

# Bus & Motorcoach NEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

## Greyhound breaks with industry

### Supports severe safety legislation

WASHINGTON — Greyhound Lines has thrown its support behind radical bus safety legislation that most of the motorcoach industry finds abhorrent.

At a news conference here last month, Greyhound said it supports legislation that would dramatically overhaul motorcoach safety, including immediate mandates for seatbelts, stronger roofs and windows, and restrictions on new operators.

Greyhound CEO David Leach said his company has 300 coaches, including those operated by

BoltBus, its joint venture with Peter Pan Bus Lines, equipped with seatbelts and stronger seats.

"We believe such improvements should be adopted industry-wide," Leach said. "Regulators need to keep unsafe motorcoach operators off the road."

While the Greyhound announcement was welcomed by safety advocacy groups and sponsors of Senate legislation that would revamp bus safety, it got a chilly reception from the industry trade association that represents more over-the-road bus operators than any other, the United Motorcoach Association.

UMA President and CEO Victor Parra renewed the association's call

for "responsible motorcoach safety legislation based on sound scientific testing and research and tenable timelines for implementation.

"While one company in the industry (Greyhound) has apparently signaled its support for the Motorcoach Enhanced Safety Act of 2011, UMA and its members continue to have strong opposition to the bill in its current form," said Parra.

"(The Motorcoach Enhanced Safety Act), S. 453, would impose an excessive number of new mandates on an industry with an already strong safety record, with unproven benefits to improved motorcoach safety," Parra said.

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## FMCSA (finally) gets aggressive

WASHINGTON — Anyone who thought the Federal Motor Carrier Safety Administration was largely a toothless tiger during the first decade of its existence has new evidence to support their belief.

The U.S. Department of Transportation announced last month that during the past two years it has issued as many imminent hazard orders, placing unsafe motorcoach operators out of service, as in the previous 10 years combined.

U.S. Transportation Secretary Ray LaHood says the increase in out-of-service orders is part of the Obama Administration's stepped-up efforts to get unsafe operators off the roadways.

Other elements of the crack down on noncompliant operators by the FMCSA include surprise inspections, full compliance reviews, and enforcement actions.

Still, those in the industry who have been critical of the FMCSA might conclude that the agency's poor enforcement record of the past decade led to today's significant increase in out-of-service orders.

Between 2000 and 2009,



FMCSA issued a total of 14 imminent hazard orders placing unsafe carriers out of service. The agency was created in 1999.

During the past two years, FMCSA has issued another 14 imminent hazard orders to take carriers that pose an immediate risk to passengers off the road.

"From day one, I have pledged to put public safety above all else, and we will continue to take action when we see carriers placing passengers at risk," said U.S. Transportation Secretary Ray LaHood.

"We continue using all of the tools at our disposal to get unsafe

carriers off the road and hope that Congress will act on our proposal to provide us with the necessary authority to expand our safety oversight."

In recent months, the FMCSA has issued eight out-of-service orders. The agency issued the orders immediately following safety investigations that found the carriers and/or the drivers to be in such substantial noncompliance with federal safety regulations as to pose an imminent hazard to public safety.

The eight imminent hazard out-of-service orders in 2011 have

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## Driver overtime exemption is targeted by transit union

WASHINGTON — A federal law that exempts motorcoach operators from having to pay overtime to their drivers is the target of a new attack by a national labor union.

The Amalgamated Transit Union, which represents drivers at public transit agencies and large private intercity carriers, is urging Congress to add an amendment to proposed bus safety legislation that would require drivers be paid at least time-and-one-half for work over 40 hours a week.

It claims the long-time exemption from the U.S. Fair Labor Standards Act has become a key contributor to driver fatigue, which federal transportation regulators have suggested is to blame for about one-third of the fatal motorcoach accidents in the United States.

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The call to remove the exemption has triggered opposition from Greyhound Lines, which employs 3,000 drivers who are represented by the ATU, and the United Motorcoach Association, which represents hundreds of large and small private carriers.

Ken Presley, vice president and chief operating officer of UMA, stressed there has been no indication of any problems with the motorcoach industry exemption and there is no reason to change it.

"This is likely an indication that the exemption should continue unchanged and that the current application (of the law) is consistent with the purposes of the (Fair Labor Standards Act) and the safety for which the U.S. Department of

## Private-sector operators increase coach purchases

There was a notable upturn in new motorcoach buying by tour-and-charter bus operators during the second quarter of this year.

But a steep drop in purchasing by public transit agencies meant total new motorcoach sales for the quarter were only modestly above those of a year ago.

A total of 407 new coaches were sold during the three months ended June 30.

That was 14 more buses than were sold during the second quarter of last year, or a 3.5 percent rise.

Still, the second-quarter gain was the second-consecutive quarter that new coach sales have moved higher, and the second-consecutive quarter that purchases by private bus operators were responsible for the uptick.

"Based on what we have seen in both the first and second quar-

ters, it does appear that private-sector charter-and-tour coach sales have turned around and are heading back up again," said Larry Plachno, editor of *National Bus Trader* magazine, which compiles industry new coach sales figures.

Plachno tracks sales of five motorcoach manufacturers supplying the North American market — Motor Coach Industries, Prevost Car, ABC/Van Hool, Setra and Temsa, as well as the Mexican-built Volvo 9700, which is sold by Prevost.

While private-sector operators increased their coach purchases during April, May and June, ostensibly to handle increased business during the summer and fall, coach deliveries to public transit agencies plummeted.

Healthy public-sector buying

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## 'Young Guns' are getting organized

ALEXANDRA, Va. — The motorcoach industry's Young Guns are six months older and certainly wiser in what it takes to get a new organization up and running.

After making a strong first impression during a panel discussion at the UMA Motorcoach Expo 2011 in Tampa in February, the group of young motorcoach executives is developing into a formal organization it hopes will help prepare its members to step into industry leadership roles down the road.

So far, 15 of them have signed on with the group and more are expected to come onboard in the months ahead as organizers pursue a recruiting drive.

During monthly telephone conference meetings since coming together at Motorcoach Expo, the Young Guns have elected officers and begun work on short- and long-term goals.

Young Guns spokesman Bryan Allen of Daimler Buses of North America said the group will hold a face-to-face meeting before the end of the summer where goals and other plans for the future will be completed.

"We see the group as a way for the younger leaders to network, share ideas, talk about best practices and educate ourselves," he said.

"We want to make sure we have the right tools in place to lead



Ray Land

Bryan Allen

moving forward."

Officers and others in leadership roles are: Ray Land of Fabulous Coach Lines, chairperson; Jennifer and Michael Giddens of Pacific Coachways Charter Services, shared secretaries; Mike Costa of A Yankee Line, activities and meetings; Gene Wright II of B&W Charters, education; Sharad

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## Save! Expo registration opens

LONG BEACH, Calif. — Registration for UMA Motorcoach Expo 2012, which will convene here in early February, is now open — with special rates in effect.

The reduced rates can save a UMA-member operator \$100 per registration — if the show sign-up occurs before Oct. 21. Savings for UMA-member non-exhibiting suppliers and travel partners are similar.

