July 15, 2011

Bus&MotorcoachNEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

Fewer buses put out of service during safety check

GREENBELT, Md. — Buses and motorcoaches, which were specifically targeted for increased scrutiny during this year's Commercial Vehicle Safety Alliance Roadcheck, posted their lowest out-of-service rate in a decade during the three-day inspection blitz in June.

The bus/motorcoach out-of-service rate was 8.7, down from 9 percent last year. The lowest out-of-service rate for buses during the past decade came in 2001 when it was 7.7 percent.

In 2009, the out-of-service rate for Roadcheck'd buses was 11.5 percent. In 2008, the rate was 12.2 percent; in 2007 it was 12.3 percent, and in 2006 it was 9.2 percent.

The out-of-service rate for bus and motorcoach drivers also was low this year at 2.6 percent, declining a full percentage point from last year. The rate in 2010 and 2009 was 3.6 percent.

The last time the driver out-of-service rate for coach drivers was below 2.6 percent was in 2003, when it dropped to 1.7 percent. It was 2.7 percent in 2004 and again in 2005.

More motorcoaches — nearly 11 percent more — were inspected during Roadcheck this year, reflecting the stepped-up interest in coach safety by law enforcement officials. A total of 1,217 buses were checked during the June CVSA safety blitz, compared to 1,097 last year and 932 in 2009.

Although the number of bus and motorcoach inspections increased this year they still represented only 1.7 percent of the total number of safety checks performed by nearly 8,000 CVSA- and Federal Motor Carrier Safety Administration-certified inspectors at 2,550 locations across North America.

There also were 69,495 truck inspections during Roadcheck 2011.

CONTINUED ON PAGE 18 ▶

'Coach crashes underreported'

MC LEAN, VA. — An investigation by *USA TODAY* has found that the number of fatal motorcoach crashes is significantly higher than the federal government reports.

According to the national newspaper, some of the most disastrous motorcoach accidents of the past decade, including the widely publicized crash in Tallulah, La., that killed eight people in 2003 (See Feb. 1, 2004 *Bus & Motorcoach News*), aren't included in statistics of fatalities from the National Highway Traffic Safety Administration, the federal agency responsible for tracking accidents.

USA TODAY said the agency has undercounted motorcoach accidents and deaths on the nation's highways since at least 1995, and has given the inaccurate numbers in testimony before Congress and in public reports on bus safety.

NHTSA's failure to track all the accidents has given Congress and the public a false impression that motorcoaches are safer than they are and has thwarted efforts to promote tougher regulation, safety advocates told the newspaper.

"By underreporting crashes and fatalities, it has given the industry the political cover they want to go to (Capitol) Hill and say, 'We are really safe,'" Jacqueline Gillan, vice president of the nonprofit

CONTINUED ON PAGE 18 ▶

Industry beats back IRP proposal

Charter buses remain exempt

ARLINGTON, Va. — Aggressive lobbying by the motorcoach industry and its allies in the group tour business has halted an effort by state and provincial members of the International Registration Plan to eliminate the plan exemption granted for charter buses and force all charter operators to buy apportioned license plates.

A last-minute lobbying effort lead by the United Motorcoach Association, which was aided mightily by Motor Coach Canada and the NTA (formerly the National Tour Association), worked to convince IRP members to vote against lifting the exemption.

The result of the blitz was enough "no" votes to kill the proposal.

There are 59 states and provinces that are voting members of the IRP. Under the organization's rules, the ballot measure needed to be approved by three-quarters of the members to be adopted. (See June 15 *Bus & Motorcoach News*.)

Twenty-nine jurisdictions voted "yes" to abolish the exemption, 16 voted "no" to keep it, 12 did not vote, and 2 abstained. That meant the proposal fell measurably short of the 75 percent requirement.

The result came despite a pre-vote survey of IRP members that found that "nearly 75 percent of jurisdictions reported that inter-jurisdictional charter bus operations should be treated the same as any other motor vehicle engaged in interjursidictional commerce."

Translation: The lobbying effort changed minds.

Motor Coach Canada called the vote a "major victory" for the motorcoach industry in the U.S. and Canada.

"This is great news for the charter bus industry," the association told its members.

"Based on the pre-ballot survey, this proposal was expected to pass easily but for the past month

CONTINUED ON PAGE 14 ▶

Speed limits in Texas climb 'n climb

AUSTIN, Texas — The Lone Star State continues to push highway speed limits into the stratosphere – well, certainly the highest in the U.S.

Gov. Rick Perry signed into law a bill that permits the speed limit on certain new roadways to be set at 85 mph. The law requires the Texas Department of Transportation to perform engineering and traffic studies to determine whether the speed is appropriate on new construction.

Another new law increases speeds on most rural highways to 75 mph day and night – as long as studies deem it safe. In addition, any speed differential between cars and commercial vehicles is eliminated.

Finally, the existing 80 mph day-time speed limit for cars on more than 520 miles of Interstates 10 and 20 in west Texas will apply to all vehicles throughout the day.

A separate provision in the 85-mph speed limit effectively buries, once and for all, the once-ballyhooed highway system that came to be known as the Trans-Texas Corridor.

At one time, the corridor was championed by Gov. Perry. It would have been a 4,000-mile network of toll roads, including the Texas segment of a proposed NAFTA superhighway stretching from the Mexican border to Canada.

The multibillion-dollar Trans-Texas Corridor was debated at the statehouse for most of the past decade until it was declared dead in 2009.

However, concern about language still on the books spurred

CONTINUED ON PAGE 12 ▶

New York tries again to extend regulatory reach

ALBANY, N.Y. — Officials at the New York State Department of Motor Vehicles are again attempting to apply an onerous state safety regulation to non-New York-based bus operators.

And, as might be expected, their efforts are again being met with resistance, especially from Canadian operators.

Last month, operators in Ontario and Quebec began receiving phone calls and letters from the Bus Driver Unit of the New York State Department of Motor Vehicles saying they were "required" to comply with provisions of Article 19-A of New York State Vehicle and Traffic Law.

The letter outlined some of the paperwork requirements for compliance, and told operators that if they failed to comply with the mandate then New York would be "required to suspend all vehicle registrations in your name and/or the privilege of operation in this state pending compliance with this law."

Within days of the Canadian operators receiving the letters and calls, Motor Coach Canada, which represents 225 operators, fired off a letter to New York State Department of Motor Vehicles Commis-

CONTINUED ON PAGE 14 ▶

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Midwest operators are getting their own association

CHICAGO — The year-long effort to create a Midwest Motorcoach Association took a giant step forward this month when the group's ad hoc steering committee announced the hiring of a professional association executive to guide the nascent organization.

Cherie Houser, a vice president of the Wisconsin Motor Carriers Association, is taking on the additional responsibility of managing the new regional group.

In Wisconsin, the state motorcoach association is part of and managed by the Wisconsin Motor Carriers Association. In addition, Houser is executive director of the Wisconsin Towing Association and the International Milk Haulers Association, which also are units of the state motor carriers group.

"Cherie Houser was asked to be the executive director based on her experience with the Wisconsin Motorcoach Association and her knowledge base of the bus and motorcoach industry," said Tom Bazow of Excursions Trailways in Fort Wayne, Ind., a member of the five-person committee that screened candidates and eventually picked Houser.

The idea of forming a regional association that would serve motorcoach operators in Indiana, Iowa, Illinois, Michigan and Missouri was born just over a year ago as an outgrowth of the resurrection of the Illinois Motorcoach Association, which was relaunched in January 2010. (See Feb. 1, 2010, *Bus & Motorcoach News*.)

In June of last year, operators from neighboring states attended a meeting of the Illinois association and asked about being able to join the fledging state group. The inquiries led to discussions regarding creating a regional organization and the decision to try to put together an association that would address regional issues and foster broader business opportunities. (See July 15, 2010, *Bus & Motorcoach News*.)

One of Houser's primary responsibilities will be to recruit members from the target states — Indiana, Iowa, Michigan, Missouri and Illinois.

Other goals for the organization include:

- Promoting cooperation among operators and associates within the region
- Educating members on issues that impact the industry
- Advocating legislation that positively impacts the industry within the region
- Using available resources to promote safety among operators
- Promoting public awareness of the bus and coach industry

The first general membership meeting of the new association likely will be late this fall, with November being targeted, probably in Chicago.

Initially, Houser will work with members of the ad hoc committee to get the organization off the ground, relying on meetings conducted by conference call.

Those helping organize the association have included Don Ferrone of American Sightseeing Chicago; Dennis Streif of Vandalia Bus Lines in Caseyville, Ill.; Brenda Borwege of ABC Companies; Gary Hodgson of Prevost Car; Marie Williams of Spirit Tours in Chicago; Ken Presley, vice president of the United Motorcoach Association, and Bazow.

Carriers interested in the Midwest group can contact Houser at *ctuhus@witruck.org*, or Ferrone by phone at (312) 251-3100.

Engine stickers may cause operator headaches in California

SACRAMENTO, Calif. — The California Bus Association is rushing to head off a potential problem with the California Air Resource Board that could lead to fines and headaches for its members and operators visiting from other states.

At issue is a state requirement that motorcoaches carry a legible and accessible label or sticker on their engine that provides details about the power plant, including the year it was built.

The problem, however, is that the stickers that coach manufacturers have placed on older engines fade after a few years and the stickers on the newer engines are in locations that often are impossible to reach or read.

CARB will be checking the labels beginning in January when new statewide emission standards take effect for coaches based in California and those visiting from out of state.

