



April 23, 2014

Mr. Larry Minor
Associate Administrator for Policy
Federal Motor Carrier Safety Administration,
U.S. Department of Transportation
1200 New Jersey Avenue, SE.
Washington, DC 20590

Dear Associate Administrator Minor,

The American Bus Association (ABA) is pleased to offer written comments in response to the request for public comments for the Federal Motor Carrier Safety Administration's (FMCSA) Meeting of the Compliance, Safety, Accountability (CSA) Subcommittee of the Motor Carrier Safety Advisory Committee (MCSAC) as published in Volume 79 of the Federal Register on April 14, 2014.

The American Bus Association (ABA) is the premier private bus and motorcoach industry trade association in North America. The ABA is home to approximately 3,800 member companies and organizations and over 800 bus operator member companies. ABA member motorcoach members represent 65% of all OTRBs on the road. ABA members provide all manner of transportation services, including schedule service, charter and tour, commuter operations, and airport shuttle service. In addition, there are ABA members that provide every conceivable service to bus companies. Finally, ABA members include many tour, travel companies, convention and visitors' bureaus, destinations and attractions.

ABA has a few concerns with the current CSA program that we hope should be discussed during the upcoming meeting on April 29-30, 2014. While we agree with the intent of the CSA program, we believe that the program falls short of its intent and we encourage FMCSA to consider making some alterations to the program which could improve its performance significantly.

First, the methodology through which crash data is used is a concern. We suggest the use of crash rate per million miles as a better indicator of safety performance over the current indicators. In addition, the "contributing factor" data element from police reports should be incorporated to better identify as well as separate non-preventable crashes, preventable crashes and crashes that were not the fault of the commercial motor vehicle (CMV) operator.

Also, since buses carry passengers and injury is a major factor in the crash severity weighting and crash indicator rating, buses are going to have a much higher percentage of crashes involving claims of injuries as well as a higher crash indicator score relative to trucks since there are more people available to be injured during a bus crash. In today's litigious society, passengers are generally going to be injured regardless of the severity of the crash and it seems unfair to have a crash indicator rating so heavily skewed in favor of non-passenger carrying CMVs. Since passengers are becoming more conscious of company safety performance and making it part of their purchasing decision through increased use of publically available information such as safersys.org and the Safer Bus application for smart phones, it is now critically important that accident information either be consistently be reported with causation

information or not be reported in any forum.

* SMS Methodology, August 2013 Update Page 3-17 (31).

Second, the peer groups should be re-evaluated to separate freight and passenger carriers, particularly when considering crash indicator measurements under CSA. We respectfully submit that creating separate categories for passenger (motorcoaches, transit buses and school buses) and freight vehicles would be a benefit to all vehicle types. It is fine to combine buses and trucks for the purposes of measurement of the CSA BASICs because the underlying activity is essentially the same (maintaining the vehicles, driving safely, having qualified and fit/well-rested drivers), but for crash indicator they are entirely different.

Third, ABA is concerned with how all driver infractions are recorded and utilized within the Unsafe Driving BASIC. Particularly since traffic citations such as speeding (e.g. 392.2-SLLS4: State/Local Laws - Speeding 15 or more miles per hour over the speed limit) can be dismissed, withdrawn or reduced within a court of law, but can not be changed on a company's BASIC without pro-active action from the company. Even worse, when a citation is not issued and a driver is given a warning rather than a ticket, those also contribute to an increase in a company's BASIC.

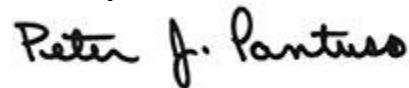
And finally, we are concerned that there is no positive impact from having a clean CMV inspection in regards to the Unsafe Driving BASIC. With each of the other BASICs, with more clean and no-violation relevant inspections, a company can improve their BASIC score over time by demonstrating safe operations that are verified through the relevant inspections. Since there are no relevant inspections currently available for Unsafe Driving, and its infractions are based almost purely on observation, there is little recourse for a company to improve. When taken in the context of our third concern related to how driving infractions such as speeding are recorded and utilized within the Unsafe Driving BASIC, it seems unfair that a company could be crippled by a single driver who never actually receives a ticket.

* SMS Methodology, August 2013 Update Pages A-4 and A-5 (69-70).

As more and more passenger carrying CMV contracts are tied to or are contingent upon safety performance criteria based upon the FMCSA's BASICs ratings and the interrelated Safety Management System (SMS) reporting, we are concerned that companies are being unduly penalized by actions (driver warnings) that they have limited power to influence, prevent, or improve through demonstrated safety performance and verified through inspections.

Collectively, we believe that adjustments made in consideration of these concerns will provide a more accurate portrayal of the safety performance of passenger carrying vehicles. We would hope that as more and more targeted interventions and enforcement activities take place, that the companies that need additional scrutiny might receive it over companies with good safety practices and programs already in place.

Sincerely,

A handwritten signature in black ink that reads "Peter J. Pantuso". The signature is written in a cursive, slightly slanted style.

Peter J. Pantuso
President & CEO