. Chairman and members of the Committee thank you for the opportunity to testify on the safety dangers of distraction from technological devices in vehicles. The Center for Auto Safety (CAS) is a consumer group founded by Consumers Union and Ralph Nader in 1970 to be a voice for consumers on auto safety. Left unchecked, distracted driving caused by devices such as cell phones will rival drunk driving as a national vehicle safety problem. In 2001, when cell phone use in motor vehicles was just beginning to soar and text messaging (texting) was yet to be a factor, a NHTSA study by Veridan Engineering found that driver inattention was a causative factor in 22.7% of serious crashes compared to 18.2% for alcohol but that driver inattention was much more likely to be the sole cause (16.7%) than alcohol (6.0%).[1] The fundamental problem with cell phone use is that it is a cognitive distraction that takes the driver's mind off the road. The longer the conversation, the greater the exposure, and the likelihood of a crash.

An increasing body of safety research, studies and data show the use of electronic devices for telecommunications (such as cell phones and text messaging), telematics, entertainment, and driver assistance can readily distract drivers from the driving task.[2] Research shows drivers using cell phones, whether hand-held or hands-free, perform similarly to drunk drivers at the threshold of the legal limit (0.08% blood alcohol concentration).[3] Crash risk is dramatically higher – as much as 4 times higher – when a driver is using a mobile phone, with no significant safety difference between hand-held and hands-free phones.[4] Texting while driving poses even greater dangers. A 2009 study from the Virginia Tech Transportation Institute found that texting increased the risk of a safety-critical driving event by 23.2 times.[5]

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[1] Hendricks DL, Fell JC, Freedman M. Relative Frequency of Unsafe Driving Acts in Serious Crashes, HS 809-205, January 2001.

[2] McCartt AT, Hellinga LA, Braitman KA. Cell Phones and Driving: Review of Research, *Traffic Injury Prevention* 2006; 7:89-106.

[3] Strayer DL, Drews FA, Crouch DJ. A Comparison of the Cell Phone Driver and the Drunk Driver, *Human Factors* 2006; 48:381-391.

[4] Redelmeier DA, Tibshirani RJ. Association between Cellular-Telephone Calls and Motor Vehicle Collisions, *The New England Journal of Medicine* 1997; 336(7):453-58; McEvoy SP, *et al.* Role of Mobile Phones in Motor Vehicle Crashes Resulting in Hospital Attendance: A Case-Crossover Study, *British Medical Journal*; July 2005:428-432.

[5] Hanowski R, Olson R, Hickman J, Bocanegra J. Driver Distraction in Commercial Vehicle Operations, Virginia Tech Transportation Institute Center for Truck and Bus Safety; September 2009 FMCSA-RRR.

In January 2007, CAS filed a Petition for Rulemaking, requesting that NHTSA "initiate rulemaking to prohibit the use of integrated cellular telephones and other interactive communication and data transmission devices that can be used for personal conversations and other interactive personal communication or messaging while a vehicle is in motion." CAS also requested that NHTSA "increase its efforts to support state programs to limit cell phone use by drivers in moving vehicles in the same manner NHTSA supports state programs against drunk driving." (http://www.autosafety.org/uploads/phpwmd6vH_CellPhonePetitionFinal.pdf)

The CAS petition advocated a joint state federal approach to texting, cell phone and other forms of telematic devices in vehicles. At the federal level, CAS sought countermeasures against the growing use of telematic devices integrated into vehicles which would generate greater exposure because they were easier to use. At the state level, CAS supported laws against cell phone use and texting with support from NHTSA much as it does in the areas of seat belt use and drunk driving.

In June 2008, NHTSA denied the Center's petition on the grounds:

(1) Even if NHTSA were to make inoperative in-vehicle telematics, drivers would resort to using portable devices.

(2) CAS has not provided specific data or analysis regarding the safety impacts of both current integrated systems as well as all reasonably foreseeable integrated systems.

(3) CAS has not provided specific data or analysis that would allow the agency to assess the costs and benefits of a rulemaking.

In March 2008, based on an LA Times report that NHTSA had done a major assessment of vehicle fatalities due to cell phone use, CAS filed a Freedom of Information Act (FOIA) for records of the study (http://www.autosafety.org/uploads/php1pUFjd_CellphoneStudyNHTSA.pdf) and asked that the records be placed in the rulemaking docket for the petition. NHTSA refused to turn over a single document in its initial response. One appeal and one FOIA lawsuit later, NHTSA turned over hundreds of pages of documents on March 17, 2009, which showed NHTSA itself had conservatively estimated there were 955 fatalities due to cell phone use in 2002 and that there could have been as many as 4000 deaths due to cell phone use based on the Harvard study headed up by former OMB Director John Graham.[6] (Table A.) For access to all documents obtained from NHTSA under the CAS FOIA, see http://www.autosafety.org/foia-reveals-cell-phone-studies.

The documents obtained under FOIA show NHTSA was about to embark in 2003 on a campaign to urge adoption of countermeasures against both hands-free and hand-held cell phones systems. At the top of the agency's campaign was a letter from Transportation Norman Mineta to Governors of every state:

> *We recommend that drivers not use these devices when driving, except in an emergency. Moreover, we are convinced that legislation forbidding the use of handheld cell phones while driving will not be effective since it will not address the problem. In fact, such legislation may erroneously imply that hands-free phones are safe to use while driving. We will be working at the national level on an educational campaign to alert drivers to the risks associated with the use of wireless communication devices while driving.*

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[6] Lissy, K.S., Cohen, J.T., Park, M.Y., and Graham, J.D. Cellular Phone Use While Driving: Risks and Benefits. Bostan, MA: Harvard Center for Risk Analysis, Harvard School of Public Health, 2000.

Meanwhile, we recommend that police agencies in your state vigorously enforce existing traffic laws whenever motorists operate vehicles in an unsafe manner as a result of distracted driving or other behavior.

The 2003 study, "The Relationship Between On-Road Wireless Phone Use and Crashes," also confirms the problem that hands-free phone result in greater exposure.

Whereas hands-free phones may have some performance benefits, evidence indicates that drivers who use hands-free phones use the more frequently and for longer durations.

In addition, there is a growing body of evidence that the complexity of the conversation task is a far greater contributor to the deleterious effects on driver performance.

Due to NHTSA's concealment of the work done in its 2003 study, the nation has lost at least six years in developing effective countermeasures. The Government Accountability Office recently reviewed NHTSA actions in this area, and concluded, "at this time, NHTSA's main response to the electronic driver distraction issue is a decision not to self-initiate either research specifically aimed at countering such distractions or other actions...NHTSA has not yet implemented other suggestions or directives that government stakeholders, at the federal and state levels, have made."[7]

The recent national summit on distracted driving organized by Transportation Secretary Ray LaHood was a step in the right direction, all the more effective because it was immediately followed by President Obama's Executive Order banning federal employees from texting while driving on official business when using either a government vehicle or a government-supplied electronic communications device.[8]

As welcome as these steps are, they are not nearly enough to offset the safety threat of driver distraction caused by technological devices in motor vehicles. We do not even have an inventory of all the technologically distracting devices on the road today, let alone the ones that help counter the distraction. This nation has made great strides in reducing vehicle deaths through highway programs including seat belt laws, drunk driving programs, safer road designs and vehicle safety technologies such as airbags. We cannot as a nation afford to let those safety gains and lives saved be thrown away if we do not stand up to the hazards of distracted driving caused by cell phones, texting and other technological devices.

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[7]GAO. Foresight Issues Challenge DOT's Efforts to Assess and Respond to New Technology-Based Trends, p 39, Oct. 2008.

[8]Executive Order No. 13513, Federal Leadership On Reducing Text Messaging While Driving, signed Oct. 1, 2009, 74 FR 51225 (Oct. 6, 2009).

Table A - Cell Phone Death Estimates by State & Risk Factor

State	2002 1.38 Risk	2007 1.38 Risk	2002 4.3 Risk	2007 4.3 Risk	State	2002 1.38 Risk	2007 1.38 Risk	2002 4.3 Risk	2007 4.3 Risk
AL	22	40	69	126	MT	5	9	29	52
AK	2	4	6	11	NE	6	11	34	63
AR	23	42	72	131	NV	7	13	40	73
AZ	15	27	47	86	NH	3	5	17	31
CA	84	154	262	480	NJ	16	29	91	168
CO	15	27	47	86	NM	10	18	57	105
CT	8	15	25	46	NY	33	60	189	346
DE	3	5	9	17	NC	33	60	189	346
DC	1	2	3	6	ND	2	4	11	21
FL	67	123	209	383	OH	30	55	171	314
GA	35	64	109	200	OK	15	27	86	157
HI	3	5	9	17	OR	10	18	57	105
ID	6	11	19	34	PA	34	62	194	356
IL	32	59	100	183	RI	2	4	11	21
IN	20	37	62	114	SC	24	44	137	251
IA	10	18	31	57	SD	4	7	23	42
KS	10	18	31	57	TN	29	53	166	304
KY	18	33	56	103	TX	85	156	486	890
LA	21	38	65	120	UT	8	15	46	84
ME	4	7	12	23	VT	2	4	11	21
MD	13	24	41	74	VA	21	38	120	220
MA	10	18	31	57	WA	14	26	80	147
MI	31	57	97	177	WV	9	16	51	94
MN	14	26	44	80	WI	18	33	103	189
MS	21	38	65	120	WY	3	5	17	31
MO	26	48	81	149					
	514	942	1602	2936	0	423	775	2416	4430

Mr. RUSH. The Chair now recognizes Mr. Strassburger for 5 minutes.

STATEMENT OF ROBERT STRASSBURGER

Mr. STRASSBURGER. Thank you, Mr. Chairman and Ranking Member Stearns.

Alliance members use cutting-edge safety technology to put people first. We are committed to advancing motor vehicle safety, and we take concerns about driver distraction seriously.

From step one, we engineer new vehicle information and communication systems, telematic systems, to help the driver perform their primary task, the safe operation of their car or truck. We do this by engineering these systems according to our driver-focused telematic guidelines.

The guidelines address essential safety aspects of driver interaction with visual and manual interfaces. They consist of 24 principles that address the design, use and installation of telematic systems. Each principle includes verification procedures, specific performance criteria, technical justification and examples of good and bad practice.

Mr. RUSH. Excuse me, Mr. Strassburger, is your mike on?

Mr. STRASSBURGER. How's that? Better?

Mr. RUSH. That's better.

Mr. STRASSBURGER. Let me highlight just two principles. Principle 1.4 addresses the positioning of visual, in-vehicle telematic displays. The proper positioning of displays allows drivers to continue to monitor the roadway peripherally while looking at the display by positioning it close to the driver's normal line of sight.

Principle 2.1 sets visual demand limits. Eyes-off-the-road time is limited because functions or features are locked out while driving, if visual demand exceeds set limits based on a baseline task, which is tuning the radio.

The goal of the guidelines it to maximize eyes on road. It is a rare crash that occurs while a driver's eyes are on the roadway. When a driver's eyes are not, the risk of a crash increases.

Studies involving actual driving, such as Virginia Tech's Hundred Car Study and others, indicate that visual distraction is the primary concern. Looking away from the road scene is the principal contributor to crashes and near misses. The guidelines are now in their third iteration, and The Alliance is committed to updating them as scientific understanding of driver behavior continues to evolve.

Every day, the industry is engaged in high-tech research and implementation of new safety technologies with real-world safety benefit such as autonomous braking systems and vehicle safety communication systems for crash avoidance. Automakers are working on important safety enhancements right now that use wireless communications. In the near future, cars will be linked wirelessly to other cars near them and with their surroundings to enhance safety by informing drivers of hazards and situations they can't see. Real-time navigation will also be provided, which will be critical to advancing how we manage congestion and, even further, reduce CO2 emissions.

