

Written Testimony of

Wendy Liu
Attorney, Public Citizen Litigation Group

before the

U.S. House of Representatives Committee on Homeland Security
Subcommittee on Oversight, Investigations, and Accountability

March 4, 2026, hearing on “Highway Safety Under Threat: Examining Non-Domiciled CDL Issuance to Illegal Aliens”



Dear Chairman Brecheen, Ranking Member Thanedar, Members of the Subcommittee:

Thank you for the opportunity to testify today. I am Wendy Liu, an attorney with Public Citizen Litigation Group. Public Citizen Litigation Group is the litigating arm of Public Citizen, a consumer advocacy organization with members in every state. We represent the petitioners challenging the rule recently issued by the Federal Motor Carrier Safety Administration that would prohibit documented immigrants, with legal authorization to work in the United States and legal authorization to be present in the United States, from holding commercial driver's licenses.

As we all agree, highway safety is of critical importance. Trucking crashes on the nation's roads take many lives, each one a tragedy for family and friends. For that reason, Public Citizen has for decades advocated for strong rules addressing the hours of service that truckers may drive each day or week, and for meaningful truck-driver training. Limitations on driving hours and requirements for training are proven measures to improve highway safety.

But barring people with lawful work authorization, who have obtained their commercial driver's licenses by completing the required driver training and passing the required tests, including skills tests administered in English, will not make our roads safer. Doing so will replace more experienced drivers with less experienced ones and potentially increase the number of tired drivers on the road. It will exacerbate a well-documented truck-driver shortage, thereby harming our economy. And it will harm state and local governments, and the people they serve, who depend on these drivers for essential public services, including public transportation, school buses, highway and road maintenance, utility services, and disaster response.

We all need to understand that, under current law, no undocumented person—no “illegal alien”—can hold a commercial driver's license. Every DACA recipient, asylee, or refugee who holds a non-domiciled commercial driver's license has been issued an Employment Authorization Document, by the Department of Homeland Security's U.S. Citizenship and Immigration Services, authorizing that person to work in the United States. And every person issued a commercial driver's license in this country—noncitizens and citizens alike—must go through the exact same training and pass the exact same tests. And every person issued a commercial driver's license must demonstrate English proficiency and pass driving tests administered in English.

These requirements likely explain why the Department of Transportation has no data showing that noncitizens cause more crashes than U.S. citizens. And although the Federal Motor Carrier Safety Administration has identified 17 examples of crashes in 2025 that it says *likely* involved a noncitizen, there are on average 4,000 fatal crashes each year. Seventeen is less than one percent of that number.

Every fatal crash is a tragedy. But prohibiting noncitizens from driving trucks and buses will not improve highway safety. It will, however, destroy the livelihoods of thousands of individual drivers and their families, who depend on these licenses to pay for groceries, utilities, and other basic expenses. It will harm hundreds of thousands of people across the country, harm the economy, and harm the public.

I. No evidence supports the assertion that barring immigrants from holding commercial driver’s licenses will improve safety.

No studies or empirical data show that noncitizens cause more crashes than citizens. The Federal Motor Carrier Safety Administration (FMCSA) has conceded that it cannot “estimate quantitatively the risk associated with non-domiciled [commercial driver’s license] holders.”¹ To quote the agency: “There is not sufficient evidence ... to reliably demonstrate a measurable empirical relationship between the nation of domicile for a [commercial driver’s license] driver and safety outcomes in the United States such as changes in frequency and/or severity of crashes or changes in frequency of violations.”²

FMCSA has identified 17 examples of crashes that it says *likely* involved drivers with non-domiciled commercial driver’s licenses.³ To do so, FMCSA “review[ed] reports of fatal crashes that occurred in 2025 individually, cross-reference[d] driver information from these databases along with other available information, and reach[ed] out to the [state licensing agencies] for details about each driver to determine whether each crash was in scope”—that is, whether the driver had a non-domiciled commercial driver’s license—and then asked the Department of Homeland Security for information about the driver’s immigration category.⁴ In other words, FMCSA apparently perused a list of thousands of fatal crashes involving trucks in 2025, and identified only seventeen with a “substantial likelihood” of involving a driver with a non-domiciled commercial driver’s license.⁵

The most recent publicly available statistics show that there were approximately 4,000 fatal large truck and bus crashes involving drivers with commercial driver’s licenses in 2023.⁶ So, the 17 crashes that FMCSA has identified comprises less than one percent of crashes involving people with commercial driver’s licenses.

That no empirical evidence supports the notion that noncitizens are less safe is not surprising because the testing and training processes to obtain commercial driver’s licenses are identical for U.S. citizens and noncitizens alike. The standards for commercial driver’s licenses

¹ FMCSA, Final Rule, 91 Fed. Reg. 7044, 7099 (Feb. 2026).

² FMCSA, Interim Final Rule, 90 Fed. Reg. 46509, 46520 (Sept. 2025).

³ 91 Fed. Reg. 7065.

⁴ 91 Fed. Reg. 7065 & n.35.

⁵ 91 Fed. Reg. 7065.

⁶ FMCSA, Crash Statistics, [https://ai.fmcsa.dot.gov/CrashStatistics?](https://ai.fmcsa.dot.gov/CrashStatistics?tab=Driver&type=&report_id=36&crash_type_id=1&datasource_id=2&time_period_id=2&report_date=2023&vehicle_type=1&state=AllStates&domicile=ALL&measure_id=1&operation_id=null)

[tab=Driver&type=&report_id=](https://ai.fmcsa.dot.gov/CrashStatistics?tab=Driver&type=&report_id=36&crash_type_id=1&datasource_id=2&time_period_id=2&report_date=2023&vehicle_type=1&state=AllStates&domicile=ALL&measure_id=1&operation_id=null)

[36&crash_type_id=1&datasource_id=2&time_period_id=2&report_date=2023&vehicle_type=1&state=](https://ai.fmcsa.dot.gov/CrashStatistics?tab=Driver&type=&report_id=36&crash_type_id=1&datasource_id=2&time_period_id=2&report_date=2023&vehicle_type=1&state=AllStates&domicile=ALL&measure_id=1&operation_id=null)

[AllStates&domicile=ALL&measure_id=1&operation_id=null](https://ai.fmcsa.dot.gov/CrashStatistics?tab=Driver&type=&report_id=36&crash_type_id=1&datasource_id=2&time_period_id=2&report_date=2023&vehicle_type=1&state=AllStates&domicile=ALL&measure_id=1&operation_id=null) (Driver License Status Crash

Statistics). FMCSA statistics for calendar year 2025 state that there have been 3,996 fatal crashes involving large trucks and buses, but these statistics do not provide breakdowns by CDL status.

