



June 9, 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–2022–0079]
Comments on “State Inspection Programs for Passenger-Carrier Vehicles”**

Dear Sir or Madam:

The National School Transportation Association (NSTA) is pleased to offer comments to the Federal Motor Carrier Safety Administration (FMCSA) State Inspection Programs for Passenger-Carrier Vehicles, as published in Volume 87 Number 90, of the Federal Register on May 10, 2022.

About The 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 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. Daily, almost 26 million K-12 students are transported by an estimated 480,000 yellow school buses.

NSTA is concerned about disruption to the current system

NSTA finds that the proposed rulemaking to potentially implement further inspection program requirements on passenger-carrier vehicles to be concerning. If this is the intent of the proposal, it may create additional and unnecessary stresses on the student transportation system. As you know, overall school buses have proven to be the safest mode of transportation to transport student to the classroom. According to the National Highway Traffic Safety Administration (NHTSA), 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. One aspect of this stellar safety record is the comprehensive training that school bus drivers complete, and another important aspect is vehicle maintenance. Based on these statistics, it can be surmised that the existing student transportation system has been successful in maintaining and removing vehicles that do not meet our rigorous standards.

According to feedback received from NSTA State Association members, most states already provide thorough inspection programs and standards for school buses. Further, during a time where industry continues to experience major labor shortages, NSTA believes that the implementation of additional requirements may serve to further stress an already overburdened system. In addition, NSTA is providing more information based off feedback we have received from our state association partners on specific questions FMCSA asked in its proposal.

National School Transportation Association

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Question 5: What is the estimated time required to complete each vehicle inspection?

According to NSTA state association members, an inspection of a single vehicle takes approximately one hour in duration for inspection, and up to four hours of prep by on-site technicians prior to the inspection commencing.

Question 8: Are mandatory vehicle inspections performed by State employees, by third party inspectors authorized by the State, or by passenger carrier employees through a State-authorized self-inspection program?

In states that responded to the NSTA request for information on their state inspection programs, operators note that State Police, State Highway Patrol, or the State Department of Transportation is usually conducting these inspections, and these programs are widely considered comprehensive and thorough.

Question 12: Should self-inspection or third-party inspections be options for compliance with a mandatory State inspection?

NSTA believes that self-inspection should continue to be an option for school bus operators. Student transportation has been the model of safety throughout its history, and statistics bear this out. The industry already has an exemplary safety record, and it should continue to hold the responsibility to self-inspect its fleet.

In addition, NSTA believes that self-inspection allows state regulators and law enforcement to focus time and resources to address more pressing student safety issues – like the illegal passing of school buses.

Question 21: After a State inspection requirement was instituted, what changes were observed over time in the number of safety violations discovered during inspections, if any?

From states that have implemented their own state inspection programs, we have found that revisions have been made as necessary, and overall state inspection programs are generally operating effectively and efficiently. As such, there is no evidence that additional inspection requirements for school buses have directly led to an increase in violations. Most of the implemented changes appear to be responsive to enhancements of school buses, rather than to address omissions in existing inspection programs.

Question 23: Where does your State conduct mandatory passenger-carrying CMV inspections (e.g., State owned/leased facility, third party facility, carrier's place of business, or other type of facility)?

NSTA has found that the vast majority of school bus inspections take place at contractor location, and are supervised by safety/mechanical professionals. To have inspections at offsite locations increases the burden on school bus operators navigating the inspection process, by requiring operators to drive buses to-and-from offsite locations. This type of system taxes staff and the fleet, while not providing an increased level of safety. FMCSA should consider the dearth of workers willing and able to execute this program, as a primary consideration in whether or not to move forward.

According to the TechForce Foundation – 2021 Technician Supply and Demand Report, the outlook for diesel technicians remains concerning. The report states, “In a very similar situation to the automotive sector, diesel new entrant demand shows a large spike in 2021, and the reasons for it are similar. Over 21,000 unfilled positions remain from 2020, as well as an additional loss of nearly 6,000 diesel technician jobs. When you add in the jobs that will be vacated in 2021 by retirements, turnover and transfers you are looking at a demand of nearly 55,000 positions for the year.”

Question 25: If mandatory passenger-carrying CMV inspections are conducted at the carrier's place of business, what accommodations must be made to ensure appropriate access (e.g., pits, lifts, etc.) to conduct full inspections of Motorcoaches and other large passenger vehicles?

According to our state association partners, inspections that take place on location require pits and lifts for the full inspection to be conducted properly.

Summary and Conclusion

In conclusion, NSTA finds that proposed rulemaking to potentially implement further inspection programs for passenger-carrier vehicles may be unnecessary based upon information we have gathered. As such, we do not support implementing of rules that remove or limit an operator's ability to self-inspect. Such a restriction will likely create additional burdens on school bus operators, without providing noticeable safety enhancement.

In addition, a parallel federal program could serve to complicate the existing inspection framework, and as we have recently seen with the implementation of Entry-Level Driver Training (ELDT). Conflicting, duplicative, and competing state and federal programs undermine the good intentions of these programs, and unnecessary competitive programs could erode the existing fabric of state-run inspection programs for school buses. As you know, state inspection programs already have an established record of accomplishment in ensuring that school buses continue to be the safest form of transportation in the United States.

We believe that due to the existence of successful and well-operated state programs currently in place that a federal program should be considered very carefully against the existing framework. We are concerned, after seeing first-hand the imposition of Entry-Level Driver Training (ELDT) rules this February, that duplication of requirements may be an unfortunate by-product of this proposal.

For example, implementation of ELDT caused consternation in several states that had existing and comprehensive school bus driver training programs – that had been operational and successful for many years. Routinely, NSTA generally supports initiatives that propose to provide an increase in net safety to students. Unfortunately, we do not anticipate that this initiative will ultimately provide any net benefit that justifies altering the current landscape.

NSTA appreciates the opportunity to offer comments on Docket No. FMCSA–2022–0079, and looks forward to further engagement with FMCSA on this important matter. If you have any questions, or further clarification 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