

# Bus & Motorcoach NEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

## Feds sue trucker for disqualifying driver applicants

INDIANAPOLIS — A federal lawsuit filed against a major trucking company over its driver hiring practices is being watched carefully by the motorcoach industry.

The U.S. Equal Employment Opportunity Commission says in its suit that Celadon Trucking Services Inc. violated federal employment hiring regulations that protect people with disabilities from discrimination.

The EEOC claims in its suit filed in U.S. District Court here that the company required at least 16 applicants for driving jobs to take medical examinations before offering them a job and then used the results of the exams to reject them for employment.

It said the practice is inconsistent with the hiring standards of the U.S. Department of Transportation and violates a section of the Americans with Disabilities Act that prohibits employers from requiring job applicants to undergo medical examinations until they are given a conditional job offer.

Celadon denies the accusations and maintains it only rejected applicants who did not qualify for hiring under USDOT requirements and those of the Federal Motor Carrier Safety Administration.

"We did not hire them because DOT tells us they cannot be hired," said Paul Will, president. "We would have hired them if they would have done what DOT requires them to do for their medical conditions."

Although the motorcoach industry is not involved in the suit, it is being closely watched because passenger carriers fall

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## Senate OKs sweeping bus safety measure

WASHINGTON — The U.S. Senate has passed tough, very tough, bus safety legislation that, if adopted by the House, would likely result in the most profound changes to the industry since de-regulation 30 years ago.

The bill's looooooong list of mandates includes seatbelts; anti-ejection window glazing to prevent passengers from being thrown from a coach during a severe crash; strong, crush-resistant roofs that can withstand rollovers, improved protection

### How senators voted, Pg 12

against fires, and better training for operators in the case of fire.

It also would reinstitute roadside safety inspections, and give regulators new tools to crack down on so-called "reincarnated" operators that are put out of service one day and return under a new name the next.

It would give the Federal Motor Carrier Safety Administration en-

hanced enforcement authority, including increased civil penalties for violations of out-of-service orders, stronger testing and registration requirements to prevent bad actors from getting into the industry in the first place, stepped-up vehicle safety inspections, and a requirement that all motorcoaches have electronic on-board recorders, which are designed to make sure drivers are not violating hours-of-service rules.

To improve driver fitness, the bill would require better commer-

cial driver training, and create a National Commercial Motor Vehicle Medical Registry to ensure that only medically qualified drivers are on the road.

Finally, the measure would require the FMCSA to develop a letter-grade safety rating system for motorcoach operators. (See March 1 issue of *Bus & Motorcoach News*.)

"This bill will save lives," said Sen. Sherrod Brown, D-Ohio, who

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## Senate approves highway bill, focus shifts to House

WASHINGTON — After weeks of delays and haggling over amendments, the Senate passed a two-year, \$109 billion highway and public transportation bill by a 74-22 vote.

All eyes now shift to the House where Speaker John Boehner has indicated he may allow House members to vote on the Senate bill, or something similar to it.

Many in the motorcoach industry hope Boehner will scuttle the Senate legislation and continue to press for House members to come up with their own measure.

That's because the Senate bill contains far-reaching and onerous

safety provisions aimed specifically at the motorcoach industry. (See related story on this page.)

Much of the industry has been battling to keep the far-reaching safety provisions — as crafted by the Senate — from becoming law for more than four years.

In December 2010, one senator, Tom Coburn, R-Okla., single handedly kept the Motorcoach Enhanced Safety Act from becoming law. At the urging of a pair of Oklahoma operators, Coburn put a hold on the bill, preventing Senate action on the measure. (See Jan. 15, 2011, *Bus & Motorcoach News*.)

The Motorcoach Enhanced

Safety Act was folded into the highway bill passed by the Senate.

Besides the motorcoach industry-specific provisions, the Senate measure also includes a drug and alcohol testing clearinghouse for over-the-road bus and truck drivers, and it mandates electronic on-board recorders for commercial vehicles.

"Passage of this highway bill reflects the current state of politics in the United States Senate," said Ken Presley, vice president and chief operating officer of the United Motorcoach Association.

"From an industry perspective, this is little more than a 24-month

extension of the 'same old, same old,' with the least desirable motorcoach safety language attached.

"We're hoping the House will continue to demonstrate its bold leadership with a much more rational approach to motorcoach occupant protection, reforming the way we build and repair our highways, bridges and tunnels, and fund public transit," Presley said.

By adopting its own highway bill, the Senate puts pressure on the House in two ways. First, it pokes a hole in Boehner's narrative of a "do-nothing Senate" that can't pass jobs bills.

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## Operators still will be penalized in no-fault accidents

WASHINGTON — Any and all crashes involving an operator's motorcoaches will continue to count against the operator's CSA score — even when the crashes are not the fault of the company's drivers or vehicles.

That news comes despite promises to the contrary from the Federal Motor Carriers Safety Administration, which administers the Compliance, Safety, Accountability enforcement program.

The requirement that all crashes count against operators, regardless of who's at fault, is one of the most controversial, and many say

unfair, aspects of the CSA system.

At UMA Motorcoach Expo in February, FMCSA Administrator Anne Ferro told attendees the FMCSA would be amending its regulations so carriers could challenge the use of crashes in which they were not at fault in determining CSA crash indicator scores.

Then, last month, the FMCSA announced it was responding to pressure from several special interest groups and "pulling back" on its plan to change the formula.

The news was greeted with disappointment and dismay by many bus and truck industry executives.

"We're obviously disappointed since it appeared they were moving in the right direction, recognizing how damaging and unfair these no-fault crash citations were to passenger carriers," said Victor Parra, president and CEO of the United Motorcoach Association.

"Hopefully, the FMCSA will accept our recommendation to remove this information from a carrier's public record until they resolve this matter."

Added Ken Presley, vice president and chief operating officer of UMA: "While on the surface the issue of crash accountability seems

simple; it is not, and we are prepared to continue working with the FMCSA towards a viable process for identifying not-at-fault crashes and removing those crashes from the CSA website.

"At the end of the day, the public deserves accurate information when selecting a passenger carrier," Presley said.

One large trucking group said it plans to redouble its efforts to get the FMCSA to quickly address the questions raised by safety advocates, so the agency can move forward in implementing a reasonable

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## Maine operators (finally) gain sales/use tax relief

AUGUSTA, Maine — It only took about four years of hard work and a complete change in the state's political power structure for motorcoach operators in Maine to finally win relief from unfair sales-and-use taxes that were costing them tens of thousands of dollars annually.

Last month, Maine Gov. Paul LePage signed legislation, *An Act to Promote Jobs in the Motor Coach Industry by Providing a Sales Tax Exemption for Certain Buses* (LD 1735), that changes the

way sales-and-use taxes are applied to the industry.

Previously, under Maine law, to qualify for a sales-and-use tax exemption the owner of a new bus had to prove the bus was used in interstate commerce more than 80 percent of the time in the two years following its purchase.

The requirement became a very costly proposition for Maine operators when state taxing authorities decided that bus tours taken by passengers of cruise ships docking in Maine were not

interstate commerce.

Since cruise ship companies typically demand new and upscale equipment when their passengers board motorcoaches, having a sales-and-use tax exemption is critical for operators to operate cruise-related tours profitably.

One operator reportedly paid upwards of \$250,000 in additional sales-and-use taxes because of the law's provisions.

The new law will allow new buses of at least 47 passengers to qualify for the exemption, provid-

ed other requirements of the statute are met.

"As a result of my bill, Maine businesses operating motorcoaches will now be able to better determine how to use their equipment without fear of paying penalties to the state," said state Sen. Kevin Raye, who sponsored the legislation.

"This also will help protect Maine jobs as it removes any incentives for visiting cruise lines to hire outside companies to provide the service offered by Maine companies.

"I am pleased the legislature was able to unanimously approve this important clarification and that Gov. LePage has signed it into law," added Raye.

LePage was joined by Raye, other legislators, and members of Maine's motorcoach industry at a bill-signing ceremony last month.

"This bill is another step toward reducing red tape in Maine, giving our job creators the flexibility they need to expand," said LePage.

"Maine businesses want a —

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## BANY urges New York DOT to modify inspection program

ALBANY, N.Y. — The Bus Association of New York has called on the state Department of Transportation here to get in step with most other states and begin using federal and CVSA criteria for its inspections of buses and motorcoaches.

In a letter to State Transportation Commissioner Joan McDonald, the trade group said such a move not only would save the cash-strapped state money, but would enhance efforts to make the motorcoach industry safer and put

New York-based passenger carriers on an even competitive footing with out-of-state companies.

"New York state finds (itself) knowingly out of sync with at least 47 states and not integrated within a system that has modernized and evolved to more effectively regulate interstate motor passenger carriers," the association said in the letter signed by BANY President Godfrey LeBron.

In a phone interview, LeBron said the letter was prompted by a desire by the organization to see

the state DOT Office of Modal Safety and Security increase its effectiveness by improving the way it conducts bus safety inspections.

"We're trying to work on getting accidents down and having the state concentrate more on drivers than on buses," he said.

State transportation officials, who met with BANY representatives after the letter was delivered, indicated a willingness to look into the request and discuss the possibility of making changes to its inspection program.

"They have an understanding of what we are asking and they expressed a willingness to look into it," LeBron said.

However, the state DOT declined to comment on the issues or the recommendations. Instead, its spokesman, William P. Williams, would say only that the department had received the letter from BANY and was reviewing it.

### Controversial program

The BANY request comes roughly a year after the state stirred

controversy in the motorcoach industry by stepping up its bus inspections and broadening its out-of-service rules in response to a rash of serious motorcoach accidents that occurred last year in New York and the Northeast.

In its letter, BANY suggested a series of steps the state could take the trade group said would improve New York safety efforts, including basing inspections on regulations established by the Federal Motor Carrier Safety Administration and

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# THE DOCKET

## Controversial NLRB poster requirement taking effect

WASHINGTON — A disputed National Labor Relations Board mandate requiring employers to post large notices — explaining employee rights to unionize — at their businesses will impact most motorcoach operators in the U.S.

The board has set April 30 as the deadline for businesses to begin displaying the notices, which list the federally protected rights of employees, including their right to join or organize a labor union.

The regulation affects most businesses, including passenger carriers that have gross annual revenue of at least \$50,000.

Under the mandate, employers will have to post the 11-by-17 posters in conspicuous places where other workplace rights and company notices concerning personnel policies are customarily displayed.

Employers also are required to monitor the display locations to as-

sure the new notice is not defaced or covered by any other materials.

