

Bus & Motorcoach NEWS

THE NEWS RESOURCE FOR THE BUS AND MOTORCOACH INDUSTRY

Assessment is mixed for fed Web site

WASHINGTON — A Web site being developed by the federal government to provide consumer-type information to buyers of passenger transportation services has gotten mixed reviews from a focus group that saw it for the first time late last month.

The site is under development by the Federal Motor Carrier Safety Administration and will provide safety, insurance and other information to users of motorcoach and other passenger carrier services.

"They're off to a good start but it still needs some adjustment," said Bill Mahorney, director of safety and regulatory programs at the American Bus Association. "I like the idea of them putting something up there. This just isn't perfect."

Echoing Mahorney's sentiments was Norman Littler, senior vice president for government and industry relations at the United Motorcoach Association, who called the Web site a "potentially very beneficial program."

Reserving comment was Alfred LaGasse, executive vice president of the Taxi Limousine & Paratransit Association. "They might be on the right track and they might be on the wrong track," he said.

It is what the Web site doesn't provide and the potential impact of the missing information that caused the greatest concern among those who viewed it.

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THE DOCKET
See pages 4 & 5 ▶

Motorcoach Industry Heroes

John Kemp and others battle transit competition

The fight goes on.

More and more public transit agencies appear to be ignoring federal regulations that prohibit them from operating charter services, and more and more private motorcoach carriers are fighting back.

Companies across the country — New York, Michigan, Wisconsin, Texas and California — have been taking on transit agencies, trying to force them to adhere to Federal Transit Administration rules that say taxpayer-funded bus services cannot compete with private enterprises.

Despite battling enormous odds, they sometimes come up winners.

Take John H. Kemp. For him, the fight was both personal and professional.

The owner of Kemp's Bus Service in Avon, N.Y., went after the Rochester-Genesee Regional Transportation Authority and won a federal decision that required the transit agency to



Kemp's Bus Service fought its local transit agency — and won.

shut down its charter services and stick to public bus runs.

"I just went on a crusade," he says of his successful struggle against the transit authority that was running all sorts of charter services, ranging from grocery shopping trips for the elderly, to transporting police officers on out-of-town trips, to shuttling students on college campuses.

Kemp initiated his campaign

do whatever they wanted to do to make them look good in the eyes of the public."

The meeting ended with Rochester-Genesee officials warning Kemp that if he fought them, he would lose. "That was it for me," he says. "I had to do something about it because we were losing business and money."

Kemp struggled for about two years to gather evidence against the agency but headway was difficult. He called on the transportation authority to come clean; he sought authority records under the federal Freedom of Information Act, and he asked state regulators to look into the situation.

Finally, in April 2002, he took his complaints directly to the FTA and eventually won a cease and desist order from the regional FTA administrator in New York City. The transit agency appealed the ruling but FTA Administrator Jennifer L. Dorn rejected the pleading and upheld

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FTA rules against operators in Houston

HOUSTON, Texas — The Federal Transit Administration has ruled against motorcoach operators and others who accused Houston's public transit agency of violating federal charter service regulations by providing transportation services for the giant Houston Livestock Show and Rodeo.

Although the FTA regional office in Fort Worth spent nearly nine months investigating the high-profile case, one critic said its decision represented some of

the most dunderheaded logic yet applied by a regional FTA official to justify the use of federally financed buses for charter service.

Motorcoach Marketing International of Ocala, Fla., F.A.M.E. Tours of Kissimmee, Fla., the United Motorcoach Association and others had filed complaints with the FTA in January. They said Houston METRO's stranglehold on transportation for the rodeo and livestock show had locked out private operators, violating federal charter service rules.

1. Did Houston METRO exercise a sufficient degree of control over the schedules, fares, routes and the equipment that would be used to provide the service?

2. Did Houston METRO design the service to benefit the public at large or the rodeo?

3. Did Houston METRO provide open-door or closed-door service?

Not surprisingly, Patrick answered all three questions in favor of Houston METRO. How he arrived at his answers makes fascinating reading.

At one point, Patrick bases part of his decision on the preamble to the FTA charter service regulations rather than the regulations themselves.

For question No. 1, Patrick

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MOTORCOACH
EXPO
2004
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Education sessions
to cover vital issues
Go to page 6

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Wildfires burn hole in operators' pocketbooks



SAN DIEGO — The wildfires that burned more than 750,000 acres and destroyed more than 3,400 homes and other structures in Southern California early this month cost area motorcoach operators tens of thousands of dollars.

Operators said they lost substantial tour and charter business because people canceled visits and special events, activities were called off, and popular tourism attractions and venues were closed.

"We lost a lot of business, a lot of it," reported Sue Henderson, sales manager for Cloud 9 Shuttle in San Diego.

Among the losses was the charter work Cloud 9 Shuttle has been doing for years at the Race for the Cure, a marathon that was scheduled to be run during the height of the blazes. The race was canceled because of poor air qual-

ity caused by the fires. Cloud 9 was to have used all 13 of its coaches, plus 10 others it planned to rent from other operators, for this year's event. "That was our biggest loss," she said.

Henderson said her company picked up only one job that was related to the fires. A fire department in Colorado and several San Diego firefighters chartered a Cloud 9 bus to take them to Julian, a small mountain community east of San Diego, to investigate the scene where a firefighter lost his life battling the blazes. The dead fireman was from Colorado.

Frank Dixon, owner of Frank's Busline and All About Charters, a two-coach company in San Diego, said the fires forced him to abandon his daily runs to area casinos for nine days. "And when you're small potatoes like me,

Maryland raises tolls along with discounts

ANNAPOLIS, Md. — Higher tolls on key highways, bridges and tunnels in Maryland become effective today.

In some cases, tolls have doubled, but the Maryland Transportation Authority is reducing the impact somewhat by increasing discounts for operators who sign up for the MTA's electronic toll-collection program.

Tolls for two-axle buses using the Baltimore Harbor (I-895) and Ft. McHenry (I-95) tunnels and the Francis Scott Key Bridge (I-695) have been increased to \$2 from \$1. Two-axle buses using the John F. Kennedy Memorial Highway (I-95) and the Thomas J. Hatem Memorial Bridge (U.S. 40) now pay \$5, up from \$4.

For three-axle motorcoaches, tolls for the Baltimore Harbor and Ft. McHenry tunnels and Francis Scott Key Bridge jump to \$4 from \$2. And, three-axle coaches using the Kennedy Highway and Hatem Bridge now pay \$10, up from \$8.

The program of toll increases also includes a significant jump in monthly usage discounts for operators of three-axle coaches enrolled in the E-ZPass Maryland Business Plan. Plus, the minimum monthly usage threshold has been reduced to \$100 from \$1,000. Meaning, operators that pay \$100 a month or more in tolls can save money by enrolling in the E-ZPass program.

Additional information can be found at www.mdatransportationauthority.com.

well, that can really cut into your revenues," he said.