Under the rules, engines manufactured in 1996 and 1997 will be required to be retrofitted with particulate filters and the simplest way for inspectors to verify the date of the engines they check will be to examine the stickers.

"The stickers on the older coaches disappear after about five years and you just can't read them," explained Mark Waters of Franciscan Lines in San Francisco and a member of the CBA maintenance and CARB committees. "And, with the newer coaches with tight engine compartments, you can see them back in there but you can't get your head in there to read them."

Coaches that do not have a legible label can cost the operator a fine of $300.

Waters said CBA members have been asked to help document the problem by taking photographs of some of the labels on their coaches and send them to the CARB.

"We would like to try to get

CONTINUED ON PAGE 18 ▶

THE DOCKET

Congressional committees reveal reauthorization plans

WASHINGTON — Congress isn't likely to adopt a multi-year federal highway and public transportation reauthorization law any time soon but that hasn't stopped key committees in the House and Senate from developing proposals for the American people to chew on.

Early this month, House transportation committee leaders rolled out a six-year transportation reauthorization proposal aimed at streamlining and reforming federal programs, expediting the project approval process, leveraging limited resources, providing flexibility to states, and assuring long-term funding stability for transportation programs.

The House plan calls for total spending of $230 billion, which is $56.4 billion LESS than was authorized by the last six-year federal highway bill. The House plan is "fully funded" and proposes no transfer of general tax revenue to highways.

Meanwhile, in the Senate, the environment and public works committee is working on a two-year bill with spending at a higher rate than the House proposes. However, the Senate version reportedly is $12 billion short on revenue.

Largely forgotten is the plan President Obama unveiled early this year that called for spending $556 billion over six years on federal transportation programs. While Obama continues to talk about infrastructure initiatives, he has yet to put forth a proposal that would pay for his ambitious ideas.

The six-year reauthorization framework proposed by House Transportation Committee Chairman John L. Mica, R-Fla., and his subcommittee chairmen, received a cautious endorsement from the United Motorcoach Association.

"Chairman Mica and his subcommittee chairs are to be commended for their efforts to get the most out of every taxpayer dollar," said UMA Vice President and Chief Operating Officer Ken Presley.

"Of course, the devil is in the details, but we were heartened to hear that Congress listened to UMA and the proposed bill would encourage the use of private operators in new ways. From a transit standpoint, the bill seems to focus on suburban and rural transit and these are areas private operators can easily service and bring considerable economic savings to their communities, said Presley.

"We believe the bill will impose incentives for public transit to improve operations by establishing performance management targets for public transit which should encourage greater private-sector participation.

> 'Critical to our members, the charter service protections will remain in place.'

"Critical to our members, the charter service protections will remain in place," said Presley.

"We believe much of HR 1390 (the Bus Uniform Standards and Enhanced Safety Act of 2011, which has been endorsed by both the UMA and American Bus Association) will be incorporated into the bill, allowing (the National Highway Traffic Safety Administration) adequate time for testing and reasonable timelines for operators to incorporate regulatory mandates into their future business plans.

"The bill was described (by Mica and other others) as being 75-80 percent complete, so UMA still has significant work to do," Presley added.

Given the history of the House transportation committee it seems plausible that Mica's group would have liked to propose a more expansive bill but, as the congressmen noted when they unveiled their plan, they were restrained by U.S. House rules and budget constraints adopted earlier by the Republican-dominated House.

The divide between the House and the Senate also became clear when Mica noted that "more short-term extensions or a two-year (highway) bill are recipes for bankrupting the Highway Trust Fund. These options will cut the legs from under our states and hamper their ability to move forward with many needed, large-scale projects."

Democrats on the House Transportation Committee didn't show up for the unveiling of the Mica plan and instead held a press conference where they blasted the plan for proposing spending far below what is needed.

Here are highlights of the Mica proposal:

- Reforms surface transportation programs by consolidating or eliminating approximately 70 programs that are duplicative or do not serve a federal purpose.
- No longer requires states to spend highway funding on non-highway activities, but permits them to fund those activities if they so choose.
- Provides states the flexibility to fund their highest project priorities but holds them accountable for those decisions through performance measures.
- Allows states to toll new lanes on the Interstate system, while ensuring that existing Interstate lanes remain toll free.
- Encourages states to create and capitalize state infrastructure banks to provide loans for transportation projects at the state level.
- Removes current barriers that prevent the private sector from offering public transportation services.
- Provides more of a focus on transit programs that benefit suburban and rural areas and will improve transit options for the elderly and disabled.
- Ensures that federal regulators keep unsafe trucks and buses off the road while allowing companies that operate in a safe and responsible manner to continue to do so.

Mileage deduction is increased by IRS

WASHINGTON — This year's higher gasoline prices have prompted the Internal Revenue Service to increase the optional standard mileage rates for the second half of this year.

Taxpayers may use the optional mileage rates to calculate the deductible costs of operating an automobile for business and other purposes.

The rate increased July 1, to 55.5 cents a mile for all business miles driven. The increase was 4.5 cents from the 51-cent rate in effect for the first half of 2011.

The IRS normally updates the mileage rates once a year in the fall for the following year. But because of this year's higher fuel prices the IRS made the special adjustment for the final months of this year.

A new rate also was set for computing deductible medical or moving expenses. It increased by 4.5 cents to 23.5 cents a mile, up from 19 cents for the first six months of 2011.

Board wants UCRA-fee freeze

WASHINGTON — Directors of the Unified Carrier Registration Agreement have voted to recommend that UCRA fees remain unchanged for 2012.

The board recommendation goes to U.S. Secretary of Transportation Ray LaHood, who has the final word on UCRA fees.

If LaHood follows the board's advice, it will be the third consecutive year that UCRA fees have remained at the same level.

The UCRA board also recommended to the states participating in the program that they begin collecting 2012 fees in October of this year, and begin enforcement Jan. 1.

According to a private-sector member of the UCRA board, there is potential interest among the states to seek a UCRA fee increase for 2013.

Federal unemployment tax declines…but not much

WASHINGTON — The federal unemployment tax rate, which is known as FUTA and is paid by employers, dropped to 6 from 6.2 percent on July 1.

The rate declined because a surtax, originally added 35 years ago and extended several times, expired. The new lower rate applies to wages paid to employees after June 30.

Many employers will not see any savings from the change until 2012, however, because FUTA is only charged on the first $7,000 of an employee's wages paid during a calendar year.

In addition, employers are allowed a credit against the FUTA of up to 5.4 percent of wages to offset state unemployment taxes they pay. This means that the federal rate for many employers will actually drop from 0.8 to 0.6 percent.

The Internal Revenue Service plans to issue taxpayer guidance on the change soon.

FMCSA wants new suggestions on sleep apnea

WASHINGTON — The drawn-out effort to address sleep apnea in commercial vehicle drivers is expected to a step forward late next month when the Federal Motor Carrier Safety Administration asks a panel of advisers for recommendations on how it should proceed.

The agency has scheduled a meeting next month of its Medical Review Board, which has recommended tougher sleep apnea regulations, and its Motor Carrier Safety Advisory Committee, a panel of 19 executives from the industry, the enforcement community and labor and safety advocacy groups to which the agency turns for feedback and ideas on industry issues.

FMCSA will ask those attending the meeting for practical advice on how it might deal with the problem.

At the public meeting, tentatively scheduled for Aug. 29 in the Washington, D.C. area, the five medical doctors on the review board will present their latest thinking on sleep apnea to the advisory committee.

The committee will then discuss the issue with the board and later come up with its recommendations for agency action.

The agency will consider the recommendations in deciding whether or not to go ahead with a rulemaking, but it will not necessarily adopt them, said an official familiar with the process.

While the meeting does not necessarily signal imminent FMCSA action on sleep apnea, it does advance the issue.

The Medical Review Board has for several years supported stricter regulatory standards for the condition.

In 2008 the board recommended that the agency require all drivers to be screened for obstructive sleep apnea.

Maryland wants to raise tolls on highways, bridges, tunnels

BALTIMORE — The Maryland Transportation Authority has proposed sharply increasing tolls over the next two years on seven highways, bridges and tunnels in the state.

If the plan is approved after a comment period, a three-axle motorcoach traveling on Interstate 95 — the busiest north-south route along the East Coast — will pay $24 by July 2013, compared with $15 today.

In addition, by the same date the three-axle toll on I-95's Fort McHenry Tunnel in Baltimore will be $12, up from the current $6.

MTA also proposed raising the motorcoach toll rate on the Bay Bridge to $24 by 2013. The current toll is $9 on that span, whose formal name is the William Preston Lane Jr. Memorial Bridge and which carries U.S. 50 and 301 traffic between Annapolis and the Eastern Shore of the Chesapeake Bay.

Under the proposed plan, the first phase of the toll increases would be Jan. 1.

The second toll increase for motorcoaches, trucks and cars would kick in July 1, 2013.

Overall, the new toll rates are expected to raise an estimated $77 million in revenue during the first fiscal year. The MTA said it needs the money to pay for long-overdue maintenance and upgrades.

Nine public hearings were held last month to obtain comments on the proposed toll plan. A final authority vote will be scheduled later this summer.

Around Baltimore, the current $6 rate for a three-axle coach at the three tolled MTA facilities would rise to $9 in January and $12 in July 2013 if the toll proposal is adopted.

Besides the Fort McHenry Tunnel, the MTA facilities around Baltimore are the Harbor Tunnel, which carries Interstate 895, and the Francis Scott Key Bridge, which carries Interstate 695.

