



**U.S. Department
of Transportation
Federal Motor Carrier
Safety Administration**

**WAIVERS, EXEMPTIONS,
AND PILOT PROGRAMS
REPORT TO CONGRESS
FISCAL YEARS 2018, 2019, AND 2020**

A report pursuant to Section 32913 of the
Moving Ahead for Progress in the 21st Century Act
(49 U.S.C. 31315(e))

February 2023

Table of Contents

INTRODUCTION.....	1
WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS	1
FMCSA MEDICAL EXEMPTION PROGRAMS	2
Vision Exemption Program.....	2
Diabetes Exemption Program	3
OTHER MEDICAL EXEMPTIONS AND WAIVERS GRANTED OR DENIED.....	4
Summary of Granted or Denied Medical Exemptions and Waivers.....	4
NON-MEDICAL DRIVER EXEMPTIONS AND WAIVERS	6
Exemptions and Waivers Granted or Denied in FY 2018.....	6
Exemptions and Waivers Granted or Denied in FY 2019.....	11
Exemptions and Waivers Granted or Denied in FY 2020.....	13
VEHICLE EXEMPTIONS AND WAIVERS.....	18
Exemptions and Waivers Granted or Denied in FY 2018.....	18
Exemptions and Waivers Granted or Denied in FY 2019.....	19
Exemptions and Waivers Granted or Denied in FY 2020.....	20
PILOT PROGRAMS.....	21
SUMMARY	22
APPENDIX	

INTRODUCTION

Pursuant to section 32913 of the Moving Ahead for Progress in the 21st Century Act (MAP-21, Pub. L. 112-141), codified at 49 U.S.C. 31315(e), the Secretary of Transportation submits a report to Congress listing the waivers, exemptions, and pilot programs granted under section 31315 and any impacts on safety. This report does not include exemption renewals. This report covers Fiscal Years (FY) 2018, 2019, and 2020 on waivers, exemptions, and pilot programs granted by the Federal Motor Carrier Safety Administration (FMCSA).

Section 4007 of the Transportation Equity Act for the 21st Century (TEA-21, Pub. L. 105-178) amended 49 U.S.C. 31315 and 31136(e) to authorize the Secretary to grant waivers and exemptions from motor carrier safety regulations and to conduct pilot programs to evaluate alternatives to regulations. On December 8, 1998, FMCSA's predecessor agency, the Federal Highway Administration, issued an interim final rule adding part 381 to the Federal Motor Carrier Safety Regulations (FMCSRs) and implementing section 4007 (63 FR 67600). On August 20, 2004, FMCSA issued a final rule adopting the interim regulations in part 381 (69 FR 51589). The rule established procedures applicants must follow to request waivers and apply for exemptions from the FMCSRs and procedures to propose and manage pilot programs. The rule established procedures that govern how FMCSA reviews, grants, or denies requests for waivers, applications for exemptions, and proposals for pilot programs. It also established requirements for publishing notices of exemption applications or proposals for pilot programs in the *Federal Register* to afford the public an opportunity to comment.

WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS

A **waiver** provides temporary relief from one or more FMCSRs to a person subject to the regulations or a person who intends to engage in an activity that would be subject to the regulations. A person may apply for a waiver if one or more FMCSRs prevents the person from using or operating commercial motor vehicles (CMVs) or makes it unreasonably difficult to do so during non-emergency and unique events. The waiver must be likely to achieve a level of safety equivalent to or greater than the level of safety that would be obtained in the absence of the waiver. A waiver provides the person with relief from the regulations for up to 3 months and is subject to conditions imposed by the FMCSA Administrator. Waivers may be granted only from requirements in 49 CFR parts 380, 382, 383, 384, §§ 390.19 and 390.21, parts 391, 392, 393, 395, 396 (except for section 396.25) and 399.

An **exemption** provides temporary relief from one or more FMCSRs to a person subject to the regulations or to a person who intends to engage in an activity that would be subject to the regulations. A person or class of persons may apply for an exemption if one or more of the FMCSRs prevents them from implementing more efficient or effective operations and the exemption would likely maintain a level of safety equivalent to or greater than the level achieved without the exemption. FMCSA is required by statute to request public comment prior to granting an exemption. After considering the public comments received, if FMCSA decides to grant the exemption request, FMCSA must establish terms and conditions for the exemption to ensure that it will likely achieve a level of safety equivalent to or greater than that provided by the regulations

from which the entity would be exempted. FMCSA invites all interested parties to notify FMCSA immediately if they observe any safety problems associated with any of these exemptions.

An exemption provides the person or class of persons with relief from the regulations for up to five years and may be renewed. FMCSA grants medical exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification. There is no limit on the number of times an exemption may be renewed. Public notice and comment are required for each renewal. Exemptions may be granted only from one or more requirements in 49 CFR parts 380, 382, 383, 384, 391, 392, 393, 395, 396 (except for section 396.25), and 399. The name of the person or class of persons who will receive the exemption, the specific regulations from which the person(s) will be exempted, the duration, and all terms and conditions of the exemption are published in the *Federal Register* for notice and comment. FMCSA is required to revoke an exemption immediately if the person fails to comply with the terms and conditions of the exemption, if the exemption has resulted in a lower level of safety than was maintained before the exemption was granted, or if continuation of the exemption would not be consistent with the goals and objectives of the regulations issued under the authority of 49 U.S.C. 31315 and 31136(e).

FMCSA may conduct **pilot programs** to evaluate alternatives to regulations relating to motor carrier, CMV, and driver safety. These programs may include exemptions from one or more of the FMCSRs. FMCSA is required by statute to request public comment before starting a pilot program. The initial notice must lay out the plan for safety oversight, data collection, and analysis. FMCSA then issues a final decision in the *Federal Register* notifying all interested parties of the terms and conditions of the pilot program, including safety oversight. FMCSA must ensure that the safety measures of the pilot program are designed to achieve a level of safety equivalent to or greater than that provided by the regulations from which the entity would be relieved during the pilot program. In a *Federal Register* notice, FMCSA invites all interested parties to notify FMCSA immediately if they observe any safety problems associated with pilot programs while they are in operation.

Each pilot program is limited by statute to three years from its starting date. If a motor carrier or driver fails to comply with the terms and conditions of the program, FMCSA must immediately revoke the carrier's or driver's participation in the program. Likewise, if continuation of a pilot program is inconsistent with the safety goals and objectives of 49 U.S.C. 31315 or 31136(e), FMCSA must terminate that pilot program immediately.

FMCSA MEDICAL EXEMPTION PROGRAMS

Most exemptions granted by FMCSA are related to physical qualifications standards for interstate drivers. In FY 2018, FMCSA had both Vision and Diabetes Exemption Programs. FMCSA's robust monitoring and oversight processes for its Vision and Diabetes Exemption Programs ensure that there is no adverse impact on safety after granting an exemption.

Vision Exemption Program

Launched in December 1998, FMCSA's Vision Exemption Program provided CMV drivers who did not meet the vision requirements of 49 CFR 391.41(b)(10) in one of their eyes the

opportunity to seek an exemption on a case-by-case basis. To initiate the process of obtaining an exemption, a driver applied to the Vision Exemption Program. Drivers were required to provide information to support the vision exemption criteria. On a case-by-case basis, FMCSA granted waivers from the vision standard to drivers being considered for an exemption to provide FMCSA sufficient time to complete the required *Federal Register* process, thereby allowing the drivers to remain employed. Drivers approved for the exemption had the option to renew their exemptions every two years.

On January 21, 2022, FMCSA revised its regulations to permit individuals who do not satisfy, with the worse eye, either the existing distant visual acuity standard with corrective lenses or the field of vision standard, or both, to be physically qualified to operate a CMV without obtaining an exemption from FMCSA (87 FR 3390). The effective date of this final rule is March 22, 2022. The final rule eliminated the vision grandfather provision under §391.64(b) one year after the effective date of this rule and eliminated the need for the Federal Vision Exemption Program. Table 1 shows the number of exemption and waiver applications received, granted, and denied through the Vision Exemption Program for FY 2018 - 2020.