Three popular casinos east of San Diego served by Dixon had to close because nearby fires knocked out their electricity.

Goldfield Stage in El Cajon lost the transportation work it does for after-school programs in San Diego County. Schools in the area were closed for a week, according to company spokesman Wink Winkelman. "It cost us \$10,600," he said.

In addition, the company's charter business was nonexistent for about four days as people canceled trips to the city or limited their out-

door activities. "(Public officials) basically told everyone not to go outdoors because the air quality was so bad," he said.

Winkelman, whose company operates six buses, said the only coach business that continued to operate during the fires were tours along the ocean where winds kept the smoke away and gambling trips to Las Vegas and Laughlin, Nev. "But we had to reroute most of the trips going out of town," he said.

Sarah Eddleman, the charter representative for Contactours & Charters in National City, said daily city tours that her company makes to the San Diego Zoo, Sea

World and San Diego Wild Animal Park all were canceled for several days because the popular attractions either were closed or most of the animals were put indoors for health reasons.

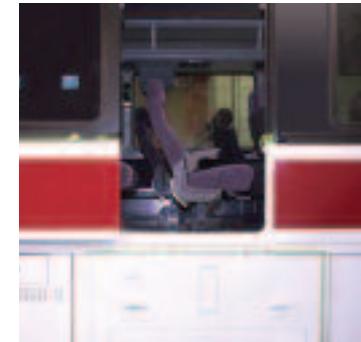
In addition to losing money because of the fires, Eddleman said her company and others in the area had to spend extra money to clean and do extra maintenance on their buses. Filters had to be replaced, air conditioner systems had to be flushed, and the inside and outside of the buses had to be washed.

"The ashes really played havoc in a lot of areas on our coaches," she said.

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THE DOCKET

Washington musical chairs means new administrators

WASHINGTON, D.C. — Federal agencies having motorcoach industry regulatory or oversight roles have shuffled senior administrators in recent weeks. Here's the latest scorecard:

- Kirk Van Tine is in line to become the new deputy secretary of the Department of Transportation. Van Tine has been general counsel at the department since September 2001. One of Van Tine's priorities will be trying to figure what to do about Amtrak.

- President Bush is promoting Transportation Security Administration chief Adm.

James Loy to the No. 2 job at the Department of Homeland Security. He'll be Homeland Secretary Tom Ridge's chief deputy.

- Rose McMurray has joined the Federal Motor Carrier Safety Administration as associate administrator for policy and program development. McMurray was with the National Highway Traffic Safety Administration.

- Stephen Barber, a long-time bus industry regulator at the FMCSA and its predecessor agency, has been named director of the Office of Information Management at FMCSA. Barber previously was associate adminis-



James Loy

trator for enforcement and compliance and was one of the first "bus czars" in the old Federal Highway Administration Office of Motor Carriers.

Hazmat screenings delayed

WASHINGTON, D.C. — One of the nation's most ambitious programs to improve ground transportation security has been delayed four months and could be put on hold longer.

The U.S. Transportation Security Administration changed the deadline to April 1, for states to begin fingerprinting people who apply for new or renewal certifications to haul hazardous materials. The program was supposed to start Dec. 1.

However, the agency also said states could apply to further extend the deadline to Dec. 1,

2004, pushing the anti-terrorist security measure more than a year into the future.

The announcement is important to the motorcoach industry because it probably means the TSA's long-term plans for implementing CDL-based screening programs for other commercial drivers, including over-the-road bus drivers, will be pushed even further into the future.

State and trucking industry officials said TSA's announcement eliminates what had been an unworkable timetable. At the same time, questions continue to

be raised about how some crucial parts of the program will function.

The screening of hazmat drivers is a key element of the USA Patriot Act. By April 1, states are supposed to begin collecting biographical and criminal history information on hazmat drivers and submitting their fingerprints to TSA.

While states can request extensions of the deadline, the agency said it will not grant any extensions beyond Dec. 1, 2004.

For more information go to the TSA Web site: www.tsa.gov/public.

Seminars are scheduled by FMCSA research office

WASHINGTON — The Federal Motor Carrier Safety Administration's Office of Research and Technology is conducting forums this month and next to gather input on its future research agenda.

The forums will seek to identify research topics that should be investigated to improve commercial motor vehicle safety, security and productivity.

The workshops will be:

- Nov. 20 at the Embassy Suites Hotel Denver Gateway Airport South in Denver.

- Dec. 3 at the Renaissance Harbor Place Hotel in Baltimore.

To register on-line, e-mail your name, title, organization, address and contact numbers to Shelley Feese of Cambridge Systematics at sfeese@camsys.com.

Additional registration information and an agenda can be found at: www.fmcsa.dot.gov/stakeholder/announcement.htm. Space at each forum will be limited to 40 attendees.

Questions should be directed to Jeff Loftus of the FMCSA at (202) 385-2363.

Agency seeks charter firms

The following public transit provider has informed the UMA of its intent to provide charter service unless willing and able private charter operators step forward to offer their services. The UMA urges operators to respond to this notice:

Ashtabula County, Ohio. Deadline: Nov. 25, 2003. Write to: Manager, Ashtabula County Transportation System, Attn: ACTS/Incidental Charter Comments, P.O. Box 1650, Ashtabula, OH 44005-1650. Phone: (440) 994-2003.

New Jersey operators discuss new association, to meet with ACBOA

EAST WINDSOR, N.J. — More than 30 bus companies were represented at meeting early this month called to discuss formation of a new association of New Jersey motorcoach operators.

The meeting was organized by two charter operators who have grown tired of seeing the New Jersey coach industry run over by state regulators and beat up by state legislators.

Richard Jaeger, president of Coachman International Tours in Haledon, N.J., and James Vanderhoof, owner of Vanderhoof Transportation in West Orange, organized the meeting that drew 39 company owners and managers to the Ramada Inn in East Windsor. "It was a very good turnout," said Vanderhoof.

The pair brought in Linda Morris of Morris Meeting Management in Gladys, Va., to help organize and run the gathering. Ms. Morris' firm manages a half-dozen state motorcoach associations, including those in Virginia, North Carolina and Georgia.

"I feel real good about the meeting," she said. "Many operators who were there feel a new association would be a good thing."

But before heading down the road toward a new association, the group decided it would investigate forming an alliance or joining with the Atlantic City Bus Operators Association.

"Some of the companies at the meeting also are members of ACBOA," noted Jaeger. "They suggested that those present at the meeting join their association; that didn't meet with everyone's approval."

Still, after much discussion, a vote was taken and a committee formed to meet with the ACBOA board. Ms. Morris found that encouraging.

"They need to explore joining with ACBOA," she said. "They don't need to recreate the wheel.... If ACBOA is willing to make concessions, refocus its mis-

sion and adopt a new name" then everyone will win, she said.

