

Bus & Motorcoach NEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

UMA suit seeks to require FTA to apply charter rule

WASHINGTON — The United Motorcoach Association has taken its fight against an assault on the federal charter service rule to the courts.

Miffed by an attempt to weaken and possibly kill the rule, the national trade group filed suit against Federal Transit Administration Administrator Peter M. Rogoff in a move aimed at allowing the agency to again enforce the rule in King County, Wash.

The target of the suit filed in U.S. District Court here is controversial federal legislation passed in December that prohibits the FTA from using any money to enforce the rule in King County.

The legislation was written by Washington Democrat Sen. Patty Murray and added to the federal transportation appropriations bill

that was passed by Congress late last year.

The ban on spending effectively allows King County Metro Transit, which serves metro Seattle, to operate charter service for the city's professional baseball, football and soccer teams. The transit agency currently is running parking lot shuttles for the Seattle Mariners baseball and Seattle Sounders soccer teams.

Under the charter rule, tax-supported public transit agencies are not allowed to operate charter service if private bus companies are willing and able to handle the service. Several carriers in the Seattle area have said they want to run the shuttles for the sports games.

The charter rule, adopted by the FTA in 2008 after year-long

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Charter rule registrations plunge; officials worried

WASHINGTON — The number of private bus operators registered to receive charter notices from public transit agencies under the revised federal charter service rule has dropped dramatically, touching off concerns throughout the motorcoach industry.

The Federal Transit Administration said registered operators now total just 650, well below the 1,400 that were approved for the list between January 2008, when the revised charter service rule was first published, and last January when the initial two-year registrations began expiring.

"Everyone should be alarmed by this dramatic decrease in registered charter operators," said Ken Presley, vice president of industry

relations at the United Motorcoach Association.

He said failing to register or re-register opens the door for public transit agencies to begin operating charters because they only are obligated to notify private carriers of charter opportunities that are on the Internet-based list maintained by the FTA.

"If no non-taxpayer-funded charter bus operators are registered in their geographic area then transits may provide charter service at will," he stressed. "Once publicly-funded transits perform local charter work it can often be difficult to reverse and can, in fact, be precedent setting."

Under the charter service rule,

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'It is unfair for them to be playing in our field.'

Tom Ready, UMA chairman



'We...must remain proactive. And that means registering.'

Steve Klika, International Motor Coach Group



'Everyone should be alarmed by this dramatic decrease.'

Ken Presley, UMA vice president

FMCSA boosts UCR fees, rate is doubled from 2009

WASHINGTON — The Federal Motor Carrier Safety Administration has made a hefty increase in Unified Carrier Registration fees for 2010, but the new rate is slightly lower than the agency initially proposed last year.

Here's the new fee schedule for 2010:

- Up to two vehicles: The fee was raised to \$76 from \$39, or a 95 percent increase. The FMCSA had initially proposed a new fee of \$87, meaning it set the final fee at roughly 10-12 percent below what it originally proposed.

- Three to five vehicles: New fee \$227, up from \$116 (\$256 was originally proposed)

- Six to 20 vehicles: \$452, up from \$231 (\$514 was initially proposed)

- 21 to 100 vehicles: \$1,576,

up from \$806 (\$1,793 was initially proposed)

- 101 to 1,000 vehicles: \$7,511, up from \$3,840 (\$8,541 was initially proposed)

- 1,001 to 200,000 vehicles: \$73,346, up from \$37,500 (\$83,412 was initially proposed)

Private and for-hire bus and truck companies, as well as brokers and leasing companies, must pay the fees. Brokers and leasing companies pay the smallest fee in the schedule.

In setting the new fee schedule, the FMCSA shunned truck and bus industry concerns about the economic impact of the higher amounts during a recessionary period.

The federal agency said that under the law it was obliged to set the fees at a level that will provide

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Economy takes hefty toll on new motorcoach sales

Sales of new motorcoaches in North America during the first three months of this year plummeted to their lowest point in the past 25 years.

Figures compiled by *National Bus Trader* show that 227 new coaches were sold during the January-February-March period, the smallest quarterly total since the magazine began keeping track of new coach sales in 1985.

The last time sales were nearly as weak was in 1991, when new coach sales averaged only 283 units per quarter for the entire year.

National Bus Trader editor Larry Plachno had a simple explanation for the dismal sales picture: "It's called the economy."

"We are essentially at the same level of sales we were at when we

had a low point in 1991," he said. "The reason is essentially the same — the economy."

"Where do we go from here?" he asked rhetorically. "The good news is that several recent surveys show improvements in bus ridership. Long-term prospects are good, what with our aging Baby Boomers looking to take tours, and bus travel becoming more accepted because of environmental concerns and the price of gasoline."

"However, I suspect that in common with many other industries, any serious improvement will depend on an improved economy," Plachno said.

The first-quarter 2010 results compare with like-quarter 2009 sales of 372 new coaches,

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Major Gulf oil spill fails to slow down casino runs

Motorcoach operators who make regular runs to beach-front casinos along the Mississippi Gulf Coast are closely monitoring emergency efforts to contain the large oil spill from the out-of-control well off the Louisiana coast.

If substantial amounts of oil reach the beaches, it could send their passenger counts and revenues spiraling downward.

Three weeks into the disaster, the oil threat has had little impact on the scores of regular line runs and frequent charter trips that dozens of operators make to Biloxi, Miss., and other gambling sites along the coast.

"We haven't noticed anything yet but usually people going to a casino aren't too interested in the beach anyways," said Allison Edwards of Kincaid Tours in Panama Beach, Fla. "I guess we'll know for sure in a couple of weeks." Collen Hotard, owner of Hotard Coaches in New Orleans, said casino runs have remained steady during the crisis and he expects the oil threat to have little impact on the business in the short run.

However, he cautioned that if the oil slick causes a huge econom-

ic disaster up and down the coast, it eventually would be felt by the motorcoach industry. "It would trickle down to us, just like it would everywhere else," he said.

Vicki Stevison of Good Times Tours in Pensacola, Fla., said while the oil threat has not affected her casino runs, it did lead to the cancellation of a charter trip to a music festival in New Orleans.

She said the news media ran articles about the smell of oil being so strong in New Orleans that it was making people sick, and it caused her charter group to cancel the trip.

"And the story wasn't even true," she lamented.

Casino and resort people say they haven't seen any impact and are hopeful the oil spill will spare their beaches.

Mary Cracchiolo, public relations director for Beau Rivage Hotel and Casino in Biloxi, said she has received no cancellations and the regular-run and charter coaches continue to arrive as usual.

However, she said the hotel has been getting inquiries from tour escorts who want to make sure the casino is operating normally and the beaches are open.

UMA issues D.C. parking advisory

ALEXANDRIA, Va. — The United Motorcoach Association has issued a notice to its members, warning that police in metro Washington have stepped up enforcement of parking regulations.

The expanded enforcement effort appears to coincide with the spring rush of tour bus traffic in and around Washington, as well as the strained budgets of most local government units.

"We're hearing from operators that (the District of Columbia) and the surrounding areas are being very strict in enforcing their parking regulations this year," said Ken Presley, UMA vice president of industry relations.

To help operators avoid infractions and subsequent fines, the association is calling operators' attention to websites that provide parking information and rules for Washington and nearby communities.

Included in the warning is a reminder of the re-

quirement that buses coming into Washington must have a trip permit.

For updated Washington parking information and maps, go to: http://ddot.washingtondc.gov/ddot/lib/ddot/information/tourbus/map_majorstreets, and <http://ddot.washingtondc.gov/ddot/cwp/view,a,1250,q,639306.asp>.

Information about District of Columbia trip permits can be found at: <http://dmv.dc.gov/info/trippermit.shtm>.

Parking rules and maps for Old Town Alexandria, Va., can be found at: <http://alexandriava.gov/Motorcoach>.

Coaches with Alexandria as a destination must now pre-register and exhibit the registration in a window.

For idling information for all jurisdictions, go to: www.atrionline.org/research/results/idling_chart.pdf.

Cracchiolo said as a precautionary measure, Beau Rivage has placed a 2,400-foot boom in the water in front of the property's beach to help protect it from the oil if it were to reach the area.

Bob Davidge, public relations director for Hollywood Casino in Bay St. Louis, Miss., said no charter or regular-run motorcoach trips have been canceled at his casino either.

"We started tracking any fluctuation in tourism, but we haven't seen anything yet," said Davidge, whose casino is a major destination

for coaches from New Orleans, Atlanta and other communities.

He noted there was some indication that the crisis may have brought more people to the property, including some who traveled by motorcoach. "This may have accelerated some short-term plans for visits because no one knows how long we're going to have these beautiful beaches," he said.

However, he cautioned that the oil spill could have some long-term negative impact, especially for those who are starting to make summer plans and are concerned

about the uncertainty of what the beaches might be like by then.

That may already be happening in some areas.

Joe Guidry, the general manager of the Ramada Plaza Beach Resort in Fort Walton, Fla., said he has seen an increase in the number of people who are calling and inquiring about accommodations for the summer, but are holding back on making reservations.

"We haven't been affected in the short term, but we're a little concerned about the long term," he said.

