

# Bus & Motorcoach NEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

## Greyhound, Trailways units seek major ADA rules change

WASHINGTON — The U.S. Department of Transportation has been asked to reinstate the 48-hour, advance-request rule for passengers requiring wheelchair-accessible service on fixed, over-the-road bus routes, especially during peak holiday travel seasons.

In filings with the USDOT, Greyhound Lines and three affiliated Trailways operators said current rules can result in the stranding of disabled travelers because

they don't require smaller intercity, interline carriers to have lift-equipped buses.

At the same time, the rules also result in tens of thousands of non-disabled passengers going without bus service because there are not enough lift-equipped buses that can be rented during heavy holiday travel periods.

Because of the economics of the industry, no intercity carrier can afford to have dozens of ac-

cessible buses sitting around for use during holiday travel periods.

The rules change request has the potential to impact scores of small charter-and-tour operators who rent coaches to Greyhound and other large intercity operators during peak travel periods.

That's because — as of last October — Greyhound and other large intercity carriers were prohibited from renting non-wheelchair-lift equipped coaches and using them

in regular line-run service.

In its filing with the USDOT, Greyhound Lines reported that during all of 2012, 0.05 percent of its passengers — to be clear, that's five hundreds of a percent — requested wheelchair-accessible service.

On the other hand, Greyhound was unable to serve 57,294 potential passengers during Christmas 2012-New Year's 2013 because it couldn't supplement its fleet with rented wheelchair-accessible

buses for disabled riders who may — or may not — have made last-minute ticket purchases.

That means Greyhound lost upwards of \$2.8 million in revenue during the year-end holiday travel season as a result of not being able to find enough wheelchair-lift equipped buses to rent and the law not allowing it to put non-lift-equipped buses into service.

Traditionally, the document stat-

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## Operator seeks compensation for transit loss

ROCHESTER, Minn. — Despite a series of setbacks, a private bus operator whose company lost its nearly 50-year transit business to city government here isn't giving up his fight to be paid for the loss.

Dan Holter of Rochester City Lines and Richfield Bus Co. said his battle continues on two fronts — in the state courts and before the Federal Transit Administration.

"They're trying to kill the little guy," he said of the city's takeover of the City Lines transit business and its refusal to compensate him for the action.

Holter, whose family has been in the tour-and-charter bus business since 1959, maintains that federal regulations require a government entity using federal transit funds to compete with a private carrier must pay just compensation to the affected business.

So far, he said, the city has refused to do so and its position has been upheld by a state court and the FTA.

However, the fight continues because some of the issues have yet to be decided by the court and the company has filed a formal request with the FTA to revisit its



**Spectacular Spot.** A motorcoach belonging to Royal Coach Tours of San Jose, Calif., loads passengers after a stop in Yosemite National Park, with Bridalveil Fall splashing in the background. A new National Park Service study could impact coach travel in the park. Story on Page 3.

initial decision.

At the same time, the company's attorney — a former FTA chief counsel — suggests the FTA decision represents a dangerous and far-reaching assault on the motorcoach industry.

"The FTA has clearly made an anti-private-business decision and it is a threat to the entire private

bus industry," said Steve A. Diaz, who served as chief counsel of the federal agency from 1989 to 1993.

Rochester City Lines began providing public transit service to the community in 1966 as an extension of the Holter family tour-and-charter business, buying the buses, hiring the drivers and developing the routes and time schedules.

The city, which initially was not involved in the service, became involved during the early 1970s, first by buying tickets from the bus company and re-selling them to its residents.

As the years passed, the city became more and more involved, including accepting federal transit

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## Limo/coach operators hit by strikeforce

WASHINGTON — A pair of limousine companies that have expanded into motorcoach operations got caught up in the Federal Motor Carrier Safety Administration "Motorcoach Operation Quick Strike" late last month.

One of the companies, Carbo Limo of Oxford, Miss., was ordered to immediately cease its interstate passenger service, while the other, Greene Classic Limousines of Atlanta, had five of its cutaway buses yanked out of service as "imminent hazards to public safety."

Both companies had teams of specially trained FMCSA investigators descend on their operations.

At Carbo Limo, investigators found that the two motorcoaches used for the company's interstate operations were unsafe and drivers were not properly screened or monitored to assure compliance with federal safety rules.

In addition to the two coaches used in interstate service, Carbo Limo also has 10 passenger vans/minibuses and one stretch limousine used for its intrastate operations, principally shuttle service in and around Oxford.

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## D.C. speed cameras catch thousands

WASHINGTON — As if parking and heavy traffic weren't challenges enough for motorcoaches operating here, a third issue confronting drivers is the district's widespread use of speed cameras.

One camera system beside a pillar in a tunnel that carries four lanes of traffic near the very heart of the city generated 61,061 speeding tickets in the first seven months of fiscal 2013, transferring \$8.1 million from the wallets of drivers on K Street into the district treasury.

The K Street cameras are on pace to set a district record for cash earned by a single speed-camera location.

There are orange warning signs — "Photo Enforced" — hanging beneath the 25 mph signs on either end of the tunnel, but they are missed or ignored by the drivers of an average of 305 vehicles a day who receive speeding tickets in the mail.

Revenue from speed cameras and red-light cameras has grown to become a noteworthy piece of

the district's \$12.1 billion budget since the devices made their debut 14 years ago.

Overall, they took in \$84.9 million in fiscal 2012.

Since the current fiscal year began Oct. 1, the 10 most-profitable speed cameras have issued \$29.5 million in tickets.

Some who are ticketed complain the district is out for the money rather than being concerned about safety or the law. City officials, of course, deny the

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## D.C. Union Station parking lot closed

WASHINGTON — An overflow parking lot for motorcoaches that drop off passengers at Union Station here has abruptly closed.

Operators of the Union Station Parking Garage announced late last month they were closing the overflow lot at the corner of 1st and K streets NE.

The announcement came less than a month after the lot was announced and opened. (See May 15 *Bus & Motorcoach News*.)

James Tingley, Union Station

bus facility manager, said the new lot had operated at a significant loss right from the start and the owners weren't willing to sustain the red ink.

Tingley said the reason the lot failed was because "drivers didn't want to go there." The lot was on the site of the former Greyhound terminal in Washington.

"Because it was the old Greyhound lot, drivers wouldn't go there. We sent buses over there and they came right back and the

drivers wanted a refund."

He said the lot was manned and, "for what it cost," it didn't make sense to keep it running. "It was operating at a huge deficit."

Tingley was at somewhat of a loss to fully explain why drivers wouldn't use the lot other than there may have been lingering security concerns.

He insisted, however, it was a "safe location" because the site was manned and the area was well

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## Long-term Yosemite plan to impact coach operators

YOSEMITE NATIONAL PARK, Calif. — Motorcoach operators are scrutinizing and weighing the potential impact of a massive, multi-year plan by the National Park Service to "protect and enhance" the long stretch of the Merced River that flows through Yosemite and feeds the majestic Nevada and Vernal Falls.

That's because the plan — called the Merced River Wild and Scenic River Comprehensive Management Plan — proposes major changes to roadways and parking lots in Yosemite Valley, as well as taking action to repair eroded riverbanks, restore meadowlands, and establish new campsites and interpretative nature walks.

Completed after years of study, the draft plan offers six "action alternatives," ranging from one that would make no changes at all to another that would provide limited river restoration while expanding facilities and services to accommodate nearly 60 percent more campers and about 20 percent more lodgers in the valley.

The National Park Services'

preferred alternative, No. 5, would provide essential restoration within 100 feet of the river with a total of 203 acres restored. It would maintain daily visitor-use levels at close to the present 19,900 people.

Alternative 5 also calls for "significant changes to the traffic circulation patterns to meet ecological restoration goals and reduce traffic congestion through infrastructure improvements," according to the plan. It allows for a minor, 5 percent increase in the number of day-use parking spaces in the valley.

The California Bus Association is supporting Alternative 5. Association President Tom Giddens wrote to the NPS in support of the alternative on behalf of the CBA.

"Motorcoach travel is the most environmentally friendly way for motorized travel into the park. Therefore, bus parking and access in the valley should be accommodated," he wrote, adding that the number of bus parking spaces should be increased from 15 to 25.

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# THE DOCKET

## Smooth reception for USDOT nominee Foxx on Capitol Hill

WASHINGTON — By all accounts, Anthony Foxx was well received by the Senate Commerce Committee at his confirmation hearing last month to become the next U.S. Secretary of Transportation.

With no signs of resistance, Foxx, the mayor of Charlotte, N.C., is expected to replace Ray LaHood in the post.

At age 42, he would be one of the youngest cabinet members in history, said Sen. Kay Hagan, D-N.C., who introduced him along with Sen. Richard Burr, R-N.C.

He is considered a rising political star, having been named by *Pollitico* as one of “50 to watch” after his successful bid to bring the 2012 Democratic National Convention to Charlotte.

His transportation experience is based on his work in Charlotte to expand public transit and the airport, to develop a new inland port, and as general counsel for a transit and commuter bus manufacturer, DesignLine. (See June 1 *Bus & Motorcoach News*.)

Senators questioned Foxx on a wide range of transportation issues, including highway funding.

