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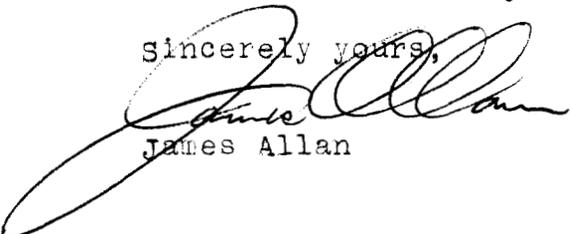
504 Davis Rd. #96  
palm springs, FL 33461-1353  
October 2, 1997

Federal Highway Administration  
Docket No. FHWA-972759-11  
Docket Clerk, U.S. DOT Dockets  
Room PL-401  
400 Seventh St. S.W.  
Washington, D.C. 20590-0001

Gentlemen:

I can't believe what is happening in this country. Now you're proposing to vitiate traffic regulations by pandering to preposterous Hispanic protestations about "free speech." Terrific. Why are so slavish in catering to Hispanics? Are you also planning to extend your "revision" to include Asiatics, East Indians, Scandinavians and hundreds of assorted other nationalities? What a Tower of Babel you'll create! What particularly galls me is that Florida law allows Hispanics to take their driver exams in Spanish. Just imagine what would happen if all nationalities demanded to take driver exams in their language. I firmly believe that your proposal is an extremely ill-advised one and will lead to further fractionalization in an already seriously fractionalized nation.

Sincerely yours,



James Allan

West Palm Beach (Fl.) Post

# 'English test' for truck drivers hits bumpy road

A local attorney plans a constitutional challenge, while federal officials mull changes.

By Bill Douthat

Palma Beach Post Staff Writer

WEST PALM BEACH — The federal government is revising a law that requires commercial drivers to speak enough English "to converse with the general public" because of complaints that it discriminates against foreign-born Americans.

The Federal Highway Administration wants to modify the law to address safety issues rather than one's ability to communicate.

"The question is how we can make it a little less rigid without endangering safety," the agency's attorney, Charles Medalen, said Tuesday.

The sufficient-English law is enforced in Florida and other states that receive federal highway money. When the rule is revised, Florida must also change its law to remain eligible for the federal grants, Medalen said.

Florida's law has drawn the ire of Spanish-speaking truck drivers and their attorneys, who say it's vague and arbitrary.

Reinaldo Torres, 33, who went to county court in West Palm Beach Tuesday to face the charge, said he was puzzled by the law.

"Why do I need to speak English when I took and passed the driver exam in Spanish?" asked Torres, who came from Cuba two years ago. He was cited for the violation when stopped by a West Palm Beach police officer for another traffic infraction.

State prosecutors dropped the charge after Torres' attorney, Valentin Rodriguez, filed a lengthy motion attacking the law as a violation of rights of free speech. The motion points out that the state of Florida publishes driver manuals and traffic laws in Spanish and often sponsors Spanish-only events and programs.

Rodriguez says he will ask County Court Judge Susan Lubitz to declare the law unconstitutional when another client, Victor Morales, appears before her on Tuesday.

"My position is that the law is vague in the way it's written," Rodriguez said. "But even if it were well-written, it's a violation of the First Amendment protection of a person's right to speak in his native tongue."

## What law says

### Current law

Commercial drivers must read and speak the English language sufficiently to converse with the general public, understand highway traffic signs and signals in the English language, respond to official inquiries and make entries on reports and records.

### Proposed change

The Federal Highway Administration wants to require that drivers communicate and comprehend English to the extent necessary to ensure safety.

## Prosecutors' office won't pursue cases

### ENGLISH

From 1A

Rodriguez may not be able to make his challenge before Lubitz.

The state attorney's office said Tuesday that it will not prosecute any violations of the law.

"We don't prosecute those citations that do not carry a potential for incarceration," said Mike Edmondson, spokesman for the state attorney's office. He said all future cases would be sent to traffic courts or cities to be handled as civil, rather than criminal, violations.

Edmondson said Torres and Morales were the only cases he was aware of that found their way to county court.

Rodriguez said he still wants Lubitz to make a ruling on the law.

"It would at least raise awareness and maybe convince police not to enforce this law until the issues of constitutionality have been resolved," Rodriguez said.

The federal agency will not draft a revised law until next year, Medalen said. Anyone wishing to comment on the law can send opinions to Docket No. FHWA-97-2759, Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh St. S.W., Washington, D.C. 20590-0001.