

Bus & Motorcoach NEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

UMA-ABA unification fails, CEO stalemate kills effort

There isn't going to be an American Motorcoach Association.

That's because nearly 15 months of tough, grinding negotiations to consolidate the United Motorcoach Association and the American Bus Association have gone up in smoke.

Leaders of the two associations

announced earlier this month they had "reached an impasse in the transition process and have agreed to end the unification effort."

However, the two associations agreed they will continue to work closely on public policy issues, retaining the joint Public Policy Committee that began working

early this year to give the industry a single voice on industry issues.

The committee appeared to work well during this summer's debate over the new federal highway and public transportation reauthorization bill, and leaders of both associations say they're committed to maintaining that effort in the

future, assuring the industry has greater clout with both lawmakers and regulators.

Neither association would say what led to the break down in the transition to consolidation, but sources close to the process say the fundamental stumbling block was an effort by ABA negotiators to

make ABA President & CEO Peter Pantuso the CEO of the consolidated organization.

Both associations had agreed early this year there would be a wide-open search for a CEO of the combined association. But once the transition phase began, ABA

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Industry wins big with new highway/transit law

WASHINGTON — The private bus industry achieved its most significant legislative gains in more than 20 years last week when President Bush signed the \$286.4 billion federal highway and public transportation reauthorization bill.

The massive legislation contains nearly two dozen key provisions that will impact the industry — and every operator in it — for years to come.

It is unquestionably the most far-reaching legislation since deregulation of motor carriers a generation ago. Among other things, the bill:

- Significantly alters the federal charter service rules that apply to public transit agencies
- Requires churches and other nonprofits to have insurance on their buses just like private, for-profit operators
- Revamps the medical registry program
- Gives the private sector bus industry full participation in public transit planning
- Extends Federal Motor Carrier Safety Regulations to all interstate 15-passenger van operators
- Provides axle-weight exemption for private motorcoaches through 2009
- Provides tens of millions of dollars to pay for intermodal terminals
- Extends 13(c) labor protections for six years
- Does away with the Single State Registration System

"There's an incredible amount of good stuff in there," said Victor Parra, president and CEO of the United Motorcoach Association. "We won a bunch."

Becky Bentson Weber, managing director of a Washington lobbying firm that rep-

resents the National School Transportation Association, said that "overall, the bill is a victory for the private school bus industry with many advances made for the private sector in planning and provision of public transit services."

And the American Bus Association noted the legislation "includes a long list of financial support and positive changes for the motorcoach industry."

But while Congress adopted a score of legislative priorities that had been advocated by the private bus industry, there were a

handful of disappointments.

The most significant is a provision that requires a negotiated rulemaking to determine if public transit agencies should be allowed to provide charter bus service for local government units and private nonprofit agencies.

That issue was the focus of months of negotiations between the American Public Transportation Association, which represents hundreds of public transit agencies, and the Coalition of Private Transportation Associations, an ad hoc group formed last

year to push private-sector ground transportation initiatives on Capitol Hill and to negotiate the charter service issue with APTA.

The coalition is composed of representatives from UMA, ABA, NSTA, International Motorcoach Group, Trailways, California Bus Association and nearly a dozen other national, regional and state groups that represent private bus, shuttle, taxicab and limousine operators.

The protracted negotiations with APTA failed to produce a concrete agreement on how much charter service, if any, public transit agencies should be allowed to provide to local governments and nonprofit organizations. APTA negotiators took the position that transit agencies should be allowed to provide extensive charter service to these groups.

The best the Coalition of Private Transportation Associations could come up with in its talks with APTA was the idea of a negotiated rulemaking. Language calling for the rulemaking was inserted into the highway bill just days before it was passed by Congress.

Even though they agreed to it, the negotiated rulemaking provision is causing considerable consternation among top motorcoach industry executives. They worry that the rulemaking process could be full of pitfalls and landmines. "This certainly remains a dangerous situation in which APTA is very likely to end up with some charter authority," said David Brown, chairman of UMA.

(See primer on Negotiated Rulemaking on Page 8.)

It's expected that members of the

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Highway bill (finally) passes after two years of bickering

WASHINGTON — Nearly two years behind schedule, Congress passed a new federal highway and mass transportation bill.

The new law's cumbersome name is: The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

The bill authorizes spending of \$286.4 billion from fiscal 2004 through fiscal 2009. However, because fiscal 2004 is long gone, the bill's conference report authorizes spending of \$241.1 billion over the next five years.

About 80 percent of the money is for highway-related projects, 18 percent is for mass transportation and 2 percent, or \$6 billion, is for transportation safety.

Critics of the spending plan figure that \$23 billion of the total, or 8 percent, is pork

loaded into the bill by profligate Congressmen and women. Taxpayers for Common Sense, which tracks such projects, says it has found 6,361 wasteful projects that total \$23 billion.

Passage of the 1,000-page bill came after more than four years of negotiations, compromises and veto threats.

During most of the past two years, Congress and the White House bickered over the level of funding the bill would contain. Congress started out proposing spending of more than \$375 billion and President Bush started out by saying he would veto anything more than \$265 billion.

Bush hung tough before the 2004 general election but after he won re-election he gave considerable ground and Congress also reduced its demands. The Senate

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Congratulations! Two winners and counting...

Congratulations to James Callahan; president of Callahan Bus Lines; Oxford, Mississippi; and Michael Colborne; chief operating officer of Pacific Western Transportation Ltd.; Calgary, Alberta, Canada; the first two winners in The MCI Experiences Event.

The MCI Experiences Event* runs through August 27. Another drawing will be held August 15, and the Grand Prize drawing for the Cadillac XLR will take place September 15.

*Restrictions apply. See complete rules on the web site listed below. Void where prohibited.

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Probe of Chinese operators expanded in Massachusetts

BOSTON — The attorney general of Massachusetts reportedly has expanded his investigation of a Chinese-American bus company that operates between Boston and New York City.

The broadened investigation was launched after a series of articles appeared in the *Boston Herald*, reporting that Fung Wah bus company was routinely violating disability laws by denying service to passengers who use wheelchairs or who are blind.

A separate investigation by the newspaper also found that Fung Wah drivers were repeatedly driving 80 miles per hour on the Massachusetts Turnpike, weaving in and out of traffic, and speeding through construction zones like they weren't there.

Separately, Peter Pan Bus Lines of Springfield, Mass., which competes with Fung Wah and other Chinese/American-owned bus companies operating along the East Coast, reportedly has filed a new complaint with the Federal Motor Carrier Safety Administration alleging that another Chinese operator, Apex Bus, also is violating disability laws.

In one of its articles, the *Herald* reported that a reporter had watched as Fung Wah employees

denied a ride to the head of Boston's Disability Law Center, Christine Griffin, who uses a wheelchair.

Later, a *Herald* reporter called the Fung Wah ticket office and was told that service for the disabled was not provided.

Earlier this year, a complaint was filed with the state attorney general by a blind couple who said they and their seeing-eye dog were refused a ride on a Fung Wah bus.

The day after the *Herald* ran its latest story, Massachusetts Attorney General Tom Reilly said he intended to step up his investigation of Fung Wah.

"Apparently this company just doesn't get it that it's illegal to discriminate against an individual based on a disability," Reilly said in a statement.

The *Herald* quoted a lawyer for Fung Wah who said that none of the apparent violations were intentional and the company was awaiting instructions from Reilly on how to improve access for disabled riders.

Meanwhile, the FMCSA's oversight of Fung Wah and other Chinatown operators was again called into question. A lawyer for the federal safety agency admitted

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Florida operator makes purchases

FORT LAUDERDALE, Fla. — Davis Tours and Cruises, a tour and charter company operating in south Florida for nearly 30 years, has purchased two specialty bus operations that expand its business into new areas.

Davis purchased Fifth Avenue Bus Co., also of Fort Lauderdale, and Neon Dolphin Adventure Tours of Pompano Beach.

Jim Davis, president and founder of the company bearing his name, said he had two primary reasons for purchasing Fifth Avenue. Its shuttle service was a

different kind of operation than his charter and tour business, and it had a large, fenced bus yard, giving him additional room for his coaches and those he acquired by buying the two companies.

Davis' fleet — prior to the purchase — consisted of 20 motorcoaches, while Fifth Avenue operated six midsize buses and four motorcoaches. Neon Dolphin operates four deluxe midsize buses.

