

Bus & Motorcoach NEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

Most new coaches getting seatbelts

Pending regs prompting operators to ask for 'em

Motorcoach operators across the U.S. aren't just idling along while they wait for the National Highway Traffic Safety Administration to put the finishing touches on the much ballyhooed mandate for passenger seatbelts on over-the-road buses.

Instead, operators that are buying new coaches are getting them with lap-and-shoulder restraints.

"Many operators are already ordering their coaches equipped with three-point seatbelts to be proactive and to stay ahead of their competition," said Greg Lukas, regional vice president of MCI, which offers the safety restraints as a factory option.

He said more than 50 percent of the coaches MCI sold in the first half of this year were equipped with passenger seat safety restraints.

Other manufacturers — Prevost Car and ABC Companies/Van Hool among them — have made it even easier for operators to get seatbelts by making them standard equipment on their coaches.

That decision apparently hasn't discouraged anyone from buying Prevosts or Van Hools.

"Prevost customers share our dedication to passenger safety and we have not had any delays in coach purchases due to upcoming seatbelt requirements," emphasized Alan Dvoskin, marketing communications director for Prevost. He said all Prevost coaches are equipped with a standard safety package that includes three-point seat belts.

ABC customers haven't shown any resistance either to buying Van Hool coaches, all of which have three-point seatbelts as standard equipment, reports



Brenda Borwege, vice president of marketing. "We are not delaying orders for new coaches due to (pending) seatbelt rules," she stressed.

The purchases appear to erase early concerns in the industry that many operators might be hesitant to buy coaches this year because of the uncertainty over the yet-to-be-announced seatbelt regulations.

Federal regulators haven't detailed technical standards for passenger safety belts they plan to mandate on all new coaches, and whether the rule will extend to retrofitting existing buses with the safety restraints.

Sales of new coach sales have been off for several quarters, but manufacturers blame the sour national economy and cloudy business outlook for the slump rather than concerns over what the seatbelt regulations will look like when they're finally issued.

"Operators appear to have done their homework and have factored in that the mandate is coming and they are buying coaches with safety belts," noted Gary D. Thompson of American Seating.

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Bankruptcy filing for fast-growing operator

SEATTLE — Darren Berg, who has presided over the fastest-growing motorcoach company in the nation during this decade, filed for personal bankruptcy protection last month.

The bankruptcy came as many of Berg's other businesses, including a group of mortgage investment funds he managed, imploded and were forced into bankruptcy by disgruntled investors.

And it came after lawyers from one group of investors, armed with a court order and accompanied by sheriff's deputies, raided Berg's home on Mercer Island and his condominium in downtown Seattle. According to some media accounts, valuable personal possessions were seized in the raids, but other accounts indicated nothing

was taken, not even a cookbook.

Berg's Chapter 11 filing estimated his personal assets at more than \$10 million and his liabilities at \$1 million to \$10 million. His largest creditors were listed as banks.

It was unclear in the wake of the personal bankruptcy filing and the forced filings by the Berg-run investment funds, what the status and outlook was for the motorcoach companies Berg operated. Berg has indicated they could be used to help satisfy the claims of investors. But, at the same time, he says it is too early to know what will happen to the bus operation and he asserts its greatest value is as an ongoing entity.

Berg's principal coach company is MTR Western, also known

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Officials in NYC tackle midtown parking issue

NEW YORK CITY — Mounting bus parking problems at one of this city's most-congested tourist stops are getting a close look by city officials.

The Mayor's Midtown Citizens Committee and New York City Council Speaker Christine C. Quinn are surveying the needs of charter-and-tour buses that visit the popular midtown theater district in hopes of finding both short- and long-term parking solutions.

The area between 30th and 60th street has long been a major trouble spot for motorcoaches because of traffic congestion, few parking spaces, limited passenger drop-off and pick-up locations, and often strict police enforcement of parking and stopping regulations.

City officials say the problems worsen dramatically during the Thanksgiving to New Year's holi-

day season when the area turns into what some operators say is a nightmare for most drivers, especially those who are new to the area or who only visit occasionally.

The Bus Association of New York and the United Motorcoach Association urge all operators that run charters to the theater section of the city — even if only on occasion — to take the short survey that can be completed online in about five minutes. It is available at www.surveymonkey.com/s/Tourandcharterparking.

More than 80 operators already have completed the questionnaire, which asks companies the number of times they have charters in the theater district each day of the week and each month of the year, as well as the amount of money they spend daily for parking,

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Obama Administration favors tolling

WASHINGTON — U.S. Transportation Secretary Ray LaHood says the Obama Administration favors tolling and public-private partnerships over increasing fuel taxes to pay for transportation and infrastructure.

LaHood told the House Transportation and Infrastructure Committee that funding a long-term surface transportation bill, such as the one unveiled a year ago by Transportation and Infrastructure Committee Chairman James Ober-

star, D-Min., requires thinking outside the box to cover the estimated \$450 billion to \$500 billion price tag.