FMCSA, Crash Statistics,

https://ai.fmcsa.dot.gov/CrashStatistics?tab=Summary&type=&report_id=1&crash_type_id=4&datasource_id=1&time_period_id=2&report_date=0&vehicle_type=2&state=NAT&domicile=ALL&measure_id=1&operation_id=null.

(for U.S. citizens and permanent residents) are identical to the standards for non-domiciled commercial driver's licenses (for documented immigrants who are authorized to work in the United States). And the requirements to obtain commercial driver's licenses are extensive: Applicants must demonstrate English-language proficiency;⁷ demonstrate 30 different vehicle inspection, control, and driving skills;⁸ demonstrate their knowledge in "20 general areas";⁹ and consent to alcohol testing.¹⁰

Of course, every fatality or serious injury in a crash is a tragedy. But again, the evidence presented by FMCSA shows that taking commercial licenses away from non-citizens cannot be justified based on highway safety.

To the contrary, prohibiting documented immigrants from holding commercial driver's licenses will harm highway safety.

According to FMCSA's own estimates, restricting commercial driver's licenses to U.S. citizens, permanent residents, and people with H-2A, H-2B, and E-2 visas will force 194,000 current commercial drivers to exit the freight market.¹¹ As the American Trucking Association has reported, though, the industry was short by 80,000 drivers in 2021,¹² with a predicted doubling to 160,000 drivers by 2030.¹³ Prohibiting documented immigrants from holding commercial driver's licenses will eliminate roughly 5% of commercial drivers, exacerbating this shortage.

A depleted workforce will harm road safety. Drivers will have to drive for longer hours or more frequent hours, increasing driver fatigue and decreasing safety.¹⁴ Driver fatigue is a well-documented "[commercial motor vehicle] safety problem," with "[s]tudies show[ing] that driver fatigue is a factor in up to as many as 13% of truck crashes."¹⁵ In addition, losing experienced

⁷ See 49 C.F.R. § 383.133(c)(5); *id.* § 391.11(b)(2).

⁸ 49 C.F.R. § 383.113.

⁹ 49 C.F.R. § 383.111.

¹⁰ 49 C.F.R. § 383.72.

¹¹ 91 Fed. Reg. 7096.

¹² Press Release, Am. Trucking Ass'n, *ATA Chief Economist Pegs Driver Shortage at Historic High* (Oct. 25, 2021),

<https://www.trucking.org/news-insights/ata-chief-economist-pegs-driver-shortage-historic-high>.

¹³ Hugh Cameron, *America's Trucking Industry is in Deep Trouble*, Newsweek (Oct. 13, 2025), <https://www.newsweek.com/us-trucking-industry-deep-trouble-10861497>.

¹⁴ See, e.g., Christine Brittle & Julie Van Keuren, Am. Pub. Transp. Ass'n, *Impact of CDL Under-the-Hood Testing Requirement on Public Transit Agencies' Ability to Hire Bus Operators* 3 (2024), <https://www.apta.com/wp-content/uploads/APTA-Impact-of-CDL-Under-the-Hood-Testing-Requirement-Nov-2024.pdf>; see also FMCSA, *CMV Driving Tips – Driver Fatigue*, <https://www.fmcsa.dot.gov/safety/driver-safety/cmv-driving-tips-driver-fatigue>.

¹⁵ Advocates for Highway & Auto Safety, *Large Trucks Fact Sheet* (Sept. 2022), <https://saferoads.org/wp-content/uploads/2022/09/Large-Truck-Fact-Sheet-FINAL-9-16-22.pdf> (citing FMCSA, "Large Truck Crash Causation Study Summary Tables," 2007.FMCSA-2004-19608-3971).

drivers may put less-experienced drivers on the road, but data shows that less-experienced drivers are involved in a higher rate of crashes.¹⁶

II. Prohibiting documented immigrants from holding commercial driver’s licenses will destroy the livelihoods of thousands, harm the economy, and reduce essential public services.

After FMCSA issued a rule that would prohibit most categories of noncitizens who are legally authorized to work in the United States from holding commercial driver’s licenses, more than 8,000 members of the public submitted comments. Nearly 90% of those comments opposed the rule.¹⁷ The comments made several points.

First, the new prohibition will destroy the livelihoods of thousands of people across the country. Individual drivers would face losing their licenses, their employment, their ability to pay for groceries and other basic expenses, and their access to employer-provided benefits like health insurance.¹⁸ Thousands of drivers have explained that they will default on loans and be unable to cover basic expenses.¹⁹ Owner-operators similarly have explained that “th[e] rule places [their] livelihood and business at immediate risk.”²⁰ These harms would extend to the drivers’ families, and to the employers and communities that depend on their work.

The prohibition will also harm the economy. 194,000 (or 25 percent of) motor carriers in this country will be impacted by the restriction.²¹ The change thus will exacerbate a critical

¹⁶Nat’l Surface Transp. Safety Ctr. for Excellence, *Commercial Motor Vehicle Driver Risk Based on Age and Driving Experience* 37 (2020), <https://vtechworks.lib.vt.edu/server/api/core/bitstreams/a5800006-4b00-4854-bd5c-1f3e76f5d5c1/content>.

¹⁷ Alex Lockie, *FMCSA issues Final Rule banning non-domiciled CDLs almost entirely*, Overdrive (Feb. 11, 2026), <https://www.overdriveonline.com/business/article/15816996/fmcsa-issues-final-rule-banning-nondomiciled-cdls-almost-entirely>.

¹⁸ See, e.g., Teamsters Cal. Comment 2, *available at* <https://www.regulations.gov/docket/FMCSA-2025-0622/comments>; Asylum Seeker Advocacy Project Comment 3–5, *available at* <https://www.regulations.gov/docket/FMCSA-2025-0622/comments>; see also Asylum Seeker Advocacy Project and Nat’l Employment Law Project Amicus Brief, *Jorge Rivera Lujan v. FMCSA*, Dkt. No. 25-1215 (D.C. Cir. Oct. 30, 2025),

¹⁹ See, e.g., Singh Comment, FMCSA-2025-0622-2028, *available at* <https://www.regulations.gov/docket/FMCSA-2025-0622/comments>; Drozdek Comment, FMCSA-2025-0622-1037, *available at* <https://www.regulations.gov/docket/FMCSA-2025-0622/comments>; Ponyrko Comment, FMCSA-2025-0622-0532, *available at* <https://www.regulations.gov/docket/FMCSA-2025-0622/comments>; Andreiev Comment, FMCSA-2025-0622-0231, *available at* <https://www.regulations.gov/docket/FMCSA-2025-0622/comments>.

²⁰ Anonymous Comment, FMCSA-2025-0622-0743, *available at* <https://www.regulations.gov/docket/FMCSA-2025-0622/comments>; see also Cervantes Comment, FMCSA-2025-0622-1215, *available at* <https://www.regulations.gov/docket/FMCSA-2025-0622/comments>.

