

## Special Report: Pax Safety Feds to study whether passengers are receiving safety briefings, info

ASHBURN, Va. — Federal regulators plan to start checking to see whether motorcoach operators are providing safety briefings or information to passengers at the start of trips — in compliance with Federal Motor Carrier Safety Administration guidance.

“It’s very important for the industry to take this guidance seriously and to implement a passenger safety awareness program in your company,” Pete Chandler, team leader with the FMCSA commercial passenger carrier safety division, told attendees at the United Motorcoach Association Safety Management Seminar here.

“What we’re doing is we’re planning a study right now in which we’re trying to determine to what

extent...the motor carrier industry is embracing and implementing this guidance,” Chandler said.

FMCSA issued passenger safety information guidance in 2007, offering the industry ideas and options on how to provide pre-trip safety information to passengers. (See Oct. 1, 2007, *Bus & Motorcoach News* and related article below.)

Under the guidance, motorcoach operators may use almost any method to convey safety information to passengers: Video, audio, a presentation by the driver, and printed materials are all acceptable, Chandler said.

Passenger safety-briefing videos are widely available for the

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## A refresher course for operators: ‘Passenger Safety Guidance 101’

WASHINGTON — Eight years ago, the motorcoach industry told the Federal Motor Carrier Safety Administration it would be a bad idea to issue formal regulations requiring safety briefings for passengers on private motorcoaches.

Instead, the industry asked the feds to issue guidelines for such safety briefings and leave it up to individual operators to decide what form and format to use to present the information to passengers.

In the fall of 2007, the industry got exactly what it asked for, and it became the responsibility of the nation’s 4,000 motorcoach operators to develop their own passenger safety information that fit within the guidelines.

The task of coming up with the appropriate information wasn’t seen as being terribly difficult

given the federal guidelines were broadly drawn and made allowances for the diverse nature of bus operations provided across the U.S.

The FMCSA made its guidelines, which it called “a basic plan for motorcoach companies to implement a safety-awareness program for passengers,” official when it published them in the *Federal Register*.

However, the idea of requiring coach operators to conduct passenger safety briefings had been an issue long before the guidance was adopted.

Following a 1997 bus crash in Stony Creek, Va., the National Safety Transportation Board asked the FMCSA to begin requiring pretrip safety information for motorcoach passengers.

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## NHTSA develops raft of bus safety rules for new year

ASHBURN, Va. — The National Highway Traffic Safety Administration, which is developing the long-anticipated seatbelt rule for motorcoaches, also is studying a slew of other proposed rules that could significantly impact the industry, reports Matthew Daecher, president of Daecher Consulting of Camp Hill, Pa.

One rule under consideration would create motorcoach rollover structural integrity requirements.

Another would develop test procedures for a standard on stability control systems for motorcoaches and truck tractors. Such systems combat rollover and loss-of-control crashes.

Also on NHTSA’s front burner is the issue of motorcoach evacuations, Daecher said. The agency is considering upgrading current motorcoach evacuation standards and may initiate a formal rulemaking proceeding.

Finally, NHTSA has said it will decide in 2012 whether to take any action on motorcoach fire safety.

The agency has completed coach fire research and now it must examine the costs and benefits before deciding whether to proceed with a new regulation, Daecher told attendees at the United Motorcoach Association Safety Management Seminar here.

A stability control rule was originally not a high priority for NHTSA but subsequent research showed the technology had promise, so the agency decided to go forward and develop a regulation, according to Daecher.

Regarding rollover structural integrity requirements for motorcoaches, Daecher said one need to look no further than the European Union’s existing regulations for an

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## Special Report: ADA Small Chicago operator gets quick, costly lesson in ADA compliance

CHICAGO — After tearing open the FedEx envelope that arrived at his office in mid-November and glancing over its contents, Ralph Kotwica was dumbfounded.

What he had received was a single-page, five-sentence letter from the U.S. Justice Department, along with a five-page, 30-paragraph “settlement agreement under the Americans with Disabilities Act.”

On page three of the settlement agreement, Kotwica came to item No. 20, a demand he and his one-bus company, Ralph’s Coach, pay a \$10,000 fine for violating the Americans with Disabilities Act.

Welcome to the new world of motorcoach industry ADA compliance.

Three years after the U.S. Justice Department and the Federal

Motor Carrier Safety Administration became subject to the requirements of a law pushed through Congress by the American Bus Association and Greyhound Lines, and signed by President George W. Bush, the two federal agencies are teaming up to aggressively push for ADA compliance by motorcoach companies, especially small operators.

Operators in California, Texas and Illinois appear to be particularly vulnerable to the crackdown.

According to the federal government’s ADA website, 14 small operators in those three states signed “letters of resolution” or “settlement agreements” with the Justice Department during a one-week period last month.

Those companies had received letters and settlement agreements

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## Understanding what is expected is key to compliance with ADA

Motorcoach operators who don’t think it’s necessary to comply with federal regulations for serving people with disabilities need to think again.

Not only are operators required to meet provisions of the Americans with Disability Act, but they can be severely penalized if they don’t.

The Federal Motor Carrier Safety Administration appears to be stepping up enforcement of the regulations under a three-year-old measure that made ADA regulations part of its regular compliance reviews of motorcoach carriers.

In one recent period, more

than a dozen small carriers that otherwise passed their compliance reviews were cited by the U.S. Department of Justice for failing to meet ADA requirements.

Some were fined as much as \$10,000, while others settled their violations by agreeing to come under full compliance of the law within 60 days or face fines and other penalties.

FMCSA inspectors are referring violations they find during compliance reviews to Justice Department attorneys who are responsible for enforcing the ADA.

“They are being brutal right

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# Washington state operator helping save birds of prey

FERNDALE, Wash. — Airporter Shuttle, a private bus operator serving much of northwestern Washington state, has become an active participant in a program aimed at saving exotic birds of prey and helping aircraft using busy Sea-Tac International Airport avoid

potentially dangerous bird strikes.

Participation in the effort not only has saved birds and reduced flying risks but it has resulted in positive publicity for Airporter Shuttle and intrigued its passengers.

The program is a partnership between the Port of Seattle, which operates Sea-Tac Airport, and Falcon Research Group of Skagit Valley, Wash., about 90 miles north of metro Seattle.

As part of the port's Wildlife Management Program, a group of wildlife biologists monitor and carefully trap raptors (hawks, owls, eagles, falcons and other large birds of prey) and transport them 80 miles up Interstate 5 to Burlington, Wash., aboard Airporter Shuttle buses.

In Burlington, Falcon Research Group Biologist Bud Anderson and volunteers meet the birds and take them another nine miles to Bow, Wash., where they are measured, tagged and released into the wilderness of Skagit Valley.

"We are very pleased and excited to be involved in the program," said Larry Wickkiser of Airporter Shuttle. "It's great to be able to help save these majestic birds and also reduce the danger to aircraft."

Airporter Shuttle has handled a



Larry Wickkiser, left, of Airporter Shuttle, and Bud Anderson of the Falcon Research Group check a red-tailed hawk.

dozen raptors so far, including red-tailed hawks, Cooper's hawks and great horned owls.

The birds are transported in special cages, which are covered with material to darken the environment to calm the birds, and shipped in the luggage bay, beneath the passenger cabin.

The raptor management pro-

gram at Sea-Tac was instituted because the large birds are attracted to the airport's wide-open space that is home to lots of small critters and other prey the birds can catch.

Before Airporter Shuttle stepped forward to help, the responsibility of bringing the birds to Skagit County fell to Anderson, who founded the nonprofit organization in 1985.

During the past 10 years he's released 386 birds through his organization, which is based in Bow.

Last year, the airport began increasing its trapping program, which potentially meant more trips to the Seattle area for Anderson. Working with Steve Osmek, a wildlife biologist at Sea-Tac, they

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## UMA's special gift

LONG BEACH, Calif. — At year end, the United Motorcoach Association remains in the gift-giving mood, so it's extending the regular registration deadline for UMA Motorcoach Expo 2012 to Friday, Jan. 6.

The extension means a \$100 savings for motorcoach operators who register for UMA Motorcoach Expo 2012 on or before Jan. 6.

After that date, those who haven't registered must pay the on-site rate.

To register now and save, go to [www.motorcoachexpo.com](http://www.motorcoachexpo.com).

UMA Motorcoach Expo 2012 will be Feb. 8-12 in Long Beach, Calif. It's the largest annual gathering of motorcoach operators in the U.S.

"We know this time of year gets very busy but we do not want operators to miss out on this saving," said UMA marketing and membership director Michele Nosko.

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# THE DOCKET

## Bus/truck driver cellphone ban goes into effect Jan. 3

WASHINGTON — Over-the-road bus and truck drivers face fines of up to \$2,750 for using handheld phones while driving and suspension or revocation of their commercial driver licenses for repeat offenses, under the new federal regulation that goes into effect Jan. 3.

The regulation, which applies to all commercial interstate drivers, follows the earlier regulation prohibiting texting for commercial drivers.

Employers who allow drivers to use handheld phones will face fines of up to \$11,000 under the rule, which the Federal Motor Carrier Safety Administration proposed in December 2010.

"This... rule represents a giant leap for safety," said FMCSA Administrator Anne Ferro. "It's just too dangerous for drivers to use a handheld cellphone while operating a commercial vehicle."

Studies have shown that actions like texting and dialing a phone can greatly increase crash risk. Federal safety agencies admit that studies of distracted driving do not clearly prove whether or not talking on a phone creates a risk.

Instead, the agencies deter-

mined that it is the action of taking one's eyes off the forward roadway to reach for and dial a handheld mobile telephone... that has the greatest risk.

For that reason, the rule also bans reaching for a phone that is out of reach and dialing a phone, but it does not ban hands-free use or using a single button to initiate, answer or end a call.

It also allows a driver to reach for a phone, "provided the device is within the driver's reach while he or she is in the normal seated position, with the seatbelt fastened."

A more significant change the agency made was to remove a proposed ban on phone use while idling. Instead, phone use is banned while operating on a highway, including when temporarily stopping on the side of the road.

Another controversial aspect of the rule concerns holding employers liable for drivers' phone use even if the employers had taken good faith steps to prevent it.

While FMCSA acknowledged the concern, it declared that "a motor carrier is responsible for the actions of its drivers."

## NTSB wants phone, texting ban; 'time to stop the distraction'

WASHINGTON — All U.S. drivers would not be able to send text messages or use mobile phones — even with headsets or speakers — under a recommendation issued last month by the National Transportation Safety Board.

"Too many people are texting, talking and driving at the same time," NTSB Chairman Deborah Hersman said at a hearing in Washington. "It's time to put a stop to distraction. No call, no text, no update is worth a human life," she said.

Systems built into cars, like General Motors' OnStar and global positioning systems, would not be affected by the ban, an NTSB spokeswoman said.

The independent agency rec-

ommends safety improvements for U.S. agencies to act upon; it can't implement them itself.

