



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

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**WAIVERS, EXEMPTIONS,  
AND PILOT PROGRAMS  
ANNUAL REPORT TO CONGRESS  
FISCAL YEAR 2017**

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

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## **INTRODUCTION**

Pursuant to section 32913 of the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) (Pub. L. 112-141) (codified at 49 U.S.C. 31315(e)), 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. This report is the fifth submission to Congress on waivers, exemptions, and pilot programs granted by the Federal Motor Carrier Safety Administration (FMCSA) and covers Fiscal Year (FY) 2017.

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 of Transportation to grant exemptions from motor carrier safety regulations. The interim final regulations to implement the new authority were published in the Federal Register on December 8, 1998 (63 FR 67600), and codified at part 381 of title 49 of the Code of Federal Regulations (CFR). On August 20, 2004, (69 FR 51589), FMCSA adopted as final its interim regulations. 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 notices of exemption applications or proposals for pilot programs in the Federal Register to afford the public an opportunity for comment.

## **WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS**

### **Waivers**

A waiver provides temporary relief from one or more FMCSRs to a person subject to the regulations or a person who intends to engage in an activity that would be subject to the regulations. A person or class of persons may apply for a waiver if one or more FMCSRs prevents them from using or operating commercial motor vehicles (CMV) or makes it unreasonably difficult to do so during a unique, non-emergency event. 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 382, 383, §§ 390.19 and 390.21, parts 391, 392, 393, 395, 396 (except for section 396.25) and 399.

### **Exemptions**

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

conditions of the exemption would achieve a level of safety equivalent to 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. 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 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 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.

### **Pilot Programs**

FMCSA 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. 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 must then issue a final decision in the Federal Register notifying all interested parties of the terms and conditions of the pilot program, including safety oversight. FMCSA may not 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 likely achieve a level of safety equivalent to 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 revoke immediately 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 EXEMPTION PROGRAMS**

Most of the exemptions granted by FMCSA concerns the physical qualifications standards for interstate drivers. Currently, FMCSA has separate Vision and Diabetes Exemption Programs. The FMCSA's robust monitoring and oversight processes for its Vision and Diabetes Exemption Programs ensure that there is no adverse impact on safety after granting an exemption. The

processes and criteria for granting, rescinding, or denying exemptions for these programs are outlined in the Appendix.

### **Vision Exemption Program**

Launched in December 1998, the FMCSA 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 to seek an exemption on a case-by-case basis. The process of obtaining an exemption begins with submission of an application to the Vision Exemption Program. Drivers must provide information that supports the vision criteria listed in the Appendix. FMCSA granted waivers from the vision standard to drivers being considered for an exemption on a case-by-case basis to provide FMCSA with sufficient time to complete the exemption process so that the drivers could continue to be employed in their current jobs. Drivers who are approved for the exemption and wish to retain it must renew their exemptions every 2 years. Table 1 shows the number of exemption and waiver applications received and granted through the Vision Exemption Program from October 1, 2016, to September 30, 2017.

**Table 1. Vision Exemptions and Waivers Granted for FY 2017**

<b>Month</b>	<b>Number of Exemption Applications</b>	<b>Number of Exemptions Granted</b>	<b>Number of Exemptions Denied</b>	<b>Percentage of Exemption Applications Granted</b>	<b>Number of Waiver Applications</b>	<b>Number of Waivers Granted</b>	<b>Number of Waivers Denied</b>
<b>October</b>	56	12	44	21.42	4	4	0
<b>November</b>	108	72	36	66.66	4	4	0
<b>December</b>	95	31	64	32.63	0	0	0
<b>January</b>	33	0	33	0	5	5	0
<b>February</b>	44	0	44	0	9	9	0
<b>March</b>	37	0	37	0	18	18	0
<b>April</b>	76	49	27	64.47	6	6	0
<b>May</b>	92	31	61	33.69	7	7	0
<b>June</b>	98	46	52	46.93	4	4	0
<b>July</b>	35	0	35	0	11	11	0
<b>August</b>	60	23	37	38.33	7	7	0
<b>September</b>	59	22	37	37.28	2	2	0
<b>Total</b>	<b>793</b>	<b>286</b>	<b>507</b>	<b>36.06</b>	<b>77</b>	<b>77</b>	<b>0</b>

Source: Vision Exemption Annual Reports

### **Diabetes Exemption Program**

Launched in September 2003 and revised in August 2005, the Diabetes Exemption Program provides CMV drivers who do not meet the insulin-treated diabetes standard of 49 CFR 391.41(b)(3) with the opportunity to seek exemptions on a case-by-case basis. FMCSA granted waivers from the insulin-treated diabetes standard to drivers being considered for an exemption on a case-by-case basis to provide FMCSA with sufficient time to complete the exemption process so that the drivers could continue to be employed in their current jobs. Drivers must provide application information that supports the diabetes criteria listed in the Appendix. The Agency is working to finalize a rule that will eliminate the need for diabetes exemptions.