"The all-inclusive Expo registration is the best value," said UMA Meetings Committee Chairman Larry Benjamin of Northfield Lines in Northfield, Minn. "The price includes education sessions, trade show floor entrance, opening Welcome Reception, breakfasts, lunches, and the

annual Vision Awards banquet."

Next year's Expo will again feature a display of pre-owned coaches; more new coach models on the show floor; education sessions focusing on critical issues, and marketing and business development tips.

The host city for Expo 2012, Long Beach, typically has upwards of 345 days of sunshine annually and offers miles of clean, sandy beaches.

The theme for Expo 2012 is "Year of the Motorcoach Professional," meaning the goal of the Feb. 8-12 show is to help operators grow professionally and improve their businesses.

For more info go to [www.motorcoachexpo.com](http://www.motorcoachexpo.com).

## \$8.8 million in 2011 wheelchair-lift grants are now available

WASHINGTON — The Federal Transit Administration has begun accepting applications from private bus operators for grants to help pay for installing wheelchair lifts in coaches.

This year's federal Over-the-Road Bus Accessibility Program will award grants totaling \$8.8 million for fiscal 2011, which ends in September.

The amount being awarded this year is in line with previous years. Typically, around 100 operators end up receiving some money each year.

The grants awarded under the program usually range from \$25,000 to \$180,000, with most being less than \$40,000, or about enough to pay for one lift on one coach.

Since the program originated early in the last decade, roughly half the money each year has gone to large, fixed-route operators, notably Greyhound Lines, which under federal rules must have 100 percent of its coaches wheelchair-lift equipped by the end of October 2012.

Line-run outfits with annual revenue of \$8.7 million or more

must meet the same requirement. Smaller and non-line-run operators have a far less demanding accessibility mandate.

The money awarded through the grant program can be used to retrofit lifts, help offset the cost of a new lift-equipped coach, pay for training, or reimburse the cost of a previously purchased lift.

Applications for the grant

money must be submitted electronically, by Sept. 12, through the federal government grants Website: [www.grants.gov](http://www.grants.gov).

For details, go to [www.fta.dot.gov/laws/leg\\_reg\\_86.html](http://www.fta.dot.gov/laws/leg_reg_86.html). Scroll down to "Over-the-Road Bus Accessibility Program Grants," click on one of the links at far right.

Or, go to the FTA website,

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# THE DOCKET

## Senate gets safety systems bill

WASHINGTON — A bill has been introduced in the U.S. Senate that would provide tax credits for half the cost of certain commercial vehicle safety systems.

Identical to a bill introduced in the House in May (see June 1 *Bus & Motorcoach News*), the Senate legislation would give tax credits for lane-departure warning systems, collision warning systems and vehicle-stability systems.

The Commercial Vehicle Safety Act of 2011, S. 1233, was intro-

duced by Sen. Debbie Stabenow, D-Mich. The companion House bill, H.R. 1706, was introduced by Reps. Geoff Davis, R-Ky., and Mike Thompson, D-Calif.

The bill:

- Provides a tax credit equal to 50 percent of the cost of a qualified system, up to \$1,500.
- Allows a total credit of up to \$3,500 per vehicle.
- Extends credit eligibility for the purchase of school buses, intercity buses and vehicles used in

commerce weighing over 26,000 pounds.

The list of eligible technologies is designed to target the causes of approximately 60 percent of commercial motor vehicle accidents.

“The United Motorcoach Association has supported this important legislation in the past and we will continue to do so on behalf of our members,” said Ken Presley, UMA vice president and chief operating officer.

## California blocks some local tickets

SACRAMENTO, Calif. — A law has gone into effect in California that prohibits local law enforcement in cities, ranging from Long Beach to Oakland, from issuing their own tickets for certain traffic violations already covered under state law.

The law is intended to make sure local governments do not cut out a source of revenue for the state. The measure was approved

last year and is now being implemented.

“This should now stop the growing practice where local governments made it their policy to substitute their own local ordinances for those in the state’s vehicle code,” the late state Sen. Jenny Oropeza said in a statement issued after the bill was signed into law.

Oropeza said at the time such

inconsistency in enforcing state law can only lead to confusion and distrust among drivers.

Accurate collection of data used to track unsafe drivers and calculate insurance rates also is more difficult, she said. In addition, it puts federal highway funding at risk because the state does not have accurate information on moving violations, which are among the data used to calculate funding.

Under the law, local authorities, which already get a share of ticket fines, will be prohibited from enacting or enforcing an ordinance involving violations covered by the state vehicle code, such as speeding and running red lights.

## Kansas hikes speeds on interstates

TOPEKA, Kan. — Kansas has a new, higher speed limit.

The plains state set a 75 mph speed limit on rural stretches of some interstate highways and other

freeways effective last month. The previous limit had been 70 mph.

The Kansas Department of Transportation said the new limit applies to all vehicles.

## Beefed-up enforcement effort can reduce distracted driving

What’s it take to actually reduce distract driving?

Well, a high-profile police crackdown and public-education campaign seems to work.

The National Highway Traffic Safety Administration reports that handheld cellphone use and texting while driving dropped sharply in Syracuse, N.Y., and Hartford, Conn., during four periods of stepped-up enforcement coupled with media campaigns.

Handheld cellphone use fell 57 percent and texting while driving dropped 72 percent in Hartford, and both handheld use and texting while driving fell 32 percent in Syracuse, the agency says.

### People watched

The declines were based on researchers’ observations of cellphone use before and after each enforcement period, and on public-awareness surveys at driver-licensing offices in the two cities.

“These findings show that strong laws, combined with highly visible police enforcement, can significantly reduce dangerous

texting and cellphone use behind the wheel,” said Transportation Secretary Ray LaHood.

“It is crystal clear that those who try to minimize this dangerous behavior are making a serious error in judgment, especially when half a million people are injured and thousands more are killed in distracted-driving accidents.”

LaHood’s announcement followed a report from the Governors Highway Safety Association, advising 41 states without bans on handheld cellphones not to adopt such laws until there are more research and data on their effectiveness.

“The demonstration projects in Hartford and Syracuse are truly a step in that direction,” GHSA Chairman Vernon Betkey says. “The high-visibility model that has worked so well with seat-belt use and drunk/drugged driving appears to be translating well to distracted driving.”

The pilot programs, called “Phone in One Hand, Ticket in the Other,” were modeled after the successful “Click It or Ticket” national campaigns that helped push seatbelt usage to 85 percent in 2010, an all-time high.

### Four crackdowns

The programs included four waves of police crackdowns and education campaigns in April, July and October 2010 and March-April 2011.

They began after NHTSA determined that 5 percent of drivers were using handheld cellphones at any given moment during a typical day in 2009. NHTSA next plans to test the same model statewide in an as-yet-undetermined state.

The Insurance Institute for Highway Safety published separate studies last year showing that handheld bans produced no reduction in crashes and that texting bans might actually cause a slight increase in collisions.

“When laws are strongly enforced, drivers change their behavior, and Click It or Ticket is a good example,” IIHS spokesman Russ Rader says. “The key is to see whether this blanket enforcement reduces crashes.”

