

Bus & Motorcoach NEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

MCI verdict raises concerns about liability standards

LAS VEGAS — A jury found that no vehicle defects were responsible for a bicyclist's fatal sideswipe collision with a motorcoach before awarding his children \$18.7 million in damages from Motor Coach Industries.

The jurors declined to accept four allegations of defects made by attorneys for the family of Kayvan Khiabani, 51, who died April 18, 2017. But they decided that MCI "failed to provide an adequate warning" before the collision and awarded damages.

The case will be appealed and, so far, should not establish a broad new legal liability standard, according to industry experts.

The Khiabani attorneys had told jurors "that the aerodynamic design of the tour bus created a pulling force equivalent to 20 pounds near the right front portion of the vehicle...MCI should have known their design posed a risk to a cyclist like Khiabani."

Attorneys for the family and MCI engaged in lengthy, detailed debates over the technological feasibility and commercial availability of proximity warning devices when the 2008-model coach was manufactured. They also argued whether a product manufacturer could be liable for injuries



A jury decided that a 2008 MCI J4500 motorcoach (similar to this one) involved in a fatal accident with a bicyclist had no design defects, but it awarded the victim's family \$18.7 million in damages because MCI "failed to provide an adequate warning" before the collision.

without an identified product defect.

A statement released by MCI following the verdict said:

"We are pleased by the jury's verdict that MCI's industry-leading J4500 model coach was not defective in any way. We respect-

fully disagree, however, with the jury's finding that MCI should have warned of the air disturbance that is generated by any large commercial or industrial vehicle.

"Everyone has felt the air disturbance when being passed by a large bus or truck,

and we are not aware of any manufacturer that warns of this open and obvious fact. MCI's coaches have been used to safely transport passengers in millions of miles of operation and will continue to do so. We look forward to pursuing the next steps in the legal process to overturn the jury's verdict on the failure to warn of air."

Khiabani was the head of hand and microsurgery at the University of Nevada-Reno School of Medicine and chief of hand surgery at University Medical Center.

When the accident occurred, the Las Vegas Review-Journal reported:

"He happened to be cycling parallel to a Motor Coach Industries bus about 10:30 a.m. when Khiabani appeared to accidentally veer left, witnesses told police. The quick move caused him to bump into the passenger side of the bus, then dip into the path of the vehicle. The 50-year-old driver of the tour bus stayed at the scene and did not show signs of impairment, police said. The coroner ruled Khiabani's death an accident Thursday."

Ryan's Express of Phoenix operated the bus.

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NPS considering scaling back proposed fee increases

WASHINGTON — The National Park Service (NPS), acknowledging overwhelming opposition, is "reconsidering" its proposal to double or triple entrance fees at 17 of the most popular federal parks to address \$11.7 billion in needed repairs and improvements.

Administrators have yet to announce a new plan but told reporters that 10-percent fee increases will be suggested.

Motorcoach entrance fees would have been set at \$900 to \$1,200 under the now-discredited proposal. News reports have not indicated what NPS will propose next for bus and motorcoach fees.

"That's good news. Our government should be encouraging citizens to visit our national parks,

not making it more expensive," said Michael Rogers, president of the Northwest Motorcoach Association and Beeline Charters and Tours in Seattle.

"While a 10-percent increase feels like a win, I'm still cautiously optimistic until the tour bus rate proposal is released."

In February, NPS leaders said they were awaiting analysis of 110,000 public comments submitted in response to its fee proposal. While NPS had yet to reveal its analysis of the comments, which were posted online, the National Parks Conservation Association said it found that 98 percent of comments were critical of the hikes.

In addition to \$900 to \$1,200 entrance payments for motorcoaches, NPS would have raised

fees to as much as \$70 per private vehicle weekly (now \$25 at some parks). It would have cost \$50 to enter on motorcycle and \$30 on bicycle or foot.

NPS estimated the new fees

could increase park revenue by \$70 million per year, a 34-percent increase over the \$200 million collected from fees in fiscal 2016. Some comments complained that the higher entrance fees were

being proposed as the Trump administration's budget for next year calls for cutting park spending by \$400 million.

Many comments supported

CONTINUED ON PAGE 10 ►



The National Park Service is expected to scale back its proposal to double or triple entrance fees at 17 of the most popular federal parks, including the Grand Canyon (pictured).

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Greyhound rejects request to adopt sanctuary policy

DALLAS — Greyhound Lines has refused a request by the American Civil Liberties Union that the company refuse to allow immigration agents to board its buses unless they have a judicial warrant for a specific passenger.

U.S. Border Patrol agents have been boarding Greyhound buses and questioning passengers in their attempts to crack down on illegal immigration.

ACLU chapters in California and nine other states sent a letter saying the company “should not be in the business of subjecting its

passengers to intimidating interrogations, suspicionless searches, warrantless arrests, and the threat of deportation.”

In response to the letter, Greyhound said in a statement that it understood the concerns of the ACLU and bus passengers but said it “is required to comply with the law.”

The company cited federal laws allowing immigration officers within 100 miles of the border to enter and search any vehicle “to prevent the illegal entry of aliens into the United States,” and to detain individuals, without a warrant, based on

a “reasonable suspicion” that they were illegally in the country, according to the San Francisco Chronicle.

“We are aware that routine transportation checks not only affect our operations, but our customers’ travel experience, and we will continue to do everything legally possible to minimize any negative experiences,” the company said.

“Greyhound has opened a dialogue with the Border Patrol to see if there is anything that can be done to balance the enforcement of federal law with the dignity and privacy of our valued customers.”

The letter was prompted by several incidents on Greyhound premises or buses in recent months, including at least two in California. In January, Border Patrol agents boarded a Greyhound bus in Indio and asked every passenger for proof of citizenship, the ACLU said.

In February, the ACLU said, agents boarded another Greyhound bus in Indio and seized a passenger as he was boarding. They questioned him and held him for possible deportation, explaining afterward that they singled him out because his

shoes looked “suspicious,” as if he had just crossed the border.

The ACLU said Greyhound and its passengers are protected under the Constitution’s Fourth Amendment, which generally requires officers to obtain a warrant, based on probable cause of wrongdoing, before seizing anyone.

“Greyhound has a Fourth Amendment right to deny (the Border Patrol) permission to board and search its buses without a judicial warrant,” the ACLU said in its letter. “We urge Greyhound to change its policy.”

Prevost agrees to sponsor Bus Industry Safety Council

SAINTE-CLAIRE, Quebec — Prevost has agreed to sponsor the Bus Industry Safety Council (BISC) in the interest of advancing overall bus safety for all operators and bus and motorcoach passengers.

Under the umbrella of the American Bus Association, BISC is a collective of safety-minded individuals who embody every role of the bus and motorcoach industry, addressing every safety concern from shop safety and driver training to vehicle technology and

regulatory compliance.

As part of the Volvo Group, Prevost heralds its safety mission as a core value and guiding principle. Building on its legacy, the Volvo 9700 coach continues to set the highest safety standards possible.