²¹ 91 Fed. Reg. 7100.

shortage of truck drivers and disrupt supply chains. With a depleted trucking workforce, delivery of goods and materials will be delayed, and increased rates for freight operations will result.²² For example, a California-based broker who helps coordinate shipping across the state has reportedly said that “the cost of a single freight trip from New Jersey to Texas has gone up by more than 35% because of a national shortage of immigrant drivers.”²³

As described in the attached comment letter from local governments throughout the country, local governments will also suffer in several ways. To start, they will lose the money that they have invested in recruiting and training drivers to operate commercial motor vehicles used for public services. For example, Martin Luther King, Jr. County in Washington explained that it stands to lose 50 bus drivers and an additional four recent trainees, which represent an investment of over \$800,000 in training costs. The need to replace these drivers will increase costs to local governments and potentially force them to redirect funding from other critical services.²⁴

In addition, state and local governments’ ability to provide a wide range of essential public services will be impaired. “Public and private employers—including State and local governments—depend on commercial drivers to drive the buses that bring children to school, to run the mass transit systems that transport people to work, to operate the construction vehicles that maintain and repair public roads, to drive the trucks that transport food and goods to businesses, and to provide many other indispensable services.”²⁵ In addition, state and local governments rely on these drivers for essential seasonal services, such as roadway clearance during inclement weather and natural disaster response—which ensures safe access to roads for emergency services.²⁶ For example, “a local government facing a shortage of snowplow operators is unlikely to be able to pre-treat or treat roadways as early or as frequently, resulting in more hazardous conditions. This will increase the number of crashes and their consequences.”²⁷

CONCLUSION

Prohibiting documented immigrants who are authorized to work in the United States from holding commercial driver’s licenses would harm highway safety, destroy the livelihoods of thousands of people, harm the economy, and disrupt and reduce essential government services across the country. Thank you for the opportunity to testify on this important topic.

²² Local Gov’ts Comment at 5–6, FMCSA-2025-0622-7894, *available at* <https://www.regulations.gov/docket/FMCSA-2025-0622/comments>.

²³ A. Echelman, *California must let immigrant truck drivers keep their licenses, judge rules*, Reuters (Feb. 26, 2026), <https://apnews.com/article/general-news-california-donald-trump-donald-trump-es-transportation-16821336aaf6b8fa2f6699c295b5f9e5>.

²⁴ Local Gov’ts Comment at 5–6.

²⁵ 19 State Attorneys Gen. Comment at 2, FMCSA-2025-0622-7571, *available at* <https://www.regulations.gov/docket/FMCSA-2025-0622/comments>.

²⁶ Local Gov’ts Comment at 8.

²⁷ Local Gov’ts Comment at 8.

EXHIBIT A

November 28, 2025

Federal Motor Carrier Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

SUBMITTED VIA REGULATIONS.GOV

RE: Docket No. FMCSA-2025-0622

Dear Docket Clerk:

The below-signed local governments and individual local government leaders (“Local Government Signatories”)¹ offer the following comments and questions regarding the U.S. Department of Transportation’s (DOT) Interim Final Rule (IFR) entitled “Restoring Integrity to the Issuance of Non-Domiciled Drivers Licenses (CDL),” published in the Federal Register at 90 Fed. Reg. 46509 (Sept. 29, 2025). The Local Government Signatories’ comments focus on Sections V(C), V(D), VI(A), VI(B), and IX(A) of the IFR, specifically, the Federal Motor Carrier Safety Administration’s (FMCSA’s) failure to consider the IFR’s on-the-ground harms or appropriately tailor the rule to the harm it seeks to address.

A number of critical local government services depend upon licensed commercial motor vehicle drivers, including school buses, road maintenance and repair, utility service, disaster response, and infrastructure construction. Drivers employed by the Local Government Signatories who provide these services are required to have valid commercial driver’s licenses (“CDLs”) to operate the necessary commercial motor vehicles. To appropriately provide such services, the Local Government Signatories depend on access to a sufficient pool of licensed, commercial drivers whose licensing status is both stable and predictable. Even prior to the IFR, local governments faced substantial shortages of qualified CDL drivers.

By issuing the IFR, FMCSA immediately altered a program that had been in place for nearly 15 years, without input from those most impacted by the changes. The IFR failed to account for the way in which it would directly and substantially impact local governments’ ability to provide

¹ Local Government Signatories hail from across the country, and their jurisdictions differ in size, demographics, and policy priorities. Local Government Signatories also differ in the way in which they provide transportation-related services—including public transportation, school buses, and critical safety-related services like highway maintenance and snow plowing—to their communities. Some provide these services directly; others provide them indirectly, as funders or members of public authorities; yet all rely on these services as part of a broader network of public services. Notwithstanding these variations, all local governments share a fundamental interest in providing effective and reliable public services to their constituents and keeping their communities safe, including by ensuring road safety. That is especially true for local governments like these Signatories, who often act as first responders to vehicular accidents and have unique interests in protecting their residents.

essential services, thereby reducing affordability, harming families who depend on school busing and other services, and impairing public safety. By FMCSA’s own estimates, of the 200,000 non-domiciled CDL holders in the country, 194,000 of them will exit the freight market because they lose their CDLs as a result of the IFR.² That means approximately five percent of all active CDL holders, based on 2024 numbers, risk losing their licenses.³ Such individuals will no longer be able to perform their essential jobs. Local governments, such as the Signatories, that rely on these commercial drivers to provide essential services will be left understaffed. The depleted pool of potential CDL candidates resulting from the IFR will make it even harder to replace these drivers and drive up costs for public and private entities employing CDL drivers or using their services.

The Local Government Signatories and the essential services they provide will suffer needless tangible harm despite the purely speculative safety benefits of the IFR. By FMCSA’s own acknowledgement, there is no evidence that the IFR will result in any safety benefits, because there is no evidence that the immigration status of a non-domiciled CDL holder, or even the domiciled or non-domiciled status of a CDL holder, has an impact on road safety.⁴ FMCSA therefore implemented a new regulation without any demonstrated need, in contravention of Department of Transportation policy.⁵ Moreover, given the significant adverse impacts and minimal benefits, the IFR is inconsistent with a recent Department of Transportation order requiring the use of “sound economic principles and analysis supported by rigorous cost-benefit requirements and data-driven decisions,” the avoidance of adverse impacts to families and communities including a reduction in transportation services, and the administration of statutes in a manner that enhances safety and access to jobs.⁶

The Local Government Signatories strongly agree with the importance of ensuring that “only individuals who have been determined by relevant State licensing agencies—in accordance with Federal standards—to be qualified to operate large commercial vehicles are allowed to drive such vehicles on the Nation’s roadways.”⁷ The Local Government Signatories recognize FMCSA’s interest in ensuring that all State licensing agencies adhere to these requirements. The IFR in its present form, however, does not address those compliance issues. The IFR also does not show any impacts to safety specifically associated with the domiciled or non-domiciled status of a CDL holder, nor does it account for the real harms that would result from reducing the availability of qualified CDL holders performing a variety of safety-critical and essential public services.

