

FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554  <b>FCC DIRECTIVE</b>	TITLE	
	<b>Policies on Text Messaging While Driving</b>	
	Directive Number: FCCINST 1195.3	Effective Date: June 2024

1. PURPOSE: This Directive implements the requirements of Executive Order 13513, “Federal Leadership on Reducing Text Messaging While Driving,” by describing the Federal Communications Commission (FCC) policy on text messaging by employees when driving Government Owned Vehicles (GOVs), when driving leased, rented, or privately owned vehicles (POVs) on official Government business, or when using electronic equipment supplied by the Government while driving. The Executive Order directs executive agencies to encourage federal contractors and subcontractors and recipients and subrecipients of grants and cooperative agreements to adopt and enforce policies that ban text messaging when driving GOVs or when driving POVs or leased or rented vehicles while on official Government business or when performing any work for or on behalf of the Government.
  
2. CANCELLATION: This Directive supersedes FCCINST 1195.2 dated September 14, 2018.
  
3. BACKGROUND: Since the enactment of Executive Order 13513, nearly every state, including Washington, D.C., has imposed legal restrictions on text messaging while driving in some form, and in some cases, initiating or receiving phone calls. The policies established in this Directive should be viewed as a baseline subject to any more stringent local rules. Employees and contractors are thus encouraged to review texting rules in their locale and adhere to any more stringent requirements in effect.
  
4. SCOPE: This Directive applies to all FCC employees and contractors when driving a GOV, a POV or a leased or rented vehicle while on official Government business, or using any electronic equipment supplied by the Government while operating any vehicle at any time.
  
5. REFERENCES.
  - (a) Executive Order 13513, “Federal Leadership on Reducing Text Messaging While Driving,” October 1, 2009.
  - (b) 5 U.S.C. § 7902(d) “Safety Programs.”

6. DEFINITIONS. For purpose of this Directive, the following definitions shall apply:

- (a) Texting or text messaging: means reading from or entering data into any handheld or other electronic device, including for the purpose of Short Message Service (SMS) texting, e-mailing, instant messaging, obtaining navigational information or engaging in any other form of electronic data retrieval or electronic data communication.
- (b) Driving: means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

7. POLICY.

The following statements are the policy of the FCC:

- (a) FCC employees and contractors are prohibited from (i) engaging in sending or reading text messaging when driving a GOV or, while on official Government business, driving a POV or a leased or rented vehicle; and (ii) using electronic equipment supplied by the Government when driving any vehicle (even during off-duty hours).
- (b) Appropriate disciplinary action may be imposed for violation of this mandatory ban on texting as outlined in Section 9 of the Directive.
- (c) FCC employees and contractors are encouraged to refrain from engaging in any behavior, including texting, that distracts attention from driving safely, at any other time.

The objectives of this policy are to reduce injuries and fatalities involving employees and contractors; establish a workplace safety policy to decrease crashes caused by distracted drivers; and encourage agency employees and contractors to voluntarily adopt safe practices while off duty.

Unless prohibited by local laws, the provisions of this policy shall not apply to the following:

- a) Emergency use of a mobile telephone, including calls to 911, 311, a hospital, an ambulance service provider, a fire department, a law enforcement agency, or a first-aid squad;
- b) Use of a mobile telephone by law enforcement and emergency personnel or by a driver of an authorized emergency vehicle, acting within the scope of official duties;
- c) Initiating or terminating use of an electronic communications device or turning the electronic communications device on or off;

- d) Inputting and changing various frequencies or direction finding data while on official business and driving government-provided Direction Finding Vehicles; and
- e) Other exigent circumstances deemed reasonable.

8. ROLES AND RESPONSIBILITIES:

A. The Office of Managing Director, Associate Managing Director, Administrative Operations shall:

- (1) issue an email announcement to all employees and contractors reminding them of the provisions of this Directive at least annually; and
- (2) ensure that newly hired personnel receive information within 30 working days of employment with the FCC outlining the provisions of this Directive.

B. Bureaus and Offices shall:

- (1) require all employees to comply with the text messaging ban imposed by this Directive and encourage them to refrain from text messaging while driving in other circumstances not covered by the Directive; and
- (2) participate in and support promotional programs and activities on the safety risks associated with distracted driving.

C. FCC Managers and Supervisors shall:

- (1) implement the requirements of this Directive;
- (2) report all violations of this Directive to the Labor Relations and Performance Management Service Center (LRPMSC) with a copy to the Managing Director and Chief Administrative Officer, and cooperate in taking prompt disciplinary or other action in accordance with agency policy and in consultation with LRPMSC and/or others within the Human Resource Management office;
- (3) periodically remind employees of this Directive and the ramifications and consequences of text messaging when driving a GOV or driving a POV, leased or rented vehicle while on official business; or when using electronic equipment supplied by the Government while driving; and
- (4) provide suggestions to the agency Safety and Health Manager, as appropriate, to promote and encourage employee and contractor compliance with this Directive.

D. FCC employees shall be familiar and comply with Federal, state, local and FCC motor vehicle safety requirements and policies, including the FCC's mandatory ban on text messaging as outlined in this Directive.

- E. Enterprise Acquisition Center contracting officers shall insert the clause at 52.226-8, Encouraging Contractor Policies to Ban Text Messaging While Driving, in all solicitations and contracts.
- F. Labor Relations and Performance Management Center shall work with supervisors and managers to take appropriate disciplinary or other action for violation(s) of this Directive, and will inform the Managing Director and Chief Administrative Officer of any such personnel actions taken.

9. DISCIPLINARY AND CORRECTIVE ACTION.

- A. Failure to comply with this Directive may result in disciplinary action, which may include official reprimand, suspension from duty without pay, removal from Federal service, or other actions in accordance with law, rule, regulation, and agency policy, including the Basic Negotiated Agreement (if applicable).
- B. Failure to comply with this Directive may result in corrective action, including immediate suspension of authority to drive a GOV; drive a POV or leased or rented vehicle on official business; and/or to use Government-issued electronic equipment.

10. EFFECTIVE DATE AND IMPLEMENTATION: This Directive is effective immediately and shall be implemented promptly upon distribution.

Mark Stephens  
Managing Director