As commonly happens, Foxx’s stock response was that he looks forward to working with committee members on the issues, if he is confirmed.

He told Sen. John Thune, R-S.D., that his top priority at USDOT would be safety, followed by improving efficiency and promoting robust investment in transportation.

He said the next highway program, which needs to be reauthorized by October 2014, needs to be longer-term than the current two-year program, and needs a sustained source of funding.

He also told Thune that his experience in Charlotte included having to make tough choices about where to spend limited resources.

In response to several questions on how he views the concept of an infrastructure bank, Foxx indicated it’s a worthwhile idea but not the complete solution to the

problem of paying for highways.

Sen. Tim Scott, R-S.C., asked Foxx for his position on a proposal to put tolls on I-95 in North Carolina.

He replied that while there is a place for tolling, “we will not toll our way to prosperity.”

Scott complained that USDOT’s approach to issuing funding grants for infrastructure projects has at times distinguished between Democratic and Republican districts, and asked Foxx how he would handle those grants.

“You have my commitment to be fair and transparent on that issue,” Foxx said.

Sen. Deb Fischer, R-Neb., asked Foxx how he plans to approach the critical issue of finding

sustainable highway funding. “An infrastructure bank won’t work unless we have a dedicated source of revenue,” she said.

Foxx replied he believes there is general agreement among the members of the committee that something needs to be done about funding.

One of his goals would be to pull together stakeholders to discuss how to build consensus on a solution, he said.

Sen. Ted Cruz, R-Texas, said the Obama administration has been looking for painful ways to implement budget cuts imposed by the sequester.

“Can we have a commitment from you that you will employ your best efforts to target waste, fraud,

abuse and redundancy while minimizing pain?” he asked Foxx.

Foxx replied that he will look for ways to make USDOT work more effi-

ciently with the least amount of pain, “but there will be pain.”

In a jocular exchange, Foxx and Cruz agreed they will cooperate on ways to improve regulatory efficiency, and Cruz said, “I look forward to supporting your nomination.”

The hearing ended with a pointed message from Sen. Jay Rockefeller, D-W.Va., chairman of the committee.

“The fastest way to destroy the future of our country that I can think of (is) the idea that you can solve the problems by trimming regulations, don’t do tolls, don’t raise revenues and eliminate waste, fraud and abuse,” he said. “You can’t minimize yourself into greatness. You can feel good and win election after election but you’re doing the country no favors.”

## N.H. senate kills hike in fuel taxes

CONCORD, N.H. — A bipartisan majority of the state Senate rejected the idea of increasing New Hampshire’s fuel taxes, killing a 12-cent increase passed by the House with a parliamentary maneuver that takes the issue off the table during budget negotiations this month with the House.

The 18-6 vote to “indefinitely postpone” a vote on the fuel tax bill came after the House voted, 199-164, to kill a Senate bill that would have allowed a single casino in the state.

Both expanded gambling and the fuel tax had been touted as sources of revenue for improving state roads and bridges.

New Hampshire’s fuel tax has stood at 18 cents per gallon since 1991. The House bill would have phased in a 12-cent increase over three years for gasoline and six years for diesel fuel.

But the Republican-led Senate voted to indefinitely postpone a vote on the House bill. Five Democrats joined all 13 Republicans in the majority; all six “no” votes came from Democrats.



Anthony Foxx

## Red tape cut for transportation projects

WASHINGTON — President Obama signed a memorandum last month aimed at cutting red tape for road and bridge projects and other infrastructure.

The president’s memo, calls for federal agencies to shorten the time it takes to build infrastructure projects.

The memo is a follow-up to a 2012 executive order issued by the president to review and improve performance.

“The quality of our infrastructure is critical to maintaining our nation’s competitive edge in a global economy and to securing our path to energy independence,” the memo reads.

The current highway bill, MAP-21, Moving Ahead for Progress in the 21st Century, also streamlined parts of the review process for projects in an effort to speed up completion.

A major project that federal

agencies recently took steps to expedite is the \$5.2 billion replacement of the longest bridge in New York — the Tappan Zee Bridge — which carries Interstate 87 and I-287 as part of the mainline of the New York State Thruway.

“By speeding up the approval process, federal agencies trimmed up to three years off the timeline for this multibillion-dollar project that will help put Americans back

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# I-5 bridge to reopen in mid-June with temporary fix

MT. VERNON, Wash. — A temporary four-lane bridge is expected to open the middle of this month to carry Interstate 5 traffic over the Skagit River near here, replacing the portion of the bridge that fell into the river last month in a highly publicized incident.

Washington Gov. Jay Inslee announced the plan to replace the collapsed portion of the bridge after it was damaged by a truck hauling an oversize load, closing a section of the highway.

The temporary bridge will operate at reduced speeds and capacity. It will consist of two, 24-foot wide spans. They will be pre-built and trucked to the site to allow for accelerated installation.

The remaining southern section of the bridge has been examined and will not need to be replaced, according to the state DOT.

“We will install a temporary span on the bridge that will restore traffic while we build a safe and durable permanent span adjacent to it,” Inslee said.

One section of the bridge collapsed after a semi struck critical overhead steel supports. The span carried 71,000 vehicles each day and is the only north-south interstate in Washington state.

Crews will immediately start work on the permanent bridge when the temporary span is in place. Crews will put temporary piers into the river to support a platform adjacent to the collapsed span where the new section will be built.

Once complete, the temporary span will be removed and the new permanent span will be moved into place. Washington state DOT hopes to have the permanent bridge open to traffic in early fall.

The initial estimate for the total cost of a permanent fix is \$15 million.

Reduced speeds during the interim fix mean traffic backups will continue to be a challenge, both on I-5 and local roads. Detours will remain in place to provide drivers with travel options.

The home stretch will be a two-week total closure of I-5, likely in September, as crews remove the temporary structure and move the permanent bridge into place, according to officials.

The company hauling the load that caused the incident, Mullen Trucking, based in Canada, says it

had the proper oversize permit to use the bridge. Washington state officials say the company had the ultimate responsibility to make sure the truck and its load had enough clearance.

The pilot car driver told Seattle TV station KING in an interview

the accident was “preventable.”

The station reported witnesses saying a pole on the pilot car touched the overhead support of the bridge, indicating the load did not have enough vertical clearance. The truck driver says he wanted to move to a lane where he could have

possibly cleared, but was not able to due to another big rig.

The TV station also reported Washington is one of a handful of states that does not give truck drivers routes for specially permitted loads and instead relies on truckers to determine the best route.

The bridge did not have any signs indicating the vertical clearance. The truck made it across the bridge before the section collapsed, but at least two vehicles with a total of three occupants went into the water below. They were rescued.

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## Red tape

CONTINUED FROM PAGE 4

to work.”

The Tappan Zee carries a separate toll from the rest of the thruway. Once the replacement is built, tolls are expected to triple.

## Lawsuit challenges FMCSA over safety records system

WASHINGTON — A trucking association has filed a second complaint with the U.S. District Court of Appeals for the District of Columbia Circuit here against the Federal Motor Carrier Safety Administration regarding its safety records and the DataQs appeal process.

The Owner-Operator Independent Drivers said the complaint was filed on behalf of a member who received a citation for failing to stop at a weigh station while traveling through Montana.

According to the association, the trucker missed the stop at first, but immediately turned around and went back. Although he was ticketed, he later had the ticket dismissed without prejudice by Montana courts.

The ticket was removed from his motor vehicle record, but it still remains on records kept by FMCSA, which are made available to the public.

The association is seeking to prevent the FMCSA from reporting that the truck driver violated the law and asking that the information be purged from his records.

“By refusing to accept the determination by a court, the FMCSA

has in essence made state law enforcement agencies the final judge and jury on all citations,” said Todd Spencer, OOIDA executive vice president.

OOIDA says data stored in the FMCSA’s safety records database is also used by the agency’s Pre-Employment Screening Program and the Compliance Safety Accountability enforcement program, known as CSA.

However, when a DataQs challenge is submitted by a driver to FMCSA, it is routed back to the state where the inspection report with the alleged violations originated.

It believes this is the agency’s way of delegating the responsibility of keeping complete and correct data to the states.

The original OOIDA suit, filed about a year ago on behalf of three drivers, alleges the agency fails to comply with the Fair Credit Reporting Act and other laws.

OOIDA says the FMCSA releases records of alleged safety violations to potential employers before drivers have had their day in court and it refuses to delete references to violations even after drivers have been exonerated.

## Report: Carbon tax would be painful

WASHINGTON — A new report from the Congressional Budget Office says a tax on carbon would cause industries that use considerable energy — like transportation — to “experience comparatively large losses in income.”

The report comes in response to a bill proposed by Senate and House Democrats that includes such a tax proposal.

Republicans mostly oppose the bill, but some Democrats do, too.

The Congressional Budget Office, a nonpartisan organization, was requested by Rep. Henry Waxman, D-Calif., to do the re-

port. Waxman favors a carbon tax.

The report says that losses for “energy-intensive” industries, like much of the ground transportation industry, could be offset in different ways, depending on how the revenue from the carbon tax is used.

The report says that if the revenue is used solely in an attempt to reduce the federal deficit, the carbon tax would initially harm the economy by increasing costs for consumers and in a regressive way, with lower-income individuals being affected more than others.

