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DEPT. OF TRANSPORTATION
DOCKETS

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June 11, 2001

Ms. Julie Anna Cirillo, Acting Deputy Administrator
Federal Motor Carrier Safety Administration
c/o Docket Clerk
U.S. DOT Dockets
Room PL-401
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

FMCSA-1998-3297-23
3298-18
3299-19

Re: Docket No. FMCSA-98-3297 Revision of Regulations and Application Form for Mexican-Domiciled Motor Carriers to Operate in U.S. Municipalities and Commercial Zones on the U.S.-Mexico Border; Docket No. FMCSA 98-3298 Application by Certain Motor Carriers to Operate Beyond U.S. Municipalities and Commercial Zones on the U.S.-Mexico Border; Docket No. FMCSA 98-3299 Safety Monitoring System and Compliance Initiative for Mexican Motor Carriers Operating in the United States

Dear Ms. Cirillo:

The International Brotherhood of Teamsters (IBT), the Amalgamated Transit Union (ATU), and the Transportation Trades Department, AFL-CIO (TTD), hereby jointly request that the comment periods in the above-referenced dockets be extended for sixty days, until September 2, 2001. The Notices of Proposed Rulemaking for each of these dockets was published in the Federal Register on May 3, 2001 and provided only 60 days for the filing of comments. As discussed more fully below, this 60-day comment period is clearly inadequate and should be extended.

The May 3, 2001, Notices of Proposed Rulemakings acknowledge that the proposed rules represent a "significant regulatory action" that are likely to "generate considerable public interest." Without question, the proposed rules address a highly controversial matter, i.e. the opening of the U.S.-Mexico border to Mexican domiciled motor carriers. The primary reason for the controversy is the very serious and significant safety and environmental concerns presented by opening the border to thousands of Mexican motor carriers. The IBT and ATU members who spend a great deal of time driving on our nation's highways will be particularly impacted by the border opening.

Transportation Trades Department, AFL-CIO

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The IBT, ATU and the TTD intend to file comments in these three proceedings. However, the individuals who are involved in the preparation of those comments need additional time to formulate their filings.

In this regard, most of the IBT's attention is now being devoted to planning for the quinquennial (once every five years) IBT convention, which is scheduled to take place from June 24th to June 30th in Las Vegas, Nevada. Even more time consuming is the preparatory work of the Convention committees, which begin meeting in Las Vegas as early as June 10th and work through June 23rd. The IBT officers and Local Union officials, including representatives of the Freight, Small Package, Automobile Transporter Industry and Tank-haul Divisions, to name a few, are members of various committees meeting before the convention. Senior IBT employees from the Safety and Health, Research and Government Affairs Departments are all designated to staff these pre-convention committees. Many of these officers and staff are the very people who are responsible for contributing to the comments submitted by the IBT in these important rulemakings. The time needed to prepare for this important convention and the necessity for them to attend the convention prevents them from devoting time to the issues presented by the subject rulemakings. Given the importance of these rulemaking proceedings, an extension is needed to enable the IBT to have the necessary time to prepare comments that will be of assistance to the FMCSA.

Additionally, many of the IBT's and ATU's members have expressed an interest in the FMCSA's proposals. These individuals require guidance on how to respond, where to file, etc. Again, however, because of the obligations of the IBT staff in the planning and attending of the convention, they cannot adequately communicate with their members and respond to their inquiries. In fact, the upcoming annual convention creates a unique opportunity for communication with IBT members about this important issue. A reasonable extension of the comment period to a date after the convention is therefore appropriate.

It also should be noted that the report of the Department's Office of the Inspector General's (OIG), entitled, "Interim Report on Status Implementing the North Atlantic Free Trade Agreement's Cross-Border Trucking Provisions," was only recently issued. This report has considerable relevance to the FMCSA's proposed rules and some further time is required to consider and analyze that report.

A 60-day period for comments in these proceedings is unduly short and inadequate. A proposed rulemaking pertaining to commercial driver's license requirements issued shortly after the rulemakings herein provided for a 90-day comment period. 66 F.R. 22499. While that is also an important proceeding, it will not require the same time and attention to prepare comments as will be needed for the three proceedings on Mexican motor carriers. (*See also*, Safety Requirements for Operators of Small Passenger-Carrying Commercial Motor Vehicles Used in Interstate Commerce, 66 F.R. 2767, which

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provided for a 90-day comment period.) A 90-day comment period in those two proceedings clearly supports a comment period of at least 120 days for the rulemakings herein involved.

For all the foregoing reasons, the IBT, the ATU and the TTD respectfully request that a 60-day extension, up to and including, September 2, 2001, be granted. Even with that extension of time, commenters like the IBT, the ATU and the TTD, which must communicate with numerous members in order to respond to the proposed rules, will be hard pressed. If the requested extension is not granted, the IBT, ATU, TTD and other organizations representing various interested parties may be denied the opportunity to provide meaningful comments.

Thank you for your careful consideration of our request.

Respectfully submitted,



Michael E. Mathis
Director, Government Affairs
International Brotherhood
of Teamsters



Edward Wytkind
Executive Director
Transportation Trades
Department, AFL-CIO



Robert Molofsky
General Counsel
Amalgamated Transit
Union