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THE DOCKET

'Right to Repair Act' gains new House, Senate support

WASHINGTON — More members of Congress are signing up in support of the Motor Vehicle Owners' Right to Repair Act, which would require vehicle manufacturers to provide all repair facilities with the access codes, repair instructions, tools, equipment and other information necessary to diagnose, service and maintain the vehicles they produce.

Ten more members of the House have become co-sponsors of the bill, bringing the total to 61.

Sens. Christopher Dodd, D-Conn., and John Kerry, D-Mass., have joined the list of co-sponsors of the Senate bill, which was introduced by Sens. Barbara Boxer, D-Calif., and Sam Brownback, R-Kan.

The House bill was introduced by Reps. Edolphus Towns, D-N.Y.; Anna Eshoo, D-Calif., and George Miller, D-Calif.

Because modern vehicles are becoming increasingly sophisticated, with virtually every system either monitored or controlled by computers, servicing vehicle systems requires ready access to complete and accurate information, tools and software from ve-

hicle manufacturers.

Proponents say the legislation would give vehicle owners the freedom to choose repair facilities for their vehicles, and allow independent repair shops to compete on a level playing field with other facilities.

Although much of the discussion about the legislation has centered on autos, the bill would apply to all vehicles, including heavy-duty commercial buses and trucks.

"The Right to Repair Act does not cost tax payers money, does not create a new agency and, more importantly, does not ask taxpayers for a bailout," said Ray Pohlman, president of the Coalition for Auto Repair Equality.

"It simply requires that vehicle manufacturers provide...repair shops with the same access to the same safety alerts, technical service bulletins, diagnostic tools and repair information they provide to their dealer network - nothing more, nothing less."

A complete list of co-sponsors and a copy of the Motor Vehicle Owners' Right to Repair Act can be found at www.righttorepair.org.

Bills target 'misclassification'

WASHINGTON — Bills have been introduced in the U.S. Senate and House aimed at preventing workers from being misclassified as independent contractors, which could impact the motorcoach industry's use of "independent" drivers. (See March 15 and March 1 issues of *Bus & Motorcoach News*.)

Sen. Sherrod Brown, D-Ohio, introduced the legislation in the Senate, while Rep. Lynn Woolsey, D-Calif., introduced companion legislation in the House.

"For too long, workers have been denied vital worker safeguards — like fair labor standards, health and safety protections, and UI or workers' compensation ben-

efits," Brown said.

"With a still fragile economic recovery with significant job loss — workers are too often taken advantage of and lose out on the benefits they rightfully earned."

The Employee Misclassification Prevention Act, which would amend the Fair Labor Standards Act of 1938, aims to reduce the number of worker misclassification violations by:

- Ensuring that employers keep records that reflect the accurate status of each worker as an employee or non-employee, and clarifying that employers violate the Fair Labor Standards Act when they misclassify workers.

- Increasing penalties on em-

ployers who misclassify employees and are found to have violated employees' overtime or minimum wage rights.

- Requiring employers to notify workers of their classification as an employee or non-employee.

- Creating an "employee rights website" to inform workers about their federal and state wage and hour rights.

- Providing protections to workers who are discriminated against because they have sought to be accurately classified.

The legislation would also require states to conduct audits to identify employers who misclassify workers, and strengthen their own penalties for misclassification.

Feds act on CSA 2010 criticism

WASHINGTON — The Federal Motor Carrier Safety Administration has moved to address three major concerns about the agency's ambitious new safety measurement program, known as Comprehensive Safety Analysis 2010, or CSA 2010.

In a letter to the American Trucking Associations, FMCSA Administrator Anne Ferro addressed criticisms being leveled at

CSA 2010, which is being implemented by her agency this year. (See May 1 issue of *Bus & Motorcoach News*.)

Critics of the new system say it relies too heavily on inconsistent state accident reporting, and that carrier safety performance scores will be based on a flawed formula.

At its most basic, the new system uses a formula that divides the number of carrier violations by the

number of USDOT-registered vehicles in the company fleet -- without regard to miles driven. Such a system, critics say, can hurt efficient carriers that have high equipment utilization rates because they travel more miles and do more work with fewer vehicles.

Conceivably, a carrier could improve its safety score under CSA 2010 simply by adding a bunch of old buses or trucks to its fleet but not operating them.

The ATA has recommended making a mileage field mandatory on the MCS-150 form, and that FMCSA consider using an average-annual-miles-per-vehicle estimate for those carriers for which FMCSA does not have up-to-date mileage information.

The FMCSA agrees in part, but the agency does not believe mileage data should be the sole determining factor. The agency points out that vehicle miles traveled would put certain segments at a similar disadvantage, such as those fleets that operate limited mileage. However, the FMCSA has agreed to make the mileage field mandatory.

The biggest problem with the new system, according to truckers, is its inability to assign fault for crash data that gets put into the program. Crashes will show up in a carrier's record, whether or not the carrier is at fault.

This is seen as a major problem because many crashes involving commercial vehicles also involve autos, light trucks or SUVs, which may have caused the accident or

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Texting ban tough to enforce but it still has teeth

WASHINGTON — Enforcement has become a key issue related to the proposed federal ban on cell phone texting by commercial vehicle drivers.

The simple fact is a highway patrolman — at automobile level — cannot see for sure what an over-the-road bus or truck driver is doing in a vehicle that towers above him.

But drivers and carriers should be aware that the current ban and the proposed new rule do have

UMA, NAMO request change to texting rule

WASHINGTON — The United Motorcoach Association and the National Association of Motorcoach Operators have asked the Federal Motor Carrier Safety Administration to change the wording in one section of the agency's proposed ban on texting.

The FMCSA proposed last month that commercial vehicle drivers — who operate in interstate commerce — be prohibited from texting while driving, a step the two associations say they applaud.

However, one section of the proposed rule says that “this proposed rule states that motor carriers will not allow nor require drivers to text while driving.”

UMA and NAMO said in separate comments filed with the FMCSA that using the term “allow” implies “a level of supervision and oversight that does not currently exist in today's motor carrier-driver relationship.”

“Drivers largely operate in an environment where direct and timely supervision of their practices is not possible,” said UMA in its filing.

“For example, a motor carrier may direct drivers not to exceed the posted speed limits through policy and training; however, it is well established through intention or negligence, drivers occasionally exceed the posted speed limits.

“Motor carriers may later identify the violation and take action, but it is not possible to ‘not allow’ the driver to violate policy and law,” said the association in its comments. NAMO used similar language in its filing.

UMA and NAMO recommend the FMCSA adopt language that directs carriers to develop policies and training that instruct drivers to comply with federal laws pertaining to texting while driving.

teeth.

“I feel confident that should a driver have a collision involving texting, (he or she) can expect the maximum fine the first time from FMCSA,” said Capt. Dan Meyer of the Kansas Highway Patrol. “I feel 100 percent confident in that statement.”

The fine can go up to \$2,750,

and criminal penalties can apply as well.

“Texting can be a criminal violation if it precipitates a fatal or injury crash,” FMCSA Administrator Anne Ferro said when the ban was announced.

Carriers can expect police to subpoena a driver's cell phone to see if he or she was texting at the

time of a crash, said Steve Kepler, interim executive director of the Commercial Vehicle Safety Alliance, which represents the enforcement community.

While the post-accident aspect of enforcement is straightforward, everyone from Transportation Secretary Ray LaHood down to the patrolman on the highway un-

derstands that it will be difficult to catch a driver in the act of texting.

“Enforcement of cell phone misuse while driving is difficult, and we need to figure it out,” LaHood said when he announced the FMCSA ban. He acknowledged that to a certain extent the ban is a symbolic act, intended to send a message.

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New onboard recorder rule receives mixed reviews

The new federal safety rule that will require some interstate commercial motorcoach and truck companies to equip their vehicles with electronic onboard recorders is drawing mixed reviews.

National motor carrier trade groups say they support the new regulation — with some reservations, while safety advocates contend it doesn't go far enough.

The rule, which takes effect June 2012, mandates companies with chronic hours-of-service violations to install electronic onboard recorders on their vehicles for a minimum of two years, and offers limited incentives to encourage other companies to voluntarily equip their fleets with them as well.

Issued by the Federal Motor Carrier Safety Administration, the rule is aimed at identifying carriers and drivers who ignore hours of service rules, falsify log books or make errors in their paper logs, all concerns that federal regulators suggest occur far too often and increase the changes of serious highway accidents. (See April 15 *Bus & Motorcoach News*.)

"We are committed to cracking down on carriers and drivers who put people on our roads and highways at risk," Transportation Secretary Ray LaHood said. "This rule gives us another tool to enforce hours of service restrictions on drivers who attempt to get around the rule."

Electronic onboard recorders track driver hours and vehicle activity, which allows regulators to more easily check hours-of-service compliance of drivers.

Under the rule, carriers that have a 10 percent or higher rate of hours-of-service violations during a compliance review will be required to install electronic onboard recorders on all their vehicles for at least two years.

The FMCSA expects as many as 5,700 carriers to be required to use the equipment during the first year the rule is implemented.

Rather than mandating electronic onboard recorders for all commercial vehicles at this time, the FMCSA said that, instead, it will use regulatory incentives to encourage other carriers to install the recorders on their vehicles. It said companies that do so will get relief from some driver documentation requirements and be subject only to random regulatory hours-of-service reviews.

