

Congress of the United States

Washington, DC 20515

June 11, 2026

The Honorable Sean Duffy
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Secretary Duffy:

We write to express significant concern regarding the U.S. Department of Transportation’s (“the Department”) ongoing withholding of critical transportation funding from the State of California, and the recent implementation of the Federal Motor Carrier Safety Administration’s (FMCSA) final rule (“Final Rule”) regarding non-domiciled commercial driver’s licenses (CDLs) that went into effect in March.¹ The Department’s rule will sideline an estimated 194,000 experienced drivers with authorization to work lawfully, effectively making our roads less safe and potentially creating a supply chain crisis that will most likely make everyday goods less affordable for Americans.

We recognize the Department’s commitment to safety, and California shares this goal. However, while the Department justifies these measures as an emergency safety correction, we believe the most effective path forward is to address these concerns collaboratively, guided by evidence and shared data. Any allegations that states are engaged in a 'catastrophic pattern' of 'illegal' behavior grossly mischaracterize standard state practice and ignores the fact that these drivers hold valid legal work authorization. Furthermore, prior to this rulemaking, the federal government failed to provide a unified standard syncing CDL durations with periodic work authorization timelines, and the Department’s current solution completely bars lawful work authorization. The agency itself has acknowledged there is insufficient evidence that broadly restricting this group of drivers improves safety. Implementing a rule that effectively pauses or severely restricts non-domiciled CDL programs nationwide and withholding \$160 million in FY2027 National Highway Performance Program funds from California²— infrastructure dollars meant to maintain roads all Americans use – are punitive actions that undermine road safety and the integrity of our national supply chain and workforce.

The FMCSA’s own data demonstrates that California’s commercial motor vehicle safety record is among the strongest in the nation. In 2022, California recorded 10.25 fatal large-truck crashes per million residents, compared with 15.84 crashes nationally and 23.01 crashes in Texas.³ When

¹ Restoring Integrity to the Issuance of Non-Domiciled Commercial Driver’s Licenses (CDL), 91 Fed. Reg. 7044 (Feb. 13, 2026) (to be codified at 49 C.F.R. pt. 383).

² Fed. Motor Carrier Safety Admin., U.S. Dep’t of Transp., California Final Determination of Substantial Noncompliance (Jan. 7, 2026), <https://www.transportation.gov/sites/dot.gov/files/2026-01/California%20Final%20Determination%20of%20Substantial%20Noncompliance.pdf>.

³ Fed. Motor Carrier Safety Admin., *Large Truck and Bus Crash Facts 2022*, at 74 tbl.27 (2023).

measured by vehicle miles traveled (VMT), California's rate of fatal large-truck and bus crashes has also remained consistently below national levels and other states – 0.14 fatalities per 100 million VMT in 2021 compared to the national average of 0.19 and an average of 0.29 in Texas, and just 0.12 in 2023, versus a U.S. average of 0.17 and a Texas average of 0.24.⁴ The data clearly shows that California's commercial drivers are performing better than their counterparts in other states, directly contradicting any claim that California's licensing practices compromise highway safety.

Additionally, the rule's narrowing of eligibility to H-2A, H-2B, and E-2 visas is equally indefensible, as it systematically excludes individuals operating under valid Employment Authorization Documents (EADs), including DACA recipients, asylum seekers, and Temporary Protected Status (TPS) holders. There is no safety data suggesting that one type of noncitizen is inherently a safer driver than another. Furthermore, the D.C. Circuit Court's November 13 order called into question the Department's safety narrative, noting that the data fails to show non-domiciled CDL holders are overrepresented in fatal crashes.⁵ According to the Department's own data, while they account for approximately 5 percent of all interstate CDL holders, the agency cited just 17 crashes involving non-domiciled CDL holders out of the estimated 2,399 total fatal truck and bus crashes last year through September 2025 – accounting for 0.7 percent of roadway fatalities.⁶ In sidelining a cohort with a demonstrably superior safety record, the administration risks replacing experienced drivers with a less experienced workforce at a time when the trucking industry is facing issues around driver churn and shortages, thereby putting public safety at risk. Research shows an association of inexperienced driving and high turnover with elevated crash risk and near-miss incidents. Constraining driver availability may also intensify scheduling pressures, longer driving hours, and fatigue-related risks, all of which are well-established contributors to roadway accidents.⁷

While the D.C. Circuit Court declined to grant an emergency motion to stay the Final Rule on May 5,⁸ it did not dispute the reality that the Department lacks safety data to justify this rule. Furthermore, the agency has shifted to a new justification in its Final Rule, arguing that the excluded drivers possess "unvetted foreign driving histories." This rationale is fundamentally flawed, as it completely ignores the reality that many of the 194,000 excluded drivers have resided in the United States for years or decades, building verifiable domestic driving records within the United States. State licensing agencies have actively reviewed and tracked these domestic driving records for years prior to commercial licensure. Erasing decades of safe, domestic driving history over an unsubstantiated concern about foreign records is entirely irrational and serves no legitimate safety purpose.

⁴ Fed. Motor Carrier Safety Admin., *2023 Pocket Guide to Large Truck and Bus Statistics* 36 (2023); Nat'l Highway Traffic Safety Admin., *Large Truck Fact Sheet 2023*, at 10 tbl.7 (2024); Nat'l Highway Traffic Safety Admin., *Traffic Safety Facts Annual Report 2023*, at 176 tbl.110 (2024).