In addition to English, the signs must be in other languages — if at least 20 percent of a company's workers are not proficient in English.

The posters, which are available for free downloading from the NLRB, already have been translated into 23 languages, ranging from Albanian to Farsi to Pashto to Vietnamese.

The NLRB, which initially announced plans for the posting mandate in December 2010, said the notices are needed because it believes many workers are unaware of their rights under the National Labor Relations Act. (See March 15, Oct. 1 and Oct. 15, 2011, issues of *Bus & Motorcoach News*.)

The act gives workers the right to organize while prohibiting employers from preventing their employees from talking about or solic-

iting for a union during non-working hours. It also prohibits unions from threatening or coercing workers to gain support for the union.

“The board believes that many employees protected by the NLRA are unaware of their rights under the statute, and that the rule will increase knowledge of the NLRA among employees in order to better enable the exercise of rights under the statute,” the NLRB said in a

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## Kansas considers raiding road funds

TOPEKA, Kan. — Legislators in Kansas are considering diverting hundreds of millions of dollars from state roads.

Also under review is an effort intended to improve safety on two well-traveled highways.

A Republican-led initiative in the House would divert \$350 million over two years from roads. The money would be used to replace revenue lost by a cut in state sales taxes.

Two years ago six-tenths of a penny was added to the state's 5.7 percent sales tax. The increase is set to expire in July 2013.

To help the state cope with the loss in revenue, the House plan would use funds designated for the state's comprehensive T-WORKS transportation program.

The House GOP initiative is an alternative to Gov. Sam Brownback's proposal to extend collection of the 0.6-cent tax.

Plans call for the \$350 million to be put back into highways down the road.

Critics say some road projects would have to be delayed if lawmakers adopt the diversion.

Also of interest is an effort to improve safety on two heavily used roadways near Kansas City and Wichita.

The state Senate voted to advance a bill to create “safety corridors” on Kansas Highway 10 between Lawrence and Lenexa, and on U.S. Highway 54.

The distinction would authorize law enforcement to charge double fines for speeding and other moving violations on the roadways.

Advocates are hopeful the designations will reduce traffic crashes.

## FMCSA reversal, OKs NYC sticker requirement

WASHINGTON — The Federal Motor Carrier Safety Administration says New York City can enforce its requirement that certain trucks display stickers to certify their owners have paid proper taxes, reversing a decision the agency made 17 months ago that the sticker requirement violated federal law.

The flip-flop could result in a lawsuit seeking to overturn the agency's latest decision.

In a *Federal Register* notice published last month, the Federal Motor Carrier Safety Administration wrote that since the city sticker requirement existed before 2006, federal law exempts it from a prohibition on most credential-

ing requirements for trucks and buses.

Responding to a petition by the American Trucking Associations, the FMCSA declared in October 2010 that the sticker requirement was preempted by federal law and could not be enforced.

The sticker is meant to show that owners have paid city taxes specific to trucks that travel more than half of their mileage within the city, the city said.

Last year, the city appealed the October 2010 decision, asking the FMCSA to reconsider based on a provision that exempted credential requirements in place before 2006.

In its *Federal Register* notice,

the agency accepted New York's argument, writing that the city requirement had been in place since the 1960s.

Federal law (49 U.S. Code section 14506) preempts most state and local credentialing requirements for interstate motor carriers.

The law is widely supported by the over-the-road truck and bus industries because it generally keeps cities and states from requiring credentials, often in the form of stickers, to travel municipal and state roadways.

In recent years, Cook County (Chicago) and the state of New Jersey have attempted to impose credential display requirements on trucks and buses.

When it initially rejected the New York sticker in 2010, the FMCSA also blocked the New Jersey and Cook County requirements, pointing out they were prohibited by 49 U.S. Code section 14506.

Now, the FMCSA says the New York sticker is allowed under exceptions allowed by the law.

According to one ATA official, the trucking association believes the FMCSA did not adhere to its own procedures in changing its ruling, and that its reading of the law may also be in error.

The association has notified the agency of its beliefs, and it has asked the FMCSA to withdraw its decision on the city sticker.

A lawsuit could follow.

## Bill would block tolls on I-95 in North Carolina

WASHINGTON — It didn't take long for a foe to materialize, opposing the idea of tolling Interstate 95 in North Carolina.

The Federal Highway Administration announced in late February that North Carolina had become the third of three states approved for a pilot program that would permit tolling on existing interstates. (See March 15 *Bus & Motorcoach News*.)

Virginia and Missouri had been

approved earlier for the program.

Under the current proposal, cars would be charged \$19.20 for traveling the entire length of I-95 through North Carolina, a distance of 182 miles.

The North Carolina tolling proposal essentially calls for three tolling categories — two axle, three axle and four or more axles.

One news service indicated three-axle vehicles might be

charged twice as much as autos, while vehicles with four or more axles could be charged nearly three times the amount for autos.

Meanwhile, Rep. Renee Ellmers, R-N.C., introduced a bill in Congress last month that would “forbid the Federal Highway Administration from approving a pilot program that would enact tolls on I-95 (in North Carolina) to pay for its expansion,” Ellmers said in a statement.

“After hearing from numerous

## Pa. Turnpike plans electronic tolls

HARRISBURG, Pa. — A plan by the Pennsylvania Turnpike to move to electronic tolling would impose a 76 percent surcharge for vehicles that do not use E-ZPass devices, the *Philadelphia Inquirer* reports.

The surcharge would mean that a three-axle motorcoach that pays roughly \$75 with E-ZPass to cross the state would pay \$132

constituents and businesses up and down the I-95 corridor, it is clear that (the North Carolina Department of Transportation) did not demonstrate that these improvements could be implemented without a toll as required by law.

“While our highways need to be updated to meet growing needs and usage, North Carolina taxpayers should not have to bear further burdens after paying one of the highest gas taxes in the country,” the statement said.

without it.

The move is seen as being at least five years down the road because of the time required to install the equipment, reconfigure on- and off-ramps, and get legislative authority to penalize violators.

The Pennsylvania Turnpike last year adopted a 10 percent toll rate increase that took effect this year.

## Indiana, Kentucky set toll bridges

LOUISVILLE, Ky. — The governors of Indiana and Kentucky have signed an agreement to share construction costs for two toll bridges across the Ohio River.

The project, expected to cost \$2.6 billion, calls for Kentucky to oversee financing and construction of the new Interstate 65 bridge into downtown Louisville, and Indiana to build the East End bridge between Clark County, Ind., and Prospect, Ky.

Construction is expected to begin later this year and take six years to complete.

Three-axle motorcoaches are expected to be tolled around \$5 to use the bridges.

The Sherman Minton Bridge, which reopened in late February after workers finished repairing a crack discovered in September, and Clark Memorial Bridge are not a part of the project and will continue to be free.

## UCRA rejects stiff sanctions

Bus and truck companies that fail to pay their fees under the Unified Carrier Registration System have escaped potentially very tough enforcement measures — for now.

In January, the board of the Unified Carrier Registration Agreement voted to pursue the idea of asking the Commercial Vehicle Safety Alliance (the association of motor carrier enforcement personnel) to consider adding the failure to pay UCRA fees to the CVSA out-of-service criteria.

That would mean that a motor carrier's entire operation could potentially be shut down for failure to pay its UCRA obligation.

At its meeting last month, however, the UCRA board, in response to strong truck and bus industry assertions that shutting a carrier down was, among other things, out of proportion with the nature of the violation, rejected a motion to take the request to CVSA.

The March vote is not expected to end the matter regarding beefing up UCRA enforcement.

# FMCSA closes in on sleep apnea strategy

TAMPA, Fla. — The federal government appears to be on the verge of requiring the use of assisted-breathing machines by over-the-road bus and truck drivers beset with sleep apnea.

Jack Van Steenburg, chief safety officer of the Federal Motor Carrier Safety Administration, told a meeting here that the agency is pursuing two rules related to sleep apnea:

The first, which he indicated is coming soon, addresses the registration of medical personnel who examine drivers.

The other would provide guidelines on how to deal with sleep

apnea, including a possible mandate that drivers diagnosed with the condition would have to use continuous positive airway pressure (CPAP) machines, which keep the user's airway open during sleep.

Van Steenburg spoke at the Technology & Maintenance Council's annual meeting.

He said the medical examiner rule has been sent by FMCSA to the Office of Management and Budget and should be published this year.

The apnea rule has been sent to FMCSA Administrator Anne Ferro but probably will not take effect

until 2013 or 2014.

Sleep apnea is a condition where the tongue and soft palate relax when a person sleeps. They can collapse and obstruct breathing, causing a person to wake up so often he or she is unable to achieve restful sleep.

CPAP machines keep passages open with a constant stream of air, allowing lengthy, uninterrupted sleep for many users. Older people and the overweight are more likely to suffer from the condition.

Van Steenburg also said medical examiners will likely be ordered to refer drivers with a body mass index of 35 or greater for

sleep apnea screening.

He said a notice, that will be published "within the next several months," will be sent to the nation's 40,000 medical examiners, directing them to begin sending drivers for sleep apnea screening if they have a body mass index of 35 or more.

The 35 BMI threshold was taken from a recent Medical Review Board recommendation.

"Age, neck size, crash history, gender and hypertension will come into play, but alone, the 35 BMI driver will be recommended to go for an initial screening," Van Steenburg said.

## Sleep apnea program available for Wisconsin operators

MADISON, Wis. — The Wisconsin Motor Carriers Association is partnering with a sleep diagnostic facility to develop a sleep apnea "test-to-treat" program for truck and bus drivers.

Members of the Wisconsin Motor Coach Association, a division of the Wisconsin Motor Carriers Association, and their drivers can participate in the program.

By partnering with Sleep

Apnea Solutions of Waukesha, Wis., the Wisconsin Motor Carriers Association is striving to make the process of sleep apnea testing and treatment easier, more convenient, and affordable for commercial truck and bus drivers and their employers, said Tom Howells, president of the WMCA.

"Identifying and managing sleep apnea is a major priority for our industry and we need to make

sure that process is easy and accessible for drivers so they see the positive aspects of better, healthier sleep," said Howells.

"There is no excuse for not doing everything we can to promote safe driving."

Rick Adamich, president of SAS, said the goal of the partnership is "to educate — first and foremost. We seek to clarify and educate both drivers and their em-

ployers so they can make informed decisions.

"Through our partnership with the WMCA, we hope to be a resource for carriers and drivers throughout Wisconsin."

