

Happy New Year!

January 1, 2014

Bus & Motorcoach NEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

UMA Safety Management Seminar

Fatigued driving costs industry big \$\$\$

ASHBURN, Va. — Robert Crescenzo, vice president of safety and loss control at Lancer Insurance, speaking at the United Motorcoach Association annual Safety Management Seminar here last month, provided a series of sobering facts and observations about what driver fatigue is costing the industry.

To wit...

Fatigued driving is the primary “uncontrolled risk” in the bus and motorcoach industry and is the primary cause of most severe accidents.

Fatigue likely is the cause of up to 15 percent of all motorcoach industry crashes, but is responsible for 80 percent of total claim costs.

The accident rate for motorcoaches starts to increase at 9 p.m. and increases by a factor of five until it peaks at 4:30 a.m., until it declines again at 8 a.m.

Therefore, warns Crescenzo, “if your drivers are on the road between 9 p.m. and 8 a.m. there is a much greater risk of a crash.”

He continued...

For the bus industry, Lancer Insurance estimates the costs stemming from fatigued-driver accidents



Discussions were lively during breakout sessions.

to be one-to-two cents per mile, reducing total industry revenue by one-to-two percent annually.

But, with an understanding of the body's natural rhythms, companies can adjust schedules and adopt policies — possibly even rejecting certain jobs — to minimize the risk of fatigued driving, said Crescenzo.

“Fatigue management is really about how you manage schedules and manage drivers,” he told seminar attendees.

Because of the body's circadi-

an rhythms, it's most difficult to function between midnight and 7 a.m., and between 1 and 4 p.m. That's when the body most wants to sleep, and drivers are not expected from these natural schedules, he noted.

But neither customers nor schedulers necessarily take this into account when making driver work schedules.

Of course, there are some people whose natural predilections are slightly different and are natu-

CONTINUED ON PAGE 14 ►

Need a safety training video? DIY

ASHBURN, Va. — Motorcoach industry executives need look no farther than their own pocket to find the equipment necessary to produce a high-quality, in-house training video that perfectly fits the needs of their company, an industry consultant told attendees at the United Motorcoach Association annual Safety Management Seminar here last month.

In a presentation on how to elevate company training programs, Jeffrey Petrunak, staff consultant with the Daecher Consulting Group of Camp Hill, Pa., said al-

most any smart phone, such as an Apple iPhone, could be used to make a training video.

“As we sit here right now, if you have Windows (on your computer) and a smart phone, you have the capability to create a video,” he said.

In other words, do it yourself.

Petrunak demonstrated how he had created a movie at the conference in just 24 minutes simply using his smartphone and laptop computer.

Furthermore, most new personal computers come preloaded with

basic movie editing software, such as Windows Live Movie Maker for computers running on Microsoft's Windows operating system, or iMovie for Apple machines.

There are other, more-powerful programs available for purchase, but they likely have advanced features not needed for creating training videos, he said.

Similarly, there is more expensive equipment available for improved video and audio quality, such as high-definition video cameras and USB microphones,

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Feds claim big successes for Quick Strike initiative

WASHINGTON — Did the Federal Motor Carrier Safety Administration inflate claims that its “Operation Quick Strike” resulted in 52 “unsafe bus companies” being shutdown from April through November?

Appears so.

Many of the companies closed down because of administrative shortcomings that were discovered during Compliance Reviews — rather than being ordered out of service for imminent safety hazards, an examination of Operation Quick Strike results show.

And, at least one attorney, who represents motorcoach companies, suggests that FMCSA out-of-service procedures are unduly harsh and lack due process.

The New York City criminal defense lawyer said her clients who are charged with violent crimes have more due process rights than bus companies ordered out of service by the FMCSA.

A press release issued the middle of last month by the FMCSA stated that agency investigators

had completed 214 “top-to-bottom” compliance investigations since April. These resulted in 20 immediate out-of-service orders “for violations and posing an imminent hazard to the public.”

An additional 32 companies were issued “unsatisfactory” safety ratings and were “shut down after failing to remedy critical and acute violations,” the release stated, while “28 companies took corrective action to fix the safety violations investigators uncovered to avoid being shut down.”

During Operation Quick Strike investigators inspected more than 1,300 vehicles and ordered 340 out of service for safety and maintenance violations.

“The intensified effort was part of the FMCSA's three-phase Motorcoach Safety Initiative to raise the bar for safety in the motorcoach industry and to strengthen the agency's oversight methods,” stated the agency news release.

“More than 50 specially trained

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Average price of diesel fuel to slide in 2014, says DOE

WASHINGTON — The average price of diesel fuel will decline 15 cents this year to \$3.77 a gallon, down from 2013's average of \$3.92, the U.S. Department of Energy said last month.

At year's end, the national price of diesel fuel was averaging about \$3.88 per gallon, the DOE said in its short-term energy outlook report.

Regular-grade gasoline averaged \$3.23 in December, down a penny from November and 30 cents below September.

The national average price of

diesel fuel in 2013 was below 2012 when diesel averaged \$3.97; gasoline averaged \$3.63.

Generally, fuel prices have declined over the past few months, with diesel dropping about a dime a gallon and gas down more than 30 cents since Labor Day.

The DOE report also said oil prices would hold in the mid-\$90s per barrel this year. DOE is projecting crude oil in 2014 will average \$95 a barrel.

U.S. domestic crude production rose to a 25-year high in November. See related story Page 10.

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megabus paces Stagecoach growth

PERTH, Scotland — Continued growth of megabus.com in the U.S. and Canada led a strong financial performance by the North American operations of Stagecoach Group during the six months ended Oct. 31.

Stagecoach reported that megabus revenue — on a “like-for-like” basis — climbed nearly 23 percent during the first half of parent company Stagecoach Group’s fiscal year.

Total revenue produced by Coach USA, Coach Canada and megabus during the six months ended Oct. 31 was \$371 million, up more than 17 percent from re-

stated year-earlier results of \$316 million.

All but one of the five business segments operated by Coach USA/Coach Canada/megabus reported higher revenue during the most recent six-month period.

Revenue at the company charter operation declined more than 2 percent to \$45.2 million, from \$46.2 million a year ago.

Revenue for the other segments — scheduled service/commuter, sightseeing/tour, school bus/contract and megabus — were higher.

Stagecoach Chairman Sir Brian Souter said North America continues to present “huge oppor-

tunities” for the company.

He said the latest additions to the megabus network, in Texas and California, “are performing well.” In the year ahead, he said the company is planning further expansion of megabus, which currently operates in 40 states and 2 Canadian provinces.

“Our non-megabus services are performing satisfactorily, and we are on track to deliver a significant year-on-year increase in operating profit from our North America operations for the 2013/14 financial year,” Souter added.

Significant contributors to the

CONTINUED ON PAGE 12 ►

Newest demographic: PANKS

LONDON — Marketing analysts have defined a demographic segment in the United States that may resonate with the motorcoach industry: PANKS.

PANKS stands for “Professional Aunt, No Kids.”

These are women over the age of 18 with no children but have a close relationship with children of relatives or friends.

As of 2010, 42.6 percent of U.S. women between the ages of 15-44 were childless, up from 40 percent in 2002, as women have children at older ages or choose not to have children at all.

Research by Savvy Auntie, a U.S.-based web community for aunts and godmothers, estimates there are 23 million PANKs in the

U.S. who spend \$9 billion annually on children (baseline of one child per PANK).

According to Savvy Auntie, travel is a great way for PANKs to foster their relationships with children. In fact, 48 percent of PANKs enjoy traveling with nieces and nephews, the website says.

The figure is expected to grow as the travel industry begins to target the segment.

This year, Intrepid Travel targeted the PANK market for its extended range of family adventure tours by employing web content, social media, dedicated emails and advertorials.

The U.S. PANK market was the subject of reports issued at this fall’s World Travel Market here.

FirstGroup rejects recommendations

Spin off school buses, drop Greyhound Lines

ABERDEEN, Scotland — FirstGroup, the largest bus operator in North America and Britain, has rejected a request from a U.S. hedge fund that it spin off its North American business and sell Greyhound Lines.

The recommendation came from an outfit called Sandell Asset

Management of New York City, which is variously described as an activist investor that owns a 3 percent stake in FirstGroup.

Sandell wants FirstGroup to split off its U.S. school bus unit, First Student, dump Greyhound, and focus on its domestic business, which operates buses and trains in the United Kingdom.

The hedge fund thinks such steps would enhance shareholder value, which has plummeted this

year and is down 75 percent since FirstGroup purchased most of its U.S. school bus operation and Greyhound a half-dozen years ago.

FirstGroup shares were down roughly one-third in 2013.

Executives at Sandell, according to a FirstGroup statement, have been talking to FirstGroup management for months about making “strategic changes...namely a separation of the Group and asset disposals.”

The recommendations came as FirstGroup continued to struggle with its debt, much of which it took on when it purchased the U.S. school bus operation and Greyhound from Laidlaw International in 2007, and the U.S. economic downturn of the past five years that continues to be a drag on operations at both First Student and Greyhound.

Improving profitability at First Student and Greyhound has proven

to be a slow grind for management.

In May, FirstGroup had to raise roughly \$1 billion to avoid having its credit rating reduced to “junk” status and eliminated a dividend payment to conserve cash for investment. FirstGroup also failed to win a major rail contract in Britain.

Sandell said a break-up would enable FirstGroup to fund a much-needed investment program in its

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THE DOCKET

15-cent hike in federal fuel tax proposed

WASHINGTON — An Oregon congressman has introduced a bill that would boost federal taxes on diesel fuel and gasoline to reduce the expanding shortfall in the federal government's main source of transportation funding.

U.S. Rep. Earl Blumenauer, a Democrat, unveiled the "Update, Promote and Develop America's Transportation Essentials Act of 2013" — H.R. 3636 — which would gradually add 15 cents to diesel fuel and gasoline taxes by 2016.

The current tax is 24.4 cents per gallon on diesel and 18.4 cents per gallon on gasoline.

After 2016, fuel taxes would be indexed to inflation.

Blumenauer said Congress no longer can afford to wait to keep solvent the Highway Trust Fund, which pays for most of the federal government's investment in roads, bridges and public transit.

Hiking federal fuel taxes also was recommended by the Simpson-Bowles deficit reduction commission.

The U.S. Chamber of Commerce and the American Trucking Associations have led efforts in recent years to boost federal fuel

taxes, but they've met stiff resistance on Capitol Hill and at the White House.

"For the last two decades, we've been in a state of slow decline. Frankly, there has been a bipartisan failure of will," Blumenauer said.

Proposal has support

During a news conference, Blumenauer was joined by representatives from labor, business, trucking, transit, and road builder groups.

"For all the talk of the budget deficit, we're facing an infrastructure deficit," he said.

Supporters of higher fuel taxes say it is the most effective funding source because it is collected from users and has "minimal" administrative costs.

"Our support for raising the fuel tax should clearly demonstrate just how critical good roads are for moving freight, commuters, vacationers and shoppers," said Mary Phillips, ATA senior vice president of legislative affairs, at the news conference.

Fuel taxes currently bring in about \$38 billion a year.

Congress most recently raised

the fuel tax by 4 cents in 1993, but its purchasing power has diminished. Inflation, more efficient vehicles on the road and people driving less have contributed to a gap in the Highway Trust Fund.

Congress has filled the gap by transferring about \$54 billion from the general fund since 2008, according to the Congressional Budget Office.