Table 1. Vision Exemptions and Waivers Granted or Denied, FY 2018 – 2020

	Exemption Applications	Exemptions Granted	Exemptions Denied	Waiver Applications	Waivers Granted	Waivers Denied
FY 2018	665	208	457	61	61	0
FY 2019	1,034	149	885	80	80	0
FY 2020	669	116	553	75	75	0

Source: Vision Exemption Annual Reports

Diabetes Exemption Program

Launched in September 2003 and revised in August 2005, the Diabetes Exemption Program provided CMV drivers who did not meet the insulin-treated diabetes mellitus (ITDM) standard of 49 CFR 391.41(b)(3) the opportunity to seek exemptions on a case-by-case basis. Drivers were required to provide application information that supports the diabetes exemption criteria. FMCSA granted waivers from the ITDM standard to drivers being considered for an exemption on a case-by-case basis to provide FMCSA sufficient time to complete the required *Federal Register* process so the drivers could remain employed in their current jobs.

On September 19, 2018, FMCSA revised its regulations to permit individuals with a stable insulin regimen and properly controlled ITDM to be qualified to operate CMVs in interstate commerce (83 FR 47486). Effective on November 19, 2018, the final rule amended the FMCSRs to allow individuals with stable insulin regimens and properly controlled ITDM to drive CMVs in interstate commerce without an exemption if they meet the physical qualification standards at §§ 391.41, 391.45, and 391.46. The final rule eliminated the diabetes grandfather provision under §391.64(a) one year after the effective date of this rule and eliminated the need for the Federal Diabetes Exemption Program. Therefore, on February 21, 2019, FMCSA published *Qualifications of Drivers; Exemption Applications; Diabetes; Withdrawal of Notices of Final Disposition*, formally withdrawing its September 3, 2003, notice concerning exemptions for certain individuals with ITDM and its November 8, 2005, revision (84 FR 5549). Table 2 shows the number of exemption and waiver applications received and granted through the Diabetes Exemption Program for FY 2018 and 2019.

Table 2. Diabetes Exemptions and Waivers Granted or Denied, FY 2018 – 2019

	Exemption Applications	Exemptions Granted	Exemptions Denied	Waiver Applications	Waivers Granted	Waivers Denied
FY 2018	1,147	945	202	71	71	0
FY 2019	295	295	0	0	0	0

Source: Diabetes Exemption Annual Reports

OTHER MEDICAL EXEMPTIONS AND WAIVERS GRANTED OR DENIED

This section summarizes exemptions and waivers FMCSA has granted or denied involving individuals unable to meet certain physical qualification requirements in 49 CFR 391.41 for which there are no formal exemption programs. Each must abide by the terms and conditions of the exemption or waiver to ensure that the level of safety would be equivalent to or greater than the level of safety achieved by complying with the Federal regulations.

Summary of Granted or Denied Medical Exemptions and Waivers

Epilepsy/Seizure

FMCSA bases its decision to grant or deny applications for exemptions from the epilepsy/seizure standard in 49 CFR 391.41(b)(8) on an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s), the length of time elapsed since the individual's last seizure, and the individual's treatment regimen. FMCSA reviews each applicant's driving record and interstate and intrastate inspection reports and considers both current medical literature and the 2007 recommendations of FMCSA's Medical Expert Panel (MEP).

In 2007, the MEP recommended conditional certification for individuals who have an epilepsy diagnosis, a single unprovoked seizure, or a single provoked seizure with low-risk factors for recurrence and recommended no certifications for individuals with moderate to high-risk seizure conditions. The MEP's recommendations provide that an individual with a single unprovoked seizure should be seizure-free for 4 years, on or off medication. An individual with an epilepsy diagnosis should be seizure-free for 8 years, on or off medication. If the individual is taking anti-seizure medication(s), the plan for medication should be stable for two years. Stable means no changes in medication, dosage, or frequency of medication administration.

The exemptions are contingent on the driver maintaining a stable medication regimen and remaining seizure-free during the two-year exemption period. Exempted drivers must submit annual reports from their treating physicians attesting to the stability of treatment and confirming that the driver has remained seizure-free. Additionally, the drivers must be medically certified yearly by a medical examiner as defined by 49 CFR 390.5, following FMCSA's regulations for CMV drivers. Table 3 shows the number of epilepsy/seizure exemption and waiver applications received and granted for FYs 2018, 2019, and 2020.

Table 3. Epilepsy/Seizure Exemptions and Waivers Granted or Denied, FY 2018 – 2020

	Exemption Applications	Exemptions Granted	Exemptions Denied	Waiver Applications	Waivers Granted	Waivers Denied
FY 2018	261	139	122	3	3	0
FY 2019	234	154	80	2	2	0
FY 2020	214	152	62	9	9	0

Source: Epilepsy/Seizure Exemption Annual Reports

Hearing

FMCSA bases its decisions to grant or deny applications for exemptions from the hearing standard in 49 CFR 391.41(b)(11) on current medical literature and information and the 2008 evidence report commissioned by FMCSA with input from FMCSA’s MEP and the Medical Review Board Advisory Committee (MRB). The “Executive Summary on Hearing, Vestibular Function and Commercial Motor Vehicle Driver Safety” report reached the following two conclusions regarding the matter of hearing loss and CMV driver safety: (1) no studies were found that examined the relationship between hearing loss and crash risk exclusively among CMV drivers; and (2) evidence from studies of the non-commercial driver population did not support the contention that individuals with hearing impairments are at an increased risk for a crash. In making these decisions, FMCSA reviews the applicants’ driving records in the Commercial Driver License Information System and interstate and intrastate inspections recorded in the Motor Carrier Management Information System. The terms and conditions of these exemptions do not allow hard-of-hearing and deaf drivers to operate a motorcoach with passengers. Table 4 shows the number of hearing exemption and waiver applications received and granted for FYs 2018, 2019, and 2020.

Table 4. Hearing Exemptions and Waivers Granted or Denied, FY 2018 – 2020

	Exemption Applications	Exemptions Granted	Exemptions Denied	Waiver Applications	Waivers Granted	Waivers Denied
FY 2018	263	263	0	1	1	0
FY 2019	169	169	0	3	3	0
FY 2020	328	328	0	66	66	0

Source: Hearing Exemption Annual Reports

Cardiovascular Condition

FMCSA reviewed the medical information of individuals seeking an exemption from the cardiovascular standard in 49 CFR 391.41(b)(4) because of conditions requiring the use of an implantable cardioverter-defibrillator (ICD). An ICD is an electronic device that treats cardiac arrest and abnormal rapid heart rates that originate from the lower chambers of the heart by delivery of rapid-paced electrical stimuli or shocks.

FMCSA evaluated the individual exemption requests on their merits, available scientific data from the Agency’s Evidence Reports and MEP opinions on ICDs and CMV driving, and comments received. The Agency determined that scientific research does not provide sufficient data to support the conclusion that a CMV driver with an ICD can meet an equivalent level of safety should the device discharge. Individuals may experience syncope when the device discharges and may not recall symptoms when the shock occurs, posing a risk to public safety. In FY 2018, FMCSA received and denied nine applications for exemptions from the

cardiovascular standard. In FY 2019 and FY 2020, FMCSA received and denied 11 and 10 applications, respectively, for exemptions from the cardiovascular standard.

Narcolepsy

On March 28, 2019, FMCSA announced its decision to deny an application from an individual seeking an exemption from the physical qualification requirements in 49 CFR 41(b)(8) and (b)(9) (84 FR 11863). The individual had narcolepsy, which is a chronic neurological disorder caused by autoimmune destruction of hypocretin-producing neurons inhibiting the brain's ability to regulate sleep-awake cycles normally. The Agency determined that the available medical and scientific literature and research provided insufficient data to enable the Agency to grant the exemption.

NON-MEDICAL DRIVER EXEMPTIONS AND WAIVERS

As provided in 49 CFR part 381, FMCSA granted non-medical exemptions and waivers for which there exist no specific programs; rather, there are terms and conditions each applicant must meet to ensure that the level of safety would likely be equivalent to or greater than the level of safety achieved by complying with the Federal regulations.

