

**Department of Transportation  
Federal Motor Carrier Safety Administration**

**SUPPORTING STATEMENT  
Waiver and Exemption Requirements**

**SUMMARY**

- This is a request for approval of a new collection of information covering non-medical waivers and exemptions.
- IC-1 consists of three reporting and recordkeeping tasks an individual, motor carrier, State, or State Drivers Licensing Agency (SDLA) performs regarding the waiver application process required by § 381.210.
- IC-2 consists of three reporting and recordkeeping tasks an individual, motor carrier, State, or SDLA performs regarding the exemption application process required by § 381.310.
- IC-3 consists of the same three reporting and recordkeeping tasks an individual, motor carrier, State, or SDLA performs to renew an exemption regarding the exemption application process required by § 381.310.
- The annual information collection burden for respondents associated with this information collection is 97 hours with an associated cost of \$8,476.

**INTRODUCTION**

The Federal Motor Carrier Safety Administration (FMCSA) submits this new information collection request (ICR) titled “Waiver and Exemption Requirements,” OMB Control Number 2126-00XX, to the Office of Management Budget (OMB) for approval. The ICR estimates the burden an individual, motor carrier, State, or SDLA incurs to comply with the reporting tasks required for requesting waivers and exemptions in 49 CFR part 381. FMCSA has not previously accounted for these burdens. FMCSA notes that the associated burden hours and costs for individuals seeking waivers or exemptions from the physical qualification requirements in part 391.41 are accounted for in the ICR titled *Medical Qualification Requirements*, covered by OMB Control Number 2126-0006.

**Part A. Justification**

**1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY**

In 1998, the Federal Highway Administration (FHWA), the predecessor agency of FMCSA, adopted 49 CFR part 381 as an interim final rule (IFR), establishing procedures for applying for waivers and exemptions, and for conducting pilot programs (63 FR 67600, December 8, 1998) (Attachment A). Section 4007 of the Transportation Equity Act for the 21st Century (TEA-21) amended 49 U.S.C. 31315 and 31136(e) to provide authority to the Secretary of Transportation

to grant exemptions from motor carrier safety regulations. Section 4007 of TEA-21 requires that the terms and conditions for all waivers and exemptions likely achieve a level of safety equivalent to or greater than what would be achieved by complying with the safety regulations. In 2004, FMCSA adopted its IFR as final at 49 CFR part 381, consistent with section 4007 of TEA-21 (69 FR 51589, August 20, 2004) (Attachment B). The final rule established procedures applicants must follow to request waivers and apply for exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). In addition, it established procedures that govern how FMCSA reviews, grants, or denies requests for waivers and applications for exemptions. The final rule also included requirements for publishing notice of exemption applications in the Federal Register to afford the public an opportunity for comment. There is no statutory requirement to publish Federal Register notices concerning waiver applications.

When the waiver and exemption provisions were first adopted, FHWA stated that it would “consider the information collection requirements for each waiver, exemption, and pilot program and, if necessary, request approval from the Office of Management and Budget for any special recordkeeping requirements associated with the waiver, exemption, or pilot program.” (63 FR 67608). FMCSA included a similar statement when finalizing its IFR in 2004 (69 FR 51597). Recently, FMCSA determined that it now receives a sufficient number of waiver and exemption requests to require OMB approval.

This ICR supports the Department of Transportation’s (DOT) strategic goal of safety and innovation by ensuring that the waivers and exemptions from the regulations that are approved by the Agency will likely achieve a level of safety equivalent to or greater than the level that compliance with the rules would ensure. Providing for waivers and exemptions gives industry an opportunity to request relief from regulations that hinder a company’s economic growth and inability to test innovative safety management control systems.

## **2. HOW, BY WHOM, AND FOR WHAT PURPOSE IS THE INFORMATION USED**

The FMCSRs require a motor carrier or individual seeking relief from one or more regulations to submit their request for a waiver or an exemption in writing.

### **Waivers**

An individual, motor carrier, State, or SDLA seeking relief from one or more regulations must provide the following information in accordance with § 381.210 (How do I request a waiver?), which states:

- (a) You must send a written request (for example, a typed or handwritten (printed) letter), which includes all of the information required by this section, to the Administrator, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE., Washington, DC 20590-0001.
- (b) You must identify the person who would be covered by the waiver. The application for a waiver must include:
  - (1) Your name, job title, mailing address, and daytime telephone number;

(2) The name of the individual, motor carrier, or other entity that would be responsible for the use or operation of commercial motor vehicles (CMVs) during the unique, non-emergency event;

(3) Principal place of business for the motor carrier or other entity (street address, city, State, and zip code); and

(4) The USDOT identification number for the motor carrier, if applicable.

