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April 10, 2001

Docket No. FMCSA-2000-7017 - 15
U.S. Department of Transportation
Dockets Management Facility
Room PL-401
400 Seventh Street, SW
Washington, DC 20590

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DEPT OF TRANSPORTATION

The League of United Latin American Citizens (LULAC) submits the following comments concerning the proposed rule to apply the federal motor carrier safety regulations (except CDLs and drug and alcohol testing) to commercial vans carrying 9 or more passengers in interstate commerce when the van operators are being directly compensated for that transportation and are carrying one or more passengers at least 75 miles.

LULAC is the largest and oldest Hispanic organization in the country. With more than 115,000 members in virtually every state, LULAC has received many complaints about the unsafe commercial vans being used to transport Hispanic Americans throughout the southwest. We have grave concerns about the extremely large number of unnecessary deaths of Hispanic Americans that have occurred on the road due to unsafe commercial vans.

Increasingly, residents and migrants at the Southwest border are using vans, known as camionetas to travel long distances into the interior of the U.S. These camionetas are often dilapidated and overcrowded, giving rise to an increase in accidents. The truth is, loved ones are dying because of worn tires, shoddy brakes, lack of safety equipment, and a single driver that generally logs more than 12 hours in a given day.

Although there may be relatively minor differences between van operations and bus operations, van and bus operations are much more similar than bus and truck operations. We fully agree with the FMCSA conclusion that "the van operations that would be regulated have similar operational characteristics as intercity motor coach businesses and should be required to meet similar standards of safety".

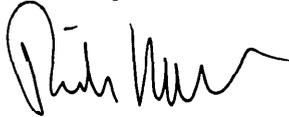
On the migrant worker issue, we absolutely agree that vans carrying migrant workers should not be subject to lesser safety standards than those imposed on other commercial vehicle operators. There is simply no basis for allowing commercial van operators carrying migrant workers to have a lesser safety standard than that imposed on commercial buses carrying migrant workers or other commercial van service.

We agree with the FMCSA's proposal to require that in order to participate in MCSAP, states adopt compatible regulations for interstate commercial vans, but not to required compatible regulations for intrastate operations. There should be uniform regulation of interstate services, but the states should have the discretion to have differing intrastate standards.

There are hundreds of documented incidents of this type, with the overwhelming majority involving Hispanics. In the spirit of equity, justice and public safety, it is time to correct this problem.

We appreciate the opportunity to comment on this proposed rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Dovalina", with a stylized flourish at the end.

Rick Dovalina
LULAC National President