

May 16, 2014

Document Management Facility  
U.S. Department of Transportation  
1200 New Jersey Avenue, S.W.  
West Building, Ground Floor  
Room W-12-140  
Washington, DC 20590-0001

Attention: Written Comments for the Proposed Commercial Driver's License Drug and Alcohol Clearinghouse (FMCSA-2010-0031)

Dear Sir or Madam:

The National School Transportation Association (NSTA) is pleased to offer written comments for the Federal Motor Carrier Safety Administration's (FMCSA) Proposed Commercial Driver's License Drug and Alcohol Clearinghouse as published in Volume 79 of the *Federal Register* on February 20, 2014.

The National School Transportation Association (NSTA) is the membership organization for school bus companies engaged primarily in transporting students to and from school and school-related activities under contract to public school districts. Our members offer a range of services to our school district partners, from full turn-key service to management operations and specialized transportation. NSTA members range from small family businesses serving one district to large corporations operating thousands of buses across many states, all committed to the safe, efficient, and economical transportation of America's children.

Safety is the hallmark of the school transportation industry and any reasonable attempt to improve upon this safety is worth exploring. NSTA believes that the proposed rule, in concept, is well-intended and would provide a great additional resource when ensuring that the safest drivers are on the road. As drivers relocate, the ability to know with absolute certainty that they are not at a greater risk for failing a drug or alcohol test is very valuable information and we commend FMCSA for its initiative in this area. NSTA is concerned with, however, the economic implications of this proposed rule. The program seems to be fee-based, which we agree would make sense, but there is little definition to the actual structure of the program in the proposal. Would employers be expected to pay per driver or per batch of transactions? What would the costs be for pre-employment and random tests? Would there be a difference in cost between the two? Presumably the pre-employment check could cost less than the random test as the quantity of the information returned is less. Clarification on these issues would be appreciated.

In addition, we are concerned with the human resource implications of this proposed rule. Would this information be required to be maintained in employee files? What would be the requirements on the length of time this information would be required to be maintained in the files? The additional paper work and tracking requirements pose a burden on employers, but many of the elements of this burden are undefined and unclear.

Finally, we have concerns over whether or not the Fair Credit Reporting Act would be applicable to this regulation. If applicable, this could also have additional paperwork and tracking requirements posing a burden upon employers, but again, this is undefined and unclear.

Once again we commend FMCSA for its initiative in formulating this program. We agree it is well-intended and could be a valuable resource for all employers.

Thank you for the opportunity to provide these written comments. If you require further clarification, please contact me at (703) 684-3200.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronna Sable Weber". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ronna Sable Weber  
Executive Director  
National School Transportation Association