It could be effective in reducing the deficit, though, which

could produce more positive results in the long run for the economy.

If the revenue is used to lower marginal tax rates for personal and business income, the tax’s effect would be a wash, mostly depending on the size of the loss of output caused by the tax and the gain in output caused by the lowering of marginal tax rates.

If the revenue is distributed to groups that are affected the most by the tax, the economic impact wouldn’t really be minimized and the tax could actually encourage more use of fossil fuels, the report said.

## Truckers want hair drug testing allowed

ARLINGTON, Va. — The American Trucking Associations is urging Transportation Secretary Ray LaHood to allow motor carriers to collect hair samples for drug testing.

The association said it sent a letter to LaHood, pushing for hair testing rather than the currently mandated urine-testing process.

ATA backed a House bill introduced late last year that would have created a pilot program to test drivers’ hair strands for evidence of illegal drug use. (See Jan.

1 *Bus & Motorcoach News*.)

“ATA knows for a fact that thousands of truck drivers who have failed hair tests...have obtained driving positions with other carriers because they were able to pass DOT-authorized urine tests,” ATA President Bill Graves wrote.

“All we are asking is for DOT to allow this industry to use the best available tools under the DOT-mandated drug and alcohol testing program to make sure our roads are safe for all motorists,”

the letter said.

The group also praised the National Transportation Safety Board recommendation to reduce the legal limit for drunk driving to a blood-alcohol content of 0.05 percent, from the current 0.08 percent.

“The trucking industry is held, and holds itself, to a higher standard and we are encouraged by NTSB’s recommendations to bolster efforts to reduce drunk and drugged driving for all motorists,” Graves said.

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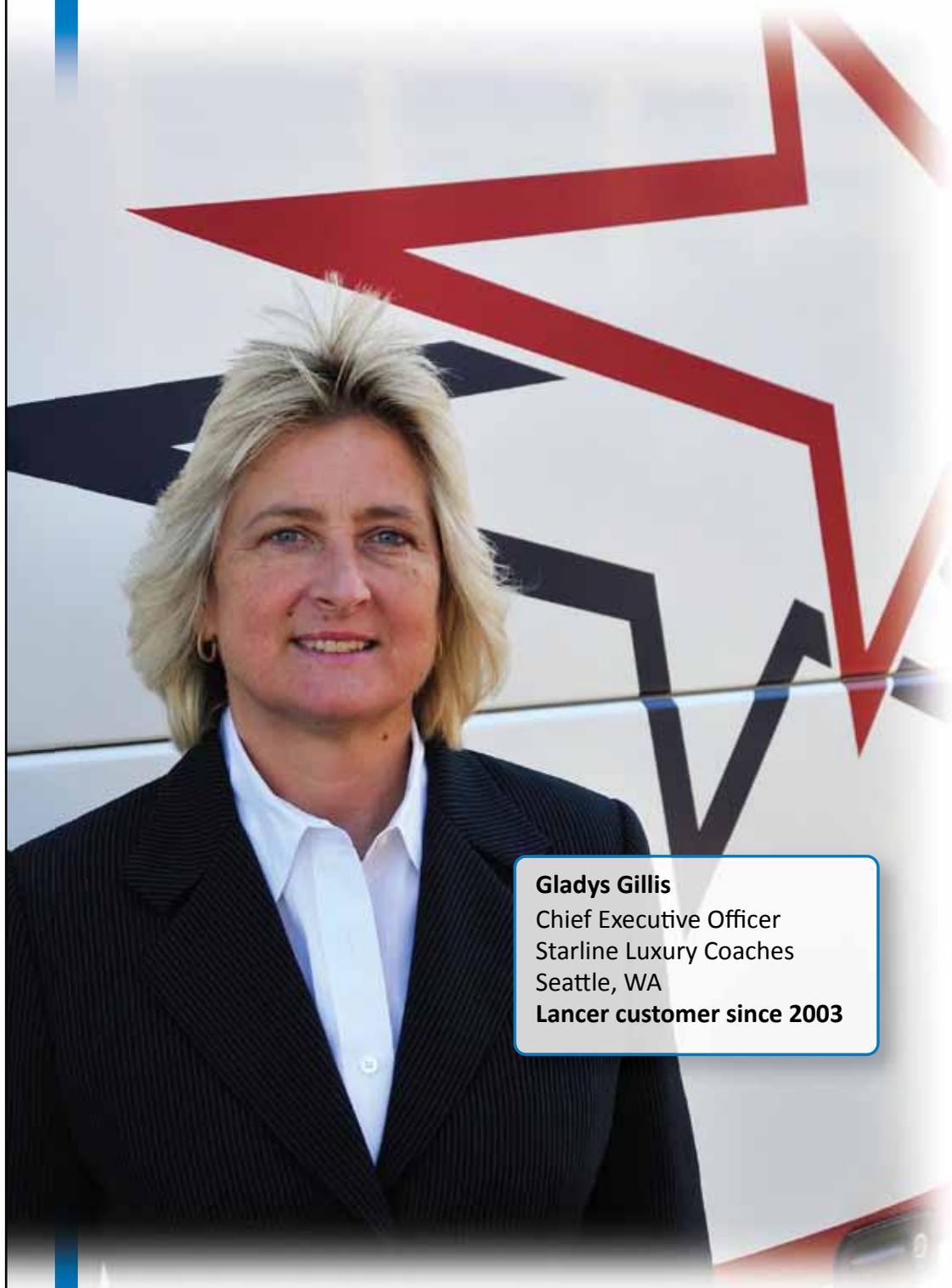
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# Crisis Management: Seldom are there simple answers

By Dave Millhouser

PORTSMOUTH, N.H. — If you want to draw a crowd in the motorcoach industry, one way to do it is to conduct a training session on “crisis management.”

C&J Bus Lines did that here late last month and more than 50 participants attended the invitation-only event at the Portsmouth Sheraton Harborside Hotel.

The current emphasis on hyper-enforcement, combined with the litigious/media-intense operating environment, doubtless helped generate the good turnout.

There were representatives from 16 motorcoach companies; the America Bus, United Motorcoach, New England Bus, Connecticut Bus and Massachusetts Bus associations; the New Hampshire and Massachusetts departments of transportation, and the New Hampshire Motor Transit Association.

The Crisis Management Training Seminar, as the session was called, provided a forum for the presenters to offer their individual views on how best to deal with a disaster, most typically a major bus crash.

At the same time, however, the seminar couldn't cover every aspect of crisis management nor could it provide alternative views, which are widespread in the industry.

For its event, C&J teamed up with the ABA and a Portsmouth-based risk management firm, DataRisk, which provided lunch for the group.

National Transportation Safety Board Public Affairs Officer Peter Knudson offered an inside view of the board's role and methods in investigating crashes.

He noted the NTSB has no enforcement function but, after investigating an accident, it makes recommendations that sometimes become regulations. Motorcoach safety is currently on the NTSB “Top 10” list of priorities.

The NTSB has wide-ranging authority to gather information. For that reason, it's critical that parties involved in accidents cooperate as much as possible, Knudson said.

The relationship is not meant to be ad-



NTSB Public Affairs Officer Peter Knudson explained the board's safety role.

**'Operators should not try to go it alone.'**

versarial, and he offered help in navigating process. The NTSB maintains a 24-hour hot line [(202) 314 6290] for major events.

ABA has been working with the NTSB on a program, similar to what the board now does with airline and rail accidents, to help in dealing with victims' families.

It's not clear what form such help might take since, when it comes to motorcoach crashes, the NTSB only gets involved in “high-consequence” events. In addition, unlike planes and trains, there is rarely a passenger manifest for motorcoach trips.

While stressing the board mission to improve safety procedures and technology for the future, Knudson noted that NTSB proceedings are public record, becoming sometimes a “roadmap for litigation” and conceivably could be cited in criminal cases.

## Choosing the right face

He recommended that, in the aftermath of a serious incident, coach companies make

available to authorities a person authorized to speak on the operator's behalf.

It should be someone who knows the company organization and is authorized to make basic decisions. That person doesn't need to be the CEO. In fact, someone less visible may be preferable or desirable.

Dan Ronan, ABA's senior director of communications, offered both advice and assistance in the event of a serious accident.

He said he's often in contact with operators concerning three major areas during crisis situations: Management of the relationships between the bus company and law enforcement, victims' families, and the media.

Ronan recommends a proactive approach, pointing out that, regardless of the accidents' cause, you “own” the incident, and it's not going away. With intense scrutiny from law enforcement, media and lawyers, he suggested you coordinate with outside organizations, including ABA.

“We can't make an accident go away,” said Ronan. “What we can do is respond appropriately and empathetically. It's ABA's job to assist you and help protect your company's reputation as best as possible within the community and in the media.”

## Everyone a reporter

He pointed out that, with today's handheld electronic devices, virtually every passenger and bystander becomes a “reporter.” Everything said, or photographed, is potentially on the Internet forever, available to lawyers and voyeurs.

The media has a job to do, but they aren't specialists. Today it's a bus accident, but tomorrow it could be political story, so it is critical, in his view, to make clarifications honestly and quickly.

