February 2016

Bus&MotorcoachNEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

UMA gets partial win, partial loss in Austin lawsuit

AUSTIN, Texas — A federal judge issued a split decision on the United Motorcoach Association's challenge to Austin's regulation of charter bus service.

Based on previous court decisions, U.S. District Judge Sam Sparks ruled last month that Austin could require operators to apply for and purchase permits to operate point-to-point service in Austin, which UMA opposed.

However, the judge also ruled that the city cannot require or enforce the posting of decals or visible permits.

The ruling, issued in the U.S. District Court for the Western District of Texas, was a partial win for UMA because simply enforcing a decal requirement could prove challenging. Additionally, many cities and political subdivisions could be compelled to consider the legality of any decal requirement they may have.

One of the major successes achieved by UMA in the lawsuit was compelling the rewrite of the city ordinance three separate times. Originally, if a charter operator brought an out-of-town group into Austin, traveled within the city limits and then continued on, Austin intended to require a permit.

After further revisions of the ordinance, this requirement was struck considering the interstate nature of the trip. The permit requirement now only applies to those trips that originate and end within the city limits of Austin.

But the ruling that Austin can require charter operators to purchase permits — a practice UMA says could spread to other cities and grind the industry to a halt — means the three-year-old case could drag on in appeals.

Regardless of the court decision, UMA knew it was important to the charter bus operators that the antiquated ordinance be revised, hence the three revisions.

The UMA Board of Directors will consider an appeal of the permitting decision when it meets during UMA Motorcoach Expo 2016 in Atlanta, said Ken Presley,

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New coach sales soared in first nine months of 2015

Astro Travel and Tours of Tallahassee, Fla., was among the motorcoach companies purchasing new buses in 2015, helping push sales to a total not seen in years. Astro took delivery of six 2016 Prevost H3-45 coaches last fall, bringing the total number of Prevost coaches in their fleet to 12.

Sales of new motorcoaches continued to climb in the third quarter of 2015, indicating that total sales for the year could wind up being the highest in nearly a decade.

Combined private- and public-sector sales of new 40- and 45-foot MCI, Prevost, Setra, Van Hool and Volvo motorcoaches totaled 475 in the third quarter, pushing the total for the first nine months of the year to 1,547.

If sales continued at that pace during the fourth quarter, total sales for 2015 would reach 2,000 for the first time since 2008.

The American Bus Association Foundation, which compiles bus-sale figures, has yet to release total sales for 2015.

Here is a breakdown of the sales figures for new 40- and 45-foot motorcoaches sold by the five brands in the first three quarters of 2015:

- First quarter — 445 coaches were sold, up 59 percent from the first three months of 2014, when 280 were sold.
- Second quarter — 627 coaches were sold, compared with 497 during the second quarter of 2014, a 26 percent increase.
- Third quarter — 475 coaches were sold, a 16 percent increase from 410 during the same quarter in 2014.
- First nine months of 2015 —

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Spanish coach maker Irizar eyeing premium U.S. market

ORMAIZTEGI, Spain — Irizar, the largest bus and motorcoach manufacturer in Spain, is moving into the U.S. market.

The company is attending UMA Motorcoach Expo for the first time this year to introduce two versions of its 45-foot i6 motorcoach model, which will be available through INA Bus Sales, Irizar's Las Vegas-based U.S. distributor.

"Irizar arrives in the USA with a strategy to position itself as a premium brand in the coach market," the company said in a news release.

Axier Etxezarreta, director of Irizar USA, said the company is attending Expo to "show Irizar's commitment towards the U.S. market and our strength. We are looking to reach 10 to 15 percent of the market in the premium segment."

Although the company is new to the U.S. market, it has been operating around the world for more than 125 years. It has manufacturing facilities in five countries — Spain, where it makes 1,300 coaches a year, Mexico, Brazil, Morocco and South Africa.

Axier Etxezarreta

Irizar sells its coaches in 90 countries, with its largest markets being Spain, where it sells 600 coaches a year for a 40 to 50 percent market share, and Mexico, where it sells 700 to 900 coaches a year for a 60 percent market share, Etxezarreta said.

He said the company expects to do well in the United States because operators here want the same things as Irizar's customers in other countries: "a good and reliable product that can be customized and complies with the USDOT regulations."

Etxezarreta said after-sale service also is important, as is strong residual value.

He added that standard coach features that have been common in Europe for years, such as full independent suspension and active tag steering, are becoming popular in the U.S., as well.

"We are sure that U.S. operators will appreciate what Irizar has

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National Interstate Corp. names Anthony Mercurio CEO

RICHFIELD, Ohio — Anthony (Tony) J. Mercurio has been named chief executive officer of National Interstate Corporation, a leading motorcoach industry insurer.

Mercurio, who currently is National Interstate's president and chief operating officer, will succeed David W. Michelson, who will continue to serve on the company's board of directors and as a senior advisor.

Mercurio's promotion to CEO is pending formal approval by the company's board of directors at its 2016 annual meeting.

Mercurio, 42, joined National Interstate in 1997 and was named president and COO last November. During his career at National Interstate he has held numerous management positions at the company's subsidiaries, National Interstate Insurance Co. and Vanliner Insurance Co. He was CEO of Vanliner from 2010 to 2012.


Anthony Mercurio

Prior to joining National Interstate, Mercurio held product and management positions at Westfield Insurance Co. and American International Group.

"We are very fortunate to have an executive like Tony with demonstrated readiness to lead the company," said National Interstate Chairman Jeff Consolino. "We are also grateful for Dave's outstanding contributions to National Interstate, including leading this orderly succession process. The board is pleased that Dave will continue on in an advisory role and as a director of the company."

Michelson joined the company in 1992 and has been CEO since 2008.

"I have been privileged to work with so many good people over my long career at National Interstate, including our board, officers, employees and customers," Michelson said. "As I move into the next chapter of my life, I look forward to spending more time with my family. I know Tony will do a great job as my successor in the CEO role and I look forward to working with him in any way that I can be helpful."

New York City converting payphones to Wi-Fi hotspots

NEW YORK CITY — There soon will be 7,500 new "hot spots" in New York.

We're not talking about nightclubs or restaurants, but what is being billed as the world's biggest and fastest municipal Wi-Fi network.

The city is turning payphones into Wi-Fi hotspots with superfast and free Wi-Fi service, new street phones with free calling, ports to charge personal phones and a no-cost windfall for the city.

With some cities nationwide making renewed pushes for public Wi-Fi after an earlier wave of enthusiasm faded, New York officials say their project is democratizing data access while modernizing outmoded street phones.

