



**DEPARTMENT OF THE AIR FORCE  
AIR FORCE RESERVE COMMAND**

MEMORANDUM FOR Administrator, Federal Motor Carrier Safety Administration  
1200 New Jersey Ave., SE., Washington, DC 20590-0001

FROM: AFRC/SEW  
255 Richard Ray Blvd, Bldg 220  
Robins AFB GA 31098-2005

SUBJECT: Air Reserve Technician (ART) Exemption to 49 CFR 383.3 (c)

1. This exemption would apply to Air Reserve Technicians (ARTs) working under the Air Force Reserve Command (AFRC) who have been trained in their military capacities to conduct hazardous transport operations.

2. The locations for this exemption will vary across Air Force Bases within the United States as ARTs play a major role in all Air Force operations since the inception of the Total Force Integration model in 2011.

3. Dual status DoD personnel should not receive unfair treatment on the implementation of regulations or when exemptions are applied. National Guard Military Technicians are dual status members, this is the same dual status that our ARTs work under. Reference AFI 36-128, *Air Reserve Technicians (ARTs) - Full-time civilian employees who are also active members of the Air Force Reserve unit in which they are employed. In addition to their civilian assignments, they hold a military assignment to equivalent positions in the reserve organization with a reserve military rank or grade. They play vital roles in the combat readiness of their reserve unit by training other reservists and serving as mobilization assets upon unit mobilization.*

- a. Current regulation - 49 CFR 383.3 (c) ***Exception for certain military drivers.*** Each State must exempt from the requirements of this part individuals who operate CMVs **for military purposes.** This exception is applicable to active-duty military personnel; members of the military reserves; members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and **national guard military technicians (civilians who are required to wear military uniforms);** and active-duty U.S. Coast Guard personnel. **This exception is not applicable to U.S. Reserve technicians.**
- b. Air Reserve Technicians (ARTs) are required to wear the military uniform as stated in AFI 36-128 *Pay Setting and Allowance*, AFI 36-147 *Civilian Conduct and Responsibility*, and AFI 36-2903 *Dress and Personal Appearance of Department of the Air Force Personnel.*

4. By specifically removing “U.S. Reserve technicians” from the exemption, it has created a situation where we are unable to meet our mission requirements in many locations, slowed work processes, increased costs, and adversely affected the moral and welfare of our personnel. Many members have missed promotion opportunities and were marked down on their appraisals, at no fault of their own, because they could not perform the duties that were required of them.
5. I currently have a “Granted” petition that is going through the rule-making process (Atch 2). To expedite relief from this burden, I am submitting this exemption request and upon approval to remain in effect for the maximum allotted time of 5 years or until the regulation is updated to reflect our exemption. I ask that this is processed as quickly as possible as our operational tempo is increasing daily, and this situation is getting out of hand.
6. This carved out exemption was created to allow for trained military CMW operators to complete their mission requirements. This is evident in the first sentence of 49 CFR 383.3 (c) which states, “Each state must exempt from the requirements of this part individuals who operate CMVs **for military purposes**. Removing our ARTs from this exemption has done a huge disservice to our personnel and mission sets.
7. The updated 49 CFR 383.3 (c) should read as follows: *Exception for certain military drivers*. Each State must exempt from the requirements of this part individuals who operate CMVs for military purposes. This exception is applicable to active-duty military personnel; members of the military reserves; members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, national guard military technicians, **and air reserve technicians (ARTs)** (civilians who are required to wear military uniforms); and active-duty U.S. Coast Guard personnel.