The NTSB strengthened its anti-phone stance after completing its investigation into an August 2010 crash in Gray Summit, Mo., in which the 19-year-old driver of a pickup truck sent or received 11 text messages in 13 minutes before plowing into the back of a tractor-trailer.

Bus and truck drivers already face stiff penalties and even loss of their commercial driver's license under separate regulations in place for using handheld cellphones while driving, which follows an earlier regulation banning truckers from texting while driving. (See related story above.)

## Iowa uses funds for rural service

DES MOINES, Iowa — The Iowa Transportation Commission has approved awarding \$1.6 million in federal funding to five bus services that serve smaller Iowa cities.

Awards were made to Greyhound Lines, Jefferson Lines, the city of Fort Dodge (DART), Sioux City Transit, and Burlington Trailways, which got the bulk of the money.

Burlington Trailways received a total of \$1.1 million, some of which will be used to retrofit three older buses with three-point seatbelts, plus add electrical outlets for passenger computers and other devices, meeting one of the top requests of riders, said a commission spokesman.

"In a recent survey the public has said, besides safety, their number one wish when using bus service is for convenience," said spokesman Ryan Ward.

Burlington Trailways also received money for depot renovations in Cedar Rapids and for a new bus.

The survey also showed a need for more information and that was part of an award to Jefferson Lines so it can put real-time monitors in 10 of its depots, making it possible for passengers to know when buses will arrive and leave.

"They may purchase a ticket and are told they are going to catch a bus at 10 a.m., but there is no real-time information to tell them when the bus is actually going to arrive," Ward said.

The Mason City airport's "Iowa Travel Information Center" won an award of just over \$20,000 to continue operating.

"It's a center that not only provides information on intercity buses but also public transit service in Iowa, so a person could call and say 'I need go get from say Mason City to Des Moines' and they could give them information on transportation," Ward explained.

Travelers also could purchase tickets for the bus through the center and find out information for other public transit systems.

Under the state-federal funding program, private bus lines have to pay a 50-50 match for safety and convenience improvements. They pay 20 percent of the capital improvements, like depot renovations.

## Second committee in Senate begins work on highway bill

WASHINGTON — The Senate Commerce Committee has begun hearings on a series of proposed two-year transportation reauthorization bills.

The three pieces, all introduced last month, include a proposal to mandate electronic on-board recorders for all over-the-road buses and trucks within a year of the measure's passage.

The bills also would make it harder for carriers shut down by regulators to "reincarnate" under new names, and would require new "applicant motor carriers" to demonstrate, via written exams, knowledge of safety regulations.

The proposals were introduced by Commerce Chairman Jay Rockefeller, D-W.Va., Sen. Frank Lautenberg, D-N.J., chairman of the subcommittee on surface transportation, and Sen. Mark Pryor, D-Ark.

"We must do more to make sure large trucks and buses are not a threat on our roadways and are only operated by the most-qualified drivers," said Lautenberg.

Rockefeller said, "We need to

make sure that only the safest people are allowed to operate large trucks and buses and (to) give the Department of Transportation the tools it needs to improve its oversight of the industry."

Commerce is one of four authorizing committees that must each address portions of the proposed two-year, \$109-billion transportation spending plan.

The Environment and Public Works Committee in November approved the highway portion of the replacement measure for SAFETEA-LU, the highway funding law that initially expired in 2009 but has been extended eight times by Congress.

The Senate Banking and Finance committees have yet to address reauthorization, and no reauthorization bill has been introduced in the House. (See related story below.)

EOBRs, which already are in use by many of the nation's largest truckers but have not been widely adopted in the motorcoach industry, can be used as a tool in the enforcement of hours-of-service rules for drivers.

## House's highway bill coming January/February, says Mica

WASHINGTON — House Transportation Committee Chairman John Mica, R-Fla., says he will introduce a transportation reauthorization bill — probably in late January or early February.

A temporary extension of the current law, the eighth such extension since the latest permanent reauthorization ended, expires March 31.

"He reassured us that they could still complete action in the House and move to conference with the Senate on a timely basis," said John Horsley, executive director of the American Association of State Highway and Transportation Officials.

Mica also said that, "as far as he was concerned, the March 31 deadline was a hard deadline, and that would force the House and Senate to take action by the deadline," Horsley said.

Congress' traditional holiday break is scheduled to end Jan. 17. It

also will be out of session the week of Feb. 20 and the week of March 12.

"Republican leadership and the committee remain committed to moving this important infrastructure jobs bill early next year, likely in January or February," Mica spokesman Justin Harclerode said.

Mica has said several times he will not vote for another extension of SAFETEA-LU, the existing surface transportation law, which expired in September 2009.

In 2005, after the House and Senate voted on their respective versions of SAFETEA-LU, the bill lingered in a conference committee for more than two months before differences were resolved.

The Senate's reauthorization bill proposes renewed funding for two years, but Mica has said such an approach is unacceptable. He and House Speaker John Boehner, R-Ohio, said they will propose a five-year bill.

# Philadelphia retains title of worst 'judicial hellhole'

WASHINGTON — Philadelphia, the City of Brotherly Love, isn't the least bit lovely when it comes to its civil justice system, at least according to a national tort reform advocacy group.

The American Tort Reform Association is out with its annual "judicial hellholes" report, and Philadelphia again tops the list as having the civil justice system that is the most unfair and out of balance in the nation.

Civil justice problems throughout California and West Virginia earn those states the second- and third-place rankings, respectively. And auto-accident fraud racketeers helped place perennial judicial hellhole South Florida in fourth place.

## Updated bus, truck crash report reveals favorable trends, but...

WASHINGTON — The Federal Motor Carrier Safety Administration has updated its annual edition of Large Truck and Bus Crash Facts and the trend for buses was encouraging.

However, in a culture obsessed with the here and now, the update is sorely out of step because it adds information for 2009, the most-recent year for which comprehensive, vetted information is available.

The update does not include information resulting from the rash of fatal motorcoach crashes that occurred during the first half of 2011 in the eastern U.S. That information won't show in the crash facts study until 2013.

Still, the report, which contains descriptive statistics about fatal, injury, and property-damage crashes involving large trucks and buses, does present comparative, trend-line information.

For example:

## Fuel taxes create quandary

State governments are losing out on more than \$10 billion in transportation revenue each year due to their reluctance to raise fuel taxes, according to a study released late last month.

The Institute on Taxation and Economic Policy study says the shortfalls are contributing to an estimated \$130 billion drain on the economy, resulting from higher vehicle repair costs and travel time delays.

The report, "Building a Better Gas Tax: How to Fix One of State Government's Least Sustainable Revenue Sources," says states on average have lost about \$200 million in annual revenue.

Two neighboring rural counties in Illinois, Madison and St. Clair, return to the Judicial Hellholes list in the fifth spot this year after recent civil justice reform efforts there appear to have stalled.

New York City and Albany together claim sixth place as petty lawsuits remain the norm and personal injury lawyers block reform.

An ongoing half-billion-dollar miscarriage of justice, which, at the very least, has contributed to spot shortages of a widely used anesthetic, keeps Clark County, Nev., on the hellholes list for another year, ranked seventh.

And McLean County, Ill., makes it to the hellholes rankings for the first time, in the eighth place, thanks to a novel theory of

asbestos liability that relieves a plaintiff of the need to show exposure to a defendant's product.

"Traditionally, Judicial Hellholes have been considered places where civil judges systematically apply laws and court procedures in an unfair and unbalanced manner, generally against defendants in civil lawsuits," explained ATRA president Tiger Joyce.

"The jurisdictions we name as Judicial Hellholes each year are not the only unfair courts in the nation, but they are among the

most unfair, based on our survey of litigants and considerable independent research."

Shifting gears, Joyce said that this year's report, more so than any other in the past, also emphasizes a boom in good news from the states with an expanded Points of Light section. Nearly 50 positive tort reform laws were enacted in more than 20 states throughout 2011.

"As anemic economic growth and high unemployment continue to plague much of the country," continued Joyce, "many governors

and state legislators were determined to make their states more competitive and attractive to employers.

A variety of tort reform measures figured prominently in these policymakers' pro-growth, job-creation agendas. Our Points of Light section details many such tort reform enactments, including comprehensive packages in Wisconsin, Tennessee, Alabama and North Carolina, along with a number of encouragingly fair and balanced court decisions."

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# Travel, trade groups advocate easing of wait for U.S. visas

WASHINGTON — Travel and trade advocates, along with retail groups, are pushing Congress to pass legislation aimed at reducing wait times and clear the backlog of visas for foreign tourists.

The National Retail Federation, U.S. Chamber of Commerce, and U.S. Travel Association argue that eliminating delays and barriers, especially for tourist visas issued in China and Brazil, where demand is especially high, could help bolster the struggling U.S. economy.

“Rapidly growing economies are creating a new breed of affluent shoppers in countries like Brazil and China,” said David French, the National Retail Federation’s senior vice president for government

relations.

“Improving the visa process is the quickest way to stimulate the U.S. economy,” he said.

The average tourist traveling to the United States spends \$4,000, whereas a tourist from China spends an average \$6,000. With the Chinese middle class expanding to nearly the size of the U.S. population, French argues the U.S. is missing out on attracting high-end visitors.

Spending by Chinese travelers is expected to grow 232 percent to \$16.6 billion by 2016. That would make Chinese visitors the seventh largest tourist market for the U.S.

Improving wait times for visas is an example of a “low hanging

fruit” that could boost the economy, French said. “The problem isn’t luring tourists, it is getting them here,” he said.

Travel groups for years have complained about long waits for visas and invasive procedures at airports that have turned foreign travelers away from the U.S.

The business groups are promoting several bills that would help the State Department hire more employees and expand offices to expedite visas in growing tourism markets, including Brazil, China and India, while maintaining high entry standards.

Provisions in the Senate Foreign Operations bill would require the State Department to process

visa applications in no more than 30 days. Chinese travelers can wait as long as 120 days, while it can take 145 days for a Brazilian traveler to get a visa.

Another measure, sponsored by Rep. Joe Heck, R-Nev., would require applications to be processed in no more than 12 days and would raise fees for visas, which could pay for adding staff.

The U.S. Travel Industry Association says the changes could mean 1.3 million jobs and \$859 billion in additional economic activity by 2020 with virtually no cost to taxpayers.

A third measure, sponsored by Sen. Roy Blunt, R-Mo., would give the State Department incentives to

shorten the delays.

Meanwhile, the State Department announced in November a plan to hire 100 more officers in China and Brazil — 50 in each country — in the coming year while vowing to double the number of visas over two years, according to Managing Director for Visa Services Ed Ramotowski.

The plan will allow U.S. officials to expand the number of visas to more than 2.2 million in China by 2013 — up from 1 million in fiscal year 2011 or a 34 percent increase over last year.

In 2011, 820,000 visas were issued in Brazil, an increase of more than 42 percent over the previous year.

