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

RE: Docket Number: FMCSA-2018-0037
Automated Driving Systems Equipped Commercial Motor Vehicles
Written Comment from the National School Transportation Association to the Federal Motor Carrier Safety Administration

Dear Sir or Madam:

The National School Transportation Association (NSTA) is pleased to offer comments to the Federal Motor Carrier Safety Administration (FMCSA) Notice regarding Federal Motor Carrier Safety Regulations (FMCSRs) which may be a barrier to the safe testing and deployment of Automated Driving Systems (ADS) equipped Commercial Motor Vehicles (CMVs) on public roads as published on March 26, 2018, in Volume 83, Number 58, of the Federal Register.

NSTA is the leading resource for school bus transportation solutions and the voice for private 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 committed to the safe, efficient and economical transportation of our nation's children and future leaders.

While this notice requests comment specifically on which existing FMCSRs may be a barrier to the safe testing and deployment of ADS-equipped CMVs, NSTA's primary concern lies specifically in any future deployment of ADS-equipped CMVs related to school bus operation and ADS-equipped CMVs on the highway during school bus transit. The position of NSTA is that it is opposed to the deployment of ADSs on school buses and other forms of student transportation. NSTA also encourages caution regarding ADS-equipped CMVs on the highway unless such vehicles can assess and identify school transportation vehicles and its unique pattern

of multiple stops to discharge or pick up children along a given route while also complying with light system and stop arm mechanisms on school buses.[1]

According to the U.S. Department of Transportation, school bus transportation is the safest mode of transportation over all other modes of transportation to transport children to and from school. Moreover, school bus carriers, public and private, operate the largest mass transportation fleet in the country, which is 2.5 times the size of all other forms of mass transportation combined.

Each day, 26 million children are transported to and from school on 480,000 yellow school buses. Daily, the lives of children on a school bus are entrusted to certified school transportation professionals, who have received special training[2] and have the experience to ensure the safe transport of children to school. At times, two or more adults may be required on a school bus depending on the route, state, and student needs at issue.

Just as "[s]afety remains the number one priority for the U.S. Department of Transportation and is the specific focus of the National Highway Traffic Safety Administration (NHTSA),"[3] school bus safety is the top priority for NSTA and the school transportation industry. The "human driver" is an integral part of school bus safety, with the driver knowing the children, the neighborhoods, the dangers of picking up and dropping off children, the families of the children, and the school district. NSTA is in agreement with FMSCA's position as noted on September 12, 2017, that its regulations require "a trained commercial driver must be behind the wheel at all times, regardless of any automated driving technologies available on the CMV, unless a petition for waiver or exemption has been granted."[4] To that end, however, NSTA believes that no waiver or exemption should be permitted for school buses.

[1]See also, NSTA Comment, July 13, 2017, NHTSA-2017-0114; NSTA Comment, November 22, 2016, NHTSA-2016-0090; NSTA Comment, dated May 9, 2016, NHTSA-2016-0026.
[2]Volpe report, p. 70, part 380.609 and part 380.AppD; Volpe report, pp. 82-83, part 383.71; Volpe report, p. 89, part 383.123.
[3]Automated Driving Systems, A Vision for Safety, 2.0, issued by the U.S. Department of Transportation and the National Highway Traffic Safety Administration, at p. ii.
[4]FMCSA-2018-0037 at p. 12935.

To the extent that FMSCA intends to reconsider its position on the assumption of a driver behind the wheel at all times because of the absence of specific regulatory text requiring a driver behind the wheel,[5,6] NSTA is opposed to an ADS to perform the driver's functions on a school bus without the presence of a trained commercial driver in the driver's seat of a school bus. The Volpe report specifically notes in the Executive Summary[7] that at the time the FMCSRs were drafted, there was no consideration of the possibility that such regulations might one day apply to CMVs that were partially or entirely driven without input from a human driver. Given that such ADSs were not contemplated at the time the regulations were drafted, such regulations should be strictly construed and not expanded in scope/interpretation without going through the appropriate regulatory process.

As it relates to the SAE international (SAE) 3016 standard's definitions for levels of automation (SAE Level 1-5), NSTA believes that a school bus or other school transportation vehicle is at the SAE Level 0, i.e., the driver performs all driving tasks. In the event that school buses and other vehicles that transport children to school are equipped in the future with driving automation system engagement capabilities that could change the SAE Level of the school bus or other vehicle at any given time, the NSTA will comment on such change at that time.

While NSTA acknowledges that the ADS-equipped CMVs may benefit the transportation sector and certain industries, such as over-the-road trucks, NSTA believes that the transportation of children on a school bus requires a human driver who has the requisite skills, training and knowledge to make the split-second decisions that are necessary on a daily basis for the safe transport of children to and from school and other school-related activities. Furthermore, NSTA is opposed to any waiver or exemption to the human driver requirement for school bus transportation. Finally, NSTA is also concerned that any ADS-equipped CMVs traveling on the nation's road should be capable of distinguishing a school bus or other school transportation vehicle from other types of vehicles on the highway. School buses stop frequently to discharge or pick up children who may need to cross a roadway and require all other vehicles to identify light systems and stop signs on the bus and stop during the loading and unloading process.

[5]Federal Register, Vol. 83, No. 58, p. 12935; Volpe report, Summary of Findings, 3.1 Definitions and Applicability, p. 7.
[6]NSTA believes the definition of "driver", as written in part 390, cannot be expanded in scope/interpretation without going through the property regulatory process. Thus, "driver" should be construed as written to mean an "onboard human." NSTA also believes the definition of "operator" should also be strictly construed as written.
[7]Volpe report, p. v.

Because of NSTA's commitment to the safe transport of children, we encourage FMSCA to ensure that all relevant governmental agencies, including the National Highway Traffic Safety Administration and the Department of Homeland Security, are included in this discussion.

We appreciate the opportunity to offer comments on the FMSCA Notice, Docket No. 2018-0037, and look forward to continuing to work with FMCSA. 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,

Maria Battista, J.D., Ed.D.
National School Transportation Association