

Bus & Motorcoach NEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

UNITED MOTORCOACH ASSOCIATION

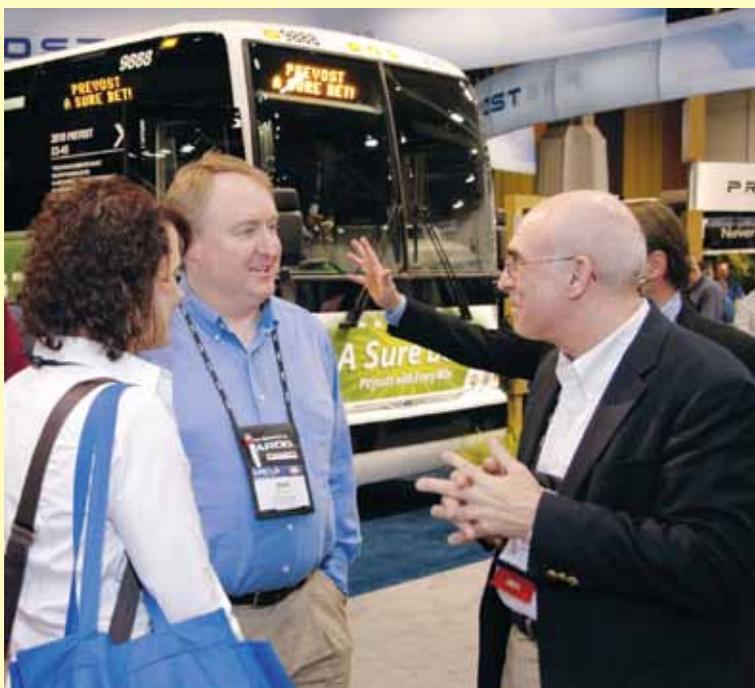
MOTORCOACH EXPO 2010



Expo wins in Vegas

Motorcoach operators from across the U.S. and Canada shunned the business doldrums last month and converged on Las Vegas for the latest edition of UMA Motorcoach Expo. Comprehensive coverage begins on Page 3. At right, Tim and Laura Heinze of Lake Crystal Coaches in Madison Lake, Minn., visit with Lancer Insurance Vice President Bob Crescenzo.

All Expo photos were taken by David Braun, David Braun Photo, Las Vegas



Fewer 'chameleon' operators getting by federal regulators

LAS VEGAS — Federal authorities say they are being successful in their stepped-up efforts to block motorcoach operators that lose their federal operating authority and attempt to sneak back into business by hiding their identity or trying to mislead regulators.

These "chameleon" bus companies are finding it much tougher to work their quick-change scams, say top officials from the Federal Motor Carrier Safety Administration.

Since late 2008, the FMCSA has been using a more thorough process to locate and sideline those carriers that resurface under a new name or in a new location after losing their operating authority.

Such slippery operators have endangered the safety of the public and financially threatened legiti-

mate bus companies for years, prompting cries from the motorcoach industry for federal regulators to do much more to get — and keep — them off the highways.

FMCSA Director Anne Ferro and top aide Lorretta G. Bitner, chief of the agency's passenger carrier safety division, told operators at the UMA Motorcoach Expo here last month their agency has responded to the pleas, and chameleon operators are on their way out.



Anne Ferro

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Feds intend to launch CSA 2010 in July despite start-up problems

WASHINGTON — Federal Motor Carrier Safety Administrator Anne Ferro says she's committed to launching the agency's new truck and bus safety rating system in July, although she expects there will be problems.

The program, called Comprehensive Safety Analysis 2010, "is not going to be a program we get right from the get-go," Ferro said late last month.

"It will certainly impact carriers, and it is causing certainly some frustration and confusion."

CSA 2010, as the system is increasingly coming to be known, is FMCSA's new regime for rating bus and truck operators and drivers. Among its features is timelier updating of fleet safety perfor-

mance information than the current SafeStat system.

The program is designed to push all carriers and their drivers to improve compliance with safety rules, and to force unsafe carriers to improve or leave the industry, something "many of you have been asking for, and expecting from, the FMCSA for many years," Ferro told the board of the American Trucking Associations.

She said FMCSA would work with industry and law enforcement agencies as it transitions to the new program "to get it right," but she also said it was important to "recognize there are going to be some snafus along the way."

Starting this spring, all bus and

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MOTORCOACH EXPO 2010

Look what happens in Vegas: Expo comes out a winner

LAS VEGAS — Motorcoach operators by the score traveled to America's most-popular adult playground last month for UMA Motorcoach Expo and left town infused with fresh ideas for combating an industry slowdown that has knocked dozens of coach companies out of business during the past year.

More than 1,800 attendees, plus spouses and significant others, packed Expo education sessions, talked shop with industry vendors, and shared business war stories with peers and colleagues from across the U.S. and Canada.

Much of the conversation focused on three issues, two of them closely related: The business environment and industry sustainability, plus the looming federal mandate for seatbelts in coaches. (See story below.)

In an era when trade shows throughout the U.S. are seeing sharp fall-offs in attendance, and



trade associations are experiencing declines in membership, UMA and its 2010 exposition bucked both trends.

Motorcoach Expo attendance

was virtually the same as Expo '09 in Orlando, and UMA membership grew during the past year, association President and CEO Victor Parra told those operators partici-

pating in the UMA membership meeting, which is conducted annually in conjunction with Expo.

The 191 industry vendors and suppliers exhibiting at Expo 2010

was up slightly from last year's 181, while the total square footage occupied by those vendors on the show floor was down by less than

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Operators battle lowballers, fret about seatbelt issue

LAS VEGAS — Soooooo, what's on the mind of motorcoach operators these days?

Although there were hundreds of them touring the exhibit hall at last month's United Motorcoach Association Motorcoach Expo, it wasn't readily apparent that many of them are facing very difficult business challenges.

Instead, they were busy renewing acquaintances, soaking up wisdom imparted during educational forums, listening to pitches from vendors, and getting up-close

looks at the new and used coaches, and other gear and services being offered on the show floor.

But pull them aside and they'll readily share what they're thinking. Here's what a handful had to say:

James Brown Sr. of Magic Carpet Tours Bus Service in Richmond, Va., worries about customers who are playing one coach company off another, and competitors who are playing along by cutting their rates below actual costs to land charter jobs.

"The customers are causing a

price war by using my prices to get a bid from other operators. We have not been involved in it, so if someone beats our price then we just let it go because we know the customers will come back when they find out the service the others have is not very good. And besides, those lowballers only will be around for a



James Brown Sr.

short time," said Brown.

The high price of new coaches, coupled with the reduced value of buses he has in his fleet that he might want to trade for something new, also has him concerned.

"With new coaches going for \$500,000 plus, a lot of operators don't have the money to make their monthly payments. And it gets very hard to deal because there have been a lot of repossessions and the banks will not lend. Overall, though, I think we will overcome all of this, although Joe Pub-

lic has to realize what's happening and they'll be seeing older buses."

* * * * *

Jeff Greteman, president of WindStar Lines in Carroll, Iowa, said lowballers are also creating problems for his family-owned company.

"We had a three-year contract that we lost because another company undercut our price by 40 percent and, at that price, our good service did not matter to the customer. They asked us to match their price,

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UMA role in fighting for small operators is affirmed



Godfrey LeBron

LAS VEGAS — The United Motorcoach Association is as committed today to fighting for — and fostering success in — small coach companies as it was nearly 40 years ago when it was founded.

Not only that, but it is UMA that is taking the lead in pushing for reasonable regulations, battling predatory public transit agencies, and making the case for small operators in the halls of Congress.

That was the message delivered by outgoing UMA Chairman Godfrey LeBron in a valedictory

speech near the conclusion of Motorcoach Expo here last month.

"UMA will always nurture and fight for the small, often family-owned operator. It is in our DNA," said LeBron, who is vice president of Paradise Trailways in Hicksville, N.Y.

"Look around you to see who is in the fight with you. Who is in your corner. Who is helping us push for regulations that make sense and do not over burden our time and resources. Who wants better new entrants, not through

burdensome fees and regulations, but education and guidance.

"Look around you to see who is in the transit fight everyday, not just a sexy case here and there, but on the ground every day keeping transits out of the charter business and helping more and more operators privatize commuter routes," said LeBron.

"Look around you and see who's there supporting state associations and regional efforts.

"This is not a segmented industry but an industry with different

roles. We all share a common mission, growing our industry so all of us have an opportunity to pursue (our) aspirations," he asserted.

"I am UMA, you are UMA, we are UMA," he added.

LeBron and his wife, Lauren, founded Paradise Trailways in the mid-1980s, and have experienced all of the travails that can come with operating a small motorcoach company. He has served on the UMA board for 13 years, the past two as the organization's chairman.

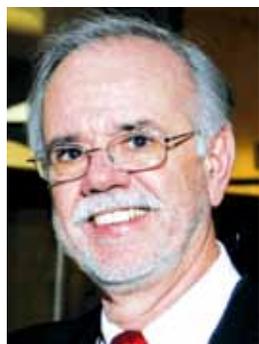
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Jeff Polzien



Ray Land



Wes Barber



Ronald Bast



Wes Kanaga



Elaine Fickett



Gary Bauer

Individuals, companies are recognized at Motorcoach Expo

LAS VEGAS — The motorcoach industry's top honors were handed out at UMA Motorcoach Expo here last month, with eight major awards going to individuals, companies and a leading family.

Expo's annual Operator Luncheon and Vision Awards Banquet were the forums for dispensing the wide spectrum of honors that recognize the industry's best and brightest for stepping up and doing their utmost for an industry that has experienced better days.

