



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Deputy Administrator

1200 New Jersey Ave, SE
Washington, DC 20590

Mr. James Lamb
Executive Director
Small Business in Transportation Coalition
1775 I Street, NW
Suite 1150
Washington, DC 20006

Dear Mr. Lamb:

Thank you for your letter to U.S. Department of Transportation Secretary Pete Buttigieg on behalf of the Small Business in Transportation Coalition (SBTC). In your letter, you raised the SBTC's concerns regarding English proficiency requirements in commercial driver's license (CDL) testing. You expressed SBTC's position that in two of the four fatal crashes cited in your letter, the licensed commercial motor vehicle (CMV) operators' lack of English proficiency was a causal factor. As a result, the SBTC requested that the U.S. Department of Transportation (DOT) initiate a rulemaking to revise 49 CFR § 383.133(b)(3) and amend related Agency guidance to require that the knowledge testing components be administered only in the English language. You further requested DOT "preempt any and all State laws, regulations, policies, and practices . . . that enable CDL knowledge exams to be administered in languages other than English." Your letter was forwarded to the Federal Motor Carrier Safety Administration ("FMCSA" or "Agency") for a response. For the reasons discussed below, the SBTC's petition for rulemaking, a change in guidance, and preemption request are denied.

As noted in your letter, the Federal Motor Carrier Safety Regulations (FMCSRs) require that drivers "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." 49 CFR 391.11(b)(2). The FMCSRs further establish language standards for CDL testing conducted by the States. For skills tests, "[a]pplicants must be able to understand and respond to verbal commands and instructions in English by a skills test examiner." The applicant and examiner may not communicate in a language other than English during the skills test, and interpreters are prohibited during the skills test administration. *Id.* § 383.133(c)(5). The knowledge tests, however, may be administered in a non-English language, provided no interpreter is used in administering the test. *Id.* § 383.133(b)(3).

As explained above, Agency regulations already require that CMV drivers have a certain level of English proficiency, and require that States administer the skills test in the English language. After careful review and consideration of your letter, FMCSA continues to believe that there is no quantifiable data that would justify also requiring the administration of knowledge testing exclusively in English. Accordingly, the Agency denies SBTC's petition for a rulemaking that would propose amending Section 383.133(b)(3) to only permit English-language knowledge testing.

Your request for a change in related Agency guidance, as well as preemption of any state regulations allowing foreign language knowledge testing, is predicated upon your requested change in Section 383.133(b)(3). Because the Agency has denied your rulemaking request, there is no basis for the Agency to make a preemption determination or amend its current guidance regarding Section 383.133(b)(3), and FMCSA therefore also denies those requests.

I hope this information is helpful. If you or members of your staff need additional information or assistance, please contact Larry Minor, Associate Administrator for Policy, at larry.minor@dot.gov.

Sincerely,

A handwritten signature in blue ink that reads "Robin Hutcheson". The signature is written in a cursive style with a long horizontal flourish at the end.

Robin Hutcheson
Deputy Administrator