The city is planning to install 7,500 of the hotspots beginning early this year.

Payphones may seem like relics when 68 percent of Americans own smartphones. But about 8,200 payphones still dot New York streets.

Some were pressed into service amid outages after 2012's Superstorm Sandy, but their numbers and usage have declined overall, and 37 percent of those inspected last year were inoperable.

The city experimented with providing Wi-Fi from a few payphones in 2012, then hatched the current, eight-year "LinkNYC" plan.

A consortium of companies, including wireless technology firm Qualcomm Inc., is to pay the estimated $200 million installation cost and take half the revenue from the kiosks' digital advertising, projected at $1 billion over 12 years. The city gets the other half, more than doubling the $17 million a year it gets from payphones now.

Each hot spot covers about a 150-foot radius with what's pledged as one-gigabit-per-second service, about 20 times the speed of average home Internet service. Officials have said the service is intended for outdoor use; it's not clear whether it might extend inside some businesses and homes.

Though many Americans now carry Internet connectivity in their pockets, the network "can be a win for users who can save on their data plans, and it can be a win for (cellular) networks if they're really overtaxed," said Erik Stallman, general counsel of the Center for Democracy and Technology, a group that advocates for Internet liberties and access.

Tourists without local cellular service also could benefit, noted John Breyault, a National Consumers League vice-president.

LinkNYC isn't without opponents: A payphone company has sued the city, saying it created a monopoly for the new consortium.

Concerns also have been raised about New Yorkers linking their devices to a public network as they stroll down the street, though the city has said data will be encrypted and any information harvested for advertising will be made anonymous.

THE DOCKET

FMCSA proposes enhanced carrier safety rating system

WASHINGTON — The Federal Motor Carrier Safety Administration has issued a rulemaking proposal designed to enhance the agency's ability to identify noncompliant motor carriers.

The Safety Fitness Determination (SFD) proposed rule would update FMCSA's safety fitness rating methodology by integrating on-road safety data from inspections, along with the results of carrier investigations and crash reports, to determine a motor carrier's overall safety fitness on a monthly basis.

"Ensuring that motor carriers are operating safely on our nation's roadways is one of our highest priorities," said U.S. Transportation Secretary Anthony Foxx. "Using all available information to achieve more timely assessments will allow us to better identify unsafe companies and get them off the road."

FMCSA Acting Administrator Scott Darling said the update to the agency's methodology would help it focus on carriers with a higher crash risk.

"Carriers that we identify as unfit to operate will be removed from our roadways until they improve," Darling said.

The proposed SFD rule would replace the current three-tier rating system of "satisfactory-conditional-unsatisfactory" for federally regulated commercial motor carriers (in place since 1982) with a single determination of "unfit," which would require the carrier to either improve or cease operations.

Once in place, the SFD rule will permit FMCSA to assess the safety fitness of approximately 75,000 companies a month. By comparison, the agency is only able to investigate 15,000 motor carriers annually, with fewer than half of those companies receiving a safety rating.

The proposed methodology would determine when a carrier is not fit to operate commercial motor vehicles in or affecting interstate commerce based on the carrier's performance in relation to a fixed failure threshold established in the rule for five of the agency's Behavior Analysis and Safety Improvement Categories (BASICs), investigation results, or a combination of on-road safety data and investigation information.

The proposed rule further incorporates rigorous data sufficiency standards and would require that a significant pattern of noncompliance be documented in order for a carrier to fail a BASIC.

When assessing roadside inspection data results, the proposal uses a minimum of 11 inspections with violations in a single BASIC within a 24-month period before a motor carrier could be eligible to be identified as "unfit."

If a carrier's individual performance meets or exceeds the failure standards in the rule, it would then fail that BASIC. The failure standard will be fixed by the rule. A carrier's status in relation to that fixed measure would not be affected by other carriers' performance.

Failure of a BASIC based on either crash data or compliance with drug and alcohol requirements would only occur following a comprehensive investigation.

FMCSA estimates that under the proposal, fewer than 300 motor carriers each year would be proposed as "unfit" solely as a result of on-road safety violations. The agency's analysis has shown that the carriers identified through this on-road safety data have crash rates of almost four times the national average.

FMCSA is encouraging the public to review the proposed rule and to submit comments and evidentiary materials to the docket following its publication in the *Federal Register*, which was expected to occur by the end of January.

The public comment period will be open for 60 days. FMCSA also will provide a reply comment period allowing for an additional 30 days for commenters to respond to the initial comments.

For more information on FMCSA's Safety Fitness Determination proposed rule, including a full copy of the rule, an instructional webinar, and a Safety Fitness Determination Calculator, visit *www.fmcsa.dot.gov/sfd*.

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FMCSA reverses course, withdraws rule on safety labels

WASHINGTON — Here is some refreshing news out of Washington: the Federal Motor Carrier Safety Administration has withdrawn a proposed new regulation.

FMCSA said it no longer would pursue a notice of proposed rulemaking that would have required interstate motor carriers to have labels on all their vehicles certifying they meet Federal Motor Vehicle Safety Standards.

The agency said it withdrew the proposed rule "because commenters raised substantive issues which have led the agency to conclude that it would be inappropriate to move forward with a final rule based on the proposal."

The agency said it could ensure carriers maintain the safety equipment and features by enforcing current regulations, making an additional regulation unnecessary.

The proposed rule would have required motor carriers engaged in interstate commerce to use only commercial motor vehicles that display a Federal Motor Vehicle Safety Standards certification label affixed by the vehicle manufacturer indicating that it satisfied all applicable safety standards in effect at the time of manufacture or has been modified to meet those standards.

FMCSA received 17 comments opposed to the rule, while only two were in support. One of those supporters — the Commercial Vehicle Safety Alliance — nonetheless pointed out that the best way to prevent noncompliant vehicles from operating in the U.S. would be to identify them at the point of titling, vehicle registration or importation.

The CVSA said roadside inspections should be the secondary means of verifying that vehicles were compliant at the time of manufacture.

The other 17 commenters, including trade associations, equipment manufacturers, and dealers, opposed the proposed rule for the following reasons:

- The rule would provide no safety benefits.
- Federal Motor Vehicle Safety Standards markings, particularly on trailers, are subject to damage, over-painting and loss over the life of the vehicle. No certification marking is permanent.
- Many of the manufacturers have gone out of business, been purchased or are overseas, which could make it difficult to get a replacement.
- The rule would impose significant costs on carriers, which FMCSA didn't estimate.
- The National Transportation Safety Board recommendation that the proposal was based on resulted from a bus crash that was unrelated to the standards in which the bus was manufactured.