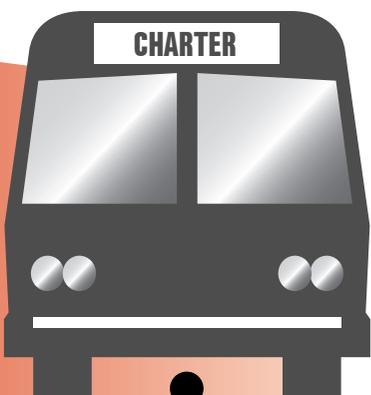
Fifth Avenue was acquired from Bob Joseph, whose wife, Tina Joseph, remains with the

Davis Tours/Fifth Avenue operation.

Neon Dolphin, a \$3 million annual operation, markets fun tours to the thousands of people who own time-share condominiums in the Ft. Lauderdale area. Its offerings include trips to the Everglades, Fort Lauderdale, the Florida Keys, and Key Largo, plus a gambling boat excursion and "Moon Over Miami" tours that include South Beach, the tony "playground of the rich and famous" near Miami.

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THE DOCKET

Process agent's fax blitz leads to warning by UMA

WASHINGTON — The United Motorcoach Association is urging its members and other motorcoach operators to be wary of a blitz marketing campaign by a South Dakota company offering process agent services.

Hundreds of motorcoach companies may have received a three-page fax from an outfit called AllAmerican Agents of Process of Sioux Falls, S.D.

The fax warns the operators that they are in jeopardy of having their DOT authority yanked because they don't have the name of

a process agent on file with the Federal Motor Carrier Safety Administration.

A process agent is a representative who may be served court papers in any proceeding brought against a motor carrier, broker or freight forwarder.

Every motor carrier registered with the Federal Motor Carrier Safety Administration is supposed to list the name and address of an agent for each state in which it operates.

There are dozens of commercial firms, like AllAmerican

Agents of Process, that will arrange process agents in all states for a fee. The FMCSA Web site lists more than 30 companies that provide the service.

In its fax, AllAmerican Agents of Process says it will provide blanket process agent coverage in all 50 states for a "low one-time fee of \$50."

UMA President & CEO Victor Parra points out that UMA provides blanket process agent services for UMA members that request it — as a member benefit. In other words, there is no \$50 fee for

UMA members to ask the association to provide the service. ABA provides similar service for its members. Both associations are listed on the FMCSA Web site as being process agents.

There is some question whether AllAmerican Agents of Process may have violated Federal Communications Commission rules that restrict unsolicited faxes, and it may have sent faxes to operators that already have process agent information on file with the USDOT.

UMA and ABA members

should check with their associations before responding to the AllAmerican Agents of Process fax. And those operators that aren't members of either association may want to consult with competing companies before signing up with AllAmerican Agents of Process.

The FMCSA list of process agents can be found on the agency's Web site, at www.fmcsa.dot.gov, or internet users can simply go to Google, type in "process agent," and a link to the FMCSA information will pop up instantly.

Enforcement begins for DOT number regulation

WASHINGTON — The Federal Motor Carrier Safety Administration has begun enforcing its rule that requires buses and other commercial motor vehicles to display an active, valid U.S. Department of Transportation number.

The rule, which became effective last month, affects all for-hire passenger carriers operating vehicles rated by the manufacturer with an eight-passenger capacity or more, all not-for-hire passenger carriers operating vehicles rated for more than 15 passengers, all trucks weighing more than 10,000 pounds and all vehicles transporting hazardous materials.

These vehicles must show the name of the carrier and the carrier's USDOT number on both sides of the vehicle. Leased vehicles must show the number of the carrier it is leased to.

Some states have commercial vehicles marking regulations that match the federal regulations: Alabama, Colorado, Florida,

Georgia, Iowa, Kansas, Kentucky, Michigan, Minnesota, New York, Ohio, Oregon, South Dakota, Tennessee, Utah, West Virginia and Wisconsin. Intrastate transportation within these states requires a USDOT number.

Vehicles without the proper DOT number are subject to fines. For example, piloting a motorcoach without the proper numbers in New York can result in a civil penalty of as much as \$5,000.

Within three to six months after a USDOT number is issued to new carriers, the company is to be audited by government agents or private contractors. The inspection includes driver qualifications, hours of service, drug and alcohol testing, vehicle maintenance and record keeping.

To secure a USDOT number call (888) 414-1874, or see the Registration and Licensing section of the Federal Motor Carrier Safety Administration Web site at www.fmcsa.dot.gov.

More crashes on Ohio Turnpike

BEREA, Ohio — Accidents involving all kinds of vehicles on the Ohio Turnpike have increased 27 percent since the speed limit for trucks and buses was raised to 65 mph from 55 mph last September. (See Sept. 15, 2004, *Bus & Motorcoach News*.)

The number of accidents involving a commercial truck along the 241-mile toll road has risen 36 percent in the same period, wire news services reported.

Turnpike officials raised the

bus and truck speed limit to try to draw over-the-road trucks away from congested highways along the turnpike corridor.

The Ohio Turnpike officials said more study is needed to determine if the higher truck speed limit affected the accident rate. Some factors such as last winter's driving conditions need to be evaluated.

Turnpike truck traffic is up about 20 percent this year from the same time last year, a turnpike consultant said.

Transits seek bus companies

The following public transit providers have informed the United Motorcoach Association of their intent to provide charter bus service unless willing and able private operators step forward to offer service or to bid on contract opportunities. UMA urges appropriate operators to take the time to respond to these notices:

Austin, Texas. Deadline: Aug. 18, 2005. Write to: Rachid Breir, Field Operations Coordinator, Capital Metropolitan Transportation Authority, 2910 E. Fifth St., Austin, Texas. Phone: (512) 369-6204.

Norwalk, Conn. Deadline: Aug. 25, 2005. Write to: Louis Schulman, Administrator, Norwalk Transit District, 275 Wilson Ave., Norwalk, CT 06854 Phone: (203) 852-0000.

Williamsport, Pa. Deadline: Aug. 27, 2005. Write to: William E. Nicholas Jr., General Manager, Williamsport Bureau of Transportation, 1500 W. Third St., Williamsport, PA 17701. Phone: (570) 326-2500.

Winston-Salem, N.C. Deadline: Aug. 30, 2005. Write to: Art Barnes, General Manager, Winston-Salem Transit Authority, 1060 N. Trade St., Winston-Salem, NC 27101. Phone: (336) 727-2648.

Marquette County, Mich. Deadline: Sept. 1, 2005. Write to: Robert Niemi, Executive Director, Marquette County Transit Authority, 1325 Commerce Drive, Marquette, MI 49855. Phone: (906) 225-1112.

Operation Air Brake gets major facelift

WASHINGTON — Operation Air Brake, the annual nationwide brake inspection blitz sponsored by the Commercial Vehicle Safety Alliance, is getting a makeover.

In the past, the late-summer program has largely consisted of a day-long brake inspection marathon conducted by commercial vehicle enforcement officials. Thousands of trucks and buses were stopped along U.S. and Canadian highways and their brakes checked by CVSA inspectors.

This year, Brake Safety Awareness Week — Aug. 28-Sept. 3 — is replacing Operation Air Brake, and the focus shifts to education and awareness — and away from enforcement.

The changes are the handiwork of the CVSA Operation Air Brake Committee, which has spent the past year evaluating the program. Among other things, the committee assessed data gathered from drivers surveyed during Operation Air Brake 2003, and consulted with the National Transportation Safety Board, Federal Motor Carrier Safety Administration,

Transport Canada and others.

Additionally, the committee liked the results from pilot education and awareness-building projects conducted in connection with last year's Operation Air Brake.

The upshot of all this study was a determination by the committee that a major education and awareness campaign was needed to deal with the chronic problems associated with brake compliance, inspection and maintenance. And that the campaign needed to be directed at drivers and mechanics.

That created the impetus for what is being called the Brake Safety Awareness Week initiative.

The committee is asking jurisdiction across the U.S. and Canada to conduct one or more educational or awareness events during the week, and to provide a report on its activities to CVSA.

So, operators and drivers should watch for announcements from state DOTs, Highway Patrols or others regarding training and education programs to be conducted at the end of this month and early next month.

New rule requires CDL checks

WASHINGTON — The National Highway Traffic Safety Administration has issued a final rule that requires states to verify a driver's eligibility through checks of both the National Driver Register and the Commercial Driver's License Information System before issuing or renewing a commercial driver license.

The rule, which goes into effect at the end of September,

provides an updated listing of the NDR codes for states to record and report driver license denials, withdrawals and convictions of motor vehicle-related offenses.

It also specifies that state records containing driver history information reported to the NDR must only pertain to drivers who have been convicted or whose license has been denied, canceled, revoked or suspended for an offense.

