



March 20, 2023

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-2018-0037; RIN 2126-AC17]
Safe Integration of Automated Driving Systems (ADS)-Equipped Commercial Motor
Vehicles (CMVs)**

Dear Sir or Madam:

National School Transportation Association (NSTA) is pleased to offer comments to the Federal Motor Carrier Safety Administration (FMCSA) on its Safe Integration of Automated Driving Systems (ADS) -Equipped Commercial Motor Vehicles (CMVs), as published in Volume 88 Number 21, of the Federal Register on February 1, 2023.

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, approximately 25 million K-12 students are transported by an estimated 480,000 yellow school buses.

ADS Systems Must be able to Identify School Transportation Vehicles

NSTA appreciates the leadership role taken by the Federal Motor Carrier Safety Administration (FMCSA) as automated driving systems (ADS) continue their development and deployment in the commercial motor vehicle realm. At this stage, it remains crucial during this part of technological development that the Agency continues to recognize the importance of Automated Driving Systems - Equipped Commercial Motor Vehicles (ADS-CMV) being functionally able to clearly identify and properly interact with school transportation vehicles.

At face value, NSTA agrees with the Agency assessment of ADS Levels 0-3, mainly that currently there does not appear to be a need to revise the Federal Motor Carrier Safety Regulations (FMCSRs) to address the integration of Levels 0-3 equipment. This conclusion is mostly due to the fact that a licensed human CMV driver must be seated behind the wheel and be ready to take control of these vehicles at all times to perform, or be ready to take over in dynamic

National School Transportation Association

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driving tasks - when called upon. Alternatively, we understand that the focus of this notice revolves around Level 4 and 5 ADS-equipped CMVs because it is only at these levels that ADS can control all aspects of the dynamic driving task - without any expectation of an intervention from a human driver.

Undoubtedly, this area causes the most consternation from within our organization.

As mentioned previously, school transportation is the largest form of mass transportation in the United States, with nearly 25 million children being transported home-to-school daily, and with approximately 480,000 school buses on the road each day, we can safely assume there will always be significant vehicular interaction between ADS-CMVs and school transportation vehicles.

Also, NSTA would like to highlight that school buses operate routes that include frequent stops with students entering and exiting our vehicles. School buses are equipped with flashing amber and red lights along with stop signs to alert other motorists of this activity and signal the need for other motorists to stop during loading and unloading. Therefore, ADS-CMVs must be able to recognize these lighting systems and properly engage when school buses are frequently stopping to pick up or drop off student passengers. Additionally, ADS-CMVs must be able to detect the presence of school children around the perimeter of the bus at pick up and drop off.

NSTA wants to emphasize to FMCSA that organizationally we continue to be concerned of the burgeoning epidemic of illegal school bus passings, so it remains imperative that deployment of ADS-CMVs does not exacerbate the current condition. According to the 2022 Illegal Passing Survey (September 2022) conducted by the National Association of State Directors for Pupil Transportation Services (NASDPTS), there were nearly 80,000 Illegal School Bus Passings reported on the reported on the single day they conducted the survey. Extrapolating this date indicates that through the course of a 180-day school year, these sample results envision more than 41.8 million violations per year among America's motoring public¹.

As such, with Level 4 and 5 ADS-CMVs having limited or no intervention from human drivers, the Agency must ensure that these vehicles can safely navigate in-and-around school buses. As you know, school buses are already equipped with many safety systems to keep student passengers out of harm's way, and a vital part of the development of these systems revolves around the development and enhancement of V2V communications. Right now, we cannot strictly depend upon V2V communication and internal technological enhancements to keep our students safe and out of harm's way, however.

As things stand right now, NSTA believes a driver who is physically present and behind the wheel of ADS-CMV should be the regulatory standard. This requirement ensures that the driver can take control of the vehicle in the event of ADS technology malfunction. To be clear, NSTA realizes ADS technology may be beneficial to some Commercial Vehicle operators, but first and foremost, FMCSA must always ensure that implementation of Automatic Driving Systems can be accomplished without sacrificing the safety of the other sectors of the motoring public.

In conclusion, NSTA recognizes the potential benefits of emerging technologies like ADS-equipped CMVs and the potential of what they can provide for certain members of the transportation sector. The Association wants to ensure before widespread adoption of ADS-CMV that these vehicles are fully expected to safely interact with all other motorists.

NSTA appreciates the opportunity to offer comments on FMCSA-2018-0037, and we look forward to a continued dialogue with the Agency in monitoring the results of these initiatives. If you have any questions, or need further clarification on our comments is required, please do not hesitate to contact me via email at cmacysyn@yellowbuses.org, or via telephone at 703-684-3200, ext. 700

Sincerely,



Curt Macysyn
Executive Director
National School Transportation Association

ⁱ “Annual NASDPTS Survey Highlights Danger of Passing School Buses”, September 8, 2022, National Association of State Directors of Pupil Transportation Services, <https://nasdpts.org/resources/Documents/2022%20NASDPTS%20Illegal%20Passing%20Results%20Press%20Release%209-2022%20FINAL.pdf>