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## Colorado's Finest Private Pheasant Hunting Preserve

### RMR Weekly E-News

Hello RMR Faithful!

The season is in full swing at your club and the hunting has been great. The only drawback has been the heat, but the morning hunters are getting after em', and the birds are flying fantastic, as usual! Make certain that you have water for your dogs and for yourself....stay hydrated!

I know it is early, but start thinking about booking your hunts around the holiday weekends. The day after Thanksgiving is usually a busy day and lots of folks bring their family and friends out for a post Turkey Day hunt. Christmas is on a Saturday this year so we will be closed that day, but open for the morning hunt on Christmas Eve and the rest of the year (and next year too!)

Get ready for a wild year! RMR member Fred Veitch was out for the first time this Sunday and he told me "you weren't fibbing about the cover!" It is truly the best cover we have ever seen at the club. You might want to think about a bell on your dog's collar. You can hear them in the cover, since you cannot see them, and it really helps. We have bells in the clubhouse store for you if you need them.

#### **MOOSE HUNT A SUCCESS**

The first group of hunters are home from the Moose hunt in British Columbia and it was a successful hunt. There were 10 hunters in camp (RMR had 7 of them) and 9 bulls were taken. Brett Axton, RMR's mighty leader, was the only one not to harvest a Moose. Not for lack of seeing animals, but nothing big enough to kill. My wife and I saw 13 bulls and numerous cows and calves and it was a great trip. Rebecca shot her first Canada Moose (she shot a Colorado Moose several years ago) and it was a real beauty!

The second group of RMR hunters is hunting now and I have not heard if they have anything on the ground yet, but I am sure they will all do well. The weather is working in their favor and the rut is on. Several TONS of meat will be brought back in a few weeks and lots of memories were made. **You can go to the RMR web-site and click on NEWSLETTERS and then WEEKLY News and October 6 NEWS and see some impressive pictures of the hunt.**

Two things:

\*If you want to go on this hunt, let me know and I can get you the details. It is a fantastic trip and one that you will never forget!

\*If you need a pair of gaiters, the ones that we sell in the clubhouse are Rivers West and are a life saver. By far the best gaiters you will ever own....you can ask the hunters about these. All of them raved about the rain gear from Rivers West, but especially the gaiters.

Corporate Office

212 W. Buchanan St. • Colorado Springs, Colorado 80907-5106 • 719-635-3257 • Fax 719-630-3329  
www.rmroosters.com • Email: [hunt@rmroosters.com](mailto:hunt@rmroosters.com)



### **RMR MEMBER NEWS**

Sarah Steward is doing well with her cancer treatment and will soon leave for Seattle for an extended stay for stem cell replacement.

Young Garrett Ross had another heart biopsy and it came back 100%!! That is a victory and we are so happy for the Ross family.

Jeff Fowler is back to almost full speed after his surgery for a pacemaker.

Eric Griffiths is getting prepared for a hip replacement and says that he is finally ready to have both 'wheels' working the way they should.

If you have a need for additional prayers, and you know I believe in the power of prayer, let me know and I can send it out in the RMR E-News.

### **GUN FOR SALE**

From Dean Steward...Brett, I have a Winchester double barrel model 21 that was taken in on trade and would like to sell it. It is a high grade 12 ga, 32" barrels, originally full and full with single trigger. The barrels have been re-bored and choked to modified and improved modified. It is fully engraved with gold inlays. The gun was made for an employee at Winchester. I have the gun and can take out to the club for display. It is a beautiful gun in 90% condition with a couple of nicks in the stock. Would be a great gun for wild pheasants and longer shots. \$7000

### **SENATOR LEADS CHARGE ON LEAD BAN FOR SHOT SHELLS AND FISHING TACKLE**

Washington — U.S. Senator Blanche Lincoln (D-Ark.), Chairman of the U.S. Senate Committee on Agriculture, Nutrition, and Forestry, today introduced legislation to protect the use of lead in the manufacturing of ammunition and fishing tackle. Lincoln's bill would exempt lead ammunition and lead fishing tackle from being banned under the U.S. Environmental Protection Agency's Toxic Substances Control Act. 'Banning lead ammunition and fishing tackle would significantly drive up manufacturing costs, directly hurting the thousands of Arkansans who enjoy hunting, fishing, and recreational shooting. This ban would also be a blow to more than 20,000 Arkansans who depend on fishing tackle and ammunition manufacturing for their livelihoods,' said Lincoln. 'My bill simply clarifies that the components used in manufacturing shells, cartridges, and fishing tackle are exempt from EPA regulation under the Toxic Substances Control Act. Taking this simple step will

provide certainty to these critical industries and prevent EPA and activist litigators from dragging this issue out through the courts for years.” (Source: Senate Agriculture Committee Press Release)

### **THREE FOR THE ROAD (I have been gone and I know you missed them!!)**

A young and foolish pilot wanted to sound cool on the aviation frequencies. So, this was his first time approaching a field during the nighttime. Instead of making any official requests to the tower, he said: "Guess who?"

