

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT CELL PHONE AND OTHER HANDHELD COMMUNICATION DEVICE USE POLICY	Number 95.05	Issue 3	Page 1 of 4
	Effective Date December 1, 2017		

1. PURPOSE

1.1. To establish a policy and procedure to comply with *Cell Phone* and other *Handheld Communication Device* regulations outlined in the California Vehicle Code (CVC) and to regulate the use of *Cell Phones* and other *Handheld Communication Devices* while driving a *City Vehicle* and operating *City Equipment*.

2. SCOPE

2.1. This Administrative Regulation applies to all City employees with the exception of Police Department and Fire-Rescue Department employees. Police Department and Fire-Rescue Department have their own policies on the use of *Cell Phones* and other *Handheld Communication Devices* while driving on City business.

2.2. This Regulation does not apply to employees using a *Cell Phone* or *Handheld Communication Device* for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, healthcare provider, fire department, or other emergency service agency or entity.

2.3. Commercial Drivers assigned to perform emergency operations, (i.e. on call or actively performing emergency operations), may only use “hands-free or push-to-talk” communication devices, as allowed by law.

2.4. The City’s two-way radio, Land Mobile Radio Communication System (i.e. Motorola Smartzone Radio Network 4.1, Conventional Land Mobile Radio, etc.) is exempt from this policy.

(Supersedes Administrative Regulation 95.05, Issue 2, effective June 4, 2010)

Authorized

(Signature on File)

CHIEF OPERATING OFFICER

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3. DEFINITIONS

- 3.1. Cell Phones (Mobile Phones) – A portable usually cordless device that utilizes wireless telephone for use in a cellular system (i.e. Verizon, Sprint/Nextel (with push-to-talk feature), AT&T, etc.)
- 3.2. Handheld Communication Devices – A cellular or computer based device, etc., that is used to send or receive a telephone call, e-mail or text message.
- 3.3. City Vehicle – Any motor vehicle (i.e. cars, vans, light trucks, dump trucks, street sweepers, refuse packers and other heavy trucks). Personal vehicles used for City business are addressed in section 4.4. of this Regulation.
- 3.4. City Equipment – Equipment powered by fuels, which include gasoline, diesel, propane and natural gas (i.e. loaders, backhoes), as well as electric equipment (i.e. carts, Parking Enforcement vehicles).

4. POLICY

- 4.1. Except as outlined below in 2.2., 4.2., and 4.3., City employees are prohibited from using a *Cell Phone* or other *Handheld Communication Device*, both City owned and personal devices, while driving *City Vehicles* or operating *City Equipment*.
 - 4.1.1. Except as outlined in 2.3., the use of Bluetooth, ear pieces and other hands-free devices that connect to the *Cell Phone* or other *Handheld Communication Device* which would allow you to talk hands-free are also prohibited.
 - 4.1.2. Text messaging or emailing using *Cell Phones* or other *Handheld Communication Devices* is prohibited while driving a *City Vehicle* or operating *City Equipment*.
- 4.2. Use of GPS while driving *City Vehicles* or operating *City Equipment* is permitted only if the GPS unit/ *Cell Phone* or other *Handheld Communication Device* is used hands-free with the voice directions enable.
- 4.3. Should an employee need to make a phone call, or make any adjustments to the GPS, the employee is required to safely pull off of the road, come to a complete stop and put the vehicle in park before using a *Cell Phone* or other *Handheld Communication Device*.
 - 4.3.1. The California Vehicle Code (CVC) 21718 prohibits employees from pulling over on

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the side of a freeway or highway, unless it is for emergency purposes.

4.4. Employees driving a privately owned vehicle on City business shall conform to the *Cell Phone* and *Handheld Communication Device* regulations outlined in the California Vehicle Code.

4.4.1. However, any *Cell Phone* use (even with hands free devices) is still considered distracted and dangerous driving and is discouraged at all times while driving on City business.

5. RESPONSIBILITY

5.1. City Employees

5.1.1. Responsible for being familiar with this Administrative Regulation and abiding by it.

5.2. Department Directors

5.2.1. Ensure that all department employees abide by this Administrative Regulation.

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APPENDIX

Legal References

California Vehicle Code § 23123-23124
California Department of Motor Vehicles (DMV) FAQs

Forms

N/A

Subject Index

Cell Phones
Handheld Communication Devices
City Vehicle
Operating City Equipment.

Administering Departments

Risk Management
Human Resources