

EXPRESSING SUPPORT FOR DESIGNATION OF NOVEMBER  
29, 2009, AS “DRIVE SAFER SUNDAY”

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NOVEMBER 16, 2009.—Referred to the House Calendar and ordered to be printed

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Mr. OBERSTAR, from the Committee on Transportation and  
Infrastructure, submitted the following

R E P O R T

[To accompany H. Res. 841]

The Committee on Transportation and Infrastructure, to whom was referred the resolution (H. Res. 841) expressing support for designation of November 29, 2009, as “Drive Safer Sunday,” having considered the same, report favorably thereon without amendment and recommend that the resolution be agreed to.

PURPOSE OF THE LEGISLATION

H. Res. 841 expresses support for the designation of November 29, 2009, as “Drive Safer Sunday.” The resolution calls on governments of all levels, community leaders, academic institutions, and clergy to join together in raising awareness of the threats to public safety due to roadway accidents, particularly those accidents caused by distracted driving involving the use of electronic devices, such as cell phones and personal data assistants while driving.

BACKGROUND AND NEED FOR LEGISLATION

According to the National Highway Traffic Safety Administration (NHTSA), 37,261 people were killed in motor vehicle traffic crashes in 2008. The number of fatalities equates to more than 100 people a day lost on the nation’s roadways. Over the past five years, an average of 41,500 people have lost their lives on the nation’s roadways. The annual economic cost of motor vehicle crashes to the U.S. economy is \$289 billion. Many of these fatalities could have been prevented by improved driver awareness and the elimination of distractions to drivers.

According to NHTSA data, in 2008, 16 percent of all fatal crashes involved distracted driving. On September 30, 2009, Department of Transportation (DOT) Secretary Ray LaHood announced new

NHTSA research findings that show that nearly 6,000 people died in 2008 in crashes involving a distracted or inattentive driver, and more than 500,000 people were injured in such accidents.

The term “distracted driving” can refer to anything that takes a driver’s eyes, hands, or mind away from driving, including food and beverages, traffic accidents, adjusting the radio, children, pets, objects moving in the vehicle, talking or texting on a cell phone, smoking, putting on makeup, shaving, and reading. Recently, particular attention has focused on the impact that driving while talking on a cell phone or texting has on roadway safety.

In testimony before the Subcommittee on Highways and Transit on October 29, 2009, Dr. Tom Dingus of the Virginia Tech Transportation Institute, reported that texting while driving continues to present a growing threat to roadway safety, and the complexity of the electronic and wireless devices being used while driving today require a higher level of visual and cognitive attention from the driver, thus making these devices increasingly distracting. Recent Virginia Tech Transportation Institute studies have found that text messaging using a cell phone was associated with the highest risk of all non-driving tasks and is 20 times riskier than driving without distraction. The studies also found that texting required the longest duration of eyes-off-road time (an average of 4.6 seconds) of all non-driving tasks. This amount of eyes-off-road time is equivalent to a driver traveling the length of a football field at 55 miles per hour without looking at the roadway.

According to the NHTSA National Occupant Protection Use Survey, in 2007, hand-held electronic device use by drivers had increased to six percent of all drivers. This percentage equals 1,005,000 vehicles on the road at any given daylight moment (7:00 a.m. to 6:00 p.m.) being driven by someone using a hand-held electronic device.

According to an American Automobile Association Foundation 2008 Traffic Safety Culture Index, cell phone use while driving is growing among all age groups. Specifically, two of three drivers aged 18 to 34 reported using a cell phone while driving, but 53 percent of drivers aged 45 to 54 also admitted using a cell phone while driving. The report also found that using a cell phone while driving has been found to quadruple your risk of crashing.

According to the National Safety Council, a nonprofit safety advocacy group, several hundred companies have banned employees from using their cell phones while driving. The National Safety Council states that such bans improve safety, help limit the liability of employers when accidents do occur, and free employees from feeling pressure to respond immediately while they are behind the wheel.

To combat this growing threat to roadway safety, many States and localities have chosen to enact laws prohibiting talking on a cell phone or text messaging while driving. Numerous bills have been introduced during the 111th Congress to address distracted driving, including legislation to withhold Federal highway funds from States that fail to enact laws barring the sending of text or e-mail messages while operating a car or commercial motor vehicle.