It's tempting, particularly with local reporters you may know, to think of them as “friends.” But Ronan pointed out that friendship is not in their job description.

Ronan said that, while it's not necessary to like the media, it is important to respect them. Nothing is more photogenic than a stiff-arm, he said.

Managing the company's reputation is useful in preserving the business and may help limit damages in subsequent litigation.

## Get a plan

One element discussed during the seminar was the importance of having a plan in place to handle the aftermath of a major accident.

Having a written plan with priorities and contact numbers in place lessens the chance that, in the stress of the moment, an operator will say, or do the wrong thing.

Decisions need to be made before an incident as to what resources are available, and should be utilized. There seems to be universal agreement that, in the event of a tragedy, operators should not try to “go it alone.”

Within the industry, however, there are divergent opinions about what form such

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## Crisis Management

CONTINUED FROM PAGE 8

teamwork should take.

One long-time industry executive points out that, no matter what, in the event of an accident, the operator will likely be sued. Public relations activities won't change that, and he feels that any information you furnish can be used against you in litigation.

For that reason he recommends speaking with the company's lawyer and the insurer first, before speaking with the media, and carefully following their advice.

He mentioned that, all too often, in an effort to manage public relations, information becomes public that later may be used in court, to the detriment of the defendant.

The only information that is "privileged" is what is exchanged with your attorney, so anything used in defending the company's reputation can become fodder for the plaintiff's lawyers.

Public utterances about how good the company is may create a standard that can become a liability in court, and provide damaging information to the plaintiff's attorneys.

### Being circumspect

Another observer points out that "any suggestion that information about the driver be sent to someone helping with damage control could result in serious legal implications during the claim settlement, and even

for the carrier. Once shared, it may be discoverable by the plaintiffs' attorney or be a breach of confidentiality of the Fair Credit Reporting Act. Sharing with the insurance-appointed attorney is OK as it is a 'privileged' relationship and it remains confidential as a result."

Responding to the observation that in the electronic age news stories remain visible forever, a former insurance executive noted that he could not "think of one instance where a company gained anything by trying to defend themselves in the press. The information is certainly 'out there' forever, but unless you're looking for it...it just sits."

He recommends not continuing to call unnecessary attention to it by trying to make corrections.

He points out that "the insurance company you chose has a contractual and legal duty

to defend you. You paid for that service. Many people often think the insurance company's only job is to write the check. Wrong.

"You hired them to provide a defense first; then pay the claim. Why would you not first adopt their crisis management plan... one that first and foremost allows them to dispatch attorneys to the hospital, to the scene, and to your office?"

One caveat is that the insurance company is only going to pay claims up to the limits of the policy. In the event of an award larger than those limits, the defendant is on the hook for the difference.

### Shared interests

The insurer will do all it can to minimize the cost, and its interests largely mirror the coach company's, but are not identical.

Operators have been driven out of busi-

ness by judgments far in excess of their policy limits. The insurer is, for the most part, a partner in the situation because it has "skin in the game."

Trade associations have an important role to play in representing the industry as a whole, but their interests, like the insurer's, only overlap those of the individual operator involved in a tragedy. They are not exactly the same.

It's important not to be making complex decisions that have far-reaching effects hastily, under the intense pressure and confusion that follows a catastrophe.

No matter how well intended, anything a coach company's representative says can be misinterpreted, and used in subsequent litigation. An old proverb, "The road to hell is paved with good intentions," may apply in this context.

The one thing that virtually everyone involved agrees on is that coach operators need a plan, worked out in advance with their company attorney and their insurance carrier.

At its heart, the plan identifies who employees call in an emergency, who controls the flow of information and who speaks for the company.

An operator can win the near-term public relations battle, only to lose the war in subsequent litigation.

It's somewhat akin to attending a wake where the deceased looks terrific, but is still dead.

## Rocky Gap Resort opens Maryland casino

CUMBERLAND, Md. — Maryland's fourth casino — the Rocky Gap Casino Resort — opened its doors for gambling late last month.

Located off Interstate 68 near Cumberland, it's Maryland's smallest casino but claims to be the state's first destination casino resort.

Evitts Resort, a subsidiary of Minnesota-based Lakes Entertainment, operates the facility, which has 558 slot machines, plus 10 table games, including blackjack, rou-

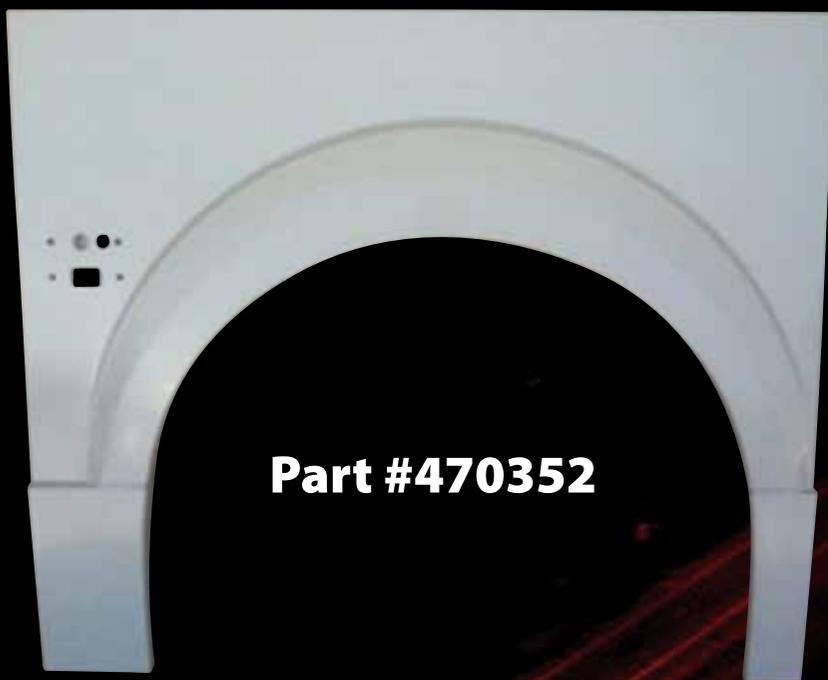
lette, craps, Mississippi stud poker and three-card poker. The casino is open around the clock, seven days a week.

In addition to the casino, the resort also unveiled renovations to its lobby, hotel rooms, restaurants, and Jack Nicklaus Signature Golf Course. The facility has four restaurants.

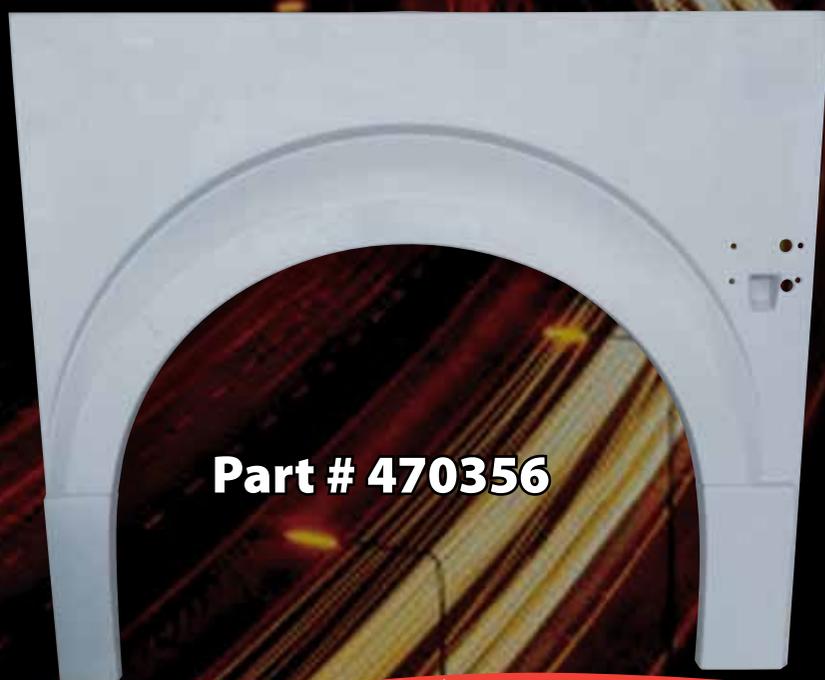
An event and conference center is expected to open in the fourth quarter.

For information, go to [www.rockygapresort.com](http://www.rockygapresort.com).

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# Answer this question: What makes YOU successful?

By Dave Millhouser

Who'd a thunk it? An issue of one of the industry's trade magazines that printed a press release I'd written on an operator's recent coach purchase also contained a story about the same company's bankruptcy.

Normally, you'd assume a company buying quantities of expensive equipment was making money.

In this case, however, it wasn't. And some added organizational problems pushed it over the edge.

As a sideline, I write press releases for manufacturers, talking about who's acquiring new coaches, and in those releases I make the effort to communicate what that operator does well, growing their business and buying new coaches. The failed company is the exception that proves the rule.

A Sage Editor (I keep practicing flattery just in CASE I ever have to go back to real work) suggested it might be useful to review a gaggle of releases and see if I could identify what traits good companies have in common.

By definition, most new coach buyers are doing OK. If they're

generating press releases, they're successful.

One thing that popped up frequently was family.

Many successful operators go back several generations, with values and skills passed along.

