



March 23, 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–2021–0174]  
Agency Information Collection Activities; Approval of a New Information Collection Request:  
Effectiveness of Third-Party Testing and Minimum Standards for Commercial Driver’s License  
(CDL) Knowledge and Skills Tests**

Dear Sir or Madam:

National School Transportation Association (NSTA) is pleased to offer comments to the Federal Motor Carrier Safety Administration (FMCSA) on its Agency Information Collection Activities; Approval of a New Information Collection Request: Effectiveness of Third-Party Testing and Minimum Standards for Commercial Driver’s License (CDL) Knowledge and Skills Tests, as published in Volume 88 Number 34, of the Federal Register on February 21, 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, almost 25 million K-12 students are transported by an estimated 480,000 yellow school buses.

**NSTA Believes Entry Level Driver Training has created a Burdensome Training Process**

As you know, the school bus industry has been navigating a driver shortage, that was largely regionalized prior to the Covid-19 pandemic, but effects of the pandemic have clearly impacted staffing levels from 2020 until the present. As NSTA continues to highlight, school bus operators throughout the country continue to experience driver shortages, and in many cases, these shortages have impacted the ability for operators to provide student transportation services in some areas. According to a survey conducted by our organization, the National School Transportation Association (NSTA) in March 2022, an overwhelming number (94%) of respondents indicated that they were below expected bus driver staffing levels. Furthermore, a majority of respondents (54%) to the survey indicated that they were more than 10% short of drivers. Therefore, streamlining the commercial driver’s license (CDL) process has emerged as an area of focus for our organization.

In previous comments submitted to the Agency, NSTA highlighted the success of the New York State Behind-the-Wheel Third-Party testing pilot program. This program exemplified the benefits of streamlining the testing and retesting process, and how further reasonable modifications can assist operators in effectively addressing the driver shortage. It should be noted that Third-Party testing

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programs have not sacrificed standards, while still providing tangible relief to school bus operators. Similarly, NSTA believes that many state school bus driver training programs continue to provide exemplary training and result in school bus remaining the safest form of home-to-school transportation. However, with the advent last year's implementation of new Entry-Level Driver Training (ELDT) standards, NSTA also feels that many state programs provide at least equal (most exceed) ELDT standards. However, due to the implementation of ELDT, a more complex training cadence has developed that lengthens the licensing process, and even deters some applicants from ultimately becoming a school bus driver.

Recently, NSTA spoke with several driver trainers about the impact of ELDT on their programs. The common theme from both trainers is that ELDT has created more complexities, and in certain area subject applicants through duplicative training.

### **ELDT Requirements have resulted in Redundancies**

Since the advent of ELDT, NSTA has engaged in discussions with trainers about redundancies within in states with an existing state school bus training program. Specifically, in the state of Illinois, those interested in becoming a school bus driver must first obtain their "school bus eligibility card", this requirement puts individuals through a knowledge, passenger, and school bus tests. In most cases, none of mandated training from this class is paid training, and this can be an area where many driver applicants leave the process due to lack of compensation. It should be noted that following the completion of these tests, applicants can be hired, and then go through a paid training program from an individual operator.

In the specific case we cite, the driver-training program from the operator covers both ELDT and state requirements, and this causes delays the driver from being able to receive behind-the-wheel testing. Upon review of the Illinois School Bus Driver Manual, NSTA confirmed its beliefs that the ELDT requirements are indeed duplicative of the Illinois State manual. According to an Illinois-based trainer that NSTA, the required repetitive trainings have resulted in driver applicants dropping out of the program to seek employment in different industries. During a period of time where operators are struggling to hire drivers, we cannot afford to lose candidates. The following bullet points illustrate duplicative sections in ELDT, which can be also be found in the enclosed Illinois Professional School Bus Driver - Training Curriculum:

