
DOT Agencies Ban Hand-Held Phone Use by Commercial Drivers - Update

The Federal Motor Carrier Safety Administration (FMCSA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA), two Department of Transportation agencies, published a final rule December 2 that will prohibit use of hand-held mobile phones by commercial drivers while on the road.

Although both the National Transportation Safety Board and FMCSA's Motor Carrier Safety Advisory Committee recommended a rule to ban commercial motor vehicle drivers' use of hands free mobile phones, it is currently not a part of the rule.

One of the driver distraction studies that was cited detailed the risks of reaching for and dialing a phone while driving and found that talking or listening to a hands free phone and talking and listening to a hand held phone were relatively low-risk activities that involved only brief periods of eyes off the forward roadway. FMCSA and PHMSA determined that it is the action of taking one's eyes off the forward roadway to reach for and dial a handheld mobile telephone that has the greatest risk.

The rule says the odds of being involved in a safety critical event are three times greater when the driver is reaching for an object than when he or she is not reaching for an object, and the odds are six times greater while the driver is dialing a cell phone than when the driver is not dialing a cell phone.

These higher risks are primarily attributable to the driver's eyes being off the forward roadway.

Both reaching for and dialing a hand held mobile telephone are manual distractions and require visual distraction to complete the task; therefore, the driver may not be capable of safely operating the vehicle. Using a hand-held mobile telephone may reduce a driver's situational awareness, decision making, or performance. It may result in crash, near crash, unintended lane departure or other unsafe driving action.

Indeed, research indicates that reaching for and dialing hand held mobile telephones are sources of driver distraction that pose a specific safety risk. To address the risk associated with these activities, the agencies restrict commercial motor vehicle drivers' use of hand-held mobile telephones which includes using at least one hand to hold a mobile telephone to conduct a voice communication.

What This Means For Counties

The rule will prevent a source of distraction for drivers. Drivers who violate the restriction can be charged a civil penalty of as much as \$2,750. A civil penalty of as much as \$11,000 may be imposed on employers who fail to require their drivers to comply. *This has not been adopted by the State of Colorado, and will not be enforced until legislative change has been made.*

For more information, contact CTSI at 303-861-0507.