ACBOA members who attended the meeting indicated their association was willing to consider a name change and broaden its scope.

That was confirmed by ACBOA Executive Director Andrea C. Malamut, who has managed the association's business operations since it was formed 22 years ago. She said ACBOA was eager "to meet with these folks. Hopefully we'll be on the same page." A meeting is likely to take place before Thanksgiving.

Ms. Malamut said ACBOA already has taken steps to expand its perspective beyond the issues that impact operators who send coaches to Atlantic City.

"In recent years, our issues have broadened," she said. For example, ACBOA has gotten involved in such issues as apportioned license plates, the franchise tax in New Jersey, and state regulatory and environmental issues.

"As we've started to deal with statewide issues, we've redirected where we were headed and broadened our vision," she said. "It would seem logical," she noted, "to consider a name change."

Ms. Malamut also said it would be "counter productive" to have two associations, noting that ACBOA already has the infrastructure, as well as a lobbyist, attorney and more than 100 members.

One ACBOA member who attended the meeting of the rump group said he thought ACBOA would benefit from having "new blood."

Seven coach industry suppliers supported and shared sponsorship of the meeting organized by Jaeger and Vanderhoof. Helping sponsor the event were: Advantage Funding, Atlantic Detroit Diesel, Bergen Upholstery, Motor Coach Industries, P.A. Post Insurance, Prevost Car and Setra of North America.

Illinois Motorcoach Association starts membership drive

SPRINGFIELD, Ill. — Organization of the Illinois Motorcoach Association is moving into high gear with the goal of having the group up and running by the start of the new year.

Mailers have gone out to operators, as well as vendors, tour operators, destinations, tourism promotion groups and other travel industry partners across Illinois.

The organizational drive is being spearheaded by three members of the nascent group's steering committee: Rick Hillard, vice president of Tri-State Tours in Galena, Ill.; Donald Ferrone, president of America Sightseeing in Chicago, and Trip Bellows, general manager of Rockford Coach Lines in Rockford, Ill.

The trio is being assisted by other steering committee members, industry manufacturers and Consulting 4Biz, a Springfield-based government relations and association management company.

"A key reason that we need this association is that motorcoaches and trucks are erroneously considered to be in the same industry and legislation that affects those separate businesses is often bundled together," said Ferrone. "We need to highlight where those two businesses diverge."

Talk of organizing the association began in earnest last spring when the coach industry got caught up in two legislative issues. The first had to do with a bill that was adopted by the state legislature last year that required anyone transporting school children to — among other things — have a state school bus driver license.

Next, the industry was hit by a plan by Gov. Rod Blagojevich to eliminate the state sales tax exemption on rolling stock.

Guided by Consulting 4Biz, Illinois operators were able to win passage of a bill that eliminates the school bus driver license requirement, and to modify the governor's plan to trash the rolling stock exemption.

The political initiatives were strongly supported by the United Motorcoach Association and the American Bus Association.

Tim Hennessey of Consulting 4Biz, who led the lobbying effort, predicts additional bumps in the road for Illinois operators as long

as the state has an activist governor and budget deficits.

Goals of the association include promoting motorcoaches for group transportation, raising the industry profile, improving industry condi-

tions, establishing a voice for the industry, and expanding motorcoach tours throughout Illinois.

Membership in the association is open to all coach operators with fleets having vehicles over 36,000

pounds; industry suppliers, including manufacturers and service facilities; travel industry partners; larger groups dedicated to promoting tourism in Illinois and Chicago; tour operators, and desti-

nation management companies.

The organization hopes to have 200 operator members by the end of next year. Interested potential members should call (217) 525-5177 and request an application.



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INDUSTRY NEWS

Museum opens in style

Gala event is deemed big success

LEMOYNE, Pa. — Upwards of 125 people attended a gala open house and fundraising dinner late last month for The Museum of Bus Transportation.

The event featured tours of the new facility and an after-dinner appearance by PBS News Hour anchor Jim Lehrer, and it marked the official opening of the museum, which is near Hersey, Pa.

The activities began with the museum's annual meeting, followed by bus tours of Hersey-area attractions, including Chocolate World. The annual meeting was punctuated with ideas from attendees about fundraising and improving the facility.

Climaxing the proceedings was the fundraising dinner with Lehrer, who has a family history in the bus industry and has written novels that feature bus-related settings. The dinner was served on the museum's show floor.

In his remarks, Lehrer



A vintage Trailways GMC 4104 is parked outside the new museum.

PHOTO BY BOB BEARD

acknowledged the "tremendous progress" made by the museum since his initial involvement more than nine years ago. He commended the museum's organizers for partnering with the Antique Automobile Club of America Museum, noting that it was unlikely that there would have been sufficient human or financial resources to make a stand-alone museum possible.

Lehrer singled out the late Richard J. Maguire and his family for being guiding forces in developing the museum, and he encouraged bus enthusiasts to do all they can to make and keep the facility viable.

Lehrer and other major patrons of the museum were hon-

ored during the evening. The honorees included ABC Companies, American Bus Association, Ann Maguire, Coach USA, Frank Henry and Martz Lines, Motor Coach Industries, Trailways Transportation System and the United Motorcoach Association.

The museum, which shares facilities with the automobile club museum, has a collection of 15 antique buses and bus memorabilia. The complex opens at 9 a.m. Wednesdays through Sundays.

For information about the museum call (717) 774-4848 or (717) 787-1220. Or, visit www.busmuseum.org, or e-mail museum Secretary John Dockendorf at Jdockendor@state.pa.us.



PHOTO BY BOB BEARD

Motor Coach Canada sets conference

WHISTLER, British Columbia — The second annual Western Conference of Motor Coach Canada will be Nov. 30-Dec. 2 at the Delta Whistler Resort.

"Motor Coach Canada had a great response last year with our one-day conference in Calgary," said Brian Crow, president of the association.

"This year, we've extended our conference to meet the demands of western motorcoach and tour operators."

The Connections West 2003 conference will feature a hands-on workshop, called *Tough Times in the Motorcoach Business: What Can Leaders Do?*, that will address key industry issues, as well as changes in the industry.

There also will be sessions on negotiating skills and regulatory issues in British Columbia. Plus, delegates will be briefed on national issues, including hours of work, sleeper berths on coaches, border issues, and new markets.

Networking opportunities have been built into the schedule to assure operators have time to discuss joint marketing and business development opportunities.

A key social event will be a snowmobiling excursion — for both experienced and beginner riders — on the first day.

Information on the conference is available by calling (403) 277-8009. Or go to www.motorcoachcanada.com. E-mail: coachcan@telus.net.

Expo education forums to cover critical issues

ATLANTA — Key marketing, operations and financial challenges confronting motorcoach companies will be topics of a dozen educational seminars at the 20th anniversary Motorcoach Expo in February.

In addition, Motorcoach Expo's annual state of the industry presentation is being revised to present a panel of top thinkers that will focus on critical issues facing the industry.

