



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

**WAIVERS, EXEMPTIONS,
AND PILOT PROGRAMS
ANNUAL REPORT TO CONGRESS
FISCAL YEAR 2022**

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) 2022 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; 49 CFR 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. chapter 313 or 49 U.S.C. 31136.

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. chapter 313 or 49 U.S.C. 31136, 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 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 2 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 final rule eliminated the need for the Vision Exemption Program. The effective date of the rule was March 22, 2022; accordingly, FMCSA stopped accepting and processing exemption applications under the program in April 2022.

Table 1 shows the number of new and renewal exemption and waiver applications received, granted, and denied through the Vision Exemption Program for FY 2022.

Table 1. Vision Exemptions and Waivers Granted or Denied, FY 2022³

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	150	108	42	72	7	7	0
November	110	110	0	100	3	3	0
December	167	167	0	100	4	4	0
January	155	122	33	79	12	12	0
February	91	91	0	100	11	11	0
March	248	224	24	90	1	1	0
April	0	0	0	0	0	0	0
May	0	0	0	0	0	0	0
June	0	0	0	0	0	0	0
July	0	0	0	0	0	0	0
August	0	0	0	0	0	0	0
September	0	0	0	0	0	0	0
Total	921	822	99	89	38	38	0

Source: Vision Exemption Annual Report

³ 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. As shown in Table 1, starting in April 2022, no exemptions or waivers were reported due to the change in the final rule. Drivers who held vision exemptions had until March 22, 2023, to comply with the alternative vision standard.

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 390.5T, 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 2022.

Table 2. Epilepsy/Seizure Exemptions and Waivers Granted or Denied, FY 2022

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	8	5	3	63	0	0	0
November	4	0	4	0	4	4	0
December	19	14	5	74	4	4	0
January	5	0	5	0	9	9	0
February	8	8	0	100	4	4	0
March	38	32	6	84	4	4	0
April	9	0	9	0	9	9	0
May	42	40	2	95	9	9	0
June	15	11	4	73	9	9	0
July	18	18	0	100	2	2	0
August	16	16	0	100	5	5	0
September	4	0	4	0	3	3	0
Total	186	144	42	77	62	62	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 2022.

Table 3. Hearing Exemptions and Waivers Granted or Denied, FY 2022

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	37	37	0	100	2	2	0
November	16	16	0	100	0	0	0
December	23	23	0	100	0	0	0
January	17	17	0	100	8	8	0
February	17	17	0	100	0	0	0
March	23	23	0	100	6	6	0
April	49	49	0	100	3	3	0
May	10	10	0	100	1	1	0
June	54	54	0	100	3	3	0
July	22	22	0	100	1	1	0
August	24	24	0	100	0	0	0
September	9	9	0	100	4	4	0
Total	301	301	0	100	28	28	0

Source: Hearing Exemption Annual Reports

Cardiovascular Standard

FMCSA denied requests for exemption from the cardiovascular standard in 49 CFR 391.41(b)(4) from five individuals on March 23, 2022 (87 FR 16546), three individuals on April 1, 2022 (87 FR 19174), and three individuals on July 5, 2022 (87 FR 39892). The Agency reviewed the medical information of each of the 11 individuals in total, who had a cardiovascular condition 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 11 exemption requests on their merits, available data from evidence reports and medical expert panel opinions on the impact of ICDs on CMV driving, and the public comments received. The Agency concluded that the available data did not support granting the exemptions.

Narcolepsy

On April 28, 2022, FMCSA announced its decision to deny one individual's request for an exemption from 49 CFR 391.41(b)(8), which prohibits certification when a person has a diagnosis of a condition that is likely to cause loss of consciousness or loss of the ability to control a CMV (87 FR 25337). The Agency reviewed the medical information of the individual who had a medical diagnosis of narcolepsy. FMCSA evaluated the exemption request on its merits, available data from an evidence report on narcolepsy and CMV driver safety, a Medical Review Board recommendation, and the public comments received. The Agency concluded that the available data did not support granting the exemption.

