



September 22, 2008

Mr. David Miller
Docket Management Facility
United States Department of Transportation
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington, D.C. 20590

**Re: Elimination of Route Designation Requirement for Motor Carriers
Transporting Passengers Over Regular Routes; Proposed Rule;
Docket No. FMCSA-2008-0235**

Dear Mr. Miller:

On behalf of the Transportation Trades Department, AFL-CIO (TTD)¹, I urge the Federal Motor Carrier Safety Administration (FMCSA) to withdraw its proposal to eliminate the current requirement that applicants seeking authority to transport passengers over regular routes submit a detailed description and a map of the route(s) over which they propose to operate.

FMCSA must know over what route a motor carrier plans to operate if it is to ascertain whether a motor carrier is capable of operating a route safely. There is a clear difference between what is required to transport passengers over a specific limited route and what is required to do so over a nationwide network. In place of the elimination of these route designation requirements, TTD concurs with the position of the Amalgamated Transit Union (ATU) -- FMCSA should instead establish new procedures to meaningfully assess a carrier's fitness to comply with the regulations before allowing a carrier to operate, or expand its operations, in interstate commerce.

In this proposal, FMCSA asserts that the designation of regular routes is "an administrative requirement based on economic regulation which is considered to have limited safety benefits to the public or the transportation community."² In fact, route designations play a crucial role in enforcing and ensuring compliance with safety regulations. Under current law, a motor carrier cannot register to provide transportation unless it has proved itself willing and able to comply with the safety, fitness, accessibility, and the minimum financial responsibility requirements.³ Without knowing the extent of the regular route of transportation the applicant motor carrier

¹ TTD, which consists of 32 affiliated unions, is the transportation labor umbrella of the AFL-CIO. A complete list of TTD affiliated unions is attached.

² Elimination of Route Designation Requirement for Motor Carriers Transporting Passengers Over Regular Routes, 73 *Fed. Reg.* 45929 (August 7, 2008)

³ 49 U.S.C. §13902(a)(1)

Transportation Trades Department, AFL-CIO

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Edward Wytkind, President • Patricia Friend, Secretary-Treasurer



intends to operate, it is impossible to make a suitable determination because the requirements to operate a specific limited route differ from those necessary to run a nationwide network. If FMCSA does not know the regular route over which the applicant motor carrier intends to operate, it will not adequately be able to determine whether a motor carrier has the necessary qualified vehicles and drivers, the required testing and recordkeeping processes, and the overall safety management controls to operate safely over the routes being sought.

In addition, eliminating the route designations requirements will impede FMCSA inspectors' ability to locate operators for safety audits, inspections, and compliance reviews. Specifically, the Over-the-Road Bus Transportation Accessibility Act of 2007 (Public Law 110-291) requires FMCSA to find that an over-the-road bus company is willing and able to comply with the accessibility requirements prior to granting that company operating authority. Effective oversight of these requirements will be difficult, if not impossible, if routes are unknown.

In recent years, FMCSA has been less than vigilant in its oversight as new entrants have surged into the motor carrier industry. New curbside companies continue to increase their operations in many cities across the country, yet FMCSA has been unable to enforce its own regulations in regard to this part of the industry. The recent emergence of cross-border bus operations has also led to significant concerns about the safety and legality of certain motor carrier operations. In order to regulate this emerging cross border bus industry, FMCSA must know the routes over which these motor carriers operate to assure these cross border carriers are in compliance with safety regulations and are not engaging in cabotage. Given this reality, it is not the time for FMCSA to ease restrictions and oversight in the motor carrier industry.

TTD urges FMCSA to reconsider this proposal to eliminate route designation requirements, and instead propose a new process that includes meaningful examination of a motor carrier's fitness to operate prior to a grant of operating authority.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Wytkind". The signature is somewhat stylized and scribbled.

Edward Wytkind
President

TTD MEMBER UNIONS

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

Air Line Pilots Association (ALPA)
Amalgamated Transit Union (ATU)
American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers (AFT)
Association of Flight Attendants-CWA (AFA-CWA)
American Train Dispatchers Association (ATDA)
Brotherhood of Railroad Signalmen (BRS)
Communications Workers of America (CWA)
International Association of Fire Fighters (IAFF)
International Association of Machinists and Aerospace Workers (IAM)
International Brotherhood of Boilermakers, Blacksmiths, Forgers and Helpers (IBB)
International Brotherhood of Electrical Workers (IBEW)
International Federation of Professional and Technical Engineers (IFPTE)
International Longshoremen's Association (ILA)
International Longshore and Warehouse Union (ILWU)
International Organization of Masters, Mates & Pilots, ILA (MM&P)
International Union of Operating Engineers (IUOE)
Laborers' International Union of North America (LIUNA)
Marine Engineers' Beneficial Association (MEBA)
National Air Traffic Controllers Association (NATCA)
National Association of Letter Carriers (NALC)
National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)
National Federation of Public and Private Employees (NFOPAPE)
Office and Professional Employees International Union (OPEIU)
Professional Aviation Safety Specialists (PASS)
Sailors' Union of the Pacific (SUP)
Sheet Metal Workers International Association (SMWIA)
Transportation · Communications International Union (TCU)
Transport Workers Union of America (TWU)
United Mine Workers of America (UMWA)
*United Steel, Paper and Forestry, Rubber, Manufacturing, Energy,
Allied Industrial and Service Workers International Union (USW)*
United Transportation Union (UTU)