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September 14, 2018

Docket Management Facility
U.S. Department of Transportation
Room W12-140
1200 New Jersey Avenue SE
Washington, DC 20590-0001

RE: Docket Number: FMCSA-2018-0189
Truck and Bus Maintenance Requirements | Impact on Safety
Written Comment from the National School Transportation Association
to the Federal Motor Carrier Safety Administration

To Whom It May Concern:

The National School Transportation Association (NSTA) is pleased to offer comment to the Information Collection Request (ICR) titled “Truck and Bus Maintenance Requirements and Their Impact on Safety” of the Federal Motor Carrier Safety Administration (FMCSA) related to FMCSA’s desire to study the impact of vehicle maintenance requirements on overall motor carrier safety.¹

NSTA is the voice for private school bus contractors for over 50 years. NSTA was formed in 1964 as a membership organization for school bus contract-operators engaged primarily in transporting students to and from school and school-related activities. Members range from small family businesses serving one school district, to large corporations operating tens of thousands of buses across multiple states — all committed to the safe, efficient and economical transport of our nation’s children and future leaders.

NSTA agrees with FMCSA’s core mission to “reduce crashes, injuries and fatalities involving large trucks and buses.”² To that end, NSTA is supportive of FMCSA’s goal to study “what improvements, ranging from better compliance interventions to better vehicle maintenance requirement, would enhance motor carrier safety”³ and to

¹ This notice was published on July 16, 2018, in Volume 83, Number 136, of the Federal Register, pages 32950--32952.

² *Id.* at p. 32931.

³ *Id.*

clarify the requirements of section 49 C.F.R. 396.3(a)⁴ by conducting a two-phase survey, which includes comparing carriers with the lowest Vehicle Maintenance and Crash Indicator Behavior Analysis and Safety Improvement Categories (BASIC) to those carriers who experienced intervention in the last 2 years at the state or Federal level.⁵

However, given the survey at the Phase-II level will be 106-questions with carriers only prompted to complete various sections of that survey for the purpose of clarifying the operational term “systematic maintenance” and to establish minimum standards for inspection intervals, mechanic qualifications and training, and certification of maintenance facilities,⁶ NSTA urges the FMCSA to ensure that such survey is not used to impose additional regulations and burdens on school bus carriers that may not necessarily result in improved safety, but does result in additional cost and time for the school bus carrier to be compliant with more regulatory oversight.

Additionally, NSTA respectfully requests that the FMCSA be mindful that when it considers the results of the survey to improve overall highway safety by creating “recommended best practices” to “outline minimum standards for inspection intervals, mechanic qualifies and training and certification of maintenance facilities,” that most school buses travel intrastate and are not subject to many of the safety regulations that do apply to trucks.⁷ Therefore, when the FMCSA is developing or revising the survey questions, such questions should include a question to identify the type of commercial motor vehicles for which the survey responses apply so that the FMCSA’s analysis of the survey responses does not impose requirements on school buses that are unnecessary, costly, and take away from school bus contractors maintaining their school bus fleet with the resources

⁴ Section 396.3 Inspection, repair, and maintenance.

(a) General. Every motor carrier and intermodal equipment provider ***must systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all motor vehicles and intermodal equipment subject to its control.***

(1) Parts and accessories shall be in safe and proper operating condition at all times. These include those specified in part 393 of this subchapter and any additional parts and accessories which may affect safety of operation, including but not limited to, frame and frame assemblies, suspension systems, axles and attaching parts, wheels and rims, and steering systems.

(2) Pushout windows, emergency doors, and emergency door marking lights in buses shall be inspected at least every 90 days.

49 C.F.R. § 396.3 (emphasis added).

⁵ *Id.*

⁶ Federal Register, Vol. 83, No. 136, Dkt. No. FMCSA-2018-0189, at p. 32951 (July 16, 2018).

⁷ The Federal Motor Carrier Safety Regulations specifically exempt school bus operations from the vast majority of its requirements. *See* 49 C.F.R. § 390.3(f)(1).

they currently have. This is especially true since the school bus is already the safest mode of transportation on our nation's roadways.⁸ Moreover, according to U.S. Department of Transportation statistics, a child is 70 times more likely to get to and from school safely when riding a school bus compared to other modes of transportation—safer than a parent driving their child to school, walking, biking or students driving themselves.⁹

To the extent that FMSCA is willing to allow the NSTA to review the survey questions and offer suggestions in the framing of such questions to ensure that responses to such questions do not negatively impact the school transportation industry, NSTA would welcome that opportunity so that any future requirements and mandates by FMCSA as a result of the responses to the survey questions are for the betterment of overall highway safety and not an unnecessary burden to a particular class of commercial motor vehicle, such as the school bus.

We appreciate the opportunity to offer comments on the FMSCA Notice, Docket No. 2018-0189, and look forward to continuing to work with FMCSA on this matter. If further clarification is required, please do not hesitate to contact me at 703-684-3200, ext. 702 or by e-mail at mbattista@yellowbuses.org.

Very respectfully,



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Association Director
National School Transportation Association

⁸ U.S. Department of Transportation, National Highway Traffic Safety Administration, *School Bus Safety*, <https://www.nhtsa.gov/road-safety/school-bus-safety>; National Transportation Safety Board, *NTSB School Bus Safety*, <https://www.nts.gov/safety/Pages/schoolbuses.aspx>.

⁹ *Id.*