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# Report forecasts strong foreign travel/tourism growth for U.S.

WASHINGTON — The number of tourists from China, South Korea and Brazil are expected to rise dramatically during the next five years, boosting the U.S. inbound travel industry.

According to data released by the U.S. Commerce Department, the United States can expect a 6-8 percent average annual growth in tourism over the next five years.

This year, 64 million foreign travelers are projected to visit the U.S., spending \$144 billion during their stays, setting a new record.

“Last year, our nation hosted a record-breaking number of international visitors, and the future looks even brighter,” said outgoing Commerce Secretary Gary Locke.

In 2010, 60 million international visitors traveled to the U.S., generating more than \$134 billion in receipts and a \$32 billion trade surplus, according to the 2011 International Travel and Tourism Forecast from the Commerce Department.

Nearly 8 million people in the United States are employed in travel and tourism industries, and 1.2 million are tied directly to international travelers.

“Travel and tourism has been producing a trade surplus every year for more than two decades,” Under Secretary of Commerce for International Trade Francisco Sánchez said at the U.S. Travel Association International Pow Wow in late May in San Francisco.

“Without the continued strength of America’s tourism industry, we

## U.S. is popular at Chinese fair

SHANGHAI, China — The U.S. was the No. 1 “dream destination” among attendees at the World Travel Fair here.

Some 3,000 attendees cast votes at the event for the country that presented the most desirable destination, making the U.S. the winner of the Golden Award. The fair hosted more than 500 exhibitors from 45 countries/regions.

The NTA Visit USA Center and U.S. Commercial Service co-hosted the show’s U.S. pavilion, which housed eight participating organizations from the U.S.

“This award sends a powerful message to the U.S. trade and to our destinations that the Chinese travelers’ dream is to see this country’s diverse and beautiful landscape,” said NTA’s director of international development, Haybina Hao.

“It also means we have a lot of work to do to prepare for the big volume of Chinese tourists coming to the United States.”

wouldn’t have seen the strong export growth of the past year.”

Countries with the largest total growth percentages are China (+232 percent), South Korea (+200 percent), Brazil (+150 percent), Russian Federation (+139 percent), and India (+94 percent).

Separately, the Commerce De-

partment announced that visitation to the U.S. was up 2 percent (to 12.9 million) during the first three months of 2011, compared to the same period in 2010.

Spending also was up during the period, as international visitors spent 9 percent more than they did during the first three months of 2010.

Of the 10 countries that sent the most visitors to the U.S. during the first three months of this year, six posted increases.

Here’s the top 10: Canada, 4,572,669 visitors, up 5.4 percent; Mexico, 2,902,174 visitors, down 2.5 percent; Japan, 839,365 visitors, down 1.8 percent; United

Kingdom, 697,850 visitors, down 4 percent; Brazil, 343,335 visitors, up 28.7 percent; Germany, 306,412 visitors, down 11.7 percent; Korea, 266,843 visitors, up 15.3 percent; France, 258,171 visitors, up 19.8 percent; China, 217,931 visitors, up 32.7 percent; Australia, 188,675 visitors, up 20.8 percent.

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## Tolling of interstates advocated

Despite apparent strong sentiment in Congress against the idea, some state officials continue to push for more interstates to be converted into toll roads.

Representatives from three state departments of transportation have joined with the International Bridge, Tunnel and Turnpike Association in calling for the federal government to loosen its stance on converting freeways to tollways.

Currently, the only way freeways can become toll roads is for a state or agency to apply under a Federal Highway Administration pilot program.

Even then, as Pennsylvania failed to do during a three-year pe-

riod, a state has to prove tolls are the only financially feasible way to make roadway upgrades.

The International Bridge, Tunnel and Turnpike Association says that \$2.5 trillion will be needed over the next 50 years to rebuild the interstate system and that states can't afford that kind of money.

"If the states are expected to bear that burden to rebuild the interstate highway system, Congress should eliminate current federal restrictions on tolling of existing and new interstate highways. In short, if the federal government can no longer help solve the problem, it should at least get out of the way," says Ed Regan of Wilbur Smith Associates, a firm that helps

states study traffic and determine options for tolling.

Officials from the departments of transportation in Virginia, North Carolina and New Hampshire, along with road builder groups and tollway agencies, also favor allowing tolls on existing interstates.

The most notable attempt in recent years to toll an existing interstate was Interstate 80 in Pennsylvania.

During the application process, Pennsylvania officials failed to convince the Federal Highway Administration that 100 percent of the toll proceeds would remain with the roadway, and the application was turned aside.

## Ohio may consider leasing state turnpike

COLUMBUS, Ohio — A part of the two-year, \$56 billion budget adopted by Ohio lawmakers is authorization for state officials to lease the Ohio Turnpike.

Gov. John Kasich initially floated the idea early this year of privatizing the 241-mile roadway. He said handing over the turnpike, which is made up of interstates 76, 80 and 90, could result in the state pocketing as much as \$2.5

billion.

The budget law permits the state to move forward and pursue a turnpike lease deal.

Kasich says leasing the turnpike provides the state with the opportunity to generate a "big chunk of money" to improve infrastructure.

He touted the \$3.85 billion deal Indiana made in 2006 to lease that state's toll road to private in-

vestors for 75 years.

Since then, the foreign investors have increased tolls more than 150 percent with more increases planned.

As part of any lease deal, Ohio state lawmakers would have some oversight. The legislature would be responsible for writing the terms of any contract to operate the road. In addition, limitations could be placed on toll increases.

## 'Buses Gathering' this month

HIBBING, Minn. — "A Gathering of Buses" in Hibbing, birthplace of Greyhound Lines, is expected to attract owners of vintage buses, as well as contemporary coaches, from across the U.S. and Canada the middle of this month.

Hibbing is home to the Greyhound Bus Museum, the only free-standing bus museum in North America, which will serve as focal point for the three-day confab of bus aficionados and owners.

The museum houses a collection of 18 restored Greyhound buses, plus other displays, a theater and a gift shop.

Activities during the Gathering include tours of the museum, a flea market, a sightseeing bus tour of the area, opportunities for bus enthusiasts to visit, and a dinner. The tour will include a trip to one of the largest open-pit iron ore mines in the world.

Hibbing is in north-central Minnesota and can be reached by road, private plane or commercial airline (Delta Commuter via Minneapolis). There is no line-run bus service available. Minneapolis

and Duluth, Minn., are the closest points served by intercity buses.

One of the event's coordinators, Stan Holter of Richfield Bus Co. in Bloomington, Minn., is offering motorcoach service and a lodging package for the Gathering from Minneapolis-St. Paul, Duluth, St. Cloud and Rochester, Minn.

To learn more about the packages, call or email Holter at (952) 881-1111 or [stan@richfieldbus.com](mailto:stan@richfieldbus.com).

The Hibbing Park Hotel will be the host hotel and location of the dinner. "Modest" fees will be charged for the various activities.

For those traveling in converted coaches or RVs, dry camping is available. A commercial campground also is nearby for those who wish full hook-ups.

