



**U.S. Department
of Transportation**

**Federal Motor Carrier
Safety Administration**

**WAIVERS, EXEMPTIONS, AND PILOT
PROGRAMS
ANNUAL REPORT TO CONGRESS
FISCAL YEARS 1999-2013**

A report pursuant to Section 32913 of the
Moving Ahead for Progress in the 21st Century Act
and Title 49 United States Code 31315(e)

February 2016

TABLE OF CONTENTS

	Page
INTRODUCTION.....	1
WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS	1
Waivers	1
Exemptions	1
Pilot Programs.....	2
FMCSA MEDICAL EXEMPTION PROGRAMS	2
Vision Exemption Program.....	2
Diabetes Exemption Program	3
OTHER MEDICAL EXEMPTIONS AND WAIVERS GRANTED OR DENIED.....	5
Summaries of Medical Exemptions and Waivers Granted or Denied	5
NON-MEDICAL DRIVER EXEMPTIONS AND WAIVERS	6
Summaries for Exemptions and Waivers Granted or Denied	6
VEHICLE EXEMPTIONS AND WAIVERS.....	17
Summaries of Vehicle Exemptions and Waivers Granted or Denied	18
PILOT PROGRAMS.....	21
Younger Commercial Driver Pilot Training Program	21
Hours of Service Pilot Program for Drivers Delivering Home Heating Oil	22
Fatigue Management Pilot Program	22
Demonstration Project on the North American Free Trade Agreement Trucking Provisions	22
Pilot Program on the Transportation of Hazardous Materials by Drivers without Hazardous Materials Endorsements.....	23
Pilot Program on the North American Free Trade Agreement Long-Haul Trucking Provisions	24
SUMMARY	24
APPENDIX.....	26

INTRODUCTION

Section 32913 of the Moving Ahead for Progress in the 21st Century Act (MAP 21) added Title 49 United States Code (USC) 31315(e), which requires the Secretary of Transportation to submit a report to Congress listing the waivers, exemptions, and pilot programs granted under Title 49 USC 31315 and any impacts on safety associated with the regulatory relief provided by the waivers, exemptions, and pilot programs. This is the first annual report to Congress on waivers, exemptions, and pilot programs granted by the Federal Motor Carrier Safety Administration (FMCSA) for Fiscal Years (FY) 1999 through 2013, covering October 1, 1998, to September 30, 2013.

Section 4007 of the Transportation Equity Act for the 21st Century (TEA-21) amended 49 USC 31315 and 31136(e) to provide authority to the Secretary of Transportation to grant exemptions from motor carrier safety regulations. The procedures to implement the new authority were published in the Federal Register on December 8, 1998 (63 FR 67600). On August 20, 2004 (69 FR 51589), FMCSA adopted as final its interim regulations at Title 49 Code of Federal Regulations (CFR) part 381, consistent with section 4007 of TEA-21. The final rule established procedures applicants must follow to request waivers and apply for exemptions from the Federal Motor Carrier Safety Regulations (FMCSR) and procedures to propose and manage pilot programs. In addition, it 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 notice of exemption applications or proposals for pilot programs in the Federal Register to afford the public an opportunity for comment. There is no requirement for publishing Federal Register notices concerning waiver applications.

WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS

Waivers

A waiver is temporary relief from one or more FMCSRs given 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 or class of persons may apply for a waiver if one or more FMCSR prevents them from using or operating commercial motor vehicles (CMV) or makes it unreasonably difficult to do so during a unique, non-emergency event. 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 only be granted from requirements in 49 CFR parts 382, 383, 391, 392, 393, 395, 396 (except for section 396.25) and 399.

Exemptions

An exemption is temporary relief from one or more FMCSRs given 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 that would maintain a level of safety equivalent to, or greater than, the level achieved without the exemption. An exemption provides the person or class of persons with relief from the

regulations for up to 2 years and may be renewed. Exemptions may only be granted from one or more requirements in 49 CFR parts 382, 383, 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 time period, and all terms and conditions of the exemption are published in the Federal Register for notice and comment. The Agency is required to immediately revoke an exemption 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 USC chapter 313 or 49 USC 31136.

Pilot Programs

The Agency may conduct pilot programs to evaluate alternatives to regulations relating to motor carriers, CMVs, and driver safety. These programs may include exemptions from one or more of the FMCSRs. The FMCSA provides detailed information regarding a pilot program through the publication of a notice in the Federal Register, including alternatives being considered, and asking for comments before the effective date of the pilot program. The FMCSA has ensured and continues to ensure that safety measures in the pilot programs are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be achieved through compliance with the existing safety regulations. Each pilot program is limited to 3 years from the starting date. If a motor carrier or driver fails to comply with the terms and conditions of the program, FMCSA must immediately revoke the participation by a carrier or driver in the program. Likewise, if continuation of a pilot program is inconsistent with the safety goals and objectives of 49 USC chapter 313 or 49 USC 31136, FMCSA must immediately terminate that pilot program.

FMCSA MEDICAL EXEMPTION PROGRAMS

The overwhelming majority of the exemptions granted by FMCSA concern the physical qualifications standards for interstate drivers. Currently, the FMCSA has distinct medical exemption programs for drivers who do not meet either the Agency's vision or diabetes standards. The FMCSA's robust monitoring and oversight processes for its Vision and Diabetes Exemption Programs ensure there is no adverse impact on safety after an individual is granted an exemption. The process and criteria for granting, rescinding, or denying exemptions for these programs are outlined in the Appendix. As a result of these monitoring and oversight processes, during FY 1999 through 2013, 94 vision exemptions were revoked and 1,035 diabetes exemptions were revoked.

Vision Exemption Program

Launched in December 1998, the Vision Exemption Program provides CMV drivers who do not meet the vision requirements of 49 CFR 391.41(b)(10) in one of their eyes, the opportunity, on a case-by-case basis, to seek an exemption. The process of obtaining an exemption begins with submission of an application to the FMCSA Vision Exemption Program. Drivers must provide proof that they have driven a CMV safely in intrastate commerce with their vision deficiency for

the 3-year period immediately preceding the date of application. Drivers who are approved for the exemption must renew their exemptions every 2 years. The renewal process is initiated by an application and requires a notice-and-comment process in the Federal Register.

Table 1 shows the number of exemption and waiver applications received and granted through the Vision Exemption Program from October 1, 1998–September 30, 2013.

Table 1. Vision Exemptions and Waivers Granted for FY 1999 to 2013

Fiscal Year	Number of Exemption Applications	Number of Exemptions Granted	Number of Exemptions Denied	Percentage of Exemption Applications Granted	Number of Waiver Applications	Number of Waivers Granted	Number of Waivers Denied
1999	348	102	246	29.31	0	0	0
2000	696	260	436	37.35	0	0	0
2001	520	190	330	36.53	0	0	0
2002	338	96	242	28.40	0	0	0
2003	514	206	308	40.07	0	0	0
2004	310	58	252	18.70	0	0	0
2005	227	82	145	36.12	0	0	0
2006	492	223	269	45.32	0	0	0
2007	507	262	245	51.67	0	0	0
2008	490	223	267	45.51	0	0	0
2009	497	207	290	41.64	0	0	0
2010	482	200	282	41.49	1	1	0
2011	571	332	239	58.14	0	0	0
2012	559	254	305	45.43	0	0	0
2013	612	331	281	54.08	0	0	0
Total	7,163	3,026	4,137	42.24	1	1	0

Source: Vision Exemption Annual Reports

Diabetes Exemption Program

Section 4018 of TEA-21 directed the Secretary of Transportation to determine if it was feasible to develop a safe and practicable program for allowing individuals with insulin-treated diabetes mellitus (ITDM) to operate CMVs in interstate commerce. In making the determination, the Secretary was directed to evaluate research and other relevant information on the effects of ITDM on driving performance among other things.

In December 2001, FMCSA issued the report entitled, “A Study of the Risk Associated with the Operation of Commercial Motor Vehicles by Drivers with Insulin-Treated Diabetes Mellitus.” The evidence generated by the study strongly suggested that CMV operators with ITDM do not present an excessive risk on the Nation’s roads. On July 31, 2001, FMCSA published a notice in the Federal Register announcing its intention to establish an exemption program and invited public comment. The final notice of determination to grant diabetes exemptions was published on September 3, 2003 (68 FR 52441).

On September 22, 2003, FMCSA began accepting applications from CMV drivers who do not meet the physical qualification requirements in 49 CFR 391.41(b)(3). Applicants for such exemptions had to provide proof that they operated CMVs safely in intrastate commerce while

using insulin to treat diabetes mellitus for the 3-year period immediately preceding the date of application. This requirement proved difficult because drivers were unable to obtain the driving experience due to the fact that most States do not allow individuals with ITDM to operate CMVs. As a result, only four exemptions were granted from 2003 through 2004.

On August 10, 2005, the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was enacted. Section 4129 of SAFETEA-LU requires the Secretary of Transportation to eliminate the requirement for 3 years of CMV driving experience while being treated with insulin; and establish a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV in interstate commerce.

