

CITY OF BRANSON, MISSOURI
ADMINISTRATIVE RULES

RULE NUMBER 22 REFERENCING ARTICLE 29 OF THE HUMAN RESOURCES MANUAL,
AMENDED 8-28-2018

A RULE PERTAINING TO DISTRACTED DRIVING

Section 1. General

In order to fulfill their obligations to the City of Branson, employees, volunteers and others frequently need to operate vehicles or equipment, and otherwise drive from one location to another. Considering there is an average of more than 35,000 deaths on our nation's roadways each year, driving has an elevated, but often necessary, level of risk. The City of Branson is committed to mitigating these risks as much as possible for employees and others by establishing policies and expectations that help safeguard public/personal assets for those operating City vehicles and equipment.

Section 2. Purpose

The City recognizes that distracted driving can impair safe driving and contributes to vehicle or equipment accidents. Although the operation of cars or trucks is a primary focus of this policy, this policy applies to the distracted operation of equipment like front-loaders, backhoes, mowers, street sweepers, etc.

Furthermore, accidents with vehicles or equipment can cause death, dismemberment and permanent disabilities to anyone or everyone involved. This policy is designed to help mitigate the risk of operation as it applies to all drivers using City-owned, leased or rented vehicles or equipment, and to anyone operating a personal vehicle while on City business. This policy is designed to lay out expectations of anyone operating any vehicle while doing business or work on the City's behalf.

Section 3. Definitions

Mobile Devices: Phones/smartphones/tablets/iPods & other hand held electronic devices. This does not include the City's radio communication system.

Hands-free: an employee's personal device that in itself provides a means of operating a separate mobile device without the use of the person's hands. It must be without wires or chords and allow the person to keep his or her eyes on the road without focusing away from the traffic/pedestrian situation ahead.

City Business: any time while on duty for an employee is considered to be on “City Business”; anyone conducting work or traveling while representing the City or on the City’s behalf, is on “City Business.”

Radio: a system and/or device that connects various emergency vehicles to the Branson dispatcher center that transmits voice along the lower or higher ends of the public safety VHF spectrum. Use of the radio is exempt from this policy.

Mobile Data Terminal: or MDT, a computer based system that provides logistical and background information to remote vehicle locations, used by the City of Branson exclusively in emergency services.

Emergency Personnel: Those employed by the City of Branson as a police officer or firefighter.

Emergency Situation: A non-routine situation where police personnel are responding to a crime, potential crime, or rescue call, or where firefighters are responding to a fire or rescue call. In either case, it is where harm or potential harm to a person or property is eminent.

Driver: The properly authorized city employee operating a City vehicle or equipment while on city business.

Driving/Operating/In Motion: In motion includes while stopped at a stop sign/light. For vehicles/equipment with automatic transmissions, when the transmission is in any gear except Park; for vehicles/equipment with manual transmissions, the engine is running.

Use: “Use” constitutes answering incoming or initiating outgoing calls, incoming or outgoing text message, or any other use of a mobile device.

Section 4. Policy

It is prohibited for any person to engage in any activity that distracts his or her ability to focus on driving while operating a City vehicle or a personal vehicle while on City business. This specific prohibition includes, but is not limited to, using mobile devices, mobile data terminals, hands-free devices, using tobacco or other nicotine delivery product, or any other activity that could cause the driver to divert attention from the responsibilities of operating a vehicle or other equipment.

The exemption to this prohibition is for emergency personnel who have been specifically designated in advance by the City Administrator. This exemption applies specifically for driving while responding to emergencies or other non-routine work where radio traffic would otherwise not be appropriate for the circumstances. If not using the City’s radio system, any mobile device must be hands free where the person can keep his or her attention on the road ahead.

However, this exemption in no way authorizes approved emergency personnel to conduct personal business, deal with administrative work duties, communicate with vendors, check voice/email or otherwise engage in other routine work activities while the vehicle is in motion.

This applies to any other activity that can wait until they return to their places of work. Anything other than the exemption described previously in this policy, is prohibited.

The City Administrator will provide the City's Safety Officer, as needed, with a list of those employees who are authorized to operate City or personal vehicles on City business while using hands-free devices. Additionally, the City's Safety Officer is authorized by the City Administrator to review any and all in-vehicle communications (telephone, texting, videos, emails, etc.) records in the event of an accident of a City-owned car, truck or equipment.

Section 5. Disciplinary Action

Everyone should recognize that distracted driving or distracted operation of equipment can be dangerous, and that it greatly increases the risk of an expensive, unwanted and unnecessary accident. Should such a distracted driving accident occur while conducting City business, the driver/operator subjects the City to possible liability for damages and costs that could go beyond sovereign immunity levels. This could be financially devastating to the City.

Additionally, that person could also be held personally accountable for damages. Any person causing an accident by distracted driving could face serious, life-altering legal, financial or medical issues that may not be completely covered or protected by the City or its insurance coverages.

Moreover, and the least of these negative outcomes, failure to abide by this policy may result in disciplinary actions under the relevant provisions of Rule #4 of the Human Resources Manual up to and including termination of employment.

The above Administrative Rule is hereby established and adopted in accordance with the Human Resources Manual of the City of Branson, Missouri.

Stanley E. Dobbins, City Administrator

Date