



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

**WAIVERS, EXEMPTIONS,
AND PILOT PROGRAMS
ANNUAL REPORT TO CONGRESS
FISCAL YEAR 2021**

A report pursuant to 49 U.S.C. 31315(e)

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INTRODUCTION

Pursuant to section 32913 of the Moving Ahead for Progress in the 21st Century Act (MAP-21, Pub. L. 112-141), the Secretary of Transportation submits an annual report to Congress listing the waivers, exemptions, and pilot programs granted under section 31315 and any impacts on safety (49 U.S.C. 31315(e)). This report covers Fiscal Year (FY) 2021 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 49 CFR 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 of the 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 of the FMCSRs prevent the person from using or operating commercial motor vehicles (CMVs) or make 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, and 384; §§ 390.19 and 390.21, and 49 CFR parts 391, 392, 393, 395, 396 (except for section 396.25) and 399.

An **exemption** provides temporary relief from one or more of the 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 prevent 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 5 years and may be renewed. FMCSA grants medical exemptions from the FMCSRs for up to a 2-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 3 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. Ch. 313 or § 31136(e), FMCSA must terminate that pilot program immediately.

FMCSA MEDICAL EXEMPTIONS AND WAIVERS GRANTED OR DENIED

Most of the exemptions and waivers granted by FMCSA are for individuals unable to meet the physical qualification standards for interstate drivers in 49 CFR 391.41. Each individual granted an exemption or waiver 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.

Vision Exemption Program¹

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 2 years. FMCSA's robust monitoring and oversight processes for its Vision Exemption Program ensured that there was no adverse impact on safety after granting an exemption. This included FMCSA conducting a bi-annual driving record check for all exempted drivers and taking appropriate action to revoke the exemption if warranted.

Table 1 shows the number of new and renewal exemption and waiver applications received, granted, and denied through the Vision Exemption Program for FY 2021.

Table 1. Vision Exemptions and Waivers Granted or Denied, FY 2021

Month	New and Renewal Exemption Applications	New and Renewal Exemptions Granted	New and Renewal Exemptions Denied	Percentage of New and Renewal Exemption Applications Granted	Waiver Applications	Waivers Granted	Waivers Denied
October	151	60	91	40	1	1	0
November	126	42	84	33	0	0	0
December	109	71	38	65	2	2	0
January	95	26	69	27	4	4	0
February	128	73	55	57	2	2	0
March	113	64	49	57	3	3	0
April	140	75	65	54	5	5	0
May	71	17	54	24	9	9	0
June	126	66	60	52	3	3	0
July	122	80	42	66	13	13	0
August	125	67	58	54	10	10	0
September	192	130	62	68	8	8	0
Total	1,498	771	727	51	60	60	0

Source: Vision Exemption Annual Report

¹ FMCSA's final rule, "Qualifications of Drivers; Vision Standard," published on January 21, 2022 (87 FR 3390), replaces the Vision Exemption Program with a new alternative vision standard. Drivers who held vision exemptions had until March 22, 2023, to comply with the alternative vision standard. The termination of the Vision Exemption Program will also be reflected in the FY22 annual report on waivers, exemptions, and pilot programs.

Epilepsy/Seizure Standard

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 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 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, had a single unprovoked seizure, or had a single provoked seizure with low risk for seizure recurrence and recommended no certifications for individuals who had a single provoked seizure with moderate-to-high risk for seizure recurrence. The MEP's recommendations for certification 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 antiseizure medication(s), the plan for medication should be stable for 2 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 2-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, drivers diagnosed with epilepsy must be medically certified yearly by a medical examiner as defined by 49 CFR 390.5, following FMCSA's regulations for CMV drivers. Table 2 shows the number of new and renewal epilepsy/seizure exemption and waiver applications received granted and denied for FY 2021.