For more information or to inquire about the Aug. 16-18 event, contact Holter or Charles Wotring of Royal Coach in Mechanicsburg, Pa., at (717) 691-1147 or [charleswotring@comcast.net](mailto:charleswotring@comcast.net).

For information about the Greyhound Bus Museum, go to [www.greyhoundbusmuseum.org](http://www.greyhoundbusmuseum.org).

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## Krapf Bus completes acquisitions

WEST CHESTER, Pa. — Krapf Bus Companies, the largest private school bus operator in Pennsylvania and Delaware, has purchased a Minnesota-based school bus company that specializes in transporting special-needs children.

Krapf announced last month it had acquired Septran Inc., which operates 1,150 vehicles in Minnesota and northern Illinois.

The purchase came less than a month after Krapf acquired Hash Bus Co., a small school bus operator based in New Park, Pa., just north of the Maryland state line in southeastern Pennsylvania.

In announcing the Septran purchase, Blake Krapf, CEO of the company bearing his family's name, said the purchase was an important step for the company.

"Septran is a premier company in special-needs school transportation in the Midwest and we are very proud they selected Krapf

from among many others to take over their operations," Krapf said. "We believe the Midwest offers lots of opportunities for Septran — and now for us."

Krapf called Septran a well-run company with quality management and staff.

Dale Krapf, chairman of Krapf Bus, agreed: "We expect to not only add to their future but also to learn from them to make all our operations even better."

According to Blake Krapf, the company was approached by Septran's founder, Roger E. Jensen, 83, who was ready to retire but who was concerned about the future of the company.

Krapf said Septran was looking for a family-owned, employee-oriented company and Krapf fit the bill. "They are a well-run, family-oriented business very similar to ours and share a lot of the same values," Krapf said.

Septran President Bob Hach

said the company was founded by Jensen and his wife, Joan, in 1969. It has roughly 1,100 employees, including drivers, and operates terminals in Chicago and Rockford, Ill., and Minnesota.

Hash Bus Co. was founded 50 years ago by Bill and Romaine Hash. In June, the company was awarded the Gold Bus Contractor Award by the Pennsylvania School Bus Association.

Bill Hash died in 1973. For the next 37 years, the company was operated by Romaine Hash and the Hashes' son, Grayson, who died last year. Following Grayson's death, the company had been operated by Romaine Hash and her daughter-in-law, Barb.

The company operated a fleet of 12 school buses serving a single school district.

Sun Mergers & Acquisitions LLC of Hasbrouck Heights, N.J., assisted the Hash women in selling the company.

## Peter Pan to again serve Boston University

SPRINGFIELD, Mass. — Peter Pan Bus Lines announced it has renewed a five-year contract with Boston University for all of the uni-

versity's charter bus transportation, including athletic team moves.

Peter Pan said the contract was awarded based on its dependability,

state-of-the-art equipment, and strong management relationship.

Peter Picknelly, president of Peter Pan, said he was pleased with

## No fun running an airline

WASHINGTON — On some days, it's good not to be an airline.

The U.S. Department of Transportation has proposed a sweeping rule that will require airlines to report more information — a lot more information — on the amount and types of fees collected from passengers, plus data on the number of checked bags and mishandled wheelchairs.

Currently, airlines submit quarterly reports on revenue from baggage fees and reservation-change fees to the USDOT Bureau of Transportation Statistics. Airlines received \$3.4 billion from baggage fees and \$2.3 billion from reservation-change fees last year.

But airline revenue collected from seating assignments and on-board sales of food, drink, pillows, blankets, entertainment, or any other ancillary items are reported in large, combined categories and

cannot be identified separately.

The USDOT wants to fix that oversight — but good. It proposes requiring the airlines to report 16 additional categories of fee revenue — in addition to the baggage and reservation-change fees.

"Our goal is to improve the quality of data we collect from airlines and make airline pricing more transparent," said U.S. Transportation Secretary Ray LaHood. "In an era of rising fees, passengers deserve better information about how airlines are performing, particularly when it comes to fees, baggage and accommodating passengers in wheelchairs."

In April, the USDOT issued a final rule that requires airlines to reimburse passengers for bag fees if their bags are lost, provides consumers involuntarily bumped from oversold flights with greater compensation, and requires carriers to disclose hidden fees.

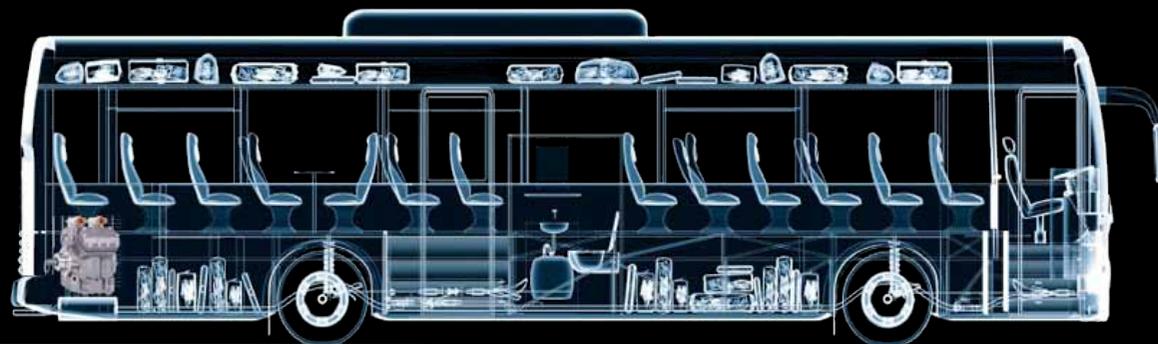
the ongoing association with Boston U., where he once was a student.

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## Texas transit agency says it didn't violate rule

FORT WORTH, Texas — The Fort Worth Transportation Authority has challenged claims by a group of private motorcoach operators that it violated the federal charter service rule when it operated a shuttle service during this year's Super Bowl.

In a response to a complaint filed with the Federal Transit Administration by the United Motorcoach Association on behalf of the South Central Motorcoach Association and their mutual members, the public transit agency maintains the service it provided — for the Feb. 6 game in Arlington, Texas — was legal.

"The Fort Worth Transportation Authority made a good faith effort to comply with all of the FTA charter regulations," it said in its formal response.

However, some of the assertions made by the transit agency, known locally as The T, were quickly disputed by UMA in a response it dashed off to the FTA.

### Not notified?

UMA and the private operators said in their initial complaint that the transit agency set up the shuttle well before notifying private carriers of the availability of the work, effectively closing them off from operating the service.

The service involved providing 40 buses to transport about 8,000 people from a commuter train station in Fort Worth to and from the football game, which was played in Cowboys Stadium in Arlington, which is between Fort Worth and Dallas.

The service was requested by the North Central Texas Council of Governments, which offered single tickets for the train and bus rides,

plus Super Bowl memorabilia.

### One-day requirement

Under the charter service rule, public transit agencies that receive a request for a charter have up to one day in which to notify private bus operators registered with the FTA of the job opportunity. If a private carrier does not step up to do the work, then the transit agency is free to provide the service.

The T said the Super Bowl Host Committee held several meetings last year where the shuttle service was discussed, but the committee did not settle on a plan until late in December and the transit agency was not asked to provide the service until Jan. 6, one month before the game.