Exemptions and Waivers Granted or Denied in FY 2018

Truck Renting and Leasing Association (TRALA)

On October 11, 2017, FMCSA granted TRALA a limited exemption from the requirement to use an electronic logging device (ELD) to record the drivers' hours-of-service (HOS) for a CMV rented for 8 days or fewer (82 FR 47306).

Pipe Line Contractors Association (PLCA)

On October 27, 2017, FMCSA denied the application of the PLCA for an exemption from the requirement that a motor carrier install and require each of its drivers to use an ELD to record the driver's HOS no later than December 18, 2017 (82 FR 49923). FMCSA determined that PLCA had not demonstrated how, without using ELDs, it would likely maintain a level of safety equivalent to, or greater than, the level achieved without the exemption.

Rail Delivery Services (RDS)

On November 14, 2017, FMCSA granted RDS an exemption from the logbook requirements for its drivers who may not meet all of the conditions for utilization of the 100 air-mile radius logbook exemption. This exemption enables RDS drivers who stay within the 100 air-mile radius, but may occasionally take more than 12 hours to return to their work-reporting location,¹ from having to complete a daily record of duty status on those days (82 FR 52767). Instead, the drivers will use an ELD system called Geotab at all times to track HOS data including real-time vehicle locations.

¹ In 2020, FMCSA issued a final rule making certain revisions to its HOS regulations. "Hours of Service of Drivers," 85 FR 33396 (June 1, 2020). For example, the 2020 final rule expanded the short-haul exception described here to 150-air miles and a 14-hour work shift.

Transportation of Agricultural Commodities Waiver

On December 20, 2017, FMCSA granted a limited 90-day waiver from the ELD requirements for the transportation of agricultural commodities as defined in the FMCSRs in response to a request from the National Pork Producers Council on behalf of eight organizations representing transporters of livestock and other agricultural commodities as defined by the FMCSRs (82 FR 60323).

Hungry Howie's Distributing, Inc.

On January 17, 2018, FMCSA granted Hungry Howie, which lost many CMVs in Hurricane Irma, a 90-day waiver from the ELD requirements. The replacement CMVs with ELDs that Hungry Howie ordered were expected to arrive after the ELD rule compliance date of December 18, 2017. The waiver allowed 13 CMV drivers to record their HOS by paper logbook, as there were no practical alternatives to comply with the ELD mandate.

Motion Picture Association of America (MPAA)

On January 19, 2018, FMCSA granted the MPAA an exemption from the ELD requirements for all CMV drivers providing transportation to or from a theatrical or television motion picture production site. MPAA requested this exemption to allow drivers to complete paper records of duty status (RODS) instead of using an ELD device (83 FR 2869).

Old Dominion Freight Lines

On January 19, 2018, FMCSA granted a limited 90-day waiver from the ELD rule to Old Dominion and other motor carriers concerning the integration of PeopleNet's ELD software into fleet management systems. The waiver permitted the company to install and use ELD HOS recording devices running PeopleNet's automatic on-board recording device software that met the requirements of 49 CFR 395.15 (83 FR 2745).

Truck Renting and Leasing Association (TRALA)

On January 19, 2018, FMCSA granted a limited 90-day waiver from the ELD rule to motor carriers operating property-carrying CMVs that were rented for a period not exceeding 30 days (83 FR 2868).

National Asphalt Pavement Association, Inc. (NAPA)

On January 26, 2018, FMCSA granted NAPA's request for exemptions from the following two requirements of the HOS regulations for all drivers of certain CMVs: (1) the 30-minute rest break provision and (2) the requirement that short-haul drivers utilizing the RODS exception return to their work-reporting location within 12 hours of coming on duty (83 FR 3864).

Crosby Trucking Services, Inc.

On February 6, 2018, FMCSA granted a waiver for five Crosby drivers from the regulation requiring consolidated sleeper berth hours and the regulation restricting the concurrent use of multiple RODS on CMVs, allowing them to participate in the Agency's Flexible Sleeper Berth Pilot Program pre-test.

Commercial Vehicle Training Association (CVTA)

On February 20, 2018, FMCSA granted a limited 90-day waiver from certain requirements concerning proof of United States citizenship or legal permanent residence and domicile to enable State driver licensing agencies to accept commercial learner's permit (CLP) and commercial driver's license (CDL) applications from individuals relocating from Puerto Rico due to Hurricanes Irma and Maria (83 FR 7289).

Energy Transportation, LLC (Energy)

On February 26, 2018, FMCSA granted two waivers to Energy to restore elk to the State of West Virginia. The State of Arizona provided up to 60 elk for the transfer; Energy offered to transport the elk to West Virginia in one truckload, requesting the waivers to reduce stress to these wild animals and to allow the truck to move as much as possible to minimize the elks' confinement time.

G4S Secure Solutions (USA) Inc. (G4S)

On February 27, 2018, FMCSA denied G4S an exemption from the ELD requirements (83 FR 8571), requested for all its drivers of customer/government-owned vehicles used intermittently to perform passenger transportation. FMCSA concluded that the application did not consider practical alternatives, provide an analysis of the safety impacts the requested exemption would cause, or provide countermeasures to ensure that the exemption would likely achieve a level of safety equivalent to the level achieved by the current regulation.

Daimler Trucks North America

FMCSA approved multiple Daimler waiver and exemption requests from the CDL provisions in 49 CFR part 383 for specified German drivers to operate CMVs in this country. The waivers and exemption allowed them to test-drive Daimler vehicles on U.S. roads without holding a CDL issued by one of the States. On March 1, 2018, FMCSA approved one waiver; on June 11, 2018, FMCSA approved two waivers; and on September 10, 2018, FMCSA approved one exemption (83 FR 45742).

National Tank Truck Carriers (NTTC) and Massachusetts Motor Transportation Association (MMTA)

On April 9, 2018, FMCSA granted NTTC and MMTA an exemption from the requirement that CMV drivers take a 30-minute rest break, initially granted to drivers transporting specified types of petroleum-based fuels who would otherwise have to observe the rest break when their duty day unexpectedly exceeds 12 hours (83 FR 15221). The National Propane Gas Association (NPGA) commented to the docket that CMV drivers transporting propane gas should be allowed to qualify for the exemption. On November 9, 2018, FMCSA published a correction to include certain propane gas transported by NPGA motor carriers and drivers as a specified fuel (83 FR 56138).

American Disposal Service (ADS)

On June 16, 2018, FMCSA denied ADS' request for an exemption from the required use of ELDs and paper RODS because the company did not believe ELDs could accurately record driving time when the CMV made constant short movements with the driver often exiting the vehicle. FMCSA denied ADS' application for exemption. The Agency concluded that ADS had

not clearly explained how its lack of ELD use and its discontinued use of paper RODS would reach the current level of safety provided by the regulations.

Association of Energy Service Companies (AESC)

On June 16, 2018, FMCSA denied AESC's request for an exemption from the ELD rule to allow drivers operating well service rigs to complete paper RODS instead of using an ELD whenever the drivers exceeded the requirements of the short-haul exception. FMCSA denied AESC's application for exemption because the Agency could not ensure that the requisite level of safety would be provided by the exemption.

Cudd Energy Services, Inc. (CES)

On June 16, 2018, FMCSA denied CES's request for an exemption from the ELD requirements for its specially trained drivers of specially constructed CMVs used in oilfield operations to allow drivers of these infrequently driven CMVs to complete paper RODS instead of using an ELD. FMCSA denied CES's application for exemption. Based on the information CES provided, FMCSA could not ensure that the requisite level of safety would be provided by the exemption.

National Electrical Contractors Association (NECA)

On June 16, 2018, FMCSA denied NECA's request for an exemption from the ELD requirements in 49 CFR part 395 to allow its contractors who operate CMVs to install, repair, and maintain the infrastructure of electrical utilities, to continue to use paper logs to record the HOS of its drivers. FMCSA denied the proposed exemption because many of the operations described in NECA's application are already excepted from the ELD requirement by existing regulations.