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

American Association of Motor Vehicle Administrators (AAMVA)

On March 1, 2022, FMCSA granted AAMVA's exemption, on behalf of the State Driver Licensing Agencies in Maryland, New Hampshire, and Virginia, from the CDL requirements in 49 CFR 383.133(c) (1) and (2) (87 FR 11505). The exemption allows the three states to continue using revised CDL pre-trip vehicle inspection and revised control skills test procedures following the completion of field tests conducted under a waiver granted by the FMCSA.

Werner Enterprises (Werner)

On March 31, 2022, FMCSA granted Werner an exemption from the regulation that requires a commercial learner's permit (CLP) holder to be accompanied by a CDL holder with the proper CDL class and endorsements, seated in the front seat of the vehicle while the CLP holder performs behind-the-wheel (BTW) training on public roads or highways (87 FR 18855). Under the terms and conditions of this exemption, a CLP holder who has documentation of passing the CDL skills test may drive a CMV for Werner without being accompanied by a CDL holder in the front seat of the vehicle; however, a CDL holder must be in the vehicle. The exemption enables CLP holders to drive as part of a team and have the same regulatory flexibility as Werner team drivers with CDLs.

Daimler Trucks North America

FMCSA approved multiple Daimler exemption requests from the CDL provisions in 49 CFR part 383 for specified German drivers to operate CMVs in this country. The exemptions allow them to test-drive Daimler vehicles on U.S. roads without holding a CDL issued by one of the states. On April 27, 2022, FMCSA approved exemptions for 10 drivers (87 FR 25083 (nine drivers)); (87 FR 25081 (one driver)).

Cleveland-Cliffs Steel, LLC (Cleveland-Cliffs)

On May 11, 2022, FMCSA granted Cleveland-Cliffs, formerly known as ArcelorMittal Indiana Harbor, LLC, an exemption from the hours-of-service (HOS) regulations that allows its employee-drivers with CDLs who transport scrap metal on two trucks between their production and shipping locations on public roads to work up to 16 hours per day to return to work with less than the mandatory 10 consecutive hours off duty (87 FR 28860). The exemption is similar to the exemption that allows Cleveland-Cliffs' drivers transporting steel coils to work the same HOS schedule. The Agency believes that the applicant's overall safety performance, as well as other factors discussed in its application (principally the short distances and low speeds of its operations on public highways) will ensure a requisite level of safety.

Oak Harbor Freight Lines, Inc. (Oak Harbor)

On May 19, 2022, FMCSA granted an exemption from the qualification requirements pertaining to entry-level driver training (ELDT) theory instructors for Oak Harbor's safety supervisor, Mr. Jeff McLaughlin (87 FR 30551). The exemption allows Mr. McLaughlin to conduct classroom (theory) training for entry-level drivers who intend to operate CMVs used in the transportation of hazardous materials. The exemption excuses Mr. McLaughlin from the requirement to possess a CDL and from having to have previously held a CDL. The road portion of the training will be completed by BTW instructors that meet the ELDT requirements.

Recreation Vehicle Industry Association (RVIA)

On May 19, 2022, FMCSA granted RVIA a renewal of its exemption from the federal CDL requirements for drivers who deliver certain newly manufactured motorhomes and recreational vehicles (RVs) to dealers or trade shows before retail sale (driveaway operations) for 5 years (87 FR 30553). The exemption is restricted to employees of all U.S. driveaway-towaway companies, RV manufacturers, and RV dealers transporting RVs between manufacturing sites and dealer locations and for movements prior to first retail sale. Drivers covered by the exemption are not required to hold a CDL if the empty RVs have gross vehicle weights or gross combination weights that do not meet or exceed 26,001 pounds, and any RV trailers towed by other vehicles weigh 10,000 pounds or less.

C.R. England, Inc. (C.R. England)

On June 16, 2022, FMCSA granted C.R. England's application to renew its exemption from the regulation that requires a CLP holder to be accompanied by a CDL holder with the proper CDL class and endorsements, seated in the front seat of the vehicle while the CLP holder performs BTW training on public roads or highways for five years (87 FR 36360). The exemption enables CLP holders to drive as part of a team and have the same regulatory flexibility as C.R. England team drivers with CDLs without being accompanied by a CDL holder in the front seat of the vehicle; however, a CDL holder must be in the vehicle.

