

Statement of Clarence M. Ditlow
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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
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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

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

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

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

⁴Redelmeier 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.

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

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

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. 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.

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

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

Recommendations

1. Require NHTSA's Special Crash Investigation to conduct a study on cell phone crashes using cases reported to the National Automotive Sampling System (NASS) just as the agency has done for other emerging technologies such as airbags that injured out-of-position occupants.
2. Require NHTSA to develop a safety standard that would require data recorders to indicate cell phone or other telematic device use during a crash.
3. 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.
4. Enact H.R. 1895, the Safe Teen And Novice Driver Protection Act (STANDUP Act). The bill addresses the major distractions affecting novice teen drivers -- use of electronic communication devices and transport of teen passengers -- as well as other factors known to increase crash risk among this group including age, experience and nighttime driving.
5. Most states require a BAC test for the driver in fatal and injury causing crashes to determine alcohol use; require states to do an investigation into cell phone use for fatal crashes.
6. Require the telecommunications companies to provide information on cell phone and other communication devices use for safety studies on fatal and injury-producing crashes.
7. Require NHTSA and the FCC to report on technology that could be used to prevent telematic device use while driving similar to alcohol interlocks to prevent drunk driving.
8. Require vehicle manufacturers who integrate cell phones and other telematics into Automatic Crash Notification (ACN) Systems in their vehicle to provide information on use of such devices in crashes recorded by the ACN System.

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