Owner-Operator Independent Drivers Association, Inc. (OOIDA)

On June 16, 2018, FMCSA denied OOIDA's request for an exemption from the HOS ELD requirements in 49 CFR part 395 on behalf of certain motor carriers considered to be a small transportation trucking business by 13 CFR 121.20. The Agency denied the application because most of the content of OOIDA's application challenged the basis of the ELD rule, rather than justified an exemption for a specific segment of drivers.

Power & Communication Contractors Association (PCCA)

On June 16, 2018, FMCSA denied PCCA's request for an exemption from the ELD requirements in 49 CFR part 395 to allow motor carriers and drivers operating CMVs in the power and communication construction industry to be allowed to use paper RODS instead of ELDs. FMCSA denied the application for exemption because PCCA did not demonstrate how, without using ELDs, they would likely maintain a level of safety equivalent to, or greater than, the level achieved without the exemption.

SikhsPAC and North American Punjabi Trucker Association (applicants)

On June 16, 2018, FMCSA denied the applicants' request for an exemption from the ELD requirements on behalf of their members (fresh produce shippers) and small truck businesses. The exemption would allow members involved in segments of America's agricultural transportation industry to delay using ELDs for one year. FMCSA denied the exemption

application because the information provided by the applicants failed to distinguish the drivers who would be covered by the exemption.

The Towing and Recovery Association of America (TRAA)

On June 16, 2018, FMCSA denied TRAA's request for a five-year exemption from the ELD requirement for all operators of CMVs owned or leased to providers of motor vehicle towing, recovery, and roadside repair services while providing such services. FMCSA denied the application because TRAA's plan for the continued use of paper RODS and the process for reviewing the RODS to verify accuracy would be comparable only to the level of safety provided by paper RODS prior to the implementation of the ELD rule, and would not achieve the equivalent level of safety that would be achieved using ELDs.

Western Equipment Dealers Association (WEDA)

On June 16, 2018, FMCSA denied WEDA's request for an exemption from the ELD requirement on behalf of several other organizations and their membership. FMCSA denied the application because the Agency was unable to determine from the application and the public comments whether operations under the requested exemption would provide the requisite level of safety.

American Pyrotechnics Association (APA)

On June 19, 2018, FMCSA granted a waiver to three new APA member companies (Artisan Pyrotechnics Inc., DOT# 1898096; Montana Display Fireworks, Inc., DOT# 1030231; and ZY Pyrotechnics, LLC dba Skyshooter Displays, Inc., DOT# 2149202), from the prohibition on driving CMVs after the 14th hour after the driver comes on duty. FMCSA granted this waiver to provide sufficient time to complete the exemption process, allowing these companies to participate in the 2018 Independence Day Celebrations under the terms and conditions of the exemption.

On June 19, 2018, FMCSA granted a separate waiver to APA member-companies from the HOS regulations pertaining to ELDs, allowing 50 APA member-companies then holding an exemption from the HOS 14-hour rule, plus three new member-companies holding a waiver from the HOS 14-hour rule, to use paper logs to record their RODS rather than an ELD during the 2018 Independence Day season.

National Mobile Shower and Catering Association (NMSCA)

On July 25, 2018, FMCSA granted NMSCA a waiver from certain HOS requirements of 49 CFR part 395, in effect only for periods of time when NMSCA members were operating under a "Resource Order" or other comparable order issued by a Federal government agency.

Agricultural Retailers Association (ARA)

On July 26, 2018, FMCSA denied ARA's application for exemption from the ELD requirements on behalf of its members who are retailers and distributors of farm-related products and services. FMCSA denied the application because the Agency was unable to determine from the application and the public comments whether operations under the requested exemption would provide the requisite level of safety.

STC Inc.

On July 27, 2018, FMCSA denied STC's application for exemption from the ELD requirements. STC applied for exemption asserting that purchasing ELDs after 2 years of reduced revenue placed an undue financial burden on the company. FMCSA denied the exemption because the Agency was unable to determine from the application and from the public comments that, if the exemption were granted, the level of safety of STC's operations would likely be as safe as, or safer than, without the exemption.

Waste Management Holdings, Inc. (WMH)

On August 1, 2018, FMCSA granted WMH a limited 3-month waiver. WMH requested a waiver from the requirement that short-haul drivers utilizing the RODS status exception return to their normal work-reporting location within 12 hours of coming on duty. The waiver enabled all WMH drivers who operate CMVs to collect waste and recycling materials to use the short-haul exception but return to their work-reporting location within 14 hours instead of the usual 12 hours while the Agency processed WMH's application for exemption.

Truck Renting and Leasing Association (TRALA)

On August 23, 2018, FMCSA denied TRALA's request for an exemption from the ELD rule. TRALA had previously requested a three-month waiver from the ELD requirement which expired on April 19, 2018, and subsequently requested an extension until December 31, 2018. The Agency believed that TRALA and its members had enough time to resolve the technical problems that arose with the rental trucks and ELDs.

Exemptions and Waivers Granted or Denied in FY 2019*U.S. Custom Harvesters, Inc. (USCHI)*

On October 3, 2018, FMCSA granted USCHI an exemption from the "K" intrastate restriction on CDLs held by custom harvester drivers operating in interstate commerce (83 FR 49977). The FMCSRs exempt drivers of CMVs controlled and operated by a person engaged in interstate custom harvesting from 49 CFR part 391, including the requirement that drivers be at least 21 years old.

National Pork Producers Council (NPPC)

On October 23, 2018, by letter, FMCSA denied a request on behalf of the NPPC and seven other organizations for an exemption from the ELD rule. The Agency analyzed the exemption application and the public comments and concluded that the NPPC plan for the livestock haulers to continue participation in additional training, including the pork industry's Transport Quality program and the beef industry's Master Cattle Transport program, would not achieve a level of safety equivalent to that achieved by use of an ELD.

Waste Management Holdings, Inc. (WMH)

On October 25, 2018, FMCSA granted WMH's request for exemption from the requirement that short-haul drivers utilizing the RODS status exception return to their normal work-reporting location within 12 hours of coming on duty (83 FR 53940). The exemption enables all WMH drivers who operate CMVs to collect waste and recycling materials to use the short-haul

exception but return to their work-reporting location within 14 hours instead of the usual 12 hours.

Specialized Carriers & Rigging Association (SCRA)

On November 1, 2018, FMCSA granted SCRA a limited waiver from the 30-minute rest break rule of the Agency's HOS regulations for all qualifying motor carriers and drivers operating mobile cranes with a rated lifting capacity of greater than 30 tons. FMCSA granted this waiver to provide the Agency with sufficient time to complete its exemption process.

American Concrete Pavement Association, Inc. (ACPA)

On February 6, 2019, FMCSA granted ACPA's request for exemptions from two requirements of the HOS regulations for all drivers of certain CMVs: (1) the 30-minute rest break provision; and (2) the requirement that short-haul drivers utilizing the RODS exception return to their work-reporting location within 12 hours of coming on duty (84 FR 2307).

Isuzu North America Corporation

On February 21, 2019, FMCSA granted Isuzu an exemption from the Federal requirement to hold a U.S. CDL issued by one of the States (84 FR 5543). The exemption allows 12 Isuzu CMV drivers, who are citizens and residents of Japan and hold Japanese commercial licenses, to test-drive Isuzu CMVs in the United States without a CDL issued by one of the States.

Fiat Chrysler Automobiles (FCA)

On April 15, 2019, FMCSA denied FCA's application for an exemption from the requirement that its drivers use ELDs to record their HOS (84 FR 15282). FCA provided no analysis of the safety performance of drivers who would operate using paper RODS under the exemption or of how the risk of fatigue and crashes while operating a CMV without an ELD would be equivalent to the risk posed by operating a vehicle with one installed.

Navistar, Inc.

On April 15, 2019, FMCSA granted Navistar an exemption for a CMV driver employed by its business partner MAN Truck & Bus AG (MAN) of Munich, Germany (84 FR 15283). Navistar requested an exemption for Mr. Jerome Douay, a Product Engineer Senior Manager with MAN. He holds a valid German commercial license and the exemption allows Mr. Douay to test drive Navistar vehicles on U.S. roads to better understand product requirements in "real world" environments and verify results.

