



December 20, 2021

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 2021–0131
Entry-Level Driver Training: Application for Exemption; Ohio Department of Education**

Dear Sir or Madam:

The National School Transportation Association (NSTA) is pleased to offer comments to the Federal Motor Carrier Safety Administration (FMCSA) Entry-Level Driver Training: Application for Exemption; Ohio Department of Education, as published in Volume 86 Number 220, of the Federal Register on November 18, 2021.

About National School Transportation Association

NSTA is the leading resource for school bus transportation solutions and the voice for private contractors for over 55 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 serving one school district, to large corporations operating tens of thousands of buses across multiple states. Regardless of size, our operators are staunchly committed to the safe and efficient transportation of our nation’s schoolchildren. 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, as school buses outnumber other forms of public transportation vehicles almost 3.5 to 1. School buses are the transportation mode of choice by about a third of school-aged kids, who take a collective total about 52 million trips a day. All other forms of mass transportation have 34 million daily boardings combined, and transport only 10 percent of American commuters each day, including children who ride the city transit bus to class rather than the yellow bus.

Daily, almost 26 million K-12 students are transported by an estimated 480,000 yellow school buses. Every day, the lives of these children are entrusted to certified school transportation professionals, who have received special training and have the experience to ensure the safe transport of students. School buses remain the safest way to transport a child to-and-from school, and school-related activities, as they are the most regulated form of transportation. Students are significantly safer riding to and from school in a school bus than walking, riding bikes, or riding/driving in their family car. The number of fatalities of school age children traveling to and from school, per 100 million vehicle miles traveled (VMT), is 70 times higher in passenger vehicles than in school buses.

NSTA believes that the Ohio Department of Education’s (ODE) request for exemption from the new Entry Level Driver Training (ELDT) standards highlights potential concerns that are likely to affect several other states once the standards are implemented, and it represents a topic worthy of discussion.

National School Transportation Association

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623 North Broad Street | Lansdale, PA 19446 | (703) 684-3200 | info@yellowbuses.org | www.yellowbuses.org

To this very point, when ELDT was in previous regulatory review with the Agency, FMCSA appears to concede this fact in response to that rulemaking. At that time, the Agency stated:

“FMCSA agrees with commenters who suggest that, to the extent duplication between the CLP knowledge test and ELDT theory training exists, it should not be minimized or eliminated because some degree of repetition benefits driver-trainees by reinforcing the core concepts of safe CMV driving. Therefore, as proposed, all of the curricula in today’s rule retain a theory-training component.

As several commenters noted, the CLP knowledge test and ELDT theory training serve separate and distinct functions in CMV driver education. Theory training, as set forth in today’s rule, is designed to provide driver-trainees with substantive understanding of the operating characteristics of the vehicles they intend to operate, safe driving practices, and the legal and medical requirements related to CMV driving. The CLP knowledge test is designed to assess whether CDL applicants have sufficient knowledge of basic concepts related to the safe operation of CMVs. FMCSA believes that the two approaches each represent important and distinct elements of CMV driver education.

In response to comments suggesting that certain driving skills, such as hazard perception and skid control and recovery, be removed from the Class A and Class B BTW public road curricula and retained as theory topics only, FMCSA notes that these skills are not necessarily intended to be performed by the driver-trainee. In the NPRM, the following BTW skills were specifically designated as “appropriate for discussion during public road training or simulated, but not necessarily performed” (emphasis added): Hazard perception, railroad (RR)-highway grade crossing, night operation, extreme driving conditions, emergency maneuvers/skid avoidance, and skid control and recovery (81 FR 11944, 11973 (March 7, 2016)).”

We bring this to the Agency’s attention due to the severe school bus driver shortage crisis throughout the United States, and the very real anticipation that ELDT implementation promises to impact the ability to effectively qualify and license new bus driver candidates. While efforts to ensure the proper qualification of drivers remains laudable, and embraced by student transportation as evidenced by our stellar safety record, it remains imperative that the system be void of duplication and redundancy. At their core, duplication and redundancy merely act as impediments to the objective of getting newly qualified and licensed drivers behind the wheel of a school bus in the most efficient way possible.

To this point, this past summer, a joint survey conducted by the National Association of Pupil Transportation (NAPT), the National Association of State Directors of Pupil Transportation Services (NASDPTS), and NSTA showed that 65 percent respondents stated that the driver shortage was their number one problem. In addition, more than three-quarters of all respondents (78%) indicated that the school bus driver shortage is getting “much worse” or “a little worse”.

Also, the survey indicated that when it comes to the ability to recruit school bus drivers, 43 percent of respondents said that obtaining a CDL is a “major” problem.

As we know, home-to-school transportation is vital to the K-12 educational system throughout the country, and any factor that disrupts a child’s ability to be transported to school, thus disrupts the educational landscape for children, especially in disadvantaged communities. Therefore, the school bus



driver shortage is not merely an inconvenience, and it needs to be addressed in a comprehensive and thoughtful manner.

With respect to this specific request for exemption, NSTA asks the Agency to review it holistically, and not merely as a “carve-out” for a particular state, because there are likely similarly situated states. It is incumbent upon FMCSA to work with well-intentioned states like Ohio to ensure that Entry Level Driver Training is implemented effectively and efficiently. We believe there appears to be an opportunity for states to collaborate with the Agency, without detracting from either the state program or ELDT.

Finally, NSTA respectfully points out that school bus driver training remains an ongoing professional training process on which school bus operators place great emphasis. Therefore, ELDT represents one-step in a very long journey - in an industry that prides itself on its stellar safety record. In the current environment, regulators and the industry must continue to be nimble as dissipation of the current driver shortage relies upon attracting and qualifying new school bus drivers.

NSTA sincerely appreciates the opportunity to offer comments on the FMCSA 2021-0131, and look forward to further engagement with FMCSA on this important matter. If further clarification is required, please do not hesitate to contact me at 703-684-3200 ext. 700, or via email at cmacysyn@yellowbuses.org.

Yours truly,

A handwritten signature in black ink, appearing to read "Curt Macysyn", is positioned above the typed name.

Curt Macysyn
Executive Director
National School Transportation Association