Advanced systems for driver assistance, high-efficiency brakes, seatbelts and world-class protective structures are standard Volvo safety features.

Manifested as Zero Accident Vision, Volvo’s definitive goal of

its all-encompassing safety initiative is to ensure no Volvo vehicle is ever involved in an accident.

“We have always put safety first, as do the members of BISC,” said Michael Power, vice president of marketing for Prevost and Nova Bus. “It is in our DNA to plan and design vehicles that lead the industry in safety and protection. Our hope for our sponsorship of BISC is to help instill all bus and coach operators with a similarly robust safety philosophy.”

ABA founded BISC in 1999 as a forum for bus and motorcoach operators, safety directors, maintenance supervisors, OEMs, vendors and government agencies to focus on advancements in safe bus and motorcoach operations.

“Speaking for all BISC members, we greatly appreciate this tremendous boost Prevost brings to our efforts through its sponsorship,” said BISC Chairman Alan Smith, who is safety director at Greyhound Lines.

“Not only do we have the backing and support of a truly quality company that shares our vision, BISC is now in a position to grow and develop from Prevost’s vast safety research and resources,” Smith said.

ABA President Peter Pantuso expressed his appreciation for Prevost’s sponsorship. “Prevost will not only help BISC grow its membership and reach new heights, the company will further establish itself as one of the pre-eminent safety leaders in the motorcoach industry.”

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THE DOCKET

New York State operators fend off new inspection fee

ALBANY, N.Y. — Motorcoach operators in New York State have once again successfully fought off a proposed inspection/re-inspection fee for motor vehicles transporting passengers.

The proposed budget introduced by Gov. Andrew Cuomo called for a \$120 fee for semi-annual inspections that currently don't cost anything.

The Bus Association of New York (BANY), which successfully

fended off a similar inspection fee in 2015, rallied its members to send letters to their state legislative representatives opposing the proposed fee.

"This language (TAX), if passed, will put our industry at a competitive disadvantage, not to mention cost our businesses more money!" BANY said in its electronic newsletter to members. "In 2015, the proposed fee was \$100. This year, the proposed fee is \$120!"

Apparently it worked. BANY recently issued a bulletin alerting members that the fee had been removed from the budget that was passed by the state legislature. It stated:

"BANY members have been relentless for the last eight weeks contacting their legislators via letter writing campaigns and personal phone calls to lobby against the provision in the Governor's proposed budget which was singling

out New York charter bus operators and forcing us to pay a \$120 inspection fee, per bus for the Department of Transportation's 721-inspection program.

"We have just received word that due to our members' extensive outreach efforts and the ongoing and effective efforts of our lobbyists, Jerry Kremer and Anthony Figliola, the provision was removed from the governor's budget!

"We ask our BANY members

to contact their legislators one more time to thank them for their support in defeating this tax and protecting our charter bus operators!

"BANY thanks all of our members for their active support and participation in this Association wide initiative!"

Under the proposal, the state Department of Transportation would have been authorized to collect the \$120 fee "for each

CONTINUED ON PAGE 6 ►

Court rules New York can use toll revenue for canals

NEW YORK CITY — A federal appeals court has dismissed a class-action lawsuit challenging the New York State Thruway Authority's use of highway tolls to fund the state's canal system.

The suit was filed in 2013 by the American Trucking Association, and the American Bus Association filed a similar suit a year

ago arguing that bus tolls used to maintain the canal system are unconstitutional.

The Thruway Authority argued that it was authorized to use truck tolls to pay for canals by Congress.

The tolls in question are charged on the Governor Thomas E. Dewey Thruway system, which runs between New York City, Alba-

ny and Buffalo. The Thruway Authority contributes more than \$61 million annually, or roughly 10 percent of toll revenue, to maintain the canals, including the Erie Canal, which was once crucial for transporting goods but is now obsolete and mainly a tourist attraction.

The decision by the Second U.S. Circuit Court of Appeals up-

held a lower court ruling that also ultimately rejected ATA's legal arguments that the 570-mile cross-state thruway should not allocate excess highway toll revenues to support recreational uses.

The court described the canal system as a "recreational byway, drawing pleasure boats, fishing lines, and the occasional canal fan."

"We conclude that Congress evinced unmistakably clear intent to authorize the Thruway Authority to allocate highway tolls to support the canal system," the appeals court said. "We also conclude that the District Court had discretion to reach the question of congressional authorization."

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Digital camera system could replace rear-vision mirrors

WASHINGTON — Federal regulators are considering a request by Stoneridge Inc. to allow commercial motor vehicles to use the company's new MirrorEye Camera Monitor System as an alternative to rear-vision mirrors.

The Federal Motor Carrier Safety Administration announced in the Federal Register that it would accept public comments through May 7 on Stoneridge's request that the MirrorEye be allowed to serve as a substitute for the two rear-vision mirrors, one on each side of the vehicle, currently required by Federal Motor Carrier Safety Regulations.

Stoneridge said the system meets National Highway Traffic Safety Administration standards, which are cross-referenced by the FMCSRs, and "meets or exceeds the performance requirements for traditional mirrors."

The company said the system consists of multiple digital cameras mounted on the exterior of the CMV and enclosed in an aerodynamic package that provides both environmental protection for the cameras and a mounting location for optimal visibility.

Each camera has video pro-

cessing software that presents a high-definition image to the driver by means of a monitor mounted to each A-pillar of the CMV — the structural member between the windshield and door.

The company explained that attaching the monitors to the A-pillars avoids the creation of incremental blind spots while eliminating the blind spots associated with conventional mirrors.

The MirrorEye system features a 12.3-inch-high definition display on the driver's left and a 15-inch display on the right. In the middle top of the window is another display, giving the driver complete visibility from five to six cameras mounted on the vehicle.

The displays show blind spots as well as the entire length of the trailer or bus in full color. The cameras, which are heated for easy defrosting, are shielded from the weather to ensure a clear view.

The system also features an advanced image handling system that adjusts visibility in direct sunlight so drivers are not blinded and can continue to see clearly.

The MirrorEye system currently is being used in Europe and the company has been testing it in

the U.S.

"We have been conducting MirrorEye CMS fleet trials for the past year as we prepare to launch in North America," said Stephen Fox, vice president, business development, at Stoneridge. "After conducting very successful fleet trials with some of the top safety fleets in North America, we are prepared to offer this advanced vision and safety solution to a greater number of fleets for evaluation."

Benefits such as blind spot reduction, night vision, trailer panning, expanded fields of view and high definition camera and display technology have been very well received by fleet test drivers, Fox said.

"We understand that each fleet is unique, however, they all share safety as a common goal," he said.

"We recognize the importance of providing fleets with the opportunity to evaluate MirrorEye CMS. The benefits of the MirrorEye vision system when compared to traditional mirrors are tangible and the number of fleets expressing interest is rapidly increasing."