(c) You must provide a written statement that:

(1) Describes the unique, non-emergency event for which the waiver would be used, including the time period during which the waiver is needed;

(2) Identifies the regulation that you believe needs to be waived;

(3) Provides an estimate of the total number of drivers and CMVs that would be operated under the terms and conditions of the waiver; and

(4) Explains how you would ensure that you could achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation.

### **Waiver Terms and Conditions for Reporting Accidents**

FMCSA requires an individual, motor carrier, State, or SDLA to comply with certain terms and conditions if they are granted an exemption under § 381.330. Although part 381 is silent on the subject for waivers, FMCSA applies to waivers the same terms and conditions for reporting accidents as it does for exemptions.

Each applicant covered by a waiver must notify FMCSA, via email at [MCPSD@dot.gov](mailto:MCPSD@dot.gov), within 5 business days of any accident (as defined in 49 CFR 390.5), involving its drivers or CMVs operating under the terms of the waiver. The notification must include the following information:

- a. Identifier of the Waiver:
- b. Name of operating carrier and USDOT number,
- c. Date of the accident,
- d. City or town, and State, in which the accident occurred, or closest to the accident scene,
- e. Driver's name and license number,
- f. If any, co-driver's name and license number,
- g. Vehicle number and state license number,
- h. Number of individuals suffering physical injury,
- i. Number of fatalities,
- j. The police-reported cause of the accident,
- k. Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations, and
- l. The total driving time and total on-duty time prior to the accident.

## **Exemptions**

An individual, motor carrier, State, or SDLA seeking relief from one or more regulations must provide the following information in accordance with § 381.310 (How do I apply for an exemption?), which states:

- (a) You must send a written request (for example, a typed or handwritten (printed) letter), which includes all of the information required by this section, to the Administrator, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE., Washington, DC 20590-0001.
- (b) You must identify the person or class of persons who would be covered by the exemption. The application for an exemption must include:
  - (1) Your name, job title, mailing address, and daytime telephone number;
  - (2) The name of the individual, motor carrier, State, or SDLA that would be responsible for the use or operation of CMVs;
  - (3) Principal place of business for the individual, motor carrier, State, or SDLA (street address, city, State, and zip code); and
  - (4) The USDOT identification number for the motor carrier.
- (c) You must provide a written statement that:
  - (1) Describes the reason the exemption is needed, including the time period during which it is needed;
  - (2) Identifies the regulation from which you would like to be exempted;
  - (3) Provides an estimate of the total number of drivers and CMVs that would be operated under the terms and conditions of the exemption;
  - (4) Assesses the safety impacts the exemption may have;
  - (5) Explains how you would ensure that you could achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation; and
  - (6) Describes the impacts (e.g., inability to test innovative safety management control systems, etc.) you could experience if the exemption is not granted by the FMCSA.
- (d) Your application must include a copy of all research reports, technical papers, and other publications and documents you reference.

## **Exemption Renewals**

Exemptions may be renewed upon request for subsequent 5-year periods. Exemption holders requesting a renewal must provide the same information as described in § 381.310 (How do I apply for an exemption?).

## **Exemption Terms and Conditions for Reporting Accidents**

Section 381.330 (What am I required to do if the FMCSA grants my application for exemption?) requires a motor carrier or individual granted an exemption to comply with all terms and conditions of the exemption.

Each individual, motor carrier, State, or SDLA covered by an exemption must notify FMCSA via email at [MCPSD@dot.gov](mailto:MCPSD@dot.gov) within 5 business days of any accident (as defined in 49 CFR 390.5), involving the individual, motor carrier, or CMV operating under the terms of the exemption. The notification must include the following information:

- a. Identifier of the Exemption:
- b. Name of operating carrier and USDOT number,
- c. Date of the accident,
- d. City or town, and State, in which the accident occurred, or closest to the accident scene,
- e. Driver's name and license number,
- f. If any, co-driver's name and license number,
- g. Vehicle number and state license number,
- h. Number of individuals suffering physical injury,
- i. Number of fatalities,
- j. The police-reported cause of the accident,
- k. Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations, and
- l. The total driving time and total on-duty time prior to the accident.

The Agency will immediately revoke any waiver or exemption if an individual, motor carrier, State, or SDLA does not comply with the terms and conditions of the waiver or exemption or if the waiver or exemption has resulted in a lower level of safety than was maintained before the waiver or exemption was granted, or continuation of the waiver or exemption is determined by the FMCSA to be inconsistent with the goals and objectives of the FMCSRs.

Table 1. illustrates the key differences between a waiver and an exemption.