Wisconsin Motor Coach Association members wanting to learn more about the program should contact Diana Nelson via email at [dnelson@hometestingnow.com](mailto:dnelson@hometestingnow.com), or by calling (262) 844-6303.

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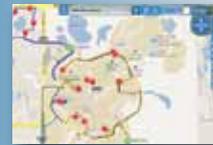


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## Iowa inspectors to get long rifles

DES MOINES, Iowa — A leading trucking publication posed a pair of questions that, frankly, we hadn't considered:

"Is one state's commercial vehicle inspectors buying 107 AR-15 rifles simply a case of being prepared for carjackings and smugglers? Or, is it bringing a sledgehammer to a friendly logbook discussion?"

The Iowa Department of Transportation is taking bids for an order of 107 AR-15 rifles to be used by its commercial motor vehicle enforcement officers, who now are authorized to carry pistols.

Mark Lowe, director of the Iowa DOT motor vehicle division, said officers working in commercial vehicle enforcement are sometimes the closest officers to a suspect or emergency situation.

News about the AR-15s created a stir on at least one Iowa radio talk show, and drew comment from the public.

"We've had a few comments," said Lowe. "A lot of people don't understand that although our focus is on commercial vehicles, we do perform law enforcement functions.

## Utah House votes to restrict city idling laws

SALT LAKE CITY — A bill passed by Utah's House of Representatives would overturn Salt Lake City's ban on excessive idling and restrict the ability of other municipalities to pass similar ordinances.

The bill would allow local anti-idling laws only if they are primarily for education and not de-

signed to be punitive.

The measure is designed to overturn a Salt Lake City ordinance, which prohibits idling longer than two minutes for all vehicles, regardless of size.

It took effect shortly after the city passed it in October, but an enforcement grace period extends until this month.

## Utah considers bill for expunging driving records

SALT LAKE CITY — Serious criminal offenses can be expunged after a certain amount of time, but the same opportunity doesn't exist for drivers in Utah who want to clear their driving record.

A legislative measure that

"Naturally, there have been some questions on, 'Why do you need a weapon like that since you're measuring vehicle weights and running scales?' When we've answered those questions, they seem satisfied."

Lowe pointed to several incidents in recent months, including a carjacking chase from Missouri, and an individual who killed his wife in Centerville, Iowa, before killing himself on Interstate 29 as a motor vehicle enforcement offi-

cer arrived on the scene.

Lowe said the rifles are identical to those carried by other law enforcement officers in Iowa, including Iowa State Patrol officers.

"Our peace officers are like any other law enforcement officers," said Lowe. "They don't know what they're going to encounter when they come up on a traffic situation."

Troopers who perform commercial vehicle enforcement also respond to a number of other

emergency calls, according to Lowe. Dispatchers at DOT headquarters have screens showing maps marking each patrol car.

Lowe said knowing that officers working commercial vehicle enforcement have AR-15s, and can establish perimeters around emergency situations, is invaluable.

"Motor vehicle enforcement officers carry handguns but the range of a handgun does not allow an officer to effectively establish a safe perimeter," Lowe said. "The

main on a person's record permanently," said the lawmaker.

If serious criminal offenses can be wiped off a person's record after a certain amount of time, the same option should exist for traffic infractions, the lawmaker added.

purchase of rifles for motor vehicle enforcement officers will enhance officer safety and public safety by allowing motor vehicle enforcement officers called or thrust into perimeter situations to have immediate access to a suitable and appropriate weapon in which they have been properly trained."

There's a Democratic mayor, and the mayor of the county also is a Democrat.

The legislature is overwhelmingly dominated by Republicans in both houses.

purchase of rifles for motor vehicle enforcement officers will enhance officer safety and public safety by allowing motor vehicle enforcement officers called or thrust into perimeter situations to have immediate access to a suitable and appropriate weapon in which they have been properly trained."

Taxpayer money won't be used to buy the AR-15s, Lowe said. Instead, the rifles will be purchased with drug forfeiture funds.

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# Study: EPA underestimated costs of emissions rules

MC LEAN, Va. — The U.S. Environmental Protection Agency badly underestimated how much diesel engine emissions rules — from 2004 through 2010 — would impact truck prices, according to a new study.

Not only did the increasingly stricter exhaust-emissions regulations turn off truck buyers, but the resistance was counterproductive to the EPA goal of cutting NOx and diesel particulate emissions when truck owners held onto their older trucks.

“This study shows what can

happen when a regulatory proposal seeks to set mandates far in the future, and based on far-in-advance predictions,” said Dave Westcott, vice chairman of the National Automobile Dealers Association.

“Importantly, it documents the real world market disruptions that can occur as a result.”

The same environmental regulations that impacted over-the-road truck diesel engines from 2004-10 also were applicable to the power plants that went into motorcoaches during the period.

The trucking study says the

EPA underestimated regulation compliance costs by two to five times, with the new engines adding thousands to truck prices and leading to the unintended consequence of depressed new truck sales and increased truck emissions.

U.S. retail sales of heavy-duty trucks neared 500,000 in 2005, but fell to around 200,000 in 2009, the study says.

“Truck sales literally fell off the cliff,” said Dick Witcher, chairman of American Truck Dealers and owner of an International

Truck dealership. “Instead of buying new trucks, many operators chose to hold onto their older trucks longer, and willingly accepted higher operational costs.”

Truck owners’ purchase decisions appear to have been driven by two factors, the study said — inflated costs of new trucks that far exceeded EPA predictions and the unreliability of the new technology being rolled out to meet 2004, 2007 and 2010 standards.

EPA estimated that from 2004 through 2010 compliance costs would add an average of \$5,136 to

truck prices. Surcharges from OEMs, however, averaged more than \$21,440 for popular truck models, according to the study.

A trucking industry legislative affairs specialist pointed out that the higher truck prices and unreliability of the new technology had been particularly burdensome to small carriers.

Smaller trucking businesses, especially those companies that do not receive volume discounts afforded larger motor carriers, absorb every environmental cost, the lobbyist pointed out.

## Diesel exhaust is small contributor to one type of pollution

LOS ANGELES — In a surprising finding, a new study concludes that the exhaust fumes from gasoline vehicles are a bigger polluter than diesel exhaust when it comes to a specific type of pollution.

Gasoline-powered vehicles contribute more to the production of secondary organic aerosols, or SOAs, say scientists from the Cooperative Institute for Research in Environmental Sciences (CIRES), NOAA’s Earth System Research Laboratory and other researchers.

SOAs are tiny particles that are formed in air and make up typi-

cally 40-60 percent of the aerosol mass in urban environments. Fine-particle pollution can cause human health effects, such as heart or respiratory problems.

Due to the harmful nature of these particles and the fact they also can impact the climate and reduce visibility, scientists want to understand how they form, explains CIRES research scientist Roya Bahreini, who led the study and also works at NOAA’s ESRL.

Researchers had already established that SOAs could be formed from gases released by gasoline engines, diesel engines, and natu-

ral sources, but they had not determined which of these sources were the most important, she said.

In Los Angeles, the scientists made three weekday and three weekend flights using the NOAA P3 research aircraft, which were loaded with an arsenal of instruments designed to measure different aspects of air pollution.

Because diesel-powered vehicles, especially trucks, are used less during weekends, while the use of gasoline vehicles remained nearly constant throughout the week, the team expected the weekend levels of SOAs would take a

dive from their weekday levels. But that was not what they found.

Instead the levels of the SOA particles remained relatively unchanged from their weekday levels. Because the scientists knew that the only two sources for SOA production in this location were gasoline and diesel fumes, the study’s result pointed directly to gasoline as the key source.

“The contribution of diesel to SOAs is almost negligible,” Bahreini said. “Even being conservative, we could deduce from our results that the maximum upper limit of contribution to SOAs

would be 20 percent.”

That leaves gasoline contributing the other 80 percent or more of the SOAs, Bahreini said.

The finding was published online in *Geophysical Research Letters*.

“While diesel engines emit other pollutants, such as soot and nitrogen oxides, for organic aerosol pollution they are not the primary culprit,” Bahreini said.

And, of course, today’s diesel engines put out far smaller amounts of soot (particulate matter) and NOx, because of increasingly stricter EPA regulations.

## Daimler recalls 110,000 trucks to fix Detroit Diesel engines

PORTLAND, Ore. — Daimler Trucks North America announced it was recalling all 110,000 of its 2006-2013 Freightliner, Western Star and Sterling trucks equipped with Detroit Diesel 13-, 15- and 16-liter engines.

Daimler and Detroit will fix a defect the National Highway Traffic Safety Administration said could cause accidents, fuel leaks and fires.

A Daimler spokeswoman said the company reported the possible problem and recall to NHTSA in late February and also sent a Defect Information Notice to the Transportation Safety Board of Canada.

Daimler reported that the engines’ “pump-to-rail high-pressure fuel line (HPFL) support system is sensitive to assembly torque and may be damaged during service and maintenance procedures.”

“There have been no related accidents or injuries,” the spokeswoman said. “DTNA is implementing a proactive and voluntary safety campaign.”

The trucks involved include 95,853 sold in the United States, 13,479 in Canada and 1,079 that were exported.

“Company officials estimate that less than 1 percent of this vehicle and engine population is af-

ected by the reported defect,” according to the spokeswoman.

Detroit Diesel reportedly sold 518 of the engines with the possible defect to other vehicle manufacturing companies, but their identity was not available.

“Inspection of the HPFL support system and replacement, if required, will be performed at authorized Detroit Diesel repair facilities,” the Daimler spokes-

woman said.

In a letter from NHTSA to Daimler, the safety agency wrote that, “a fuel leak could create a road hazard, increasing the risk of a crash.

“Also, a fuel leak in the presence of an ignition source can result in a fire.”

NHTSA said Daimler would perform the repairs, where needed, free of charge.

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# Regulation and technology... and realistic safety goals

By Dave Millhouser

Few things are more irritating than driving on a college campus.

Students blindly cross streets without a glance — because the rules say cars and other vehicles must stop.

One can't help but wonder what happens to these young people when they enter the "real world." Their life expectancy on Boston streets would be about 30 seconds if they persisted in their lackadaisical ways.

Our society often addresses problems by adding layers of laws.

There is danger aplenty in assuming that will always work. Sometimes rules don't reflect real life, and folks ignore them, not only eroding respect for authority but doing little to reduce the problem the law was intended to ameliorate. Everyone I know jaywalks occasionally.

Even when laws are well conceived, it only takes a couple of bad (or careless) actors to wreak havoc.

Mom was right: "Look both ways before crossing the street." I want to be the beneficiary of anyone who blindly believes traffic stops for crosswalks. Individuals who assume rules really protect them are fair game for Darwin.

