

QA 28127

# AMERICAN TRUCKING ASSOCIATIONS



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Safety Department  
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October 27, 1997

Docket Clerk  
U.S. DOT Dockets Room, PL-401  
499 Seventh Street, SW  
Washington, DC 20590-0001

Re: Docket No. FHWA-97-2759-41  
English Language Requirement;  
Qualifications of Drivers

Dear Sir/Madam:

American Trucking Associations (ATA) with offices at 2200 Mill Road, Alexandria, VA 22314, files these comments in response to the above-captioned Advance Notice of Proposed Rulemaking (ANPRM) and Request for Comments (62 Fed. Reg. 45200, August 26, 1997).

DEPT. OF TRANSPORTATION  
INFORMATION SERVICES  
97 OCT 27 PM 3:01

### Statement of Interest

ATA is a federation with an affiliated association in each state. With more than 4500 direct members, plus more than 30,000 members of affiliated state associations and the members of ATA Conferences comprised of specialized types of motor carrier operations ATA, in the aggregate, represents every type and class of motor carrier operation in the nation, for-hire and private, from the largest fleet to owner-operators with a single unit.

ATA has submitted comments to the Federal Highway Administration (FHWA) on all aspects of the Federal Motor Carrier Safety Regulations (FMCSRs), including issues pertaining to the qualifications of drivers.

### The Trucking Industry's Position

The issues raised in the subject Notice were presented to the members of the ATA Safety Management Council attending that organization's recent annual meeting. Council members voted unanimously that ATA should support retention of the present provisions of §391.11(b)(2).

The matter received a great deal of attention and many of those present stated that there is a growing problem of immigrants from many parts of the world, including former Soviet-bloc countries, seeking driving jobs, who do not have an adequate command of English to safely perform all aspects of their job.

Problems cited by motor carrier safety professionals included: difficulties of communication between their drivers and customers; drivers who got lost for extended periods because of the inability to read a map, or solicit assistance from people along the way; difficulties in communicating with the supervisors and managers of the motor carrier; the inability to cooperate with investigating officers, and emergency responders in the event of an accident or hazardous materials incident.

Instances were cited in which drivers were found to be transporting family members, other relatives, or friends as interpreters. Because this was being done without proper authorization of the carrier these persons were unauthorized passengers.

In efforts to deal with the problem, many safety directors have indicated that they are calling the attention of their driver recruiters to the provisions of §391.11(b)(2) and warning them of the need for job-applicants to have a command of English. Carriers are also beginning to devise tests for use in their selection programs. A sample of the test developed by one motor carrier is attached.

Specific instances of problems stemming from a driver's inadequate knowledge of English brought to ATA's attention are:

- o A French-Canadian driver was observed parked on a residential street by a member of the ATA staff who sought to provide assistance. The driver responded only in French despite being advised that the staff member did not understand the language. When the staff member started to walk away, the driver called to him, in English, to wait and then produced a shipping paper. Noting the nearby address of the consignee, the driver was safely led to his destination. Without the level of concern and patience of the staff member, this driver could have spent untold hours driving around on local streets unsuitable for truck travel while seeking his destination.
- o A Russian-born driver was involved in an accident. Because of the driver's inability to communicate, the nature and seriousness of the situation could not be readily determined. By the time the issue was resolved, the carrier found itself unable to comply with post-accident testing requirements. The investigating officer also reported to the carrier on the extreme difficulty of communicating with the driver.
- o A driver who was a native of a Central American country sustained a hazardous materials spill. He contacted a carrier safety representative who was unable to communicate sufficiently to ascertain the nature and seriousness of the situation, the material spilled, or to provide advice and instructions.

## Other Considerations

**Issue #1: A basic understanding of safety-related information in English is an essential job function of the commercial vehicle driver.**

**Discussion:** A commercial vehicle driver must be able to understand basic safety-related information in English because of the size and weight of commercial vehicles and the potential for death, injury and substantial property damage. The present provisions of the FMCSRs prescribe the relevant parameters while affording carriers the latitude to establish additional requirement appropriate to their particular type of motor carrier operation, e. g. the driver of a dump truck operating at local construction sites may not need as high a level of comprehension of English as the driver transporting hazardous materials in multiple states.

Traffic signs represent an area in which comprehension of English is essential. At this time, traffic signs in the United States are a mix of pictographs (which are commonly identical or similar to those in other countries) and signs with verbal messages. In many cases a pictograph on a major highway will convey the same warning as a sign with a verbal message still in place on a secondary highway. The driver who responds to the pictograph warning, but ignores the same warning in a verbal message presents a hazard to himself and the public.

With the increasing use of Intelligent Transportation System (ITS) technology, there is a growing use of changeable message signs to convey important information about road conditions, detours, and other hazards. The messages on these signs are invariably in English. In many cases the length of the message requires presentation in a multi-phase format. In a distance of 750-1200 feet, the driver must read a message presented in two or three parts, mentally put the segments together in the proper sequence to make sense of the message, and then adjust driving appropriately. The driver with an inadequate command of English will have a difficult time accomplishing this task.

**Issue #2: The Relationship to NAFTA and Existing International Reciprocity Agreements on Commercial Driver Licenses.**

**Discussion:** The trucking industry strongly supports the North American Free Trade Agreement (NAFTA), and is aware of the efforts of the Land Transportation Standards Subcommittee (LTSS) to establish harmonization of safety regulations between the United States, Canada and Mexico including matters pertaining to the qualifications of drivers. It is our understanding that progress is being made in resolving the

issues. When implemented, we expect that drivers of commercial vehicles in international commerce will be subject to any new standards put in place based on recommendations of the LTSS.

