



National Transportation Safety Board

Washington, D.C. 20594

Safety Recommendation

Logg# H066B

Date: NOV 30 2006

In reply refer to: H-06-28

District of Columbia and 30 States that have driver distraction codes on their traffic accident investigation forms
(See attached list.)

The National Transportation Safety Board is an independent Federal agency charged by Congress with investigating transportation accidents, determining their probable cause, and making recommendations to prevent similar accidents from occurring. We are providing the following information to urge your organization to take action on the safety recommendation in this letter. The Safety Board is vitally interested in this recommendation because it is designed to prevent accidents and save lives.

This recommendation addresses cellular telephone use while driving. It is derived from the Safety Board's investigation of a November 14, 2004, motorcoach collision with the Alexandria Avenue bridge overpass, George Washington Memorial Parkway, Alexandria, Virginia, and is consistent with the evidence we found and the analysis we performed. As a result of this investigation, the Safety Board has issued three safety recommendations, one of which is addressed to the 50 States and the District of Columbia. Information supporting the recommendation is discussed below. The Safety Board would appreciate a response from you within 90 days addressing the actions you have taken or intend to take to implement our recommendation.

On November 14, 2004, about 9:30 a.m., eastern standard time, a 44-year-old bus driver departed the Baltimore/Washington International Thurgood Marshall Airport, operating a 2000 Prevost, 58-passenger motorcoach for an approximately 60-mile trip to Mount Vernon, Virginia. Vehicle occupants were the bus driver, an adult chaperone, and 27 high school students. This vehicle was the second one of a two-bus team traveling to Mount Vernon. The motor carrier, Eyre Bus Service, Inc., (Eyre) operates this route frequently, and the accident bus driver had driven this route on one previous occasion 9 days earlier (November 5, 2004).

About 10:40 a.m., the bus was traveling southbound in the right lane of the George Washington Memorial Parkway in Alexandria, Virginia, at an electronic control module-recorded speed of approximately 46 mph. As the bus approached the Alexandria Avenue bridge, the bus driver passed warning signs indicating that the bridge had a 10-foot, 2-inch clearance in the right lane. Nonetheless, the driver remained in the right lane and drove the

12-foot-high bus under the bridge, colliding with the underside and side of the overpass.¹ At the time of the accident, the 13-foot, 4-inch-high left lane was available to the bus, and the lead Eyre bus was in the left lane ahead of the accident bus. The accident bus came to a final stop in the right lane about 470 feet beyond the bridge. Witnesses and the bus driver himself reported that the bus driver was talking on a hands-free cellular telephone at the time of the accident.

Of the 27 student passengers, 10 received minor injuries and 1 sustained serious injuries. The bus driver and chaperone were uninjured. The bus's roof was destroyed.

The National Transportation Safety Board determines that the probable cause of this accident was the bus driver's failure to notice and respond to posted low-clearance warning signs and to the bridge itself due to cognitive distraction resulting from conversing on a hands-free cellular telephone while driving. Contributing to the accident was the low vertical clearance of the bridge, which does not meet current National Park Service road standards or American Association of State Highway and Transportation Officials guidelines.

Witnesses to the accident stated, the driver admitted, and cellular telephone records verify that the driver was talking on a hands-free cellular telephone about the time of the accident. The driver reported that he was talking to his sister and that he was upset because he believed the lead bus driver had mistreated him during the trip. The accident bus driver stated that he saw neither the warning signs nor the bridge until after the accident occurred. Furthermore, the data recovered postaccident from the accident bus's Detroit Diesel Electronic Control Module indicated that the driver did not attempt to stop the bus until after the vehicle struck the bridge.² The Safety Board concludes that the bus driver's cellular telephone conversation at the time of the accident diverted his attention from driving, and, as a result, he failed to notice the low-clearance warning signs for the bridge and the low vertical clearance of the bridge itself.

As was shown by this accident, researchers have found that drivers conversing on a cellular telephone are cognitively distracted from the driving task,³ that is, drivers' mental resources are diverted from the driving task, consequently impairing driving performance. Furthermore, complex cellular telephone conversations are more distracting than simple conversations. In addition, research has demonstrated that using a cellular telephone while driving degrades several aspects of driving performance, resulting in slower reaction times, slower driving speeds, and increased instances of attention lapses.⁴ Research has also shown that conversing on a hands-free cellular telephone, like the one the accident driver was using, while

¹ For more information, read National Transportation Safety Board, *Motorcoach Collision With the Alexandria Avenue Bridge Overpass, George Washington Memorial Parkway, Alexandria, Virginia, November 14, 2004*, Highway Accident Report NTSB/HAR-06/04 (Washington, DC: NTSB, 2006).