While Congress continues to consider comprehensive surface transportation and highway safety legislation, the House of Representatives and the Obama administration have taken immediate

steps to begin combating the threat of distracted driving to roadway safety.

On October 1, 2009, President Obama issued an Executive Order banning all Federal employees from texting while driving on official business or while using Government-supplied equipment or vehicles. With nearly three million civilian employees, as well as military personnel, this ban will help save lives, reduce injuries, and set an example for State and local governments, private employers, and individual drivers.

In addition, Secretary LaHood announced that DOT will initiate rulemakings to ban text messaging and restrict the use of cell phones by interstate commercial motor vehicle and bus operators, and revoke the Commercial Driver Licenses of school bus drivers convicted of texting while driving.

On November 4, 2009, the Committee on House Administration passed Committee Resolution 111-7, introduced by House Administration Committee Chairman Robert A. Brady, which prohibits House employees from text messaging while driving when on official business or using House-supplied equipment. The prohibition extends to SMS text messaging, e-mailing, instant messaging, and other forms of electronic data communication.

H. Res. 841 seeks to raise awareness of this threat to public safety, particularly during the busy driving days of the Thanksgiving holiday season. Studies have shown that driver behavior can be effectively improved through education and awareness. With millions of Americans traveling on the nation's highways for the Thanksgiving holiday, the risk of traffic fatalities increases substantially. During the 2008 Thanksgiving holiday travel season, 389 passenger vehicle occupants were killed in motor vehicle crashes nationwide. In an effort to combat the growing risk of driver distraction, this resolution encourages all Americans to practice safe driving this Thanksgiving holiday season.

#### SUMMARY OF THE LEGISLATION

H. Res. 841 expresses support for the designation of November 29, 2009, as "Drive Safer Sunday." The resolution encourages high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be careful about safety when driving. The resolution also encourages national trucking firms to alert their drivers to be especially focused on driving safely during the holiday travel season and reminds clergy to speak to their members about the importance of safe driving. Further, the resolution encourages law enforcement personnel to remind drivers and passengers to drive safer, and all people of the United States to use this as an opportunity to educate themselves about the dangers of distracted driving and highway safety.

#### LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On July 16, 2008, the Subcommittee on Highways and Transit held a hearing on NHTSA's behavioral highway safety programs.

On October 15, 2009, Representative Jim Gerlach introduced H. Res. 841. This resolution has not been introduced in a previous Congress.

On October 29, 2009, the Subcommittee on Highways and Transit held a hearing on “Addressing the Problem of Distracted Driving.”

On November 5, 2009, the Committee on Transportation and Infrastructure met in open session to consider H. Res. 841, and ordered the resolution reported favorably to the House by voice vote with a quorum present.

#### RECORD VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with consideration of H. Res. 841, or ordering the resolution reported. A motion to order H. Res. 841 reported favorably to the House was agreed to by voice vote with a quorum present.

#### COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in this report.

#### COST OF LEGISLATION

With respect to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, H. Res. 841 is a resolution of the House of Representatives, and therefore does not have the force of law. As such, there is no cost associated with this resolution for fiscal year 2010, or any fiscal year thereafter.

#### COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and section 308(a) of the Congressional Budget Act of 1974, the Committee advises that the resolution contains no measure that authorizes funding, so no comparison of the total estimated funding level for the relevant programs to the appropriate level under current law is required.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee advises that the resolution contains no measure that authorizes funding, so no statement of general performance and objectives for any measure that authorizes funding is required.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee advises that the resolution contains no measure that authorizes funding, so no cost estimate nor comparison for any measure that authorizes funding is required.

#### COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits,

as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. H. Res. 841 does not contain any earmarks, limited tax benefits, or limited tariff benefits under clause 9(e), 9(f), or 9(g) of rule XXI.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, H. Res. 841 is a resolution of the House of Representatives, and therefore does not have the force of law. As such, clause 3(d)(1) of rule XIII does not apply.

FEDERAL MANDATES STATEMENT

H. Res. 841 contains no Federal mandates.

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H. Res. 841 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the resolution does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (P.L. 104-1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H. Res. 841 makes no changes in existing law.