The company said that while North American fleets are currently legally required to have physical

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The MirrorEye system features a 12.3-inch-high definition display on the driver's left and a 15-inch display on the right. In the middle top of the window is another display, giving the driver complete visibility from five to six cameras mounted on the vehicle.

N.Y. fee

CONTINUED FROM PAGE 4

semi-annual inspection of for-profit tour and charter bus fleets, ambulettes, and other large passenger vans/limousines."

"Although DOT collects fees for some safety inspections including commercial truck and rail inspections, DOT still provides inspections at no cost for these for-profit motor vehicles," the proposal stated.

"This bill would allow DOT to recoup some of the costs associated

with for-profit motor vehicle inspections in the same manner as other safety inspections."

The budget proposal said the fees would result in \$3 million in additional revenue to support the bus inspection safety program.

"This was an outstanding effort on behalf of all New York bus operators and demonstrates the exceptional value of belonging to the Bus Association of New York," said Ken Presley, vice president of legislative and regulatory affairs and industry relations/COO for the United Motorcoach Association.

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Oregon's exemption from permit requirement extended

WASHINGTON — The Federal Motor Carrier Safety Administration will renew the Oregon Department of Transportation's exemption from certain commercial learner's permit requirements, according to a document published in the Federal Register.

The exemption will allow the department and participating state driver's licensing agencies to extend the permit timeline from 180

days to a year from the date of issuance without requiring the permit holder to retake the necessary tests.

The Code of Federal Regulations states that a commercial learner's permit can be valid for no more than 180 days from the date of issuance. Oregon originally received an exemption in April 2015. FMCSA's renewal decision means that the exemption will be valid

through April 2019.

In filing for the original exemption, Oregon argued that the 180-day timeline "adds nothing to the effectiveness of the rule itself."

"ODOT asserts that neither FMCSA staff nor the states were able to identify any highway safety enhancement arising from this requirement," the Federal Register document states. "ODOT states that it is unaware of any data sug-

gesting that persons who have not renewed their (commercial learner's permit) or obtained their (commercial driver's license) within six months pose less risk on the nation's highways.

"Adding the bureaucratic requirement for a (commercial learner's permit) holder to visit a DMV office and pay a fee in order to get a second six months of (commercial learner's permit) validity will

add unnecessary workload to offices already stretched to the limit," ODOT said in its application. "ODOT is confident there would be no negative impact on safety if the exemption is granted."

FMCSA agreed, saying in the Federal Register document that "safety would not be diminished by allowing a validity period of one year for the (commercial learner's permit)."

2018 Roadcheck to focus on hours-of-service compliance

GREENBELT, Md. — The Commercial Vehicle Safety Alliance has scheduled its 2018 International Roadcheck for June 5 to 7.

Over the 72-hour period, inspectors in jurisdictions throughout North America will conduct inspections of commercial motor vehicles and drivers, with a focus on hours-of-service compliance.

"The top reason drivers were placed out of service during 2017 International Roadcheck was for hours-of-service violations," said CVSA President Capt. Christopher Turner of the Kansas Highway Patrol.

Turner said 32 percent of driv-

ers who were placed out of service during last year's Roadcheck were cited for violations related to hours-of-service regulations.

"It's definitely an area we need to call attention to this year," he said. "Although the electronic logging device rule that went into effect on Dec. 18, 2017, does not change any of the underlying hours-of-service rules or exceptions, the ELD mandate placed a spotlight on hours-of-service compliance.

"We thought this year would be a perfect opportunity to focus on the importance of the hours-of-service regulations."

During International Roadcheck, inspectors will primarily conduct the North American Standard Level I Inspection, a 37-step procedure that includes an examination of both driver operating requirements and vehicle mechanical fitness.

The vehicle inspection includes checking brake systems, cargo securement, coupling devices, driveline/driveshaft components, exhaust systems, frames, fuel systems, lighting devices, steering mechanisms, suspensions, tires, van and open-top trailer bodies, wheels, rims and hubs, and windshield wipers.

Additional items for buses include seating, emergency exits and electrical cables and systems in the engine and battery compartments.

Drivers will be asked to provide their operating credentials and hours-of-service documentation and will be checked for seat-belt usage. Inspectors also will be attentive to apparent alcohol and/or drug impairment.

If no critical inspection item violations are found during a Level I Inspection, a CVSA decal will be applied to the vehicle, indicating that it successfully passed a decal-eligible inspection conducted by a CVSA-certified inspector.

If an inspector does identify critical inspection item violations, he or she may render the driver or vehicle out of service if the condition meets the North American Out-of-Service Criteria. This means the driver cannot operate the vehicle until the vehicle and/or driver qualification violation(s) are corrected.

International Roadcheck is the largest targeted enforcement program on commercial motor vehicles in the world, with around 17 trucks and buses inspected, on average, every minute in Canada, the United States and Mexico during a 72-hour period.

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MirrorEye

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mirrors, the aerodynamics of removing them in European trucks and buses has demonstrated a fuel cost savings of roughly 2 to 3 percent per year.

In the Federal Register notice, Stoneridge listed the following safety factors its MirrorEye provides:

- Greater field of view (FOV) than conventional mirrors — Mirrors are replaced by wide angle, narrow angle and lookdown cameras expanding the FOV by an estimated 25 percent.

- Fail-safe design — The CMS has independent video processing of multiple camera images so that in the unlikely event of an individual camera failure, the other camera images continue to be displayed. This ensures that real-time images are continuously displayed without interruption.

- Augmented and enhanced vision quality — The use of high-definition digital cameras provides for color night vision, low light sensitivity and trailer panning

N.Y. canals

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ATA received a favorable decision from the district court in 2016, which ruled that it was unconstitutional for the Thruway Authority to use millions of dollars in toll revenues paid by commercial truckers to maintain the state's canal system.

The opinion by a U.S. District Court judge for the Southern District of New York determined the Thruway Authority's diversion of toll revenue from truckers for the canals violates the U.S. Constitution's Dormant Commerce Clause.

"Obviously, commercial truckers do not use the barge canals; they haul freight on the highway," Chief District Court Judge Colleen McMahon wrote. "The truckers may wish to enjoy bike paths, hiking trails and museums on a vacation, but they are irrelevant while sitting in the cab of an 18-wheeler."

"The state of New York cannot insulate the Canal System from the vagaries of the political process and taxpayer preferences by imposing the cost of its upkeep on those who drive the New York Thruway in interstate commerce."

However, before the district court could rule on ATA's class certification, the Thruway Authority discovered information indicating that Congress had indeed authorized it to devote surplus highway toll revenue toward the canal system.

It was unclear how the ruling affects the ABA suit.

capabilities. This assists with night driving, operating under other low lighting conditions, and provides for glare reduction.

- Trailer panning — The CMS automatically tracks the end of the trailer to keep it in view while the vehicle is moving forward. Stoneridge believes this feature could eliminate collisions associated with the CMV driver making a

right-hand turn, and incidents where the CMV strikes a pedestrian or bicyclist while making right-hand turns.

