

May 16, 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-2022-0066]  
Revised Carrier Safety Measurement System**

Dear Sir or Madam:

National School Transportation Association (NSTA) is pleased to offer comments to the Federal Motor Carrier Safety Administration (FMCSA) on its Safety Measurement System, as published in Volume 88 Number 31, of the Federal Register on February 15, 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.

**NSTA Supports the FMCSA Efforts to Increase Roadway Safety**

NSTA supports FMCSA efforts to streamline the Carrier Safety Measurement System (SMS), specifically the initiative to consolidate safety violation categories. NSTA believes that the consolidation of these categories can reduce confusion for operators. Further, NSTA concludes that placing greater focus on recent violators, if implemented properly, can shift the focus of the initiative to the more prevalent "at-risk operators".

NSTA also supports the effort by FMCSA to mitigate sudden jumps in percentiles that could serve to inaccurately move operators into higher safety event groups. We believe that taking sufficient time to adequately evaluate a carrier's placement in the appropriate group will result in a more accurate identification of "at-risk operators".

Even though NSTA supports this proposal conceptually, there are several areas of concern NSTA has with the proposed changes. For instance, when considering the impact of recent violations, FMCSA needs to take into account the size of the operator. Depending upon the varying

**National School Transportation Association**

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623 North Broad Street | Lansdale, PA 19446 | (703) 684-3200 | [info@yellowbuses.org](mailto:info@yellowbuses.org) | [www.yellowbuses.org](http://www.yellowbuses.org)

circumstances, large or small operators could be adversely affected by a more robust focus on recent violations. By volume, larger school bus operators will be on the road more often, therefore maybe more susceptible to receive a motor vehicle violation; while conversely, the reverse effect may be true for smaller operators – with smaller carriers being less susceptible to receiving violations.

An additional concern NSTA has is the change from the scale of 1-10 to only 1 and 2 in the updated violations scale. This change could result in a lack of needed depth with respect to various violations, as having only two options on this scale will potentially obfuscate the severity of a particular violation. As you know, the previous 1-10 scale allowed for a more accurate depiction of safety violations committed.

NSTA recognizes that there may have also been difficulty distinguishing violations on a scale of 1-10, but once again, shifting to only two options may remove the necessary context to separate severe violations from ones that are not as drastic.

### **Summary and Conclusion**

In conclusion, NSTA appreciates the FMCSA effort to support and improve roadway safety, and we believe that the Agency should continue to streamline safety programs such as SMS. NSTA believes that these changes to SMS are a step in the right direction, but remained concerns about the potential adverse impacts that these changes could have on large and small operators, as well as the change from a 1-10 scale to only 1 and 2.

NSTA appreciates the opportunity to offer comments on FMCSA–2022–0066, and we look forward to a continued dialogue with the Agency in monitoring the results of this initiative.

If you have any questions about our position, or need further clarification on our comments is required, please do not hesitate to contact me via email at [cmacysyn@yellowbuses.org](mailto:cmacysyn@yellowbuses.org), or via telephone at 703-684-3200, ext. 700

Sincerely,



Curt Macysyn  
Executive Director  
National School Transportation Association