AMERICAN BUS ASSOCIATION
Representing the motorcoach, tour and travel industry

September 6, 2023

Ms. Samantha Towery
CUA Program Manager
National Park Service
12795 West Alameda Parkway
Lakewood, CO 80228

RE: Online Commercial Use Authorization Application and Reporting System

Dear Ms. Towery:

On behalf of the American Bus Association (ABA), I am submitting the following comments to the National Park Service (NPS or Service) in response to the Service's notice (Notice) requesting public comment on the development of an Online Commercial Use Authorization Application and Reporting System (System). The notice was posted to the NPS's Planning, Environment & Public Comment (PEPC) webpage on or about July 25, 2023.

ABA represents private motor carriers of passengers (motorcoach companies) and tour operators, who routinely conduct operations on NPS units. Our members engage in all aspects of tour planning and motor carrier operations. Motorcoach companies have large and small fleets, fixed route and charter and tour bus operators, rural and urban transportation. In addition, ABA membership includes hotels, convention and visitors' bureaus, attractions, restaurants, and other companies that provide services to the motorcoach, tour and travel industry as well as market trips to NPS managed sites and service NPS adjacent communities.

ABA reviewed the Notice and instructional videos on the NPS website, and appreciates the opportunity to provide comments on the online system. As an initial comment, we note that having an opportunity to interact with a beta-test version of a live website, to interact with the entirety of the system rather than a video, would provide prospective users a better understanding of the system and yield better feedback on its overall usefulness. With this in mind, comments and suggestions below are limited by the extent we can assess the system via video.

Timing: The ABA is concerned with the anticipated speed of implementation of this program. Based on the Notice, this system is expected to be used for the 2024 CUA season. However, NPS is just now taking comments, and presumably make adjustments to the system which will involve additional time. This does not leave sufficient time for users to try or become familiar with the system prior to going live in December of 2023, if the expected use is for 2024. Also, we understand a separate development and deployment will occur for Road-based Commercial

Tour CUA's, but we are unclear on the timeline or planned differences between the systems. Considering the necessary time for preparing and planning tour activities, we have similar concerns about timing for the Road-based CUAs. We hope our comments and concerns raised herein will also be considered for the intended development of the Road-based Commercial Tour CUA application portal, during additional system development in the future. We would, again, advocate for more widespread beta-testing when the Road-based CUA system is developed, for the ability to better assess the system and its application.

International Applications – Because CUA holders may be non-US based, we recommend the "state" field in the System be changed to include state/province to accommodate entities based in Canada and Mexico. Similarly, an EIN number does not exist for all companies, particularly those owned or run by non-U.S. citizens. If NPS intends to keep this requirement, then a link to instructions or resources on how to secure an EIN number as a non-us citizen, would be helpful.

Tabs – The various tabs on the applications screen are difficult to see/read due to the grey color.

Company Profiles - It was unclear how to create or differentiate access or permissions between a major user for a company profile and additional users. The process to create a user seemed straight forward, although we have some reservations about the authentication and registration process via login.gov, but how to manipulate the profile settings did seem overlooked.

An approved CUA permit comes via email to the application email, but could additional emails be added to the request so that it goes to multiple places and users within the same company? Would it also be possible to have a link within the approved or active CUA section where the permit could be accessed and downloaded at any time? Would that include additional users of the company account profile, or would a verified user have to request a CUA permit document via email each time? If the online portal access works to access the CUA permit at any time, why would a printed copy ever be required at a national park unit moving forward? Seems like they could just access the list of approved providers or access the profile and look at the permit online.

Aggregating Function - It would be useful to be able to access a list of approved CUA holders, with their CUA type and contact details, possibly sortable by domiciled state or parks where they operate. We recommend that this could operate similarly to the GSA and Department of Defense systems where lists of approved operators or schedule holders can be viewed.

Violations - The violations segment should probably be removed or clarified, with greater specificity. There are a lot of "violations" that are very minor, plus depending on how/when it occurred or which agency is involved (FMCSA, NPS, NHTSA, OSHA, EPA, DOD, etc.), lots of levels to the adjudication or challenge/defense part of the process. Maybe limit it to criminal proceedings or fraud investigations or something like that.

What is the purpose and function of the denied applications area within the profile? Is it just to keep a running list of places where applications were unsuccessfully filed, or provide an opportunity to make amendments and refile? Does some money get refunded? Does amending a rejected application require additional application fees?

Navigation - It would be useful to have a menu or side navigation bar within the System, to more easily manipulate and input data. The emphasis on inline text drop downs becomes complex and confusing, and one can easily lose track stages in the process. Although it may economize screen space, as a user it limits your navigation options and can lead to data input errors. Additionally, a System user guide would be helpful, although it was mentioned in the notice it did not appear to be available for review.