The Local Government Signatories respectfully request that FMCSA withdraw the IFR given that there is no data to support its causal benefit to road safety. In the alternative, before issuing any final rule, FMCSA should collect data to better study and understand the underlying drivers of road safety, after which the agency can revise the IFR, accounting for public comments, as required

² Restoring Integrity to the Issuance of Non-Domiciled Commercial Drivers Licenses, 90 Fed. Reg. 46509, 45619 (Sept. 29, 2025).

³ *Id.* at 46520.

⁴ *Id.*

⁵ DOT Order 2100.6B, “Policies and Procedures for Rulemaking” § 6(a) (Mar. 10, 2025).

⁶ DOT Order 2100.7, “Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities” § 5 (Jan. 29, 2025).

⁷ 90 Fed. Reg. at 46511.

by the Administrative Procedure Act. FMCSA can take less burdensome measures while it carefully and expeditiously considers these issues. Through collaboration and data collection, those tasked with implementing changes to CDL eligibility can do so in a manner that promotes widespread compliance, enhances the safety of commercial vehicle operations, and is workable for those local governments that rely on commercial drivers to provide critical services. That approach is also more likely to improve road safety and prevent fatal crashes.

The Local Government Signatories appreciate the opportunity to provide comments on the IFR. It is especially critical that FMCSA seriously consider the IFR's on-the-ground impacts before deciding whether to move forward with issuing a final rule. Given these impacts and the lack of evidence that the IFR will result in any safety benefits, the Local Government Signatories urge FMCSA to withdraw the IFR. But should FMCSA decide to proceed, the recent stay of the IFR indicates significant changes are necessary before FMCSA publishes a final rule.⁸ The Local Government Signatories look forward to continued collaboration and engagement on these important issues.

I. FMCSA Must Account for the IFR's Real-World Impacts and the Substantial Reliance Interests the IFR Would Disrupt.

Fewer licensed commercial drivers and a smaller pool of potential drivers will translate directly into disrupted and curtailed government services. Accordingly, the IFR will not only impact those who rely on these services, but harm those local governments that rely on the availability of CDL holders to provide these services and who now will be forced to expend additional resources to respond to this sudden disruption. The Administrative Procedure Act requires agencies to "assess whether there were reliance interests [in their previous policies], determine whether [those interests] were significant, and weigh any such interests against competing policy concerns."⁹ Although the IFR lacks supporting data of any causal safety benefits in the first place, should FMCSA choose to proceed, FMCSA must consider the following impacts and reliance interests before finalizing the rule.

Core Local Government Services: Local governments rely on workers licensed to operate commercial motor vehicles for a wide range of critical services. These include: public transportation; school buses; highway and road maintenance and repair; response to inclement weather; gas, electricity, and other utility service; and disaster response, mitigation, and recovery. In addition, the construction of necessary infrastructure (e.g., roads, electrical transmission and generation, airports, housing, ports, water, sewer, data centers) depends on having CDL holders on site to aid in construction, to supply materials, and to haul fill. Those services will suffer directly because the IFR reduces the availability of CDL holders.

For example, one Signatory reports it already has extreme difficulty hiring and retaining CDL drivers. Fourteen of its fifty-three positions that require a CDL (26 percent) are currently open and have been for an average of three months. These unfilled jobs undermine the jurisdiction's ability to provide government services such as trash cleanup and emergency response. The IFR will

⁸ *Lujan v. Fed. Motor Carrier Safety Admin.*, 25-1215, 2025 U.S. App. LEXIS 29835 (D.C. Cir. Nov. 13, 2025).

⁹ *Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 33 (2020).

further reduce the already limited number of CDL holders in the job market and thus make it harder for the Signatory to deliver these important services to its people.

Similarly, the IFR will impede local governments and associated entities in their ability to prepare for and recover from natural disasters, like Hurricane Helene in North Carolina, the Guadalupe River floods in Texas, tornado outbreaks in the South, or the Los Angeles wildfires. Disaster response heavily relies on the timely receipt of equipment and workers. Thinning forests; protecting coastlines; supplying food, fuel, and water to residents who have lost their homes; clearing flood zones; and ensuring road access for other emergency responders involve heavy hauling, which requires heavy trucks and commercially licensed drivers. During the Guadalupe flood response, for example, local tow truck drivers became essential for “clearing the way for emergency crews, recovering submerged vehicles and delivering life-saving supplies.”¹⁰ Commercially licensed drivers are also utilized “when electric utilities send trucks, equipment, and staff to restore energy infrastructure after a hurricane.”¹¹ And when serious thunder or winter storms knock out the electricity, commercial trucks play a crucial role in clearing debris and getting the power back on for thousands of people.¹² With a diminished workforce of licensed commercial drivers, local governments may no longer be able to rely on drivers to aid in disaster response.

Transit, Motorcoach, and School Bus Services: Without sufficient drivers, transit systems, which are already facing substantial driver shortages and serious fiscal constraints, will be forced to further cut back on services to families, whether by limiting hours or frequency of service or suspending certain service routes.¹³ Driver shortage impacts are not limited to large, urban transit systems, but also impact rural communities, where motorcoaches and school buses can play a role in bridging service gaps.¹⁴ Fewer school bus operators similarly raise the likelihood of reduced or

¹⁰ Alicia Neaves, *The Unseen First Responders: Tow Crews Fuel Hope After Hill Country Floods*, KENS5 (July 10, 2025 at 10:23 PM CDT), <https://www.kens5.com/article/news/state/texas-news/texas-flood/texas-floods-first-responders-tow-crews-fuel-hope-hill-country/273-a2f3f29b-b69f-4734-830a-48633149e274>.

¹¹ See U.S. Dep’t of Transp. Fed. Highway Admin., *Resources for Commercial Vehicles Involved in Emergency Response* 1 (2021), <https://ops.fhwa.dot.gov/publications/fhwahop21009/fhwahop21009.pdf>.

¹² *National Grid Restores Power to More Than 57,900 Customers in Mohawk Valley and Northern New York After Damaging Thunderstorms*, National Grid (June 22, 2025 at 6:00 PM), <https://www.nationalgridus.com/News/2025/06/National-Grid-Restores-Power-to-More-Than-57,900-Customers-in-Mohawk-Valley-and-Northern-New-York-After-Damaging-Thunderstorms/> (severe thunderstorms in northern New York impacted 94,300 electricity customers and crews were mobilized to clear debris and repair widespread damage and downed power lines); Edgar Sandoval, Sophie Kasakove, & Maggie Astor, *Winter Storm Disrupts U.S. With Power Outages and Icy Roads*, N.Y. Times (Feb. 03, 2022), <https://www.nytimes.com/live/2022/02/03/us/winter-storm-snow-ice?bcrFallback=bcrFallback> (300,000 homes and business lost power following a winter storm).

