

QA 29259



DEPARTMENT OF TRANSPORTATION

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DOCKET SECTION

November 21, 1997

Dockets Clerk  
U.S. Department of Transportation  
Room PL-401  
400 7<sup>th</sup> Street, S.W.  
Washington, D.C. 20590-0001

Re: Docket No. FHWA-97-2759 - 53

Dear Sir/Madam:

Attached please find comments submitted by the Transportation Trades Department, AFL-CIO (TTD), regarding the above referenced docket. While I recognize that the deadline for this submission has passed, we hereby respectfully request that our comments be made a part of the Record given the importance of this issue to TTD's affiliated unions.

Thank you in advance for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', is written over a large, circular scribble.

Edward Wytkind  
Executive Director

Attachments

4 pgs

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Ron Carey, President  
Sonny Hall, Secretary-Treasurer  
Edward Wytkind, Executive Director



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U.S. Department of Transportation  
Room PL-401  
400 7<sup>th</sup> Street, S.W.  
Washington, D.C. 20590-0001

Re: Docket No. FHWA-97-2759

Dear Sir/Madam:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I write to express our opposition to a proposal under consideration by the Federal Highway Administration (FHWA) to modify 49 C.F.R. § 391.11. Attached please find a list of our 29 affiliated unions. The proposed modification of the English language requirement would substantially reduce requirements applicable to drivers of commercial motor vehicles, thereby exposing highway users including the traveling public to unnecessary safety hazards.

Currently, commercial motor vehicle drivers must be able to read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries and to make entries on reports and records. These requirements are intended to establish measurable standards of safety to protect highway users from unnecessary hazards.

The American Civil Liberties Union (ACLU), however, has questioned whether these requirements are in conflict with Title VI of the Civil Rights Act of 1964, which prohibits discrimination in the administration of federally funded programs based on race and national origin. In response, the FHWA proposes to relax this important regulation to require that drivers of commercial motor vehicles simply possess a basic understanding or "working knowledge" of the English language.

While transportation labor joins those who oppose discrimination, and in fact is an ardent opponent of current proposals to wipe out or weaken important civil rights initiatives imbedded in the federal surface transportation programs of the Department of Transportation (DOT), we believe that the concerns of the ACLU are misplaced in the context of transportation safety. This regulation was

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designed to promote safety and protect users of our nation's highways from unnecessary safety risks. The need for these basic language requirements has become especially critical since the Congress approved the North American Free Trade Agreement (NAFTA) which contains land transport provisions.

NAFTA land transport provisions would grant, incrementally, Mexican commercial truck and bus carriers access to the entire United States by the year 2000. While the Clinton Administration chose to postpone implementing those provisions in December 1995, recent statements and news accounts suggest that pressure is building to lift the restrictions even though it is still evident today that the United States is extremely ill-prepared to deal with the massive inflow of Mexican motor carriers onto our nation's highways.

Border enforcement facilities are inadequate to handle the inflow of Mexican motor carriers that in most cases violate safety and equipment standards including hours of service rules and lack adequate insurance. It is important to note that approximately one in four Mexican trucks entering the United States carry hazardous materials. It is therefore critical that these drivers be able to communicate with state authorities during safety inspections, and with shippers and receivers with respect to loading and unloading goods including hazardous materials. And in the event of an accident, the drivers' communications skills become crucial during emergency response.

Clearly, the modifications proposed to the current standards governing English language requirements would interfere with the ongoing efforts of the DOT to ensure that cross-border trade between the U.S., Mexico and Canada does not threaten safety. We note that the FHWA proposal is inconsistent with a resolution adopted in 1995 by Working Group One of the Land Transportation Standards Subcommittee established by the NAFTA, which said "that in recognition of the three countries' language differences it is the responsibility of the driver and the motor carrier to be able to communicate in the country in which the driver/carrier is operating so that safety is not compromised."

On behalf of transportation labor, I urge you to maintain the current English language requirements and reject the proposed modifications to 49 C.F.R. § 391.11.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Wytkind", with a large, stylized flourish at the end.

Edward Wytkind  
Executive Director

# ***TTD AFFILIATES***

***The following labor organizations are members of and represented by the TTD:***

*Air Line Pilots Association  
Amalgamated Transit Union  
American Federation of State, County and Municipal Employees  
American Federation of Teachers  
Association of Flight Attendants  
American Train Dispatchers Department  
Brotherhood of Locomotive Engineers  
Brotherhood of Maintenance of Way Employes  
Brotherhood of Railroad Signalmen  
Communications Workers of America  
Hotel Employees and Restaurant Employees Union  
International Association of Fire Fighters  
International Association of Machinists and Aerospace Workers  
International Brotherhood of Boilermakers, Blacksmiths, Forgers and Helpers  
International Brotherhood of Electrical Workers  
International Brotherhood of Teamsters  
International Longshoremen's and Warehousemen's Union  
International Union of Operating Engineers  
Marine Engineers Beneficial Association  
Professional Airways Systems Specialists  
Retail, Wholesale and Department Store Union  
Service Employees International Union  
Sheet Metal Workers International Association  
Transportation • Communications International Union  
Transport Workers Union of America  
United Brotherhood of Carpenters and Joiners of America  
United Mine Workers of America  
United Steelworkers of America  
United Transportation Union*