² For more detailed information, see the *Vehicle and Wreckage Information* and *Accident Discussion* sections of the accident investigation report (NTSB/HAR-06/04).

³ (a) J.L. Harbluk, Y.I. Noy, and M. Eizenman, *The Impact of Cognitive Distraction on Driver Visual Behaviour and Vehicle Control*, TP# 13889 E (Ottawa, Canada: Transport Canada, 2002). (b) D.L. Strayer, F.A. Drews, and W.A. Johnston, "Cell Phone-Induced Failures of Visual Attention During Simulated Driving," *Journal of Experimental Psychology-Applied*, Vol. 9, No. 1 (2003) 23-32.

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driving impairs performance.⁵ Epidemiological studies indicate that the risk of being involved in a crash when using a cellular telephone is almost four times higher than when a cellular telephone is not used and that using a hands-free cellular telephone is no safer than using a hand-held cellular telephone.⁶ The Safety Board concludes that the use of either a hand-held or hands-free cellular telephone while driving can impair the performance of even a commercial driver's license (CDL) holder, such as the driver of the accident vehicle. As a result of its 2003 investigation of an accident involving cellular telephone use,⁷ the Safety Board further concluded that all drivers should be educated about the risks of distracted driving, including the cognitive demands associated with the use of wireless interactive communication devices, which include cellular telephones.⁸

More than 204 million people subscribe to U.S. wireless communications services,⁹ which include devices such as cellular telephones. Cellular telephone use by drivers continues to increase, as evidenced by the National Highway Traffic Safety Administration's (NHTSA's) 2005 observational survey in which 6 percent of drivers were observed to be using a hand-held cellular telephone, compared to 5 percent of drivers in 2004. Surveys of self-reported use of cellular telephones while driving show that about 30 percent of all drivers use a cellular telephone while driving.¹⁰

Commercial drivers, such as the accident bus driver, who spend their workday on the road and use cellular telephones for maintaining contact with their companies, are likely to be heavy cellular telephone users.¹¹ The American Association of Motor Vehicle Administrators's CDL manual recognizes that cellular telephone use by commercial drivers can also be hazardous.¹² The manual recommends pulling off the road in a safe, legal place when making or receiving a call on communications equipment, stating "Do not place a call while driving." The manual also recognizes that hands-free cellular devices are unsafe to use while driving.

⁵ (a) C.J.D. Patten, A. Kircher, J. Östlund, and L. Nilsson, "Using Mobile Telephones: Cognitive Workload and Attention Resource Allocation," *Accident Analysis and Prevention*, Vol. 36, No. 3 (2004) 341-350. (b) J.E.B. Törnros and A.K. Bolling, "Mobile Phone Use—Effects of Handheld and Handsfree Phones on Driving Performance," *Accident Analysis and Prevention*, Vol. 37, No. 5 (2005) 902-909.

⁶ (a) D.A. Redelmeier and R.J. Tibshirani, "Association Between Cellular-Telephone Calls and Motor Vehicle Collisions," *The New England Journal of Medicine*, Vol. 336, No. 7 (1997). (b) S. McEvoy and others, "Role of Mobile Phones in Motor Vehicle Crashes Resulting in Hospital Attendance: A Case-Crossover Study," *BMJ* (July 2005).

⁷ National Transportation Safety Board, *Ford Explorer Sport Collision with Ford Windstar Minivan and Jeep Grand Cherokee on Interstate 95/495 Near Largo, Maryland, February 1, 2002*, Highway Accident Report NTSB/HAR-03/02 (Washington, DC: NTSB, 2003).

⁸ NTSB/HAR-03/02.

⁹ CTIA—The Wireless Association. *Wireless Industry Indices: 1985-2005. Annualized Wireless Industry Service Results—June 1985 to June 2005* <www.ctia.org/research_statistics/index.cfm/AID/10030>. Data reflect domestic cellular, enhanced specialized mobile radio, and personal communication service providers.

¹⁰ U.S. Department of Transportation, National Highway Traffic Safety Administration, *National Survey of Distracted and Drowsy Driving Attitudes and Behavior: 2002, Volume I: Findings*, DOT HS 809 566 (Washington, DC: NHTSA, 2003).