Expo has established itself as the premier event for acknowledging coach industry stars, and the Vision Awards Banquet has become the social highlight of the annual exposition. It is a festive evening that invariably contains a surprise or two.

This year, the big stunner was UMA President and CEO Victor Parra outfitted as a swashbuckler, complete with eye patch and pirate garb, participating in a highly choreographed mock sword fight aimed at drawing attention to the pirate heritage of next year's Expo host city — Tampa, Fla.

Here are the winners of the awards presented at this year's Expo:

Metro Magazine Motorcoach Operator of the Year: Jeff Polzien of Red Carpet Charters in Oklahoma City. He was honored for being an outstanding bus operator and for his industry contributions.

Polzien, who has a background in finance and accounting, founded his company 25 years ago with five old buses. He said he had to have five buses because "we never had more than three running at one time."

Today, Polzien has 62 motorcoaches, making him the second-largest coach operator in the Great Plains (behind only Arrow Stage Lines of Omaha, Neb.) and nearly 200 other vehicles, mostly school buses. He diversified about six years ago by starting a school bus operation in Texas.

In accepting the award from Metro Publisher Frank Di Giacomo, Polzien said he was accepting it on behalf of his employees.

BusRide Motorcoach Industry Achievement Award: Raymon

J. Land III of Fabulous Coach Lines in Branford, Fla.

The award, which honors companies that have developed a record of success or overcome obstacles, honored Land for having founded and built Fabulous Coach Lines into a 19-bus company, during a six-year-period, and done it by the age of 23.

In accepting the award, Land said it was for all of his staff.

Land, who is vice president of the Florida Motorcoach Association, received the award from BusRide Editor David Hubbard.

UMA Safety Leader of the Year: Wes Barber of the Federal Motor Carrier Safety Administration.

The Safety Leader award honors an individual who has made a measurable impact on the safety culture of the industry or of their company.

Barber, who spent a dozen years in the bus industry before joining the predecessor of the FMCSA 18 years ago, is the federal agency's resident expert on motorcoach safety.

As a result of his close work with the over-the-road bus industry, he has become a widely known and respected by coach operators.

Barber was presented the award by Matthew Daecher of Daecher Consulting Group, which sponsors the award and selects the winner.

Green Highway Award: Ron-

ald Bast of Riteway Bus Service in Richfield, Wis.

The award is presented to an operator that has demonstrated "the greatest commitment to 'green stewardship' in the areas of internal corporate initiative, external corporate stewardship or community, and industry-wide green leadership."

Riteway has adopted numerous environmental-related initiatives that extend to virtually every sector of the company and beyond. Its "Environmental Sustainability Program," which is outlined on its website, includes energy and emissions reduction programs, as well as a recycling initiative.

The company operates a fleet of more than 30 motorcoaches, 500 school buses and 30 limousines and cars from eight locations. It has 700 employees.

Bast, who said he "loves the smell of diesel fuel in the morning," had a simple five-word recommendation for the industry and his fellow operators: "Let's get a little greener."

The award was presented by Mitch Guralnick of Motor Coach Industries.

There was a "special presentation" during the awards' banquet, with outgoing UMA Chairman Godfrey LeBron extending "Exemplary Leadership and Vision Recognition" to ABC Companies of Faribault, Minn.

UMA singled ABC out for the honor because of its support for Bus & Motorcoach Academy, the popular continuing education program created and operated by the association.

ABC was an early supporter of the academy and provided a large grant to support the programs and mission. In recognition of the company's largesse, the academy's owner/manager-related education component was named the Clarence Cornell School of Business. Cornell founded ABC Companies and is its chairman.

In accepting the award, ABC President and CEO Dane Cornell said the companies' support of Bus & Motorcoach Academy was a way to "give back to the industry and remember our father."

The UMA Maintenance Interchange Maintenance Competition was conducted for the fourth consecutive year as part of Motorcoach Expo. Those individuals attending the interchange were invited to participate in a competition involving a written test and a timed diagnostic inspection. The competition was conducted at Arrow Stage Lines' facility in Las Vegas.

This year's grand champion was Wes Kanaga of Peoria Charter Coach Co. in Peoria, Ill., who won the competition last year at Motorcoach Expo 2009 in Orlando, making him the first repeat winner.

He was awarded a plaque and a gift certificate by Kevin Whitworth of Whitworth Bus in Dayton, Ohio, who coordinates the Maintenance Interchange and Maintenance Competition.

Kanaga made a strong appeal to operators to send someone from their maintenance departments to attend the Maintenance Interchange each year at Expo. He said technicians and maintenance supervisors pick up a busload of valuable information at the interchange.

First runner up in the maintenance competition this year was Craig Fong of Coach America San Francisco, and second runner up was Richard Wenzel of Rockford Charter Coach in Rockford, Ill., who also was second runner up last year.

This year's Maintenance Interchange was the 12th such event.

The highlight of the awards banquet was the presentation of the UMA Vision Awards by UMA board member Jeff Polzien.

"The awards recognize those companies that establish new standards of performance, companies that raise the bar in all areas — marketing, maintenance, operation and safety.

"In short, these companies give us a target to aim for, a higher standard to measure ourselves against," said Polzien.

UMA Vision Award/Small Operator (fewer than 15 coaches): H & L Charter of Rancho Cucamonga, Calif.

H & L Charter was started 26 years by Herb and Laura Fickett. Their son helped grow the company during the early years until his untimely death.

Now, his widow, Elaine Fickett, is at the helm, continuing the legacy of service and high standards with a fleet that numbers 11 coaches.

"One of the biggest reasons for this company's success is its proactive involvement beyond the normal day-to-day tasks of operating a transportation company," said Polzien. "Elaine is devoted to serving the industry."

Fickett appeared to be genuinely moved by being singled out for the Vision Award.



ABC Companies' President and CEO Dane Cornell, second from left accepts special recognition memento from UMA for the ABC's support of Bus & Motorcoach Academy. With him are other Cornell family members — from left, Judy, Ryhan, Ashley and Roman.

Coach builders face challenges everywhere they turn

LAS VEGAS — With sales of new motorcoaches lagging behind those of recent years and the used-coach market saturated, major bus manufacturers supplying the North American market are looking for new ways to weather the storm and prepare for the future.

Most of them, according to top manufacturing executives who appeared on a panel at the United Motorcoach Association Motorcoach Expo here last month, are looking inward in search of ways to cut costs without impacting coach or service quality.

Motivating them to be successful are sales figures that last year reached the lowest level of the decade.

Sales of new coaches in the U.S. and Canada in 2009 totaled 1,654, down from 2,017 in 2008, 2,173 in 2007 and 2,381 in 2006.

Prevost is banking on a team of 110 task forces, each of which is responsible for monitoring various segments of the company and its manufacturing processes and coming up with ideas to reduce costs and improve quality, said Gaetan Bolduc, president and chief executive.

“We’ll be in much better health and ready to quick-start our business when things recover in the new economy,” he said. “With all crises, come opportunities.”

Patrick Scully, chief commercial officer of Daimler Buses North America, said his company is stressing innovation, noting that companies that have the foresight to adapt to the new economy will benefit the most.

“We’re looking closely at what we build and making sure we’re doing it in the most cost-effective way,” he said.

He emphasized, too, that focusing on customers is critical during difficult times and will pay dividends in the long run.

ABC Companies’ President and Chief Executive Dane Cornell, said diversification, which has been an important part of the development of his company, can be critical to maintaining and growing a business.

“People that make it through this will come out knowing their business much better,” he said, adding the industry seems to face a downturn every seven to 10 years.



From left, Dane Cornell of ABC, Patrick Scully of Daimler and Larry Brennan of BCI

Scully agreed, pointing out that diversifying helped manufacturers recover after the terrorist attacks of Sept. 11, 2001.

“We all branched out, with transit up 18 percent and the motorcoach business down 17 percent,” he said. “One carried the other.”

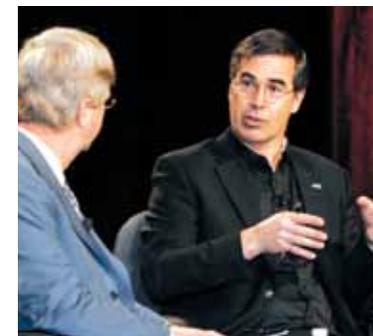
Larry Brennan of Bus and Coach International said attending events such as Expo plays an important role in boosting manufacturers as well, noting such events can open the door to new business.

“And UMA dealing with state and federal legislators is a very good benefit as well,” he said.

That view was shared by Cornell, who added that the annual UMA Motorcoach Expo produces big benefits for operators by bringing them together to exchange ideas in both good and bad times.

Scully noted that while the educational sessions offer great benefits to operators, the informal discussions among operators

CONTINUED ON PAGE 6 ▶



Gaetan Bolduc of Prevost Car, at right, answers question posed by moderator David Brown of Holiday Companies.






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Dennis Prigge, center, and Julie Maraffino of Discovery Coach in Sheboygan, Wis., visit with Aram Nikitas of MCI.



Charles Walser of ABC Companies, at left, talks with Todd Way, center, and Dale Douglas of Balboa Transportation Services in San Diego at the Expo Welcome Reception.



Scott Coleman, center, of Rosco Mirrors answers product questions.