Medical examiners given extra time to use new forms

WASHINGTON — The Federal Motor Carrier Safety Administration has granted medical examiners a 120-day grace period regarding the use of new medical certification forms for commercial motor vehicle drivers.

FMCSA's decision was made after the Owner-Operator Independent Drivers Association filed a petition to extend the Dec. 22 deadline to implement the final rule on medical certification.

OOIDA contended that the rule, which includes a new medical history form and requires medical examiners to transmit the results of physicals within 24 hours, was not ready.

"The FMCSA announces a 120-day grace period during which medical examiners may use either the current or the newly revised versions of the medical examination report form and medical examiner's certificate," FMCSA said in a release.

"This period is from Dec. 22, 2015, until April 20, 2016. This action is being taken to ensure that medical examiners have sufficient time to become familiar with the new forms and to program electronic medical records systems."

OOIDA, which filed a petition asking FMCSA to reconsider the rule in November, said that although the grace period is better than nothing, the change could create even more problems.

In the final rule, the agency retooled the driver health history portion of the medical history form to include a number of new questions. A new medical form now has 32 health conditions listed under the medical history portion. Of those conditions, 13 are new to the form. The new form also modified the duration of the medical history from five years to lifetime.

Motorcoach operators also have expressed concerns about the proposed rule because even though the responsibility to comply lies with medical examiners, carriers have the ultimate responsibility for compliance and could be cited for a violation in an audit.

OOIDA made a similar argument in its petition.

"Drivers are being held to arbitrary standards not specified in the DOT physical requirements. These practices pull safe drivers off the road for protracted periods of time and force them to spend thousands of dollars on unwarranted tests and expensive exams," the petition states.

"In worst-case situations, safe driving careers are ended and small businesses are forced to close. OOIDA members have experienced these consequences firsthand on too many occasions."

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Vegas Limousine Service to pay $239,000 to drivers

LAS VEGAS — A Las Vegas limousine company will pay 88 employees $239,555 in back wages in a settlement for violating minimum wage and overtime provisions of the Fair Labor Standards Act.

Vegas Limousine Service will pay an average of $2,700 to each employee affected following an eight-month investigation by the Las Vegas office of the U.S. Department of Labor's Wage and Hour Division.

Gene Ramos, assistant director of the Las Vegas District Office, told the *Review-Journal* that there was no willful intent by company managers against employees and no civil penalties will be brought against Vegas Limousine Service over the employee-initiated complaint.

Ramos said the complaint was initiated in February 2015 and the investigation was concluded in September. Investigators determined that drivers were being paid solely on a commission basis.

The commissions earned, when divided by the actual hours worked by employees, were less than the federal minimum wage, currently $7.25 an hour. The company also failed to pay legally required overtime to drivers when they worked beyond 40 hours in a workweek.

"These drivers have been working long hours to support their families," Garpar Montanez, director of the Las Vegas office, said in a statement. "Thanks to this settlement, dozens of workers will receive their rightfully earned wages."

Montanez said the case illustrates the need for employers to understand and comply with labor laws that apply to their businesses. The case was similar to one a year earlier in which another limousine company, Executive Las Vegas, was ordered to pay 479 employees $232,317 in earnings below minimum wage.

Rule prohibiting driver coercion now in effect

WASHINGTON — The Federal Motor Carrier Safety Administration's final rule prohibiting coercion of commercial motor vehicle drivers is now in effect.

The rule, which became official on Jan. 29, prohibits motor carriers, shippers, receivers or transportation intermediaries from coercing drivers to operate commercial motor vehicles in violation of certain provisions of the Federal Motor Carrier Safety Regulations.

Those regulations include driver hours-of-service limits, commercial driver's license (CDL) regulations and drug and alcohol testing rules.

The rule addresses three key areas concerning driver coercion:

- Procedures for commercial truck and bus drivers to report incidents of coercion to the FMCSA
- Steps the agency could take when responding to such allegations
- Penalties that may be imposed on entities found to have coerced drivers

FMCSA said that coercion occurs when a motor carrier, shipper, receiver or transportation intermediary threatens to withhold work from, take employment action against or punish a driver for refusing to operate in violation of safety regulations.

Penalties could include fines or revocation of a company's operating authority.

"FMCSA will take aggressive action when a violation of the prohibition against coercion can be substantiated," the agency said. "This action will include civil penalties consistent with the regulations, and may include initiation of a proceeding to revoke the operating authority of a for-hire motor carrier."

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Diabetes, a threat to commercial drivers, can be managed

By Tom Milam
CEO TrueLifeCare

Our country's transportation infrastructure delivers everything our economy needs to stay healthy, similar to the blood that runs through our veins to deliver oxygen and nutrients.

But diabetes, a disease of the blood, is wreaking havoc on the professional drivers transporting goods and people to all corners of our country and threatening the transportation infrastructure on which we depend.

The prevalence of diabetes is 50 percent higher within the trucking industry than it is in the general population, according to the National Institutes of Health.

Factors that put drivers at a heightened risk for developing diabetes include high stress, lack of physical activity, irregular sleep schedule and poor food choices. The nomadic lifestyle inherent in this vital industry naturally lends itself to several health problems, including diabetes.

It's not a problem that has developed overnight. Over the past 30 years, the Centers for Disease Control and Prevention reports diabetes diagnosis rates have increased 150 percent in men and 100 percent in women.

There are 1.7 million new diabetes diagnoses each year, according to the American Diabetes Association.

While a diabetes diagnosis for those in other industries may mean an increase in hospital visits and sick days resulting from their diabetes-related health problems, it can be a career-ending diagnosis for commercial drivers.

A federal rule enacted in 1970 grounded commercial drivers who use insulin to manage their diabetes. Fortunately, thanks to updated laws and rules, many drivers with diabetes now can continue their careers as long as they properly manage their disease.

In 2005, the Federal Motor Carrier Safety Administration announced a Diabetes Exemption Program that permits drivers with diabetes to continue working as long as they meet requirements of 57 separate screenings.

However, securing the waiver can take up to 180 days, which obviously is a problem for drivers with no other source of income. More changes could be on the horizon. Congress is considering legislation that would make securing a diabetes exemption quicker, but a vote still is needed.

Trying to manage any chronic illness comes with a set of challenges, but the consequences can be especially dire for our professional drivers with diabetes. If blood sugar levels are not properly managed, they risk blurred vision or even losing consciousness behind the wheel.