So what should be done? And here, these are not individual recommendations but a package of recommendations:

We need appropriate laws with high visibility enforcement. The Alliance supports a ban on handheld texting and handheld calling while driving, to accelerate the transition to more advanced, safer ways to manage many common potential distractions.

We need consumer education about these laws and to support law enforcement activities, and educate drivers that driving distractions are a risk, so that drivers know that even with the cutting-edge safety technology found in today's cars, driving distractions are a risk. Not just handheld texting and handheld calling, but eating, drinking, searching for a CD, anything that prolongs a driver's eyes off the road presents a risk.

Finally, we need continued research so that we can further understand driver behaviors to enable the development of ever-safer systems. And all of this should be done without severing the wireless communications link to vehicles, which will enable tomorrow's safety and environmental benefits.

Mr. Chairman, members of the committee, that concludes my statement.

Mr. RUSH. Thank you very much, Mr. Strassburger.

[The prepared statement of Mr. Strassburger follows:]

STATEMENT

OF

THE ALLIANCE OF AUTOMOBILE MANUFACTURERS

BEFORE THE:

SUBCOMMITTEE ON
COMMERCE, TRADE AND CONSUMER PROTECTION
&
SUBCOMMITTEE ON
COMMUNICATIONS, TECHNOLOGY AND THE INTERNET

OF THE

COMMITTEE ON ENERGY & COMMERCE
U.S. HOUSE OF REPRESENTATIVES

NOVEMBER 4, 2009

PRESENTED BY:

Robert Strassburger
Vice President of Vehicle Safety & Harmonization

Thank you, Mr. Chairman and members of the Subcommittee. My name is Robert Strassburger and I am Vice President of Vehicle Safety and Harmonization at the Alliance of Automobile Manufacturers (Alliance). The Alliance is a trade association of eleven car and light truck manufacturers including BMW Group, Chrysler Group LLC, Ford Motor Company, General Motors Company, Jaguar Land Rover, Mazda, Mercedes-Benz, Mitsubishi Motors, Porsche, Toyota and Volkswagen. The Alliance members consider safety to be a top priority.

Alliance members implement cutting–edge technology as a part of our efforts to prioritize safety in vehicle designs. We are committed to advancing motor vehicle safety and we take concerns about driver distraction seriously. From program initiation, we engineer new vehicle systems taking into consideration how these systems will be used in the real-world driving environment. We design these systems to help drivers perform their primary task – safely operating their car or truck which includes helping them to keep "eyes on road."

The most recent and comprehensive studies involving real world driving experiences – such as Virginia Tech's "100 Car Study" demonstrate that visual distraction is the primary concern when driving. In that study, looking away from the road scene for extended periods was found to be the principle contributor to crashes and near misses. There is also significant research that shows hands-free technology provides a safer alternative to hand-held cell phones and texting devices because it keeps drivers' hands on the wheel and eyes on the road.

Recent polling data suggest that drivers will be more likely to obey hand-held bans if they are given the option of using a safer alternative -- hands-free technology. We are concerned that overly-broad bans of advanced communications technologies and features in the name of reducing driver distraction will not improve real world safety, but simply force drivers to use hand-held devices surreptitiously. Therefore, we support improving safety with a realistic and workable solution that combines prohibiting hand-held texting and calling with encouraging the development and use of hands-free, voice-activated technologies.

Alliance members have long recognized that in-vehicle information and communications systems -- also known as telematics systems -- have the potential to distract drivers if not properly designed. For nearly a decade, Alliance members have worked to ensure that vehicle-integrated telematics systems are designed to help drivers keep their eyes on the road.

Challenged by NHTSA, the Alliance initiated development of its Driver Focus – Telematics Guidelines in July 2000. The first full iteration of the Guidelines was completed in early 2002 at which time Alliance members committed to NHTSA to engineer new vehicle telematics systems in accordance with the Guidelines. The Guidelines are now in their third iteration and the Alliance is committed to updating them or developing new modules as scientific understanding of driver behavior continues to evolve.

The Guidelines are a "best practices" document that addresses essential safety aspects of driver interaction with visual-manual interfaces. They consist of 24 principles that address the design, use, and installation of telematics systems with the goal of maximizing "eyes on road." The Guidelines provide criteria and verification procedures for use by automotive manufacturers and telematic device manufacturers during product development. Each individual Guideline has associated with it:

- Rationale
- Criterion / Criteria
- Verification Procedure(s)
- Examples (as appropriate)
- Cites to supporting peer-reviewed research

The 24 guidelines are divided into five groups:

- Installation (5 Principles)
- Information Presentation (4 Principles)
- Interactions with Displays and Controls (6 Principles)
- System Behavior (3 Principles)
- System User Information (6 Principles)

The Guidelines assume manufacturers will follow rigorous process standards when developing telematics systems. Let me highlight two key principles:

- *Principle 1.4 – Addresses the positioning of visual in-vehicle telematics displays*
  The proper positioning of displays close to the driver's normal line of sight allows drivers to continue to monitor the roadway peripherally while looking at the display.

- *Principle 2.1 – Sets visual demand limits*
  Eyes-off-road time is limited because functions or features must not exceed specified visual demand or driving performance criteria.

The Guidelines are just one example of how Alliance members build and sell cars every day, cars that are safer than they have ever been. We take the information learned through research and design new and ever safer products to the market. Let's look at the numbers, and I realize that they do not tell the whole story, but they are important to review.

Motorists in the United States have never been safer. In 2008, the nation recorded its lowest traffic fatality rate: 1.28 fatalities per 100 million vehicles miles traveled. Some of this decline is a result of a reduction in vehicle miles traveled, or VMT. But not all of it. Traffic fatalities actually fell three times more than VMT. The reasons are clear – more people are using their safety belts, traffic laws are being enforced, and automakers are equipping vehicles with more advanced safety technologies.

Further reducing traffic fatalities will require a cooperative effort of vehicle manufacturers, government and non-government stakeholders to address each element of vehicle safety including roadway infrastructure, driver behavior and vehicle design.

Every day the industry is engaged in high-tech research and implementation of new safety technologies with real-world safety benefits, such as autonomous braking systems and vehicle safety communications systems for crash avoidance. Automakers are working on important safety advancements right now that rely upon wireless communications. For example, wireless communications serve as the backbone for many new safety technologies including

automatic crash notification, road hazard notification and real-time road navigation. Additionally, future technologies such as the Department of Transportation's IntelliDrive program will rely heavily on vehicles sharing information through wireless communications. So what should be our roadmap from here?

First, we need appropriate laws with high–visibility enforcement. The Alliance supports a ban on hand-held texting and hand-held calling, while driving, to accelerate the transition to more advanced, safer ways to communicate. The Alliance supports the use of a texting ban like those that have been proposed by Representative McCarthy and Senator Schumer to combat unsafe behavior, and is working with Congress and other stakeholders to ensure that the legislation passed allows for innovative technologies to be included on the cars of the future.

Second, we need consumer education so that drivers know that, even with the cutting-edge technology found in today's cars – driving distractions remain a risk. Not just hand-held texting and hand-held calling, but eating, drinking, searching for a CD -- anything that prolongs a driver's "eyes off road" presents a risk.

Finally, we need continued research so that we can further understand driver behaviors and to evaluate alternative means of addressing the concern.

This three-pronged approach has worked for 0.08 blood alcohol limits and "Click it or Ticket" safety belt usage campaigns. It can work here as well if we all work together.

So in conclusion, ban hand-held texting and hand-held calling while driving, but don't sever the wireless link to cars, which is the backbone of future safety technologies.

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Mr. RUSH. Now again it is my pleasure to welcome back to this subcommittee, to this committee room, Mr. Steve Largent.

Steve, you're recognized for 5 minutes. And good to see you again.

STATEMENT OF STEVE M. LARGENT

Mr. LARGENT. Thank you, Chairman Rush. Good to see you, too. And Ranking Member Stearns, good to see you.

Thank you for convening this hearing today on distracted driving and for the opportunity to appear before this committee on behalf of the CTIA.

Both because of the committee's work on telecommunications policy matters and as a result of your individual experiences as consumers, you've witnessed the impressive growth in the use of wireless services over the past decade. Wireless devices allow consumers to stay in touch with family and friends, work on the go, receive news and information anytime and just about anywhere.

A wireless device is also one of the best safety tools for consumers in emergency situations. In fact, wireless subscribers make more than 290,000 calls to 911 and other emergency services every day.

While the industry recognizes the importance of wireless devices for public convenience and safety, CTIA and its member companies also know that drivers are faced with numerous distractions when they're on the road and that some of these distractions may be caused by drivers' inappropriate use of wireless devices. Actions that require drivers to take their hands off the wheel and their eyes off the road are incompatible with safe driving.

The solution to the problem of distracted driving starts with enhanced personal responsibility and the realization that the primary obligation of every driver is safety. But there are steps government and industry can take to modify and alleviate behavior that contributes to distracted driving. I'd like to briefly discuss with you our thoughts on what these steps are.

Starting on the legislative front, we support passage of State legislation that would prohibit manual text and e-mail messaging by all drivers. CTIA has been working with the National Conference of State Legislatures and other State organizations. Through these efforts, we hope to encourage the adoption of consistent State legislation addressing this problem. While we are committed to this course, we also agree with Secretary LaHood and Chairman Genachowski that a single solution probably will not solve the problem of distracted driving.

On the technology front, changes in the way roads are built, cars are designed—and, of course, in wireless technology, each can help to improve driver safety. Wireless service providers, handset manufacturers and app developers are engaged in efforts to enhance the consumer's wireless experience, including developing technologies that will promote safer driving.

However, technological solutions must fit within the existing legal framework that governs the industry, should not be based on technology mandates and, most importantly, must be consumer friendly. Carriers and manufacturers can engineer all sorts of amazing capabilities into their products, but if consumers fail to

adopt or enable those capabilities, we haven't achieved much of anything.

The last piece of CTIA's prescription for safer driving is education, an area which we have a long record of working to inform the public about the relationship between safe driving and responsible wireless use.

The most recent example of our commitment to education and outreach efforts is CTIA's partnership with the National Safety Council. We have launched a national campaign targeting parents and teenagers to raise awareness about the dangers of distracted driving.

Through this partnership, we've created the "On the Road, Off the Phone" campaign. The centerpiece of this effort is a hard-hitting television commercial that we have distributed to more than 600 stations across the country. It also can be viewed on a Web site we created to provide parents with tips on how to talk to their teens about safe driving.

I'd like to take a moment to share the PSA with you.

[Video played.]

Mr. LARGENT. As I believe the PSA demonstrates, the wireless industry shares your desire to promote safer driving. This is a challenge we should address together, and we look forward to working with you to do just that.

Thank you. And I look forward to any questions you may have.

[The prepared statement of Mr. Largent follows:]

CTIA
The Wireless Association®
Steve Largent
President/CEO

Expanding the Wireless Frontier

Testimony of Steve Largent, President and CEO,
CTIA – The Wireless Association®
before the
House Energy and Commerce
Subcommittee on Commerce, Trade, and Consumer Protection and
Subcommittee on Communications, Technology, and the Internet

November 4, 2009

Chairman Rush and Chairman Boucher, thank you for the opportunity to appear before you today on behalf of CTIA – The Wireless Association® and the wireless industry.

I want to thank the Committee for convening today's hearing on distracted driving. CTIA and its member companies have long recognized the need to educate wireless consumers about safe driving and responsible wireless use. The safety of our consumers and others on the road is very important to us.

Both because of the Committee's work on telecommunications policy matters and as a result of your individual experiences as consumers, each of you have witnessed the impressive growth in the use of wireless services over the past decade. Wireless devices allow consumers to stay in touch with family and friends, work on the go, and receive news and information anytime, just about anywhere. A wireless device is also one of the best safety tools for consumers in emergency situations. In fact, wireless subscribers make more than 290,000 calls to 911 and other emergency services daily.