RJR Transportation, Inc. (RJR)

On June 7, 2019, FMCSA granted RJR an exemption to increase the 100 air-mile radius in "short-haul operations" to 150 air miles for its drivers (84 FR 26726). RJR requested the exemption for all its operators of CMVs to enable the drivers not exceeding the 150 air-mile radius to utilize time records instead of a record of duty status for that day.

American Pyrotechnics Association (APA)

On June 28, 2019, FMCSA approved two exemptions from the Agency's HOS regulations for four new members of APA: Celebration Fireworks, Inc., International Fireworks Mfg. Company, Inc., Johnny Rockets Fireworks Display Company, and the Wald & Company All American

Display Fireworks Company. The first exemption allowed the drivers of the four new APA member companies to exclude off-duty and sleeper-berth time, of any length, from the calculation of the 14-hour limit. The second exemption allowed the same drivers employed by the four members to continue to use paper RODS in lieu of an ELD during the designated Independence Day periods.

Small Business in Transportation Coalition (SBTC)

On July 17, 2019, FMCSA denied SBTC's application for an exemption from the ELD requirements for all motor carriers with fewer than 50 employees, including but not limited to one-person private and for-hire owner-operators of CMVs used in interstate commerce (84 FR 34250). SBTC failed to provide the name of the motor carrier or person responsible for the exemption and did not describe countermeasures that would be taken to ensure an equivalent level of safety.

National Mobile Shower and Catering Association (NMSCA)

On August 15, 2019, FMCSA granted NMSCA a waiver from certain HOS requirements of 49 CFR part 395. The waiver was in effect only for periods of time when NMSCA members were operating under a "Resource Order" or other comparable order issued by a Federal agency. The waiver allowed driver-employees to transport equipment to provide food and water services to firefighters contracted by a Federal government agency at designated base camps.

Transco Inc.

On August 28, 2019, FMCSA granted Transco an exemption from the 30-minute rest break provision of the Agency's HOS regulations for CMV drivers (84 FR 45197). The exemption enables Transco's drivers to comply with the 30-minute rest break requirement while performing on-duty not-driving tasks.

Exemptions and Waivers Granted or Denied in FY 2020

National Mobile Shower and Catering Association (NMSCA)

On October 1, 2019, FMCSA granted the NMSCA's request for an exemption from certain provisions of the HOS rules for drivers employed by member companies engaged in the transportation of equipment that provide food and water services to Federally-contracted forest firefighters and similar emergency workers who establish temporary base camps and have immediate need of food and water services near fire scenes (84 FR 52169).

State of Indiana

On October 10, 2019, the Agency granted the State of Indiana a waiver from the 180-day limit on the total length of the seasonal periods for which the State may issue restricted CDLs to drivers employed in specified farm-related service industries in 49 CFR 383.3(f)(3)(ii). The waiver provided relief from certain requirements for a non-emergency and unique situation the State of Indiana was facing.

Navistar, Inc.

FMCSA granted Navistar exemptions from the CDL provision in 49 CFR part 383 for two drivers from Germany (November 21, 2019, 84 FR 64400), and five drivers from Sweden

(December 27, 2019, 84 FR 71525). The exemptions allowed these drivers to test drive Navistar's CMVs on U.S. roads to better understand product requirements in "real world" environments and verify results.

HEPACO, LLC; Heritage Environmental Services, LLC; Lewis Environmental, Inc.; and Moran Environmental Recovery, LLC

On November 12, 2019, FMCSA denied the joint application from HEPACO, LLC; Heritage Environmental Services, LLC; Lewis Environmental, Inc.; and Moran Environmental Recovery, LLC for exemption from the HOS regulations for drivers engaged in providing direct assistance in actual and potential environmental emergencies (84 FR 61133). They are all members of the Spill Control Association of America (SCAA), which filed the exemption on their behalf. The Agency concluded that SCAA's application did not analyze the safety impacts the proposed exemption would cause, nor did the applicant clearly define the conditions that would trigger the exemption.

American Bakers Association and International Dairy Foods Association (ABA/IDFA)

On November 21, 2019, FMCSA denied the joint request from ABA/IDFA for an exemption from the Federal HOS rules for CMV drivers (84 FR 64398). The requested exemption was made on behalf of those drivers engaged in the delivery of baked goods and milk products during periods and in geographic areas reasonably anticipated to be impacted by an impending natural disaster or emergency situation, such as extreme weather events, natural disasters, and other emergencies. The Agency denied the application for multiple reasons, one being that there was no documentation clearly identifying which drivers would be responding to an urgent need by the ABA/IDFA member companies.

Kimble Recycling & Disposal, Inc. (KRD)

On November 21, 2019, FMCSA granted KRD's request for an exemption from the requirement that short-haul drivers utilizing the RODS exception return to their normal work-reporting location within 12 hours after coming on duty (84 FR 64401). The exemption enables covered drivers to return to their work-reporting location within 14 hours (instead of the current 12 hours) without losing their short-haul status.

National Waste & Recycling Association (NWRA)

On November 21, 2019, FMCSA granted NWRA's request for exemption from the requirement that short-haul drivers utilizing the RODS exception return to their normal work-reporting location within 12 hours after coming on duty (84 FR 64391). The exemption enables covered drivers to return to their work-reporting location within 14 hours (instead of the current 12 hours) without losing their short-haul status.

North Shore Environmental Construction, Inc.

On November 21, 2019, FMCSA denied North Shore's application for exemption from the "14-hour rule" of the HOS regulations for drivers responding to actual and potential environmental emergencies (84 FR 64394). The applicant had requested that the 14-hour rule be extended by 4.5 hours in exchange for a 3-hour reduction in the driving-time limit. The Agency analyzed the exemption application and the public comments. The Agency concluded that North

Shore's application did not analyze the safety impacts the proposed exemption would cause, nor did the applicant provide clear parameters that would trigger the exemption.

PJ Helicopters, Inc. (PJH)

On November 21, 2019, FMCSA denied PJH's request for an exemption from the HOS rules for its ground support equipment operators (84 FR 64397). The requested exemption would have allowed PJH's ground support equipment operators a 16-hour window within which to complete all driving, and enable these operators to use an 8-consecutive hour off-duty break, combined with at least two other off-duty hours during the 16-hour window within which driving would be completed, in lieu of taking 10 consecutive hours off duty. The Agency denied the application for exemption because it did not provide an analysis of the safety impacts the requested exemption from the HOS regulations may cause.

Wolfe House Movers, LLC, and Wolfe House Movers of Indiana, LLC (Wolfe)

On November 21, 2019, FMCSA denied Wolfe's joint application for exemption from the HOS 60-hour/7-day rule for its drivers engaged in transporting steel beams and dollies to and from various job sites for lifting and moving buildings (84 FR 64396). Wolfe requested an exemption to use the 70-hour on-duty limit for drivers not operating CMVs on Sundays. The application was denied because Wolfe did not provide any countermeasures (e.g., additional off-duty time, etc.) to address the approximately 17 percent increase in the maximum amount of on-duty time that may be accumulated before driving is prohibited.

United Parcel Service, Inc. (UPS)

On December 9, 2019, FMCSA denied UPS's application for exemption from two provisions in the entry-level driver training (ELDT) rule (84 FR 67337). UPS requested a 5-year exemption from the following provisions in the ELDT final rule: the requirement that a driver training instructor hold a CDL and have 2 years of experience driving a CMV, as set forth in the definitions of "behind-the-wheel (BTW) instructor" and "theory instructor" and the requirement to register each training location in order to obtain a unique Training Provider Registry number applicable to that location. The Agency concluded that the experience for the training instructor is necessary to establish a sufficient minimum qualification standard for BTW instructors. Additionally, the Agency needs to know the training location where an individual received ELDT so that if State-administered skills or knowledge test pass/fail rates appear to be outside of the norm for drivers trained in a specific location, FMCSA can follow up appropriately.

Diesel Driving Academy (DDA)

On December 12, 2019, FMCSA granted DDA's request for a 30-day waiver from 49 CFR 383.25(e) requiring that CDL applicants possess the CLP for at least 14 days prior to taking the CDL skills test. DDA had indicated in its application that the State of Louisiana experienced a ransomware attack on its information technology system used to administer its CDL program which resulted in a backlog for CLP testing. The waiver enabled three specified drivers to take the CDL skills tests 7 calendar days after obtaining their CLPs.