The controller switched the field lights off and replied: "Guess where?"

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"Do you believe in life after death?" the boss asked one of his employees.

"Yes, sir," the clerk replied.

"That's good," the boss said. "After you left early yesterday to go to your grandmother's funeral, she stopped in to see you."

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Bill, Jim, and Scott were at a convention together and were sharing a large suite on the top of a 75-story skyscraper. After a long day of meetings they were shocked to hear that the elevators in their hotel were broken and they would have to climb 75 flights of stairs to get to their room. Bill said to Jim and Scott, let's break the monotony of this unpleasant task by concentrating on something interesting. I'll tell jokes for 25 flights, and Jim can sing songs for 25 flights, and Scott can tell sad stories the rest of the way. At the 26th floor Bill stopped telling jokes and Jim began to sing. At the 51st floor Jim stopped singing and Scott began to tell sad stories. "I will tell my saddest story first," he said. "I left the room key in the car!"

### **“Friend” Rocky Mountain Roosters on Facebook.**

**Here is a long but worthy article for employers and anyone with a cell phone. It is from RMR member Dan Bowers and CIA Leavitt Insurance Company.**

## **Legality, practicality of employee cell phone use while driving**

*As cell phone use has risen in popularity, so, too, has the percentage of motor vehicle accidents caused by drivers who were distracted by using their phones. To minimize the costs associated with employee-caused accidents, let's talk about the risks and legalities of cell phone use while driving and what steps you can take to protect your company and your employees.*

### **Safety concerns**

The safety risks associated with cell phone use and text messaging while driving have become a national concern. Research indicates that more than 50 percent of drivers usually have a cell phone in their car, and 73 percent of them use the phone while driving. According to the National Highway Traffic Safety Administration, at any given daylight moment in 2008, there were 812,000 vehicles being driven by someone using a cell phone. Some of the statistics related to cell phone use and text messaging while driving include:

- Approximately 330,000 people are injured every year because of cell phone use while driving.
- Approximately 28 percent of all traffic crashes, or at least 1.6 million crashes each year, are caused by drivers talking on cell phones or text messaging.
- The risk of a crash or near-crash event is 2.8 times higher for a driver dialing a cell phone than for an undistracted car driver and 5.9 times higher for a truck driver.
- The risk of a crash or near-crash event is only slightly higher for a car driver while talking or listening to a cell phone.
- The risk of a crash or near-crash event is as much as 6.7 times higher for drivers who were reaching for an object than for undistracted drivers.
- The risk of a crash or near-crash event for a driver while text messaging is 23.2 times higher than for an undistracted driver.

Many states, as well as the federal government, have enacted laws limiting or prohibiting the use of cell phones and text messaging, with the goal of curtailing the number of accidents caused by drivers who are distracted by their phones.

### ***State laws***

In the past two years, the number of states that expressly prohibit or limit the use of cell phones or text messaging has doubled. Currently the District of Columbia and 33 states have such laws in place: Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Oregon, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

It's reasonable to assume that the number of states enacting legislation limiting or prohibiting the use of cell phones or text messaging while driving will continue to increase.

### ***Federal law***

Federal law prohibits drivers of commercial vehicles (trucks and buses) from using any accessories or equipment that decreases the safe operation of the vehicle. The Federal Motor Carrier Safety Administration (FMCSA) is responsible for ensuring that commercial vehicles are operated safely. In January 2010, the FMCSA implemented "regulatory guidance" expressly providing that text messaging while driving is unsafe. Therefore, the agency prohibits text messaging by truck drivers and bus drivers.

Any truck or bus driver who is text messaging while driving faces a penalty of up to \$2,750. The law applies to all truck and bus drivers, regardless of which state they're operating in.

### ***What it means for employers***

Employers that have employees who drive as part of their job need to have written policies on cell phone use and text messaging to minimize the associated risks. Drivers who are reaching for their phones, dialing numbers, or texting are diverting their attention from the road and are more likely to be involved in an accident.

An employee who is involved in an automobile accident while working can be an expensive proposition for his employer. If the employee is injured and unable to return to work, the employer will face the potential expense of hiring and training a replacement driver, as well as a possible workers' compensation claim by the injured employee. If a company vehicle was damaged in the accident, the employer will likely have some out-of-pocket expense for repairing or replacing the vehicle and its contents.

Another substantial economic risk arises if the employee injures someone else in an accident. If the employee caused the accident because she was distracted by using a cell phone, her employer would likely be liable for any injuries or damages caused by the accident. Furthermore, if the employer doesn't have any policies or guidelines regulating cell phone use and text messaging, its liability could be even greater than just the liability incurred by the employee's negligence.