We also have grown increasingly dependent on technology to keep us safe: antilock and disk brakes, automatic traction control, stability systems, backup cameras, event recorders, GPS, and a Partridge in Pear Tree.

Every one of these gizmos (other than the

partridge) can make a significant contribution to safety, but if you trust them too much, each offers the opportunity for mayhem. Many have been mandated by government.

Last summer a friend died diving on a shipwreck. After a tiring trip from Massachusetts to North Carolina, on the first dive he mistook his backup mouthpiece for his main air supply. On deep dives some divers carry a small "pony" tank as a redundant air supply for emergencies, and my friend descended breathing off the pony by mistake.

The air in the small tank ran out just as he reached the bottom, and between fatigue and narcosis, he apparently was unable to switch to the full tank. The technology he carried for safety effectively did him in. Lest you think this is an isolated case, this is the third time it has happened to folks I know.

Technology, like regulation, is a two-edged sword. Properly used (and maintained), it contributes a great deal to safety; trust it too much, however, and it may punish you.

If my friend hadn't been tired, perhaps his judgment wouldn't have been impaired. If the driver who hit the underpass in Syracuse, N.Y., had looked out the windshield, instead of at his GPS...

Regulations, no matter how well conceived and well intentioned, will never completely compensate for bad behavior. Technology can't overcome poor training.

In real life it still boils down to hiring good people, training them well and keeping an eye

on them. Your future and that of all your employees is in their hands. If they're good, cherish them; if they create problems, try squishing them into shape. Failing that, you have to let them go.

Shrinking your business is better than losing it.

New technology and regulations can help in that process but, as an industry, we can't trust it to get the job done. The public needs to understand that too.

If they're spending big bucks on a charter, it might not be enough to shop price, or look up carriers on a website (even a government-run site).

At the recent UMA Motorcoach Expo, a well-intended official challenged us to go a year with NO fatalities because the airlines keep doing it.

Please understand, I'm against death, but airline pilots operate in a completely different world. They do not fly their planes surrounded by unskilled, undisciplined and sometimes crazed drivers. They have controllers, who are monitoring their every move and directing their every turn (as opposed to poor signage and road design that often contributes to bus accidents). Remember the Bluffton crash? Airplanes also rarely have to jockey for position at toll booths, exit ramps and rush-hour traffic.

Commercial airliners have two pilots to handle a workload that is normally concentrated in the takeoff and landing of a flight. Flight attendants handle the customers.

Cruise control is NOT automatic pilot, and

from the beginning of a trip to the end, coach drivers are usually alone, working hard.

Two things I'm struggling to say here: No amount of regulation or technology is enough to make us safe; it all boils down to drivers' judgments.

Maturity needs to be critical criteria in the hiring and management process because it's the stuff that happens away from your facility that matters. Mechanical defects are bad, logging violations worse, but usually it's speeding, tailgating, distractions, failing to get rest, and sudden lane changes that end up hurting people. It's easier to make a good person a good driver, than vice versa.

And, we need officials who truly understand our industry, and promulgate regulations and technology that reflects the real world, rather than responding with knee-jerk reactions to highly visible but atypical accidents.

Have you noticed that older people hustle in crosswalks so as not to hold up traffic, while younger ones tend to meander? Each is following the rules but the old folks are demonstrating judgment.

At my age "hustle" and "meander" have merged into "waddle."

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



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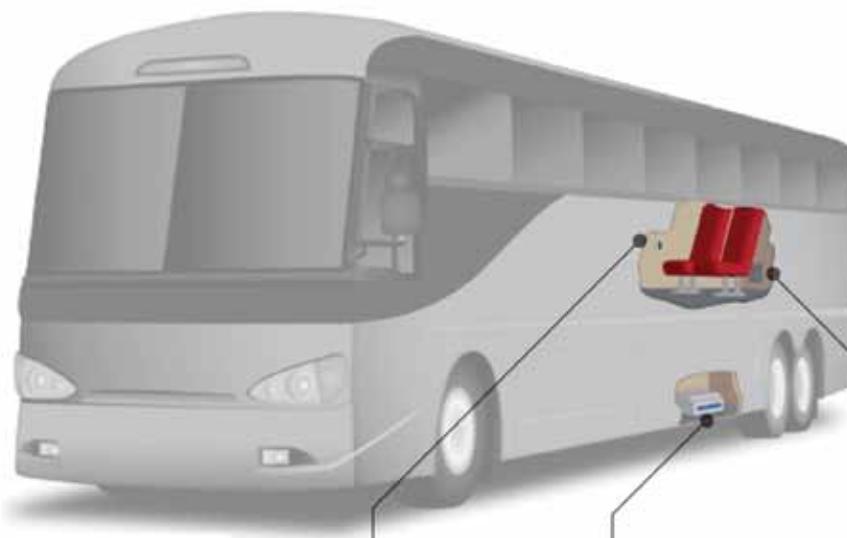
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## Maine taxes

CONTINUED FROM PAGE 3

stable and predictable regulatory environment, and clarifying a tax exemption will help Maine's motorcoach industry leaders create jobs."

Supporters said the bill will not only help boost state tourism but also put cleaner, more fuel-efficient buses on state roadways.

The industry's struggle to win the tax exemption was long and often tortured.

Maine operators began making legislators and other political leaders aware of the onerous nature of the taxing provision nearly four years ago but the industry protests largely fell on deaf ears.

At the time, the state had a Democratic governor and the legislature was controlled by Democrats. "The last governor did nothing," said one operator.

That changed as a result of the last election when LaPage, a Republican, became governor and Republicans gained control of the legislature for the first time in more than 40 years.

Working with the United Motorcoach Association, a small group of operators began drafting legislation and lining up legislators to get their backing and enlisted their leadership.

Spearheading the effort was



On hand for the bill signing by Maine Gov. Paul LePage, seated, were, from left, Mike Cyr of Cyr Bus Line, Greg Isherwood of Custom Coach and Limousine, Rep. James Dill, Sen. Kevin Raye, Sen. Elizabeth Schneider, Joe

Cyr of Cyr Bus Line, Jason Briggs of VIP Tour & Charter Bus, Rick Soules of Cyr Bus, and Scott Riccio of Northeast Trailways. The Maine legislature also is considering an excise tax bill that would aid the industry.

Jason Briggs of VIP Tour & Charter Bus in Portland, who worked with Scott Riccio of Northeast Trailways/Northeast Charter & Tour Co. in Lewiston, Gregg Isherwood of Custom Coach and Limousine in

Gorham, and the Cyr family of Cyr Bus Line in Old Town.

Their effort culminated in passage of the bill signed by LaPage.

"Today, we start a new chapter that benefits these companies and

the passengers who hire our equipment right here at home," said Riccio. "We can start using our newly purchased motorcoaches for cruise ship visits, senior citizen tours, and convention visitors.

"We would like to thank the Maine legislature for its unanimous vote, Senator Raye for his staunch support, and Governor LePage for his signature of LD 1735," said Riccio.

## BANY to NYDOT

CONTINUED FROM PAGE 3

adopting out-of-service criteria developed by the Commercial Vehicle Safety Alliance and widely used throughout North America.

The association noted that while the state conducts roughly 154,000 bus inspections annually, most of them are not focused on safety-related matters that pose an imminent hazard to public safety.

In addition, it said the factors used in the inspections are not the same as those in the FMCSA and CVSA out-of-service criteria and are not even recognized by the FMCSA.

"The exclusion of these inspections not only places New York state-based carriers at an economic and competitive disadvantage, but hinders the interest of safety by exclusion of vital information that prioritize passenger carriers for interventions, additional inspection activity, safety audits and compliance reviews," it stressed.

BANY also pointed out that a review last month of the Compliance, Safety, Accountability BASIC scores of the 197 New York-based carriers registered with

the FMCSA showed that 63, or 32 percent, had at least one "alert" listed on their records. That compares with the national average of 17 percent.

"The fact stands, most states are producing more favorable results following the FMCSA safety regulations aided by the CVSA North American Out-of-Service Inspection Criteria," it added.

### Misplaced focus

BANY noted, too, that a recent federal study showed drivers and their actions on the road were the overwhelming cause of motorcoach accidents, indicating the state should be paying more attention to drivers instead of the physical inspection of passenger carrier equipment.

"The study stressed the need to focus more resources on drivers and to focus only those inspection resources critical to the safe operation of the bus," it emphasized.

The request by BANY won the immediate backing of the United Motorcoach Association.

"It is critically important that NYSDOT join the rest of the enforcement and regulatory community and inspect commercial passenger carriers within the confines

of the CVSA North American Out-of-Service Criteria that helps identify carriers that require timely interventions," said Ken Presley, UMA vice president and chief operating officer.

BANY also took issue with the state's assertion that its current inspection program and policies operate at the "highest safety standards" in the country, saying the claim is not supported by the facts.

"Unfortunately, crash statistics maintained by the FMCSA speaks to a very different reality. Nationally, an average of 80 percent of bus crashes involves base state vehicles. In New York, that number rises to over 96 percent," it asserted in the letter.

### On a pedestal no more

Presley agreed, noting that over the years, the state's inspection program was often referred to as the "premier" inspection program, but that appears to be in the past now.

"The numbers reveal that inspecting buses over and over does not focus on the things we know that cause crashes — driver behavior and operational management," he said.

Presley indicated he was pleased, though, the state has ex-

pressed interest in possibly making positive changes to its inspection program.

In addition to changing its inspection program so it matches that of the FMCSA and CVSA standards, BANY also recommended the state:

- Intensify highway enforcement of basics because statistics show the primary causes of bus accidents are speeding, following too close, negligent or aggressive driving, reckless driving, dangerous roadways and hazardous weather conditions. Bus drivers operate largely without direct oversight.

- Abandon the semi-annual inspection program because federal law requires an annual inspection and a decal be placed on the coach.

- Increase destination inspections that afford not only inspection of the bus, but also drivers.

- Reconcile inspection processes with the FMCSA so inspections may be uploaded to develop a more comprehensive view of problematic passenger carriers requiring increased oversight.

- Assign prioritization duties to the Commercial Vehicle Enforcement Unit and increase coordination of intervention activities with the FMCSA.

## Calendar

### MARCH 2012

**29-30 Tourism Cares for Pensacola (Fla.)**, Pensacola Lighthouse and Bayou Texar, Pensacola. Info: [www.TourismCares.org/Volunteer](http://www.TourismCares.org/Volunteer).

