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Metro prohibits using a cell phone while operating an agency vehicle, whether that vehicle carries the public or is one of the hundreds of support vehicles, including pool vehicles.

*Photo: National Alliance for the Advancement of Prevention Initiatives*

## For Metro's Drivers, Talk May Not Be Cheap

- New cell phone law specifies a \$20 fine; second fine is \$50

By Ned Racine, Editor



(July 1, 2008) California's new cell phone law, taking effect today, specifies a \$20 fine for someone driving while using a hand-held cellular phone. The fine for a second citation rises to \$50.

But for a Metro employee involved in an accident while using a hand-held cell phone, the cost for the driver and the agency may be much greater.

Of course, agency rules already prohibit using a cell phone while operating an agency vehicle, whether that vehicle carries the public or is one of the hundreds of support vehicles (including pool vehicles). The agency introduced these rules three years ago, as did transit agencies across the nation.

And for bus and train operators, using any cell phone while operating a moving transit vehicle violates the California Vehicle Code.

"It's definitely a safety issue, and for bus and train operations, it's obviously a public safety issue," said Jack Eckles, DEO, System Safety & Security. He reminded Metro drivers that the new law is "primary enforcement," meaning someone can be stopped by law enforcement officers just for speaking on a hand-held phone.

A more expensive issue for Metro and its employees occurs if they are involved in an accident. Being cited for breaking the cell phone law may make it more difficult to prove the other party is at fault. In fact, a driver may be charged with negligence and face an additional criminal penalty.

If you are sued by the person you hit, your cell phone violation might put you automatically at fault, Eckles explained. And, because Metro is seen as a deep-pockets defendant, the agency might be put at financial risk as

well.

"I was pleased to see the law come into effect because we're so technologically dependent," Eckles said. "We're in constant communication, particularly as an agency. Being that dependent also creates a greater risk of greater distraction. So I think this law is a good balance—to allow people to utilize technology but balance that with public safety."

The problem with cell phones in all their configurations—Blackberrys included—is the distraction caused by dialing," Eckles stressed. "If you're looking at buttons to try to dial, you're just as much at risk whether you're using hands-free or hand-held phones."

"Even speed dialing is still dialing," he added. "You still have that moment when you have to take your eyes off of what you're doing to see your keypad."

Eckles has some advice for the busy Metro driver: "Think first about your environment and what you're doing before you decide to take that message or take that call or send that call. We have gotten so involved with these devices, we have allowed them to become insistent."

Fortunately, Eckles believes the accidents caused by Metro drivers using cell phones have been minor. "But that may say something about either the luck or skill of the operator involved." He wants Metro employees to consider the potential for damage and injuries that large revenue and non-revenue vehicles present.

He hears the same excuses from drivers who were involved in accidents while on their mobile devices:

- Out-and-out denial
- I had an emergency call
- I had to call this person

Eckles recalled an employee poised to make a left-hand turn. The employee saw the light turn green, but there was a car before him, also waiting to turn left. He used the spare seconds to text message. When he was done texting, he hit the accelerator. Boom! The car before his had not yet turned.

"It was like, 'I'm done texting. Let's go,' " Eckles said.

"Still, I'm impressed that, with the amount of vehicles and the amount of passengers we carry, I firmly believe that the vast majority of our employees are extremely responsible," Eckles added.