



**WRITTEN STATEMENT OF
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**BEFORE THE
HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
ON
ADDRESSING THE PROBLEM OF DISTRACTED DRIVING**

October 29, 2009

On behalf of the Transportation Trades Department, AFL-CIO (TTD) I want to thank the Committee for the opportunity to testify on the need to address the problem of distracted driving. TTD consists of 32 affiliated unions representing workers in all modes of transportation, including those employed in transit, over-the-road bus, school bus operation, passenger vehicle transportation and emergency response.¹ The consequences of distracted driving confront our affiliated unions and their members on a daily basis, and we understand the need to improve safety in the operation of motor vehicles. There is no question that more must be done to combat distracted driving, including limiting the use of communication devices. As Congress and regulators move forward in this effort, they must also recognize the role that mobile communication devices play in the transportation sector. When limits or bans are imposed on the use of communication devices the workplace for our members changes, and any rules must reflect this reality. It is therefore necessary that clear policy govern the use of communication devices for transportation workers. Specifically, workers need access to phones for emergency situations, first responders must continue to be able to use communication devices when appropriate, and any implemented reforms must recognize that for many of our members the commercial or passenger vehicle is their workplace.

At the outset, let me state clearly that no one wants to improve the dangerous situation faced by motorists more than the men and women who spend their days driving for a living. Our members see firsthand the disturbing consequences of distracted driving, and we understand and agree with the experts about the dangers presented by this issue. To that point, I would like to commend Secretary LaHood and the Department of Transportation for raising awareness about motorist safety through their national Distracted Driving Summit. I would like to commend this Committee for subsequently holding this hearing. And finally, I would also like to thank Chairman Deborah Hersman and the National Transportation Safety Board for their continued vigilance on this issue and other problems facing our transportation system. Together, these efforts suggest an important new direction for and commitment to addressing the issue of distracted driving.

¹ Attached is a complete list of TTD affiliated unions.

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For too long, our roadways have been plagued by unnecessary accidents and deaths. In 2008, more than 37,000 lives were lost and an estimated 5,811,000 accidents occurred.² Even more tragically, many of these deaths and accidents may have been preventable. Although there is spirited debate about certain aspects of distracted driving, the scientific literature is relatively clear: the use of electronic devices presents very real dangers to the driving public. With the massive popularity of telecommunication devices – especially cellular phones and other wireless handheld devices – growing exponentially, these dangers are only likely to increase. In the interest of attending to these concerns as expeditiously and thoughtfully as possible, we believe that a ban on text messaging and the use of handheld phones is warranted for all motor vehicle operators. However, it is also essential that any decision strike the correct balance between safety and the needs of affected workers.

In a world of increasing innovation and telecommunication dependence, curbing the use of cellular phones raises a host of issues that requires attention. In our industry, where work is inherently mobile, communication devices can be necessary for work purposes and even serve a role in furthering safety. It is important that any laws or regulations meant to improve safety include the concerns of workers and ensure that motor vehicle operators are allowed to carry communication devices when necessary and allow for their use where appropriate.

An area of potential concern for transportation workers is emergency situations. Mobile phones and other such devices are necessary tools for enhancing safety. We believe it is important that motor vehicle operators be able to carry a telecommunication device for emergency needs and not be penalized for using them when appropriate. As the mere presence of this hearing suggests, our roadways are too dangerous and accidents are an unfortunate reality of daily travel. Because of the sheer time commercial motor vehicle operators spend on the road, they are often witness to numerous accidents, and at times are either the first or only person able to alert the authorities. With safety in mind, it would be neither practical nor safe to prohibit workers from using their cell phones in these emergency situations. Additionally, it is important that workers are safeguarded from punishment in intervening properly in the event of an emergency. This requires some clarification of critical terminology. As just one example, it is necessary for regulatory purposes that we properly define the term “operation” relative to a vehicle. For bus drivers, a running motor is essential for everything from keeping their passengers heated during inclement weather to ensuring they can resume their schedule. Clearly, a bus that has stopped but requires heat for its passengers should not, for purposes of distraction or potential penalty, be considered “operational.” I am sure other such definitional matters will arise, and it is important for transportation workers that clear and decisive language is used in any regulation.

Meanwhile, if we truly wish to prevent distraction among transportation workers, the unique situation of the transportation workforce must be considered. Employees in many other sectors of the economy can utilize a phone for occasional personal use and for family emergencies – such as attending to the needs of a sick child or speaking to a doctor. However, the ability of transportation employees to use mobile devices is limited by the nature of their work, and the

² National Highway Traffic Safety Administration, Traffic Safety Facts: 2008 Data.

steps we are discussing today would further limit their access. In the case of motor vehicle operators, the only location for communication is their vehicle. While we recognize that this may not solely be resolved through legislation or regulation, it is nonetheless important that when bans or limits on mobile communications are implemented, workers are provided time to use cell phones while not operating their vehicle. If we fail to address this issue, employees may be tempted to utilize a phone during inopportune moments – creating precisely the type of distraction we wish to counteract.