While the industry recognizes the importance of wireless devices for public convenience and safety, CTIA and its member companies also recognize that drivers are faced with numerous potential distractions when they are on the road. Some of

these distractions may be caused by drivers' inappropriate use of wireless devices. CTIA considers actions that require drivers to take their hands off the wheel and their eyes off the road for extended periods of time to be incompatible with safe driving.

The solution to the problem of distracted driving starts with enhanced personal responsibility and the acceptance that the primary obligation of every driver is safety. But that does not mean there aren't steps government and industry can take to help modify and alleviate behavior that contributes to distracted driving. There are, and we urge a combination of legislative, technological, and educational efforts that together can combine to combat distracted driving and make consumers fully aware that their first responsibility behind the wheel is to drive safely.

Starting on the legislative front, we support passage of legislation that would prohibit manual text and email messaging by all drivers. CTIA has been working collaboratively in this endeavor with the National Conference of State Legislatures and other state organizations; through these efforts, we hope to encourage the adoption of consistent state legislation addressing this problem.

In addition, CTIA and its member companies have urged state lawmakers to pass legislation that would help younger and less-experienced drivers fully direct their attention on the task of driving. The wireless industry supports prohibiting provisional or novice drivers from using wireless devices while driving, except in emergency cases. This type of safety measure is consistent with other graduated licensing measures, such as passenger limits and time-of-day restrictions, which allow less experienced drivers the opportunity to more fully develop their driving skills and judgment. These conditions provide inexperienced drivers with the opportunity to

acquire much-needed driving experience in a lower-risk environment than they might otherwise provide for themselves. Such safety measures are a constructive means of allowing younger drivers the ability to acquire the necessary experience to ultimately become more skilled and responsible drivers.

While CTIA supports efforts to respond to the distracted driving problem by enacting new laws, we also agree with Transportation Secretary LaHood's observation that a narrow legal response, by itself, probably will not be sufficient to alleviate the problem of distracted driving. For that reason, the wireless industry is not focused exclusively on legislation as we seek to promote driving safety.

On the technology front, there are a number of developments that may contribute to safer driving. Changes in the way roads are built, cars are designed, and, of course, in wireless technology can each help to improve driver safety. In the wireless industry, service providers, handset manufacturers, and applications developers all are engaged in efforts to enhance the consumer's wireless experience, including by developing technologies that will promote safer driving.

While the industry is hopeful that technological innovation can contribute to safer driving, not all technological solutions are equal, and I ask you to consider several key points about the role technology can play in reducing distracted driving. First, technological solutions should not be based on technology mandates, which can freeze or inhibit innovation. Second, technological solutions should fit within the existing legal and regulatory framework that governs the industry. And third, we must recognize that the key to any successful technological approach will be its consumer-friendliness. Carriers and manufacturers can engineer all sorts of amazing

capabilities into their products, but if consumers fail to adopt or enable those capabilities, the effort and money that goes into developing them will be for naught.

The last piece of CTIA's prescription for safer driving is continued education, which we think is vital for any effort to reduce distracted driving to be successful. The wireless industry has a long record of working to educate drivers about responsible driving behavior. In 2000, CTIA and its member companies distributed nationally a series of radio and television segments that reminded viewers of sensible safety measures and directed those viewers to a dedicated online resource that presented a wide range of safety tips on the subject. CTIA also designed and printed collateral materials incorporating the industry's safe driving tips. We continue to distribute those materials to appropriate audiences and these safety tips are still posted online.

That original campaign was updated in 2004 and 2007. As part of the 2007 updates, we produced ten public service radio announcements featuring 'real-life' scenarios where responsible behavior and sound judgment were exhibited by the driver. In addition to distributing these PSAs nationally, CTIA offered state highway safety agencies affiliated with the Governors Highway Safety Association the opportunity to co-brand the segments and have them redistributed in the agency's area, at no charge. Safety representatives in twelve states took advantage of CTIA's offer, and the PSAs were re-recorded with the appropriate agency's tags and delivered to radio outlets in its respective state.

In the most recent extension of our longstanding commitment to education and outreach efforts, CTIA recently partnered with the National Safety Council to

create a national campaign targeting parents and teenagers to raise awareness about the dangers of distracted driving. This partnership, which was months in the making, is a collaborative effort to further both organizations' mutual goal of promoting safe driving. We officially launched the "On the Road, Off the Phone" campaign last month, when CTIA and NSC unveiled a hard-hitting television commercial that we are distributing nationally and which can be viewed on a website we created to provide parents with tips on how to talk to their teens about safe driving. [1]

This new campaign is geared at not only making teens aware that their actions behind the wheel have consequences, but also at reaching parents and identifying some real life situations their teens might encounter when driving. Both CTIA and the National Safety Council recognize the need to target both groups to ensure that this important message reaches them.

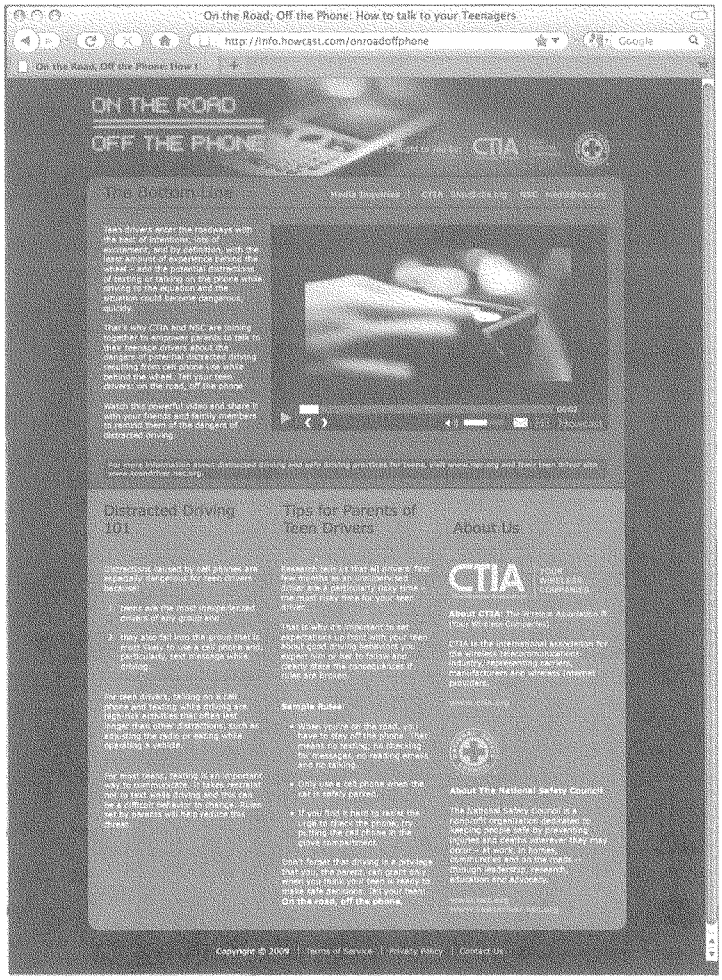
* * * * *

Whether it is texting or emailing, reaching for a GPS device or MP3 player, being drowsy, or eating a snack on the road, drivers face many distractions. The wireless industry remains committed to working with the various stakeholders on the distracted driving issue. We take seriously the safety of our consumers and others on the road and will continue our multifaceted approach on the distracted driving issue by advocating for laws to prohibit texting and emailing while driving and restrictions on youth drivers. This issue also will require ongoing educational efforts to change the driving public's behavior, and we are committed to raising public awareness

[1] The commercial is available at http://onroadoffphone.org. A screen-shot from the website is attached at the end of this presentation.

about safe driving through the media and capitalizing on partnering opportunities where appropriate.

In closing, I want to again thank the Committee for its focus on this matter. This is a challenge we can solve together, and the wireless industry looks forward to working with all of you to get the message out that the number one priority for all drivers is safety.



OnRoadOffPhone.org

Mr. RUSH. The Chair now recognizes Mr. Dingus for 5 minutes.

STATEMENT OF THOMAS A. DINGUS, Ph.D., CHFP

Mr. DINGUS. Thank you. Chairman Rush, Mr. Stearns, thank you for the opportunity to testify on this important topic.

I am testifying before you today as a 25-year veteran of driving safety research. My opinions today are based on real-world driving data gathered using a new method, naturalistic driving studies. This method involves installation of sophisticated instrumentation, including cameras and other sensors, in participants' own vehicles for months at a time.

Naturalistic data collection has provided and will continue to provide new insight into the driving distraction problem. With these data, VTTI can provide a clear picture of driving behavior and risk perception under real-world driving conditions.

Our naturalistic driving data have produced discoveries that must be carefully considered in determining an appropriation action to this growing problem.

First, the distraction issues that we face today are much different than those we faced just a few years ago and, consequently, are resulting in a growing number of crashes. Texting, typing, reading, and dialing are much, much worse than eating, tuning a radio or talking.

Second, our driving distraction problem is particularly time-critical because the number of crashes involving complex tasks is growing exponentially.

Third, while safety benefits can be realized with the deployment of electronic devices, these benefits can be attained only in vehicles engineered to minimize driver distraction.

Fourth, teen drivers, by far, represent the largest population of those who engage in complex tasks while they drive and, consequently, are at the greatest risk.

Fifth, the problem of driver distraction associated with electronic devices is multidimensional, requiring multiple solutions. For example, history has shown that education and public awareness efforts, although necessary, will be insufficient in and of themselves to protect the public.

In conclusion, driving distraction associated with electronic devices is creating a serious and growing public health risk. Due to this risk and the rapid deployment of these technologies, quick and decisive action is needed.

However, measured action is also warranted so that the solutions enacted with good intent do not stifle improvement in driving safety. Therefore, I recommend the following approach:

First, a primary law banning the use of handheld wireless devices in a moving vehicle. This law should preclude the use of cell phones, MP3 players, BlackBerrys, I-phones, et cetera, as well as headset use with conventional phones. It should also exclude true hands-free and in-vehicle devices that are simple to operate and do not require substantial eye-off-road time.

This law should carry a significant monetary fine and points. It should include a total cell phone ban for newly licensed teens and for special cases, such as school buses and other special cases. It should exclude emergency communications for all users.

Second, we need a regulation limiting the functionality of visually demanding in-vehicle devices in moving vehicles. This includes such tasks as manual navigation destination entry and all keyboard tasks, including those for heavy trucks, and should include all complex reading tasks.

Third, standards for developing, for testing of potentially distracting devices prior to market introduction need to be broadly applied.

These three things will help substantially with our current driving distraction epidemic. Thank you very much.

Mr. RUSH. The Chair thanks the gentleman.

[The prepared statement of Mr. Dingus follows:]

United States House of Representatives
Committee on Energy and Commerce
Subcommittee on Commerce, Trade and Consumer Protection

Testimony of Dr. Thomas A. Dingus, Ph.D., CHFP
Director, Virginia Tech Transportation Institute
Newport News Shipbuilding Professor of Engineering
Virginia Polytechnic Institute and State University

Wednesday, November 4, 2009 at 9:30 a.m.
Room 2123, Rayburn House Office Building
Washington, DC

Chairman Rush, Ranking Member Radanovich, and members of the Commerce, Trade and Consumer Protection Subcommittee, thank you for the opportunity to testify before you today on a very important topic: "*Driven to Distraction: Technological Devices and Vehicle Safety.*" I am hopeful that my testimony will give you a unique and valuable perspective as you weigh the important policy decisions surrounding this issue.

