



TO: ABA Members

FROM: President & CEO Peter Pantuso

DATE: April 1, 2010

RE: FMCSA Proposes Banning Text Messaging by Commercial Drivers

On April 1, 2010, the Federal Motor carrier Safety Administration [FMCSA] published a notice of proposed rulemaking [NPRM] entitled "Limiting the Use of Wireless Communication Devices [<http://edocket.access.gpo.gov/2010/pdf/2010-7367.pdf>].

- The FMCSA proposes to prohibit text messaging on cell phones or personal digital assistants [PDA] devices by commercial motor vehicle drivers while operating in interstate commerce.
- It will impose sanctions, including civil penalties and disqualification from operating commercial vehicles in interstate commerce, for drivers who fail to comply with this rule.
- In addition, motor carriers would be prohibited from requiring or allowing their drivers to engage in texting while driving. FMCSA also proposes amendments to its commercial driver's license [CDL] regulations to add to the list of disqualifying offenses a conviction under State or local laws, regulations, or ordinances that prohibit texting by CDL drivers while operating a CMV, including school bus drivers.
- The rulemaking acknowledges the concerns of operators who have invested in electronic dispatching tools and fleet management systems; the rulemaking does not propose to prohibit the use of such technology. The rulemaking also does not propose to prohibit the use of cell phones for purposes other than texting. The FMCSA intends to address cell phone use and other electronic devices while driving in a separate rulemaking.

Recent research commissioned by the FMCSA shows that the odds of being involved in a crash, a near-crash or a lane departure is over 23 times greater for drivers who engage in texting while driving than for those who do not. The FMCSA claims that this new texting ban will increase safety on the Nation's highways by reducing the prevalence of or preventing certain truck- and bus-related crashes, fatalities, and injuries associated with distracted driving.

Comments are due on or before May 3, 2010 and may be submitted to the FMCSA through the Federal eRulemaking Portal at <http://www.regulations.gov>. The docket number FMCSA-2009-0370. Submissions may also be made by using any one of the following alternate methods: by Fax to 202-493-2251 or by mailing to: Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE, Washington, DC 20590-0001; and by, Hand delivery: Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

If you have questions about for the FMCSA about this proposed rule, please contact Mr. Brian Routhier, Transportation Specialist, FMCSA, Vehicle and Roadside Operation Division, at 202-366-1225 or by e-mail at Brian.Routhier@dot.gov; and,

Also, please feel free to call ABA with any questions and and speak with either Norm Littler at 202-218-7246 [nlittler@buses.org]; or Clyde Hart at 202-218-7228 [chart@buses.org].