"Stoneridge also believes use of its CMS may help to reduce driver fatigue by requiring less head movement by drivers compared to the number of head movements needed to use conventional mirrors," the company said.

North Carolina school bus drivers need medical cards

School bus drivers in North Carolina are now required to carry a medical card in addition to their license at all times. Bus drivers have to pass, and pay for, a medical examination to receive their

medical card at least once every two years.

Previous North Carolina law didn't allow employers to know a driver's medical conditions because of privacy concerns.



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National park fees

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increased funding for park infrastructure. The government has failed to adequately fund the parks for years, said Theresa Pierno, president and chief executive officer of the National Parks Conservation Association.

“American families should not be forced to pay for what Congress and the administration have failed to do,” Pierno said.

Another suggested source of funding is fees paid by companies that extract minerals, oil and coal from national lands. Those leases often are criticized for their low costs.

Rogers agreed. “Bottom line is, park revenues should be generated from the leasing fees corporations pay the government to extract billions of dollars worth of natural resources. Why hard-working families are being asked to pay more, and not these large corporations, is a real head-scratcher.”

Tourism industry leaders expressed their views in a Feb. 5 meeting at the Interior Department. They included Stacy Tetschner, president and CEO of the United Motorcoach Association, National Tour Association (NTA) President Pam Inman and Peter Pantuso, president and CEO of the American Bus Association.

Tetschner said the group stressed that charter and tour operators would need at least 18 months to work any fee increases into their planning and marketing.

The government’s new position was reported by the Washington Post after a meeting with officials

at the Department of the Interior, which includes the NPS.

“An Interior official familiar with the changes now being discussed said some type of increase remains almost certain, but the dramatic hike is being reconsidered for fear that it would cause visitation to plunge, reducing sorely needed revenue at top destinations,” the Post said.

“The official would not disclose the revised rate structures being considered but said the goal is a more modest adjustment to fees that haven’t increased in a decade. A 10-percent fee increase for all parks with entrance charges is on the table, as is a \$20 increase in the \$80 seasonal and senior passes,” the Post reported.

“The agency also is debating whether to increase tour buses’ flat-rate charge, he said, or to implement a per-passenger bus fee to increase revenue.”

Based on the Feb. 5 discussions at the Interior Department, Tetschner said the government might be considering tour-group fees based on passenger numbers rather than a flat rate per vehicle.

As proposed in October, fee increases for visitors in private vehicles would have taken effect when peak seasons begin in May or June. New fees on commercial vehicles would have taken effect in 2019.

The selected destinations were Acadia National Park, Maine; Arches National Park, Utah; Bryce Canyon National Park, Utah; Canyonlands National Park, Utah; Denali National Park, Alaska; Glacier National Park, Montana; Grand Canyon National Park, Arizona; Grand Teton National Park, Wyo-



Bryce Canyon National Park in Utah is one of 17 national parks that have been targeted for substantial entrance fee increases. The National Park Service is reconsidering the increases in light of public criticism.

oming; Joshua Tree National Park, California; Mount Rainier National Park, Washington; Olympic National Park, Washington; Rocky Mountain National Park, Colorado; Sequoia & Kings Canyon National Parks, California; Shenandoah National Park, Virginia; Yellowstone National Park, Idaho, Montana and Wyoming; Yosemite National Park, California; and Zion National Park, Utah.

The federal government operates 413 national parks that were visited by 331 million people in 2016.

The NPS system, particularly the 17 selected parks, is a significant contributor to national and international tourism.

More than a third of international visitors to the U.S. visit a national park, according to U.S. Travel Association and U.S. Commerce Department statistics. About 13.6 million foreign travelers — 36.5 percent of the 2017 total — toured at least one park.

The National Tour Association

told federal officials that 74 percent of its operators include national parks in their packages and 58 percent believe a fee increase would affect decisions on including national parks in itineraries.

The National Park Conservation Association, which has 1.3 million members, says the 17 affected parks supported \$6.7 billion in economic activity and more than 75,000 private-sector jobs in 2016. Visitors to all national parks spent \$16.9 billion last year, according to NPS, supporting 295,000 jobs and \$11.1 billion in payrolls in “gateway regions” — communities within 60 miles of a park.

It is difficult to determine how many park visitors arrive in commercial vehicles. Each park posts an annual report on the NPS website but they are not formatted uniformly and most do not identify vehicle types. At the parks that did identify arrivals by vehicle type, 2.1 percent to 29.2 percent of visitors arrived by bus.

Company offers accounting services to operators

PHOENIX — From increased regulation to driver shortages, the motorcoach industry has seen its share of changes over the past few years. One of the more notable changes has been access to funding that hasn’t been available since before the Great Recession.

From coach purchases to Small Business Association loans, the accessibility of inexpensive money is causing more and more companies to evaluate their financial future and look at how they can leverage this money to grow their operations.

As a result, industry insiders Peter Shelbo and Tracy Fickett, who have a combined 55 years of experience in the bus business, have launched a new financial service company called BUSBooks (www.busbooks.co).

Shelbo owned and operated Tour West America in Phoenix and

Fickett hails from H&L Charter, a family bus company in Rancho Cucamonga, Calif.

BUSBooks was created to help operators prepare and refine financial statements that are required for business expansion.

“We know this business, and we know that operations always come first,” Shelbo said. “When you spend so much of your time running the business, there is little time available for the owners to create what we, as experts, can provide them. And for most, our service is not what the business owner enjoys or is trained to do.”

Fickett, a longtime CPA and former CFO for H&L Charter, brings her financial expertise to the company.

“Over the years, we saw that a large percentage of this industry is comprised of small, family-owned-and-operated businesses

that don’t have the luxury of a financial support team to manage and maintain the necessary financial reporting to help them grow,” she said.

“When these companies are ready to expand by adding additional coaches or making property improvements, or if they are looking for investment capital of any kind, it can be difficult to do so without solid credit approval, and getting that credit approval can depend on the company’s ability to produce accurate, well-presented financial statements.”

The process of raising capital can be complicated, and the fact that a company has an accounting system or bookkeeping service does not, by its existence alone, mean that the financial reporting is in a state that funding sources will be likely to approve and accept.

Most in-house accounting pro-

grams produce balance sheets and income statement reports. Those two reports, by themselves, do not tell the entire financial story of a company.

At Tour West America, Shelbo helped grow the operation from one bus in 1986 to 22 coaches when he sold the company in 2017.

“Every time we bought a new bus or needed to get a loan to re-finish a parking lot or remodel a building, we had to go through the process of updating and cleaning up our financial statements,” Shelbo said. “I wished that there was some way to have someone do that for us, as we were always busy running the company and keeping the coaches on the road.

“That need was really the genesis of this project, and we are excited to be able to step in during those moments and help companies move their objectives forward.”

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Want to empty a bus? Squish a skunk through its vent

By Dave Millhouser



We were a “traveling time warp” (description stolen from my pal Warren).

The company I worked for had bought the entire fleet of a

transit company in South Carolina, and we were toddling northward toward our facility in New Jersey.