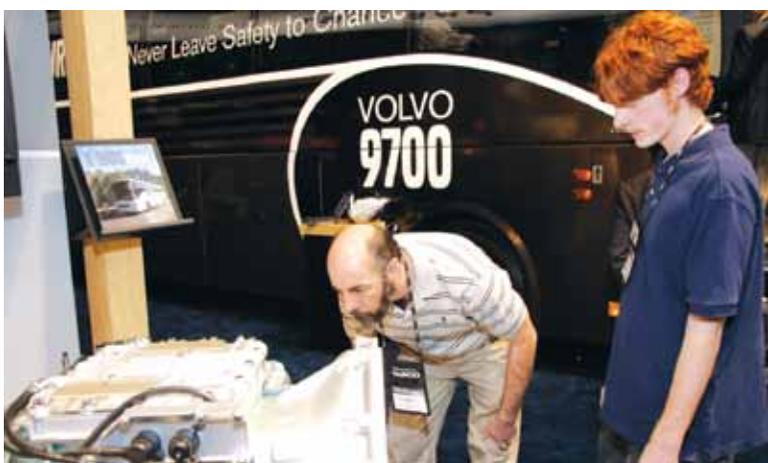
George Carroll of Leisure Time Charters & Tours in Emerson, Ga., center, poses a question during an Expo Solution Session. David Parham of Ionosphere Travel & Tours in Anderson, S.C., is on Carroll's left.



Destination exhibitors Linda Spruill of Beau Rivage Casino Resort in Biloxi, Miss., and Bill Canter of the Tunica (Miss.) Convention and Visitors Bureau visit during Expo reception.



Allister Collins, kneeling, explains the safety features of a Sefac mobile lift.



Ronald Gonsalves of American Stage Tours in Concord, Calif., left, and his son, Andrew, check Volvo auto-stick transmission.

Coach builders

CONTINUED FROM PAGE 5

might produce even bigger pay-offs. He said operators often find out during those discussions that someone else in the business has

some of the same problems they do and they can trade ideas on how they can best be resolved.

In other areas, the panelists expressed concern about new safety measures that are being forged for the motorcoach industry by federal

regulators, including safety belts, stronger coach roof designs, safer windows, and ADA rules.

"They are going to have to have a reasonable time line for them because the industry can't afford them (all at once)," noted Cornell.

Still, Scully said the industry will likely be up to the task as the safety measures unfold. "I look to us to come up with the solutions to meet them," he said. "It's up to us."

Meantime, the panelists said they need to keep close watch on

what is happening today in the regulatory arena to be better prepared for the future.

"Predicting change will be the toughest challenge for us," said Brennan. "We are going to need a finely tuned crystal ball."

Operators, associations fight the good fight...and win

LAS VEGAS — Cash-strapped states across the country have begun peppering the motorcoach industry with proposals for new taxes and new regulations that could cost operators millions of dollars.

And state trade associations are fighting back — sometimes successfully.

That's the message representatives from state bus groups delivered during the annual State Association Summit held here last month in conjunction with UMA Motorcoach Expo 2010.

From coast to coast, they warned, the industry stands to be hit with new costs at a time when many operators are facing serious financial struggles of their own.

"And things are only going to get worse," warned New York operator and outgoing UMA Chairman Godfrey LeBron, adding that federal lawmakers also are targeting the industry with measures that could prove costly to individual operators.

In Alabama, operators twice defeated attempts by state lawmakers to raise commercial vehi-

cle licensing fees, but now are facing a third fight as the state proposes other taxes that would impact the motorcoach industry.

"Every time you turn around they want to hit us with something to raise their revenue," complained Alabama operator Charles Payne of Southern Charter Co. in Trussville. "It's just a continuing fight."

Jim Harris of North Carolina said operators in his state are struggling to get school districts to adopt uniform insurance requirements for operators providing charters for schools. Currently, the requirements vary by as much as \$5 million, which creates serious financial and logistic problems for operators who run buses in more than one county.

"We're now trying to negotiate with the individual counties instead of the state legislature," said Harris of Cardinal Coach in Warsaw, N.C., and the immediate past president of the North Carolina Motorcoach Association.

Operators in Alabama and North Carolina did find success with their efforts to get their state legislatures to pass measures that

prohibit convicted sex offenders from obtaining commercial driver's licenses with passenger endorsements. The law already has taken effect in North Carolina and is awaiting the signature of the governor in Alabama.

In Virginia, operators are looking for state or federal help in stopping the charity organization United Way from teaming up with transit agencies and operating charters, according to Virginia Motorcoach Association associate board member Chuck Andrews of WorldStrides.

John Silvanie of White Plains Bus Co. said New York operators faced off with the state to defeat a transportation tax, but failed — along with many other groups — in an effort to stop state lawmakers from passing a statewide payroll tax that supports the New York Metropolitan Transit Authority.

However, the payroll tax issue is far from over, according to operator William Schoolman, who has filed suit against the state to have the tax declared unconstitutional.

Schoolman, who is president



New York operator Bill Schoolman, right, explains elements of his lawsuit against New York MTA to industry consultant Jim Seal, a coach industry expert on federal charter service rules.

of Hampton Luxury Liner and Classic Coach of Bohemia, N.Y., announced he plans to devote much of his time in the months ahead to gathering support for his effort from businesses, hospitals, schools and others that are having to pay the MTA payroll tax.

Schoolman maintains it's unfair for him to be required to pay additional taxes to an agency that

competes directly with his motorcoach companies.

"The MTA is a monstrous money pit," he told operators at the summit, contending it pays many of its employees outrageous salaries and continually mismanages its budgets.

In Pennsylvania, operators are championing efforts to defeat

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Victor Parra

Expo a winner

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2 percent.

The exhibiting companies displayed a wide spectrum of goods and services for the industry — from coach builders and equipment makers, to service providers and accessory suppliers, to destinations and attractions, the Expo show floor held aisle after aisle of the latest products and services available to operators.

There was a record number of motorcoaches displayed on the Expo show floor this year, ranging from a trolley bus to a 2010-model Setra outfitted with a 2010 reduced-emission Mercedes engine. There will be extended coverage of the new coach offerings in the April 1 issue of *Bus & Motorcoach News*.

The theme of this year's show was Thriving in a New Economy and the dozen Expo Solution Sessions sought to give operators new insight into tackling the challenges the current business environment presents in three areas — marketing, operations and finance.

"I really think this year's Expo lived up to its mission of showing operators how to thrive in a new economy," said Parra.

"Presenters and speakers drove home the point that now is the time to think outside the box and utilize different approaches to marketing

and operations to get your business moving forward. The operators that gathered in Las Vegas already showed they are ahead of the curve in making the commitment to attend their industry's annual meeting to make new connections and learn new ideas.

"We think we gave them some good solutions to take back with them and put into practice ASAP," said Parra.

"This was a great show. For four days, the entire industry came together in Las Vegas. There truly is strength in numbers, and the turn out in Las Vegas shows how strong this industry really is," Parra concluded.

In addition to the trade show and educational seminars, Expo was the site of a variety of affiliated meetings, such as the State Association Summit, UMA's Legislative and Regulatory Update, and the Maintenance Interchange, plus informational sessions and social networking functions. (See articles and photos on Pages 6 and 7.)

A highlight of the event was remarks by FMCSA Administrator Anne Ferro. (See story on Page 1.)

As the industry's premier gathering place, many other industry organizations held their events in conjunction with UMA Expo. The National Association of Motorcoach Operators and various manufacturers held sales and other meetings during the week, and the

International Motor Coach Group conducted its annual Maintenance and Safety Forum prior to Expo.

The National School Transportation Association was represented on the trade show floor, as was the American Bus Association, the National Tour Association, the Federal Motor Carrier Safety Administration, and the Pacific Bus Museum.

The Motorcoach Council's industry-wide initiative, *Get Motorcoached*, was featured prominently during the event.

Also on the floor was BusRates.com, the charter bus operator database that generates thousands of leads each month for charter bus operators.

Parra and BusRates founder Mark Greer reported that Internet traffic on the BusRates website has climbed to nearly 100,000 visitors monthly.

Another high point of the week was the 7th annual Vision Awards Banquet, spotlighting outstanding motorcoach companies as nominated by their industry peers. (See story on Page 4.)

At the conclusion of Expo, UMA's board members elected new officers for the next two years.

Moving to chairman from vice chairman was Tom Ready of Ready Bus Lines in La Crescent, Minn. Ready succeeds Godfrey LeBron of Paradise Trailways in Hicksville, N.Y. (See story on Page 3.)

Elected vice chairman was Bill

UMA announces affordable healthcare plan for members

LAS VEGAS — The United Motorcoach Association used its 2010 Expo as the forum for announcing a new healthcare program for its members and their employees.

UMA has partnered with Bridgeport Benefits Inc. of Agoura Hills, Calif., to create UMA WellCare, a health benefits package.

The members-only plan provides services and benefits through TransAmerica and Allstate, two of the nation's largest insurers, and is intended to provide affordable, basic health benefits to those who currently do not have a major medical plan or to supplement an existing major medical plan.

In addition to medical, dental and vision coverages, the UMA WellCare plan also includes options for critical illness, short-term disability and term life insurance.

Allen of Amador Stage Lines in Sacramento, Calif.

The team of Ready and Allen mark a nostalgic milestone for UMA: The pair are sons of two of UMA's eight founders — Joe Ready and Alex Allen. The senior Allen attended the UMA board meeting at which his son was elected vice chairman.

Also elected officers were Marcia Milton of First Priority Trailways in District Heights, Md., who was chosen secretary, and Jeff Polzien of Red Carpet Charters in Oklahoma City, picked as treasurer.

