

# **Appendix F&**



**POLICY/INSTRUCTION: 10.3/3**

***Electronic Device Policy***

**SUPERSEDES: 10.3/2**

**APPLICABLE TO: All Metro Employees, Contractors, Vendors and Visitors (Individuals)**

**1.00 PURPOSE**

This Policy/Instruction (P/I) defines when and how electronic devices may be used by individuals on and off Washington Metropolitan Area Transit Authority (Metro) property to ensure a safe workplace. Individuals are expected to exercise good judgement and common sense when their job requires the use of these devices.

**2.00 SCOPE**

Metro has a “Zero Tolerance” policy regarding the unauthorized use of electronic devices while operating Metro revenue vehicles and rail equipment including rail maintenance equipment such as prime movers, high rail vehicles, etc. While operating non-revenue vehicles and personal vehicles while on official Metro business, a hands-free device may be used. Discipline shall also be applied in accordance with this policy for electronic device-related violations in garages, shops, bus/rail yards, stations, the right of way, and maintenance facilities.

**3.00 DEFINITIONS**

- 3.01 **Electronic Device** – Any device that makes or receives phone calls, leaves messages, sends or receives text messages, e.g., SMS or MMS or similar yet to be developed technology or alerts, accesses the internet, receives or sends a global positioning system (GPS) signal, allows for uploads or downloads of data, text or images, or requires any user action to operate. These include but are not limited to mobile phones, tablets, laptops, GPS, games, MP3 players, televisions, radios, video players, smart watches or other wearable devices, as well as any similar or future devices known by different names, whether or not the device is company issued.
- 3.02 **Hands-Free Device** – An attachment, add-on, built-in feature or addition to a mobile-telephone or other electronic device that, when used, allows for the free use of hands for other actions. This includes a hands-free device that requires the use of hands to initiate or terminate a telephone call or to turn the device on or off. Examples include, but are not limited to, Bluetooth devices, headsets (wired or wireless), and speakerphones. These devices can be installed or portable.
- 3.03 **Non-Revenue Vehicle** – A vehicle that assists in maintenance construction, inspection or other functions that support the operation of the transit system. They are not intended to transport passengers, but may do so in certain special circumstances such as emergencies and abnormal operating conditions.
- 3.04 **Official Metro Business** – Official Metro business means the performance of duties within the scope of the individual’s employment intended to further the interests of Metro. Questions regarding whether a particular instance of operating a personal vehicle is considered “Official Metro Business” should be directed to the individual’s supervisor. The following generally illustrate when operating a personal vehicle is and is not official Metro business:

**A P P R O V E D**

By General Manager & Chief Executive Officer Paul J. Wiedefeld

**DATE APPROVED**

12/14/2016

**CLASS**

SAFE

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- (a) an employee is on official Metro business when operating a personal vehicle to an out-of-town non-Metro location in furtherance of that employee's duties (e.g. an employee driving from home in Alexandria to Upper Marlboro in order to represent Metro at a court proceeding).
- (b) an individual is not on official Metro business when commuting to and from a Metro work location, whether permanent or temporary;
- (c) an individual is not on official Metro business when operating a personal vehicle during a lunch hour, conducting personal errands or attending an event not part of the employee's work duties and which he or she was not directed by Metro to attend.

**3.05 Operate (and its variants)** – Operating a vehicle includes driving or being in control of a vehicle that is moving or is capable of being moved unless the vehicle is parked in a safe location off the active roadway with the parking brake engaged as applicable, or in the case of Rail, the train is safely stopped and taken out of operating mode ("stopped and secured"). For example:

- (a) A bus operator holding at a bus stop for a service adjustment, or sitting at a red light, is operating the bus.
- (b) A train operator holding at a platform, or at a signal either in the yard or on the mainline, is operating the train.

**3.06 Secured Vehicle** –

- (a) A rail vehicle is secured when it has been taken out of operating mode and placed in auto store.
- (b) Rail maintenance equipment is secured when it is stopped, taken out of gear and the parking brake applied.

