

What Would YOU Do?

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With the current trends in television, there seems to be a focus on what has become known as “Reality TV.” One such program sets up a phony situation that most would find disturbing and then waits to see how bystanders would react. The program poses the question, “What would you do?”

We face real life situations every day, but what we are reviewing here is not reality TV, but rather, how your company handles some of the daily challenges of managing safety. Recently, I encountered three different situations and it is interesting to note how each was handled by the company.

The first involved the recent prohibition on “texting” while driving. Last fall, Secretary Ray LaHood of the US Department of Transportation instituted a final rule banning texting by commercial vehicle drivers. The ban went into effect immediately and companies that operated fleets were expected to comply with the ruling. The ruling did not affect drivers of automobiles, just commercial vehicles. Most of those companies operating commercial vehicles scrambled to craft policies that prohibited texting, while some others merely assumed that since there was a federal prohibition, they didn’t need a policy.

One of our association members placed a “zero tolerance” policy in effect, informed their drivers of the policy and explained the consequences for any violation. They also have a seat belt policy requiring seat belt use. They are serious about safety.

While returning from a visit to one of our members, I got onto the Interstate going north in the right lane. Traffic was heavy and as there were two lanes of traffic, the right lane was fluctuating with speeds between 60 mph on the low end and 70 on the high end. The left lane traffic was going faster.

I tried to stay with the flow of traffic and as it was heavy I was paying attention to the traffic in front, to my side(s), with particular consideration to my rear lest I get rear-ended by some driver who wasn't being as attentive. Very soon, I noticed a small box truck with a flat front with large windows coming right up behind me, fluctuating a space cushion of anywhere between ten and 15 feet, about the length of a car....keep in mind that at 60 mph a vehicle is traveling at a rate of 88 feet per second. The truck would come very close, then pull back, come close, pull back, etc. as traffic in the right lane frequently slowed, accelerated, etc. All the while cars and trucks of varying sizes were passing on my left. I then looked at the driver who was constantly looking at an object in his right hand. He was looking intently at this object and I realized quickly that it was a cell phone or some other device, but that he wasn't making a cell phone call, but rather he was texting (due to the length of time he was concentrating on the device). He was reading...then responding. Furthermore, he wasn't wearing a seatbelt.

Our association has long had sample cell phone policies (and seat belt policies) for our members and have urged them to issue policies of their own concurrent with stiff punishments for violations. These penalties are contingent upon a driver being "caught

in the act.” Most of our members are aware that cell phone use and texting while driving are dangerous activities, not only to the driver who is doing it, but to others around him or her. More and more reports are showing up in newscasts about distracted drivers causing collisions or injuring or killing pedestrians. Using a cell phone while driving, either talking, listening, or texting is *distracted driving* by any other terms. It is a social problem that has to become as significant an issue as drinking and driving; in short, unacceptable behavior behind the wheel.

When I realized the driver was not paying attention, I began to slow down to leave more space between my car and the vehicle in front of me. Some minutes later he had put his phone away and he decided to pass me. As the driver literally “took off” in traffic at what law enforcement describes as “a high rate of speed,” the sign on the vehicle told me that this was one of our association members. Although traffic was still heavy in all lanes, in what seemed like seconds he was about a quarter mile ahead of me in the left lane.

The next day I called our member to report the incident and the company called back a few days later to report that they were now down one driver. The company informed me that word had spread throughout the firm about the incident and the company’s response to it. It’s a tough lesson for a young person, but one that could save a life.

At the start of 2012, following a horrific collision in Missouri involving a young woman talking on her cell phone and running into a school bus, Secretary LaHood issued a

prohibition on using hand-held cell phones while driving. Again, companies employing commercial vehicle drivers were expected to initiate policies prohibiting cell phone use while driving a CMV. The fines are stiff: \$2,750 for the driver, and the potential of an \$11,000 fine for the company employing that driver. Again, the citation and fines are contingent on a driver being caught in the act.

Apparently, some companies and their drivers count on the principle of “chance.” Unfortunately for one of them, on the same day, two different drivers from the same company were stopped and cited by Massachusetts State Police for talking on their cell phones while driving. Upon learning of the citations, the company quickly amended its cell phone policy and suspended the two drivers. The two drivers each face a fine of \$2,750.

According to the final rule from FMCSA, states would suspend a driver's CDL after two or more violations of any state law on hand-held cell phone use: “The State which issues a driver their CDL will impose this disqualification whenever that driver is convicted for using a hand-held mobile while operating a CMV, 60 days for the second offense within 3 years and 120 days for three or more offenses within 3 years.” In short, using a hand-held mobile telephone while driving is a serious traffic violation that would result in a CDL driver being disqualified.

The third incident also occurred recently while I was driving through Bretton Woods, New Hampshire, but did not involve distracted driving – simply *reckless* driving. My car

was the last of three cars in a line with a straight truck was about 10 feet behind my car. As he accelerated to pass within the well-marked “no passing zone” he came so close to my rear bumper that I had to make a sudden evasive maneuver into the breakdown lane to avoid being struck. He passed me and the other two cars that were doing the speed limit (55 mph).

As he passed me I made sure to remember the name of the company (from Maine). The driver accelerated his vehicle as fast as it could travel, it seemed, as he was out of sight within a minute. As there are a couple of tight curves, a speed reduction, and a very steep hill after Crawford Notch, I assumed I would see him again (rolled over) shortly. I did not, however.

When I returned to my office I called the company and asked to speak with the owner or manager. When he answered, I identified myself, my occupation, and relayed the story of the incident. I told him that had I been struck he and I would be having an entirely different and more intense conversation.

His response to me was that he was sorry about the incident and that he “would talk with the driver.” I offered an alternative solution, but he replied that he “would talk with the driver.”

As a company manager, what would YOU do?