¹³ See, e.g., Matthew Dickens, *Am. Pub. Transp. Ass’n, Policy Brief: Workforce Shortages Impacting Public Transportation Recovery* 3 (2022), <https://www.apta.com/wp-content/uploads/APTA-SURVEY-BRIEF-Workforce-Shortages-March-2022.pdf> (showing 71% of 117 agencies delayed or cut services due to staffing shortages); Laura Bliss, *There’s a Bus Driver Shortage. And No Wonder*, Bloomberg (June 28, 2018, at 8:00 AM ET), <https://www.bloomberg.com/news/articles/2018-06-28/there-s-a-bus-driver-shortage-and-no-wonder> (noting significant shortages in Seattle, New Jersey, Denver, Los Angeles, Toledo, Gainesville, and New Hampshire, many of them leading to delays and cuts in service).

¹⁴ U.S. Dep’t of Transp. Climate Change Center, *Climate Strategies that Work: InterCity Buses* 3 (2025), <https://www.transportation.gov/sites/dot.gov/files/2024-10/Intercity%20Buses%20PDF%20%282%29.pdf> (bus services “connect rural residents to major urban centers, offering connections to essential services and economic opportunities”).

less reliable service or entire cuts to bus routes, impacting students, parents, and teachers, and reducing access to critical school resources, such as school meals and extracurricular programs.¹⁵ These changes impact the reliance interests not only of the people who depend on these services, but also the local governments who have designed the bus routes and made certain planning decisions with the assumption that there would not be substantial changes to their commercial driver workforce without reason.

These consequences are not theoretical. The Nation has experienced recent driver workforce shortages that illustrate the impact of insufficient drivers on local government services. For example, a 2022 survey from the American Public Transportation Association found that 96 percent of transit agencies faced workforce shortages, with 84 percent of agencies reporting impacts on service.¹⁶ These impacts hit bus operations most severely, with 94 percent of agencies reporting that bus operator positions were the most or second-most challenging to fill.¹⁷ Due to these workforce shortages, public transit agencies reported cutting, delaying, and cancelling transit service.¹⁸ One-third of agencies stated that these impacts to their services were having a negative effect on the reliability of their service.¹⁹

The IFR will only further exacerbate these shortages and ensuing reliability issues. This unreliability then disrupts the lives of people who depend on these services to get to their jobs, school, healthcare appointments, and visit friends and family. Such disruption also plainly runs counter to a DOT order that requires, to the extent practicable, administration of DOT policies to maximize benefits including economic opportunities, such as “increased access to jobs, healthcare facilities ... commercial activity, or any actions or project components that will ... enabl[e families and communities] to participate more fully in our economy.”²⁰ Decreased and unreliable transit service will make it far more difficult for the people who rely on these services to access job opportunities, commercial centers, and other economic activities.

Economic Impacts: Local governments may face broader economic effects due to the IFR. For example, governments typically spend money to recruit and train employees. Funds already spent on drivers who are stripped of their licenses by the IFR cannot be recouped. For example, under the IFR, Martin Luther King, Jr. County in Washington stands to lose 50 active, non-domiciled bus drivers and an additional four recent trainees, which represent an investment of over \$800,000 in training costs.²¹ The need to replace these drivers, thereby spending additional funds on recruitment and training, further compounds these costs. Applicable laws, regulations, or policies often impose substantial training requirements, lengthening the time and increasing the cost of

¹⁵ See Cindy Long, *School Bus Driver Shortage Persists*, neaToday (Dec. 14, 2023), <https://www.nea.org/nea-today/all-news-articles/school-bus-driver-shortage-persists>.

¹⁶ Am. Pub. Transp. Ass’n, *Transit Workforce Shortage 1* (2023), <https://www.apta.com/wp-content/uploads/APTA-Workforce-Shortage-Synthesis-Report-03.2023.pdf>.

¹⁷ Dickens, *supra* note 13, at 2.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ DOT Order 2100.7, “Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities” § 5(d) (Jan. 29, 2025).

²¹ Emergency Mot. for Stay Pending Judicial Review 37, *Lujan*, 2025 U.S. App. LEXIS 29835, Dkt. No. 2142094.

replacing drivers.²² Likewise, with a limited pool of licensed drivers, localities may need to address critical needs by relying on increased overtime or temporarily relocating workers, which increases the cost of services.²³

Moreover, because most local governments operate on fixed budgets, they are limited in their ability to address the effects of the IFR through increased expenditures.²⁴ They may not be able to, for example, raise salaries, offer recruitment bonuses, or support additional overtime pay, forcing cuts to critical services. When local governments reached their budgets for the year and allocated funding, they relied on the availability of their current pool of commercial drivers and could not know to account for significant losses to that pool and the need to train replacement drivers. Furthermore, if local governments are forced to expend additional resources on addressing commercial driver shortages, they may also be forced to redirect funding away from their other critical services.

Trucking and Supply Chain Impacts: Local governments also depend on the transportation of goods into their communities to perform many of their vital functions. The Nation's supply chain for these goods depends in large part on truck drivers, as became evident in recent years when the country experienced truck driver shortages.²⁵ The IFR will almost certainly disrupt supply chains, which will further impede local governments' ability to deliver vital services. Without an adequate trucking workforce, local governments will struggle with shortages of materials to support construction projects, increased port congestion, and delays in procurement of critical goods and projects like housing or electrical infrastructure.²⁶ More than just impacting the delivery of goods, driver shortages can also lead to increased rates for freight operations and higher prices, which

²² See Am. Pub. Transp. Ass'n, *supra* note 16, at 2, 18–22; Bob Costello & Alan Karickhoff, Am. Trucking Ass'n, *Truck Driver Shortage Analysis* 4 (2019), <https://www.trucking.org/sites/default/files/2020-01/ATAs%20Driver%20Shortage%20Report%202019%20with%20cover.pdf>.

