



# National School Transportation Association

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March 22, 2001

Docket Clerk  
U.S. DOT Dockets  
Room PL-401  
400 Seventh Street, SW  
Washington, DC 20590-0001

DEPT OF TRANSPORTATION  
01 APR 10 PM 12:30

**RE: Docket No. FMCSA-2000-7017 - 9**

Dear Sir or Madam:

The National School Transportation Association appreciates the opportunity to comment on the Notice of Proposed Rulemaking concerning Safety Requirements for Operators of Small Passenger-Carrying Commercial Motor Vehicles Used in Interstate Commerce.

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. All are committed to providing safe, efficient and economical transportation for America's school children.

NSTA supports the agency's proposal to apply the Federal Motor Carrier Safety Regulations to vehicles designed to carry between eight and fifteen passengers, fully aware that many of our member companies will be affected by such a rule. We are also cognizant, however, of the need for **all** vehicles and **all** drivers transporting students to meet the highest possible standards of safety.

While the motor carrier safety regulations do not apply to the transportation of students between home and school, they do apply in some circumstances to the transportation of students to and from activity trips. There is sound reason for this. Activity transportation is more likely to involve long-distance driving at highway speeds, and more often occurs at night. Therefore, the risks associated with activity transportation are greater than those associated with home-to-school transportation.

It is not uncommon for schools to use or hire twelve or fifteen passenger vans (referred to as "non-conforming buses" because they do not comply with the safety standards for school buses) to transport students on activity trips. These vehicles are often driven by a teacher or coach, and on occasion by a student. Not only are these vehicles and drivers currently exempt from the motor carrier safety regulations, but they also escape the stringent regulation of school bus

operations in many states. The drivers meet no particular training, medical or licensing requirements, and have no limitation on driving hours or duty hours; the vehicles have no maintenance or inspection requirements; and the operators have no insurance or record-keeping obligations.

Too often, the sad result is a fatal accident, such as last year's crash of a fifteen-passenger van carrying ten members of a Texas track team and their coach to a track meet in Arkansas. The student driver lost control of the vehicle, killing four students and injuring the other six.

That student activity trip did not fall under the current motor carrier safety regulations, nor would it come under the proposed regulation. It was not for-hire transportation, but rather nonbusiness PMCP transportation. NSTA believes that the proposed rulemaking does not go far enough, in that it will not provide equal protection to **all** passengers on student activity trips.

We understand the agency's reluctance to extend the reach of the regulation beyond that required by Congress in the MCSIA. But we suggest that transportation of students in vans designed to carry nine to fifteen passengers has been determined to pose a serious safety risk by both the National Transportation Safety Board (*Highway Special Investigation Report SIR 99-02*) and the National Highway Traffic Safety Administration, regardless of the owner of the vehicle. For that reason, we urge the agency to include nonbusiness PMCPs among the operations subject to the motor carrier safety regulations when they are transporting students. We further recommend that the 75-air-mile exemption be eliminated in the case of student activity transportation.

NSTA continues to advocate the highest standards of safety in the transportation of America's school children. We believe that extending the federal motor carrier safety regulations to all carriers transporting students to school-related activity trips in passenger vans will go a long way toward increasing the standard in an area that has been largely unregulated, and that is considerably more dangerous than school bus transportation.

Thank you for the opportunity to comment on this proposal.

Sincerely,



Robin L. Leeds  
National School Transportation Association