Table 2. Epilepsy/Seizure Exemptions and Waivers Granted or Denied, FY 2021

Month	New and Renewal Exemption Applications	New and Renewal Exemptions Granted	New and Renewal Exemptions Denied	Percentage of New and Renewal Exemption Applications Granted	Waiver Applications	Waivers Granted	Waivers Denied
October	27	12	15	44	0	0	0
November	16	14	2	88	2	2	0
December	14	11	3	79	3	3	0
January	13	13	0	100	0	0	0
February	0	0	0	0	1	1	0
March	0	0	0	0	2	2	0
April	22	18	4	82	0	0	0
May	1	0	1	0	4	4	0
June	20	11	9	55	3	3	0
July	23	20	3	87	1	1	0
August	7	2	5	29	3	3	0
September	13	13	0	100	6	6	0
Total	156	114	42	73	25	25	0

Source: Epilepsy/Seizure Exemption Annual Report

Hearing Standard

FMCSA bases its decisions to grant or deny applications for exemptions from the hearing standard in 49 CFR 391.41(b)(11) on relevant scientific information and literature and the 2008 evidence report, “Executive Summary on Hearing, Vestibular Function and Commercial Motor Vehicle Driver Safety.” The 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. FMCSA also considers its experience with hearing exemption holders.

In making these decisions, FMCSA reviews the applicants’ driving records found in the Commercial Driver License Information System for applicants who hold a commercial driver’s license (CDL), as well as inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviews the driving records from the State Driver’s Licensing Agency. The terms and conditions of these exemptions do not allow hard-of-hearing and deaf drivers to operate a motorcoach with passengers. Table 3 shows the number of new and renewal hearing exemption and waiver applications received, granted, and denied for FY 2021.

Table 3. Hearing Exemptions and Waivers Granted or Denied, FY 2021

Month	New and Renewal Exemption Applications	New and Renewal Exemptions Granted	New and Renewal Exemptions Denied	Percentage of New and Renewal Exemption Applications Granted	Waiver Applications	Waivers Granted	Waivers Denied
October	35	35	0	100	2	2	0
November	9	9	0	100	2	2	0
December	10	10	0	100	1	1	0
January	29	29	0	100	1	1	0
February	0	0	0	0	3	3	0
March	27	27	0	100	2	2	0
April	15	15	0	100	0	0	0
May	17	17	0	100	1	1	0
June	28	28	0	100	4	4	0
July	21	21	0	100	1	1	0
August	8	8	0	100	1	1	0
September	5	5	0	100	0	0	0
Total	204	204	0	100	18	18	0

Source: Hearing Exemption Annual Reports

Cardiovascular Standard

On July 23, 2021, FMCSA announced its decision to deny an application from an individual seeking an exemption from the federal cardiovascular standard in 49 CFR 391.41(b)(4) because of conditions requiring the use of an implantable cardioverter-defibrillator (ICD) (86 FR 39099). 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's exemption requests on its merits, available scientific data from the Agency's evidence reports and medical expert panel opinions on ICDs and CMV driving, and comments received. The Agency concluded that the available data did not support granting the exemptions.

NON-MEDICAL DRIVER AND CARRIER OPERATIONS EXEMPTIONS AND WAIVERS GRANTED OR DENIED

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 Granted

Knight-Swift Transportation Holdings, Inc. (Knight-Swift)

On November 4, 2020, FMCSA granted Knight-Swift an exemption from the medical certification requirements in 49 CFR 391.51(b)(7)(ii) (85 FR 70225). The exemption permits the company to use newly hired drivers without having to obtain a motor vehicle record that reflects the latest medical certification status during the first year of employment.

Association of American Railroads and American Short Line and Regional Railroad Association (the Associations)

On December 23, 2020, FMCSA granted the Associations an exemption from the prohibition against driving after the 14th hour from the beginning of the work shift (the 14-hour rule) and the prohibition against driving after accumulating 60 hours of on duty time within 7 consecutive days, or 70 hours of on duty time within 8 consecutive days (the 60-hour/70-hour rule) (85 FR 84096). The exemption enables railroad employees subject to the hours-of-service (HOS) rules to respond to unplanned events that occur outside of or extend beyond an employee's normal work hours.

Wilson Logistics

On February 23, 2021, FMCSA granted Wilson Logistics an exemption from the CDL regulations in 49 CFR 383.25(a)(1) (86 FR 11050). The exemption allows commercial learner permit (CLP) holders who have passed the CDL skills test but have not yet obtained the CDL document from their state of domicile, to drive a CMV without having a CDL holder in the passenger seat.

American Pyrotechnics Association (APA)

On June 30, 2021, FMCSA approved two exemptions from the Agency's HOS regulations for two new member companies of APA (Atlas Importers, Inc. and Dominion Fireworks, Inc.) and renewed exemptions previously granted to 58 APA member companies. (86 FR 34834). The first exemption allowed the drivers employed by the 60 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 to continue to use paper to record their record of duty status in lieu of an electronic logging device (ELD) during the designated Independence Day periods.