### APRIL 2012

**1-4 Ontario Transportation Expo**, Toronto, Can. Info: Go to [www.ote.ca](http://www.ote.ca).

**10-11 Northwest Motorcoach Association General Meeting and Annual Mechanic Training**, Noah's Ark, Woodland, Wash. Info: [nwmotorcoach@aol.com](mailto:nwmotorcoach@aol.com).

**24-26 United Motorcoach Association Washington Fly-In 2012**, Washington, D.C. Info: Email [kpresley@uma.org](mailto:kpresley@uma.org).

### JUNE 2012

**11-12 United Motorcoach Association Summer Board Meeting 2012**, Reno, Nev. Info: [www.newenglandbus.org](http://www.newenglandbus.org).

**12-15 Pennsylvania Bus Association Annual Meeting**, Sheraton Erie, Erie, Pa. Info: Email [efarrell@pabus.org](mailto:efarrell@pabus.org).

# Put down that big, sugary soda, shun that hamburger

BOSTON — Motorcoach drivers who swig on a super-size soda as they barrel down the highway might want to rethink their beverage preference.

According to Harvard University research published in the journal *Circulation*, men who drink just one 12-ounce sugar-sweetened drink a day have a 20 percent higher risk of heart attacks.

The study also indicated that the more soda or noncarbonated fruity drinks consumed, the greater the heart attack risk. Two servings increase heart risk by 42 percent. Drink a soda with all three

daily meals? Your risk increases 69 percent.

The study tracked more than 40,000 men over a 22-year period.

The typical 12-ounce soda contains about 10 teaspoons of sugar. Many people consume 20 ounces of soda in a standard sitting, which is about 15 to 18 teaspoons of sugar.

The Harvard study does not claim absolute cause and effect — drink lots of sugary soda and you'll have a heart attack.

Dr. Steven Nissen, chairman of cardiovascular medicine at Cleveland Clinic, said it's likely that

people who choose to drink sugary soft drinks are probably eating them with unhealthy foods such as fast-food burgers.

Still, the Harvard researchers found a strong correlation between sugary drinks and heart attack risk that held up after factoring in smoking, physical activity, alcohol, family history and body mass index.

Volunteers who kicked their soda and sweet-drink habits experienced lower blood pressure. Water remains the healthiest choice.

While the Harvard study didn't take diet soda into account, other

studies have linked artificially sweetened drinks to increased stroke and heart attack risk.

Sugary sodas aren't the only bad news on the eating and drinking front.

Another new study finds that eating red meat every day appears to measurably increase a person's chances of dying from a chronic disease.

"A daily serving of processed meat increased death risk by 20 percent, the study found, while a once-per-day serving of unprocessed red meat was tied to a 13 percent increase in overall mortal-

ity risk," the study says.

"According to the study authors, nearly 9 percent of deaths in men and 8 percent of deaths in women (who were studied) could have been prevented if participants ate less than half a serving of red meat per day."

Of course, most everyone knows by now that burgers and sugary drinks are unhealthy. The new studies simply put more numbers on the board and re-emphasize the point.

It's up to drivers to make smart choices and up to management to make sure they're informed.

## New area of research: Levels of driver distraction

CAMBRIDGE, Mass. — Researchers at the Massachusetts Institute of Technology have confirmed that the more a driver is distracted, regardless of the distraction, the less frequently he or she scans the road for hazards.

The MIT researchers say that if a driver's mind is deeply focused on any topic, including trouble at home or even a cellphone conversation, the lack of attention to the road can result in a "narrowing of vision" (less visual scanning), ac-

companied by a slower response to incidents.

The MIT team studied 108 volunteers in three age ranges — 20-29, 40-49 and 60-69 — driving a midsize sport utility vehicle on Route 93 north of Boston, while they were given low-, medium- and high-demand cognitive tasks.

In the easy task, drivers were given a series of single-digit numbers, 0-9, and asked to repeat aloud each as it was given. In the medium-demand task, participants were

asked to repeat the number given a digit earlier in the sequence; for the high-demand task, the number given two digits earlier.

"Even the easy task reduces the amount you're scanning," said Bryan Reimer, a research scientist at MIT's AgeLab. "You're scanning the road a little less.

"At the medium- and high-demand level, you're scanning even less. It's called a loss of situational awareness. At the low level, you're less aware. At medium and high

levels, you're even less aware," said Reimer.

Interestingly, the MIT researchers found no age difference in scanning patterns.

Reimer says distracted drivers, who are focused on the road ahead but not on the surrounding environment, react slower to a vehicle braking in front of them.

The MIT research into levels of distraction is unusual.

"In the past, the emphasis (of distracted driving research) was on

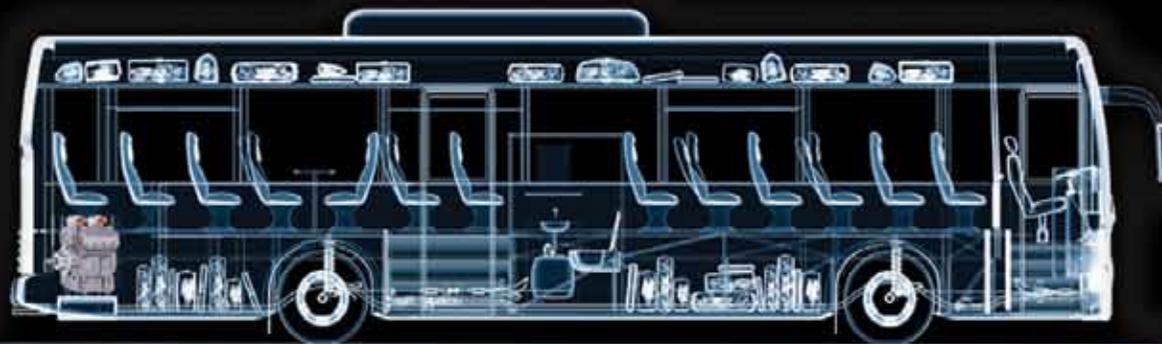
whether you're distracted or not distracted," said Reimer. "This is too simple of a categorization. There are levels of cognitive demand, and those levels are statistically distinguishable.

"The level of thought going on has a relationship to how much a driver is aware of the driving environment," he said.

Officials are considering whether smartphone and GPS-device makers should be included in federal efforts to combat driver distraction.

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## Motorcoach safety

CONTINUED FROM PAGE 1

began pushing for expansive bus safety provisions in a piece of legislation he and Sen. Kay Bailey Hutchison, R-Texas, introduced four years ago, the Motorcoach Enhanced Safety Act.

After being stymied in their efforts to get the legislation to the Senate floor, Brown and Hutchison were able to have it inserted into the massive federal highway and public transportation bill the Senate passed last month (see related story on Page One).

"Five years after a tour bus (crash) that claimed the lives of seven young people from the Bluffton University community (see March 15 *Bus & Motorcoach News*), the Senate has passed legislation to enact critical tour bus safety standards," said Brown.

"These safety measures are commonsense safety features that have been widely used," Brown continued. "By equipping buses with seatbelts, stronger roofs, and safer windows, we can prevent deaths and minimize injuries. With bus ridership increasing, it's more important than ever to pass this legislation. We need to ensure bus trips don't turn into tragedies."

Added Hutchison: "Too many lives have been wasted in tragedies that are entirely preventable because of poor bus safety standards.

"Basic safety standards, such as requiring seatbelts, driver training and strengthening safety inspections, will go a long way in making our roads safer for everyone — not just bus occupants," she said.

"We have waited too long to make changes to federal law that will save lives. I'm pleased to see my colleagues work together to pass a solution to a major problem

## Voting on Senate highway bill

### YEAs — 74

Akaka (D-HI)  
Alexander (R-TN)  
Baucus (D-MT)  
Begich (D-AK)  
Bennet (D-CO)  
Bingaman (D-NM)  
Blumenthal (D-CT)  
Blunt (R-MO)  
Boozman (R-AR)  
Boxer (D-CA)  
Brown (D-OH)  
Brown (R-MA)  
Cantwell (D-WA)  
Cardin (D-MD)  
Carper (D-DE)  
Casey (D-PA)  
Chambliss (R-GA)  
Cochran (R-MS)  
Collins (R-ME)  
Conrad (D-ND)  
Coons (D-DE)  
Durbin (D-IL)  
Feinstein (D-CA)  
Franken (D-MN)  
Gillibrand (D-NY)

Grassley (R-IA)  
Hagan (D-NC)  
Harkin (D-IA)  
Heller (R-NV)  
Hoeven (R-ND)  
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Inouye (D-HI)  
Isakson (R-GA)  
Johnson (D-SD)  
Kerry (D-MA)  
Klobuchar (D-MN)  
Kohl (D-WI)  
Landrieu (D-LA)  
Leahy (D-VT)  
Levin (D-MI)  
Lieberman (D-CT)  
Manchin (D-WV)  
McCaskill (D-MO)  
Menendez (D-NJ)  
Merkley (D-OR)  
Mikulski (D-MD)  
Moran (R-KS)  
Murkowski (R-AK)  
Murray (D-WA)  
Nelson (D-FL)

Nelson (D-NE)  
Pryor (D-AR)  
Reed (D-RI)  
Reid (D-NV)  
Roberts (R-KS)  
Rockefeller (D-WV)  
Sanders (I-VT)  
Schumer (D-NY)  
Sessions (R-AL)  
Shaheen (D-NH)  
Shelby (R-AL)  
Snowe (R-ME)  
Stabenow (D-MI)  
Tester (D-MT)  
Thune (R-SD)  
Udall (D-CO)  
Udall (D-NM)  
Vitter (R-LA)  
Warner (D-VA)  
Webb (D-VA)  
Whitehouse (D-RI)

Wicker (R-MS)  
Wyden (D-OR)

**NAYs — 22**  
Ayotte (R-NH)

Barrasso (R-WY)  
Burr (R-NC)  
Coats (R-IN)  
Coburn (R-OK)  
Corker (R-TN)  
Cornyn (R-TX)  
DeMint (R-SC)  
Enzi (R-WY)  
Graham (R-SC)  
Johanns (R-NE)  
Johnson (R-WI)  
Kyl (R-AZ)  
Lee (R-UT)  
Lugar (R-IN)  
McCain (R-AZ)  
McConnell (R-KY)  
Paul (R-KY)  
Portman (R-OH)  
Risch (R-ID)  
Rubio (R-FL)  
Toomey (R-PA)

### Not Voting — 4

Crapo (R-ID)  
Hatch (R-UT)  
Kirk (R-IL)  
Lautenberg (D-NJ)

affecting our roads."