A number of successful CEOs speak of washing buses as kids, learning the business from the ground up. They often speak with pride about their parents' work ethic and integrity.

If you are an orphan, of course, this does you no good (although... if you have kids, you can begin the tradition).

The second or third generation isn't always successful, but odds seem to improve when kids start as sweepers rather than executives.

One question I always ask operators is: "What do you do that is different than your competitors, what's unique about your company?"

Without fail, successful companies have a ready response; they've given thought to the subject. The answers may vary dramatically, but there's always an answer.

Some find niches or affinity groups that aren't being served by

mainstream carriers. Others experiment. If you're going to serve an ethnic market, it helps to be ethnic, but it isn't necessary, if you reach out correctly.

Other useful strategies seem to involve turning lemons into lemonade. When traffic is ugly, wouldn't folks prefer to ride, than drive? The commute takes the same amount of time, but they can be sleeping or computing.

One sightseeing company adds dramatic flair to local tours by having actors reenact events. They figured out that, in our society, bus travel is sometimes disdained, so they offer an entertainment experience that has a transportation component.

Virtually every operator talks about superior service, looking for ways to make passengers feel special. Sometimes it's in the form of goodies, like snacks and amenities, more often in terms of employee training, and establishing ongoing personal relationships with clients.

That used to take the form of mailings, but electronic communications dominate now.

Many charter drivers have become adept at taking fun photos of

their passengers, and the companies' e-mail them after the trip. They thrive on repeat business, building real relationships with their customers. They seize any opportunity to make contact.

It's no coincidence that those drivers are frequently requested.

One trait successful operators seem to have in common is seeking out unique ways to add value. They differentiate themselves from competitors. There's a litany of things that add value for your customers, many I've never thought of, but I bet you can.

During a brief period of exile from the bus industry, I sold ambulances. The boss was brilliant (and eccentric). He decided the way for us to climb from obscurity to the top of the market was to offer a particular model of ambulance (Type III) for \$45,000. Competitors were selling them for \$60,000 and more.

His thinking was that \$45,000 was a critical price point, and we'd sell tons of them. Somehow we'd drive our costs under \$45,000, and make lots of money.

We sold a bazillion, and only lost a few dollars on each one. We advanced to No. 2 in market

share...before we crashed and burned.

Very few press releases are written about operators who say: "I can do it cheaper than anyone else. I'll drop my price till competition is crushed."

The "last-man-standing" marketing plan rarely works in this business. New players with a similar outlook pop up like Whac-a-Moles.

One reason for joining industry trade associations and attending meetings is to see what's out there, what other folks are doing that makes them extraordinary. There are all sorts of options, some better suited to your market and resources than others.

It's worth repeating: Every single successful operator I've known has a ready answer to the question "What makes your company special?"

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



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# Two early guilty pleas in feds' probe of Pilot Flying J

NASHVILLE, Tenn. — Two employees of Pilot Flying J, the truck-stop chain owned by the family of Tennessee Gov. Bill Haslam and Cleveland Browns' owner Jimmy Haslam, pleaded guilty late last month as part of the federal investigation of the com-

pany's business practices. (See June 1 *Bus & Motorcoach News*.)

Regional sales director Arnold Ralenkotter pled guilty to one count of conspiracy to commit mail fraud in U.S. District Court in Knoxville, Tenn.

Regional accounts representa-

tive Ashley Smith Judd also pleaded guilty to conspiracy.

They are the first to be charged in the investigation.

Federal prosecutors say members of Pilot's sales team deliberately withheld rebates to boost Pilot profits and pad sales commissions.

Ralenkotter's lawyer Ed Yarbrough said his client has agreed to cooperate with authorities.

Ralenkotter and Judd were charged earlier this month in a document typically used by prosecutors when the targets of an investigation are working with au-

thorities that may eventually charge others.

The Knoxville-based truck-stop chain is run by CEO Jimmy Haslam, the governor's brother. Pilot Flying J, the country's largest diesel retailer, was founded by their father.

## D.C. speed camera

CONTINUED FROM PAGE 3

charge.

And safety experts say people should not use that defense for violating speeding laws.

There is a solid body of research to support the argument that cameras reduce the risky behavior that causes accidents. Speeding is a factor in about a third of all traffic deaths nationwide.

There is a wide mix of state laws on speed-camera use. Twelve states expressly prohibit the cameras; seven states permit limited use; the district and two states allow them, and 29 states have no laws regarding them.

Other productive speed cameras in Washington are on southbound D.C. 295, which ranks second with 33,495 tickets.

The previous year's leader, in the 600 block of New York Avenue NE, is third with 31,949 tickets. The volume dropped at this location but there has been an increase in value because it is now in a work zone where fines are higher.

Rounding out the top speed cameras: another on D.C. 295, this one on the northbound side (19,685 tickets); 2200 block of South Dakota Avenue (17,685 tickets); 3500 Massachusetts Avenue (13,618 tickets); two more cameras on D.C. 295, one southbound (13,172 tickets) and one northbound (12,350 tickets), and 1900 Branch Avenue (10,819 tickets).

## D.C. parking lot

CONTINUED FROM PAGE 3

patrolled.

"The reputation of what the Greyhound terminal used to be" may have been a factor, he said.

The Union Station Parking Garage Bus Deck remains in operation.

Parking rates at Union Station are: 7 a.m.-7 p.m.-\$20; 7 p.m.-7 a.m.-\$10; reservation rate-\$50 per day. The reservation rate includes unlimited in-and-out privileges. For more information, call (202) 289-0420, or email [jamest@usp-gllc.com](mailto:jamest@usp-gllc.com), or [pedrof@usp-gllc.com](mailto:pedrof@usp-gllc.com).

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# UMA offers pre-employment testing program

ALEXANDRIA, Va. — The United Motorcoach Association has partnered with a leading employment assessment firm to provide discounted pre-employment performance testing services to its members.

Scheig Associates of Gig Harbor, Wash., has more than two decades of experience in hiring and employee performance solutions.

UMA members will save 10 percent on Scheig Associates' Motor Coach Works® Hiring & Performance System™ designed specifically for the coach industry to identify, select and hire better, safer drivers.

Scheig says its job-specific

tools — when implemented correctly — consistently identify an applicant's future performance at an 88 percent accuracy rate.

"Using methodology that is unique, predictive, legally defensible and proven over time, their Motor Coach Works Hiring & Performance System is a three-phase system consisting of an online pre-employment assessment, behaviorally-based interview questions and a performance evaluation," UMA said in announcing the new member service.

"The premise of the program is to 'hire for the behaviors and train for the skills.'"

UMA said it partnered with Scheig after hearing from several of its members who had used the system and been satisfied with its success in screening potential employees and evaluating performance.

"The Scheig performance testing program has been a tremendous tool in helping Escot find the right employees," said Brian Scott of Escot Bus Lines in Largo, Fla. Scott is a UMA board member and chairman of the association's Risk Management Committee.

"I know it will help other operators be more successful in their hiring processes, and I think it's a great addition to UMA member

programs."

Leslie Williams, national accounts manager with Scheig Associates, said the firm was "excited to be able to offer a discount on our hiring and performance system to UMA members.

"Through our extensive experience and proven track record with the motorcoach industry, we know we will become a valuable tool and asset for all UMA operators."

UMA members interested in learning more about the program can contact Williams at (800) 999-8582, or email [lwilliams@scheig.com](mailto:lwilliams@scheig.com), or by visiting the members-only section of [www.uma.org](http://www.uma.org).

# UMA-NTA Travel Exchange to hit Atlanta in 2016

ATLANTA — The United Motorcoach Association and NTA have selected Atlanta as the 2016 site of Travel Exchange, the event that co-locates UMA Motorcoach Expo and the NTA Annual Meeting and appointment show.

The event will be Jan. 31-Feb. 4, 2016, in the Georgia World Congress Center.

The last time Motorcoach Expo was in Atlanta was 2004, the 20th anniversary of Expo.

Attendees at the 2016 show

will find \$1.5 billion in new hospitality product that will have opened shortly before they arrive, said William Pate, president and CEO of the Atlanta Convention and Visitors Bureau.

"We'll have a fresh face to welcome new and return visitors to our city, including the National Center for Civil and Human Rights, the Atlanta Streetcar, College Football Hall of Fame, and the new Ponce City Market along the Atlanta Belt-Line," Pate said.

"Atlanta's position as one of the most accessible cities in the world and an unparalleled meetings package makes it a great location for NTA and UMA's 2016 Travel Exchange."

At the inaugural Travel Exchange, held in January in Orlando, Fla., NTA and UMA brought together more than 3,600 tour and travel buyers and sellers, including 1,176 buyers from 632 companies.

Travel Exchange featured side-by-side show floors, extensive ed-

ucation sessions and a variety of networking events in and around Orlando.

"The best news about Travel Exchange 2013 came out in our post-convention surveys: Attendees said the entire event far exceeded their expectations," said Victor Parra, UMA president and CEO.

The two associations previously announced the sites and dates for the next two Travel Exchange events: Los Angeles, Feb. 16-20, 2014, and New Orleans, Jan. 18-22, 2015.