Initially, The T said it figured it could operate the shuttle service under a charter rule exemption for "an event of regional or national significance," but decided later after that idea was challenged by private operators that it should send a formal notification of the shuttle work to registered carriers.

It said it sent one notice on Jan. 28 and a second, corrected version, three days later.

In other words, the notice was sent three weeks after the transit agency was asked to provide the service and barely a week before

the Super Bowl.

UMA, in its response, maintains that The T was required to send the notice either Jan. 18 or 19, depending on the time it received the request to provide the service. The charter rule requires a transit agency to notify private carriers the same day it receives a request if it arrives before 2 p.m. or the following day if it receives the request after 2 p.m.

### Look-alike requirement

Despite the short notice, three operators responded to the notice. However, none was able to meet a special requirement that all 40 buses look alike, according to The T's response. The Council of Governments set the requirement because there would be as many as 800 coaches and school buses around the stadium on game day and it wanted to avoid confusion among its customers as to which buses they were to board.

"Had private charter providers capable of fulfilling the request been identified, the services would have been awarded or assigned to them," The T maintained in its response.

The T also argued that private motorcoach operators were not excluded from providing charter service for the game, stressing that

more than two dozen of them from Texas and numerous other states were heavily involved. It noted that one company operated 78 buses on the day of the game and another operated 50.

Additionally, The T claimed it received only its actual operating costs of \$38,454 for the shuttle service it provided and did not retain any of the fares from passengers.

### Dollars dispute

UMA disputed the amount of money The T received, providing documents that showed the payment was to total \$54,000, including \$39,000 for the shuttle service and \$15,000 for route identification signage for other buses operating in downtown Fort Worth and other areas.

Additionally, UMA maintained in an email it obtained from the Council of Governments, the organization sought confirmation from The T that the transit agency had notified private carriers of the shuttle opportunity and that none had expressed any interest in providing the service.

"Sadly, we will never know the extent to which the registered charter operators could have participated in this charter as there was inadequate time for private operators to assess their capabilities," UMA Vice President Ken Presley said in the trade group's response.

It is not known how long it will take for the FTA to rule on the complaint filed by the private operators.

If the FTA rules against The T, the transit agency could be required to pay a civil penalty or possibly lose some of its federal transit funds.

## NYC tackles midtown Manhattan traffic jams

NEW YORK CITY — City officials are hoping to ease midtown Manhattan traffic congestion with new technology that will track the flow of vehicles and allow engineers to control traffic lights in real time.

Mayor Michael Bloomberg launched the technology last

month.

The system combines readings from 32 traffic video cameras, 100 microwave sensors and individual driver E-ZPass tags to track traffic backups.

Bloomberg said the city will evaluate the project for six months before deciding whether to expand it.

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# Bus & Motorcoach NEWS

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## Tourism Cares plans clean-up at Valley Forge

KING of PRUSSIA, Pa. — Tourism Cares, the industry group that organizes volunteers to help preserve important travel destinations, has targeted the Valley Forge National Historical Park for its annual Volunteer Day next month.

On Sept. 9, Tourism Cares will bring more than 200 travel-and-tourism industry volunteers together to complete landscaping projects throughout the 3,600-acre park. The work will include invasive species removal, tree planting, and removal of brush and other debris.

The Valley Forge National Historical Park is about 20 miles northwest of Philadelphia.

"Our annual initiative attracts volunteers from small business owners and front-line employees, to corporate executives and industry leaders," said Bruce Beckham, executive director of Tourism Cares. "The work we do is great and the networking is incredible."

This year's event coincides with the 9/11 National Day of Service and Remembrance.

Beckham said Valley Forge, like other National Parks, is facing funding challenges that prevent it from completing maintenance projects essential to preserving the overall experience for its visitors.

"We, as travel professionals, need to heed the call and respond to the opportunity to give back, do what's needed, and come together to preserve the travel experience for future generations," he said.

For more information or to register, go to [www.tourismcares.org](http://www.tourismcares.org). There is a registration fee. Event hotels are the Crowne Plaza Valley Forge and Fairfield Inn.

# High-tech coaches make collegiate travel more valuable

Thanks to the new technology being installed on today's motorcoaches, the travel time of college athletic teams is being made more productive and beneficial.

College athletes and their coaching staffs commit huge chunks of time to their pursuits, but not all of it is spent competing or practicing.

Travel is a big part of the experience, of course, with teams often spending hours on the road, traveling to compete with institutions in other regions.

That time is important for rest and relaxation, but now it also can be used for sustaining and building team cohesion, as well as maintaining connections with family and friends.

Travel time also can be dedicated to academic work, a must for athletes to keep their eligibility.

The technology available on team buses, including satellite TV, wireless internet, A/V systems, and other amenities is helping make travel time more valuable.

One of the most popular amenities, satellite TV, keeps teams connected to local news, college and pro sports, as well as favorite TV shows and movies.

Satellite TV also can be a powerful tool for keeping an eye on the competition while traveling.

"Live television is a comfort of home that's familiar to any college student, making it a great tool for relaxation and even team bonding," said Nicole Mongillo, spokeswoman for mobile satellite marketer KVH Industries Inc.

After a tough loss, a team might benefit more from watching "Remember the Titans," "Hoosiers," or your team's favorite sports flick together, rather than sequestering themselves with individual headphones, she said.

Sophisticated satellite systems, like the TracVision antennas from KVH, offer a variety of options, including high-definition programming to make the most of the big-screen TVs available on many new coaches.

"These systems work just like satellite TV at home, except they perform just as well while the bus is rolling down the highway as they do when it's parked," said Mongillo.

Luke Busskohl, sales and marketing manager for Arrow Stage Lines in Norfolk, Neb., says many Arrow clients want the service.

"Especially the corporate groups and sports teams, they love being able to catch a game on ESPN or another sports station. Teams that are using our motorcoaches while on tour actually use it to watch the other games in their tournaments so they always know what's going on," he said.

Onboard wireless internet access (Wi-Fi) is another amenity that helps student-athletes stay productive while traveling. Since many students own laptop computers, iPads, or WiFi-enabled smartphones, this feature allows them to access countless web-based academic resources, as well as stay connected with family and friends.

"With a combination of live satellite TV and WiFi on board, everyone can enjoy whatever entertainment they're looking for, whenever they want it," said Mongillo.

## Crossing border? Leave medical marijuana users at home

TORONTO — Got medical marijuana users as passengers?

Be careful if they cross the border on one of your coaches.

Motor Coach Canada, which represents coach operators across Canada, inquired about the issue,

and published a warning about passengers possessing medical marijuana during cross-border trips.

One of the Canadian association's members asked whether a passenger on a tour to the U.S. was allowed to possess a small amount

of marijuana for medical use — if the passenger had a Health Canada permit, a doctor's authorization and prescription documentation.

In checking with U.S. Customs & Border Protection, Motor Coach Canada said it was advised there is

no legal means for a foreign visitor to the U.S. to import marijuana, or move it within the U.S. — despite any state possession laws or medical permits or certificates issued by another country.