My name is Thomas A. Dingus. I am director of the Virginia Tech Transportation Institute (VTTI) and I am testifying before you today as a long-time driving safety researcher. I have been involved in the study of transportation safety and human factors research for 25 years, including the issues surrounding driver distraction and inattention. This research has resulted in over 40 book chapters and refereed journal publications, over 150 technical publications, and over 20 major technical reports on this subject. I testified before the U.S. Congressional Subcommittee on Highways and Transit in October 2009 and in May 2001, and I have provided presentations to a Congressional Roundtable, the National Council of State Legislatures, the National Safety Council, and the Virginia Legislature on issues of driver distraction and inattention. I have worked with the Federal Highway Administration, the National Highway Traffic Safety Administration, the Federal Motor Carrier Safety Administration, several major automobile manufacturers, and a number of automotive suppliers in the conduct of development, evaluation, and research activities associated with driver distraction and inattention.

Given recent catastrophic crash events and disturbing trends, there is an alarming amount of misinformation and confusion regarding the distraction associated with using wireless devices such as cell phones and dispatching devices while driving a vehicle. The findings from our research at VTTI can help begin to clear up these misconceptions as these findings are based on real-world driving data.

These real-world data have been gathered using a new method: naturalistic driving studies. VTTI has pioneered this methodology which thus far has led to the conduct of five studies involving both cars and trucks. The method involves the installation of sophisticated instrumentation (including a variety of cameras and other sensors) in

participants' own vehicles. This instrumentation measures driver behavior and performance continuously for between four months and two years.

Naturalistic data collection has provided, and will continue to provide, new insight into the driving distraction problem. Naturalistic data collection is the "gold standard" and is the only way to accurately assess the secondary tasks drivers are engaged in during the seconds just prior to a crash or near-crash. In our research we have found that, very often, when involved in a crash or near-crash, drivers don't remember what they were doing or what happened just prior to the safety-critical event. With the use of sophisticated cameras and instrumentation in participants' personal vehicles, VTTI can provide a clear picture of driver behavior and risk perception under real-world driving conditions. In addition, once the data are collected, they can be re-analyzed and driver behavior can be studied from many different perspectives.

VTTI is currently embarking on the largest naturalistic driving study undertaken to date. Sponsored by the National Academy of Sciences (NAS), we estimate that the Strategic Highway Research Program 2 (SHRP 2) project will ultimately produce over 2.5 million hours of driving data as well as a statistically significant number of crashes (based on the numbers we saw from our "100-Car Study" which was completed several years ago). With a broader base of data from a wider range of the driving population in terms of age, vehicle type, and geographic location, we will be able to explore many heretofore unexamined transportation safety questions. The study will instrument approximately 2,000 cars for a period of two years. This project has great potential to deepen the understanding of driving behaviors so that real advances in highway safety can result. By the end of 2010, we anticipate that data will begin to be available from this project.

Moreover, VTTI recently began a study that will instrument 250 heavy trucks with naturalistic driving instrumentation to record specific data as they make their normal, revenue-producing deliveries on our Nation's roadways. Sponsored by the Federal Motor Carrier Safety Administration, we estimate that these 250 instrumented trucks will drive 40 million miles. VTTI will leverage the data collected in this study to assess a variety of real-world heavy-vehicle safety issues.

Utilizing the naturalistic driving data that we have collected thus far from both cars and trucks, we have made a number of important discoveries that shed light on understanding the risks of distracted driving. **I would like to highlight these discoveries and important points for consideration of the distracted driving problem.**

The distraction issues that we face today are much different than those faced just a few short years ago and, consequently, are resulting in a growing number of crashes.

Many of the electronic devices being used in light and heavy vehicles today require greater visual and cognitive attention from the driver than do conventional tasks. Driving distraction, an old problem, has entered a new dimension. Historically, secondary tasks performed in a moving vehicle were, for the most part, relatively simple. Tuning a radio or eating represented some of these common tasks. While it is true that these tasks take

attention away from the roadway and do cause crashes, they are not the predominant distractions of today's driver. With the explosion of wireless device use, including handheld portable devices that can perform the same functions as your computer, and dispatching devices for commercial drivers to stay in constant contact with their home offices, both the visual and cognitive aspects of distraction are much greater than ever before.

The driving distraction problem is now particularly time-critical because the number of crashes involving complex tasks such as texting, typing, reading, and dialing has the potential to grow exponentially.

Texting while driving has the potential to create a true crash epidemic if texting-type tasks continue to grow in popularity and the generation of frequent text-message senders reaches driving age in large numbers. In addition, several recent high-visibility trucking and transit crashes have been directly linked to texting from a cell phone. We can all agree that strong action must be taken to combat this growing problem; however, how to legislate that strong action presents some challenges.

Naturalistic driving studies conducted at VTTI have shown that text messaging using a cell phone is associated with the highest risk of all sources of distraction. Text messaging, which is approximately 20 times riskier than driving while not using a phone, also had the longest duration of eyes-off-road time (an average of 4.6 seconds). This equates to a driver traveling the length of a football field at 55 mph without looking at the roadway. In contrast, talking/listening to a cell phone allowed drivers to maintain eyes on the road and was not associated with an increased safety risk to nearly the same degree.

The heavy-vehicle naturalistic driving studies conducted at VTTI have shown that work-related non-driving tasks, such as using a dispatching device, writing, and using a calculator, were over seven times riskier than driving while not engaging in these tasks. These high-risk tasks also had the longest durations of eyes-off-road time; highlighting that driving is primarily a visual task and maintaining eyes forward is critical to avoiding risk. While these tasks were frequently performed by heavy-vehicle drivers, they were not commonly performed by light-vehicle drivers, which underlines the need for naturalistic research in other transportation modalities, such as motorcoaches, buses, trolleys, trains, airplanes, etc.

While there are safety benefits that will be realized with the continued deployment of electronic devices, these benefits can be attained only in vehicles engineered to minimize driver distraction.

Driving is a visual task and non-driving activities that draw the driver's eyes away from the roadway (such as texting, dialing, and use of a laptop or dispatching device to perform complex tasks) should always be avoided.

Many in-vehicle technologies promise to make driving safer. These technologies include collision-warning systems, night-vision systems, and "Mayday" alert systems. In

addition, studies have shown that cell phones do in fact have significant safety benefits (such as reducing the response time of emergency personnel in the case of a crash).

However, while some electronic devices have shown safety benefits, these benefits can be fully realized only when they are incorporated in systems designed to minimize distraction in a moving vehicle. That is, with prudent design and selective restrictions, it may be possible to enhance safety as part of the electronic revolution in the automobile and truck instead of increasing crashes and fatalities. For example, a voice-activated cell phone using a simple interface that can be used to contact emergency or law enforcement personnel would allow an obvious safety benefit to be realized while minimizing the associated safety decrement.

In contrast, handheld, portable devices brought into, but not intergrated with, the vehicle, constitute the majority of the driving distraction problem. "True hands-free" device use, such as voice-activated systems, are less risky than handheld devices if they are designed well enough so the driver does not have to take his or her eyes off the road often or for long periods. However, "headset" use with a manual cell phone is not substantially safer than "handheld" use because the primary risk associated with both tasks is answering, dialing, and other tasks that require the driver's eyes to be off the road.

Teen drivers, by far, represent the largest population of those who engage in complex tasks while they drive.

Teens believe they can multi-task much better than older adults who have been driving a significantly longer period of time. For example, they mistakenly believe they can text and not take their eyes off the forward roadway at all. They do not have the maturity or the experience to adequately assess their risk while driving, in general, much less their risk while using a cell phone while driving. Our research has shown that teens tend to engage in cell phone tasks much more frequently, and in much riskier situations, than adults. Thus, our naturalistic driving data indicate that teens are four times more likely to be involved in a related crash or near-crash event than their adult counterparts.

The problem of driver distraction associated with electronic devices is multi-dimensional, requiring multiple solutions.

There are important differences in the deployment of electronic technology in the automobile. Specifically, the major differences exist between devices that are designed to be used in-vehicle and portable devices that are carried by consumers into vehicles.

In-vehicle devices. Many vehicle manufacturers and suppliers in this mobile information revolution have recognized the potential risk to the public. Many have already taken measures to improve design and provide the appropriate functionality of *in-vehicle* systems. It is important for the government to continue to support the continuing efforts of these stakeholders to address the distraction issue through design and implementation of safer devices. Specifically, the following considerations are important for in-vehicle devices:

- Follow human factors design principles such as limiting visual information complexity and maximizing display legibility and speech intelligibility.
- Provide appropriate functionality of devices (including limiting functionality, in some cases) in a moving vehicle. This will be necessary as more electronic convenience features become commonplace.
- Develop a consistent driver interface for selected driver interface functions. This can significantly reduce the task load required and therefore can reduce distraction.
- Use properly designed, true "hands-free" voice input/output devices when effective. Hands-free operation can reduce visual distraction relative to manual-control/visual display devices. However, voice systems, as with any other interface, require careful design and development. When properly implemented, true hands-free systems can provide an appropriate alternative method of input and information retrieval.
- Hands-free devices, although advantageous in many instances, may also pose risks. Care should be taken to limit "cognitive distraction" through simplification of design and messaging.

I believe that, in general, most vehicle manufacturers and suppliers are currently taking appropriate action to protect public safety. For example, most automobile manufacturers and some major suppliers are actively engaged in research, product evaluation, and standards development activities aimed at safely deploying electronic devices. However, it is important that all designers create devices that limit functionality and minimize driver distraction. I also believe that efforts to implement standards that require testing of potentially distracting automotive technologies need to be more broadly applied.

Portable devices. Of greater concern than the design of in-vehicle devices has been the introduction of portable electronic devices into cars and trucks. These devices include standard cell phones as well as cell phones that have additional wireless features such as Internet access, personal digital assistants, and portable computers.

In general, portable devices are not designed to be safely used by the driver in a moving vehicle. In addition, unlike in-vehicle devices, vehicle manufacturers and suppliers do not have any control over their functionality or design.

Public awareness and education programs are an important part of the solution to the driver distraction problem, but they will be insufficient in and of themselves.

Many organizations, including the wireless communications industry, have recognized the hazards associated with these devices. Several have implemented public awareness programs aimed at reducing distraction-induced crashes by educating drivers about the consequences of distraction and persuading them to limit associated activities. There are many historical examples of the effectiveness of such public awareness campaigns. Examples include seat belts, drinking and driving, motorcycle helmets, and many non-driving-related public health initiatives. This historical perspective tells us that such a

campaign will help reduce unsafe behavior associated with electronic devices. However, the effectiveness, in terms of people influenced to behave safely, for even a successful public persuasion program, will be in the range of 15-20%. Therefore, while such endeavors are important and should be supported, they will not be sufficient in and of themselves.

From this perspective, I believe that laws and enforcement methods aimed at limiting the use of handheld portable electronic devices in moving vehicles are necessary in order to provide an effective set of countermeasures to the distraction problem and protect public safety.

Conclusion

Driving distraction associated with electronic devices has the potential to pose a serious public health risk. Due to this risk and the rapid rate of deployment of these technologies, quick and decisive action is needed. However, in-vehicle devices have also been shown to actually enhance safety in some cases. Therefore, measured action is also warranted so that solutions enacted with good intent do not stifle the improvements in driving safety.

In 2001, at the Subcommittee on Highways and Transit hearing on "Driver Distraction: Electronic Devices in the Automobile," I indicated that "if we wait until we have very accurate data to act, the data will likely tell us that hundreds of thousands of crashes and thousands of fatalities will have resulted from delayed action."

We can now provide that accurate, real-world data to show that the odds of being involved in a crash or near-crash increase as much as 20 times for drivers who are dialing, texting, typing or reading compared to those drivers who are not distracted while driving. Distractions from using electronic devices while driving, and specifically texting while driving, could quickly create an injury epidemic if popularity continues to grow exponentially. The time to take action is now.