## Calendar

### JUNE 2013

**17-20 Pennsylvania Bus Association Annual Meeting, Resort & Conference Center, Hyannis, Mass.** Information: [www.pabus.org](http://www.pabus.org).

**20-23 New England Bus Association Annual Meeting, Sebasco Harbor Resort, Sebasco Estates, Maine.** For more info: [www.newenglandbus.org](http://www.newenglandbus.org).

**25-27 United Motorcoach Association Board of Directors and Board Committee Meetings, Washington, D.C.** Info: (800) 424-8262.

**26 United Motorcoach Association Capitol Hill Day, Washington, D.C.** Info: [kpresley@uma.org](mailto:kpresley@uma.org), or (800) 424-8262.

### JULY 2013

**30 California Bus Association ADA Training, Doubletree by Hilton Ontario (Calif.) Airport.** Info: [info@cbabus.com](mailto:info@cbabus.com) or [www.cbabus.com](http://www.cbabus.com).

### AUGUST 2013

**4-7 Regional Meeting of Alabama, Georgia and South Central motorcoach associations, Sheraton Birmingham (Ala.).** For more information: [info@alabamamotorcoach.org](mailto:info@alabamamotorcoach.org).

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## Gates Foundation executive picked to head Tourism Cares

CANTON, Mass. — After what was described as an extensive six-month search, Tourism Cares has selected Mike Rea as its next executive director.

Rea will assume the position held by Bruce Beckham since 2000. Beckham announced this past fall he planned to retire (see Nov. 1 *Bus & Motorcoach News*).

Rea, currently a senior program officer with the Bill and Melinda Gates Foundation in Seattle, comes to the position with significant expertise in nonprofit management, combined with a keen interest in travel and tourism.

As founder of the social enterprise Give2Asia, he has experience in connecting a variety of donors to personalized, high-impact philanthropic activities.

Rea has traveled extensively and, prior to his career in philanthropy, studied the anthropology of tourism.

“I am humbled and thrilled to have this opportunity to work with the supporters, staff and board of directors of Tourism Cares as we seek to build on the substantial accom-



Mike Rea

plishments thus far,” Rea said.

“Philanthropy and travel are two of the most potent sources families have for connecting with each other and expressing our interest and care for others. To have the chance to bring both of these together in meaningful ways for the causes we care about is a special honor.”

Rea takes over July 8.

Beckham will remain associated with the organization he started, becoming executive advisor.

“These are exciting times for Tourism Cares,” said Beckham, “There are so many programs that are underway and so much more to do. I’m thrilled that Tourism Cares has chosen someone with Mike’s background and ability to take the organization to the next level.”

Separately, Tourism Cares held a brief ceremony late last month with a memorial wreath-laying at the National September 11 Memo-



**102 and Counting.** The board of the American Bus Association saluted long-time operator, Bert Askwith, president of Campus Coach Lines of New York. A plaque was presented to Askwith by ABA Chairman Tom JeBraun. Askwith marked his 102nd

birthday in March — by going to work, of course.

He founded Campus Coach nearly 85 years ago while a student at the University of Michigan. He is an honorary lifetime member of the ABA board and chairman emeritus of the ABA Foundation.

rial & Museum in New York City. The ceremony was meant to signify the tourism industry’s efforts to honor those affected by the 9/11 attacks.

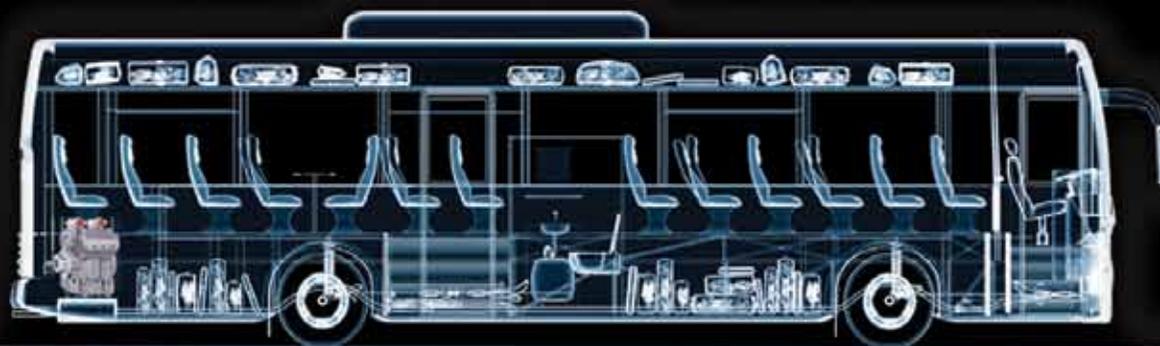
surround, protect and preserve architect Minoru Yamasaki’s iconic nine-foot model of the World Trade Center.

The model will be on display at the 9/11 Museum that is now under construction; it will educate visitors on the origins of the World Trade Center project and its impact as a

landmark in the New York skyline. New York City and, in particular, Ground Zero are significant hallmarks for the Tourism Cares for America volunteer program. The program began in response to a call, born of the 9/11 attacks, for all Americans to volunteer their time in service to their country and communities.

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## Bridgestone seeks \$1 million from Coach America bankruptcy

WILMINGTON, Del. — Bridgestone Americas Tire Operations asked a federal judge here last month not to dismiss the Chapter 11 case of Coach America Inc. because it claims the estate still owes it more than \$1 million for tires the bus company used while it was being sold.

Coach America, then the largest tour-and-charter bus operator in North America, filed for Chapter 11 bankruptcy protection and reorganization in U.S. Bankruptcy Court here in late 2011.

Barely four weeks after the filing a federal bankruptcy judge signed off on a plan that included,

as one alternative, selling all of Coach America's assets and breaking up the company.

In late May 2012, the breakup occurred, with Coach America sold to five buyers, including Coach USA and Transportation Management Services.

At the time Coach America

filed for bankruptcy, Bridgestone/Firestone was one of the company's largest unsecured creditors.

Based on Bridgestone's latest court filing, it became one of the top two or three non-lender creditors of Coach America.

The tire supplier said in its May filing it was concerned it

wouldn't get back the money it says it's owed for being a so-called administrative creditor in the case.

Bridgestone/Firestone supplied Coach America with tires that allowed the company to keep operating while it was in bankruptcy and being liquidated by the court and the lenders.

## Installation of pumps for DEF hits milestone

LOUISVILLE, Ky. — The parent company of two truck stop chains, TA and Petro Stopping Centers, announced it has completed the installation of its 1,000th bulk on-island diesel exhaust fluid dispenser.

Called the "DEF+1", the dispensers pump both diesel fuel and DEF.

Drivers can authorize diesel and DEF transactions at the same time at the same dispenser, pump both products in any order, and pay for both fills at the same time.

TravelCenters of America also said the "DEF+1" dispenser saves time because it eliminates the need for drivers to leave the diesel is-

## Iconic 'glass house' over I-44 to be rebuilt

VINITA, Okla. — The landmark "glass house" over Interstate 44 here is being completely rebuilt.

The travel plaza's signature arches that span the Will Rogers Turnpike, as I-44 is called in that area, will still be there, but the Oklahoma Turnpike Authority announced last month it will spend \$14.6 million to reduce the rest of the building down to its structural steel.

"We'll take it down to the bridge structure and leave the arches as well, but everything else will be brand-new," said turnpike spokesman Jack Damrill.

land to accommodate both fills.

"Our DEF installations were completed hand-in-hand with the installation of new, higher-speed diesel dispensers. Our investment

"It really hasn't received a total renovation since it was built in 1957.

"Small ones have occurred," continued Damrill. "The last significant one was in 1987, and it just added some coats of paint. It's never really been rebuilt since it was built in '57. Unfortunately, age has caught up with it."

The site was originally a pancake house operated by the Howard Johnson hotel chain. Its current occupant, a McDonald's franchise, has been there since the mid-1980s.

The destination is the first

in these technologies...[totals]... about \$100 million," said Tom O'Brien, president and CEO of TravelCenters.

TravelCenters expects that

place many westbound travelers stop upon entering Oklahoma, and Damrill said the state's goal is to make the location more attractive to visitors.

The OTA hopes to upgrade the facility by adding an additional dining option.

New fueling stations for both eastbound and westbound traffic will offer diesel for the first time. The building will also be equipped with new insulated windows and HVAC system.

Damrill said the renovations also will address the most common complaint from visitors —

lack of restrooms.

Damrill estimates the facility will be closed for one year while the renovations take place. During that time, portions of I-44 will also be shut down.

"We will have to close down two lanes at a time as they tear down and build back the structure," he said. "Because this is over the road, it's not an easy demolition. They'll tear half down. Then shift to the other side. We will have head-to-head traffic just in this portion of the area. We just don't know how difficult the tear-down will be once we get in there."

A complete listing of locations with on-island DEF, are on the TA and Petro websites at [www.tatravelcenters.com](http://www.tatravelcenters.com) and [www.petrotruckstops.com](http://www.petrotruckstops.com).



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## ADA rules

CONTINUED FROM PAGE 1

ed, carriers such as Greyhound have supplemented holiday schedules with buses leased from charter-and-tour operators that aren't required to have fully accessible fleets.

