

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

**SUPPORTING STATEMENT
“Waiver and Exemption Requirements” ICR
OMB Control Number 2126-0076**

SUMMARY

- This is a request for approval for the renewal of a 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 119 hours with an associated cost of \$11,806.54.

INTRODUCTION

This is to request the Office of Management and Budget’s (OMB) approval for the renewal of OMB Control Number 2126-0076, “Waiver and Exemption Requirements,” ICR which will expire on May 31, 2025. The approved burden is 97 hours; the Agency now estimates the annual burden to be 119 hours. The burden individuals, motor carriers, States, or SDLAs incur to comply with the reporting tasks required for requesting waivers and exemptions in 49 CFR part 381. 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 must be 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 the FHWA 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.

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 ability to test innovative safety management control systems.

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

The FMCSRs require an individual, motor carrier, State, or SDLA seeking relief from one or more regulations to submit their request for a waiver, exemption, or exemption renewal 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, 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 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, and the documents and publications FMCSA must produce in each case.

Table 1: Waiver and Exemption Comparison

Type of Request	Applicable FMCSRs	Duration	Documents/Publication FMCSA Must Generate to Process a Waiver/Exemption
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 <i>Federal Register</i> 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 <i>Federal Register</i> ; the decision must be published in the <i>Federal Register</i> .

Section 4007 of TEA-21 requires that the terms and conditions for all waivers and exemptions must be 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 50 percent of waiver and exemption applications to FMCSA's physical address and that 50 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 and is the only Federal agency with the authority to provide relief from the FMCSRs.

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.

A small business may request a waiver if one or more of the FMCSRs would prevent the small business from using or operating a CMV or making it unreasonably difficult to do so. A small business may apply for an exemption if one or more of the FMCSRs prevents them from implementing more efficient or effective operations. As part of the waiver/exemption application process, small businesses are required to provide an alternative to comply with the FMCSRs. The alternative must illustrate a level of safety equivalent to, or greater than, the level achieved without the exemption. Permitting the small business to provide an alternative ensures that the FMCSRs are no longer a burden to the small business operations.

6. IMPACT OF LESS FREQUENT COLLECTION OF INFORMATION

The information specified in 49 CFR part 381 is collected 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 December 6, 2024, 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

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. Historically, most of the waivers and exemption request received by the FMCSA are submitted on an attorney firm’s letterhead representing an individual, association, or motor carrier. To estimate costs, FMCSA assumes a lawyer hired by the individual or motor carrier 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 \$70.08 per hour.¹ To arrive at a loaded wage, FMCSA divides the total cost of compensation for professional and related occupations (\$68.37) by the cost of hourly wages and salaries in the professional and related occupations (\$47.68) as reported by BLS in its Employer Costs for Employee Compensation for September 2024, which results in a load factor of 1.43.² Multiplying the median hourly wage by the load factor results in a loaded hourly wage of \$100.21 ($\$70.08 \times 1.43 = \100.21).

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 \$18.33 per hour. For the loaded wage, FMCSA continues to use the industry load factor of 1.48 and multiplies the median salary wage cost per hour by the industry loaded rate. This results in a loaded hourly wage of \$27.13 ($\$18.33 \times 1.48 = \27.13).

IC-1.1 Waivers

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

The Agency assumes that it will receive 10 applications for waivers each year for this information collection. This assumption is based on the actual number of waiver requests received by the Agency from 2022 through 2024. 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 hours x 10 applications). To estimate costs, FMCSA multiplies the loaded hourly wage of \$100.21 for a lawyer by 20. This results in a cost of \$2,004.20. 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	Total Cost to Applicant
	A	$B = A \times 2 \text{ hours}$	$C = B \times \$100.21$
2025	10	20	\$2,004.20

¹ U.S. Department of Labor, Bureau of Labor Statistics. (2023). “May 2023 National Industry-Specific Occupational Employment and Wage Estimates.” (Lawyers) <https://www.bls.gov/news.release/pdf/eccec.pdf> ; Accessed-03-12-2025 (File Clerks) <https://www.bls.gov/oes/current/oes434071.htm>; Accessed -06-18-2024.