But the Highway Trust Fund will be \$15 billion short in 2015, and the gap will continue to grow unless Congress backfills from the general fund, slashes spending or boosts revenue, the agency says.

CBO estimates that a 10-cent increase would be sufficient to keep the Highway Trust Fund solvent. Had fuel taxes been indexed to inflation in 1993, the diesel tax today would be about 39 cents per gallon, according to CBO.

Lotza \$\$\$ needed

The American Society of Civil Engineers estimates the U.S. should invest at least \$500 billion by 2020 in its surface transportation system to meet economic and transportation needs, according to the legislation.

Blumenauer acknowledged the gas tax is unpopular with the public and that an increase doesn't have strong odds of passing.

House Republicans have opposed any tax increases.

Meanwhile, MAP-21, the current surface transportation authorization law, will expire in September 2014, about six weeks before the midterm elections.

Budget sustains highway spending

WASHINGTON — The House and Senate budget deal agreed to by negotiators last month proposes maintaining current highway spending levels through fiscal 2014.

As of Sept. 30, however, the Highway Trust Fund is expected to come up short on money, but

Wash. state ponders fuel tax hike

OLYMPIA, Wash. — State Senate leaders have proposed boosting state taxes on diesel fuel and gasoline by 11.5 cents a gallon to pay for \$12.3 billion in transportation projects.

The plan, offered by Transportation Committee Co-chairman Sen. Curtis King, a Republican, is

He said he hopes he can garner a hearing on transportation financing and spur proposals from other members of Congress.

"This is not about the gas tax. It's about paying for what we use and investing in our future," Blumenauer said. "It isn't popular — everybody wants somebody else to take the first step."

On average, states receive about 60 percent of transportation capital funding from the federal government, according to Pete Ruane, CEO of the American Road and Transportation Builders Association.

Inaction means Congress also would risk cuts to highway and transit projects just before the midterm elections, he said.

Where it goes

According to the U.S. Department of Transportation, 21.44 cents of the 24.4-cent federal diesel fuel tax goes to the Highway Trust Fund Highway Account, while 15.44 cents of gasoline's 18.4-cent tax goes to the fund.

An additional 2.86 cents from both fuels goes to the Highway Trust Fund's Mass Transit Account, and 0.1 cent goes to its Leaking Underground Storage Tank Trust Fund.

Blumenauer also introduced a second House bill, the "Road Usage Fee Pilot Program," under which grants would be issued to states to test methods of taxing drivers based on how many vehicle miles they travel. Oregon has tested such a tax in recent pilot programs.

the budget deal struck in mid-December does not address that issue.

Billions of dollars in general fund transfers have been needed in recent years to keep the trust fund solvent as revenue from federal fuel taxes has dwindled due to more fuel-efficient vehicles.

part of negotiations with the House over a package to keep up with the state's infrastructure needs.

Washington's fuel tax already is one of the highest in the nation at 37.5 cents per gallon.

The plan does not include a long-discussed proposal to toll In-

Pa. alters funding for transportation, fuel taxes to rise

HARRISBURG, Pa. — Pennsylvania has comprehensive new transportation financing legislation that some say will dramatically hike fuel prices in the state because of a new tax formula.

The law is expected to result in upwards of \$2.3 billion going into state roads and bridges by the fifth year of the plan.

"This is an investment in the safety of our citizens and the progress of our economy. It will create more jobs and keep Pennsylvanians moving across safe, world-class highways and bridges," said Gov. Tom Corbett.

By year 5 of the plan, the package will invest an additional:

- \$1.3 billion annually in roads and bridges;
- \$480 million to \$495 million annually for public transportation;
- \$237 million annually for local roads and bridges;
- \$144 million annually in a multi-modal fund;
- \$30 million annually for dirt, gravel and low-volume roadways
- \$86 million annually for Pennsylvania Turnpike projects

Partial funding for the transportation package is being derived from the elimination of the flat 12-cent per gallon fuel tax and uncapping of the wholesale, oil company franchise tax.

Critics say the change will result in the state's total 39.2-cents-per-gallon diesel tax and 32.3-cents-per-gallon gasoline tax increasing to as much as 66 cents per gallon for diesel and around 48 cents for gasoline in five years.

Supporters say the estimates aren't credible because it's impossible to predict the price of gasoline and diesel half a decade from now.

The fuel tax increase is the first in Pennsylvania in 15 years. The state's infrastructure has been a hot-button topic for more than a decade.

In addition to the fuel tax increase the plan also calls for increasing vehicle registration renewal fees and traffic fines.

terstate 90 at one of two bridges over Lake Washington near Seattle.

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Sigh. Industry escapes latest N.J. crackdown

TRENTON, N.J. — “New Jersey’s at it again,” read the headline in a trucking publication last month.

Those in the motorcoach industry who saw the headline winced but smiled. “There but for the grace....”

The article under the headline recounted how for years, starting in the late 1990s, New Jersey had a bad habit of stopping trucks and, in effect, holding driver, vehicle and cargo for ransom until a truck’s operator paid the state’s more-or-less-arbitrary assessment

of corporate business tax.

The same thing happened to motorcoach operators at the time.

Hundreds of motor carriers felt the bite, and officials at trade organizations got calls about it practically every day.

Then, it stopped — until early last month, when truckers started being accosted again.

“So be careful,” came the warning from the trucking publication.

“If you pick up or deliver freight in New Jersey and you aren’t filing and paying the corporate business

tax (the state’s name for its income tax), your trucks may be stopped and held until you pay back taxes,” truckers were told.

In years past, the renewed stop-and-frisk policy might also have included motorcoaches.

Earlier this year, however, thanks to the efforts of the United Motorcoach Association and others, the bus industry won a legislative exemption from the New Jersey tax. (See Sept. 1 *Bus & Motorcoach News*.)

Over a 15-year period, UMA,

the American Bus Association, the Greater New Jersey Motorcoach Association, the New Jersey Travel Industry Association, Motor Coach Canada and other groups testified, lobbied, wrote letters and made personal appeals to members of the New Jersey State Assembly and Senate, requesting repeal of the tax for coach operators.

“Seeing the trucking story makes all those trips to Trenton worth it,” observed Ken Presley of UMA, a scarred veteran of the coach industry effort.

‘Right-to-repair’ law covers CVs in Mass.

BOSTON — After years of wrangling and missteps, Massachusetts has a “right-to-repair law” that requires vehicle manufacturers to provide all parties with affordable access to all the tools, software and information needed to repair the manufacturers’ products.

Heavy commercial vehicles are included under the law.

The measure was signed into law by Gov. Deval Patrick.

During the 2012 legislative session, a similar bill was passed, the first in the country, but it didn’t cover commercial vehicles over 10,000 pounds.

The 2012 law was superseded by the results of a popular referendum a year ago — approved by nearly 85 percent of the voters — which were implemented via the new law.

cle can be powered by a blend of biodiesel.

“If they only need to be capable, what’s the reason for the legislation?” he asked.

But Marshall said the language as written does not call for an outright ban and is not in need of any changes.

Bill would not ban diesels, D.C. official says

WASHINGTON — A bill that some in the trucking industry said would ban the registration of new diesel-powered vehicles in the District of Columbia beginning in 2018 was “misinterpreted” by the industry, the city’s environmental legislative director says. (See Dec. 15 *Bus & Motorcoach News*.)

Karim Marshall, legislative director for the D.C. Department of the Environment, said the legislation is primarily intended to encourage motor carriers to convert their fleets to alternative fuels and other clean technologies.

However, it would only require that diesel-powered vehicles be “technologically capable” of burning an alternative fuel such as biodiesel, not actually using the fuel, Marshall said.

The word “capable,” however, is not included in the bill, which the American Trucking Associations said would require D.C. officials to not register any motor vehicle to operate within the district not registered prior to Jan. 1, 2018, that “operates exclusively on the combustion of petroleum diesel fuel.”

“I can understand if they weren’t familiar with legislative language it would come across that way,” Marshall said.

But Glen Kedzie, energy and environmental affairs counsel for American Trucking Associations, said he and several other experienced attorneys have closely analyzed the bill and believe they did not misinterpret the language used in the bill, the Sustainable D.C. Omnibus Act of 2013.

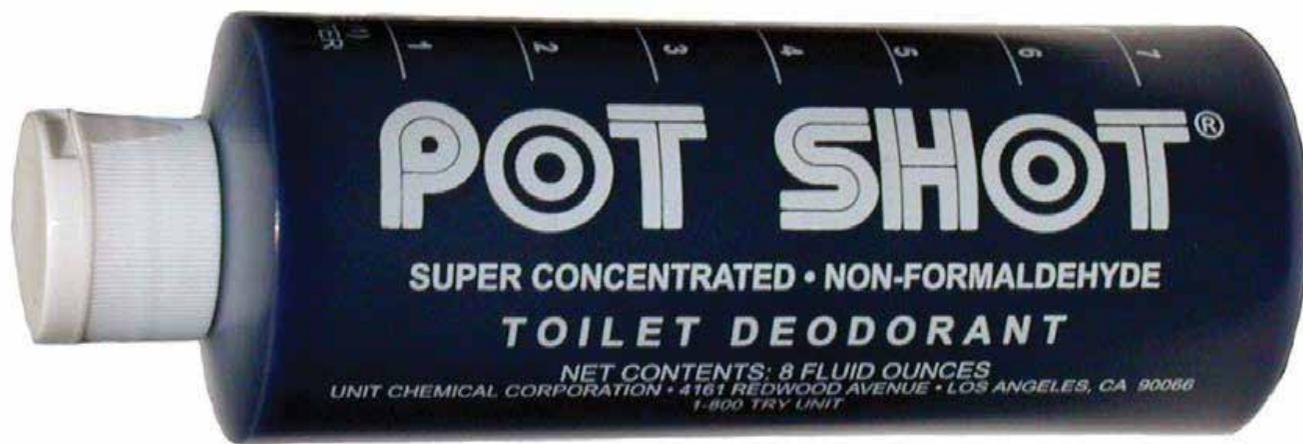
In a letter sent last month to district officials, ATA and four other industry groups said that, as

written, the bill clearly would ban all new diesel vehicles from entering and operating in the district, and would have “significantly harmful effects on the district’s economy and on the quality of life of district residents.”

“We had plenty of people review the language, and each of us independently came up with the same interpretation,” Kedzie said.

“They need to tighten up the language. Their intent was not conveyed in the language that was presented to the public to review.”

Kedzie said every diesel vehi-



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Fleet to fight \$1 million + OSHA fine

HICKORY, N.C. — A trucking outfit that was fined more than \$1 million dollars for firing employees who blew the whistle for its illegal activities says it will fight the decision.

Gaines Motor Lines says it will appeal a decision by the U.S. Department of Labor Occupational Safety and Health Administration to award four of the trucking company's former employees more than \$1 million, according to the *Hickory Daily Record*.

Gaines says the decision by OSHA is factually flawed, based on unnamed sources and hearsay, deprives it of the right of face its accusers, and is arbitrary and capricious.

OSHA ordered Gaines Motor Lines, along with two company executives, to compensate four former drivers who were fired in violation of federal whistleblower laws and pay more than \$1 million in back pay wages, interest, compensatory and punitive damages.

The employees were terminated for participating in an inspection audit of the company facility in Hickory. It also ordered three of the employees be immediately reinstated. One of the four employees died earlier this year.