Therefore, I recommend the following:

- **A primary law banning the use of handheld, wireless devices in a moving vehicle. The law should:**
  - Preclude use of: cell phones, MP3 players, BlackBerrys, iPhones, etc., as well as headset use with conventional cell phones
  - Exclude "true-hands-free" and in-vehicle devices that are simple to operate and do not require substantial "eyes-off-road time"
  - Carry a significant monetary fine and "points"
  - Include a total cell phone ban for newly-licensed teens and for special cases such as school buses
  - Exclude emergency communications for all users
- **A regulation limiting functionality of visually demanding, in-vehicle devices in a moving vehicle is necessary and should**:

  - Include manual navigation destination entry and all "keyboard" tasks
  - Include all complex reading tasks
- **Standards for testing of potentially distracting devices prior to market introduction need to be broadly applied.**

Again, thank you very much for giving me the opportunity to testify before you on this important issue. I will be happy to answer any questions you have regarding my recommendations. Feel free to contact me at the address on the cover page of my written testimony, (540) 231-1501, or tdingus@vtti.vt.edu.

Mr. RUSH. And now the Chair recognizes Dr. McCartt.

Dr. McCartt, welcome to this hearing. And we recognize you for 5 minutes.

STATEMENT OF ANNE T. McCARTT

Ms. MCCARTT. Thank you, Chairman Rush and Ranking Member Stearns.

The Insurance Institute for Highway Safety is a nonprofit research and communications organization whose mission is to reduce the deaths, injuries and property damage that occur on our Nation's roads. We are supported by U.S. auto insurers. Thank you for the opportunity to share our research.

Cell phone use while driving in the U.S. is widespread and increasing. We need to look at what we know and don't know about the problem and potential solutions. The public is not well served by rushing to propose solutions that may not work.

The cumulative evidence from various types of studies points toward cell phone use as a risk factor for crashes and impaired driving performance. There are discrepant estimates of the magnitude of the risk, but there is little doubt that this is a problem for highway safety.

You've heard testimony that the problem is drivers taking their eyes off the road rather than talking on phones. But this assertion is based on analysis of safety-relevant events that included only a small number of crashes, and it is contradicted by two well-controlled studies, including one by our institute, that verified phone use in large samples of crash-involved drivers and found that the risk of crashing was four times higher when a driver was talking on either a hands-free or a handheld phone.

My remarks today will focus on the effects of laws banning drivers' phone use. Seven States and the District of Columbia make it illegal to talk on a handheld phone while driving. The Institute studied driver responses to three of these bans. There was considerable variation in the effects, but the results show that bans can produce large and long-term reductions in drivers' handheld phone use.

Based on a study of North Carolina's ban on teen drivers' use of any kind of phone, age-focused laws may have much less effect, especially if teens perceive the ban as not being enforced.

But the safety effects of handheld bans are unknown. Many drivers still use handheld phones even where use is banned, and other drivers may simply switch to hands-free. Given that crash risk increases substantially while talking on either handheld or a hands-free phone, bans on handheld phones won't eliminate crashes for those who switch to hands-free.

We also don't know the effects of bans on total time that drivers talk. If drivers who switch to hands-free devices have longer or more conversations than when they were using handheld, then the total time at risk for a distraction-related crash may increase.

Laws limiting drivers use of all electronic devices make the most sense, based on research, but enforcing such laws would be problematic. As part of ongoing research to understand the implications of bans, the Institute is examining insurance collision claim frequency in States that enacted handheld phone bans.

Figure 2 in my written testimony shows monthly rates of collision claims for California during the 18 months before and the 12 months after a handheld ban took effect in July 2008. The figure also shows claim rates aggregated across the neighboring States of Arizona, Nevada and Oregon. Although the rates vary considerably, month to month, there is no notable change in California's collision claim rate associated with the ban.

Overall, the month-to-month changes in claim rates in the months leading up to and following the ban are very similar to those for the comparison States. Similar analyses for New York State and the District of Columbia tell a similar story: no apparent reduction in collision claim risk coincident with a handheld phone ban.

These analyses are preliminary. They are simple, descriptive statistics of collision claims risk over time. However, they raise questions about the potential effectiveness of handheld cell phone bans in terms of the most important variable, the safety of our roads. They indicate a need to better understand how and when drivers use phones and how cell phone bans affect that usage in crash risk.

Some have proposed that educational campaigns will reduce phone use and texting while driving. However, education alone has not proven effective in changing driver behavior. Besides, surveys shows that most people agree that drivers should not phone and drive, even many of those who admit that they do so.

A potential approach is curbing drivers' phone use with technology that can control how and when motorists use their phones. The main customers for such technology may be fleet managers or parents of teenage drivers. However, phone blockers of any sort aren't yet in widespread use and their real-world effects aren't known.

Driver error has long been the most frequent proximate cause of crashes. To prevent or mitigate some of these errors, automakers and their suppliers are introducing various technologies designed to alert drivers to imminent collisions or dangerous situations and, in some cases, to automatically brake or correct the course of a vehicle. It is important to consider that these new technologies may offer some protection against distractions from cell phone use or other sources.

Before policymakers can make sound decisions about what countermeasures to adopt, we need better evidence on several issues; but the most serious deficit in our knowledge is that we do not know whether laws banning drivers' phone use have reduced the frequency of crashes. Before we encourage or require that more States pass bans, we need to establish whether they enhance traffic safety.

Thank you very much.

Mr. RUSH. Thank you very much.

[The prepared statement of Ms. McCartt follows:]

Statement before the Joint Hearing of the Subcommittee on Commerce, Trade, and Consumer Protection and the Subcommittee on Communications, Technology, and the Internet of the U.S. House of Representatives

Driven to Distraction: Technological Devices and Vehicle Safety

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November 4, 2009

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The Insurance Institute for Highway Safety is a nonprofit research and communications organization whose mission is to reduce the deaths, injuries, and property damage that occur on our nation's roads. We are supported by automobile insurers. Thank you for the opportunity to share the results of our research on the risk of cellphone use while driving and the effect of state laws on restricting phone use while driving.

I am here to talk about an issue of mounting public concern, namely the danger posed by drivers distracted by dialing, talking, or texting on cellphones. The reason for the concern is accumulating evidence of risk to the public from distracted drivers. This evidence includes a number of well-publicized incidents when distraction contributed to disastrous crashes. We need to look at what we know and do not know about the problem and about solutions. The US public is not well served by rushing to propose solutions that may not work. Examining the evidence is critical to coming up with public health policies that will enhance safety.

Cellphone use while driving is widespread

Surveys of US drivers indicate that many talk on cellphones. Observational surveys conducted by the National Highway Traffic Safety Administration (NHTSA) at intersections controlled by stop signs or stop lights indicate that at any given time during daylight hours in 2008, 6 percent of passenger vehicle drivers were talking on hand-held phones. This was double the rate observed in 2000, but use has not risen since 2005 (Glassbrenner, 2005; NHTSA, 2009; Utter, 2001). This means that more than 800,000 passenger vehicle drivers who were stopped at intersections at any given daylight moment in 2008 were talking on hand-held phones. The 2008 hand-held phone use rate among drivers estimated to be 16-24 years old was 8 percent, which was significantly higher than use rates among drivers estimated to be 25-69 (6 percent) or 70 and older (1 percent). The rate of visible headset cellphone use was about 1 percent, and the rate of visible manipulation of hand-held devices was 1 percent. Precise measurements of hands-free cellphone use cannot be obtained through observational surveys, but many drivers report using hands-free phones in telephone surveys (Boyle and Lampkin, 2008; Harris Interactive, 2006; Nationwide Insurance, 2008). Based on drivers' self-reported phone use combined with observed use rates, NHTSA estimated that 11 percent of drivers were using any kind of phone at any given daylight moment in 2008. The estimated rate of total phone use was up from 4 percent in 2000 but has been relatively steady since 2005 (Glassbrenner, 2005; NHTSA, 2009; Utter, 2001).

Risk associated with cellphone use while driving

A large body of research has addressed the risk of talking on a cellphone while driving (McCartt et al., 2006). It is important that studies of crash risk verify the phone use of crash-involved drivers independent of police crash reports or driver self-reports, which are unreliable sources of information. Two controlled epidemiologic studies used cellphone company billing records to verify crash-involved drivers' phone use. One observed that talking on a phone was associated with a 4-fold increase in the risk of a property-damage-only crash (Redelmeier and Tibshirani, 1997), and the other observed a 4-fold increase in the risk of a crash serious enough to injure the driver (McEvoy et al., 2005). The increase in crash risk did not differ significantly between male and female drivers or between drivers younger than 30 and those 30 and older. The increased risk was similar for hand-held and hands-free phones. The researchers were unable to estimate the crash risk associated with different types of hands-free devices, including fully hands-free systems. Nor were they able to determine whether it was safer to place a call with hands-free technology, such as voice dialing, than to dial manually. Both of these studies had excellent methods of controlling for factors that can influence crash risk other than cellphone use, such as risk-taking propensity. These 2 studies provide the strongest evidence that talking on a cellphone causes crashes.

Another epidemiologic study (Young and Schreiner, 2009) looked at airbag deployment crashes among drivers who subscribe to OnStar, an in-vehicle hands-free system for dialing and conversing. This study reported no increased risk of a crash resulting in an airbag deployment associated with OnStar use. In fact, it reported a 38 percent lower risk, albeit non-significant. Methodological issues limit the conclusions that can be drawn from this study. Nothing is known about other cellphone use during the comparison periods when drivers were not using OnStar. There was no control of potentially confounding factors such as driver age, driver gender, or time of day. Driving minutes during comparison periods were unknown and were estimated using data from other fleets, which could result in either overestimation or underestimation of true risk. Because of these problems, this study cannot definitively answer whether placing OnStar calls posed an increased risk. Equally important, this study does not negate the extensive scientific findings indicating risk from cellphone use while driving.

A review of more than 120 cellphone studies included experimental ones that found impairment in simulated or test-track driving performance measures among users of hand-held and hands-free cellphones (McCartt et al., 2006). Phone conversation tasks typically slowed reac-

tion times and increased lane deviations and steering wheel movements. Statistical analyses that aggregated the results of multiple studies reported similar findings (Caird et al., 2008; Horrey and Wickens, 2006). There are fewer experimental studies of the effects of dialing on performance measures, and the evidence is mixed as to whether hands-free dialing is less impairing than manual dialing (Jenness et al., 2002; McCartt et al., 2006; Schreiner, 2006).

Other evidence comes from "naturalistic" research involving drivers observed in their own vehicles that are outfitted with cameras and other technology. In a study of 100 vehicles monitored for about a year, cellphone use was a common source of driver distraction (Klauer et al., 2006). The odds of an at-fault near-crash or crash were 2.8 times as high when dialing a hand-held device than when hand-held phones were not used. When talking on a hand-held phone, the odds ratio was 1.3 times as high. This increase did not reach traditional levels of statistical significance, but when the amount of time spent conversing on a phone versus dialing was considered the percentages of near-crashes or crashes attributable to talking and dialing hand-held phones were equivalent (3.6 percent). This study has limitations that preclude it from giving definitive answers about the magnitude of crash risk associated with cellphone use and about whether hands-free dialing and conversation are safer than hand-held dialing and conversation. Ninety percent of the events were near-crashes, not crashes, and we do not know how strongly near-crashes are related to actual crashes. Another limitation was the small sample of volunteer drivers who were not necessarily representative of the general population of drivers. Still another limitation is that the statistical analyses did not do enough to control for other factors that influence the chances of involvement in crashes or near crashes. Specifically, the researchers did not compare individual drivers to their baseline driving patterns. Use of hands-free devices could not be determined and so was not a subject of this research, and it is unclear if drivers may have been talking on hands-free phones during comparison periods.

In summary, the cumulative evidence from epidemiologic studies, lab studies, test-track studies, and naturalistic research points to cellphone use as a risk factor for crashes and impaired driving performance. There are discrepancies among studies as to the magnitude of the increased risk, but there is little doubt that this is a traffic safety problem.

