

# *Bruce on Bikers' Rights*

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## OPEN LETTER

*Submitted via email to the Florida State Legislature*

26 March 2007

Honorable Members of the Florida State Legislature:

Proposed legislation—including bills **SB620**, **SB1944** and **SB2372**—is currently before you that is intended to stem the rising tide of deaths and injuries attributable to the inattentive blindness of motor vehicle operators distracted to the point of impairment as a result of their engaging in cell phone conversations while driving. As you address this issue, I ask that you please keep in mind that it is the conversation—not the communications device—that creates the dangerous distraction. In other words, if your aim is to mitigate inattentive blindness by restricting the use of cellular communications devices while driving, you must restrict the use of ALL such devices, including “hands-free” as well as “hand-held” technologies.

In a 21 January 2007 letter to Nicole R. Nason, Administrator of the National Highway Traffic Safety Administration (“NHTSA”)...

[http://autosafety.org/uploads/phpwmd6vH\\_CellPhonePetitionFinal.pdf](http://autosafety.org/uploads/phpwmd6vH_CellPhonePetitionFinal.pdf)

...the Center for Auto Safety's Executive Director Clarence Ditlow noted the following:

**“Research has consistently shown that operating a motor vehicle while talking on a cell phone—whether hand-held or hands-free—increases the risk of an accident to three to four times the experience of attentive drivers.(6) The general consensus of the scientific community is that there is little, if any, difference in crash rates involving hands-free versus hand-held cell phones. The two-way conversation on a cellular phone, not the task of holding the phone, causes a cognitive distraction. This distraction induces ‘inattention blindness,’ inhibiting drivers’ abilities to detect change in road conditions.(7)”**

These conclusions are corroborated by numerous scientific studies, including one by the University of Utah's David L. Strayer, Frank A. Drews, and Dennis J. Crouch entitled “A Comparison of the Cell Phone Driver and the Drunk Driver”...

<http://www.ldrlongdistancerider.com/CellphoneUsersAsDangerousAsDrunks.pdf>

...which concluded:

**“When drivers were conversing on either a handheld or hands-free cell phone, their braking reactions were delayed and they were involved in more traffic accidents than when they were not conversing on a cell phone. By contrast, when drivers were intoxicated from ethanol they exhibited a more aggressive driving style, following closer to the vehicle immediately in front of them and applying more force while braking. Conclusion: When driving conditions and time on**

**task were controlled for, the impairments associated with using a cell phone while driving can be as profound as those associated with driving while drunk.”**

The facts are irrefutable: In order for any ban on the use of cellular communications technology while driving to achieve the desired effect of mitigating inattentive blindness and reducing the resultant crashes, injuries and deaths, the CALLS MUST BE RESTRICTED REGARDLESS OF THE TECHNOLOGY—e.g., HAND-HELD OR HANDS-FREE—USED TO ENABLE THEM. Again citing Clarence Ditlow’s letter:

**“The Center for Auto Safety therefore petitions NHTSA to initiate rulemaking to prohibit the use of integrated cellular telephones and other interactive communication and data transmission devices that can be used for personal conversations and other interactive personal communication or messaging while a vehicle is in motion. As a first step, the Center petitions NHTSA to issue a notice of proposed rulemaking which would amend FMVSS 102 to add a new provision reading: *‘Any vehicle integrated personal communication systems including cellular phones and text messaging systems shall be inoperative when the transmission shift lever is in a forward or reverse drive position.’*”**

In order to effectively restrict cellular communications while driving, I strongly recommend that the Florida State Legislature consider similar provisions.

As an American motorcyclist who understands the importance of protecting our freedoms and preserving our individual rights, endorsing any legislation that restricts the former or limits the latter goes against my basic nature. I recognize, however, that the words “freedom” and “rights” are not interchangeable. Not only do they differ, they frequently conflict. Preserving a freedom often means foregoing a right, and protecting a right often requires the sacrifice of a freedom. And so it is with banning cell phone usage while driving. The conflict is that of Freedom-of-Speech versus Right-to-Life. And although there may be those who think the First Amendment to the United States Constitution gives us the right to falsely yell “Fire!” in a crowded theater, I do not believe that was the intention of our Founding Fathers. If Justice Oliver Wendell Holmes, Jr. were alive today, I believe he would agree with the following:

**Mobile telecommunications may not carry the specter of a thermonuclear holocaust, but a growing body of science and statistics compels any reasonable person to concede that this is yet another area where mankind’s ability to create technology has exceeded his ability to manage it. The unrestricted activity of engaging in cell phone conversations while driving constitutes a clear and present danger to all who share the road. And no matter how politically inexpedient the necessary measures may be ... we must act to protect the safety of the many ... even if it inconveniences the few.**

Speaking strictly for myself and no other individuals or organizations,

Bruce Arnold

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