Elected a UMA director this past fall and taking his seat on the board for the first time was Larry Hundt, president of Great Canadian

"UMA WellCare was developed with the unique needs of UMA members in mind," said UMA President Victor Parra. "The plan is open to full-time, part-time or even seasonal employees, and is extremely flexible for employers, with no participation or contribution requirements."

"This is the benefits solution our members have been looking for," added Ken Presley, UMA vice president of industry relations.

"This program has a plan that starts as low as \$84 a month for an individual and around \$200 a month for a whole family. And that includes allowances for physician office visits, hospital stays and emergency room visits. It really is a great plan and we know it will be a great asset to our members."

UMA members interested in learning more about the plan can contact Bridgeport Benefits directly at (800) 532-5941.

Trailways of Kitchener, Ontario.

Hundt was elected to a board seat created by UMA members at Motorcoach Expo 2009. He will represent UMA's Canadian operator members.

Hundt made clear at his first board meeting he intends to be an advocate for the operators he represents. He noted that many of UMA's benefits do not extend to the organization's Canadian members.

Parra promised the association would look at all of its benefits with an eye toward making as many of them available to Canadian operators as possible.

UMA Motorcoach Expo 2011 will be Jan. 19-23, 2011 in Tampa, Fla.

LeBron

CONTINUED FROM PAGE 3

Like all UMA directors, LeBron was chosen by operator members in a contested election.

"My greatest pride has been in visiting and talking with members about their concerns, hopes and aspirations," he said.

"It is heartwarming to know how many of our operator members' greatest aspiration is to pass along a successful company to their sons and daughters. Lauren and I share that goal with you.

"Many of you would be surprised that much of UMA's mission today is much like it was in 1971, when our founding members started UMA — to have and maintain an industry free of eco-

nomics regulation.

"Most of us here tonight began our businesses after the industry became economically deregulated. Before those days, most of us would have never had the opportunity (to start our businesses) because obtaining operating authority was too often complex, expensive and nearly impossible.

Regulation? No Thanks

"If you were fortunate enough to obtain authority, your rates and fares were regulated, as well as where you could go.

"Imagine today," he said, "telling a potential customer you could not take them to a destination because you did not have authority or could not adjust your rate to meet their budget requirements as you

could be called before a commission and lose your (operating) authority.

"Imagine a time when coaches were much older, interiors were aged and passenger comfort was much less a concern.

"Those days resulted in an industry that was stagnant and gained a reputation that all of us are still working to overcome."

LeBron noted that new entrants continue to enter the industry, competing on price and customer service. "While we all cringe when there is one more coach company down the street, it is the continuing expansion and diversity of the industry that continues to expand the marketplace," he said.

"Our founders were the 'rogue'

operators of yesterday who upset the apple cart, and while we always believe compliance and safe operations should never be compromised, it is today's and tomorrow's 'rogue' operators that will keep our industry vibrant and growing," he said.

Thank you vendors

"Yes, there are those in Washington, D.C., who whisper in congressmen's ears for legislation that would choke our industry, and those who clamor for more cumbersome regulations and fees that would not make our industry safer but impede those who choose to enter the industry and start those ever critical new companies — tomorrow's success stories.

"They yearn for the status quo,

the industry of yesterday," he said, making clear it is not a yearning he shares.

LeBron also acknowledged the support UMA has received over the years from industry vendors and suppliers, "particularly our manufacturing partners.

"It would be easy for each of them to sell to all of us and take their profits home," he said. "Yet they still recognize what every leader in this industry recognizes — this is an industry still in its infancy, an industry that is many years, perhaps decades from reaching its capacity.

"They continuously, even in times of economic downturns, invest and reinvest in our industry so we can maximize our capital in our businesses."

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Transit agencies seen as potential business partners

LAS VEGAS — Although motorcoach companies often are at odds with public transit agencies, attempting to work more closely with them might help cash-strapped private operators work through the steepest business downturn they have experienced in nearly a decade.

Three long-time operators made that point during a wide-ranging panel discussion during the United Motorcoach Association Motorcoach Expo here last month.

They suggested operators expand their search for new revenue by approaching their local transit agencies and going after contract work that many of them offer or are considering.

“The best opportunities are going to be in transit,” said Brian Scott, whose Florida-based Escot Bus Lines has been working with transit agencies in Orlando and Tampa for several years. “They will (increasingly) be turning to private carriers because they don’t have any money.”

Transit authorities across the country that have been hurt financially by the sour economy have turned over some of their work to

private companies, including paratransit, on-demand, shuttle, and emergency services.

John Walker president of Star Shuttle and Charter in San Antonio, Texas, said motorcoach operators need to call on transit authorities with the message that private carriers are willing to provide help.

“You might not get any work right away, but it may open the door toward privatization,” he noted.

Jack Wigley of All Aboard America in Mesa, Ariz., suggested the transit authorities be reminded that contract work provides employment opportunities that put tax-paying people to work.

“We need to say to the transits: ‘What we do is hire people and the people we hire pay taxes,’” he stressed.

Walker recommended, too, that private companies first find out what their transit authorities are up to and what they are doing with other private companies before approaching them. He said he often uses state and federal open meetings and records laws to obtain transit documents that can reveal valuable information, including the pricing proposals of competitors.



Jack Wigley, John Walker and Brian Scott, from left, advocated relationship building.

Scott agreed, saying he sometimes responds to small transit proposals just to see what other companies are doing and find out their pricing schemes.

All three panelists urged operators to attend meetings held by transit agencies in their areas, not just to keep tabs on what is going on, but to build relationships with transit officials as well.

“You have to constantly build relationships,” maintained Walker.

They also suggested operators get more involved in their communities by serving on boards and commissions and doing charity

work that benefits residents and builds awareness of your company.

Scott, Wigley and Walker made their comments during a session entitled *Thriving in a New Economy*.

The three also urged operators to consider joining the “20 Group” program, a UMA-sponsored program that brings together non-competing operators who share and discuss details of their operations. Members, who meet regularly and exchange monthly reports with each other, find out how they are doing in comparison with

similar-sized companies and how they can improve their businesses.

“Joining a 20 Group was the best decision we every made,” said Walker, adding that it gave him a new look at his company’s costs and helped him determine if his pricing structure will produce the returns necessary to sustain his business.

Scott echoed the comments, calling the program “extremely valuable” and stressing it has made it possible to more closely monitor pricing pressures and fuel costs and to better manage his debt.

“I think joining a 20 Group will do your business a lot of good and I think it will do it for many years to come,” added Wigley.

The panelists also reminded operators not to forget the basics, including customer service that will help them not only retain customers but draw new ones as well.

“I am absolutely convinced that when you focus on customer service, it will come back to you,” emphasized Wigley.

The panel session was monitored by UMA President Victor Parra and Steve Klika of International Motor Coach Group.

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Industry message to be taken to Capitol Hill



Ken Presley

LAS VEGAS— Faced with the prospect of a deluge of federal legislation and new regulations, the motorcoach industry is stepping up its efforts to protect its turf.

Operators across the country are being urged by the United Motorcoach Association to join a “fly-in” to Washington, D.C., next month to meet with key lawmakers and other federal officials.

The invitation, which was extended during UMA Motorcoach Expo here last month, follows a similar visit to the nation’s capital last June by members of the UMA board of directors. (See July 15 *Bus & Motorcoach News*.)

“We are inviting more operators to come along this time to be more productive,” said Bill Allen of Amador Stage Lines in Sacramento, Calif., and chairman of the UMA Legislative and Regulatory Committee. “We want it open to everybody.”

He said that while the first trip was beneficial, having even more operators meeting face-to-face with key Senate and House members, as well as their own representatives, can have a bigger impact and produce even more results.

“When you go visit your own representative it means a lot,” he said. “They listen and follow up at their home districts.”

Operators interested in taking part in the event April 13-14 should contact Ken Presley, UMA vice president of industry relations, right away. There may be a limit on the number who can participate.

Allen’s plea to join in the fly-in was repeated by Presley, who discussed key legislative and regulatory issues facing the industry.

Presley and Allen said the meetings with lawmakers would zero in on a mixture of critical issues, including preserving the fuel tax exemption for motorcoach operators, protecting the federal charter service rule, pending legislation and rules that would mandate motorcoaches be equipped with seatbelts, structural improvements to new coaches, retention of secret voting for union organizing, increased regulation of 15-seat commercial vans.

Allen said that retaining the charter service rule and helping defeat the biggest opponent to the rule, Sen. Patty Murray, D-Wash., should be top priorities of the industry.

“If there has ever been a time (for the motorcoach industry) to target a particular senator, this is that time,” he asserted.

Murray managed to get an exemption to the charter rule for King County Metro Transit of Seattle and now other members of Congress reportedly are talking

about trying to do the same thing for either major cities in their states or possibly entire states.

Allen said operators also need to be vigilant to make sure efforts to remove the fuel-tax exemption from motorcoaches does not gain traction.

Presley told operators that several other federal issues warrant

close watching by operators.

Among them are proposals that all coaches have electronic on-board recorders and stability control equipment, and a requirement that new operators pass written examinations before being issued operating authority.

Two other measures that would impact the implementation of a

new Motorcoach Safety Plan issued late last year by the U.S. Department of Transportation also bear watching. (See Dec. 15 *Bus & Motorcoach News*.)

One proposal that is favored by UMA would establish longer periods for operators to meet new rules in the plan, while the other opposed by UMA would require that

all of the regulations become effective within one year of their passage.

“It is important that you guys weigh in on those bills,” said Presley.