Other affected toll facilities would include the Thomas J. Hatem Memorial Bridge, which carries U.S. 40 traffic across the Susquehanna River between Havre de Grace and Perryville in northeast Maryland. The current $15 toll for a three-axle coach would rise to $18 in January and to $24 in 2013.

MTA also said the toll on the Harry W. Nice Memorial Bridge, which carries U.S. 301 across the Potomac River near Morgantown, Md., to Dahlgren, Va., would rise in January to $15 from $9 and to $24 in 2013.

MTA said its eight facilities are supported solely by tolls and that it does not receive money from the state transportation trust fund.

It said the proposed increases are dramatic because it has been decades since rates have been raised — for cars, that is.

While car tolls were left unchanged or were reduced in recent years, motorcoach operators have had to absorb three rate increases in six years — in 2001, 2003 and 2009. (See March 1, 2009, *Bus & Motorcoach News*.)

Nevada to get first toll road

BOULDER CITY, Nev. — Nevada's first toll road will be constructed here to relieve traffic jams created by the opening of the Hoover Dam bypass bridge last fall. (See Nov. 1 *Bus & Motorcoach News*.)

Gov. Brian Sandoval signed into law the measure that authorizes the $400 million bypass around Boulder City, thereby creating the state's first and only toll road.

The law requires the Regional Transportation Commission of Southern Nevada to partner with a private group to finance the road.

The alternative route is needed because of increased traffic, mostly over-the-road trucks, using U.S. 93 after the opening of the bypass bridge.

Traveling through the area, to get to Las Vegas, has been a challenge for truckers for a decade. Truck traffic was prohibited from traveling on U.S. 93 across Hoover Dam after 9/11. Until the bypass bridge opened, truckers were forced to take a 75-mile detour.

Boulder City officials say the increased traffic is worsened because U.S. 93 narrows to two lanes within the city.

The proposed toll road still will allow vehicles to access the town. It simply will provide an option for faster travel around the area. U.S. 93 will remain an option for drivers not wanting to pay a toll.

As the state prepares to move forward on the toll project, construction also will soon get underway to widen U.S. 93 through Boulder City.

In Georgia, government tricks help old toll become new toll

ATLANTA — More than 20 years ago, Georgia leaders promised that tolls would come off the Ga. 400 here once the roadway had been paid off.

The road is now paid for but drivers will still pay a toll for at least another 10 years.

How come? Glad you asked.

Last year, with the end of tolls approaching, officials with the State Road & Tollway Authority launched a campaign saying they didn't have enough money to make future roadway improvements. If only they could collect tolls for another decade, they said, they could complete a long list of capital improvements.

That campaign led to then-Gov. Sonny Perdue performing a little sleight of hand. Perdue declared the toll would come off, as promised, and that government had fulfilled its commitment to the taxpayers.

But then, just as quickly, the governor declared that a "new toll" would begin almost immediately, and last 10 years. It would not be the same toll, it would be new, he said.

The switch happened late last month. The "old toll" technically ended but a week later the new toll began. Everyone got a one-week reprieve from the Ga. 400 toll.

There's more to the story, however, and it's something that sticks in the craw of many highway users.

Prior to Perdue's term, former Gov. Roy Barnes signed a law that diverted some Ga. 400 revenue to other projects. Upon taking office, Perdue was presented with legislation aimed at ending the diversion but he vetoed it.

Georgia's current governor, Nathan Deal, who took over in January, campaigned on a promise that if elected, he would "swing the sledgehammer" and put an end to the Ga. 400 toll before the end of his first year in office. Ga. 400 gets a "new" toll instead.

And, trickery takes a toll on government credibility.

Bill would limit road leases

WASHINGTON — The ability of state and local governments to raise cash by leasing or selling highways, roads and other transportation assets to private investors would be slowed, if not killed altogether, under a bill introduced by Sen. Richard Durbin, D-Ill.

The measure would require federal liens be put on all transportation facilities that have received more than $25 million in federal funding and are valued at more than $500 million.

Before a lease or sale could be executed with a private investor, the state or local government would have to repay the federal money used to build or maintain the asset.

When private investors "take control of an airport, road or other transportation asset for decades — sometimes as long as 99 years — the federal taxpayer is often left holding the bag," said Durbin, the No. 2 Democrat in the Senate.

"My bill will ensure that the interests of the federal taxpayer are protected when a private company seeks to operate a public asset for a profit," he said in a statement.

Indiana Toll Road: 5 years on

GRANGER, Ind. — It has been five years since the state of Indiana leased the Indiana Toll Road to a group private investors.

On June 29, 2006, the tollway was leased to Cintra of Spain and Macquarie of Australia for 75 years in exchange for $3.85 billion in cash. To date, it's still the largest privatization deal involving a U.S. roadway and it still remains controversial.

This month, the latest increase in tolls on the roadway went into effect.

For three-axle motorcoaches, the toll to travel across Indiana — from Illinois to Ohio — on the roadway rose to $12.91. Five years ago, before control switched to the private investors, the toll was $8.85 for three-axle buses.

While buses have seen a near 46 percent increase in tolls, that is modest compared to what has happened to tolls for over-the-road trucks.

In June 2006, the cross-state toll for a five-axle big rig was $14.55. On July 1, 2011, it went to $35.20. That works out to a 142 percent jump.

It's little wonder then that truck traffic is reportedly down on the roadway, and the investor group reportedly isn't reaping the return it expected.

Most observers agree it's remains too early to tell how good or bad a deal the state got in leasing its namesake toll road.

There are those, however, who believe Macquarie and Cintra may have greatly overpaid for the highway.

Indiana Gov. Mitch Daniels, architect of the lease deal, has claimed the arrangement was "the best deal since Manhattan was sold for beads."

Report: States should spend more money on repairing existing roadways

WASHINGTON — States could spend less overall on transportation if they spent more — of the money they've allocated to it — repairing existing roads, a new report says.

The report, "Repair priorities: Transportation spending strategies to save taxpayer dollars and improve roads," says states currently spend 43 percent of their total transportation money on repair, compared with 57 percent on new projects.

However, the report, which was sponsored by Washington-based Smart Growth America and Taxpayers for Common Sense, notes that new construction only accounts for 1 percent of state transportation projects.

"Federal taxpayers have an enormous stake in seeing that our roads are kept in good condition," said Taxpayers for Common Sense policy analyst Erich Zimmermann.

"Billions of tax dollars were spent to build our highway system, and neglecting repair squanders that investment. Keeping our roads in good condition reduces taxpayers' future liabilities."

Smart Growth America's director of land use and transportation, Roger Millar, agreed.

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For most, safety is paramount; what about the others?

By David R. Brown

Some in our business would argue that traditional elements of our industry have gone away — for good. That may be true to some extent, but clearly the "traditional" charter segment has survived a great deal of upheaval in our industry.

Unfortunately, I can't say the same for other elements of our business.

As a company that sells retail tour packages, we've seen that business drop steadily during the past 10-12 years, accelerated at times by external events such as terrorism, wars and recessions.

We recognize that some of the negative factors are world events, but another, perhaps more significant factor, is that today's 50-70 year olds are dramatically different than the 50-70 year olds of the 1980s, which is widely regarded as the "good old days" by tour operators.

With retail tours in decline, it's getting harder and harder to recruit high-quality people, whether they are drivers, mechanics or even office staff.

Driving a bus around in a circle all day, providing shuttle service, is not as much fun as heading on a 26-day adventure with a group to explore the West Coast. That causes us to struggle to find the high-quality drivers that used to line up at the door.

Thankfully, the charter side of the business has shown an ability to grow in spite of world events.

Sure, we were crushed by the Gulf war(s), 9/11, the SARS epidemic, and snipers for a short period, and now by this recession, but I think most charter operators expect a significant upswing once there is a true economic recovery.

The unfortunate side is that this could easily be a double-dip recession, and the economic rebound may be off in the distance. Once true recovery does begin, state and federal coffers will begin to increase and I believe a lot of the charter

Operator Viewpoint

business will come back and restart a growth trend, which has happened many times in the past.

But, this time, there are some other factors that have not been present in the past.

The two most important are the extended period of under-enforcement by the Federal Motor Carrier Safety Administration and state law enforcement officials, which I believe has come home to roost in the recent spate of non-curbside-operator accidents.

There has also been a dramatic increase in line-run operations by non-traditional scheduled carriers. It isn't Greyhound that is having all the accidents among this group. It is the new guys who are growing by leaps and bounds without growing their infrastructure to support it. It's all happening in plain sight, but without adequate oversight.

Perhaps these carriers should get more frequent regular inspections. Rather than months, perhaps inspections should occur based on miles operated; rapid growth should be an even quicker trigger.

Hopefully not, but I could have a tragic accident today. But if I do, I can assure you that it will not be for lack of preventive effort.

We attend multiple safety seminars each year, and implement everything we can find to maintain a well-trained driver staff and keep safety top-of-mind.

We are not special. I believe that most of our industry understands that safety is paramount and actually work to have safe drivers on the road with proper oversight. Many of us have installed unmandated and unreimbursed event recorders so we could better coach our driving staff.

Many in the industry are attending safety meetings, creating extensive driver training curriculums, performing criminal background checks on employees, and engaging in countless other unfunded efforts to provide the best public transportation possible.

Why is this not the story being told?

As with most things, it is the few to whom Congress and the FMCSA will overreact by imposing ineffective roadblocks on the rest of us. A better understanding of the problem would yield better — more effective — adjustments.