Managing this incurable and progressive disease, however, often means overhauling a person's lifestyle. And that's all the more difficult for those whose "home" is on the road — where burgers and fries lure drivers at nearly every exit and getting access to physical activity is tough, if not impossible.

The solution to keeping truck drivers with diabetes on the road is to include the support of companies specialized in helping those with diabetes change — and sustain — lifestyle habits. These companies will pair drivers with professional health coaches who are trained and skilled to help people living with diabetes engage with this disease and become involved in actively managing it.

Most people are overwhelmed by the initial diagnosis, don't appreciate the seriousness of this disease and fail to take care of themselves properly. This will lead to the irregular blood sugar levels that cause complications such as fatigue, loss of eyesight, foot neuropathy and kidney disease, to name a few.

But with the assistance of a certified professional health coach, people living with diabetes now have access to the tools not only to check their sugar levels but also to receive personalized guidance and support on the kinds of foods to eat and how to incorporate exercise into their lifestyles.

Several studies, including one in the *American Journal of Health Promotion*, have proved that those living with diabetes are far more likely to take care of themselves properly if they have someone, such as a personal health coach, helping to keep them informed and accountable.

The health coach befriends and develops a relationship with each person, does not prescribe or demand changes but instead finds out what each person is struggling with and works to develop an individual plan that is manageable and achievable.

Health coaches have regular sessions to check in with their clients on their progress and to identify and help with the challenges and lapses that are sure to occur. Unlike doctors or nurses who work only certain hours, health coaches can schedule to be available at times that fit into the driver's schedule.

Working with our cadre of professional drivers who suffer from diabetes to ensure their health and safety on the road is critical to sustaining our transportation infrastructure.

With American Trucking Associations estimating a shortage of 35,000 to 40,000 truck drivers, it is essential to provide today's drivers who live with diabetes the necessary and helpful tools to remain healthy and on the road.

There is no cure for diabetes. It requires lifelong care and attention. Without a support system, managing the disease can feel and often is impossible.

Although diabetes never goes away, it is possible to be "in remission" by keeping it under control, without the assistance of medication. Reaching that goal takes time and dedication, which is challenging when your life is on the road.

The good news is that professional health coaches can offer truck and bus drivers a service that not only improves their quality of life but also saves their jobs.

TrueLifeCare, based in Nashville, Tennessee, makes meaningful, positive differences in the lives of people with diabetes and reduces associated health-care costs for their employers.

Management response to online hotel reviews can pay off

By Travel Pulse

While you shouldn't believe everything you come across online, an overwhelming number of travelers say they trust online hotel reviews, according to a recent study conducted by Nerval Corp.

With 95 percent of travelers indicating that they trust online reviews and 85 percent reading at least 10 reviews, today's top hotels have been successful in embracing online reviews.

After all, Nerval Corp's research shows that even a positive response to a negative review can win over a potential guest.

A whopping 87 percent of respondents said that an appropriate management response to a bad review improves their impression of the hotel. On top of that, 71 percent of travelers believe management responses to online reviews are important.

Here are some of the other findings in the study:

- 70 percent said an aggressive, defensive management response to bad news makes them less likely to book.
- 68 percent said they would choose a hotel with management response over a competitor without a response.
- 62 percent said seeing the hotel's response to reviews influenced them positively enough to book.
- 50 percent of hotels respond to bad news, up from 7 percent five years ago.

The study found that in addition to speed and professionalism, travelers are seeking an apology, originality and gratitude in a response from management.

It also doesn't hurt to follow up with what the hotel and staff have done to correct whatever issue the reviewer may have experienced.

Hotels can also make it easier to leave a review and rewarding those that do.

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A PUBLICATION OF THE UNITED MOTORCOACH ASSOCIATION

Playing whack-a-mole with zombies requires a hammer

By Dave Millhouser

"Let's say you own a bus company. Specifically, a small bus company," are the first words in a recent article posted on *www.atlasobscura.com* by Cara Giaimo.

The story goes on to bemoan, in a reasonably accurate way, the difficulties regulators encounter as they try to control "zombie" bus lines.

The term refers to owners who, when driven out of business by either regulators or bankruptcy, reincarnate as a new entity. They may have a new name, a new DOT number and the same bad practices that killed the original company.

The first thing that jumped from the page was the reference to "small" bus companies and the inference that they were more likely to either be, or become, "zombies."

Correct me if I'm wrong, but didn't every operator in the country start small?

In the charter part of our business, depending on how you define "small," a substantial percentage of operators fit that description. One might wonder what source told Ms. Giaimo that "small" operators were more prone to bad behavior.

Please understand. I'm not condoning unsafe operators being allowed to pop up repeatedly, only to be thumped in a regulatory version of whack-a-mole.

The article explains problems regulators sometimes have in determining if a new company is a reincarnated version of an operator that was shut down. Citing a National Transportation Safety Board report that "says there are only about 1.15 inspectors per 1,000 truck and bus companies," it remarks that a shortage of inspectors means that a startup may not have it's initial safety audit for a number of months.

It also mentions that a number of steps taken by zombies are legal, implying that more regulations might help.

Whenever there is a perceived problem, well-intentioned folks say "there oughta be a law" and pass some. Frequently there are unintended consequences, and sometimes we have draconian solutions for non-existent problems.

The current regulatory environment is hurting big companies and crushing small ones. In doing so, it is sending people back into automobiles, but fatalities and injuries in cars don't show up in bus regulators' cherished statistics.

Assuming, for the sake of argument, that zombie bus companies constitute a serious problem, it seems to me that there are things we can do that might help, requiring little or no new regulation.

First, we are NOT trucks, and there are relatively few new entries in the coach business. Since a bus accident has more potential for major casualties, shift inspectors to the coach side of the equation.

In fact, create a dedicated passenger transportation group with special insight into the things that make carrying passengers a unique calling and responsibility.

Give the regulatory folks incentive and freedom to do their jobs with common sense. That would take the form of fewer "gotchas" for minor, often irrelevant, infractions. Enforce only serious problems, allowing time to get to more properties looking for significant stuff.

Troopers don't ticket you for going 5 mph over the limit, but nail you for going 20 over. They understand priorities, and that gives them more opportunity to catch seriously dangerous drivers. Regulators could learn from them.

We can improve on the current adversarial system that equates questionable statistics with safety.

In recent years a few commercial drivers have been banned, literally declared "hazards" by regulators. Assuming due process, why not do the same for owners and management who willfully commit serious safety violations?

We disbar bad lawyers, and stockbrokers who cheat are barred from financial jobs. Why not do the same in our business? Ban bad actors. Want to bet that it won't only be small companies affected?

