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SMA Member Alert

DOT Bans Texting By Commerical Motor Vehicle Drivers

U.S. DOT Secretary Ray LaHood and FMCSA Administrator Anne Ferro held a press conference in Washington, D.C. this morning, to announce a new ban on texting by commercial motor vehicle drivers while operating a CMV. Secretary LaHood and Administrator Ferro discussed new "regulatory guidance," to be officially published in the Federal Register and made effective later this week, that applies to all interstate drivers of CMVs currently subject to FMCSA's safety regulations.

ATA President and CEO Bill Graves participated in today's press event and made short remarks supporting DOT's announcement. Although the current safety regulations do not include an explicit prohibition against texting while driving by professional truck and bus drivers, FMCSA believes that an existing general restriction against the use of additional equipment and accessories that decrease the safety of operation of commercial motor vehicles applies to the use of electronic devices for texting. This general restriction is found in 49 CFR Part 390. FMCSA's regulatory guidance will further explain that handheld or other wireless electronic devices that are brought into a CMV are considered additional equipment and accessories within the context of Part 390(emphasis added).

FMCSA defined texting as the review of, or preparation and transmission of, typed messages though any such device or the engagement in any form of electronic data retrieval or electronic data communication through any such device. FMCSA stated that it acknowledges the concerns of motor carriers that have invested significant resources in electronic dispatching tools and fleet management systems and clearly states that the Agency's new guidance should not be construed to prohibit the use of such technology. FMCSA further stated that its new regulatory guidance should also not be construed to prohibit the use of cell phones for purposes other than text messaging.

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