Broader rule coming

FMCSA Administrator Anne Ferro said the agency plans to initiate a second rulemaking this year that will consider an electronic onboard recorders mandate for a

broader population of commercial motor carriers. Possible targets, according to some in the industry, are passenger carriers and hazardous materials carriers.

There are several key members of Congress who think electronic onboard recorders should be mandated for all over-the-road commercial vehicles. Reaction in the motorcoach and trucking industries to the new rule has been mixed, although most seem to believe the FMCSA has made a good start.

The United Motorcoach Association said that while the new rule appears to be aimed more at trucking operations whose drivers camp out in their vehicles, the use of the electronic recorders can be beneficial for motorcoach operators.

"EOBRs can go a long way in reducing paperwork foul-ups and driver logging errors," noted Ken Presley, UMA vice president of industry relations. "Many of our member operators have expressed an eagerness to implement the use of EOBRs once FMCSA establishes standards."

A different world

He said other electronic devices, such as DriveCam, GPS, cell phones and computers, have changed the driver's world dramatically. Drivers no longer are in a universe of their own but rather are more integrated with the overall operation of their company.

"When you consider the possibilities of reducing errors, ultimate ease of record keeping, safety component and litigation reduction, it is easy to imagine that EOBRs will be

the standard in just a few short years for most bus and motorcoach companies," Presley added.

The American Bus Association calls the measure a "good first step" and said it appreciates the fact that only carriers with poor hours-of-service records will be required to use the recorders. However, it found the incentives to get other operators to equip their fleets with the recorders a bit lacking.

"The dispensing of the supporting hours-of-service documentation for carriers that have electronic onboard recorders is in my view not much of an incentive," said Clyde Hart, senior vice president for government affairs. "More welcome would be a tax credit for carriers, particularly smaller operators that deploy EOBRs and other advanced safety equipment."

The American Trucking Associations said it also backs the rule, especially because it promotes the voluntary installation of EOBRs while mandating them for non-compliant carriers. However, the organization said it has some reservations about some of the design specifications of the devices and plans to work to address those concerns.

Dave Osiecki, the organization's senior vice president, later voiced support for the measure while testifying at a Congressional subcommittee hearing on motor carrier safety efforts.

"ATA supports targeting companies that do not comply with hours-of-service regulations with a remedial directive to use electronic logging devices," he told the

subcommittee. "The regulation requiring this is a good first step and will allow FMCSA and the industry to capture additional data on the benefits of the devices."

Recorders for all

Despite the mandate for operators with high hours-of-service violations, the National Transportation Safety Board said the new rule will not change its long-held position that all commercial motorcoaches and truckers be required to have the recorders.

"Although the increasing scope of the carriers that would potentially be affected by EOBR rulemaking efforts is encouraging, the NTSB continues to believe that a mandate for the use of EOBRs by all motor carriers is necessary for the collection and maintenance of accurate data on driver hours of service," the agency maintained.

The industrywide mandate for EOBRs has been on the NTSB's "Most Wanted" list since 2008.

At least one motorcoach operator who has a great deal of experience with electronic onboard recorders said he favors the use of them on coaches, but only if they are capable of performing better than the ones he had on his fleet.

Jeff Polzien of Red Carpet Tours in Oklahoma City put them on his coaches in 2002 (see June 15, 2004, *Bus & Motorcoach News*), but discarded them four years later, saying they were costing him too much money and not doing what he expected them to do.

He said the recorders were un-

able to accurately keep track of individual drivers when multiple drivers and multiple coaches were used on charters, and it was too difficult to locate data on specific drivers and charters once the information on the recorders was downloaded. Additionally, he said monthly connection fees for real-time data piled up.

"If they come up with a good system, OK, but I see too many holes in the ones that I've looked at," said Polzien. "I am all for it if they come up with a system that works and is affordable."

Better recorders

John Day of Web Tech Wireless in Vancouver, British Columbia, said today's electronic onboard recorders are well advanced from those used in past years and can easily identify drivers and provide accurate data on individual drivers and coaches easily and quickly.

"Multiple drivers and coaches have not been a problem for our recorders," he said. "Drivers use their name and a password and when another driver takes over and logs in, it is recorded and it will track hours of service."

Great Canadian Coaches in Kitchener, Ontario, has been using EOBRs on all 48 of its coaches since 2007 and has been pleased with their performance.

"They have worked fantastically," said Caroline Ravazzolo. "Our administrative has been cut way back and they have been super efficient for all of us."

Other recorder manufacturers advertise similar capabilities for their recorders.

Meantime, while the FMCSA moves ahead with efforts to possibly expand the use of EOBRs, federal lawmakers, too, are advancing legislation to require all interstate carriers to use EOBRs regardless of their safety records.

A measure seeking an industrywide mandate for EOBRs that was introduced last year by House Transportation and Infrastructure Committee Chairman James Oberstar, D-Minn., is still floating around, and Sen. Kay Bailey Hutchison, R-Texas, and Sen. Sherrod Brown, D-Ohio, are pushing a transportation safety bill that includes a mandate for EOBRs.

The two-year lag in the new rule taking effect is to give EOBR manufacturers time to meet the rule's performance standards and to manufacture products that meet industry demand.

To see a copy of the rule, go to www.gpoaccess.gov/fr/index.html and search for "Electronic On-Board Recorders." The rule is No. 34 on the list.

Changes sought to recorder rule

WASHINGTON — The United Motorcoach and America Bus associations have joined with other associations, a leading safety enforcement organization and private companies to request two quick changes to the electronic onboard recorder rule issued last month by the Federal Motor Carrier Safety Administration. (See April 15 *Bus & Motorcoach News*.)

The groups say two technical specifications in the rule are "unrealistic, very costly and are probably not what was actually intended" by regulators.

The impact of these technical requirements "would force the industry to develop significantly more expensive hardware and to incur extraordinary transitional costs in order to be compliant," the groups said in a Petition for Reconsideration filed with the FMCSA.

"Based on our experience and a review of commercially available equipment being used for transportation telematics, these additional requirements do not appear to be appropriate," the group said in its petition.

In question is a requirement that the electronic onboard recorders mandated by the rule must be able to operate in temperatures ranging from -40-to-85 degrees Celsius (or -40-to-185 degrees Fahrenheit).

The other requirement has to do with the type of connectors the recorders have so data can be down-

loaded or monitored by enforcement officials.

The group is recommending the FMCSA make quick changes to its specifications "to avoid negative consequences in the transition to the next generation of electronic onboard recorders."

Specifically, the group wants the FMCSA to either remove the temperature operating range specification, allowing electronic onboard recorder makers to "adopt best available components and systems to meet actual operational needs as identified by the market," or to apply a ruggedized-device requirement for a -20-to-60 degrees Celsius (or -4-to-140 degrees Fahrenheit) temperature operating range, "which is in line with commercially available equipment."

For the connector issue, the group recommends allowing the use of USB connections in driver log data downloads.

"We concluded that any requirements that are not practical, or add unnecessary expense to EOBRs, only serve to delay the voluntary installation Congress and regulators so fervently desire," said Ken Presley, vice president of UMA, in explaining the association's position.

Included in the group seeking the rule modification was the Commercial Vehicle Safety Alliance, the American Trucking Associations, and four companies that manufacture onboard recorders.

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How to lead a winning organization in tough times

By Spader Business Management

How many of us have walked into another company and known it wasn't a high performer?

We call that feeling the "climate," or "culture," or the "non-verbal" of the organization.

Studies have found that 50-75 percent of the business climate of a company is related directly to the actions of the leader.*

Here are 10 tips for leading in tough times and creating a winning climate in your business:

1. Prioritize what needs to be done, by whom and by when. Then monitor tightly.

Focus on what you can control, don't dwell on those things you can't — like the economy. Would you agree that some things employees do are a lot more important than other things they do?

The No. 1 reason employees don't do what they're supposed to do is that they "don't know what to do."

During tough times, it is more critical than ever that everyone in the company is working on the most important things.

Here is an effective exercise:

For each of your department managers and key employees, write down what you believe are the key results, tasks, or priorities in their job. Sort them into order based on their impact to your business — highest to lowest.

Next, have your department managers or key employees complete the same exercise on their own.

Sit down together and compare your lists. Most people report the two lists are not the same, sometimes not even close. By working

together and coming to agreement on what those key results are, in order, you're well on your way toward accomplishing them.

2. Leadership needs to set the tone.

How is your own non-verbal communication — your attitude, facial expressions and body language? If your nonverbal communication is not good, your employees' non-verbal will likely be even worse.

What can you do to change your own nonverbal communication? Start by asking a few trusted employees to anonymously rate your nonverbal communication with employees and customers — is it great, good, OK, bad, or really bad?

If your nonverbal is not good or great, ask those employees for some ideas about ways you could improve it.

One owner told us he stopped listening to the morning news on the way to work and started listening to motivational speakers instead.

His employees couldn't believe the difference in attitude as he walked in the door each day.

Diesel hits 18-month high, rising above \$3.12

WASHINGTON — Diesel fuel prices have climbed to their highest level in more a year and a half, the U.S. Department of Energy reports.

The national average price of diesel rose this month to more than \$3.12 a gallon, the highest level since Oct. 27, 2008, when it was at \$3.288 in a downward retreat from that year's record highs.