Computer technology and databases are so sophisticated today that it's difficult to believe we can't track who has financial involvement in a company. If it's someone who is banned, nail him. For serious violations, jail is OK.

Who does more damage to the fabric of society and public trust, someone who holds up a liquor store or an executive who endangers or defrauds the public?

If we're going play whack-a-mole, let's use a hammer, not a feather.


Dave Millhouser

Insurers have a major stake in this. Good ones are active partners with their customers, helping with both training and compliance, and quickly dropping poor risks. Let's allow more of that. "Assigned risk" can be a force for evil.

Some operators have ghost locations in states that have lower insurance rates. There's no reason we can't force more transparency about where buses operate so insurers have an accurate picture of the real risks they're covering, and can either charge appropriately or drop carriers that are deceptive.

Voltaire said, "The perfect is the enemy of the good." Are we better off with a few statistically "perfect" bus companies or a lot of good ones?

Since "perfect" is based on debatable scoring methods, I'd say good is best.

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

New York governor proposes slashing thruway tolls

ALBANY, N.Y. — New York Gov. Andrew Cuomo has proposed a 50 percent reduction in New York State Thruway tolls for frequent users and said he wants to freeze rates for all other drivers for the next four years.

The three-part Thruway Toll Reduction and Protection Plan is part of Cuomo's 2016 agenda to make major investments in transportation infrastructure in upstate New York.

"The thruway is a vital artery for commerce and transportation throughout upstate, so we are going to deliver major toll relief to New Yorkers," the governor said. "We are going to reduce tolls for businesses and drivers who rely on it the most, eliminate them for farmers bringing their goods to market, and freeze tolls for everyone else until at least 2020.

"And we are going to move forward with the largest capital plan in state history. Together we can support and rebuild our vital infrastructure and unlock the potential of upstate New York for years to come."

Cuomo said his proposal to cut tolls in half for New York residents and businesses that utilize the thruway most often would benefit nearly a million passenger, business and farm vehicles.

The reduction would apply to:

- Passenger vehicle owners using E-ZPass and paying $50 or more in annual tolls. More than 900,000 drivers would benefit under this category, with an average annual savings of $97.
- Businesses and commercial vehicle owners using E-ZPass and paying between $100 and $9,999 in annual tolls. More than 26,000 businesses would benefit, with an average annual savings of approximately $686, while 976 commercial trucks would save an average of $1,872.

Under the second part of the proposal, vehicles owned by farmers using E-ZPass and used to bring farm goods to market would have tolls eliminated completely through a 100 percent tax credit. The agriculture sector would save $5 million annually.

The third part of the proposal involves investing $700 million in thruway infrastructure, on top of last year's commitment of $1.3 billion. As a result of this investment, the thruway will be able to freeze tolls for all drivers until at least 2020.

Cuomo's agenda also includes a $22 billion multi-year capital plan to upgrade critical roads, bridges and other vital transportation infrastructure throughout the state, especially in upstate. It is the largest capital program in New York history.

The proposal includes spending $1 billion to replace, rehabilitate and maintain at least 200 vital state and local bridges, $1 billion to pave 1,300 miles of state and local roads, and $500 million to improve roadways susceptible to flooding and other extreme weather-related events.

Passenger vehicle drivers speed more than CMV drivers

GREENBELT, Md. — Passenger vehicle drivers speed significantly more often than commercial vehicles drivers, although commercial drivers did speed up a bit last year, according to results of the Commercial Vehicle Safety Alliance's 2015 Operation Safe Driver Week.

During the seven-day event in October, law enforcement officers pulled over 21,012 commercial motor vehicle and passenger vehicle drivers.

In addition, 19,480 North American Standard Roadside Inspections were conducted by CVSA-certified inspectors on commercial drivers and vehicles.

Operation Safe Driver is a CVSA program aimed at decreasing the number of fatalities and injuries from crashes caused by unsafe driving behaviors by both commercial and passenger vehicle drivers.

Data collected by 2,789 law enforcement officials at 706 locations across the United States and Canada found that passenger vehicle drivers were issued a warning or citation for speeding 27.3 percent of the time, versus 9.3 percent for commercial drivers.

Although the percentage of speed warnings and citations for passenger vehicle drivers was high, it was down from 52.3 percent in 2014. Warnings and citations for commercial drivers were up in 2015 from 5.8 percent a year earlier.

The top five warnings and citations issued to commercial drivers were:

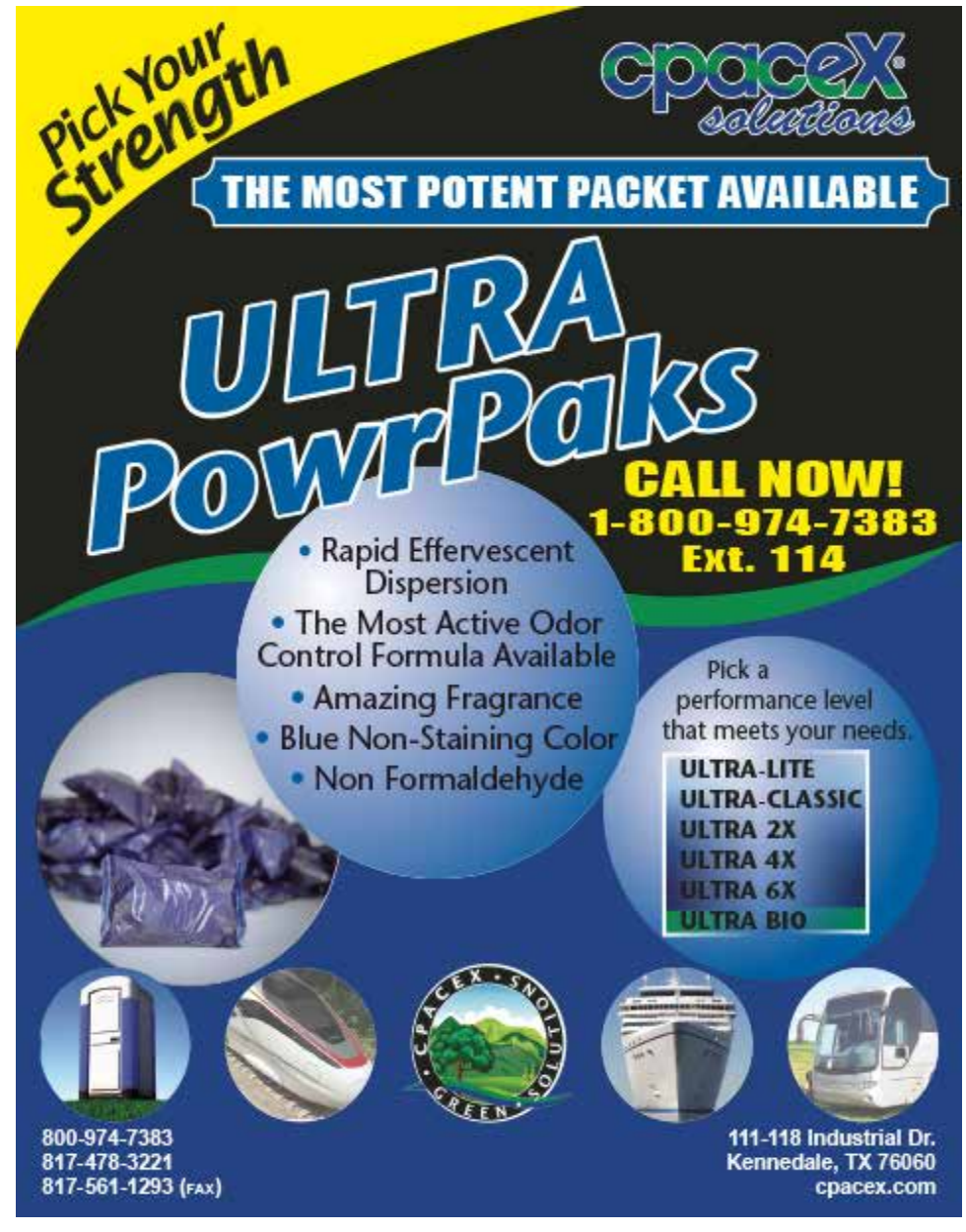
1. Size and weight
2. Speeding
3. Failure to use a seatbelt while operating a CMV
4. Failure to a obey traffic control device
5. Using a handheld phone