**Table 1: Waiver and Exemption Comparison**

Type of Request	Applicable FMCSRs	Duration	Documents/Publication
Waiver	49 CFR parts 382, 383, §§ 390.19 and 390.21, parts 391, 392, 393, 395, 396 (except for section 396.25) and 399	Up to three months; may not be renewed.	A letter to the individual, or a Federal Register notice if the number of motor carriers, or group, is significant.
Exemption	49 CFR parts 382, 383, 391, 392, 393, 395, 396 (except for section 396.25), and 399	Up to five years; may be renewed.	The Agency must seek public comments via the Federal Register; the decision must be published in the Federal Register.

Section 4007 of TEA-21 requires that the terms and conditions for all waivers and exemptions likely achieve a level of safety equivalent to or greater than what would be achieved by complying with the safety regulations. To satisfy this statutory test, persons requesting waivers or applying for exemptions must present a credible alternative to the regulation and explain how that alternative would likely achieve an equivalent or greater level of safety. If the waiver or exemption request were less effective than the applicable regulation, it would be difficult to demonstrate compliance with the statutory test. If there is insufficient information or data for FMCSA to conclude that the waiver or exemption would satisfy the statutory test, the agency must not grant the waiver or exemption.

### **3. EXTENT OF AUTOMATED INFORMATION COLLECTION**

The application process for waivers and exemptions currently allows electronic submission of the required information for applicants that choose to do so. However, the Agency estimates that applicants mail 90 percent of waiver and exemption applications to FMCSA’s physical address and that 10 percent of applications are emailed.

### **4. EFFORTS TO IDENTIFY DUPLICATION**

FMCSA is the only Federal agency given the authority to regulate CMVs operating in interstate commerce.

### **5. EFFORTS TO MINIMIZE THE BURDEN ON SMALL BUSINESSES**

Waivers and exemptions are especially beneficial to small businesses since these entities are

often more in need of regulatory relief than larger businesses. The regulations in part 381 were written in question-and-answer format using plain language to help ensure that small entities understand how to request a waiver and apply for an exemption, and how the agency will handle such requests and applications. Therefore, the information required for a waiver or an exemption minimizes burdens on small businesses seeking relief from certain FMCSRs.

## **6. IMPACT OF LESS FREQUENT COLLECTION OF INFORMATION**

The information specified in 49 CFR part 381 is collected only when the Agency receives a request for relief from one or more of the FMCSRs. The information required from an individual, motor carrier, State, or SDLA requesting a waiver or exemption enables the FMCSA to determine whether to grant or deny such a request. Without the information, the FMCSA would not know if a waiver or exemption is needed, nor would the Agency be able to determine if granting a waiver or exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption or waiver. Additionally, the Agency is required to publish exemption requests in the Federal Register for public comment. Allowing the public to comment on the information provided by a requestor provides the Agency with other information to consider before a decision is made, which ensures public safety. The Agency sees no practical manner of making these requirements less frequent.

## **7. SPECIAL CIRCUMSTANCES**

There are no special circumstances related to this information collection.

## **8. COMPLIANCE WITH 5 CFR 1320.8:**

On August 16, 2021, FMCSA published a Federal Register notice allowing a 60-day comment period on this ICR. There were no comments submitted to the Federal docket for this notice.

## **9. PAYMENTS OR GIFTS TO RESPONDENTS**

FMCSA does not provide respondents with any payment or gift for providing this information.

## **10. ASSURANCE OF CONFIDENTIALITY**

FMCSA ensures that the personally identifiable information it collects from waiver and exemption applicants is protected by reasonable security safeguards. Waiver and exemption hard copy records are stored in locked file cabinets and electronic records are stored on a network drive available to appropriate staff approved to access such records.

## **11. JUSTIFICATION FOR COLLECTION OF SENSITIVE INFORMATION**

The personally identifiable information that the Agency collects is necessary to ensure that the Agency only grants waivers and exemptions to individuals with a valid commercial license and a driving record that illustrates a history of safe driving. An individual, motor carrier, State, or SDLA covered by a waiver or an exemption is required to notify FMCSA of any accident (as defined in 49 CFR 390.5), involving any of its CMVs or drivers to comply with the terms and

conditions of a waiver or exemption. The information is necessary so that the Agency can determine whether continued operation under the waiver or exemption would diminish highway safety. The information collected from accidents reported directly to the FMCSA also helps the Agency to decide whether to grant an exemption renewal, should that be requested. Waivers cannot be renewed. Information collected, such as a person's home address, phone number, and driver's license number, is not available to the public.