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Award winners

CONTINUED FROM PAGE 4

She gave heart-felt thanks to a long list of individuals who had helped her over the years, including her "mentor," Darlene Cochran, a California coach industry legend; California bus industry leaders Mike Waters and Dan Eisentrager of Coach America; coach salesman Charlie Walser of ABC Companies and Mark Lein of Prevost; her bus maintenance guru Jacque Gagne, and even long-time Goodyear Tire & Rubber Co. regional manager Edward Bowman, who took the time to educate her about all things tires.

She said she wanted to share the award with her employees, her two daughters, and "with you" — the attendees of Motorcoach Expo.

UMA Vision Award/Large Operator (15 or more coaches): Bauer's Intelligent Transportation of San Francisco.

Polzien, who chairs UMA's Vision Awards Committee, said Bauer's had developed a unique alternative transportation service in a challenging and changing marketplace.

"The company's business model was transformed from an award-winning limousine service to a motorcoach and shuttle transportation solution leader, where



UMA President Victor Parra, leaping at left, cheats death in a sword fight with a dangerous buccaneer from Tampa, site of next year's Expo.

safety and innovation is the guiding principal.

"The business transformation took risk, creativity, vision and insight. This company stayed in tune with the current transportation needs of the community and... has emerged victorious in growth and in industry leadership — despite rising fuel costs and difficult times.

"Also, having been the recipient

of the 2009 UMA Green Highway Award, this company is at the forefront of the green initiative by incorporating green technology into daily operations," said Polzien.

In accepting the award, Gary Bauer said success stems from the vision we all create, and his company continues to strive to be innovative and look for ways to be more environmentally friendly.

Fight...win

CONTINUED FROM PAGE 7

legislation that would require them to buy all-natural-gas buses whenever they replace one of their diesel-fueled buses.

"We're working against that right now," said Elaine Farrell, executive director of the Pennsylvania Bus Association.

She said the operators also have taken on a new task that could head off possible problems down the road — conducting personal interviews with candidates who are running for governor.

In the state of Washington, operators there are involved in a fight with ramifications that go well beyond that state and could impact operators all across the U.S.

Under fire is Sen. Patty Murray, a Democrat from Washington state who pushed through an exemption from the federal charter service rule for King County Metro Transit of Seattle. The action has so angered operators in the state that they now are mounting a campaign to defeat the senator in this fall's election.

"We're committed to getting (her) out of office," said Tom Cook of Silver City Charter and Tours in

Silverdale, Wash., who warned that if the exemption sticks in his state it won't be long before it spreads to other states.

In fact, industry executives said they already are hearing reports throughout the country that other members of Congress are considering seeking similar exemptions for cities in their states or entire states.

Meantime, UMA President and CEO Victor Parra told operators attending the summit they need to remain vigilant in protecting their turf.

"We're seeing operators getting more involved in state and local affairs and with officials and that's good because that's where most state and national politicians start," he said.

Parra suggested, too, that operators encourage executives with state and local hotel and tourism organizations to work with them because the motorcoach industry has a huge impact on the two industries.

"State legislatures need to think long and hard before doing anything to our business because we contribute to the economy, both directly and indirectly," he emphasized.

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Operators

CONTINUED FROM PAGE 3

but we refused. But we are going to have to re-evaluate what we're doing," said Greteman.

"We're trying to do more sales and working hard to close each sale. We also paid to move higher up on some Internet search engines, and now are going to have to get a little more involved with our local transit agencies and see about getting some contracts."

Trenton L. Drew, chief operating officer of ACE Charter Service in Surry, Va., is troubled by a variety of problems confronting his company, as well as the motorcoach industry as a whole.

"The price of a new bus is out of a lot of companies' reach now and the banks are looking for larger upfront money. It used to be they would ask for just one month's payment, but now they want two or more months and some people don't have it."

Drew said competition is widening, too, because the pie is getting smaller and everybody is trying to get a piece of it.

"And seatbelts, well I agree with them because safety is always

a good thing, but we hope the government offers some grants or other assistance for retrofitting our buses.

Still, he remains optimistic and predicts customers will be coming back.

"But right now we all have to be patient and deal with it."

Ralph Young of Young Transportation in Asheville, N.C., is another coach company owner who worries about operators that undercut the competition, as well as what impact the federal government's pending mandate that motorcoaches have seatbelts will have on his company and other operators.

"Up to a point we try to be competitive with lowballers, and lower our prices, but we won't go to the point that they do. They seem to be willing to do anything so they can meet their payments, but if they keep it up, they'll all go bankrupt," said Young.

He said he does not expect federal regulators to require retrofitting of seatbelts on existing coaches when they announce their seatbelt mandate. But, he believes motorcoach riders probably will.

"If our customers get a coach

that has seatbelts on it, they'll demand that they get one with belts the next time they ride. Nobody is going to want to spend \$60,000 to retrofit a bus worth \$75,000, but if you only have one coach with a seatbelt, you're going to be in big trouble."

"He does not expect regulators to require retrofitting of seatbelts... But he believes motorcoach riders probably will."

The financial pinch he and most other carriers are in now has made him shy away from buying new coaches, and he's OK with that for now.

"If the buses are clean and well maintained, customers really can't tell the year they were built."

Jerry Rosenbaum, co-owner of El Paso-Los Angeles Limousine Express in El Paso, Texas, finds the bottom feeders a constant problem with his line company, which runs in Texas, Arizona, California, Colorado and Mexico.

"We've got some bottom feeders, but we have been dealing with them for a long time. Plus, the economy is hurting us, too, and our business is down because people aren't traveling as much as they have in the past. The flu scare also affected our business."

Jim Weber of Personalized Coaches in Waldo, Wis., also is concerned about the seatbelt issue, especially the possibility that customer demands may pressure operators to retrofit some of their coaches if the federal mandate only covers new coaches.

"If we retrofit any of our coaches, who will be liable if there is an accident, me or the persons who did the retrofit? There are a lot of questions here.

"We have not had much trouble with bottom feeders in our area and our charter business is up, while our tour business is down some. Our charters are up because

we have a lot of college charters."

Barbara Bayer, manager of Woodlawn Motor Coach Inc. in Baltimore, Md., sees the down economy cutting into her charter business and two huge winter storms on the East Coast this year piled on top of her losses.

"We are lucky, though, because we run both charters and school buses. Our charter business is down some and it was just starting to come back when we were hit by big back-to-back snow storms. Our March and April reservations and even into May are looking real good now."

"We are lucky, though, because we run both charters and school buses. Our charter business is down some and it was just starting to come back when we were hit by big back-to-back snow storms. Our March and April reservations and even into May are looking real good now."

She shrugs off competitors that undercut her rates and believes she eventually will win back any business she might lose to them.

"Bottom feeders are giving us some problems. I would rather lose the business than run for free, so I tell people if they don't have a good trip, then call us the next time."



Ralph Young

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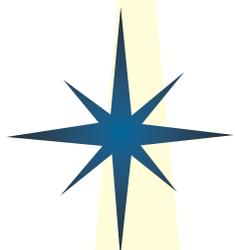
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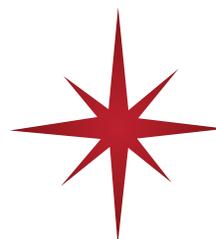


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Industry sustainability is challenged by tough times

By Dave Millhouser

We called him the “Educated Idiot.”

Long on education but short on experience, Dave had stumbled into the bus business and was planning a ski charter from Atlanta to Colorado’s High Country.

In an effort to outmuscle Mother Nature, he equipped his PD4106 with a tank heater, oil pan heater, block heater and the always popular battery heater.

We offered him indoor parking, but he was confident his electronics and hydra-headed heating system would triumph. So, he plugged in, outside, at the motel.

While he slept, the cumulative load blew the circuit breaker, and the bus froze solid.

We all know someone like that, and for years we Real Bus Folks have laughed at them. Ours is a business where experience is king, and the business models that other industries use just don’t work for us. Or, so we thought.

It now appears our industry is in the midst of a Darwinian shift. It may be time to take a look at the way we’ve done business in the

past, and see if it measures up to the times.

Our current model just may not be sustainable.

Darwin can’t be fooled or charmed, and you can’t dazzle him with footwork. He’s sneaky, too. There’s no big announcement that Darwin is coming, so you can be surrounded by his nasty Trolls, and not recognize it until it’s too late.

A partial list of things that have either changed, or become critical, would have to include the fact that our industry spends enormous amounts of money on depreciating assets that are often used seasonally.

If you don’t know what a depreciating asset is, look at your high school yearbook picture, then at a recent photo. YOU are a depreciating asset, as are your coaches. Managers in other industries would cringe at how much money we tie up in buses.

We’ve always had to do that, but in recent years resale value has become unpredictable (a charitable description). We can no longer count on bus equity as either profit, or as something we can borrow against. It’s become dangerous to

buy a coach to be able to seize a short-term opportunity.

The public has become convinced that a five-year old bus is obsolescent (with more of that coming when seatbelts and electronic gizmos are mandated in new coaches), yet we can only afford coaches if they last 20 years.

New-coach prices keep climbing due to inflation and government mandates. And manufacturers seem determined to sell them for at least a little more than it costs to build them.

Meanwhile, revenue is static; we can’t seem to convince the public of what a coach trip is really worth.

In many cases, even if there was no coachly competition, you still couldn’t raise prices to a level that covers costs, and the huge risks you take, while providing a reasonable profit. Folks either would not go, or would take cars.

What to do?

Heck if I know, but a couple of things seem wise.

