

May 18, 2012

The Honorable David L. Strickland  
Administrator  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

**RE: Notice of Proposed Federal Guidelines; Docket No. NHTSA-2010-0053; Visual-Manual NHTSA Driver Distraction Guidelines for In-Vehicle Electronic Devices**

Dear Administrator Strickland:

The Center for Auto Safety (CAS) appreciates the opportunity to comment on the National Highway Traffic Safety Administration's (NHTSA) Notice of Proposed Federal Guidelines regarding the agency's Visual-Manual Driver Distraction Guidelines for In-Vehicle Electronic Devices. As noted in the proposal, CAS filed a Petition for Rulemaking more than five years ago, requesting new safety standards that would require original equipment manufacturers to make integrated personal communication systems inoperative when the transmission shift lever is in forward or reverse gear.<sup>1</sup> Additionally, CAS requested that NHTSA increase efforts to support state programs to limit cell phone use by drivers in moving vehicles in the same manner that it supports state programs against drunk driving. This process would have allowed NHTSA to issue strict standards regarding the operation of integrated vehicle electronics while attempting to provide states with the resources needed to combat distracted driving created by portable devices.

Rather than issuing enforceable standards that could have permanently eliminated the in-vehicle component of driver distraction, NHTSA chose to kick the can down the road, denying the CAS petition and opting to allow manufacturers to continue to develop an even wider range of distracting electronics that can be operated by the driver while the vehicle is in motion.<sup>2</sup> In the current proposal, NHTSA continues this legacy of inaction by issuing "guidelines" that will have no regulatory impact upon the ability of automakers to introduce further distracting electronics into vehicles.

At the time of CAS' 2007 petition, our primary concerns were distractions created by integrated cell phone and texting technology. Today, there are an ever-growing number of distractions accessible to drivers while vehicles are in motion, including social media, video, internet browsing, and gaming. One simple fact remains - drivers will be tempted to use whatever technology is available to them and most likely will use it to their detriment. A "guideline" can be ignored without recourse whenever a manufacturer sees greater sales in a

---

<sup>1</sup> [http://www.autosafety.org/uploads/phpwmd6vH\\_CellPhonePetitionFinal.pdf](http://www.autosafety.org/uploads/phpwmd6vH_CellPhonePetitionFinal.pdf)

<sup>2</sup> <http://www.autosafety.org/sites/default/files/CellPhonePRMDenial.pdf>

new device that risks creating greater driver distraction. If NHTSA issues a rulemaking that **REQUIRES** original equipment manufacturers to remove this temptation, the agency can then focus on supporting state efforts to police and enforce driver distractions that fall outside of the agency's regulatory purview, i.e. portable devices.

The National Transportation Safety Board (NTSB) recently called for a ban on all portable electronic device usage while operating a motor vehicle.<sup>3</sup> The NTSB followed up this pronouncement by conducting a workshop focused on countermeasures in the areas of state enforcement, education, and technology.<sup>4</sup> "According to NHTSA, more than 3,000 people lost their lives last year in distraction-related accidents", said Chairman Deborah A.P. Hersman. "It is time for all of us to stand up for safety by turning off electronic devices when driving...No call, no text, no update, is worth a human life." Chairman Hersman's call for action in this area stands in direct contrast to the actions of NHTSA, which has capitulated to the desires of vehicle and technology manufacturers by allowing these distractions to remain integrated in vehicles.

Voluntary guidelines are only that, voluntary. The auto and electronics industries have responded to distracted driving deaths and crashes the same way the alcohol industry responded to drunk driving deaths and crashes – by saying drive responsibly while maximizing sales of their deadly products. At a time when the auto industry is engaged in the equivalent of an electronics arms race to put the maximum amount of profit-generating technology in vehicles, voluntary standards will only get run over in the race to sell more vehicles and generate more profits from distracting electronics. The alcohol industry's mantra of drink and drive responsibly did not prevent or lower drunk driving crashes and deaths. It only delayed stiff drunk driving laws for more than twenty years. Using voluntary guidelines to curb distracted driving only plays into the hands of the auto and electronics industries' campaign to promote responsible driving while using electronics, and will only result in needless years of delay and a climbing body count before mandatory standards are adopted.

For those who would use Facebook to arrange a [Meetup](#) under the voluntary guidelines while driving, the message may well be "Meetup at the cemetery."

Sincerely,



Michael Brooks  
Staff Attorney

---

<sup>3</sup> See <http://www.nts.gov/news/2011/111213.html>, December 13, 2011.

<sup>4</sup> [http://www.nts.gov/news/events/2012/attentive\\_driving/index.html](http://www.nts.gov/news/events/2012/attentive_driving/index.html)