**Table 2. Diabetes Exemptions and Waivers Granted for FY 2017**

Month	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
October	82	58	24	70.73	6	6	0
November	147	128	19	87.07	3	3	0
December	122	91	31	74.59	3	3	0
January	100	84	16	84.00	1	1	0
February	63	47	16	74.60	9	9	0
March	29	0	29	0	20	20	0
April	187	153	34	81.81	4	4	0
May	177	134	43	75.70	7	7	0
June	83	49	34	59.03	13	13	0
July	90	71	19	78.88	14	14	0
August	82	47	35	57.31	17	17	0
September	210	183	27	87.14	5	5	0
Total	1372	1045	327	76.16	102	102	0

Source: Diabetes Exemption Annual Reports

## **OTHER MEDICAL EXEMPTIONS AND WAIVERS GRANTED OR DENIED**

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

### **Summaries of Medical Exemptions and Waivers Granted or Denied**

#### *Epilepsy/Seizure*

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

The MEP recommended conditional certification for individuals who have an epilepsy diagnosis, a single unprovoked seizure, or a single provoked seizure with low-risk factors for recurrence and recommended no certifications for individuals with moderate to high-risk seizure conditions. The MEP's recommendations provide that an individual with a single unprovoked seizure should be seizure-free for 4 years, on or off medication. An individual with an epilepsy diagnosis

should be seizure-free for 8 years, on or off medication. If the individual is taking anti-seizure medication(s), the plan for medication should be stable for 2 years.

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, the drivers must be medically certified yearly by a medical examiner as defined by 49 CFR 390.5, following the FMCSA's regulations for CMV drivers.

**Table 3. Epilepsy/Seizure Exemptions and Waivers Granted for FY 2017**

Month	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
October	4	0	4	0	0	0	0
November	17	11	6	64.71	0	0	0
December	16	9	7	56.25	0	0	0
January	8	0	8	0	0	0	0
February	12	12	0	100	0	0	0
March	0	0	0	0	2	2	0
April	0	0	0	0	1	1	0
May	12	8	4	66.67	0	0	0
June	14	0	14	0	0	0	0
July	3	0	3	0	1	1	0
August	13	6	7	46.15	0	0	0
September	10	4	6	40	0	0	0
<b>Total</b>	<b>109</b>	<b>50</b>	<b>59</b>	<b>45.87</b>	<b>4</b>	<b>4</b>	<b>0</b>

Source: Epilepsy/Seizure Exemption Annual Report

### Hearing

In FY 2017, FMCSA granted 140 individuals exemptions from FMCSA's physical qualifications standard in 49 CFR 391.41(b)(11) concerning hearing for interstate drivers.

The FMCSA's decisions were based on current medical literature and information and the 2008 evidence report commissioned by FMCSA, with input from FMCSA's MEP and Medical Review Board. The report was titled "Executive Summary on Hearing, Vestibular Function and Commercial Motor Vehicle Driver Safety" and is available online at <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Hearing-Evidence-Report-Final-Executive-Summary-prot.pdf>. The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) no studies were found that examined the relationship between hearing loss and crash risk exclusively among CMV drivers; and (2) evidence from studies of the non-commercial driver population did not support the contention that individuals with hearing impairments are at an increased risk for a crash. In making these decisions, FMCSA reviewed the applicants' driving records found in the Commercial Driver License Information

System (CDLIS) 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 hard-of-hearing and deaf drivers to operate a motorcoach with passengers.

**Table 4. Hearing Exemptions and Waivers Granted for FY 2017**

Month	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
October	14	14	0	100	0	0	0
November	15	15	0	100	0	0	0
December	24	24	0	100	0	0	0
January	25	25	0	100	0	0	0
February	30	30	0	100	0	0	0
March	32	32	0	100	0	0	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
<b>Total</b>	<b>140</b>	<b>140</b>	<b>0</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>0</b>

Source: Hearing Exemption Annual Reports

### Cardiovascular Condition

On March 30, 2017 (82 FR 15787), FMCSA announced its decision to deny three individuals exemptions from the Federal cardiovascular standard in 49 CFR 391.41(b)(4). The Agency reviewed the medical information of each of the three individuals who had a cardiovascular condition requiring the use of an implantable cardioverter-defibrillator (ICD)--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 a shock. FMCSA evaluated the three 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 does not support granting the exemptions.