## Birds of prey

CONTINUED FROM PAGE 3

approached Airporter Shuttle with the partnership idea.

“This (shuttle program) is helping so much, and it’s something they didn’t have to do,” Anderson told a Bellingham, Wash., newspaper. “It has meant a 15-minute drive for me, rather than two hours each way.”

It also has turned into more than just a pickup-and-drop-off

project for Airporter Shuttle employees and passengers.

Since starting in September, the Airporter Shuttle has transported 11 birds, most recently two great horned owls,

Said Joel Litwin, marketing coordinator for Airporter Shuttle: “Once I got to hold a Cooper’s hawk, I became an instant convert. Many customers think it’s a wonderful program, and I agree. I see it as people really making a differ-

ence on a local level.”

Litwin also has appeared on radio to discuss the program.

So far, very few of the released birds have returned to Sea-Tac. Anderson said they’ve tagged more than 120 birds, with six returning to the airport, four of which stayed only for a brief time. Along with finding a home in Skagit, the tagged birds have moved on to a variety of new territories, including eastern Oregon,

Victoria, B.C., and Bellingham.

Of the 386 birds Anderson has released, the majority — 226 — were red-tail hawks. When the airport increased its evening trap program, it led to capturing more owls.

Airporter Shuttle and its sister company, Bellair Charters, have been offering Sea-Tac transfers since 1985.

As the Bellingham newspaper observed: “Airporter Shuttle is known for taking on frequent fly-

ers, but now they have some passengers of a completely different feather.” The companies serve many of the counties surrounding Seattle and King County, Wash. Bellair Charters provides charter and bus rental services throughout northwestern Washington.

The company also has three schedule-service operations serving Walla Walla, Pasco, Kettle Falls, Colville, Spokane, and the Quinault Indian Reservation.

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## Leaders of UMA Young Guns develop plans for Expo 2012

LONG BEACH, Calif. — The Young Guns motorcoach industry networking group is developing plans for a series of events and meetings to be held in conjunction with UMA Motorcoach Expo here next month.

The Young Guns leadership team got together late this past summer in Traverse City, Mich., to begin formulating strategy and planning for this year, and to develop ideas for activities at Motorcoach Expo.

Among tentative events planned for Motorcoach Expo are a Young Guns Roundtable, Young Guns Leadership Meeting, Young Guns booth on the exhibit floor, and a social activity integrated into the post-Vision Awards events.

The Young Guns team also is focusing on developing membership targets, as well as other activities that will promote networking among younger individuals working in the North American motorcoach industry.

The Young Guns organization was established early last year as a networking group. Associated with

the United Motorcoach Association, the group is the first industry organization dedicated to supporting and providing professional development specifically for the next generation of industry leaders.

The group seeks to encourage networking and education, in a fun setting, and hopes to become a resource and social avenue for younger industry leaders. Membership is free to UMA members.

“This is the first year of Young Guns and we are off to a really solid start in terms of setting the foundation of this interactive, networking group,” said Ray Land, chairman of the organization. “We will be unveiling our progress at the UMA Motorcoach Expo in February to the entire membership.”

Young Guns solicits members through UMA and various social media sites.

“We are delighted the Young Guns continue to flourish,” said UMA President and CEO Victor Parra. “They represent the future of our industry and UMA is committed to ensuring their success.”

## Michelin program updated by UMA

ALEXANDRIA, Va. — One of the United Motorcoach Association’s most popular member services, the Michelin tire discount program, is being updated and expanded.

The member benefit has been renamed the Michelin Advantage Program and now provides more services and easier access for participants, said Michele Nosko, UMA marketing and membership director.

In the past, UMA members would visit their local Michelin dealer and rely on the dealer to be familiar with UMA-member pricing. With the revised program, UMA members sign up in advance (of tire and other purchases) for the Michelin Advantage Program through an online application.

By registering, UMA members get a direct Michelin account designated for the UMA-member discount. Then, when they visit a Michelin dealer, they will be in Michelin’s database and any eligible pricing discounts will be applied.

Additionally, the plan now gives participants access to online business tools, promotions and

## Motorcoach Marketing Council to reprise auction at UMA Expo

LONG BEACH, Calif. — An event that successfully debuted at last year’s UMA Motorcoach Expo in Tampa, Fla., the Motorcoach Marketing Council Silent Auction, is being repeated and expanded for UMA Motorcoach Expo 2012 in Long Beach next month.

“While many lucky bidders left Tampa with some great packages and products, Long Beach promises to offer even more items and opportunities,” said Amanda Zimmerman, UMA meetings and operations coordinator.

This year, in addition to the Motorcoach Marketing Council Silent Auction on Friday, Feb. 10, a live auction will be conducted Saturday, Feb. 11, at 11 a.m.

“The council will save the biggest and best donations for this (live) event,” said Zimmerman. “It should have all of the excitement and surprises a live auction can generate.”

The Motorcoach Marketing training opportunities, and to Michelin’s ONCall Emergency Roadside Service with no dispatch fees. UMA members wanting to enroll in the program should go to [www.uma.org](http://www.uma.org) and log into the Members Only section. From

Council (formerly the Motorcoach Council) is a nonprofit organization set up to educate potential riders about the benefits of motorcoach travel in North America. The council has used a mix of marketing strategies and campaigns to promote motorcoach travel and bolster public perception of the industry.

For its Expo auctions, the Motorcoach Marketing Council is asking Expo 2012 exhibitors to consider donating their Expo display products for the two auctions — instead of shipping them home after the show.

For more information, or to donate items to the auction, contact Wolff by email at [Pamela@motorcoachcouncil.org](mailto:Pamela@motorcoachcouncil.org) or by phone at (412) 770-7164.

Or, go to [www.BiddingforGood.com](http://www.BiddingforGood.com), or to <https://www.biddingfor-good.com/auction/AuctionHome.action?auctionId=139119166>, to make an online donation.

there, select the option for UMA Members Only Programs where Michelin will be listed with a link to the program application.

For questions regarding the application or enrollment, contact Michelin directly at (888) 532-6435.

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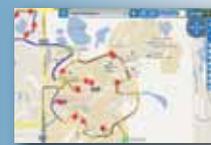


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# High-speed rail: A quick ride to financial disaster

By David Stokes

Did you know that the building of a high-speed rail line across central Missouri will support more than 200,000 jobs, or roughly 800 jobs for every mile of track?

That's right, more than 200,000 jobs.

Don't believe me?

Well, it's right there on page 21 of the Missouri Department of Transportation application for \$600 million in high-speed rail federal funding for the planning and engineering phase of what eventually will be an \$8 billion project: "The construction phase is estimated to support over 208,674 direct, indirect and induced jobs."

If you think it's ludicrous that the construction of a single rail line across central Missouri could account for 7 percent of the state's entire labor force, well, you are correct. But absurd estimates like this are typical for high-speed rail proposals.

In 2008, California voters approved bonds to support a high-speed rail proposal that was estimated to cost \$43 billion. Now, before any construction has started, the cost is estimated at \$98 billion.

Seriously, though, what is \$55 billion when you're talking about the ability to ride a fast train?

## About those estimates

But back to MoDOT. In its defense (although this hardly qualifies as a "defense"), MoDOT officials did not put much original thought into the 208,000 jobs projection.

They just applied a federal transportation department formula to the estimated \$8 billion cost of the project and came up with the figure. Never mind that the formula counts the same job multiple times, assumes that every job in transportation "induces" two jobs elsewhere and has been thoroughly discredited.

What matters is that the number sounds great.

There are other outlandish claims in the same document. On page 10, we learn that Missouri residents will use high-speed rail to commute to work.

Even though the new system will just go 110 mph at its peak (not dramatically faster than the current system); will only stop in St. Louis, Kansas City, and perhaps Jefferson City, and a trip

across the state will still take four hours at best, Missouri residents will apparently use it to commute to work each day.

On page 21, we get a detailed account of the supposed environmental benefits of high-speed rail but absolutely no consideration to the environmental harms of an unnecessary \$8 billion construction project. This is an example of government seeing all benefits, and no costs.

## Just take a bus

The proposed high-speed rail line will connect Chicago, St. Louis and Kansas City, and likely the two state capitals in between. Other than people who are terrified to fly, please find me someone in Kansas City who's going to take high-speed rail to Chicago — which will still take about 8 hours — when they can fly there on Southwest Airlines for approximately the same price in 1 hour and 20 minutes?

megabus.com and similar companies are perfectly capable of serving existing inter-city travel needs without public tax dollars.

For example, if you wanted to buy a ticket Nov. 29 to take the

megabus on Nov. 30, from St. Louis to Kansas City, it would take 4½ hours and cost \$43 (often less via promotions). That \$43 is less than Amtrak is likely to charge for high-speed rail service and exists now without spending \$8 billion on construction and millions more each year on subsidies.

If your mission is to ensure people have safe and affordable travel options, mission accomplished. If your true mission is to spend government money in pursuit of political aims, I guess it isn't.

## Where's the demand?

High-speed rail is a high-cost luxury built to serve a demand that does not exist. Like many other large transit projects, the price for it is so high that advocates can only generate support by intentionally underestimating the cost and downplaying the future subsidies.

California officials deserve credit for their more honest cost revision of \$98 billion, but they are still claiming that high-speed rail will not require a subsidy once it is operating.

The large majority of high-speed rail systems around the world require a subsidy, and California

will not be any different. The few systems that do break even connect some of the most heavily populated parts of the world.

Considering that California is intentionally starting its system by connecting Fresno and Bakersfield — some of the less-populated parts of the state — the assertion that it will break even is dizzying.

Missouri would be much better off sticking with its original plan to spend far less money making smart, engineering-based upgrades to its current passenger rail system.

The market demand for high-speed rail is a myth. The private sector is perfectly capable of providing affordable and safe inter-city travel via buses. The amount of jobs high-speed rail creates is false and misleading.

St. Louis and Kansas City are not Tokyo or New York, and the \$8 billion project would require enormous annual operating subsidies in the future.

This proposal is a high-speed path to fiscal disaster.

*David Stokes is a policy analyst at the Show-Me Institute, which promotes market solutions for Missouri public policy.*

# Detroit light-rail project gets derailed, officials opt for buses

LANSING, Mich. — Plans to build a light-rail corridor in the Detroit area has been dumped in favor of a regionwide bus system, officials and lawmakers announced last month.

In October, Transportation Secretary Ray LaHood traveled to the Detroit suburb of Dearborn to announce nationwide transportation grants, including the proposed Detroit rail project.

At the time, LaHood touted the

light-rail plan as a potential anchor for future development in the region.

Since then, Michigan Gov. Rick Snyder and Detroit Mayor Dave Bing worked to develop a state-of-the-art, reliable bus transit system that will serve far more people and in a far more cost-effective way, LaHood said in a statement issued last month.

The U.S. Department of Transportation will continue to lend support with the goal of building a

better-connected Detroit and region served by a well-funded and capable transit agency, said LaHood.

