**Department of Transportation**
**Office of the Senior Procurement Executive**

**No. FAPL-2010-01**
**Date 02/02/10**

# FINANCIAL ASSISTANCE POLICY LETTER

This Financial Assistance Policy Letter is issued under the authority of the Senior Procurement Executive of the Department of Transportation

**Subject:** Text Messaging While Driving

## References:

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| Executive Order 13513 | "Federal Leadership On Reducing Text Messaging While Driving", October 1, 2009. |
| DOT Order 3902.10 | "Text Messaging While Driving", December 30, 2009. |

## When is this Financial Assistance Policy Letter (FAPL) Effective?

This FAPL is effective *immediately.*

## When Does This FAPL Expire?

This FAPL remains in effect until superseded or cancelled.

## Who is the Point of Contact?

Contact Ellen Shields of the Office of the Senior Procurement Executive, (202) 366-4268 or by email at Ellen.Shields@dot.gov.

Visit our website at http://www.dot.gov/ost/m60/ for additional information on DOT Financial Assistance Policy Letters and other policy issues.

## What is the Purpose of this FAPL?

This FAPL serves to implement Executive Order (E.O.) 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009, available online at: http://edocket.access.gpo.gov/2009/E9-24203.htm and DOT Order 3902.10 "Text Messaging While Driving," December 30, 2009, available online at http://dotnet.dot.gov/. This policy also informs the financial assistance community of the requirements imposed on departmental staff and assistance award recipients.

## What is the Background?

With nearly 3 million civilian employees, the Federal Government can and should demonstrate leadership in reducing the dangers of text messaging while driving. Recent deadly crashes

involving drivers distracted by text messaging while behind the wheel highlight a growing danger on our roads. Text messaging causes drivers to take their eyes off the road and at least one hand off the steering wheel, endangering both themselves and others. Every day, Federal employees drive Government-owned, Government-leased, or Government-rented vehicles (collectively, GOV) or privately owned vehicles (POV) on official Government business, and some Federal employees use Government-supplied electronic devices to text or e-mail while driving. In order to set a good example to the public, President Obama has ordered a Federal Government-wide prohibition on the use of text messaging while driving on official business or while using Government-supplied equipment.

On December 30, 2009, to implement the requirements of the E.O. and to establish Departmental policy on text messaging while driving, the U.S. Department of Transportation (DOT) issued DOT Order 3902.10, "Text Messaging While Driving." Consistent with the E.O., and to promote economy and efficiency in Federal grant-making, DOT Order 3902.10 encourages Federal assistance recipients and sub-recipients to adopt and enforce policies that ban text messaging while driving. Federal assistance recipients, sub-recipients and their employees who refrain from the unsafe practice of text messaging while driving in connection with Government business are less likely to experience disruptions to their operations that would adversely impact Federal grant actions.

## What is the Guidance?

1. Each Operating Administration (OA), that issues grants and cooperative agreements; and other assistance transactions, to the extent authorized by applicable statutory authority, entered into after February 2, 2010, shall encourage assistance recipients and sub-recipients to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or Government-owned, leased or rented vehicles (GOV), or while driving privately-owned vehicles (POV) when on official Government business or when performing any work for or on behalf of the Government. Each OA should also encourage Federal financial assistance (grants, cooperative agreements, loans & other types of assistance) recipients and sub-recipients as described in this section to conduct initiatives of the type described in section 3(a) of the E.O.

2. Pursuant to E.O. 13513 and DOT Order 3902.10, the awarding official shall insert the clause in Attachment (1), Financial Assistance Policy to Ban Text Messaging While Driving in all solicitations and assistance agreements.

Ellen Shields
Associate Director
Financial Assistance Management Division
Office of the Senior Procurement Executive

Attachment

# FINANCIAL ASSISTANCE POLICY TO BAN TEXT MESSAGING WHILE DRIVING

a) *Definitions*. The following definitions are intended to be consistent with the definitions in DOT Order 3902.10 and the E.O. For clarification purposes, they may expand upon the definitions in the E.O.

"Driving"—

(1) Means operating a motor vehicle on a roadway, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise.

(2) 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.

"Text Messaging" ---means reading from or entering data into any handheld or other electronic device, including for the purpose of short message service 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 answer an incoming call, unless the practice is prohibited by State or local law.

(b) In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, financial assistance recipients and subrecipients of grants and cooperative agreements are encouraged to:

(1) Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving--

(i) Company-owned or –rented vehicles or Government-owned, leased or rented vehicles; or

(ii) Privately-owned vehicles when on official Government business or when performing any work for or on behalf of the Government.

(2) Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as—

(i) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and

(ii) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

(c) *Assistance Awards*. All recipients and subrecipients of financial assistance to include: grants, cooperative agreements, loans and other types of assistance, shall insert the substance of this clause, including this paragraph (c), in all assistance awards.

(End of clause)