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24 February 2006

Governor Jennifer M. Granholm
State Of Michigan
111 South Capitol Avenue
Lansing, MI 48933-1591

Subject : Cellular Telephone Usage While Operating an Automobile (in the state of Michigan)
Ref : The Traffic Accident Death of Ms. Dijela Ljucaj

Dear Governor Granholm:

Under Tab 1 you will find the 24 Feb 2006 *Detroit News* article entitled, “**Crash in Warren Kills Woman, 55.**” You will note that this article points to the current subject as part of the facts that led to the death of Ms. Ljucaj.

Background

During the last twenty-plus years of my work in automotive safety I have successfully exposed a fallacy in discussions that seek statistical justifications for doing or not doing ‘the right thing.’ In these presentations, whether in the courtroom or in the media, I have argued that “personalizing” the data can have an overwhelming effect on management response; a response that historically could not be justified ‘by the numbers.’ In this context let me ask you my rhetorical question:

If the last name on the subject accident report was not Ljucaj, but instead was Granholm, how fast do you suspect that the Michigan legislature would enact at least a contemporaneous, or perhaps even a competent cellular telephone usage while-driving law?

A high-paid expert could testify before the Michigan Legislature that the death of Ms. Ljucaj was “statistically insignificant.” The tragedy is that many would actually believe such nonsense. That is, until their last name was rhetorically added to the Warren Police Department accident report.

Michigan Status / Stature

Under Tabs 2 through 4 you will find cursory information regarding state-by-state legislation for ‘Cellular Telephone Usage While Operating an Automobile.’ Notably, Table 1 under Tab 2 indicates that Michigan has been tracking this issue in the context of Inattention Crashes. During 2002 almost 20% of these types of accidents in Michigan were related to cellular telephone usage. In my professional opinion, 20% is statistically significant.

Under Tab 4 you will find the National Conference of State Legislature report entitled “Cell Phones and Highway Safety : 2005 State Legislative Update.” You will note that Michigan is not mentioned (a fact that should be related to the reference).

Michigan Status / Stature con't

I am not familiar with how this status evolved in Lansing, but it may be cause for concern. For example, some states have enacted laws that prohibit "local jurisdictions from restricting driver use of cell phones while operating a motor vehicle." Other states have restricted their enactments to teenagers. *Please note that the death of Ms. Ljucaj did not involve a teenager.* I am, however, familiar with undue and/or unrelated influence on the process of maximizing safety (Tabs 7 and 8).

Conclusion

One state listed under Tab 4 that has enacted a subject law that makes real-world sense is New York. A New York style law, enacted for Michigan, would be very simple for all concerned; from motor vehicle operators to local law enforcement to the drafters of the legislation itself:

“(Michigan) Drivers are prohibited from talking on hand-held mobile telephones while operating a motor vehicle.”

One could argue that such a law would not have prevented the death of Ms. Ljucaj. But that argument implicitly alleges that the offending driver is someone who consciously disobeys the law. In this instance there is no such evidence. Therefore a reasonable conclusion is that a law of the type already in-place in New York could very well have preserved the Ljucaj family unit.

Your comments are welcome. Please do not hesitate to contact me at any time.

Respectfully,

Paul V. Sheridan

Attachments

cc: Mr. David J. Butler (Detroit News)
Mr. David E. Cole (Center for Automotive Research, University of Michigan)
Mayor Michael Guido (Dearborn, Michigan)
Mr. Frank P. Ljucaj
Mr. Courtney E. Morgan
Governor George E. Pataki (New York)
Ms. Karen Scally (Dearborn Press & Guide)
Detective Randall Ricotta
Mr. Steve Wasserman (WDIV-TV 4)



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