Meanwhile, Sen. Carl Levin, D-Mich., has asked LaHood to delay making the decision final, and to instead consider the ideas of a group of private investors backing the light-rail plan.

"I continue to believe that a world-class transit system that includes light rail along the Woodward Avenue corridor can deliver

significant economic benefits to Detroit and the region," Levin said in a statement.

He said he will also ask Bing and Snyder to evaluate the efforts of the M-1 Rail consortium, a Detroit business group that includes officials from Penske Corp. and Quicken Loans Inc.

The group, in an undated letter to Snyder and Bing that was released by Levin, said it remains possible to develop a light-rail sys-

tem and a bus system at the same time, noting that canceling the rail plan would leave on the table \$100 million in private and philanthropic investment that has already been sunk into the project.

The group said private funds in combination with federal grants would provide sufficient financing to pay for the rail system.

Snyder and Bing must now work to establish a regional transit authority that will operate the bus system.

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# Winter is here: Have you thought about what's ahead?

By Dave Millhouser

Leon is a great guy, but during the 40 years we've been friends he continually exhibits one trait that drives me nuts: Leon is surprised by tolls.

Driving on a toll road or turnpike, he'll actually be at the booth before realizing they expect payment. It can take 30 agonizing seconds for him to fumble through his pockets and come up with the cash.

So, when Leon actually looked into the near future and opined that bad winter weather can't be far off, it caught my attention. Perhaps there are things we should be thinking about in preparation.

Most companies have a checklist of mechanical things they do to get ready for cold weather and, hopefully, it has evolved as times have changed.

Times HAVE changed.

In the past, it was important to check and service the batteries and starting system. Now it's critical. Between idling ordinances and modern engines' desire to "regenerate" if idled too long, the days of running a coach long periods to keep it warm are over.

Since we can't idle as much, batteries and starters work harder these days. Yet, despite all of the improvements in coaches, starters and batteries really aren't much different than they were 40 years ago. However, because they're working harder, they require more care and attention.

And there's another important reason for an attentive battery-maintenance program. When batteries fail, jump starting modern computerized coaches involves a bit of risk (if done improperly).

In addition to checking your coaches out for winter, you may want to spend some time with your drivers, letting them know what to expect. Or, put another way, a key aspect of your winterization program might include explaining to drivers the "big picture."

No. 1, not only does casual idling waste fuel and wear engines, it often breaks local anti-idling laws and invites the dreaded "regen."

Most modern coaches have supplemental heaters which also need to be maintained, but offer a much quicker "warm-up." Drivers will be less tempted to idle coaches if they understand why it's ugly,

and are confident their coach will start when they turn the key.

Modern coaches have antilock brakes (ABS), and, often, automatic traction control and electronic stability control. These gizmos greatly enhance safety if they're maintained, and if drivers understand how they work. Part of illustrating the "big picture" might be to explain how these operate, so drivers don't defeat hardware that is trying to help. Part of that training might include how to behave when the gizmo fails.

For example, pumping the brakes in a skid defeats the ABS, but may be the correct action if the ABS has failed. When drivers understand how systems function, they can safely work around problems.

Sometimes, after an early snow, it's possible to use a parking lot to practice driving on slippery roads. Demonstrate to drivers how a bus behaves with, and without, the systems working. You'll want a BIG, empty lot for this one. It can be fun . . . and instructive. I'm not sure if simulators provide this experience, but they should.

It won't be time wasted because sliding on ice and hydro-

planing are second cousins.

You might also want to give thought to scheduling. If a trip is using almost all of a driver's hours, winter weather makes it more likely that it will take longer. Regulations offer a bit of relief for "emergencies" but Mother Nature can be less forgiving. When possible, plan for this. Do we really want a tired driver forging ahead in ugly weather?

Part of the "big picture" for drivers might be a free-wheeling discussion of some of the things they've seen over the years. Guaranteed to be amusing, and hearing stories of what happened to their colleagues might give them an edge when the same thing happens to them.

The gentleman who taught me to drive a motorcoach said: "Always assume the other guy will do the wrong thing...he'll rarely disappoint you." There is something about ice that compounds this affect. When you think they'll stop, they go, and often sideways. Sometimes they stop — just because they can.

Southern folk are reading this and smirking because they don't have to deal with much of this silliness. But, be careful. If you're

lucky, you'll get some ski work or be sent north to help another company.

Have you noticed how often everything circles back to trained, motivated drivers? A good one can finish a trip safely in a troubled coach, while no amount of technology can overcome the mistakes of a bad one.

Understanding how everything fits together is part of what makes a driver "good." Great drivers don't just sprout, they're cultivated. Like it or not, Old Man Winter is a master at what is normally a summer-time activity: separating the wheat from the chaff.

Leon, by the way, was excellent in the winter, perhaps because he was so focused on driving (as opposed to paying tolls). Many of us think he's the father of the E-ZPass.

Dave Millhouser is a bus industry marketing consultant and freelance writer. Contact him by email at: [Davemillhouser@gmail.com](mailto:Davemillhouser@gmail.com).



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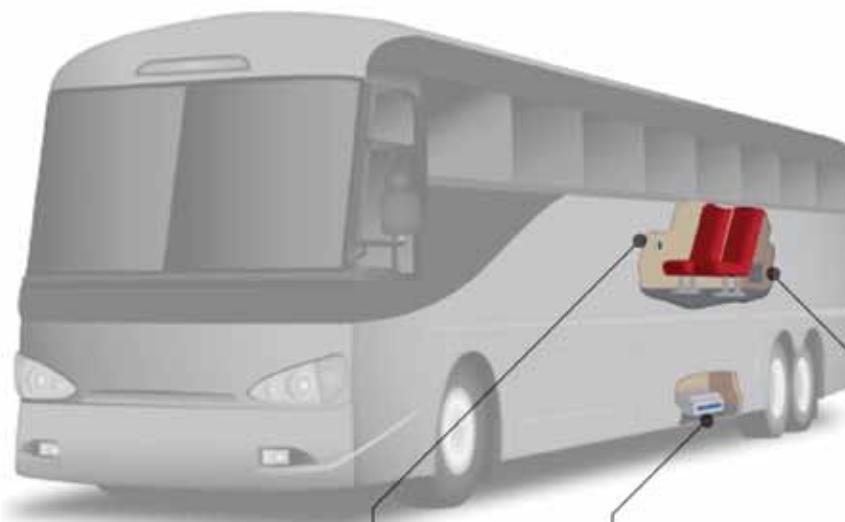
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## Feds sue trucker over alcohol policy, claim ADA violation

LITTLE ROCK, Ark. — The U.S. Equal Employment Opportunity Commission has sued one of the nation's largest trucking companies, claiming the carrier's policy of not permitting drivers with a history of alcohol problems to return to driving, even after treatment, violated the Americans with Disabilities Act.

"The EEOC said the company (Old Dominion Freight Line Inc.) violated both the ADA and the Americans with Disabilities Act Amendment of 2008 by conditioning reassignment of drivers to non-driving positions on their enrollment in an alcohol treatment program," the EEOC said.

The suit was filed in federal district court here.

"In addition, the EEOC argued that Old Dominion's policy that bans any driver who self-reports alcohol abuse from ever driving again also violates the ADA," the agency said.

The Thomasville, N.C.-based company declined comment because the matter is in litigation.

"When you ask a trucking company to put someone on the road who could be a threat to public safety, you have to give that company the greatest possible latitude to decide if that person presents an

unacceptable risk, given their particular circumstances," Robert Digges, chief counsel of American Trucking Associations, told a leading trucking publication.

"Companies have to make that decision based on their own experiences and their own safety policies," Digges added.

The attorney went on to note that "an alcoholic may pose a risk that is acceptable if they are working as a lawyer, accountant, salesman or in hundreds of other occupations. But putting them behind the wheel of an 80,000-pound truck is a very different thing."

Pamela Dixon, EEOC lead counsel in the suit, said Old Dominion explicitly described its position on drivers with alcohol problems.

"It is the practice and policy of Old Dominion to not let drivers who are identified with alcohol abuse issues to return to drive again, even after treatment," said Dixon. "Old Dominion did not deny that this is their policy."

The lawsuit said the employee, Charles Grams, worked as a driver for "almost \$22 hourly, worked full time and received health and retirement benefits" from Old Dominion, starting in November 2004, out of its Fort Smith, Ark.,

terminal.

EEOC's suit said Grams told his supervisor in June 2009 he had an "alcohol abuse problem." Old Dominion "immediately suspended" Grams, the lawsuit said.

Grams followed U.S. Department of Transportation regulations by meeting with a "DOT-certified substance abuse professional," the EEOC said.

The specialist recommended Grams for outpatient treatment, but for economic reasons, Grams joined Alcoholics Anonymous and reported this decision to his Old Dominion supervisor, the lawsuit said.

A supervisor told Grams he would never drive again for Old Dominion, and another said he "would probably never return to driver status," the lawsuit said.

The trucking company offered Grams employment in a warehouse that would average \$12 hour for about 25 hours a week, without any benefits, the EEOC said. It later fired him for "job abandonment," according to the lawsuit.

"Grams is a qualified individual with a disability under ADA . . . who can perform the essential functions of a driving position," the EEOC lawsuit contended.

Some safety experts say the

current regulatory requirements are somewhat contradictory in that they prohibit a driver from operating if he or she has a 'current clinical diagnosis of alcoholism.' However, it is widely held that alcoholism is a condition an individual has for life.

At the same time, the USDOT guidance says that drivers may be medically qualified if their condition has 'stabilized.' This places motor carriers in a very difficult position because the motor carrier — not the physician — is ultimately responsible for ensuring that only medically qualified drivers operate.

"First, I do not practice personal injury law, so I don't know if there would be a basis to sue Old Dominion if it allowed the driver to drive again and he had an alcohol-related accident" after treatment, said EEOC's Dixon.

"But the Department of Transportation, which regulates the trucking industry, doesn't have a rule that prohibits a driver who has been treated for alcohol problems from ever driving again," she said.

"You would think they would have a rule if they believed these drivers should never be returned to driving," Dixon added.

"An employer has to look at

any situation on a case-by-case basis," Dixon said. "In this case, he never reported to work intoxicated, and he never had an alcohol-related accident. If the Department of Transportation said a driver with an alcohol problem could never come back, that would be different."

Dixon said the EEOC filed the lawsuit because "Old Dominion is a large company, and its policy has the potential to affect a very large number of truck drivers, and since it's the job of the EEOC to see that employers don't discriminate based on disabilities, we believe they need to change their practices and look at situations on a case-by-case basis."

Old Dominion ranks No. 18 among the largest U.S. and Canadian for-hire carriers. It has more than 5,700 trucks and 12,400 employees.

The EEOC said it filed the lawsuit only "after first attempting to reach a voluntary settlement."

It said the lawsuit sought "monetary relief in the form of reinstatement to a driving position, back pay and compensatory and punitive damages, compensation for lost benefits for two drivers and an injunction against future discrimination."

