

FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554 FCC DIRECTIVE	TITLE	
	Policies on Text Messaging While Driving	
	Directive Number: FCCINST 1195.2	Effective Date: September 14, 2018

1. PURPOSE: This Directive implements the requirements of Executive Order 13513, “Federal Leadership on Reducing Text Messaging While Driving,” by establishing 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 company owned, leased or rented vehicles or GOVs, or when driving personally owned vehicles, leased or rented vehicles while on official Government business or when performing any work for or on behalf of the Government.

2. 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 base line 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.

3. SCOPE. This Directive applies to all FCC employees and contractors when driving a leased or rented vehicle, a GOV, or a POV while on official Government business, or using any electronic equipment supplied by the Government while operating any vehicle at any time.

Voluntary compliance with this Directive is encouraged even when a Federal employee is utilizing a personal electronic device and driving a POV while off-duty.

4. 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.”

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

- (a) Motor vehicle: means any vehicle, self-propelled or drawn by mechanical power, designed and operated principally for use on a local, state or federal roadway, but does not include a military design motor vehicle or any other vehicle excluded under Federal Management Regulation, Motor Vehicle Management 41 CFR 102-34.20.
- (b) Texting or text messaging: means reading from or entering data into any handheld or other electronic device (including, but not limited to, cell phones, navigational tools, laptop computers or other electronic devices), 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. The term does not include the use of a cell phone or other electronic device for the limited purpose of entering a telephone number to make an outgoing call or to answer an incoming call, unless prohibited by state or local law. The term also does not include glancing at or listening to a navigational device, communications receiver, or radio direction finder that is secured in a commercially designed holder affixed to the vehicle, provided that the destination and route, or adjustments to communications receivers and direction finders, are programmed into the device either before driving or while stopped in a location off the roadway where it is safe and legal to remain stationary.
- (c) Driving: means operating a motor vehicle on a roadway, including while temporarily stationary due to traffic congestion, traffic signal, stop sign, or another traffic control device. It does not include being in your vehicle (with or without the motor running) in a location off the roadway where it is safe and legal to remain stationary.

5. 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, a POV, or a leased or rented vehicle while on official Government business; and (ii) using electronic equipment supplied by the Government when driving any vehicle (even during off-duty hours).
- (b) Appropriate disciplinary action shall be imposed for violation of this mandatory ban on texting, up to and including removal from Federal Service, as outlined in Section 7 of the Directive.
- (c) FCC employees and contractors are strongly encouraged to refrain from texting, or from engaging in any behavior that distracts attention from driving safely, at any time.

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

6. ROLES AND RESPONSIBILITIES:

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

- (1) establish and direct use of language to be included in future contracts encouraging contractors and subcontractors to comply with the policies contained in this Directive; and
- (2) file an annual report with the Managing Director identifying all violations of this Directive that occurred during the previous 12-month period and the disciplinary or corrective action imposed for each such violation.

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;
- (2) participate in and support promotional programs and activities on the safety risks associated with distracted driving; and
- (3) issue a broadcast announcement to all employees and contractors reminding them of the provisions of this Directive at least annually.

C. FCC Managers and Supervisors shall:

- (1) implement the requirements of this Directive;
- (2) take prompt disciplinary or other action in accordance with agency policy and in consultation with the Human Resource Management office for violations of this Directive and report all violations to the Labor Relations and Performance Management Service Center;
- (3) ensure that newly assigned personnel receive information within 30 working days of employment with the FCC outlining the provisions of this Directive;
- (4) periodically remind employees of this Directive and the ramifications and consequences of text messaging when driving a GOV, POV, or a leased or rented vehicle while on official business or when using electronic equipment supplied by the Government while driving; and
- (5) 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. Chief, Enterprise Acquisition Center shall, upon receipt of applicable regulations, include contractual language as provided by the federal procurement and grant regulations in future contracts, grants and cooperative agreements that require contractor and grantee personnel to comply with the policies contained in this Directive.

7. DISCIPLINARY AND CORRECTIVE ACTION.

- A. Failure to comply with this Directive may result in disciplinary action. Applicable consequences may include official reprimand, suspension from pay and duty, removal from Federal service, or other actions in accordance with law and agency policy.
- B. Failure to comply with this Directive may also result in corrective action, including immediate suspension of authority to drive a GOV, POV, or a leased or rented vehicle on official business and/or to use Government-issued electronic equipment.
- C. Unless prohibited by local laws, the provisions of this policy shall not apply to the following:
 - (1) 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;
 - (2) 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;
 - (3) Initiating or terminating a telephone call, or turning the telephone on or off;
 - (4) Inputting and changing various frequencies or direction finding data while on official business and driving government-provided Direction Finding Vehicles; and
 - (5) Other exigent circumstances deemed reasonable.

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



Mark Stephens
Managing Director