## **12. ESTIMATE OF BURDEN HOURS FOR INFORMATION REQUESTED**

Since 1999, FMCSA has granted 49 waivers and 119 exemptions from the FMCSRs. The Agency has approximately 70 active exemptions. As explained previously, waivers are granted for up to 3 months and are not renewable. Some of the exemptions will require applicants to renew their applications for exemptions should they need to do so during the 3 years covered by this ICR. This ICR estimates the information-collection burden incurred by an individual, motor carrier, State, or SDLA associated with a waiver request in § 381.210, or an exemption request in §§ 381.310, 381.330, in three circumstances. The first is when an individual, motor carrier, State, or SDLA submits a written request to FMCSA for a waiver from one or more FMCSRs (IC-1). The second is when an individual, motor carrier, State, or SDLA submits a written request to FMCSA for an exemption from one or more FMCSRs (IC-2). The third is when an individual, motor carrier, State, or SDLA submits a request to renew an exemption from one or more FMCSRs (IC-3).

### IC-1: Waivers

IC-1 consists of three reporting and recordkeeping tasks an individual, motor carrier, State, or SDLA perform regarding the waiver application process required by § 381.210. The three tasks are:

- IC-1.1: The individual, motor carrier, State, or SDLA submits a written request to the Agency providing all of the information in § 381.210.
- IC-1.2: The individual, motor carrier, State, or SDLA makes a copy and files the waiver application and other related documents, such as a receipt of the Agency's acknowledgment letter and the letter granting or denying the waiver application.
- IC-1.3: The individual, motor carrier, State, or SDLA covered by the waiver emails the Agency within 5 business days of any accident (as defined in 49 CFR 390.5), involving its CMVs or drivers, including certain details such as the name of the waiver holder, driver, driver's license number, etc. as previously mentioned in section 2 of this information collection.

### IC-2: Exemptions



IC-2 consists of three reporting and recordkeeping tasks an individual, motor carrier, State, or SDLA perform regarding the exemption application process required by § 381.310. The three tasks are:

- IC-2.1: The individual, motor carrier, State, or SDLA submits the exemption application to the Agency providing all of the information in § 381.310.
- IC-2.2: The individual, motor carrier, State, or SDLA makes a copy and files the exemption application and other related documents such as receipt of the Agency's acknowledgment letter and signed Federal Register notice granting the applicant's exemption request.
- IC-2.3: The individual, motor carrier, State, or SDLA covered by the exemption must notify the Agency within 5 business days of any accident (as defined in 49 CFR 390.5) involving its CMVs or drivers, including certain details such as the name of the exemption holder, driver, driver's license number, etc. as previously mentioned in section 2 of this information collection.

### IC-3: Renewal of Exemptions

IC-3 consists of the same three reporting and recordkeeping tasks an individual, motor carrier, State, or SDLA perform regarding the exemption application process required by § 381.310. The three tasks are:

- IC-3.1: The individual, motor carrier, State, or SDLA submits the exemption application to the Agency providing all of the information in § 381.310.
- IC-3.2: The individual, motor carrier, State, or SDLA makes a copy and files the exemption application and other related documents such as receipt of the Agency’s acknowledgment letter and signed Federal Register notice granting the applicant’s exemption request.
- IC-3.3: The individual, motor carrier, State, or SDLA covered by the exemption must notify the Agency within 5 business days of any accident (as defined in 49 CFR 390.5), involving its CMVs or drivers, including certain details such as the name of the exemption holder, driver, driver’s license number, etc. as previously mentioned in section 2 of this information collection.

### *Burden Hours and Costs for IC-1, IC-2, and IC-3*

To estimate the total burden hours, FMCSA multiplies the applicable responses by the hourly burden per response for each information collection. To estimate costs, FMCSA assumes a lawyer hired by the individual, motor carrier, State, or SDLA will complete the information required for IC-1.1, IC-2.1, and IC-3.1. Wage data for industry occupations have been obtained from the Bureau of Labor Statistics (BLS). The median salary for a lawyer is \$61.03 per hour.<sup>1</sup> To arrive at a loaded wage, FMCSA divides the total cost of compensation for private workers in the transportation and warehousing industry (\$40.24) by the cost of hourly wages and salaries in the transportation and warehousing industry (\$26.45) as reported by BLS in its Employer Costs for Employee Compensation for December 2020, which results in a load factor of 1.52.<sup>2</sup> Multiplying the median hourly wage by the load factor results in a loaded hourly wage of \$92.77 ( $\$61.03 \times 1.52 = \$92.77$ ).

FMCSA assumes a file clerk hired by an individual, motor carrier, State, or SDLA will copy and store applications and other related documents, for IC-1.2, IC-2.2, and IC-3.2. And a file clerk will be the person emailing accident reports, if any, for IC-1.3, IC-2.3 and IC-3.3. The median salary for a file clerk is \$16.39 per hour. For the loaded wage, FMCSA continues to use the industry load factor of 1.52, and multiplies the median salary wage cost per hour by the industry loaded rate. This results in a loaded hourly wage of \$24.91 ( $\$16.39 \times 1.52 = \$24.91$ ).