## Use of independent contractors finds lots of challengers

The ground transportation industry's use of independent contractors is increasingly being challenged in the courts, by regulatory authorities and, in some cases, in state legislatures.

Most recently, carriers have been battling efforts to reclassify independent contractors as employees in Washington, California and several states in the Northeast.

Additionally, an active plaintiffs' bar — that has found some fee revenue associated with class-action lawsuits — is another factor.

California is one state that has stepped up audits of companies using independent contractors.

Legislation passed in the Golden State has tacked on fines for em-

ployers found intentionally misclassifying independent contractors.

Efforts by the Obama Administration to increase the number of audits of carriers that use independent contractors appear to have emboldened unions to push for state legislation to help regulators classify drivers as employees.

In September, the Internal Revenue Service and U.S. Department of Labor signed a memorandum of understanding announcing they would share information and cooperate in conducting audits to check if independent contractors should be reclassified as employees.

The IRS said that within a year or two a full 35 percent of its audits would focus on the issue of misclassification.

A recent Government Accountability Office study concluded that the federal government is losing billions of dollars in tax revenue on worker misclassification, and a Labor Department study indicated that up to 30 percent of employers misclassify their workers, the agencies said.

"We're here today to sign a series of agreements that together send a coordinated message: We're standing united to end the practice of misclassifying employees," Labor Secretary Hilda Solis said in a Sept. 19 statement.

The classification of a worker as either an employee or an independent contractor has significant implications for employers' payment of payroll taxes and workers'

compensation, insurance and compliance with minimum wage, overtime and other laws.

And, with many state budgets shrinking, reclassification is seen, for certain states, as a way to generate additional tax revenue.

As part of the joint IRS-DOL agreement, labor commissioners and other agency leaders representing 11 states signed memorandums of understanding with the Department of Labor to participate in the effort.

The department has proposed a very potent "right-to-know" regulation that would require every employer that deals with an independent contractor to write a legal analysis of why the contractor meets the test to be classified as a contrac-

tor and not as an employee, and then give a copy to the contractor.

The regulation also would require the employer to keep a copy of the legal analysis on file for investigators.

Despite the challenges, recent changes in the composition of some state legislatures may actually have improved prospects for using independent contractors.

Still, the issue probably always will be subject to the ebbs and flows of politics.

Noted one expert: "You're going to have to resolve it on a state-by-state basis, and you're always going to have (unions) trying to undermine independent status to create more employees who can be organized."

## NTA, ASTA to target Hispanic market, see plenty of growth

LAS VEGAS — NTA (formerly the National Tour Association) and the American Society of Travel Agents have announced an initiative aimed at educating members on how to better understand and service the U.S. Hispanic travel market.

The plan, revealed last month at the NTA Convention in Las Vegas, will see the two associations target one of the nation's fastest growing

segments, estimated to represent \$700 billion in annual purchasing power.

"It is a lucrative market, a loyal market, a growing market and one that we need to pay attention to," said Olga M. Ramudo, president of Express Travel of Miami, who will lead a task force charged with spearheading the NTA-ASTA initiative.

"Not only has it been forecast

that by 2020 one in every five Americans will be Hispanic but it has been shown that this group has the largest discretionary income of any minority," Ramudo noted.

Besides educating members of NTA and ASTA on how to reach the Hispanic market, the joint initiative aims to simply "get more Hispanics traveling."

"More Hispanics traveling in the

United States will create more jobs in the United States," said Ramudo.

The initiative kicks-off Jan. 25 with a "Understanding the U.S. Hispanic Traveler" webinar, which aims to examine the travel behavior of Hispanic travelers and how travel professionals can best meet their needs. For information go to [www.asta.org](http://www.asta.org).

"It's a different sale, they look

for different things, so it's just about teaching the ASTA and NTA members how to reach out to this particular market," said Ramudo.

"By educating NTA members on how to sell to the Hispanic, they can then market to Latin America. They can create those tours that Hispanics are interested in.

"It's limitless, the possibilities that are out there."

# Retired driver, industry sparkplug Bob Beard dies

TEMPLE HILLS, Md. — Bob Beard, a larger-than-life individual who spent 30 years driving for Trailways and Greyhound and then became one of the industry's best-known personalities, died peacefully last month. He was 78.

It was just over two years ago that Mr. Beard sent an email to friends and colleagues saying that he was retiring for the fifth — and final — time. "As I gingerly approach my 76th birthday, I just have to try again (to retire)," Mr. Beard wrote.

During the nearly 20 years between his first retirement in 1990, after spending 27 years driving for Trailways and 3 more behind the wheel at Greyhound, Mr. Beard embarked on several new careers.

He wrote a book, *Square Wheels on the Interstate*; he became curator for bus collectibles and artifacts displayed at the headquarters of the Trailways Transportation System in Fairfax, Va.; he wrote dozens of articles and took countless photographs for industry publications (including *Bus & Motorcoach News*); he became a tireless worker for and promoter of the Museum of Bus Transportation, which named him to its board; he co-founded an association of interstate bus drivers



Bob Beard poses next to a 1940 Yellow Coach at UMA Expo 2009 in Orlando.

and edited its magazine; he served as chairman and convention staff member of the Trailways Retirees Association; he became a member of the editorial advisory board of *BusRide*, and he functioned as an internet watchdog for many individuals in the industry.

As Mr. Beard often observed, "I need to find a job so I can rest up from this retirement."

Mr. Beard's book, published in 1998, recounted his years on the road. His final contribution to the pages of *Bus & Motorcoach News* was a Letter to the Editor in July 2010, making the point drivers should always use their seatbelts.

He told of an incident on I-95 when a tractor-trailer jack-knifed in front of his coach late on a snowy night. He said the seatbelt kept him from being thrown into the step well, allowing him to maintain control of the bus and possibly saving passenger lives.

Driver responsibility and commitment to safety were hallmarks of Mr. Beard.

In announcing his passing, Trailways President and CEO Gale Ellsworth noted that Mr. Beard also was a dedicated and loving husband to his wife, Faye; a great father to Robert Jr., Greg, Michael and Patricia; an outstanding volunteer; genuine

and kind, and a true friend to many.

Added Victor Parra, president and CEO of the United Motorcoach Association: "Bob was such a wonderful and gracious gentleman."

Said Mr. Beard of his life and career: "It has been a great bus ride because I do not believe there is another retired driver in North America who has come to know so many fine bus people, and have so many of you know me — by name."

"As I fade into the background, if a 300-pounder can actually fade, I beg to remind you to care for that bus museum. It's . . . a real showcase display for the public and it's an all-volunteer endeavor. . . Without you, it can't and won't be."

During most of a 10-year period, Mr. Beard had, almost solely, been responsible for the Museum of Bus Transportation's news releases and other communications. Additionally, he wrote articles about the museum that raised its visibility and increased participation at its events.

Memorials in Mr. Beard's name have been established with the Mandrin Inpatient (Hospice) Care Center, 3675 Solomon Island Rd., Harwood, MD 20776, and The Museum of Bus Transportation, 161 Museum Drive, Hershey, PA 17033.

## People

TORONTO — *Guy Tessier* of **Motor Coach Industries** has been elected to the board of the **Ontario Motor Coach Association**, and *Leah Mueller* of **Visit Buffalo Niagara** has joined the board as chair of the conference committee.

OMCA members re-elected the following board members: *Jamie Murray* of **Parkinson Coach**, *Ray Cherrey* of **Pacific Western**, *Stu Kendrick* of **Greyhound Lines**, *Doug Badder* of **Badder Bus Service**, and *Marc Laplante* of **417 Bus Line**.

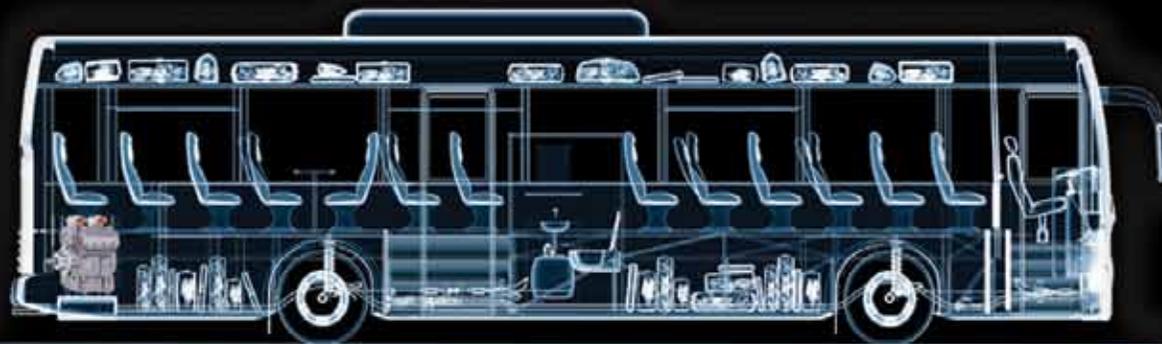
*Connie Markle* of **Tourism Kingston (Ont.)**, who was elected chair of the supplier council, will be joined by *Emily Beck*, director of tourism for Erie, Pa., as supplier representatives on the board, while *Bradley Walters* of **Bradley Walters Journeys** remains the tour operator representative.

The board re-elected the executive committee and officers for 2012: *John Crowley*, chair; *Ghislain Leduc*, vice chair, and *Ray DeNure*, secretary-treasurer.

*Ray Burley* of **Swiftrans Services** did not seek re-election to the board.

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# Words to the wise: Learn CSA, prepare for compliance review

ASHBURN, Va. — As the Federal Motor Carrier Safety Administration continues to implement its Compliance, Safety, Accountability initiative, safety managers who want to do their jobs properly should get online and dig into the vast quantities of safety information now available about their companies, says a long-time FMCSA official.

“There’s an immense amount of data available to you and you should be using it if you’re involved in safety management,” says Wes Barber, FMCSA special agent/investigator.

By becoming familiar with the CSA initiative, company executives can learn in real time their company’s safety score with federal regulators, and whether the company might be at risk of a regulatory intervention.

In a presentation at the United Motorcoach Association Safety Management Seminar, Barber walked attendees through the process of accessing the CSA data.

The first item of business, he said, is going online (to <http://safer.fmcsa.dot.gov>) and getting a personal identification number (PIN) to access the system.

“How many in this room have obtained a PIN and logged into our systems and looked at your record?” he asked the attendees. “If you’re a carrier, it should be 100 percent. That’s critical.”

To obtain a PIN, the FMCSA CSA website states: “If you do not know or have forgotten your PIN, you can request one via <http://safer.fmcsa.dot.gov> and select ‘Click here to request your Docket Number PIN and/or USDOT Number PIN.’ Be sure to request a U.S. DOT Number PIN, NOT a Docket Number PIN.”

After obtaining a USDOT PIN, users can access immense amounts of safety-related information about their company, and to a certain extent other companies, through the CSA Safety Management System, Barber said.