Vehicle Data – Certain data will not be available at the time of a CUA application, if the trip will occur at a later date, such as a vehicle license plate or VIN number. Also, a vehicle may need to be changed due to mechanical or scheduling issues at the last minute, however the trip will continue in an alternative vehicle or through an alternative transportation provider. These operational changes happen without the knowledge of the CUA holder as that entity is responsible for planning the tour in advance, but not necessarily executing the entirety of the trip and they will rely on a transportation provider for that aspect of the service. That application element should be eliminated as a required field. Requesting the US DOT number or company name of the vehicle operator are better solutions than license plate or VIN number. Requiring an amendment to update those details (perhaps in real-time), would be an unnecessary burden on the CUA holder.

Accessibility - It is not clear if the System is accessible via mobile devices (all types of mobile devices) or if its use is restricted to laptop or computer-oriented platforms, only. It would be useful to have a system requirement screen or tab, to address this, as some verification systems can limit the number of devices an authorized user can employ to seek login access. Also, it would be helpful to know if the System is ADA compliant or has reasonable accommodations included to ensure access by all populations. Additional language options were also not visible.

Landing Page - To facilitate use of the System, the initial landing page should be redesigned for attractiveness and ease. For example, icons could be used on the page to ease navigation, similar to the bottom of the NPS homepage (https://www.nps.gov/index.htm). Overall, the System has too much verbiage, with all the text and drop-down menus, bogging down users.

Disclosures:

    CUA Terms - It would be helpful to include expiration dates with active CUAs within the profile. Different types of CUAs can be of different terms, up to 2 years per the interim guidelines, although most are 1 year. Because application periods and expirations differ among parks, it is unclear how these differences will be accounted for or reflected for CUAs. For example, if they expire 365 days from approval, if they expire in alignment with the application period or if they expire at an alternate point? Also, because multiple year CUAs are authorized by law, CUA applicants should be able to apply for 2-year CUAs. This would reduce administrative burdens.

    CUA Application Fees - It would be useful to identify within the System which parks require application fees and management fees and have the upper limit of the fee pop up when a mouse scrolls over. It is inefficient for applicants to proceed through the entire process before realizing the cost of the fees and realizing the cost is infeasible. Also,

alternative payment options should be added, and information on length of payment processing and application review, would be helpful. This information will assist in determining the time needed in advance to apply for a CUA. Also, we would encourage graduated or bulk-pricing for CUA holders who apply for CUAs at several parks. For example, a 25% discount if 5 CUA applications are submitted and approved. Finally, we would expect CUA application fees to remain consistent with the projected standardized amounts or current fees, for the purpose of trips already scheduled and booked for 2024 and beyond.

CUA Fee Waivers – Fee waivers were also not discussed in the Notice or reflected in the System, to our knowledge. It would make sense for entities to apply for CUA waivers through the same online portal as CUA applications.

Temporary Authorizations – There was no mention of temporary authorizations in the Notice or in the System. Such an authorization could substitute for a CUA on a short-term basis and is currently in use. It is further unclear if the temporary CUA produces a decal or code that can be printed or scanned.

Reporting Requirements - It would also be useful to disclose the unit's reporting requirements in advance of completing the application. If it requires monthly reports AND annual reports, for example, it may deter a potential applicant. A notation on when the next report filing is due, should be included within the user profile under approved or active CUAs.

Other Park Systems – To truly be a universal system, additional permitting or reservation systems at other NPS units should be superseded by the CUA, or, alternatively, these additional requirements should be identified in the System at the time of application. For example, at Acadia National Park, Muir Woods National Monument and Yosemite National Park, both a CUA requirement and a parking reservation program are currently in place. Both of these fee-based permitting/reservation programs require identical sets of information, yet the application forms have to be filled out twice by the applying entities rather than being integrated.

Unlike other federal agencies, NPS did not provide an open public docket on www.regulations.gov for this proceeding. There is no opportunity to view the comments filed by others, and enhance our review of the System, through verified and shared experiences. We would strongly advocate for greater transparency in NPS's process, rather than directing commenters to submit comments directly to NPS staff without any opportunity for the public review.

Considering the timing of the Notice, along with the scheduled date for the System going live for operation, it is difficult to anticipate if NPS can address the noted in our comments. However, ABA would encourage NPS to conduct extensive outreach to all current and prospective CUA holders in advance of live deployment of the System to properly educate anticipated users. We also advise NPS to assemble a working group to beta-test the Road-based Commercial Tour CUA application in advance of it being rolled out and implemented. We appreciate the opportunity to review the instructional videos and look forward to working with you on

additional changes before the full implementation of a Road-based Commercial Tours CUA online portal.

Sincerely,

Brandon Buchanan
Director of Regulatory Affairs
American Bus Association