"We have engaged some of the leading speakers in the country to staff the Expo education sessions," said UMA President & CEO Victor Parra. "The presenters will address the most important issues operators face and provide new and innovative solutions for trying to solve business problems."

Motorcoach Expo 2004 will be Feb. 8-10 at the Georgia World Congress Center in Atlanta.

Here is a day-by-day schedule of the education sessions:

SUNDAY, FEB. 8, 2004
Motorcoach Industry Panel

The State of the Industry. What are industry prospects? What are potential scenarios and trends that will help the industry meet its challenges?

Marketing:
Harvesting Current Customers

New and exciting services you can offer existing customers. Focus on creating services so your current customers will buy more from you.

Operations:
Improving Utilization Rates

How to increase the utilization rate of your equipment to increase your bottom line. Using your equipment for dual purposes.

Operator Luncheon:
Building Your Image

Your image helps customers decide whether they choose you or your competition. Find out how to craft your company image and hone it to so you get a leg up on competitors.

Marketing:
Getting Customers Off of Price

Stressing value. Emphasizing product differentiation. Avoiding low-balling.

Operations:
Securing Contract Work

How to break into this growing

sector of the industry. Is it worth it? Get the answers.

Finance:
Setting Goals and Budgets

You can't work towards a goal if you haven't set one. Learn the basics of determining your financial goals and coupling these goals with a workable budget that will allow you to operate your business in a fiscally responsible way.

Marketing:
Upselling Customers

How to sell customers the entire travel experience — from an upgrade in equipment to additional components. Understand opportunities to create high-margin products.

Operations:
Dealing w/Customer Travel Fears

Making customers feel safe. Hear from experts who'll help you come up with new ideas for getting the public traveling on coaches again.

Finance:
Strengthening Your Balance Sheet

Improving your debt-to-equity and other key ratios to drive you toward greater profitability and positioning within the market. A session you can't afford to miss.

MONDAY, FEB. 9
Marketing: Business Survival

Generating new business and controlling circumstances, versus circumstances controlling you. New and innovative suggestions for surviving in tough times.

Operations:
Pre-Trip Inspections

A must-attend for the operator who's involved in all aspects of their business. What should be checked before each and every trip.

Finance:
Dealing with Creditors

How to talk to creditors when you owe money. Creating a win/win situation for everyone. Using proven techniques.

To register for Motorcoach Expo, make a copy of the registration form printed elsewhere in this issue of *Bus & Motorcoach News* or go to www.motorcoachexpo.com. *Bus & Motorcoach News* is the official publication of Expo, which is sponsored by the United Motorcoach Association.

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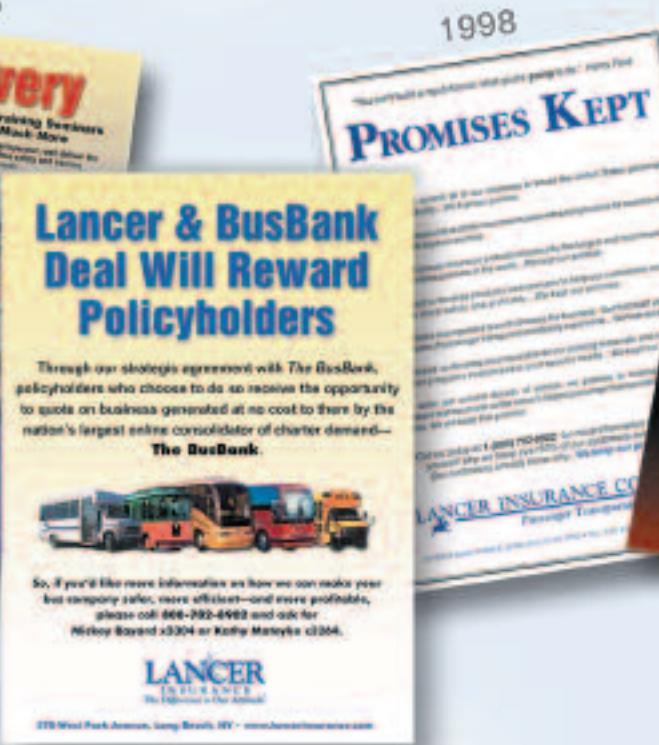
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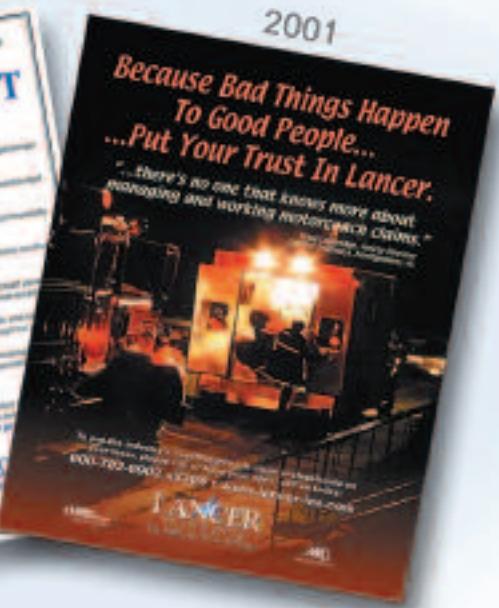
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Doing what's right

Buried deep in one of the three stories in this issue about transit competition and federal charter rules is a quote from coach operator Gordon Mackay that sums up the sentiment of many.

"I really would like to see harmony because there is more to be gained by working together than fighting over this charter issue all of the time."

Everyone we have spoken to in the industry feels the same way. No one relishes knocking heads with the Federal Transit Administration or the local transit agency over federal charter rules violations.

But to recall the old saying: "Some times a man has got to do what a man has got to do."

The almost total unwillingness of the Federal Transit Administration to police the public transit agencies it lavishes millions of taxpayer dollars on has given the coach industry no choice but to fight, kick, scream and complain.

Even more outrageous is the unwillingness of top FTA administrators in Washington to rein in the regional directors who often times twist, bend and mutilate the federal charter rules to suit the whims of the transit agencies they're supposed to oversee.

The two most recent examples are the Sacramento Regional Transit case out of California (Aug. 15, Oct. 15 issues of *Bus & Motorcoach News*) and the Houston METRO case (March 1 and this issue of *Bus*

'The Internal Revenue Service can be a valuable ally.'

If an operator sees a not-for-profit, such as a church, performing such service, he or she should report it to the IRS. The IRS will audit the organization and if it is found to have been conducting for-profit business under its tax-exempt status then three things are likely to happen.

First, the nonprofit will lose its tax-exempt status. Second, the nonprofit will have to pay all taxes found owing. And, third, the nonprofit will incur tax penalties.

This is the most effective way to deal with the problem. Remove the financial incentive and create a large disincentive instead.

& Motorcoach News).