The top five warnings and citations issued to passenger vehicle drivers were:

1. Speeding
2. Failure to use a seatbelt
3. Failure to a obey traffic control device
4. Following too closely
5. Improper lane change

"Unsafe driving behaviors can result in lives lost," said CVSA President Maj. Jay Thompson of the Arkansas Highway Police.

"That's what Operation Safe Driver Week aims to combat through driver enforcement and education. Our mission is to make our roadways as safe as possible. We will continue to work toward that goal by ensuring drivers are operating safely."



DC Trails thrives, evolves in competitive Washington

WASHINGTON, D.C. — When Bill and Liliana Torres formed DC Trails, they had high hopes, years of bus experience — and realistic expectations.

After all, the Washington, D.C., motorcoach market was one of the nation's most competitive.

Bill was a police officer who had started DC Tours Inc. in 2001, while Liliana had operated a successful company of her own since 1989, so they both knew they were in a tough business. In 2002 they combined their two operations, creating DC Trails.

Fifteen years later they have built one of the largest and most multifaceted operations on the East Coast. Between them the Torres now have more than 60 years of coach operating experience and have expanded and skillfully diversified the company.

And they have exceeded their expectations.

The Torres' attribute much of the growth to a first-rate staff that is devoted to pleasing customers and to the company's constant efforts to "move forward," offering new services in response to the region's changing transportation needs.

DC Trails recently added a hop on-hop off service allowing tourists to experience Washington's major attractions at their own pace.

Originally a charter company, DC Trails currently provides charter services to destinations throughout the East Coast and Canada, handling groups ranging from 36 to 57 passengers. In addition, they provide airport transfers and a variety of sightseeing tours in the D.C. area.

Several years ago they partnered with the Vamoose bus company and currently operate 50 weekly scheduled runs between the Washington and New York City.

As a result of the success of the wide-ranging offerings, DC Trails' fleet has grown to 69 coaches.

DC Trails recently added a hop on-hop off service allowing tourists to experience Washington's major attractions at their own pace. The company's mix of open-top and closed-top refurbished Van Hool TD925 double-decker sightseeing buses travel a loop that includes the White House, the Capitol building, Arlington National Cemetery, the Smithsonian Air & Space Museum, the FDR and Martin Luther King Memorials, and the Vietnam War Memorial.

Customers can design their own experience, re-boarding the circulating buses at their convenience for a single fare, or opt for the more traditional pre-planned tour.

"We've been buying almost exclusively new coaches in recent years, but using the ABC Companies refurbished TD925s for the hop on-hop off and local sightseeing runs made great economic sense," Bill Torres said. "The seven double-deckers are so similar to the other coaches in our fleet that maintenance and driver training are simplified, and we don't have to stock additional parts."

Torres said DC Trails continues to evolve by emphasizing the improvements in equipment and service with dramatic new graphics. They also have plans for an improved website that makes it simple to see all that they offer and makes booking simple.

"This is a crowded market with lots of really good competition," he said. "In order to succeed, we are constantly evaluating and improving everything we do, while looking for new opportunities to serve people. The colorful new look and Web presence are visual symbols of DC Trails' commitment to offering our customers the best possible transportation and evolving to meet their needs."

Supreme Court rejects RCL transit suit appeal

ROCHESTER, Minn. — Nearly four years of legal wrangling by Rochester City Lines to win back its city transit contract or receive compensation for its losses appears to have ended.

The U.S. Supreme Court has refused to hear the company's appeal, letting a lower court's ruling against RCL stand.

RCL owner Dan Holter claims the city of Rochester failed to follow proper procurement procedures in 2012 when it awarded the local transit contract to a competitor and he has been trying unsuccessfully to get the city to compensate him for his financial losses.

Holter, whose family-owned company had provided local transit bus service in Rochester since 1966, filed suit challenging the award of the service contract to First Transit, one of the nation's largest transit system management companies.

Holter has been unsuccessful in arguing his case in county and state courts over the years. The refusal by the U.S. Supreme Court to take on the case likely ends his legal quest.

Austin

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vice president of industry relations and chief operating officer.

It also is possible that Austin will choose to appeal the ruling.

At issue in the case was whether the city could enforce a local operating and permitting authority ordinance in spite of federal regulations and constitutional provisions that appear to "preempt" local acts that supersede laws regulating federal operating authority.

UMA argued that other local governments also could impose controls on carriers operating in interstate commerce, resulting in a nationwide patchwork of regulations on charter operators that already are regulated by federal law.

The City of Austin disagreed, contending that its permit system is needed to enforce safety regulations.

On this point the judge agreed with Austin, citing a case law precedent that "contains a savings clause which exempts from its preemptive sweep those regulations which are an exercise of 'the safety regulatory authority of a State with respect to motor vehicles.'"