²³ See, e.g., Christine Brittle & Julie Van Keuren, Am. Pub. Transp. Ass'n, *Impact of CDL Under-the-Hood Testing Requirement on Public Transit Agencies' Ability to Hire Bus Operators* 3 (2024), <https://www.apta.com/wp-content/uploads/APTA-Impact-of-CDL-Under-the-Hood-Testing-Requirement-Nov-2024.pdf> (transit agencies report that worker shortages increase the amount of overtime the agencies pay); Mark Heinz, 'Logistical Nightmare': Short on Plow Drivers & Hammered By Weather, WYDOT Had Harrowing Winter, *Cowboy State Daily* (May 6, 2023), <https://cowboystatedaily.com/2023/05/06/a-logistical-nightmare-short-on-plow-drivers-and-hammered-by-weather-wydot-had-a-harrowing-winter/> (plow operator shortages caused extra work and wear and tear on equipment that put the Wyoming Department of Transportation \$9.7 million over its expected budget).

²⁴ Jed Herrmann & Teryn Zmuda, *Tough Challenges for Counties in a New Era of Fiscal Federalism*, *Governing* (Aug. 15, 2025), <https://www.governing.com/management-and-administration/tough-challenges-for-counties-in-a-new-era-of-fiscal-federalism>.

²⁵ Hugh Cameron, *America Doesn't Have Enough Truck Drivers*, *Newsweek* (July 10, 2025, at 02:01 PM ET), <https://www.newsweek.com/america-trucking-shortage-logistics-supply-chain-2097123>; Madeleine Ngo & Ana Swanson, *The Biggest Kink in America's Supply Chain: Not Enough Truckers*, *N.Y. Times* (Nov. 9, 2021), <https://www.nytimes.com/2021/11/09/us/politics/trucker-shortage-supply-chain.html>; Costello & Karickhoff, *supra* note 22, at 1; Catie Edmonson, 'What Does a Trucker Look Like?' It's Changing, *Amid a Big Shortage*, *N.Y. Times* (July 28, 2018), <https://www.nytimes.com/2018/07/28/us/politics/trump-truck-driver-shortage.html>.

²⁶ Peter S. Goodman, *The Real Reason America Doesn't Have Enough Truck Drivers*, *N.Y. Times* (Feb. 9, 2022), <https://www.nytimes.com/2022/02/09/business/truck-driver-shortage.html> ("[A] shortage of truck drivers is frequently cited as an explanation for shortages of many other things — from construction supplies to electronics to clothing."); Jack Kelly, *There Is A Massive Trucker Shortage Causing Supply Chain Disruptions And High Inflation*, *Forbes* (Jan. 12, 2022, at 11:51 AM ET), <https://www.forbes.com/sites/jackkelly/2022/01/12/there-is-a-massive-trucker-shortage-causing-supply-chain-disruptions-and-high-inflation/>; Ngo & Swanson, *supra* note 25.

will particularly affect cash-strapped local governments and their residents who are already stressed by the cost of goods and services.²⁷

With nearly 200,000 current non-domiciled CDL holders exiting the freight market as a result of the IFR,²⁸ supply chains will almost certainly be disrupted on a scale similar to the workforce shortages experienced in the aftermath of the pandemic. In 2021, the American Trucking Association reported that the industry was short by 80,000 drivers, an all-time high for the industry.²⁹ The American Trucking Association further estimated that shortage could double to 160,000 drivers in 2030.³⁰ Already, 69 percent of freight businesses are struggling to meet demand as a result of these shortages,³¹ and “to keep up with demand over the next decade, trucking will need to recruit nearly one million new drivers.”³² The IFR will instead narrow the available pool of drivers and seriously impact the interests of local governments who rely on the reliable, cost-effective delivery of these goods. For the same reasons, FMCSA’s claim that motor carriers will be able to adjust their hiring and limit the economic impact on the freight market³³ is based on unfounded assumptions: The experience of freight businesses demonstrates that there is not a pool of potential CDL holders who are not affected by the IFR that could easily take the place of the drivers who stand to lose their credentials as a result of this rule.

II. The IFR Will Have Adverse Impacts on Safety, While Failing to Address the Safety Risks FMCSA Identified and Sought to Mitigate.

The Local Government Signatories acknowledge and support the importance of FMCSA’s goal to enhance the integrity of commercial licensing and the safety of commercial motor vehicle operations. The IFR, however, does not address any lapses in compliance with commercial licensing requirements by CDL-issuing entities, but rather is a blanket ban on certain classes of non-domiciled drivers holding CDLs. Broadly stripping CDLs from those classes of drivers does not correlate with improved safety outcomes. As the IFR itself acknowledges, there is insufficient evidence “to reliably demonstrate a measurable empirical relationship between the nation of domicile for a [commercial driver’s license] driver and safety outcomes.”³⁴ By contrast, the failure to appropriately tailor the IFR will result in a significant reduction in the availability of commercial drivers, which will translate into increased risk of harm to the public.

²⁷ Edmonson, *supra* note 25.

²⁸ 90 Fed. Reg. at 46519.

²⁹ Press Release, Am. Trucking Ass’n, *ATA Chief Economist Pegs Driver Shortage at Historic High* (Oct. 25, 2021), <https://www.trucking.org/news-insights/ata-chief-economist-pegs-driver-shortage-historic-high>.

³⁰ *Id.*

³¹ Hugh Cameron, *America’s Trucking Industry is in Deep Trouble*, Newsweek (Oct. 13, 2025, at 5:40 AM ET), <https://www.newsweek.com/us-trucking-industry-deep-trouble-10861497>.

³² Press Release, Am. Trucking Ass’n, *supra* note 29.

³³ 90 Fed. Reg. at 46520.

³⁴ *Id.*

A. The IFR Imposes New Burdens That Will Harm Road Safety.

Local governments rely on employees with CDLs to provide critical services designed to improve the safety of public roads. By reducing the pool of eligible commercial drivers available to support these safety services, the IFR will result in fewer safety services and increased risks of harm. Accordingly, the Local Government Signatories urge FMCSA to consider the increased risk of harm to the public from the diminishment of local government services that promote safety.

Maintenance of local roads, in particular, is critical for overall roadway safety because although “local roads are less traveled than State highways, they have a much higher rate of fatal and serious injury crashes.”³⁵ Local governments provide services such as regular repair and maintenance of roads and improvement of road design to enhance safety.

Local government safety services also include essential seasonal services, such as clearing roadways of snow and ice and natural disaster response. Snow and ice clearing services ensure safe and reliable access to roads for emergency services and the public alike, which further promotes safety. By way of illustration, a local government facing a shortage of snowplow operators is unlikely to be able to pre-treat or treat roadways as early or as frequently, resulting in more hazardous conditions. This will increase the number of crashes and their consequences. In some cases, they may be forced to close roads entirely and for a longer time until they can be plowed.³⁶ Doing so risks stranding people at home and delaying emergency response services from reaching people in need.³⁷ Every minute counts for health, fire, and police emergencies, and less snow and ice removal capacity will increase those minutes at the cost of human lives. And, snow and ice control is already very expensive. Winter road maintenance accounts for roughly over 24 percent of State DOT budgets for highway and traffic services.³⁸ Each year, State and local agencies spend more than 4.6 billion dollars on snow and ice control operations.³⁹ Driver shortages will likely further drive up these costs and add to the burden on local governments to maintain these critical services.⁴⁰ A smaller pool of commercially licensed drivers therefore risks community safety by limiting local governments’ efforts to mitigate natural disasters in advance and respond to them when they strike.

