



February 29, 2016

The Honorable T.F Scott Darling, III
Acting Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

**RE: Docket ID No.: FMCSA-2015-0001, Carrier Safety Fitness Determinations
Notice of Proposed Rulemaking.**

Dear Acting Administrator Darling,

The American Bus Association (ABA) respectfully requests an extension of the time period for filing comments to the Docket No. FMCSA–2015–0001, the Federal Motor Carrier Safety Administration’s (FMCSA) Carrier Safety Fitness Determination (SFD) Notice of Proposed Rulemaking (NPRM), which is currently scheduled to close on March 21, 2016. ABA respectfully requests a 90-day extension to file comments, for the following reasons: 1) the length and complexity of the rule proposal; 2) the limited resources the motorcoach industry has at its disposal to analyze the proposal; and 3) the need for additional outreach by FMCSA.

The ABA has been in operation for 90 years, representing the interests of the motorcoach industry. Our 3,800 members include large and small, intercity and charter and tour operators, and rural and urban operation, providing all manner of transportation services, including intercity scheduled service, charter and tour operations, and airport and employee shuttle services. Additionally, our membership includes tour planners, equipment manufactures and travel industry entities that rely on motorcoach business. As our industry is predominantly comprised of small businesses, a 60-day comment period is entirely insufficient to properly review and prepare comments on a complex rulemaking proposing to entirely reshape the current safety fitness determination model.

Initially, at over 74 pages in length, with an additional 38 sets of supporting documents, it is wholly unrealistic for the Agency to expect to receive meaningful comments to this proposal from the industry with just a 60-day comment period; instead, it suggests FMCSA is not really interested in industry feedback. The length of the proposal, alone, would provide a sufficient basis to seek an extension of the comment period, however, added to this concern is the complexity of the proposal and its justification. The NPRM is not easy to read or understand. It lacks clarity and contains a level of unnecessary complexity, requiring expertise not readily available to the small business motorcoach community.

As noted previously, the motorcoach industry is relatively small, in terms of the entire transportation industry. It is not heavily subsidized by the Federal Government. Of the approximately 3,400

motorcoach companies¹ currently in operation in the U.S., operating nearly 32,000 motorcoaches, over 90% are small fleets operating 10 vehicles or less. In short, our collective ability to provide comprehensive analysis and gain meaningful perspective on our industry's position regarding this complex proposal is very limited. We need additional time to pool resources and work collaboratively with other stakeholders, just to gain a fundamental understanding of the proposal.

Additionally, it would truly serve FMCSA's interest if the Agency would conduct further outreach and education on this proposal. Although we do appreciate the initial Agency outreach efforts, including distribution of pre-publication versions of the rule and the deployment of a descriptive webinar, we believe more could and should be done. This is particularly true, in light of the proposal's expected impact to the motorcoach and trucking industries; it is imperative the entire motorcoach industry fully grasps what is being proposed. As currently written, the complexities of the proposal cloud the mechanics of the proposed SFD methods and may mask pitfalls to the actual application of the proposed methods. Alternatively, a demonstration of the proposed SFD methods, including illustrative examples of SFD final determinations, would go far in helping to educate the industry. Such demonstrations and examples could be delivered in a webinar format or otherwise, and would assist operators to gain a fundamental understanding of the proposal, provide meaningful comment, and ultimately avoid unintended negative consequences from a final proposal.

The motorcoach industry remains a vital link in the national transportation network: we provide safe, cost effective travel options to the traveling public. This NPRM proposes to effectively reshape the current motor carrier safety fitness determination process, thus having a significant impact on our industry. For these reasons, it is critical for the motorcoach industry to have a fair opportunity to first, understand what is being proposed, and then to comment accordingly. Based on the length and complexity of FMCA's SFD NPRM, we request a 90-day extension of time to file comments beyond the March 21 deadline. Further, we implore the Agency to conduct additional outreach to the collective motorcoach industry, for the three-fold purpose of ensuring understanding of the rule proposal by the regulated community, eliciting meaningful comments on the proposal, and avoiding unintended negative consequences with a final rule. .

Sincerely,



Brandon Buchanan
Director of Regulatory Affairs
American Bus Association

¹ Motorcoach Industry Census 2014, A Study of the Size and Activity of the Motorcoach Industry in the United States and Canada in 2013; John Dunham & Associates, 2014.