Carrier to Pay \$302,000

NORTH CANTON, OHIO — The U.S. Occupational Safety & Health Administration and an Ohio trucking company settled a civil lawsuit after two drivers claimed they were fired for being whistleblowers, OSHA said.

In a statement, OSHA said the now-defunct Star Air Inc. of North Canton, the company owner, and a company said to be the successor to Star violated whistleblower protections set up by the 1982 Surface Transportation Assistance Act.

The consent judgment of \$302,000 is a 56 percent reduction from the \$685,785 judgment originally awarded by a judge in U.S. District Court in Akron, Ohio.

"These drivers were fired for trying to protect themselves and the driving public," said David Michaels, assistant secretary of labor for OSHA. "No truck driver should be forced to drive while tired, sick or in violation of truck weight or hours-of-service requirements," he said.

OSHA said the case started when one of the drivers was cited for hauling a load without a commercial driver license, operating an overweight trailer and driving without a logbook.

Truckers: CSA scores 'unreliable'

Arlington, Va. — Data and methodology problems continue to undercut the accuracy and reliability of the Federal Motor Carrier Safety Administration Compliance, Safety, Accountability program of motor carrier measurement scores, according to a new American Trucking Associations white paper.

The ATA review of CSA research showed that scores in at least three of the system's seven Behavioral Analysis Safety Improvement Categories don't bear a

positive correlation to crash risk.

Even among those that generally do have a positive correlation to crash risk, there are tens of thousands of real-world "exceptions" or "outliers" — carriers with high scores and low crash rates and vice-versa, according to the white paper.

"It may make sense for FMCSA to use scores in those categories that correlate positively with crash risk to prioritize companies for enforcement review," ATA President Bill Graves said in a statement.

Bill aimed at contractor 'misclassification'

WASHINGTON — Sen. Bob Casey, D-Pa., and five co-sponsors have introduced a bill they said would prevent fraud in the hiring of independent contractors.

The Payroll Fraud Prevention Act seeks to prevent workers from misclassification as independent contractors, Casey said in a statement.

Workers classified as independent contractors are not ensured access to such federal worker protections as fair labor standards,

health and safety protections, and unemployment and workers' compensation benefits, he said.

The bill also would prohibit employers from misclassifying workers in order to avoid paying federal payroll taxes.

"Companies should not be able to cheat their employees out of fair compensation by deliberately misclassifying them," Casey said in a statement.

"This unscrupulous practice disadvantages law-abiding com-

"In the process, FMCSA can verify whether or not the scores paint an accurate picture.

"But third parties need to know that for the purposes of drawing conclusions about individual carriers, the scores are unreliable."

The ATA white paper cited past research and data compiled by FMCSA, the American Transportation Research Institute, Wells Fargo Securities, Vigillo Inc. and University of Maryland Prof. James Gimpel.

panies, impacts hard-working, middle-class families and hurts our economy," he said.

Several states and the federal government have made efforts in recent years to make it more difficult for businesses to use private contractors.

Critics say the efforts are based on mistaken, paternalistic notions that will reduce economic growth, stifle small business entrepreneurialism and increase consumer costs.

Senators propose 'infrastructure bank'

WASHINGTON — A bipartisan group of U.S. senators has come up with a great idea — set up a bank that would further increase the federal debt. It also would lend money for highway projects.

Led by Sen. Mark Warner, D-Va., the senators are sponsoring the measure that would create a \$10 billion "infrastructure bank"

that would use loans and loan guarantees to encourage private investment in transportation projects.

Warner introduced the measure, with Sen. Roy Blunt, R-Mo.

It would establish an independent infrastructure financing authority to select projects for funding, and projects would have to show a "clear public benefit," cost

at least \$50 million and be deemed of national or regional significance to qualify.

The authority would be a government-owned entity led by a CEO and a seven-member board, which would have final approval on projects. No more than four members could be from the same political party.

Portland, Ore., sick-leave law in effect

PORTLAND, Ore. — On Jan. 1, a new city ordinance goes into effect here that requires all businesses located in Portland, or with employees that work, even sporadically, in Portland, to provide their employees with sick leave.

Employers with fewer than six employees need not provide paid sick leave, but the law requires employers with six or more em-

ployees to provide paid sick leave.

The minimum sick leave to be provided to all employees is 40 hours a year for those that work (in Portland) at least 240 hours.

The sick leave may be used in increments of one hour.

All employers must have a written sick-leave policy, and must notify their employees of it.

Employers must keep records

for two years, evidencing their compliance with the ordinance.

Motor carriers located outside Portland whose drivers make stops in the city must track their time within the city limits for purposes of the ordinance.

Employees merely passing through the city, no matter how often, need not be tracked or comply with the law's provisions.

Tax break is delayed in Pennsylvania

HARRISBURG, Pa. — At the end of June, Pennsylvania Gov. Tom Corbett signed a budget and tax package that provided for a phase-out this year of the state capital stock and franchise tax.

Or, so it was generally reported at the time, and so many state tax experts apparently thought.

As it turns out, after the state House passed its version of the legislation in May, the Republican legislative leadership and the governor's office decided more revenue was needed.

So, the final \$28.4 billion bill extended the phase-out for two additional years.

The rate stands at 0.89 mills for 2013, is reduced to 0.67 mills for 2014, and 0.45 mills in 2015.

Now, the tax has been programmed to expire after Dec. 31, 2015.

Reportedly, the change will generate \$58.4 million in fiscal 2013-14, \$183 million in fiscal 2014-15 and \$99 million in fiscal 2015-16.

Pennsylvania's capital stock and foreign franchise taxes are imposed on Pennsylvania corporations with

capital stock, joint-stock associations, limited liability companies, business trusts and other entities classified as corporations for federal income tax purposes.

The capital stock tax for domestic firms is a property tax imposed on joint-stock associations, limited liability companies, business trusts and entities organized as corporations or considered corporations by the federal government.

The foreign franchise tax is a tax on non-Pennsylvania, joint-stock associations, limited liability com-

CDL holders get tougher cellular rules in New York

ALBANY, N.Y. — New York state has established more stringent rules on the use of portable electronic devices by commercial driver's license holders, including prohibiting their use when stopped in traffic.

While the new prohibitions generally mirror federal standards for drivers of commercial vehicles, they also apply to New York intrastate carriers.

All commercial drivers in New York are now prohibited from making a phone call or using a portable electronic device while their vehicle is temporarily stationary because of traffic, a traffic control device, or other momentary delays, unless it is "hands free."

Also, an operator of a commercial motor vehicle who holds a mobile telephone to, or in the immediate proximity of their ear while the vehicle is temporarily stationary because of traffic, a traffic control device or other momentary delay, is presumed to be engaged in a call, making it illegal.

The same applies to holding a portable electronic device, such as a tablet, in a conspicuous manner, under the same conditions.

Motor carriers must not allow or require their drivers to use mobile phones/portable electronic devices while driving.

A mobile telephone used by a person operating a commercial motor vehicle shall not be deemed a "hands-free mobile telephone" when the driver dials or answers the mobile telephone by pressing more than a single button.

The state of New York was one of the first to ban the use of handheld cell phones in 2001. Texting and the use of all electronic devices by drivers was banned in 2009.

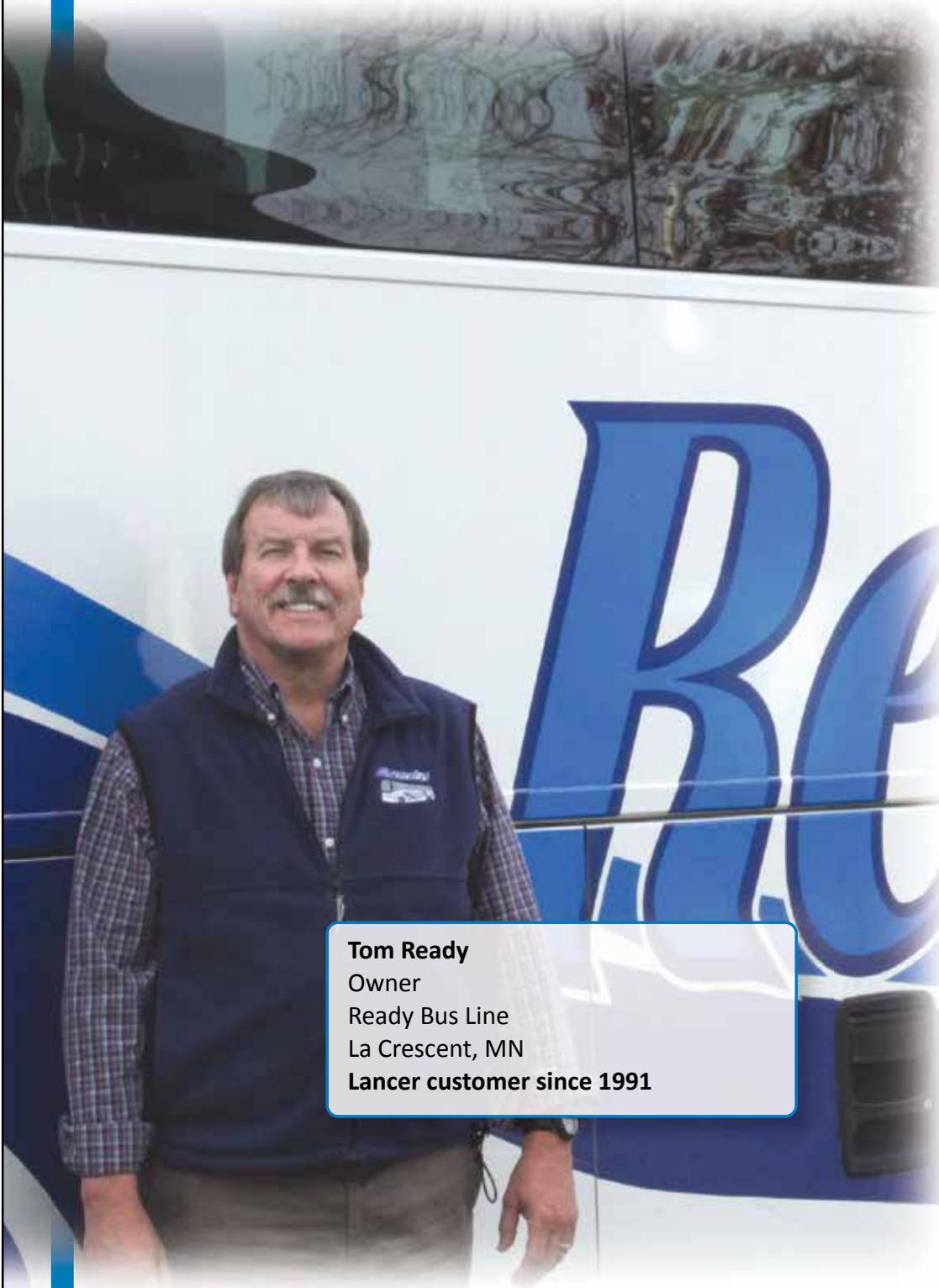
Now, the state has adopted even more stringent guidelines for commercial drivers.

panies, business trusts and entities organized as corporations or considered corporations by the federal government for the privilege of doing business in Pennsylvania, rather than on property.

Both taxes are imposed on a corporation's capital stock value, as derived by the application of a formula.

Businesses and individuals subject to the capital stock/foreign franchise tax may also be subject to the state gross receipts tax, corporate loans tax, and/or the gross premiums tax for premiums paid to unauthorized foreign insurance companies.

