



April 6, 2016

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 of Proposed Rulemaking on Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators (FMCSA-2007-27748)

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 of Proposed Rulemaking on Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators as published in Volume 81 of the *Federal Register* on March 7, 2016.

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 an array 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 was pleased to be a member of the Entry-Level Driver Training Negotiated Rulemaking Committee (ELDTAC) and supports the NPRM as it reflects the agreement reached by the Committee in May 2015.

With respect to the questions offered by FMCSA within the NPRM, NSTA offers the following for your consideration:

1. Is there any additional data on the safety benefits of requiring ELDT training that you can provide (e.g. demonstrated crash reduction as a result of training?)

NSTA does not have any additional data to offer.

2. As proposed, would the training be effective in promoting safety? If so, what aspects of the proposal would be effective in improving safety? If not, how could the training be delivered more effectively than proposed?

The proposed training would improve safety in that it prepares entry-level drivers for the key elements of safely transporting passengers, from vehicle familiarization and pre-trip inspection to defensive driving techniques, passenger management and emergency procedures. The comprehensive nature of the training, along with the practical behind-the-

wheel element provides a far greater level of assurance than the current practice of relying solely on written and driving tests.

3. Is there any duplication in the commercial learner's permit exam and ELDT theory training? If yes, should it be eliminated or minimized?

While there are some overlapping elements of the training and the commercial learner's permit exam, this services to reinforce the most integral elements of safe commercial motor vehicle operation.

4. FMCSA proposed a specific number of required hours for the Behind-the-Wheel (BTW) training for Class A and B. First, should there be a required number of BTW hours for these two programs? If so, is FMCSA's proposal for 30 hours (Class A) and 15 hours (Class B) appropriate?

The behind-the-wheel hours proposed are sufficient for entry-level drivers to learn and demonstrate the skills necessary to safely operate a commercial vehicle.

5. If there is not a required number of behind-the-wheel hours, what alternative would be appropriate to ensure adequate BTW training for Class A and B? Would a requirement that is expressed in terms of outcomes rather than specifying the means to those ends be more appropriate?

NSTA supports the behind-the-wheel hours requirement agreed to by the Entry Level Driver Training Negotiated Rulemaking Committee.

6. FMCSA allowed training providers flexibility by using either clock-hours or academic hours depending on the type of entity that offers the training (e.g. community college versus carrier provided training). FMCSA requests comment on whether training providers should be allowed to use academic hours versus clock-hours. Furthermore FMCSA asks for input regarding whether there is a discernable difference between the two concepts.

Regardless of the type of entity providing the training there is a need for set-up and administrative time prior to the actual training. Therefore, the concept of academic hours is appropriate for all training providers.

7. MAP-21 did not mandate that FMCSA include the "S" endorsement as part of the required training. Given the devastating consequences of unsafe school bus operation, should the "S" endorsement training be retained in the final rule?

School transportation is the safest mode of transportation available. This is due to two factors – the design of the school bus and the training of the drivers to ensure they are operating the vehicle in the safest manner possible. The agreement reached by the Entry Level Driver Training Negotiated Rulemaking Committee specific to the "S" endorsement should be retained in the Final Rule as it adequately ensures that all entry-level drivers will receive the necessary amount of training and training on all vital elements of safe student transportation.

8. The Agency did not propose that the theory. BTW range, and BTW public road training occur in a specific sequence in order to allow training providers the flexibility to determine how they would

structure their programs. FMCSA requests comment on whether there should be a particular order associated with the theory, BTW range, and BTW public road curricula.

NSTA believes that it is more important to ensure that all necessary elements of the training are actually covered in the training program than to be concerned with the order in which they were covered. While we recognize that there is a logical sequence to the events, we do not believe that a driver would be less qualified if the training were conducted in a different order. Flexibility is an important element in any successful program and we see no reason why that same logic cannot be applied to the sequence of training elements.

In addition, FMCSA posed four additional questions within the context of the NPRM. NSTA offers the following responses to those questions for your consideration.

- A. Accordingly we solicit comment on whether any minimum number of BTW hours should be required. If there is a required minimum number of hours for BTW training, we seek comment on whether the number of BTW training hours proposed in this NPRM should be retained, lowered or increased. Further because minimum hours are not proposed for the S and P endorsements or for the refresher training, we also solicit comment on whether, and to what extent, a minimum hours requirement should be added to the BTW portions of those curricula.

As a member of the Entry-Level Driver Training Negotiated Rulemaking Committee, NSTA supports the proposal contained within the NPRM.

- B. FMCSA seeks comment on the scope and content of the proposed curricula. For example, FMCSA is aware that some carriers and owner-operators utilize CMVs equipped only with an automatic transmission. In the proposed curricula for Classes A and B, shifting/transmission is a required element of both theory and BTW components of the training. We invite comment on whether there should be an option to forego this element of training for driver-trainees who intend to operate CMVs equipped only with automatic transmissions. Currently, for drivers who take their CDL skills tests in a CMV equipped with an automatic transmission, the State must indicate on the CDL that the person is restricted from operating a CMV with a manual transmission.

NSTA supports the current process for denoting the restriction on a license if a driver completes their skills test in a commercial motor vehicle equipped with only an automatic transmission.

- C. FMCSA seeks comment on whether the hazardous materials regulations training could be used or modified to satisfy the H endorsement training in this proposed rule.

NSTA does not have an expertise on this issue and therefore does not support any position.

- D. The Agency seeks comment from small business entities regarding any specific changes to the NPRM that would further lessen the regulatory burden imposed by these training requirements.

The vast majority of school transportation companies are small businesses, so NSTA is acutely attuned to these special concerns. We have encouraged our members to submit comments of their own and expect many will do so. Of particular concern to NSTA,

however, are the administrative fees and burdens we expect to be associated with the registration process. While we recognize that the registry will offer a proven organizational system, we are concerned that the process will also unduly burden smaller companies. We urge FMCSA to streamline the required information and process, as well as the cost, as much as possible.

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.

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 "R. Sable Weber", is displayed on a light gray rectangular background.

Ronna Sable Weber
Executive Director