



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Memorandum

## **SP-96-002-RC**

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Subject Interpretation: Tolerance Guidelines  
Appendix C, paragraph 3(i)

From Acting Director, Office of Motor Carriers

To Regional Directors, Office of Motor Carriers  
Region 1-10  
THRU: Mr. Clinton O. Magby, II  
Director, Office of Motor Carriers

Date February 14, 1996  
(stamped)

Reply to  
Attn of HSA-30

The attached interpretation, signed January 25, 1996, entitled Regulatory Guidance Part 391 – Qualifications of Drivers Section 391.49 – Waiver of Certain Physical Defects & Part 350 – Commercial Motor Carrier Safety Assistance Program Appendix C, Paragraph 3 (i) becomes part of the MCSAP reference guidelines. Therefore policy number SP-96-002 -RC is being assigned to this memorandum and the attachment.

A handwritten signature in black ink, appearing to read "F. Daniel Hartman".

F. Daniel Hartman

Attachment



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# Memorandum

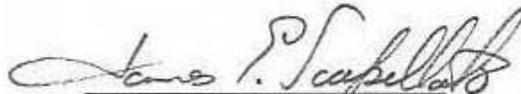
Subject Interpretation: Tolerance Guidelines for 49 CFR 391.49      Date    January 25, 1996

From    James E. Scapellato, Director      Reply to  
Office of Motor Carrier Research and Standards      Attn of    HCS-10/HCS-20  
Washington, D.C.

To      Mr. David B. Martin, Regional Director  
Office of Motor Carriers (HMC.06)  
Forth Worth, Texas

This responds to your October 18, 1995 memorandum to Mr. Steve Crane, State Programs Division Chief, Office of Motor Carriers Safety and Technology. Your memorandum was forwarded to my office for reply.

Attached, I have re-written your Question and provided a response in a general question-and-answer format.

  
James E. Scapellato

## 96 GUIDANCE .04



U.S. Department  
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400 Seventh St, S.W.  
Washington, D.C. 20590

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REGULATORY GUIDANCE  
PART 391 – QUALIFICATIONS OF DRIVERS  
Section 391.49 – Waiver of Certain Physical Defects  
&  
PART 350 – COMMERCIAL MOTOR CARRIER SAFETY ASSISTANCE PROGRAM  
Appendix C, Paragraph 3(i)

**Question:** Since 49 CFR 391.49 does not mandate a Skill Performance Evaluation, does the term “performance standard” mean that the State must give a driving test or other Skill Performance Evaluation to the driver for every waiver issued or does this term mean that, depending upon the medical condition, the State may give some other type of performance test? For Example, in case of a vision waiver, would a vision examination suffice as a performance standard?

**Answer:** Under the Tolerance Guidelines, Appendix C, Paragraph 3(i), each State that creates a waiver program for intrastate drivers is responsible for determining what constitutes “sound medical judgment,” as well as determining the performance standard. In the example used above, a vision examination would suffice as a performance standard. It is the responsibility of each State establishing a waiver program to determine what constitutes an appropriate performance standard.

A handwritten signature in black ink that reads "James E. Scapellato".

James E. Scapellato, Director  
Office of Motor Carrier Research and Standards