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To the Editor

It's the holiday season, which we like to call (to paraphrase the consumer advocate Clark Howard) the season of trash fees, not only for motorcoach operators but for many business, I'm sure. I just know buses.

A good example of these trashy items is one imposed by the Oklahoma Department of Environmental Quality, which assesses a fee to allow us to wash our buses.

If we wash our buses without paying the fee, we are dastardly polluters.

But, for only about \$350, we're okay. Whatever.

But, far and away my favorite trash fee is the UCR. The Unified Carrier Recompense, or Reconciliation fee, or something like that.

After paying this fee diligently for however many years it has been in existence, I still have no earthly idea what purpose it serves. I thought IFTA was sup-

posed to spread the wealth among the states. Shows what I know.

What I do know is the postcard we receive each year reminds us that the UCR people, in Indiana, of all places, still love us and expect us to love them back. It seems as if we received this notice in August.

A few weeks later, in October, even though the fee wasn't due until Dec. 31, it's common to receive an email reminding us of our duty to pay our UCR fees, and this time, a list of horrors is included to be sure we understand that failure to pay will result in unspeakable penalties up to and including flogging, no doubt, which will continue, until morale improves.

Now, at age 53, I have 40-some years of experience in the bus business.

That's right. In small, family-owned businesses we start out cleaning buses early. I didn't drive

them around the yard until I was 12 — I couldn't reach the pedals.

Anyway, I remember my father telling me about his father's bus company in Newark, N.J., in the 19-teens and twenties.

Each week, some characters in shiny, double-breasted suits would come around to visit my Grandfather Louis. Louis would pay them three or four bucks and off they'd go.

My father, Allan, was incredulous. "Why do you pay these people for nothing?" he would ask. "Don't worry," said Louis, "it keeps the windows from being broken."

So, I pay the UCR, and other trash fees this time of the year with complete ignorance regarding why I'm doing it. With luck, it will keep the windows from being broken.

I'm still in the bus business. We've been here 54 years, and counting. What else would I do?

Happy New Year to all the Alphabet Soup agencies. The check is in the mail.

Michael A. Kraft

KraftTours, Tulsa, Okla.

Postscript: After Mr. Kraft penned the missive above, he received another postcard from the UCR — jauntily titled, "Final Notice." "That has a certain hook to it, don't you think? Kraft asked in an email. "It, of course, reminds us that after Dec. 31, if we haven't paid our UCR fees, we're going to wonder what fell on us. I suppose all these reminders are for those who cannot read a calendar, or don't have phone reminders. I'm thinking half the fee goes to designing, printing and mailing reminders that UCR fees are due. Whatever the hell UCR is. And here, I thought we defeated the Nazis. My 89-years-old, World War II-combat-veteran father should be pleased he has profound dementia. I can only imagine the letters he would write.

"Happy New Year to all, and to all — you'd better pay up — Final Notice. I just can't wait for what's next. I'm watching the sky for Black Helicopters — from Indiana, the new seat of government."

UCR fees are due real soon, or are past due

If your motorcoach company is subject to fees under the Unified Carrier Registration program, and you haven't paid them for 2014, you might want to attend to that chore soon.

Most states start roadside enforcement Jan. 1, and many state penalties for operating without paying the fees are steep.

The easiest way to register for the UCR and pay the associated fees is through the national system run by the Indiana Department of Revenue. Go to www.ucr.in.gov.

Any company owing the fees may use the Indiana website, no matter where they're based.

The site accepts e-checks and credit and debit cards, although there's an extra fee.

The Indiana site includes a busload of information on the rules pertaining to UCR.

Indian tribes across U.S., states eye online gambling

Only three states currently allow online gambling but some Indian tribes are talking to officials in their states about complementing their brick-and-mortar casinos with Internet betting.

American Indian tribes have 460 gaming facilities in 28 states, but none offers online gambling — at least, not yet.

Nevada, New Jersey and Delaware currently have Internet gambling, but it is spreading internationally.

Worldwide, online betting generates almost \$30 billion in revenue annually, with Americans spending \$4 billion, according to

estimates from the American Gaming Association.

Some of the 240 Indian tribes in the U.S. are eager for a piece of that market.

It's unclear how much revenue online gambling would bring to U.S. tribes or states, however.

In New Jersey, for example, Republican Gov. Chris Christie is hoping his state can collect \$1.2 billion a year from legal online betting. Fitch Ratings, however, estimates the take will be \$300 million to \$750 million annually over the next several years.

By the end of the year, an American Indian tribe in rural Cal-

ifornia, the Alturas Indian Rancheria Tribe, expects to launch the country's first tribal online gambling effort.

The Cheyenne and Arapaho Tribes in Oklahoma are pressing forward with a site that will target gamblers from outside the United States.

And the Lac du Flambeau Band of Lake Superior Chippewa Indians is actively preparing for the possibility that more states or the federal government will sanction online gambling sometime soon.

Just as tribes have been divided over whether to allow gambling on their reservations, online betting is

just as divisive. Those that back casinos to combat high unemployment and poverty among Native Americans see online gambling as the next logical step.

To prepare, many have set up websites that offer free games with no prizes. But other tribes fear online gaming will siphon business from their casinos.

States began legalizing online betting after the U.S. Justice Department reversed its ban on Internet gambling in December 2011. California, Illinois, Iowa, Massachusetts and Texas were among the states that considered proposals related to online gambling last

year, but none was approved.

Under the Indian Gaming Regulatory Act of 1988, the federal government must approve state-tribe compacts, casino management contracts and tribal gaming ordinances. But that authority applies only to "Class III" gaming, including slot machines, other video and electronic games of chance, craps, roulette and blackjack.

The tribes themselves have authority over "Class II" gaming, such as bingo, pull-tabs, lotto and punch boards. The online games that tribes in Oklahoma and California plan to launch involve Class II gambling.

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Like the elephant it is, government can be directed

By Dave Millhouser

Elephants are afraid of mice. Sounds like an Urban Myth, but don't trust me, check out *Mythbusters*.

Besides, what do urbanites know about elephants?

Elephants have a number of interesting traits.

For example, they can't climb stairs (or even moderate grades).

Enormously powerful, they have few natural enemies, and properly domesticated, can do good things. They have great memories and are extremely loyal...ideal for certain tasks, but a disaster when poorly trained.

Occasionally a rogue elephant will stomp through the countryside, squishing everything in its path. Once it gets going, you can't stop it...or change its direction (unless you have a mouse handy).

Gee, would elephants be a good metaphor for government?

One politician famously implored us to quickly pass a sweeping piece of legislation...so we could find out what was in it... and Congress set free a footloose elephant on that one, so now they're up to their ears in pachyderm poop.

I'm not one of those folks who

believe government is always ineffective, although I tilt that way a tiny bit. Over the years it has accomplished some good, as well as a lot of foolishness. Even we Neanderthals drive on Interstates.

The problem is that, like an elephant, once government gets going, it's hard to stop or steer. Once a program is in place, it trundles on without regard to whether it's doing good...or bad.

Another characteristic of elephants is a loooong lifespan. Get them going the wrong way, there's no telling how far they'll go.

Every journey begins with a single step (since I can't remember who I stole that line from, it's not plagiarism). The trick with elephants is to prevent the first step, or make sure it's in the right direction.

Some journeys are necessary (we ARE in the transportation business). We, and the government, missed some historic opportunities to advance safety and disability initiatives, which are now being forced upon us by public sentiment.

Check out: www.bostonglobe.com/news/nation/2013/11/13/seat-belts-commercial-buses-delayed-years/sP8HYekFNaggeM-Me0e8DrN/story.html.

How do we train the elephant?

Get it to move in the right direction, or stop before good things are crushed?

Hang on...we're changing metaphors.

In ye olden days when warships were powered by sails, battles were won by captains who anticipated wind direction and opponents' tactics. In modern naval engagements quickness is essential, but back then it took time and planning because changing the course of a wind-powered vessel was complex and time consuming. They understood the strategic implications of a changing atmosphere.

How can we track shifts in the political and business environment and anticipate changes in public opinion and expectations?

A couple of things...

Relationships are important...with local, state and federal politicians, as well as regulators. If they know and trust us they'll tell us what they see coming...and listen to our ideas about what should happen.

Never miss the chance to be with them, to build friendships. Lots of good can come from casual conversations with the right folks.

We might offer insights that prevent unintended consequences,

saving both them and us from costly mistakes. They can give hints as to what's on the horizon.

Another critical source of information and contact are state and local organizations. I'm preaching to the choir here but astute associations can pick up on impending laws, taxes, fees and regulations, and sometimes influence them. We're an important industry, but small, and we need everyone.

National organizations like the United Motorcoach and American Bus associations have professionals who track things, and try to deal with them before they gain inertia. If you're a member, you have access to that expertise.

And last, involvement in national organizations' conventions is crucial. These organizations are big enough to get key players to participate in their meetings, offering us the opportunity meet them, hear their perspective and offer opinions.

Both UMA and ABA have major events in the near future that are worthy of your time. The industry needs you and needs you there.

Back to elephants. Remember that characteristic about not doing stairs or even steep hills? Govern-

ments aren't much different. If we make the right choice...the easiest alternative...they'll go that way. If we get them aimed in the right direction...they'll likely stick with it.

Many of us feel insignificant, that our views won't make a difference.

Once the elephant has picked up momentum, that may well be the case; all the more reason to get involved early. Not even the most powerful among us is effective once that sucker gets moving.

If you don't believe it, check out how "Big Bus Lines" have been hammered on ADA compliance.

And don't forget, even a mouse, in the right place, can make a big difference. To be in that place, though, you have to show up.

If you don't trust me...trust *Mythbusters*. Go to <http://dsc.discovery.com/tv-shows/mythbusters/mythbusters-database/elephants-afraid-mice.htm>.

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Rising U.S. crude oil output could buoy bus industry

The significant growth in U.S. crude oil production, which recently overtook imports for the first time in 18 years, should help the motorcoach industry by possibly keeping a lid on fuel prices.

U.S. oil production reached 7.74 million barrels a day in mid-November, topping the 7.59 million barrels of imports.

Within 12 months, the U.S. Department of Energy expects 8.8 million U.S. barrels daily and 6.2 million from imports, a sharp contrast to mid-2010, when imports were nearly double domestic production.

However, experts caution there's no certainty higher domestic oil production automatically will lower diesel fuel prices.

"Hopefully, the additional production will help keep a lid on prices, but it won't necessarily decrease the price of diesel significantly," said one expert.

"The more domestic oil that we produce, the better it is in terms

of security, deliverability and supply for refiners," noted Dan Kish, senior vice president for policy at the Institute for Energy Research in Washington. "That ought to temper price increases."

Others aren't so optimistic higher oil output will bring down recent diesel price levels.

Little price impact

"The boom in domestic crude oil production has had very little impact on diesel prices, and this will remain the case because diesel prices are driven by development of global markets," said Derik Andreoli, senior analyst at Mercator International, who specializes in transportation and energy issues.

"Any movement in future prices will be driven by the relative rates of growth of global supply and demand."

Department of Energy analyst Sean Hill said the lower price of

West Texas Intermediate crude, relative to the Brent Crude price mostly used overseas, has encouraged exports.

In other words, domestic oil and fuel producers will sell where they can get the best price. And that very well may be overseas.

Over the past 12 months, West Texas Intermediate crude on average has been about \$10 per barrel cheaper than Brent, according to data compiled by *Bloomberg News*.

