

# Cell Phones, Texting and Driving Policy

Amana Farms Inc.

**Distractions significantly affect the focus needed to safely operate a motor vehicle.** As professional drivers we need to ensure that we are focused on safely operating our vehicles and maintaining full concentration to our driving task. By limiting the use of cell phones to times when we are not operating a motor vehicle, we will reduce our exposure to accidents and/or injury.

It is not a requirement for a driver to have a cell phone while operating an Amana Farms Inc. owned/leased vehicle. Pursuant to FMCSA Regulations, mobile phone use is only allowed in conjunction with a hands-free device:

Rulemaking restricts a CMV driver from:

1. **Holding** a mobile telephone to conduct a voice communication.
2. **Dialing** a mobile telephone by pressing more than a single button.
3. **Reaching** for a mobile phone in an unacceptable and unsafe manner (e.g. reaching for any mobile telephone on the passenger seat, under the driver's seat, or into the sleeper berth).

A driver of a CMV who desires to use a mobile phone while driving will need to use a compliant mobile telephone (such as hands-free) located in close proximity to the driver that can be operated in compliance with this rule. Essentially, the CMV driver must be ready to conduct a voice communication on a compliant mobile telephone before driving the vehicle.

The following is the definition of a mobile device:

"A mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission (FCC), 47 CFR 20.3." FMCSA used the FCC's definition for "mobile telephone" in order to ensure consistency between the terms used in the FCC and FMCSA rules and to address emerging technologies. **Because the push-to talk features use commercial mobile radio services to transmit and receive voice communications, the device is a mobile telephone; and it also requires the driver or user to hold it. Therefore, its use while driving a CMV is the same as that of a hand-held mobile telephone and is prohibited.**

The push-to-talk feature of a mobile telephone can be replaced with the use of a compliant mobile telephone, two-way radios, or walkie-talkies for the short periods of time when communication is critical for utility providers, school bus operations, or specialty haulers. The use of CB and two-way radios and other electronic devices by CMV drivers for other functions is outside the scope of consideration in this rulemaking and only in the following limited circumstance:

- Allows drivers to reach for the compliant mobile telephone (i.e., hands-free) provided the device is within the drivers reach while he or she is in the normal seated position, with the seat belt fastened.

**Texting while operating a company owned vehicle is NEVER allowed.**

Definition of "Texting":

- Texting means **manually entering** alphanumeric text into, or **reading text from, an electronic device.**
  - (1) This action includes, but is not limited to, short message service, e-mailing, instant messaging, a command or request to access a World Wide Web page.
    - **Pressing more than a single button** to initiate or terminate a voice communication using a mobile telephone.
    - **Engaging in any other form of electronic text** retrieval or entry, for present or future communication.
  - (2) Texting does not include:
    - Inputting, selecting, or reading information on a global positioning system or navigation system.
    - Pressing a single button to initiate or terminate a voice communication using a mobile telephone.
    - Using a device capable of performing multiple functions (e.g., fleet management systems, dispatching devices, smart phones, citizens band radios, music players, etc.) for a purpose that is not otherwise prohibited in this part.

**The use of texting in this policy may include phone texting, PDA use, satellite communication or any other existing texting communication device.**

***Violations of this policy may result in disciplinary actions, up to and including termination.***

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Driver Signature

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Date