The latest price left the motor-

coach industry's main fuel 94 cents a gallon higher than it was a year ago, the USDOE said.

Gasoline, meanwhile, has climbed to a national average price of \$2.90 a gallon.

Gas has been rising slowly but steadily for three months, climbing to an average of 82 cents a gallon higher than a year ago.

The price of diesel has climbed more than 36 cents a gallon since

its most recent upward trend began in mid-February.

The two fuels' upward trend has mirrored higher oil prices, which also rose to an 18-month high earlier this month.

The diesel-gasoline gap in price of 22 cents a gallon was the biggest since Feb. 9, 2009, when the price differential was 29 cents and diesel was selling on average for \$2.22 a gallon and gasoline for \$1.93.

5. Give employees frequent opportunities to discuss the situation the business is facing.

People need reassurance and need to have their feelings heard in more difficult situations. Pent-up anxiety is rarely positive.

6. Communicate what you know, and admit what you don't know or aren't willing to share.

Employees need to know they can trust leadership. They will know if you are trying to hide something — be real.

7. Post organizational and departmental goals where everyone can see them and record progress.

A scoreboard is never more important than when the game is close.

We know of an organization that was about to go out of business but the employees believed the owner was making millions of dollars. The employees thought the team was up by 40 points when they were actually down by 50.

8. Provide specific, positive feedback whenever possible.

Create opportunities to celebrate and cheer for even the smallest victories. Recognize and reward progress. Find and create

positive situations.

9. Use teams to help solve problems and commit to actions.

When working together, teams often identify the most creative breakthrough solutions ... and they are more committed to actions they have helped develop.

10. Identify key influencers, both positive and negative, and make sure they are on board with your decided-upon direction.

The key influencers in your organization are often not those in formal leadership positions.

Consider putting all your employees into one of these three groups:

- **Enthusiasts:** Those people who support the company and embrace changes.

- **Blockers:** Those people who generally don't support management's positions and work (sometimes under the table) to block changes being implemented.

- **Fence-Sitters:** Those who don't take a stand either way, but wait to see how the change will work out before committing to a position.

Find the Enthusiasts and enlist their feedback and support to help create the climate you want. Identify the Blockers and work to involve them in any changes you are implementing to get their buy-in, or at least neutralize their negative impact.

"Never underestimate just how much human beings are willing to change if you only engage them the right way." — Mahatma Gandhi

We wish you the best in these times of change.

**Primal Leadership*, Harvard Business School Press.

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Fuel-use standards may be coming for buses, big rigs

WASHINGTON — A report issued by the National Academy of Sciences has given federal regulators a roadmap for developing fuel economy standards for medium- and heavy-duty vehicles, including buses and motorcoaches.

Three years ago, Congress passed legislation requiring the U.S. Department of Transportation — for the first time — to establish fuel economy standards for medium- and heavy-duty on-highway vehicles.

The National Highway Traffic Safety Administration asked the National Research Council to recommend the best ways to measure and regulate fuel economy for these vehicles, and assess technologies that could improve it.

The new report not only evaluates various technologies and methods that could improve the fuel economy of medium- and heavy-duty vehicles, it also recommends approaches that federal agencies could use to regulate these vehicles' fuel consumption.

Currently, there are no fuel consumption standards for buses and big trucks, which account for about 26 percent of the transportation fuel used in the U.S.

"The choices that will be made over the course of the next few years will establish the regulatory design for medium- and heavy-duty vehicle fuel consumption standards for the next several decades," said Andrew Brown Jr., chairman of the committee that wrote the report, and executive director and chief technologist at Delphi Corp. of Troy, Mich.

The committee came up with estimates for the fuel-economy improvements various technol-

ogies could achieve over the next decade in seven vehicle types.

Better buses

For example, using various advanced technologies in motorcoaches could lower their fuel consumption by up to 32 percent by 2020, the report said.

However, the cost of achieving the improved fuel economy would cost an estimated \$36,350 per bus, according to the report, which said it would be a cost-effective expense if the price of fuel is \$1.70 per gallon or higher. Even higher fuel prices would make the investment even more cost effective, said the report.

While the cost of making the improvements would be passed on to vehicle purchasers, the report asserts that many of the technologies would pay for themselves at today's energy prices, under the report's assumptions.

In setting fuel consumption standards, regulators should use a measure that accounts for the number of passengers or amount of freight carried by these vehicles, the report says.

The miles-per-gallon measure used to regulate the fuel economy of passenger cars is not appropriate for medium- and heavy-duty vehicles, which are designed above all to carry loads efficiently, the report says.

For example, a partially loaded motorcoach could travel more miles per gallon than a fully loaded one, but this would not be an accurate measure of the fuel efficiency of moving people.

Instead, any regulation of medium- and heavy-duty vehicles should use a metric that re-

flects the efficiency with which a vehicle moves goods or passengers, such as gallons per passenger-mile, a unit that reflects the amount of fuel a vehicle would use to carry a passenger one mile. This is called load-specific fuel consumption.

Flexible standards

The report does not recommend a specific numerical standard because the NHTSA will need to establish standards tied to the tasks associated with a particular type of vehicle.

Garbage trucks, for example, likely would be held to a different standard than buses. NHTSA should base its regulations on national data on the average payload carried by each type of vehicle, the report said.

The agency should regulate the final-stage vehicle manufacturers rather than component makers, as the former has the greatest control over the vehicle's design, the report adds.

"Our committee also recommends that NHTSA conduct a pilot program to 'test drive' the certification process and validate the regulatory framework," said Brown.

While regulating medium- and heavy-duty vehicles will be more complicated than it is for passenger cars because of the variety of vehicles and their differing tasks and terrains, the barriers are not insurmountable, the report asserts. Japan regulates the fuel economy of these vehicles, and both the European Union and the state of California are developing standards.

However, one way to avoid the complexity of regulating different types of vehicles would be to impose a fuel tax, which would induce firms to

optimize the fuel-efficiency of their operations. The report urges Congress to consider this approach.

More cap 'n trade?

Another alternative approach — applying a cap-and-trade system to truck and bus companies similar to the one that Congress is considering as a way to lower CO2 emissions — would provide companies with an incentive to adopt fuel-saving technologies and operational methods.

In addition, the report recommends nontechnical methods NHTSA could use to lower fuel consumption, including providing incentives to train vehicle operators in efficient driving techniques, which can result in fuel savings of anywhere from 2 percent to 17 percent. One approach could be to establish a process to train and certify drivers in these techniques as part of commercial driver license certification.

The study was sponsored by the NHTSA. It was conducted by the National Academy of Sciences, National Academy of Engineering, Institute of Medicine, and National Research Council. They are private, nonprofit institutions that provide science, technology, and health policy advice under a congressional charter.

The Research Council is the principal operating agency of the National Academy of Sciences and the National Academy of Engineering.

Copies of Technologies and Approaches to Reducing the Fuel Consumption of Medium and Heavy-Duty Vehicles are available from the National Academies Press. Call (202) 334-3313 or (800) 624-6242, or go to www.nap.edu.








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UCR fees

CONTINUED FROM PAGE 1

sufficient revenue to the states that participate in the system that pays for commercial motor vehicle safety programs.

It said the fee hike is relatively small in the context of trucking industry revenues — less than 0.04 percent of revenue per power unit.

The convoluted process of setting the UCR fee schedule begins with a recommendation from a 15-member board, which primarily includes representatives from state agencies and industry.

For this year, the board wasn't able to achieve unanimity on how

best to levy the fees. So, the FMCSA did its own analysis and settled on a fee schedule that presumes a significant improvement in compliance, which critics contend is wishful thinking. The agency contends that stepped-up enforcement efforts are starting to pay off.

The fees established when the program was set up three years ago have not produced enough total revenue to pay for the state enforcement programs. While some states collected what they required, taken as a whole the plan has been between \$27 million and \$31 million short each year since it began in 2007.

The shortfall has been primarily blamed on inadequate enforcement

and miscounting when carriers report how many vehicles they have. The FMCSA said that while "a compliance rate of 100 percent is not feasible," it based the new fees assuming a compliance rate of 86.42 percent, which would be a marked improvement over states' past performance in registering carriers.

Payment of the fees is supposed to be enforced at roadside and destination inspections through an online search of state data. The FMCSA said that states have been getting better at this, although the enforcement effort is not the same in each state.

The new fees have been put into effect in many states and op-

erators should be seeing notices soon, or may have received them already. The complete rule setting the fees can be viewed at www.gpoaccess.gov.

The 2010 increase is not expected to be the last. Officials familiar with the program say the fees soon may need to rise further to satisfy states' need for revenue.

Steve Keppler, interim executive director of the Commercial Vehicle Safety Alliance, which represents state agencies that use the revenue for enforcement activities, said he wasn't sure the new fees were sufficient.

"I don't think that that fee structure is going to get to the level that's

required to make the states whole," he said, adding that if states continue to fall short, "it might require an increase."

Robert Pitcher of the American Trucking Associations told Transport Topics he expects future fee increases unless there are changes to the program or a stepping up of state collections.

"There's no real incentive for state enforcement, so I think we are going to see a spiraling of the fees if the program is not substantially altered or eliminated," he said. "I think, with this rule, the states have learned that they can get pretty much what they ask for out of FMCSA."

CSA 2010 fixes

CONTINUED FROM PAGE 4

simply smashed into the larger vehicle.