The first step is to know the applicable laws pertaining to your drivers. Most states that have "texting" laws prohibit drivers from typing or reading text messages while driving. Federal law prohibits all truck and bus drivers from texting. The most common cell phone law among the states is a "hands-free" law, which requires the use of a hands-free device while talking on the phone. Some states have both texting and cell phone laws, while other states have one or the other. Other states have yet to implement statewide legislation. However, even in states without statewide laws expressly governing cell phone use, local communities may attempt to restrict texting and cell phone use by enforcing other laws or by enacting local ordinances.

Your policies should be at least as restrictive as the laws of the states you operate in (or federal law in the case of commercial drivers). Alternatively, you could put the burden on your employees by requiring them to know

and abide by the traffic laws of the states in which they operate. The better approach would be to know the laws of the states in which your employees operate, educate your employees about those laws, and implement policies that are at least as restrictive as the states' laws.

### ***Guidelines to consider***

Any activity that diverts a driver's attention from the road should be avoided. The longer the driver's attention is diverted, the greater the risk that he will be involved in an accident. Here are some guidelines to consider adopting in order to encourage your drivers to operate their vehicles in a safe and responsible manner.

**Texting.** No text messaging, including typing or reading text messages, while operating an employer-owned vehicle or any vehicle when conducting company business should be allowed.

Among mobile communication techniques, "texting" creates the highest risk of accidents because it requires the driver to remove his hands from the wheel and divert his attention from the road for a substantial period of time to type or read a message. Research has shown that on average, a driver takes his eyes off the road for 4.6 seconds of a six-second interval while texting. At 65 mph, a driver travels 573 feet. If his eyes are diverted for 4.6 seconds, that equates to driving 439 feet (about the length of one and a half football fields) without looking at the road.

Texting is the highest-risk communication activity while driving and should be prohibited. Additionally, federal law already prohibits drivers of commercial vehicles from texting while driving, and many states and municipalities have enacted laws that prohibit texting while driving.

**Cell phone use: prohibited.** Don't allow use of cell phones, including making or receiving phone calls, while operating employer-owned vehicles or while driving a vehicle when conducting company business. In emergency situations, the employee should pull off the road to a safe and secure location and stop before making a phone call.

There are fewer state laws that prohibit or limit cell phone use than prohibit texting simply because texting diverts more time from the roadway than making a phone call. However, any activity that diverts a driver's attention from the road (*e.g.*, reaching for the phone and dialing numbers) increases the risk of an accident. Research has indicated that dialing a phone number while driving increases the risk of an accident or near accident approximately three to six times more than for an undistracted driver. Therefore, although it isn't as risky as texting while driving, cell phone use increases the risk of an accident. The safest and most comprehensive policy is to prohibit the use of cell phones while driving.

**Cell phone use: limited.** While operating an employer-owned vehicle, employees may *answer* cell phone calls if the cell phone is equipped with a hands-free device. While operating an employer-owned vehicle, employees may *make* work-related phone calls if the phone is equipped with voice-activated dialing and the call can be made without manually dialing numbers. If the phone is not equipped with voice-activated dialing, in emergency situations, the employee should pull off the road to a safe and secure location and stop before making a phone call.

Research has shown that there's virtually no increase in the risk of an accident or near accident while talking or listening on a cell phone compared with undistracted driving. Therefore, if the driver can make a phone call without diverting her eyes from the roadway, there's little likelihood that talking or listening on the phone will increase the risk of an accident. Voice-activated dialing is becoming a common feature on cell phones. If you want your drivers to be able to make or receive phone calls while driving as part of their employment, require them to use a phone that minimizes the amount of time diverted from the roadway.

**Other use of cell phones: prohibited.** While operating an employer-owned vehicle, employees may not use their phones in any manner that diverts their attention from the roadway or requires manual manipulation of

the phone, including (but not limited to) surfing the Internet, social networking (*e.g.*, using Facebook and MySpace), or playing video games. While operating an employer-owned vehicle, employees may not use their phones to watch any type of video.

Cell phones are no longer just phones; some of them are now personal computers capable of performing an array of functions. As cell phones incorporate more visually distracting functions, drivers increase their risk of an accident by using those functions while driving. In addition to texting, some of the more common and popular functions of modern cell phones include games, Internet capability, and video. Cell phones can hold hours of videos, including full-length feature films. While it may seem obvious that you shouldn't watch movies while driving, I am personally acquainted with at least two individuals who regularly watch movies on their phones while driving. Any use of a cell phone that diverts a driver's attention from the road or requires manual manipulation is clearly a safety concern.

***Concluding remarks***

Using a cell phone or texting while driving diverts the driver's attention from the roadway and increases the likelihood that he will be involved in an accident. It's practically impossible to list all the ways that a cell phone can divert a driver's attention from the road. The safest and most conservative policy would be to prohibit *any* use of a cell phone while driving. If you feel your employees need to have access to a phone while driving, you should implement policies that proscribe use of cell phones within certain parameters. Doing so will lessen the potential liability for both your employees and your company.

Brett Axton  
Bill Lieb  
Rocky Mountain Roosters, Inc  
719-635-3257  
[www.rmroosters.com](http://www.rmroosters.com)