Diesel exported

The United States was projected to export 1.1 million barrels of diesel fuel in 2013, nearly triple gasoline exports that have been declining over the same period.

"If the domestic price of diesel doesn't remain high enough, and since diesel is in high demand in other markets, refiners will export it," said one industry specialist.

Kish believes exports of diesel could moderate if the two crude

prices were more comparable.

Hill noted that higher domestic production already has had some positive effects on fuel prices.

"We already have seen the effects of [domestic production]," Hill said. "We have seen diesel and gasoline prices falling steadily. I would expect more of the same."

Differing demand for gasoline and diesel also are having an effect on fuel prices.

"We are awash in gasoline," Hill said, as demand for gasoline has fallen 6 percent since 2007.

Meanwhile, diesel demand has been flat over the past several years, though production is increasing by refiners seeking to capture higher margins overseas, he added.

Keystone impact

The gap is likely to narrow once the northern portion of the Keystone XL pipeline is approved and completed, opening the way

for more Canadian oil, Kish said.

TransCanada plans to start deliveries from the southern portion of its pipeline Jan. 3 to Port Arthur, Texas, via Cushing, Okla., *Bloomberg News* reported.

TransCanada split its original Keystone XL project after President Obama rejected a prior route last year on fears its path through the Midwest would threaten ecologically sensitive lands.

Andreoli said the Keystone Pipeline relieves a "transportation bottleneck."

"Much of this oil is being transported by rail, which is a much less efficient mode than pipeline," Andreoli said.

"This bottleneck has caused a fairly steep discount to emerge for crude from these regions, but the benefit of the lower prices has not, for the most part, been passed along to consumers of diesel precisely because diesel is stable and can be easily exported from refineries."

Trucker group sues California over filter rule

SACRAMENTO, Calif. — The Owner-Operator Independent Drivers Association filed a lawsuit in a California federal court last month, seeking to block implementation and enforcement of the state's Bus and Truck regulation requiring out-of-state carriers to install soot filters on their vehicles. (See Dec. 15 *Bus & Motorcoach News*.)

The association asked the court to permanently enjoin the California Air Resources Board from implementing or enforcing the regulation against vehicle owners or operators who reside and/or conduct business primarily outside California.

"CARB has overstepped its bounds by requiring trucks from other states to be upgraded in order to operate in California," Jim Johnston, president of OOIDA, said in a statement.

OOIDA said the CARB regulation violates the Commerce Clause of the U.S. Constitution, which prohibits state laws and regulations that discriminate against interstate commerce or unduly burden interstate commerce.

"It puts out-of-state truckers at a disadvantage because the cost to upgrade is disproportionate to the number of miles traveled in the state of California," Johnston added.

Dispute aired over renewable fuel standard

WASHINGTON — The U.S. Environmental Protection Agency's Renewable Fuel Standard, which covers the production of biodiesel blended into oil-based diesel fuel, has moved up the controversy ladder in Congress.

Senators are questioning the usefulness of the standard, with some calling for the abolition of the federal subsidies behind it and others saying the standard should be modified to accommodate changes in the nation's energy sector.

The Senate's Environment and

Public Works Committee heard from government officials and industry executives last month on the workings of the fuel standard, which sets production and blending-rate goals for biodiesel and three other types of fuel, including corn-based ethanol.

"The Renewable Fuel Standard is fundamentally flawed and limps along, year after year," said Sen. David Vitter of Louisiana, the ranking Republican on the Senate environment and public works panel.

He said the standards hurt consumers by driving up food prices.

Sen. Benjamin Cardin, D-Md., said he wants to keep the program intact, but worries that diverting corn into fuel production harms poultry producers who need to buy the grain to feed their animals.

An oil company lobbyist asked Congress to repeal the program, and a farmer said the standard helps American agriculture.

Biodiesel producers bristled after the Environmental Protection Agency published a regulatory

proposal late this fall calling for biodiesel production to remain flat at 1.28 billion gallons a year through 2015.

The National Biodiesel Board was seeking an increase in the Renewable Fuel Standard level to 1.7 billion gallons in 2014.

While a few over-the-road commercial vehicles burn pure biodiesel, known as B100, more commonly the biofuel made from vegetable or animal oils is blended into conventional diesel fuel at rates of 2 to 20 percent.

U.S. carbon emissions are lowest since 1994

WASHINGTON — U.S. carbon dioxide emissions declined last year to their lowest level since 1994 and more than 12 percent below the 2007 peak, according to data released by the U.S. Energy Information Administration.

The transportation sector played a major role in the decline.

During the past 23 years, since

1990, only 2009 saw a larger percentage decrease in emissions than 2012, the EIA said. The '09 drop was largely due to the economic contraction.

The transportation sector's role in the decline resulted from more reduced-emission and energy-efficient vehicles on the road. Total vehicle-fleet efficiency improved

16 percent between 2007 and 2012.

Transportation-sector emissions in 2012 were well below those for 2007.

Given its surge in popularity, natural gas also contributed greatly to the 2012 decline in emissions, principally because of its lower carbon energy intensity.

Budget deal addresses drilling issue

WASHINGTON — The bipartisan federal budget deal reached last month between members of the U.S. House and Senate to keep the federal government from shutting down, contains a little-known provision on drilling for oil and gas.

It would open up new parts of the Gulf of Mexico that have been

off limits since 2000, according to the *Huffington Post*.

It sets standards for both the U.S. and Mexico to undertake development in an area known as the Western Gap, and has already won approval from both the Obama administration and Mexico.

The deal has received some criticism from environmental groups.

Even lawmakers who aren't exactly in favor of the plan are supporting it, pointing out that without the new law, there would be no rules when it comes to drilling in the area because a moratorium on drilling in the area expires at the end of the year.

As natural gas has boomed, the EIA report found, there has been an overall decline in renewable power generation, with hydropower seeing a drop of almost 50 billion kilowatt-hours in 2012. Wind, however, saw a slight uptick of 20 billion kWh last year, and coal power generation plummeted by 215 billion kWh.

The residential sector was the largest contributor to the overall decline in 2012, with the help of an unseasonably warm first quarter resulting in reduced energy use.

And, on top of a decline in residential-energy use, the EIA also noted a 4.8 percent decline in electricity-system losses, "implying an efficiency increase in electricity generation, transmission and distribution."

Maintenance session tackles tough issues, finds answers

LOS ANGELES — OK, pick up your favorite No. 2 pencil and take a pop quiz on the subject of motorcoach maintenance.

Question No. 1. Provide definitions for the following 2010 engine emission component terms: (a) DPF, (b) DEF, (c) SCR, (d) EGR, and (e) DOC.

No. 2. How often are motorcoach emergency exit windows required to be checked and the inspection documented? (a) weekly, (b) 30 days, (c) 60 days, (d) 90 days, (e) all of the above, (f) none of the above.

Those aren't simply tough questions.

Topics like emissions and safety equipment are among the scores of subjects routinely discussed at length and in detail during the Maintenance Interchange at UMA Motorcoach Expo each year.

One of the best-attended events at Expo, the Maintenance Interchange is a day-long forum where mechanics, technicians, maintenance supervisors, company owners and others with maintenance responsibilities get to the nitty-gritty of real-life, everyday maintenance issues and challenges.

They exchange ideas about products and services, ask questions and share solutions.

"It can be anything from an engine issue to a shop equipment issue, questions about tires to brakes, personnel issues. It can be an OSHA issue," says Kevin Whitworth, president and CEO of Whit-

worth Sales in Miamisburg, Ohio, who has coordinated the event since its inception in 1999.

"It's the whole gamut of how you operate and take care of a fleet of motorcoaches, and also the people who are involved in that."

Here's how the Interchange works: Prior to the event, participants send Whitworth questions on a range of topics, from how to properly install a 110-volt electrical system on a coach, to how to adjust the ride height on a refurbished bus.

Then, he says, "I bring 150 copies of all these issues, ideas, whatever, and we start at the top and go to the bottom. We're in that room, except for lunch, all day."

The simplest to the toughest problems are discussed and usually resolved.

"If you think about this, in that room of 100-150 people, there's going to be more than a thousand years of maintenance experience, and somebody can probably help you," says Whitworth, the former operator of a successful motorcoach company.

At the end of the day, there's a "last call."

"We go through each category again, and we give time for those people who have thought up a new question or didn't have time to send a question in," he says.

A unique feature of the Interchange is its closed-door policy.

There are no vendors, manufacturers or sales personnel al-



Kevin Whitworth uses humor to guide discussions.

lowed, so the forum engenders frank and open discussion, and allows participants to air grievances about vendors' products, services and business practices.

"We've had some who (are) told, they are the only one having (a particular) problem," Whitworth said.

"And 15 other participants are sitting there laughing because they've been told they're the only one who has the problem. It's not uncommon, and the industry is getting better at resolving our issues."

What's more, participants are encouraged to mix and mingle during breaks and at lunch.

"The networking part is huge," he says. "If you're a charter bus

operator in Long Beach, Calif., and you've got a motorcoach in San Diego, and your driver calls with a problem, it's comforting to know you've met a couple of operators from San Diego at Expo who can help you."

The Interchange also features a Maintenance Competition, which allows participants to test their knowledge and skills in a rigorous, two-part contest that involves a written test at the end of the Interchange, and a timed, hands-on coach inspection the following day.

Since its introduction in 2007, the contest has become a highly competitive match up, the maintenance version of the Super Bowl, and routinely draws up to two-dozen, top-flight mechanics and main-

tenance technicians.

"It's difficult. We spend time each year to change the written, as well as the hands on inspection," he says. "We've only ever had one person get a perfect score on the written test and another on the hands-on inspection."

Winners earn bragging rights, cash prizes and commemorative plaques.

"Imagine having the 'rand Champion as your mechanic and their plaque hanging in your lobby," he says.

As proof of what it takes to be a champion, check out those quiz questions. They were taken from the written portion of a past competition.

And what are the correct answers?

"I would challenge people to look up the sample questions," Whitworth says. "Or, for the owner to walk into his or her shop, and hand them to their mechanic. The definition of terms and knowledge of regulations are part of our industry."

In any case, technicians and others are likely to find answers to maintenance issues and various other topics at the 2014 Maintenance Interchange from 9:30 a.m. to 4:30 p.m. Monday, Feb. 17.

The Maintenance Competition written test is given at the conclusion of the interchange on Monday, and, the hands-on competition will be from 6:30 to 11 a.m. Tuesday, Feb. 18.

Motorcoach Marketing Council to reprise auction at UMA Expo

LOS ANGELES — The Motorcoach Marketing Council is soliciting donations for its fourth-annual silent auction held in conjunction with UMA Motorcoach Expo.

Money raised by the auction is used to help fund the council's campaign to promote motorcoach travel.

"The council's campaign should 'touch' all who are in the industry," said council Chairman Autumn Dipert Brown.

"More motorcoach travel means more traffic for our industry partners, whether it is purchasing additional equipment or parts and service, putting heads in beds, or more business for attractions, theatres and destinations."

The council is asking industry vendors, suppliers and operators to donate goods or services for the 2014 council silent auction.

"In addition to helping the Motorcoach Marketing Council's cam-

paign, supporting this auction is a great way to get your message out to a targeted audience and your product in front of thousands of qualified prospects," said Brown.

"We are pleased the event will be hosted by both the United Motorcoach Association and the National Tour Association at Travel Exchange in Los Angeles, Feb. 16-20."

