



September 12, 2022

Docket Operations
U.S. Department of Transportation
1200 New Jersey Avenue SE
West Building, Ground Floor, Room W12-140
Washington, DC 20590-0001

**RE: [Docket No. FMCSA–2022–0148]
Comments on Commercial Driver’s License: Application for Exemption; National School
Transportation Association**

Dear Sir or Madam:

National School Transportation Association (NSTA) is pleased to offer comments to the Federal Motor Carrier Safety Administration (FMCSA) on its Commercial Driver’s License: Application for Exemption; National School Transportation Association, as published in Volume 87 Number 154, of the Federal Register on August 11, 2022.

About The National School Transportation Association

NSTA has been the leading resource for school transportation solutions and the voice for private school bus operators for over 57 years. We are a membership organization for school bus contract-operators engaged primarily in transporting students to and from school and school-related activities. Members range from small family businesses to large multi-state operators. Private school bus contractors account for 38 percent of the nation’s pupil transportation services and employ more than 250,000 individuals as bus drivers, mechanics, maintenance workers, dispatch, and office workers. School transportation represents the largest form of mass transportation in the United States, and daily, almost 26 million K-12 students are transported by an estimated 480,000 yellow school buses.

The Nationwide Driver Shortage Continues to Plague School Bus Operators throughout the Country

In its previous 90-day waiver filings, FMCSA noted a survey that shows the nationwide School Bus Driver Shortage has been a persistent issue affecting student transportation, and the lingering effects of the Covid-19 pandemic have exacerbated dynamics within the industry. This poll, commissioned in July and August 2021 and responded to by 1,500 school transportation professionals, outlined that over half of the respondents were experiencing a severe driver shortageⁱ.

A more recent survey conducted by NSTA in March 2022, showed that market forces did not improve measurably and that 94 percent of survey participants responded they were not at expected bus driver staffing levelsⁱⁱ. Additionally, the survey showed that in many cases, the driver shortage was categorized as “severe” by respondents. Overall, 57 percent of poll participants experienced a 10 percent shortage of drivers, while 11 percent of respondents were down over 20 percent.

In trying to address the concerns of our members, and based upon our continual engagement with them, it has been determined that one of the main barriers to entry for becoming a school bus driver is the “under the hood” portion of the Commercial Driver’s License (CDL) exam. With that, NSTA wholeheartedly supports a 5-year Exemption that would waive 49 CFR 383.113(a)(1)(i), which requires that CDL applicants must possess basic engine compartment pre-trip vehicle inspection skills for the

National School Transportation Association

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vehicle class the driver operates or expects to operate. Subparagraph (i) requires applicants to identify each safety-related part of the engine compartment and explain what needs to be inspected to ensure a safe operating condition of each part. In accordance with the American Association of Motor Vehicle Administrators' "2005 CDL Test System (July 2010 or newer Version) Model CDL Examiner's Manual" (AAMVA Test Model), which FMCSA has approved and provides to all State Driver Licensing Agencies (SDLAs), the engine compartment portion of the pre-trip vehicle inspection skills test includes: oil level; coolant level; power steering fluid/belt/gear; water pump belt/gear; alternator belt/gear; air compressor (belt/gear) or hydraulic master cylinder (as applicable); and leaks/hoses. Pursuant to the terms of this voluntary waiver, States may waive the engine compartment portion of the pre-trip vehicle inspection skills test only for applicants seeking a CDL with the S and P endorsements¹ and the intrastate only (K) restriction. States must continue to test these applicants on the remaining elements of the pre-trip vehicle inspection skills test.

A 5-Year Exemption from "Under the Hood" Testing Requirements Removes a Barrier to Entry

This past June in Pennsylvania, a "Report of the Advisory Committee for House Resolution 15 of 2021" was published, and it considered aspects of the school bus driver shortage affecting the Commonwealth of Pennsylvania. According to the report, the "under the hood" portion of the CDL test was by far the most difficult portion of the exam according to drivers. According to one of the surveys conducted by the Joint State Government Commission indicated that the under the hood testing proved to be the most difficult portion of the CDL exam. Graphs provided within the report note that approximately 48 percent of respondents believe the under the hood portion of the exam was difficult or very difficultⁱⁱⁱ.

Additionally, the report noted **that school bus drivers do not conduct maintenance on their vehicles in the event of mechanical issues.** This factor alone calls into question the rationale for continuing a requirement that appears to be outdated. Additionally, the report noted that school bus drivers do not conduct maintenance on their vehicles in the event of mechanical issues. This factor alone calls into question the rationale for continuing a requirement that appears to be outdated. The report also concluded that school bus drivers could continue to conduct a thorough pre-trip inspection – without intimate knowledge of engine components. For example, if a fluid leak occurs, it matters not what engine component is affected, the driver can still identify the leak in their pretrip inspection, a maintenance technician would be notified, and a spare bus used for the run.

In fact, the Pennsylvania report determined that the "under the hood" portion of the CDL test was such a barrier, that the first recommendation for FMCSA was to establish a "School-Bus-Only" CDL, which would exempt drivers from under the hood testing^{iv}.

Current Utilization of the "Under the Hood" Waiver has shown a Significant Impact

As you know, the Agency has issued three separate 90-day waivers of the under the hood testing requirements for CDL candidates seeking to become a school bus driver. Currently, eight states have implemented the waiver (Florida, Kansas, Maine, Maryland, New Jersey, Oklahoma, Texas, and Wisconsin.) While the number of states that have implemented the waivers has been limited, there has been a demonstrated and tangible evidence that clearly shows the exponential effect of this change.