First, we need to look at other industries. Don’t mimic them but learn from their experience. In the future, our business is likely to be

more like theirs.

See about taking business classes. See what’s available in your area, and take advantage of it. Try looking at the bus business through the eyes of folks who’ve been successful in other disciplines.

Compare your numbers and ratios with other types of businesses; we’re more like them than we’d like to admit.

Watch your peers (and competitors). Learn from them, try new things, and then be brutally honest with yourself about what works and what doesn’t — and remember Darwin is watching.

One problem you’ve got is the fact that, no matter how smart you are, some competitors are dingbats who run too cheap. If you can hang on, Darwin will squish them. A combination of tight money and government regulation may help them remain road kill. It’s a delicate balancing act.

It would be nice if I could offer ideas that would help. I ain’t that smart, and if a formula worked, every business would succeed. Try stuff and try to keep ego out of decisions.

Look at your resources and the talents of your employees, and see if there are additional things you can be doing

with them. The future belongs to companies that do more than one thing well. It’s all about utilization.

In the end, we’re likely to have a smaller, smarter industry.

The survivors are going to be the ones who adapted, used resources wisely, and learned from other business models. I’m not saying I LIKE that, just that Darwin is merciless.

Folks, it seems like we only have two choices. We can be a shivering dinosaur waiting hopefully for warm weather, or the furry mammal scurrying around looking for new ways to eat and keep warm.

Dave Millhouser is a bus industry marketing consultant and freelance writer. Contact him at: dave_millhouser@hotmail.com.



Dave Millhouser

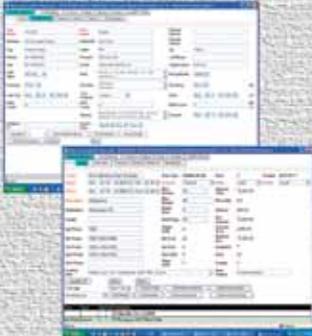


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Michauds chart new directions for business

BRENTWOOD, N.H. — Two bus industry fixtures, James “Spike” Michaud and his son, Jim, owners of Michaud Bus Sales Inc., have decided to change the focus of their business.

For nearly two decades the Michauds have sold pre-owned buses nationwide from their base here, which is not far from Boston, and Manchester and Portsmouth, N.H.

Now, they’re splitting their services, hoping to utilize their knowledge and experience in new ways.

Spike Michaud will be providing bus appraisals through a newly formed company called Michaud Bus Appraisals LLC, while Jim Michaud will focus his attention on his web-based sales outlet called BusesOnline.com.

In the mid-1990s, before the internet gained its present popularity, Jim Michaud developed what has become one of the industry’s leading websites for buying and selling buses: BusesOnline.com. While the website has evolved and changed over the years, Michaud says he knew there was more that could be done with it.

“I’ve always felt we could help our industry further,” he said. “This is the next step, and the timing is perfect. We recognize the need for a fresh and innovative way for the industry to not only buy and sell buses, but search for ways to improve their bottom line, be more efficient and stay competitive. We are excited to be introducing a totally new website to help the entire bus industry do just that.”

Michaud says the “new” Buses Online.com offers a way for buyers and sellers to communicate directly through inexpensive listings with maximum exposure throughout the web.

Shoppers can choose from motorcoaches, conversion coaches, transits, minibuses, trolleys, school buses and limousines.

“There are no commissions, no hidden fees and an easy-to-use format. There is also a very helpful area to search for services within the industry, such as insurance, finance, repairs, parts and much more,” he says.

“One of the most exciting areas of this site is the free listings for bus parts, bus collectibles and even an area exclusively for industry employment.

“Most companies have surplus or outdated parts — taking up valuable space and tying up capital — they would like to get rid of. Why not sell those parts and recover some of the original cost, while helping another company or indi-

vidual in need of those parts?

“The collectibles section is for some fun.

“And industry employment is an area that is very important to me. We all know how difficult it is to find quality employees and/or employment today. This is an opportunity to reach out and find people in an industry that strives to

find the best, most-qualified personnel no matter where they are located,” he explained.

Spike Michaud has spent his entire life in the bus industry. While he is probably best known for selling buses, he also has been providing bus appraisal services for years through Michaud Bus Sales.

He says there is a need among

his clients and the industry for expert appraisal services, so he has decided to focus entirely on providing appraisals by starting a new company: Michaud Bus Appraisals LLC.

“I’m excited about this next chapter in my career,” he says. “I’ve been doing appraisals for over 30 years but never exclusive-

ly. I enjoy it very much.”

He will offer his services to individual bus owners, bus companies, insurance companies, financial institutions, law firms and others.

Spike Michaud has a new website, www.BusAppraiser.com, or contact both Michauds at (877) 642-4283.



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THE DOCKET

FMCSA allows states to begin 2010 UCR fee collection

WASHINGTON — The Federal Motor Carrier Safety Administration has told the 41 states that participate in the Unified Carrier Registration program they can begin collecting UCR fees for this year.

Although the FMCSA has yet to establish a fee structure for 2010, states can go ahead and assess and collect fees under the fee system that was used last year, the agency informed the states.

The FMCSA took the unusual

action so states could raise money to continue the enforcement and safety programs that are paid for by Unified Carrier Registration fees.

In addition, allowing collections to begin will enable states to raise the money needed to meet their share of the costs of participating in the federal Motor Carrier Safety Assistance Program, which helps states pay for a variety of safety-related initiatives.

The FMCSA has been considering how to revise the fee struc-

ture for the Unified Carrier Registration program since it issued a controversial notice of proposed rulemaking last September.

“A final rule (with a revamped fee structure) has not yet been issued due to unexpected delays,” the agency said in the Federal Register early this month.

Fees for the program, which are collected from all interstate bus and truck carriers, are supposed to be set annually by the FMCSA based on recommenda-

tions made by a board made up of state and industry executives.

Last year, the board recommended an overhaul of the fees, proposing they be more than doubled for virtually all companies, regardless of size, due to changes in how the agency calculates fleet size and chronic under-collecting by states for the three-year-old program. Private industry members of the board were unable to block the fee-increase proposal because they are a minority on the board.

In a statement, FMCSA spokeswoman Candice Tolliver said the guidance notice published by the agency this month “supports our state partners by enabling them to collect fees that help to fund critical motor carrier safety and enforcement programs.”

“FMCSA wants to ensure that states have the resources they need as the agency develops a new final rule for the Unified Carrier Registration plan and agreement,” Tolliver said.

U.S. to promote foreign tourism, domestic travel spending sought

WASHINGTON — After decades of advocacy, the U.S. travel industry is finally getting a national tourism promotion board, but some, particularly in the airline industry, worry the board’s funding mechanism may actually reduce travel to American shores.

A new law adopted by Congress, called the Travel Promotion Act, creates a board that will be responsible for developing ad campaigns that promote the U.S. as a travel destination for foreigners. The board is expected to eventually have a \$200 million budget.

President Obama signed the measure into law early this month.

Many in the U.S. travel industry have long advocated for a national tourism board, arguing that the United States was one of the few industrialized nations without one. (See Oct. 1 and Oct. 15 issues of *Bus & Motorcoach News*.)

At the same time the Senate was giving the final approval needed for the Travel Promotion Act to clear Congress, a U.S. House member from California was introducing legislation designed to provide \$50 million in matching grants to destination marketing organizations and their strategic partners during the next five years to promote domestic tourism.

The Travel Regional Investment Partnership Act introduced by Democratic Rep. Sam Farr, co-chair of the Congressional Travel and Tourism Caucus, would authorize the U.S. Secretary of Commerce to provide \$10 million annually in matching grants for five years to convention and visitor bureaus, state tourism offices and re-

gional tourism organizations.

Industry support

Among those strongly pushing the measure is the United Motorcoach Association, which has lobbied for its passage and supported Farr’s efforts, including working directly with his staff.

“This new piece of legislation is a perfect companion to the recently passed Travel Promotion Act, which provides critical resources to do international inbound marketing,” said National Tour Association President Lisa Simon. The NTA is a strategic partner of UMA.

“Domestic tourism is a key part of the business of every destination. We know from our hundreds of destination marketing organization members that many of them are seeing budgets reduced due to lower appropriations and lower room tax collections in this challenging economy,” said Simon.

“Representative Farr’s bill will be a gigantic boost, creating an impact of \$100 million in marketing and advertising throughout the United States.”

The NTA urged its members and strategic partners to contact their representatives to become co-sponsors of the bill or support it.

The American Bus Association issued a news release earlier this month also urging congressional passage of Farr’s bill, saying investment in travel and tourism development “is more critical than ever.”

Mixed messages

While Farr’s proposed legisla-

tion would be funded through general appropriations, the financing mechanism for the Travel Promotion Act turned out to be controversial, as did some of its spending plans.

While encouraging foreign visitors to come to the U.S. is a major goal of the tourism promotion board created by the measure, much of its effort will be devoted to raising awareness of U.S. security and visa procedures.

To pay for its efforts, the tourism board would be financed by a \$10 fee on foreign visitors who do not need a visa to enter the United States. The fee will raise tens of millions for the promotion program, with the private sector kicking in a matching amount. Some say as much as \$200 million could be raised.

Critics of the bill, including some Republicans and airline industry representatives, say the slump in foreign tourism is not a public relations problem, but rather a result of strict rules that subject visitors to unwelcoming procedures.

Others contend the \$10 fee will annoy potential visitors, discouraging them from coming to the U.S.

