

## **Recommendation from the National Transportation Safety Board on Prohibiting Cell Phone Use by Motorcoach and School Bus Drivers.**

**Objective:** Except in emergency situations, prohibit commercial driver's license (CDL) holders driving under the authority of the passenger-carrying or school bus endorsement from using a cellular telephone.

### **Importance**

The Safety Board's 2004 investigation of an accident involving hands-free cellular telephone use by a motorcoach driver, is consistent with research that shows that drivers conversing on a cellular telephone are cognitively distracted from the driving task;(1) that is, drivers' mental resources are diverted from the driving task, consequently impairing driving performance. Furthermore, complex cellular telephone conversations are more distracting than simple conversations. In addition, research has demonstrated that using a cellular telephone while driving degrades several aspects of driving performance, resulting in slower reaction times, slower driving speeds, and increased instances of attention lapses.(2) Research has also shown that conversing on a hands-free cellular telephone while driving impairs performance.(3) Epidemiological studies indicate that the risk of being involved in a crash when using a cellular telephone is almost four times higher than when a cellular telephone is not used and that using a hands-free cellular telephone is no safer than using a hand-held cellular telephone.(4) Because payment for transportation services creates an implicit contract between the passenger and the carrier that the carrier will transport the passenger safely and not allow the vehicle operator to take unnecessary risks, CDL drivers have a special obligation to provide the safest driving environment possible for the passengers in their care. Consequently, the Board concluded that the use of either a hand-held or hands-free cellular telephone while driving can impair the performance of a CDL holder.

### **Summary of Action**

The FMCSA began a study of the potential benefits and applicability of rulemaking that would restrict the use of cellular telephones by drivers of passenger-carrying commercial motor vehicles (CMVs) and expects to complete the project in October 2008. Despite the FMCSA's currently limited jurisdiction over school buses, the Board encouraged the agency to include school bus operations to the greatest extent possible in its study. The FMCSA also indicated that it would consider property-carrying CMV drivers and the availability of adequate data on cellular telephone-caused driving distractions in the study.

Because some States and local governments already have laws and/or regulations restricting the use of cellular telephones and, according to 49 *Code of Federal Regulations* 392.2, a CMV must be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated, the FMCSA has the authority to impose civil penalties against a noncompliant driver or carrier. To enforce existing laws and regulations limiting use of cellular telephones by CMV drivers, the FMCSA will also encourage State governors to request enforcement action by State and local law enforcement officers.

The FMCSA appears to be working consistently to address the cell phone use by CDL drivers issue.

### **Action Remaining**

Continue efforts to prohibit CDL holders from using a cellular telephone while driving under the authority of the passenger-carrying or school bus endorsement.

Safety Recommendations

### **H-06-27 (FMCSA)**

**Issued November 30, 2006**

### **Status: Open—Acceptable Response**

Publish regulations prohibiting cellular telephone use by commercial driver's license holders with a passenger-carrying or school bus endorsement, while driving under the authority of that endorsement, except in emergencies. (Source: National Transportation Safety Board, *Investigation of a Motorcoach Collision with a Bridge Overpass on the George Washington Memorial Parkway in Alexandria, Virginia, on November 14, 2004*. [NTSB/HAR-06/04])

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