

ISSUE NUMBER

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ISSUE NAME

English Proficiency OOSC

STATUS

Open

Driver-Traffic Enforcement Committee

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AGENCY

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Since the 2019 FMCSA guidance which allows Non-Domiciled CDL's an alarming amount of unsafe incidents have been observed by our members. Many of these non-domiciled drivers have had issues understanding basic signs or instructions at truck stops, warehouses and fueling stations. Furthermore there have been known fatal and personal injury collisions and occupational accidents around CMV's as a result of the Commercial Vehicle Driver not being able to comprehend placards, highway signs and emergency instructions.

49 CFR 391.11(b)(2) Clearly states " Can 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" In relation to this rule FMCSA issued Memorandum MC-ECE-2016-006 on English Language Proficiency. Compliance with this regulation can be met through the use of any number of tools and/or resources. Some of these may include, but are not limited to:

- Google Translate.
- I-Speak cards.
- Cue Cards.
- Smart Phone Apps.
- Interpreters (whether in person or by phone).

FMCSA Clearly does not mention understanding highway traffic signs and signals in the English language as part of their memorandum and should not be taken into consideration.

JUSTIFICATION OR NEED

The ability to understand and react to road signs, especially in emergency situations is critical for public and operational safety. The lack of language proficiency has lead to increased accidents due to misunderstandings or misinterpretations of safety instructions and road signage. Supported by the publics expectations a well as current regulatory framework. It is imperative that a driver be placed Out of Service if they can not comply with 49 CFR 391.11(b)(2) sub part

"Can 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"

REQUEST FOR ACTION

Place the following as a Driver Out of Service Violation if they can not comply with 49 CFR 391.11(b)(2) sub part "Can 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"