"Operators are warned that if a passenger is caught with marijuana at the border, they are subject to arrest and fines for possession," Motor Coach Canada told its members.

"Also, if it is determined the driver knew about it, the driver can also be arrested, fined and the bus seized."

## Need Navistar parts? Try looking on Amazon.com

WARRENVILLE, Ill. — Truck, bus and engine builder Navistar Inc. is now selling aftermarket parts on Amazon.com.

"Amazon.com is a known, trusted online retailer that will help us connect with customers on

a whole new level," said Patti Corso, Navistar's E-commerce manager.

Cotti said shoppers can go directly to the already live site, [www.amazon.com/partsmart](http://www.amazon.com/partsmart).

Navistar said its customers will

be able to pay via PayPal, Amazon gift cards, or credit cards.

Navistar Parts existing e-commerce site, [www.partsmartparts.com](http://www.partsmartparts.com), will continue. Navistar builds International trucks, IC buses, and MaxxForce engines.

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## Greyhound break

CONTINUED FROM PAGE 1

“UMA continues to strongly support the Bus Uniform Standards and Enhanced Safety Act of 2011 (BUSES Act) introduced in April by Congressman Bill Shuster (R-Pa.), which would introduce revised safety standards based on sound scientific testing and research, and result in improved motorcoach safety.”

A rash of fatal crashes, primarily occurring in the eastern U.S. this spring, has renewed focus on over-the-road bus safety, especially curbside operators popular in cities like New York and Washington.

Congress is wrestling with how much new safety equipment to mandate, and how much to leave to the U.S. Transportation Department for further study.

Rep. John Mica, the Florida

Republican who heads the House Transportation and Infrastructure Committee, said he has “pretty good agreement” with Democrats on his panel regarding which bus-safety measures to include in the next multiyear highway reauthorization bill.

The House appears more focused on considering incentives for states to step up safety inspections, rather than equipment mandates.

Leach told one interviewer following the Washington announcement that coaches recently delivered to his company and BoltBus have seats designed to withstand crashes, fire suppression systems, and tire-pressure monitoring sensors. The stronger roofs and windows mandated by the Senate bill are being studied, he said.

What Leach failed to mention is that hundreds of Greyhound coaches that are currently being re-

furbished to extend their service life by years are having new seats installed but they are beltless seats.

“We should support the strongest safety legislation that we can, not the weakest legislation we can,” Leach told the interviewer. “If we can do it, let’s do it.”

One safety advocate claimed that Greyhound’s support will help move the Senate’s aggressive safety legislation that hasn’t moved despite years of pushing.

“This is going to be a game changer for the fate of this bill,” asserted frequent industry critic Jackie Gillan, vice president of Advocates for Highway and Auto Safety.

Leach and Gillan joined at the press conference in supporting the legislation being pushed by Sens. Sherrod Brown, an Ohio Democrat, and Kay Bailey Hutchison, a Texas Republican.

## Young guns

CONTINUED FROM PAGE 3

Agarwal of Bus & Coach America Corp., recruitment; Ryan Cupp of Blue Lakes Charter and Tours, innovation and excitement, and Allen, marketing and advertising.

The idea for the organization came from Land who thought the creation of a formal organization of young leaders would help infuse the industry with fresh ideas and promises of a sound future.

### UMA involvement

He approached UMA President and CEO Victor Parra last year and asked if UMA would be interested in being involved in such a venture. The UMA board later approved formation of the organization under UMA’s aegis, and Parra brought together a panel of five young motorcoach executives and featured them at Expo in

February.

“Despite being a relatively small industry we are very diverse, and the younger generation of owners, managers and other top leaders within the industry came to UMA asking to help bring the youth of the industry together in a forum that will encourage networking and interaction,” said Parra.

“UMA is proud to support the next generation and provide them with an avenue to learn together and grow together.”

Land said the Young Guns will be on hand for UMA Motorcoach Expo 2012 in Long Beach, Calif., where the group will report on its activities, including outlining its goals.

“When I and others originally approached UMA to support our group, I had not anticipated the level of excitement and drive that this group possesses,” Land said.

## FMCSA action

CONTINUED FROM PAGE 1

been issued to seven interstate motorcoach companies: two each based in Georgia and Pennsylvania, and one each in Michigan, Mississippi and North Carolina. One order was issued to a Tennessee truck driver.

The Obama Administration

has also doubled the number of bus inspections and comprehensive safety reviews of the nation’s passenger bus companies.

Destination/roadside inspections of motorcoaches have jumped nearly 100 percent, from 12,991 in 2005 to 25,703 in 2010, while compliance reviews are up 128 percent, from 457 in 2005 to 1,042 in 2010.

In addition, the FMCSA has

initiated a greater number of enforcement cases against unsafe passenger carriers; those cases have risen from 36 in 2008 to 44 in 2010.

In May, FMCSA and its state and local law enforcement partners conducted more than 3,000 surprise passenger carrier safety inspections over a two-week period that resulted in 442 unsafe buses or drivers being removed

from the nation’s roadways. The strike force took 127 unsafe drivers and 315 unsafe vehicles off the road during these unannounced inspections.

The USDOT has asked Congress to provide FMCSA with greater authority to pursue unsafe “reincarnated” passenger carriers by establishing a uniform federal

standard to help determine whether a new carrier is a reincarnation of an old, unsafe carrier.

To ensure passenger carriers operating in violation of USDOT regulations are punished, USDOT has asked Congress to raise the penalty for operating illegally or without authority from \$2,000 a day to \$25,000 per violation.

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# With regulators cooking, head for the kitchen now

By Dave Millhouser

It looked like I'd put one over on Susan.

We were just married and a bunch of our friends had moved all our stuff to our new house. It was stacked in the middle of the living room floor as I kissed my bride goodbye and headed out on a business trip.

The trip's goal had little to do with my job; I wanted to be scarce until she had put the stuff away and arranged the house.

I underestimated her (heck, we had JUST gotten married). When I got back, the house was perfect. Everything seemed in its place until it became apparent that a number of personal treasures had gone missing.

Where was the gigundous plastic cookie replica given me by an old girl friend? And the three-foot wooden codfish that seemed perfect for the living room wall? And the slightly used toaster oven (protected by an insulating layer of grease)?

All had been trashed.

There are some processes we need to be involved with, even if they seem odious. The treasured giant cookie would still be here if I'd

stayed home and helped, and the toaster oven would still be adding its special smoky flavor to snacks.

The National Highway Traffic Safety Administration is currently evaluating all sorts of potential changes to coach design in an effort to make them safer.

The temptation — by most of us — is to wait on the sidelines and let the regulators and manufacturers work things out.

Among the things on the table are seatbelts, strengthening roofs, better latching for passenger windows, improved tires, automatic stability control, and "black boxes." All of these are good but each adds significant cost and, in some cases, weight to coaches.

You may have noticed: Motorcoach operators' margins are not high in this business. So, eating the extra costs for all these improvements may give us heartburn. Bus builders can't (and shouldn't) do it for free.

It's not inconceivable that extra framing for roof strength, reinforced floors for belted seat mounts, and redesigned windows with new latching hardware might add enough weight to 45-foot coaches to make them overweight.