Nevada operators consider lawsuit over regulation

CARSON CITY, Nev. — After striking out at the state legislature, a group of Nevada motorcoach operators and others in the ground transportation industry is turning to federal court to settle a regulatory beef it has with the state.

The Nevada Transportation Coalition intends to file suit in U.S. District Court in Reno against the state for overstepping its authority in regulating buses and motorcoaches, as well as shuttles, taxis and tow trucks.

"They just don't want to follow the rules," charges Bob Fairman, coalition leader and owner of No Stress Express in Carson City.

The suit will seek to put a stop to efforts by the state Transportation Services Authority (TSA) to regulate the industry beyond federal laws that preempt state authority.

"There has been extreme concern expressed in various sectors of the transportation world in Nevada regarding the way the TSA has chosen to regulate the industry that in most places has been believed to be deregulated by the federal government and federal legislation," said Ellen Jean Winograd, a Reno attorney hired by the coalition to handle the suit.

She would not discuss particulars of a possible suit or say when it might be filed. However, she said the level of concern in the industry has risen to a point where the suit could be filed soon.

Fairman said he is turning to legal action because state legislators made a disaster this year of four separate state assembly bills that were written to address the problems and were supported by his group.

Two of the measures — one that would have abolished the TSA outright and another that would have required TSA employees to wear uniforms and drive marked vehicles — were stalled by lawmakers early on in this year's legislative session and were not allowed hearings.

Another bill that would have required the TSA to become consistent with federal preemption laws was passed by legislators, but was so extensively rewritten that it no longer resembled the original measure and, instead, gave the TSA additional regulatory authority.

"It was completely gutted and it doesn't do anything to help us," said Fairman.

The fourth measure, which would have done away with the TSA and turned its duties over to other state agencies, also passed, but was vetoed by the governor because it contained a controversial last minute amendment that

hurt the taxi industry.

Gov. Kenny C. Guinn said he would have signed the legislation had it not included a provision prohibiting cab drivers from accepting tips from nightclub owners for bringing customers to their

businesses.

"I cannot support (the legislation) because it singles out and hurts the financial well-being of taxicab drivers," he said, adding that he believes a majority of legislators would have backed the

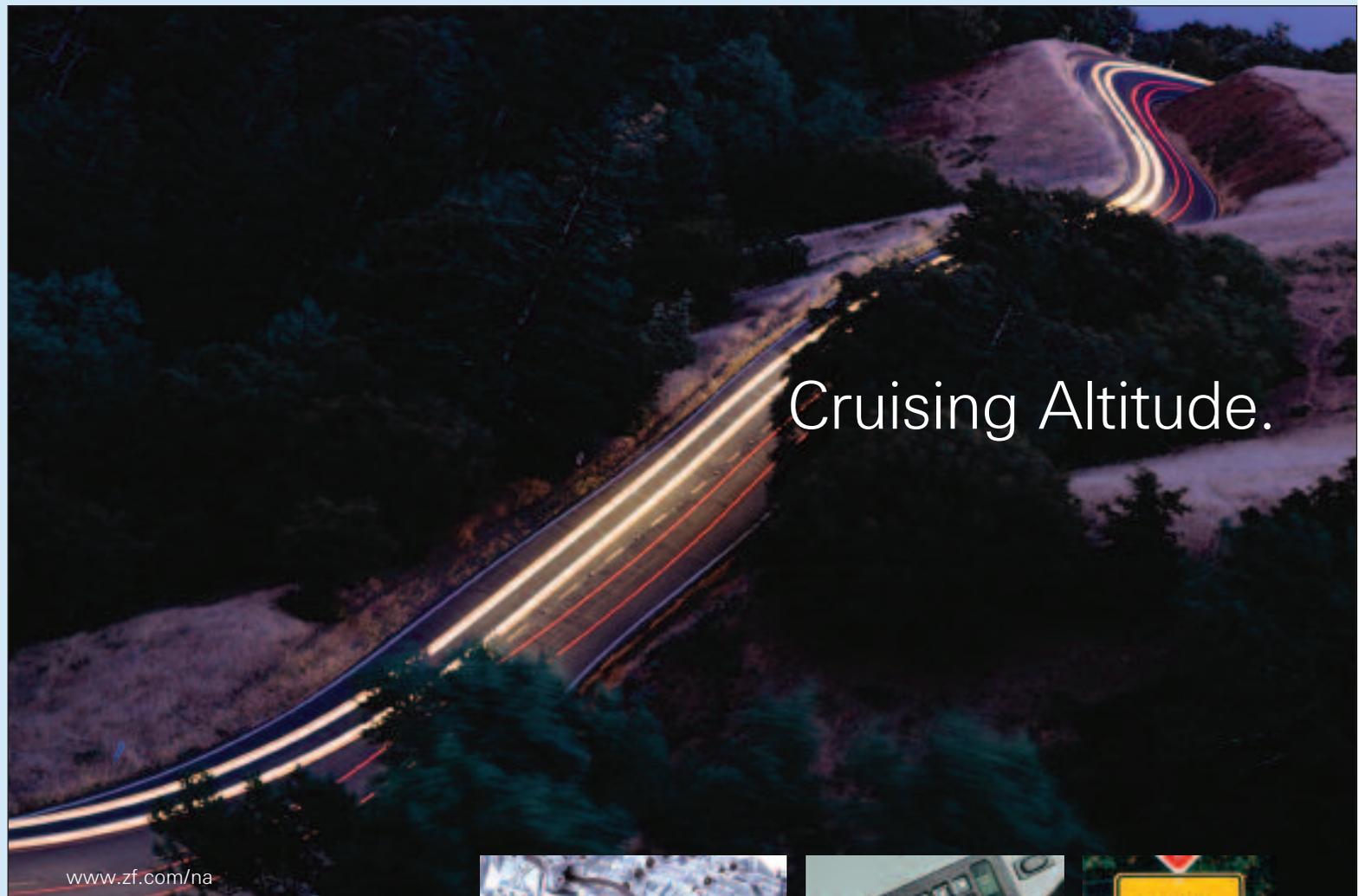
measure without the amendment involving cab drivers.

Fairman indicated that the transportation industry cannot wait for lawmakers to try to resolve the issues again because they only meet every two years and will not

get together again for a regular session until 2007.

"The state doesn't want to make any changes," he said. "Instead, they want to push everything down peoples' throats."

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Minnesota becomes last state to lower DWI limit to 0.08%

SAINT PAUL, Minn. — Minnesota has become the last state to drop its driving-while-intoxicated blood-alcohol limit to 0.08 percent, giving the United States a uniform standard.

Even though Minnesota has a reputation for being tough on drunken drivers, the state lagged behind other states when it came to adopting the limit, which was lowered from 0.1 percent.

Minnesota automatically revokes licenses when a person is arrested or refuses a breath test, and makes it a felony to get a

fourth DWI offense in 10 years.

Backers began pushing for the lower limit in the 1980s but ran into opposition from the liquor industry and people who objected to the federal threat to cut highway funds for states that did not adopt the uniform standard of 0.08 percent, first approved 22 years ago by Utah.

The lower limit reduces drunken driving deaths on average by 5 to 8 percent, according to an analysis by the National Highway Traffic Safety Administration.

Bus probe

CONTINUED FROM PAGE 3

in a letter to Peter Pan that the FMCSA did not adequately review Fung Wah's compliance with disability laws when Peter Pan and others raised concerns earlier this year.

In its latest complaint, Peter Pan told the FMCSA that Apex Bus, which may be the largest Chinese/American operator in the Northeast, did not have a single coach with a wheelchair lift even though, as a line-run company, it should have lift-equipped buses.

Like all line-run operators, Apex faces a deadline of Oct. 2006

or 2007, with the year depending on its annual revenues, of having to have half of its fleet wheelchair accessible.

In its investigation of speeding by Fung Wah, the *Herald* said that one of its reporters and photographers rode buses several times and they watched the speedometer at 80 mph on numerous occasions.

A company spokeswoman told the newspaper that speeding couldn't happen because the buses were governed so they couldn't go over 72 mph.

Fung Wah drivers were also observed talking on cell phones as they weaved in and out of traffic at high speeds.

Good News Outlook bright for second half

NEW YORK — Economists are predicting U.S. economic growth will be higher than previously anticipated for the second half of this year, the *Wall Street Journal* reports.

The higher forecasts follow reports of a higher-than-expected gross domestic product annual rate of 3.4 percent in the second quarter, the *Journal* said.