### *IC-1.1 Waivers*

To estimate the annual burden hours and costs for IC-1.1, FMCSA makes the following assumptions.

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<sup>1</sup> U.S. Department of Labor, Bureau of Labor Statistics. (2020). “May 2020 National Industry-Specific Occupational Employment and Wage Estimates.” (Lawyers) <https://www.bls.gov/oes/current/oes231011.htm#ind>; (File Clerks) <https://www.bls.gov/oes/current/oes434071.htm>; Accessed 4-28-2021.

<sup>2</sup> Load Factors: Bureau of Labor Statistics (2020). Table 4. Employer costs per hour worked for employee compensation and costs as a percentage of total compensation: private industry workers, by industry group, December 2020,” in News Release: Employer Costs for Employee Compensation—December 2020. Retrieved 4-8-2021 from <https://www.bls.gov/news.release/ecec.t04.htm>

The Agency assumes that it will receive 10 applications for waivers each year for this information collection. The Agency estimates that it will take the applicant 2 hours to complete a waiver application. To estimate the total burden hours, FMCSA multiplies the applicable responses by the hourly burden per response. This results in an estimated 20 annual burden hours (2 x 10 applications). To estimate costs, FMCSA multiplies the loaded hourly wage of \$92.77 x 20. This results in a cost of \$1,855.40. Table 2 summarizes IC-1.1

**Table 2. IC-1.1 Annual Burden Hours and Costs to Complete and Submit Waiver Applications**

Year	Responses	Applicant Burden Hours	Cost to Applicant
	A	$B = A \times 2 \text{ hours}$	$C = B \times \$92.77$
2022	10	20	\$1,855.40
2023	10	20	\$1,855.40
2024	10	20	\$1,855.40
Note: Annual and average values may not match due to rounding.			

*IC-1.2 Copying and Storing Applications*

To estimate the annual burden hours and costs for IC-1.2, FMCSA makes the following assumptions.

FMCSA assumes that an individual, motor carrier, State, or SDLA will copy and store the application and all documents received from the Agency relating to the waiver application. FMCSA estimates that 10 applications for waivers will be submitted to the Agency annually. The Agency estimates that it will take 5 minutes to copy and store the waiver application and other related documents received from FMCSA during the waiver process. To estimate the total burden hours, FMCSA multiplies the applicable responses by the hourly burden per response. This results in an estimated 0.8333 annual burden hours (10 applications x 5 minutes ÷ 60 minutes). To estimate costs, FMCSA multiplies the loaded hourly wage of \$24.91 x 0.8333. This results in a cost of \$20.76. Table 3 summarizes IC-1.2.

**Table 3. IC-1.2 Annual Burden Hours and Cost to Copy and File Waiver Documents**

Year	Responses	Applicant Burden Hours	Cost to Applicant
	A	$B = A \times (5 \text{ min}/60 \text{ min})$	$C = B \times \$24.91$
2022	10	0.8333	\$20.76
2023	10	0.8333	\$20.76
2024	10	0.8333	\$20.76
Note: Annual and average values may not match due to rounding.			

### IC-1.3 Emailing Accident Reports

FMCSA notes that the associated burden hours and costs for an individual, motor carrier, State, or SDLA to maintain and store accident reports in accordance with § 390.15 (Assistance in investigations and special studies) is accounted for under OMB Control Number 2126-0009, Accident Recordkeeping Requirements. However, this requirement is different because the terms and conditions of the waiver require applicants to report accidents involving any of its drivers or CMVs to FMCSA within 5 business days. To estimate the annual burden hours and costs for IC-1.3, FMCSA makes the following assumptions.

The Agency received approximately 15 accident reports during 2018 – 2021 from holders of 2 waivers. Based upon the number of accidents reported, the Agency estimates that it will receive 5 accident reports for all waivers granted annually and that it will take an individual, motor carrier, State, or SDLA 2 minutes to locate an accident report and email it to FMCSA. The number of accidents is based on a review of the accidents emailed to FMCSA to the dedicated email box the Agency requires holders of waivers to use to report accidents meeting the definition in section 390.5 of the FMCSRs. To estimate the total burden hours, FMCSA multiplies the applicable responses by the hourly burden per response. This results in an estimated 0.1667 annual burden hours (5 x 2 minutes ÷ 60 minutes). To estimate costs, FMCSA multiplies the loaded hourly wage of \$24.91 x 0.1667. This results in a cost of \$4.15. Table 4 summarizes IC-1.3.