An identical version of the Brown-Hutchinson bill is pending in the House, as is a competing safety bill that has widespread industry support.

Both are expected to be topic No. 1 when members of the United Motorcoach Association travel to Washington late this month to participate in UMA's annual Capitol Hill Days. (See March 15 *Bus & Motorcoach News*.)

Greyhound Lines has been the only power player in the motorcoach industry to publicly support the Brown-Hutchinson bill. (See Aug. 1 *Bus & Motorcoach News*.)

The proposed letter-grade safety rating provision included in the Senate bill was the handiwork of

Sen. Charles Schumer, D-N.Y.

Schumer's plan would require the FMCSA to create clear and understandable safety ratings to be posted on buses and at terminals, and require ticket sellers and bus companies to make their full safety record and history easily accessible at the point of sale.

The Schumer system is similar in concept to the letter-grade system widely used in rating the safety of restaurants.

"Today, the Senate gets an 'A' for passing this crucial bill that will finally alert passengers about bus companies' safety records before they buy a ticket, and I urge the House to make the grade and pass the legislation immediately," said Schumer.

which took more than a month and produced failed votes on a range of issues from contraception to approval of the proposed Keystone XL pipeline.

Senators also defeated an amendment to expand drilling in the Arctic National Wildlife Reserve, and a measure that would have allowed private businesses to operate at highway rest areas.

A pair of senators withdrew their respective amendments related to tolling.

One amendment by Sen. Kay Bailey Hutchison, R-Texas, would have done away with tolling on federal highways, while the other by Sen. Tom Carper, D-Del., would have expanded interstate tolling to 10 states.

Hutchison and Carper agreed to withdraw their amendments and leave intact the current policy that allows up to three states to toll interstates as part of a pilot program.

One amendment that stayed in

and became part of the bill was a provision that would prevent states from receiving federal funding for highway lane miles that are leased or sold to the private sector.

To pay for its bill, the Senate tied together an array of disparate revenue provisions, tapping a trust fund established to clean up leaking underground storage tanks, and adjusting the way pension fund contributions and liabilities are calculated.

Taxpayers for Common Sense, a watchdog group, criticized the use of 10 years of revenue from such provisions to pay for a two-year transportation bill.

"That's kind of how Congress is approaching every problem," cobbling together short-term fixes without addressing long-term problems, said Jeff Shoaf, head of congressional relations for the Associated General Contractors of America, which nonetheless supported the bill.

## No-fault crashes

CONTINUED FROM PAGE 1

process.

Ferro told a trucking publication she decided to suspend her agency's initial ideas for dealing with the issue after safety advocacy groups raised questions about the FMCSA plan.

The questions had to do with using only police accident reports and a carrier's statement to determine crash accountability.

She said that approach is too limited because it does not allow for comment from others impacted by a crash. These presumably could include victims, insurance companies, witnesses and others.

Also, the proposed FMCSA process did not allow other parties to even know a carrier was filing a request for an accountability examination, Ferro said. And, if the agency created a window for others to participate, it would have to create a new process to manage the exchange.

"It was just too early out of the box in this proposal, quite frankly, so I pulled it back," Ferro told the trucking publication.

### Determining accountability

The FMCSA has been working on the accountability issue since CSA began being tested more than three years ago.

Early on, carriers raised concerns about the way the system records a crash and whether or not the crash was the carrier's fault. When a crash occurs, an operator's score goes up and can possibly trigger enforcement action, even if there was nothing the carrier could have done to prevent the crash.

The FMCSA response has come in two parts. First, the agency has asserted it is legitimate to include non-preventable crashes because statistics show that past crashes are a predictor of future crashes, no matter who's at fault.

But the agency also has recognized that non-preventable crashes should get different weight than preventable crashes.

To create a proper weighting system, the agency has been working on an appeal process in which carriers would use the CSA data-correction system, DataQs, to submit a police accident report and get an assessment of accountability on their crashes.

That plan was supposed to be published in the *Federal Register* in February or early March.

### Crash correlation?

Steve Owings, co-founder and president of Road Safe America, a safety advocacy group, told *Heavy Duty Trucking* magazine the appeal process the FMCSA was considering "sounds like motherhood and apple pie, the right thing to do,

on the face of it."

However, Owings, like others, is unable to explain exactly why or how a no-fault crash would accurately predict greater risk of a crash in the future.

The crash-predictor hypothesis, pushed by Ferro, holds that all carriers involved in a crash, even a no-fault crash, have a risk of a future crash, but the at-fault carriers have a significantly greater risk.

One reason she supposedly stopped the proposal is to test the hypothesis.

### Calculating risk

Ron Knipling, a noted truck safety scientist, agrees that including non-accountable crashes in the database increases the numbers and thus strengthens the statistical relationship between past at-fault crashes and future risk.

"But it is spurious, or at least primarily spurious," he said in response to an email inquiry. If the agency's data were entirely valid, which it is not, there probably would be a small but measurable relation between involvement in not-at-fault crashes and future crash risk, he said.

The bigger problem, he said, is that FMCSA data does not control for other, possibly more significant, risk exposure in terms of mileage or type of road.

"Two drivers could be exactly alike in actual safety but one could drive more miles and/or drive in denser traffic year after year," he said. "The data would show that driver to be at higher risk for all types of crashes."

Knipling's take is that the CSA system would be better if it weighed accountability, but that still would not solve the core problem of exposure.

"I may be an excellent driver, but the more miles I drive, and the more dense the traffic is, the higher my risk of causing a crash, as well as just being in one."

### Weighing accountability

Others also contend the CSA system would be improved if accountability were weighted.

"If crashes are the best indicator of crash risk, how much better would the system be if they discounted those crashes that clearly weren't the truck driver's or trucking company's fault?" one expert asked.

"The agency will have difficulty convincing anybody, regardless of what statistics they say they have, that a truck driver who's struck while parked is more likely to be a future crash risk, and intervening with that carrier."

Because the point of CSA is to help the agency focus its resources on the riskiest carriers, the system should cull out the less-risky carriers, he said.

## Highway bill

CONTINUED FROM PAGE 1

Second, federal highway funding expires at the end of March, meaning either a new bill will have to be adopted or another extension, the ninth, of the old legislation will have to be enacted by both houses of Congress.

### Strange bedfellows

As much as anything, it was the cooperation of Sens. Jim Inhofe, R-Okla., a conservative, and Barbara Boxer, D-Calif., a liberal, in writing and pushing the Senate bill that accounted for it winning passage.

"He was just a hero when it came to this bill," Boxer said of Inhofe, highlighting the cooperation between the senators who disagree on scores of other issues.

Even with members of both parties supporting the bill, bitterness remains over the protracted negotiations over amendments,

## Pair of auctions raise money for Motorcoach Marketing Council

LONG BEACH, Calif. — The Motorcoach Marketing Council raised more than \$21,000 at a pair of auctions conducted during UMA Motorcoach Expo here in February.

The nonprofit industry promotion organization conducted its second annual Silent Auction and first-time Live Auction during Expo.

The money raised will help fund the council's consumer education outreach and promotion campaign designed to communicate the luxury amenities, conveniences and ecological attributes of motorcoach travel.

Operators and vendors alike bid on a host of travel and golf packages, plus collectibles, parts and electronics during the auctions.

Highlights included a full group tour of the "North of Boston" region of northeast Massachusetts won by Platinum Tours of Montpelier, Va., as well as a custom-wrapped model coach, donated by Motor Coach Industries, won by Elvin Michael of Executive Coach in Lancaster, Pa. Both prizes were awarded during rounds of bidding at the live auction.

The auctions, whose primary sponsor was the United Motorcoach Association, included the participation of more than 85 donor companies and dozens of Expo attendees who bid on the items.

Donor companies included ABC Companies, Amerisearch, Awash Systems, Bridgestone, Chempace, Lancer Insurance, MCI, National Interstate Insurance, Prevost, RBS, REI, Saucon Technologies, Spader Business Management, Translite Enterprises, Turbo Images, University of Vermont, and a wide range of destinations, hotels, CVBs and others.

The council will reprise the auctions in January at the NTA Annual Convention and UMA Motorcoach Expo at Travel Exchange in Orlando, Fla., where attendees and exhibitors from both conventions will be able to bid.

The council is already seeking donations for next year's event. For more information, go to [www.motorcoachcouncil.org/involved](http://www.motorcoachcouncil.org/involved).

To learn about the council's campaign, "Bus & Coach. The Smart Move," go to the web site at [www.GoMotorcoach.org](http://www.GoMotorcoach.org).



Joe Smits (left) of Saucon Technologies, Rory Birge (center) of Happy Trails Charters in Forsyth, Mo., and Kim Keith and her daughter, Josie, of Optimum Ride Charter Service in Sussex, New Brunswick, check story

boards listing items available during the Motorcoach Marketing Council Silent Auction at UMA Motorcoach Expo. Kim Keith said the auction was "a lot of fun with a great variety of items."

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## MCI creates new program to assure parts availability

SCHAUMBURG, Ill. — Motor Coach Industries has announced a “guarantee” program designed to get critical parts into customer hands sooner and more reliably.

The coachbuilder said its Coach Critical parts guarantee is a first for the industry and represents an investment of \$7 million.

“The Coach Critical program guarantees that parts deemed most essential to coach uptime will be in stock and available to customers experiencing a coach-down situation,” said MCI in announcing the program.

“MCI guarantees that it will ship the Coach Critical part, or a suitable substitute, by the next business day or it will credit 50 percent of the part price, up to \$150, to the customer’s account.”

MCI’s Coach Critical list starts with 1,000 parts and will grow to 1,500 by June, the company said.

The list, compiled with input from operators of MCI coaches and its in-house technical staff, includes both high- and low-volume parts, including “those that are sometimes hard to come by but are nevertheless critical to coach operation.”

MCI said it invested \$7 million to stock its Coach Critical parts.

“We’re putting a guarantee on not only fast-moving items, but on vital items, such as glass, and slower-moving parts like radiators, driver’s blinds and electrical modules,” said Stan Dzierzega, MCI executive director of operations af-

termarket business.

“Our customer service representatives have been trained to leave no stone unturned when it comes to finding and expediting items on our Coach Critical parts list. It’s about confidence. We have inventory and processes in place to get our customers’ coaches up and running.”

Additionally, MCI has formed a “Coach Down Committee,” comprised of parts engineers and technical specialists that meet by phone each morning to review any open coach-down customer situations.

“Due to the collective experience of our group, we’re able to come up with creative solutions to get a customer’s coach out of the garage and back on the road,” said Dzierzega.