We can't trust regulators to get it right, without help, for a number of reasons.

No. 1, most have never operated coaches and have no real skin in the game. If we don't help them get it right, coach prices will skyrocket and our industry may shrivel.

Many manufacturers are working with them because they know that if they try and pass along too much cost to operators, the industry will shrink further.

Regulators are responding to the unfortunate truth that — collectively — we're not as safe as we used to be. It's important to deal with both the reality and perception that deaths and crashes are up.

On the other hand, buses remain, by far, the safest form of ground transportation. Driving folks out of coaches by making a bus ride unaffordable will only force them to travel in less safe modes of transportation.

Or, driving up the cost of motorcoaches by adding a slew of safety mandates all at once will guarantee that older, less-safe buses remain on the road much longer.

It's a dirty secret that safety is always a compromise between many factors. If safety was the ONLY con-

sideration, the speed limit on interstates would be 10 mph.

We need to be involved, very involved, in the processes that lead to the safest coaches that can affordably be operated. That means helping manufacturers tell the story to regulators and local and federal legislators, and pointing out the virtues and vices of the various safety offerings.

If we're unsuccessful at doing this, some of us are going to be driven from the business by equipment prices. A smaller motorcoach industry benefits nobody.

All is not lost.

In Europe, many of these safety innovations are already in place. Some coaches sold in the U.S. already meet pretty stringent European standards, without pricing coaches out of the market.

Hopefully, U.S. regulators will take a look at other advanced countries (many are way ahead of us in bussy innovation), and use what they've learned in ways that are practical here.

Someone way smarter than me once said "the perfect is the enemy of the good." (I'd tell you who it was but I can't remember).

If a "perfect" bus is forced on

the industry, very few will be sold. And, as a result, more people will die in other forms of transport or in old buses, and tons of extra carbon dioxide will be flung into the air.

We need to be involved in this process at every conceivable level, or we may not like how things turn out. The sponsor of one piece of legislation, Rep. Bill Shuster of Pennsylvania, says "the best safety improvements come from sound science and empirical study, not from bureaucratic government mandate."

It is important that he and his colleagues hear from every corner of our industry.

Now, if I could only figure out what Susan did with my paisley shirts and bell bottoms. I was gonna wear them to UMA Motorcoach Expo in Long Beach.

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



Dave Millhouser



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## New coach sales

CONTINUED FROM PAGE 1

during the first quarter of this year produced a double-digit increase in total coach sales.

“The obvious question — that everyone is asking and I will try to answer — is: ‘Why did our sales numbers go up 24.2 percent in the first quarter but only 3.5 percent in this second quarter?’” asked

Plachno.

“The simplistic answer to that question is that while charter-and-tour coach sales are up impressively in the second quarter, their increase was substantially offset by a decline in public-sector deliveries.

“Of the five reporting manufacturers, three of them are geared primarily to producing or selling 45-foot charter-and-tour coaches for the private sector (Prevost,

ABC/Van Hool and Setra).

“These three manufacturers did extremely well in this second quarter with sales increases of from 13 to 77 percent over the second quarter of 2010,” said Plachno.

In fact, Prevost sold more new coaches during the second quarter than any other coach builder, displacing long-time leader MCI, which took a hit because of the falloff in public-sector buying.

“The total difference (between Prevost and MCI) was only a few coaches, but it is interesting since this has only happened once or twice before,” Plachno said in response to a question.

Still, MCI’s J4500 remained the top-selling coach during the second quarter and posted a sales gain from a year ago, Plachno noted.

The April-June quarter saw the first sale of the new Setra Comfort

Class S 407.

The three best-selling seated models during the second quarter represented a market share of 45.5 percent, down from 48.6 percent in the first quarter, 49.7 percent in the fourth quarter of 2010, and 51.6 percent a year ago.

Plachno said the declining percentage indicates buyers are spreading their purchases among more and different models than previously.

He noted also that traditional private-sector charter-and-tour coach models have retained their popularity and virtually all had increased sales over the second quarter of 2010.

A total of 11 new coach models showed improved sales for the quarter, with most being “traditional private-sector charter-and-tour coach models.”

Van Hool, Setra and Temsa, which export new motorcoaches to North America, had combined sales of 128 coaches during the second quarter, up from 88 coaches in the second quarter of 2010. The imported coaches represented a market share of 31.4 percent.

More than 96 percent of the new coaches sold were 45-footers. Only five, roughly 1.2 percent, were 40-41 feet, and 10 were 35-foot Temsas.

Sales into Canada, which generally have been around 10 percent of the market but have fluctuated widely in recent quarters, totaled 71 coaches, or 17.4 percent, during the second quarter. That was up from 54 coaches, or 13.7 percent of the total, a year ago.

Purchases of bus shells continued to languish. A total of 14 conversion shells were sold during the second quarter of this year, the same number as sold during the second period of 2010.

Until the economy shows some indication of genuine recovery and sustained growth, energy prices stabilize, Congress makes up its mind about “taxing the wealthy,” and wealthy Americans cease being the target of political attacks, shell sales likely will remain weak.

While the MCI J4500 was the most popular model during the second quarter, the Prevost H3-45 moved up to No. 2, and the Prevost X3-45 rose to No. 3 on National Bus Trader’s “Hit Parade of Popular Seated Coach Models.”

No. 4 on the hit-parade list was the Van Hool C2045, followed by the MCI D4505 and the Setra S 417 tied at No. 5, the MCI D4500 at No. 6 and the Van Hool T2145 at No. 7.

For more information, contact Plachno by email at [lplachno@busmag.com](mailto:lplachno@busmag.com).

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## Grant application is raffle prize

DENVER, Colo. — The Motorcoach Council is conducting a raffle during the next two weeks with the prize a completed application for a grant from the federal government for one or more wheelchair lifts.

One of the council's founding partners, Community Spec, which specializes in grant writing and says it has a 95 percent success rate in gaining funding for wheelchair lift grants, has donated its services to the council for the prize.

The value of the grant application is \$5,000.

Between now and Aug. 15, raffle tickets may be purchased for \$250 each. To improve the odds of winning, operators may purchase sets of two raffle tickets for \$400.

Proceeds from the raffle benefit the Motorcoach Council's public awareness campaign to improve the perception of the motorcoach

industry and increase ridership throughout North America.

A total of \$8.8 million in wheelchair lift grants will be awarded by the federal government this year through its Over-the-Road Bus Accessibility Program Grants. The deadline for applications is Sept. 12. (See related article on Page 3.)

Because the application deadline is less than 45 days away, raffle tickets must be purchased and payment received by Aug. 15. The winner will be announced Aug. 16, giving Community Spec the time needed to complete and submit the grant paper work.

Motorcoach operators can purchase raffle tickets directly from the council by contacting its executive director, Heather Horton, by phone at (303) 818-3499, or via email at [Heather@Motorcoach-Council.org](mailto:Heather@Motorcoach-Council.org).

Raffle ticket entry forms may be downloaded online at <http://goo.gl/lvM2b>.

"We're pleased to partner with Terrapin Blue, the parent company of Community Spec, on this exciting grant opportunity, and extend this exceptional value to the industry's motorcoach operators," said Horton.