Daimler Trucks North America (DTNA)

The Agency granted DTNA's requests for one waiver and one exemption from the CDL provisions in 49 CFR part 383 for specified driver-employees. On March 2, 2020, FMCSA

approved a waiver; on September 28, 2020, FMCSA approved an exemption (85 FR 60872). The waiver and exemption allowed each driver to test-drive Daimler vehicles on U.S. roads without holding a CDL issued by one of the States.

R.J. Corman Railroad Services, Cranemasters, Inc., and National Railroad Construction and Maintenance Association, Inc.

On March 4, 2020, FMCSA granted the application of R.J. Corman Railroad Services, Cranemasters, Inc., and the National Railroad Construction and Maintenance Association, Inc., for an exemption from the HOS maximum driving time requirements for drivers of property-carrying vehicles (85 FR 12818). The exemption enables affected railroad employees to respond to an unplanned event that occurs outside of or extends beyond the employee's normal work hours.

Teupen North America, Inc. (Teupen)

On March 11, 2020, FMCSA granted Teupen an exemption from the CDL regulations for a specified driver to test drive Teupen's new aerial lift design vehicle on U.S. roads to better understand product requirements for safe application in the U.S. market, and verify results (85 FR 14288).

Small Business in Transportation Coalition (SBTC)

On April 13, 2020, FMCSA denied SBTC's request for reconsideration of its application for exemption from the ELD rule that was previously denied by the Agency on July 17, 2019 (85 FR 20562). SBTC had resubmitted its application for exemption from the ELD requirements for all motor carriers with fewer than 50 employees, including, but not limited to, one-person private and for-hire owner-operators of CMVs used in interstate commerce. FMCSA analyzed SBTC's petition for reconsideration and the public comments received and determined that neither the applicant nor the commenters provided information that would change the Agency's previous decision to deny the exemption.

Extreme Logistics, LLC

On May 18, 2020, FMCSA granted Extreme Logistics, a fireworks company, an exemption for five years from the requirement that all driving be completed within 14 hours of the beginning of the work shift (85 FR 29782). This exemption allows the applicant to exclude off-duty and sleeper-berth time, of any length, from the calculation of the 14-hour driving window during Independence Day celebrations from June 28-July 8, each year.

PTS Worldwide, Inc. (PTS)

On May 18, 2020, FMCSA denied the PTS request for an exemption from the HOS rules for drivers utilizing the sleeper-berth (S/B) exception. (85 FR 29781). PTS sought an exemption for its team drivers to be permitted to obtain 10 hours in the S/B in two periods, neither less than four hours long. This would allow the drivers to split the required 10 hours into segments of 4/6, 5/5, or 6/4 hours. FMCSA analyzed the exemption application and public comments and determined that the application lacked evidence that would ensure an equivalent level of safety or greater than would be achieved absent such exemption.

Motion Picture Compliance Solutions (MPCS)

On June 1, 2020, FMCSA granted MPCS an exemption to allow it to conduct a limited query of the Drug and Alcohol Clearinghouse before one of its member employers hires a driver for a project, rather than conducting a full pre-employment query as required by the (85 FR 33274). Prior to granting the exemption, on February 4, 2020, FMCSA granted MCPC a limited waiver to provide the Agency with sufficient time to complete the exemption process.

American Pyrotechnics Association (APA)

On June 17, 2020, FMCSA granted APA limited waivers from compliance with the 14-hour rule [49 CFR 395.3(a)(2)] and the ELD requirement [49 CFR 395.8(a)(1)(i)] to six member companies: Hale Artificier, Inc.; Las Vegas Display Fireworks, Inc.; Majic in the Sky, LLC; RKM Fireworks Company; Santore's World Famous Fireworks, LLC; and Southern Sky Fireworks, LLC, during the 2020 Independence Day Celebration period. Drivers operating CMVs in conjunction with staging fireworks shows celebrating Independence Day were allowed to exclude off-duty and sleeper-berth time of any length from the calculation of the 14-hour driving window and used paper RODS instead of ELDs to record their HOS.

Illumination Fireworks Partners, LP & Ace Pyro, LLC (applicants)

On June 18, 2020, FMCSA granted the applicants a limited five-year exemption from the 14-hour rule in 49 CFR 395.2(a)(2) to allow drivers to exclude off-duty and sleeper-berth time of any length from the calculation of the 14-hour driving window during the Independence Day Celebration period (85 FR 36932).

American Trucking Associations, Inc. (ATA)

On June 26, 2020, FMCSA granted ATA a waiver from compliance with the HOS off-duty 30-minute break requirement that covered drivers employed by motor carriers transporting certain security-sensitive hazardous materials (HM) requiring a security plan that included an attendance provision. The waiver allowed these drivers to count their on-duty attendance of HM cargo toward the 30-minute rest break requirement provided they performed no other on-duty activity.

Werner Enterprises, Inc.

On July 7, 2020, FMCSA granted Werner's application for an exemption from the requirement that certain data fields be excluded in electronic RODS files presented by ELDs (85 FR 40731). Prior to granting the exemption, on March 27, 2020, FMCSA granted Werner a limited waiver to provide the Agency with sufficient time to complete the exemption process.

Ohio Department of Public Safety (DPS)

On September 28, 2020, FMCSA denied the Ohio DPS' request for an exemption to modify the mandatory skills test requirements for qualified military veterans (85 FR 60873). FMCSA evaluated Ohio DPS' application and the public comments and concluded that the applicant did not provide an alternative that would ensure an equivalent level of safety under the exemption.

Pronto.ai, Inc.

On September 28, 2020, FMCSA denied Pronto.ai, Inc.'s application for an exemption from the 11-hour driving limit and the prohibition against driving after the 14th hour after coming on duty

(85 FR 60869). Under the requested exemption CMVs equipped with the Copilot by Pronto advanced driver assistance systems, the SmartDrive[®] Video Safety Program, and operating under certain other safeguards, would be allowed to drive up to 13 hours during a work shift within 15 consecutive hours after coming on duty following 10 consecutive hours off duty. The Agency based its decision on the numerous research studies concerning fatigue and HOS.

Right-A-Way, LLC

On September 28, 2020, FMCSA denied Right-A-Way, LLC’s application for an exemption from the requirement that its short-haul drivers use ELDs when they are required to prepare RODS more than eight days in a 30-consecutive day period (85 FR 60871). FMCSA analyzed the exemption application and determined that the applicant would not achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

Table 5. Non-Medical Driver Exemptions and Waivers Granted or Denied, FY 2018 – 2020

	Exemption Applications	Exemptions Granted	Exemptions Denied	Waiver Applications	Waivers Granted	Waivers Denied
FY 2018	21	7	14	15	15	0
FY 2019	13	10	3	2	2	0
FY 2020	23	12	11	8	8	0

Source: *Federal Register* publications and Agency correspondence

VEHICLE EXEMPTIONS AND WAIVERS

This section summarizes the exemptions and waivers FMCSA has granted or denied involving CMVs of motor carriers unable to meet certain requirements in 49 CFR 393 or 49 CFR 396. Each motor carrier must abide by the terms and conditions of the exemption or waiver to ensure that the level of safety would be equivalent to or greater than the level of safety achieved by complying with the Federal regulations.

Exemptions and Waivers Granted or Denied in FY 2018

United Parcel Services, Inc. (UPS)

On October 20, 2017, FMCSA granted part of UPS’ application for exemptions from various provisions of the ELD mandate (82 FR 48883). The exemptions allow: (1) all motor carriers and drivers that use portable, driver-based ELDs to record engine data when the driver is in a CMV and the engine is powered and (2) all motor carriers to configure an ELD with a yard-move mode that does not require a driver to re-input yard-move status every time the tractor is powered off. However, the Agency denied UPS’ request to allow an alternative ELD phase-in method using new automatic on-board recording devices on 469 new tractors it intended to purchase after the December 18, 2017, “grandfathering” deadline.