“We present the customer with available options; that way the customer helps to determine what will work best under the circumstances.”

The Coach Critical parts list can be obtained through an MCI customer service representative. The program is available to private-sector operators who order over the phone and agree to pay for expedited shipping for their emergency order; web orders do not qualify.

Additional terms and conditions apply. For more information, go to [www.mcicoach.com/parts](http://www.mcicoach.com/parts), or call (800) 323-1290 in the U.S., or (800) 665-0155 in Canada.

## Alert: Music license renewal time

ALEXANDRIA, Va. — The United Motorcoach Association is reminding its members it’s time to renew their ASCAP and BMI licenses.

The association, which has sent its member companies a notice about 2012 ASCAP and BMI licenses, has negotiated a 70 percent fee discount for members with ASCAP and BMI, the music industry licensing organizations.

UMA collects the fees and license agreements from members and passes that information and payments along to ASCAP and BMI. Payments are due by April 13, to receive the 2012-discounted licenses through the association.

In its notice, the association

reminded members that for them to legally play recorded music on a motorcoach, operators must obtain permission from the license holder.

“By playing pre-recorded music (and movies) to the passengers on your coach, you are essentially providing a public performance of that material,” UMA points out.

“It doesn’t matter if a passenger brings the music or movie onboard; someone has to pay the licensing. Purchasing a DVD or CD only covers private listening or viewing. Once the movie or music is put on a coach entertainment system it becomes a public performance.”

The penalty for playing copy-

righted music or showing movies without permission or a license can be stiff.

U.S. copyright law provides that a court can assess damages from a minimum of \$750 for each work infringed, and require the operator to pay the copyright owners’ attorney fees and court costs, as well as enter an injunction against the violator.

A license must be obtained for each coach that plays pre-recorded music or movies for passengers.

To inquire about ASCAP and BMI licensing, UMA members can call the association at (800) 424-8262, or go to the members-only section of [www.uma.org](http://www.uma.org) to download the 2012 forms.

## Oregon adopts travel philanthropy plan

PORTLAND, Ore. — Travel Oregon, in partnership with Sustainable Travel International, has begun operating a statewide travel philanthropy program said to be the first of its kind in the U.S.

The Oregon Travel Philanthropy Fund is designed to support “sustainable tourism development in Oregon by connecting businesses and travelers to projects that improve the environment, support local culture and enhance the destination for future visitors.”

Participating Oregon businesses can raise money for sustainable projects via an optional \$1 donation from customers.

All projects selected as beneficiaries of the fund must protect Oregon’s natural assets and/or support communities in a way that improves

their appeal as a destination.

“Oregonians have a rich history of stewardship of the land and love of community,” said Kristin Dahl, Travel Oregon’s senior manager of destination development.

“This program is a natural fit as we will raise funds to directly improve and enhance Oregon communities. We expect this to result in enriching experiences for visitors and participating businesses.”

Initially, the travel fund is working with lodging properties this year. Other types of businesses, such as restaurants, tour operators and retail stores, will be invited to participate in the next phase. Individuals and corporations can also contribute directly to the fund.

The fund will support one project from each of Oregon’s seven

tourism regions. Examples include: supporting agritourism in eastern Oregon by creating a recreation trail from the town of Rogue River to the Rogue River Valley, and in Portland, the Living Highways Project will plant and maintain more than 5,000.

For more information go to: [www.traveloregonforever.com/giveback](http://www.traveloregonforever.com/giveback).

## Tourism Cares reveals grants

CANTON, Mass. — Tourism Cares has awarded grants to help preserve tourism sites in six states.

The financial awards are part of Tourism Cares’ Worldwide Grants program, a key element of the organization’s ongoing mission to preserve the travel experience for future generations.

The six nonprofit organizations receiving the \$10,000 Tourism Cares’ grants are the:

- American River Conservancy in Coloma, Calif.
- General Douglas MacArthur Foundation in Norfolk, Va.
- Heard Museum in Phoenix
- Henry Morrison Flagler Museum in Palm Beach, Fla.
- Maine Maritime Museum in Bath, Maine
- USS Constitution Museum in Boston

Combined with dollar-for-dollar matching funds, the grant program payout totals \$120,000. Collette Vacations of Pawtucket, R.I., and Trip Mate of Kansas City, Mo., made generous contributions to the grantees.

To date, Tourism Cares has awarded money to 178 organizations in 31 countries and 42 states. Combined with matching funds, total awards surpass \$2 million.

For more information, go to [www.tourismcares.org](http://www.tourismcares.org).

## Driver suit

CONTINUED FROM PAGE 1

under many of the same FMCSA and ADA rules for hiring drivers.

In addition, the industry is interested in seeing if the FMCSA becomes involved in the suit to protect its hiring restrictions, which possibly could conflict with ADA requirements.

“This was bound to happen at some point,” said Victor Parra, president and chief executive of the United Motorcoach Association. “That is, the conflict that inherently exists between the need to ensure that a motor carrier is hiring a driver who is physically fit and can operate a commercial vehicle safely, and the requirements of the ADA,” said Parra.

“The (eventual court) ruling could be precedent setting.”

The suit says Celadon required the applicants to undergo vision and hearing screenings, blood and urine tests, blood pressure checks and

other examinations without first making them conditional job offers.

It cites several incidents in which the applicants were rejected because of hearing problems, even though their conditions could have been corrected by the use of hearing aids. It also claims that another

applicant was rejected because of a blood clot, even though he was taking blood thinners to correct the problem.

In each case, the EEOC contends, the applicants were qualified to drive trucks and each of them met the driver and medical standards set by USDOT.

The suit, which seeks class-action status from the court, asks that each of the defendants be awarded compensation and the company be permanently prohibited from violating ADA regula-

tions in its hiring practices.

In addition to denying the accusations, Will took issue with the way EEOC has pursued the case, including demanding the company agree to compensate each of the men who were denied employment in exchange for not going to court.

**‘EEOC contends the applicants were qualified and met the driver and medical standards set by USDOT.’**

“We would not do that,” he said. “Besides all of them probably were hired by smaller companies that don’t ask the same medical questions we ask.”

EEOC acknowledged that it brought the case to court after it was unable to reach a settlement through its conciliation process.

Will complained, too, that EEOC acted on a complaint from one applicant and then required his company to provide it with the names of other applicants who were not given jobs because of

medical reasons.

“Then they went out and got those people to sign the same complaint that the first person had signed,” he added.

Will stressed, too, that there is a serious shortage of drivers in the trucking industry and the company would not be turning down drivers for any reason other than their being unable to meet the federal hiring standards for safe drivers.

Celadon, which is based here, has about 2,600 drivers and in recent months has been acquiring smaller trucking companies as a means of not only getting more customers, but adding more drivers as well.

“As with previous acquisitions, our goals are to continue to broaden our customer base with quality customers, add density in our primary traffic lanes and gain experienced drivers,” Will said in February after the company completed the purchase of Teton Transportation in Knoxville, Tenn.

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## NLRB poster

CONTINUED FROM PAGE 4

publicized summary of its actions. "A beneficial side effect may well be the promotion of statutory compliance by employers and unions."

Not everyone agrees with the need for the poster, however.

"There seems to be a persisting myth that workers may be unaware of their rights to organize, and they (the NLRB) want to make certain they have all of the information they need to try to start a union," said Ken Presley, vice president and chief operating officer of the United Motorcoach Association.

"Just what we need, another government-mandated poster to hang on the wall."

The mandate survived a legal challenge by the National Association of Manufacturers when a federal judge ruled in March the NLRB is within its authority to require employers to post the notice.

The court, however, did throw out a section of the regulation that allowed the NLRB to find that an employer engaged in unfair labor practices if it failed to display the notice. Under the court ruling, the board only may use a company's refusal to post the notice as evidence in unfair labor practice cases involving other alleged violations of the NLRA.

The posting mandate is among several moves made by the NLRB that have drawn widespread criticism from the business community.

One of the hottest was a case it filed last year against The Boeing Co. that accused the giant airplane manufacturer of illegally retaliating against union members in Washington state when it decided to open a \$750 million aircraft assembly plant in the right-to-work state of South Carolina.

Critics charged the NLRB had overstepped its authority and it simply wanted to destroy non-union jobs at the new plant. The complaint was withdrawn last December after Boeing and its union settled on a new contract.

Also last year, the board proposed new regulations to speed up unionization elections, require workers to wait as long as a year before voting to decertify a newly formed union and require workers at a unionized company with new owners to wait at least six months before they could petition for an election to decertify a union.

More information about the regulations and printable copies of the poster (shown at right) in English and other languages are at [www.nlrb.gov/poster](http://www.nlrb.gov/poster).



# Employee Rights

## Under the National Labor Relations Act

The National Labor Relations Act (NLRA) guarantees the right of employees to organize and bargain collectively with their employers, and to engage in other protected concerted activity or to refrain from engaging in any of the above activity. Employees covered by the NLRA\* are protected from certain types of employer and union misconduct. This Notice gives you general information about your rights, and about the obligations of employers and unions under the NLRA. Contact the National Labor Relations Board (NLRB), the Federal agency that investigates and resolves complaints under the NLRA, using the contact information supplied below, if you have any questions about specific rights that may apply in your particular workplace.

### Under the NLRA, you have the right to:

- Organize a union to negotiate with your employer concerning your wages, hours, and other terms and conditions of employment.
- Form, join or assist a union.
- Bargain collectively through representatives of employees' own choosing for a contract with your employer setting your wages, benefits, hours, and other working conditions.
- Discuss your wages and benefits and other terms and conditions of employment or union organizing with your co-workers or a union.
- Take action with one or more co-workers to improve your working conditions by, among other means, raising work-related complaints directly with your employer or with a government agency, and seeking help from a union.
- Strike and picket, depending on the purpose or means of the strike or the picketing.
- Choose not to do any of these activities, including joining or remaining a member of a union.

### Under the NLRA, it is illegal for your employer to:

- Prohibit you from talking about or soliciting for a union during non-work time, such as before or after work or during break times; or from distributing union literature during non-work time, in non-work areas, such as parking lots or break rooms.
- Question you about your union support or activities in a manner that discourages you from engaging in that activity.
- Fire, demote, or transfer you, or reduce your hours or change your shift, or otherwise take adverse action against you, or threaten to take any of these actions, because you join or support a union, or because you engage in concerted activity for mutual aid and protection, or because you choose not to engage in any such activity.
- Threaten to close your workplace if workers choose a union to represent them.
- Promise or grant promotions, pay raises, or other benefits to discourage or encourage union support.
- Prohibit you from wearing union hats, buttons, t-shirts, and pins in the workplace except under special circumstances.
- Spy on or videotape peaceful union activities and gatherings or pretend to do so.