¹¹ T. Troglauer, T. Hels, and P.F. Christens, "Extent and Variations in Mobile Phone Use Among Drivers of Heavy Vehicles in Denmark," *Accident Analysis and Prevention*, Vol. 38, No. 5 (2006) 105-111.

¹² American Association of Motor Vehicle Administrators, "Section 2—Driving Safely," *Model Commercial Driver License Manual* (December 2005) 2-22.

Connecticut, New Jersey, New York, and the District of Columbia prohibit the use of hand-held cellular telephones while driving by all drivers, including commercial drivers.

Industry is also beginning to recognize the need for cellular telephone policies; in addition to Eyre, other motor carriers, including Greyhound Lines, Inc., have instituted policies on restricting cellular telephone use or are in the process of doing so. However, the primary motorcoach industry associations (the American Bus Association and the United Motorcoach Association), public bus transportation associations (the Community Transportation Association of America and the American Public Transportation Association), school bus industry associations (the National Association for Pupil Transportation, the National School Transportation Association, and the National Association of State Directors of Pupil Transportation Services), and bus driver unions (the International Brotherhood of Teamsters and the Amalgamated Transit Union) have not yet developed such policies for their members. Furthermore, the Federal Motor Carrier Safety Administration (FMCSA) has not published a policy regarding cellular telephone use while driving.

Payment for transportation services creates an implicit contract between the passenger and the carrier that the carrier will transport the passenger safely and not allow the vehicle operator to take unnecessary risks. Motorcoaches, such as the accident bus, typically transport 40 to 50 passengers per trip, creating the potential for significant injury or death to a large number of people in the event of an accident. In addition, like school buses, such vehicles frequently transport children (27 high school students in this accident) and other vulnerable groups, including the elderly. Transit buses also transport large numbers of passengers, often in urban areas. Consequently, these drivers have a special obligation to provide the safest driving environment possible for the passengers in their care. The Safety Board therefore recommends that the States and the District of Columbia enact legislation to prohibit cellular telephone use by CDL holders with a passenger-carrying or school bus endorsement, while driving under the authority of that endorsement, except in emergencies.

Because the FMCSA is the primary oversight agency for buses, the Safety Board is also recommending that the FMCSA publish regulations prohibiting cellular telephone use by CDL holders with a passenger-carrying or school bus endorsement, while driving under the authority of that endorsement, except in emergencies. However, the Safety Board recognizes that regulatory change takes time and considers it imperative to alert motor carriers and drivers without delay about the dangers of using cellular telephones while driving; therefore, the Safety Board recommends that, in the meantime, motorcoach industry, public bus, and school bus associations and unions develop formal policies prohibiting cellular telephone use by CDL holders with a passenger-carrying or school bus endorsement, while driving under the authority of that endorsement, except in emergencies.

Therefore, the National Transportation Safety Board makes the following recommendation to the District of Columbia and the 50 States:

Enact legislation to prohibit cellular telephone use by commercial driver's license holders with a passenger-carrying or school bus endorsement, while driving under the authority of that endorsement, except in emergencies. (H-06-28)

The Safety Board also reiterated Safety Recommendation H-03-09 to the 20 States that do not yet have driver distraction codes on their accident investigation forms and issued new recommendations to the FMCSA and motorcoach industry, public bus, and school bus associations and unions.

Please refer to Safety Recommendation H-06-28 in your reply. If you need additional information, you may call (202) 314-6177.

Chairman ROSENKER, Vice Chairman SUMWALT, and Members HERSMAN and HIGGINS concurred in this recommendation.

A handwritten signature in black ink, appearing to read "Mark V. Rosenker". The signature is fluid and cursive, with a large initial "M" and "R".

By: Mark V. Rosenker
Chairman

**Distribution—District of Columbia and 30 States that have driver distraction codes
on their traffic accident investigation forms**

Honorable Frank Murkowski
Governor
State of Alaska
Post Office Box 110001
Juneau, Alaska 99811-0001

Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, California 95814

Honorable Ruth Ann Minner
Governor
State of Delaware
Tatnall Building
William Penn Street
Dover, Delaware 19901

Honorable Jeb Bush
Governor
State of Florida
The Capitol
Tallahassee, Florida 32399-0001

Honorable Rod Blagojevich
Governor
State of Illinois
State Capitol
207 Statehouse
Springfield, Illinois 62706

Honorable Thomas Vilsack
Governor
State of Iowa
State Capitol
Des Moines, Iowa 50319-0001

Honorable Kathleen Sebelius
Governor
State of Kansas
State Capitol
Second Floor
Topeka, Kansas 66612-1590