We should not accept the shame of an industry that is out of control and unconcerned with public safety. That is a lie and should be exposed as such. Why are we so quick to hang our heads and accept blame that is unjust?

I'm not talking about spin; I'm talking about facts.

We need to gather the facts, draw conclusions that even someone in D.C. can understand, and present, present, present them.

David R. Brown is president of Holiday Companies in Randleman, N.C. He is a director of the United Motorcoach Association and secretary-treasurer of the North Carolina Motorcoach Association.

Obama's limousine seal of approval is not too strong

By Martin Romjue

An omen?

Apparently this is not the first time the presidential seal has slipped off President Obama's heavily-fortified, taxpayer-funded limousine.

While it's technically a matter of magnetics, the mishap makes you wonder if the slipped seal is a cosmic sign of disapproval from the chauffeured transportation industry.

(The divine spirits of American history seem to have a sense of humor, as the seal fell off along Interstate 76 during a fundraising excursion in Philadelphia, site of the signing of the Declaration of Independence [1776] and the Constitutional Convention [1787].)

President Obama's economic policies and stewardship have hurt small- and medium-sized Main Street America businesses that comprise the bulk of the chauffeured transportation and charter-and-tour industries. And hurt the business travel and hospitality industries the president impulsively trashed in 2009 for hosting job-creating conventions and conferences.

We at LCT have certainly seen the economic damage to operators and coachbuilders up close and personal over the past three years.

Main Street America is not hiring amid fear of all the economic and fiscal uncertainty bred by the Democratic-led spending orgy. President Obama has "owned" this economy since he signed off on his highly partisan failed stimulus package on Feb. 27, 2009. It was supposed to hold unemployment at no more than 8 percent. Two and a half years later, just do the math.

And, speaking of presidential transportation, it should be noted how Obama of late has been trying to bully charter-jet patrons into paying higher taxes.

A more relevant question is: Should a president who spends millions flying around in a 747 and riding in a Cadillac limousine, courtesy of the taxpaying public, be criticizing the tax levels of charter-jet customers, many of whom either run or work for companies trying to invest and create jobs? And who use chauffeured sedans and SUVs to get to and from those jets?

Don't forget, the FBO-niche is a key market segment for the chauffeured transportation industry.

With that said, we should continue to support our president in efforts to develop a true economic turnaround. He could still come to his senses and at least support a few policies that will generate lasting economic growth and fiscal stability.

There's still "hope" for some "change" — however spare it may be, for a spurt in private-sector job creation. For now, the limo seal has been recovered faster than the economy.

If the economy doesn't catch up, look for financially battered American voters to seal a new deal in November 2012 that will finally stick.

Martin Romjue is editor of LCT. *This article was posted on LCT magazine's blog devoted to "stretching chauffeured transportation."*

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ISSUE NO. 196

Bus&MotorcoachNEWS

A PUBLICATION OF THE UNITED MOTORCOACH ASSOCIATION

Feds urged to expand reach of driver screening program

WASHINGTON — A top trucking industry security executive says changes involving access and pricing would make the Federal Motor Carrier Safety Administration's new Pre-Employment Screening Program much more effective and help assure it reaches its potential.

"(The Pre-Employment Screening Program) currently has issues both with access and pricing, and the two are closely intertwined. Expanding access and lowering prices will improve the program," asserts Boyd Stephenson, manager of security and cross-border operations for the American Trucking Associations.

Writing in Transport Topics, a leading trucking industry publication, Stephenson says that when the FMCSA finally launched the Pre-Employment Screening Program in May of last year, it represented a "huge leap forward for improving the safety of America's highways.

"For the first time, motor carriers, with a signed consent form, could investigate years' worth of a driver's inspection and accident history stored in FMCSA online databases," said Stephenson.

Although the PSP program represents "a significant step forward — 380,000 driver searches in its first year prove that — the program must be expanded if it is to achieve its full potential," says Stephenson.

Broaden access

Presently, only motor carriers with a U.S. Department of Transportation number are eligible to enroll in PSP. This precaution, enacted to protect driver privacy, seems legitimate, says Stephenson, until one considers how most carriers perform due diligence on a prospective driver employee.

Carriers routinely use commercial vetting services. These third-party vetting services will compile comprehensive reports about the prospective employee's motor vehicle records, drug and alcohol usage history, and creditworthiness in order to get a picture of the applicant.

Unfortunately, motor carriers that want to take advantage of this information, in addition to utilizing their vetting service, must order a separate PSP report.

Several other actors with legitimate need for this information are currently restricted from accessing it, including intrastate trucking companies and driver staffing companies.

The idea of expanding the program's access is sometimes referred to as PSP 2.0. According to Stephenson, the FMCSA's contractor already has made the necessary changes to its software.

Expanded access and the ability to integrate PSP data into larger reports could happen literally at the flip of a switch.

So, what's holding the process up? No one's really sure, says Stephenson. The approval forms have been at the USDOT for almost a year now.

Linked with the related Compliance, Safety, Accountability program that scores motor carriers, PSP has potential to improve safety dramatically, according to Stephenson.

"CSA, properly implemented, should target motor carriers with the weakest safety performance. Research tells us that a driver with a history of violations is most likely a driver with a future of violations.

"Although a driver's offenses before being employed by a carrier do not affect the hiring carrier's score, PSP allows carriers to spot risky drivers and avoid the likely violations that come with hiring them," writes Stephenson.

Getting the price down

The second issue surrounding PSP is the price of a search. A carrier must pay $10 per search on top of a yearly subscription fee.

Ten dollars doesn't seem like much, and it isn't to a motor carrier with only a few trucks. But, as the volume of applicants increases, the cost of searching becomes prohibitive.

ATA surveyed its membership about plans for using PSP when hiring drivers. Among all carriers — but especially among small- and medium-size ones — the cost of a search was the No. 1 reason for not participating in PSP. Without a lower price per search, PSP is not likely to achieve the industrywide reach necessary to achieve its full safety potential, says Stephenson.

Although PSP is a government service, the searchable database is operated by a for-profit contractor working for the FMCSA. It has stated that if prices are to fall, only increased volume will allow it to bring in the revenue necessary to operate the program.

At 380,000 searches in the first year, that means the contractor generated $3.8 million in search fees alone. To be fair, the company agreed to set up the online database at no cost to the government, and it has every right to recoup its sunk costs.

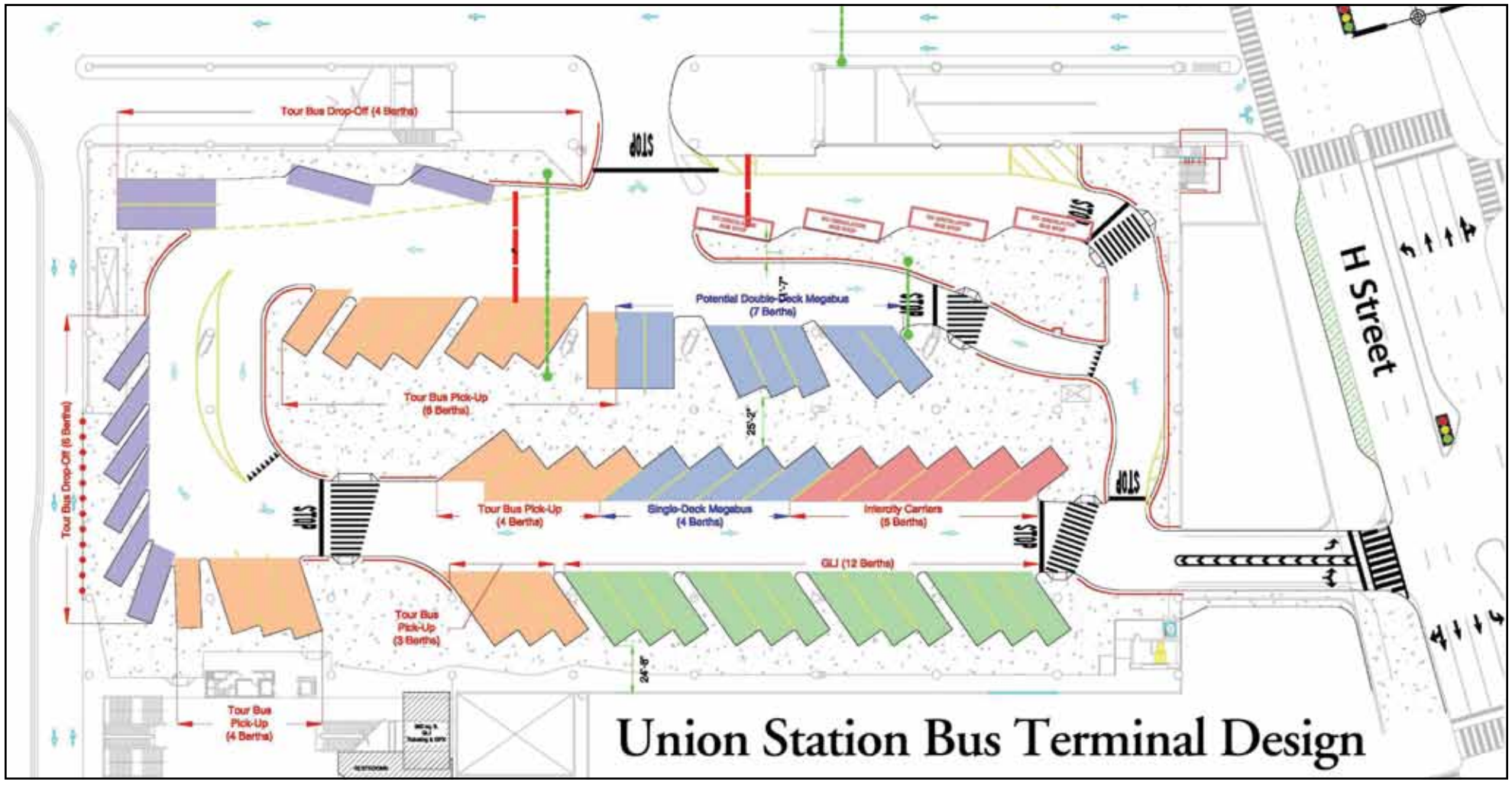
Now that the contractor has an idea of who will pay and where the price points fall, there is an opportunity to increase profits by lowering the price of a search while simultaneously expanding the pool of PSP searches.