To describe those FTA decisions as asinine is to libel the nation's population of jackasses.

The rulings leave the coach industry no alternative but to seek legislative changes that will force the FTA to regulate rather than reinforce bad behavior.

As former FTA chief Counsel Steven Diaz says in one of our stories, the FTA needs to take seriously its responsibility of policing transit agencies.

Motorcoach operators who face competition from another nefarious source, nonprofit organizations, should keep in mind that the Internal Revenue Service can be a valuable ally. The federal tax code prohibits nonprofits from conducting for-profit charter bus service.

Pressure Mounts

Interest groups want highway, transit bill

WASHINGTON — Pressure is mounting on Congress to adopt a long-term highway and public transportation bill well before its end-of-February deadline.

The U.S. Conference of Mayors has come down in support of the House version of the legislation which proposes spending the most money — \$375 billion — for highway and public transit during the next six years.

The Bush Administration has proposed spending of \$247 billion, while the Senate had been seeking \$311 billion. However, there have been indications that the final Senate version of the bill could be closer to \$255 billion, which would comply with terms of the fiscal 2004 budget resolution adopted by the Senate.

TEA-21, which expired at the end of September, pumped \$218 billion into federal highway and public transit projects during the past six years.

The current House bill contains a provision that would index fuel taxes to the rate of inflation to help pay for increased highway and transit spending. In announcing their backing of the House bill, the mayors said they would not support indexing unless more dollars flow to metropolitan areas.

The Bush Administration has said repeatedly it is dead set against any increase in fuel taxes.

Another interest group, the State Highway Safety Alliance, has sent a joint letter to all of the chairmen and ranking minority members of the House and Senate committees that have responsibility for writing the transportation reauthorization bill urging them to complete their work as soon as possible.

The highway safety alliance includes the Commercial Vehicle Safety Alliance, the American Association of State Highway Transportation

Officials, the Governor's Highway Safety Association, the American Association of Motor Vehicle Administrators and the International Association of Chiefs of Police.

Their letter reads in part: "We urge you to resolve the major financial issues needed to complete action on a well-funded, comprehensive six-year measure reauthorizing the federal highway, highway safety, and transit programs prior to the Feb. 29, 2004 deadline. American lives depend on this. We look forward to working with you to achieve this goal."

This past summer, Congress was unable to meet the Sept. 30, deadline for passing a new long-term highway and transit bill and ended up extending the existing TEA-21 legislation for five months through the end of February.

In addition, actual appropriated amounts for all transportation programs, including motor carrier safety programs, are currently subject to a Continuing Resolution, which limits the amount of appropriations to fiscal 2003 levels for the period covered by the resolution.

If Congress is able to complete work on a long-term reauthorization bill by the February deadline then states could conceivably begin receiving new funding for CDL and border and new-entrant safety programs for the remainder of the fiscal year.

Meanwhile, progress is being reported on passing the fiscal 2004 Transportation-Treasury appropriations bill. Appropriations bills have passed both the Senate and House, but whether the bills will go to a House-Senate conference separately or be packaged into an omnibus appropriations bill that combines them with five other appropriations bills remains an open question.

In either case, a 2004 Transportation-Treasury bill is generally expected to clear Congress before it adjourns for Thanksgiving.

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Quebec Bus Owners Association receives tourism innovation award

MONTREAL — The Quebec Bus Owners Association has won a National Award for Tourism Excellence presented by the Tourism Industry Association of Canada.

The association was the recipient of the Loyalty Group Innovator of the Year Award.

Each year, the Quebec coach operators association organizes BIENVENUE QUEBEC Trade-show and Marketplace, a leading event in the Quebec group travel industry. It positions Quebec as a tourism destination.

Last year, taking a cue from the Canadian Tourism Commission, the association introduced an

annual theme to BIENVENUE QUEBEC to develop specific sector of the tourism industry. Culture was chosen as the theme for the 2002 show.

Working with the Quebec Department of Culture and Communications and the Tourisme Quebec, the Quebec Bus Owners Association used the event to successfully promote a range of cultural products and to bring together individuals from both the tourism and cultural sectors.

For this year's show, the association expanded on the cultural theme to include "learning and enrichment travel." The show was Oct. 22-24.

New York issues IFTA reminder

ALBANY, N.Y. — New York state has issued a reminder that motor carriers must submit an application for their International Fuel Tax Agreement renewals by Dec. 8, to assure timely receipt of 2004 IFTA decals. The decals are

for Jan 1-Dec. 31, 2004.

Additional information is available by calling the New York State Department of Taxation & Finance Business Tax Information Center at (800) 972-1233, or by going to www.tax.state.ny.us.

New sales team at Prevost

QUEBEC CITY — Prevost Car has named a new sales and marketing team for its motorcoach business, as well as its transit division, NovaBUS.

The new team was announced by Prevost President and CEO George Bourelle, who said the changes better align company marketing and sales resources with the marketplace.

The key move is the hiring of Claude Picard as vice president marketing. Picard will be responsible for strategic and marketing planning for both Prevost Car and NovaBUS.

Prevost's vice president of marketing and sales administration, Michael Rochette, has been named vice president sales for the coach division. He will direct the company's North American coach sales effort.

At NovaBUS, Jean-Pierre Baracat has been appointed commercial development director, and David Lehmkuhl has joined



**Claude
Picard**

the company as North American sales director.

Bourelle said Picard and Rochette represent "a winning combination" for both the company and its customers, and signal a determination by Prevost "to retain its leadership position in North America."

Picard comes to Prevost from M&L Industries in Rogers, Minn., a suburb of Minneapolis. M&L is a metal fabrication company that expanded, in a matter of months under Picard's direction, into the sport-utility trailer business. The trailers, the brain child of Picard, haul a variety of motor-sport vehicles.

Prior to joining M&L, Picard had been with Polaris Industries Inc., one of the nation's largest makers of jet skis and snowmobiles. M&L is a major supplier to Polaris, which is headquartered in Medina, Minn. He also worked for Bombardier Inc.

In his new position Baracat will head up the contracts and tendering team at NovaBUS. He has been with the company for nine years and has a degree in mechanical engineering.

Lehmkuhl, who is new to NovaBUS, will be responsible for vehicle sales in both Canada and the U.S. He has 20 years experience in the industry, including serving as vice president of used motorcoach sales at MCI and vice president engineering at Academy Bus Tours in Hoboken, N.J. He will be based in Chicago.

NovaBUS, which has been owned by Prevost Car for four years, produces the Nova LFS, a 40-foot low-floor transit bus.