² Load Factors: Bureau of Labor Statistics (2023). 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 2023,” in News Release: Employer Costs for Employee Compensation—December 2023 Retrieved 6-18-2024 from <https://www.bls.gov/news.release/pdf/eccec.pdf>

2026	10	20	\$2,004.20
2027	10	20	\$2,004.20

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 \$27.13 for a clerk by 0.8333. This results in a cost of \$22.61. 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	Total Cost to Applicant
	A	$B = A \times (5 \text{ min}/60 \text{ min})$	$C = B \times \$27.13$
2025	10	0.8333	\$22.61
2026	10	0.8333	\$22.61
2027	10	0.8333	\$22.61
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 did not receive any accidents between 2022-2024; however, this ICR takes a conservative approach and assumes 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. 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 \$27.13 for a clerk by 0.1667. This results in a cost of \$4.52. 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	Total Cost to Applicant
	A	$B = A \times (2 \text{ min}/60 \text{ min})$	$C = B \times \$27.13$
2025	5	0.1667	\$4.52
2026	5	0.1667	\$4.52
2027	5	0.1667	\$4.52

Figure 1. IC-1 Summary

25	Total Annual Responses (10 +10+5 = 25)
21	Total Annual Burden Hours for Applicants (20 + 0.8333 + 0.1667 = 21)
\$2,101.53	Total Annual Costs to Applicants (\$2,074.40 + \$22.61 + \$4.52 = \$2,101.53)

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 25 applications for exemptions annually for each year covering this information collection. This assumption is based on the actual number of

exemption requests received by the Agency from 2022 through 2024. 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 50 annual burden hours (2 x 25 applications). To estimate costs, FMCSA multiplies the loaded hourly wage of \$100.21 for a lawyer by 50. This results in a cost of \$5,010.50. 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	Total Cost to Applicant
	A	$B = A \times 2$	$C = B \times \$100.21$
2025	25	50	\$5,010.50
2026	25	50	\$5,010.50
2027	25	50	\$5,010.50

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 annual burden hours equal to 2.0833 (25 applications x 5 minutes ÷ 60 minutes). To estimate costs, FMCSA multiplies the loaded hourly wage of \$27.13 for a clerk by 2.0833. This results in a cost of \$56.52. 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	Total Cost to Applicant
	A	$B = A \times (5 \text{ min}/60 \text{ min})$	$C = B \times \$27.13$
2025	25	2.0833	\$56.52
2026	25	2.0833	\$56.52
2027	25	2.0833	\$56.52

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 did not receive any accidents between 2022-2024; however, this ICR takes a conservative approach and the Agency assumes it will receive approximately 10 accident reports during 2025 – 2027 to its dedicated email box from exemption holders. Based upon the number of estimated accidents, 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. annual burden hours (10 x 2 minutes ÷ 60 minutes). To estimate costs, FMCSA multiplies the loaded hourly wage of \$27.13 for a clerk by 0.333 hours. This results in a cost of \$9.03. 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	Total Cost to Applicant
	A	$B = A \times (2 \text{ min}/60 \text{ min})$	$C = B \times \$27.13$
2025	10	0.333	\$9.03
2026	10	0.333	\$9.03
2027	10	0.333	\$9.03

Figure 2. IC-2 Summary

30	Total Annual Responses (10 x 3) = 30
\$52.50	Total Annual Burden Hours for Applicants (50 + 2.0833 +0.333 = 52.50)
\$5,251.55	Total Annual Burden Costs for Applicants (\$5,186 + \$56.52 + \$9.03 = \$5,251.55)

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 21 applications for exemption renewals will be submitted to the Agency annually for this 3-year information collection. This estimation is based on the number of exemptions that are scheduled to expire between 2025 and 2027. The Agency assumes that all currently granted exemptions will be requested to be renewed. 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 42 annual burden hours (2 x 21 applications). To estimate costs, FMCSA multiplies the loaded hourly wage of 42 by \$100.21 for a lawyer. This results in a cost of \$4,208.82. 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	Total Cost to Applicant
	A	$B = A \times 2$	$C = B \times \$100.21$
2025	21	42	\$4,208.82
2026	21	42	\$4,208.82
2027	21	42	\$4,208.82
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 21 applications for renewal of exemptions will be submitted annually based on the exemptions' expiration dates. This estimation is based on the actual number of exemption requests received by the Agency from 2022 through 2024. 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 1.75 annual burden hours (21 applications x 5 minutes ÷ 60 minutes). To estimate costs, FMCSA multiplies the loaded hourly wage of \$27.13 for a clerk by 1.75. This results in a cost of \$47.48. 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	Total Cost to Applicant
	A	$B = A \times (5 \text{ min}/60 \text{ min})$	$C = B \times \$27.13$
2025	21	1.75	\$47.48
2026	21	1.75	\$47.48
2027	21	1.75	\$47.48
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 65 accident reports during 2022-2024 to its dedicated email box from 8 motor carriers covered by a renewed exemption. Hence, the Agency estimates that it will receive 22 accident reports for all exemption renewals granted annually and that it will take 5 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 1.833 annual burden hours ($22 \times 5 \text{ minutes} \div 60 \text{ minutes}$). To estimate costs, FMCSA multiplies the loaded hourly wage of x \$27.13 for a clerk by 1.833. This results in a cost of \$49.73. 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	Total Cost to Applicant
	A	$B = A * (5 \text{ min}/60 \text{ min})$	$C = B \times \$27.13$
2025	22	1.833	\$49.73
2026	22	1.833	\$49.73
2027	22	1.833	\$49.73
Note: Annual and average values may not match due to rounding.			