**3.07** A bus or non-revenue (service) vehicle is secure when it is off of an active road, taken out of gear and the parking brake is applied. **Using an Electronic Device means one or more of the following:**

- (a) Using one or more of the electronic device's functions, such as, but not limited to, viewing, charging, using the electronic device to check the time, or to check to see if any messages have been received;
- (b) Using the electronic device to communicate orally or through text with another person or another device, such as, but not limited to, placing or answering calls and sending, reading or replying to text messages or emails.
- (c) Wearing or using a Hands-Free Device whether or not turned on.

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**DATE APPROVED**

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**4.00 RESPONSIBILITY**

- 4.01 The Department of Safety & Environmental Management (SAFE) is responsible for implementing the policy and procedures as outlined in this P/I.
- 4.02 Individual departments are responsible for designating areas where using an electronic device is allowed within the facilities, including the right of way, under their control and designating which maintenance and operational activities under their supervision require full attention for safe performance. At a minimum, designated areas must be completely clear of the operating environment and communicated to appropriate staff through internal protocols and documentation. All supervisors are responsible for P/I enforcement.
- 4.03 Contracting Officers shall include the requirements of this P/I in every contract, and subcontract at any tier, under which a contractor employee may operate revenue or non-revenue Metro vehicles, operate personal or company vehicles on Metro property or on official Metro business, or perform maintenance activities on Metro property.
- 4.04 The Chief Safety Officer and/or the Chief, Metro Transit Police Department shall designate and authorize Emergency Responders.

**5.00 POLICIES AND PROCEDURES**

5.01 This P/I establishes the guidelines for using an electronic device while operating Metro revenue, non-revenue, maintenance-of-way, and personal vehicles, and while in garages, shops, bus/rail yards, stations, track right-of-way, and other Metro facilities. Using an electronic device while operating a vehicle, or while in facilities like garages, shops, yards, stations or in the right of way, diverts attention away from activities critical for safety and therefore poses an unacceptable risk of harm to individuals, including customers, and the general public. The use of ear buds or earphones in operations areas is restricted to one ear only for monitoring WMATA radios.

**5.02 Use of Electronic Devices – Operating Vehicles**

**These requirements apply to operating all revenue vehicles including trains, buses, and MetroAccess vehicles, whether in revenue service or not.**

**(a) Revenue Vehicles and Rail Maintenance Equipment**

- (1) Unless specifically permitted in this section, individuals operating rail vehicles are prohibited from using an electronic device as defined in 3.07. Individuals operating revenue vehicles are also prohibited from wearing or carrying electronic devices on their person. Electronic devices, including hands-free devices, must be in a bag or purse and must be in the OFF position (not “silent” or “vibrate”).

**A P P R O V E D**

By General Manager & Chief Executive Officer Paul J. Wiedefeld

**DATE APPROVED**

12/14/2016

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- (2) Operators of MetroAccess and Metrobus vehicles must monitor on-board and portable two-way radio equipment while operating a revenue vehicle. MetroAccess operators may also monitor mobile data terminals or GPS devices for navigation assistance and communications, including single-key press transactions, while operating. Rail operators may use on-board radio equipment while operating to communicate with the Operations Control Center (OCC). All other use of on-board or portable two-way radio equipment, including the use of company-issued GPS devices, is prohibited in MetroAccess, Metrobus and Rail vehicles, unless the vehicle has been stopped and secured.
  - (3) In the case of an emergency where on-board equipment is inoperable, or if the operator is assisting outside of the operator compartment, an operator may use an electronic device to contact OCC or 9-1-1 once the vehicle has been secured.
  - (4) A rail operator who is stopped at a red signal and has been unable to reach ROCC with the on-board equipment for 3 minutes or longer, may use an electronic device to contact the ROCC once the equipment has been secured. The operator needs to exercise sound judgement as to whether it is safer to remain on the vehicle and use his/her electronic device or walk to the closest Emergency Trip Station (ETS) box.
  - (5) Operators may use an electronic device only at terminals, change off locations, layover locations or road call locations, after the vehicle has been properly stopped and secured and the operator has alighted the vehicle, provided this does not contribute to or cause a delay in service, inconvenience to the customer or create an unsafe condition.
  - (6) Track equipment and train operators are permitted to use on-board and portable radios while operating track equipment to communicate with OCC and the Roadway Worker in Charge. The use of cell phones while operating track equipment, however, is only permitted when required in the performance of official duty, and after the operator has stopped and secured the equipment in a safe place.
- (b) Non-Revenue Vehicles
- (1) Using an electronic device while operating non-revenue vehicles is prohibited unless a hands-free device is used. Use of a hands-free device should, however, be limited to avoid the risk of distractions that can compromise safety.
  - (2) In the event a hands-free device is unavailable, the operator must safely stop and secure the vehicle prior to using an electronic device.
  - (3) GPS units are permitted, but physical interaction with the device is only permitted in a stopped and secured vehicle. The GPS unit must be positioned so it does not interfere with the driver's visibility.