**Table 4. IC-1.3 Annual Burden hours and Costs to Email Accident Report to FMCSA**

Year	Responses	Applicant Burden Hours	Cost to Applicant
	A	$B = A \times (2 \text{ min}/60 \text{ min})$	$C = B \times \$24.91$
2022	5	0.1667	\$4.15
2023	5	0.1667	\$4.15
2024	5	0.1667	\$4.15
Note: Annual and average values may not match due to rounding.			

**Figure 1. IC-1 Summary**

30	Total Annual Responses ( $10 \times 3 = 30$ )
21.17	Total Annual Burden Hours for Applicants ( $20 + 0.8333 + 0.3333 = 21.17$ )
\$1,880.31	Total Annual Costs to Applicants ( $\$1,855.40 + \$20.76 + \$4.15 = \$1,880.31$ )

### IC-2.1 Exemptions

To estimate the annual burden hours and costs for IC-2.1, FMCSA makes the following

assumptions.

FMCSA estimates that it will receive 20 applications for exemptions annually for each year covering this information collection. The Agency estimates that it will take applicants 2 hours to complete the exemption application. To estimate the total burden hours, FMCSA multiplies the applicable responses by the hourly burden per response. This results in an estimated 40 annual burden hours (2 x 20 applications). To estimate costs, FMCSA multiplies the loaded hourly wage of \$92.77 x 40. This results in a cost of \$3,710.08. Table 5 summarizes IC-2.1.

**Table 5. IC-2.1 Annual Burden Hours and Costs to Complete and Submit Exemption Applications**

Year	Responses	Applicant Burden Hours	Cost to Applicant
	A	$B = A \times 2$	$C = B \times \$92.77$
2022	20	40	\$3,710.08
2023	20	40	\$3,710.08
2024	20	40	\$3,710.08
Note: Annual and average values may not match due to rounding.			

### IC-2.2 Copying and Storing Applications

To estimate the annual burden hours and costs for IC-2.2, FMCSA makes the following assumptions.

FMCSA assumes that an individual, motor carrier, State, or SDLA will copy and store the application and all documents received from the Agency relating to the exemption application. The Agency estimates that it will take 5 minutes to complete these tasks. To estimate the total burden hours, FMCSA multiplies the applicable responses by the hourly burden per response. This results in an estimated 1.667 annual burden hours (20 applications x 5 minutes ÷ 60 minutes). To estimate costs, FMCSA multiplies the loaded hourly wage of \$24.91 x 1.667. This results in a cost of \$41.52. Table 6 summarizes IC-2.2.

**Table 6. IC-2.2 Annual Burden Hours and Costs to Copy and File Exemption Documents**

Year	Responses	Applicant Burden Hours	Cost to Applicant
	A	$B = A \times (5 \text{ min}/60 \text{ min})$	$C = B \times \$24.91$
2022	20	1.667	\$41.52
2023	20	1.667	\$41.52
2024	20	1.667	\$41.52
Note: Annual and average values may not match due to rounding.			

### IC-2.3 Emailing Accident Reports

As previously explained (IC-1.3) the associated burden hours and costs for applicants to maintain and store accident reports in accordance with section 390.15 (Assistance in investigations and special studies) is accounted for under OMB Control Number 2126-0009, Accident Recordkeeping Requirements. However, this requirement is different because the terms and conditions of the exemption require applicants to report accidents involving any of its drivers or CMVs to FMCSA within 5 business days. To estimate the annual burden hours and costs for IC-2.3, FMCSA makes the following assumptions.

The Agency received approximately 60 accident reports during 2018 – 2021 to its dedicated email box from 6 exemption holders. Based upon the number of accidents reported, the Agency estimates that it will receive 15 accident reports annually for all exemptions granted and that it will take 2 minutes to locate an accident report and email it to FMCSA. To estimate the total burden hours, FMCSA multiplies the applicable responses by the hourly burden per response. This results in an estimated 0.50 annual burden hours (15 x 2 minutes ÷ 60 minutes). To estimate costs, FMCSA multiplies the loaded hourly wage of \$24.91 x 0.50. This results in a cost of \$12.46. Table 7 summarizes IC-2.3.

**Table 7. IC-2.3 Annual Burden hours and Costs to Email Accident Report to FMCSA**

Year	Responses	Applicant Burden Hours	Cost to Applicant
	A	$B = A \times (2 \text{ min}/60 \text{ min})$	$C = B \times \$24.91$
2022	15	0.50	\$12.46
2023	15	0.50	\$12.46
2024	15	0.50	\$12.46
Note: Annual and average values may not match due to rounding.			