On November 8, 2005 (70 FR 67777), FMCSA announced its decision to begin accepting applications for exemptions under the revised eligibility criteria. Section 4129(c) of SAFETEA-LU requires insulin-treated drivers to demonstrate stable control consistent with the findings reported in July 2000 by the expert medical panel established by the Secretary. The report was titled, "A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-treated Diabetes Mellitus to Operate Commercial Motor Vehicles in Interstate Commerce" as directed by TEA-21. For a driver newly diagnosed with type 1 diabetes, the panel recommended a minimum period of insulin use for 2 months to demonstrate adequate disease management skills, unless directed by the treating physician. If the driver had type 2 diabetes and converted to insulin use, the panel recommended a minimum period of insulin use for 1 month to demonstrate adequate disease management skills, unless directed by the treating physician.

With the removal of the requirement for 3 years of driving experience preceding application for exemption, FMCSA saw an increase in the number of applications and the number of drivers meeting the program criteria. Table 2 depicts the number of exemptions and waivers the FMCSA Diabetes Exemption Program has granted since 2003.

Table 2. Diabetes Exemptions and Waivers Granted for FY 2003 to 2013

Fiscal Year	Number of Exemption Applications	Number of Exemptions Granted	Number of Exemptions Denied	Percentage of Exemption Applications Granted	Number of Waiver Applications	Number of Waivers Granted	Number of Waivers Denied
2003	0	0	0	0	0	0	0
2004	70	0	70	0	0	0	0
2005	24	4	20	16.66	0	0	0
2006	68	53	15	77.94	0	0	0
2007	332	295	37	88.85	0	0	0
2008	404	354	50	71.80	0	0	0
2009	493	432	61	87.62	0	0	0
2010	420	375	45	89.28	0	0	0
2011	809	426	383	52.65	2	2	0
2012	961	447	514	46.51	0	0	0
2013	718	392	326	54.59	0	0	0
Total	4,299	2,778	1,521	64.61	2	2	0

Source: Diabetes Exemption Annual Reports

OTHER MEDICAL EXEMPTIONS AND WAIVERS GRANTED OR DENIED

This section provides summaries of exemptions the Agency has granted or denied involving individuals unable to meet certain physical qualification requirements in 49 CFR 391.41 for which there is no formal exemption program.

Summaries of Medical Exemptions and Waivers Granted or Denied

On January 15, 2013 (78 FR 3069), FMCSA published its decision to grant 22 individuals an exemption from 49 CFR 391.41(b)(8) concerning drivers who had a seizure or are taking anti-seizure medication. The regulation and the associated advisory criteria published in the CFR as the “Instructions for Performing and Recording Physical Examinations” have resulted in numerous drivers being prohibited from operating CMVs in interstate commerce based on the fact that they had one or more seizures and/or are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified medical examiner.

In reaching the decision to grant these exemption requests, the Agency considered the 2007 report entitled, “Evidence Report on Seizure Disorders and Commercial Vehicle Driving” and decided to evaluate these drivers under the criteria recommended in the 1988 report entitled, “Conference on Neurological Disorders and Commercial Drivers.” The Agency considered the 2007 recommendations of its Medical Expert Panel (MEP). The MEP recommended conditional certification for individuals who have an epilepsy diagnosis, a single provoked seizure, or a single unprovoked seizure with low-risk factors for recurrence and recommended no certifications for individuals with moderate to high-risk seizure conditions.

The Agency evaluated the medical status of each applicant as well as crash and violation data, which is listed in each applicant driver’s biographical profile. The exemptions are contingent on the driver maintaining a stable medication regimen and remaining seizure-free during the 2-year exemption period. The 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. The drivers must also be medically certified yearly by a medical examiner as defined by 49 CFR 390.5, following the FMCSA’s regulations for CMV drivers.

On July 9, 2013 (78 FR 41185), the Agency denied seven individuals exemptions from the prohibition against persons with a clinical diagnosis of epilepsy or any other condition likely to cause a loss of consciousness (49 CFR 391.41(b)(8)) or any loss of ability to operate a CMV in interstate commerce. Reasons for denials were listed after each name entered in the Federal Register notice.

On September 27, 2013, the Agency granted two individuals a 90-day waiver from the epilepsy/seizure disorder standard under 49 CFR 391.41(b)(8). The waivers were granted to provide the Agency with sufficient time to complete the exemption process so that the individuals could continue to be employed in their current jobs. The Agency determined that granting the waivers achieved a level of safety that was equivalent to, or greater than, the level of safety obtained by complying with the regulation.

On February 1, 2013 (78 FR 7479), the Agency published its decision to grant 40 individuals an exemption from the hearing requirements in 49 CFR 391.41(b)(11). The Agency's decision was based on current medical literature and information and the 2008 evidence report entitled, "Executive Summary on Hearing, Vestibular Function and Commercial Motor Vehicle Driver Safety." The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) no studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified and (2) evidence from studies of the non-commercial driver licensed population does not support the contention that individuals with hearing impairments are at an increased risk for a crash. In making this decision, the Agency reviewed the applicants' driving records found in the Commercial Driver License Information System and interstate and intrastate inspections recorded in the Motor Carrier Management Information System. It should be noted that the terms and conditions of these exemptions do not allow hearing impaired drivers to operate a motorcoach with passengers nor do they allow hearing impaired drivers to transport hazardous materials (HM) in interstate commerce.

NON-MEDICAL DRIVER EXEMPTIONS AND WAIVERS

As provided in 49 CFR part 381, FMCSA has granted non-medical exemptions and waivers for which there are no specific programs, but there are terms and conditions that each applicant must meet, as a requirement for obtaining 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. For this section an applicant's name is repeated each time new companies or new drivers are granted exemptions or waivers by the Agency for the first time. Applicants such as the American Pyrotechnics Association or Isuzu Motors America, Inc., appear more than once because each time the applicant's renewed their exemptions, new companies or new drivers were included in the renewal request who had not been granted prior exemptions and were being granted exemptions for the first time. This report does not include the number of applicants with renewed exemptions.

Summaries for Exemptions and Waivers Granted or Denied

Van Wyk Freight Lines, Inc.

On December 27, 1999 (64 FR 72373), the Agency announced its proposal to deny the application of Van Wyk Freight Lines, Inc., for an exemption from the records of duty status provisions in 49 CFR part 395. Van Wyk failed to describe the impacts it could experience if the exemption was not granted. The company and the Agency informally agreed to take no further action on the application.

PacifiCorp Electrical Operations

On April 26, 2000 (65 FR 24533), the Agency denied PacifiCorp Electric Operations an exemption from the controlled substances and alcohol random testing requirements in 49 CFR part 382. The company requested an exemption because it believed it had a low percentage of positive random test results since testing was initiated. PacifiCorp's positive rate for random controlled substances test was 1 percent and its positive rate for random alcohol tests was 0.8 percent. The FMCSA denied the exemption because PacifiCorp failed to explain how it would achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the random controlled substances and alcohol testing requirements.

Isuzu Motors America, Inc.

On October 16, 2003 (68 FR 59677), the Agency announced its decision to grant an exemption to Isuzu Motors America, Inc., from the Federal commercial driver's license (CDL) requirement in 49 CFR 383.23. The exemption allowed 31 Japanese engineers and technicians to test drive CMVs for Isuzu. All of the individuals held a Japanese CDL and were trained in driving CMVs in Japan.

Mayflower Transit, LLC

On January 13, 2004 (69 FR 2040), the Agency denied an application from Mayflower Transit LLC (Mayflower) and United Van Lines LLC (United Van Lines) for exemptions from certain Federal controlled substance and alcohol testing requirements. The applicants requested exemptions that would allow them to impose controlled substance and alcohol testing on their non-CDL drivers using the same standards, forms, and requirements, and in the same random testing pool, as their CDL drivers. The Agency denied the exemptions because Mayflower and United Van Lines did not explain how they would achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the random controlled substances and alcohol testing requirements.

American Pyrotechnics Association

On May 7, 2004, the Agency granted a waiver to the American Pyrotechnics Association from certain provisions of the hours-of-service (HOS) regulations in 49 CFR part 395. Specifically, the waiver provided relief from the prohibition against driving after the 14th hour of coming on duty. The waiver covered approximately 3,000 drivers employed by various companies transporting fireworks for Independence Day celebrations.

American Pyrotechnics Association

On July 1, 2005 (70 FR 38242), the Agency announced its decision to grant the American Pyrotechnics Association a limited 2-year exemption from the prohibition against driving after the 14th hour of coming on-duty. The exemption was applicable for a period beginning 7 days prior to, and 2 days immediately following, Independence Day in 2005 and 2006. Fireworks personnel who operated CMVs for companies listed in the notice, in conjunction with staging fireworks shows celebrating Independence Day, were allowed to exclude off-duty and sleeper berth time of any length in the calculation of the 14 hours. However, drivers were not allowed to

drive after accumulating a total of 14 hours of on-duty time, and continued to be subject to the 11-hour driving time limits, and the 60- and 70-hour weekly limits. The exemption covered 3,000 drivers.

