



National School Transportation Association

122 South Royal Street
Alexandria, VA 22314
(703) 684-3200
info@yellowbuses.org

March 25, 2015

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue, SE
West Building, Ground Floor
Room W12-140
Washington, D.C. 20590-0001

Attention: Written Comments for the Notice for Public Comment on the Crash Weighting Analysis (FMCSA-2014-0177)

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) Notice for Public Comment on the Crash Weighting Analysis as published in Volume 80 of the *Federal Register* on January 23, 2015.

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.

We appreciate FMCSA's efforts to determine the best methodology for evaluating the safety performance of a motor carrier as it relates to future crash risk. It is readily apparent the current crash indicator methodology is underpinned by some problems which render the indicator unusable in its current state. The current methodology has not proven to be a good measure of passenger carrier crash risk and does not help to prioritize safety inspections or investigations as hoped. More importantly, should the flawed Crash Basic be made visible to the public it has great potential to misinform the motoring public as to the safety and crash risk of the commercial passenger vehicles on the road today. This misrepresentation may in some cases actually cause people to choose a less safe operator.

For passenger carriers, the simplest solution to this problem would be to review and reconfigure the peer groupings. We would like to once again suggest that like entities should be grouped together. Currently, carriers are grouped by size, which allows no consideration for whether they are a freight carrier or a passenger carrier – both of which have significantly different operating environments and characteristics as well as safety concerns. We believe that by grouping freight carriers truly with their peers of other freight carriers and passenger carriers truly with their peers of other passenger carriers, a more accurate depiction of safety performance rankings would be realized.

If the Agency is unwilling to reconsider the peer groupings, then we suggest that equity could be restored by eliminating the injury rating for passenger vehicles all together. This would allow all crashes to be viewed

equally. If there is a concern that a crash would be indicative of a safety concern that could lead to intervention, passenger carrying vehicles already have a lower threshold for an intervention.

With respect to the concerns expressed about Police Activity Reports, from our experience, urban and suburban area police reports often contain very reliable information with respect to the primary cause of the event. If there were a process for the challenging of the classification, that would allow for the initial treatment of the accident report as correct and also create an opportunity to dispute that report if the evidence supports such a dispute.

In addition, we have great concerns with the public visibility of crashes with fatalities on the SMS website without the inclusion of the context of these crashes. Some crashes, while very sad and tragic, are simply not preventable by the motor carrier. (An example of this would be a school bus rear-ended while stopped at a rail crossing, bus stop or traffic light.) Since there is no provision for acknowledging these crashes were not the fault of the carrier on the website the visibility of them may mislead the public regarding the safety performance of the carrier. Instead the prospective customer may opt for a carrier with no fatalities, but is in fact less safe.

Finally, we must also address the process used to normalize the mileage. The indicator does not use the standard Vehicles Miles Traveled (VMT), but instead includes a weighting factor which does not fully factor a carrier's vehicle miles traveled. If the concern is the accurate reporting of mileage, it seems that ample opportunities are given through the audit and inspection processes, to name a few, to verify mileage reported. In addition, due to the lack of equity, the inclusion of this could also be easily misinterpreted.

In closing, we appreciate the opportunity to offer our comments on this Notice for Public Comment and look forward to continuing to work with the Federal Motor Carrier Safety Administration on this issue. We take safety very seriously and are very proud of the work we do each and every day to transport children to school safely as well as the charter work we operate. We willingly support new regulatory mandates when data and research exists to justify them as necessary to improve safety.

Thank you for the opportunity to provide these written comments. If you require further clarification, please do not hesitate to contact me at (703) 684-3200.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronna Sable Weber", is written over a light gray rectangular background.

Ronna Sable Weber
Executive Director