"Who are the natural constituencies to increase the number of searches and drive down the cost? asks Stephenson.

"I would suggest that intrastate (carriers), background-screening companies and driver-staffing companies represent overlooked constituencies. Not coincidentally, these are the same populations that PSP 2.0 would add to the program. Adding these groups means more searches, and more searches mean that the price per search can fall, making PSP more accessible.

"Every day that USDOT delays approving the PSP 2.0 program is one when safety benefits are impeded. USDOT should approve the PSP 2.0 program, allowing greater access to PSP information.

"More parties accessing PSP records means falling prices. Every PSP search that reveals an unsafe driver represents a victory for safety advocacy. For such a big win, it's time for USDOT to tell its contractor to flip that switch," says Stephenson.



Final D.C. Union Station plan includes remote parking

WASHINGTON — Tour-and-charter buses that bring thousands of tourists here every year will have limited use of the bus parking garage at Union Station under the final plan for the redesign and reuse of the facility.

While the plan drafted by a private consulting firm creates drop-off and pick-up space for charter-and-tour operators, it does not allow for drivers to park their buses inside the garage while they wait for their passengers to shop or dine at the landmark retail center or visit other nearby attractions.

Instead, they would have to drive to an outdoor parking lot about 10 minutes away — a requirement that some in the motorcoach industry worry might discourage operators from including Union Station on their trip itinerary.

"We are cautiously optimistic Union Station will remain a desirable location for motorcoach charter-and-tour groups desirous of upscale shopping and eateries," said Ken Presley, vice president and chief operating officer of the United Motorcoach Association.

The redesign of the 90-space Union Station parking garage — that many motorcoach operators visiting the nation's capital use for short- and long-term parking — is aimed at finding a permanent terminal facility for the fast-growing intercity bus businesses that operate between Washington and other eastern cities, notably New York.

Curbside congestion

More than a dozen companies, including several so-called Chinatown carriers, provide the service and most of them use curbside locations for picking up and dropping off passengers, which has added to the district's serious traffic and parking issues.

In response, the district has been gradually restricting bus parking around the Mall, and just weeks ago it adopted a plan for intercity carriers using curbside locations to pay annual curb rental fees, ranging from $5,000 for limited use, to $70,000 for 24-hour, seven-day a week use.

Under the latest plan developed for the Union Station parking garage, the 90 spaces now available for buses would be reduced to 61 and the tour-and-charter buses would share them for drop-offs and pick-ups with six intercity carriers that have requested loading space in the facility. The tour-and-charter buses would get 29 spaces, intercity carriers 28, and D.C. Circulator buses that transport passengers around the Mall 4.

The tour-and-charter carriers would pay a $50 fee each time they drop off passengers at the station. The fee also would allow them to park in the new outside lot located just off New York Avenue near Kendall Street. The parking lot, which is owned by the district, is now empty and would be upgraded to include restrooms, a lounge and possibly a place where drivers could purchase food.

The six intercity carriers would be required to pay an annual fee of $30,000 for each slip they maintain at the station, plus 75 cents for each passenger picked up or dropped off at the station.

Revenues from the slip charge would be used to help cover the projected $1.1 million it would cost to operate the garage annually, while the per-passenger fee would go toward paying for the estimated $4.1 million to $4.6 million needed to redo the garage and improve the parking lot, establish a maintenance fund and pay for future improvements.

Planning to run their intercity operations from the Union Station garage are Greyhound Lines and its sister company Bolt Bus, which would get a combined dozen slips; megabus.com, which would get 11; DC2NY and Washington Deluxe, which would get two each; and KnowItExpress, which would get one.

Crying foul

Early on there was talk about closing the parking garage to tour-and-charter coaches all together and letting only the intercity buses use the facility. Many tour-and-charter operators cried foul, pointing to the tourism dollars they bring to D.C., including as much as one-third of the $100 million that Union Station sees in sales activity annually.

"The professionals at the (Union Station Redevelopment Corporation) are true professionals that have a difficult mandate," noted Presley. "They, likely more than anyone in the D.C. area, quantify and appreciate the economic contribution of the motorcoach industry."

UMA has been at the table throughout USRC's planning of the use of the parking garage.

Nzinga Baker, vice president of the redevelopment corporation, which runs the facility for the federal government, said key elements of the plan already have been endorsed by the board and final approval will come after use agreements are signed by the intercity carriers that plan to use the garage.

She said the parking lot, which could accommodate as many as 65 coaches, could be ready for use as early as October, although it could take another eight months to complete the improvements, including construction of a lounge and restaurant.

Presley said some questions still remain unanswered, including: Will motorcoach companies send their drivers and equipment to the remote lot? Will itineraries allow the extra time for drivers to log for traveling to and from the lot. And will Union Station actually install a driver lounge with restrooms and a restaurant at the remote site?

"One of our hopes is that operators will have access to the remote lot regardless of whether or not their group is visiting Union Station," he added.

Baker said such use is a good idea, especially since tour and charter bus traffic at Union Station hits its peak about four months out of the year, leaving eight months when it would not be heavily used.

"That's a definite possibility," she said.

Love's Travel Stops opens 100th tire service center

OKLAHOMA CITY — Love's Travel Stops has opened its 100th tire care center at a new travel stop location in Ocala, Fla.

Love's, which operates travel centers in 39 states, unveiled its tire care concept, offering roadside assistance and tire services at select travel stop locations, three years ago.

The mid-July grand opening in Ocala marked the 100th location.

The tire care centers feature Michelin, Yokohama and Double Coin tires.

Feds shutdown rules violator after fatal crash

BETHLEHEM, Pa. — The Federal Motor Carrier Safety Administration shut down another motorcoach operator, following a fatal crash late last month.

The FMCSA ordered Mr. Ho Charter Service of Bethlehem to immediately cease all intrastate and interstate passenger service.

In halting company operations, the agency cited multiple drug and alcohol testing violations and failure to assure its drivers comply with hours-of-service regulations.

On June 27, a motorcoach operated by Mr. Ho Charter Service was involved in a crash on the Pennsylvania Turnpike. The co-driver was killed, and 24 passengers and the driver were injured.

Three weeks before the crash, FMCSA investigators conducted a compliance review of the company. The FMCSA cited the operation for failure to conduct random drug and alcohol tests and hours violations and issued civil fines. By federal regulation, passenger carriers have 45 days to contest such citations.

During the appeal period, Mr. Ho Charter Service continued to disregard federal safety regulations, according to the FMCSA. The company hired two drivers — the drivers involved in the fatal crash — without requiring federally mandated pre-employment, controlled-substances tests.

During the post-crash investigation, FMCSA investigators also found the same two drivers had falsified their records.

The cause of the crash remains under investigation.

Ga. operator closed

ATLANTA — The FMCSA closed a Georgia motorcoach operator that had a whole slew of violations, including no operating authority.

The company H&W Tour Inc. of Doraville, Ga., represented "an imminent hazard to public safety," according to federal safety inspectors.

The FMCSA said the company had no authority to operate, had inadequate insurance, didn't do drug or alcohol tests on its drivers, and didn't keep track of hours of service.

Besides that, the company's buses weren't properly inspected, maintained or repaired.

After a compliance review on June 29, the FMCSA ordered H&W to cease operations immediately.

Operator Lawrence Anzuoni of Massachusetts dies at 58

PLYMOUTH, Mass. — One of the bright lights of the New England bus fraternity, Lawrence A. Anzuoni Jr., president of Brush Hill Transportation Co., died here late last month of cancer. He was 58.

Mr. Anzuoni grew up in a motorcoach family, going to work for the company founded by his grandfather in 1920.

The business was started as Service Bus Lines but changed its name after it acquired Brush Hill Transportation in 1954. The Brush Hill name had originated because the company originally transported domestics employed by large estates on Brush Hill Road in Milton, Mass.

Mr. Anzuoni joined Brush Hill, which was being run by his father, Larry Sr., in 1976, after graduating from Merrimack College in North Andover, Mass.

Early on, Mr. Anzuoni worked throughout the business, learning all aspects of the transportation operation, before taking on a position in sales and marketing.

In 1981, he was instrumental in expanding the company into sightseeing, creating the Beantown Trolley Tour division with his father.

Today, the company offers a variety of services, ranging from shuttles of all sorts to a Gray Line sightseeing operation, to casino runs and cross-country tours.

Mr. Anzuoni was an active member of numerous industry groups, including the American Bus Association, the National Tour Association, New England Bus Association, American Sightseeing International, and the Greater Boston Convention and Visitor's Bureau.

Besides buses, Mr. Anzuoni's other passion in recent years was playing drums in a rock-and-roll band, the Fabulous Knuckleheads. He also was an auto enthusiast.