**Figure 2. IC-2 Summary**

60	Total Annual Responses ( $20 \times 3 = 60$ )
42.33	Total Annual Burden Hours for Applicants ( $40 + 1.6667 + 0.6667 = 42.33$ )
\$3,764.06	Total Annual Burden Costs for Applicants ( $\$3,710.08 + \$41.52 + \$12.46 = \$3,764.06$ )

### IC-3.1 Exemption Renewals

The process for renewing an exemption is the same as applying for the initial exemption. To estimate the annual burden hours and costs for IC-3, FMCSA makes the following assumptions.

FMCSA estimates that 15 applications for exemption renewals will be submitted to the Agency annually for this 3-year information collection. The Agency estimates that it will take an applicant 2 hours to complete the exemption application. To estimate the total burden hours, FMCSA multiplies the applicable responses by the hourly burden per response. This results in an estimated 30 annual burden hours (2 x 15 applications). To estimate costs, FMCSA multiplies the loaded hourly wage of \$92.77 x 30. This results in a cost of \$2,783.10. Table 8 summarizes IC-3.1.

**Table 8. IC-3.1 Annual Burden Hours and Costs to Complete and Submit Exemption Renewal Applications**

Year	Responses	Applicant Burden Hours	Cost to Applicant
	A	$B = A \times 2$	$C = B \times \$92.77$
2022	15	30	\$2,783.10
2023	15	30	\$2,783.10
2024	15	30	\$2,783.10
Note: Annual and average values may not match due to rounding.			

*IC-3.2 Copying and Storing Applications*

To estimate the annual burden hours and costs for IC-3.2, FMCSA makes the following assumptions. FMCSA assumes that applicants will copy and store the application and all related documents received from the Agency during the renewal process. The Agency estimates 15 applications for renewal of exemptions will be submitted to FMCSA annually. It is estimated that it will take applicants 5 minutes to complete this task. To estimate the total burden hours, FMCSA multiplies the applicable responses by the hourly burden per response. This results in an estimated 1.25 annual burden hours (15 applications x 5 minutes ÷ 60 minutes). To estimate costs, FMCSA multiplies 1.25 x the loaded hourly wage of \$24.91. This results in a cost of \$31.14. Table 9 summarizes IC-3.2.

**Table 9. IC-3.2 Annual Burden Hours and Costs to Copy and File Exemption Documents**

Year	Responses	Applicant Burden Hours	Cost to Applicant
	A	$B = A \times (5 \text{ min}/60 \text{ min})$	$C = B \times \$24.91$
2022	15	1.25	\$31.14
2023	15	1.25	\$31.14
2024	15	1.25	\$31.14
Note: Annual and average values may not match due to rounding.			

### IC-3.3 Emailing Accident Reports

To estimate the annual burden hours and costs for IC-3.3, FMCSA makes the following assumptions. As previously explained (IC-1.3 and IC-2.3) the associated burden hours and costs for an individual, motor carrier, State or SDLA to maintain and store accident reports in accordance with section 390.15 (Assistance in investigations and special studies) is accounted for under OMB Control Number 2126-0009, Accident Recordkeeping Requirements. However, this requirement is different because the terms and conditions of the exemption requires applicants to report accidents involving any of its drivers or CMVs to FMCSA within 5 business days. To estimate the annual burden hours and costs for IC-3.3, FMCSA makes the following assumptions.

The Agency received approximately 84 accident reports during 2018 – 2021 to its dedicated email box from 3 motor carriers covered by an exemption renewal. The Agency estimates that it will receive 21 accident reports for all exemptions granted annually and that it will take 2 minutes to locate an accident report and email it to FMCSA. To estimate the total burden hours, FMCSA multiplies the applicable responses by the hourly burden per response. This results in an estimated 0.70 annual burden hours (21 x 2 minutes ÷ 60 minutes). To estimate costs, FMCSA multiplies the loaded hourly wage of \$24.91 x 0.70. This results in a cost of \$17.43. Table 9 summarizes IC-3.3.

**Table 9. IC-3.3 Annual Burden hours and Costs to Email Accident Report to FMCSA**

Year	Responses	Applicant Burden Hours	Cost to Applicant
	A	$B = A * (2 \text{ min}/60 \text{ min})$	$C = B \times \$24.91$
2022	21	0.70	\$17.43
2023	21	0.70	\$17.43
2024	21	0.70	\$17.43
Note: Annual and average values may not match due to rounding.			