Greyhound also contends that 48 hours notice would enable it to alert smaller interline carriers of accessibility needs so passengers are not stranded en route while making connections.

That currently is happening, according to the filing.

### The ADA rules

Since Oct. 29, the Americans with Disabilities Act rules applying to the bus industry require roughly 34 of the country's largest fixed-route motorcoach operators to provide wheelchair service to any customer seeking to ride a bus at a terminal or curbside stop. That means fleets must be 100 percent outfitted with wheelchair lift-equipped buses.

Before October, carriers were required to provide lift-equipped buses for passengers who gave 48-hours advanced notice.

The 100 percent rule does not apply to fixed-route carriers with less than \$9.3 million in annual revenue.

Adirondack Trailways, Pine Hill Trailways and New York Trailways, which are commonly owned and controlled, filed similar comments this spring with the USDOT in response to a USDOT "Notice of Retrospective Review of the Americans with Disabilities Act Regulations for Over-the-Road Bus Operators; Request for Comments."

"The DOT's rulings having (sic) forced fixed-route carriers to incur additional and unreasonable maintenance and operational costs, as well as to lease additional lift-equipped motorcoaches even when there are no passengers needing them; and if no suitable coaches are available, the carriers are forced to operate with less than the optimal number of buses on each scheduled run and, thus, leave other passengers without transportation," said the Trailways filing.

Ending the 48-hour request provision "does not contribute to any increase in service to passengers with disabilities," Trailways stated, but "has only increased the likelihood that there will be less intercity fixed-route bus service available for all passengers."

Last July, the American Bus Association asked the USDOT to resolve the capacity problem by classifying extra holiday sections as "demand responsive" and exempt from the 100-percent accessibility rules.

A USDOT attorney responded negatively, stating that all fixed-

route bus tickets grant the same rights, "even if that ticket is for transportation occurring at a heavy traffic time."

### Requests for service

In its filing with the USDOT, Greyhound said it was asked to provide wheelchair-accessible service for 8,493 of 16.4 million passengers carried in fiscal 2012, a rate of one in 1,945. A typical Greyhound bus carried a wheelchair-bound passenger eight times during the year, about once every 47 days.

The Trailways companies stated their wheelchair-request rate was even lower — 0.0001 percent, or 146 of the nearly 1.4-million passengers carried on fixed-route schedules last year. On average, then, each of the companies' 133 coaches would have carried about one wheelchair-mobile passenger during a year's time.

"Without doubt this small number of passengers with disabilities are accommodated with a 48-hours' notice requirement... Trailways believes that certain modifications to ADA rules would help customers with disabilities to be better served."

Greyhound said it spends \$5.4 million annually complying with the federal regulations requiring wheelchair accessibility on 100 percent of its routes.

Additionally, it will lose \$7 million in revenue and \$2.9 million in profits because it will turn away an estimated 115,000 passengers, with an average ticket cost of \$50, during peak holiday seasons for lack of buses fitted with wheelchair lifts.

The Trailways filing was less detailed but said its three named carriers have spent \$5.1 million to equip coaches with wheelchair lifts and will spend \$153,524 annually on lift maintenance.

Based on these costs, Trailways said each wheelchair-lift-enabled passenger cost it \$2,604 in 2012.

Trailways noted that it received \$2.3 million in federal grants for wheelchair lift installations. Including that investment, each accessible trip cost \$3,942.

### Sorry, no service

Greyhound carried 309 "individuals traveling in wheeled mobility devices, all but four of which were accommodated successfully" during the 2012-2013 holiday season. During that period, it turned away about 57,294 other passengers because it could not rent wheelchair-ready buses to handle heightened demand.

That meant Greyhound conducted 3,183 fewer intercity bus trips than it did during the previous Christmas and New Year holidays.

"The biggest impact of accessible transportation compliance on

'48 hours notice would enable it to alert smaller interline carriers of accessibility needs so passengers are not stranded.'

Greyhound's overall operation is the lack of equipment to serve passenger demand at peak periods due to the requirement that all (over-the-road buses) used in scheduled service be lift-equipped even if they are extra sections added to meet peak period demand," Greyhound stated.

Reinstating the 48-hour notice rule is necessary for the major operators to meet passenger demands in the peak travel seasons, Greyhound continued:

"The ability to trip-lease inaccessible buses at peak periods is critical to meeting peak demand for service by passengers, whether or not they are in a wheelchair. If Greyhound had the flexibility, it would be much more comfortable with a permanent requirement that passengers in wheelchairs will be accommodated on a particular schedule with at least 48 hours' notice.

"Greyhound is willing to accept the 48-hour notice requirement as long as it has the needed flexibility to trip-lease inaccessible charter buses at peak periods so that the necessary fleet adjustments can be made to accommodate the lift request.

"Without that flexibility, EVERYONE, whether or not in a wheelchair, will have a reduced chance of getting on their schedule of choice at peak periods... This is not a choice between an accessible bus and a non-accessible bus; it's a choice between a trip-leased charter bus for peak demand or no bus at all."

The Trailways filing described a similar scenario.

"Even if there is no passenger who requires a wheelchair-equipped bus waiting for service... the carrier is forced to leave behind non-disabled passengers because it does not have a wheelchair lift-equipped bus at hand."

### Drop in bus rentals

Greyhound said it owns or leases 1,087 accessible buses. During the last holiday season it leased 220 buses from other operators, down from 532 the previous year due to lack of buses with lifts.

The Greyhound document was signed by Theodore Knappen the company's long-time government affairs representative. He empha-

sized that Greyhound "is not recommending modifications in the requirement that every (over-the-road bus) purchased by a Class I fixed-route operator be lift-equipped or the requirement that operators maintain 100 percent lift-equipped, fixed-route fleets."

Through the year ended September 30, Greyhound said it accommodated 99.5 percent of 8,493 requests for accessible service.

Both companies argued that the 48-hour notice arrangement allowed them to better serve handicapped passengers making connections with interline partners that are not subject to the 100 percent standard.

"Without the notice requirement, it is possible that a passenger with a disability will not have a lift-equipped bus available at the point the passenger moves from the Class 1 carrier with a notice requirement to the non-Class 1 carrier which does not have a notice requirement," Trailways argued in a filing signed by Eugene J. Berardi Jr., president of Adirondack, Pine Hill and New York Trailways.

### Inability to connect

"It is very difficult for Greyhound to provide accurate notification to customers concerning the ability of the interline carrier to provide accessible service," Greyhound explained. "It is impossible to provide that information accurately when there is no advance notice from the passenger."

Greyhound said it serves 938 locations directly and connects to an additional 917 communities through interline arrangements.

Greyhound also called upon USDOT to require all fixed-route operators to order lifts on newly-purchased buses "to provide that within a reasonable period of time, perhaps five years, 100 percent of the fixed-route fleets of operators of any size be fully accessible."

Berardi noted that the peak holiday rentals are important to the financial viability of charter-and-tour bus operators, which are not required to maintain wheelchair lifts throughout their fleets.

"The fixed route and charter-and-tour 'sides' of the motorcoach industry work together... Many charter operators can attest to the need for tripper lease income to continue in business."

Greyhound's filing predicts additional passengers will be left without rides during the next major intercity bus peak, the 14 days surrounding July 4.

"Greyhound currently estimates that it will have a shortfall of 100 buses daily during that period, impacting thousands of potential passengers Greyhound will not be able to serve. Greyhound is developing plans to minimize customer incon-

venience during this period."

### Foreign carrier compliance?

Greyhound's filing urged the Federal Motor Carrier Safety Administration to crack down on ADA violations by foreign carriers operating in the United States.

Greyhound said it filed a complaint four years ago requesting an investigation of "the major Mexican bus companies" that operate in the U.S. without complying with ADA regulations.

"The complaint showed on a bus-by-bus basis that these companies were not complying with ADA. There has been little change since then. These companies largely continue to ignore ADA with impunity."

### Costs of compliance

Greyhound listed its annual costs of providing 100 percent wheelchair accessibility at \$5.42 million, including \$4 million for purchase of lifts on 100 new buses; \$376,000 for lift maintenance parts; \$489,000 for lift maintenance labor; \$457,000 for a dedicated staffing and call center; \$60,000 for an "Essential Accessibility" license fee for enhanced website access, and \$38,000 in ADA refresher training for drivers.

The Trailways group called upon the federal government to restore grants for bus wheelchair lifts "to recognize and correct the unsustainable financial and operational position in which carriers are placed by federal demands."

### Don and Mike update

The Greyhound filing offered an update of a fable it quoted from the USDOT final ADA ruling filed in 1998.

Don and Mike were friends who purchased bus tickets on a Monday morning. Don, who was ambulatory, was directed toward a bus departing in 10 minutes. Mike, a wheelchair user, was told, "Come back Wednesday. Then we'll have a bus you can use."

Today, Greyhound said, it fields a smaller fleet and "no longer operates a capacity flexible system," so, without a reservation, Don may not board immediately, either.

Since all buses are now accessible, Mike and Don may board their chosen route immediately if seats are available. "If that particular schedule is fully reserved, they must make a reservation on another schedule."

If they seek reservations 48 hours in advance, ambulatory Don now may face the lack of a seat while his wheel-chaired friend will be sent on his way.

