MEMORANDUM

Date: July 26, 2011

To: HSC Faculty and Staff

From: Richard S. Larson, MD, PhD
Vice Chancellor for Research

Ava J. Lovell, CPA
HSC Sr. Executive Financial Officer and University Controller

RE: HSC Policy Banning Text Messaging While Driving (FAR 52.223-18)

It has always been a Health Sciences Center practice and University policy to follow all motor vehicle laws. Caring about the safety and welfare of the people of New Mexico and our employees are at core of what the HSC stands for.

Recently the federal government has added a clause to all federal contracts, purchase orders, and subsequent flow through funding that necessities adopting and enforcing a specific policy that expressly bans text messaging while driving. This clause from the Federal Acquisition Regulation (FAR) is attached.

The Health Sciences Center formally supports the ban on text messaging while driving and by this memo is officially adopting this as an HSC policy to be in compliance with all federal agreements that contain this clause. Principal Investigators at HSC are responsible for appropriate notification and dissemination of this policy to employees and enforcement. Additionally this policy will be addressed in the ‘HSC Contract & Grant Management’ training.

For further vehicle safety policy, contact the UNM Safety, Health, and Environmental Affairs office (SHEA) who provides the UNM Defensive Driving Course. SHEA also has a complete vehicle safety manual on the web at http://www.unm.edu/~sheaweb/sheamanual/gensfty/MTRVFHRV.htm University Business Policies and Procedures Manual, # 7780, ‘Use of University Vehicles’ can also be accessed at http://www.unm.edu/~ubppm/ubppmanual/7780.htm for additional safety information.

CC: Director UNM Safety and Risk Services

This memo to be posted at the following website, for continued compliance: http://hsc.unm.edu/financialservices/preamward/HSC_policy_memos.shtml
FAR 52.223-18 Contractor Policy to Ban Text Messaging While Driving.
As prescribed in FAR 23.1105 insert the following clause: Contractor Policy to Ban Text Messaging While Driving (Sep 2010)

(a) Definitions.

As used in this clause— "Driving"

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

(2) Does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely 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 glancing at or listening to a navigational device that is secured in a commercially designed holder affixed to the vehicle, provided that the destination and route are programmed into the device either before driving or while stopped in a location off the roadway where it is safe and legal to park.

(b) This clause implements Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, dated October 1, 2009.

(c) The Contractor should—

(1) Adopt and enforce policies that ban text messaging while driving—
(i) Company-owned or -rented vehicles or Government-owned 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 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.
(d) Subcontracts. The Contractor shall insert the substance of this clause, including this paragraph (d), in all subcontracts that exceed the micro-purchase threshold.

(End of clause)