



National School Transportation Association

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

June 20, 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 to the Request for Comments on the Beyond Compliance Program (FMCSA-2015-0124)

Dear Sir or Madam:

The National School Transportation Association (NSTA) is pleased to offer written reply comments to the Federal Motor Carrier Safety Administration's Request for Comment on the Beyond Compliance Program as published in Volume 81 of the *Federal Register* on April 20, 2016.

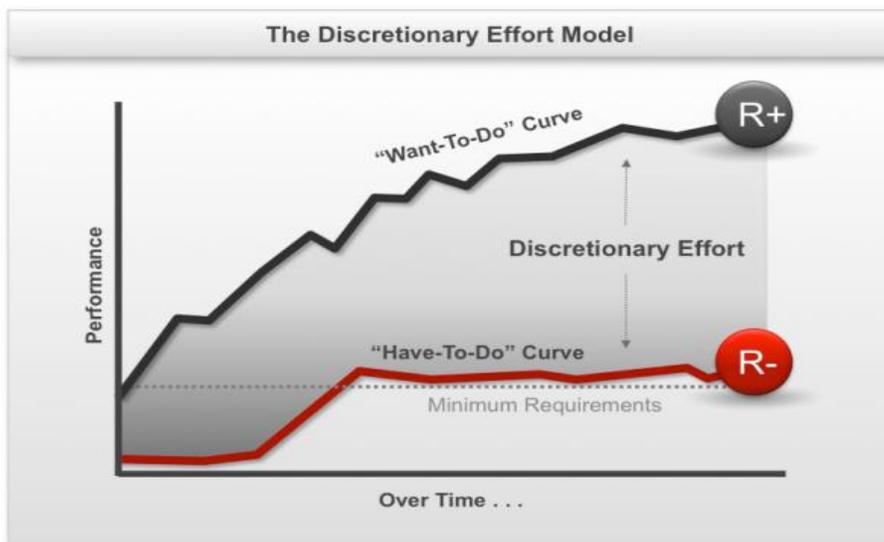
NSTA is the membership organization for school bus companies engaged primarily in transporting students to and from school and school-related activities under contract to public school districts. Our members offer an array of services to our school district partners, from full turn-key service to management 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 offered comments on the Beyond Compliance Program to FMCSA on June 22, 2015 noting the following in particular:

- In order to be successful, we believe that any Beyond Compliance Program would have to be flexible in every facet – size and scope.
- We strongly encourage FMCSA to utilize the following specific performance metrics: preventable accidents; non-preventable accidents; and Department of Transportation reportable crashes.
- As NSTA has members that are both large and extremely small businesses, NSTA believes the program should be accessible to companies of all size. A safety rating scalable by company size would be attractive to smaller companies as it would allow them to receive some market benefit from their investment and resource in safety.

With respect to the notice issued on April 20, 2016, NSTA is generally supportive of such a program. Recognizing companies for their efforts beyond the requirements is supportive of the safety culture instilled in the school transportation industry and we believe worthwhile of pursuit by the Agency. We have a few concerns, however, including:

- The proposal offered by FMCSA notes that a motor carrier would be eligible to participate as long as they do not have a “Conditional” or “Unsatisfactory” safety rating. NSTA notes that FMCSA recently proposed to change the rating system under its Safety Fitness Determination Notice of Proposed Rulemaking (NPRM). If the Safety Fitness Determination proposal were to be finalized, which NSTA believes should not occur until reforms to the CSA Program mandated by the FAST Act are complete, its effects upon this Beyond Compliance proposal are unclear.
- NSTA understands that FMCSA has the authority to contract for a no-cost contract to provide monitoring services for this program and has estimated that the fee would be, on average, \$750 per motor carrier over five years. NSTA supports a flexible program to allow all companies the opportunity to participate should they desire, but it is difficult to gauge the actual cost of this program, especially for companies with more robust beyond compliance programs, based on the information provided by FMCSA. In addition, NSTA notes that the cost estimates refer to the Recurring Monitoring portion of the program only and do not seem to include to the Petition Review Process. We find it challenging to assess the complete financial impact this program could have on an applicant without this additional information. While NSTA recognizes that this is a voluntary program, we caution that it should be priced fairly to ensure that businesses of all size are able and encouraged to participate.
- Finally, NSTA strongly encourages FMCSA use more positive reinforcement and recognition in its general communications and in particular when creating the Beyond Compliance Program. This will encourage and sustain the efforts of those motor carriers who have gone beyond minimum levels of compliance and lead to an overall improvement in safety cultures. As you see in the following chart from Aubrey Daniels Inc., the “Want to Do” that goes “Beyond Compliance” is driven by use of Positive Reinforcement or R+, which in turn this leads to discretionary effort. The chart also clearly illustrates the “Have to Do” resulting from an enforcement driven environment geared toward identification of shortcomings this negative re-enforcement, known as R-, will not ever deliver Discretionary Effort. The structure of the Beyond Compliance Program must also be scalable to allow for participation of businesses of all sizes.



In closing, we once again appreciate the opportunity to offer these reply comments on this issue and look forward to continuing to work with the Federal Motor Carrier Safety Administration on this issue. 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