A second precedent was "ascertaining whether the permit scheme was 'genuinely responsive to safety concerns.'"

The judge granted UMA's request for an injunction against a portion of the Austin regulation that would have required permitted charter buses to display decals. His opinion stated that the savings clause did not protect this provision because it is not safety related.

In its arguments, Austin noted that special events bring "hundreds of thousands of visitors" to the city and argued that its regulations "will help protect and ensure that charter bus services use mechanically safe vehicles, operate their service in a safe manner and meet minimum insurance coverage requirements."

In response, UMA had argued that the savings clause could not salvage the permitting regulation because it went beyond concerns for vehicle safety and regulated motor carriers, which is a protected function of the federal government.

UMA's motion for summary judgment argued, "The City of Austin requires a charter bus company to apply for, pay for and obtain Local Operating Authority before providing (or offering to provide) charter bus services originating, terminating and traveling within the City, even if the company already possesses Federal Operating Authority."

Enforcing safety

The city's response contends that its ordinance enforces safety regulations and does not preempt federal jurisdiction over operating authority.

"The City Council has determined that for City regulators to protect the public from potentially unsafe charter buses and drivers, there must be a permit system in place that gives regulators sufficient information and ability to enforce the Charter Bus Regulations," it argued.

UMA responded to this line of reasoning by stating that state and local authorities already have thorough recourse to police commercial vehicles and drivers without resorting to permitting. Intended or not, the regulations have the effect of interfering in interstate commerce, the association argued.

The original suit was filed by UMA in 2013 when Austin adopted an ordinance that imposed fees and numerous prerequisites for operating motorcoaches in the city. In addition to a number of detailed operating regulations, the ordinance would have required motorcoach operators to pay a $375 annual vehicle fee to Austin or face impoundment of their motorcoaches.

Under the ordinance, violations could result in citations charging operators with a Class C misdemeanor, which is punishable by a fine of up to $500.

UMA advised the attorney general of Texas that it would sue to block enforcement of the ordinance if Austin did not rescind it. The association said the ordinance was poorly crafted and appeared to have been adopted to protect local taxi services from competitors operating shuttle-style services.

When Austin and the attorney general did not act, UMA authorized its attorney to file the suit.

"The offending ordinance expresses authority preempted by federal law, plain and simple," Presley said. "Congress is very explicit in preempting states and their political subdivisions from granting or requiring authority to operate within their jurisdictions. Imagine just for a moment if every city in the nation enforced a similar ordinance. The charter bus industry would essentially grind to a halt."

Lawsuit timeline

The parties first appeared before Judge Sparks in January 2014. Attorneys for the city stressed that its ordinance was truly safety-related. City administrator Carlton Thomas said the enforcement of vehicle appearance was instituted "to weed out unprofessional operators. There's a correlation with those that violate these items and those who violate other rules."

After an exchange of briefs, the judge ruled in March 2014 that the city could not enforce some provisions of the ordinance until a final ruling would be made. He upheld some sections that could conceivably be determined as safety related, such as requiring charter services to provide copies of commercial driver licenses, vehicle inspections and details on the trip and passengers.

The judge said evidence of safety benefits would be his measuring stick for a final opinion. "The city has produced no evidence of any actual safety concerns or problems it has sought to address through the ordinance. This dearth of evidence significantly hurts the city's defense of the ordinances, but does not necessarily doom it."

That resulted in the city enacting ordinances to modify the scope of the original act and avoid conflicts with federal law. Austin now only plans to regulate charter bus service "originating, terminating and traveling solely within city limits," not buses merely passing through the city.

While towns and cities have largely honored the plain language of preemptive federal mandates and the charter bus industry enjoyed over two decades of interstate and intrastate commerce, property carrier legal challenges and court decisions, particularly tow-truck cases, have been eroding the preemptive language for years.

Indeed, it was a recently decided case in San Francisco that appeared to tip the scales in favor of Austin's permit requirement.

Greyhound v. New Orleans

There was a similar case in 1998 that would seem to support UMA's argument.

That case, cited in UMA's Austin suit, resulted in a ruling awarding Greyhound Bus Lines an injunction against a similar ordinance enacted by New Orleans.

That ordinance required bus operators to obtain a "certificate of public necessity and convenience" before they could operate on New Orleans streets. Bus drivers were required to pay a fee to obtain a permit.

A U.S. district court noted that New Orleans arrested Greyhound drivers for delivering charter passengers from hotels to the city's convention center. The city's lawyers argued that the U.S. Congress intended that local authorities retain the right to regulate taxicab or limousine livery services.

Wrote the court, "The City's strained logic cannot transform the square-peg definition of 'charter service' into the round-hole understanding of 'livery service.' The Supremacy Clause of the United States Constitution provides that the laws of the United States 'shall be the supreme Law of the Land… thus, a state law or municipal ordinance that conflicts with federal law is without effect."

Texas luxury shuttle service expands again

DALLAS — A Texas luxury shuttle service that was started two years ago to offer an alternative to short-haul airline flights for business travelers has expanded again.

Vonlane, which began offering daily service between Dallas and Austin in 2014 and added a route between Dallas and Houston last April, began providing nonstop service between downtown Houston and Austin last month, with coaches departing at least twice daily.

In addition to the new service, Vonlane is moving its Houston terminal from its current location near George Bush Intercontinental Airport to a site next to the downtown Hyatt Regency.

Vonlane is known for custom Prevost coaches with 16 first-class reclining leather-upholstered seats, as well as an array of amenities that allow for passengers to either work or relax during their trip.

Services include complimentary refreshments, Wi-Fi, satellite TV and desk-like spaces for travelers. You can even borrow a set of noise-cancelling headsets to travel in peace or reserve a six-seat conference room equipped with monitors for laptop projection to take your business on the road.

Fares are competitively priced at $99 for a one-way trip between Houston and Austin and between Dallas and Austin, and $109 between Houston and Dallas, comparable to coach-class airline fares.

Vonlane President Alex Danza said last year that he wanted to focus on the initial Dallas-Austin route before branching out to other cities. (See March 15, 2015, *Bus & Motorcoach News*.)

"We created, in Vonlane, a more dignified way to travel that helps business people reclaim the productive hours that are typically lost when flying or driving between Texas cities," Danza said.

"One of our competitors is Southwest Airlines," he told KHOU-TV. "With air travel you have mechanical delays, you have crew delays and you have weather delays. We certainly will have challenges with delays, but the beautiful thing about this is if you're in traffic, you're not wasting time."