New Prime, Inc. (New Prime)

On June 28, 2022, FMCSA granted New Prime's request to renew an exemption from the regulation that requires a CLP holder to be accompanied by a CDL holder with the proper CDL class and endorsements, seated in the front seat of the vehicle while the CLP holder performs BTW training on public roads or highways for 5 years (87 FR 38449). The exemption enables CLP holders to drive as part of a team and have the same regulatory flexibility as New Prime team drivers with CDLs without being accompanied by a CDL holder in the front seat of the vehicle; however, a CDL holder must be in the vehicle.

Exemptions Denied

FirstGroup plc. (FirstGroup)

On October 18, 2021, FMCSA denied FirstGroup's request for an exemption from the requirement that an employer must conduct a full query of FMCSA's Drug and Alcohol Clearinghouse (Clearinghouse) before employing a CDL holder to perform safety-sensitive functions (86 FR 57741). FirstGroup sought the exemption on behalf of three of its subsidiaries, First Student, Inc., First Transit, Inc., and First Mile Square, which employ CDL holders subject to drug and alcohol testing regulations. Under the requested exemption, in lieu of a full query, FirstGroup proposed conducting a limited pre-employment query of the Clearinghouse. FMCSA analyzed the exemption application and public comments and determined that the application lacked evidence that the exemption would ensure a level of safety equivalent to or greater than that which would be achieved absent such exemption.

Mountain Blade Runner Helicopters, LLC (MBR Helicopters)

On February 28, 2022, FMCSA denied MBR Helicopters' exemption request from the HOS regulations to grant employee-drivers transporting ground support equipment a 16-hour window to complete all driving and enable them to use an 8-consecutive hour off-duty break, combined with at least 2 additional off-duty hours during the 16-hour driving window (87 FR 11115). FMCSA analyzed the exemption application and public comments and determined that the application lacked evidence that the exemption would ensure a level of safety equivalent to or greater than that which would be achieved absent such exemption.

Dealers' Choice Truckaway System, Inc. dba Truckmovers; Irontiger Logistics, Inc.; TM Canada, Inc.; and Victory Driveaway, Inc. (Applicants)

On April 27, 2022, FMCSA denied the Applicants' request for an exemption from the CDL requirements to allow drivers to transport empty passenger vehicles with seating capacities of 16 or more but a gross vehicle weight rating and a gross vehicle weight of less than 26,001 pounds without possessing a CDL (87 FR 25078). The applicants explained that they are often called on to transport what they describe as minibuses from points of manufacture or distribution to school districts around the country, and that the requirement that drivers hold a CDL to deliver these empty vehicles is an unnecessary restriction that contributes to the driver shortage. FMCSA analyzed the request and public comments and determined that the application lacked evidence that the exemption would ensure a level of safety equivalent to or greater than that which would be achieved absent such exemption.

Tornado Bus Company (Tornado)

On April 27, 2022, FMCSA denied the exemption request from Tornado for its drivers who currently hold a Mexican Licencia Federal de Conductor and are seeking permanent resident status in the United States through the Department of Homeland Security and have over 2 years' experience driving in the United States and Mexico (87 FR 25077). FMCSA analyzed the exemption application and public comments and determined that the application does not demonstrate that the exemption would likely ensure a level of safety equivalent to or greater than would be achieved absent such exemption.

Ohio Department of Education (ODE)

On May 9, 2022, FMCSA denied ODE's exemption request from the ELDT requirements (87 FR 27698). ODE requested the exemption for drivers trained through ODE's "Pre-Service School Bus Driver Training" curriculum, who were seeking to obtain their Class B CDL with S, P, and air brake endorsements and to current Class B CDL holders wishing to add the P and S endorsements. FMCSA evaluated the application and concluded that the application did not provide an analysis of the safety impacts the exemption from the ELDT requirements would cause. Furthermore, the application did not provide adequate countermeasures to be undertaken to ensure that the exemption would likely ensure a level of safety equivalent to or greater than would be achieved absent such exemption.