Daimler Trucks North America LLC (DTNA)

On January 31, 2018, FMCSA granted DTNA’s application for a limited five-year exemption allowing motor carriers operating CMVs manufactured by the company to use an Attention

Assist and Lane Departure Warning system camera mounted lower in the windshield than permitted by regulation (83 FR 4543).²

STEMCO LP

On February 14, 2018, FMCSA granted STEMCO's application for a limited five-year exemption to allow motor carriers to operate certain CMVs equipped with STEMCO's TrailerTail® aerodynamic device with rear identification lamps and rear clearance lamps that are mounted lower than currently permitted by the Agency's regulations (83 FR 6718).

Traditional Trucking Corporation (TTC)

On August 22, 2018, FMCSA granted TTC's application for a limited five-year exemption on behalf of motor carriers operating CMVs to allow a Global Positioning System (GPS) device to be mounted on the interior of the windshield of a CMV within the areas allowed for "vehicle safety technology" devices (83 FR 42552).

Exemptions and Waivers Granted or Denied in FY 2019

Castignoli Enterprises

On October 19, 2018, FMCSA granted Castignoli Enterprises' application for a limited five-year exemption to allow a sleeper berth to be installed in the bed of a Ford F350 pickup truck that, when operated in combination with certain trailers, is a CMV under the FMCSRs (83 FR 53147).

ATA Automobile Carriers Conference

On February 15, 2019, FMCSA granted the ATA's Automobile Carriers Conference a limited five-year exemption to relieve motor carriers operating stinger steered automobile transporter equipment from the requirement to place warning flags on projecting loads of new motor vehicles (84 FR 4602).

Stoneridge, Inc.

On February 21, 2019, FMCSA granted Stoneridge, Inc.'s application for a limited five-year exemption to allow motor carriers to operate CMVs with the company's MirrorEye™ Camera Monitor System installed as an alternative to the two rear-vision mirrors required by the FMCSRs (84 FR 5557).

ATA Agricultural and Food Transporters Conference

On April 15, 2019, FMCSA granted a limited 5-year exemption to the ATA's Agricultural and Food Transporters Conference to allow certain alternate methods for the securement of agricultural commodities transported in wood and plastic boxes and bins and large fiberglass tubs, as well as hay, straw, and cotton bales that are grouped together into large singular units (84 FR 15279).

² In 2022, FMCSA issued a final rule increasing the area on the interior of CMV windshield where certain vehicle safety technology devices may be mounted. "Parts and Accessories Necessary for Safe Operation: Authorized Windshield Area for the Installation of Vehicle Safety Technology," 87 FR 12596 (March 7, 2022).

SmartDrive System, Inc.

On April 15, 2019, FMCSA granted SmartDrive's application for a limited five-year exemption from 49 CFR 393.60(e)(1) to allow an Advanced Driver Assistance Systems camera to be mounted lower in the windshield than permitted by regulation (84 FR 15284).

Groendyke Transport, Inc.

On April 26, 2019, FMCSA granted Groendyke's application for a limited five-year exemption to allow the use of an amber brake-activated pulsating lamp on its trailers in addition to the steady-burning brake lamps required by the FMCSRs (84 FR 17910).

Exemptions and Waivers Granted or Denied in FY 2020Navistar, Inc.

On November 25, 2019, FMCSA granted Navistar's application for a limited five-year exemption to allow its advanced driver-assistance systems to be mounted lower in the windshield on Navistar's CMVs than permitted by regulation (84 FR 64952).

Vision Systems North America, Inc.

On January 15, 2020, FMCSA granted Vision Systems North America, Inc.'s application for a limited five-year exemption to allow motor carriers to operate CMVs with the company's Smart-Vision high definition camera monitoring system installed as an alternative to the two rear-vision mirrors required by the FMCSRs (85 FR 2486).

Laydon Composites Ltd. (Laydon)

On May 18, 2020, FMCSA granted Laydon's application for a limited five-year exemption to allow motor carriers to operate certain CMVs that are equipped with Laydon's OptiTail™ aerodynamic device with rear identification lamps and rear clearance lamps that are mounted lower than currently permitted by the Agency's regulations (85 FR 29784).

Lytx Inc.

On May 21, 2020, FMCSA granted Lytx's application for a limited five-year exemption to allow its advanced driver-assistance systems to be mounted lower in the windshield on CMVs than was permitted by regulation (85 FR 31021).

Adirondack Trailways, Pine Hill Trailways, and New York Trailways

On June 1, 2020, FMCSA granted Adirondack Transit Lines, Inc. (dba Adirondack Trailways), Pine Hill-Kingston Bus Corp. (dba Pine Hill Trailways), and Passenger Bus Corp. (dba New York Trailways) an exemption from the Agency's CMV marking rules in 49 CFR 390.21 under certain circumstances involving the exchange of equipment and/or drivers (85 FR 33272). On February 13, 2020, the Agency granted these companies a limited 90-day waiver to provide the Agency with sufficient time to complete the exemption process.

Intermodal Association of North America (IANA)

On August 18, 2020, FMCSA granted IANA's application for a limited five-year exemption to allow individuals who complete a training program consistent with a set of Intermodal Recommended Practices and associated requirements that has been developed by IANA to be

considered a qualified inspector or qualified brake inspector for intermodal equipment under the FMCSRs, in lieu of having one year of training or experience or a combination thereof prior to becoming a certified inspector/brake inspector (85 FR 50876).

Charles Machine Works, Inc.

On September 16, 2020, FMCSA granted Charles Machine Works, Inc.’s application for a limited five-year exemption to allow the use of gravity or syphon-fed fuel systems for auxiliary equipment installed on or used in connection with CMVs (85 FR 57928).

Robert Bosch, LLC, and Mekra Lang North America, LLC

On September 17, 2020, FMCSA granted Bosch and Mekra Lang’s application for a limited five-year exemption to allow motor carriers to operate CMVs with the companies’ Commercial Vehicle Digital Mirror System installed as an alternative to the two rear-vision mirrors required by the FMCSRs (85 FR 58106).

Table 6. Vehicle Exemption and Waiver Applications Granted or Denied, FY 2018 – 2020

	Exemption Applications	Exemptions Granted	Exemptions Denied	Waiver Applications	Waivers Granted	Waivers Denied
FY 2018	6	5	1	0	0	0
FY 2019	6	6	0	0	0	0
FY 2020	8	8	0	1	1	0

Source: *Federal Register* publications

Coronavirus Disease 2019 (COVID-19): Emergency Declaration 2020-002 and Waivers

On March 13, 2020, FMCSA issued Emergency Declaration 2020-002 following the declaration of the nationwide emergency by the President pursuant to 49 U.S.C. § 5191(b) in response to the COVID-19 national emergency. The Emergency Declaration exempted the maximum driving time for property-carrying vehicles, for motor carriers and drivers providing transportation of direct assistance in support of emergency relief efforts related to COVID-19. FMCSA also granted several waivers that provided relief to States, motor carriers, CDL holders, CLP holders, third party CDL skills test examiners, intermodal equipment operations, and pre-employment testing requirements. More details about the Emergency Declaration issued and the various waivers granted are described in the Appendix for this report.

PILOT PROGRAMS

Under 21 Military Commercial Driver’s License (CDL) Pilot Program

Section 5404 of the Fixing America’s Surface Transportation (FAST) Act required FMCSA to establish a pilot program “to study the feasibility, benefits, and safety impacts of allowing” drivers who are 18, 19, and 20 years old with experience operating heavy vehicles in U.S. military service “to operate a commercial motor vehicle in *interstate* commerce.” On July 6, 2018, FMCSA published a *Federal Register* notice outlining the details of the Under 21 Military CDL Pilot Program (83 FR 31633). In FY 2019, FMCSA launched the pilot program, which allows qualified veterans and active duty personnel ages 18, 19, and 20 years old with military driving experience to operate CMVs in interstate commerce. In February 2020, FMCSA began collecting data on participating drivers, and this marked the start of the three-year period for the pilot program. The pilot program is ongoing.

