

Good Morning!

I am pleased to be here this morning. I appreciate Chairman Hersman and the NTSB including a legislative perspective in this very important forum on Attentive Driving.

Legislator Roles and Federalism

State Legislators have had and will continue to have a very important role to play in this critical discussion and policy debate.

Motor vehicle laws are under the purview of the states and these issues have been and will continue to be debated and contemplated in state capitols across the country.

There are 50 independent states with state legislators elected to represent the citizens in each of those states. Each state will address these issues in a form and fashion that best addresses the differences and challenges resident in each state.

Status of Laws in the State's

Distracted driving is not a new issue for state legislatures. According to the CTIA-The Wireless Association, in June 2011, more than 196 billion text messages were sent or received in the United States, up nearly 50 percent from 2009. Some messages are being sent from moving vehicles, which has led most experts to agree that distracted driving is a significant traffic safety problem. New data released by NHTSA in December 2011 estimated 3,092 fatalities in distraction-affected crashes in 2010. Five percent of drivers were seen talking on handheld phones in the agency's 2010 observation survey of drivers in traffic.

In an AAA survey, 52 percent of drivers say driving feels less safe today than it did five years ago, and cite some form of driver distraction as a reason for feeling less safe. In 2009, Virginia Tech Transportation Institute research showed that drivers who text messaged while driving had a 20 times greater risk of crash or near crash than a driver who was not using a phone. The study also revealed that drivers who text messaged while driving took their eyes off the road for 4.6 seconds over a 6 second interval. This equates to a driver traveling the length of a football field at 55 mph without looking at the road.

The prevalence of cellular phones, new research and publicized crashes have fueled many debates about the role cell phones play in driver distraction. Since 2000, legislatures in every state, the District of Columbia and Puerto Rico have considered legislation related to distracted driving or, more specifically, driver cell phone use. In 2011, legislators in 37 states considered approximately 160 driver distraction bills.

No state completely bans all phones for all drivers, although Alaska did consider but did not pass such legislation in 2011 (HB 35). State legislation usually addresses a range of issues, including particular wireless technologies and specific types of drivers. Nine states—California, Connecticut, Delaware, Maryland, Nevada, New York, New Jersey, Oregon, Washington—and the District of Columbia prohibit driver use of hand-held phones. Nevada passed a 2011 law that makes it a misdemeanor, not a traffic infraction, for using a hand-held device while driving; a first conviction carries a \$50 fine.

The most common driver distraction measure debated by legislatures this year was prohibitions on texting while driving. As of December 2011, laws in 35 states—Alaska, Arkansas, California,

Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Louisiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Michigan, Nebraska, Nevada, New Jersey, New Hampshire, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Vermont, Virginia, and Washington, Wisconsin Wyoming—and the District of Columbia specifically ban text messaging while driving for all drivers. Indiana, Maine, Nevada, and North Dakota and Pennsylvania passed texting while driving prohibitions in 2011, and many states changed their laws.

Maryland amended its law by repealing the provision that prohibited texting while driving while the vehicle was in motion. Now, the law makes it illegal to text while driving even if the car is stopped at a traffic light. New York amended its law to make texting while driving a primary violation.

Penalties for violating texting bans vary among the states. In Georgia, texting while driving is a misdemeanor that carries a \$150 fine, while in California, the traffic infraction carries a \$20 fine. Violators in Nebraska will have points assessed against their license and pay a \$200 fine. In 2011, Connecticut changed its definition of “serious traffic violation” to include the offense of texting while driving. (For more information on state distracted driving laws, see <http://www.ncsl.org/default.aspx?TabId=18657>.)

In 2011, 15 states—Alaska, Arizona, Florida, Indiana, Maryland, Mississippi, North Carolina, North Dakota, New Jersey, New Mexico, Nevada, New York, Pennsylvania, Texas and Virginia

—introduced legislation related to teen and young driver use of mobile phones while operating a motor vehicle. North Dakota, New Mexico and Texas enacted such laws. The Texas law (TX H 2466) prohibits young drivers from using a wireless communication device while operating a vehicle, motorcycle or moped, except in case of an emergency. Maryland, Mississippi and North Carolina considered legislation specifically related to young drivers who use cell phones to send text messages. North Carolina's bill would have appropriated \$100,000 to the state highway patrol division to make teenagers aware of the risks and penalties of texting while driving. North Dakota enacted a 2011 law assessing demerit points to restricted drivers who are caught using electronic communication devices.

Challenges to enacting legislation/arguments against

- * Infringement on personal liberty
- * What about other distractions, reading, eating, children, other activities not related to driving
- * lack of data or conflicting data - hands free conversation equally distracting as hand held conversation
- * Enforcement issues.

Clearly legislators have grappled with these challenges and in many cases have determined solutions appropriate for their states situations.

Research

There is an important federal role in this conversation. I believe the federal government can continue to commission independent, non-biased and science based research to provide policymakers at the state and federal level credible data to help to drive the appropriate policy responses.

Education

In addition, there is an important partnership needed on the education front. There are many examples of the kinds of partnerships that are critical to educate Americans about the dangers of texting while driving. Education is a key component of any kind of campaign to change the texting behaviors of American drivers. State and Federal governments partnering with stakeholder groups on education can make significance impacts on driver behavior.

Technology

Technology is both the villain and the savior in this discussion. Technology is causing at a least a portion of the distracted driving crashes in America today. It is clear that technology will be the solution for many of the causes of crashes in America. The Congress should provide incentives for the private sector to rapidly deploy new safety technology in our next generation of Automobiles sold in America.

Wrap-up

I am pleased by the willingness of private sector industry associations and their member

companies to work together to implement the next generation of technology while at the same time educating American's about the increased risks of inappropriate use of technology in vehicles today.

Finally, one size fits all solutions rarely work as legislators work to craft legislation that fits the vagaries of each of the states in our federal system.

State Legislators will continue to be on the front line of grappling with the issues associated with distracted driving and I believe will be partners with stakeholders, industry groups, federal agencies and advocates in the months and years ahead to ultimately save lives.

Thank you for your attention.