

Berkley Life Sciences Fleet Safety Newsletter Article Series – Article 3 Driver Rules and Responsibilities

Our previous articles have underscored the significance of a robust fleet management plan and its recommended components. A key element of this plan is the driver's role as an approved company driver. Their responsibilities, the rules for vehicle operation during company business, and the consequences of non-compliance are all crucial for enhancing fleet safety.



Most organizations have outlined standards for employee conduct and workplace rules. Your life science company likely has rules to maintain security, manage quality and safety, established work hours, and many more. **Does your organization also have rules for employees driving vehicles for company business?** Are these rules outlined in your fleet management plan? Are your company rules only general rules about having a current driver's license and following local, state, and federal traffic laws when operating a vehicle, or are they more company-specific? Are your drivers adequately informed and trained about the company driver rules and responsibilities?

While there are many driver rules and responsibilities your organization may want to include in your Fleet Management Plan, this article will focus on rules to address the major safety issues described in *Guidelines for Employers to Reduce Motor Vehicle Crashes*.¹



Seat Belt Use

Seat belt usage reduces serious crash-related injuries and deaths by about 50%². Seat belt laws vary from state to state. It is best to have a company policy that is consistent regardless of the state in which the driver is driving, and that complies with all state regulations, including, if you have commercial motor vehicles, Federal Motor Carrier Safety Administration (FMCSA) Regulations. Seat belt use should be required for drivers and passengers, including back seat passengers, always when the vehicle is in motion.



Distracted Driving/Electronic Device Usage

State law regarding the use of hand-held phones while driving varies. Many states have laws banning texting while driving. Some states require hand-free devices. Fewer states have laws banning all hand-held phone use by drivers. The FMCSA has banned using hand-held cell phones and texting while driving commercial motor vehicles. It is generally accepted that distracted driving significantly increases the risk of a vehicle accident. A study conducted by the Virginia Tech Transportation Institute shows that engaging in the visual-manual tasks associated with using a hand-held phone (or other portable devices), including reaching for a phone, dialing, and texting, increased the risk of getting into a crash by 300%.³

¹ NETS, NHTSA and OSHA document *Guidelines for Employers to Reduce Motor Vehicle Crashes*, https://www.osha.gov/Publications/motor_vehicle_guide.pdf

² National Highway Traffic Safety Administration. Final regulatory impact analysis amendment to Federal Motor Vehicle Safety Standard 208. Passenger car front seat occupant protection. Washington, DC: US Department of Transportation, National Highway Traffic Safety Administration; 1984. Publication no. DOT-HS-806-572. <http://www-nrd.nhtsa.dot.gov/pubs/806572.pdf>.

³ Virginia Tech Transportation Institute (VTTI), *The Impact of Hand-Held and Hands-Free Cell Phone Use on Driving Performance and Safety Critical Event Risk*, <http://www.vtti.vt.edu/featured/?p=193>

Considering this data, strong language about using electronic devices when driving for company business in your fleet management plan is recommended. For example, Drivers are prohibited from using a hand-held cell phone or computer while operating a vehicle, *including when stopped at a traffic light. This prohibition includes answering or making phone calls and otherwise engaging in phone conversations, accessing web pages, and reading or responding to emails, instant messages, or text messages. If a driver needs to use the phone, he/she must pull over to a safe location.* An even stronger policy may include requiring drivers to turn off or silence their cell phones when driving, modifying voice mail greetings to indicate that the driver is unavailable to answer calls while driving, and informing customers of the policy so they are aware of why their calls may not be returned immediately.



Driving Under the Influence

In the U.S., one death every 51 minutes occurs as a result of motor vehicle accidents involving an alcohol-impaired driver.⁴ All states have driving under the influence (D.U.I.) laws. The FMCSA regulations prohibit commercial motor vehicle drivers from possessing drugs, being under the influence of alcohol or drugs, or having any measured alcohol concentration or detected presence of alcohol while on duty or operating a commercial motor vehicle. All drivers should be prohibited from operating a vehicle while under the influence of drugs, alcohol, or any other substance (including certain medications) that can affect their driving ability.



Fatigued Driving

More than 100,000 vehicle crashes per year are thought to be caused by fatigued or drowsy driving, with an estimated 1,550 deaths and 40,000 injuries as a result.¹ Drivers should be prohibited from operating a vehicle if the driver's ability or alertness is impaired through fatigue, illness, or any other cause that makes it unsafe to operate a vehicle. The policy should address both the need for drivers to self-disclose if their ability to drive is impaired as well as the process for others to report impaired drivers. If you have commercial motor vehicles, the policy should also address the hours-of-service requirements of the FMCSA regulations, which limit the number of hours a driver may drive without a mandated break.



Aggressive Driving

Aggressive driving includes speeding, tailgating, and failure to signal or obey red lights. Your policy should require drivers to comply with all local, state, and federal traffic laws when operating company vehicles. It should be stated in the policy that drivers are expected to drive courteously and safely with the knowledge that their driving habits reflect on the company.

One key driver responsibility is compliance with the Fleet Management Plan/Policy that your company has developed, including all driver rules and responsibilities outlined in that policy. This expectation, as well as the

⁴ Dept of Transportation (US), National Highway Traffic Safety Administration (NHTSA). Traffic Safety Facts 2013 Data: Alcohol-Impaired Driving. Washington (DC): NHTSA; 2014, <http://www-nrd.nhtsa.dot.gov/Pubs/812102.pdf>.

repercussions of not complying, should be clearly communicated to drivers. Many organizations require drivers to review the policy/plan and sign a statement indicating they read and understood the policy/plan and will comply.

For example:

I have read and understood the company Fleet Management Plan and agree to comply with all aspects of this plan. I understand that it is an expectation of the company that every driver complies with this plan and failure to do so will result in disciplinary action.

Driver Signature

Date

Berkley Life Sciences Risk Management Resources is available to review your fleet management plan and provide feedback about your driver rules and responsibilities.

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