



AMERICAN PUBLIC GAS ASSOCIATION

July 28, 2011

The Honorable Ann S. Ferro
Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

On behalf of the American Public Gas Association (APGA), I respectfully request that the Federal Motor Carrier Safety Administration (FMCSA) grant NGVAmerica's request for a two-year exemption from FMCSA Part 393.65 for Compressed Natural Gas (NGV) buses operating in interstate transport. APGA strongly endorses NGVAmerica's petition for all the reasons stated in the petition and due to APGA's own long-standing concern about America's dangerous dependence on foreign oil.

APGA is the national association for publicly-owned natural gas distribution systems. There are approximately 1,000 public gas systems in 36 states and over 700 of these systems are APGA members. Publicly-owned gas systems are not-for-profit, retail distribution entities owned by, and accountable to, the citizens they serve. They include municipal gas distribution systems, public utility districts, county districts, and other public agencies that have natural gas distribution facilities.

APGA has long recognized that the United States' dependence on foreign oil is one of the foremost threats to our nation both economically and militarily. The U.S. economy is dangerously dependent upon crude oil for stability and economic growth and in no area is this dependence more evident than in the transportation sector. Even slight increases in the price of gasoline can send shock waves throughout the economy, reduce consumers' purchasing power and spending, cause financial markets to tumble, and inhibit economic growth.

Moreover, it is on the foundation of our economic strength that our military might depends. The sad fact remains that the main sources of crude oil are outside the U.S. According to the Energy Information Administration, the U.S. imports approximately 51% of the oil it consumes (2009 data), meaning that America's economic prosperity (and therefore its military strength) is tied to purchasing crude oil from foreign countries, many of which have interests that are antithetical to our own. In short, the U.S. sends billions of dollars to potentially hostile nations, upon which it is dependent for its prosperity and ultimately its security.

Natural gas vehicles can play a critical role in reducing America's energy dependence on foreign oil as well as reducing greenhouse gas emissions. The combination of a secure, domestic, affordable fuel source that can be used by existing technology makes NGVs the logical choice for replacing our transportation fleet.

APGA is extremely concerned that FMCSA Part 393.65(b)(6), if enforced, could impede the interstate transport of natural gas transit buses and could threaten the daily use of thousands of natural gas transit buses. APGA strongly supports NGVAmerica's request that

this exemption be granted to all operators of natural gas transit buses that have been manufactured in accordance with and satisfy regulations adopted by the National Highway Traffic Safety Administration (NHTSA). NHTSA safety regulations include FMVSS 303 and 304, which address the safety of compressed natural gas (CNG) fuel systems and storage containers.

An exemption is necessary to allow natural gas bus manufacturers, transit operators, and the FMCSA time to resolve the differences and apparent conflicts between FMCSA and NHTSA regulations. Specifically, there is a conflict between federal safety regulations adopted by FMCSA and NHTSA. FMCSA Part 393.65(b) (6) includes the following prohibition: "No part of the fuel system of a bus manufactured on or after January 1, 1973, is located within or above the passenger compartment." The prohibition found in Part 393 is not specific to natural gas buses but instead applies generally to all buses which are also considered to be commercial motor vehicles.

However, NHTSA has expressly adopted safety standards which are specific to natural gas vehicles: Federal Motor Vehicle Safety Standard (FMVSS) 303, *Fuel system integrity of compressed natural gas vehicles*, and FMVSS 304, *Compressed natural gas fuel container integrity*. These regulations are found in Part 571 of Title 49 of the Code of Federal Regulations. These regulations do not prohibit natural gas cylinders from being located above the passenger compartment. In the case of low-floor transit buses, which are the dominant type of transit bus now in production, all natural gas fuel storage systems are in fact located on the roof-top above the passenger compartment and have been for many years.

Moreover, the National Fire Protection Association (NFPA) has developed safety standards for CNG vehicles. NFPA Code 52 (NFPA 52) is the nationally recognized standard for gaseous fuel systems on vehicles and it specifically addresses the safety of those systems. NFPA 52:6.3.2 states that "fuel supply containers on vehicles shall be permitted to be located within, below, or above the driver or passenger compartment, provided all connections to the container(s) are external to, or sealed and vented from, these compartments." Thus, this standard, like NHTSA's, allows CNG storage cylinders to be located above the passenger compartment of transit buses.

APGA urges FMCSA to give strong consideration to NGV America's request for a two-year exemption from FMCSA Part 393.65. In addition, it is our hope that FMCSA would ultimately defer to NHTSA with respect to the regulation of such buses and that FMCSA would accordingly amend Part 393.65 so that it references Part 571 (FMVSS 303 and 304) as containing the requirements for compressed natural gas powered buses.

I thank you in advance for your consideration of our views.

Sincerely,



Bert Kalisch
President & CEO