Honorable Ernie Fletcher
Governor
State of Kentucky
700 Capitol Avenue
Frankfort, Kentucky 40601

Honorable Kathleen Babineaux
Blanco
Governor
State of Louisiana
Post Office Box 94004
Baton Rouge, Louisiana 70804-9004

Honorable Robert Ehrlich
Governor
State of Maryland
State House
100 State Circle
Annapolis, Maryland 21401

Honorable Mitt Romney
Governor
State of Massachusetts
State House
Room 360
Boston, Massachusetts 02133

Honorable Jennifer Granholm
Governor
State of Michigan
Post Office Box 30013
Lansing, Michigan 48909

Honorable Tim Pawlenty
Governor
State of Minnesota
130 State Capitol
75 Constitution Avenue
St. Paul, Minnesota 55155

Honorable Matt Blunt
Governor
State of Missouri
Missouri Capitol Building
Room 216
Jefferson City, Missouri 65102

Honorable Brian Schweitzer
Governor
State of Montana
Post Office Box 0801
Helena, Montana 59620-0801

Honorable Dave Heineman
Governor
State of Nebraska
Post Office Box 94848
Lincoln, Nebraska 68509-4848

Honorable Kenny Guinn
Governor
State of Nevada
State Capitol
101 North Carson Street
Carson City, Nevada 89701

Honorable Jon Corzine
Governor
State of New Jersey
125 West State Street
Post Office Box 001
Trenton, New Jersey 08625

Honorable Bill Richardson
Governor
State of New Mexico
State Capitol
Room 400
Santa Fe, New Mexico 87501

Honorable George E. Pataki
Governor
State of New York
State Capitol
Albany, New York 12224

Honorable Brad Henry
Governor
State of Oklahoma
State Capitol Building
Suite 212
Oklahoma City, Oklahoma 73105

Honorable Ted Kulongoski
Governor
State of Oregon
900 Court Street N.E.
Room 254
Salem, Oregon 97301-4047

Honorable Edward Rendell
Governor
State of Pennsylvania
Main Capitol Building
Room 225
Harrisburg, Pennsylvania 17120

Honorable Mark Sanford
Governor
State of South Carolina
Post Office Box 12267
Columbia, South Carolina 29211

Honorable Mike Rounds
Governor
State of South Dakota
500 East Capitol Avenue
Pierre, South Dakota 57501

Honorable Phil Bredesen
Governor
State of Tennessee
State Capitol
Nashville, Tennessee 37243-0001

Honorable Rick Perry
Governor
State of Texas
Post Office Box 12428
Austin, Texas 78711

Honorable Jon Huntsman
Governor
State of Utah
210 State Capitol
Salt Lake City, Utah 81114

Honorable James H. Douglas
Governor
State of Vermont
Pavilion Office Building
109 State Street
Montpelier, Vermont 05609

Honorable Tim Kaine
Governor
State of Virginia
State Capitol
Richmond, Virginia 23219

Honorable Anthony A. Williams
Mayor
District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004



National Transportation Safety Board

Washington, D.C. 20594

Safety Recommendation

Log # H046B

Date: NOV 30 2006

In reply refer to: H-06-28 and
H-03-09 (reiterated)

20 States that do not have driver distraction codes on their traffic accident investigation forms
(See attached list.)

The National Transportation Safety Board is an independent Federal agency charged by Congress with investigating transportation accidents, determining their probable cause, and making recommendations to prevent similar accidents from occurring. We are providing the following information to urge your organization to take action on the safety recommendations in this letter. The Safety Board is vitally interested in these recommendations because they are designed to prevent accidents and save lives.

These recommendations address cellular telephone use while driving and the adequacy of cellular telephone accident data. They are derived from the Safety Board's investigation of a November 14, 2004, motorcoach collision with the Alexandria Avenue bridge overpass, George Washington Memorial Parkway, Alexandria, Virginia, and are consistent with the evidence we found and the analysis we performed. As a result of this investigation, the Safety Board has issued three safety recommendations, one of which is addressed to the 50 States and the District of Columbia. The Safety Board is also reiterating Safety Recommendation H-03-09 to the 20 States that do not yet have driver distraction codes on their traffic accident investigation forms. Information supporting these recommendations is discussed below. The Safety Board would appreciate a response from you within 90 days addressing the actions you have taken or intend to take to implement our recommendations.