But while that figure marked a slowdown from the first-quarter growth rate of 3.8 percent, it was due in part to businesses aggressively cutting inventories, the *Journal* reported.

The paper noted that consumer spending grew at a robust 3.3 percent annual rate in the second quarter, while business investment rebounded following a down first quarter.

It cited economists from different organizations, such as Morgan Stanley, who raised their third-quarter growth outlook to as high as 5 percent, from an early July prediction of 3.7 percent.

Other economists also ramped up their forecasts, which were up from a 3.5 percent average level projected by 56 economists surveyed by the paper in early July.

An additional half-percentage point in economic growth sustained over a year would yield \$60 billion in economic activity, the *Journal* said.

Predictions are raised for hurricanes, storms

CAMP SPRINGS, Md. — U.S. weather forecasters say there could be 11 to 14 more tropical storms, including seven to nine more hurricanes, between now and the end of November.

There already have been seven named storms, including two hurricanes, in 2005, a record for this time of the year, according to the National Weather Service.

The 18 to 21 total forecast is an increase from an earlier estimate by the National Oceanic and Atmospheric Administration of 15

named storms for the '05 hurricane season, which runs June 1 through Nov. 30.

Bus and motorcoach operations are often impacted — sometimes severely — by hurricanes and tropical storms in the southeastern U.S. National Weather Service officials urged preparedness on the part of people living and working in hurricane-prone areas.

Several major hurricanes hit the U.S. mainland last year, including Hurricane Ivan in September.

I-89 work slows Vermont traffic

Montpelier, Vt. — A repaving project on a 16-mile stretch of Interstate 89 in northwestern Vermont — between South Burlington and Richmond — is meaning longer trips for thousands of cars, trucks and buses that pass through the area daily, according to the Vermont Agency of Transportation.

Interstate 89 connects the Vermont-Canada border with Inter-

state 91 on the New Hampshire border and ends at Interstate 93 in Concord, N.H.

Work on the project started late last month. Most of the work is being done Sunday through Thursday nights, when there is less commuter traffic. The speed limit has been reduced to 55 mph, from 65 mph, through the construction area.

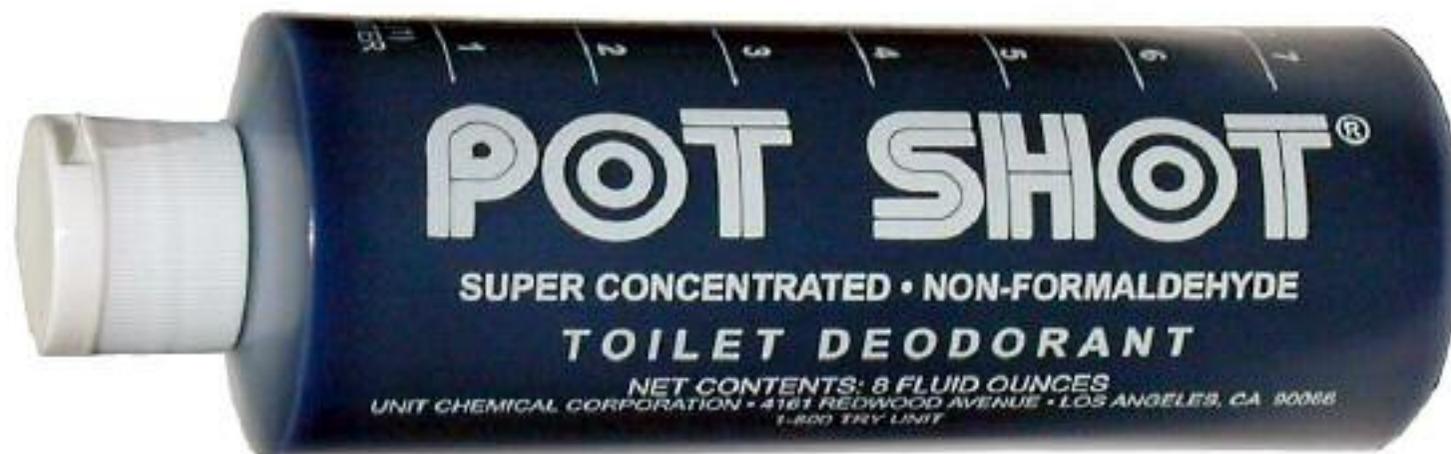
CARB sued to stop PM designation

FRESNO, Calif. — The American Trucking Associations told a state court here that the California Air Resources Board should be blocked from enforcing a regulation that classifies particulate matter from diesel exhaust as a "toxic air contaminant."

Classifying PM, or soot, from diesel exhaust as a toxic contaminant would open the door to more stringent regulations, and could have ramifications far beyond California, ATA officials said during a two-day trial.

Glen Kedzie, ATA assistant general counsel, said if the court upholds CARB's designation, other states could use it as the basis for similar or even tougher diesel-exhaust rules. He asked the court to stop CARB from enforcing its regulation.

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Helping Out

Sometime during the next year or so, the Federal Transit Administration is going to open a can of worms.

It will announce it is launching a negotiated rulemaking for federal charter service rules and whether public transit agencies should be allowed to provide charter bus service to local government units and private nonprofit organizations. (See stories on Pages 1 and 8.)

The announcement may even suggest that private companies aren't meeting the need for such service.

Of course, that's baloney. And reasonable people know it's baloney. The Federal Transit Administration even researched the subject and proved it's baloney. But that's not about to stop overzealous public transit administrators who want to get into the charter business, and this is their first foot in the door.

Trade associations who represent all facets of the private bus industry will be busting a gut to keep the FTA from turning the rulemaking into a rubber stamp for the transit agencies.

But the associations will need help. They will need all of the evidence they can get of transit agencies violating the current federal charter rules. So, if you haven't been documenting your local transit agency's transgressions in the past you ought to think about starting today. The rulemaking is likely to be a drawn out process so the need for examples will be ongoing.

So, if you have a private bus operation in Michigan, Ohio, California, upstate New York or other areas where transit violations of federal charter rules are rampant, start documenting now. The business you save may be your own.

Rulemaking to tackle charter rules issue

Congress has ordered the Federal Transit Administration to initiate a rulemaking on several issues related to the federal charter bus rules that apply to public transit agencies.

Among other things, the rulemaking will address whether transit agencies should be allowed to provide charter bus service to local government units and private nonprofit organizations.

Congress' directive was included in the federal highway and public transportation reauthorization bill that was signed into law by President Bush on Aug. 10. The law specifies that the process used by the FTA be what is called a "negotiated rulemaking."

Here is a primer on federal rulemaking, why it is important, and how a negotiated rulemaking differs from conventional rulemaking.

What is a federal rule?

A rule or regulation is the equivalent of an operating or implementation manual for a part of a statute or act of Congress. A rule gives those subject to its requirements more detailed instructions or prohibitions regarding activities that are addressed by the statute.

How are rules usually written?

Generally a federal agency's staff drafts the text of a proposed rule. After circulation and comment within the agency, the rule will be printed in the *Federal Register* as a proposed rule. The public is then invited to comment on the rule. After reading and

analyzing the public's comments the agency may revise the rule to incorporate suggestions or eliminate problems identified as a result of the analysis. The rule is then published in final form in the *Federal Register* and becomes effective on the date listed in the notice. It is then incorporated in the government's *Code of Federal Regulations*, which lists all applicable regulations.

What is a negotiated rulemaking?

Negotiated rulemaking is a process which brings together representatives of various interest groups and a federal agency to negotiate the text of a proposed rule. The goal of a negotiated rulemaking proceeding is for the committee to reach consensus on the text of a proposed rule.

How is negotiated rulemaking different?

In a negotiated rulemaking proceeding, a well-balanced group representing the regulated public, community and public interest groups, state and local governments, joins with a representative of the federal agency in a federally chartered advisory committee to negotiate the text or the outline or concept of a rule before it is published as a proposed rule in the *Federal Register*. If the committee reaches consensus on the rule then the federal agency can use this consensus as a basis for its proposed rule. The proposed rule is still subject to public comment. *If consensus is not reached, then the agency proceeds with its normal rulemaking activities.*

What are the advantages of negotiated rulemaking?

Federal agencies that have used negotiated rulemaking have identified several advantages to developing a rule by negotiation before notice and comment. The regulatory negotiation process allows the interested affected parties a more direct input into the drafting of the regulation, thus ensuring that the rule is more sensitive to the needs and limitations of both the parties and the agency. Rules drafted by negotiation have been found to be more pragmatic and more easily implemented at an earlier date, thus providing the public with the benefits of the rule while minimizing the negative impact of a poorly conceived or drafted regulation.