Company executives can learn their SMS score, which is an aggregate of a variety of weighted safety-related factors. The higher the score, the more cause for concern the government may have regarding the company’s safety record, and the more likely the government may intervene in some way, from a warning letter to a full, on-site compliance review.

## Wealth of information

What kind of information is available to operators? Barber said a company safety director could get into the SMS website, for example, and drill down all the way to individual roadside inspections, with information available about the driver, the vehicle, the date, the report number, and any violations that may have come from that particular action, among other things.

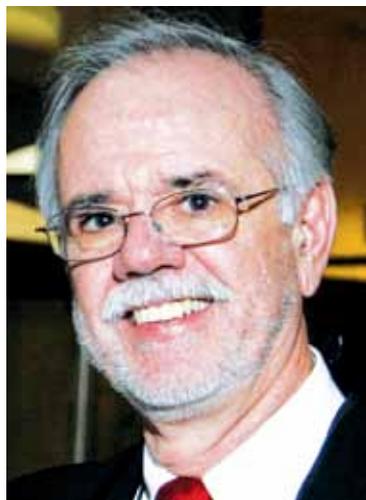
Since this is the kind of information that feeds into the company’s SMS score, it’s vital that safety officers monitor this information to stay on top of what’s happening within their company, Barber said.

“If you’re not...getting into this website and drilling down and finding out what’s going on with your record with us, you’re missing the boat,” he said. “And you’re going to get caught sooner or later with things that you should have known about that were going on.”

Another reason to monitor the company information on SMS is to assure it is accurate. Mistakes happen, Barber acknowledged, and there is a mechanism to challenge misinformation through the FMCSA DataQ system.

This is particularly important because an inaccurate adverse report will raise the carrier’s SMS score and put it forward in the queue for an FMCSA intervention of some kind. Any data challenge must be accompanied by supporting documentation, and the final say rests with the authorities, Barber noted.

“It’s a tool for you to get an inspection that’s not yours off of



Wes Barber

your record, and every time you get one that has some bad information off of your record, it helps your scores,” he noted.

“It’s a very, very vital activity if you’re serious about monitoring and maintaining your scores.”

## Return often

The SMS information is updated once monthly, so carriers should check in at least that often, Barber advised.

“I would go in there once a month and take a look at your scores to see where you are,” he said. “And, obviously, the purpose here isn’t to not only see what your problems are but to take corrective action... These are the tools you’re going to use to identify where your critical issues are and what’s driving your scores up.”

Another important activity is to keep the MCS-150 motor carrier identification report forms up to date, he said. This is important because it could affect the company SMS score.

For example, if a company has expanded its bus fleet significantly but that information has not been updated on the MCS-150, all of the safety information flowing into SMS from the larger fleet will be applied to the smaller fleet listed on the form, driving up the carrier’s SMS score, Barber said.

While carriers are required by law to update their MCS-150

forms every two years, it’s important to update those forms whenever there is a significant change at the company. But be aware, he noted, companies must still stick to the required two-year update schedule even if they have been updated before then.

Furthermore, it’s important to keep the forms up to date in case of an FMCSA intervention, he explained. “Nothing is more frustrating to a safety investigator than when the phone number is no good and the address is no good, and we have to go scratching around to find out where you are.”

## Being organized helps

In fact, keeping organized, uncluttered and up-to-date files is important for another reason: it helps companies in an on-site compliance review.

Compliance reviews may be triggered by a high SMS score, Barber said. “If you’re getting alerts, the system is going to start moving you up in prioritization and your operation will be assigned to a compliance review, most likely on site.”

Other triggers could be a serious accident, or a non-frivolous complaint — one with substantial information that warrants an investigation.

When facing an on-site compliance review, the best way to prepare for it is to get online and become familiar with all the safety information the FMCSA has assembled on the company, Barber said.

“I’ve got news for you. The safety investigator is doing the same thing, so when they walk in the door they know an awful lot about your operation, they know an awful lot about your history and where your problems are,” he warned.

“Just by looking at the performance data we can pretty much zero in on where the problems are going to be.”

## What to expect

A compliance review will often, but not always, start with a list of documents the investigator will provide ahead of time and expect to have ready. Those often will include requests for information, such as a driver roster, a fleet roster, and updated company information. Get those documents ready, and get all of your files organized, Barber advised.

Pay particular attention to including only information you are required by law to keep and eliminating unnecessary or outdated paperwork.

“Nothing is more frustrating to a safety investigator than when you’ve been notified that we’re coming in and we walk in the door and it’s a disaster,” he said. “Nothing is anywhere, it takes forever for you to find a document, you’re basically not prepared, and that tells me you’re not taking it seriously.”

During a compliance review, the investigator will look at a wide variety of information, including but not limited to:

- All required insurance information (including a loss run going back 365 days)
- An accurate and up-to-date accident register going back 365 days (including police reports)
- Driver qualifications
- Moving violations records, including an annual review,
- Hours of service logs going back six months, including supporting documents and other compensated time for drivers.

For drug and alcohol issues, there are a number of issues companies must pay particular attention to, such as chain of custody forms and test results, Barber said.

Other information that must be on hand includes specific evidence of a good-faith effort to make contact with previous employers regarding drug and alcohol tests.

And, Americans with Disabilities Act documentation

## NHTSA

CONTINUED FROM PAGE 1

idea of what to expect.

“How did (NHTSA) test the structural integrity of a bus?” he asked. “They used the same methods they used over in Europe.... So if you look at the regulations that exist over in the European Union for rollover strength and roof strength, I’m assuming we’re going to come to conclusions that are similar.”

Daecher said it was possible the NHTSA could issue a notice of proposed rulemaking for some of the safety technologies by the end of the 2011, as this edition of *Bus and Motorcoach News* was going to press.

If not, then the rules and announcements probably would come early in 2012, he said.

Regarding a decision on motorcoach evacuation standards, the safety agency already has done the research on the issue, and now it’s

going to decide what to do with that information. “It could be very contentious,” Daecher predicted.

Once again, one might look to Europe for an idea of what to expect if NHTSA decides to proceed, he continued.

“They have done all these studies; they figured out things over time, and you know what? A lot of their regulations have merit and we’re just catching up,” Daecher explained.

Were NHTSA to issue a pro-

posed rule, Daecher believes the regulation should focus on keeping passengers from being ejected from the coach in the event of an accident.

“Keeping people on the bus is the way to go,” he said. “All we know is that in an accident, if people stay in the bus they might get hurt, whether or not they are seat-belted, but they are going to live. But if they get (thrown) out of the bus, they are not going to live.”

Among action items on NHTSA’s agenda for 2012, Daech-

er said, the final motorcoach lap/shoulder belt rule is the big one. NHTSA issued its notice of proposed rulemaking for motorcoach seatbelts in August 2010, and has been working on a final rule since.

Other bus industry-related items in NHTSA’s 2011-13 rulemaking and research priority plan likely will see no action in the immediate future, Daecher predicted. These include stability control for midsize buses, and collision warning and avoidance systems for motorcoaches.

# Liability issues prompt flood of coach safety features

ASHBURN, Va. — With litigation and the fear of lawsuits pushing new safety technologies onto the motorcoach marketplace at near breakneck speed, bus and motorcoach operators need to examine the kinds of jobs their buses perform and then select the appropriate safety technologies for them, recommends Matthew Daecher, president of Daecher Consulting of Camp Hill, Pa.

“We’ve got a whole list of things,” Daecher said.

“We’ve got rollover protection, we’ve got electronic stability control; we’ve got seatbelts; we’ve got lane-departure warnings; we’ve got forward-collision, adaptive cruise control; tire pressure moni-

toring systems; fire suppression; side and forward cameras; rear cameras, all that stuff all available now. Was that stuff available 10 years ago? Hardly any. It’s all available now.”

While other factors also are pushing motorcoach manufacturers to offer the new safety features, the primary driver is liability, Daecher told attendees at the United Motorcoach Association’s Safety Management Seminar.

In recent litigation, juries have started to reject manufacturer and operator claims that they should not be held liable if their buses were not equipped with safety features that could have avoided or mitigated an accident because the government

did not require the bus to be equipped with those features.

In a recent \$17 million judgment, the jury essentially said: “We recognize (safety features) weren’t required on the bus, but they were certainly available, so the company and the manufacturer should have had them on there,” Daecher said.

“So this ‘not required’ doesn’t work as a defense anymore, and essentially what that does is put the manufacturers and the companies on the hook.”

Motorcoach manufacturers have responded to this predicament by offering a host of new safety technologies on their buses, Daecher said. “Manufacturers got

real smart and said, ‘We don’t want to have the liability, so we’re going to offer everything.’”

Since most of these features are optional, that leaves the liability on the operators, he said. Bus and motorcoach operators are now in the position of having to decide which new safety technologies, some of which may be expensive, they want to purchase and have in their fleets.

One thing companies can likely avoid is purchasing every bus with every available safety feature, Daecher said. Not every job a given bus performs will require every safety feature on the market, and companies can certainly match the right bus with the right job.

“Here’s my theory,” Daecher said. “You don’t have to equip every vehicle in your fleet with all of these technologies. If you have certain vehicles that have certain technologies and you know what kind of job that vehicle is going on that day...you can always take the right vehicle and put it on the right job.”

For example: a motorcoach that will be operating in the mountains, where it might encounter a situation involving high speeds on a curvy road, would be a perfect candidate for electronic stability control, he said. By contrast, that particular feature wouldn’t necessarily make much sense on a bus performing shuttle duties in a city.

“That’s where you need to think critically. ‘Do we need these technologies? What buses? How many?’” Daecher said. “Look at the types of operations you have and how do they complement the drivers in your operations.”



Matthew Daecher

# Missionaries need updated conversion coach or repairs

WINDOW ROCK, Ariz. — A husband-and-wife missionary team, who minister to Native Americans on the sprawling Navajo Nation reservation in northeastern Arizona, need help with their bus.

The couple, Julius and Roxie Setzer, who are in their late 60s and live largely on their Social Se-

curity checks, have a 1967 MCI MC5 that apparently needs an engine replacement.

Julius Setzer says the engine runs but shoots oil out of the exhaust and elsewhere around the engine block.

The pair would like a newer conversion coach that’s “in good

shape with an automatic transmission,” or an engine swap.

If they can’t find a donated bus they say they can probably pay as much as \$1,500 down and \$100 monthly. A similar payment arrangement for a different engine also appears doable.

The Setzers live and minister

out their coach as they travel around the reservation. They are Baptists.

Anyone interested in speaking to the Setzers about their needs can try to reach them by calling (928) 551-3090 or (505) 713-0242. Be forewarned, it may take persistence to reach them; cell phone service on the reservation is spotty.

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# Fee to visit historic Maine lighthouse upsets operators

CAPE ELIZABETH, Maine — Tour buses visiting the popular Portland Head Light and adjoining Fort Williams Park will be hit with a \$40 fee starting in June.

