

Submitted to the:

**SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
OF THE
U.S. HOUSE OF REPRESENTATIVES
TRANSPORTATION AND INFRASTRUCTURE COMMITTEE**

Written Testimony of

THE AMERICAN TRUCKING ASSOCIATIONS

Regarding

“Addressing the Problem of Distracted Driving”

Held on

October 29, 2009



Driving Trucking's Success

**950 North Glebe Road, Suite 210
Arlington, VA 22203-4181
703-838-1996**

Introduction

Chairman DeFazio, Ranking Member Duncan, and other Members of the Subcommittee, thank you for the opportunity to communicate the American Trucking Associations' (ATA)¹ recommendations on "Distracted Driving."

I am Charles (Randy) Mullett, Vice President of Government Relations and Public Affairs for Con-way Inc. Con-way is a \$5 billion freight transportation and logistics company with businesses in less-than-truckload and full truckload freight services, truckload brokerage, logistics, warehousing, supply chain management and trailer manufacturing. Con-way is based in San Mateo, California. Con-way's services are used by some 400,000 customers. Its operations employ over 30,000 people.

It is my pleasure to appear before the Subcommittee today on behalf of ATA. Con-way is a longstanding and active member of ATA, and I currently serve on ATA's Board of Directors and also five of its policy committees.

ATA's membership recognizes that a driver's ability to perform multiple cognitive tasks simultaneously is extremely limited. Our membership realizes that some new technology, particularly, handheld electronic devices, have increased the potential for driver distraction beyond the benefits derived from their use. ATA and its membership is well aware of the results of Virginia Tech Transportation Institute's (VTTI) naturalistic driving study that found that text messaging on a cell phone has an estimated combined crash and near crash risk of 23 times higher than normal.²

ATA's comments are directed at the devices that are most problematic—primarily, the use of hand-held electronic devices and the act of reading, writing or sending a text message with such devices while a motor vehicle is in motion. ATA and its member carriers support a ban on the use of these devices to read, write or send a text message while operating a motor vehicle

Our testimony will address the following:

- What is distracted driving?
- What are the potential consequences of distracted driving?
- How ATA has addressed the distracted driving issue?
- Why restrictions on in-cab fleet communication systems should be considered in a rulemaking process?
- The need for a systematic approach to reduce distracted driving

¹ ATA is a united federation of motor carriers, state trucking associations, and national trucking conferences created to promote and protect the interests of the trucking industry. Its membership includes more than 2,000 trucking companies and industry suppliers of equipment and services. Directly and indirectly through its affiliated organizations, ATA encompasses over 34,000 companies and every type and class of motor carrier operation.

² See VTTI website at <http://www.vtti.vt.edu/>.

What is Distracted Driving?

Distracted driving can be defined in several ways. One explanation is that a motor vehicle operator's attention is focused on an activity that is not driving related to the point that it has a negative impact on driving performance. Driving is primarily a 360° visual scan of the roadway environment with a focus on the road ahead, performing quick decisions to adjust to changing conditions, and physically making corrections to maintain vehicle control. In other words, driving includes visual, physical and cognitive components. Anything that takes a person's eyes on the road, hands off the wheel and mind off the primary driving task is a distraction.

There are many recognized forms of distracted driving. They include talking on a cell phone, using a cell phone or hand-held mobile device to read or send a text message, eating, reading, reaching for an object in the vehicle, spilling or dropping something, using an audio/visual device, reacting to an unruly passenger, performing personal hygiene, and focusing intently on an activity outside the vehicle. However, ATA believes the most egregious and highest risk driving distraction is the use of a cell phone or other hand-held electronic device to read or send text messages.

What Are the Consequences of Distracted Driving?

Using such devices can produce driver performance errors that can and do lead to tragic consequences. They are:

- More frequent lane departures;
- Drivers staring directly in front of them and not scanning their mirrors or looking for vehicles that may be approaching;
- Impeding traffic by driving slower than the flow, causing other drivers to make lane changes;
- Not using turn signals;
- Using only one hand on the wheel when cornering;
- Not noticing pedestrians or two-wheeled vehicles;
- Running traffic signals or stop signs;
- Maneuvering quickly to make an exit or a turn, or reacting quickly after erroneously entering an exit only lane; and,
- Sudden or lack of braking.