Cleveland-Cliffs Steel, LLC, (Cleveland-Cliffs)(formerly ArcelorMittal Indiana Harbor, LLC)

On September 30, 2021, FMCSA renewed an exemption granted to Cleveland-Cliffs from certain HOS regulations for 5 years (86 FR 54285). The exemption allows employee-drivers with CDLs who transport steel coils between their production and shipping locations on two short segments of public highway in East Chicago, Indiana, to work up to 16 hours per day and to operate with less than 10 consecutive hours off duty between work shifts. The Agency has concluded that granting the request for a renewal of the exemption will likely maintain a level of safety that is equivalent to, or greater than, the level of safety achieved through compliance with the specific regulatory requirements.

Exemptions Denied

DPN USA, LLC, doing business as Matrix Medical Network (Matrix)

On October 13, 2020, FMCSA denied Matrix's application for an exemption from the HOS regulations to allow its employee-drivers known as "Mobile Team Leads" to have a 16-hour window within which to operate CMVs during their work shift and to return to work with less than the mandatory 10 hours off duty (85 FR 64612). The Agency concluded that the terms and conditions of the exemption would not achieve a level of safety equivalent to or greater than would be achieved by compliance with the HOS rules.

Small Business in Transportation Coalition (SBTC)

On October 16, 2020, FMCSA denied SBTC's application for an exemption from the ELD requirements for CMV drivers traveling with domestic animals, in interstate commerce (85 FR 65896). Additionally, FMCSA denied SBTC's request for an exemption from the HOS requirements to allow these same drivers to drive up to 13 hours during a driving shift and up to 16 hours from the beginning of the work shift, following 10 consecutive hours off duty. FMCSA analyzed the exemption application and public comments and determined that it could not ensure that granting the requested exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemptions.

Waivers Granted

Minnesota Department of Public Safety

On April 16, 2021, FMCSA granted the Minnesota Department of Public Safety's request for a limited 90-day waiver from 49 CFR 383.3(f)(3)(ii). Under this waiver, the state waived the 12-month criterion for the restricted CDLs for individuals driving in farm-related service industries. This allowed covered drivers who remained within the 12-month window from the previous season to restart it and obtain another 180 days of driving time before they would otherwise be eligible.

Stevens Transport Company (Stevens)

On July 22, 2021, FMCSA granted Stevens' request for a 90-day waiver of the passenger ("P") endorsement requirements on its drivers' CDL. The waiver permitted CDL drivers for Stevens to

transport six passengers in the cab of a CMV without a “P” endorsement. FMCSA had concluded that the terms and conditions of the waiver ensured the requisite level of safety.

Norco, Inc. (Norco)

On August 8, 2021, FMCSA granted Norco’s request for a 90-day waiver from the 11-hour driving-time limit in 49 CFR 395.3(a)(3), and the 14-hour “driving window” in 49 CFR 395.3(a)(2). The waiver allowed Norco’s drivers to deliver oxygen to hospitals, healthcare facilities, and in-home patients while the company’s air separation plant was undergoing repairs.

American Association of Motor Vehicle Administrators (AAMVA)

On August 31, 2021, FMCSA granted AAMVA’s request for a 90-day waiver from 49 CFR 383.133(c)(1)-(2) to enable the states of Maryland, New Hampshire, and Virginia to participate in field tests of the new CDL skills test procedures. The waiver allowed the three field test states to select CDL applicants who were willing to take revised examinations and to issue CDLs to those who had successfully passed the revised examinations.

Waivers Denied

National Agricultural Aviation Association (NAAA)

On June 3, 2021, FMCSA denied NAAA’s request for a waiver from 49 CFR 383.3(i) so that CDL holders transporting 1,000 gallons or less of aviation grade kerosene (Jet A) for agricultural aviation businesses would no longer be required to obtain a hazardous materials (HM) endorsement. FMCSA was concerned that the syllabus titled “Driving of Auger Trucks and Hauling Jet A” that NAAA provided as an alternative approach does not show that drivers operating under the regulatory exception would receive training concerning the transportation of HM equivalent to that mandated by the Agency’s entry-level driver training rule.