On November 14, 2004, about 9:30 a.m., eastern standard time, a 44-year-old bus driver departed the Baltimore/Washington International Thurgood Marshall Airport, operating a 2000 Prevost, 58-passenger motorcoach for an approximately 60-mile trip to Mount Vernon, Virginia. Vehicle occupants were the bus driver, an adult chaperone, and 27 high school students. This vehicle was the second one of a two-bus team traveling to Mount Vernon. The motor carrier, Eyre Bus Service, Inc., (Eyre) operates this route frequently, and the accident bus driver had driven this route on one previous occasion 9 days earlier (November 5, 2004).

About 10:40 a.m., the bus was traveling southbound in the right lane of the George Washington Memorial Parkway in Alexandria, Virginia, at an electronic control module-recorded speed of approximately 46 mph. As the bus approached the Alexandria Avenue bridge, the bus driver passed warning signs indicating that the bridge had a 10-foot, 2-inch clearance in the right lane. Nonetheless, the driver remained in the right lane and drove the

12-foot-high bus under the bridge, colliding with the underside and side of the overpass.¹ At the time of the accident, the 13-foot, 4-inch-high left lane was available to the bus, and the lead Eyre bus was in the left lane ahead of the accident bus. The accident bus came to a final stop in the right lane about 470 feet beyond the bridge. Witnesses and the bus driver himself reported that the bus driver was talking on a hands-free cellular telephone at the time of the accident.

Of the 27 student passengers, 10 received minor injuries and 1 sustained serious injuries. The bus driver and chaperone were uninjured. The bus's roof was destroyed.

The National Transportation Safety Board determines that the probable cause of this accident was the bus driver's failure to notice and respond to posted low-clearance warning signs and to the bridge itself due to cognitive distraction resulting from conversing on a hands-free cellular telephone while driving. Contributing to the accident was the low vertical clearance of the bridge, which does not meet current National Park Service road standards or American Association of State Highway and Transportation Officials guidelines.

Witnesses to the accident stated, the driver admitted, and cellular telephone records verify that the driver was talking on a hands-free cellular telephone about the time of the accident. The driver reported that he was talking to his sister and that he was upset because he believed the lead bus driver had mistreated him during the trip. The accident bus driver stated that he saw neither the warning signs nor the bridge until after the accident occurred. Furthermore, the data recovered postaccident from the accident bus's Detroit Diesel Electronic Control Module indicated that the driver did not attempt to stop the bus until after the vehicle struck the bridge.² The Safety Board concludes that the bus driver's cellular telephone conversation at the time of the accident diverted his attention from driving, and, as a result, he failed to notice the low-clearance warning signs for the bridge and the low vertical clearance of the bridge itself.

As was shown by this accident, researchers have found that drivers conversing on a cellular telephone are cognitively distracted from the driving task,³ that is, drivers' mental resources are diverted from the driving task, consequently impairing driving performance. Furthermore, complex cellular telephone conversations are more distracting than simple conversations. In addition, research has demonstrated that using a cellular telephone while driving degrades several aspects of driving performance, resulting in slower reaction times, slower driving speeds, and increased instances of attention lapses.⁴ Research has also shown that conversing on a hands-free cellular telephone, like the one the accident driver was using, while

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Because the FMCSA is the primary oversight agency for buses, the Safety Board is also recommending that the FMCSA publish regulations prohibiting cellular telephone use by CDL holders with a passenger-carrying or school bus endorsement, while driving under the authority of that endorsement, except in emergencies. However, the Safety Board recognizes that regulatory change takes time and considers it imperative to alert motor carriers and drivers without delay about the dangers of using cellular telephones while driving; therefore, the Safety Board recommends that, in the meantime, motorcoach industry, public bus, and school bus associations and unions develop formal policies prohibiting cellular telephone use by CDL holders with a passenger-carrying or school bus endorsement, while driving under the authority of that endorsement, except in emergencies.

Another issue examined during the accident investigation was the adequacy of cellular telephone accident data to assess the risks involved in cellular telephone use while driving. The 2005 Fatality Analysis Reporting System (FARS) data show that, of the 59,373 drivers involved in fatal accidents, "cellular telephone in use in vehicle" was coded for 135 drivers (0.23 percent)

and “cellular telephone present in vehicle” was coded for 726 drivers (1.2 percent). The 2005 FARS data also indicate that cellular telephones were coded as a driver-related factor for 2.29 percent of the bus drivers involved in fatal bus accidents that occurred in 2005.