Because the negotiating committee includes representatives of the major groups affected by or interested in the rule, the number of public comments is reduced. The tenor of public comment is more moderate. Fewer substantive changes are required before the rule is made final.

The committee can draw on the diverse experience and creative skills of the members to address problems encountered in writing a regulation. Often the group together can propose solutions to difficult problems that no one member could have thought of or believed would work.

How does the process work?

The federal agency establishes a formal advisory committee under the Federal Advisory Committee Act. A balanced mix

of people is invited by the agency to participate and represent some identified interest or set of interests. Generally committees are composed of between 12 and 25 members representing both the public and private sectors. A neutral facilitator or mediator is used to convene the committee and to manage its meetings.

Meetings are announced in the *Federal Register* (and sometimes in local or trade press) and are open to observation by members of the public. The number of meetings held depends on how complicated the rule is to draft, how much controversy there is amongst the committee members, and what the deadline is for the rule to be published and implemented. Generally only the committee members speak during the meetings, although provisions are made for input by members of the audience. Caucuses can be called by committee members to speak with their constituency or with other members of the committee. Caucuses may or may not be open to the public observers.

Decisions are made by consensus, not by majority vote. The committee discusses and decides upon its own definition of consensus prior to the start of its deliberations. Often consensus is defined as an agreement by all parties that they can live with the provisions of the rule when taken as a whole package. If consensus is reached, the agency will use it as a basis for its proposed rule. Committee members agree to support the rule as proposed if there are no substantive changes from the consensus agreement.

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Consolidation

CONTINUED FROM PAGE 1

representatives began pushing for Pantuso.

The collapse of consolidation, which at once surprised everyone and no one, came despite overwhelming votes by members of both associations to approve unification. In April, ABA members voted by a 93-7 percent margin for consolidation, while UMA members approved it 87 to 13 percent. However, fewer than one-third of the members of either association cast ballots.

The announcement of the end to the unification effort came in the form of a memorandum sent to all ABA and UMA members. (The complete memorandum is reprinted on Page 9.) The memo was issued jointly by ABA Chairman Ron Eyre, UMA Chairman David Brown, ABA Vice Chairman Doug Anderson and UMA Vice Chairman Brian Scott.

Bus & Motorcoach News attempted to contact all four association leaders to gain additional insight into what specifically led to the impasse, but none would

respond. Neither Eyre nor Scott was available to be interviewed, and both Anderson and Brown said they couldn't comment because of ground rules adopted for the consolidation process.

Since the two associations announced their consolidation votes in early May, there has been a total absence of information about the day-to-day work to combine the associations. The reason for the information blackout was an agreement the two sides made that prohibited them from saying anything unless they agreed to say it jointly.

And almost immediately after the transition phase began there was friction, eliminating any possibility of warm and fuzzy announcements, according to sources who have spoken to transition insiders.

The only obvious sign of disagreement was the blow-up last month over the consolidation vote conducted by ABA that violated the association's bylaws. (See Aug. 1 issue of *Bus & Motorcoach News*.)

But prior to that story appearing, sources close to the joint transition and search committees were saying off the record that funda-

Text of memo to ABA-UMA members

From: Ron Eyre, ABA Chairman
David Brown, UMA Chairman
Doug Anderson, ABA Vice Chairman
Brian Scott, UMA Vice Chairman

Subj: Joint Statement on ABA-UMA Unification

Earlier this year, you gave us your approval to move forward with the unification of our two organizations. Since that time, you have been very supportive as we have attempted to bring our organizations closer together. This transition period has afforded us an opportunity to carefully analyze our staff, our business models, our leadership approach and our basic philosophies on serving our members' needs.

However, we regret to have to say that we have reached an impasse in the transition process and have agreed to end the unification effort.

Our organizations share much in common:

decades of service to the industry and substantial respective strengths.

This does not mean that you will not benefit from the work that has been done to date. It has become very clear to us, for example, that your desire for us to speak with one voice is an industry imperative for strength. Toward that end, UMA and ABA will continue to cooperate on future legislative and regulatory efforts by ensuring that our respective government affairs and legislative committees meet during the year and help to deliver a united message to Congress and to policy makers.

We want to thank you for your support. Though we did not complete the task we set out to do, we believe much is to be gained from the process that we have begun of working closer together. And we would like to thank all the members of the Unification Task Force and the Transition Team for their hard work over the past months.

mental differences were slowing or stymieing the process. However, it was the leadership issue that ultimately drove the spike through the heart of the unification effort.

They had "been struggling with the same topic for the last two months" and finally called it quits, said one source. The negotiators "reached an impasse that nobody could find a way around" and they

worked "at it from every angle... every angle you can imagine."

The agreement that both associations will continue to work closely on policy issues marks a departure from the past when the two associations would occasionally end up at different points on the public policy spectrum.

The joint Public Policy Committee began meeting in March and

continued throughout this summer's work on the federal highway and public transportation reauthorization bill (See story below).

The two associations are "hoping to keep the joint policy committee alive and well, and keep it working so we can at least achieve a single voice in D.C.," said one source. "But as far as unification goes, that's dead."



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Power Clinic: Transmission PM

By Bryan Couch
Motor Coach Industries



Bryan Couch

Operators have two basic choices in transmissions when they purchase a new motorcoach: the Allison B500 or the ZF-AS Tronic. Both transmissions are equally intelligent when it comes to warning drivers of a problem.

On MCI coaches, for example, drivers are warned of transmission malfunctions two ways: early-warning dash lights and via the shift-selector screen. If either system activates, a technician should inspect the coach immediately.

Here are a few important maintenance tips for both transmissions. More are available through MCI, Allison and ZF Web sites.

Allison B500/B500R

The Allison B500 and B500R transmissions operate in a similar manner to other automatic transmissions, but with some special features. A pre-selectable shift enables the operator to select any gear at any time, though the transmission will only shift to the selected gear once output RPMs reach sufficient speeds.

While the mode button, located on the shift-selector pad, has multiple functions, its

primary function is to allow switching between economy- and performance-shift modes. Economy is the startup mode. It allows early up-shifting to improve fuel economy. In performance mode, the transmission remains in gear slightly longer, allowing for better performance. Drivers can switch between modes even when the vehicle is in operation.

Proper transmission oil level is important. This check is made by using the selector pad display and should be done when the transmission is at normal operating temperature. The display will show one of the following two codes: O,L,O,1 when the oil level is one quart low, or O,L,H,I,1 when the oil level is high one quart.

Transmission error codes also should be checked. If "Mode On" is illuminated when reading any of these codes, it means the code is active and should be reviewed before further operation. A total of five codes can be stored in memory and can be switched by depressing the mode button.

ZF-AS Tronic

One of the newest additions to the MCI powertrain family is the ZF-AS Tronic transmission, which offers greatly reduced maintenance costs. Currently, 30 percent of new coaches are equipped with the AS Tronic, and MCI will soon offer an intarder option with the system.

The AS Tronic has no paper-element filters to service and no oil cooler to replace. The oil capacity is three gallons and only requires changing every 185,000 miles, or every two years.

The AS Tronic was designed to take the worry out of transmission maintenance. The estimated clutch life exceeds 500,000 miles, and the driver's display will indicate "CW" when the clutch finally requires service, which should only be performed at a qualified service center.

Aside from servicing the oil and clutch, no preventative maintenance is required, thanks to a microprocessor-controlled, self-adjusting system.

However, to assure long life and dependable operation of the AS Tronic, operators should carefully review all applicable manuals prior to operating the coach. A few important items to consider:

1. Unless circumstances prove it necessary to use the manual shift mode, leave the transmission in auto mode by simply selecting "D," or drive.

2. Do not attempt to select a gear until the "air low" (AL) indication has stopped.

3. When shifting from drive to reverse, or reverse to drive, first stop the coach. With the service brakes applied, select neutral, then either drive or reverse.

4. The engine must be at normal idle before shifting. If the coach is at fast idle, turn fast idle off and wait for the idle speed to slow before shifting.

5. Select "N," neutral, if the coach will be stopped with the engine running for long periods.

6. During extremely cold weather (-4 to -22 degrees Fahrenheit), allow the AS Tronic to warm up for at least 10 minutes prior to operation.

Bryan Couch is vice president of product development and technical support at MCI.



Tom Sullivan



Don Carini

People

Erroll Hotard of Hotard Motor Coach Services in New Orleans, has been elected a vice president of the Mississippi Tourism Association.

Tom Sullivan has joined Motor Coach Industries as a regional sales manager responsible for both new and pre-owned coach sales in North Carolina and Virginia. Sullivan formerly was a regional sales manager with Volvo Trucks.

