

MEMORANDUM



TO: All U.S. Local Unions
FROM: LaMont Byrd, Director
Safety and Health Department
DATE: February 12, 2010
RE: Regulatory Guidance – Texting While Driving Ban

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The Federal Motor Carrier Safety Administration (FMCSA) issued regulatory guidance, pursuant to 49 CFR Part 390.17, "Additional equipment and accessories", that effectively prohibits commercial drivers from using electronic devices to prepare or review text messages while operating a commercial motor vehicle in interstate commerce. This ban became effective on January 27, 2010.

The regulatory guidance was issued after a study entitled, "Driver Distraction in Commercial Vehicle Operations", was completed and the agency determined that texting on an electronic device while driving a commercial motor vehicle in interstate commerce poses a significant safety risk.

Electronic devices are defined as handheld or other wireless electronic devices that are brought into a CMV. The FMCSA defines texting as "the review of, or preparation and transmission of, typed messages through any such device or the engagement in any form of electronic data communication through any such device". Commercial motor vehicles covered by the regulatory guidance are those vehicles that:

1. Have a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 10,001 pounds or more, whichever is greater; or
2. Are designed or used to transport more than 8 passengers (including the driver) for compensation; or
3. Are designed or used to transport more than 15 passengers (including the driver) and is not used to transport passengers for compensation; or
4. Are used to transport hazardous materials in a quantity that requires placarding under the hazardous materials regulation.

Truck and bus drivers who are convicted of texting while driving a commercial motor vehicle may be subject to civil or criminal penalties of up to \$2,720.

It should be noted that the FMCSA will begin comprehensive rulemaking on this issue in calendar year 2010, but the texting ban as described above is currently in effect. The IBT Safety and Health Department will keep you apprised of this issue as it further develops.

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