### Under the NLRA, it is illegal for a union or for the union that represents you in bargaining with your employer to:

- Threaten or coerce you in order to gain your support for the union.
- Refuse to process a grievance because you have criticized union officials or because you are not a member of the union.
- Use or maintain discriminatory standards or procedures in making job referrals from a hiring hall.
- Cause or attempt to cause an employer to discriminate against you because of your union-related activity.
- Take adverse action against you because you have not joined or do not support the union.

**If you and your co-workers select a union to act as your collective bargaining representative, your employer and the union are required to bargain in good faith in a genuine effort to reach a written, binding agreement setting your terms and conditions of employment. The union is required to fairly represent you in bargaining and enforcing the agreement.**

**Illegal conduct will not be permitted.** If you believe your rights or the rights of others have been violated, you should contact the NLRB promptly to protect your rights, generally within six months of the unlawful activity. You may inquire about possible violations without your employer or anyone else being informed of the inquiry. Charges may be filed by any person and need not be filed by the employee directly affected by the violation. The NLRB may order an employer to rehire a worker fired in violation of the law and to pay lost wages and benefits, and may order an employer or union to cease violating the law. Employees should seek assistance from the nearest regional NLRB office, which can be found on the Agency's Web site: <http://www.nlrb.gov>.

You can also contact the NLRB by calling toll-free: **1-866-667-NLRB (6572)** or (TTY) **1-866-315-NLRB (1-866-315-6572)** for hearing impaired.

If you do not speak or understand English well, you may obtain a translation of this notice from the NLRB's Web site or by calling the toll-free numbers listed above.

\*The National Labor Relations Act covers most private-sector employers. Excluded from coverage under the NLRA are public-sector employees, agricultural and domestic workers, independent contractors, workers employed by a parent or spouse, employees of air and rail carriers covered by the Railway Labor Act, and supervisors (although supervisors that have been discriminated against for refusing to violate the NLRA may be covered).

**This is an official Government Notice and must not be defaced by anyone.**

SEPTEMBER 2011

## Lanny Rogers dies at age 76, ran two companies in Texas

HOUSTON — Lanny G. Rogers, who spent nearly a quarter century as a union executive before buying a motorcoach company, died here last month. He would have been 77 years old next month.

Friends, colleagues and former employees remembered him as an extraordinary gentleman, as well as exceptional boss; caring and kind; smart, and someone who wanted the best for his customers.

During his more than 25 years in the industry, he became widely known and respected.

Mr. Rogers' professional career began in 1956, when he went to work for Braniff Airlines in Dallas as an aircraft mechanic.

He became active in the union at Braniff and eventually became a business agent with the International Association of Machinists. During his years with the union, he was president of IAM District 146, representing thousands of airline and related-industry workers until his retirement in 1985.

Following retirement, Mr. Rogers and his wife, Jean, relocated to Houston, where he founded Eastex Auditorium Bingo Hall, which supported numerous charities in the Houston area for years.

In 1986, he purchased a local

Gray Line motorcoach operation, Gulf Coast Transportation/Gray Line Tours of Houston, which had been around since the early 1950s. Ten years later, when he sold the business to Coach USA, Gray Line Houston operated more than 100 motorcoaches.

Mr. Rogers remained with the company for two more years.

In 1998, Mr. Rogers founded First Class Tours of Houston with a single motorcoach. Today, First Class operates a fleet of more than 25 coaches serving destinations nationwide.

Mr. Rogers was an active member of the United Motorcoach and American Bus associations, Student & Youth Travel Association, Texas Travel Industry Association, and the Greater Houston Convention and Visitors Bureau.

Besides his wife of 55 years, Mr. Rogers is survived by three sons, Lanny Jr., Gregory and Jeffrey, plus a brother and three sisters.

A memorial in Mr. Rogers name has been established with the American Bus Association Foundation, at [www.buses.org/ABA-Foundation/Donate](http://www.buses.org/ABA-Foundation/Donate), or 111 K St. NE, 9th Floor, Washington, DC 20002-8110.

## Tour operator Ann Thomas dies, served as 2005 chairman of NTA

CARSON CITY, Nev. — Ann Thomas, former chairman of the NTA (formerly the National Tour Association), died here last month after a bout with cancer. She was 64.

Thomas, a certified travel professional, was the owner and manager of Reno-based Western Discovery and active in NTA for a quarter century.

Over the years, she had chaired the association's Certified Travel Professional Task Force, as well as serving on its education and member services committees.

She was NTA board chairman in 2005.

"We are deeply saddened by Ann's passing. She gave so much

to NTA through the years and was the perfect leader during challenging times for this association," said Lisa Simon, NTA president.

"She truly listened to members and used their input to move NTA forward. Ann led with a sense of calm and confidence — and a great big smile. She will be greatly missed."

Along with her NTA activities, Thomas served the travel and tourism industry through her involvement with Travel Alliance Partners and the Reno-Tahoe Territory.

A memorial in Thomas' name has been established with the Sierra Nevada Cancer Center, 1460 S. Curry St., Ste. 100, Carson City, NV 89410.

## People

SAINTE-CLAIRE, Quebec — **Prevost** has announced its Sales Team Leader awards for 2011. Prevost Regional Sales Managers *Tony Febbo* and *Ward Hicken* were recipients of the award.

Febbo represents Prevost in the northeastern U.S., while Hicken's territory includes much of the



Tony Febbo      Ward Hicken

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# Online marketing by small business: The key factors

By Kari DePhillips

Believe it or not, there's no secret to online marketing.

At least, not any more than there's a "secret" to algebra.

Once the fundamentals are learned, the rest is a cakewalk... only more fun and profitable.

The trick is getting started, which can be intimidating if you don't have prior experience in the marketing field.

Fear not, though — armed with the essentials you'll be better prepared than most recent college grads with degrees in PR (I know, I've interviewed dozens of them).

Here are the five things you need to know about marketing your business online:

1. Some of the most valuable tools will cost you nothing. Believe it or not, some of the best re-

sources and tools are completely free.

It costs nothing to start accounts on social media sites like Facebook, YouTube, Twitter, and the like. They'll all link back to your website and enable you to communicate with your customer base at will.

Setting up and running social media accounts is one of the simplest and most effective things you can do to promote your business online. With that out of the way, you can get into the really cool (and also free) stuff.

Here are some of the best free PR tools for small business owners:

- Hootsuite. It's a tool to manage and schedule social media updates, including keyword monitoring. It even has its own analytics, so you can see which tweets get

'The only thing PR companies have that you don't are connections and experience.'

the most interaction (and which are falling on deaf ears). There are others, such as CoTweet, and TweetDeck, but they tend to be more expensive and less feature rich.

- Google Alerts. A neat feature so you'll know who is saying what about you and your company. Set them up for your name, your business name and anything else you may want to monitor for.

If you monitor keywords related to your business, you'll find out who covers your industry (and how). Make a list of sites that accept guest-written content, and pitch them article ideas. They'll get content, and in exchange you'll get PR and a great backlink.

- HARO and Reporter Connection. This puts you in touch with reporters who are looking for sources for their articles. Keep an eye out for their daily emails and respond to whichever queries you're qualified to speak about. Over time you'll get great placement (I once got a client on CNBC — TV and online — via HARO, so it's definitely worth the time and effort).

- Mashable, Quora and Media Bistro Forums. If you want to run PR like an expert, you should have a few experts on hand to help show you how it's done. Quora is like a Yahoo Answers with relevant information and great advice, and the Media Bistro forums are an awesome place to learn from the pros. Mashable is your one-stop shop for all things digital, social media and tech.

- Google Analytics and Adwords. Analytics show you how many people are going to your site

and where they're coming from, in real time. This is great information, since it tells you how many people are coming from your guest posts, social media sites and search engine optimization (SEO) keywords.

When you know what's working, you can engineer your content and activities to mirror what's most effective. Adwords will tell you which keywords to focus on, making it one of the most essential PR tools at your disposal.

- A Webrank Toolbar (different versions available for Chrome and Firefox). Want to know if a site is worth partnering with or posting guest content on? Check your Webrank toolbar. Alexa tells you how popular a site is, while Google PageRank tells you how valuable it is from a search engine optimization perspective. Shoot for an Alexa ranking under 250k and a PR of 2 or higher. Don't waste your time with sites that have no PageRank or Alexa rankings over 1 million.

2. You can teach yourself anything you want to know. We live in the age of information. If you have a question, you don't need to guess at the answer or go to the library or dust off an Encyclopedia Britannica set. All you have to do is Google, and you don't even need to get up off of the couch to do it. At this point, just about every question you can think of has been asked and answered somewhere online — you just need to find it.

For questions related to PR, MediaBistro and Quora are good places to start. YouTube is awesome for video tutorials of different software programs and web applications (like Hootsuite!).

If those resources don't pan out, you can try a general Google search and sift through what comes up. If you've still got nothing...

3. Can't find the answer to your question? Ask somebody. Nobody benefits from you being shy, so don't be afraid to ask questions in your shameless pursuit of knowledge to have a more popular

business. Again, Quora and MediaBistro are good places to start, but you can also throw your question up on Twitter and see what your followers have to say.

Add a popular hashtag for extra visibility; hashtracking will tell you which ones to target, so there's no guesswork involved.

4. You can accomplish a lot with two blog posts per week. If you can commit to writing two blog posts per week, you'll be amazed at how far you can get in one year. Write one for your site and one to place on a site related to your industry as a guest blog. Focus on search engine optimization for the post going on your site, and focus on sounding like an industry expert in the piece you write for placement (and be sure to include a link to your site either in your bio or in the text of the article).

Over the course of a few months, the average small business owner should see a drastic increase in the amount of site traffic — and sales, if your site is properly optimized for conversion.

5. You can do it. The only thing PR companies have that you don't are connections and experience. But with enough persistence you can get both of those things on your own.

This probably seems like a lot to handle if you don't have a background in marketing, but the hardest part is getting started. Once you do, you'll probably find it's not as difficult as you thought. It takes less than fifteen minutes to sign up for HARO, Reporter Connection and Google Alerts, but once you've set it up the rest is automatic.

Figure out one thing at a time, and once you've mastered one thing move on to the next. When you learn from every mistake you make, no move is a bad one.

*Kari DePhillips is the owner of The Content Factory, an online PR company that specializes in web content writing and social media marketing.*

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