Air Products and Chemicals, Inc.

On October 13, 2005, the Agency denied Air Products and Chemicals, Inc.'s request for a waiver to allow its team-drivers who transported liquid hydrogen to operate under the sleeper-berth rule published on April 28, 2003, and implemented on January 4, 2004, rather than the sleeper-berth rule published on August 25, 2005. The August 25, 2005, final rule had an effective date of October 1, 2005. The Agency did not believe the alternative to the August 25, 2005, final rule would achieve the requisite level of safety required by 49 CFR 395.1(g).

Volvo Trucks North America Inc.

On May 12, 2006 (71 FR 27780), the Agency announced its decision to grant Volvo Trucks North America, Inc., (Volvo) an exemption from the Agency's requirement for drivers of CMVs to hold a CDL for Volvo's 11 Swedish engineers and technicians to test drive Volvo CMVs in the United States. All of the individuals held a valid Swedish CDL and were trained to drive CMVs in Sweden. The individuals normally work at Volvo in Sweden where their duties involve developing, designing, and testing engines for CMVs that will be manufactured, assembled, sold, or primarily used in the United States. The FMCSA believed the terms and conditions of the exemption ensured that the level of safety for the drivers would be equivalent to, or greater than, the level of safety achieved by complying with the Federal regulations.

Klaburuten Tours

On September 28, 2006, the Agency granted Klaburuten Tours a waiver for four tour bus operators to operate in the United States without possessing a CDL issued by a State and to operate without a medical examiner's certificate. The drivers held valid Norwegian CDLs that allowed them to operate CMVs in Norway. In Norway, each operator had successfully completed both written and driving tests comparable to those administered to applicants for CDLs in the United States.

Justin J. Yarnell

On October 27, 2006, the Agency granted Mr. Justin J. Yarnell a waiver from the minimum driving-age requirement in 49 CFR 391.11(b)(1) so that he could drive a bus to transport students for the Habitat for Humanity activities for a 1-week period less than 30 days before his 21st birthday. The Agency determined that granting the waiver was in the public interest and would likely achieve a level of safety equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver.

Isuzu Motors Corporation of Japan

On December 29, 2006, the Agency granted a 60-day waiver of the CDL requirements for two test engineers from the Isuzu Motors Corporation of Japan. The tests the engineers conducted at various locations in the United States were considered "nonemergency and unique events" in that the testing events were not in response to an emergency, as the term is used in 49 CFR part 390, and the specific drivers in question had not previously been granted a waiver to conduct testing

of CMVs in the United States. Further, the tests were specialized and could not be conducted by other Isuzu drivers who had been granted exemptions from the CDL requirements. Each engineer held a Japanese CDL and was trained on driving CMVs in Japan.

Isuzu Motors America, Inc.

On April 5, 2007 (72 FR 16870), the Agency announced its decision to grant Isuzu Motors America, Inc., (Isuzu) an exemption from the Federal CDL requirement in 49 CFR section 383.23. The exemption covered 76 drivers so that they could test drive CMVs for Isuzu. All of the individuals held a Japanese CDL and were trained on driving CMVs in Japan. These drivers were not included in prior exemptions.

Volvo Trucks North America, Inc.

On April 23, 2007 (71 FR 27780), the Agency announced its decision to grant Volvo an exemption from the Agency's CDL requirement for seven Swedish engineers and technicians to test drive Volvo vehicles in the United States. The exemption allowed the seven drivers to support a Volvo field test to meet future air quality standards, and to test drive Volvo prototype vehicles to verify results in "real world" environments. All of the individuals held a valid Swedish CDL and were trained to drive CMVs in Sweden. The FMCSA believed the knowledge and skills testing and training program that drivers must undergo to obtain a Swedish CDL ensured that these drivers would achieve a level of safety that was equivalent to, or greater than, the level of safety achieved without the exemption. These drivers were not included in prior exemptions.

American Pyrotechnics Association

On June 28, 2007 (72 FR 35538), the Agency announced its decision to grant the American Pyrotechnics Association an exemption from the prohibition against driving after the 14th hour after coming on duty. The exemption was applicable for a period beginning 7 days prior to, and 2 days immediately following, Independence Day in 2007 and 2008. Fireworks personnel who operated CMVs for companies listed in the notice, in conjunction with staging fireworks shows celebrating Independence Day, were allowed to exclude off-duty and sleeper berth time of any length in the calculation of the 14 hours. However, drivers were not allowed to drive after accumulating a total of 14 hours of on-duty time and continued to be subject to the 11-hour driving time limits and the 60- and 70-hour weekly limits. The exemption covered 9 new companies and 100 new drivers. These companies and drivers were not included in prior exemptions.

Volvo Trucks North America, Inc.

On June 18, 2008 (73 FR 34828), the Agency announced its decision to grant Volvo an exemption to allow three of its drivers to test drive CMVs in the United States without a CDL issued by one of the States. The drivers were experienced CMV operators with valid Swedish-issued CDLs. The FMCSA had previously determined that the process for obtaining a Swedish-issued CDL adequately assesses the driver's ability to operate CMVs in the United States. Therefore, the process for obtaining a Swedish-issued CDL is considered to be comparable to, or as effective as, the requirements of 49 CFR part 383. These drivers were not included in prior exemptions.

Rotel North American Tours, LLC

On July 30, 2008 (73 FR 44313), the Agency announced its decision to grant Rotel North American Tours, LLC, (Rotel) an exemption to enable 22 drivers with German CDLs to operate 11 of its tour buses in the United States . The Agency determined that the knowledge and skills possessed by these drivers as a result of the training program that all German CDL applicants must complete would achieve a level of safety equivalent to, or greater than, the level of safety achieved without the exemption.

State of Iowa

On September 29, 2008, the Agency granted the State of Iowa 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 [49 CFR 383.3(f)]. The waiver was for a period of less than 3 months, was limited in scope and circumstances, and provided relief from certain requirements for a non-emergency and unique situation the State of Iowa was facing. Also, because the waiver did not relieve the drivers of the requirement to hold a restricted CDL, or to be capable of operating safely the commercial vehicles necessary for the agricultural operations in question, there was no decrease in the safety performance levels for these drivers to achieve. The waiver covered 1,642 drivers.

Isuzu Motors America, Inc.

On January 5, 2009 (74 FR 334), the Agency announced its decision to grant Isuzu Motors America, Inc., an exemption from the Federal CDL requirement in 49 CFR 383.23. The exemption covered 27 new driver-employees from Japan to enable them to test drive CMVs in the United States without a CDL issued by one of the States. All of the individuals held a Japanese CDL and were trained in driving CMVs in Japan. These drivers were not included in prior exemptions.

Virginia Department of Motor Vehicles (VA DMV)

On March 9, 2009 (74 FR 10120), the Agency granted an exemption to the VA DMV from the regulations requiring that each CDL issued by a State contain a color photograph of the driver. VA DMV requested that it be allowed to use a black and white, laser-engraved photograph in lieu of a color photograph. VA DMV explained in detail how the use of black and white, laser-engraved photographs on Virginia CDLs would enhance the security of the credential in particular because the laser-engraved photograph could not easily be altered. Because the exemption was limited to the actual photograph or image of the CDL holder and the State was required to maintain compliance with all other CDL document rules, FMCSA concluded that the exemption would not have an adverse impact on safety.

Renault Trucks

On April 1, 2009, the Agency granted a waiver from the CDL regulations to five drivers of Renault Trucks, a subsidiary of AB Volvo, to operate CMVs in the United States without possessing a CDL issued by a State. Each of the drivers held a Heavy Goods and Vehicle License that allowed operation of heavy-duty vehicles in France. Each driver had successfully completed a comprehensive driver training program with written and driving tests comparable to those administered to applicants for CDLs in the United States.

Bordentown Driver Training School, LLC

On May 19, 2009 (74 FR 23467) , the Agency announced its decision to deny Bordentown Driver Training School LLC an exemption from the random drug and alcohol testing requirements in 49 CFR part 382 for its student-drivers because the requestor failed to demonstrate how the current level of safety would be maintained if the exemption were granted.

Centennial Communications

On May 19, 2009, (74 FR 23467), the Agency announced its decision to deny Centennial Communication's request for an exemption from all of the FMCSRs because the request did not provide any alternative management controls to ensure the safe operation of the company's CMVs.

Jcrane, Inc.

On May 19, 2009 (74 FR 23467), the Agency announced its decision to deny Jcrane, Inc.'s request for an exemption from the minimum driving-age requirement in 49 CFR part 391 to allow the company to use drivers under 21 years of age to operate CMVs in interstate commerce. The Agency made this decision because the applicant failed to explain how the level of safety would be maintained if the exemption were granted.

Summit Helicopter, Inc.