All donations and donors of items valued in excess of \$100 will

be recognized in the Expo Show Catalog, which will be distributed in the welcome bags of both UMA and NTA attendees. Items or packages valued at over \$1,000 will be featured in pre-show promotion and marketing efforts as well.

To participate, go to www.motorcoachcouncil.org/auction, or request a donation form from Linda Morris, the council administrative assistant, or send an email (requesting information and a form) to [\[tion@motorcoachcouncil.org\]\(mailto:tion@motorcoachcouncil.org\).](mailto:auc-</p>
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Questions should be directed to Morris at (434) 376-1150.

Donation forms must be received prior to Jan. 10 to be included in the catalog.

So, don't dally.



Autumn Dipert Brown

National Tour Association opens convention to travel agents

LOS ANGELES — There will be a group of first-time attendees at the NTA Convention at Travel Exchange here in February: travel agents.

Agents will participate in the convention on Feb. 19 and 20, the last two days of the event.

The NTA Convention is conducted simultaneously with UMA Motorcoach Expo. The two trade shows will be co-located in the Los

Angeles Convention Center.

"We know that having more buyers attracts more sellers, so the addition of travel agents — plus more operators — will make for a more robust business environment in L.A.," said NTA Chairman and CEO Mark Hoffmann. "We can expect a West Coast windfall for our members at Travel Exchange."

And for travel agents who may not get close to the motorcoach

industry on a regular basis, Travel Exchange also will give them an opportunity to climb on board the latest coaches, experiencing firsthand their comfort, luxury and convenience.

NTA said it has created a special networking session that will allow travel agents to meet with participating tour operators and then visit with destination representatives.

In addition, the travel agents

also will be able to mingle with NTA members at luncheons, education seminars and social functions, and wander the expansive NTA/UMA Expo show floors.

To spread the word about the travel agent program at Travel Exchange, NTA is working with the Association of Retail Travel Agents and other agent groups.

While all agents are welcome, it is expected that most who attend

will come from Southern California.

"Travel agents and tour operators are already great tourism partners," said Suzanne Slavitter, owner of Lakewood, Calif.-based Sports Empire and chair of the NTA Travel Agent Task Force, "and now we've got a place where we can strengthen those relationships while building new business together — Travel Exchange."

People

SAN FRANCISCO, Calif. — The *San Francisco Business Times* has named *Gary Bauer*, CEO and founder of **Bauer's Intelligent Transportation**, one of the Bay Area's Most Admired CEOs of 2013.

Bauer received the award, honoring excellence in leadership, in the select categories of Small and Private Company, and 100 to 500 Employees. Bauer's has about 415 employees.

Starting with the purchase of a used Cadillac in 1988, Bauer has grown his company to more than 200 vehicles, including a fleet of motorcoaches.

In reporting Bauer's selection, the *Business Times* said that during the past three years, company revenue "has risen from \$16 million an-

nually to \$27 million. Bauer is known as a chief executive who leads by example, inspiring and guiding his workers."

Earlier this fall, the company was presented with the 2013 Motorcoach Operator of the Year award by the **California Bus Association** for the firm's commitment to safety and green initiatives.

RIVERSIDE, Calif. — **Fleet Financing Resources** has appointed *Rick Negrete* as senior portfolio manager.

In his new position, Negrete will manage the Fleet Financing Resources portfolio, including collections, recoveries and litigation.

Negrete has 20 years of experience in both equipment and com-



Gary Bauer

mercial financing.

Most recently, he was the portfolio manager for **Edson Financial**, the captive finance company for **Krystal Enterprises**. Prior to that, he was collection manager for **ORIX Financial Services**, and a collector at **New Era Funding Corp.**

TORONTO — The **Ontario Motor Coach Association** has honored *Ray Burley* for his long service to the association by presenting him with the OMCA's most prestigious prize — the Lifetime Achievement Award.

Burley, who is president of **Bering Consulting** and for the past two years has worked with **Davy Truck Sales** of Mississauga, Ont., served as the chair of the OMCA board and was a long-time member of both the executive committee and the board.

He also volunteered countless hours as an active member of a

number of committees, including the **Ontario Transportation Expo**.

Said OMCA President and CEO *Doug Switzer*: "It really was a great honor to be able to recognize Ray's lifelong commitment to the coach industry. ... He is truly deserving of the recognition."

WASHINGTON — **U.S. Department of Transportation** Deputy Secretary *John Porcari* left the department Dec. 31.

Porcari headed the **Maryland Department of Transportation** until President *Barack Obama* chose him to serve under former Transportation Secretary *Ray LaHood* in 2009.

Federal Highway Administrator *Victor Mendez* is serving as acting deputy secretary.

Federal Motor Carrier Safety Administration Administrator *Anne Ferro* has been mentioned as a possible successor to Porcari.

Calendar

JANUARY 2014

11-15 ABA Marketplace 2014, Music City Center, Nashville, Tenn. Info: www.buses.org.

13-15 IMG Maintenance & Safety Meeting 2014, Music City Center, Nashville. Info: www.imgcoach.com.

FEBRUARY 2014

16-20 UMA Motorcoach Expo 2014 at Travel Exchange, Los Angeles Convention Center. Info: www.motorcoachexpo.com.

16-20 NTA Convention 2014 at Travel Exchange, Los Angeles Convention Center. Info: www.ntaonline.com.

Quick Strike

CONTINUED FROM PAGE 1

investigators were dispatched from April through November to conduct in-depth reviews into the patterns and practices of the 250 most at-risk motorcoach companies, identified using roadside inspection and safety data.

"Company-wide failures to adequately maintain their buses, inadequate drug and alcohol driver testing programs and widespread hours-of-service violations were among the reasons companies were shut down," the release continued.

"In addition, inspectors assessed the levels of safety for more than 1,300 carriers that had minimal inspection history or data with the agency. More than 240 have

been targeted for follow-up investigations."

A news report issued by the Associated Press listed three carriers that have reopened since they were put out of service during Operation Quick Strike — Transouth Motorcoach of Georgia, Lucky Star of Massachusetts, and DAPTCO Motor Coach Services of North Carolina.

The AP story noted, "Operation Quick Strike' came partly in response to major crashes of carriers that, despite dismal safety records, the agency had let continue operating."

FMCSA Administrator *Anne S. Ferro* told the wire service that the 52 companies that were shut down "put safety by the wayside in order to compete in a very tight market."

Compliance vs. safety

Dru B. Carey is a New York City criminal defense lawyer who has represented some of the companies shut down by FMCSA this year. When she began working with motorcoach compliance cases she was surprised to learn how harsh government actions could be.

"There is clearly a difference between compliance and safety," she said. "It seems valid that FMCSA wants people to be more rigorous in their compliance, for sure."

"My question for my clients is always: 'Do we really have to put all of these companies out of business for an indeterminate length of time?' In this economy, is this where we want government to focus its energies — on the annihilation of this middle class of Amer-

ica? These small companies are middle class.

"I am not going to argue for an unsafe bus company to be left in business. But there is a big distance between somebody who hasn't been compliant and somebody who hasn't run a safe company."

Punishment fit crime?

Carey also believes FMCSA enforcement practices do not sufficiently distinguish paperwork errors from safety lapses.

"Not filling out your log book repeatedly — I'm not saying that is not important. But I am saying we should have a procedural process put in place that is known and timely," she said.

Out-of-service orders should be accompanied by scheduled procedures for returning the carrier to the road, she contends.

"There are very few time frames in their procedures. In some cases this is the death penalty, putting a carrier out of business for four months or six months or a year," Carey said.

"These people have to keep paying for their insurance, their offices, their maintenance facilities and their buses. That is a big chunk of change. They have tens of thousands of dollars payable monthly, and the government is taking away their right to operate."

"There seems to be a lack of due process in prosecuting these cases. If a carrier is doing something wrong they should be warned or put out of service. If they are put out of service, that is where the lack of due process comes in."

"It is one thing to crack down on people who are not being safe. It is another thing to have no regulation that covers time periods and penalties. My clients who are in jail and charged with committing violent offenses have more due pro-

cess than these bus companies."

Earlier inflated 'sweep'

In June 2012, FMCSA announced that a year-long investigation, which the agency called "an unprecedented sweep," had shut down 26 operators.

That announcement and claim was widely reported by major news media, but independent research determined that only six of the companies had "active" operating authority when shut down. There were 13 "companies" that were "inactive" at the time and six that had never been activated.

The sweep actually shut down three companies that were operating under six different names. The companies, declared imminent safety hazards, were transporting 1,800 passengers daily along Interstate 95 between New York and Florida.

More to come?

Still, the motorcoach industry can expect continued emphasis on inspection procedures by FMCSA during 2014, according to quotes included in last month's press release.

"This year we evaluated and enhanced our investigation methods to dig deeper than ever before and uncover dangerous patterns of unsafe behavior and business practices," said Ferro. "Now we are training all investigators to utilize the new tactics we employed during Operation Quick Strike."

"Bus travel is increasingly popular because it is a convenient, inexpensive option for students, groups and families," said U.S. Transportation Secretary *Anthony Foxx*.

"But it must also be safe. Through Operation Quick Strike and our regular enforcement efforts, we're shutting down companies that put passengers at risk and educating the public on safe motorcoach travel."

Stagecoach

CONTINUED FROM PAGE 3

improved profitability, the company said, were megabus and the operations acquired when Coach America was broken up in bankruptcy last July.

Stagecoach also noted that there is "significant geographical variations" in its U.S. business.

For example, its Shortline commuter service running in and out of New York City is performing strongly, while its airport services between Indiana and Chicago airports are "experiencing

challenging trading conditions."

Other factors impacting the latest results include increased claims costs from crashes, and reduced sub-contracting of megabus services, resulting in lower costs.

In October, Coach USA sold Raz Transportation of Portland, Ore., which it had acquired from Coach America, to DMC Transport for \$800,000, and sold several small operations in Canada to Pacific Western Transportation for \$4.6 million Canadian.

The Canadian sale included the remaining school bus operations in Peterborough and Whitby, Ona-

trio; a local transit contract, and services to Pearson International Airport in Toronto.

Capital spending in North America by Stagecoach during the first half of fiscal 2014 totaled \$23 million, down from \$85.5 million during the same period a year earlier.

Corporate wide, Stagecoach Group reported that revenue in the half year ending in October grew by 5 percent to 1.47 billion pounds (\$2.39 billion) from 1.40 billion pounds (\$2.28 billion) a year earlier.

Net profit also rose 5 percent to 78.9 million pounds (\$128.5 million).

When FirstGroup purchased Laidlaw nearly seven years ago, and got Greyhound as part of the deal, it attempted to sell Greyhound — but found no takers.

Greyhound is a different company than it was in 2007, but whether a buyer could be found, that would pay anything above a fire-sale price, remains uncertain and speculative.

the financial press generally said now was not the time to try to sell the U.S. businesses because of the stagnant U.S. economy and the difficulty of making the American businesses attractive to potential buyers.

"You would want to sell against a backdrop of a strong U.S. economy, not an improving one," said one analyst.

FirstGroup

CONTINUED FROM PAGE 3

British bus business and to bid from a position of strength when the next round of rail franchises come up.

FirstGroup rejected the proposal, saying it contained structural flaws and inaccuracies.