Imposition of the fee, which was adopted by the Town Council of Cape Elizabeth, has outraged bus operators in the Northeast and New England because it applies only to tour coaches.

Others visiting the lighthouse

and park will continue to pay nothing.

The Portland Head Light is a 225-year-old lighthouse in Cape Elizabeth, sitting at the entrance of the shipping channel into Casco Bay. Construction of the headlight was started in 1787 — at the direction of George Washington, and it's part of Fort Williams Park.

The Museum at Portland Head Light is located within the former

lighthouse "Keepers' Quarters."

Also on the site is a seasonal shop featuring lighthouse and Maine-related gifts. Tour bus passengers reportedly account for a third of the gift shop's annual receipts.

The adjacent 90-acre Fort Williams Park offers picnic facilities, hiking opportunities, sports and recreation areas, historic fort structures, and unlimited ocean views.

The popular landmark and tourist attraction is owned and managed by Cape Elizabeth. Late last year, the town council voted 5-2 to impose a \$40 fee for each bus entering the park and lighthouse grounds. The fee was instituted to help pay for upkeep and other costs.

However, coach operators in Maine and throughout New England became upset when they

learned the fee appeared to be discriminatory, applying only to tour buses.

It is thought likely that operators will seek to have the fee lifted or modified before it is fully implemented in June, when the tourist season begins.

Meanwhile, Cape Elizabeth officials are making plans for collection of the fee.

Town Manager Michael McGovern said the community plans to set up an online payment system that will allow bus operators to print out a pass. A billing system for frequent visitors also is under consideration.

Buses serving cruise ships that stop in the area already have established payment arrangements, according to McGovern.

Greeters will be on site daily to accept cash payments.

Currently, McGovern is handling inquiries about the fee and payment arrangements. Contact him by email at [michael.mcgovern@capeelizabeth.org](mailto:michael.mcgovern@capeelizabeth.org), or by phone at (207) 799-5251.

The 80-foot Portland lighthouse still has a beacon and fog signal that are owned and maintained by the U.S. Coast Guard as an aid to navigation. The beacon reportedly is visible from 24 miles away.

## Bus & Motorcoach Academy announces 2012 schedule

ALEXANDRIA, Va. — The United Motorcoach Association has announced the 2012 course schedule for its Bus & Motorcoach Academy.

The academy will have four semesters this year with start dates scheduled for Jan. 11, April 11, July 11, and Oct. 11.

Once enrolled for a semester, students have seven weeks to complete their course(s). Here's this year's schedule:

### Winter semester, starts Jan. 11 Clarence Cornell School of Business

- Business & Marketing I
- Financial Management
- Human Resources

### Motorcoach Operator Program

- Driver Qualifications

- Passenger Issues
- Safe Driving

### Spring semester, starts April 11: Clarence Cornell School of Business

- Business & Marketing II
- Human Resources
- Safety & Compliance

### Motorcoach Operator Program

- Driver Qualifications
- Security
- Vehicle Maintenance

### Summer semester, starts July 11: Clarence Cornell School of Business

- Business & Marketing I
- Financial Management
- Safety & Compliance

### Motorcoach Operator Program

- Passenger Issues

- Safe Driving
- Security

### Fall semester, starts Oct. 11 Clarence Cornell School of Business

- Business & Marketing I
- Business & Marketing II
- Human Resources

### Motorcoach Operator Program

- Driver Qualifications
- Passenger Issues
- Vehicle Maintenance

Founded four years ago and operated by the United Motorcoach Association, the Bus & Motorcoach Academy is the industry's only comprehensive continuing education program.

Academy courses are presented online through a partnership with the College of Southern Maryland,

a technologically advanced college that delivers quality education programs and services.

Students completing all five courses in the Clarence Cornell School of Business, receive their Accredited Passenger Transport Operator (APTO) designation and, students completing all five courses in the Motorcoach Operator/Driver Program, receive a Certificate of Academic Achievement.

Registration information can be found at [www.uma.org/academy](http://www.uma.org/academy).

The Clarence Cornell School of Business is named after the founder of ABC Companies, Clarence "Clancy" Cornell, and is sustained through donations by ABC Companies and the Cornell Family, in his honor.

## Refresher course

CONTINUED FROM PAGE 1

The NTSB said that in the Stony Creek accident, and in other crashes it had investigated, passengers described a sense of panic because they did not know what to do or how to get out of a smashed or overturned bus.

Four years after the NTSB made its recommendation, the FMCSA held informal meetings to discuss the issue with coach manufacturers, insurance companies, safety consultants, trade associations, state agencies, other federal agencies, industry representatives, and officials from the Commercial Vehicle Safety Alliance.

Out of those meetings grew a working group that, within five months, came up with suggestions for meeting the NTSB recommendation.

Fundamentally, the FMCSA adopted the working group's ideas.

So, in 2007 it came up with a basic plan that coach operators could follow to implement a safety-awareness program for their passengers and it was specifically designed to meet the needs of diverse motorcoach operational types.

### Guideline elements

Here are the recommended

safety topics to be covered in a motorcoach passenger safety awareness briefing or program:

1. Emergency exits: Point out the location of all emergency exits (push-out windows, roof vent and door) and explain how to operate them.

Emphasize that, whenever feasible, the motorcoach door should be the primary exit. Encourage able-bodied passengers to assist any injured or mobility-impaired passengers during an emergency evacuation. (Provide passengers with sufficient guidance to assure compliance with 49 CFR 392.62, "Safe operation, buses.")

2. Emergency contact: Advise

passengers to call 911 by cellular telephone in the event of an emergency.

3. Driver direction: Advise passengers to look to the driver for direction and follow his or her instructions.

4. Fire extinguisher: Point out the location of the fire extinguisher.

5. Restroom emergency push button or switch: Inform motorcoach passengers of the emergency signal device in the restroom.

6. Avoid slips and falls: Warn passengers to exercise care when boarding and exiting the motorcoach and to use the handrail when ascending or descending steps.

7. Encourage passengers to remain seated as much as possible while the motorcoach is in motion. If it is necessary to walk while the motorcoach is moving, passengers should always use handrails and supports.

### Presentation method

The FMCSA suggested a variety of methods of presenting the safety information. However, it also said its list of ways of providing safety information was neither exhaustive nor should it be construed to restrict combinations of the methods or additional presentation methods.

1. Passenger boarding: Informa-

emphasized.

The agency is planning to interview passengers at major cities nationwide as they step off motorcoaches to find out if they received any kind of pretrip safety information, Chandler noted.

"We want to get at least a thousand motorcoach passenger interviews and basically what we want to know is, 'Did you receive pretrip safety information?'" he said. "We're hopeful were going to see a very high level of voluntary compliance."

Not only should carriers implement a pretrip safety information program, they also should be vigilant to assure drivers are presenting the information to passengers

tional pamphlets could be distributed to passengers during boarding.

2. After passenger boarding and immediately prior to moving the motorcoach:

a. The driver requests the passengers to review informational pamphlets located in the pouches or sleeves on the back of seats.

b. The driver provides an oral presentation (similar to the presentations by airline flight attendants prior to take-off) with or without informational pamphlets as visual aids.

c. An automated audio presentation broadcasts a cassette tape or compact disk over the motorcoach audio system.

d. An automated video presentation plays a videotape or DVD on the coach video system.

### Timing, frequency

Here's when the FMCSA says safety briefings should be given:

Demand-responsive motorcoach operations, such as charter-and-tour services, should present the safety information to passengers after boarding and prior to movement of the motorcoach.

Fixed-route motorcoach service operations should present the safety information at all major stops or terminals, after passenger boarding and prior to movement of the motorcoach.



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## Operator lesson

CONTINUED FROM PAGE 1

similar to that sent to Kotwica.

When Congress adopted the Over-the-Road Bus Transportation Accessibility Act of 2007, the United Motorcoach Association predicted it would increase record-keeping requirements; make compliance reviews more onerous and risky, and open up private operators — especially small operators — to the increased possibility of

finances and enforcement action by Justice Department lawyers working hand in glove with the FMCSA inspectors.

The UMA Legislative and Regulatory Committee reviewed the proposed law carefully and ended up opposing it because of the perceived potential for increased recordkeeping and unnecessary scrutiny of small operators.

At the time, the ABA downplayed the concern, opting to push the legislation on behalf of Grey-

hound and other large line-run carriers that were facing aggressive competition from new curbside operators that were treating passengers with disabilities like second-class citizens and ignoring requests for service by customers needing assistance with wheelchairs.

In the years immediately following passage of the legislation by Congress in the summer of 2008, the FMCSA and Justice Department focused most of their attention on compliance by curbside operators and large operators. That took a while.

Now, with the general, stepped-up safety enforcement of the entire motorcoach industry, many smaller operators are being checked for adherence to ADA requirements. And many are being found wanting.

The triggering mechanism for an ADA audit typically is a compliance review.

As part of a compliance probe, FMCSA inspectors are now required not only to check a company's records for adherence to safety regulations but also compliance with ADA mandates.

And many small operators, like Kotwica, are either ignorant of ADA requirements or have incorrectly assumed the requirements don't apply to them because they are (1) small or (2) they don't have a wheelchair lift-equipped bus.

Once an FMCSA inspector conducting a compliance review finds shortcomings in a company's ADA compliance, word is sent to the Justice Department, which will send investigators, who are most likely attorneys, to the operator's office to check records and interview company executives.

For Kotwica that meant three Justice Department officials showed on his doorstep and went through his records and met with him.

While the folks from the Justice Department were cordial with Kotwica and discussed a range of ADA-related issues, they were conducting an investigation and, it appears, like policemen everywhere, were not immune from obfuscation.

The message Kotwica took away from the meeting was that since he didn't have annual revenues of \$6 million and there was no requirement that he have a wheelchair lift-equipped bus, everything was cool. He really understood the talk about training and paperwork, but since he had no bus with a lift he didn't dwell on it. "I thought it was all over," he recalls.

He could not have been more wrong.

Within five days of the meeting, Kotwica received the FedEx envelope and letter signed by a senior trial attorney for the Justice Department's disability rights section, and the settlement agreement with a

signature block containing the names of no less than five Justice Department lawyers, including an assistant U.S. attorney general.

Not only did the letter demand he pay a \$10,000 fine for ADA violations but it contained a long list of findings and actions he must take to become compliant with the law. Here's some of the list:

- Within 60 days of the effective date of the settlement agreement, Ralph's Coach will write and adopt policies and procedures that specify the practices to be used by Ralph's Coach to "ensure that persons with disabilities receive accessible transportation on the day and at the time and place requested." Oh, by the way, the policies and procedures adopted by Ralph's Coach will have to be submitted to the Justice Department for approval.

- The policies and procedures adopted by Ralph's Coach "shall provide that the company will accommodate all requests for accessible service made with advance notice of 48 hours or more and that Ralph's Coach will attempt to accommodate any such requests on shorter notice.