Federal Highway Administration (FHWA) data show that the risks and impacts of snow and ice are already large.⁴¹ On average (based on 2019–2023 data), freezing precipitation each year causes

³⁵ Fed. Highway Admin., U.S. Dep’t of Transp., FHWA-SA-21-033, *Local Road Safety Plans*, https://highways.dot.gov/sites/fhwa.dot.gov/files/Local%20Road%20Safety%20Plans_508.pdf.

³⁶ Heinz, *supra* note 23.

³⁷ See Michelle Bandur, ‘It’s a Hiring Problem’: Tahoe Basin Resident Fear Snow Plow Driver Shortage Will Leave Them Stranded at Home, KCRA3 (Nov. 12, 2024, at 7:12 PM ET), <https://www.kcra.com/article/tahoe-basin-snow-plow-driver-shortage/62888030>.

³⁸ U.S. Dep’t of Transp. Fed. Highway Admin., *How Do Weather Events Affect Roads?*, <https://ops.fhwa.dot.gov/weather/roadimpact.htm>.

³⁹ *Id.*

⁴⁰ See, e.g., Brittle & Keuren, *supra* note 23 (transit agencies report that worker shortages increase the amount of overtime the agencies pay); Heinz, *supra* note 23 (plow operator shortages caused extra work and wear and tear on equipment that put the Wyoming Department of Transportation \$9.7 million over its expected budget).

⁴¹ *How Do Weather Events Affect Roads?*, *supra* note 38.

219,942 crashes, injures 34,206 people, and kills 407 people.⁴² Reductions in the availability of CDL drivers to apply deicers, plow snow, and manage debris will further increase these crashes, injuries, and fatalities. Weather also has a major impact on road mobility. Travel time delay on high-capacity roads can increase by 11 to 50 percent depending on the severity of the weather event.⁴³ Heavy snow can cause freeway free-flow speed to decrease by 35 to 40 percent and road capacity to reduce by 30 percent.⁴⁴ Light snow can decrease flow rates by 5 to 10 percent.⁴⁵ The decreased availability of CDL drivers to manage these road conditions will further exacerbate delays and costs for public, private and commercial persons and entities. The causality is clear, as opposed to the purely speculative safety benefits claims by FMCSA for the IFR.⁴⁶

Reducing the pool of eligible commercial drivers will directly impact the safety of residents in the Local Government Signatories' jurisdictions. The IFR decreases the number of drivers available to support these services, resulting in fewer safety efforts and increased risk of harm. Furthermore, a depleted workforce increases risk by requiring drivers to work longer or more frequently, which decreases safety due to driver fatigue. Longer shifts can also contribute to driver burnout, further exacerbating workforce shortages.⁴⁷ Moreover, losing experienced CDL drivers may put new CDL drivers on the road, when local governments are able to find replacements at all. But newly trained drivers are involved in more accidents, on average, than their more experienced colleagues.⁴⁸ The rate of preventable crashes is also significantly higher on average for drivers with less commercial driving experience.⁴⁹ Driving experience, as compared to age, is a greater indicator of crash rates and crash involvement.⁵⁰ Replacing a non-domiciled CDL driver with any driver who has just received their CDL or who has yet to even receive one will decrease safety and increase the incidence of crashes and moving violations. Not only does the IFR lack a persuasive safety justification, it will actively contribute to decreased safety on the roads.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ U.S. Dep't of Transp. Fed. Highway Admin., *Emperical Studies on Traffic Flow in Inclement Weather* 2-8, 2-11 (2006), <https://ops.fhwa.dot.gov/publications/weatherempirical/weatherempirical.pdf>.

⁴⁵ *Id.* at 2-3.

⁴⁶ According to FHWA, each year trucking companies or CVOs lose an estimated 32.6 billion vehicle hours due to weather-related congestion in 281 of the nation's metropolitan areas. *How Do Weather Events Affect Roads?*, *supra* note 38. Adverse weather conditions affect freight traffic 4.6 percent of the time at a national average. Daniel Krechmer et. al., U.S. Dep't of Transp. Fed. Highway Admin., *Weather Delay Costs to Trucking* 3 (2012), <https://rosap.nhtl.bts.gov/view/dot/3384>. Nearly 12 percent of total estimated truck delay is due to weather in the 20 cities with the greatest volume of truck traffic. *How Do Weather Events Affect Roads?*, *supra* note 38. The cost of weather-related delay to the freight industry was estimated at \$8.659 billion or 1.6 percent of the total estimated freight market of \$574 billion when the study was conducted in 2012. Krechmer, *supra* note 46, at 3.

⁴⁷ Brittle & Keuren, *supra* note 23.

⁴⁸ Decl. of David Eldred, Chief Administrative Officer ("CAO") for the Metro Transit Dep't of Martin Luther King, Jr. Cnty., Wash. 16, *Lujan*, 2025 U.S. App. LEXIS 29835, Dkt. No. 2142094; Naomi Dunn, Susan Soccolich, & Jeffrey Hickman, Nat'l Surface Transp. Safety Center for Excellence, *Commerical Motor Vehicle Driver Risk Based on Age and Driving Experience*, 37 (2020), <https://vtechworks.lib.vt.edu/server/api/core/bitstreams/a5800006-4b00-4854-bd5c-1f3e76f5d5c1/content>.

⁴⁹ Dunn, Soccolich, & Hickman, *supra* note 48, at 21, 23, 37.

⁵⁰ *Id.* at 37, 38.

Pursuant to the Administrative Procedure Act and for the purpose of discharging its statutory duties, FMCSA must consider the implications for roadway safety that may arise from limiting the availability of commercial driver's license holders to perform these safety-critical functions.

B. The IFR Does Not Address the Problems that FMCSA has Identified.

FMCSA has not demonstrated that there is any link between the problem it has identified and its chosen solution. In the IFR, FMCSA “uncovered systematic procedural and computer programming errors, significant problems with staff training and quality assurance, and policies that lack sufficient management controls in the issuance of non-domiciled CLPs and CDLs by multiple SDLAs,” and “identified at least five fatal crashes involving non-domiciled CDL holders.”⁵¹ But restricting eligibility for CDLs addresses none of these problems.

