



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

November 6, 2025

The Honorable Derek D. Barrs
Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
6th Floor, West Building
Washington, DC 20590-9898

RE: Requesting Public Release of FMCSA Enforcement Policy: English Language Proficiency Under 49 CFR § 391.11(b)(2) (MC-SEE-2025-0001)

Dear Administrator Barrs,

On behalf of the members of the Commercial Vehicle Safety Alliance (CVSA), I am writing to request that the Federal Motor Carrier Safety Administration (FMCSA) publicly release the agency's enforcement guidance document related to evaluating a driver's compliance with the English language proficiency requirements in 49 CFR § 391.11(b)(2), FMCSA Enforcement Policy: English Language Proficiency Under 49 CFR § 391.11(b)(2) (MC-SEE-2025-0001).

CVSA is a nonprofit organization comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to prevent commercial motor vehicle crashes, injuries and fatalities and believes that collaboration between government and industry improves road safety and saves lives. Our mission is to improve commercial motor vehicle safety and enforcement by providing guidance, education and advocacy for enforcement and industry across North America.

On May 20, CVSA received a non-redacted version of the enforcement guidance document related to evaluating a driver's compliance with the English language proficiency requirements in 49 CFR § 391.11(b)(2), FMCSA Enforcement Policy: English Language Proficiency Under 49 CFR § 391.11(b)(2) (MC-SEE-2025-0001). The memo was transmitted to the U.S. CVSA lead agency contacts, for dissemination to the agencies' commercial motor vehicle enforcement personnel. In addition, FMCSA made a redacted version available to the motor carrier community and the general public.

CVSA is requesting that the agency make the non-redacted version of the enforcement guidance document available publicly. Doing so will improve transparency and better inform the motor carrier community of how to ensure their drivers comply with the English language proficiency requirements in 49 CFR § 391.11(b)(2). Releasing

the non-redacted version of the enforcement guidance document would have a positive impact on compliance and roadway safety by providing the motor carrier community with the information they need to understand the regulations and how compliance is defined. It will also help enforcement to educate and provide guidance to drivers and motor carriers when questions arise.

While it is appropriate at times to redact specific information in an enforcement plan – such as times or locations of targeted enforcement activities – the bar against which compliance will be measured should not be withheld from the motor carrier industry. CVSA has heard frequently from our colleagues in the motor carrier industry that they need to know how enforcement is evaluating compliance with the English language proficiency requirements in 49 CFR § 391.11(b)(2) so they can apply that same standard to their drivers and can properly design their own compliance, onboarding and training programs for drivers to meet the standard.

Releasing the non-redacted version of the memo aligns with the agency's recent directive to the state jurisdictions regarding legal sufficiency standards. The memo emphasizes the importance of and need for transparency and equitable enforcement for the transportation industry. Withholding details regarding how enforcement is evaluating compliance with the English language proficiency requirements in 49 CFR § 391.11(b)(2) fails to provide that transparency to industry.

Furthermore, releasing the non-redacted version of the document would help avoid misinformation from circulating, preventing false or inaccurate versions from circulating and further undermining the motor carrier industry's understanding of this regulatory requirement.

CVSA works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our highways. Commercial motor vehicle safety continues to be a challenge and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions. We appreciate the agency's consideration of this request to improve roadway safety through improved transparency and understanding of the regulatory expectations of the commercial motor vehicle industry.

If you have questions or comments, please do not hesitate to contact me at 202-998-1008 or collin.mooney@cvsa.org.

Respectfully,

A handwritten signature in black ink, appearing to read 'Collin B. Mooney'.

Collin B. Mooney, MPA, CAE
Executive Director
Commercial Vehicle Safety Alliance