### **NON-MEDICAL DRIVER EXEMPTIONS AND WAIVERS**

As provided in 49 CFR part 381, FMCSA granted non-medical exemptions and waivers for which there are no specific programs, but there are terms and conditions that 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. This report does not include exemption renewals.



## Summaries for Exemptions and Waivers Granted or Denied

### Missouri Department of Revenue

On October 27, 2016 (81 FR 74861), FMCSA announced its decision to grant a limited exemption to the Missouri Department of Revenue (DOR), Driver's License Bureau, and, at their option, all other State driver licensing agencies, from the commercial driver's license regulations. These regulations require a driver to pass the general knowledge test before being issued a Commercial Learner's Permit. The Missouri DOR requested an exemption from the knowledge test requirement for qualified current or former military personnel who participated in training in military heavy-vehicle driving programs. The Missouri DOR contended that qualified personnel who participated in such training have already received numerous hours of classroom training, practical skills training, and one-on-one road training that are essential for safe driving.

### Specialized Carriers & Rigging Association

On November 1, 2016 (81 FR 75727), FMCSA announced its decision to grant the Specialized Carriers & Rigging Association (SC&RA) an exemption from the 30-minute rest break rule of the Agency's hours-of-service regulations for all qualifying motor carriers and drivers operating mobile cranes with a rated lifting capacity of greater than 30 tons. The Agency concluded that providing an exemption from the rest break would likely reduce the number of situations where a crane operator must park at roadside midway through a move between the job sites to comply with the rule. Additionally, the Agency denied SC&RA's further request for an exemption from the 14-hour driving window because the absence of this limit would allow drivers to operate without restriction on length of their duty day.

### American Concrete Pumping Association

On March 21, 2017 (82 FR 14595), FMCSA announced its decision to grant the American Concrete Pumping Association and others an exemption from the 30-minute rest break requirement in the Agency's hours-of-service regulations for CMV drivers. The exemption enables all concrete pump operators, concrete pumping companies, and drivers who operate concrete pumps in interstate commerce to count on-duty time while attending equipment but performing no other work-related activity, toward the 30-minute rest break provision of the hours-of-service regulations.

### State of Minnesota

On May 9, 2017, FMCSA denied by letter the State of Minnesota's application for exemption. Minnesota sought a partial exemption from § 383.133, "Test Methods." Pursuant to that section, the CDL skills test must be conducted in three parts in the following order: pre-trip inspection, vehicle control skills, and on-road driving (§ 383.133(c)(6)). Minnesota asked that it be allowed to combine the second and third parts (vehicle control skills and on-road driving) and thus reduce the skills test to two parts. It also asked to be exempted from using the American Association of Motor Vehicle Administrators Model Score Sheet.

The Agency explained that under the proposed exemption, an individual could pass Minnesota's combined test even though he or she had exceeded the maximum point deduction allowed when the two segments of the skills test (basic controls and on-the-road skills) are given separately. Finally, the Agency opposed allowing a State to amend the test model score sheet for prospective CMV drivers, which has been tested and validated for use by all States. When a CDL driver seeks to transfer his or her CDL to a different State, universal use of the score sheet assures the new State that the driver met a baseline standard for safety when his or her CDL was first issued.

*Daimler Trucks North America (Daimler)*

The Agency announced its decision to grant Daimler two exemptions from the CDL provision in 49 CFR part 383 for two of the company's German employees to test drive Daimler vehicles on U.S. roads to meet future vehicle safety and environmental regulatory requirements and to promote the development of technology advancements in vehicle safety systems and emissions. The exemptions 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 consist of no more than 200 miles per day for a total of 400 miles during a 2-day period on a quarterly basis.

**Table 5. List of Daimler's Drivers Granted Exemptions or Waivers for FY 2017**

<b>Driver's Name</b>	<b>Date Exemption Granted</b>	<b>Driver's Name</b>	<b>Date Waiver Granted</b>
<b>1. Kai Zeuner</b>	<b>5-23-2017 82 FR 23705</b>	<b>0</b>	<b>0</b>
<b>2. Philipp Helbing</b>	<b>8-17-2017 82 FR 39151</b>	<b>0</b>	<b>0</b>

*New Prime, Inc.*

On June 27, 2017 (82 FR 29143), FMCSA announced its decision to grant New Prime, Inc., (Prime) 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 behind-the-wheel training on public roads or highways. 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 Prime 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 Prime team drivers with CDLs. FMCSA analyzed the exemption application and the public comments and determined that the exemption, subject to the terms and conditions imposed, will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

*American Pyrotechnics Association*

On July 7, 2017 (82 FR 31683), FMCSA announced its decision to grant an exemption to the American Pyrotechnics Association's (APA) new member-company, Pyro Shows of Alabama, Inc., from the prohibition on driving CMVs after the 14<sup>th</sup> hour after the driver comes on duty.