MCI also announced that Don Carini had joined the company sales branch in Des Plaines, Ill., as a pre-owned coach sales representative.

Sullivan has extensive sales and lease experience. At Volvo, he managed its regional sales and marketing departments for a similar territory. A native of Virginia, Sullivan is a graduate of James Madison University. He reports to Pete Cotter, MCI senior vice president of coach sales, and can be reached through the MCI Orlando, Fla., sales branch.

Carini formerly was with Detroit Diesel and with Ingersoll Rand.

Bob Irwin, former president and CEO of BC Transit in Victoria, B.C., has joined Nova Bus as a strategic adviser for western Canada. In this role, he will call on key industry stakeholders with the goal of building and sustaining business relationships. Irwin recently retired from the top position at BC Transit.

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Opryland Resort adds J4500 coaches

NASHVILLE — Gaylord Opryland Resort & Convention Center, the largest non-gaming hotel complex in the U.S., has taken delivery of 10 MCI J4500 coaches and plans to add 4 more during the next two years.

Gaylord Opryland operates its own fleet of 40 motorcoaches and other vehicles. "Our transportation team is here to support the hotel," said James Mills, manager of transportation. "We liked the pristine look of the J4500 coach and kept noticing it when other tour companies came to visit."

Gaylord Opryland uses its coaches for airport and downtown runs; employee and guest shuttles, and group transport between hotel properties and convention center services. "Offering full-service transportation is a competitive advantage," said Mills. "Meeting planners have everything they need under one roof."

MCI's relationship with Gaylord Opryland began almost 10 years ago when the hotel acquired its first D-series coach. This delivery marks the first J4500 models



for Opryland, whose fleet includes earlier D4500s and 15 MCI coaches in all.

"We're very pleased that Opryland has once again selected MCI," said Tom Sorrells, president and CEO of MCI. "James Mills runs a tip-top division. And the hotel itself is one of the top destinations for motorcoach tours. ... "MCI appreciates the type of exposure a hotel of this size and stature gives to us."

The Gaylord Opryland Resort is renowned for its size, its south-

ern hospitality, and its restaurants. It has 2,881 rooms.

Gaylord Opryland's new coaches are equipped with Detroit Diesel Series 60 engines, Allison B500 transmissions, Jake Brakes, Ricon S&S wheelchair lifts, Amaya Brasil seats for 56 passengers, Lantal seat fabric, R.C.A. flooring, Isringhausen driver seats, Aloca DuraBright wheels with Michelin tires, REI A/V systems with DVDs and 6 monitors, Carrier A/Cs, and card tables.

Bus Supply Charters McComb, Miss.

Family-owned and operated Bus Supply Charters has taken delivery of three Prevost H3-45 coaches. This marks the third consecutive year the company has added new Prevosts to its fleet.

Karen Sanders, general manager of the motorcoach division, said Prevost's great reputation out on the road is one of the reasons they continue to buy Prevosts.

"We always buy as many amenities as we can get on a coach, and we've been real pleased with what we can get at Prevost," said Sanders, noting that drivers appreciate the handling, the service department enjoys the low maintenance, and the customers like the European-style coaches.

Bus Supply Charters, established almost 20 years ago, is a 16-

bus charter company. A substantial amount of its business comes from churches and schools, but the company also offers corporate travel, and works with national and international customers.

The new Prevosts are equipped with Detroit Diesel Series 60 engines, Allison B500 transmissions, Jake Brakes, National seating for 56, Isringhausen driver seats, Carrier A/C, REI A/V systems with six monitors and cordless microphones, Firestone tires mounted on Alcoa DuraBright wheels, and lounge packages that include card tables and swivel seats.

Bus Supply Charters attributes much of its growth to its drivers. Sanders says they are "excellent ambassadors of our company."

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Worker comp program marks milestone, offers savings

ALEXANDRIA, Va. — Six months after the United Motorcoach Association and the National School Transportation Association began offering a workers compensation insurance program, members report saving money and making use of the program's sophisti-

cated claims software.

"This program provides motorcoach and school bus operators with workers compensation insurance that offers competitive upfront pricing, long-term stability and innovative features," said Victor Parra, president and CEO of UMA.

When it was launched in February, the workers comp program was the first tangible member benefit to result from the new partnership between NSTA and UMA. The two associations joined forces to leverage the combined strength of both organizations.

The joint workers comp program is marketed by the William H. Co., a Boston-based insurance brokerage firm that specializes in property and casualty insurance.

Company president William Halowack Jr. said the rates and premiums being offered through the

program are "very competitive." Savings can be as much as 20 percent, he noted.

Additionally, the program, which is available in all but a handful of states, provides state-of-the-art claims and engineering software for policy holders.

The "assisted risk management services" software enables members to review and update all claims and safety issues on a daily basis. It also provides a wealth of information, such as the responsibilities of companies related to offering temporary duty to workers who have been injured on the job, finding state regulations related to workers compensation, accessing all regulatory guidelines, finding industry standards and safety measures, evaluating coverage alternatives, and compliance with OSHA.

"It's a wealth of valuable information," said Halowack.

The program is underwritten by American International Group, one of the largest underwriters of commercial and industrial insurance in the U.S.

"This program is well worth checking out," said Parra.

For more information, e-mail jo@williamh.com, or call Halowack at (617) 973-5000.



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Preliminary Program Schedule

Wednesday, January 18, 2006

- ◆ State Association Summit (1:00PM - 5:00PM)
- ◆ Welcome Reception (6:00PM - 9:00PM)
The Tampa Aquarium

Thursday, January 19, 2006

- ◆ UMA Active Member Meeting and Continental Breakfast (8:00AM)
- ◆ Maintenance Interchange (8:00AM - 4:00PM)
- ◆ Education Sessions (9:00AM - 4:15PM)
- ◆ Operator Luncheon
- ◆ Exhibit Hall Open - "Sneak Preview" (4:30PM - 7:15PM)

Friday, January 20, 2006

- ◆ Education Sessions (8:00AM - 10:30AM)
- ◆ Exhibit Hall Open (10:30AM - 5:30PM)
- ◆ Lunch on Exhibit Floor
- ◆ Vision Awards Banquet (6:30PM - 11:00PM)

Saturday, January 21, 2006

- ◆ Exhibit Hall Open (9:00AM - 12:00PM)
- ◆ Brunch on Exhibit Floor

Sunday, January 22, 2006

- ◆ 2nd Annual Ray Dupuis Memorial Golf Tournament (8:00AM)

For more detailed schedule information, please visit www.motorcoachexpo.com



Davis

CONTINUED FROM PAGE 3

Davis' own business, Davis Tours and Cruises, operates and supplies a wide variety of charter bus services, group packages for bus tours, as well as cruise packages.

Davis founded his company in 1976 following a hotel career in Fort Lauderdale and Boca Raton, as well as being executive director of the Greater Fort Lauderdale Convention and Visitors Bureau. His company annually offers more than 150 preformed tours to more than 100 destinations throughout the United States, and cruises to all destinations.

Jeff Davis, son of Jim Davis, is bus operations manager, and daughter Julie is cruise manager.

Jim Davis said the two purchases are working out well. "We're excited about the future."

For more information, go to www.DavisTours.com.

Nevada

CONTINUED FROM PAGE 5

He said he hopes motorcoach carriers in Nevada and throughout the country will help support the lawsuit against the state by contributing to a fund to help offset the cost.

Fairman can be reached by e-mail at nn@nostressexpress.com or bob@nostressexpress.com, or by telephone at (800) 426-5644.

Register today at www.motorcoachexpo.com

Comments? Questions? Call 800-424-8262 or e-mail us at info@uma.org

Bradley Jo Charter Dubuque, Iowa

Bradley Jo Charter, a tour and charter operator, has taken delivery of its first Van Hool motorcoach, a 2005 C2045 model.

The enhanced C-series coach features a 430-horsepower Caterpillar C13 engine and a ZF-AS Tronic transmission with intarder.

Other specifications include Amaya Brasil passenger seats, Isringhausen driver seat, Goodyear

tires mounted on Alcoa DuraBright wheels, REI A/V system with four color monitors and in-dash DVD player, plus VCP and radio.

The coach also has Van Hool's revamped passenger entry, two card tables and enclosed, carpeted parcel racks.

Bradley Jo, whose principals are Bob and Brad Blum, has a fleet of 11 coaches.



Workers okay agreement at bus tire plant

MORRISON, Tenn. — Union workers at the Bridgestone Firestone plant that makes bus and truck tires avoided a strike by Monday after approving.