- The policies and procedures "shall identify the Ralph's Coach employees (with their job titles) responsible for implementing those procedures and specify the procedures for documenting and handling accessibility-related complaints."

- Within 60 days of the date of the agreement, Ralph's Coach "shall provide the United States with a copy of its written agreement with an alternative carrier specifying the arrangement for accessible service to be provided with advance notice of 48 hours or more."

- Within 60 days of the date of the agreement, Ralph's Coach "shall draft a Service Request Form that is modeled on the provisions of 49 C.F.R. pt. 37, Subpart H, Appendix A, and distribute those forms to all employees and contractors who are responsible for handling requests for accessible transportation.

- Ralph's Coach, its employees, and its contractors shall use the Service Request Form to record all requests for accessible transportation service. Ralph's Coach "shall ensure that a copy of every Service Request Form is maintained for review by the FMCSA and counsel for the United States."

- Within 90 days of the effective date of the agreement, Ralph's Coach "shall train all employees and contractors about the requirements of the ADA and how they apply to Ralph's Coach, including the policies, practices and procedures to be adopted as the result of

the agreement, and shall provide the same training to employees and contractors within 30 days of hiring."

- Ralph's Coach shall maintain records relating to all the training conducted pursuant to the settlement, including the date and time the training occurred, the name of the individuals who attended the training, and the topics covered. "Such documents shall be furnished to counsel for the United States upon request."

- Within 60 days of the effective date of the agreement, Ralph's Coach "shall post a notice on any website it operates, at any stations and pick-up locations it controls, and in any promotional materials and brochures it provides to the public, indicating its obligation to provide accessible transportation to persons with disabilities, how to reserve accessible transportation, and that it does not discriminate on the basis of disability in the provision of its transportation services. The notices shall be reviewed in advance by the United States and posted for the duration of the agreement."

- Ralph's Coach "agrees that all training manuals or written materials dealing with policies and practices related to accessibility used, revised, or created after the effective date of the agreement shall be consistent with the provisions of the agreement."

- Ralph's Coach shall report to the United States on its progress in implementing the Agreement 90 days from the effective date of the agreement, and will notify the United States as soon as it has completed the actions described in the agreement.

Initially, Kotwica was overwhelmed by it all. But he found an attorney who not only could provide him guidance but gave him hope he could avoid the \$10,000 fine by adopting the requirements of the settlement agreement and complying with the law.

While he still doesn't think the regulations make sense, Kotwica has learned that forms are available for recording requests for accessible bus service. He has learned the deadlines when compliance paperwork must be sent to the feds. He's still working, however, on other requirements of the settlement agreement.

Operators wanting to learn more about ADA requirements can go to [www.ada.gov](http://www.ada.gov). To see the latest settlement agreements and letters of resolution signed by motorcoach companies, go to [www.ada.gov/new.htm](http://www.ada.gov/new.htm).

Operators that are members of industry trade groups can check with their associations for compliance information.

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## ADA compliance

CONTINUED FROM PAGE 1

now with ADA enforcement,” observed Ken Presley, vice president of industry relations and chief operating officer of the United Motorcoach Association.

He said operators — both large and small — need to make sure they understand the regulations and closely follow them if they want to avoid trouble.

“If they’ve done nothing to comply with the law, then they could be giving federal inspectors the impression they don’t care about the regulations,” he noted.

Presley said operators that seem to be most prone to be in violation of the rules are those having only a few buses, and who routinely refer customers seeking transportation services for the disabled to carriers that are equipped to meet their needs.

“They seem to think that because they don’t have any accessible coaches, and they don’t provide any service for the disabled, then they aren’t subject to the ADA regulations,” he said. “But, that just isn’t right.”

According to ADA rules applicable to the industry, large and small motorcoach operators are put into different categories and both have different responsibilities

under provisions of the law.

Large carriers — that provide scheduled service and have gross annual revenue exceeding \$8.7 million — are required to have all of the coaches in their fleets fully accessible to the disabled by Oct. 29, 2012.

Small carriers — those that offer scheduled service but have yearly revenue of less than \$8.7 million — must ensure that each new motorcoach they purchase is fully accessible.

Although there is no deadline for small carriers to replace their fleets with accessible coaches, they must, in the meantime, be able to provide service to the disabled. They can meet the requirement by having an agreement with another carrier that allows them to obtain an accessible bus from them on a 48-hour notice.

Small carriers that only offer demand-response service — generally charter-and-tour companies — may also get around the requirement to have accessible coaches as part of their fleets by having the same agreement with another company that has accessible coaches.

In addition, small carriers that provide mixed service of both charter-and-fixed routes also can comply with the ADA regulations by having the agreement with an-

other carrier.

“This could be a problem for operators in small communities that don’t have another company nearby that has accessible coaches,” cautioned Presley.

The ADA regulations also contain several reporting requirements that all operators need to follow — whether they have accessible buses or not, or whether they provide accessible service or not.

These annual reports, which must be submitted to the FMCSA, must summarize all individual requests they received for accessible service, how the service was provided or if it was referred to another company, the number of passengers with disabilities who used lift-equipped buses, and details on their acquisition and leasing of accessible buses. Reporting periods run from each Oct. 1 to the following Sept. 30.

Operators also are required to maintain — for at least five years

— records listing all individual requests for accessible service they receive, and they must provide individual customers with a copy of a completed service request form.

Finally, those operators not having accessible buses must retain copies of agreements they maintain with the companies having lift-equipped buses.

Detailed information about the ADA regulations can be found by searching for “ADA guidelines” on the FMCSA web site at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov).

Presley, who has produced a detailed PowerPoint presentation on ADA compliance he has presented at state motorcoach associations around the country, offers these tips on how an operator can best pass the ADA portion of an FMCSA audit:

1. Have an ADA-accessible bus or buses, lease one or have a written agreement with another carrier to gain access to an accessible vehicle when needed. Not providing the service or referring a prospective customer to another carrier because you may not be required to have lift-equipped vehicles is not an option.

2. Maintain a service log showing that lifts have been inspected on a regular basis. This should be part of a larger ADA maintenance program that includes a list of

items on the lift that are checked regularly.

3. Have a training program in place on how to handle calls from and deal with passengers with disabilities; it should include sensitivity training. The training should be given to all employees: management, sales, shop, drivers, tour guides and others. Remember, there are more disabilities covered under the ADA than individuals in wheelchairs. For example, those who use a service animal.

4. Have an active current list of all ADA-related requests, one form for each request. Remember to mail a copy to the party requesting the service. Maintain a file for such requests for at least five years.

5. Someone in the organization should be designated as being responsible for compliance and knowledge of the ADA regulations.

6. Keep all of the above information, including the training program, in a binder that can readily be given to the FMCSA inspector.

Presley said operators should keep in mind that the goal of the FMCSA is to make certain that all passengers, including those with disabilities, are able to enjoy the same experience on motorcoach trips.

“Ignorance is no longer an excuse,” he noted.

## Calendar

### JANUARY 2012

**6-10 ABA Marketplace**, Gaylord Texas Resort, Grapevine, Texas. Info: [www.buses.org](http://www.buses.org).

**8-9 Bus Industry Safety Council**, Gaylord Texas Resort, Grapevine, Texas. Info: [www.buses.org](http://www.buses.org).

# Happy New Year

*Here's to a busy and prosperous 2012!*

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## Lancaster Trailways expands operations to Myrtle Beach, S.C.

LANCASTER, S.C. — Lancaster Trailways of the Carolinas announced it has established a fourth location, expanding to Myrtle Beach, S.C.

The company said the expansion represents a new chapter in its operations and was the dream of the late Bob Clemmer, founder of Lan-

caster Tours. Mr. Clemmer died early in 2011.

“We are here to stay and grow and we consider ourselves already part of this community,” said Sandra Haigler, vice president of Lancaster Trailways. “We are not just passing through.”

Haigler said the company is

working with the former management staff of Sunway Charters to develop its presence in Myrtle Beach.

Lancaster will provide tour-and-charter services in and around the Myrtle Beach area, as well as out-bound service and tours to the entire U.S., the company said.

The Myrtle Beach facility will allow for daily maintenance, cleaning and safety checks of buses on-site, rather than having to service them in Charleston, S.C., the company's closest other facility.

Haigler said the state-of-the-art facility also will offer routine and preventive maintenance services.

“We have experienced about a 10 percent growth in passengers during the last few months,” said Haigler, adding she hopes the company will be able to add about 15 jobs as a result of the expansion.

Since 1981, family-run Lancaster Trailways/Tours has been providing charters and tours, with Lancaster, S.C., as home base.

# New Look. New Year.

## Bus & Motorcoach Academy 2012



### Winter Semester beginning January 11, 2012:

*Clarence Cornell School of Business*

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*Motorcoach Operator Program*

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Business & Marketing II  
Human Resources  
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### Summer Semester beginning July 11, 2012:

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Financial Management  
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*Motorcoach Operator Program*

Passenger Issues  
Safe Driving  
Security

### Fall Semester beginning October 11, 2012:

*Clarence Cornell School of Business*

Business & Marketing I  
Business & Marketing II  
Human Resources

*Motorcoach Operator Program*

Driver Qualifications  
Passenger Issues  
Vehicle Maintenance

## Lift is updated by Rotary Lift

MADISON, Ind. — Rotary Lift announced it has updated its parallelogram wash-bay lift package to maximize bay space and product life.

Rotary also said the new lift with wash-bay kit has been third-party tested by ETL and certified to meet industry safety and performance standards.

Rotary Lift manufactures a full line of parallelogram lifts with lifting capacities up to 100,000 pounds, and platform lengths from 26 to 48 feet. Any of the models can be ordered with the wash-bay package.

“Parallelogram lifts are the most popular choice for...wash bays. The mechanics of the parallelogram design are ideal for positioning engine compartments beyond the ends of the lift runways to create total access for cleaning the engine and other service areas over the water reclamation pit,” said Doug Spiller, Rotary Lift heavy duty product manager.

“Parallelograms are also less sensitive than scissor lifts to the unequal loading created by this arrangement,” Spiller added.

“Our updated parallelogram lifts are particularly well-suited to the harsh environment of the wash bay. New marine-grade paint and stainless steel feet resist corrosion caused by constant exposure to water, grime and chemicals.”

Rotary Lift's wash-bay lift includes an ALI-certified stainless steel control panel that can be wall mounted. As a result, the lift's power unit can be located outside of the bay, up to 65 feet from the lift itself. This frees up workspace in the bay, and further protects the power unit.

Rotary Lift parallelogram lifts feature automatic wheel chocks, and are available in surface, flush mount and full recess applications.

For more information, go to [www.rotarylif.com](http://www.rotarylif.com).

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**Deal 1998 MCI 102D3**

DD S60 12.7L, Allison B-500R. VIN #50296 **\$52,100**

**Deal 2008 Van Hool C2045**

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