Figure 3. IC-3 Summary

63	Total Annual Responses ($21 \times 3 = 63$)
45.58	Total Annual Burden Hours for Applicants ($42 + 1.75 + 1.833 = \$45.58$)
\$4,453.46	Total Annual Burden Costs for Applicants ($\$4,356.25 + \$47.48 + \$49.73 = \$4,453.46$)

Table 10. Burden Hours and Costs for All ICs

Information Collection	Number of Responses	Burden Hours	Costs
IC-1: Waiver Burden Hours and Cost under § 381.210			
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	\$2,004.20
IC-1.2: The individual, motor carrier, State, or SDLA makes a copy and files waiver application and other related documents.	10	0.8333	\$22.61
IC-1.3: The individual, motor carrier, State, or SDLA carrier or individual emails accident report to FMCSA.	5	0.1667	\$4.52
Total IC-1	25	21	\$2,031.33
IC-2 Exemption Burden Hours and Cost under § 381.310			
IC-2.1: The individual, motor carrier, State, or SDLA submits an exemption application to FMCSA providing all of the information in § 381.310.	25	50	\$5,010.50
IC-2.2: The individual, motor carrier, State, or SDLA makes a copy and files the exemption application and other related documents.	25	2.0833	\$56.52
IC-2.3: The individual, motor carrier, State, or SDLA emails accident report to FMCSA.	10	0.333	\$9.03
Total IC-2	60	52.42	\$5,076.05

IC-3 Exemption Renewal Burden Hours and Cost under § 381.310			
IC-3.1: The individual, motor carrier, State, or SDLA submits an exemption application to FMCSA providing all of the information in § 381.310.	21	42	\$4,208.82
IC-3.2: The individual, motor carrier, State, or SDLA makes a copy and files the exemption application and other related documents.	21	1.75	\$47.48
IC-3.3: The individual, motor carrier, State, or SDLA emails accident report to FMCSA.	22	1.833	\$49.73
Total IC-3	64	46	\$4,306.03
TOTAL	149	119	\$11,413.41

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

Summary

Estimated total burden hours: 357 (annual burden hours (119) x 3 years)

Estimated total number of respondents: 447 (annual number of respondents (149) x 3 years)

Estimated total number of responses: 447 (annual number of responses (149) x 3 years)

Estimated total cost: \$ 34,240.23 (annual costs (\$11,413.41) x 3 years)

13. ESTIMATE OF TOTAL ANNUAL COSTS TO RESPONDENTS

FMCSA estimates that 50 percent of applicants, 29 applicants (5 waiver applications, 13 exemption applications, and 11 exemption renewal applications) will mail paper waiver and exemption applications annually 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 \$9.25.³ The estimated total annual cost to applicants for envelopes and postage is \$268 ((5 x \$9.25) + (13 x \$9.25) + (11 x \$9.25)) 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.

15. EXPLANATION OF PROGRAM CHANGES OR ADJUSTMENTS

The currently approved burden for this ICR is 97 hours. FMCSA requests OMB approval of our

³ U.S. Postal Services rates for postage and envelopes accessed on 7-10-2024.

estimate of 119 hours for the annual burden of this ICR. The increase is the result of the increase in estimated waiver/exemption applications, based off of the actual number of applications received between 2022 and 2024.

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 21st 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 <https://www.fmcsa.dot.gov/exemptions>.

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)