Ferro said her agency would consider several short- and long-term approaches to address this issue. In the meantime, it will exclude crash assessment from any public websites, and it will consider accountability of crashes before issuing any final fitness ratings.

Ferro noted that the use of police accident reports is a viable option for determining accountability. The challenge, however, is getting

those reports from the different state agencies involved, she said.

One option would be to require fleets to submit police accident reports for those accidents in which they seek accountability determination.

Finally, concern has been expressed that CSA 2010 counts all alleged moving violations on roadside inspection reports, whether a citation was issued or not. The issue here is that warnings and notices are counted and scored the same as citations.

Critics contend warnings and warning tickets should not be used

under CSA 2010 initially. Some have suggested this information be maintained by FMCSA and evaluated to see if further action needs to be taken.

The FMCSA has not yet addressed what weighting warnings will be given, but it will designate the severity of speeding offenses recorded on road inspections. For example, the roadside inspection report will say whether the violation was 1-5 mph over the speed limit, 6-10 mph over, and so on.

In addition, the FMCSA will consider adding a simple Yes/No field to inspection reports to deter-

mine whether a citation was issued.

Luck of the draw

There is one thorny issue that will continue to be an irritant to both the FMCSA and operators — even under the new safety measurement system. And that is the fact that accidents in some states are far less likely to be reported to the FMCSA than in others, resulting in uneven enforcement.

That's because only those agencies that participate in the federally funded Motor Carrier Safety Assistance Program will report violations.

Carriers with operations in high reporting states may find it harder to maintain good CSA 2010 scores than those operating in states where reporting is low.

The states that most consistently report commercial vehicle accidents and incidents to the FMCSA are Indiana, Kansas, Missouri and New Jersey, which report between 80 to 90 percent of crashes.

The lowest proportion of reporting comes from Florida and New Mexico, which report fewer than 30 percent of such incidents, and Mississippi, which reports between 30 and 40 percent.



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First-quarter earnings slip at National Interstate

RICHFIELD, Ohio — National Interstate Corp. reported net income of \$10.6 million for the first quarter of this year, down measurably from a year ago.

The slide reflects a number of factors, including an exceptionally strong first quarter last year, a couple of nonrecurring items, and additional expenses incurred because of a pending acquisition.

The first-quarter earnings equated to 55 cents per share, and came on gross premiums of \$105.8 million. That compares with first-period 2009 net income of \$12.65 million, or 65 cents per share, on gross premiums of \$117.4 million.

“We are faced with the diffi-

cult task of trying to compare a very good 2010 first quarter to an exceptional 2009 first quarter,” said National Interstate President and CEO Dave Michelson.

“Earnings from operations for the 2010 first quarter were solid and consistent with our expectations. We feel that keeping our combined ratio in the mid-80s and a steady contribution from investments is a favorable outcome and represents a strong start for the year,” Michelson added.

Net earnings from operations, comprised of underwriting income and recurring investment income, was \$9.2 million for the 2010 first quarter, a decrease of 26 percent

compared to 2009’s first quarter.

The 2009 first-quarter results were favorably impacted by unusually low claims and underwriting expenses that compared to more typical claims results and slightly elevated underwriting expenses for the 2010 first quarter.

Claims losses and National Interstate’s loss-adjustment-expense for the 2010 first quarter was 61.4 percent, which was in line with the fourth quarter of last year (61.8 percent), but considerably higher than the first quarter of last year when it was 56.6 percent, reflecting the unusually low claims.

National Interstate’s underwriting expense ratio was slightly higher in this year’s first quarter than the historical run rate. The company attributed this to two factors: A shift in business mix that resulted in higher commissions and other policy acquisition costs, and higher legal and professional costs associated with the acquisition of another insurance company, plus other product development efforts.

Net investment income was essentially flat for this year’s first quarter.

Reported gross premiums written for the 2010 first quarter were below a year ago as a result of two

nonrecurring items in the company’s alternative risk transfer insurance programs. The renewal date for one program was changed, and lines of coverage were reduced in another program.

The change in the program renewal date will result in approximately \$11 million of premium being shifted to this year’s third quarter.

There was roughly a \$9 million drop in premiums written in the 2010 first quarter (compared to 2009 first quarter) from the program with reduced lines of coverage.

National Interstate’s “transportation” component, which includes the insurance it writes in the motorcoach industry, grew for the first time in two years (up 11.5 percent), reflecting increased marketing efforts, including geographic expansion of its paratransit product, expanded distribution sources, and “emphasis on top-tier truck and passenger transportation accounts,” the company said.

During this year’s first quarter, National Interstate extended its commercial vehicle coverage to Alabama and Georgia, and continued to expand its distribution network. Further increases in the number of states where National Interstate coverage is available are expected.

“We had a lot of exciting top-line activity in the 2010 first quarter,” said Michelson. “Our three largest components, alternative risk transfer, transportation and specialty personal lines all had products that grew during the quarter.”

Late last month, National Interstate announced that its principal subsidiary, National Interstate Insurance Co., had signed a definitive agreement to acquire Vanliner Insurance Co. of Fenton, Mo., a suburb of St. Louis.

Vanliner is a leading provider of insurance for the moving-and-storage industry. It wrote approximately \$104 million of gross moving-and-storage premiums in 2009, representing 58 percent of its total business.

National Interstate said it views the Vanliner acquisition as a complement to its existing insurance products, and an extension of its specialty niche business model.

Under the agreement, National Interstate will pay between \$125 million and \$135 million in cash for Vanliner. The actual sale price will be based on Vanliner’s final closing date balance sheet.

The deal, which is not expected to have a material impact on National Interstate’s 2010 results, is anticipated to close before June 30.

People

STE. CLAIRE, Quebec — PrevoSt has appointed *Ronald T. Rogers* new coach regional sales manager for its Midwest region, which covers Iowa, Illinois, Indiana, Michigan, Minnesota, Missouri, and Wisconsin.

Rogers has more than 25 years of sales and marketing management experience. He spent the past 12 years in the auto industry, most recently as commercial di-

rector, sales and engineering for the environmental technologies division of Corning Inc. He led the sales and engineering teams for Corning’s North American customers — GM, Ford, and Chrysler.

“We are very excited about adding Ron’s energy and experience to the PrevoSt team,” said Andy Kankula, PrevoSt senior vice president, sales and marketing.

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Adding smaller buses and coaches may be smart move

By Dave Millhouser

"It's a small-emergency-portable-backup dog."

Lewis Grizzard, the great Southern humorist and dog lover coined the phrase. (You may remember Grizzard as the author of such classics as *Shoot Low Boys*, *They're Riding Shetland Ponies*, and *They Tore Out My Heart and Stomped That Sucker Flat*.)

You're mostly likely to see "small-emergency-portable-backup dogs" at truck stops. A big ole trucker climbing down out of his rig will have a little poodle tucked under his arm like a football.

The poodle fills the same role as a big dog, providing affection, companionship and entertainment. But it requires less space and resources, while fitting nicely in the tractor's sleeper berth.

In recent years, two trends have converged to produce the motorcoach industry version of the small dog. Charter groups have been getting smaller, while the price of equipment and fuel has been rising.

Operators wince at the cost of dispatching a full-sized coach for 35 (or fewer) passengers, while smaller groups (reasonably) expect

lower prices because their group is, well, smaller. Often, they prefer a less-than-45-foot bus for intimacy as much as economy.

If a sizable percentage of your work is carrying groups of 35 or fewer, then it may make sense to adjust your fleet. Mixing animal metaphors here, you don't want to go whole hog because it's still true that a big bus can carry a small group but not vice versa.

Ten years ago, a "small bus" was a cutaway (van front end with a body mounted on the rail chassis). They remain available and improvements in technology and manufacturing have made it possible for smaller vehicles to rival full-sized coaches in comfort and amenities.

Early cutaways installed heavy bodies on a marginal chassis. The chassis often required lots of maintenance before dying young. (Some called them "throwaways" for good reason.) For price-sensitive applications they made sense and still do.

Many front-engine mid-sized buses are now built on medium-duty truck chassis, resulting in longer life and a chassis that may outlive the body.

One of the axioms of coach

building is that it's cheaper to pull than push (philosophers we ain't), and front-engine buses have come a long way in many ways. Manufacturers can specify chassis with several variations of suspension and install BIG HVAC's and other motorcoach features.

Most have a "nose," so you may still have to overcome the "school bus" perception.

If you're going this route, take some time to compare competitors and buy features that fit your application. If the application is shuttle work, you may be able to forgo rear luggage space, a lavatory and a sexy air-operated door.

Convoing smaller buses with motorcoaches on charters may require upgraded features, along with an entertainment system and the plushest suspension available. There's money and weight associated with those things, so buy only what you need.

Don't expect these jewels to last as long as a motorcoach, but do expect a reasonable life. Look into the quality of rust prevention and electrical circuits. There are several methods of body construction, each with advantages and pitfalls. I haven't the space (or brains) to

cover it here, but you'll want to know.

Recently, a number of 35-foot, rear-engine models have become available in North America. They look like big coaches and offer lavatories and substantial under-floor storage, with seating for up to 41 passengers. There's a range of quality within this niche, some are significantly more refined (and costly) than others.