Risk of texting while driving

It is apparent that looking at a phone and manipulating it with both hands is inconsistent with safe driving. Yet a 2008 survey of drivers found that 40 percent of those 30 and younger who own cellphones said they send or read text messages while driving (Nationwide Insurance, 2008). There is not a lot of research on texting and driving, but 2 studies of young drivers found that receiving, and especially sending, text messages led to decrements in simulated driving performance, particularly lane keeping and reaction time (Hosking et al., 2006; Reed and Robbins, 2008). A naturalistic study reports a 23-fold increase in the risk of crashing, nearly crashing, conflicting with traffic, or drifting from the driving lane among truckers who texted while they drove. This study found a 6-fold increase in risk from dialing a hand-held cellphone and no increase in risk from talking on a hand-held phone (Hanowski et al., 2009; Olson et al., 2009). More than 95 percent of the incidents involved traffic conflicts or lane drifts, 4 percent were near-crashes, and less than 1 percent were crashes. It is unknown whether the findings can be generalized to drivers of passenger vehicles.

Laws restricting cellphone use and texting

A number of jurisdictions worldwide, including several US states, make it illegal to use a hand-held cellphone while driving. Seven states and the District of Columbia have such bans (Map A). More common in the United States are laws that restrict young drivers from using any type of cellphone (Map B) or restrict school bus drivers from using cellphones (Map C). Text messaging is banned for all drivers in 18 states and the District of Columbia (Map D). Young drivers are banned from texting in 9 states (Map D).

Evidence about the effects of these bans is mixed. The Insurance Institute for Highway Safety has studied driver response to 3 of the statewide bans on hand-held use (McCartt and Geary, 2004; McCartt and Hellinga, 2007; McCartt et al., 2009). In November 2001, New York became the first state to implement a ban on hand-held cellphones for drivers, and driver hand-held phone use immediately declined by an estimated 47 percent. Then use began going back up, but when measured more than 7 years after the ban it still was 24 percent lower than would have been expected without the ban. Soon after a ban was passed in the District of Columbia in 2004, driver hand-held phone use dropped 41 percent. Nearly 5 years after the ban, the rate of hand-held phone use was 43 percent lower than would have been expected with-

out a ban. Connecticut's ban took effect in 2005. Hand-held phone use immediately declined an estimated 76 percent, and more than 3 years later use was 65 percent lower than would have been expected without a ban.

The estimated effects of these 3 laws thus differ considerably, but the results indicate that banning hand-held phone use can have large and lasting effects. Another study, which looked at teen drivers after North Carolina banned their use of cellphones in 2006, indicated that age-focused laws in the absence of vigorous and visible enforcement may be much less effective. North Carolina's law banned the use of any telecommunications device by drivers younger than 18. About 11 percent of teenage drivers were observed using phones before this law, and the percentage rose slightly to 12 percent in the post-law survey. At comparison sites in South Carolina, which did not have similar restrictions, teen drivers' phone use remained steady at about 13 percent. This research may demonstrate the difficulty of curbing cellphone use when drivers realize the law is not being enforced. In post-law telephone surveys, only 22 percent of teenagers and 13 percent of parents believed the ban in North Carolina was being enforced fairly often or a lot (Foss et al., 2009).

The safety effects of statewide bans on hand-held phone use while driving are not clear. Many drivers still use hand-held phones where use is banned, and other drivers may simply switch to hands-free phones. Given that crash risk increases substantially when drivers talk on either kind of phone, banning hand-held phone use will not eliminate cellphone-related crashes for those who merely switch to hands-free. We also do not know how bans on hand-held phone use affect the total amount of time spent on the phone while driving. If people who switch to hands-free devices have more or longer conversations than when they were using hand-held phones, then the total time at risk of a distraction-related crash may increase. Laws limiting the use of all electronic communications devices by drivers may make the most sense based on the research, but such laws are difficult to enforce. Police officers can see whether a driver is holding a phone to the ear, but it is much harder to determine if a driver is sending a text message or talking on a hands-free phone.

Conducting studies of crashes following cellphone use bans could put an end to the speculation. As part of our ongoing research to understand the implications of cellphone bans, the Insurance Institute for Highway Safety and affiliated Highway Loss Data Institute have examined insurance collision claim frequencies for vehicles 1-4 years old. One interesting finding is that as driver use of cellphones has increased since 2000 the frequency of collision

claims (claims per 100 insured vehicle years) has declined (Figure 1). Apparently, the increased crash risk associated with cellphone use has not been sufficient to offset a general decline in collision claim frequency.

We also have examined rates of insurance claims in states with hand-held bans. Figure 2 shows the monthly frequency of collision claims per 100 insured vehicle years in California during the 18 months before and the 12 months after a hand-held ban took effect in July 2008. This figure also shows claim frequencies for vehicles aggregated across the neighboring states of Arizona, Nevada, and Oregon. Although the claim rate varies considerably from month to month, no notable change is apparent in California's collision claim rate associated with the law. Month-to-month changes in the claim rate during the months leading up to and following the California ban appear very similar to patterns in the comparison states. The researchers produced similar charts for New York State and the District of Columbia around the time these jurisdictions established bans on hand-held phone use, and the charts tell a similar story: no reduction in collision claim risk coincident with the laws.

These analyses of insurance claims should be considered preliminary. They are simple descriptive statistics of crash claim risk over time. However, they raise questions about the potential effectiveness of hand-held cellphone bans in terms of the most important variable, the safety of our roads. They indicate a need to better understand the effects of cellphone use and phone use bans on crash risk.

Educational campaigns without enforcement will not work

The US experience with highway safety laws indicates that education alone will not change driver behavior. In general, the most effective strategy for changing driver behavior is strong laws that are vigorously and visibly enforced.

The US experience with safety belt use is instructive. The Insurance Institute for Highway Safety documented the low rate of belt use in the early 1970-80s. One study found that belt use averaged 12 percent across all regions of the United States in 1982 (Lund, 1986). To evaluate the effects of an education campaign motivating people to buckle up, the Institute conducted an intensive 9-month television advertising campaign in a community whose residents received television service from 1 of 2 different cable sources (Robertson et al., 1974). A variety of messages were broadcast on 1 of these cable stations, so some residents were ex-

posed to the messages and some were not. This campaign failed to produce an increase in belt use in neighborhoods where the ads were aired compared with other neighborhoods.

Research has shown that education must be combined with highly visible police enforcement of belt laws to bring about changes in behavior. Evaluation of a 5-year publicity and enforcement campaign across North Carolina found that belt use rose from the mid-60 percent range to 84 percent (Williams et al., 1996). This "Click It or Ticket" program became the model used throughout the United States to increase belt use.

New technology may help curb phone use while driving

A potential approach would use technology to control how and when motorists use their phones. Devices are in the works that would block phone use in moving vehicles, but a problem is that such devices would block phoning and texting by passengers as well as drivers. To get around this some systems include a passenger mode, but it is unclear whether drivers can be prevented from activating it to circumvent the whole purpose of the devices.

The main customers for such technology may be fleet managers seeking to control phone use by employees or parents who want to ensure their teenagers are not using cellphones while driving. However, phone blockers of any sort are not yet in widespread use, and their real-world effects are not known.

Crash avoidance technology may help

Driver error has long been the most frequent proximal cause of crashes, even before the advent of cellphones and other electronic distractions in vehicles (Treat et al., 1979). To prevent or mitigate some of these errors, automakers and their suppliers are introducing technology designed to alert drivers to imminent collisions or dangerous situations and, in some cases, to take action automatically to brake or correct vehicle course. Such technology may offer some protection against distractions from phone use, with the additional advantage that the technology would address errors that drivers make when the distractions come from other sources.

Remaining research questions

Before policymakers can make sound decisions about what countermeasures to adopt, we need better evidence on several key issues. We know that phone use while driving increases the risk of crashing. But there are discrepancies in the estimated size of the risk of phone use, and we need to understand these differences. The risk associated with various types of

hands-free phone, including fully hands-free devices, relative to other devices has not been established. The most serious deficit in our knowledge is that we do not know whether banning driver phone use reduces crash frequency. Before we encourage or require more states to enact bans, researchers should examine the effects of existing bans and whether they enhance traffic safety.

An important unknown is the number of crashes attributable to cellphone use. Has this number changed as driver phone use has increased? The only well-controlled studies that have verified phone use in a large sample of crash-involved drivers found that the risk of crashing was 4 times higher when a driver was using either a hands-free or hand-held phone. Observational studies show that cellphone use increased, at least during 2000-05, so we would expect to have seen a corresponding increase in the number of crashes. Yet police-reported crash frequencies in the United States have declined, in part because of the economic downturn and other factors. Whether increases in phone use have prevented larger declines is unknown. Perhaps the degree of elevated crash risk related to phone use differs among different types of drivers or in different driving situations (e.g., high-speed roads versus city driving) in ways that dampen the effects on total crashes.

A limitation of real-world studies of cellphone effects on crashes and safety-relevant events is that the reasons people are using phones may be related to the causes of crashes. This would inflate risk estimates. If drivers tended to make calls during low-risk traffic conditions, this would decrease the risk estimates. At this point we have no answers to these questions.

To understand the dimensions of the crash problem related to phone use we need better information about patterns of phone use in the United States, including the proportion of time drivers are dialing or talking on phones. We need to know whether total driver phone use goes up, goes down, or stays the same after a ban. Observational studies can determine when a driver is using a hand-held phone, but it is difficult if not impossible to determine whether a driver is using a hands-free phone. Technology to determine whether a cellphone is in use in moving vehicles would enable researchers to estimate the frequency of hands-free phone use. While technology has been developed to detect cellphone use in controlled environments such as prisons, it is unknown whether this technology could be used to monitor phone use in moving vehicles.

Finally, technology is available to prevent drivers from using their cellphones while driving. We need fleet studies to evaluate whether this technology will work in the real world.

The Insurance Institute for Highway Safety will continue to conduct research to understand apparent discrepancies in the findings of various studies. We will continue to seek answers to the key outstanding questions so that public policy will be based on sound evidence.

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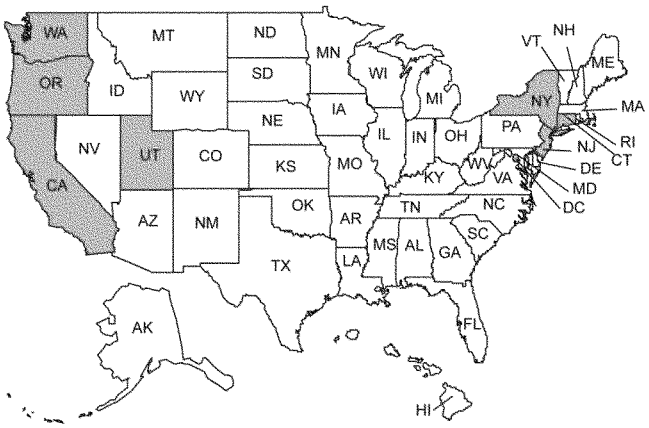
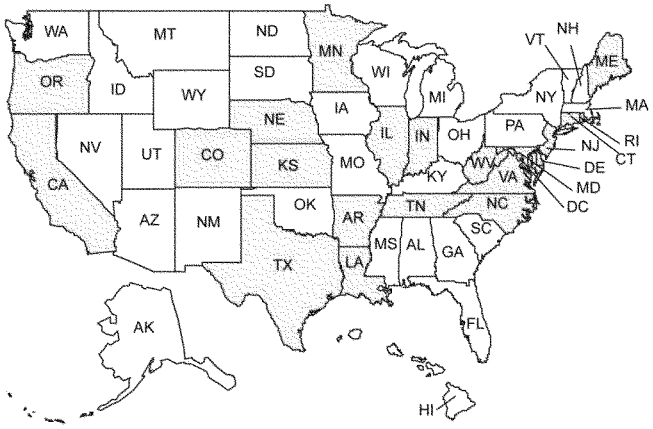
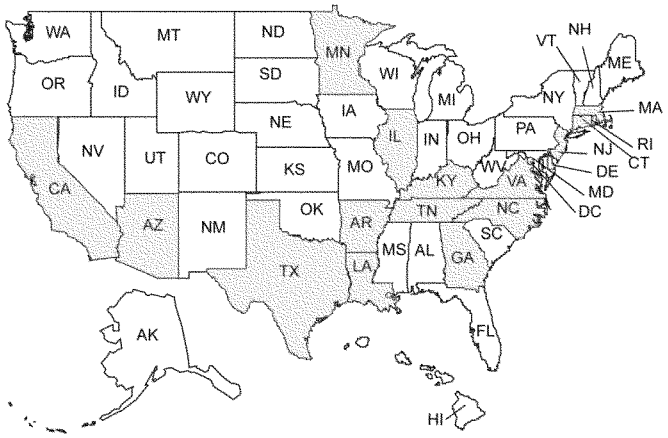
Map A
Statewide hand-held cellphone bans