The trucking industry is also aware of the reciprocity agreements in effect between the United States, Canada and Mexico with respect to Commercial Driver Licenses. Many carriers are able to effectively utilize this reciprocity.

**ATA Recommendation:** FHWA must not take any action in this matter which will: unnecessarily delay the free movement of commercial vehicles in international transportation under NAFTA; change existing reciprocity agreements with respect to holders of Commercial Driver Licenses; or, lead to retaliatory action by any country or its political subdivisions.

**Issue #3: Expedited Development of Multi-Lingual Information for Drivers in International Commerce.**

**Discussion:** Transport Canada has taken the lead in this area with the publication of a booklet distributed by the Canadian Trucking Association. This booklet focuses on traffic signs in the U.S., Canada and Mexico, but also provides basic information on the principle traffic regulations of border states, provinces and Mexico. We are aware that a similar information piece is being developed by FHWA's Office of Safety, and we understand that Mexico is also developing such material.

**ATA Recommendation:** The ultimate goal should be the development of a single multilingual information brochure for drivers operating in international commerce covering such essential information for each country as:

- o Traffic signs and pavement markings, including examples of changeable message signs.
- o Principal rules of the road.
- o Vehicle requirements which the driver needs to know including vehicle condition reporting and inspection requirements.
- o Hours of service regulations and related recordkeeping requirements.
- o Metric/English equivalents for speed limits; distances; sizes and weights; vertical clearances.
- o Class/division names and numbers; and, English/metric thresholds for placarding of vehicles.

### Conclusions and Recommendations

- o Safety professionals in the trucking industry are aware of the growing problem of driver-applicants with an inadequate knowledge of English and are taking steps to deal with it.
- o The trucking industry supports retention of §391.11(b)(2) in essentially its present form. As written, it sets the basic safety-related parameters of the knowledge of English and affords the latitude for carriers to set additional requirements suited to their particular operations. Because many traffic signs no longer carry verbal messages, we suggest deletion of the phrase, ". . . in the English language," as it refers to traffic signs and signals.
- o FHWA should take no action which will unnecessarily delay international transportation by motor carriers under NAFTA, interfere with existing reciprocity agreements, or trigger retaliatory action against drivers by any country or its political subdivisions.
- o FHWA should expedite completion of its own multilingual informational material for drivers and proceed to work with other nations to develop a single publication for all drivers in international transportation.

ATA appreciates the opportunity to comment on these issues. Our staff would be pleased to answer any questions the agency may have, or to further discuss relevant matters.

Respectfully submitted,



Neill Darmstadter  
Senior Safety Engineer  
703-838-1850

**QUALIFICATION ENTRY EXAM**

Contractor Name: \_\_\_\_\_ Date \_\_\_\_\_

Social Security #: \_\_\_\_\_ Unit #: \_\_\_\_\_

WRITTEN TEST \_\_\_\_\_ PASSED \_\_\_\_\_ RETEST \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ROUTING TEST \_\_\_\_\_ PASSED \_\_\_\_\_ RETEST \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RETEST _____	PASSED _____	RETEST _____	DATE _____
RETEST _____	PASSED _____	RETEST _____	DATE _____
RETEST _____	PASSED _____	RETEST _____	DATE _____

APPROVED BY: \_\_\_\_\_  
SIGNATURE DATE

=====-Messages=====

\*WE HAVE A LOAD FOR YOU AS FOLLOWS\*

PRO #: 97-0079922 DISPATCHER CS

READY 09/09/97 AT 09:28 ET

SHIPPER:DAYTON PHOENIX GROUP

ADDRESS:1619 KUNTZ RD

ADDRESS:TIL 1500ET

CITY DAYTON

STATE OH

PLANT#

DOCK#

PHONE# (937) 496-3932 EXT

CONSIGNEE:GM ELECTROMOTIVE MCCOOK

ADDR: 55TH ST & EAST AVE

ADDR: DEL 0730ET 9/10

CITY LA GRANGE

STATE IL

PLANT#

DOCK#

PHONE# (708) 387-6308 EXT

LBS 4000 CONTAINER 5 STACK N

MILES 284 HAZARDOUS LOAD Y/N: N

DELIVERY INFO: \*DEL 0730ET 9/10\*

CS

DOD LOAD Y/N: CS LOAD Y/N:

YOU MUST REPLY WITH A 7 OR 8

\*\*\*ALL TIMES ARE IN MILITARY FORMAT\*\*\*

=====-=====

**ALL ANSWERS TO THIS TEST ARE LOCATED ON  
EITHER THE ATTACHED LOAD OFFER OR IN YOUR  
ATLAS. YOU HAVE 10 MINUTES TO COMPLETE THE  
TEST. PLEASE, NO TALKING.**

**1. WHAT CITY WILL YOU DELIVER THE FREIGHT TO?**

**2. HOW MANY MILES FOR THIS LOAD?**

**3. WHAT COMPANY DO YOU PICK THIS LOAD AT?**

**4. WHAT IS THE DATE AND TIME SCHEDULED TO  
DELIVER?**

**USING THE ATLAS WRITE OUT THE MAIN ROUTES  
THAT YOU WILL FOLLOW TO DELIVER THIS LOAD.  
LIST MAIN ROUTES ONLY.**