First, restrictions on eligibility for non-domiciled CDLs will not help address any of the deficiencies in States' administrative processes identified by FMCSA. The eligibility restrictions cannot address procedural or programming errors, will not address gaps in training or quality assurance, and do nothing to improve management controls. The IFR does not include any regulatory changes that would address those problems or any issue relating to States' administration of CDL licensing. To the contrary, FMCSA's indictment of State practices suggests that any claimed safety benefits from the IFR will fail to materialize. Moreover, FMCSA does not explain why States' failure to enforce existing standards demonstrates that the standards themselves must change. The IFR provides no reason to think that States' errors relating to programming, training, quality assurance, and management controls would not apply equally to a State's handling of both domiciled and non-domiciled CDLs.

Nor does the occurrence of five fatal crashes justify FMCSA's revision of the standards for CDL holders. The IFR fails to draw a connection between the immigration status of the CDL holders involved in the fatal crashes it cites and the fact that those crashes occurred. FMCSA admits that it has no evidence to demonstrate any “relationship between the nation of domicile for a CDL driver and safety outcomes in the United States.”⁵² Without such evidence, FMCSA cannot rule out the possibility that holders of non-domiciled CDLs are *safer*, on average, than their domiciled counterparts. There are vastly more fatal crashes associated with domiciled CDLs, but that does not justify restricting their ability to hold a CDL just based on their domiciled status.

That problem also undercuts FMCSA's cost-benefit analysis. FMCSA claims that the IFR would have positive net benefits if it results in 0.085 fewer fatal crashes per year, or in other words, if it prevents 1.3 percent of the five fatal crashes involving non-domiciled CDL holders this year.⁵³ But FMCSA assumes that those crashes would not have occurred, or at least not all would have occurred, if the non-domiciled CDL holders had not been driving. That presupposes that: (1) the domiciled CDL holders who replaced those non-domiciled CDL holders could be expected to practice safer driving habits and avoid a greater number of crashes; (2) the fatalities were in any way correlated with the driver's domicile; or (3) the trips that resulted in those five crashes would

⁵¹ 90 Fed. Reg. at 46512.

⁵² *Id.* at 46520.

⁵³ *Id.* at 46521.

have been eliminated, instead of shifted to domiciled CDL holders. The first two premises are obviously incorrect, as seen from the many fatal crashes caused by U.S.-domiciled CDL holders. As noted above, newer CDL drivers have *more* accidents than those with experience, so replacing existing non-domiciled CDL drivers with new CDL drivers will cause more accidents.⁵⁴ Again, there is no data to support any conclusions that domiciled versus non-domiciled CDL drivers are safer or less likely to be involved in an accident. The third presupposition is plausible, but not reflected in FMCSA's analysis, because elimination of these trips would necessarily and significantly impact the freight market or government services. FMCSA's analysis significantly undercounts the real risk of accidents involving domiciled CDL holders or the costs of disruption to the freight market and is therefore fundamentally flawed.

The agency should redo its cost-benefit analysis to determine the actual market disruption and the number of additional crashes that would result from replacing non-domiciled CDL holders with additional domiciled CDL holders on the roadways. FMCSA cannot premise its cost-benefit conclusions on flawed assumptions without evidence that the benefits it assumes actually would occur.

The IFR also ignores that driving history is readily available for current holders of non-domiciled CDLs. Applicants who have been driving commercial motor vehicles in the United States pursuant to existing standards have a demonstrated history of either safe or dangerous driving, which is as easily available to State licensing authorities as the history of a domiciled-CDL holder. Nonetheless, FMCSA prevents CDL renewals for every holder of a non-domiciled CDL, without regard for their past driving history. FMCSA has no reason to forbid nondomiciled CDL holders with a demonstrated history of safe driving on U.S. roads from renewing their CDLs indefinitely. As drafted, the IFR forces the Local Government Signatories to use the services of untested seasonal workers or novices rather than longtime, proven employees.

At bottom, the IFR depends on the existence of a correlation between domicile status and safety that is unsupported by the record. That makes the burdens FMCSA imposes indefensible and unjustifiable.

Conclusion

In summary, the Local Government Signatories ask FMCSA to consider the harms to a number of critical government services that rely on commercially licensed drivers and the safety implications of those effects on safety-critical local government services. We urge FMCSA to withdraw or materially revise the IFR to account for these harms and to adopt regulatory policy that more closely aligns to the best available safety data and evidence.

The Local Government Signatories further strongly urge FMCSA to consider collecting additional data to better understand the problem facing it. The IFR's cherry-picking of five incidents in a

⁵⁴ Dunn, Soccolich, & Hickman, *supra* note 48, at 37.

single year out of likely thousands⁵⁵ suggests that, despite FMCSA's extensive data collection, it does not have sufficient data to link domicile status to the safety and fitness of CDL holders. FMCSA could have required States, employers, or other entities to report data about crashes to determine what factors actually jeopardize roadway safety and to analyze if any correlation exists. Data collection is a natural next step. If, on the other hand, FMCSA already has data that it can use to better understand how a CDL holder's domicile status impacts road safety, then it should disclose and rely on that data instead of speculating.

We look forward to working with you to address these concerns and appreciate the opportunity to provide these comments.

Respectfully submitted,

Local Governments and Local Government Leaders
(listed in Appendix A)

⁵⁵ In 2022, 6050 large trucks and buses were involved in fatal crashes. There is little reason to think that number has changed so drastically since then that five represents a significant fraction. See U.S. Dept. of Transp. Fed. Highway Admin., *Large Truck and Bus Crash Facts 2022*, <https://www.fmcsa.dot.gov/safety/data-and-statistics/large-truck-and-bus-crash-facts-2022-1> (last updated Oct. 10, 2025).

Appendix A – List of Signatories

Local Governments

City of Albany, New York

Albany City Attorney's Office, New York

City of Alexandria, Virginia

City of Cambridge, Massachusetts

Montgomery County, Maryland

City of New York, New York

Portland City Attorney's Office, Oregon

Local Government Leaders

Celina Benitez

Mayor, City of Mount Rainier, Maryland

Jesse Brown

Councilmember, City of Indianapolis, Indiana

Chelsea Byers

Mayor, City of West Hollywood, California

Chris Canales

Councilmember, City of El Paso, Texas

Michael Chameides

Supervisor, County of Columbia, New York

John Clark

Mayor, Town of Ridgway, Colorado

Alison Coombs

Councilmember, City of Aurora, Colorado

Christine Corrado

Councilmember, Township of Brighton, New York

Nikki Fortunato Bas
Supervisor, Alameda County, California

Brenda Gadd
Councilmember, Metropolitan Nashville and Davidson County, Tennessee

Caroline Torosis
Mayor Pro Tempore, City of Santa Monica, California

Terry Vo
Councilmember, Metropolitan Nashville and Davidson County, Tennessee

Ginny Welsch
Councilmember, Metropolitan Nashville and Davidson County, Tennessee

Robin Wilt
Councilmember, Township of Brighton, New York