"Greyhound will make every effort to accommodate Mike on his desired schedule, and experience has shown that we are able to do so in the vast majority of cases."

# N.J. operator settles ADA issue with Justice Department

MONTCLAIR, N.J. — DeCamp Bus Lines, which was accused of violating the Americans with Disabilities Act by requiring passengers with wheelchairs to give two days notice before riding, has agreed to drop the exclusionary practice as part of a settlement with the U.S. Justice Department. In return, the Justice Department agreed not to file a civil lawsuit, alleging discrimination against DeCamp, which is headquartered in Montclair.

“People with disabilities should not be forced to take needless action simply to use a bus service designed for everyone,” U.S. Attorney Paul J. Fishman of New Jersey said in a statement.

“With this settlement, the Justice Department ensures individuals riding DeCamp will receive correct information about their access to transportation, and that access will not be denied.”

Added Eve L. Hill, a senior counselor with the Justice Department’s Civil Rights Division: “Individuals who use wheelchairs should be able to expect the same level of bus service from large operators that is provided to others.”

The agreement prohibits De-

Camp from imposing restrictions on when passengers with disabilities can ride wheelchair-accessible buses, and also calls on DeCamp to provide annual employee training on Americans with Disabilities Act requirements.

The settlement grew out of a Justice Department ADA Compliance Review of DeCamp in late

March.

Although the company’s entire fleet was wheelchair accessible, DeCamp had a statement on its website and its schedules requiring 48 hours notice for passengers with wheelchairs to ride a bus, according to the Justice Department.

Now, the website simply says: “All of our buses are wheelchair ac-

cessible. For faster service and handling of your needs, we always appreciate advance notice if possible.”

The Newark, N.J. Star-Ledger reported DeCamp executives had no comment on the settlement.

As of Oct. 29, DeCamp and other large, fixed-route motorcoach bus fleets were required to have buses accessible to people with dis-

abilities, including people using wheelchairs, the Justice Department said. (See story on Page 1.)

U.S. Department of Transportation regulations also require that companies perform regular maintenance checks to ensure wheelchair lifts work, train their employees and file annual reports with the Federal Motor Carrier Safety Administration.

## NewYork.com lands on Net

NEW YORK CITY — *NewYork.com* was officially launched late last month, debuting as a comprehensive resource for all things New York.

The website includes information on Broadway, events, hotels, restaurants, attractions and tours.

What sets *NewYork.com* apart is the valuable content, plus a safe and secure booking engine, allowing visitors to buy tickets for activities, events and hotel rooms, said Brett Reizen, president and CEO of Entertainment Benefits Group.

The website’s editorial team provides the content, along with local experts and writers, who share advice, recommendations and insights into the city.

There is a range of features, blogs on Broadway, New York happenings, hot spots, what to see and where to go, and restaurants.

The website has partnered with Zagat for its dining channel, which will feature Zagat ratings and reviews for restaurants listed in the Zagat’s New York guide.

The website’s booking engine was developed and is operated by Entertainment Benefits Group (EBG), a leading online and travel entertainment provider.

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## Lost business

CONTINUED FROM PAGE 1

grants that were used to help subsidize the City Lines operation under a “pass through” procedure

that the FTA apparently approved.

However, the FTA in 2011 rejected the payment procedure and, instead said the practice being followed by the city actually was a “fee for service” and the city would

have to seek competitive bids for the service rather than simply allow City Lines to hold the transit franchise as it had for years.

The city bid out the service early last year and four companies responded, including City Lines, which bid \$21.6 million. The national bus service giant, First Transit, offered the low bid of \$19.7 million.

### Franchise awarded

Following an extensive interview procedure in which each company was scored not only for its price, but other business elements such as operating capital, the City Council awarded a five-year franchise to First Transit.

Following the award, First Transit developed a route layout and time schedules that were identical to those offered by City Lines. It began the service July 2 and the following day City Lines suspended its service.

Holter initially had planned to continue its service, but too many of his drivers quit and joined First Transit.

“Only a handful of our drivers showed up for the work that day so we had to drop out,” he said. “It just didn’t work out.”

Holter maintains that the bidding process was unfair because

the specifications were written to favor a large company, including requiring certain capital requirements that small companies could not meet.

Also, he claims there was a conflict of interest during the interview process because two of his own managers who represented his company at the meeting — unbeknownst to him — had applied for jobs with First Transit. He said the city was aware of the job offers but did not disclose the information to him.

### Court challenge

Holter turned to the courts for help, first seeking a restraining order and then an injunction to halt the bidding process. When those efforts failed, he sought to have the First Transit contract rescinded and then have the city pay him compensation for his business losses.

That also failed, although the conflict of interest issue and an assertion of a civil rights violation remain before the court and are due to be decided later this month.

Late last year, with Diaz added to his legal team, he filed a formal complaint with the FTA, charging the city is in violation of federal regulations by using transit funds to compete with City Lines and not paying compensation to the private

carrier for taking its business and its financial losses. He said the city should be directed to pay the company or return all of the federal funds it received that were spent competing with City Lines.

### FTA responds

FTA Chief Counsel Dorval R. Carter Jr. rejected the claim, contending that the “takings” argument was a state issue and the state court had already settled that issue.

“Not so,” responded Diaz, who fired back a reply claiming the decision was not in line with FTA rules and asking that the FTA reconsider its position.

He cited statutes, regulations and agency circulars that require local governmental authorities that operate public transportation services in competition with existing carriers to pay the companies for their franchise or property.

Diaz said if the FTA does not reverse its decision, it could have an impact throughout the industry, including affecting both charter and school bus services.

And, he hinted, a court battle could be necessary.

“It is such a shocking, novel and sweeping assault on private business that it will require an extensive analysis,” he said.



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C-2000	2002	VanHool	Cummins/Allison	\$115,000
C-2000	2002	VanHool	Cummins/Allison	\$115,000
T2145	2000	VanHool	Cummins/Allison	\$98,000
102A3	1990	MCI	Det/Allison	\$16,000

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## Operations shutdown

CONTINUED FROM PAGE 1

The FMCSA order revoked Carbo Limo’s federal operating authority to conduct for-hire, interstate transportation of passengers.

The action represented the ninth out-of-service order issued by FMCSA since the deployment on April 1 of more than 50 specially trained “Operation Quick Strike” safety investigators targeting high-risk passenger carriers.

During the first month and a half of the crackdown, FMCSA investigators issued out-of-service orders to bus companies in the District of Columbia, Colorado, Georgia, Illinois, Ohio, New York and Utah.

Since the beginning of 2013, FMCSA has issued out-of-service orders to a total of 16 bus companies and 8 trucking companies.

The agency also has declared six commercial driver’s license holders as imminent hazards, blocking them from operating in interstate commerce.

“Our ‘Operation Quick Strike’ teams are continuing their safety investigations from coast to coast,” said FMCSA Administrator Anne S. Ferro.

“We will not allow safety to be compromised. We will move quickly and decisively to stop unsafe carriers from putting the traveling public at risk.”

During the investigation of Carbo Limo, FMCSA investigators

found the company failed to ensure its vehicles were properly and regularly inspected, repaired and maintained. The company kept no records of tests conducted on emergency doors and windows on its two motorcoaches, and an inspection sticker was found to be falsified.

Carbo Limo also employed drivers before receiving pre-employment drug tests as required by federal regulations.

Additionally, the company was found to have violated regulations requiring random drug-and-alcohol testing of drivers.

Finally, the company didn’t monitor and assure its drivers complied with federal hours-of-service regulations. On occasion, it even dispatched a driver who did not have a commercial driver’s license.

### Limo buses parked

In Atlanta, the FMCSA ordered five vehicles operated by Greene Classic Limousines to be placed immediately out of service.

Investigators found the vehicles had “such significant structural and mechanical defects” they posed an imminent hazard to public safety.

Specifically, it was discovered that Greene Classic Limousines had been operating 5 of its 16 vehicles in a way that exceeded the manufacturer’s gross vehicle weight rating (GVWR) limit.

As a result, the overweight condition caused damage to both

structural and mechanical control components that could have resulted in a crash.

The cutaways were typically 3,400 pounds over the vehicles’ gross weight limit of 19,000 pounds, according to the out-of-service order. And, because the buses were overweight, a control arm had detached from the rear axle.

“What a bus or truck looks like on the outside does not reveal its mechanical safety,” said Ferro. “Failing to adhere to manufacturers’ specifications and disregarding maintenance and repair can be as dangerous as speeding, texting while driving, or any unsafe driver behavior.”

“Our Quick Strike teams will continue their intensified scrutiny of passenger carrier operations, their drivers and their vehicles.”

In addition to failing to inspect, repair and maintain the five cutaways, which were built on Ford F-550 chassis, investigators also found the company didn’t consistently check drivers’ vehicle inspection reports.

“As a result of these deficiencies in its maintenance program, the company allowed the five vehicles to deteriorate to the point that they needed to be put out of operation immediately,” said the agency.

A copy of the imminent hazard out-of-service order can be viewed at [www.fmcsa.dot.gov/documents/about/news/2013/GreeneClassicLimousines.pdf](http://www.fmcsa.dot.gov/documents/about/news/2013/GreeneClassicLimousines.pdf).

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