Survivors include his wife, Donna; son, Lawrence III; mother, Jeanette; and three sisters.

A memorial has been established: The Lawrence A. Anzuoni Jr. Pancreatic Cancer Research Fund, c/o Rockland Trust, 1 Pilgrim Hill Road, Plymouth, MA 02360.

Tenn. operator Cecil Morgan dies

CLEVELAND, Tenn. — Cecil Morgan, who as a truck driver hauled snack cakes but learned later that his warm personality was much better suited to transporting snack-cake consumers in a motorcoach, died here last month. He was 65.

Mr. Morgan spent more than 19 years as a driver for McKee Foods, which is best known for its Little Debbie snack cakes, before he and his wife, Anna, started a coach company, C&A Charters.

"My dad loved driving a truck and he loved to talk, and then he discovered he could do his two favorite things together by driving a motorcoach," his daughter told one of Mr. Morgan's industry friends during a funeral home visit following his death.

The Morgans started their company in 1999 and operated it for 11 years in Cleveland, a city of about 41,000 roughly 30 miles northeast of Chattanooga.

He served two terms as a director of the Tennessee Motorcoach Association and was one of its most committed and outgoing members. His colleagues were taken by his humor, enjoyment of life and people, and authentic personality. "He was dedicated to the TMCA," said one association member. "A friend to all."

Deborah Neese, executive director of the Tennessee Motor Coach Association, echoed those sentiments, emphasizing Mr. Morgan's devotion to the association.

"He never missed a board meeting — even after having open-heart surgery," she said. "He had Anna drive him to Nashville so he could attend the meeting.

"Cecil and Anna were always there to help with all events, including the annual convention and driver rodeo.

"He served as the TMCA representative on the Southeast Regional Emergency Committee, and he also served two years on the TMCSA election committee," Neese added.

Two years ago, the association honored the Morgans with the Tennessee Motor Coach Association Operator of the Year Award.

Mr. Morgan also is credited with creating a drug-and-alcohol testing consortium for area motorcoach companies. "There were several small companies in the area and they could not find a (drug testing) service that was affordable and reliable, so Cecil did some research and gathered the companies together and started the service," said a colleague.

Mr. Morgan was a veteran of the Vietnam War, serving in the Army.

In addition to his wife, Mr. Morgan is survived by his son Bruce; daughter Olivia Lawson; a foster son, Jeff Thomas, and two brothers.

Mr. Morgan was buried in the Chattanooga National Cemetery with Tennessee Motor Coach Association drivers serving as honorary pallbearers.

Texas speed up

CONTINUED FROM PAGE 1

lawmakers to take additional action.

While the corridor project has had a stake driven through it, the pursuit of tolling in Texas is far from a dead issue in the state capital of Austin. Lawmakers and the governor have given the Texas Department of Transportation and local tolling authorities the right to sign public-private partnerships for as many as 10 toll roads.

Seatbelts: No mandate yet but there's still plenty to ponder

By Dave Millhouser

The old Brill made it about 75 yards from the fuel pump when it grunted and gave up the ghost.

The jewel-like machine (that's how the operator portrayed it to the owner of the truck stop) had died an untimely death, the victim of "bus poisoning."

When it pulled up to the pump, the attendant assumed the jewel consumed diesel fuel . . . and stuffed it full. Alas, it was the last of the gasoline-powered coaches and croaked on the diesel.

Rather than paying for an expensive new engine for the ancient bus, the truck stop replaced the Brill with an equally ancient diesel coach. Their inability to conceive of a gasoline-powered bus had cost them.

Over the years the motorcoach industry has had to decide about major trends in bus options, and calculating incorrectly could be costly.

Diesel power, automatic transmissions, air conditioning, lavatories and video systems were all optional in ye olden days. Early on, each was rejected by some operators, often with unpleasant consequences.

A major point of discussion right now is seatbelts and whether to install them. Two-point or three-point? To retrofit or not?

Despite the fact that nothing has yet been mandated, every bus manufacturer currently offers seatbelts, and most new coaches are being purchased with them.

That seems to be a reasonable response by operators to a public that perceives belts as necessary for safety, and the notion they are about to be required.

Another question is how to deal with existing coaches.

Are the feds going to mandate retrofit? If so, will it be two-point or three? If there is a mandate, what will that do to the value of your fleet?

Many are waiting anxiously to see what the final regulations will be, and they do matter. On the other hand, if you look at the list of options that eventually became ubiquitous, you'll note that every one was adopted because the market ultimately demanded it.

Seatbelts seem to be falling into that category. Operators are ordering them, less out of fear of mandates than because their customers are asking for them. If that's true on new coaches, it stands to reason it will have an impact on the utility and value of buses already in your fleet. A customer who wants belts in a new coach may be even more insistent that ANY vehicle he or she rides has belts.

In this environment, there are at least two major considerations: What happens to the value of coaches that are not belted, and what would it cost to install belts on existing vehicles? There's going to be a delicate balancing act.

Coaches without belts will be worth less because fewer customers will ride them (and your business planning needs to reflect that). When is a coach depreciated to the point where it is not worth adding belts?

The decision is complicated by our not knowing whether retrofits will be required, and if so, two-point or three?

Three-point belts may require completely new seats and substantial structural upgrades that can't be added to some coaches. If the government does not require belts on existing buses, then simple two-point belts may satisfy market demands. Most (perhaps not all) existing coaches can safely handle them.

Coach manufacturers and service companies are looking into establishing retrofit programs, but they are hamstrung by not knowing if, or what, will be mandated. They can't clarify costs until they know.

Regardless of what the feds decide, any effort to add belts to an existing coach is going to come with serious liability concerns. There will be a delicate balance between existing structure and the stresses that occur in an accident.

In other words, this is not likely to be a do-it-yourself project. You (and your insurer) will want serious assurances that the installer has both expertise and ample insurance.

The forces exerted during a crash on belted seats and their structural elements are the stuff of specialized engineering, not backyard mechanics or fly-by-night retrofitters.

Once the cost of a responsible installation is established, operators will need to evaluate each unit in their fleet to determine, on a coach-by-coach basis, which remain valuable enough to be worth the investment.


Dave Millhouser

Next comes the ugly decision about what to do with the "unworthy" ones. It's not unlike the dilemma faced years ago when some fleets still had non-lavatory buses. Some were sold as motorhomes, some scrapped and a few hung around as spares.

You can't make firm decisions until the Feds act but it can't hurt to start weighing options.

The Brill's owner was so thrilled by the outcome of the refueling incident that he ran the rest of his fleet through the truck stop in the forlorn hope he could replace ALL his gas buses in the same way.

Alas, the fuel attendants learned their lesson and there were no more free coaches.

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

IRP victory

CONTINUED FROM PAGE 1

we've lobbied hard on this issue with our partners from the MCC and NTA," said UMA President and CEO Victor Parra.

The balloting process used by the IRP is called "short-track," meaning jurisdictions had only 30 days to cast their vote.

"IRP was hoping to get states searching for new sources of revenue to support the elimination of the exemption without thinking about the overall consequences of their decision," said Parra.

"We reacted quickly and sent communications to state/provincial directors of tourism, governors and directly to the voting IRP members.

"Both NTA and MCC helped greatly in this effort. Thankfully we were able to turn this around and the result was enough 'no' votes to kill the proposal," said Parra.

Charter buses are one of only five categories of vehicles that are exempt from the IRP definition of "apportionable" vehicles. The others are recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, and government-owned vehicles.

All commercial trucks and line-run buses weighing more than 26,000 pounds and operating interstate are required to have apportioned registration.

However, 18 states and provinces have adopted individual rules that mandate charter operators must purchase apportioned tags. The IRP ballot measure would have meant the other 41 states and provinces would have begun requiring IRP registration.

Charter buses may be proportionally registered at the option of the operator in those states that do not have a mandate.

In their effort to sway the IRP vote, UMA, MCC and NTA told targets of their lobbying that the change would restrict travel and hurt tourism.

In their appeal, Parra and NTA President Simon said if the IRP ballot measure was approved it would "reduce travel to your state.…The proposal reduces the ability of groups traveling by charter bus to move between states, as well as move between states and Canadian provinces.

"Currently, under the IRP plan, charter buses are exempt from displaying apportioned license plates and are able to travel relatively freely between the two countries and among states and provinces. Thus, on-board tour guides can alter plans and easily travel among the states and provinces without any consequence."

The primary argument for eliminating the charter bus exemption held that because charter buses use the same roads and bridges as trucks, truck-tractors and non-chartered motor buses they shouldn't be exempt from IRP registration.

"Charter buses engaged are subject to (the same) regulatory requirements as trucks, truck-tractors and other motor buses, including USDOT, International Fuel Tax Agreement, and Unified Carrier Registration requirements," said the proponents.

N.Y. over reach

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sioner Barbara Fiala, as well as Federal Motor Carrier Safety Administration Administrator Anne Ferro, questioning New York's authority to impose such requirements.

"We believe that New York State's actions in this regard are incompatible with federal regulations affecting interstate passenger carriers as it is more stringent and places a greater burden on passenger carriers contrary to Federal Motor Carrier Safety Regulations," Motor Coach Canada President and CEO Brian Crow wrote to Fiala.

Crow asked Ferro to intercede and halt New York's demand.

If all this sounds sort of familiar, it is. Every six years, it seems, USDOT has had to intervene under similar circumstances regarding New York efforts to impose Article 19-A requirements on out-of-state operators. It happened in 1999 and 2005. And now, 2011.