According to data gathered from NSTA partners in states where the waiver has been adopted and utilized, 186 drivers have already been licensed under the waiver. If you extrapolate that number further, assuming that the average school bus transports 70 children, this waiver had been the impetus for approximately 12,800 students get to school daily.

Additionally, one of the main barriers to more widespread adoption of the 90-day waivers that NSTA has uncovered was the time element. According to some states, a ramp up time of six to 12 months is necessary for many State Driver's License Agencies (SDLAs) address upgrades and changes to their Information Systems. While this information is anecdotal, it should be noted that SDLAs have provided this information in public forums, such as public meetings of state school bus operator associations. With this in mind, and given a five-year window to effectuate changes, we believe that SDLAs could and should dedicate the resources necessary to carry out this edict if adopted by FMCSA.

NSTA also believes that it behooves SDLAs to fully consider and embrace the evolution of student transportation in the area of licensure and operation of Electric School Buses (ESBs). Specifically, SDLAs must be mindful that the "under the hood" requirement will become wholly obsolete as electrification of the school bus fleet continues. You should know that the Biden Administration has an aspirational goal of turning the entire school bus fleet over to ESBs over the next decade, and currently, more ESBs continue to be deployed by operators, which begs the question: Currently, can an operator have an applicant take the Behind the Wheel test utilizing an Electric School Bus?

An Exemption from the "Under the Hood" Testing Requirement will not Negatively Impact Safety

It is the opinion of NSTA that an exemption from the under the hood testing requirement does not negatively affect safety. Recall that school bus drivers cannot leave the school bus in order to address mechanical issues or breakdowns, as drivers are required to remain with students. In addition, school bus routes typically do not cover great distances, and in most cases are usually in a 30-mile radius of the bus depot. When a bus breaks down or experiences a mechanical issue, dispatch is called, and an operator immediately sends a spare bus to the location. At this point, staff transitions students to a replacement bus, and technicians at the depot address the mechanical issue. At no time does the driver attempt or engage in the repair of the bus.

Further, according to the last waiver decision from FMCSA on June 30, 2022, it has been determined by FMCSA that by waiving the under the hood portion of the CDL exam, the level of safety is equivalent to the level of safety without the waiver^v. The waivers accurately acknowledge that the safest form of home-to-school transportation for students is the yellow bus, and fostering a shrinking bus driver pool through an outdated requirement – clearly is not in the best interest of students and school districts. The de facto result of continuing to ignore the realities of the job market actually puts more children at risk by forcing students to walk or be driven to school in individual vehicles.

Furthermore, FMCSA stated, "safely and reliably transporting school-aged children plays a critical role in contributing to the economy by allowing parents and caretakers to get back to work.^{vi}" Combined these factors indicate the benefits to granting this exemption far outweigh any perceived harm, and NSTA has not been presented negative safety data that indicates otherwise.

Summary and Conclusion

In conclusion, the nationwide driver shortage continues to plague the student transportation system, and operators around the country still feel its impact. As such, Agency approval of a 5-year under the hood exemption would alleviate a barrier of entry to the field, and it begins the process of modernizing the CDL process for school bus drivers. Current utilization of the waiver clearly shows that additional drivers have been added to the driver pool, and these drivers have gotten students safely to school.

We respectfully ask that FMCSA approve this Exemption Application of the “under the hood” portion of the CDL exam for the reasons we have outlined. We note that the temporary 90-day waivers have proven to have a positive impact on the industry, and 5-year exemption would add clarity for SDLAs – many of whom are unsure about the permanent nature of this change.

NSTA appreciates the opportunity to offer comments on Docket No. FMCSA–2022–0148, and we look forward to a continued dialogue with the Agency in monitoring the results of this change to ensure that the school bus remains the safest form of transporting students to school. If you have any questions, or further clarification on our comments is required, please do not hesitate to contact me at 703-684-3200 ext. 700, or via email at cmacysyn@yellowbuses.org.

Sincerely,



Curt Macysyn
Executive Director
National School Transportation Association

ⁱ [NAPT, NASDPTS, and NSTA Press Release of Findings of School Bus Driver Shortage Survey, August 31, 2021](#)

ⁱⁱ [NSTA Flash Poll Shows School Bus Driver Shortage Remains Priority Issue, March 17, 2022](#)

ⁱⁱⁱ The School Bus Driver Shortage in the Commonwealth of Pennsylvania, June 2022, pg. 71.

[http://jsg.legis.state.pa.us/resources/documents/ftp/publications/2022-06-13%20\(HR15\)%20JUNE%202022%20FINAL%20REPORT.pdf](http://jsg.legis.state.pa.us/resources/documents/ftp/publications/2022-06-13%20(HR15)%20JUNE%202022%20FINAL%20REPORT.pdf)

^{iv} Ibid. pg. 117

^v Waiver of Certain Pre-trip Vehicle Inspection Skills Test Requirements for Certain School Bus Drivers, Federal Motor Carrier Safety Administration, June 30, 2022, <https://www.fmcsa.dot.gov/registration/commercial-drivers-license/waiver-certain-pre-trip-vehicle-inspection-skills-test>

^{vi} Ibid. pg. 3