Results expected

The U.S. Travel Association, however, doesn’t see it that way. It hired a research organization that estimates the promotional effort contemplated by the legislation will result in an additional 1.6 million foreign visitors who will spend \$4 billion and create 24,000 jobs.

Some critics aren’t impressed

On the Way

Driver screening program

WASHINGTON — The Federal Motor Carrier Safety Administration has launched the first phase of its Driver Pre-Employment Screening Program, which when fully active will allow commercial bus and truck operators to electronically access driver safety inspection and crash records as a part of their hiring process.

The program, which was expected to begin this past December, is the first effort by the federal government to give motorcoach operators access to such information.

The FMCSA says that by using its driver safety information during the hiring process motor carriers will be able to better assess potential safety risks of prospective driver-employees, and drivers will have additional opportunities to verify the data in their driving history and correct any discrepancies. (See Nov. 1 and Nov. 15 issues of *Bus & Motorcoach News*.)

The first phase of the program provides motor carriers the opportunity to visit the Pre-Employment Screening Program website, at www.psp.fmcsa.dot.gov, and pre-register for the program by submitting their company contact information. Questions and answers about the program also can be found on the program website.

The program, which is expected to be fully functional this summer, will contain driver crash and safety inspection information collected by state and federal safety enforcement officials.

Through the system, motor carriers, as well as individual drivers, can purchase the driver information contained in the Motor Carrier Management Information System database.

In accordance with federal privacy laws, drivers must first give written consent for their records to be released to a prospective motor carrier employer.

The new program is being administered for the FMCSA by a contractor, National Information Consortium Technologies, of Olathe, Kan.

Until the program becomes operational motor carriers will not be able to order driver information. However, pre-registering for the program will expedite motor carrier access to the data once the next phase is launched.

By going to the website now, carriers will be able to download the program enrollment package, sign the agreement form, and return the completed documents to the program administrators.

More information can be obtained by e-mailing PSPenrollment@nicusa.com, or calling (877) 684-6832.

Vegas Convention and Visitors Authority, has been designated chairman of the new tourism body when it launches.

He and 28 other members of the board are expected to be sworn in next month.

Meanwhile, Rossi Ralenkotter, president and CEO of the Las

FMCSA administrator defends banning driver texting

WASHINGTON — The head of the Federal Motor Carrier Safety Administration says her agency was within its rights to ban texting by commercial vehicle drivers through a reinterpretation of existing rules, but that more explicit rules were on the way.

“We were clearly within our authority,” FMCSA Administrator Anne Ferro said at the American Trucking Associations’ annual winter leadership meeting here.

The FMCSA has been criticized for its actions by some in the trucking industry on the grounds

ing rules, but that more explicit rules were on the way.

“Is it tough to enforce? You bet. Did we know that going in? Absolutely,” Ferro said. “It’s tough to enforce (a ban) under any context, but that doesn’t relieve us from the obligation to say that ‘this is an unsafe behavior and you hold the keys to change it,’ and

make sure everyone understands that it is also illegal.”

Ferro said the next step in the process would be a rule explicitly banning text messaging by truck and bus drivers, telling ATA leaders the agency was already in the process of writing the rule and “it should be on the street before long.”

In addition, Ferro said FMCSA would continue to have a “broader distracted driving discussion,” that would encompass looking at other in-vehicle technologies, adding she “certainly understands the concerns the industry has about the use of technology.”

“We’re not going to step down on that willy-nilly,” she said.

The crackdown by states on texting while driving continues seemingly unabated, with 23 debating legislation to ban the practice that 19 states currently prohibit.

Almost 200 bills are pending in state and local legislatures over the issue, according to the National Conference of State Legislatures.

Last month, U.S. Transportation Secretary Ray LaHood announced the creation of Focus-Driven, an organization dedicated to fighting distracted driving.

The USDOT says 5,870 people — 16 percent of all highway fatalities — died in distracted-driving crashes and 515,000 were injured in 2008.

Sen. Charles Schumer, D-N.Y., has introduced federal legislation to ban texting or e-mailing while driving, including a provision that would require states to go along or risk losing 25 percent of their federal highway funding.

Meanwhile, Ontario has begun enforcing that province’s ban on using hand-held electronic devices while driving.

Ontario’s distracted driving regulation went into effect in late October but until last month “educational enforcement” had been used. Now, police agencies across the province have been instructed to begin issuing tickets to offenders.

Ontario has exempted UHF and VHF two-way radios and CB radios for a period of three years (until Oct. 26, 2012) after which the hand-held microphone must be replaced with a hands-free device.

Biodiesel mandate sputters in Iowa

DES MOINES, Iowa — A proposed 5 percent biodiesel mandate has died in the Iowa legislature.

A similar bill had been approved by the state Senate last year, but it was defeated during the current session by the House environmental protection committee.

Commercial vehicle operators told lawmakers that biodiesel blends perform less efficiently than pure diesel. The fuel also may gel in cold weather, causing engines to stop working.

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Employee or independent contractor? A potentially costly decision

By Matthew H. Nelson

The decision to classify workers as employees or independent contractors has always been difficult.

But recent events suggest the wrong choice, or at least the consequences of getting it wrong, is also expensive. The benefits of classifying workers as independent contractors, especially where the distinction is close, may no longer be worth the risk.

Only a few weeks ago, shipping giant UPS agreed to pay \$12.8 million to settle a class-action lawsuit over the company's alleged misclassification of delivery drivers as independent contractors rather than employees.

In the summer of 2008, several UPS delivery drivers filed a lawsuit in the United States District Court for the Northern District of California. The drivers claimed they were wrongfully classified as independent contractors rather than regular UPS employees, and as a result, were denied the benefits and protections of, among other things, the Fair Labor Standards Act.

Particularly, the drivers focused on the Fair Labor Standards Act minimum wage and overtime guarantees.

According to the drivers, UPS controlled almost every aspect of the working relationship. For example, the drivers alleged UPS required packages be delivered and picked-up at certain times, that UPS dictated the drivers' dispatches, set the prices, and even controlled what the drivers wore.

Essentially, the drivers claimed they were such an integral part of UPS' business that they could not be said to have any separate or distinct business of their own. The court allowed the case to proceed as a class action and the group eventually included roughly 2,400 UPS delivery drivers.

UPS denied the allegations but eventually agreed to settle the case for \$12.8 million (the settlement received provisional approval but must still receive final approval from the court). Because the case settled before a judge, jury or more helpfully an appellate court could decide the issue, we cannot know whether UPS in fact misclassified

its drivers.

That is, it's unclear whether the examples listed above necessarily create an employer/employee relationship. What is clear, however, is that the decision to treat its delivery drivers as independent contractors rather than employees ultimately cost UPS far more than it saved.

The real question is whether this case is an outlier or a sign of things to come. Anecdotal evidence suggests that misclassification cases are far more common today than in years past.

Accordingly, employers should be aware of the general rules for distinguishing be-

tween employees and independent contractors. Unfortunately, the distinction is not always clear or straight forward. There is no single test the courts will use to determine whether an independent contractor is actually an employee. With that said, there are a few tests businesses need to be aware of when deciding whether to classify a worker as an employee or independent contractor.

For example, the IRS has adopted its own test for distinguishing between employees and independent contractors. For several years, the IRS used a complicated 20-factor test. Recently, however, the IRS abandoned that test in favor of one based upon general,

common law principles. Under this new three-part test, the IRS considers:

1. The amount of behavioral control
2. The amount of financial control
3. The general relationship between the parties.

There is no magic formula for determining how much control is too much, and the IRS is careful to point out that no single factor is greater than the others. Businesses must look at the entire relationship.

The more a business controls a worker, the more likely it is that an employment relationship exists.

Meanwhile, under the Fair Labor Standards Act the courts use the "economic realities" test. This test focuses on the degree of economic dependence of the would-be employee on the business with which he or she is connected. The more the worker financially relies upon the business, the more likely an employment relationship exists. The courts will consider factors such as:

- The degree of the employer's right to control the manner in which work is performed
- The degree of skill required to perform the work
- The worker's investment in the business
- The permanence of the working relationship
- The worker's opportunity for profit/loss
- The extent to which the work is an integral part of the business

Control is the key. The more control a business has over the workforce, the more likely a court will find that an employment relationship exists, especially where the tasks being performed are an integral part of the business.

Although there are countless situations in which courts will find that a worker is appropriately classified as an independent contractor, the UPS settlement is a reminder that the consequences of being wrong are severe, and that businesses should proceed with caution.

Matthew H. Nelson is an attorney in the Morgantown, W.Va., office of the law firm of Dinsmore & Shohl.

Letter to the Editor

Lately, sustainability has become a popular buzz phrase, and I've been pondering the concept as it applies to the private motorcoach industry.

With the cost of new coaches, demands by customers for more and newer exotic features, driver availability, wages and training requirements, insurance and market pressures, has anyone done any industry modeling to illustrate when coach operators are working only for practice, and when we are charging rates that will allow for reinvestment in the company and for maintaining a footing in the industry?

What I'm witnessing is an increasingly accelerating race to the bottom for the lowest price only. With some reliable academic modeling, making some reasonable assumptions, adjusting those assumptions for various parts of the country, the industry can demonstrate to its customers what it actually costs to operate buses.

If the price the customer is being quoted is significantly less than the research shows, something has to be lacking. Either the company is in financial trouble, or maintenance or safety are being compromised to give a strikingly lower rate.

Unlike airlines, the FMCSA isn't looking over the shoulders of coach operators like the FAA watches air carriers to be sure

wire ties are one inch apart, not 1.25 inches. The FMCSA reacts to complaints or crashes, neither of which benefits current passengers, and have a long lag time for benefiting future passengers.

