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February 22, 2011

Docket Management Facility (M-30)
U.S. Department of Transportation
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Re: Docket No. FMCSA-2010-0096; Drivers of Commercial Motor Vehicles: Restricting the Use of Cellular Phones

The Messenger Courier Association of America (MCAA) submits the following comments in response to the Federal Motor Carrier Safety Administration (FMCSA)'s proposed rulemaking to restrict the use of handheld cell phones by drivers of commercial motor vehicles (CMV).

MCAA is the voice of the same-day under 24 hour delivery industry. Since 1987, the MCAA has promoted and advanced the professionalism of the same-day delivery industry through education and advocacy. Same-day couriers carry almost all of the nation's pharmaceuticals, most of the blood supply, a host of financial documents and all manner of commerce to its final destination.

Under FMCSA's proposal, CMV drivers would be banned from using handheld phones while driving. Specifically the rulemaking would prohibit a CMV driver from reaching for, holding, or dialing a mobile telephone in order to conduct a voice communication.

The nature of the courier industry with its on-demand often unscheduled delivery business model requires frequent contact between drivers and dispatchers, not only for ensuring timely delivery of critical supplies but also to ensure the safety of the cargo. An example of this would be the necessity of maintaining contact with a pharmaceutical delivery in transit. For this reason, MCAA encourages FMCSA to consider permitting the use of push-to-talk technology with a handheld cell phone. Push-to-talk technology with a cell phone is nearly identical to that of a CB radio, which FMCSA specifically exempts in its proposal. In fact, most companies now use push-to-talk with a cell phone because dialing can be achieved with the press of a single button, the communication range is greater, and the handheld device is wireless.

Push-to-talk provides an important safety benefit, allowing dispatchers and drivers to communicate traffic accidents, construction sites, or simple congestion to drivers who may need to make route changing decisions. A driver taking a human organ to a hospital should

know that a major access road is blocked, so that he may divert around it to make a timely, and perhaps lifesaving, delivery.

Hijackings are not things ordinarily feared by passenger car drivers. Drivers in the courier industry regularly transport pharmaceuticals and medical supplies every day. Communications equipment is vital both for sending and receiving warnings and calls for help. Drivers need the ability to use push-to-talk devices for their own safety and the security of their cargo.

Push-to-talk is not the same as general cell phone use. Conversations are shorter and more direct, listening does not require the phone to be held up to the ear, and dialing can be accomplished by pressing a single button. Drivers in the courier industry regularly use push-to-talk devices to receive delivery orders and to transmit information back and forth to the dispatcher.

MCAA appreciates FMCSA's efforts to reduce distracted driving and promote safety by attempting to ban handheld cell phone use by CMV drivers. However, for the reasons noted above, we request that the agency reconsider its rulemaking by allowing those drivers to continue using push-to-talk technology with a handheld cell phone.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Mackrell".

Chris Mackrell
MCAA President