

June 25, 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 Electronic Logging Devices and Hours of Service
Supporting Documents Supplemental Notice of Proposed Rulemaking (FMCSA-200-0167)

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 Electronic Logging Devices and Hours of Service Supporting Documents as published in Volume 79 of the *Federal Register* on March 28, 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.

NSTA commends FMCSA for including the exemption proposed within the NPRM allowing commercial motor vehicle carriers who infrequently or intermittently use Records of Duty Status (RODS) to continue to use paper documents to satisfy this requirement provided they are not required to use RODS more than 8 days in a 30-day period. As you know, private operators of school buses are subject to the Federal Motor Carrier Safety Regulations (FMCSRs) when we provide interstate transportation for student activities or similar charter trips outside of the 100-mile radius exemption in 49 CFR 395.1(e).

NSTA has historically estimated from member surveys that about four percent of school bus trips are activity trips, both interstate and intrastate. Within that four percent, a large number – probably the vast majority – of those trips fall within the 100-mile exception. The incidence of activity trips requiring school bus drivers to maintain RODS is so small that the paperwork burden is minimal particularly compared to the substantial cost of purchasing and maintaining ELDs. More important, the safety record of school bus drivers does not warrant further intervention.

For clarification, the fact that four percent of school bus operations involve activity trips does not mean that only four percent of a carrier's school bus fleet is used for those trips. In many private fleets, a majority, if not all, of the buses are equipped for interstate transportation and are eligible to be used for activity trips. This provides the carrier with the necessary flexibility to meet the needs of the school

district and their drivers, as well as any charter activities they may undertake for customers other than school districts.

Recognizing that the application to private operators of school buses is limited and we expect all would fall under the additional exemption allowing paper RODS, we would be remiss if we did not offer comments on one particular aspect of the proposal at large. The proposed standards for the Electronic Logging Device requirement are technical, rather than performance-based. NSTA believes the specific standard for data transfer to Law Enforcement should allow for “best available technology” and not specify USB 2.0 as a required backup. This constrains future hardware designs, is likely to eventually become obsolete, and will likely require a future update of the rule as components and availability of flash drives using USB 2.0 will become less accessible over time. We believe that the rule should allow the flexibility for the transfer method to adjust over time.

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', written in a cursive style.

Ronna Sable Weber
Executive Director
National School Transportation Association