But legitimate, academically-controlled economic modeling would allow coach operators to both understand their real costs of operation and demonstrate to customers why it costs this price to provide safe, reliable service.

Pep talks from industry spokespeople and motivational speakers notwithstanding, without such real and objectively useful information, the industry will consume itself and provide an increasingly apparent vacuum for publicly-funded agencies to participate in charter service.

I'm convinced this type of information, together with a company's safety rating, would provide a believable explanation to customers of why coach-hire costs are what they are.

Otherwise, it appears we're pulling numbers out of our butts in hopes we've chosen a rate lower than the competition so we can run the bus. After which, if everything (EVERYTHING) goes perfectly, we can make a small profit.

If anything goes wrong, we either have egg on our faces, or we pay handsomely for the privilege of taking the group to its destination and back.

—Name Withheld by Request

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Olympics driver takes action when shuttle driver collapses

VANCOUVER, British Columbia — An off-duty driver for Colonial Trailways of Mobile, Ala., is being praised for taking control of an Olympics shuttle bus and steering it to safety after the shuttle driver suffered an apparent heart attack.

The off-duty driver, Charles Campbell, was one of five drivers who were being shuttled to pick up the buses they would drive that day when the incident occurred at about 4 a.m. on the Trans-Canada Highway in Coquitlam, B.C.

According to a report in *The Vancouver Sun*, Campbell managed to guide the bus to a safe stop in the highway's HOV lane.

The 71-year-old driver, whose identify was not released by Canadian authorities, was pronounced dead at the scene. He reportedly was a retired Minneapolis-St. Paul, Minn., Metro Transit driver who had been hired to drive buses during the Olympics. His wife reportedly also was driving shuttles during the Winter Games.

"The actions of those on board to safely stop the bus, and provide assistance to the driver in an at-

tempt to resuscitate him should be commended," Royal Canadian Mounted Police Corporal LeAnne Dunlop said in a news release.

"Their actions ensured not only the safety of those on board but of other motorists on the roadway as well."

Campbell reportedly noticed the driver's head bobbing oddly, so he got out of his seat and went to check.

He found the man apparently dead at the wheel and the bus weaving into oncoming traffic.

Campbell wrested control of the vehicle and brought it safely to a stop. He and two other Colonial drivers attempted to resuscitate the man.

Colonial President Frank Montgomery said Campbell always does an outstanding job of handling his passengers, and quickly became one of the company's most-requested drivers after joining the company as a part-time driver two years ago.

"In speaking to Charles, I can attest he was particularly excited about being assigned to the Van-

Crash involves 'illegal' operator

LOS ANGELES — A motorcoach owned by a California-based company — that had been operating illegal line runs between the U.S. and Mexico for months — crashed near Phoenix early this month, killing a half-dozen passengers.

The Federal Motor Carrier Safety Administration said Tierra Santa Inc. of Van Nuys, Calif., had applied for interstate operating authority last April and was informed then it was "not authorized to engage in the interstate transportation of passengers by commercial motor vehicle during the application review."

The agency said it officially denied Tierra Santa's application on December 14, after the company failed to provide required information.

The FMCSA moved quickly following the crash to shut down the company. It ordered the company closed on the day of the crash,

couver job," said Montgomery.

"Charles personifies what a professional motorcoach operator should be through his professionalism and attention to detail, accompanied by his genuine concern for passenger safety and satisfac-

and then went to federal court the next day and got an emergency order halting company operations.

The FMCSA court complaint said the owner of the company, Cayetano Martinez of Los Angeles, had previously been shutdown by the agency only to attempt to "reincarnate himself as a new carrier." He "unsuccessfully attempted" to get federal authority to operate under a new name, the feds said.

"Martinez has shown a persistence and determination to continue operating under new entities and business," the FMCSA complaint says.

The FMCSA stepped up its efforts 18 months ago to keep outfits like Tierra Santa off the road. (See story on Page 1.)

The USDOT SafeStat database shows Tierra Santa had been cited in the past for a variety of safety violations, including operating without authority, no proof of fi-

nancial responsibility, and defective equipment. Additionally, it was cited for using non-English speaking drivers.

Tierra Santa operated regular runs from cities and towns deep in central Mexico to Phoenix and a handful of cities in Southern California.

The accident occurred at 5:30 a.m. on Interstate 10, about 30 miles south of Phoenix. A spokesman for the Arizona Department of Public Safety said Tierra Santa's Dina coach was traveling west on I-10 when it rear-ended a pickup truck. The bus rolled, triggering another crash involving an auto.

At least 15 passengers and the driver sustained injuries, many critical. The roof of the bus was partially crushed.

According to the Arizona DPS, the bus had traveled from Mexico through El Paso, Texas, where it changed drivers. It was on its way to Phoenix to change drivers again.

Tucker.

"We are equally proud of them," said Montgomery.

Campbell is the brother of Gale Ellsworth, president and CEO of the Trailways Transportation System.



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Bad operators

CONTINUED FROM PAGE 1

And they have data to back up their claims and to demonstrate they're serious.

Under the new vetting process that began roughly 18 months ago, the agency has prevented nearly 300 carriers — many of them believed to have ties with companies that were put out of business by regulators — from obtaining new operating authority.

"This (new vetting system) is enabling us to get to those companies that are reincarnating," said Ferro, adding that most of those turned away probably would have received operating authority under the old vetting process.

She said the revised procedures for approving new applications now includes a much more extensive review of each company and its business history, a process that typically takes 10 weeks — and that's if all the paperwork is correct — rather than 10 days as it did in the past.

Of the 300 applicants that didn't receive operating authority, many refused to provide critical follow-up information requested by regulators and, instead of sup-

plying the information, either withdrew their applications or dropped from sight.

Some unsuccessfully tried back-door approaches to sneak-in, including one that was caught after it applied using an address in another state.

Bitner said the 300 applicants were among more than 1,300 that had filed for operating authority since the new process was put into place. About 600 of those were approved after the vetting process was completed and the others still are under review.

So, not only is the recession reducing the influx of new operators into the industry but the more aggressive weeding-out system also is slowing the inflow.

The vetting process, which lifted the bar for new operators, is one of three core safety priorities the FMCSA has set for the industry.

The others — raising standards for carriers to retain their operating authority and developing tools to identify high-risk operators — are getting much needed attention, according to Ferro.

She said the soon-to-be-implemented CSA (Comprehensive Safety Analysis) 2010 is certain to spur operators to work harder to

maintain strong safety records, which in turn will improve overall safety in the industry. It is expected to become effective this summer, possibly in July. (See related story on Page 1.)

"CSA 2010 is a game changer and finally will give us the opportunity to touch many more carriers," Ferro said.

Under the program, motorcoach operators will be rated on many more safety issues than they are now — under the SafeStat system — and their ratings will be placed on an FMCSA website so the public can evaluate their operations and compare the ratings of competing companies.

Ferro promised operators they will have an opportunity to review their ratings before they are posted publicly, a concern many operators have expressed since the development of CSA 2010.

In addition to creating a new rating system, the program also is designed to help regulators identify problems and trends of individual carriers earlier so efforts can be made to correct them before they become serious enough to warrant out-of-service orders or other actions.

Ferro said the FMCSA also is

targeting high-risk operators by increasing the number of safety inspections (both roadside and destination) and compliance reviews it conducts.

Since 2005, the agency has doubled to 28,900 the number of inspections it conducts each year and tripled to 1,300 the number of annual compliance reviews. At the 1,300 annual rate, every U.S. motorcoach operator should undergo a compliance review roughly every three years.

She also cited the U.S. Department of Transportation's recently developed Safety Action Plan for the motorcoach industry that offers an ambitious schedule to advance such issues as seatbelts, improved bus roof strength, the use of onboard electronic recorders, and industry knowledge tests for new operators.

"We're on course to carry out the provisions of the plan," she told operators attending Expo.



Lorretta Bitner

CSA 2010

CONTINUED FROM PAGE 1

truck operators will be able to access their CSA safety scores, and later this summer, the agency is set to begin enforcement under the revamped system, Ferro said.

"It's a big shift from the compliance review, which I have described as a balance sheet. That compliance review is one snapshot, taken in some cases 5 or 10 years ago," Ferro said, referring to the basic building block of the SafeStat system.

She said CSA 2010 would feature "a more dynamic monthly 'financial' report where you have the opportunity to examine and identify high-risk (drivers and carriers) ... in a real-time fashion."

Some ATA officials have expressed apprehension about the program.

Dave Osiecki, ATA's senior vice president for policy, told a leading trucking industry publication, Transport Topics, that ATA was concerned primarily about three issues related to CSA 2010:

- The use of all crashes rather than only the crashes in which the driver or commercial vehicle company is accountable.

- The agency's use of the number of vehicles a company operates, rather than the number of miles they travel, for determining the frequency of violations.

- The issuance of warnings, rather than citations, in the new enforcement regime.

By issuing warnings, rather than citations, there is no "due process" for carriers, which leaves them no way to challenge violations they feel may have been assigned in error, he said. "There's no adjudication process."

Ferro said that, despite concerns, CSA 2010 could be "a phenomenal opportunity" for commercial vehicle operators that follow the rules.

She said CSA 2010 will give operators the opportunity to go to potential customers and say, "You really don't want to pick a carrier that has ... (problems)."

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23 Pennsylvania Bus Association Marketplace 2010, Pennsylvania Farm Show Complex, Harrisburg. Info: go to www.pabus.org.



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