The contract approved by United Steelworkers Local 1155 covers about 700 employees who make commercial vehicle tires at the plant in Morrison, about 60 miles southeast of Nashville.

United Steelworkers previously ratified similar deals at seven of Bridgestone Firestone's U.S. plants, giving workers a wage increase and job security for at least a year.

It was the second vote for the workers in Morrison, 85 percent of whom rejected the same contract in June. After that vote, the national union encouraged the local to ratify the deal, and 74 percent of the Morrison workers approved it on the second vote.

Under the contract, workers will get an average \$1.70 per hour pay raise by next summer. Wages range from about \$20 to \$35 an hour.

Vandalia Bus Lines Caseyville, Ill.

Vandalia Bus Lines, Inc., the largest family-owned motorcoach company in metropolitan St. Louis, has taken delivery of a 2005 Van Hool C2045.

Dale Strief, company president, said "ABC is a great company to be affiliated with and we are very pleased with our relationship with them."

Established more than 70 years ago, Vandalia initially provided line-run service between several

Illinois towns and St. Louis. Thirty years ago, Leon Strief purchased the company and merged it with his own operation, Strief Bus Service.

Today, the company operates a fleet of 59 vehicles, including 35 late-model Van Hool coaches. Last year, Vandalia completed construction of a new facility that houses its offices, service garage, wash bay and parts room.

Much of the Strief family is involved in the business. Leon Strief's

widow, Judy; sons, Dale, Dennis and Roger; daughters, Melissa and Lori, and granddaughter, Trish, are all part of the company.

In addition to providing charter and tour services, Vandalia is the exclusive motorcoach transporter for the St. Louis Rams and the St. Louis Cardinals. It also owns the Gray Line franchise for the St. Louis area.

The 57-passenger, enhanced C2045 purchased by Vandalia is equipped with the Caterpillar C13 engine, ZF-AS Tronic transmission, Amaya Brasil seats, Goodyear tires, Alcoa wheels, Isringhausen driver seat, Monogram



flush-type recirculating toilet, and REI A/V system with DVD and VCP players, four 4 CRT monitors and radio. "It's a totally different experience to have a C-coach with a Cat motor in it," said Dale Strief.

For more information about Vandalia go to www.vandaliaabuslines.com.

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Highway bill

CONTINUED FROM PAGE 1

Coalition of Private Transportation Associations, including UMA and ABA, will send out strong appeals to their members in the months ahead requesting examples of charter rules violations by public transit agencies. This information will be invaluable during the rulemaking.

"This (negotiated rulemaking) could be a long and difficult process..." said Parra. "The support of the entire industry to help arm us with data to support our positions through the negotiating process will be vital."

Here is a section-by-section look at those elements of the highway bill with the biggest impact on the private bus industry, particularly the motorcoach sector:

Charter Bus Rules

The new law provides for flexible penalties when transit agencies violate either federal charter bus or school bus rules. The previous law allowed only for full withholding of a transit agency's federal funding. The new law will allow withholding of a portion of a transit agency's so-called formula apportionment, making it more likely that the penalty will be invoked.

Upon receiving a complaint about a violation, the new law says the Secretary of Transportation "shall" investigate and decide whether a violation has occurred. If secretary decides a violation has occurred, the secretary shall correct the violation. The law it replaces says the secretary "may" correct the violation.

The negotiated rulemaking will consider other potential changes and improvements to the federal charter rules.

Private Enterprise Participation

This provision of federal transit law was modified to state that public transit authorities must encourage the participation of the private sector to the maximum extent feasible "as determined by local policies, criteria and decision-making."

"This is a big one as well," said Parra.

Planning Provisions

Related to the Private Enterprise Participation provision, this change repeals section 5305(e) which discriminated against private operators in the planning process. The bill rewrites the entire planning section and removes 5305(e) so the private sector has full participation in the transit planning process.

"Unfortunately, private transportation providers have been largely excluded from the public transportation planning table," said Parra. "Decisions as to how best to serve the transportation needs of a given community are being made almost exclusively by transit operators, even though we have the capacity to fill in as needed. Now, we'll be at the table and hopefully part of the solutions as needs are identified and met."

13(c) Labor Protection

The new law codifies what is known as the "Las Vegas" decision, which was a victory for the private sector. That U.S. Department of Labor ruling found that in a change of contractor situation, section 13(C)

of federal labor law does not require the employees be guaranteed jobs with the new contractor, or that their labor contract be carried over to the new contractor. That is, the incoming contractor need not hire the workforce of the predecessor or honor its labor agreement.

The exception would be if there was an acquisition of a mass transit system, which is financed with federal funds.

Employees could still file 13(c) claims if layoffs occur in the transition from one contractor to another, but to prevail on the claims they need to show that their dismissal or displacement was caused by a federal project.

"This is important," said Parra, "because private contractors are reluctant to take over a contract if they are required to inherit existing, very costly labor contracts. Now, that won't necessarily be the case."

Two new transit programs, Transit in the Parks and the New Freedom Initiative will not require 13(c) labor protection agreements - another victory for the private sector.

Insurance coverage for nonprofits

Churches and other nonprofits will have to insure their buses and passengers just like private operators.

"This important provision helps level the playing field," said Parra. "This is a particularly important issue in the South and Southeast, where many religious organizations essentially operate tour and charter services."

Unified carrier registration system

The current Single State Registration System, which allows companies to obtain operating authority in the 38 participating states by registering in any one state, is to be done away with. Replacing it will be a new registration system that will cover all 50 states.

"This is something the United Motorcoach Association has been fighting for for years, and we finally got it," said Parra. "There are two important issues here: First, there's no push back from the states because the change keeps them whole by bringing private carriers into the registration process. In other words, state revenues stay pretty much at the same levels.

"But, because the cost burden, if you will,

is being spread among a larger base, motorcoach operators will pay less than under the current SSRS program," said Parra.

Medical registry program

Medical providers who examine drivers will need to be certified that they are qualified and understand the requirements for driver physical fitness as outlined in the Federal Motor Carrier Safety Regulations.

"This is a major victory," said Parra. "This is . . . a direct result of the horrific New Orleans crash on Mother's Day 1999 (when 22 people were killed). The FMCSA will maintain a current registry of medical examiners qualified to examine drivers."

Passenger Van Safety

The bill contains a provision that says Federal Motor Carrier Safety Regulations that apply to interstate operations of commercial motor vehicles designed to transport between 9 and 15 passengers (including the driver) shall apply to all interstate operations of such carriers regardless of the distance traveled.

Axle-Weight Exemption

Over-the-road buses now have the same axle-weight exemption as transit buses.

Data Quality

This provision requires the USDOT to report to Congress within one year on how it intends to revise and improve its safety fitness rating program, including linking FMCSA data with state commercial vehicle registration and licensing systems.

"This has been the big rap against DOT," said Parra. "They make decisions to improve safety based on poor data. This will assure that when an operator comes up for state licensing and tag renewal, the safety fitness of the carrier will be reviewed at the same time, thus enabling states to deny renewal or hold-up operating authority for bad operators."

Bad Apples

The new law allows the USDOT to shut down carriers if a company officer has engaged in a pattern or practice of avoiding compliance or concealing noncompliance. Also, operating authority can be denied to operators with a history of unsafe operations.

Bickering

CONTINUED FROM PAGE 1

approved spending of \$295 billion in May and once again Bush threatened a veto. Last month, the Senate and House finally agreed on the \$286.4 billion figure and the White House signaled it would go along with that amount.

Another major hang-up in getting the measure passed was the so-called donor state issue. This highly charged issue has to do with the amount of money raised through fuel taxes that is returned to each state. Under the old law, states were guaranteed they would get back 90.5 percent of what they paid in federal fuel taxes.

Such a formula meant that some states got back more than they paid in and others got less. In other words, some states were "donors" to other states.

A carefully crafted deal was struck in late July that provides for steadily increasing — to 92 percent — a state's rate of return on fuel tax revenues sent to the Highway Trust Fund and returned to the state for highway projects.

It took months of negotiations to settle on the new percentage and how to get there.

The U.S. has been without a new transportation bill since September 2003, when the 1998-2003 law, called TEA-21 and funded at \$218 billion, expired. In the interim, Congress was forced to pass 11 temporary extensions to keep money flowing to the states for highway and transit projects.

Analysts estimate the two-year delay has disrupted schedules for new projects and prevented the hiring of tens of thousands of construction workers.

For a copy of the final legislation, go to <http://thomas.loc.gov> and search for H.R. 3.