⁵ *Rivera Lujan v. Fed. Motor Carrier Safety Admin.*, No. 25-1215 (D.C. Cir. Nov. 13, 2025).

⁶ See *Restoring Integrity to the Issuance of Non-Domiciled Commercial Driver's Licenses (CDL)*, 91 Fed. Reg. 7044, 7052 (Feb. 13, 2026) (documenting 17 fatal crashes involving non-domiciled CDL holders); FMCSA, *Summary Report: CY 2025 Fatal Crashes*, U.S. Dep't of Transp. (Sept. 26, 2025), <https://perma.cc/KQ2S-YN23> (estimating 2,399 total fatal truck and bus crashes).

⁷ T. Fonseca & S. Ferreira, *Truck Driver Safety: Factors Influencing Risky Behaviors on the Road—A Systematic Review*, 15 Appl. Sci. 9662 (2025), <https://doi.org/10.3390/app15179662>.

⁸ *Rivera Lujan*, No. 26-1032 (D.C. Cir. May 5, 2026) (order denying emergency motion for a stay pending review).

As California accounts for approximately 25 percent of the nation’s drayage capacity – the critical short-haul trips moving goods from our ports to the national supply chain – the Department’s rule creates an immediate bottleneck with national implications. Industry estimates suggest this rule could reduce the workforce in states like California by 15 to 25 percent,⁹ creating localized pressures that will resonate throughout the supply chain. Because roughly 65 percent¹⁰ of domestic freight moves by truck, even modest disruptions in driver availability can destabilize the “just-in-time” logistics systems that many American industries rely on to maintain production and inventory flows. Additionally, even using conservative estimates of per-driver recruitment and training costs, replacing the 194,000 veteran drivers sidelined by this rule will cost hundreds of millions of dollars in training and recruitment. Ultimately, research demonstrates that such freight rate shocks are passed through the supply chain to producers, retailers, and ultimately everyday Americans.¹¹ Reducing the pool of qualified drivers will therefore increase shipping costs and place upward pressure on prices for groceries, furniture, and other essential goods.

The Administration has stated that its intent is to prioritize the safety of Americans on our nation’s roads. Therefore, we encourage the Department to enact any of the longstanding recommendations of road safety experts and the National Transportation Safety Board, such as requiring automatic emergency braking in commercial motor vehicles or addressing driver fatigue or distraction-related risks.

Therefore, we urge the Department to immediately restore the federal funding owed to California – the state with the largest net contribution gap of any state, paying \$275.6 billion more to the federal government than it received in 2024; rescind its Final Rule; and reinstate non-domiciled CDL programs across the country. We stand ready to work with the Department on data-driven reforms and safety audits to ensure consistent, nationwide standards without targeting an essential workforce. We request a formal, written response to the concerns and data points raised in this letter no later than July 8, 2026.

Sincerely,

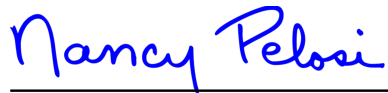


Adam B. Schiff
United States Senator

⁹ C.H. Robinson, *Freight Market Update: December 2025* (Dec. 11, 2025), <https://www.chrobinson.com/en-us/resources/insights-and-advisories/north-america-freight-insights/dec-2025-freight-market-update/drayage/>.

¹⁰ Cong. Research Serv., R48594, *Surface Freight Transportation: Modal Options* (2025).

¹¹ E. Rusticelli & C. MacLeod, *The Impact of Container Shipping Costs on Import and Consumer Prices* (OECD Economics Department Working Papers No. 1838, 2025), <https://doi.org/10.1787/957f0c0c-en>.



Nancy Pelosi
Member of Congress



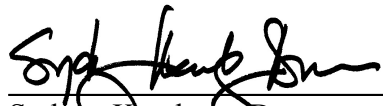
Brad Sherman
Member of Congress



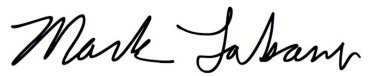
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United States Senator



Jared Huffman
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Sydney Kamlager-Dove
Member of Congress



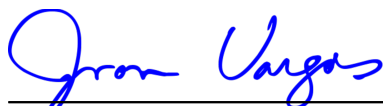
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Juan Vargas
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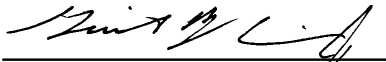
Kevin Mullin
Member of Congress



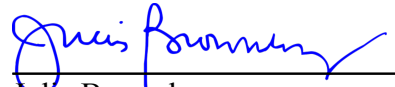
Ami Bera, M.D.
Member of Congress



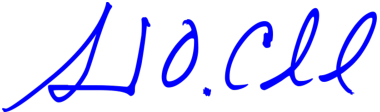
Judy Chu
Member of Congress



Gilbert Ray Cisneros, Jr.
Member of Congress



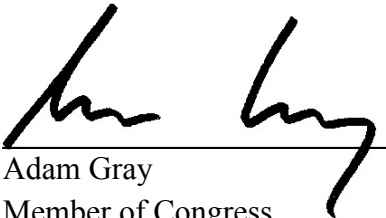
Julia Brownley
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Salud Carbajal
Member of Congress



Mark DeSaulnier
Member of Congress



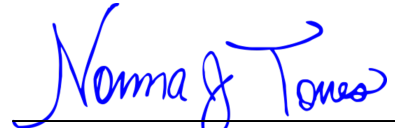
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