Business analysts quoted by

TSA officials defend plan for industry security measures

ASHBURN, Va. — While the U.S. Transportation Security Administration still has not completed two security rules proposed seven years ago for the bus and motorcoach industry, industry executives should not fool themselves into thinking the need for the rules has gone away, a TSA official told motorcoach safety executives here last month at the United Motorcoach Association annual Safety Management Seminar.

“The biggest enemy we’re facing today is complacency,” said Bill Arrington, who carries the cumbersome title of branch manager, industry engagement branch, surface division, Office of Security Policy and Industry Engagement.

“As Americans, we tend to forget what got us here in the first place,” he said, warning that terrorists are still out there, testing our systems, and will test “your systems.”

Buses, and school buses in particular, are what he called an “untethered threat,” since they can get close to anything.

With 65 school buses stolen last year, which of those might be filled with an improvised explosive device and driven close to, say, a stadium during a major sporting event? he asked.

“If you think your industry is exempt from a terrorist attack, then you are setting yourself up,” he asserted, noting that buses are common targets for terrorists operating abroad.

Although there is no timeline for when the TSA’s proposed training and security planning rules

will be issued, Arrington said the agency continues to work with the industry to help it increase security. (See Aug. 15 and Dec. 1 issues of *Bus & Motorcoach News*.)

Arrington said the TSA is not interested in issuing fines but in helping the industry improve its security.

Sharing information

Another TSA official, David Cooper, said information-sharing is key to the agency’s efforts, and one of the best ways for companies to stay on top of the most current security information, including access to security products TSA makes available to private companies at no charge, is to join the Homeland Security Information Network.

Cooper is industry engagement manager—highway, industry engagement branch, surface division in TSA’s Office of Security Policy and Industry Engagement.

To join the Homeland Security Information Network, or to request information on the TSA security products offered at no charge, companies should email the agency at highwaysecurity@dhs.gov, Cooper said.

One product that could help companies prepare for the proposed requirements of the pending TSA security training rule would be to obtain a copy of the *Operation Secure Transport DVD*, Arrington said.

While he noted the DVD does not directly reflect the requirements of the still-to-be-issued rule,

TSA plans ‘bus targeting’ exercise

ASHBURN, Va. — The Transportation Security Administration will conduct a security exercise later this month in Tallahassee, Fla., on how to handle an attack targeting a bus.

Motorcoach operators are invited to attend and participate in the Jan. 22 exercise at the Florida Law Enforcement Academy on Phillips Road.

Speaking at the United Motorcoach Association annual Safety Management Seminar, David Cooper of the TSA Office of Security Policy and Industry Engagement, said the exercise will deal with “active shooter (and hostage) scenarios,” and will involve industry representatives, along with officials from law enforcement, transportation and security agencies.

The exercise, called “Assailants Targeting Buses,” is designed

to bring various groups together to determine what can be done to handle attacks involving buses, how to prevent such situations, and to develop recommendations that will be distributed widely, said Cooper.

The “regional full-scale event” is being conducted as part of the TSA Intermodal Security Training Exercise Program and in conjunction with the Over-the-Road Bus Working Group, according to the event invitation.

The exercise will be in two parts: A morning session involving an “energetic” exchange of ideas, and an afternoon session consisting of “several fully operational security demonstrations, exercises, and drills.”

“Participants will get an opportunity to see firsthand what options motorcoach operators have calling it “one of the most important tools we have created.”

To stay on top of the latest security information, companies should consider subscribing to the Over-the-Road Bus Information Sharing and Analysis Center (OTRB ISAC) daily report, Cooper said.

There also is a recently updated Motorcoach Counterterrorism guide, available both as a brochure and more recently as a smartphone application.

Bus and motorcoach operators may request the products by emailing the agency.

“If you have not already done so, please avail yourself of this,” he said.

While the security rules for the industry remain in the planning stage, Cooper said that is not keeping TSA from helping the motorcoach industry plan for security issues.

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“Assailants Targeting Buses,” is designed

to prevent and minimize a potential attack lodged against their bus,” the invitation states.

While the event will include a variety of scenarios involving attacks on buses, there currently are no known specific threats facing the industry, according to Bill Arrington, also of the TSA Office of Security Policy and Industry Engagement.

“There is no actionable threat against the (over-the-road bus) community as we stand here today,” he said.

Nevertheless, “training such as this affords stakeholders the opportunity to be prepared in the event threats against the motorcoach industry should arise in the future,” says the invitation.

There is no charge to attend the exercise; motorcoach operators may register at <http://tsa-istepexercises.com/hmctallahassee2014/>.

Going forward, Cooper said he’s trying to expand his motorcoach industry contact list and plans to push out as much security-related information to the industry as possible.

“In the very near future you’re going to be getting a lot of emails with a lot of attachments and documents, to the point where you’re probably going to get tired of it,” he said.

“I would rather push it to you and have you delete it and say, ‘I don’t want it,’ than not get the information out at all.”

Driver fatigue

CONTINUED FROM PAGE 1

ral morning people and night owls.

As a partial mitigation, during the hiring process companies should ask candidates if they are more comfortable driving in the morning or at night, and assign accordingly.

Even taking that into account, requiring drivers to work irregular hours, including late night or early morning hours, will nevertheless interfere with the body’s natural rhythms and will lead to fatigue, which increases the risk of driver mistakes and catastrophic errors.

Schedules that increase the risk of fatigue-related accidents include any:

- Continuous driving between 11 p.m. and 7 a.m. on a regular basis
- Schedule that requires continuous driving between 11 p.m. and 7 a.m. on the first night back from days off (with the driver sleeping at night)
- 10-hour shift that starts between 8 p.m. and 2 a.m., since most people will not be able to sleep immediately beforehand
- Shift that regularly starts after 2 a.m., which is considered an early morning or day shift

• Irregular daily shift start times day to day and week to week, since the body doesn’t cope well with flip-flopping schedules

• Combination of schedules that results in a driver on the road after 16 hours of wakefulness

• Combination of schedules that do not allow for two periods of night sleep after four or five periods of night driving

• Multi-day trips where the driver is forced to sleep one night and drive the following night, also known as rapid flip-flopping

• Combination of schedules that lead to extended mid-shift breaks (split shifts) where early starts and

late finishes are required

• Trips where a driver has to do an overnight run but normally sleeps at night

• Schedule where drivers have the opportunity to use cruise control at night

Companies may evaluate the risk they face from fatigued drivers by examining their insurance claims for minor accidents characteristic of fatigued drivers, such as sideswipes and rear-end collisions

“This is the clue to everyone in this room that you have a schedule that is pushing people, a schedule that is hard to manage with your staff, a schedule that is hard to manage with your customers or your vehicles,” said Crescenzo.

“So look at your lesser claims in order to see if that’s going to lead you to your larger claims.”

One way companies may avoid these kind of risky schedules is simply to reject requests to drive overnight.

Often, Crescenzo said, schools or other groups ask to schedule an overnight bus so their passengers may sleep en route and arrive at

their destinations in the morning. Everyone gets to sleep on the bus except the driver.

It might be in your best interest to educate customers about the risks involved with this practice and decline such requests, Crescenzo said.

For motorcoach companies that decline such trips, “that’s probably one of the most significant fatigue-management elements you can add into your business to make your business profitable and successful,” he said.

“From a risk-management perspective, my recommendation would be ‘Don’t do those trips,’ and the more education provided [to customers] about the dangers of being on the road at those hours, and the difficulty of managing these trips, the greater the likelihood of reducing your risk.”

Of course, rejecting a trip could cost the company money, but even a minor accident likely would cost significantly more, he noted.

“Tired drivers should not drive!” was the message he hammered home.

Training videos

CONTINUED FROM PAGE 1

but the quality isn’t necessarily significantly improved, Petrunak said.

One popular and inexpensive option is the GoPro series of cameras, which are small and unobtrusive, and are easily attached to a variety of camera mounts.

Petrunak showed a training

video that had such a camera strapped to the top of a bus driver’s head, so whenever the driver turned his head the video showed exactly where the driver was looking.

Drivers who wore the cameras and then viewed the videos were amazed at how actively they looked around while on the road, Petrunak noted.

Just as PowerPoint-presenta-

tion software once seemed daunting but is now easily mastered, so too is the movie editing software, he said.

It is template-based with easy-to-use special effects and drag-and-drop features, so video clips may be easily manipulated and edited.

“You can all do a PowerPoint presentation,” he said. “You’re all using the technology.”

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FMCSA official provides wide range of regulatory tips

ASHBURN, Va. — Bus and motorcoach operators need to remember to update their USDOT numbers according to the strict schedule laid out under the Federal Motor Carrier Safety Administration's new Unified Registration System, a top FMCSA bus industry regulator said here last month.

That was just one of a number of reminders and suggestions offered by Peter Chandler, team leader with the FMCSA Commercial Passenger Carrier Safety Division, during the United Motorcoach Association annual Safety Management Seminar.

Under the Unified Registration System rule, which ultimately will consolidate all FMCSA operating authorities under the single USDOT number, carriers must update their information with FMCSA every two years, or risk having their USDOT number become inactive.

Companies with an inactive USDOT number are prohibited from operating in interstate commerce and, if they continue to operate, are subject to civil penalties.

"It's really important," Chandler said of keeping company information updated with FMCSA. "It's a lot more serious now."

Straightforward process

The process, however, is straightforward.

Looking at a company's existing USDOT number, the second-to-last digit indicates the year in which the

company must update its information: if it's an odd number, it must update in an odd-numbered year.

And, if it's even, it must update in an even-numbered year.

The last digit of the USDOT number indicates the month in which the company must update, Chandler said.

While companies may update their information at any time, they are still required to have it updated in the month and year dictated by their USDOT number, Chandler warned. FMCSA will start to send warning letters to companies 30 days in advance of their update deadlines.

Watch for charlatans

Also, since basic company information is made public during registration and updates, Chandler warned carriers of aggressive marketing tactics that have cropped up targeting the industry.

Some carriers have been contacted within minutes of registering with the FMCSA with business solicitations made to appear as if they are from government officials, he said.

If there is any question about the source of an email or phone call, Chandler advised industry executives to get a phone number and return the call. Alternately, they may call (800) 832-5660 for assistance in verifying they are dealing with a U.S. government official or authorized contractor.

"It's something to be cautious

about," he said. "If, in any way, it appears to be suspicious, be careful."

Chandler also urged carriers not to confuse the federal URS and its requirements with the Unified Carrier Registration system, which is a separate state-based registration system. (See Nov. 15 *Bus & Motorcoach News*.)

ADA nuances

On another topic, Chandler addressed some of the Americans with Disabilities Act requirements that apply to the motorcoach industry and which he said appear to be causing confusion.

Under ADA, if a large motorcoach company — currently defined as having annual revenue of \$9.5 million or more — operates a fixed-route service, all of the buses on that route must be accessible.

The regulation does not consider the length of any contract to perform that fixed-route service, he warned. Therefore, large carriers that use over-the-road buses to operate a temporary fixed-route service, such as regularly scheduled parking lot shuttles at golf tournaments, are subject to the ADA equipment requirement.

But since the FMCSA's ADA regulatory authority is limited to over-the-road buses, companies could get around that equipment requirement by using other vehicles, such as mini-buses, he noted.

By contrast, Chandler said, a group that requests a regular gig,

such as a senior group that goes to a casino every second Tuesday of the month, would be considered a demand-responsive service and not a fixed route.

For demand-responsive service, which is ultimately the same as charter/tour service, all motorcoach companies, regardless of size, must provide accessible service within 48 hours of an ADA request.

