Small Business in Transportation Coalition

November 12, 2026 Via Email & Docket Upload

The Honorable Sean Duffy,

Secretary of Transportation

1200 New Jersey Ave SE

Washington, D.C. 20590

Re: SBTC's Petition for 49 CFR § 383.77 Rulemaking

Dear Secretary Duffy,

This is a PETITION FOR RULEMAKING pursuant to 49 CFR § 389.31.

As you know, the U.S. Department of Transportation offers an "Even Exchange" program, which lets qualified active-duty service members and veterans use their military training on heavy equipment to meet the knowledge requirement for a civilian private sector commercial driver license (CDL). Applicants who qualify, can skip the DMV written permit test.

The Federal program runs alongside state programs such as New York's existing "Military Skills Test Waiver Program," which lets military personnel who are currently licensed, or who operated the military equivalent of a commercial vehicle within the past two years, skip the state CDL road and skills test. In New York, according to the governor's office, more than 40,000 people nationwide have used the skills test waiver since it began, including more than 3,100 New Yorkers.

Because English Language proficiency (ELP) is not enforced in the military with respect to knowledge and skills testing like it is in the civilian private sector under 49 CFR § 391.11, SBTC believes existing Federal regulations codified at 49 CFR § 383.77 should be revised to ensure service members exchanging their licenses are truly engaged in "even exchanges" and are duly qualified to hold CDLs.

Accordingly, SBTC hereby proposes the following paragraph (d) be added to 49 CFR § 383.77:

> *(d) Prior to waiving the CDL knowledge and skills testing requirements pursuant to paragraphs (a) and (b), respectively, of this section, a state shall administer an English Language Proficiency written examination to ensure a prospective licensee is proficient pursuant to 49 CFR § 391.11*.

SBTC commends you and the Department for your zealous enforcement of the English Language Proficiency regulations over the past nearly two years in the interest of public safety, and we believe this proposal compliments those efforts.

Thank you for your consideration.

Sincerely,

/s/ JAMES LAMB

SBTC Executive Director

cc: Hon. Derek Barrs, FMCSA Administrator via email

SBTC Board Members via email

Laurence Socci, Esq. via email