SUMMARY

The waiver, exemption, and pilot program statutory provisions and implementing regulations under 49 CFR part 381 provide a process for associations, companies, and individuals to seek limited regulatory relief from certain safety requirements, provided that the level of safety would be equivalent to or greater than the level of safety achieved by complying with the Federal regulations.

Most of the exemptions involve individuals seeking relief through FMCSA's medical exemption programs. In FY 2018, these programs enabled more than 1,500 individuals to begin or resume careers as interstate CMV drivers without compromising safety. In November 2018, FMCSA updated the diabetes standard, eliminating the need for the Federal Diabetes Exemption Program and therefore decreased the number of exemptions processed by FMCSA. In FY 2019 and FY 2020, these medical exemption programs enabled more than 700 and 500 individuals, respectively, to begin or resume careers as interstate CMV drivers without compromising safety.

Additionally, non-medical waivers and exemptions granted to motor carriers and manufacturers provided temporary relief from applicable regulations. During this reporting period, FMCSA operated one pilot program, the Under 21 Military CDL Pilot Program.

In FY 2020, FMCSA issued Emergency Declaration 2020-002 following the declaration of the nationwide emergency by the President pursuant to 49 U.S.C. § 5191(b) in response to the COVID-19 national emergency. The Emergency Declaration exempted the maximum driving time for property-carrying vehicles, for motor carriers and drivers providing transportation of direct assistance in support of emergency relief efforts related to COVID-19. The Agency also granted several waivers that provided relief to States, motor carriers, CDL holders, CLP holders, third-party CDL skills test examiners, intermodal equipment operations and pre-employment testing requirements. More details are described in the Appendix for this report.

FMCSA has observed no adverse impacts on CMV safety from the use of waivers, exemptions, and the pilot program. Its administration of the processes for granting waivers and exemptions and initiating pilot programs in FY 2018, 2019, and 2020 ensured that the terms and conditions for the regulatory relief provided a level of safety that was equivalent to or greater than the level of safety that would have been achieved through compliance with the safety regulations.

APPENDIX

Exemption and Waivers in Response to the COVID-19 Emergency

DATE ISSUED	ACTION	SUMMARY	EXPIRATION DATE
<p>3/13/2020</p> <p>Expanded Declaration issued: 4/8/2020</p> <p>Extension issued: 5/13/2020 6/8/2020 7/13/2020 8/11/2020 9/11/2020 12/1/2020 2/16/2021 5/26/2021 8/31/2021 11/29/2021 2/26/2022</p>	<p>FMCSA Emergency Declaration No. 2020-002</p> <p>https://www.fmcsa.dot.gov/emergency/extension-modified-emergency-declaration-no-2020-002-under-49-cfr-ss-39025-february-26</p>	<p>Exemption from 49 CFR § 395.3, maximum driving time for property-carrying vehicles, for motor carriers and drivers providing transportation of direct assistance in support of emergency relief efforts related to COVID-19 and is limited to transportation of (1) livestock and livestock feed; (2) medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19; (3) vaccines, constituent products, and medical supplies and equipment including ancillary supplies/kits for the administration of vaccines, related to the prevention of COVID-19; (4) supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants; (5) food, paper products and other groceries for emergency restocking of distribution centers or stores; (6) gasoline, diesel, jet fuel, and ethyl alcohol; and (7) supplies to assist individuals impacted by the consequences of the COVID-19 pandemic (e.g., building materials for individuals displaced or otherwise impacted as a result of the emergency).. Grants relief to the Fifty United States and the District of Columbia.</p>	<p>Extended to 5/31/2022, or termination by FMCSA, whichever is sooner.</p>

<p>3/28/2020</p> <p>Reissued: 6/17/2020 10/1/2020 1/1/2021 2/16/2021 5/26/2021 8/31/2021 11/29/2021 2/26/2022</p>	<p>Waiver in Response to the COVID-19 Emergency – For States and CLP Holders Operating Commercial Motor Vehicles</p> <p>https://www.fmcsa.dot.gov/emergency/three-month-waiver-response-covid-19-emergency-states-and-clp-holders-operating-6</p>	<p>Three-month waiver from:</p> <p>(1) 383.25(a)(1) – requirement that CDL holder accompanying CLP holder be in the jump seat, and</p> <p>(2) 383.79(a) - restriction under 49 CFR 383.79(a) that limits a State to administering a driving skills test to an out of state CDL applicant who has taken driver training in that State.</p> <p>(3) 49 CFR 383.25(e)- requirement that CLP holders are not eligible to take the CDL skills test in the first 14 days after initial issuance of the CLP <i>(note: this provision used to be part of the waiver on expiring CDLs/med certs but was added to this waiver on 2/26/22 because the waiver on expiring CDLs/med certs was not reissued).</i></p>	<p>Extended to 5/31/2022 or termination by FMCSA, whichever is sooner.</p>
<p>3/24/2020</p> <p>Reissued: 6/15/2020 10/1/2020 1/1/2021 2/16/2021 5/26/2021 8/31/2021 11/29/2021</p>	<p>Waiver in Response to the COVID-19 Emergency-For States, CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles (July 1, 2021)</p> <p>https://www.fmcsa.dot.gov/emergency/waiver-response-covid-19-national-emergency-states-cdl-holders-clp-holders-and-5</p>	<p>Waiver of specific regulations applicable to interstate and intrastate commercial driver’s license (CDL) and commercial learner’s permit (CLP) holders and to other interstate drivers operating commercial motor vehicles in response to President’s declaration of national emergency related to COVID-19.</p>	<p>Expired on 2/28/2022 and not reissued.</p>
<p>4/9/2020 (title modified for clarity on 4/13/2020)</p>	<p>Waiver for States Concerning Third Party CDL Skills Test Examiners in Response to the COVID-19 Emergency -</p>	<p>Waiver from 384.228(b)-(c) to allow State authorized third party skills test examiners who have maintained a valid CDL test examiner certification and have previously completed a CDL skills test examiner training course to administer</p>	<p>Notice of Termination issued on 2/3/2022.</p>

<p>Reissued: 6/22/2020 10/1/2020 1/1/2021 2/16/2021 5/26/2021 8/31/2021 11/29/2021</p> <p>Notice of Early Termination Issued: 2/3/2022</p>	<p>https://www.fmcsa.dot.gov/emergency/waiver-states-concerning-third-party-cdl-skills-test-examiners-response-covid-19-4</p> <p>Notice of Termination of Waiver for States Concerning Third Party CDL Skills Test Examiners in Response to the COVID-19 Emergency</p> <p>https://www.fmcsa.dot.gov/emergency/notice-termination-waiver-states-concerning-third-party-cdl-skills-test-examiners</p>	<p>the CDL knowledge test without completing a CDL knowledge test training course.</p>	
<p>5/13/2020</p> <p>Reissued: 6/22/2020</p>	<p>Limited Waiver in Response to the COVID-19 Emergency to Permit Third Party Examiners to Administer CDL Skills Tests to Applicants Also Trained by the Examiner</p>	<p>Authorized Arizona, Florida, Nevada, North Carolina, Ohio, Pennsylvania, Tennessee, and Texas to permit Roadmaster Drivers School to act as a third-party tester to administer the commercial driver's license (CDL) skills test.</p>	<p>Expired on 8/13/2020.</p>
<p>6/1/2020</p>	<p>Limited Waiver in Response to the COVID-19 Public Health Emergency to Permit the Operation of Intermodal Equipment with Expired Annual Inspection Decals</p> <p>https://www.fmcsa.dot.gov/emergency/limited-waiver-response-covid-19-public-health-emergency-permit-operation-intermodal</p>	<p>FMCSA grants a waiver from the requirements of 49 CFR 396.17(c) to allow the operation of intermodal chassis with annual inspection decals (or similar documentation) that show an expiration date of March 31, 2020, or later.</p>	<p>Expired on 9/1/2020.</p>

6/5/2020	Waiver on Pre-Employment Testing if not working up to 90 days. https://www.fmcsa.dot.gov/emergency/three-month-waiver-response-economic-consequences-covid-19-public-health-emergency	The waiver extended, from 30 days to 90 days, the period under which drivers would qualify for the pre-employment testing exception under 49 CFR 382.301(b).	Expired on 9/30/2020.
----------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------