Performance Based Bus Safety Program

Industry Stakeholder Comments

Background

On February 7, 2013, the Department introduced a draft proposal of its Performance Based Bus Safety Program. The plan was posted on the Department’s website. Over 2,600 stakeholders were notified by mail and asked to provide comments on the plan by April, 2013.

Summary of Comments

Our sincere appreciation goes out to all who participated in the comment process. Your thoughtful and candid ideas were certainly helpful in assessing how to move forward with the new plan.

32 stakeholder responses were received by the Department; 23 were associated with school transportation. Respondents ranged from individual mechanics to industry associations. The feedback received represented a wide array of issues and concerns, as well as opposing viewpoints on a number of issues.

General Discussion of Comments

Most of the feedback we received focused on a few key elements of the proposed plan which are categorized below. Additionally, a number of other comments and observations were offered which we consider beyond the present scope and purpose of the plan. However, we have retained those items for future consideration within the ongoing dialog among NYSDOT and our industry partners.
Performance Categories

Respondents generally favored the proposed 3 category approach (Preferred/Acceptable/Unacceptable) with emphasis on increased scrutiny for poor performers.

Critical Item Inspections

Many comments focused on these inspections. Those that expressed skepticism about the concept of “critical item inspections” noted that these abbreviated inspections could be perceived as a potential lessening of NYSDOT’s current safety standards. Conversely, those that expressed support for the proposal generally approved of the idea of these streamlined inspections for preferred performers. Other respondents expressed a preference for one type of critical item inspection over the other. Some opposed the idea of not being informed in advance which of the two types of critical item inspections would be performed while others viewed that approach as a good way to ensure that preferred operators continue their sound vehicle maintenance practices. A number of respondents questioned the actual value of “incentive” or “reward” that would result for preferred operators since they already perform at a high level.

Inspection Schedules

Concerns were expressed with the impact that critical item inspections may have on inspection schedules. Since these critical inspections will likely take half as much time to perform as the current full comprehensive inspections, respondents expressed concerns that NYSDOT will now mandate that some operators increase the number of vehicles required to be presented for inspection each day. This perceived requirement is considered by some to be potentially disruptive to their current operations and vehicle maintenance cycles.

Compliance Reviews

The responses were mostly positive concerning the idea of compliance reviews as long as NYSDOT coordinated its efforts with other regulatory
agencies so as not to duplicate efforts. However, more specific information to assist operators in better understanding the compliance review process was requested. In order to assist school operators to better understand the process, we have added to the plan a summary outline of the compliance points that will be covered during a school operator compliance review. (See Attachment- A on page 5 of the final plan)

Random Vehicle Inspections

Respondents also asked for more clarity as to how these compliance review inspections would be carried out so as not to disrupt their scheduled bus runs. Some questioned why Out of Service (OOS) defects for these inspections would not result in removal of the inspection certificate and additionally, why federal Safety Measurement System (SMS) scores should be affected. Others questioned the validity and effectiveness of such inspections.

Training

Proper training prior to implementation of the plan for both NYSDOT staff and affected operators was suggested by a number of respondents.

Implementation Strategy

Conceptually, the final Performance Based Bus Safety Program plan presented here remains essentially similar to the initial draft proposal. However, in response to the stakeholder feedback as summarized above, we have supplemented the proposed plan with additional information in order to address identified areas of concern, particularly with regard to the compliance review component which is a newly added element within the school bus operator community.

We understand that whenever changes are made to a longstanding and successful program such as the semi-annual bus inspection program, there
will be a number of challenges to be addressed as we advance toward implementation. We are proceeding with a two-phased implementation approach as described in the attached final plan. Please note that the projected target date for initiating the critical item inspections for operators in the ‘preferred’ category is October 1\textsuperscript{st}, 2013. However, if that date is set back for any reason, formal notification will be provided by the Department.

Most importantly, we want to assure our industry partners and stakeholders that concurrent with each phase of implementation, the Department is committed to a collaborative process that provides the necessary outreach and information sharing which will help foster a smooth transition by addressing problems and concerns as they arise.