



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

1200 New Jersey Ave, SE
Washington, DC 20590

October 20, 2025

Via Electronic Mail and UPS

The Honorable Michelle Lujan Grisham
490 Old Santa Fe Trail Room 400
Santa Fe, NM 87501

Chief W. Troy Weisler
New Mexico State Police
PO Box 1628
Santa Fe, New NM 87504

NOTICE OF FINAL DETERMINATION

Dear Governor Grisham and Chief Weisler:

The Federal Motor Carrier Safety Administration (FMCSA) served the State of New Mexico a Notice of Proposed Determination of Nonconformity pursuant to 49 U.S.C. § 31102 and 49 CFR § 350.231 (Notice) on August 26, 2025. The Notice proposed a finding of noncompliance with the Motor Carrier Safety Assistance Program (MCSAP) qualifying conditions and served as formal notice of potential sanctions. FMCSA reviewed New Mexico's Response to Notice of Proposed Determination of Nonconformity (Response). After considering New Mexico's Response, FMCSA has made a Final Determination, finding that New Mexico is performing in accordance with its approved Commercial Vehicle Safety Plan (CVSP) and is adequately meeting the qualifying conditions for MCSAP participation.

To remain eligible for MCSAP funding, a State must adopt and enforce laws, regulations, standards, and orders on commercial motor vehicle (CMV) safety that are compatible with the Federal Motor Carrier Safety Regulations (FMCSRs) in 49 CFR Parts 390, 391, 392, 393, 395, 396, and 397. 49 CFR § 350.207(a)(2). This includes requiring commercial motor vehicle drivers to "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 English language proficiency standard in 49 CFR § 391.11(b)(2) is not a new requirement; it has been a core component CMV safety since 1970—prior to the existence of the MCSAP.¹ Thus, New Mexico's obligation to have a compatible law predates by decades the President's Executive Order 14286, "Enforcing Commonsense Rules of the Road for America's Truck Drivers" and the Commercial Vehicle Safety Alliance's (CVSA) June 25, 2025 amendment of the North American Standard Out-of-Service Criteria to include 49 CFR § 391.11(b)(2) (English Language Proficiency (ELP)) as an out-of-service violation.

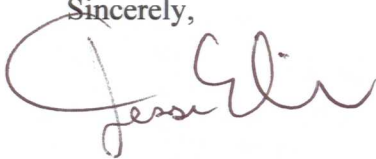
¹ See Miscellaneous Amendments, 35 Fed. Reg. 6458, 6461 (Apr. 22, 1970).

As a MCSAP-participating State, New Mexico is required to adopt and enforce compatible laws with the ELP requirement. 49 CFR § 350.303(a)–(c). FMCSA notified New Mexico that the enforcement of the ELP standard includes both administering ELP assessments and placing drivers who fail those assessments out of service. In its Response, New Mexico acknowledged its responsibility to enforce the ELP requirement for CMV drivers operating in New Mexico and described its immediate corrective action. Notably, New Mexico created an ELP checklist for statewide use; conducted in-person ELP training for approximately 130 certified officers and civilian inspectors; and implemented ELP violations into its Intelligence-Led Policing dashboard to reinforce accountability and oversight. Furthermore, New Mexico issued 298 ELP violations since September 4, 2025, improving the safety of its own roadways and the national framework of commercial vehicle safety.

FMCSA has therefore determined that New Mexico is in substantial compliance with the MCSAP compatibility requirements and is adequately meeting the qualifying conditions for MCSAP participation. FMCSA appreciates New Mexico's compliance and commitment to roadway safety. New Mexico's enforcement of a fundamental safety regulation furthers the shared responsibility between FMCSA and its State partners to uphold the uniform enforcement of commercial vehicle safety standards. Partnership with States through MCSAP funding is central to FMCSA's mission because it enables States to conduct critical roadside inspections, compliance reviews, and enforcement actions that prevent crashes and save lives. FMCSA depends on its State partners to apply these resources responsibly and in full alignment with Federal requirements. New Mexico's actions not only further the safety of its own roadways but also the longstanding cooperative framework that underpins the national framework of advancing commercial vehicle safety.

Please direct all questions regarding this Final Determination to Philip Thomas, Deputy Associate Administrator for Safety, at philip.thomas@dot.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jesse Elison". The signature is fluid and cursive, with a large initial "J" and "E".

Jesse Elison
Chief Counsel
Federal Motor Carrier Safety Administration