



November 22, 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 Number FMCSA–2022–0062; RIN 2126–AC54]  
Comments on Unique Electronic Identification of Commercial Motor Vehicles**

Dear Sir or Madam:

National School Transportation Association (NSTA) is pleased to offer comments to the Federal Motor Carrier Safety Administration (FMCSA) on its Unique Electronic Identification of Commercial Motor Vehicles, as published in Volume 87 Number 184, of the Federal Register on September 23, 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.

**NSTA Opposes Additional Burdens to the School Bus Industry**

NSTA believes that a requirement that Commercial Motor Vehicles (CMVs) be equipped with Unique Electronic Identification (EID) devices represent an unfunded mandate to operators, and we are deeply concerned about the dramatic effect that this regulation may impose on school bus operators. The potential requirement of electronic identification devices adds an additional regulatory burden to an existing cadre of federal, state and local requirements in student transportation, and in the process may subject operators to security breaches.

Overall, NSTA has several concerns with the implementation of this proposal:

1. The first concern centers on the sensitive data that could be readily accessed by non-law enforcement entities and bad actors. If these devices have the capability of being accessed and read by law enforcement agencies, in public spaces, including public weigh stations, NSTA is concerned that non-law enforcement personnel can surreptitiously gain access to sensitive data. As you know, cybersecurity is a major concern in the United States, and it has not yet been proven that EIDs are secure and not susceptible to hacking and data breaches. School bus contractors transport students daily, and any data breach related to the industry remains unacceptable.

2. NSTA views the implementation of these devices as a potential security risk for students and bus drivers. To this point, we should be mindful and careful as to what data will be contained on EIDs. Will student information be contained? Will driver health information be contained? Will student bus route information be contained? If the answer is yes to any of these questions, then a data breach would likely have a major ripple effect to potentially vulnerable populations.
3. Additionally, if sensitive personal information is captured on EIDs through regulatory mandates, then this could have a chilling effect on individuals applying to become school bus drivers. Any decrease in applicants becomes cause for concern, due to the existing bus driver shortage.
4. Lastly, a major concern that NSTA has identified with this potential requirement is the cost of electronic identification devices for CMVs. NSTA conducted research on these devices, and there is not a clear cost analysis currently available for the EIDs on the market. Considering that some school bus fleets can consist of hundreds of buses, the required installation of these devices would amount to a significant expenditure for school bus operators.

NSTA would like to highlight these questions and concerns, and we are asking that the Agency be thoughtful and thorough as it considers an overall cost to benefits analysis of this initiative. Specifically, FMCSA seeks information regarding costs, burdens, and the current usage of these devices, and we would like to emphasize that this information should be ascertained before a proposal is published. As spelled out earlier, cost information for these technologies cannot be accessed readily by our industry, and it would seem that technology developers could set a cost prohibitive market, especially if this requirement precedes market development. In addition, small-scale product testing of these devices before considering a final rule would seem to be imperative.

NSTA appreciates the opportunity to offer comments on FMCSA–2022–0062, and we look forward to a continued dialogue with the Agency in monitoring the results of this change. 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](mailto:cmacysyn@yellowbuses.org).

Sincerely,



Curt Macysyn  
Executive Director  
National School Transportation Association