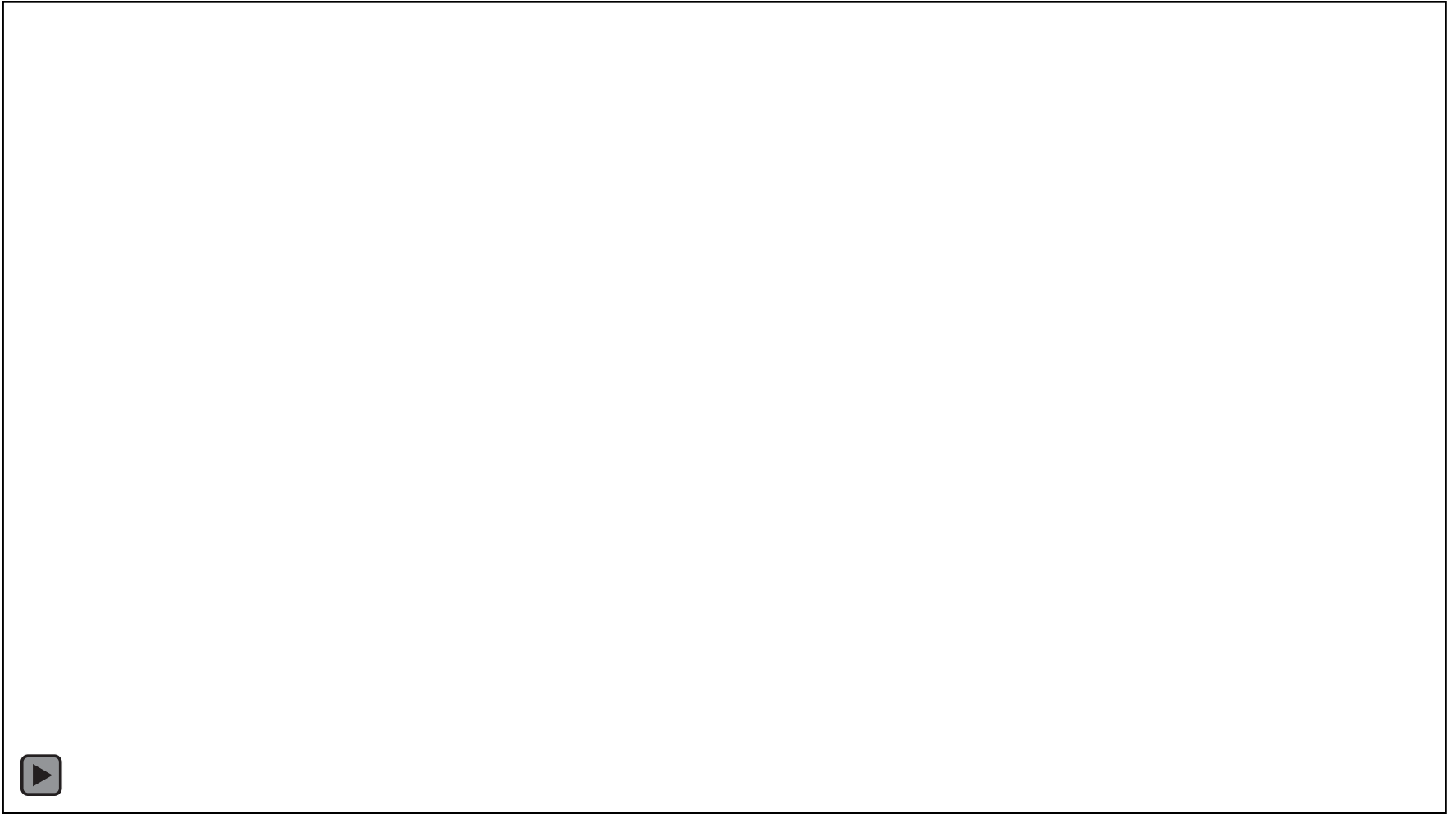


ONE TEXT OR CALL COULD
WRECK
IT ALL

Commodor E. Hall, CDS
Transportation Safety Manager
Institute of Scrap Recycling Industries

Opening Video (Credit Zoom Safer)



Final Rule

- The FMCSA and the PHMSA issued a final rule that restricts the use of hand-held mobile phones for;
 - ✓ Interstate CMV drivers
 - ✓ Intrastate hazmat drivers.
- This rule does not restrict the use of hands-free mobile phones.