"The Community Spec grant writers have a proven track record... The raffle is a great way to file this grant application at a fraction of the retail rate, while supporting the council's nationwide public awareness campaign."

For more about the council and its industrywide marketing initiative and public awareness campaign, go to [www.Motorcoach-Council.org](http://www.Motorcoach-Council.org). To learn more about the council's consumer ad campaign, go to [www.GoMotorcoach.org](http://www.GoMotorcoach.org).

and click on one of the links.

The application process is not simple, but some industry trade groups have developed grant application materials to help members through the process. Grant writing assistance also is available from private contractors.

For general program information, contact Blenda Younger, FTA Office of Program Management, at (202) 366-4345, or by e-mail at [blenda.younger@dot.gov](mailto:blenda.younger@dot.gov).

UMA members with questions can contact Ken Presley at (800) 424-8262, or at [kpresley@uma.org](mailto:kpresley@uma.org).

## Coach America employees hit by floods get assistance

DALLAS, Texas — A foundation set up by the investment firm that owns Coach America has awarded grants to 19 Coach America employees whose homes were flooded by the Souris River in and around Minot, N.D.

The Open Road Foundation said it provided victim assistance grants totaling \$74,000 to help the Coach America employees and their families defray extra expenses caused by the severe flooding.

The homes of all 19 employees were significantly damaged or destroyed by the historic flooding. More than 11,000 people were evacuated during the June flooding.

"The support from the Open Road Foundation was incredibly generous and came at a very crucial time for our employees," said George Maney, president and CEO of Coach America, the largest tour-and-charter bus operator in the U.S.

"The speed of the response to the crisis helped our employees in

the Minot area deal with what was and continues to be a truly life-altering experience," Maney added.

Bill Webb, president of the foundation, said the organization was pleased it could respond in a timely manner. "We felt this was such a significant event that we needed to respond to the limits of our ability... and provide economic relief for these employees and their families. Because of the support of our many sponsors and contributors, we were in a financial position to provide these grants."

The Open Road Foundation is supported through contributions from the 10 companies owned by Fenway Partners, their suppliers and others, and an annual fundraising golf tournament.

It was set up three years ago by Fenway Partners to support employees and contract drivers during disasters and unfortunate personal circumstances. It also awards scholarships.

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

### Lift grants

CONTINUED FROM PAGE 3

[www.fta.dot.gov](http://www.fta.dot.gov), click on "Legislation, Regulations & Guidance," and then on "Federal Register," and scroll down to Over-the-Road Bus Accessibility Program Grants

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## Calendar

### AUGUST 2011

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

**7-10 Alabama Motorcoach Association Annual Meeting and Marketplace**, Renaissance, Montgomery, Ala. Info: Go to [www.alabamamotorcoach.org](http://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](mailto:laura@omca.com).

## Driver overtime

CONTINUED FROM PAGE 1

Transportation is responsible," said Presley.

Greyhound agreed, noting that motorcoach operators are exempt from the Fair Labor Standards Act because they are governed by the hours-of-service regulations of the Federal Motor Carrier Safety

# Driver class-action suit is dismissed in California

LOS ANGELES — The Los Angeles County Superior Court has dismissed a five-year-old lawsuit testing the right of limousine drivers to file a class-action suit against their employer after they had signed an agreement waiving their right to join a class-action case.

The decision relieved Empire CLS Worldwide Chauffeur Services of New Jersey of having to pay back wages and overtime pay to the 200 drivers who claimed in the suit the company violated a number of federal labor laws.

The suit was filed as a class action in 2006 by 400 drivers, but

only half of them were certified to be part of the case.

Dismissal of the suit turned on an earlier California Supreme Court decision that involved AT&T and some of its employees who had signed an arbitration agreement that included a waiver of their right to take part in a class-action suit.

The court ruled that the agreement was legal and the employees were not allowed to proceed with a class action against the communications company.

The limousine drivers involved in the suit against Empire also signed such an agreement, and the

court decided that based on the AT&T decision it was an enforceable document and the drivers would have to pursue their disputes individually and not as a single class.

Rod Rave, vice president of global operations for Empire, suggested in an interview with Limousine Charter and Tours magazine that others in the industry could learn from the outcome of the lengthy court battle.

"The takeaway is that class-action waivers in an employment arbitration agreement are enforceable under the AT&T case," he said. "Limousine and transporta-

tion companies need to implement and enforce arbitration agreements, containing class-action waivers, to protect themselves from costly wage-and-hour litigation in state and federal courts."

He said the arbitration policy can be a stand-alone policy or a policy within a company's employee handbook.

"The employee, however, must sign an acknowledgment form acknowledging that he or she agrees to arbitrate all claims and waives the right to file a representative or class action arising out of the course of his or her employment," he added.

Administration.

"There is no reason to change this statutory framework by removing motorcoach companies from the FLSA exemption," said Greyhound spokesman Tim Stokes.

He said the hours-of-service regulations work well to combat driver fatigue for companies like Greyhound, and fatigue becomes an issue when motorcoach companies

or drivers violate those regulations.

"The way to combat driver fatigue is through better enforcement of the hours-of-service regulations, rather than changes in the longstanding statutory framework," he asserted.

The exemption was put in place by Congress partially to avoid disputes between the USDOT, which enforces driver hours-of-service

rules, and the U.S. Department of Labor, which is responsible for enforcing overtime pay regulations.

The ATU maintains that the exemption, when combined with what it calls "criminally" low driver pay, results in many fatigued drivers getting behind the wheel of motorcoaches.

"In the intercity bus industry, the lack of guaranteed overtime

pay after a 40-hour work week is a dangerous exception to the rule," said ATU President Lawrence J. Hanley. "Extending these protections to intercity bus drivers is not only the right thing to do; it's the safe thing to do for our riders."

He claimed that drivers are being forced to work as many as 100 hours a week and often have to get second and third jobs to earn a living, making them even more fatigued when they report for their driving assignments.

"The unsuspecting customers get on those buses and disaster can strike," he asserted.

Hanley urged Congress to eliminate the exemption by adding an amendment to The Motorcoach Enhanced Safety Act of 2011, which earlier this year was reintroduced in the Senate by Democrat Sen. Sherrod Brown of Ohio and Republican Sen. Kay Bailey Hutchison of Texas and in the House by Rep. John Lewis of Georgia.

The legislation would mandate a number of new safety measures, including seatbelts for passengers, advanced glazing of coach windows, crush-resistant roofs, pre-authorization safety audits, testing of new operators, and state-conducted safety inspections.

Hanley said while the bill makes some long-overdue changes to federal transportation regulations, it does not include a specific proposal to address driver fatigue.

"At the end of the day, technical fixes like seatbelts and driver training — while incredibly important — won't prevent crashes so long as drivers aren't stopped from getting behind the wheel on zero sleep," he said.

In an ATU "white paper" suggesting the need for the exemption to be lifted, the labor group cited a 2009 report issued by the National Transportation Safety Board that said driver fatigue was found to be the root cause in 37 percent of motorcoach accidents and 36 percent of fatalities.

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