Table 4 shows the number of non-medical driver and carrier operations exemption and waiver applications received and granted and denied for FY 2021.

**Table 4. Non-Medical Driver and Carrier Operations Exemptions and Waivers
Granted or Denied, FY 2021**

New and Renewal Exemption Applications	New and Renewal Exemptions Granted	New and Renewal Exemptions Denied	Percentage of New and Renewal Exemption Applications Granted	Waiver Application s	Waivers Granted	Waivers Denied
8	6	2	75	5	4	1

Source: *Federal Register* publications and Agency correspondence

VEHICLE AND ROADSIDE OPERATIONS EXEMPTIONS AND WAIVERS GRANTED OR DENIED

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. There were no waiver requests to report.

Exemptions Granted

National Tank Truck Carriers (NTTC)

On October 8, 2020, FMCSA granted NTTC an exemption from 49 CFR 393.25(e) to allow motor carriers operating tank trailers to install red or amber brake-activated pulsating lamps on the rear of trailers (85 FR 63643). The Agency had determined that the installation of these brake activated warning lamps would not have an adverse impact on safety.

Nauto, Inc. (Nauto)

On October 9, 2020, FMCSA granted Nauto an exemption from 49 CFR 393.60(e)(1) to allow its multi-sensor device to be mounted lower in the windshield than is currently permitted (85 FR 64220). The Agency had determined that lower placement of the multi-sensor device would not have an adverse impact on safety.

J.J. Keller & Associates, Inc. (J.J. Keller)

On November 24, 2020, FMCSA granted J.J. Keller an exemption from 49 CFR 393.60(e)(1) to allow its Advanced Driver Assistance System (ADAS) camera to be mounted lower in the windshield on CMVs than is currently permitted (85 FR 75106). The Agency had determined that lower placement of the ADAS camera would not have an adverse impact on safety.

Grote Industries, LLC's (Grote)

On December 7, 2020, FMCSA granted Grote an exemption from 49 CFR 393.25(e) to allow motor carriers operating trailers and van body trucks to install brake-activated pulsating warning lamps on the rear of trailers and van body trucks in addition to the steady-burning brake lamps required by the regulations (85 FR 78918). The Agency had determined that granting the exemption would likely achieve a level of safety equivalent to or greater than the level of safety provided by the regulation.

K & L Trucking, Inc. (K & L)

On December 4, 2020, FMCSA granted K & L an exemption from 49 CFR 393.120(c) to allow the carrier to secure large metal coils to its trailers using a cargo securement system that differs from that required by the regulations (85 FR 78406). FMCSA believes that the alternative cargo securement technique of metal coil carrier and the single large synthetic cargo strap is likely to provide a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

Netradyne, Inc. (Netradyne)

On December 18, 2020, FMCSA granted Netradyne an exemption from 49 CFR 393.60(e)(1) to allow its Driveri Dash Cam to be mounted lower in the windshield on CMVs than is currently permitted (85 FR 82575). The Agency had determined that granting the exemption would likely achieve a level of safety equivalent to or greater than the level of safety achieved without the exemption.

Bendix Commercial Vehicle Systems, LLC (Bendix)

On April 6, 2021, FMCSA granted Bendix an exemption from 49 CFR 393.60(e)(1) to allow its ADAS technology to be mounted lower in the windshield than is currently permitted (86 FR 17877). The Agency had determined that lower placement of the multi-sensor device would not have an adverse impact on safety.

Cleveland-Cliffs, LLC (Cleveland-Cliffs)(formerly ArcelorMittal Indiana Harbor, LLC)

On September 30, 2021, FMCSA renewed an exemption granted to Cleveland-Cliffs from certain requirements in 49 CFR part 393 for 5 years (86 FR 54285). The exemption allows Cleveland-Cliffs to use metal coil carriers that do not meet the “heavy hauler trailer” definition, restrictions on the height of rear side marker lights, tire loading restrictions, and the commodity-specific cargo securement requirements for metal coils. The Agency has concluded that granting the request for a renewal of the exemption will likely maintain a level of safety that is equivalent to, or greater than, the level of safety achieved through compliance with the specific regulatory requirements.

Table 5 shows the number of vehicle exemption and waiver applications received and granted for FY 2021.