Rule Prohibits

- Rule prohibits CMV drivers from **reaching, holding, or dialing** a hand-held cellular phone. This includes;
 - ✓ **All push-to-talk functions**
 - ✓ Ban does not restrict the use of CB's, GPS, or fleet management systems
 - ✓ Handheld use is exempt for emergency purposes

Phone Handling

- **Dialing:** Driver is allowed to **initiate, answer, or terminate** a call by **touching a single button** on the cell phone or headset.
- **Reaching:** Unsafe examples; reaching for a cellular phone on the passenger seat, or under the driver's seat. To be in compliance, a driver must have the cell phone within **close proximity**.

Driving Terminology

- **Driving Includes:** operating a vehicle on the road with the motor running, stopped in traffic, or momentarily stopped for a traffic control device.
- **Driving does not include:** operating a vehicle when the driver has moved the vehicle off the road, and has parked in a location where the vehicle can remain stationary.

Scrutiny

- Increased scrutiny from;
 - ✓ Law enforcement
 - ✓ Media
 - ✓ Government officials
 - ✓ Perspective employers (P-ESP)
 - ✓ Insurance companies

Impact to Driver

- Driver could pay up to \$2,750 per offense.
- Driver's could be disqualified from driving a CMV.
- Violations will count against the driver's CSA Score.
- Violations will impact a driver's employment.

Driver Penalties

- Convicted twice within a 3 year period, 60 day disqualification.
- Convicted for a third violation within 3 years, 120 day disqualification.

Impact to Company

- Companies that allow drivers to use hand-held cell phones while operating a CMV will face a maximum civil penalty of \$11,000 per violation.
- Violations will impact CSA Scores.
- Driver shortage.
- Increased insurance rates.

State Requirements

- States will be required to adopt the final regulations within 3 years of enactment.
- Once states adopt the rule it will become applicable to intrastate non-hazmat CMV drivers.

Statistics

- Cell phone use while driving extends driver reaction time, similar to a **blood alcohol content of .08 %** (University. of Utah).
- Drivers that **use cell phones are four times as likely to get into serious injury crashes.** (NHTSA).
- Driving while distracted is a factor in **25% of police crash reports.**

Statistics Continued

- Driving while using a cell phone reduces the amount of brain activity associated with driving by **37%** (Carnegie Mellon).
- In 2009, over **5,400 people were killed** in the U.S. due to distracted driving accidents, and **995 involved driver cell phone use.**

Statistics Continued

- In 2009, the **30 to 39 year old age group** had the highest percentage of cell phone use in fatal crashes.
- For every **6 seconds** of drive time, a driver **sending or receiving a text** message spends **4.6 seconds** with their eyes off the road.

Statistics Continued

- A truck driver **texting** while driving is **23 times** more likely to get into an accident versus a driver paying full attention, (Virginia Tech).
- A driver **reaching** for a phone or other device is **7 times** more likely to experience a truck accident, (Virginia Tech).
- A driver **dialing** a cell is **6 times** more likely to crash, (Virginia Tech).

Litigation Affects Businesses and Employees Cell Phone Behavior

The 2004 case of Yoon v. Wagner, a Virginia attorney (Wagner) accidentally killed a 15-year old girl (Yoon) who was walking alongside the road. Allegedly Wagner was **fumbling with her cell phone while trying to take care of additional business.**

Wagner was found guilty of a felony, ordered to pay **\$2 million** in damages. Her **former law firm was also** charged—she was on **company time, making company calls** when the child was killed. **The firm settled for a tidy sum and fired their employee.**