Pipe Line Contractors Association (PLCA)

On June 15, 2022, FMCSA denied PLCA's exemption request from certain HOS regulations for drivers of a variety of CMVs (87 FR 36201). The PLCA specifically sought an exemption from (1) the requirement of the short-haul exception that drivers return to the work reporting location from which they started the day; (2) the requirement that drivers use electronic logging devices (ELD) if they must complete a record of duty status (RODS) on more than 8 days in any 30-day period; and (3) the prohibition on driving after having been on duty for 70 hours in 8 consecutive days. PLCA provided no data to support exemptions from the current HOS provisions.

Harris Companies, Inc. (Harris)

On July 18, 2022, FMCSA denied the Harris Companies application for exemption from the ELD rule for all employees who are required to prepare RODS (87 FR 42794). FMCSA determined that Harris failed to provide a sufficient analysis of the safety impacts of the requested exemption or adequate countermeasures to ensure that the exemption would likely achieve a level of safety equivalent to or greater than would be achieved by the current regulations.

United Parcel Service, Inc. (UPS)

On September 6, 2022, FMCSA announced its decision to deny reconsideration of the Agency's initial denial of the application for exemption filed by UPS (87 FR 54588). UPS originally sought exemption from a provision in the ELDT final rule requiring 2 years of experience for training instructors. FMCSA denied that petition on December 9, 2019. FMCSA analyzed the petition for reconsideration and the public comments submitted and determined that the application lacked evidence that would ensure that an equivalent level of safety or greater would likely be achieved absent such exemption.

Waivers Granted

American Treescapes, Inc. (American Treescapes)

On November 16, 2021, FMCSA approved the American Treescapes' application for a waiver from the federal age limit requirements in 49 CFR 391.11(b)(1). The waiver was issued to American Treescapes and Collin MacDowell. The waiver allowed Collin MacDowell to operate CMVs provided that he was in possession of a valid CDL.

American Association of Motor Vehicle Administrators (AAMVA)

On December 7, 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.

Stevens Transport Company (Stevens)

On January 10, 2022, FMCSA granted Stevens a waiver of the "P" endorsement in 49 CFR 383.93 on its drivers' CDLs. The waiver permitted CDL drivers for Stevens to transport up to six passengers in the cab of a CMV under the conditions specified in the Terms of the Waiver, without a passenger "P" endorsement.

New Hampshire Department of Safety (New Hampshire)

On January 28, 2022, FMCSA granted New Hampshire's request for a 90-day waiver from 49 CFR 380.605 and 380.703(a)(5)(i) in the ELDT regulations. The waiver pertained specifically to the definitions of Theory and BTW instructor and the state requirements for listing of a prospective training provider in the Training Provider Registry. The waiver temporarily removed the responsibility compliance with these two provisions in the ELDT regulations set to be implemented on February 7, 2022. The waiver allowed CDL trainers in New Hampshire to continue to train new CDL applicants and those seeking new endorsements in compliance with federal standards and the intended purpose of applicable state law.

CHS Inc. and Minnesota Department of Public Safety

On April 29, 2022, FMCSA granted CHS Inc.'s request for a 90-day waiver from 49 CFR 383.3(f)(3)(ii). Under this waiver, the Minnesota Department of Public Safety 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.

American Pyrotechnics Association (APA)

On June 16, 2022, FMCSA granted APA member companies two waivers from the requirements of 49 CFR 395.3(a)(2) (the "14-hour period") and 395.8(a)(1)(i) (the ELD requirement) while the Agency processed APA's exemption application. The waivers allowed drivers operating in conjunction with staging fireworks shows celebrating Independence Day to exclude off-duty and sleeper-berth time of any length from the calculation of the 14-hour period and to use paper RODS in lieu of ELDs.

