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Opening Statement of Rep. Henry A. Waxman Chairman, Committee on Energy and Commerce “Driven To Distraction: Technological Devices and Vehicle Safety” Subcommittee on Commerce, Trade, and Consumer Protection and the Subcommittee on Communications, Technology and the Internet November 4, 2009

Chairman Boucher and Chairman Rush, thank you for convening this joint hearing on a compelling topic. Driver distraction stemming from the use of wireless and other technological devices is a risk we all face in every mode of transportation, as drivers, passengers, pedestrians, and for many — as parents.

Just recently, we all read about two commercial pilots who lost track of time and overshot the Minneapolis airport by 150 miles because they were busy looking at personal computers. Thankfully, the passengers on that trip arrived safely.

The same cannot be said for the 25 commuter rail passengers who were killed in September 2008 in my congressional district when a Metrolink commuter train and a freight train collided head-on in Chatsworth, California. While the Chatsworth crash remains under investigation, the National Transportation Safety Board has focused in part on dozens of cellphone text messages received and sent by the Metrolink engineer up to 22 seconds before the crash.

Today’s hearing focuses on driver use of devices built-in or brought-in to passenger vehicles.

Secretary LaHood, I want to thank you for your leadership and vision in recognizing the scope of this problem and organizing the recent Distracted Driving Summit. I particularly want to commend you for your role in working with President Obama to issue an Executive Order barring Executive Branch employees from texting while driving. It affects millions of federal workers and demonstrates this Administration’s commitment to this issue. Your continued focus will be essential for keeping up momentum.

I also want to commend Chairman Genachowski of the Federal Communications

Commission (FCC) for offering the expertise of his agency to inform the Committee about where technology is headed, and what the communications industry can do to promote responsible use of these devices.

Your testimony gives us the opportunity to better understand the research, legislative, educational and technological solutions that are available to address distracted driving and save lives on our roads and highways.

And, while my next comment does not pertain to the subject of today's hearing, this is the first time I have seen you since the FCC's release of the Notice of Proposed Rulemaking for Preserving the Open Internet. I want to take this opportunity to compliment you on the process you are using for this rulemaking and for your commitment to data-driven decision-making. As you know, I am a proponent of strong net neutrality rules, and I believe we are going to get a better rule as the result of your open and thoughtful approach.

I also want to thank our second panel of experts, including David Teater from the National Safety Council who brings the unique perspective of a parent who tragically lost his 12-year-old son Joe to a driver who ran a red light while distracted by a phone conversation. I am sorry for your loss, and I hope our work here today will prevent future tragedies.

Thriving innovation in the technology sector is generating robust consumer demand for portable music, video, texting, phone, GPS and Internet capabilities. The increasing availability of Bluetooth, Wi-Fi signals, and voice-activated systems to enable these devices in cars forces us to consider the challenges and opportunities these technologies may pose for safe driving.

There is disagreement among researchers, and among our panelists, as to how and whether distraction from these technologies can be effectively measured and minimized. One key outstanding question is whether hands-free devices are any safer than handheld, and whether hands-free laws have a positive impact on driver safety. New research in development today, including an upcoming 2,000 car naturalistic driving study, offers an unprecedented opportunity to resolve some of these disputes. Strong research is essential for informing public policy.

I believe we are at a critical juncture that requires an all-hands-on-deck approach from government, industry, academics and the driving public.

What we've learned from decades-long campaigns to promote seat-belt use and combat drunk driving is that driver behavior is hard to change. But strong laws, thorough research, consistent enforcement, creative education, innovative technology, and industry participation are essential ingredients for success.

I welcome our witnesses and appreciate their coming forward in such a helpful manner to help us address this very critical safety issue.

Thank you.