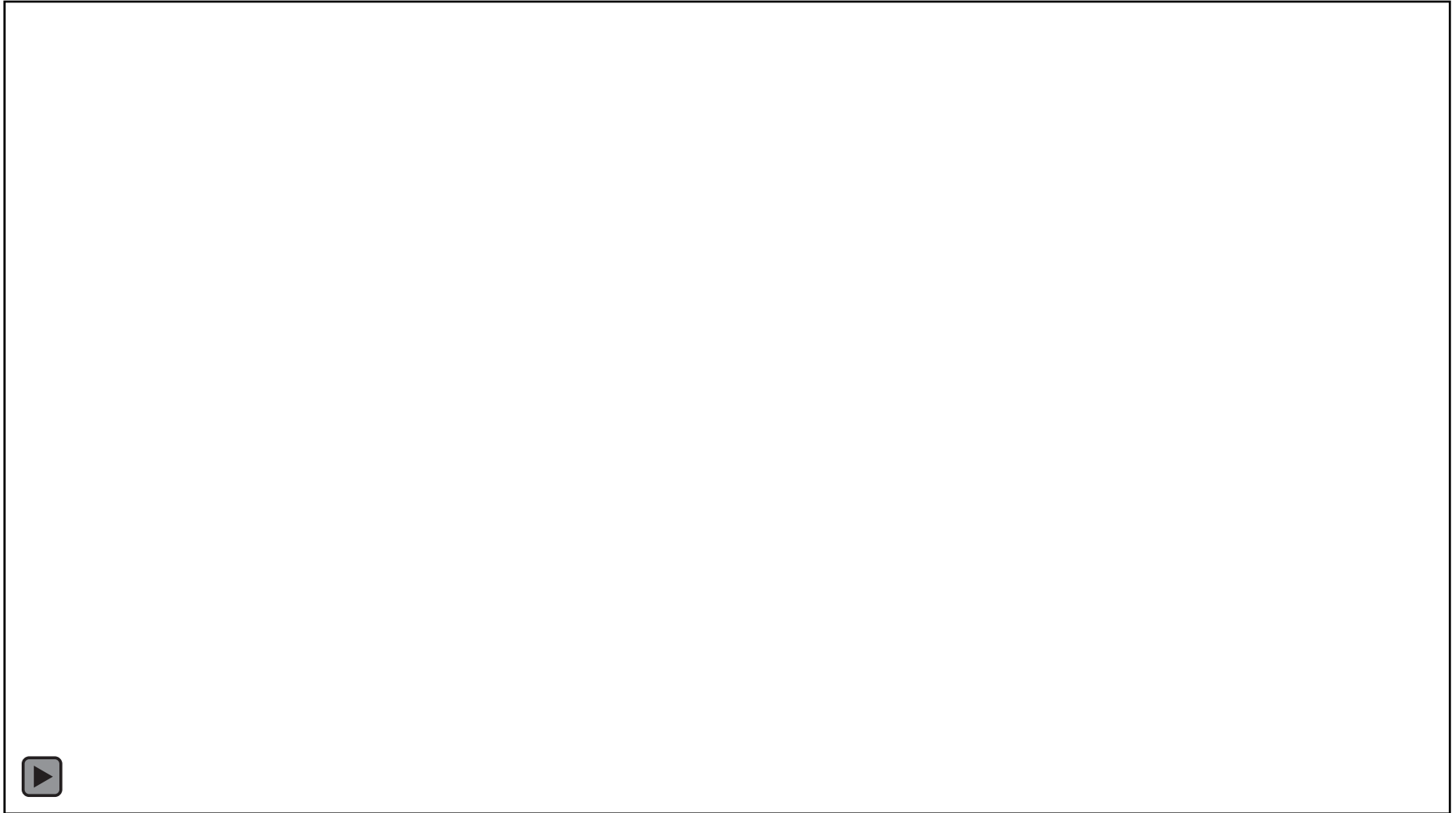
Driving While Calling

In 2007 International Paper Co. agreed to pay a **\$5.2 million** settlement to a Georgia woman who was rear-ended by one of its employees. The employee was driving a company car and **talking on a company cell phone** at the time of the accident. The settlement was reached even though the employee had **violated her company's policy of requiring the use of hands-free headsets while driving.**

Corpus Christi Jury Awards **\$24 Million** to Woman Struck by Coca-Cola Driver on Cellphone

May 2012, Chatman-Wilson, 37, was **awarded \$10 million in punitive damages and \$14 million in actual damages.** Chatman-Wilson was left with severe pain in her neck, lower back, upper back and in February 2011 she had lumbar surgery, said Thomas J. Henry, one of her attorneys. Bob Hilliard, Chatman-Wilson's other attorney, said Coca-Cola had no enforcement of a cellphone policy.

Closing Video (Credit AT&T)



Questions & Answers

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