**Table 4. Non-Medical Driver and Carrier Operations Exemptions and Waivers
Granted or Denied, FY 2022**

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
16	8	8	50	7	7	0

Source: *Federal Register* publications and Agency correspondence

VEHICLE AND ROADSIDE OPERATIONS EXEMPTIONS AND WAIVERS GRANTED OR DENIED

This section summarizes of exemption and waiver applications FMCSA has granted or denied involving CMVs of motor carriers unable to meet certain requirements in 49 CFR 393 or 49 CFR 396 for which there are no formal exemption programs. 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

EROAD, Inc. (EROAD)

On October 18, 2021, FMCSA granted EROAD an exemption from 49 CFR 393.60(e)(1) to allow its Dashcam device to be mounted lower in the windshield on a CMV than is currently permitted (86 FR 57739). FMCSA has determined that lower placement of the EROAD Dashcam device would not have an adverse impact on safety and that adherence to the terms and conditions of the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety provided by the regulation.

Forward Thinking Systems, LLC (FTS)

On October 18, 2021, FMCSA granted FTS a 5-year exemption from 49 CFR 393.60 (e)(1)(ii)(A) (86 FR 57742). During the exemption period, motor carriers are allowed to operate CMVs equipped with FTS’s FleetCam device in the approximate center of the top of the windshield and such that the bottom edge of the technology housing is approximately 8 inches below the upper edge of the area swept by the windshield wipers, outside of the driver’s and passenger’s normal sight lines to the road ahead, highway signs and signals, and all mirrors.

Loomis Armored US, LLC (Loomis)

On October 18, 2021, FMCSA granted Loomis a 5-year exemption from 49 CFR 393.203(a) (86 FR 57738). The exemption allows Loomis to weld shut the cab doors and add two new doors behind the cab of its armored vehicles. The new doors provide personnel with an ability to quickly exit the armored car with an “emergency escape hatch” to the rear of the driver’s seat and a “messenger exterior door” to the rear of the front passenger seat.

ZF Group’s Commercial Vehicle Control Systems Division (ZF)

On November 8, 2021, FMCSA granted ZF a 5-year exemption from 49 CFR 393.60(e)(1) (86 FR 61829). The exemption allows ZF’s advanced driver assistance systems (ADAS) camera to be mounted lower in the windshield on CMVs than is currently permitted by the regulation. The Agency has determined that lower placement of ZF’s ADAS camera would not have an adverse impact on safety.

Complete Innovations Inc. (Complete Innovations)

On January 20, 2022, FMCSA granted Complete Innovations a 5-year exemption from 49 CFR 393.60 (e)(1) (87 FR 3163). The exemption allows Complete Innovations Vision 2.0 device to be mounted lower in the windshield on CMVs than is currently permitted by the regulation.

Waste Management Inc. (Waste Management)

On January 20, 2022, FMCSA granted Waste Management a 5-year exemption from 49 CFR 393.25(e) (87 FR 3166). The exemption allows Waste Management operating companies to replace the high-mounted brake lights on their owned and operated fleets of heavy-duty refuse and support trucks with red and amber brake-activated pulsating lamps positioned in the upper center position, or in an upper dual outboard position, in addition to the steady burning brake lamps required by the regulations.

Flatbed Carrier Safety Group (FCSG)

On April 26, 2022, FMCSA granted FCSG a 5-year exemption from 49 CFR 393.120, effective April 13, 2022 (87 FR 24611). The exemption allows the securement of metal coils on a flatbed vehicle, in a sided vehicle, or in an intermodal container loaded with eyes crosswise, grouped in rows, in which the coils are loaded to contact each other in the longitudinal direction.

Institute of Towing and Recovery (IITR)

On June 14, 2022, FMCSA granted IITR a 5-year exemption from 49 CFR 393.112, effective May 14, 2022 (87 FR 36032). The exemption allows IITR operators to secure cars, trucks, and vans using four tiedowns, two of which are fixed and two adjustable, rather than using two adjustable tiedowns.

Ford Motor Company (Ford)

On August 16, 2022, FMCSA granted a 5-year exemption from 49 CFR 393.83 (87 FR 50911). The exemption allows motor carriers to operate Ford’s transit-based CMVs that do not meet the exhaust system location requirements.