Like the other 50 APA member-companies currently holding the exemption, Pyro Shows of Alabama is subject to all the terms and conditions of the exemption. FMCSA determined that the terms and conditions of the exemption ensured a level of safety equivalent to or greater than the level of safety achieved without the exemption.

Transco Inc.

On July 18, 2017 (82 FR 32918), FMCSA announced its decision to deny the application of Transco, Inc. (Transco) for exemption from the hours-of-service 30-minute rest break rule. Transco requested the exemption to permit its drivers to comply with the 30-minute break while performing “on-duty, not-driving” tasks. Transco argued that physically-active offloading is in fact better for the health of its drivers than 30 minutes free of work-related duties. FMCSA believes that safety is improved by allowing drivers to take a break from their duties during the workday. The rest break is especially important for Transco drivers because they accumulate fatigue from both frequent unloading tasks and successive 19-hour days.

CRST Expedited Inc.

On September 11, 2017, FMCSA denied by letter CRST Expedited Inc.’s (CRST) application for an exemption from the hours-of-service rules pertaining to use of a sleeper berth (SB) in 49 C.F.R. §395.1(g)(1)(ii)(A)(1-2). If granted, the exemption would have allowed CRST’s team drivers to take the equivalent of 10 consecutive hours off duty by splitting SB time into two periods totaling 10 hours, provided neither of the two periods is less than 3 hours. FMCSA reviewed CRST’s exemption application, 24-month safety history, and the public comments on the application. After reviewing the company’s safety history, the Agency could not determine that the requisite level of safety would be ensured if FMCSA granted the requested exemption.

**Table 6. Other Non-Medical Driver Exemptions and Waivers Granted for FY 2017**

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
11	7	4	70	0	0	0

## VEHICLE EXEMPTIONS AND WAIVERS

FMCSA did not receive many requests for vehicle exemptions or waivers.

### Summaries of Vehicle Exemptions and Waivers Granted or Denied

International Institute of Towing and Recovery

On May 15, 2017 (82 FR 22372), FMCSA announced its decision to grant the International Institute of Towing and Recovery a limited 5-year exemption to allow CMV operators to secure automobiles, light trucks, and vans using a total of four tiedowns--two fixed and two adjustable--

instead of using a minimum of two tiedowns, both of which need to be adjustable. While the FMCSRs require each tiedown, or its associated connectors or its attachment mechanisms, to be adjustable, the Agency determined that the use of four tiedowns to secure light vehicles, only two of which are adjustable, will (1) prevent lateral, forward, rearward, and vertical movement of the load when in transit, and (2) provide a level of safety that is likely equivalent to, or greater than, the level of safety provided by the regulation.

*Hino Motors Manufacturing U.S.A., Inc.*

On August 3, 2017 (82 FR 36182) FMCSA announced its decision to grant Hino Motors Manufacturing U.S.A., Inc.'s (Hino) application for a limited 5-year exemption allowing motor carriers operating CMVs manufactured by the company to use an Automated Emergency Braking (AEB) system and a Lane Departure Warning (LDW) system camera mounted in the windshield area at a height lower than currently allowed. The Agency determined that lower placement of the AEB/LDW system camera 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.

**Table 7. Vehicle Exemptions and Waivers Granted for FY 2017**

<b>Number of Exemption Applications</b>	<b>Number of Exemptions Granted</b>	<b>Number of Exemptions Denied</b>	<b>Percentage of Exemption Applications Granted</b>	<b>Number of Waiver Applications</b>	<b>Number of Waivers Granted</b>	<b>Number of Waivers Denied</b>
2	2	0	100	0	0	0

## **PILOT PROGRAMS**

There were no pilot programs to report.

## **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 safety is not compromised. Most of the exemptions involve individuals seeking relief through FMCSA's Vision and Diabetes exemption programs. In FY 2017, these programs enabled over 1,500 individuals to begin or resume careers as interstate CMV drivers without compromising safety.