Fifteen ancient GM “flat-bottom” transits sporting 6-71 Detroit diesels and two-speed automatics roared up Interstate 95 at “flank speed,” occasionally exceeding 50 mph on long downgrades.

Desperate for drivers (otherwise yours truly would not have been on this jaunt) we had even drafted our lead mechanic for this winter trek.

About 100 miles into the adventure, he smelled something strange and noticed liquid trickling from under the dash and dribbling down the aisle. Simultaneously, he figured out that he was cold and getting colder.

Then his temperature gauge

pegged and his hot-engine light fired up. It turned out that the smell was antifreeze — the liquid he saw in the aisle was from a leaking heater core. The coolant that his engine needed to keep running was instead puddled on the floor.

Pretty quickly the venerable Detroit gave up the ghost (a hissing white cloud of steam).

An astute driver would have noted the cloying smell of antifreeze and stopped to look for its source. A clever mechanic would have known that losing cabin heat is a symptom of low coolant.

Our guy was neither, and we sold the bus, on the spot, for scrap.

You’re guessing our target here is cooling systems. Gotcha.

It seemed a neat idea to discuss bus smells.

Part of your training is the pre-trip inspection, and good drivers take the time to walk around their coaches at every stop, looking for puddles, parts falling off or other harbingers of disaster.

Why not chunk Bussy B.O. into the mix? Frequently, the earliest hints of impending disasters are olfactory. Most of us recognize

the distinctive smell of overworked brakes. It is remarkably similar to the cooked clutches of ye good old days.

If you pick up that scent while driving or stopped and you haven’t been punishing your brakes, then something is wrong, such as a stuck caliper or some other nastiness that, if ignored, can lead to a fire.

If you notice a puddle under your parked coach, your bus may be marking its territory. But more likely it’s hemorrhaging some precious bodily fluid. If it smells like water, it may just be A/C condensate.

But oil, power steering fluid, antifreeze and DEF each have unique aromas. They ain’t Eau de Bus.

If you aren’t familiar with them, ask your shop folks to let you sniff around the garage. You’ll get an education and some funny looks.

Don’t taste stuff because some is toxic and none is delicious (don’t ask how I know).

Electrical problems often have a unique aroma. It’s hard to describe, but once experienced, it’s

seared into your memory (pun intended).

In ye olden days, for a dense driver (like me) the first sign of a flat tire on a dual might be the distinctive scent of burning rubber. That’s because the vibration normally associated with a flat is sometimes disguised by rough road (or the desperate hope that it is anything BUT a flat).

Modern tubeless tires make tire fires less likely, but the smell of burning rubber is never good. Gee, maybe it’s just a frying belt.

Sometimes odors originate outside your coach. The truck next to you has a flat or bakes its brakes. Your lavatory may need service OR you’re passing a sewage treatment plant (or both).

The point is that, if you don’t know the source of an unusual smell, assume it’s your problem until you can be certain it’s from outside.

Some smells require immediate action, while others are less urgent. A pungent lavatory is a problem that can wait a bit. A flaming dual, not so much. Like cats, tire fires have nine lives. You want to kill them early and often (fires, not

cats).

In ye pre-A/C days, an integral part of coach “climate control” was vents on the front of the bus. In summer you opened them for ram airflow.

A convoy of Brills was rolling westward in close formation one night on the Kansas prairie when the leader hit a skunk. The unfortunate (and irritated) little stinker was tossed high in the air and landed “dead” center on the following coach’s wide-open vent. Several lessons were learned from this single event.

First, tailgating is bad. A bit farther back and Brill No. 2 would not have learned the second lesson: the fastest way to evacuate a bus is to squish a fresh skunk through its vent.

Third, when a manufacturer installs a screen over an opening, don’t remove it.

The distinction between inside and outside odors can be significant when skunks and ram air are involved.

Dave Millhouser is a bus industry marketing consultant and freelance writer. Contact him by email at Davemillhouser@gmail.com.

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Registration open for rural transportation conference

BRECKENRIDGE, Colo. — Registration is now open for the 23rd National Conference on Rural Public and Intercity Bus Transportation.

This year's conference — set for September 30 to October 3 in Breckenridge — will focus on improving rural, regional and intercity mobility options.

The bi-annual conference, which got its start in 1976 in Greensboro, N.C., will cover hot topics in rural public-transit, tribal and intercity bus operations, highlighting current applied research

and best practices.

It will offer cutting-edge training and numerous workshops on bus operations, policy, technology, management and mobility. This year's conference will feature nationally known keynote speaker Donna Griggs presenting on how to manage change.

"We believe this is one of the most important national conferences on rural transportation programs, as we bring in over 450 transit professionals from around the United States," said Elena Wilken, conference co-chair.

"What also makes our conference unique is the fact that included are over 50 transit and motorcoach companies coming together on how to work together to best give the public transportation options," Wilken said.

The conference also includes representatives from the U.S. Department of Transportation, the Federal Transit Administration and several state transportation departments.

Mark Szyperski, president and CEO of On Your Mark Transportation, a consulting firm to the bus

and motorcoach industry, said the conference results in interaction between private intercity bus companies and the public-transit agencies.

"I often tell my clients, even if you are not involved in intercity bus scheduled service, this conference is important to attend as it gives you the opportunity to learn from those who are doing scheduled service," Szyperski said. "It also gives you the opportunity to meet federal and state department of transportation professionals who may provide the information you need to consider this important segment of the trans-

portation industry."

The conference includes exhibition space for vendors, including an outdoor exhibition space to display buses and indoor booths for companies to display products and services such as bus parts, scheduling, ticketing and bus washing.

More information about the conference, including schedules, hotel accommodations and vendors, is available at www.ribtc.org. The conference also is posting information on its Facebook page, www.Facebook.com/RIBTC.

Van Hool lands major hydrogen bus contract in German cities

KONINGSHOOIKT (Lier), Belgium — Belgian coach builder Van Hool has landed a significant contract with RVK Köln and WSW Wuppertal in Germany to supply 40 hydrogen buses.

The order consists of 30 fuel-cell buses for Cologne and 10 for Wuppertal, making it the largest order for hydrogen-powered vehicles ever placed in Europe.

These high-tech vehicles will be built in the Van Hool factory in Koningshooikt. The first buses will be delivered in the spring of

2019.

"Hydrogen buses are vehicles with a high added value and they're of major importance to the production facility in Koningshooikt," said Van Hool CEO Filip Van Hool, adding that the order "is a serious boost for hydrogen technology for public transport."

"All over Europe, public transport companies are working hard to 'greenify' their bus fleets," Van Hool said.

Cologne has had two Van Hool hydrogen buses in service since May 2014.



Belgian coach manufacturer Van Hool has received a contract to supply 40 A330 FC hydrogen fuel-cell buses to Cologne and Wuppertal, Germany, the largest order for hydrogen-powered vehicles ever placed in Europe.