You can equip them to virtually mirror your motorcoaches. They'll cost more than a front-engine bus but should last longer while conveying a "Big Bus" image.

With the exception of one manufacturer that offers its small, rear-engine coach with a stainless steel "web" frame, these buses are bodies mounted on U.S.-built chassis. Far more refined than the modified school bus chassis of old, these puppies sport air rides, independent front suspensions, excellent handling, and a nationwide network of dealers.

Bear in mind that the body builders do the sound insulation, so even though many share a similar chassis, test a demo.

Support is important in big coaches but even more so on small

ones.

Instead of a single manufacturer who handles warranty and technical issues, you'll be dealing with component builders

for many of those things. Pick a dealer who has the means and will to help, and know who makes the major systems on the bus you buy, avoiding ones equipped with A/C by "Fred's Septic and A/C Company."

If you find groups want the safety and luxury of a coach, without feeling they are rattling around, consider a smaller bus. Your customers' expectations (and compatibility with the rest of your fleet) are a critical factor in your choice. You'll have to decide where, in the range of what's available, your clientele will be satisfied.

You can't ask a Chihuahua to do a Pit Bull's job, but a Saint Bernard is too big to share a bed.

You knew I'd get back to food...
Dave Millhouser is a bus industry marketing consultant and freelance writer. Contact him at: dave_millhouser@hotmail.com.



Dave Millhouser



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UMA lawsuit

CONTINUED FROM PAGE 1

negotiations between public and private operators, is designed to prevent transit agencies that receive taxpayer money for their operations and equipment from competing with private carriers that do not receive taxpayer money to fund their operations.

The court action comes just a month after King County Metro rejected a letter sent to it by UMA and the American Bus Association demanding it immediately cease operating the shuttle services.

"The response from King County Metro regarding the joint letter was not satisfactory and left no alternative for UMA but to ask a federal court to compel FTA to enforce the charter service rule," said Ken Presley, vice president of industry relations for UMA. "We will be fighting this expensive battle for every charter operator in the country."

UMA Chairman Tom Ready of Ready Bus Line in LaCrescent, Minn., called the suit critical for the private motorcoach industry, emphasizing that it is critical for the industry to protect its turf.

"It is very important for us to be able to do private charter work and not have it done by tax-supported public transit agencies. This is what we do and it is unfair for

them to be playing in our field. There is a lot of charter work out there for our members and they need to be doing it," he stressed.

The suit asks the court to find the ban on FTA spending for charter enforcement unconstitutional and to issue a permanent injunction compelling the FTA to enforce the rule against King County Metro.

UMA asked in a separate court filing that a temporary injunction be issued against FTA that would allow it to enforce the law while the suit is being considered by the courts.

UMA maintains in its suit that the spending ban violates several provisions of the U.S. Constitution, including rights to petition, due process and equal protection.

Additionally, it contends that the ban infringes on the separation of powers between Congress and the federal courts, noting that the FTA has adjudicatory powers when it acts on complaints filed by private carriers against transit agencies.

"The Murray amendment infringes on the separation of powers guaranteed by the Constitution by precluding plaintiff and/or their members from filing a complaint against the unlawful provision of charter service by the KCM and from participating in the adjudicatory process provided by the charter rule," the suit maintains.

The federal charter rule allows private carriers to file complaints

Canadians fight public charters, too

ST. JOHN'S, Newfoundland — The charter bus issue has reared its ugly head in this semi-remote province on Canada's far-eastern shore.

Motor Coach Canada reports that St. John's Metrobus Transit is operating charter services at day rates private-sector bus companies cannot compete with.

"This lost business means private-sector bus companies cannot grow their businesses, hire more staff and invest in new equipment," observes Motor Coach Canada, which represents private

of rule violations with the FTA, which then can hold full legal hearings. If the violation is affirmed, the FTA may issue civil fines against the agencies or withhold federal tax dollars from them.

Murray's amendment, which was opposed by the FTA when it was introduced, set off a fire storm in the motorcoach industry. Some operators immediately announced plans to work to defeat the senator's bid for re-election. Others began checking with their congressional representatives to check their stand on the issue. And industry trade groups began working to find ways to defend the charter rule.

"UMA simply feels that the longer King County Metro contin-

operators across Canada.

The association has written to the premier of Newfoundland, Danny Williams, to make him aware that there are private operators ready, willing and able to perform day charter services, "but find themselves with buses parked because they can't compete with Metrobus day rates."

The association also told Williams that the "unfair competition" presented by Metrobus "drains the lifeblood out of many private-sector companies, and that government needs to guard against

ues down this road the more light they shine on the role of public transit," noted Presley.

He said it is difficult for transit agencies to build public support for their actions when they use public subsidies for major league sporting events owned by billionaires.

"This silliness only reinforces that the charter service rule protects the tax-paying public, as well as private operators, from using public assets to hurt the private sector," he added.

Presley maintained that charter operators across the country need to understand that this is the battle for a larger chunk of their business and what is going on in Congress these days.

encroachment on private lines of business at a time when governments are looking hard for ways to attract more private-sector investment to Canada.

"As we see it, it is contradictory and fundamentally wrong for government transit to compete with and displace private-sector bus companies who have already made substantial investments."

The association asked that the practices of government-subsidized transit systems be investigated and the unfair competition halted.

"Every operator should demand to know where their elected representatives are on this issue," he stressed. "Any charter operator that assumes their elected representative understands their business and believes in protecting the private sector could be wrongly assuming at their own peril."

Murray claimed she pushed the spending ban in response to complaints from sports fans who were upset last year when King County Metro was forced to give up its shuttle service because of the charter rule.

Motorcoach operators maintain she was lobbied by the transit agency and management of the Mariners.

Rule registrations

CONTINUED FROM PAGE 1

transit agencies are required to inform private motorcoach operators that are on the FTA charter list of any charter work they are interested in doing.

If private operators step up, then the transit agency has to step aside and let the private carriers negotiate for the work with the potential customer. If none respond, the transit agency is free to run the charter.

"It appears there will be many areas in the country where publicly-funded transits will not have a registered charter operator in their geographic area, which technically frees them to perform as much charter work as they prefer," Presley said.

Call to Action I

He called on operators across the county to act quickly and get their companies on the list for service in their areas.

While interest in the charter rule seems to have waned, overall the two-year-old regulation appears to be doing its job of helping both private and public operators better understand what charters ac-

tually are and who can legally do them.

"Generally, all of the tools available to people have been well used since the new rule's publication," noted FTA spokesman Paul Griffo. "Furthermore, the rule seems to do what it was meant to do, clearly define charters and diminish the overall number of complaints."

He noted that during the six years before the rule was rewritten, there were an average of nearly 18 complaints from private operators annually, while in 2008 the number dropped to five and last year there were only three.

"The greatest improvement for both sides has been the clarity provided by the new rule," said Griffo. "Unlike the old rule, the new rule spells out in much greater detail what services are charter and what services aren't. This clear distinction has made it easier for both sides to understand and follow the rule, which is certainly good for both."

Consensus: Rule working

Steve Klika, president of the International Motor Coach Group Inc., who was among the central figures in pushing implementation

of the revised rule, agreed, saying he has been pleased with how well the rule has worked.

"I think the charter rule has gone very well," he said. "There are some public transits that seem to have some difficulty with it but we are seeing far less complaints."

Presley, who also played a role in the new rule and who has been following it closely since, concurred.

"To be sure there have been a few bumps in the road, such as King County (Wash.) Metro, but I think most everyone involved would agree that on balance the charter service rule is working well in both serving the public and protecting the non-taxpayer-funded charter bus operators as mandated by Congress," he said.

King County Metro has been a rogue in the process, initiating a running feud with private charter operators over sports shuttles in Seattle, and then managing to convince a U.S. senator to pass legislation that exempts the county from the regulation.

However, other public transit agencies and private carriers have bought into the rule and say it has been beneficial.

"A few publicly funded transits

have commented privately that the rule actually got them off the hook, as local charter work for them was often a budget buster and non-taxpayer-funded charter bus operators have commented that they benefit from local charter work, especially large local events, which affords publicity they would not have received otherwise," Presley noted.

Klika said he has seen a much more cooperative spirit between private carriers and public transit agencies all across the country.

So, what's going on?

Still, the rule, which was the product of nearly a year of sometime heated negotiations between public and private carriers and FTA officials, seems to have lost some interest among operators.

Presley suspects a number of things are to blame, including a misunderstanding of the rule, a declining pool of operators, and carriers who have begun working closely with transit agencies and do not want to get involved in the registration program.

He suggested that some operators perceived the program as a potential source of referred business or that the new business was to be

contracted through their local public transit agency. In fact, it is neither.

Transit agencies do not refer business to local charter companies and operators notified of potential charter work have to negotiate a deal directly with the potential customers.

"I am concerned that many non-taxpayer-funded charter bus operators do not realize that registering on the FTA website caused many publicly funded transit operations to simply decline charter requests, thereby pushing the revenue into the local marketplace," he said.

Presley said the sour economy has played a role in the dwindling numbers as well; he suspects a number of operators no longer are in business, which has reduced the pool of operators.

Although no one in the industry is quite sure how many private interstate carriers there are in the United States, estimates run anywhere from 2,000 to 4,000. The Federal Motor Carrier Safety Administration routinely uses a number between 3,400 and 3,600, while others often use much lower numbers.