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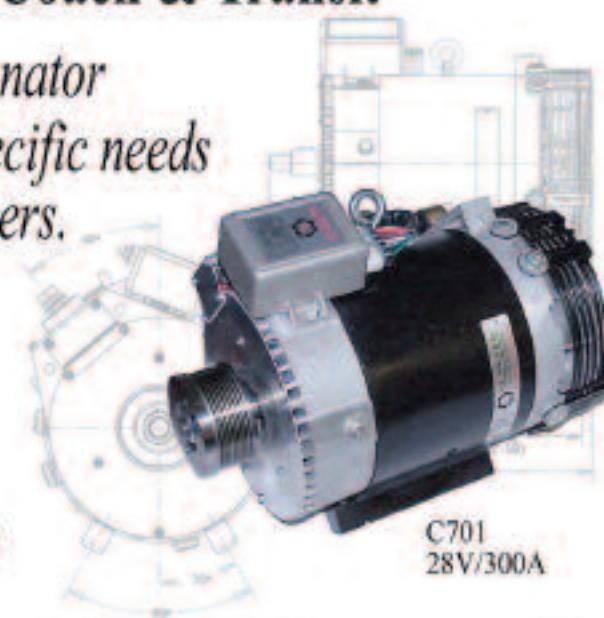
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INDUSTRY NEWS

Transit competition

CONTINUED FROM PAGE 1

the order.

Kemp, who handled the case without an attorney, says that even after the ruling was issued the transit authority ignored it for months. But now, after several visits from FTA officials, Rochester-Genesee transit appears to be getting out of the charter business.

"We've started seeing an increase in calls from their ex-customers who tell us they called the transit agency but were told by them they no longer could do that type of work anymore," Kemp says.

He estimates the transit agency had been doing as much as \$1 million of charter work annually, much of it from contracts Kemp believes his company could have gotten.

Kemp's battle with Rochester-Genesee transit had a different outcome than a similar fight he waged four years earlier.

In 1998, he won a complaint at the regional level only to see it reversed because of pressure from Washington on the regional administrator. That case involved a not-for-profit organization that was running a charter operation.

Kemp said that after the regional FTA administrator ruled in his favor, political pressure from Washington during the Clinton Administration forced her to change the decision. "She actually reversed herself," he said.

Ms. Dorn, who was appointed to her job by President Bush, seems unwilling to reverse decisions by regional FTA administrators. When a regional administrator rules against a transit agency, she upholds the decision. And, when the regional administrator makes a

boneheaded decision that permits charter violations, she upholds that decision as well.

Although his latest struggle was long and often frustrating, Kemp says it was worth the effort and he encourages other carriers who face similar competition from transit agencies to file formal complaints with the FTA.

Gordon Mackay, president of Indian Trails Inc. in Owosso, Mich., agrees. But he cautions that filings can take a great deal of time and spoil relationships between public and private operators.

"I would certainly suggest that everybody file a complaint when they see a violation," he says. "But it's so hard, and we just can't go out and follow (every transit) bus out of the barn every day and become policemen."

Still, he thinks operators stand a better chance of winning now than they did in the past.

Mackay was a key player in a complaint filed earlier this year against the Capital Area Transportation Authority in Lansing, Mich., by a group of limousine and trolley companies that blew the whistle on the transit agency for using its trolley buses for weddings and other private events. Mackay had no direct interest in the case but he said he joined the fray as a private operator trying to help others in the business.

The limousine and trolley operators won a favorable decision from the FTA regional office, and (once again) Dorn upheld the ruling.

Mackay said he was glad he got involved because it confirmed suspicions the transit agency was much more involved in competing with private companies than originally thought.

"We were told they were only

using the trolleys for private business two or three times a year, but come to find out there was a long list of 20 or 30 times they were using them," he says.

The discovery, Mackay says, helps support his belief that transit agencies around the country are doing the same thing with charter services and more action needs to be taken to stop it. He says the FTA should become more proactive by conducting random audits of transit agencies and their driver payrolls. "That's the only way we're ever going to know what's really going on," he stresses.

**'The FTA
should become
more proactive
by conducting
random audits
of transit
agencies.'**

Mackay regrets, though, that his involvement in the case strained relations with CATA officials. "They're not talking to me now, although I would feel comfortable going over there and knocking on their door and talking with them about an issue," he says. "I really would like to see harmony because there is more to be gained by working together than fighting over this charter issue all of the time."

Operators from Wisconsin to Florida, including Lamers Bus Lines in Green Bay, Wis., have been involved in a high-profile charter

competition complaint filed earlier this year against Houston METRO, the transit agency in Houston. (See March 1 issue of *Bus & Motorcoach News* and story on Page 1.)

The complaints by Lamers and the others involve Houston METRO's handling of transportation for the city's mammoth Livestock Show and Rodeo. This year, 1.2 million bus riders attended rodeo-related events.

Allen Lamers, who won a school bus competition case he filed against Green Bay Transit several years ago, said his involvement in the Houston METRO case stems from a desire to get transit agencies to play by the rules. "Transit is competing with private enterprise dead on in a lot of places. And here we are sitting here trying to make a living and paying our taxes and our taxes are going to compete against ourselves," Lamers says. "Did you ever hear of anything as dumb as that? I haven't."

He also encourages other private carriers file complaints with the FTA when transit agencies try to compete with them for charter services. "Absolutely, they certainly should complain," he says.

At the same time, he cautions not to expect too much.

"I don't look for a change real soon because transit agencies run pretty much like they darn well please," he says. "They act like they're private companies and they forget we're paying their way."

In California, the California Bus Association took the lead in a complaint filed against the Sacramento Regional Transit District by Amador Stage Lines and its President Bill Allen. The case stemmed from a decision by the California Department of General Services to end a 25-year relation-

ship with private carriers who were shuttling state employees between several parking lots and government buildings. Amador held the most recent contract.

Instead of bidding the contract as it had been doing, the state shifted the work to Sacramento Regional Transit.

The FTA regional office ruled in favor of the transit agency and the bus association appealed to Dorn. Once again she upheld the decision. (See Oct. 15 issue of *Bus & Motorcoach News*.)

Steven Diaz, an attorney in Washington D.C., who represents private carriers around the country and is a former chief counsel at the FTA, says two things must happen before transit agencies will stop competing against private carriers.

First, the FTA needs to take seriously its responsibility of policing transit agencies. Second, private carriers need to act swiftly when they run across competition issues. "They have to file complaints quickly because rights are like muscles: If you don't use them, you lose them," he emphasizes. "Too many say they don't want to do anything because of this or that, and well, then they're out of business."

Meanwhile, John Kemp is gearing up for a new fight.

This time, he's eyeing nonprofit organizations that have expanded their charter work in New York by bidding for school transportation. "They're not for profit and they don't pay taxes," he explains. "We just can't be competitive on an equal basis with them."

Kemp says the law is clear that they can't go into the charter business and receive federal funds at the same time. "We're going to be running a complaint against them."

Houston METRO

CONTINUED FROM PAGE 1

asserts that Houston METRO's contract with the rodeo is not really a "single contract" — as that term is used in the definition of charter service — because the transit agency's control of the transportation is not significantly diminished by the contract.

