

USE OF COMMUNICATION DEVICES BY BUS AND LIGHT RAIL EMPLOYEES	POLICY	
	Document Number:	OPS-PL-0001
	Version Number:	02

1.0 Purpose:

To define the standards and restrictions for the use of communication devices while operating VTA-owned revenue service vehicles, hi-rail vehicles and on-track equipment, or while controlling the movement of rail vehicles or fouling the tracks. This policy has been updated to bring it into compliance with CPUC General Order 172.

2.0 Scope:

This policy applies to all VTA employees who operate a bus, light rail vehicle, hi-rail vehicle or any on-track equipment, as well as anyone dispatching, flagging, or otherwise controlling the movement of rail transit vehicles, or performing any task while fouling the tracks.

3.0 Responsibilities:

All VTA employees who operate a bus, light rail, hi-rail vehicle, or on-track equipment; or anyone dispatching, flagging, or otherwise controlling the movement of rail vehicles; or performing any task while fouling the tracks, are responsible for the safe delivery of transportation services. All employees who operate such vehicles or equipment or who control the movement of rail vehicles or foul the tracks will receive a copy of VTA's "Use of Communication Devices By Bus and Light Rail Employees" Policy and will be responsible for strict adherence to the Policy and state and federal regulations.

4.0 Policy:

It is VTA policy that all VTA-owned revenue service vehicles, hi-rail vehicles, and on-track equipment will be operated in a safe and responsible manner. VTA employees who operate such vehicles and equipment, who control the movement of rail vehicles, or foul the tracks are responsible for the safety of the passengers and VTA employees. The use of cellular telephones and defined communications devices will be limited as follows:

- 4.1 Employees operating a VTA Bus, Light Rail Vehicle, Hi-Rail vehicle or any on-track equipment, as well as anyone dispatching, flagging, or otherwise controlling the movement of rail transit vehicles, or performing any task while fouling the tracks are prohibited from using cellular telephones, any personal communications device, hands-free device or wired earpiece. For employees operating a VTA Bus, Light Rail Vehicle, Hi-Rail vehicle or any on-track equipment, this includes, but is not limited to, making or receiving telephone calls, text messaging, checking e-mail messages, checking the time, using the "alarm clock" feature of a cell phone, reading, playing games or listening to music. Said devices will be turned off and stowed away off their person while operating any bus or light rail vehicle, while sitting in the operator's seat, while anywhere on the bus or light rail vehicle, or while operating any hi-rail vehicle or any on-track equipment. Employees are prohibited from giving the cell phone or communication device to another person, including another VTA employee, on the bus, light rail vehicle, hi-rail or on-track equipment to hold. Employees will proceed to a safe area and exit the vehicle if the use of a cellular telephone is necessary for a bona fide emergency.

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Employees dispatching, flagging, or otherwise controlling the movement of rail transit vehicles, or performing any task while fouling the tracks may keep the cell phone in their possession and powered on but must proceed to a safe area outside the safety envelope (minimum 10 feet from the nearest rail) to take or place a call.

- 4.1.1 Failure to adhere to this policy is a serious safety violation and will result in immediate discipline as follows:
- 4.1.2 Use of a cell phone and all other prohibited electronic devices, including hands-free devices and wired earpieces, while operating a VTA bus, light rail vehicle, hi-rail vehicle or any on-track equipment will result in immediate discipline of a minimum 30 continuous calendar days unpaid suspension for a first event, or termination depending on the circumstances and the employee's past record. A first event will be considered an instance (adverse entry) under the *unsatisfactory record* portion of Part A, Section 18.2.e of the ATU Collective Bargaining Agreement and will be subject to a two-year record review. A second event will result in termination. An employee may exercise his or her rights as prescribed in his or her respective Collective Bargaining Agreement to appeal a violation and the resulting discipline.
- 4.1.3 Any Operator who has not turned off a personal cell phone or electronic device and who has not properly stowed the device while on duty on a bus or light rail vehicle shall receive a 10-day suspension for the first offense, a 30-day suspension, unless the circumstances require termination, in which case termination shall be issued, for the second offense, and termination for the third offense. An employee may exercise his or her rights as prescribed in his or her respective Collective Bargaining Agreement to appeal a violation and the resulting discipline.
- 4.1.4 Any employee while dispatching, flagging, or otherwise controlling the movement of rail transit vehicles, or performing any task while fouling the tracks, who takes or places a call or text while on his/her cell phone will receive a 10-day suspension for the first offense, a 30-day suspension for the second offense, and termination for the third offense. An employee may exercise his or her rights as prescribed in his or her respective Collective Bargaining Agreement to appeal a violation and the resulting discipline.

