

QA 28108



**PETROLEUM  
MARKETERS  
ASSOCIATION OF  
AMERICA**

DEPT. OF TRANSPORTATION  
DOCKET SECTION

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Docket Clerk  
U.S. DOT Dockets  
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Washington, DC 20590-2759

RE: Docket No. FHWA-97-2759 - 39  
English Language Requirement

The Petroleum Marketers Association of America (PMAA) appreciates the opportunity to comment on the driver English language requirement. PMAA is a trade association that represents over 9,000 small business marketers of petroleum products nationwide. Collectively, these marketers sell nearly half the gasoline, over 60% of the diesel fuel and approximately 85% of the home heating oil consumed in the U.S. annually. Most of the marketers PMAA represents haul all of their own products.

PMAA is opposed to any effort to relax the driver English requirement of 49 CFR 391.11(b)2 of the Federal Motor Carrier Safety Regulations. PMAA believes that the welfare of the general public, as well as that of the petroleum industry, will be better served by maintaining the current English language requirements.

As technology increases for example, more and more traffic safety matters are being communicated to drivers by electronic signage posted on prop-boards or below bridges. This communication is generally done in English text, not by symbol, and give direction unique to specific situations. Such a mechanism would not convey any message to a non English speaking individual.

Drivers who are reasonably suspected by enforcement officials to not meet the English language requirement should be subject to a performance based test that examines the functional communication/comprehension ability necessary to ensure safety. As discussed in the ANPRM, the Federal Highway Administration (FHWA), should move forward to simply establish a set of performance oriented standards based on tasks a driver is expected to perform which require knowledge of the English language. PMAA believes that the development of such standards works within the bounds of the current rule, requiring no changes for 49 CFR 391.11

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Additionally, PMAA believes that a violation of 391.11, as finding by a performance oriented test may indicate, should invalidate a drivers CDL and require immediate notification to the driver's employer. In such an instance the employer will immediately take the driver out of service (or terminate employment) as it is the employers' responsibility to employ drivers proficient with the English language.

PMAA members take the safe transportation of hazardous materials very seriously, as this constitutes a large portion of their small family owned business operations. As such, PMAA respectfully opposes any change to the English Language Rule yet we do endorse the development of performance based standards designed to enforce the current rule requirement.

Respectfully Yours,

A handwritten signature in cursive script that reads "K. E. Manos".

Kristen E. Manos  
Government Affairs Counsel