- Danger Zones and Use of Mirrors Unit D1.1
- Loading and Unloading Unit D1.2
- Vehicle Orientation Unit D1.3
- Post-Crash Procedures Unit D1.4
- Emergency Exit and Evacuation Unit D1.5
- Railroad-Highway Grade Crossings Unit D1.6
- Student Management Unit D1.7
- Special Safety Considerations Unit D1.8
- Pre-and Post-Trip Inspections Unit D1.9
- School Bus Security Unit D1.10
- Route and Stop Reviews Unit D1.11

Additionally, the Illinois curriculum goes above and beyond ELDT training in these areas:

- School Bus Security
- Reference Point Driving
- Steering
- Shifting Gears
- Turning
- Speed Limits
- Defensive Driving
- Emergencies
- Natural Disasters
- Universal Precautions
- First Aid
- Special Education and the Professional Driver

Further, upon finalization of ELDT, a Pennsylvania-based trainer spent significant time revising the existing training program in an attempt to better align it with ELDT requirements, but redundancies still existed after the revisions. Additionally, the trainer assisted the State of Pennsylvania update their school bus driver manual, known as “Pub 117”, and attached to these comments as “Exhibit 1.” To be clear, this endeavor was a multiyear process that not all operators have, or can be expected to have, the resources to do so.

Overall, NSTA was told that the current amount of time it takes from applicant stage to licensed school bus driver reaches approximately 12 weeks in total. This represents an increase from pre-ELDT days, and it stems from the addition of, in some cases, redundant ELDT training. Given the current work force climate, NSTA can say with certainty that many candidates simply “wash out” of the CDL process. Keep in mind that when a candidate leaves a training program before a formal test is taken, there will no record of test failure at the State Driver’s License Agency (SDLA) level, so test failures should not be solely relied upon as this important issue is considered.

To emphasize this point, while the state of Pennsylvania sought to align their existing State Program with ELDT as closely as possible, we still find that repetitive requirements of the process (and testing) are detrimental to getting drivers behind-the-wheel in an efficient manner, and these efficiencies would not compromise safety. Additionally, trainers cited that there are challenges with adult learners that can be intimidating to applicants, especially with the increased testing resulting from the implementation of ELDT.

Another area that NSTA reviewed was the state of Delaware, and we learned that since enactment of ELDT, the State now requires potential drivers to take an additional online course that takes approximately 30 hours to complete, and depending upon the applicant, it can take longer. Adding to the complexity for candidates is the fact that the State of Delaware provides no option for Third-Party Testing, and it becomes clear that coupled together these challenges result in a palpable backlog of CDL applicants seeking licensure.

Similarly, ELDT has caused delay issues in the state of New Jersey. The implementation of ELDT has caused a backlog of testing in the state. The duplicative requirements seen in ELDT have caused greater delays for new drivers to become fully qualified, tested, and licensed. Because of the testing and retesting delays (especially retesting delays), we understand that companies that can send drivers to other states are doing so.

### **Summary and Conclusion**

In conclusion, NSTA believes that the duplicative nature of ELDT training requirements has made the hiring, qualifying, and licensing process more difficult for school bus operators throughout the country. In an era when the industry faces a significant driver shortage, we believe greater focus can be placed on creating synchronization and efficiencies in driver training. Instead, we actually see a more complex system.

In support of our position, NSTA has enclosed documents for FMCSA to review, including the school bus driver training manuals from the states of Pennsylvania and Illinois. In our review of these documents, it seems clear that required ELDT curriculum overlaps with state school bus training programs. Therefore, NSTA believes FMCSA should consider allowing states to apply for an ELDT exemption if their current state programs meets or exceeds ELDT standards. While we understand that previous sentiments indicated that more training was better, in the current environment, the industry cannot afford to lose candidates due to redundancies.

NSTA appreciates the opportunity to offer comments on FMCSA–2021–0174, 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

Enclosed Exhibits:

1. PA Pub 117 – Pennsylvania School Bus Driver’s Manual
2. Illinois Professional School Bus Driver - Training Curriculum