- 4.2 Bus and Light Rail Vehicle Operators, Hi-Rail and on-track equipment Operators, Service Workers, Mechanics, and any other authorized VTA employee may use cellular telephones or any personal communications device while on break or layover, but will refrain from using said device while on such vehicles and equipment. Use of personal cell phones or electronic devices while on break or layover sitting in the drivers' seat or in the cab of the light rail vehicle, or while anywhere on the bus or light rail vehicle, hi-rail vehicle or on-track equipment is strictly prohibited. Before the bus, light rail vehicle, hi-rail vehicle or on-track equipment is back in

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service or operation, the cellular telephone or personal communication devices will be turned off and stowed away off their person.

4.3 With the exception of medically prescribed hearing devices (e.g. hearing aids), earpieces of any type, including Bluetooth and all hands-free devices, headphones and wired earpieces will not be operated or on the Operator's person while operating a VTA revenue or hi-rail vehicle or on-track equipment, or sitting in the Operator's area of a VTA revenue or hi-rail vehicle or on-track equipment. Said devices may be used while on break or layover while the Operator is not on the bus or light rail vehicle, or while on the hi-rail vehicle or on-track equipment.

4.4 Except when operating a bus or rail-borne equipment, Technical Trainers and Line Instructors are permitted to have a VTA-issued cell phone powered on and in their possession but in "silent" or "vibrate" mode. To use their VTA-issued cell phone, Technical Trainers and Line Instructors must exit the Operator area.

4.5 This policy applies to Operators of hi-rail and other non-revenue equipment only when such equipment is being operated on the tracks or fouling the tracks.

5.0 Definitions:

5.1 Operator: Bus and Light Rail Vehicle Operators, Hi-Rail and on-track equipment Operators, Service Workers, Mechanics, and any other authorized VTA employee.

5.2 Communications or Electronic Devices: Includes without limitation, cellular telephones with or without hands-free devices; smart phones; 2-way pagers; portable internet devices; MP3 players; iPod, Blackberry, Bluetooth devices; electronic games; headphones or earbuds of any type.

5.3 VTA revenue vehicle: All buses and light rail vehicles.

5.4 Turned Off: The power is off.

5.5 Stowed away: Not on one's person; must be in a backpack or bag and out of reach.

5.6 Operator's Area: On VTA buses this area is defined as all area forward of the yellow line and expressly includes the operator's seat. On light rail vehicles this is all the area inside the operator's cab and expressly includes the operator's seat. On Hi-Rail or on-track equipment, this is the area where the Operator is positioned during operation of the vehicle or equipment.

6.0 Summary of Changes:

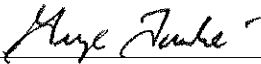
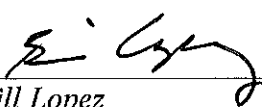
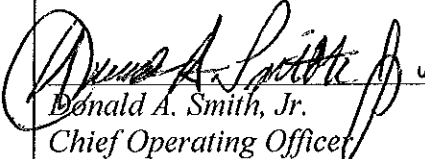
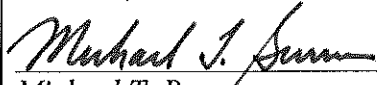
Policy title changed. Policy updated to include and reference an employee's right to appeal the violation and resultant discipline. Policy updated to reflect applicability to anyone while operating a hi-rail vehicle or on-track equipment, or while dispatching, flagging, or otherwise controlling the movement of rail transit vehicles, or performing any task while fouling the tracks. Policy updated to define discipline for violations by anyone while operating a hi-rail vehicle or

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on-track equipment, or while dispatching, flagging, or otherwise controlling the movement of rail transit vehicles, or performing any task while fouling the tracks. Policy updated to clarify exceptions as they apply to Technical Trainers and Line Instructors. Policy updated to clarify applicability to Operators of hi-rail and other non-revenue equipment.

7.0 Approval Information:

<i>Prepared by</i>	<i>Reviewed by</i>	<i>Approved by</i>
 George Tacké Operations Manager	 Bill Lopez Chief Administrative Officer	3-6-2012  Donald A. Smith, Jr. Chief Operating Officer VTA  Michael T. Burns General Manager VTA 03-07-12

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