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**DATE APPROVED**

12/14/2016

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(4) The use of on-board or portable two-way radio equipment is permitted after the vehicle has been properly stopped and secured. Monitoring of a radio is permitted while in operation. Designated and authorized Metro emergency responders may use on-board or portable two-way radio equipment while responding to an incident. Designated emergency responders include Metro Transit Police, OEM, SAFE, bus and rail supervisors and management.

(5) Use of one-way radio, or monitoring a permanently installed AM/FM or similar device is permitted, however volume and interaction should be kept to a minimum to avoid distraction.

(c) Personal Vehicles on Metro Property or While on Official Metro Business

(1) Using an electronic device while operating a personal vehicle on Metro property or while on official Metro business is prohibited unless a hands-free device is utilized. Use of a hands-free device should, however, be limited to avoid the risk of distractions that can compromise safety.

(2) In the event a hands-free device is unavailable, the operator must safely stop and secure the vehicle prior to using an electronic device.

(3) GPS units are permitted, but manipulation of or physical interaction with the device is only permitted in a stopped and secured vehicle. The GPS unit must be positioned so it does not interfere with the driver's visibility.

(4) The use of company-issued, portable radio equipment is permitted after the vehicle has been properly stopped and secured.

**5.03 Use of Electronic Devices – Garages, Shops, Bus/Rail Yards, Stations, and Maintenance Facilities Not Involving Operating a Vehicle**

(a) Garages, Shops, Maintenance Facilities

(1) Using an electronic device is prohibited in garages, shops, and maintenance facilities, except in designated areas or when performing an approved job task that requires its use.

(2) In an emergency, an electronic device may be used to contact their respective OCC or 9-1-1. Individuals coordinating emergency response may use their electronic device to communicate when they are in an area free from hazards.

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**DATE APPROVED**

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(b) Rail Yards, Bus Yards and on the Right of Way

- (1) Using an electronic device while engaged in maintenance activities that require full attention for safe performance, such as, but not limited to, inspecting track or using power equipment, is prohibited.
- (2) Use of an electronic device while on the Right of Way is only permitted as prescribed by the rules of the Roadway Worker Protection Manual.
- (3) If job-related cellular communication or other use of an electronic device, such as taking photos for documentation purposes, recording work data, or using a laptop, is required to complete work activities, the individual using an electronic device may only use an electronic device within an established safe zone to adequately protect them.

(c) Stations

- (1) Using an electronic device is prohibited while engaged in maintenance or operational activities in or around a station that require full attention for safe performance. If job-related cellular communication or other use of an electronic device is required to complete work activities, the individual using an electronic device must stop work activities and use an electronic device only in designated areas.
- (2) For Rail Transportation Operations personnel, including Station Managers, using an electronic device is prohibited at all times while on duty, except in the event of an emergency. Using an electronic device is permitted before and after the employee's work shift, and during authorized break or lunch periods. Use of electronic devices is prohibited in a kiosk.

**5.04 Use of Electronic Devices – Rail and Bus Operations Control Centers (OCCs)**

(a) Control Center Work Floor

- (1) Individuals are prohibited from having electronic devices on the OCC Work Floor, regardless of whether powered on or powered off.
- (2) Metro managers may utilize a Metro-issued electronic device for the purpose of performing official duties.

(b) Other Areas

Electronic devices may be used in locker rooms, break rooms, rest rooms and other authorized areas outside of the work floor.