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Transit agency to install pedestrian detection systems

LAFAYETTE, Ind. — CityBus plans to use a \$485,760 Federal Transit Administration grant to install pedestrian detection systems on its fleet of nearly 70 fixed-route vehicles.

The total amount of the project including local funds is \$607,200.

The grant was awarded under a Section 5339 Bus and Bus Facilities Infrastructure Investment program, which is dedicated to providing funding for capital projects that improve, rehabilitate or replace existing transit vehicles and vehicle equipment.

The system that CityBus will install will cost about \$8,000 per vehicle, with some money set aside for replacement parts. Once the system is installed, bus operators will be alerted any time a pedestri-

an enters a blind spot near the vehicle.

CityBus applied for the funds in response to the growing population density in downtown Lafayette and West Lafayette.

“We are keeping an eye on the increasing density of the urban development taking place near campus,” said Bryce Gibson, manager of development. “Our drivers are always vigilant for potential vehicle-pedestrian conflicts. We want to make sure they have all the tools they need to avoid a tragic situation.”

CityBus, the operating name for Greater Lafayette Public Transportation Corporation, operates hundreds of thousands of miles on some of the busiest streets in the Lafayette area. The goal of the project is to add an extra layer of

protection for pedestrians.

“Safety is a key tenet at CityBus. It is baked into every aspect of everything we do here,” said Martin Sennett, CityBus general manager. “With the reconfigura-

tion of State Street and the addition of even more bicycle and pedestrian facilities, we knew it would be necessary for CityBus to take additional precautionary measures to ensure the safety of all.

“We are pleased that our local elected leaders and the Federal Transit Administration agree.”

CityBus plans to begin upgrading its vehicles with the new technology this fall.

MCI verdict

CONTINUED FROM PAGE 1

During the six-week trial before Judge Adriana Escobar, attorneys representing Khiabani’s sons alleged that the 2008 MCI J4500 motorcoach was defective in design because it had a right-side driver’s blind spot, lacked proximity sensors to warn of the bicyclist’s presence, lacked a rear-wheel protective barrier, and had an aerodynamic design that could cause a wind blast to destabilize and pull in bicyclists.

After deliberating for less than a day in Clark County District Court on March 23, the jurors returned a verdict finding none of those alleged four defects “made the coach unreasonably dangerous and a legal cause of Dr. Khiabani’s death.”

Then the jury answered “yes” to the fifth question on the verdict form, “Did MCI fail to provide an adequate warning that would have been acted upon?”

The jury awarded \$16.2 million to Khiabani’s two sons to compensate for grief, sorrow, loss of companionship and loss of support. An additional \$1 million was awarded to Khiabani’s heirs for his pain and suffering.

The jurors decided MCI was not liable for punitive damages.

Jurors awarded \$1.5 million to the estate of Khiabani’s wife, dentist Katayoun Barin, who died from cancer last October. Her cancer had been diagnosed three months before the accident. Following her death, plaintiffs’ attorneys sought to add a claim for her wrongful death to the MCI suit.

MCI attorneys filed a motion in opposition to this claim, which

stated, “Plaintiffs intend to argue that grief and sorrow caused Dr. Barin’s cancer to accelerate and caused her passing. Notwithstanding the rather novel and unique theory on which Plaintiffs intend to proceed, this is plainly not a foreseeable outcome from a legal standpoint.”

The court granted MCI’s motion to dismiss the claim.

The Review-Journal reported that on the day of closing arguments, the bus company’s insurer offered a \$1 million settlement that was declined.

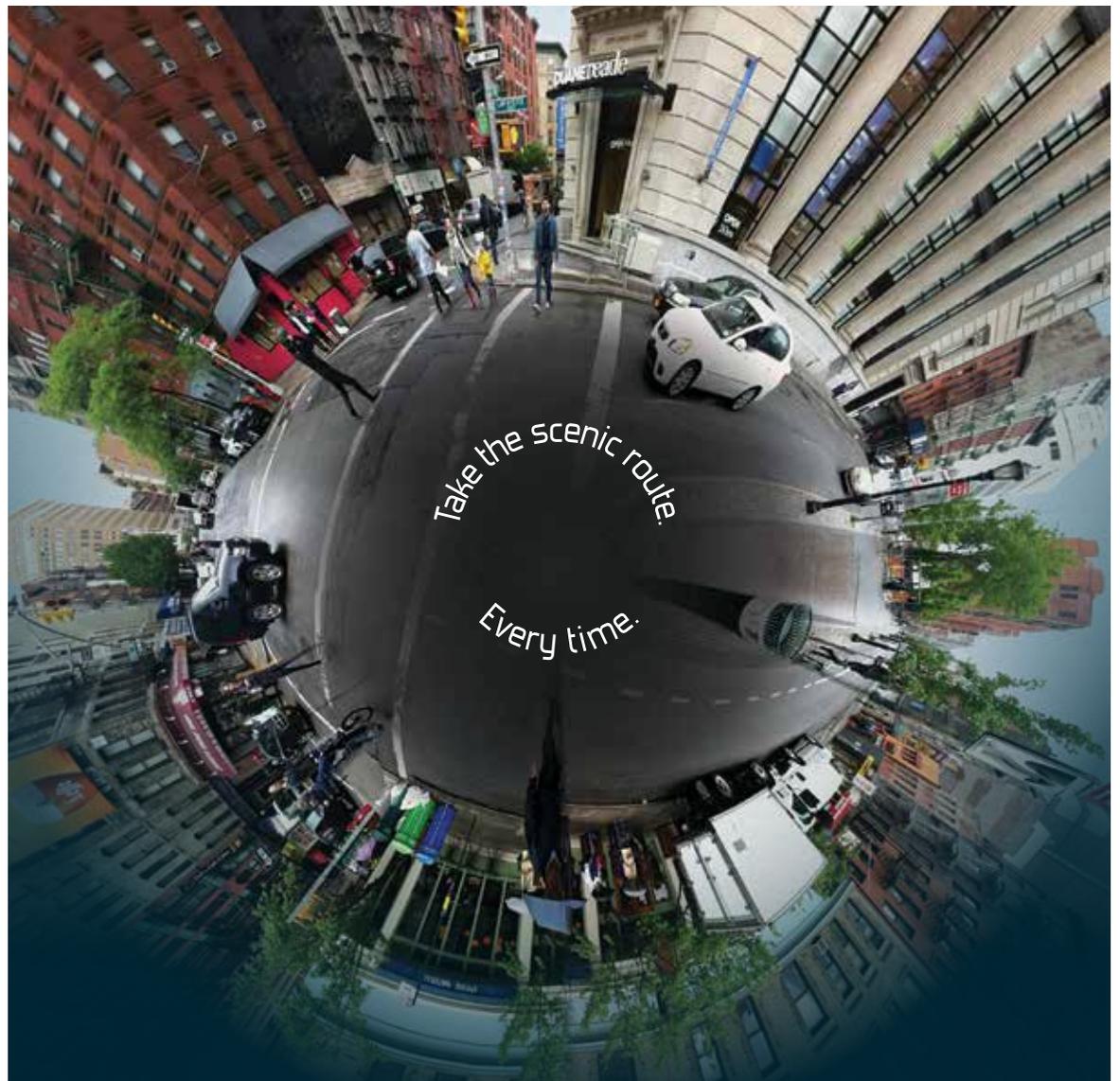
However, a lawyer for MCI disputed the newspaper’s report, saying no insurer offered a \$1 million settlement.