Diabetic Drivers

Qualifications are eased for insulin-dependent diabetic drivers who are seeking a waiver to hold a commercial drivers license.

Electronic Records Check

Allows operators to electronically check the safety records of prospective drivers.

Financial Responsibility

Minimum financial responsibility standards are to be set for all private operators.

Destination Inspections

Provisions in the law are designed to discourage enforcement officers from conducting roadside inspections of buses. Instead, it encourages much safer destination inspections.

Wheelchair Lift Funding

A total of \$39 million in federal funds for wheelchair lifts during the life of the law.

Intermodal Terminal Projects

Funded at \$35 million a year for five years, including the intercity bus portion of such projects.

Private Sector Access to Funding

For the Transit in the Parks Program, private contractors can provide that service under normal contracting rules.

Rural Funding

A total of \$239 million in federal money for the rural over-the-road bus program.

Transit Competition

New language designed to prevent transit agencies from linking together to perform regional intercity bus services.

Not everything about the new law was favored by members of the Coalition of Private Transportation Associations. Two aspects disappointed various coalition members:

- Continuing to allow a limited number of tolls on existing interstate highways.
- A provision (402 Highway Safety Grant) requiring states to have a program to discourage use of 15-passenger vans for transportation of school children was not included.

Finally, the trucking industry and the FMCSA sought to have the new hours-of-service rules adopted last year for truckers codified in the highway law. The move was designed to block a federal appeals court from requiring the FMCSA to revise the hours rules for truckers — again.

Congress failed to act on the trucking industry and FMCSA request. That means that barring another legislative extension, the FMCSA will be forced to issue revised hours-of-service rules for truckers. The agency's temporary reprieve from the court order runs out Sept. 30.

This sword hanging over the FMCSA and the trucking industry has truckers extremely worried, and there may be reason for the motorcoach industry to be concerned as well. Because the hours-of-service rule-making process is such a can of worms, no one knows what will happen when it is opened again and if the coach industry might get dragged into the process.

MCC Web site gets new look

TORONTO — Motor Coach Canada has unveiled a newly revamped Web site — www.motorcoachcanada.com.

The national trade association for motorcoach operators says the revamped site is user friendly with easily accessible navigational bars that present information in clear and concise segments. It is compatible with all browsers and platforms ensuring that anyone can log on to it.

“The public will find easily accessible information on the association, our policies, and the issues we work on,” says Ann Belmamoun, MCC vice president. Cur-

rent and potential members will find links to membership and contact information, industry news, and information on events.

The Web site also lists MCC members with a direct link to their Web sites.

“Our main focus when we undertook this project was to better serve our members and the public. Motor Coach Canada is the only national association serving the needs of both coach and tour operators and we wanted to ensure that people could get straight answers about our industry, the association and our members by going on our Web site,” said Belmamoun.

Calendar

AUGUST 2005

24-27 International Motorcoach Group Strategic Alliance Meeting, Lake Geneva, WI. Info: (913) 906-0111 or www.img-coach.com.

28-31 Motorcoach Association of South Carolina Annual Meeting and Marketplace, Pigeon Forge, Tenn. Info: (888) 376-1150 or go to www.scmotorcoach.org.

30-Sept. 1 Florida Motorcoach Association Appointment Show, Sheraton Sand Key Resort, Clearwater Beach, Fla. Info: (407) 647-2491 or www.florida-motorcoach.org.

SEPTEMBER 2005

7-9 Hawaii Transportation Association Annual Conference, Waikiki Beach Marriott Resort, Honolulu. Info: Go to www.htahawaii.org.

9-13 Virginia Motorcoach Association Annual Meeting & Marketplace, Embassy Suites, Hampton, Va. Info: (434) 376-1150 or go to www.vamotorcoach.com.

11-15 2005 International Conference on Fatigue Management in Transportation Operations, Sheraton Seattle Hotel and Towers, Seattle. Info: Go to www.engr.washington.edu/epp/fmto or call (866) 791-1275.

24-29 Fall Workshop Commercial Vehicle Safety Alliance, Beau Rivage, Biloxi, MS 39530. Info: Go to www.cvsaa.org.

25-27 Louisiana Motorcoach Association Meeting & Marketplace, Isle of Capri Casino, Biloxi, Miss. Info: Go to www.lamotorcoachassociation.org.

25-28 Annual Meeting, American Public Transportation Association, Dallas Convention Center, Dallas. Info: www.apta.com/expo.

26-28 International Public Transportation Expo 2005, Dallas Convention Center, Dallas. Info: American Public Transportation Assoc., www.apta.com or call (800) 687-7469 Ext. 208.

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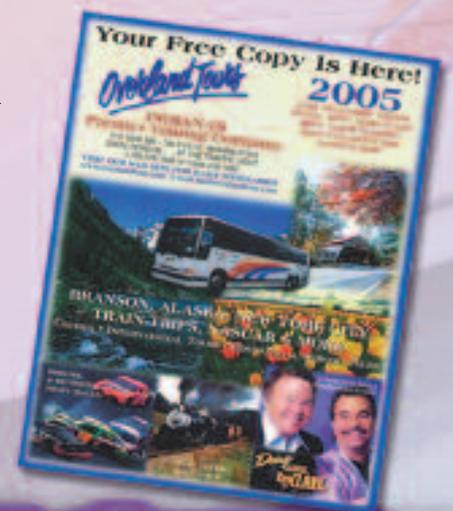
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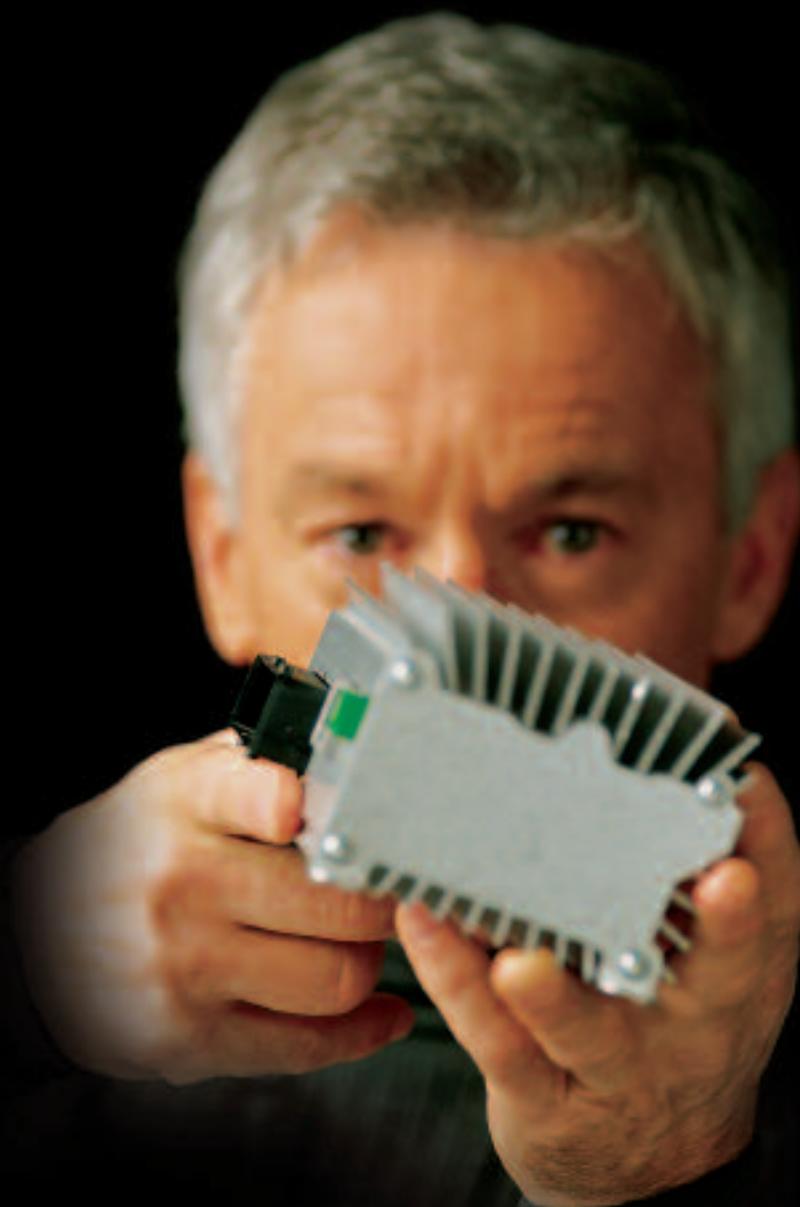
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