According to one expert on Article 19-A, Paul Mori of Huntington Coach in Huntington Station, N.Y., the issue appears to have resurfaced because of all the pressure New York motor vehicle officials are under as a result of six high-profile fatal motorcoach crashes that have occurred since September.

"All of these accidents (involved buses that) were either traveling to, from, or through New York state," said Paul Mori, who conducts training for operators on complying with Article 19-A.

New York's Article 19-A has long been a confusing subject for operators not based in New York but send coaches to the Empire State. And, the June letter from the state department of motor vehicles did not help end the confusion.

An operator subject to federal motor carrier regulations is exempt from all of the annual and biennial requirements of Article 19-A except for one. The state requires operators to file an affidavit of compliance with the commissioner, saying they are exempt from New York requirements because they aren't based in New York.

However, there is another provision in 19-A that says if you travel more than 10,000 miles in New York or make more than 100 trips, then you must comply with all of the reporting provisions of the article.

That requirement would certainly seem to also fly in the face of federal preemption but it could not be immediately determined if anyone has ever challenged the mandate. Many northeastern companies — that are not based in the state but operate extensively in New York — comply with all provisions of Article 19-A.

Operators that would prefer to go along to get along can go to the New York State DMV website, *www.nysdmv.com/art19.htm*, complete the one-page affidavit and achieve compliance.

If, however, you exceed the 10,000 miles/100 trip threshold then your decision is more complicated and potentially way more costly. The Article 19-A paperwork burden is significant — ask any New York operator.

UMA announces fall board election

WASHINGTON — The United Motorcoach Association is seeking nominations from its U.S. operator members for a half-dozen, three-year seats on its board.

Two directors will be elected from each of UMA's three U.S. membership regions. Aug. 30 is the deadline for letters of nomination for the director positions.

All of the director seats being contested are the result of expiring terms of incumbent directors, who may seek re-election.

The directors whose seats are expiring are: Region I (the West): Autumn Dipert Brown of Dan Dipert Coaches in Arlington, Texas, and Tom Ready of Ready Bus Lines in La Crescent, Minn.; Region II (the Midwest): Brian Annett of Annett Bus Lines in Sebring, Fla., and Ralph Young of Asheville, N.C., and Region III (the Northeast): Godfrey LeBron of Paradise Travel in Hicksville, N.Y., and Joan Libby of Cavalier Coach Trailways in Boston.

Ready, Libby, LeBron and Young have confirmed they intend to seek re-election.

Nineteen members of the 21-member UMA board are regional directors who must be coach operators, and who are elected to three-year staggered terms from the three regions of the U.S., plus a single director elected from Canada. In addition, it has one non-coachbuilder associate representative who serves a three-year term, and one coachbuilder associate who also serves a three-year term.

Maps showing the UMA regions are available in the *2010-11 UMA Membership Directory* and on the association website, *www.uma.org*. Click on *About UMA* and then the *UMA Board of Directors* link. A list of the states composing each region also is available in the directory and on the website. *Go to About UMA* and click on *Bylaws of the Association*.

Qualification standards for UMA directors can be found in Article VI of the UMA bylaws. Among the qualifications is a requirement that nominees must have been a UMA member for at least one year.

Directors serve without pay but the association generally reimburses directors for travel and accommodations while performing UMA business and/or attending association meetings.

Nominations for the regional board directorships must come from active UMA members who are motorcoach operators. Candidates nominated for the board must represent an active UMA-member company in good standing with the association.

Written letters of nomination must state the candidate's name, company affiliation and home-base location. Nomination letters also must be postmarked or faxed no later than Aug. 30.

Regional UMA Nominating Committees will certify the eligibility of all candidates to produce a list of nominees for each region no later than Oct. 1.

Ballots will be mailed to UMA members by Oct. 15, and must be returned no later than Nov. 15. Winners will be announced in *Bus & Motorcoach News*.

UMA members with questions about nominations should contact the association at (800) 424-8262. Mail nomination letters to: UMA Nominations, 113 S. West St., 4th Floor, Alexandria, VA 22314-2824. Nominations also may be faxed to (703) 838-2950, or emailed to UMA President and CEO Victor Parra at *vparra@uma.org*.

Biodiesel mandate goes into effect across Canada

OTTAWA, Ontario — Diesel fuel in Canada now must contain 2 percent biodiesel.

Despite protests from Canadian motorcoach and trucking groups, the national government failed to budge from its mandate that as of July 1, diesel fuel purchased in Canada for highway use be required to have 2 percent "renewable content."

Simply put, it has to be 2 percent biodiesel.

Motor Coach Canada and other groups that opposed the mandate argued that the requirement will increase the price of diesel fuel at the pump and the environmental benefits will be marginal. (See June 1 *Bus & Motorcoach News*.)

According to one estimate, there will be a $2.4 billion net cost to Canadian taxpayers.

EPA wants more biofuels

WASHINGTON — The U.S. Environmental Protection Agency is calling for the production of one billion gallons of biomass-based diesel fuel as part of its 2012 national renewable fuel standard, up from 800 million gallons last year.

The proposed standard also calls for two billion gallons in advanced biofuels, and 3.45 million to 12.9 million gallons of cellulosic biofuels. Overall, the proposal calls for a total of 15.2 billion gallons of renewable fuels, up from 13.95 billion gallons in 2011.

ExxonMobil offers biodiesel

HOUSTON, Texas — ExxonMobil will begin selling biodiesel-blended, ultra-low-sulfur diesel fuel for the first time at four rack terminals in Texas this summer.

The company will offer the fuel, with up to a 5 percent biodiesel blend, at its terminals in Irving and North Houston, and via third party terminals in Tyler and Pasadena.

ExxonMobil also indicated it will offer a similar product in other regional markets but it did not provide details on availability or locations.

Oil industry sources speculated that the move by ExxonMobil is designed to meet the rising renewable fuel standard.

megabus reaches rider milestone

PERTH, Scotland — The parent company of megabus.com, Stagecoach Group, says its North American megabus operation has carried more than 10 million passengers since it was launched five years ago.

From its start in the spring of 2006, megabus.com has expanded to nearly 60 destinations in the United States and Canada, with its operation using six hubs: Chicago, New York, Philadelphia, Pittsburgh, Toronto and Washington, D.C.

"megabus.com has revolutionized the bus industry and we've continued to grow as people continue to look for affordable transportation options," said Dale Moser, president and chief operating officer of megabus.com.

Research by megabus has found that around 40 percent of its passengers switched from an auto to one of the blue buses operated by megabus, with 14 percent previously using airlines and another 14 percent former train customers. The remainder — 32 percent — previously traveled with other bus operators.

megabus continues to emphasize its green bona fides in promoting its operation. It says that each of its double-decker Van Hool coaches are 10 times more fuel efficient than a Boeing 737 and 25 times more efficient than a single-passenger car per passenger per mile. The Van Hools have the potential to remove 81 cars from the road, notes megabus.

megabus also continues to ride the wave that has made bus travel the fastest growing mode of intercity transportation for three straight years, according to university research.

In the United Kingdom, megabus.com carries around three million passengers annually.

Calendar

AUGUST 2011

1-3 NTA Contact, (educational, networking event), Newport (R.I.) Marriott. Info: Go to *www.ntaonline.com*.

7-10 Alabama Motorcoach Association Annual Meeting and Marketplace, Renaissance, Montgomery, Ala. Info: Go to *www.alabamamotorcoach.org*.

15-16 Brian Crow Retirement Dinner and Honorary Golf Tournament, Niagara Falls, Ontario. Info: Call or email Laura Huether at (416) 229-6622 Ext. 227, or *laura@omca.com*.

16-18 A Gathering of Buses, Greyhound Bus Museum and Hibbing Park Hotel, Hibbing, Minn. Info: Stan Holter at (952) 881-1111 or *stan@richfieldbus.com*, or Charles Wotring at (717) 691-1147 or *charleswotring@comcast.net*.

17-21 National Association of Motorcoach Operators 2011 Annual Conference, Crowne Plaza Atlanta Perimeter at Ravinia. Info: *www.namocoach.org*.

Coach USA/Canada profits climb

PERTH, Scotland — The continuing expansion of megabus.com was the primary driver of revenue growth at Coach USA and Coach Canada during fiscal 2011, parent company Stagecoach Group reported late last month.

For the 12 months ended April 30, Coach USA/Coach Canada/megabus.com had combined revenue of $461.7 million, up 8.3 percent from fiscal 2010 revenue of $426.3 million.

For fiscal 2011, megabus contributed revenue of $75.4 million, up sharply from the $45.1 million reported for the year before.

Stagecoach expects megabus revenue to reach $110 million during the current fiscal year.

The revenue figures do not include Stagecoach Group's share of sales from two joint ventures it operates in the U.S. – Twin America and New York Splash Tours. The two sightseeing operations produced combined revenue of $67.7 million, a 5.6 percent rise from fiscal 2010 revenue of $64.1 million.

Fiscal '11 operating profit for Coach USA/Coach Canada/megabus was $30.2 million, more than double the $14.6 million earned in fiscal 2010.

Twin America and New York Splash Tours produced an operating profit of $15.2 million, up 18.8 percent from fiscal '10 operating earnings of $12.8 million.

The operating profit margin for the combined North American operation in fiscal 2011 was 8.6 percent, up from 5.6 percent in fiscal 2010.

The increased profits and margin gains during fiscal '11 reflect the revenue growth and reduced fuel costs, Stagecoach said.

Profits for fiscal 2012 will be largely impacted by the rate of expansion of megabus.com during the year — the more rapid the expansion, the higher the start-up losses.

