



National School Transportation Association

113 South West Street, 4th Floor • Alexandria, VA 22314
(703) 684-3200 • (703) 684-3212 FAX • www.yellowbuses.org

COMMENTS

Docket No. FMCSA-2007-27659, Commercial Driver's License Testing and Commercial Learner's Permit Standards

The National School Transportation Association appreciates the opportunity to comment on the Notice of Proposed Rulemaking concerning Commercial Driver's License Testing and Commercial Learner's Permit Standards.

NSTA is a not-for-profit association of private businesses providing transportation services to public school districts and private schools across the country. Our members range from single bus owners to large multi-national corporations operating thousands of school buses in many states. Private carriers operate about a third of the nation's school bus fleet. All are committed to providing safe, efficient and economical transportation for America's school children.

While NSTA supports FMCSA's efforts to improve CDL licensing processes and reduce the possibility of fraud in the system, we are not in a position to comment on the specifics of most of the NPRM. We will limit our comments to two aspects of the proposal which adversely affect school bus carriers.

Section 383.25 (d), Requirement to hold a Commercial Learner's Permit for at least 30 days prior to taking the CDL skills test

FMCSA claims that this proposal is necessary to counter the practice of "CDL mills" that train drivers only to pass the skills test rather than train them to drive safely. NSTA has no experience with "CDL mills," since driver applicants in the school bus industry are universally trained by their prospective employers, not by commercial driving schools. As we have explained in our comments to FMCSA's companion NPRM, *Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators*, the school bus industry is the only highway mode that provides free or paid training to CDL applicants in preparation for licensing. This training is generally conducted by state-certified instructors following a state-mandated curriculum. The effectiveness of school bus driver training is reflected in the safety record of school bus drivers: an overall fatality rate of only 0.2 per 100 million VMT compared to the fatality rate of truck drivers at 2.5 per 100 million VMT.

It is not in the interest of school bus carriers to rush driver applicants into licensing before they are fully trained to operate buses safely; after all, it is the carrier's buses that the driver will be operating. Unlike a commercial driving school whose business depends on moving students in and out of the school quickly, a school bus carrier's business depends on well-trained, safe drivers. For that reason, school bus operators not only ensure that drivers are fully prepared to take the CDL tests, but also provide extensive continuing training throughout the drivers' years of service.

NSTA disagrees with FMCSA's assumption that a driver needs a minimum of 30 days' behind-the-wheel training between taking the knowledge tests and taking the skills test. The experience of NSTA members indicates that many school bus driver applicants can be adequately trained not just to take the test but to drive a bus safely in ten days or less, depending on such factors as skill level and time spent in training each day. Requiring drivers to wait longer than necessary to take their skills test will impose a hardship on the drivers, who must delay employment until they are licensed. It will also be costly for employers, who must either pay the drivers they have trained for not working while they wait to be licensed, or risk losing them to another industry. School bus driving is, for the most part, a part-time position; and school bus carriers are in competition with many other employers of part-time workers for a relatively small pool of prospects. Our members cannot ask driver trainees to wait, unemployed, for an arbitrary period of time to end before they can be licensed and hired.

FMCSA offers no empirical evidence that trainees are better drivers or are better prepared for the skills tests after 30 days' practice; on the contrary, this appears to be an intuitive determination on the part of the agency. As additional support for its position, FMCSA says that prohibiting drivers from taking the skills test for 30 days after receipt of the CDP "may also have an effect on the training period and thoroughness of the curriculum being taught at the CDL mills." NSTA suggests that if FMCSA is concerned about the training provided by some commercial driver training schools, it would be more effective to regulate those schools than to impose unnecessary and arbitrary requirements on all CDL drivers.

At the very least, FMCSA should amend this provision of the NPRM to apply only to driver applicants who receive their training from commercial driving schools, and exempt those applicants who receive their training from employers, who have a much larger stake in the proficiency of drivers than the schools do.

Section 383.75 (c), Minimum number of tests conducted by third-party testers and examiners

Many NSTA members are certified as third-party CDL testers. The vast majority test only their own prospective employees, though some also test applicants of neighboring school bus carriers. NSTA objects to FMCSA's proposal to require that all third-party testers meet a minimum of 50 tests a year, and all individual examiners conduct a minimum of ten tests a year. With a turnover rate of about 20% in the school bus

industry, a carrier that is restricted by the state to testing only its own applicants would need a fleet of at least 250 vehicles to meet the minimum. Less than 20% of all school bus companies are that large. That means that 80% of the industry would be unable to meet the proposed requirement. Rescinding the certification of these carriers would put a burden on the carriers, the drivers, and the state for no good purpose. FMCSA provides no evidence that small school bus companies and the examiners who are employed by them have failed to carry out their duties, or that they are inefficient. On the contrary, allowing small employers, often in rural areas, to conduct CDL tests relieves drivers of the need to travel long distances and wait long periods for a test date; relieves carriers of the need to send buses and licensed drivers across the county to accompany trainees to a test site; and relieves the state of the need to employ additional testers and set up additional test sites in order to accommodate school bus driver applicants.

NSTA recommends that the decision to require a minimum number of tests per third-party tester and individual examiner be left to the states, as they are in a better position to weigh the benefits than FMCSA.

Thank you for the opportunity to comment on this proposal. For further information, please contact our Industry Specialist, Robin Leeds, at 800-560-1645 or rleeds@yellowbuses.org.