“Bus design, in general, hasn’t changed a whole lot over the years. So, it’s hard to imagine that this model has a particular issue that others wouldn’t, or an issue that wouldn’t have been exposed previously in other similar incidents,” said Matt Daecher, a transportation safety expert and president of Daecher Consulting Group.

“This might simply be a good case study of why parties in a legal matter are usually skeptical to try a case — you just never are sure what the jury will be convinced of,” Daecher said.

Such a verdict illustrates the reason that insurers recommend their clients carry higher liability coverage minimums than required by law, said Michelle Wiltgen, assistant vice president and national marketing manager at National Interstate Insurance Company.

A transportation carrier or product manufacturer cannot believe that following laws and regulations is enough to be safe before



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unprecedented 190° wide angle view, the SEE360 provides increased awareness on the busiest city streets. Keep your passengers and pedestrians safe while you maneuver your vehicle with confidence.

MCI verdict

CONTINUED FROM PAGE 13

a jury, Wiltgen said.

“With any emotional case that goes to trial, you have a jury of people who aren’t necessarily experts in that field,” she said. “It looks to me like they were a sympathetic jury. I am not sure MCI did anything wrong and I am sure they will appeal.”

The jury demonstrated the reason that similar cases rarely go before juries, Wiltgen said.

“Fewer than 1 percent of these cases go to trial for that reason. They (the plaintiffs) went for the deep pockets. Nevada is a tough place to do business,” she said.

But businesses that believe they are falsely accused often want to fight the case.

“Many times, insureds such as motorcoach companies are upset when an insurer settles a claim. Well, this is why they often settle,” said Ken Presley, vice president of legislative and regulatory affairs and industry relations/COO for the United Motorcoach Association.

“Courts and juries are largely unpredictable and the process is very expensive. I spent nearly 30 years insuring motorcoaches and I never saw anything like this one. It took a lot of dollars to bring this suit,” Presley said.

“It’s easy to say if you don’t like the decision you can always appeal — until you learn the cost and learn that courts do not always agree to hear appeals,” he said. “Often when they do agree, the case is remanded right back to the court that you lost in to begin with.”

Avoiding trial

Wiltgen said National Interstate stresses to customers that legal liability and jury verdicts are separate issues.

“We would avoid going to trial on that issue at all costs,” she said.

“They (MCI) didn’t think they had any liability, but this is the risk you run when you are going to trial.”

Will this case set a troubling precedent for liability standards in the motorcoach industry?

“There are still too many unan-

swered questions. I don’t think it is over,” Wiltgen said.

Presley agreed that it is too early to tell what the ramifications are, if any.

“I understand the verdict is being appealed and the jury’s decision could very well be overturned,” he said.

Plaintiffs’ attorney William Kemp told the Courtroom View Network that the case should be remembered as the first product liability case against a bus manufacturer to recover for poor aerodynamic design.

“Because there are hundreds of thousands of buses and large trucks on the road today that also have bad aerodynamic design that impacts millions of unwary bicyclists as they pass, other like lawsuits are inevitable,” Kemp said. “Plaintiffs hope that the verdict stimulates the manufacturers of large buses and trucks to design safer vehicles that are not aerodynamically dangerous.”

Actually there are 10.7 million large trucks and 764,509 buses registered in the U.S., according to 2017 statistics published by the Federal Motor Carrier Safety Administration.

Considerable pre-trial debate regarded the availability and feasibility during the 2008 model year of proximity warning sensors that would sound an alert to drivers when a pedestrian or bicyclist is beside a motorcoach or truck.

The Khiabani attorneys presented evidence that warning devices were available on automobiles at that time and produced press releases and advertisements regarding sensor availability on 2018-model buses.

In a pre-trial filing, the plaintiffs’ attorneys stated, “According to the October 15, 2007, edition of Bus and Motorcoach News (the leading trade journal in the bus industry), a bus manufacturer named BCI offered the Eaton side proximity sensors as a standard feature on its 2007 (Falcon 45) coach.”

North American importation of the Chinese-built BCI (Bus & Coach International) buses ended in 2009.

In its response, MCI attorneys

argued that proximity sensors were not viable for motorcoach use when the 2008 coach was built.

“The law is exactly the opposite of what Plaintiffs say it is. The Nevada Supreme Court has held that commercial availability is a necessary, but not sufficient, condition for feasibility. An alternative design that is not commercially available because nobody makes it is, by definition, not commercially feasible,” they stated.

According to a Nevada precedent, MCI wrote, “Plaintiffs may not introduce evidence of a safer alternative design, however, if at that time the design was not commercially feasible.”

Cost not a factor

The judge ruled that plaintiffs’ counsel could not admit evidence concerning the cost of proximity sensors. In a pre-trial memorandum, the judge ruled that MCI had stated “it found the technology to be incompatible with its motorcoaches...MCI did not consciously reject the proximity sensors... out of a desire to cut costs.”

The judge denied the plaintiffs’ effort to allege that cost was a reason that MCI chose not to equip the motorcoach with a guard to prevent pedestrians and cyclists from being run over by wheels. One of the expert witnesses called by the plaintiffs was identified as the president of the company that makes such a product, the S-1 GARD.

The manufacturer describes the product as “a securely mounted maintenance-free barrier installed in front of the right rear wheels of a transit bus or motorcoach, designed to deflect a person out of the path of the wheels, preventing catastrophic injury or death.”

In a pre-trial memorandum, the judge wrote, “The misimpression that MCI cut corners to save money is highly prejudicial and has minimal value to feasibility... Nobody in Nevada uses the S-1 Gard and MCI has always contended it was simply unaware the technology existed in 2007 when the coach was manufactured.”

In pre-trial discussions of jury instructions, attorneys argued whether jurors could award dam-

ages for product liability without identifying a specific defect.

The plaintiffs’ attorneys cited a precedent case in Nevada in which “It has been held that ‘a specific defect in the product is not an essential element in establishing a cause of action’ since ‘in the field of product liability the focus is on the product and not necessarily on its component parts.’”

As for the four alleged defects (which jurors later rejected), the Khiabani attorneys argued, “There is a safer alternative which had either been developed by MCI or was both practicable and feasible.”

Based on that case, they argued, “The standard pattern jury instruction explicitly states that Plaintiffs need not prove that the bus had any specific defect.”

In its response filing, MCI attorneys said plaintiffs had asked the court “to give them the benefit of an inapplicable product malfunction doctrine. A product-liability plaintiff must generally prove a defect by reference to some specific attribute of the product.”