Map B
Statewide teenage driver cellphone bans



Map C
Statewide school bus driver cellphone bans



Map D
Statewide texting bans

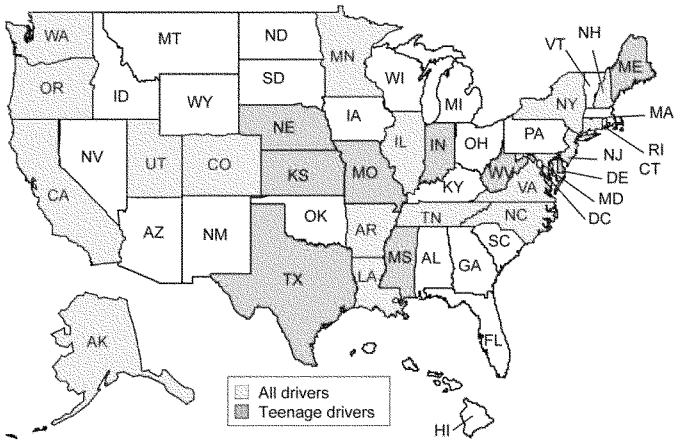


Figure 1
Collision claims per 100 insured vehicle years, by calendar year, based on 4 most recent model years

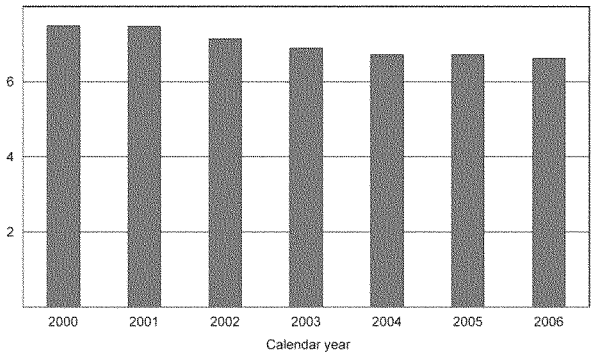
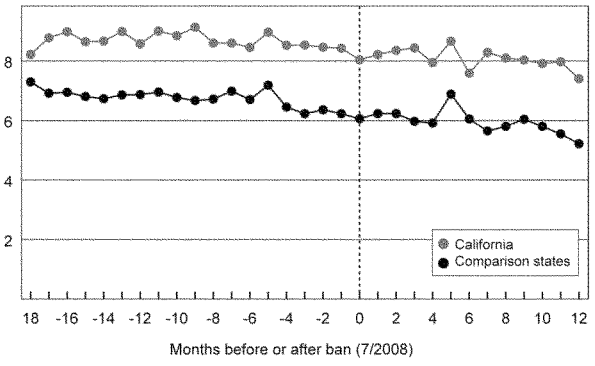


Figure 2
Collision claims per 100 insured vehicle years in California (with cellphone ban) versus Arizona, Nevada, and Oregon (without ban)



Mr. RUSH. Certainly some very interesting and provocative questions that you—testimony that you presented. And the Chair recognizes himself for 5 minutes.

Let me just ask this—and, Dr. McCartt, you might be able to answer this question. Is there any activity or any requirement at the State level that in driver's ed, certainly before one can—a teenager can get any permit to drive that there be some kind of course work or at least some kind of information or some type of sharing of information with the student so they can become aware, even at that moment when they're in the driver's education class or in a driver's—before they get a permit?

Ms. MCCARTT. I want to make sure I understood your question. You're asking me whether State driver ed programs include information?

Mr. RUSH. Well, in my State of Illinois, if—I believe if you are 16, then you can apply for a permit. And before you can get that permit you have to have so many hours in high school to discuss traffic safety, operation—safe operation of a vehicle and other kinds of issues they deal with. But I am not certain that they actually segregate and focus on the problems associated with cell phone use and driver distraction.

My question is, do you know of any State—is it widespread among all the States or are there any States who are at the forefront of trying to proactively teach this to our high school students at the moment when they are making some definitive actions, trying to secure the ability and their license to drive?

Ms. MCCARTT. I am not sure whether it is common in driver education classes to include information on distraction. I think, however, that as a cautionary note, driver education can be an effective way to teach the basic rules of the road. But it hasn't been an effective way to reduce crashes.

I think teens, like adults, generally need more than education about a risk to cease from that risky behavior.

So education may have a short-term effect, but in the long term, unfortunately, drivers usually need more than education to change their behavior.

Mr. RUSH. Is there anybody else? Does anybody else have anything they want to add or say about that question? Because it seems to me that this is a point where—the first time you can really, in a structured way, get the attention of children as it relates to distracted driving.

And I am not sure if there is a requirement at any State level that the issue of distracted driving is a part of any curriculum. And I am just asking, is anyone aware of that?

Mr. DINGUS. I think it is being included in driver programs. Some States have GDL requirements that limit or eliminate wireless device use.

But I have to agree with Dr. McCartt, you know, that's a necessary thing to do, to educate young people, but it is insufficient when you're really not—you know, it is hard, very hard to impact the behavior of teenagers.

Mr. RUSH. Thank you very much.

Dr. McCartt, other countries have taken a more aggressive approach against cell phone usage while driving. For example, most

EU member states prohibit handheld cell phone use while driving. Japan and Israel have complete bans on cell phone use while driving.

What do you think the U.S. can learn from other countries? And are nations that have been more successful in compliance or more effective in enforcement—are these nations more successful or more effective in their enforcement?

Ms. MCCARTT. You're asking about the enforcement of the laws?

Mr. RUSH. Yes. What can the U.S. learn from other countries?

Ms. MCCARTT. Well, in other areas of highway safety, belt use is the best example. What has really gotten belt use at a very high level in this country is not only enforcement but enforcement that's strongly publicized.

When we've looked at States that have handheld phone bans, we actually do see pretty high levels of enforcement. But we think one issue is that this enforcement isn't publicized.

So, you know, I think handheld bans can be enforced. I think the issue, as I suggest in my testimony, is that if drivers simply switch to hands-free, that won't eliminate the crash risk associated with talking on phones. But well-publicized enforcement is a very, very strongly proven countermeasure in this country.

Mr. RUSH. My time has expired.

The Chair recognizes Mr. Stearns.

Mr. STEARNS. Thank you, Mr. Chairman.

Mr. Teater, I have three sons, and during the break, I text-messaged them, telling them not to drive and text-message. And they all came back and said, Yes, sir. So, let me just offer my sympathy and commend you for your advocacy here, and also for taking of your life and time to do this in remembrance of your son. And we are all sympathetic of it.

When I get into my van, a new van, if I don't put my seatbelt on, I hear a bing, bing, bing. And I can't get rid of this bing. I made sure that anybody gets in this and if the passenger side happens to get in, if they don't put their seatbelt on, there's a bing, bing, bing.

So, Mr. Strassburger, it seems to me that the automobile companies could work out some procedures.

And then, Mr. Largent, I've got some ideas that the cell phone companies could do. For example—it was briefly touched upon—if a vehicle could sense and give a large buzz or sound to the driver if they were on the cell and not paying attention.

There seems—what I am hearing from Dr. McCartt is that we can legislate, but we can't necessarily enforce it. And so maybe the combination of technology on the phone and technology in the vehicle, we can stop this—much like I have got to put my seatbelt on, or I have got to listen to this bing, bing, bing forever.

So isn't there something that the automobile manufacturers could do in addition to—let's say, all the States passed a law and whatever we did in the Federal level—I mean, 45,000 people die every year of automobile accidents. Mr. LaHood, the Secretary, couldn't say, of the 6,000 that were distracted, how many of those were due to text messages.

So maybe the larger issue is, between the cell phone companies and the automobile manufacturers we could institute something, preventive procedures.

Mr. STRASSBURGER. Congressman, we know how to do this.

Mr. STEARNS. Yes. Because when we back up now, there's a buzzer that comes on when you back up.

Mr. STRASSBURGER. We know how to do this. And the model is the model that you mentioned this morning, which is the same model that we used to reduce or to increase safety belt use, that we've used to reduce drunk driving; and it is three things.

And, you know, after—this is probably my third hearing now on this issue and there are a lot of questions about education. But we need three things. We need strong laws, visibly enforced.

We need education about those laws, the fact that they are being enforced so that we know that—we create the perception that if you drive distracted, you're going to be caught and you're going to be fined or maybe even assessed points.

And then there is a technology component. We are, at The Alliance at least, doing that by designing our systems pursuant to our guidelines, which are very well—rigorously based in sound science and the research to mitigate and manage the driver distraction, so that when you do enter a car, if you are carrying a device, you can connect that device either physically or electronically, and then it becomes integrated with the operation of the vehicle and subject to our guidelines.

So we know how to do this.

Mr. STEARNS. OK. I was also thinking that in the case of the son—Mr. Teater's son, that that woman, when she started to get distracted, there was something in the car that would alert her that she's being distracted. Because the distance in the radar between her and the vehicle she's going to hit would signal—and her speed. And it'd be an automatic flash that she would know.

Mr. STRASSBURGER. There are other technologies, absolutely, that we are working on—driver-assist technologies that could.

But the one thing we cannot do is understand what you are thinking; we cannot measure when you are cognitively distracted.

Mr. STEARNS. Mr. Largent, you know, when you have a phone, you can get GPS on this. And so with GPS, they will tell me where my phone is. And is it possible that some technological advance could be done into the cell phone that would sense that when a person is using text messages at a certain speed or something, that it would not work?

Or is there something that could be put into the cell phone tied to GPS that would say, You are text-messaging while you're driving, or something?

I mean, is there anything in your area that people have talked about? I am just curious.

Mr. LARGENT. Well, great idea. There's about six companies that are already doing it. I have become aware of at least six or seven companies that have approached my office to say that they are developing either applications that you just simply download on your phone or actual augmentation to a cellular phone that actually would shut it down after the—when the phone senses that it is

traveling at more than 5 miles an hour, it'll shut down your ability to use the phone.

Mr. STEARNS. So if you're going to text-message, you've got to stop your car?

Mr. LARGENT. That's right.

Mr. STEARNS. Yes. That seems pretty easy to do.

Dr. McCartt, I mean, your testimony was factual. But what you're basically saying is that if we pass these laws, there's no assurance, there's no evidence that it will stop people from using them and distracting themselves.

There's no evidence that passing laws would do anything; is that what you're saying?

Ms. MCCARTT. Not yet. No.

Mr. STEARNS. Not yet.

And you're also saying, we have no idea how many people are actually—in the case of Mr. Teater's son, that have actually been distracted and died—because while there's 45,000 people who have died every year in automobile accidents; and Mr. LaHood, the Secretary, said that 6,000 are distracted but he doesn't know how many.

So we have no idea how many really are a case like Mr. Teater's. Is that what you're saying?

Ms. MCCARTT. Yes. Because if you think of a car crash, after it's occurred, it's almost impossible for a police officer to document that someone was talking on a phone or engaged in some——

Mr. STEARNS. Well, Mr. Teater found out that the woman who caused it, he found everything about it. So——

Ms. MCCARTT. Yes, you can in some cases. But as a general matter it's not always possible. Unless a driver volunteers or someone witnessed the crash, it can be difficult for a police officer to document. And even if it's known, it's not always documented in a police crash report.