On May 19, 2009 (74 FR 23467), the Agency announced its decision to deny Summit Helicopter, Inc.'s, (Summit) request for an exemption from all of the HOS regulations because Summit failed to explain how it would ensure that drivers operating cargo tank CMVs in interstate commerce without any regulation of their HOS would achieve a level of safety equivalent to, or greater than, the level of safety that would be obtained by compliance with the HOS rules.

U.S. Department of Energy (DOE)

On May 19, 2009 (74 FR 23467), the Agency announced its decision to deny the DOE's request for an exemption from the sleeper-berth provisions in 49 CFR part 395 to allow its contract motor carriers and their employee-drivers to operate under the pre-2005 sleeper-berth rule. The Agency made this decision because DOE failed to show how the current level of safety would be maintained if the exemption were granted.

U.S. Postal Service

On May 19, 2009 (74 FR 23467), the Agency announced its decision to deny the U.S. Postal Service's request for an exemption to allow its contractors to operate under the HOS rules that were in effect prior to January 4, 2004, because the applicant failed to explain how a requisite level of safety would be achieved.

American Pyrotechnic Association

On June 19, 2009 (74 FR 29266), the Agency announced its decision to grant the American Pyrotechnic Association an exemption from the prohibition against driving after the 14th hour of coming on duty. The exemption was applicable for a period beginning 7 days prior to and 2 days immediately following Independence Day in 2009 and 2010. Fireworks personnel who operated CMVs for companies listed in the notice, in conjunction with staging fireworks shows celebrating Independence Day, were allowed to exclude off-duty and sleeper berth time of any

length in the calculation of the 14-hours. However, drivers were not allowed to drive after accumulating a total of 14 hours of on-duty time and continued to be subject to the 11-hour driving time limits, and the 60- and 70-hour weekly limits. The exemption covered 14 new carriers and 100 new drivers. These companies and drivers were not included in prior exemptions.

Isuzu Motors America, Inc.

On July 24, 2009 (74 FR 36809), the Agency announced its decision to grant Isuzu Motors America, Inc.'s, request for an exemption from the CDL requirement in 49 CFR 383.23. The exemption covered 20 new driver-employees from Japan to enable them to test drive CMVs in the United States without a CDL issued by one of the States. All of the individuals held Japanese CDLs and were trained in driving CMVs in Japan. These drivers were not included in prior exemptions.

Colorado Mountain Express

On August 17, 2009, the Agency denied a request from Colorado Mountain Express to be exempted from the original signature requirements of 49 CFR part 391. The requestor specifically applied for a limited exemption from the requirement for a driver's original signature on the application for employment (49 CFR 391.21(b)). The Agency did not believe it to be appropriate to exempt only one motor carrier because the issue had been raised previously by various entities. The Agency acknowledged the need to address the issue further and committed to a rulemaking to address the broader issue of electronic signatures on, and electronic storage of, FMCSA- mandated documents.

HOS Waiver for the Transportation of Anhydrous Ammonia

On March 22, 2010 (75 FR 13441), FMCSA granted a limited 90-day waiver from the Federal HOS regulations for the transportation of anhydrous ammonia from any distribution point to a local farm retailer or to the ultimate consumer, and from a local farm retailer to the ultimate consumer, as long as the transportation took place within a 100 air-mile radius of the retail or wholesale distribution point. The waiver extended the agricultural operations exemption established by section 345 of the National Highway System Designation Act of 1995, as amended by the sections 4115 and 4130 of SAFETEA-LU, to certain motor carriers engaged in the distribution of anhydrous ammonia during the 2010 spring planting season. The Agency determined that the waiver would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption, based on the terms and conditions imposed.

National Agricultural Aviation Association

On June 10, 2010 (75 FR 32984), FMCSA announced its decision to deny National Agricultural Aviation Association's (NAAA) request for an exemption to permit the transportation of HM by drivers who had not obtained a HM endorsement for their CDL as required by current regulations. The Agency reviewed the request and concluded that NAAA's application failed to demonstrate how it would ensure that the operations of its members under the exemption would achieve a level of safety equivalent to, or greater than, the level of safety that would be obtained in the absence of the exemption.

Volvo Trucks North America, Inc.

On June 14, 2010 (75 FR 33662), the Agency announced its decision to grant Volvo's application for an exemption for two of its drivers to enable them to test drive CMVs in the United States without a CDL issued by one of the States. The exemption enabled the drivers to test drive Volvo CMVs that are assembled, sold or primarily used in the United States. The drivers were experienced CMV operators with valid Swedish-issued CDLs. The FMCSA had previously determined that the process for obtaining a Swedish-issued CDL adequately assesses the driver's ability to operate CMVs in the United States. These drivers were not included in prior exemptions.

Dart Transit

On July 16, 2010, FMCSA denied Dart Transit Companies an exemption from (1) the prohibition against driving after the end of the 14th hour after coming on duty and (2) the requirement that drivers using a sleeper berth to accumulate "the equivalent of 10 consecutive hours off duty" have a period of at least 8 hours but not more than 10 consecutive hours in one sleeper-berth rest period and a separate period of at least 2 consecutive hours in the sleeper berth or off duty. The FMCSA could not determine from the information provided that Dart's proposed exemption would meet the statutory requirement to maintain the current levels of safety.

Landstar System

On July 16, 2010, FMCSA denied Landstar System, Inc.'s request for an exemption from the HOS regulations to allow team-drivers using a sleeper berth to accumulate the equivalent of 10 or more consecutive hours off duty, when transporting high-security cargo requiring constant attendance in accordance with 49 CFR 397.5 and the U.S. Department of Defense rules. The Agency based its decision on the information provided by Landstar and public comments received and could not determine that the requisite level of safety could be provided by granting the requested exemption.

Institute of Makers of Explosives

On September 16, 2010, the Agency denied the Institute of Makers of Explosives' (IME) request for an exemption from the HOS regulations for IME members' drivers who transport HM requiring constant attendance. The requested exemption would allow interruptions of up to 30 minutes without triggering a change-of-duty status that would interrupt the 8 consecutive hours of sleeper berth time required by the HOS regulations. The Agency could not find adequate safety justification to support issuing a blanket exemption for 30-minute interruptions.

American Pyrotechnics Association

On June 28, 2011 (76 FR 37880), the Agency announced its decision to grant the American Pyrotechnics Association an exemption from the prohibition against driving after the 14th hour of coming on duty. The exemption was applicable for a period beginning 7 days prior to and 2 days immediately following Independence Day in 2011 and 2012. Fireworks personnel who operated CMVs for companies listed in the notice, in conjunction with staging fireworks shows celebrating Independence Day, were allowed to exclude off-duty and sleeper-berth time of any length in the calculation of the 14 hours. However, drivers were not allowed to drive after accumulating a total of 14 hours of on-duty time, and continued to be subject to the 11-hour

driving time limits and the 60- and 70-hour weekly limits. The exemption covered 9 new carriers and 375 new drivers. These companies and drivers were not included in prior exemptions.

Daimler Trucks North America

On September 22, 2011, the Agency approved the request of Daimler Trucks North America LLC (Daimler) for a waiver from certain provisions of the FMCSRs for the company and one of its drivers from Germany. The waiver issued to Daimler and the specified driver provided temporary relief from 49 CFR parts 382, 383, 391 and section 395.8. The waiver was valid for any one 48-consecutive-hour period from September 12, 2011, to October 17, 2011, to allow the driver to test drive CMVs for 6 hours per day for 2 consecutive days. Test driving was restricted to 200 miles per day, for a total of 400 miles during a 2-day period. The driver possessed a German-issued CDL.

State of Indiana

On October 11, 2011, 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 was for a period of less than 3 months, was limited in scope and circumstances, and provided relief from certain requirements for a non-emergency and unique situation the State of Indiana was facing. Also, because the waiver did not relieve the drivers of the requirement to hold a restricted CDL, or to be capable of operating safely the commercial vehicles necessary for the agricultural operations in question, there was no decrease in the safety performance levels for these drivers to achieve.

Daimler Trucks North America

On March 6, 2012, the Agency approved the request of Daimler, for a waiver from the CDL provisions in 49 CFR part 383 for a specified driver from Germany. The waiver allowed the driver to test drive CMVs for 6 hours per day for any one 48-consecutive-hour period from March 19, 2012, to March 23, 2012. Daimler advised that 10 percent of the test driving would be on two-lane State highways, while 90 percent would be on interstate highways. Test driving was limited to 200 miles per day, for a total of 400 miles during a 2-day period. The driver possessed a German-issued CDL.

Daimler Trucks North America

On May 25, 2012 (77 FR 31422), the Agency announced its decision to grant Daimler an exemption from the CDL provision in 49 CFR part 383 for two of Daimler's German drivers to test drive Daimler vehicles on U.S. roads in order to meet future vehicle safety and environmental regulatory requirements and to promote the development of technology advancements in vehicle safety systems and emissions. The exemption limited the driving time to 6 hours per day for 2 consecutive days, and 10 percent of the test driving would be on two-lane State highways, while 90 percent would be on interstate highways. The driving for each driver consists of 200 miles per day for a total of 400 miles during a 2-day period on a quarterly basis.