Quoting from a precedent to this case, they stated, “In Nevada, plaintiff bears the burden of establishing the product is defective, which requires a showing that it ‘failed to perform in the manner reasonably expected in light of its nature and intended function and it was more dangerous than would be contemplated by the ordinary user having the ordinary knowledge available in the community.’

“Evidence of an accident or injury is not in itself evidence of a defect. This is not a case of product malfunction and plaintiffs have not even suggested that it is. Plaintiffs’ theories of defect run the gamut from questionable applications of Bernoulli’s principle to a rubber guard anointed with super-hero powers.

“Plaintiffs have argued that bicycles veer into buses and get run over all the time. Although defects may play a role in some accidents, in others the injury occurs because of the driver’s or the cyclist’s bad judgment...the lay observer would properly conclude that there was no product malfunction, just an accident.”

People

SAINTE-CLAIRE, Quebec — Serge Gonthier, Prevost/Nova Bus sales manager for the Quebec region, has



Serge Gonthier

been appointed to the Ontario Motor Coach Association (OMCA) board of directors.

Serving bus and coach operators throughout Canada, the OMCA mission is to enhance the safety and quality of its member companies through education, awareness and advocacy for all facets of the motorcoach industry.

OMCA reserves one position on its board of directors for a vehicle OEM product and service representative.

“I am extremely pleased to accept this position on the OMCA board,” Gonthier said. “I am looking forward to working with the membership and helping with the complexities involved in running motorcoaches; from the vehicles, components and systems to operations and customer service from an OEM perspective.”

Gonthier officially took his seat on the board in April during OMCA’s annual meeting and marketplace, replacing his predecessor, Guy Tessier of Motor Coach Industries.

“We are grateful that Serge will be joining us,” OMCA President and CEO Doug Switzer said. “He enjoys tremendous relationships throughout our industry. Serge has earned deep respect not only for his work with Prevost, but also for his knowledge in all matters concerning motorcoaches, beyond his areas of expertise, from the mechanical and technological aspects to regulatory issues and safety advocacy.”

(Daniel Bernoulli, an 18th-century Swiss mathematician and physicist, devised Bernoulli’s Principle, which describes speed-related changes in the pressure of fluids, including air.)



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Calendar

June 2018

2 Museum of Bus Transportation Spring Fling, Hershey, Pa. Info: www.aacamuseum.org

18-21 Pennsylvania Bus Association Annual Meeting, Doubletree Hilton, Williamsburg, Pa. Info: www.pabus.org

21-24 New England Bus Association Annual Conference, Water’s Edge Resort & Spa, Westbrook, Conn. Info: www.newenglandbus.org

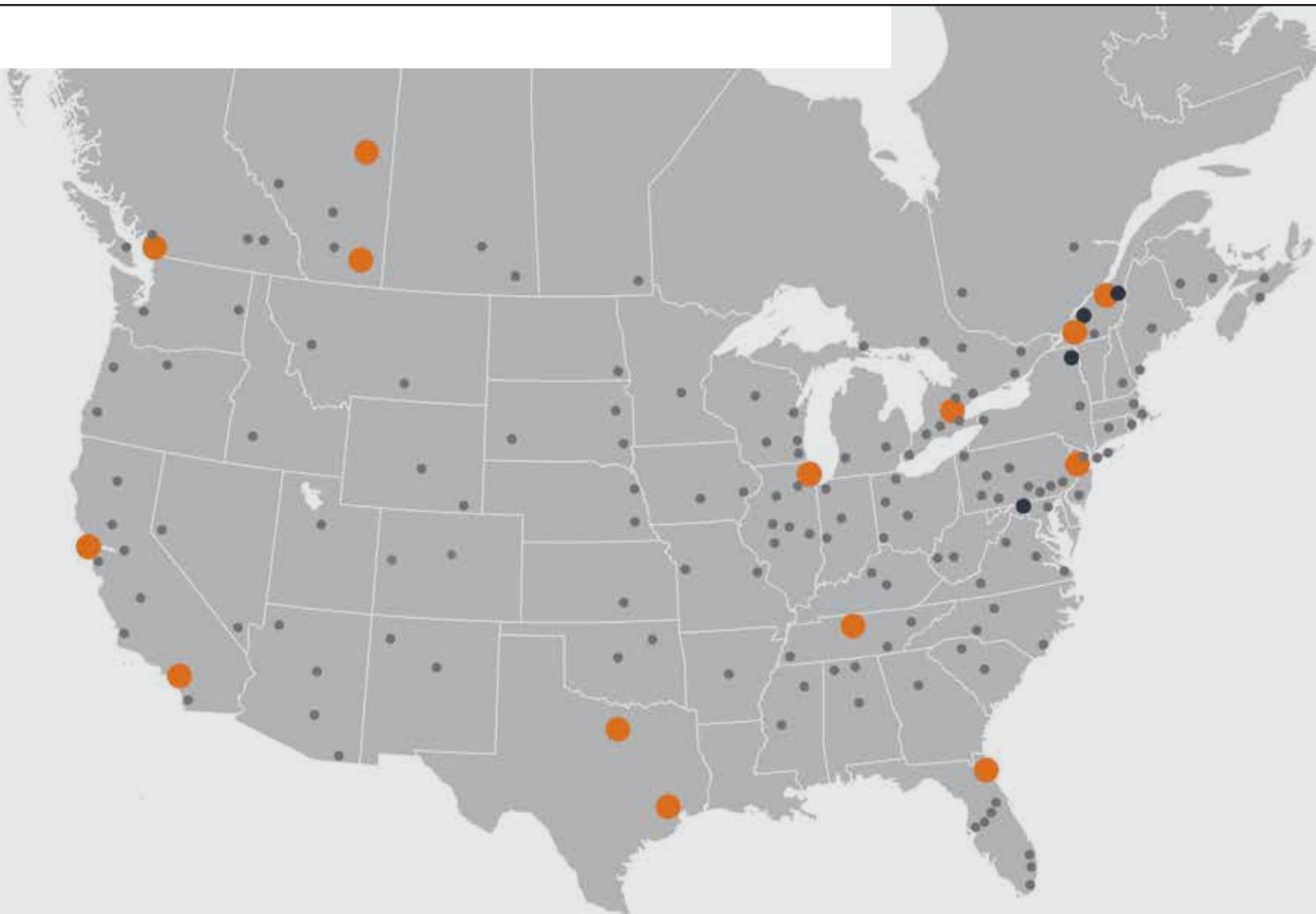
July 2018

22-26 AMA-SCMA-GMOA Regional Meeting, Evergreen Marriott Conference Resort, Stone Mountain, Ga. Info: www.gamotorcoachoperators.org

August 2018

7-10 International Motorcoach Group Strategic Alliance Meeting, Doubletree Hilton, Sonoma, Calif. Info: www.imgcoach.com

16-19 2018 NAMO Annual Conference, Westin Cape Coral Resort at Marina Village, Cape Coral, Fla. Info: www.namo-coaches.org



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