Rule registrations

CONTINUED FROM PAGE 14

Out of comfort zone

Additionally, Presley said some operators have backed out of the program because they found that much local special-event transportation is per-capita work and they are not accustomed to that type of revenue stream.

In other instances, such as in Rochester, N.Y., local transit agencies have received FTA approval to operate shuttles for free or for regular fares.

“The deck seems to always be stacked against the private operators unless they take the initiative to establish a working relationship with local leaders and the transit (agency),” he added.

Some operators have done just that, according to Presley, and that, too, has helped reduce the registration number because they no longer wish to use the notification process.

“But I suspect that’s a good thing,” he said. “In fact, one of the best things that has come from the revised rule is how many publicly funded transits are now working closely with local, non-taxpayer-

funded charter bus operators; both making sure the tax-paying public is served.”

Klika suggested that transit agencies’ acceptance of the rule probably is another reason the registration numbers are down.

“Most of them understand the rule, know they are being watched and don’t want the financial responsibility if they get caught breaking the rule,” he said. “So, it is not an issue and nothing is going on in their area so the private operators don’t bother to register.”

Call to Action II

He expressed concern, too, that some operators might have become too complacent.

“We have to be vigilant and follow the rules and we must remain proactive and stay strong in defending them,” he stressed. “And that means registering.”

Others in the industry suggested that many operators in rural areas across the country do not take part in the program because they either do not have a public transit agency in their area or they are too far away from where a municipal bus system operates to make it financially worth while to get involved in the program.

Some believe, too, that small operators that are not very computer literate may be intimidated by the process because they have to use the Internet to register and most charter notices are sent by email.

Registering: No sweat

However, most operators who recently signed up say the electronic process is easy and quick.

“It is one of the simplest government forms I have ever filled out,” said Patricia Burton of Leisure Time Charters and Tours in Emerson, Ga.

Some have had minor technical problems with the interactive form. But once they solved that the process was simple.

Sindy Lister of Teton Stage Lines in Idaho Falls, Idaho, said she needed some assistance with a technical problem to complete the sign-up process, but other than that the form itself was pretty simple.

Griffo said the FTA has had technical problems on the website from time-to-time, but they have been fixed quickly.

For those interested in getting on the list, go to www.fta.dot.gov/CharterRegistration and click on “I accept these terms” and then on

Tire manufacturers announce higher prices before summer

Several tire manufacturers have announced plans to increase prices for on-highway commercial vehicle tires — just in time for summer.

Bridgestone Bandag Tire Solutions said it is increasing U.S. prices on its Firestone, Dayton and Bandag brand products by up to 6 percent.

“Bridgestone Bandag Tire Solutions continues to look for ways to balance costs and continue to deliver a premium package of value to our dealer and fleet customers,” said Kurt Danielson, vice president of sales and marketing.

“Today, however, we have reached a point where we must increase prices due to the unrelenting escalation of costs outside of our control for energy, fuel and raw materials,” he added.

Base prices of Firestone and Dayton brand on-highway commercial vehicle radial tires will

increase by up to 6 percent on June 1, while Bandag retread material prices increased by up to 6 percent in the United States on May 1.

But Bridgestone is not alone. Michelin North America replacement bus and truck tires sold in the U.S. are now 7 percent higher, as of May 1.

Prices of Goodyear Tire & Rubber Co.’s commercial bus and truck tires also went up on May 1, with an up to 8 percent increase in North America. The company also is raising tread rubber prices by up to 7 percent.

Hankook, Falken, Yokohama, Toyo and Continental also are raising prices from 4 to 7 percent.

Most tire builders say the price hikes are due to continued increases in the cost of raw materials and energy-related expenses.

For some manufacturers, the increase is the second so far this year.

“Submit new private charter operator registration.”

Assistance is available by calling FTA ombudsman Crystal Fred-

erick at (202) 366-4063, and be sure to check the list often because it could take several days before your new listing is posted.

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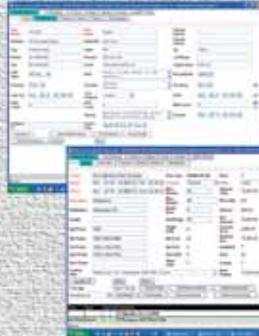


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Prevost supports driving school

GOODLETTSVILLE, Tenn. — The Prevost Parts & Service Center here will be the site next month of a new school that will specialize in training drivers of motorcoaches used by entertainers and other celebrities.

Much of the instruction for the inaugural course offered by the Celebrity Bus Drivers Academy of Nashville will be provided by Prevost training technicians.

They will be assisted by technicians from the coach conversion industry, and professionals from the entertainer coach leasing business, including veteran drivers, leasing agents and owners.

A pre-conversion Prevost coach and a converted Prevost entertainer coach will be used to help students become familiar with the vehicles they may one day drive. Prevost pioneered the motorcoach conversion market more than 30 years ago.

Conducting the driver school

in suburban Nashville puts it at the hub of the North American entertainment transportation industry.

Chip Huffman, founder and co-owner of Celebrity Bus Drivers Academy, said that changes in the music industry have resulted in a stronger emphasis on live entertainment, creating a greater demand for entertainer transportation. That's because when top entertainers go on tour in North America, they almost always travel by motorcoach.

"Our academy is committed to providing the industry with highly trained drivers who know the unique requirements of this business," said Huffman.

Tandy Rice, former Country Music Association president and long-time talent agent and marketer, is Huffman's partner in the venture.

Steve Zeigler, Prevost director of business development, sees the initiative as a valuable effort to

help professionalize the industry. "By supporting the new school, Prevost will be helping to educate drivers at a critical time in their careers," he said. "Becoming more familiar with our brand will better prepare them to work in the entertainment and VIP transportation industry, where Prevost coaches are widely used."

Huffman said he has envisioned developing such a school for 20 years. As the former owner and founder of Nitetrain Coach, he recalls "constantly fielding calls from drivers who hoped to 'drive for the stars.'"

"There's an overwhelming interest in this market, and a huge need for training. The academy intends to answer that need and we're pleased to be working with Prevost."

For more information, go to www.huffman-rice.com.

Prevost opened its 58,000-square-foot Goodlettsville parts and service center 11 months ago.

Pilot admits selling mix to whitewash drug tests

PITTSBURGH — A pilot for US Airways Express pleaded guilty in federal court here to selling a substance over the Internet to help drug users defeat drug tests, including commercial vehicle drivers and other transportation employees, according to the FBI.

Stephen Sharp, 41, pleaded guilty before a U.S. District Court judge to running a website, www.yourintheclear.com, where individuals could purchase a powder drink mix for the purpose of defeating federal, and federally regulated, employment drug urine tests overseen by the Substance Abuse and Mental Health Services Administration.

"Drug testing of employees in national security and public safety positions is overseen by the federal government to ensure the safety

and security of the public," said Robert S. Cessar, acting U.S. attorney. "The fact that Stephen Sharp is a pilot further underscores the importance of this type of prosecution."

For nearly two years, Sharp, from Daytona Beach, Fla., claimed the drink mix product worked like magic and "abracadabra."

"'Your In The Clear' drug test drink mix helps with instant detoxification of your body while your body contains those harmful trace marijuana, cocaine, etc., detectable metabolites," the website said. "Get the help you need to pass your drug test quickly and safely with no gimmicks!"

Sharp's sentencing is set for Sept. 3, and he could receive up to five years in prison, a \$250,000 fine, or both.

Study confirms benefits of sleep apnea treatment

Philadelphia — A new study indicates that medical treatment of obstructive sleep apnea in commercial vehicle drivers produces economic, health and safety benefits.

Researchers used insurance claims records to evaluate the effects of obstructive sleep apnea treatment in drivers.

For the 156 drivers who received continuous positive airway pressure (CPAP) or other treatments for obstructive sleep apnea, health plan costs decreased by an average of \$2,700 in the first year and another \$3,100 in the second year.

At the same time, 92 drivers who were diagnosed with obstructive sleep apnea but not treated saw no change in health-plan costs.

The treated drivers also missed fewer work days — an average 4.4 days in the first year — and had lower short-term disability costs

—\$528 over two years.

On average, treatment for obstructive sleep apnea led to "over \$6,000 in total health plan and disability cost savings per treated driver," the researchers said. Total costs decreased by 41 percent in drivers treated for obstructive sleep apnea, compared to an 8 percent decrease in untreated drivers.

"Addressing (obstructive sleep apnea) in the workplace offers the possibility of early identification and intervention for a chronic disease that is associated with increased health benefit utilization," said Dr. Benjamin Hoffman, chief medical officer of Waste Management, who led the study group.

The study is contained in the May Journal of Occupational and Environmental Medicine, official publication of the American College of Occupational and Environmental Medicine.

Arlington, Va. eyes parking fees

ARLINGTON, Va. — The County Board of Arlington is considering a proposal that would require tour buses to pay a fee to use parking spaces reserved for them in Arlington.

County staff members proposed the fees in a memo prepared for the board, saying the parking spaces are valuable and in high-demand parking areas.

At the same time, the staff noted the community is eager to maintain good relations with the tour bus industry.

The staff estimated that up-

wards of \$100,000 annually could be raised with tour bus parking fees. Revenue from the first year, however, would be offset by the cost of buying meters and signs.