Additionally, these perilous economic times are forcing many employers in transportation to cut back on communication equipment, like two-way radios, under the presumption that employees will use their personal cell phones for essential work duties. In this situation, employees are put in a bind between employer expectations and government policy. Clearly, any punishment for such behavior should rest with the employer.

Sustainable transportation safety is dependent on clarity. We do not want to create policies that have the unintended consequence of diminishing safety. The current problems bedeviling school bus drivers are instructive of the dangers a rash and ill-defined cellular ban can have for workers. Although many states ban cell phone use by bus drivers, they are careful to provide an exemption for emergency use, provided the driver is stopped and off the bus. But at the same time, other policies expressly prohibit bus drivers from leaving the bus entirely, even in the event of an emergency. This contradictory policy has sown confusion among drivers as to when they are legally allowed to use a phone in an emergency situation, and if and when they may disembark the vehicle. Creating confusion in emergency situations – especially when children are involved – is dangerous, counter-productive and representative of bad public policy. This is precisely why we urge clarity and careful examination of the issues that will be impacted when bans on communication devices are imposed and insist that an employee voice is included in the development of attendant regulations.

Another area of concern for transportation employees is the use of non-personal communication devices and other work-related technologies that may create driver distraction. Due to the inherent separation of employees from their work headquarters, motor vehicle operators are often required to be dispatched by citizens' band radio, global positioning devices and other electronic technologies. Although the research on the degree of distraction created by these technologies is currently the subject of debate, if legal or regulatory bans were to include such devices we believe enforcement actions should be directed at employers, not employees. Using a device at the behest of an employer, especially under duress, should not place a worker in violation. In addition, many operators must program and listen to automated voice technology systems that require constant monitoring and potential reprogramming in the event of a malfunction. As we look to address distracted driving, we believe these concerns merit further examination.

For firefighters and paramedics, the use of electronic devices, including cell phones and personal digital assistants are integral to their success and efficiency. These men and women deal with the tragedies that unfold on our highways and streets everyday and want nothing more than to help reduce these needless accidents and deaths. Electronic devices allow an incident commander to make critical demand decisions en route to an emergency and dispatchers to direct

paramedics to variable accident locations. Without these devices, first responder work would be hamstrung and the full benefits of an aggressive approach to distracted driving might be jeopardized. Even seemingly intermediary steps, like the proposed ban on text messaging, would have negative consequences. Volunteer firefighters, who often work in combo-teams or cross-county efforts with their professional counterparts, are dispatched via electronic devices. Their response time, and more importantly the ability of the fire service to protect the public, could be severely hurt without the use of communication devices.

Transportation labor has always supported policies that improve the safety of our roadways and the entire transportation network. We understand and recognize the dangers presented by driver distraction and support efforts to mitigate its effects. We also believe that creating a sustainable solution to distracted driving will require an acknowledgment of the pervasive influence of telecommunication devices in the transportation industry and the relevant concerns of transportation workers regarding the use of such devices. We look forward to working with this Committee, the Administration and other stakeholders to combat distracted driving.

Thank you again for the opportunity to share the views of transportation workers.

TTD MEMBER UNIONS

The following labor organizations are members of and represented by the TTD:

Air Line Pilots Association (ALPA)
Amalgamated Transit Union (ATU)
American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers (AFT)
Association of Flight Attendants-CWA (AFA-CWA)
American Train Dispatchers Association (ATDA)
Brotherhood of Railroad Signalmen (BRS)
Communications Workers of America (CWA)
International Association of Fire Fighters (IAFF)
International Association of Machinists and Aerospace Workers (IAM)
International Brotherhood of Boilermakers, Blacksmiths, Forgers and Helpers (IBB)
International Brotherhood of Electrical Workers (IBEW)
International Federation of Professional and Technical Engineers (IFPTE)
International Longshoremen's Association (ILA)
International Longshore and Warehouse Union (ILWU)
International Organization of Masters, Mates & Pilots, ILA (MM&P)
International Union of Operating Engineers (IUOE)
Laborers' International Union of North America (LIUNA)
Marine Engineers' Beneficial Association (MEBA)
National Air Traffic Controllers Association (NATCA)
National Association of Letter Carriers (NALC)
National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)
National Federation of Public and Private Employees (NFOPAPE)
Office and Professional Employees International Union (OPEIU)
Professional Aviation Safety Specialists (PASS)
Sailors' Union of the Pacific (SUP)
Sheet Metal Workers International Association (SMWIA)
Transportation · Communications International Union (TCU)
Transport Workers Union of America (TWU)
United Mine Workers of America (UMWA)
*United Steel, Paper and Forestry, Rubber, Manufacturing, Energy,
Allied Industrial and Service Workers International Union (USW)*
United Transportation Union (UTU)