In its 2003 investigation of the Largo, Maryland, accident, which involved a driver using a cellular telephone while driving,¹³ the Safety Board concluded that “available data are insufficient to determine the magnitude of risks associated with wireless telephone use.” The Safety Board consequently recommended that the 34 States that did not have driver distraction codes on their traffic accident investigation forms:

H-03-09

Add driver distraction codes, including codes for interactive wireless communication device use, to your traffic accident investigation forms.

This accident, like others discussed in this report, demonstrates the negative consequences of driving while distracted by a cellular telephone conversation. However, it is difficult to determine the extent of this problem with the available accident data. The Safety Board concludes that the lack of data on cellular telephone use in accidents hinders a formal accounting of the driving risks associated with cellular telephone use.

A significant number of States (Alabama, Arizona, Arkansas, Colorado, Connecticut, Georgia, Hawaii, Idaho, Indiana, Maine, Mississippi, New Hampshire, North Carolina, North Dakota, Ohio, Rhode Island, Washington, West Virginia, Wisconsin, and Wyoming) still do not have driver distraction codes on their traffic accident investigation forms. The Safety Board therefore reiterates Safety Recommendation H-03-09 to these States.

The National Transportation Safety Board also makes the following recommendation to the 50 States and the District of Columbia:

Enact legislation to prohibit cellular telephone use by commercial driver’s license holders with a passenger-carrying or school bus endorsement, while driving under the authority of that endorsement, except in emergencies. (H-06-28)

In addition to the recommendations noted above, the Safety Board issued new recommendations to the Federal Motor Carrier Safety Administration and to motorcoach industry, public bus, and school bus associations and unions.

Please refer to Safety Recommendations H-06-28 and H-03-09 in your reply. If you need additional information, you may call (202) 314-6177.

¹³ NTSB/HAR-03/02.

Chairman ROSENKER, Vice Chairman SUMWALT, and Members HERSMAN and HIGGINS concurred in these recommendations.

A handwritten signature in black ink, appearing to read "Mark V. Rosenker". The signature is written in a cursive, flowing style with a large initial 'M' and 'R'.

By: Mark V. Rosenker
Chairman

**Distribution—20 States that do not have driver distraction codes on their traffic
accident investigation forms**

Honorable Bob Riley
Governor
State of Alabama
State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130-2751

Honorable Janet Napolitano
Governor
State of Arizona
State Capitol
1700 West Washington
Phoenix, Arizona 85007

Honorable Mike Huckabee
Governor
State of Arkansas
State Capitol
Room 250
Little Rock, Arkansas 72201

Honorable Bill F. Owens
Governor
State of Colorado
136 State Capitol
Denver, Colorado 80203-1792

Honorable M. Jodi Rell
Governor
State of Connecticut
210 Capitol Avenue
Hartford, Connecticut 06106

Honorable Sonny Purdue
Governor
State of Georgia
203 State Capitol
Atlanta, Georgia 30334

Honorable Linda Lingle
Governor
State of Hawaii
State Capitol
Executive Chambers
Honolulu, Hawaii 96813

Honorable James Risch
Governor
State of Idaho
State Capitol
700 West Jefferson
Boise, Idaho 83720-0034

Honorable Mitch Daniels
Governor
State of Indiana
206 State House
Indianapolis, Indiana 46204

Honorable John Baldacci
Governor
State of Maine
1 State House Station
Augusta, Maine 04333

Honorable Haley Barbour
Governor
State of Mississippi
Post Office Box 139
Jackson, Mississippi 39205

Honorable John Lynch
Governor
State of New Hampshire
Room 208
State House
Concord, New Hampshire 03301

Honorable Michael Easley
Governor
State of North Carolina
20301 Mail Service Center
Raleigh, North Carolina 27699-0301

Honorable Dave Freudenthal
Governor
State of Wyoming
State Capitol Building
Room 124
Cheyenne, Wyoming 82002

Honorable John Hoeven
Governor
State of North Dakota
State Capitol
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0001

Honorable Bob Taft
Governor
State of Ohio
77 South High Street
30th Floor
Columbus, Ohio 43215-6117

Honorable Don Carcieri
Governor
State of Rhode Island
State House
Providence, Rhode Island 02903-1196

Honorable Christine Gregoire
Governor
State of Washington
Post Office Box 40002
Olympia, Washington 95804-0002

Honorable Joe Manchin III
Governor
State of West Virginia
State Capitol Complex
Charleston, West Virginia 23505-0370

Honorable Jim Doyle
Governor
State of Wisconsin
State Capitol
115 East
Madison, Wisconsin 53702