According to the company, "A trip aboard a Vonlane coach provides business travelers with three hours of uninterrupted, productive work time, in comfort, without the distractions of the office. In comparison, a business traveler might, at most, realize 30 minutes of productive work time during his normal three-hour door, to aircraft seat, to ground-transportation travel time."

Irizar

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to offer as we will listen to them and our products will suit their demands," Etxezarreta said.

Irizar recently introduced a new flagship model, the i8, which offers the latest technologies from the automotive industry, such as LED headlights, tail lights and marker lights.

Safety features include adaptive cruise control, advanced electronic braking, lane departure warning, driver fatigue detectors, and automatic light and wiper sensors.

Seats on the i8 are designed for comfort and to meet the most stringent regulations.

For now, however, Irizar plans to focus only on selling two i6 models in the U.S.

Etxezarreta said both versions are 45-foot integral coaches with Cummins 13l engines and Allison automatic transmissions. The vehicles are manufactured entirely in the European Union and have been fully adapted to meet the regulatory requirements, demands and needs of North American operators, he said.

Irizar also has been manufacturing electric city buses for the past 18 months. They are currently operating in San Sebastian and Barcelona, Spain; London; and Marseille, France. They also are being tested in Paris and other European cities.

"In the U.S. our plans are to consolidate our business in coaches," Etxezarreta said. "In the future we could offer city buses, but a deep analysis of the market will be required."

Operators looking ahead cautiously after OK 2015

The motorcoach industry, like the U.S. economy, enjoyed modest growth in 2015 and is cautiously optimistic for the economic recovery to continue in the New Year.

Members of the United Motorcoach Association who were asked how their businesses are faring were generally upbeat, although they noted that issues such as a driver shortage and economic uncertainties are always on their minds.

"We fared pretty well in 2015," said Glenn Every, president of Tonche Transit of Mount Tremper, N.Y.

"Our sales were up, the price of fuel was down and interest rates are low. That was all very helpful in offsetting our increased costs for insurance, payroll taxes and regulations."

Dennis Streif, chairman of Vandalia Bus Lines in Caseyville, Ill., said his company also had a pretty good year.

"Our gross was up about 10 percent and our net did a little better than that. I hope 2016 is as good if not better."

Consumer retail and food services spending increased 2.1 percent in 2015, according to the U.S. Census Bureau. Spending on the discretionary items categorized as "sporting goods, hobby, book and music" increased 5.9 percent. Outlays at "food services and drinking places" grew 8.1 percent and "furniture and home furnishing stores" grew by 5.8 percent.

Declining fuel prices boosted many regions and industries in 2015. The Census Bureau estimated that consumers spending at gasoline stations dropped 19.4 percent last year.

"The fuel price decline is helping operators show better bottom lines, but the concern is that operators are seeing a reason to lower prices because of this and will not be able to react quick enough to increase their prices if the fuel prices increase," said Tim Stout, president of Stout's Transportation in Trenton, N.J.

"We are trying to keep expense ratios all relative for each expense category in our operation. If we set productive goals and achieve them we are going to have a successful year."

Success in 2016 will depend on controlling costs, Streif said.

"Fuel is down, of course, but it will be important to keep our costs down on things like maintenance and insurance. It also will be a matter of doing good work with tour companies, school groups, universities and sports teams," he said.

Every said Tonche Transit's results in 2015 were a "combination of things."

"People decided to travel in groups a lot more. We do a lot of work for colleges and schools and they seemed to be more active than they were the year before.

"So far our bookings for 2016 are pretty strong. I am looking at the first quarter to unfold pretty well. After that it is anyone's guess.

"It's an election year and there is a lot of turmoil in the Middle East, which affects energy prices. Acts of terror seem to be increasing and senior citizens are getting squeezed by increased costs.

"It looks like government regulation will continue to grow," Every said. "There is a lot of economic uncertainty out there."

The looming shortage of professional drivers will be one of the industry's major challenges, Stout said.

"The average age of our operators is growing every year. The dilemma of the driver shortage has reached critical mass. To make up for the number of drivers dying off and retiring we need 100,000 new drivers each year for the next 10 years for the trucking and motorcoach industries. That is a need for one million new CDL drivers in the next 10 years," he said.

The driver shortage comes at a time when the overall outlook for the motorcoach industry is strong.

"To complicate matters worse, there is an anticipated industry growth of 20 percent over the next three years," Stout said.

Economic experts share a belief that business conditions are improving but remain fragile.

"Things are looking pretty good for the U.S. economy," Daniel Bachman, senior manager for U.S. macroeconomics at Deloitte Services LP, wrote recently in the *Wall Street Journal*. "Short-run indicators suggest reasonably strong consumer growth and non-energy business investment spending."

Threats exist, however, as events in China and Europe could choke the global economy.

"Since 2010, whenever it has looked as though the U.S. economy is poised for stronger growth, something turns up to spoil the party," Bachman said.

Coach Sales

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1,547 coaches were sold, up from 1,187 during the same period in 2014, a 30 percent increase.

Forty-five-foot coaches made up the bulk of the purchases, with by far the largest number being bought by private companies. But public-transit agencies doubled their number of commuter coach purchases between January and September.

The private sector bought 318 45-foot coaches in the third quarter, up from 284 in the third quarter of 2014. Private operators bought 1,078 45-footers during the first nine months of 2015, compared with 935 in the 2014 period.

Public-transit agencies purchased 120 45-foot models in the third quarter, up from 90 in the 2014 third quarter. For the first nine months of the year, they bought 364 coaches, double the 178 they purchased a year earlier.

Coach shell sales remained flat during the first nine months of last year. A total of 50 shells were delivered to converters during the period, compared with 49 in 2014.

Missing from the ABA Foundation report are sales of Temsa and Caio coaches. The foundation continues efforts to report sales by other manufacturers and may be getting close to adding Temsa.

Cummins continued to be the dominant engine in new motorcoaches and buses delivered during the first nine months of 2015, going into 665 new models sold by MCI and ABC/Van Hool.

By comparison, 515 Prevost and Volvo coaches were delivered with Volvo engines, which are only available in those brands.

Detroit and Mercedes engines, which are essentially power-plant twins, went into 391 new MCI, Setra and Van Hool coaches.

Allison continues to be the dominant transmission.

A total of 1,511 new coaches and buses were delivered during the first nine months of 2015 with Allisons, compared with 30 ZFs and 30 Volvo transmissions. Both the Volvo and ZF are semi-automatic transmissions, while Allison is fully automatic.