RockTenn

On May 29, 2012 (77 FR 31684), the Agency granted RockTenn an exemption from the HOS regulations in 49 CFR 395.3(a)(2) that prohibits drivers from operating CMVs on public roads after the 14th hour after coming on duty following 10 or more consecutive hours off duty. The exemption enabled RockTenn's shipping department employees and occasional substitute CDL holders who transported paper mill products between their shipping and receiving locations to work up to 16 consecutive hours and to return to work with less than the mandatory 10 consecutive hours off duty when necessary. The exemption was restricted to RockTenn drivers operating CMVs on Compress Street between the company's shipping and receiving departments for April 17, 2012, to April 16, 2014.

Redding Air Service and Guardian Helicopters

On July 6, 2012 (77 FR 40144), the Agency announced its decision to deny Redding Air Service's and Guardian Helicopters' joint application for an exemption from the HOS rule that prohibits a driver from operating a CMV after accumulating 70 on-duty hours in an 8-day period [section 395.3(b)(2)]. The applicant sought the exemption so that the work schedules of its ground support personnel would more closely correspond to the work schedules of its aircraft employees. The Agency concluded that the applicant failed to explain how it would achieve a level of safety equivalent to, or greater than, the level that would be achieved by compliance with the limitation.

Underwater Construction Corporation

On July 6, 2012 (77 FR 40143), the Agency announced its decision to deny Underwater Construction Corporation's application exemption from the HOS record-of-duty status (RODS) requirement for 165 of its CMV drivers. The Agency concluded that Underwater failed to demonstrate how it would achieve the level of safety equivalent to, or greater than, the level of safety obtained by complying with the RODS requirement.

Western Pilot Service

On July 6, 2012 (77 FR 40144), the Agency announced its decision to deny Western Pilot Service's application for an exemption from the provision of the HOS rule that prohibits driving after a CMV driver has accumulated 70 on-duty hours in any period of 8 consecutive days. Western's alternative to the rule did not demonstrate how it would achieve the level of safety equivalent to, or greater than, the level of safety obtained by complying with the RODS requirement.

Daimler Trucks North America

On September 8, 2012, the Agency approved the request of Daimler for a waiver from the CDL provisions in 49 CFR part 383 for one of its drivers from Germany. The waiver allowed the driver to test drive CMVs for 6 hours per day for any one 48-consecutive-hour period from September 25, 2012, to September 26, 2012. Daimler advised that 10 percent of the test driving would be on two-lane State highways, while 90 percent would be on interstate highways. Test driving was limited to 150 miles per day, for a total of 300 miles during a 2-day period. The driver possessed a German-issued CDL.

Verizon

On December 2, 2012, the Agency granted Verizon-Affiliated Companies a waiver of 49 CFR 390.19, 390.21, part 391, and sections 396.3(b)(c) 396.11, and 396.17–396.23 for drivers performing utility restoration work and returning to their home duty location following restoration of utility service interrupted by Hurricane Sandy in New York and New Jersey.

Daimler Trucks North America

On April 18, 2013, the Agency approved the request of Daimler for a waiver from the CDL provisions in 49 CFR part 383 for itself and one of its German drivers. The waiver allowed the driver to test drive CMVs for 6 hours per day from April 23, 2013, to April 26, 2013. Daimler advised that 10 percent of the test driving would be on two-lane State highways, while 90 percent would be on interstate highways. Test driving was limited to 150 miles per day, for a total of 600 miles during a 4-day period. The waiver was valid only for driving in the States of Oregon and Washington. The driver possessed a German-issued CDL.

Adirondack Trailways, Pine Hill Trailways, New York Trailways

On May 31, 2013 (78 FR 32701), the Agency announced its decision to grant Adirondack Trailways, Pine Hill Trailways, New York Trailways and all other regular route passenger carriers and their drivers an exemption from the HOS Record of Duty Status requirement to enter a change-in-duty status on the daily log for breaks in driving time of 10 minutes or less, for the limited purpose of picking up or dropping off passengers, baggage, or small express packages. Instead of complying with the regulations in 49 CFR 395.8(c), these drivers were exempted from changing their duty status from “driving” to “on-duty not driving” when making stops of less than 10 minutes.

U.S. Department of Energy

On May 31, 2013 (78 FR 32700), the Agency announced its decision to grant the DOE an exemption from the minimum 30-minute break provision of the Agency’s HOS regulations to enable DOE’s contract motor carriers and their employee-drivers engaged in the transportation of security-sensitive radioactive materials to be treated similarly to drivers transporting shipments of explosives. The exempted drivers are allowed to use 30 minutes or more of on-duty “attendance time” to meet the HOS rest break requirements provided that they do not perform any work during the break. The exemption covers approximately 30 power units and 53 drivers.

American Pyrotechnics Association

On June 28, 2013 (78 FR 39057), the Agency announced its decision to grant the American Pyrotechnics Association an exemption from the prohibition against driving after the 14th hour of coming on duty. The exemption was applicable for a period beginning 7 days prior to and 2 days immediately following Independence Day in 2013 and 2014. Fireworks personnel who operated CMVs for companies listed in the notice, in conjunction with staging fireworks shows celebrating Independence Day, were allowed to exclude off-duty and sleeper-berth time of any length in the calculation of the 14 hours. However, drivers were not allowed to drive after accumulating a total of 14 hours of on-duty time, and continue to be subject to the 11-hour driving time limits, and the 60- and 70-hour weekly limits. The exemption covered 10 new carriers. These companies and drivers were not included in prior exemptions.

National Pork Producers Council

On July 11, 2013 (78 FR 41716), the Agency announced its decision to grant the National Pork Producers Council a 90-day waiver from the 30-minute rest break provision of the Federal HOS regulations for the transportation of livestock. The Agency determined that it was appropriate to grant the waiver to ensure the well-being of the Nation's livestock during interstate transportation.

U.S. Army Military Surface Deployment and Distribution Command

On July 23, 2013, the Agency granted the U.S. Army Military Surface Deployment and Distribution Command a limited 90-day waiver from the 30-minute rest break requirement in 49 CFR 395.3(a)(3)(ii) for its contracted motor carriers and drivers transporting security-sensitive materials. The waiver allowed drivers to use 30 minutes or more of on-duty "attendance time" to meet the requirement for a rest break in the manner provided in 49 CFR section 395.1(q).

Table 3 below shows the number of non-medical exemptions and waivers received and granted from FY 1999 through FY 2013.

Table 3. Non-medical Driver Exemptions and Waivers Granted for FY 1999 to FY 2013

Fiscal Year	Number of Exemption Applications Received	Number of Exemptions Granted	Number of Exemptions Denied	Percentage of Exemption Applications Granted	Number of Waiver Applications Received	Number of Waivers Granted	Number of Waivers Denied
1999	0	0	0	0	0	0	0
2000	2	0	2	0	0	0	0
2001	0	0	0	0	0	0	0
2002	0	0	0	0	0	0	0
2003	0	0	0	0	0	0	0
2004	2	1	1	50	1	1	0
2005	1	1	0	100	0	0	0
2006	1	1	0	100	2	1	1
2007	3	3	0	100	2	2	0
2008	2	2	0	100	1	1	0
2009	10	4	6	40	1	1	0
2010	6	1	5	16.66	1	1	0
2011	1	1	0	100	1	1	0
2012	7	3	4	42.85	3	3	0
2013	4	4	0	100	3	3	0
Totals	39	21	18	53.84	15	14	1

VEHICLE EXEMPTIONS AND WAIVERS

The Agency has not experienced a large number of requests for vehicle exemptions or waivers as depicted in the number of summaries provided in this section. Exemptions or waivers granted under this section may cover anywhere from one to thousands of vehicles depending on the size of the motor carrier.

Summaries of Vehicle Exemptions and Waivers Granted or Denied

Ford Motor Company

On December 20, 1999 (64 FR 71184), the Agency granted Ford Motor Company an exemption from certain fuel tank design and certification labeling requirements in 49 CFR 393.67. The exemption enabled motor carriers to operate CMVs manufactured by Ford, and equipped with fuel tanks that do not meet the requirements that fuel tanks be capable of receiving fuel at a rate of at least 20 gallons per minute, and be labeled or marked by the manufacturer to certify compliance with the design criteria. The Agency determined that its requirements were inconsistent with the Environmental Protection Agency's rules concerning fuel station pumps and that the maximum rate fuel could be dispensed was less than 20 gallons per minute.