**Table 5. Vehicle and Roadside Operations Exemptions and Waivers
Granted or Denied, FY 2022**

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
9	9	0	100	0	0	0

Source: *Federal Register* publications

Coronavirus Disease 2019 (COVID-19): Waivers

In FY 2022, 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 for this report.⁴

PILOT PROGRAMS

Safe Driver Apprenticeship Pilot Program (SDAP)

Section 23022 of the Infrastructure Investment and Jobs Act required FMCSA to establish an apprenticeship pilot program that would allow drivers between the ages of 18-20 with an intrastate CDL to operate in *interstate* commerce under very specific conditions. On January 14, 2022, FMCSA published a *Federal Register* notice establishing the SDAP program and outlined details for parties interested in participating in the pilot program (87 FR 2477). On July 25, 2022, FMCSA held an Information Session and announced that the pilot program will run for a maximum of 3 years from July 2022 to July 2025.

FMCSA began accepting applications in July 2022. Data collection on apprentice drivers began in November 2022 and is slated to continue through November 2025. As of February 2024, FMCSA has received 113 motor carrier applications for participation in the pilot program. Of these applications, 34 motor carriers have been fully approved to participate in the program, and 38 motor carrier applications have been disapproved due to not meeting FMCSA's safety performance criteria detailed in the Federal Register notice. An additional 36 applications have met FMCSA's safety qualification criteria ('pre-qualifier'), but do not yet have a registered apprenticeship in place or have not yet provided their registered apprenticeship number to FMCSA.

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 2022, 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 for this report.

Most of the exemptions involve individuals seeking relief through FMCSA's medical exemption programs. In FY 2022, these programs enabled more than 1,200 individuals to begin or resume

⁴ 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.

careers as interstate CMV drivers without compromising safety. In January 2022, FMCSA updated the vision standard, eliminating the need for the Federal Vision Exemption Program and therefore decreased the number of exemptions processed by FMCSA.

In FY 2022, FMCSA initiated the Safe Driver Apprenticeship Pilot Program, which is slated to continue through November 2025.

FMCSA has observed no adverse impacts on CMV safety from the use of waivers and exemptions, and the pilot programs. Its administration of the processes for granting waivers and exemptions and initiating pilot programs in FY 2022 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
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	<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-</p>	<p>Three-month waiver from:</p> <p>(1) 383.25(a)(1) – requirement that CDL holder accompanying CLP holder be in the passenger 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 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>).</p>	<p>Extended to 11/30/2022.</p>
3/24/2020 Reissued: 6/15/2020 10/1/2020 1/1/2021 2/16/2021 5/26/2021	<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>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 CMVs in response to President’s declaration of national emergency related to COVID-19.</p>	<p>Expired on 2/28/2022 and not reissued</p>

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	Waiver for States Concerning Third Party CDL Skills Test Examiners in Response to the COVID-19 Emergency - https://www.fmcsa.dot.gov/emergency/waiver-states-concerning-third-party-cdl-skills-test-examiners-response-covid-19-4 Notice of Termination of Waiver for States Concerning Third Party CDL Skills Test Examiners in Response to the COVID-19 Emergency https://www.fmcsa.dot.gov/emergency/notice-termination-waiver-states-concerning-third-party-cdl-skills-test-examiners	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.
1/3/2022 Reissued: 3/28/2022	Waiver of Certain Pre-trip Vehicle Inspection Skills Test Requirements for Certain School Bus Drivers	Three-month waiver of the engine compartment component of the pre-trip vehicle inspection skills testing requirement in 49 CFR § 383.113(a)(1)(i), also known informally as the “under-the-hood” component, for commercial driver’s license (CDL) applicants seeking the school bus (S) and passenger (P)	Extended to 6/30/2022

	https://www.fmcsa.dot.gov/emergency/waiver-certain-pre-trip-vehicle-inspection-skills-test-requirements-certain-school-bus-0	endorsements and the intrastate only (K) restriction.	
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