Mr. STEARNS. OK.

Mr. Teater, I'm going to let you have the last word here. I assume that you would like the Federal Government to pass a law forbidding this.

Or would you want to do it like we did with the seat belts which—we say, the States will get grants if they adopt this law as an incentive?

What is your ultimate—if you could wave a wand today, what would you like done?

Mr. TEATER. Well, whatever will get it done the fastest. And I guess I am not as experienced with these things as I should be to recommend that. But I do believe that this is a problem that has come up on us very, very quickly, and it is going to escalate very, very quickly if we don't get ahead of it.

I agree with Dr. McCartt, we do not know how many crashes are caused. It is hard to determine that. I like the questions about the technology. Some of the ideas you have thrown out have been tested; they are out there.

We need to get them to market quickly. I know that at least employers in this country and parents in this country would use these technologies for their kids and their employees without any incentive or law. They would do it tomorrow, and we would make our

roadways safer. We have to move forward on all fronts as fast as possible. And I do think it is time for Federal leadership, probably because it has come up so suddenly. And I believe that we can move faster at this level than we can at every State level. Some states move fast I know.

Mr. STEARNS. All right. Thank you, Mr. Chairman.

Mr. RUSH. The gentleman's time is up.

The Chair now recognizes the gentleman from Washington, Mr. Inslee, for 5 minutes.

Mr. INSLEE. Thank you.

Mr. Teater, you said that you helped launch a technology start-up company to help solve this problem. Could you just briefly tell me what that is? I may have missed your testimony.

Mr. TEATER. First of all, also in my testimony, it needs to be noted that I worked for one of these companies and helped launch one of these companies for years so I got to know, obviously, what they are doing.

Mr. INSLEE. Just real briefly, what did you do.

Mr. TEATER. Well, if you tried to call me and I am driving, you would get a recorded message that says, it appears the caller is driving, Mr. Teater is driving; press one to go to voice mail, press two to leave an emergency voice page, or press three to have your call automatically connected at the end of his journey.

Mr. INSLEE. So if we do that, would that also disable a passenger's?

Mr. TEATER. No, there is a passenger override function which can be offered by the employer or by the parent. They may not choose to offer that. Whenever you override as a passenger, it is reported back to the employer or the parent.

Mr. INSLEE. I appreciate it. It sounds really interesting. Congratulations on your work. Thank you for your work.

Mr. TEATER. But it is not just that company. There are at least six or seven others that have various products like that, that are ready to go to market.

Mr. INSLEE. Great. That is exciting.

I want to ask about the issue of hands-free sets. I think it is very well established that we have a problem associated with visual distraction and tactile distraction drivers. I think that is very, very clear.

The question in my mind is, for hands-free technology, which presents a nonvisual, nontactile disruption, but it is a cognitive issue; how should we think of that?

I will just tell you my reaction. I haven't seen any research about this, but my reaction is it shouldn't be any significantly different than talking to a passenger in the car. And my immediate reaction is that talking to a passenger in a car is not a distraction that is going to be one that we will try to legislate or should try to legislate. And my immediate reaction is not to distinguish a hands-free conversation from a conversation with a passenger in a car, and therefore, we shouldn't try to legislate against a hands-free situation.

And I would just ask anyone who has any science to discuss what we know about that or don't know about that. I would appreciate knowing about it. And any of our panel want to address that issue?

Ms. MCCARTT. I can start. Our institute did a study; I mentioned in my summary. A similar study was done in Canada where we were able to verify phone use of drivers involved in crashes. And we also had information from them about whether it was handheld or hands-free. And what we found in our study was that the risk of crashing was four times higher when someone was talking on the phone—we didn't know about the dialing aspect—and that there was no significant difference between the risk when a person was using a handheld or a hands-free phone.

There are also a lot of experimental studies, you know simulators, test tracks, that show that drivers are similarly distracted whether conversing handheld or hands-free.

I think the main distinction between passengers and a telephone conversation is that passengers are in a vehicle with the driver. So if you exclude teen passengers, who do have a higher crash risk with passengers, when you look at crashes involving adults, what you see is often a protective effect of passengers because they may be helping the driver in the driving situation and know when to talk or not talk.

When someone is on the other end of a phone, they are not driving with you so they can't adjust the conversation to the demands of the driving situation.

But I think that this is one area that the research has not really clearly established whether fully hands-free, for example, might have some margin of safety, but I think it won't eliminate it. I think hands-free phones won't eliminate distraction.

Mr. INSLEE. Is it clear, at least right now, that there is—some fellows were showing me some research yesterday that suggested there was a very significant increase in risk associated with texting, like a 20-fold increase in rates of accident, but nothing approaching anything close to that for a hands-free scenario. Does anybody—is there a distinction there?

Ms. MCCARTT. In our study, we found a fourfold increase in crashing when talking on a hands-free phone.

Mr. INSLEE. How about texting?

Ms. MCCARTT. We didn't look at texting. When we did our study, texting was rare. I think, even without research, it is obvious that texting is extremely unsafe. The estimate of texting, though—and Dr. Dingus can speak to the research that is his—it involved events, very few of which were crashes. So I don't think we have a really precise estimate at this point based on real-world crashes of the crash risk associated with texting, but I am sure there is a substantial risk.

Mr. INSLEE. Dr. Dingus, could you——

Mr. DINGUS. Well, I think there are—what Anne said is true. Hands-free and handheld conversation is not much different. The issue becomes, how risky is that? I don't believe the fourfold increase; I think it is less than twofold, but I think it is greater than one, so it is an issue.

But the act of holding the phone to one's ear versus not holding the phone to one's ear is not the issue. The issue is taking your eyes off the road. There are really good simulator studies that show that if you are engaged in a really complex conversation, emotional

conversation, on a cell phone, your reaction time is delayed about 3/10ths of a second.

We have data from truck drivers where their eyes are off the road for 5 seconds, and that is the magnitude of the difference in the risk that you are talking about.

Anne is right, a 23-fold increase, we don't have a precise estimate about that, but I guarantee you it is higher than 15 and probably closer to 20.

Mr. INSLEE. Is there anything comparing conversations with a passenger in a car comparing to passengers in a hands-free environment with someone outside of a car?

Mr. DINGUS. Sure. I mean, I can—we have a——

Mr. INSLEE. Well, let me just ask a you a first question. Is there any evidence that having passengers in a car and/or having conversations with those passengers is a distraction that increases the crash risk.

Mr. DINGUS. You have to think about it in the larger context of driving. Passengers can be a distraction, but they also have benefits in the larger context. My wife, for example, serves as a collision avoidance device because she is also a look-out. Plus if you are an adult driver, you drive differently when passengers are in the car.

Mr. INSLEE. So what is the evidence net for having passengers?

Mr. DINGUS. The net for adults is a benefit. The net for teens is a detriment.

Mr. INSLEE. Anyone else want to add something?

Mr. TEATER. The universities of Utah did a simulator study where they put two people, a passenger and a driver, in a simulator and told them to drive down and get off the first rest area, and all of them did.

They then had a person talking on a hands-free cell phone drive down the same road, gave them the same instructions, to get off at the rest area, and I think about 60 percent of them missed the rest area.

In the first example, again, the passenger was in the driving environment, even helped point out the rest area. When there is a passenger and there is a needed pause in a conversation because a light suddenly turns yellow or someone is about to pull out, the conversation stops.

When we are in a conversation on a cell phone when someone is not in our environment, there is a totally different cognitive function in the brain. We are engaged in another remote space, so we don't see what is in front of us, so a pretty significant difference.

And that is one specific piece of research that compared those two.

Mr. STRASSBURGER. And if I could, we need to look at the full body of research and reconcile that. And when you do that, I think you look at, sure, there are simulator studies that suggest that the magnitude of cognitive distraction may be very, very concerning. But when you calibrate that research and compare it to the on-road actual driving research that Dr. Dingus has done, the naturalistic research, you find that the role of cognitive distraction would appear to be much less.

So we need to be thinking about how we manage and mitigate this risk, which is what we are doing with our guidelines here. Is

talking on a cell phone hands-free or handheld pose a potential risk? Yes, because it potentially takes your eyes off the road and potentially your mind off the world.

But the real-world driving studies that Dr. Dingus has done doesn't support the claims made about the significant risk to cognitive distraction. And I liken that to we ourselves test vehicles on a computer, but we would not put that vehicle on the road until we tested that car in the real world against a crash barrier or otherwise. And that is the same kind of thing.

You can do simulated studies. They have value. They allow you to iterate through various designs and research various things. But at the end of the day, you need to calibrate yourself with real-world testing.

Mr. INSLEE. Before I forget, I just want to ask, what is the research on eating in a car, a driver who is eating? How do those numbers stack up to these?

Mr. DINGUS. Eating, drinking, talking to passengers is much lower than the—much, much lower—than the tasks that require you to take your eyes off the road for a long time, like texting, dialing, reading, and it is true in both cars and trucks.

Mr. INSLEE. How does eating—I am sorry.

Mr. RUSH. You had double the time that you were really allocated.

Mr. INSLEE. Thank you, Mr. Chairman.

Mr. RUSH. And I really do not want to further ask these witnesses to sacrifice any more of your time.

You have been very, very good to us. You have been very gracious with your time, and we certainly appreciate you spending this time with the subcommittee. And again, thank you for taking the time out of your busy schedule to be with us. But this committee hearing is now adjourned.

[Whereupon, at 1:12 p.m., the subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]

Statement of the Honorable Joe Barton
Ranking Member, Committee on Energy & Commerce
Subcommittees on CT&CP and CT&I
November 4, 2009
"Driven To Distraction: Technological Devices and Vehicle Safety"

Thank you for calling this hearing, Mr. Chairman. This is an important discussion about public safety, and specifically about the safety of our roads. We can all stand together in efforts to educate drivers across the country on how to more safely operate their cars and trucks. I commend you for that effort.

Lately, the issue of having cell phone conversations and texting while driving has become a hot topic. But the issue of distracted drivers has been around as long as the automobile. I'm sure that even before the automobile, in fact, there were more than just a few instances of a distracted driver of a horse and buggy causing some kind of problem.

My point is that new technology isn't the only problem. In fact, many new technologies have made the automobile safer in recent years. From "hands free" phones and fully integrated, voice-activated radios to satellite-linked safety services, these innovations are helping to make are roads safer by keeping drivers' hands on the wheel and their eyes on the road.

With all that said, however, there is a new generation of drivers out on the roads, drivers that grew up texting almost every minute of their day. And it's my understanding of the current research that there is almost nothing you can do behind the wheel that is more likely to get you into an accident than texting. While we all need to be aware that texting while driving is extremely dangerous, we need to make a special effort to educate young drivers, and part of that effort is today's hearing.

Today's hearing will also discuss current law in this area. There are numerous state laws that have passed, including one here

in the District of Columbia. There are also some proposals floating around Congress that would either incentivize the States with Federal grant money to pass laws that would restrict cell phone or texting use while behind the wheel while other legislation would punish the states if they don't act. While I think this is an extremely important issue, I'm not sure this is the appropriate time to spend more federal money we don't have—nor withhold funds that the States have been counting on.

Furthermore, technological distractions are not the only kind of distraction. We've all seen people behind the wheel eating their breakfast, putting on makeup, perhaps trying to handle an unruly child. None of this is safe and I hope the Secretary, as well as Dr. Dingus on the second panel, can speak about driver distraction in a broader context than simply new technologies. After all, we could outlaw any of these behaviors that I mention and I doubt it would change people's behavior much if it isn't enforced. The most important aspect of our efforts here must be to educate the public.

Thank you, Mr. Chairman. I thank the witnesses for their participation, and I yield back.

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