Any of these driver errors can, by themselves or in combination, lead to a serious crash.

How Has ATA Addressed the Distracted Driving Issue?

ATA has been proactively engaged in addressing the distracted driving issue for nearly two years. ATA commissioned a special Safety Task Force in early 2008 to

examine evolving safety issues, and to suggest possible initiatives that would enhance highway safety. ATA's Safety Task Force produced more than 20 recommendations that eventually led to adoption of more than 15 new ATA policies.

One of the safety issues addressed by ATA's Safety Task Force was distracted driving. It became apparent that there was minimal research available on distracted driving pertaining directly to commercial motor vehicle (CMV) drivers. Most of the research involved passenger vehicle drivers. What appeared to be particularly lacking (and in many cases continues to be absent) is research on:

- How many crashes occur because of distracted driving?
- What kinds of distracted driving are most likely to cause crashes?
- How has the addition of electronic devices (integrated and not integrated in vehicles) contributed to driver distraction? Are there offsetting safety benefits of these devices and, if so, under what conditions should these be used?
- Are there devices or systems that could help limit the causes of distraction or produce alerts, if attention is lost?
- What public educational and training efforts have been or could be effective in reducing distractions?
- What company policies have been successful?
- What regulatory/law enforcement measures have proven to be most productive?

In 2008 there was one specific data set of interest to the motor carrier community. The Federal Motor Carrier Safety Administration (FMCSA) noted in their Large Truck Crash Causation Study that internal distraction was an associated factor in 2% of large truck crashes and inattention in 9%. For both large trucks and passenger vehicles, there was a statistically significant link between the associated factors and coding of the critical reason for the crash. Among the 10 associated factors that showed a correlation, inattention was ranked 6th and distraction by object or person inside the vehicle was ranked 10th.³

ATA also conducted an opinion survey of its safety committees on the use of non-integrated electronic devices.⁴ From the responses of these industry leaders, ATA found that:

- 67% of the respondents had a policy restricting or limiting the use of "portable" electronic devices while driving.
- 86% responded that laws and rules involving such e-devices should apply to all vehicles not just CMVs.
- 65% indicated that research should be conducted prior to enactment of any regulations.

³ See FMCSA website <http://ai.fmcsa.dot.gov/ltrccs/default.asp>.

⁴ Since it was limited sample focused on interested professional, the survey does not necessarily reflect the motor carrier industry as a whole.

Based on the information at hand, in October 2008 ATA adopted the following policy on distracted driving:

“ATA supports the safe use of technologies and encourages drivers and/or motor carriers to consider a range of policies and safeguards intended to reduce, minimize and or eliminate driver distractions that may be caused by the increased use of electronic technologies (e.g., global positioning systems, cellular phones, etc.) during the operation of all types of motor vehicles. ATA strongly encourages and recommends that manufacturers of these devices, vehicle manufacturers, policymakers, motor carriers and organizations representing motor carriers and the motoring public promote and adopt awareness, training and safety policies on the use of such technologies—unless required by current laws or regulations—during the operation of a motor vehicle on our nation's highways.”

Since development of this policy, ATA has aggressively promoted efforts to reduce distracted driving among CMV drivers and the general public. This has included:

- Active discussion of distracted driving control measures at ATA events.
- Contributing to the National Safety Councils’ (NSC) International Symposium on Distracted Driving.⁵
- Advising ATA-affiliated state trucking associations on development of distracted driving legislation.
- Participating with law enforcement (Commercial Vehicle Safety Alliance (CVSA)) in revealing the risk of distracted driving.
- Reviewing new research on distracted driving including the VTTI naturalistic driving study.
- Delivering an educational broadcast in conjunction with CVSA, NSC, and VTTI.
- Taking part in the U. S. Department of Transportation’s (DOT) Distracted Driving Summit.