FMCSA has observed no adverse impacts on CMV safety from the use of waivers, exemptions, and pilot programs. The FMCSA'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.

## APPENDIX

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

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 of everyone who requests an exemption; and
- Contain instructions on how interested parties may submit 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 required or needed
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 than that which would have been achieved without an exemption will be included in a Notice of Final Disposition published in the Federal Register. The Final Disposition Federal Register notice announces the following:

1. FMCSA's final decision to grant an exemption request;
2. FMCSA's response to all public comments received during the 30-day public comment period; and
3. Terms and conditions of holding the exemption; and language informing the public of FMCSA's ability to rescind the exemption if the appropriate level of safety is not maintained.

#### II. Exemption-Denial Decisions

Exemption-denial decisions are based on applicants' failure to meet the criteria for the exemption program. Denial criteria include 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

Revocations of existing exemptions are based on the driver's inability to meet the program criteria and/or the monitoring requirements outlined by FMCSA.

### 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 property in 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 the State of residence.
- Must currently hold only 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 personally 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 Mellitus 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 other physical qualifications standards in 49 CFR 391.41(b)(1)-(13) or hold the appropriate exemption/waiver.
- 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 minimum periods:

- A newly diagnosed driver with type 1 diabetes mellitus who had been treated previously with oral medication and now requires insulin should have at least a 2-month period on insulin to establish stable control. A newly diagnosed driver with diabetes mellitus who is treated with insulin should have at least a 2-month period of insulin use unless directed by the treating physician. If the driver had type 2 diabetes and converted to insulin use, the driver should have at least a 1-month period of insulin use to demonstrate adequate disease management skills, unless directed by the treating physician.
- Must submit a complete application that includes an evaluation from a board certified/board eligible (BC/BE) endocrinologist and a vision evaluation by an optometrist or ophthalmologist.
- Must have documentation of current diabetes education.
- Should demonstrate stable control of diabetes.
- Has had no severe hypoglycemic reaction that results in seizure or loss of consciousness or requires assistance of another person or period of impaired cognitive function that occurred without warning within 1 year and no more than two episodes within the last 5 years (before application).
- Has had no large fluctuation 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 Exemption Program** – All drivers accepted into the Vision Exemption Program are monitored via the CDLIS on a quarterly basis. Should any potentially disqualifying information appear on a driver's CDLIS report, FMCSA will request a copy of the violation or crash report from the driver. Should the violation be disqualifying, FMCSA will revoke the exemption immediately. In addition, if the exemption holder's driver's license is no longer valid because of a moving violation, the exemption is revoked immediately. 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 Exemption Program** – All drivers accepted into the Diabetes Exemption Program must maintain a monitoring regimen that includes submitting a quarterly report from a board-certified or board certified/board eligible endocrinologist (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, FMCSA issues a warning letter reminding the driver that the quarterly monitoring is a requirement of the Diabetes Exemption Program and that failure to comply will result in revocation of the exemption. If the driver misses two consecutive quarterly reports, FMCSA revokes the exemption. Additionally, if any information submitted on the reports indicates to the Nurse Reviewer that the driver no longer meets the qualifying criteria, FMCSA revokes the exemption immediately. If clarification or additional information is needed, FMCSA contacts the driver directly. In the case of all revocations, FMCSA informs the driver by letter and the SDLA by encrypted email.

### The Renewal Process

- **Vision Exemption Program** – Seven months prior to the expiration of the exemption, FMCSA sends the driver a letter initiating the renewal process (a subsequent letter is sent 5 months prior to expiration if the driver does not respond to the initial letter). 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 his or her vision deficiency. Additionally, the driver must 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 statement from the driver stating that he or she is medically qualified under all other physical aspects to operate a CMV. The driver must confirm or update his or her physical and mailing addresses. Once the driver has completed the renewal process and is determined to meet the program criteria, the decision 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 revoked immediately. In either event, FMCSA notifies the driver by letter and the SDLA by encrypted email.
- **Diabetes Exemption Program** – Three months prior to the exemption's expiration, FMCSA sends the driver a letter requesting that he/she update or confirm his/her physical and mailing addresses and submit a copy of the front and back sides of his/her valid driver's license and a copy of the medical examiner's certificate. This information is due 3 weeks prior to the expiration of the exemption. Additionally, the driver's endocrinologist is required to state on every annual evaluation that, in his or her medical opinion, the driver is capable of safely operating a CMV while using insulin. FMCSA issues a renewed exemption 3-4 weeks before expiration to all drivers who remain in good standing with the program. FMCSA notifies the driver by letter and the SDLA by encrypted email.