General Motors Corporation

On April 26, 2000 (65 FR 24531), the Agency granted General Motors Corporation an exemption from certain fuel tank design and certification labeling requirements in 49 CFR 393.67. The exemption enabled motor carriers to operate CMVs manufactured by GM, and equipped with fuel tanks that do not meet FMCSA's requirements that fuel tanks be capable of receiving fuel at a rate of at least 20 gallons per minute, and be labeled or marked by the manufacturer to certify compliance with the design criteria. The Agency determined that its requirements were inconsistent with the Environmental Protection Agency's rules concerning fuel station pumps and that the maximum rate fuel could be dispensed was less than 20 gallons per minute.

Oregon Department of Transportation

On May 5, 2003 (86 FR 23794), the Agency denied the Oregon Department of Transportation's (ODOT) application for exemptions from all the requirements of 49 CFR part 393, concerning parts and accessories necessary for the safe operation of CMVs, and 49 CFR part 396, concerning the inspection, repair, and maintenance of CMVs, on behalf of motor carriers certified by and registered with ODOT as farmers. The Agency determined that the State's general requirements concerning the safe operation of vehicles was not sufficient to meet the requirement that exemptions achieve a level of safety equivalent to, or greater than, what would be achieved under the Federal safety requirements.

Werner Enterprises, Inc.

On September 21, 2004 (69 FR 56474), the Agency announced its decision to grant Werner Enterprises, Inc., an exemption from the requirement that drivers of CMVs operating in interstate commerce prepare handwritten records-of-duty status. The exemption allowed Werner to document its drivers' HOS through the use of GPS technology.

United Parcel Service, Inc.

On December 18, 2008, the Agency granted the United Parcel Service, Inc., (UPS) a waiver from the CMV marking requirements in 49 CFR 390.21. The waiver provided UPS adequate time to distribute and install decals with the UPS-Ohio U.S. DOT number on the UPS-New York CMVs. The change was necessary due to a corporate merger, resulting in all of the UPS-New York and UPS-Ohio CMVs being operated under the UPS-Ohio U.S. DOT number.

Greyhound Lines, Inc.

On March 19, 2009 (74 FR 11807), the Agency announced its decision to grant Greyhound Lines, Inc., an exemption that enabled video event recorders to be mounted on its buses lower in the windshield than is currently permitted in the regulations. Greyhound requested the exemption so that it would be able to use the video event recorders to increase safety through identification and remediation of risky driving behaviors, enhanced monitoring of passenger behavior, and enhanced collision review and analysis.

DriveCam, Inc.

On April 15, 2009 (74 FR 17549), the Agency announced its decision to grant DriveCam, Inc., an exemption that enabled video event recorders to be mounted on its CMVs lower in the windshield than is currently permitted in the regulations. DriveCam requested the exemption to be able to use the video event recorders to increase safety through identification and remediation of risky driving behaviors, enhanced monitoring of passenger behavior for CMVs in passenger service, and enhanced collision review and analysis.

Flatbed Carrier Safety Group

On April 14, 2011 (76 FR 20867), the Agency announced its decision to grant an exemption to allow the Flatbed Carrier Safety Group (FCSG) and other motor carriers to comply with the pre-January 1, 2004, cargo securement regulations (then at 49 CFR section 393.100(c)) for the transportation of groups of metal coils with eyes crosswise. Without the exemption, the existing regulations at 49 CFR 393.120(c) requires individual securement of each coil, placing a burden on the motor carrier to carry significantly more coil bunks and timbers to secure each coil in a raised bunk off the deck. The FCSG argued that individual securement of each coil produces no added safety benefit (but increases securement complexity in terms of coil bunks and timbers) compared to the “unitized” securement of multiple coils with eyes crosswise in rows in contact with each other in the longitudinal direction.

Con-way Freight, TK Holdings, Inc., and Iteris, Inc.

On November 18, 2011 (76 FR 71619), the Agency granted an exemption to enable Con-way Freight, TK Holdings, Inc., and Iteris, Inc., to mount lane departure warning system sensors lower in the windshield of a CMV than is currently permitted by the Agency’s regulations. The lane departure warning system alerts drivers who unintentionally drift out of their lane of travel, promoting improved safety performance.

Innovative Electronics

On November 29, 2011 (76 FR 73763), the Agency granted an exemption to Innovative Electronics to allow CMV operators to use trailer-mounted electric brake controllers which monitor and actuate electric brakes based on inertial forces developed in response to the braking action of the towing vehicle. Without the exemption, CMV operators who tow trailers equipped with electric brakes had to purchase and install aftermarket trailer brake controllers in each tow vehicle that would have been used to tow a commercial trailer equipped with electric brakes. Innovative Electronics provided limited test data showing that use of a trailer-mounted electric brake controller effectively controls the braking action of the trailer such that the tow vehicle and trailer combination meets the braking performance requirements of 49 CFR 393.52(d).

PeopleNet and XATA Corporation

On February 28, 2012, the Agency granted waivers to PeopleNet and XATA Corporation, from certain HOS requirements in 49 CFR part 395. The waiver was limited to drivers and carriers utilizing automatic on-board recording devices not currently programmed to accurately capture duty status updates while the vehicle was in operation, and to allow specially trained drivers of CMVs specially constructed to service oil or natural gas wells to annotate their duty records to show “waiting time” at such well sites.

Transecurity, LLC

On July 23, 2012, the Agency granted Transecurity, LLC, a 90-day waiver, while Transecurity waited for an exemption, to allow the placement of onboard safety monitoring systems at the bottom of windshields on CMVs, outside of the area permitted by 49 CFR 393.60. Transecurity coordinated the development and installation of camera-based monitoring systems in up to 500 CMVs operating throughout the United States in support of research being conducted on behalf of FMCSA. The waiver enabled motor carriers to participate in a field operation test to evaluate the system and allow for on-road data collection.

Transecurity, LLC

On November 28, 2012 (77 FR 71028), the Agency granted an exemption to Transecurity to allow the placement of onboard safety monitoring systems at the bottom of windshields on CMVs. The existing FMCSRs required antennas, transponders, and similar devices to be located not more than 6 inches below the upper edge of the windshield, outside the area swept by the windshield wipers, and outside the driver’s sight lines to the road and highway signs and signals. Transecurity coordinated the development and installation of camera-based monitoring systems in up to 500 CMVs operating throughout the United States in support of research being conducted on behalf of FMCSA. The exemption enabled motor carriers to participate in a field operation test to evaluate the system and allow for on-road data collection.

Rotel North American Tours, LLC

On August 27, 2013, the Agency granted Rotel a waiver from the requirements of 49 CFR 393.62(a), 396.9(c)(2), and 396.9(c)(3) to allow the transport of three buses that had been placed out of service from their current location to Rotel’s designated repair facility in Anaheim, California. The buses placed out of service during an inspection on July 3, 2013, were originally built to European standards, which permit the use of a hammer to break the windows in the event of an emergency and were not removable with two or three force applications. Federal Motor Vehicle Safety Standard No. 217 requires emergency exit windows to be removable with two or three force applications. The waiver allowed drivers employed by Rotel to operate the three buses without passengers from their current location to Rotel’s repair facility in Anaheim. The Agency determined that the operation achieved a level of safety that was equivalent to, or greater than, the level of safety obtained by complying with 49 CFR 393.62(a), 396.9(c)(2), and 396.9(c)(3) because no passengers (other than the driver and a co-driver) were allowed on the vehicles while being operated in interstate commerce, thereby negating the need for emergency exits.

Table 4 below provides a summary of the number of vehicle exemptions and waivers the Agency has received and granted from FY 1999 to FY 2013.

Table 4. Vehicle Exemptions and Waivers Granted for FY 1999 to 2013

Fiscal Year	Number of Exemption Applications Received	Number of Exemptions Granted	Number of Exemption Applications Denied	Percentage of Exemption Applications Granted	Number of Waiver Applications Received	Number Waivers Granted	Number of Waivers Denied
1999	0	0	0	0	0	0	0
2000	2	2	0	100	0	0	0
2001	0	0	0	0	0	0	0
2002	1	0	1	0	0	0	0
2003	1	1	0	100	0	0	0
2004	0	0	0	0	0	0	0
2005	0	0	0	0	0	0	0
2006	0	0	0	0	0	0	0
2007	0	0	0	0	0	0	0
2008	0	0	0	0	0	0	0
2009	2	2	0	100	1	1	0
2010	0	0	0	0	0	0	0
2011	1	1	0	100	0	0	0
2012	2	2	0	100	2	2	0
2013	1	1	0	100	1	1	0
Totals	10	9	1	90	4	4	0

PILOT PROGRAMS

The FMCSA has initiated or received proposals to initiate pilot programs in accordance with the statutory requirements of TEA-21 and the implementing regulations found at 49 CFR part 381.