Patrick contends the agreement between the rodeo and Houston METRO is really a "cost-sharing arrangement," with Houston METRO determining the level of service, the number of buses, the type of buses and the schedules to be operated.

He gives short shrift to a key provision in the contract that says Houston METRO must provide

service on routes specified by the rodeo organizers.

In the end, Patrick displays an amazing lack of appreciation for or understanding of the nature of large-scale charter moves like the Houston show and rodeo. Virtually any charter contract involving the shuttling of tens of thousands of people is going to give the bus service wide latitude in determining schedules, fares and equipment. After all, they're the ground transportation experts, not the non-profit group that runs the rodeo.

The answers to Patrick's other questions are just as silly. Houston METRO widely advertised its rodeo service (Question No. 2) and allowed anyone to board the rodeo-bound buses (Question No. 3).

But Patrick ignores the obvious

question: What else could Houston METRO have done?

The rodeo and show involve multiple events that are attended by tens of thousands of people.

**'Houston METRO
made a cynical
attempt to
pacify the coach
operators.'**

Anyone — private or public — offering bus service for such a huge event would have to promote it to the hilt and allow anyone to jump on board the buses.

Finally, Patrick writes that the rodeo service is "regular and continuing" because Houston METRO has provided the service for the event on an annual basis for 13 years.

In other words, as long as a transit agency has been violating the rules long enough it's okay to continue violating them.

Patrick also gives Houston METRO a pass on two other complaints filed against the agency. One complaint alleged Houston METRO improperly excludes private operators from a dozen other "special events" for which the transit agency coordinates transportation services. Patrick decided that since it was okay for Houston METRO to provide the rodeo service, its handling of the others was

hunky-dory as well. He noted that Houston METRO is handling "only" 13 special events.

After the complaints were filed early this year, Houston METRO made a cynical attempt to pacify the complaining motorcoach operators at the last minute by allowing them to work the rodeo on the weekend. None of the operators was willing to take part, however.

"You can't take buses 1,000 miles for just two days of work," said Bob Dostal, owner of Motorcoach Marketing.

To obtain a copy of the FTA decision to add to your library of fictional writing, contact the FTA regional office in Fort Worth by calling (817) 978-0660. Or, the FTA regional counsel, Eldridge Onco, at (817) 978-0550.

Houston seeks exception Says its buses will be needed for Super Bowl

WASHINGTON, D.C. — Houston METRO, the nation's 8th largest public transit agency, has asked the Federal Transit Administration for an exception to federal charter service rules so it can provide charter bus service for Super Bowl XXXVIII.

In a letter written last August to FTA Administrator Jennifer L. Dorn, Houston METRO President & CEO Shirley DeLibero claims that private carriers have been unable to assure the availability of sufficient vehicles during all the times in which transportation will be needed during Super Bowl Week, Jan. 24-Feb. 1.

While Ms. DeLibero's letter was written in August, it only came to light late last month. Houston METRO did not notify either the United Motorcoach Association or the American Bus Association of its request as federal transit rules require.

The Super Bowl Host Committee estimates that up to 1,200 buses may be needed to

handle all of the Super Bowl-related events. The committee and individual sponsors will be contracting with private coach, taxi and limousine services, but Houston METRO says it expects last-minute requests for additional bus transportation.

'UMA urges operators to contact the Super Bowl Host Committee.'

And, of course, Houston METRO wants to be able to provide the last-minute service. "METRO wishes to have transit vehicles available for any remaining equipment requirements that cannot be met by the local private sector," Ms. DeLibero wrote to the FTA. "No other transportation provider is available that possesses the capacity to address remaining Super Bowl needs."

In her letter, Ms. DeLibero

cites Houston METRO's experience in moving large number of riders for special events, including Wrestlemania two years ago and the Houston Livestock Show and Rodeo.

UMA urges coach operators that can provide bus service during Super Bowl Week, including last-minute service, to contact the 2004 Houston Super Bowl Host Committee and to write to FTA Regional Administrator Robert Patrick, asking him to deny Houston METRO's request.

The Houston Super Bowl Host Committee can be contacted at 708 Main St., Ste. 500, Houston, TX 77002. Phone: (713) 988-2004. Or, go to www.superbowlxxviii.org.

Write to Patrick at: Federal Transit Administration, Region VI, 819 Taylor St., Ste. 8A36, Fort Worth, TX 76102.

Write to FTA Administrator Jennifer L. Dorn at the Federal Transit Administration, 400 Seventh St., S.W., Washington, D.C. 20590.

Court approves sale of FAR&WIDE units

MIAMI — Major pieces of FAR&WIDE Travel Corp., one of the nation's best-known travel companies, have been liquidated following the firm's bankruptcy filing earlier this fall.

A U.S. Bankruptcy Court judge in Miami approved the sale of five subsidiaries, meaning each of the units will continue or resume operations as a result of the deals.

FAR&WIDE estimates the sales, together with interim operations being maintained or re-established after the sales, will provide significant protection to customers who booked travel through the companies being liquidated.

Meanwhile, FAR&WIDE continues to operate under the aegis of the bankruptcy court while entertaining proposals for its business units that remain unsold.

FAR&WIDE sought bankruptcy court protection at the end of September after it announced it had a severe liquidity crunch. The company said its business was shocked by the aftermath of 9/11, the war in Iraq, SARS and the weakened U.S. economy.

At the time of the court filing, FAR&WIDE was a holding company for nearly two dozen travel companies, plus destination management outfits.

Webasto relocates headquarters

FENTON, Mich. — Webasto Product North America Inc. has moved its headquarters to Fenton, Mich., a small community south of Flint and northwest of Detroit on U.S. 23.

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dedicated areas for sales and technical training seminars.

