

QA/28103

Before the
FEDERAL HIGHWAY ADMINISTRATION

DEPT. OF TRANSPORTATION
DOCKET SECTION

97 OCT 27 PM 2:20

49 C.F.R. PART 391
[Docket No. FHWA-97-2759] - 38
RIN 2125-AE19

**English Language Requirement;
Qualifications of Drivers**

**COMMENTS OF THE
UNITED TRANSPORTATION UNION**

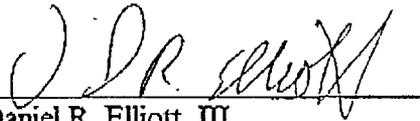
United Transportation Union ("UTU") respectfully submits its comments in opposition to the possible revision to the requirement in 49 C.F.R. § 391.11(b)(2) of the Federal Motor Carriers Safety Regulations that drivers of commercial motor vehicles operated in interstate commerce be able to "read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records." Apparently, this issue was raised by the American Civil Liberties Union who believes that the wording of this requirement might conflict with Title VI of the Civil Rights Act of 1964, which prohibits discrimination in administering federally funded programs based on race and national origin. As a result, the Federal Highway Administration is attempting to modify this regulation by considering the establishment of a set of performance-oriented standards based on tasks a driver is expected to perform which require knowledge of the English language.

UTU, a labor organization which represents approximately 15,000 bus drivers throughout the United States, has some serious concerns about whether a set of performance-oriented standards will in fact eliminate the discrimination issue raised by the present rule. While UTU certainly supports any

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effort to eliminate a discriminatory standard, a set of stricter standards, aimed at persons who do not speak English as their primary language, does not seem to be the way to accomplish this task. Thus, UTU urges the Administration not to change the present rule and to focus any new regulations on the persons who discriminate instead of on the drivers themselves.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "D.R. Elliott III", written over a horizontal line.

Daniel R. Elliott, III
Assistant General Counsel
United Transportation Union
14600 Detroit Avenue
Cleveland, Ohio 44107
(216) 228-9400