Younger Commercial Driver Pilot Training Program

On February 20, 2001 (66 FR 10935), FMCSA published a notice in the Federal Register that announced a proposal from the Truckload Carriers Association (TCA) to initiate a pilot program to allow carefully selected, screened, trained, and monitored individuals between the ages of 18 and 21 to work in truck driver jobs in interstate commerce. The Agency received 1,634 comments in response to the proposal. Over 90 percent of the commenters were opposed to the pilot program. The most common reason given by those opposed was that younger drivers do not have the level of maturity to operate a CMV in interstate commerce. On June 9, 2003 (68 FR 34468), FMCSA denied TCA's petition to initiate the pilot program because the Agency did not have sufficient information to make a determination that the safety measures in the pilot program would achieve a level of safety equivalent to, or greater than, the level of safety provided by complying with the minimum 21-year age requirement to operate a CMV.

Hours of Service Pilot Program for Drivers Delivering Home Heating Oil

On July 13, 2001 (66 FR 368230), FMCSA published a notice in the Federal Register that announced the initiation of a pilot program to grant an exemption from the weekly HOS restrictions for drivers of CMVs making home heating oil deliveries within a 100 air-mile radius of a central terminal or distribution point during the winter. During the pilot program, participating motor carriers were allowed to restart calculations for the 60- or 70-hour rule, after the driver had an off-duty period that encompassed two consecutive nights off duty that included the period of midnight to 6 a.m. The exemption covered the period between November 1 and April 30 for three consecutive heating seasons. The pilot program concluded on April 30, 2004. Details of the program were submitted to Congress in June 2005 (“A Report to Congress on the 2001-2004 Hours of Service Pilot Program for Drivers Delivering Home Heating Oil”).

Fatigue Management Pilot Program

On January 29, 2002, Safety Research Center, Inc., (SRC) requested that FMCSA initiate a fatigue management pilot program. Under SRC’s proposal, all participating drivers would be tested to determine their level of sleep deprivation. Approximately one-third of the drivers would be selected for screening for sleep disorders and provided with medical treatment for those disorders where indicated. Drivers would also participate in an intensive educational program to ensure that they understood the principles of sleep debt and fatigue management. When the participating drivers returned to duty, project managers would monitor their sleep and levels of alertness using actigraphs and the psychomotor vigilance task in lieu of monitoring compliance with the current HOS rules. Drivers would be required to sleep between 7 and 9 hours in each 24-hour period.

On August 12, 2002, the Agency denied SRC’s request for the pilot program. Because the proposal indicated no other limitations on drivers’ schedules than the requirement to sleep between 7 and 9 hours in each 24-hour period, the Agency was unable to make a preliminary determination whether the pilot program proposal, if accepted, would ensure an adequate level of safety.

Demonstration Project on the North American Free Trade Agreement Trucking Provisions

On February 23, 2007, former Secretary of Transportation Mary E. Peters and Mexico's former Secretary of Communications and Transportation Luis Téllez Kuenzler announced a demonstration project to implement certain trucking provisions of the North American Free Trade Agreement (NAFTA). On May 1, 2007 (FR 72 23883), FMCSA announced the initiation of a project to demonstrate the ability of Mexico-based motor carriers to operate safely in the United States beyond the commercial zones along the U.S.-Mexico border. The project was part of FMCSA's implementation of the NAFTA cross-border trucking provisions. The demonstration project allowed up to 100 Mexico-domiciled motor carriers to operate throughout the United States for 1 year. Up to 100 U.S.-domiciled motor carriers were granted reciprocal rights to operate in Mexico for the same period.

Participating Mexican carriers and drivers were required to comply with all applicable U.S. laws and regulations, including those concerned with motor carrier safety, customs, immigration, vehicle registration and taxation, and fuel taxation. The safety of the participating carriers was tracked closely by FMCSA and its State partners, a joint U.S.-Mexico monitoring group, and an evaluation panel independent of the U.S. Department of Transportation (DOT).

The demonstration project was initiated on September 6, 2007, after the DOT complied with a number of conditions imposed by section 6901 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Act, 2007, Public Law 110-28, 121 Stat. 112, 183, May 25, 2007. Further details regarding DOT's compliance with these conditions may be found in Federal Register notices published on June 8 and August 17, 2007 (72 FR 31877 and 72 FR 46263, respectively).

On August 6, 2008 (FR 73 45796), FMCSA announced that the demonstration project was being extended from 1 year to the full 3 years allowed by statute due to the low level of participation in the project by approved Mexico-domiciled carriers and U.S. carriers. The extension would have enabled FMCSA to collect a larger volume of safety and operational data, which was the fundamental goal of the demonstration project.

On March 11, 2009, the President signed into law the Omnibus Appropriations Act, 2009, Public Law 111-8, division I, title I, 123 Stat. 524. Section 136 of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2009 (division I, title I of the Omnibus Appropriations Act, 2009) provides: “[N]one of the funds appropriated or otherwise made available under this Act may be used, directly or indirectly, to establish, implement, continue, promote, or in any way permit a cross-border motor carrier demonstration program to allow Mexican-domiciled motor carriers to operate beyond the commercial zones along the international border between the United States and Mexico, including continuing, in whole or in part, any such program that was initiated prior to the date of the enactment of this Act.”

On March 18, 2009 (74 FR 11628), FMCSA announced the termination of the cross-border demonstration project in accordance with section 136 of the Act. The Agency ceased processing applications by prospective project participants and took other necessary steps to comply with the provision. As a condition for participating in this project, Mexico-domiciled motor carriers were required to submit FMCSA Form OCE-46 (Request for Revocation of Registration). This form requests that any registration issued by FMCSA pursuant to the cross-border demonstration project be revoked upon termination of the project. The Agency processed these forms and revoked all registrations issued in connection with the cross-border demonstration project.

Pilot Program on the Transportation of Hazardous Materials by Drivers without Hazardous Materials Endorsements

On June 10, 2010 (75 FR 32984), FMCSA announced its decision to deny U.S. Custom Harvesters, Inc.'s, (USCHI) request for the Agency to conduct a pilot program so that its members could demonstrate that their CMV drivers could transport placardable quantities of diesel fuel in support of custom-harvesting operations safely without obtaining a HM endorsement. The USCHI's pilot proposal failed to include alternative measures to ensure that

safety would not deteriorate if their drivers were allowed to haul HM without an HM endorsement. Further, the design of the proposed pilot program failed to satisfy the safety performance goals of the FMCSRs, as required by 49 CFR 381.400(c).

Pilot Program on the North American Free Trade Agreement Long-Haul Trucking Provisions

On April 13, 2011 (76 FR 20807), the Agency announced its proposal for the initiation of a United States-Mexico Cross-Border Long-Haul trucking program to test and demonstrate the ability of Mexico-based motor carriers to operate safely in the United States beyond the municipalities and commercial zones along the United States-Mexico border. Comments and input on the Agency's plans were received and reviewed and, on July 8, 2011 (76 FR 131), the Agency announced its intent to proceed with the pilot program.

The pilot program was part of FMCSA's implementation of the NAFTA cross-border long-haul trucking provisions. The program allowed Mexico-domiciled motor carriers to operate throughout the United States for up to 3 years. U.S.-domiciled motor carriers were granted reciprocal rights to operate in Mexico for the same period consistent with section 6901(a) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007. Apart from this report, the Agency has submitted two reports to Congress on this pilot program.

On October 10, 2014, the Agency completed this pilot program. The 13 motor carriers that were in the program at its completion were issued either standard or provisional operating authority that allows them to continue to operate in long-haul transportation across the United States. The Agency has a dedicated website that provides detailed information about the program at <http://www.fmcsa.dot.gov/international-programs/mexico-cross-border-trucking-pilot-program>.

SUMMARY

The waiver, exemption, and pilot program statutory provisions and implementing regulations under 49 CFR part 381 have provided a process for associations, companies, and individuals to seek limited regulatory relief from certain safety requirements, provided safety is not compromised. The vast majority of the exemptions involve individuals seeking relief through FMCSA's Vision and Diabetes exemption programs. These programs have enabled 5,804 individuals to begin or resume careers as interstate CMV drivers without compromising safety from FY 1999 through 2013.

The regulatory relief process has also enabled entities to obtain waivers and exemptions to explore alternatives that involved minimal deviation from the established safety requirements while the Agency considered notice-and-comment rulemakings to update the standards. From FY 1999 to 2013, FMCSA received applications for 54 non-medical exemptions and waivers, of which 35 were granted. From FY 1999 to 2013, FMCSA received applications for 15 vehicle exemptions and waivers, of which 14 were granted. During the same period, the FMCSA initiated three pilot programs in accordance with statutory requirements and denied requests for three pilot programs.

With regard to the safety impacts of waivers, exemptions and pilot programs, FMCSA has observed no adverse impacts on commercial motor vehicle safety. The Agency's administration of the processes for granting waivers and exemptions and initiating 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. In the case of exemptions, FMCSA is required by statute to request public comment prior to granting an exemption. After considering the public comments, the Agency must make a determination that the terms and conditions of the exemption would achieve a level equivalent to the level of safety provided by the regulations from which the entity would be exempted. The FMCSA invites all interested parties to notify the Agency immediately if they observe any safety problems associated with the exemption.

In addition, the Agency is required to request public comment when considering whether to renew an exemption. During the renewal process, the Agency requests information from interested parties concerning the safety impact during the previous 2-year period during which the exemption was in effect.