If the carrier that has received the request cannot provide that service, it must find another company to do so within 48 hours. Simply referring the requestor to another company is not acceptable, he said.

Having a plan

"You need to have a plan to provide accessible service and it's up to you to provide that plan," Chandler said. "The best way to do that is to have a fleet with accessible buses, and as a backup have an arrangement with another company that has accessible buses."

Chandler said he had encountered a persistent rumor that small carriers, with only a few over-the-road buses, believed themselves to be exempt from ADA requirements. They are not, he assured the audience.

Regarding upcoming FMCSA rulemakings, Chandler discussed the agency's proposed rule, issued earlier this fall, involving the leasing and interchanging of buses. The rulemaking was prompted by a National Transportation Safety Board recommendation in the wake of a

2008 motorcoach accident near Victoria, Texas.

In that accident, investigators found a Mexico-based company had leased its equipment and drivers to another company, which provided virtually no operational control. By doing so, it effectively avoided FMCSA oversight.

While the comments for the proposed rule were due in November, one attendee asked how this proposed rule would affect leasing between sister companies, which have more than one USDOT number.

Chandler said he had not reviewed the entire docket, but would keep the question in mind in case it hadn't been raised in the comments.

Medical certificate change

Chandler also reminded the audience that — after May 21 — all commercial motor vehicle drivers seeking a medical examiner's certificate must use a certified medical examiner who is on the agency's national registry.

The national registry web site may be found at <http://nrcme.fmcsa.dot.gov>, where companies may find a certified medical examiner and gather more information about the program. They may also call (617) 494-3003.



Peter Chandler

Official: Accidents, not criticism, prompt FMCSA action

ASHBURN, Va. — Remember Paul Harvey, the long-time radio commentator?

He of "and-now-the-rest-of-the-story" fame?

This is a rest-of-the-story story.

In November, the National Transportation Safety Board recommended the U.S. Department of Transportation audit the Federal Motor Carrier Safety Administration because a quartet of bus and truck accidents had raised serious questions about the efficacy of agency motor carrier investigations.

A long-time FMCSA official, Wes Barber, says the agency began re-evaluating and stepping-up its safety enforcement of the passenger bus industry well before the NTSB released its critical report.

After the accidents, FMCSA officials decided "we need(ed) to get to the root causes in the industry," Barber, an FMCSA commercial passenger carrier safety division transportation specialist, told *Bus and Motorcoach News* at the United Motorcoach Association annual Safety Management Seminar here last month.

The effort started "as far back as February and really kicked in around

April 1." The resulting agency initiative was given a name: Operation Quick Strike.

The NTSB, which only has advisory powers, faulted the FMCSA for cracking down on unsafe bus and truck operators after the companies had major accidents, despite earlier evidence the operators might be unsafe.

Getting at root causes

But months before the report was released, FMCSA officials realized they had a problem and began taking action to crack down on unsafe passenger bus operators by developing and implementing the Quick Strike program, Barber said.

The two bus incidents that were catalysts for the program involved a crash near Pendleton, Ore., on Dec. 30, 2012, that killed nine passengers, and one near San Bernardino, Calif., Feb. 3 that killed eight.

In the weeks following the crashes, FMCSA officials put together a program to train 50 special investigators who would be deployed to probe problem operators and to take aggressive action where needed.

The accidents "really led the department, from the [DOT] secretary

to [FMCSA] Administrator Ferro, to reexamine what we're doing as an agency to get at the root causes of the crashes," Barber said.

Under Quick Strike, the agency identified 250 potential problem carriers and sent investigators out in teams of two to perform exhaustive inspections.

Sobering results

The results of the investigations "were quite sobering," Barber said, with 160 enforcement actions being taken against operators, including 1,302 vehicle inspections that resulted in 26 percent of vehicles being put out of service — even though operators had been warned in advance of the inspections — and 3,125 violations.

There were 60 notices of unsatisfactory fitness ratings, and 15 carriers were declared "imminent hazards."

"It shocks the conscience that the carriers are in such a state that they were declared an imminent hazard," he said.

In general, FMCSA investigators are now digging much deeper in their investigations than in the past and are going well beyond simply examining

company paperwork, Barber said, resulting in much longer and more intensive scrutiny.

"Here is the key to comprehensive safety investigations: What's behind the paperwork?" he said

For example, investigators examined a long-established carrier with 30 large buses, and talked to the company's veteran maintenance inspector. The agency investigators found the company paperwork to be in order.

Knowledge of the basics

But, when investigators talked to the inspector, he couldn't say what an Appendix G was, even though that document sets out the federal minimum periodic safety standards integral to any periodic inspection.

"Falsification of a document," Barber said, incredulous that someone who had been performing inspections for so long couldn't even identify that key document. "That's what we're finding when we go behind the paperwork."

While the FMCSA essentially wrapped up its Quick Strike operation when it completed its targeted enforcement of the 250 companies,

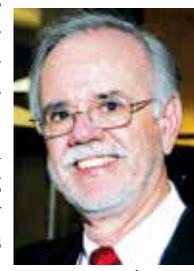
the agency is pressing forward with its upgraded investigative regimen.

In addition to integrating many of its new techniques in its ongoing operations, the agency has just put another 60 investigators through its training program.

The agency's entire field staff, including managers, is slated to receive the training by the end of this year. There will be an intensive ramp-up in training next spring, with both training sites and dates already scheduled, Barber said.

Even as the FMCSA expands its oversight and enforcement of the passenger bus industry, officials are exploring whether the agency will have adequate resources to continue what they concede is a resource-intensive investigation program.

The motorcoach initiative may influence the agency's appropriation request from Congress if it needs additional money going forward, officials said.



Wes Barber



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'Head' exhibit opens in Va.

NEWPORT NEWS, Va. — It seems doubtful tour groups will be lining up to see it, but The Mariners' Museum here has opened an exhibit that explains and explores the story of toilets on ships at sea.

Were that not unusual enough, visitors must trek to one of the museums eight restrooms to, uhm, experience the exhibit.

The display, "A Head of Its Time," began as a joke. But museum officials proceeded after asking themselves: "why not?"

Museum President John Hightower, who came up with the concept and title years ago as a joke/idea, says of his inspiration: "The most important thing about teaching

history in a museum setting is making it relevant to your guests. I think we can all agree that the need for a toilet is a universal experience."

The lighthearted exhibit features informational displays using a cartoon-like format. The panels are mounted on the restroom walls, on space near urinals and on the doors of toilet stalls.

The title of the exhibit is derived from the naval term, "head," the name given to a ship's toilet area. For regular seamen on sailing ships, the toilet was placed at the head, or bow, of a ship.

For more information, go to www.marinersmuseum.org, or call (757) 596-2222.

Curtains for Orlando theater

ORLANDO, Fla. — A long-time entertainment fixture in the Orlando area, The Arabian Nights dinner theater and show, "Royal Celebration," shut down Dec. 31.

Mark Miller, owner of Arabian Nights — the show featured Arabian horses in a number of routines, including a chariot race, in a story line that had to do with the romance between a prince and princess from different kingdoms in the Bedouin Empire — said the

show was not generating enough revenue to support the kind of production he wanted.

The retail cost for a ticket to the dinner and show was \$66.99.

The show, which had been presented 10,000 times during the past 25 years, went on for the last time on New Year's Eve.

Closure meant that most of the Kissimmee-based attraction's more than 200 employees lost their jobs.

Prevost offers NASCAR goodies

SAINTE-CLAIRE, Quebec — Prevost has strengthened its ties to NASCAR by introducing dual-branded, NASCAR-licensed merchandise, including shirts, jackets, hats and backpacks.

The merchandise, carrying both Prevost and NASCAR logos, allows fans to show their support for both the motorcoach brand and the popular spectator sport.

Information about the merchandise can be found at <https://www.prevostcar.com/sites/default/files/2014prevostnascarmerchandise.pdf>.

Earlier this year, Prevost signed a multi-year deal to become the "official luxury motorcoach of NASCAR" (the National Association for Stock Car Auto Racing Inc.).

Ky. distillery attraction opens

LOUISVILLE, Ky. — Newly opened here is the Evan Williams Experience, which becomes the eighth member of the "Kentucky Bourbon Trail."

The basis of the new attraction is the state's oldest bourbon distillery, and the first trail member in an urban setting.

The distillery is expected to draw as many as 110,000 visitors

annually.

Visitors of legal age will be able to visit a tasting room, as well as observe the stages of the distillation and bourbon "manufacturing" process.

For hours, ticket prices and information on groups, go to: www.evanwilliamsbourbonexperience.com, or call (502) 585-3923.

In 1999, the Kentucky Distill-

ers' Association formed the Kentucky Bourbon Trail tour to give visitors a firsthand look at the crafting of bourbon, and to educate them about the history and tradition of the state's signature spirit.

Nearly 2.5 million visitors have taken the Kentucky Bourbon Trail tour during the past five years.



Kelley Tours of Savannah, Ga., sent six employees to the seminar in a company Sprinter van. Attending,

from left, were: Carl Johnson, Terry Fischer, Beverly Harrell, Jan Warren, Tracy Hinely, and Cara Sachse.

Handbook

CONTINUED FROM PAGE 13

from the administrative side because that's where operators often don't have a policy, Nagy warned.

"In this room, we're so focused on driving and getting things on the road, we forget to tell the administrative staff what time to report to work and what you expect of them in terms of conduct," she said.

Policies vs. procedures

Company procedures, by contrast, are in-house guidelines for implementing company policies, and are not designed to be published or widely distributed.

Nagy cited a detailed hiring process to be followed in all cases as an example of a company procedure implementing company policy. The exact hiring process is not a company policy to be distributed to all employees, but is the process by which company policy is implemented consistently.

"So, there's a distinction," she explained. "One is rules that you're going to publish for everyone [policies], and one is process that you're going to follow in-house on how you're going to deal with certain situations."

Policy books and implementing

procedures are a balance between consistency and workforce needs, Nagy noted, so they should be updated as company needs change.

It is a good idea to be clear that policies may be subject to change, to announce when a current policy supersedes an old one, and to date company policies and handbooks, she added.

In writing policies, Nagy suggested being careful with the wording because once they are printed they must be enforced and enforced consistently.

For example, if a company defines sleeping on the job as theft of company time with violators subject to immediate dismissal, be ready to fire both bus washers and drivers alike if either is caught asleep while on duty, she said.

Getting it right

Similarly, Isakoff cited a company with a drivers' policy declaring that failure to follow procedure constituted reckless conduct and would result in termination. One of the company's better drivers ended up in a bad situation and had to back his bus onto a highway, in violation of company procedure, causing an accident.

Considering the circumstances, the company decided not to ter-

minate the driver, but that could have backfired had the case gone to court, Isakoff said, because company policy had defined "reckless conduct" as an automatic firing offense.

Instead, Isakoff said, the company policy could remove the "reckless conduct" reference, so as not to put that definition into the jury's hands, and include discipline "up to and including termination" to give the company some flexibility.

Doing the right thing

Company procedures, once adopted, must also be followed, Isakoff said.

For example, there must be a mechanism by which drivers can report maintenance problems, and not be penalized for making such a report.

Otherwise, situations may arise — and they have — in which a driver reports a problem, is told to get back to work, and there is an accident related to the original problem.

"If a driver identifies something that is wrong with the vehicle, have a procedure in place to go out and do further inspections and ultimately repair that vehicle," he said.

"You can't punish drivers for something they find."

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