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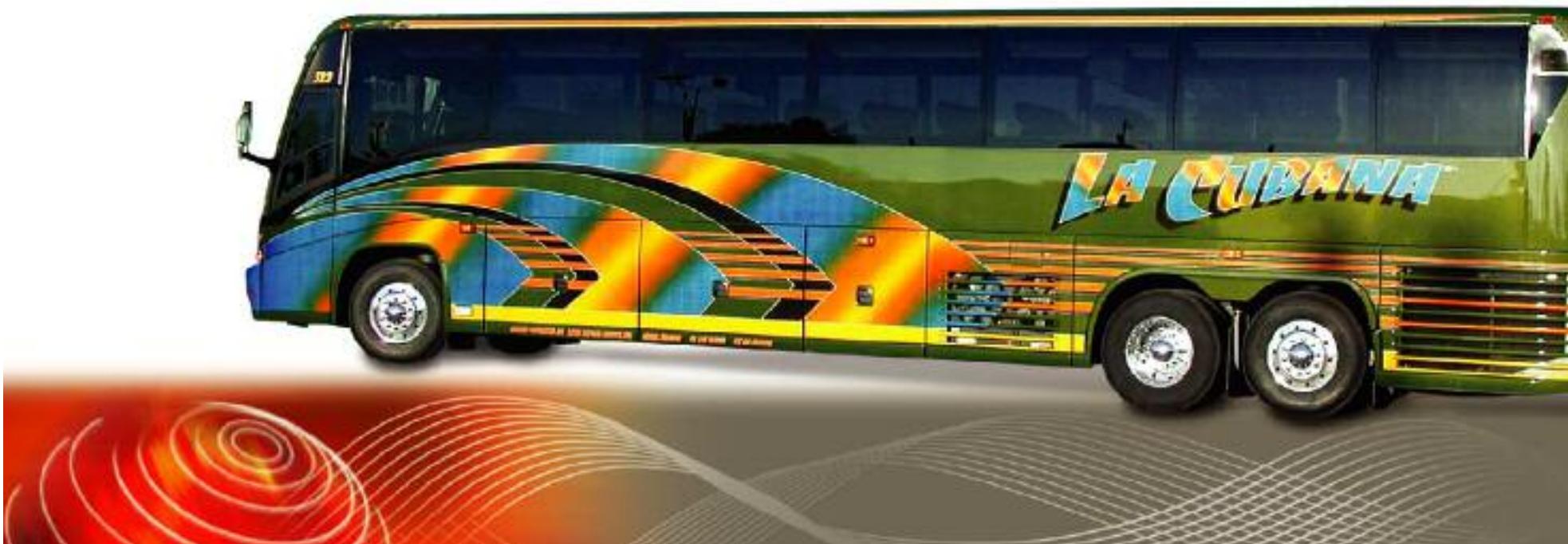


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INDUSTRY NEWS

FMCSA Web site

CONTINUED FROM PAGE 1

For example, hundreds of motorcoach companies with interstate operating authority have never had a safety compliance review or they haven't been reviewed for several years.

In its present format, the Web

site lumps carriers into two groups, those that have been inspected and have safety ratings, and those that don't.

Mahorney, Littler and LaGasse all expressed concern about the potential consequences for companies that haven't been safety rated or the safety rating is old.

"If you're not listed there, would

the implication be that you're not sanctioned by the government?" asked LaGasse.

Mahorney also acknowledged that non-safety-rated companies listed on the government's Web site could "possibly" be at a competitive disadvantage. "I'd like to see all companies rated," he said. "But just because we don't have

information, it may not be good or bad."

Littler took a stronger stance, suggesting the FMCSA adopt a different approach. He urged the agency to "list only those carriers that have solid indications of safety management problems. We know that simply being 'unrated' is not an indication of being a good or

bad risk. However, the public can and likely will evaluate unrated as 'unsafe,'" he said.

"This will place an unrated carrier at a competitive disadvantage to a rated carrier. The possibility of a business drop-off because of uncertainty amongst the consumer base is not the direction we want to go," Littler said. "The public needs only to know when a carrier they are evaluating as a service provider may have safety problems.

"If the system is left as is and a company sustains losses, not through their conduct but because of the FMCSA Web site, I believe that operator would have a valid cause of action against the agency," Littler added.

Littler also believes the Web site will act "as a powerful incentive" to marginal operators to clean up their operations.

Littler, LaGasse, Mahorney and representatives of other trade groups were walked through the Web site during a conference call late last month. Participants asked questions and made comments, but were asked to submit written comments within a few days.

The FMCSA has three primary objectives for the on-line service:

- Provide buyers of passenger transportation services with guidance on what type of vehicle — motorcoach, school bus, van or limousine — meets their needs.

- Provide buyers with a list of passenger carriers in a given geographical area.

- Provide "concise, easy-to-understand safety information" about carriers.

Another area of concern for Littler is the plan to help consumers locate carriers in specific areas. "Operators do not necessarily operate only in their region. We can cite many examples of carriers who advertise nationally and often deadhead across the country to pick up groups for extended tours. I urge the FMCSA not to limit the consumer's choice of carrier to only those domiciled within their region.

"It is enough to provide a listing of operators . . . and allow the consumer to type in the name, DOT number or MC number to conduct a search. If the carrier does not show up as having safety concerns then a disclaimer should appear stating the agency has no indication at the present time that safety concerns with that carrier exist."

Both Mahorney and LaGasse said their organizations would be submitting extensive comments on the Web site. "It's a serious issue and we are giving it serious thought," said LaGasse.

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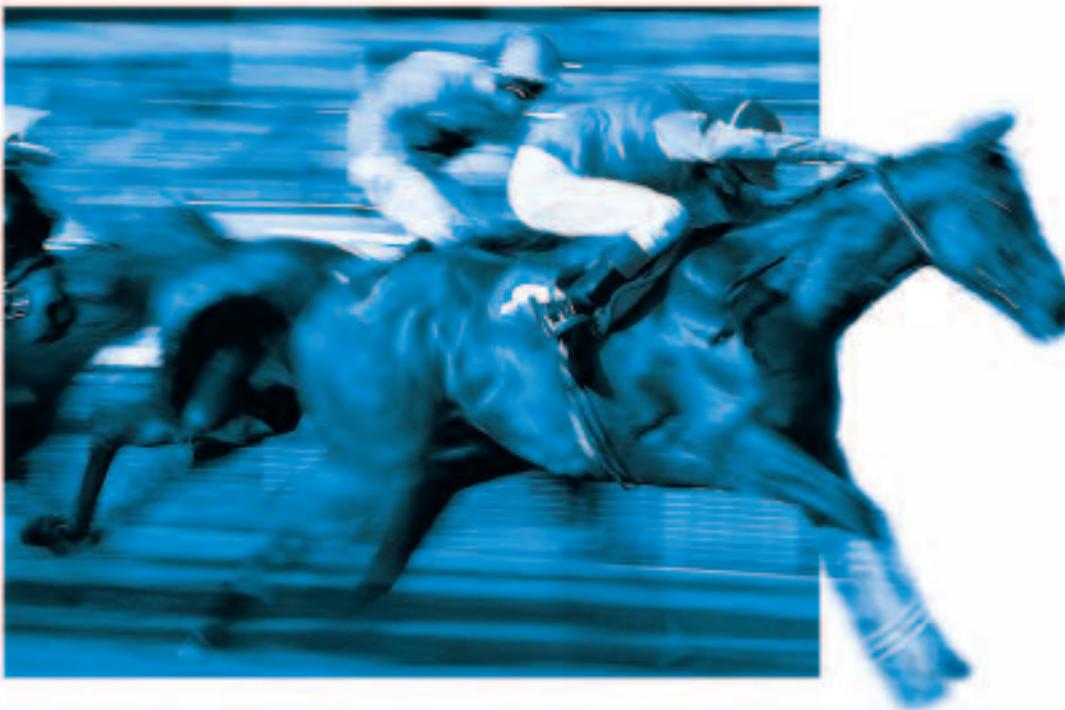
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