Countywide, there are 36 bus-only parking spaces in six areas.

Staff proposed a charge of \$3 per hour for the parking spaces, with the hours of operation dependent on location. Fines also were included in the proposal.

County officials indicated they would discuss the idea with the Arlington hospitality industry before taking action.

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Thrills return to iconic New York amusement park

NEW YORK CITY — One of America's most famous amusement areas, Coney Island, is undergoing a revitalization, the first phase of which is to open by the end of this month.

Central Amusement International, which is working with the city to redevelop Coney Island, is opening "Luna Park at Coney Island," a 19-ride amusement park that includes a ride called, Air Race, that is making its world debut.

By next summer, the "Scream Zone at Coney Island" will provide additional attractions, including two custom roller coasters, a human slingshot ride and go-karts.

In total, 23 new rides will be installed, designed to capitalize and build on Coney Island's history and character while adding modern amusements.

Many of the new attractions, which include both traditional and cutting-edge rides, were developed by renowned ride designer and manufacturer Zamperla, which creates nearly 200 rides annually for parks, including Disney Parks & Resorts, Morey's Piers, Legoland, Knott's Berry Farm, Universal Studios, Cedar Fair, Six Flags, Sea World and Merlin Entertainment Theme Parks.

Located in the city borough of Brooklyn, Coney Island has worldwide awareness thanks in large measure to movies, television, and song.

"Coney Island remains one of

the most known and beloved neighborhoods around the world, but for decades its famed amusement park has dwindled to just a tiny fraction of what it once was. This summer, we're reversing that trend," said city Mayor Michael Bloomberg.

The city hopes its Coney Island Revitalization Plan, which will preserve and grow the historic

amusement area, will eventually lead to new retail options, nearly 5,000 new units of housing, and 6,000 permanent jobs.

The revitalized amusement park will remain open daily until Labor Day and weekends through Columbus Day for its inaugural season. The city expects it to become a significant motorcoach destination.

Broadway closed permanently

NEW YORK CITY — After a nearly year-long test, two sections of one of the world's most famous thoroughfares, Broadway, have been permanently closed to traffic.

The city decided to keep the areas around Times Square as a pedestrian walkway.

The city created the pedestrian plazas on the two closed stretches

of Broadway last year, in part, because traffic engineers said the closings would help reduce pollution, increase safety, and improve traffic flow. (See March 15, 2009, issue of *Bus & Motorcoach News*.)

The city now acknowledges the project did not reduce traffic congestion as much as it hoped but the closings had been positively received by pedestrians and tourists.

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—Autumn Dipert Brown, Dan Dipert Coaches, Arlington, Texas—

For more information and discounted UMA member rates, contact Michael Brown at Amerisearch at mikeb@amerisearchbga.com or 800.569.6133.

Calendar

MAY 2010

23-28 Community Transportation Association Expo, Long Beach Convention Center, Long Beach, Calif. Info: Go to www.ctaa.org.

JUNE 2010

4 Tourism Cares for America at Angel Island, San Francisco Harbor. Info: www.tourismcares.org, or call (781) 821-5990.

4-5 Museum of Bus Transportation Spring Fling, Hershey, Pa. Info: www.busmuseum.org.

21-22 United Motorcoach Association Mid-Year Board Meeting, Orlando, Fla. Info: Call (800) 424-8262.

24-27 New England Bus Association Annual Meeting, By the Bay Holiday Inn Hotel & Conference Center, Portland, Maine. Info: go to www.newenglandbus.com.



'Rolling' Pacific Bus Museum tries for permanent home

SACRAMENTO, Calif. — California's "rolling" bus museum appears to be headed for a permanent stop.

The Pacific Bus Museum, which often takes one or more of its antique buses directly to visitors because it does not have a permanent location to display its collection, is in serious discussions with the Heidrick Ag History Center about sharing its museum facility.

Although it could take a year or more before such arrangements could be completed, officials from both organizations are optimistic a plan can be worked out.

"They're pretty full right now and they would have to make room for us, but they have expressed an interest in doing that," said Pacific President Ron Medaglia. "It's something that could take some time but we are cautiously optimistic about it happening."

The Heidrick center houses the Hayes Antique Truck Museum, said to be the largest antique truck museum in the world, and the Heidrick Antique Tractor Museum, the world's largest assortment of one-of-a-kind antique agricultural implements and equipment.

Officials from the Heidrick center say they are eager to add re-



The museum fleet includes this 1955 Fxible 218-FA1 that ran in Utah



This like-new 1964 GMC PD4106 made line runs throughout Nevada

stored buses to their facility in Woodland.

"We would like to have them join us and we are certainly hopeful that we can work something out," said Wayne Ginsburg, president.

Woodland is about 20 miles northwest of Sacramento and just off Interstate 5.

The bus museum, which was officially established in 1991, has a collection of about two-dozen 1930s to 1970s motorcoaches and transit buses, about half of which have been restored.

The buses are kept in storage facilities in Fremont and Williams, Calif., and occasionally are taken out for events, including two that

were driven to Las Vegas in February for UMA Motorcoach Expo 2010.

Two other restored buses, both 1950s GMC transit buses, are used on Sundays to shuttle Niles Canyon Railway passengers from the rail station in Fremont to the city's historic district.

The bus museum has been interested in having a permanent location for its buses for some time but has never had the money to build its own facility.

Instead, its long-term goal has been to team up with a related facility and for the past few years has

been eyeing the Heidrick center as a possible choice.

Medaglia suggested that a display of old buses would fit well in a museum that features other types of motor vehicles such as trucks and tractors.

"It would give people something else that they could identify with," he said.

Ginsburg agreed, noting that he would want the display to not only include a number of buses but also the museum's extensive collection of bus industry memorabilia.

He said because the history center is full with its tractor and

truck displays, the center would have to do a substantial amount of rearranging to make room for any of the bus museum's collection.

"And that will be difficult to do with just volunteers and it will take some time," he cautioned.

However, he said once a commitment is made with the bus museum, adding a couple of buses at the outset and then additional ones later could be a consideration.

The bus museum maintains a website at www.pacbus.org.

Learn more about the Heidrick history center at www.aghistor.org.

Coach sales

CONTINUED FROM PAGE 1

representing a decrease of 145 buses, or about 39 percent. Fourth-quarter 2009 sales totaled 418 new coaches.

Typically, the fourth quarter of the year has the most sales followed by the second and first quarters, with the third quarter normally having the lowest sales.

The best sales period since the magazine began keeping track occurred in 1998, when an average of 914 new coaches were sold each quarter throughout the year.

National Bus Trader's figures cover new bus sales by five manufacturers — MCI, Prevost Car, ABC/Van Hool, Setra and Tamsa. The figures also include Prevost's deliveries of the Mexican-built Volvo 9700, which was among the top sellers during the most recent quarter, the first time it has achieved that distinction since it entered the market a year ago.

Eight coach models posted sales gains during the first quarter of this year but that was not enough to make up for the sharp declines posted by other models.

While there was some decrease in public-sector sales during this year's first quarter, compared to last year, most of the 2010 sales decline was attributable to fewer sales in the private-sector, tour-and-charter

market, Plachno noted.

"Some people have suggested that this decrease in sales is due to operator concerns over selective catalytic reduction (emissions technology) and the 2010 engines," Plachno said. "The answer to that is 'no.'"

"New coaches with (2009) engines (were) not only still available at the end of the first quarter but some coach manufacturers are not even set up yet to build coaches with the 2010 engines."

Generally, coach builders do not plan to switch to 2010 reduced-emissions engines until the third quarter of this year — at the earliest. There has been considerable industry scuttlebutt for months that some coach builders still have "warehouses full" of 2009-model engines.

The three best-selling models in the first quarter represented a market share of only 43.6 percent. That was down from 48.3 percent in the fourth quarter of 2009, and 55.5 percent in the third quarter of last year.

"What this means is that operators are exercising a little more diversity in model selection rather than buying the most-popular models," said Plachno.

A total of 53 imported coaches — Van Hools, Setras and Tamsas — were sold in this year's first quarter, or 23.3 percent of total

sales. Imports accounted for just over 19 percent of sales a year ago.

Nearly 90 percent of the coaches sold during the quarter were 45-footers, while 16 coaches, or 7 percent, were 40 feet in length. There were eight 35-foot Tamsas sold during the quarter.

Sales into Canada totaled 41 coaches, or just over 18 percent of the total. That was double fourth-quarter 2009 sales in Canada.

Sales of conversion shells, which have been low for several quarters, totaled 22 units during the first quarter, which was up from 14 units a year ago, but down from 28 units sold during last year's fourth quarter.

The best-selling coach during this year's first quarter was the MCI D4500, while the MCI J4500 slipped to second place.

Van Hool's C2045 model moved up to No. 3, while the Prevost X3-45 came in at No. 4. The MCI D4505 was No. 5, the Volvo 9700 climbed to No. 6, and the Setra S 417 slipped to No. 7.

Sales of coaches with auto-stick transmissions dropped to 20 units, or 8.8 percent of the total. The Volvo I-Shift, available exclusively in the Volvo 9700 coach, is included in the auto-stick category, along with the ZF AS-Tronic transmission.

For more information, email Plachno at lplachno@busmag.com.

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