April 27, 2026

Docket Operations
U.S. Department of Transportation
1200 New Jersey Avenue SE
West Building, Ground Floor
Washington, DC 20590-0001

RE: [Docket No. FMCSA–2021–0050] RIN 2126–AC39
Notice of Data Availability | Railroad Grade Crossings; Stopping Required: Exception for Railroad Grade Crossing Equipped With Active Warning Device Not in Activated State

Dear Sir or Madam:

National School Transportation Association (NSTA) is pleased to offer comments to the Federal Motor Carrier Safety Administration (FMCSA) on its Notification of Data Availability (NODA) regarding Railroad Grade Crossings; Stopping Required: Exception for Railroad Grade Crossing Equipped With Active Warning Device Not in Activated State, as published in Volume 91 Number 59, of the Federal Register on March 27, 2026.

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 60 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 such as bus drivers, mechanics, maintenance workers, dispatchers, and administrative 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 FMCSA's Continued Collection of Data in regard to Railroad Grade Crossings

NSTA supports FMCSA in this effort to collect, analyze, and refine data related to railroad grade crossings, including signal failures, vehicle-train collisions, and fatal rear-end crashes occurring in proximity to these crossings. Continued analysis of data associated with active and inactive warning devices, highway traffic signals, other traffic control devices, and passive warning systems remains essential to decision-making process regarding the safety implications of the proposed exception.

A. Response to Summary of Supplemental Information for Consideration

NSTA acknowledges that, within the Summary of Supplemental Information included in the NODA, FMCSA provides data focused on fatal rear-end crashes occurring near railroad grade crossings. While this information is certainly valuable, NSTA believes that the absence of comparable data on non-fatal crashes represents an important omission in the Agency's assessment of the proposal's overall safety impact. Non-fatal crashes, particularly rear-end collisions involving school buses and other commercial motor vehicles (CMV), remain a concern as these crashes can result in serious injury, increased liability exposure, operational disruptions, and long-term consequences for drivers, passengers, and motorists.

These incidents are likely far more frequent than fatal crashes and therefore warrant equal consideration in evaluating the overall impact of the proposed rule.

As outlined in the comments submitted to the NPRM docket on July 29, 2025, and expressed verbally during the December 4, 2025 virtual meeting, NSTA is concerned that the implementation of the proposed exception may lead to an increase in non-fatal rear-end collisions at or near railroad grade crossings. Changes in stopping behavior at crossings where active warning devices are present but not activated may create uncertainty among CMV operators who are not versed in the nuances of the federal, and its interface with state laws and regulations that can require school buses to continue to stop at these crossings, despite what changes are promulgated at the federal level.

Section 2.2 of the Analysis of the Railroad-Highway Grade Crossing Rules indicates that non-fatal rear-end crashes involving buses at railroad crossings occur with some frequency, with FMCSA estimating more than 500 injury and property-damage-only crashes annually nationwide.[1] The Agency also acknowledges substantial uncertainty in the non-fatal crash estimates due to limitations in national datasets and small sample sizes, so the actual number of occurrences may be larger than reported.

Given this uncertainty, regulatory changes that serve to alter the long-standing stopping patterns by CMVs at railroad crossings cause concern, and at a minimum, warrant careful scrutiny and post-implementation monitoring, particularly in high-speed or high-volume corridors where sudden changes in expected behavior could cause an increase in crash risk. This concern becomes amplified for CMV operators driving in unfamiliar areas, during peak traffic periods, or in situations involving mixed compliance among motorists, who are subject to differing federal and state requirements.

Therefore, NSTA continues to oppose adoption of this rule, as potentially harmful to the student transportation population, without any discernable benefit to our nation's roadways.

Summary and Conclusion

NSTA appreciates the opportunity to offer comments on the NODA included in FMCSA–2021–0050, RIN 2126–AC39, and we look forward to a continued dialogue with the Agency in monitoring the results of this proposal.

If you have questions about our position, or need further clarification on these comments, please do not hesitate to contact me via email at info@yellowbuses.org, or via telephone at 703-684-3200.

Sincerely,

Curt Macysyn
Executive Director
National School Transportation Association

[1] Federal Motor Carrier Safety Administration, Analysis of the Railroad-Highway Grade Crossing Rules , U.S. Department of Transportation , June 2020, downloads.regulations.gov/FMCSA-2021-0050-0004/attachment_1.pdf.