In the case of pilot programs, FMCSA is required by statute to request public comment prior to initiating a pilot program. The initial notice must lay out the plan for safety oversight, data collection, and analysis. Then the Agency must issue a final decision in the Federal Register notifying all interested parties of the terms and conditions of the pilot program, including safety oversight. The Agency cannot move forward with a pilot program unless there is sufficient information to support a determination that the terms and conditions of the pilot program would achieve a level equivalent to the level of safety provided by the regulations from which the entity would be provided relief during the pilot program. The FMCSA also invites all interested parties to notify the Agency immediately if they observe any safety problems associated with the pilot program while it is in operation.

APPENDIX

Standard Operating Procedures for Ensuring Safety Under the Vision and Diabetes Exemption Programs

The FMCSA is required by statute to publish each complete exemption request in the Federal Register. Federal Register notices:

- Must be posted for 30 days to allow the public the opportunity to comment.
- Include a brief biographical summary concerning each individual who is requesting an exemption.
- Contain instructions on how interested parties may submit their comments or concerns regarding an individual requesting an exemption.

I. FMCSA's Dispositions of Federal Vision and Diabetes Exemptions

A. FMCSA determines the disposition of exemption requests by the following categories:

1. Exemption-Granted
2. Exemption-Federally Exempt/No Authority
3. Exemption-Not indicated
4. Exemption-Ineligible
5. Exemption-Denied

B. Approved/Granted Federal Vision and Diabetes Exemptions

Applications that have met all exemption criteria which demonstrate an equivalent or greater level of safety to that which would have been achieved without an exemption will be included in a Notice of Final Disposition to be published in the Federal Register. The Final Disposition Federal Register notice announces:

1. The Agency's final decision to grant an exemption request.
2. The Final Disposition Federal Register notice is posted after all public comments received during the 30 day public comment period have been reviewed and evaluated. All exemption letters contain the granted exemption and the terms and conditions to maintain the exemption.

If the exemption is granted, the exempted driver must submit quarterly reports from the endocrinologist and an annual evaluation from an endocrinologists and a vision specialist.

II. Exemption-Denial Decisions

Exemption Denial decisions are based on applicants failing to meet the criteria for the exemption program. Denial criteria may include, but are not limited to, factors such as lack of intrastate driving experience, driving records that show safety performance problems

(e.g., driving under the influence, multiple excessive speeding convictions), or medical concerns.

III. Exemption Revocations

The same criteria described above also apply to the revocation of existing exemptions and the issuance of Exemption Revocation Letters. For example, an exemption may be revoked due to non-compliance with quarterly diabetes monitoring requirements in order to maintain the diabetes exemption.

Vision Criteria

PASS: meets criteria below

FAIL: does not meet criteria below: safety concerns evaluated on an individual basis.

- Must provide proof that they have driven a CMV safely in intrastate commerce with their vision deficiency for the 3-year period immediately preceding the date of the application.
- Must be 21 years of age.
- Must reside in the United States.
- Must want to drive on an “interstate” basis or transport interstate commerce.
- Must not drive for the local/state/county/government. If they do, they must clearly state that the exemption is for other “part-time” work or a desire to change jobs.
- Must have a valid license and show that they have driven with the appropriate license during their 3-year period. The license must match their State of residence.
- Must only currently hold one license.
- Must drive at least 10 hours per week.
- Must have a safe driving record for the previous 3 year period:
Contains no suspensions or revocations of the applicant’s driver’s license for the operation of any motor vehicle (including a personal owned vehicle); reflects no involvement in an accident for which the applicant contributed or received a citation for a moving traffic violation; contains no convictions for a disqualifying offense, as defined in 49 CFR 383.51(b)(2), or more than one serious traffic violation, as defined in 49 CFR 383.5, while driving a CMV , which disqualified or should have disqualified applicant in accordance with the driver disqualification provisions of 49 CFR 383.51; contains no more than two convictions for any other moving traffic violations in a CMV.
- Vision deficiency must be present for a minimum of 3 years.
- Vision must be stable.
- Must meet FMCSA vision standards in the better eye.
- Must meet all other physical qualifications standards in 49 CFR 391.41(b)(1)-(13) or hold the appropriate exemption/waiver.

Insulin-Treated Diabetes Criteria

PASS: meets criteria below to demonstrate a driver’s ability to safely operate a CMV in interstate commerce while using insulin.

FAIL: does not meet criteria below: safety concerns evaluated on an individual basis.

- Must meet all of the requirements for commercial drivers.
- Must be at least 21 years of age.
- Must reside in the United States.
- Must not drive for the local/state/county/government. If they do, they must clearly state that the exemption is for other “part-time” work or a desire to change jobs.
- Must drive or intend to drive on an interstate and commercial basis.
- Must hold a valid, current driver’s license.
- Must be insulin treated for a minimum of 30 days if not a new diabetes diagnosis; and 60 days if new insulin-treated diabetes diagnosis.
- Must be without severe hypoglycemic episodes for 1 year and no more than two episodes in the past 5 years.
- Must meet all other physical qualifications in 49 CFR 391.41(b)(1)-(13) or hold the appropriate exemption/waiver.
- Must submit a complete application that includes an evaluation from a board certified/board eligible (BC/BE) endocrinologist and a vision evaluation.
- Must have documentation of current diabetes education.
- Should have stable control.
- Has had No severe hypoglycemic reaction that results in seizure or loss of consciousness or requiring assistance of another person or period of impaired cognitive function that occurred without warning: within one year and no more than two episodes within the last 5 years (before application).
- Does not have associated medical conditions that could impair ability to drive.
- Has not had any large fluctuations in blood glucose levels that may impact safe driving.
- Understands how to individually manage and monitor his/her diabetes mellitus.
- Has demonstrated the ability and willingness to properly monitor and manage his/her diabetes.
- Must submit a 3-year driving history, of which crash and violation data is evaluated and safety concerns evaluated on individual basis.

Monitoring Compliance

- **Vision Program** – All drivers accepted into the Vision Exemption Program are monitored via commercial driver’s license information system (CDLIS) on a quarterly basis. If any potentially disqualifying information appears on a driver’s CDLIS report, a copy of the violation or crash report is requested from the driver. If the violation is disqualifying, the exemption is immediately revoked. In addition, if the driver’s license has been revoked or disqualified as a result of a moving violation, the exemption is immediately revoked. In the case of all revocations, the driver is informed by letter, and the State Driver’s Licensing Agency (SDLA) is informed by encrypted email.

- **Diabetes Program** – All drivers accepted into the Diabetes Exemption Program must maintain a monitoring regimen that includes submitting a report from a board-certified or board-certified-eligible endocrinologist once every quarter (including a more extensive annual report), and an annual report from an optometrist or ophthalmologist. If the driver fails to submit monitoring for one quarter, a warning letter is issued reminding the driver that the quarterly monitoring is a stipulation of the Diabetes Exemption Program, and failure to comply will result in revocation of the exemption. If the driver misses two consecutive quarterly reports, the exemption is revoked. Additionally, if any information submitted on the reports indicates to the Nurse Reviewer that the driver no longer meets the qualifying criteria, the exemption is immediately revoked. If clarification or additional information is needed, the driver is contacted via phone and/or letter. In the case of all revocations, the driver is informed by letter, and the SDLA is informed by encrypted email.

The Renewal Process

- **Vision Program** – Seven months prior to the expiration of the exemption, the driver is sent a letter to initiate the renewal process (another letter is sent 5 months prior to expiration if the driver does not respond to the initial letter). In order to complete the renewal process, the driver must submit a report from an optometrist or ophthalmologist that includes a statement from the doctor stating that, in his or her medical opinion, the driver is capable of safely operating a CMV with their vision deficiency. Additionally, the driver must also submit a copy of his or her driving record issued by an official State agency, a copy of both sides of his or her valid driver's license, and a required statement from the driver stating that he or she is medically qualified under all other physical aspects to operate a CMV. The driver is also instructed to confirm or update their physical and mailing addresses. Once the driver has completed the renewal process, he or she is published in the Federal Register and a new exemption is issued, effective on the date stated in the Federal Register. If a driver is no longer qualified to hold an exemption, the exemption is immediately revoked. In either event, the driver is notified by letter, and the SDLA is notified by encrypted email.
- **Diabetes Program** – Three months prior to the expiration of the exemption, the driver is sent a letter requesting that they update or confirm their physical and mailing addresses, send in a copy of the front and back sides of their valid driver's license, and a copy of their medical examiner's certificate. This information is due 3 weeks before the exemption expires. Additionally, the driver's endocrinologist is required to state that, in his or her medical opinion, the driver is capable of safely operating a commercial motor vehicle while using insulin on every annual evaluation. A renewed exemption is issued 3 to 4 weeks before expiration to all drivers who remain in good standing with the program. The driver is notified by letter, and the SDLA is notified by encrypted email.