**Table 5. Vehicle and Roadside Operations Exemptions and Waivers
Granted or Denied, FY 2021**

New and Renewal Exemption Applications	New and Renewal Exemptions Granted	New and Renewal Exemptions Denied	Percentage of Exemption Applications Granted	Waiver Applications	Waivers Granted	Waivers Denied
8	8	0	100	0	0	0

Source: *Federal Register* publications

Coronavirus Disease 2019 (COVID-19): Waivers

In FY 2021, FMCSA 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 various waivers granted are described in the Appendix of this report.²

PILOT PROGRAMS

Under 21 Military Commercial Driver’s License Pilot Program

Section 5404 of the Fixing America’s Surface Transportation 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

² This report does not discuss COVID-19 emergency declarations issued under 49 CFR 390.23. Emergency declarations are not covered by the waiver, exemption, pilot program authorities and implementing regulations under 49 CFR part 381.

published a *Federal Register* notice outlining the details of the Under 21 Military CDL Pilot Program (83 FR 31633). It was created to determine if people under the age of 21, with certain training and experience operating large trucks and buses in the military, could safely work as interstate CMV drivers.

In FY 2019, FMCSA launched the pilot program. In February 2020, FMCSA began collecting data on participating drivers, and this marked the start of the 3-year period for the pilot program. The pilot program reached completion in August 2021. Despite significant outreach and recruitment efforts, only a very small number of drivers participated in the program. There was not enough interest from the intended participants in operating a CMV in interstate commerce as a profession to justify continuing the program.

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.

In FY 2021, FMCSA granted several waivers related to the COVID-19 pandemic 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.

Most of the exemptions involve individuals seeking relief through FMCSA's medical exemption programs. In FY 2021, these programs enabled more than 1,000 individuals 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

In FY 2021, FMCSA continued the Under 21 Military CDL Pilot Program but reached its completion in August 2021 due to lack of participation. No new pilot programs were initiated in FY 2021.

FMCSA has observed no adverse impacts on CMV safety from the use of waivers and exemptions, and pilot programs. FMCSA's administration of the processes for granting waivers and exemptions and operating pilot programs ensures that the terms and conditions for the regulatory relief provide a level of safety that is equivalent to or greater than the level of safety that would be achieved through compliance with the safety regulations.

APPENDIX

Exemption and Waivers in Response to the COVID-19 Emergency

DATE ISSUED	ACTION	SUMMARY	EXPIRATION DATE
3/28/2020 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 5/27/2022 8/31/2022	Waiver in Response to the COVID-19 Emergency – For States and CLP Holders Operating Commercial Motor Vehicles https://www.fmcsa.dot.gov/emergency/three-month-waiver-response-covid-19-emergency-states-and-clp-holders-operating-8 https://www.fmcsa.dot.gov/emergency/three-month-waiver-response-covid-19-emergency-states-and-clp-holders-operating-8 https://www.fmcsa.dot.gov/emergency/three-month-waiver-response-covid-19-emergency-states-and-clp-holders-operating-8	Three-month waiver from: (1) 383.25(a)(1) – requirement that CDL holder accompanying CLP holder be in the passenger seat, and (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. (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 was originally part of the waiver on expiring CDLs/medical certifications but was added to this waiver on 2/26/22 because the waiver on expiring CDLs/med certs was not reissued</i>).	Extended to 11/30/2022.
3/24/2020 Reissued: 6/15/2020 10/1/2020 1/1/2021	Waiver in Response to the COVID-19 Emergency-For States, CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles (July 1, 2021)	Waiver of specific regulations applicable to interstate and intrastate CDL and commercial learner's permit (CLP) holders and to other interstate drivers operating CMVs in response to President's declaration of national emergency related to COVID-19.	Expired on 2/28/2022 and not reissued.

2/16/2021 5/26/2021 8/31/2021 11/29/2021	https://www.fmcsa.dot.gov/emergency/waiver-response-covid-19-national-emergency-states-cdl-holders-clp-holders-and-5		
4/9/2020 (title modified for clarity on 4/13/2020) Reissued: 6/22/2020 10/1/2020 1/1/2021 2/16/2021 5/26/2021 8/31/2021 11/29/2021 Notice of Early Termination Issued: 2/3/2022	<p>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/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>	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 the CDL knowledge test without completing a CDL knowledge test training course.	Notice of Termination issued on 2/3/2022.