**Figure 3. IC-3 Summary**

45	Total Annual Responses (15 × 3 = 45)
31.75	Total Annual Burden Hours for Applicants (30 + 1.25 + 0.50 = 31.75)
\$2,831.67	Total Annual Burden Costs for Applicants (\$2,783.10 + \$31.14 + \$17.43 = \$2,831.67)



**Table 10. Burden Hours and Costs for All ICs**

<b>Information Collection</b>	<b>Number of Responses</b>	<b>Burden Hours</b>	<b>Costs</b>
<b>IC-1: Waiver Burden Hours and Cost under § 381.210</b>			
IC-1.1: The individual, motor carrier, State, or SDLA submits a waiver application to FMCSA providing all of the information in § 381.210.	10	20	\$1,855.40
IC-1.2: The individual, motor carrier, State, or SDLA makes a copy and files waiver application and other related documents.	10	0.8333 (approx.1.0)	\$20.76
IC-1.3: The individual, motor carrier, State, or SDLA carrier or individual emails accident report to FMCSA.	5	0.1667 (approx.1.0)	\$4.30
<b>Total IC-1</b>	<b>25</b>	<b>22</b>	<b>\$1,880.31</b>
<b>IC-2 Exemption Burden Hours and Cost under § 381.310</b>			
IC-2.1: The individual, motor carrier, State, or	20	40	\$3,710.08

SDLA submits an exemption application to FMCSA providing all of the information in § 381.310.			
IC-2.2: The individual, motor carrier, State, or SDLA makes a copy and files the exemption application and other related documents.	20	1.6667 (approx.2.0)	\$41.52
IC-2.3: The individual, motor carrier, State, or SDLA emails accident report to FMCSA.	15	0.50 (approx.1.0)	\$12.46
<b>Total IC-2</b>	<b>55</b>	<b>43</b>	<b>\$3,764.06</b>
<b>IC-3 Exemption Renewal Burden Hours and Cost under § 381.310</b>			
IC-3.1: The individual, motor carrier, State, or SDLA submits an exemption application to FMCSA providing all of the information in § 381.310.	15	30	\$2,783.10
IC-3.2: The individual, motor carrier, State, or SDLA makes a copy and files the exemption application and other related documents.	15	1.25 (approx.1.0)	\$31.14
IC-3.3: The individual, motor carrier, State, or SDLA emails accident report to FMCSA.	21	0.70 (approx.1.0)	\$17.43
<b>Total IC-3</b>	<b>51</b>	<b>32</b>	<b>2,831.67</b>
<b>TOTAL</b>	<b>131</b>	<b>97</b>	<b>\$8,476</b>

Note: Annual and average values may not match due to rounding.

### Summary

**Estimated total burden hours: 291 (annual burden hours (97) x 3 years)**

**Estimated total number of respondents: 393 (annual number of respondents (131) x 3 years)**

**Estimated total number of responses: 393 (annual number of responses (131) x 3 years)**

**Estimated total cost: \$25,428 (annual costs (\$8,476) x 3 years)**

### 13. ESTIMATE OF TOTAL ANNUAL COSTS TO RESPONDENTS

FMCSA estimates that 41 (90 percent) applicants will mail paper waiver and exemption applications annually (includes application for renewal of exemptions) to the Agency's physical address. The annual costs associated with this includes an envelope and postage, which FMCSA estimates to be a combined flat cost of \$4.50.<sup>3</sup> The estimated total annual cost to applicants for envelopes and postage is \$185 (41 x \$4.50) rounded. There are no costs associated with electronic filings.

### 14. ESTIMATE OF COST TO THE FEDERAL GOVERNMENT

There is no specific cost to the government for government personnel incurred by this information collection, as all government personnel who are responsible for responding to waivers and exemptions are working within their normal position duties.

<sup>3</sup> U.S. Postal Services rates for postage and envelopes accessed on 7-13-2021.

## **15. EXPLANATION OF PROGRAM CHANGES OR ADJUSTMENTS**

This increase in the Agency's information collection burden is due to a new ICR, which requires a motor carrier or individual seeking relief from one or more of the FMCSRs to provide information for the Agency to consider and determine whether to grant or deny a proposed waiver or exemption request.

## **16. PUBLICATION OF RESULTS OF DATA COLLECTION**

This information collection requires recordkeeping by FMCSA. The Agency electronically stores all waiver and exemption requests. Also, Section 32913 of The Moving Ahead for Progress in the 21<sup>st</sup> Century Act requires the Secretary to submit an annual report to Congress listing waivers and exemptions. Granted exemptions are published in the Federal Register and in a table on FMCSA's website.

## **17. APPROVAL FOR NOT DISPLAYING THE EXPIRATION DATE OF OMB APPROVAL**

FMCSA is not seeking this approval.

## **18. EXCEPTIONS TO CERTIFICATION STATEMENT**

FMCSA is claiming no exception to any element of the certification statement identified in Item 19 of OMB Form 83-I.

## **ATTACHMENTS:**

Attachment A: Final Rule: Waivers, Exemptions and Pilot Programs  
(63 FR 67600 December 8, 1998)

Attachment B: Final Rule: Waivers, Exemptions and Pilot Programs  
(69 FR 51589 August 20, 2004)