Still, Stagecoach expects its North American bus operation to deliver "a good operating profit" for the year that ends next April 30.

Coach USA/Coach Canada/megabus.com increased capital outlays sharply in fiscal 2011, spending roughly $50 million, up from $23 million in fiscal 2010.

Stagecoach said its total corporatewide operating profit for fiscal 2011 climbed to $385 million, versus $308 million in fiscal 2010.

Stagecoach Chief Executive Sir Brian Souter said the company continues to benefit from growing demand for bus and rail services in North America and the United Kingdom, as consumers look for better value and more convenient transportation alternatives.

People

SCHAUMBURG, Ill. — **Motor Coach Industries** has named long-time company executive *Patricia Ziska* its vice president of sales and marketing for the private sector.

In her new job Ziska will manage the MCI sales team that sells new coaches to private-sector operators in the U.S and Canada, plus be responsible for the company marketing group.

She will report to *Rick Heller*, MCI chief executive. "It is without question that our customers and sales team have the highest regard for Pat," said Heller in announcing the appointment. "She has the credentials and deserves this role.

"She is not only dedicated to MCI, but ultimately to our customers' success. I look forward to working more closely with Pat, as well as our sales team, to further improve our market share and maximize our customer relationships."

Most recently, Ziska has been vice president and chief customer officer, handling private-sector sales to major accounts, managing the MCI sales force in Canada, and executing MCI's marketing programs, including internet and web-based communications, and public relations.

Her career at MCI spans 35 years.

In January, **International Motor Coach Group** named her Partner Member of the Year.

WASHINGTON — *President Obama* plans to re-nominate *Deborah Hersman* to a two-year term chairing the **National Transportation Safety Board**.


Patricia Ziska


Deborah Hersman

Hersman has headed NTSB since her appointment as chairman in July 2009 by Obama, and has served on the board since 2004. The Senate must confirm her nomination.

Before being appointed to the board, Hersman was a staff member for the Senate Commerce Committee. She also worked as a legislative aide to former Rep. Bob Wise, D-W.Va.

WASHINGTON — The **U.S. Department of Transportation** appointed *Jack Van Steenburg* assistant administrator and chief safety officer of the **Federal Motor Carrier Safety Administration**.

Prior to his appointment, Van Steenburg served as director of the FMCSA enforcement and compliance division, where he led all enforcement programs.

During a 25-year career with the **New York State Police Department**, Van Steenburg was responsible for highway safety programs and was elected president of the **Commercial Vehicle Safety Alliance**.

Texting bans expand and expand

A total of 34 states have now acted to outlaw the distracted driving practice of texting.

This month, two more states, Indiana and Iowa, began issuing tickets for combining driving with texting. Both states also prohibit their youngest drivers from talking on their cell phones.

Still, despite the effort to get tough with distracted driving, adults in Indiana and Iowa cannot be pulled over solely for a texting violation. Police officers would have to suspect them of breaking another law.

On Aug. 1, North Dakota implements its ban. That state's law enables law enforcement to enforce the ban as a primary offense, meaning drivers could be cited solely for violating the ban.

In Maine, a new distracted driving rule takes effect in September. The state already has a distracted driving law, which prohibits any activity that isn't necessary to the operation of the vehicle and that could reasonably be expected to impair the driver.

The new restriction, which is effective in two months, singles out texting while driving.

Elsewhere, Nevada Gov. Brian Sandoval signed into law a bill that includes a texting provision, but it goes a step further to limit devices used to talk with while driving. The ban makes Nevada one of nine states to prohibit use of hand-held cell phones while at the wheel.

The Nevada rule takes effect Jan. 1. Police can start issuing warnings for violations in October.

Oregon already outlaws text messaging and hand-held cell-phone use while driving. However, a bill signed by the governor addresses a perceived loophole in the rule.

The existing law makes exceptions for drivers who need to use wireless communication as part of their employment. Police say the exception has caused judges to throw out distracted driving tickets when drivers testify they were conducting business via their cell phones.

The new law removes the business provision from the law and clarifies that all text messaging while driving is forbidden.

Despite the push around the country to limit driver distractions, Texas Gov. Rick Perry has refused to add the Lone Star State to the list. Perry vetoed a bill to outlaw texting, instant messaging and emailing while at the wheel.

In addition to fines, violators would have faced a license suspension, community supervision and completion of a driving safety course.

While acknowledging that texting while driving "is reckless and irresponsible," the governor said in a statement the bill is "a government effort to micromanage the behavior of adults."

Instead, Perry is calling for additional education on the issue in driving safety and driver's education courses, public service ads, and announcements.

Roadcheck 2011

CONTINUED FROM PAGE 1

The overall out-of-service rate for all vehicles inspected this year was 19.3 percent, which was down from a flat 20 percent in 2010. The 2009 rate was 19.6 percent.

The number of trucks inspected this year increased from 65,327 last year, which may have been a reflection of the increase in freight hauling resulting from the improved economy, but the number of inspectors dropped dramatically, perhaps mirroring state budget woes. Nearly 8,000 inspectors participated this year versus 9,856 last year and 9,700 in 2009.

The 2011 out-of-service rate for all drivers was 4.2 percent, a modest improvement from the 4.4 rate last year and in 2009.

As is typical, hours-of-service logbook violations lead overwhelmingly as a percentage of driver violations cited (50.6 percent of all driver out-of-service violations). Inspectors this year also queried drivers whether they were using electronic logging devices; 14 percent were.

During Roadcheck 2011 approximately 16 trucks or buses were inspected, on average, every minute for the 72 hours of the event, from June 7-9, occurring from Canada to Mexico.

While Roadcheck has taken place every year since 1988, commercial vehicle inspections occur every day across North America, to the tune of more than 3.9 million in 2010.

"Roadcheck is about law enforcement partners throughout North America working together for greater truck and bus safety," said FMCSA Administrator Anne S. Ferro. "The fact is, federal, state, and provincial safety inspectors across the continent are on the job every day vigorously enforcing commercial vehicle and driver safety regulations. For all of us, that is our year-round mission and passion."

CVSA is a nonprofit organization comprised of local, state, provincial, territorial and federal motor carrier safety officials and industry representatives from the United States, Canada, and Mexico. It promotes commercial motor vehicle safety and security. For more information, go to *www.cvsa.org*.

Coach crashes

CONTINUED FROM PAGE 1

Advocates for Highway and Auto Safety and a frequent critic of industry safety, told *USA TODAY*.

In response to the *USA TODAY* article and to Gillan's comments in particular, Ken Presley, vice president and chief operating officer of the United Motorcoach Association said "Ms. Gillan's assertion that somehow federal agencies and the industry conspire to undercount accidents is absurd and irresponsible.

"The federal government and industry are ultimately dependent upon states to record and upload accidents properly."

NHTSA spokeswoman Lynda Tran told the newspaper her agency is working with state officials to improve the quality of data it receives on accidents.

The *USA TODAY* report was based on a study of government records and news reports. Since March, there has been a string of motorcoach crashes that have resulted in 25 deaths. The incidents have driven the issue into the news and prompted congressional hearings.

USA TODAY's research found at least 42 deaths of motorcoach occupants and drivers were not reported using NHTSA's standard definition of a motorcoach from 1995 to 2009, the most current year for which data are available.

Since 2003, 32 fatalities were not included, which represents a 24 percent increase from the 133 deaths the agency counted. In addition, there were 42 deaths from 2000 to 2009 on midsize buses, which are not counted by NHTSA as motorcoach fatalities.

The NHTSA data suggest motorcoach crashes and fatalities have increased in recent years even as highway deaths as a whole have fallen 25 percent since 2005, *USA TODAY* noted.

"The bus industry is diverse in equipment and services," noted Presley. "Mini-buses, transit buses, school buses and motorcoaches represent very unique construction and operational complexities. And I suggest those who are quick to criticize the passenger transportation industry learn the subtleties."

NHTSA responds to *USA TODAY*

Note: The following Letter to the Editor was printed in USA TODAY *under the headline: "NHTSA is addressing bus safety issues."*

USA TODAY's reports on motorcoach fatality data highlights important concerns for America's bus passengers, but your assessment of the data is misleading at best.

The National Highway Traffic Safety Administration records traffic fatalities involving all types of vehicles — including the accidents cited by USA TODAY — but our current work to improve standards and statistics focuses on the largest buses that account for the largest proportion of the problem.

By arbitrarily grouping smaller shuttle-type buses with motorcoaches, USA TODAY ignores differences in risk factors and the way vehicles are designed. This is neither productive nor appropriate for the agency's ongoing efforts to improve safety.

In 2010, the traffic fatalities across all vehicles fell to the lowest levels seen since 1949, despite an increase in the number of miles Americans drove that year. As we work to address bus safety, we are always looking to improve road safety.

David Strickland
Administrator, NHTSA
Washington, D.C.

Engine stickers

CONTINUED FROM PAGE 3

them to do away with the rule or change it," he said.

A CARB spokeswoman said the agency already has received some of the photographs and they are being examined to see if the labels are failing to meet the durability requirements specified in the regulations.

"If so, (Air Resources Board) certification staff will request that new and replacement labels are improved to meet the regulation's specifications," said Mary S. Fricke.

While apparently nothing can be done to alter the location of a label installed by a manufacturer, she said the older labels that have faded and are accessible can be replaced through dealerships, which can determine the age of an engine identification number, or EIN.

"The dealership should have an EIN decoder that will provide quite a bit of information on the engine," she noted.

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