

QA 28595

Memorandum

U.S. Department
of Transportation
**Federal Highway
Administration**

Subject: FHWA Docket No. 97-2759-50

Date: November 4, 1997

From: State Director
Office of Motor Carriers
Albany, New York

Reply to
Attn. of: HMC-NY

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

DEPARTMENT OF TRANSPORTATION
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DOCKET SECTION

Attached for your information are comments forwarded to this office by the New York State Police.

Brian K. Temperine
for Brian K. Temperine

Attachment

3 pgs



NEW YORK STATE POLICE
BUILDING 22
1220 WASHINGTON AVE.
ALBANY, N.Y. 12226-2252

JAMES W. MCMAHON
SUPERINTENDENT

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N.Y. DIVISION
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October 29, 1997

FAA-97-2759-50

Mr. Brian K. Temperine
State Director
Federal Highway Administration
Office of Motor Carriers
Leo W. O'Brien Federal Building, Room 952
Albany, New York 12207

Dear Mr. Temperine:

Thank you for your recent letter advising the New York State Police of the Advanced Notice of Proposed Rulemaking on English Language Requirement; Qualification of Drivers (Docket No. FHWA-97-2759)-50

The New York State Police would welcome a change in language contained in 49CFR 391.11(b) to provide performance based criteria in order to establish compliance with the regulation. The current ambiguity of the regulatory language that applies to this section makes it most difficult to enforce on the roadside.

At issue is the fundamental question as to whether an operator at the controls of a vehicle during a roadside inspection can understand the commands of an inspector. Often these commands are issued by an inspector from the underside of the truck. It is imperative the operator clearly understand the inspector in order to ensure the safety of both.

A secondary and perhaps more broad safety issue relating to the English comprehension issue is the circumstances that arise when an operator encounters a highway construction project that is equipped with a variable message board. Often times these message systems relay timely, critical, safety information for the traveling public and the highway worker in the site. Even at reduced construction site speeds, the time needed to accurately process the message is short. Therefore it is extremely important the operator understand the message almost intuitively.

Perhaps when determining how to measure English comprehension, the FHWA should consider specific phrases and words commonly used during an inspection and on road signs. Additionally, include a means to differentiate between the imperative and optional, ie. "must and may."

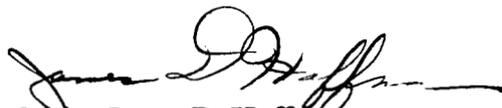
Mr. B. K. Temperine

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I trust the FHWA will consider safety the issue in this rulemaking. Thank you for the opportunity to comment on this very important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Hoffman", with a long horizontal flourish extending to the right.

Major James D. Hoffman
Director, Traffic Services