Most recently, and of interest to this Subcommittee, ATA’s Executive Committee voted on October 7, 2009 to support the ALERT Drivers Act of 2009 (S. 1536) that would require States to ban the practice of reading, writing or sending a text message on a hand-held mobile device while driving.

Restrictions on In-Cab Fleet Communication Systems Should Be Addressed in Rulemaking

In-cab fleet communication systems have been used in the trucking industry for many years. They provide a cost effective way for trucking companies to maintain contact with their drivers while on the road. These systems allow dispatchers to provide essential pickup, delivery, routing, road closure, emergency traffic conditions, weather

⁵ See NSC webpage http://www.nsc.org/resources/issues/dd_int_symposium.aspx.

and other information to drivers so they may perform their jobs safely, effectively, and efficiently.

These systems are used by many carriers and the vast majority of fleets using them have recognized the potential distraction they may cause to drivers if they are fully functional while the truck is in motion. As a result, the majority of fleets have policies and procedures in place to limit their use while the truck is moving. Most fleets use axle-sensors or similar technology that recognize when the truck is moving and automatically blanks the screen of the communications system. As a result, drivers cannot read or write a message. These policies are in place in most fleets for their solo or single drivers.

However, many fleets with in-cab communication systems also have team operations, where two drivers alternate driving the truck. One driver drives while the other driver rests in the sleeper berth compartment of the cab. Team operations are typically used for longer hauls when the delivery of the freight is time-sensitive. In trucking, team operations are even more dependent upon effective communications with the dispatching office. In many fleets, these in-cab communication systems are fully functional while the truck is operating, but it is the non-driving co-driver who is able to communicate with the dispatch department. These instant, over-the-air messaging systems have been a key to improving efficiency in motor carrier freight delivery, and the industry believes their proper use can enhance safety on the highway.

These communication devices offer many advantages to the industry, the public and to highway safety. Because of the special characteristics of in-cab communications and how these technologies are used in the trucking industry today, detailed analysis and public comment is required if restrictions are being considered. ATA recommends that any possible controls and restrictions on their use be handled in a rulemaking process by FMCSA, rather than by legislation.

The Need for a Systematic & Comprehensive Approach to Reduce Distracted Driving

ATA believes that Congress can help reduce distracted driving. However, legislation alone will not solve the problem. Public attitudes and perceptions will need to change and any legislation will have to apply to all drivers on the highway. Furthermore, the laws that are enacted will need to be accompanied by effective enforcement and tough penalties for violations.

Above all, we need to focus on changing behaviors that lead to distracted driving in a systematic and comprehensive manner by:

- Supporting research, data collection and analysis that reveals the degree and extent of the problem, which will aid policy makers in making decisions;
- Aiding efforts to communicate the need for change;
- Promoting public education and awareness efforts;
- Sponsoring ways to use technology to reduce distractions caused by technology;

- Developing policy and, as necessary, legislation to drive change;
- Supporting tough penalties and providing means to assure strong, effective enforcement; and
- Properly funding the above initiatives.

Summary

ATA supports Congress in addressing the hand-held mobile telephone texting problem. Unfortunately, texting while driving has become socially acceptable and we need strong laws and a systematic approach in order to make it socially unacceptable. We also propose that the DOT rulemaking process should be used to address restrictions on other cell phone use, and any potential restrictions on in-cab communication devices.

ATA believes that:

- The use of hand-held electronic devices and the act of texting with such devices while a motor vehicle is in motion should be banned.
- Distracted driving can be properly defined and the consequences of this problem mitigated.
- Industry can contribute significantly to alleviating distracted driving.
- The efficiency and safety benefits of in-cab communication technologies should not be lost, but they can be reasonably restricted.
- An integrated and systematic approach to distracted driving will be most effective.

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity for ATA to offer its recommendations on how to address distracted driving. We look forward to working with this Subcommittee, Congress, DOT, FMCSA, and other stakeholders to improve the safety and productivity of our Nation's highway transportation system.