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**6.00 ENFORCEMENT**

Failure to adhere to this P/I regarding using an electronic device will result in discipline as follows:

**6.01 Revenue Vehicles**

(a) Using an Electronic Device while Operating a Revenue Vehicle

First Offense: Discharge

(b) Any Other Violations in Revenue Vehicles (i.e., an operator having a phone on their person while operating)

(1) First Offense: 10-day suspension

(2) Second Offense: Discharge

**6.02 Non-revenue Vehicles**

(a) Using an Electronic Device while Operating a Non-Revenue Vehicle Without a Hands-Free Device

(1) First Offense: 10-day suspension

(2) Second Offense: Discharge

(b) Any Other Violations in Non-revenue Vehicles

(1) First Offense: 5-day suspension

(2) Second Offense: 10-day suspension

(3) Third Offense: Discharge

**6.03 Personal Vehicles on Metro Property or While on Official Metro Business**

Using an Electronic Device While Operating a Personal Vehicle on Metro Property or While on Official Metro Business without a Hands-Free Device

(1) First Offense: 5-day suspension

(2) Second Offense: 10-day suspension

(3) Third Offense: Discharge

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**DATE APPROVED**

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**6.04 Rail or Bus Operations Control Center**

(a) Using an Electronic Device while on the OCC Work Floor

First Offense: Discharge

(b) Any Other Violations in OCC (i.e., an employee having a phone on their person while on the work floor)

(1) First Offense: 5-day suspension

(2) Second Offense: 10-day suspension

(3) Third Offense: Discharge

**6.05 Garages, Shops, Bus/Rail Yards, Stations, and Maintenance Facilities**

Using an Electronic Device in Garages, Shops, Bus/Rail Yards, Stations, Track Right-of-Way and Maintenance Facilities, Not Involving Operating a Vehicle

(1) First Offense: 5-day suspension

(2) Second Offense: 10-day suspension

(3) Third Offense: Discharge

**6.06 Discipline Procedures**

When administering discipline under this P/I, supervisors and managers must comply with the procedural requirements for imposing discipline under the applicable collective bargaining agreement for represented employees, or under the personnel procedures for non-represented employees.

**7.00 EXCEPTIONS**

7.01 Sworn police officers in the Metro Transit Police Department are exempt from this P/I when acting within the scope of their official duties.

7.02 Individuals riding as passengers are exempt from this P/I.

**A P P R O V E D**

By General Manager & Chief Executive Officer Paul J. Wiedefeld

**DATE APPROVED**

12/14/2016

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**POLICY/INSTRUCTION 10.3/3: ELECTRONIC DEVICE POLICY**

**APPENDIX: ELECTRONIC DEVICE USAGE AT-A-GLANCE**

**Prohibited Use**

- Zero tolerance
  - Using an electronic device while operating a revenue vehicle or rail maintenance equipment
  - Wearing or carrying an electronic device while operating a revenue vehicle or rail maintenance equipment. Devices must be in the “off” position in a bag or purse.
  - Using an electronic device while on the Control Center work floor
- Progressive Discipline
  - Using a hand-held electronic device while operating a non-revenue vehicle
  - Using a hand held electronic device while operating a private vehicle on Metro property
  - Using an electronic device while engaged in operational or maintenance activities in a rail station
  - Using an electronic device in a work area while engaged in activities that require full attention for safe performance

**Restricted Use**

- Emergencies
  - If the onboard equipment is inoperable and the rail vehicle is secured
  - If an operator is assisting outside of the operator compartment on a secured vehicle
- GPS
  - GPS may be monitored while operating but physical interaction can only occur when the vehicle is stopped and secured.
  - The GPS must be positioned so it does not interfere with the driver’s visibility

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By General Manager & Chief Executive Officer Paul J. Wiedefeld

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**APPENDIX: ELECTRONIC DEVICE USAGE AT-A-GLANCE**

- In work areas
  - On the Right of Way as prescribed in the Roadway Worker Protection Manual
  - In garages, shops and maintenance facilities, an electronic device may be used in a designated area or when performing an approved job task that requires its use.
  - In an emergency, an electronic device way be used to contact OCC or 9-1-1 in an area free from hazards.

**Permitted Use**

- Monitoring on board and portable two-way radio equipment.
- With a hands-free device while operating a non-revenue motor vehicle (Not rail)
- MetroAccess operators may monitor mobile data terminals
- Operators may use their electronic devices at terminals, change off locations, layover locations or road call locations after the vehicle has been secured and they have alighted the vehicle
- Designated Emergency Responders may use 2 way radios when responding to an incident
- Use of a one way radio in a non-revenue vehicle

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