JAMES D. WELCH  
GS-14, USAF  
AFRC Weapons Safety Chief

## Required Details for Exemption Review

1. **Written request** – AF Memorandum completed/attached
2. **Class of persons covered by exemption** – Air Reserve Technicians (ARTs) trained in hazardous transportation – Dual Status Civilians who wear the military uniform during performance of their duties.
3. **Name/Job Title/Mailing Address/Daytime Telephone** – James D. Welch/AFRC Weapons Safety Division Chief/255 Richard Ray Blvd Bldg 220, Robins AFB/318-840-9617
4. **Principle place of business** – Air Force bases across the US to include Air Reserve Bases.
5. **USDOT identification number** – 415283
6. **Written reason the exemption is needed** – AF Memorandum attached with specific details. Without the exemption we cannot conduct military operations until our military members obtain a CDL. There is no funding allocation for this additional training within the Air Force Reserve Command. ARTs receive military training according to their AFSC on hazardous transportation. To circumvent the current regulation, we have to put ARTs on military orders to perform hazardous transportation movements which costs additional funding that is not allocated and forces these members to take civilian leave in order to comply. This is an unfair burden to place against our military personnel. This is a non-sensical paperwork drill that affects the moral and welfare of all involved personnel.
  - a. **Time period during which this exemption is requested** – This exemption request is for the maximum allowed time of 5 years or until our “granted” petition has been approved through the rule making process, whichever occurs first.
7. **Identify the regulation from which you are requesting an exemption** – Requesting exemption from 49 CFR 383.3 (c) *Exception for certain military drivers*. Each State must exempt from the requirements of this part individuals who operate CMVs for military purposes. This exception is applicable to active-duty military personnel; members of the military reserves; members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (**civilians who are required to wear military uniforms**); and active-duty U.S. Coast Guard personnel. **This exception is not applicable to U.S. Reserve technicians.**
  - a. In particular, the sentence highlighted in “red” above, contradicts the status of our ARTs who should enjoy the same exemption as our national guard military technicians because they are also dual status civilians who wear the military uniform in the performance of their duties.
8. **Estimate the total number of drivers and CMVs that would be operated under this exemption** – There would be no increase in drivers or CMVs as this is isolated to existing military operations; this change would allow our military members to operate as intended prior to this regulation change and eventual adoption in AF transportation guidance that is derived from 49 CFR.
9. **Assess the safety impacts the exemption may have** – There would be no increased risk, as the military training according to the requirements of the AFSCs these military members is already in place. These members have been trained, inspected, and held

accountable their entire career. The average age of ARTs across AFRC is 29 years old which means these qualified drivers have been accomplishing this job for approximately 10 years in most cases.

10. **Explain how you would ensure that a high level of safety is equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation –** These member transport items on the installation where there are multiple layers of safety requirements in place. First and second line supervisors are present for daily operations, quality assurance conducts random inspections daily, the base safety office also has oversight and increased training requirements that must be completed. Only approved routes may be used while transporting hazardous material. Placarding is always required. We comply with all CFR regulations in addition to the safety requirements that our Air Force instructions require.
11. **If the exemption is not granted what will be the impact –** The military mission will deteriorate. Manning levels are at all time lows and creating an environment that make personnel doing their job more difficult than it needs to be will result in more personnel leaving the force. This is a prime example of ‘red-tape’ getting in the way of military personnel simply trying to do their job. I have been working on this for over a year and I am no better off than when I started. We cannot afford to send every ART to obtain a CDL certification. In the event we have to do this, there will be another detrimental affect to our forces. These ARTs will start to leave the force in droves because that CDL certification will pay these members more than they currently make in most states. Our job is to accomplish the mission and the last statement within the 49 CFR 383.3 (c) “This exception is not applicable to U.S. Reserve Technicians,” has caused more difficulties than you can imagine. You’re ultimately telling a large portion of the military that their military training is not good enough to transport items on the installation they have been specifically trained to transport.

## Applicable References

**AFI36-128 Pay Setting and Allowance 17 MAY 2019** ([https://static.e-publishing.af.mil/production/1/af\\_a1/publication/afi36-128/afi36-128.pdf](https://static.e-publishing.af.mil/production/1/af_a1/publication/afi36-128/afi36-128.pdf))

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**AFI36-128 Pay Setting and Allowances 17 May 2019** ([https://static.e-publishing.af.mil/production/1/af\\_a1/publication/afi36-128/afi36-128.pdf](https://static.e-publishing.af.mil/production/1/af_a1/publication/afi36-128/afi36-128.pdf))

8.1.2. Air Force Reserve Command ART must wear the military uniform while performing civilian duties as an ART. (T-1)

**AFI36-2903 Dress and Personal Appearance of Department of the Air Force Personnel 29 Feb 24** ([https://static.e-publishing.af.mil/production/1/af\\_a1/publication/dafi36-2903/dafi36-2903.pdf](https://static.e-publishing.af.mil/production/1/af_a1/publication/dafi36-2903/dafi36-2903.pdf))

15.5.1.8. This guidance applies to Air Reserve Technicians (ARTs) who are required to wear the military uniform while performing civilian duties as an ART as outlined in AFI 36-128, Pay Setting and Allowances. ARTs must adhere to applicable dress and appearance standards in accordance with the gender reflected in their military personnel record until the exception to policy request has been approved.

**DAFI36-147 Civilian Conduct and Responsibility 11 Jan 23** ([https://static.e-publishing.af.mil/production/1/af\\_a1/publication/dafi36-147/dafi36-147.pdf](https://static.e-publishing.af.mil/production/1/af_a1/publication/dafi36-147/dafi36-147.pdf))

Air Reserve Technicians will adhere to the requirements prescribed in DAFI 36-2903, Dress and Personal Appearance of United States Air Force and United States Space Force Personnel, when wearing the military uniform in civilian status