Committee members quizzed LaHood last month about where the administration stands on how to fund the bill.

"The administration is opposed to raising the gas tax when we have unemployment hovering around 10 percent and people are out of work," LaHood said.

"There is a gas tax in existence.

We should use those resources and couple those with other opportunities. We've suggested an infrastructure fund; we've suggested public-private partnerships; we've suggested tolling. I've been to places around the country where they've put HOT lanes (high-occupancy toll lanes) in and funded them with tolls. You can raise a lot of money with tolling, and people see the value of those."

LaHood indicated the adminis-

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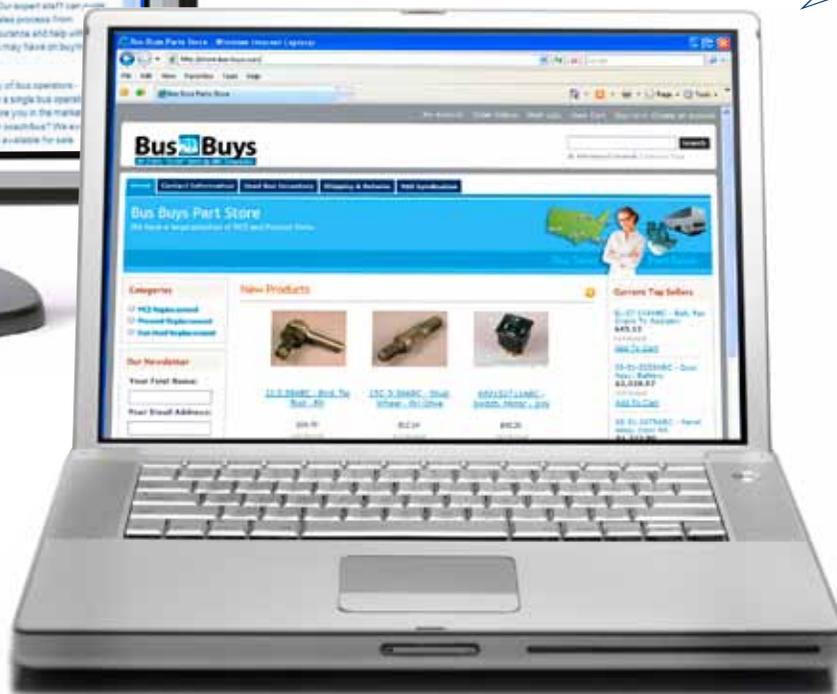
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Industry eyes Wash. primary

OLYMPIA, Wash. — Motorcoach operators from across the U.S. will be keeping an eye on the primary election Aug. 17 in Washington to see who the Republican candidate will be to face Democrat Sen. Patty Murray in the general election in November.

Murray has become the politician coach operators in Washington and elsewhere love to hate because of her efforts to weaken the federal charter service rule.

She pushed through a provision that allows the public transit agency in Seattle to engage in charter service. (See June 15, July 1 and Aug. 1 issues of *Bus & Motorcoach News*.)

The three top Republicans facing off in the Washington primary on the 17th are former state senator Dino Rossi, former football player and Tea Party favorite Clint Didier, and businessman-inventor Paul Akers.

The Washington election is one of several primaries still remaining before the general election in November.

In addition to Washington, Wyoming also will hold a primary

Grant is catalyst for forging new trails

N.Y. operator adopts sophisticated system

RENSSELAER, N.Y. — During the past eight years, the U.S. Department of Homeland Security has doled out \$95 million in grants to scores of motorcoach companies to help pay for security improvements.

Operators, large and small, have used these Bus Security Grants, as the government largess is called, to install security cameras and fencing, equip buses with driver shields, install passenger or explosive screening equipment, and add global positioning satellite tracking and vehicle communication systems to their coaches.

Today, thousands of coaches across the U.S. have GPS and wireless communications systems as a result of the grant program, aiding operators in ways that go beyond the added security. One of those companies is Yankee Trails World Travel of Rensselaer in upstate New York, near Albany.

In applying for one of the grants two years ago, the owners of Yankee Trails saw the program as an opportunity to not only improve security but also to improve company operations, save money, and upgrade driver performance.

“The federal grant represented an exciting opportunity for growth,” said Stephen Tobin,



Stephen Tobin of Yankee Trails

president of Yankee Trails. “A year after completing the rigorous and competitive application process, we were awarded a portion of the grant. The infusion of those funds gave us the means to open the next chapter of our business.”

At the time it submitted its grant application, Yankee Trails was tracking its fleet mile-

age using a manual process that required drivers to fill out sheets at the end of each run. It was a system better suited to the time when Yankee Trails was founded 53 years ago than the current high-tech era.

With the grant, Yankee Trails began looking for a supplier that would not only address security issues but also help it eliminate the mileage sheets, provide real-time driver behavior status, and track its vehicles. Five companies, which offered GPS tracking technology, responded to Yankee Trail’s RFP.

“Every company we spoke with had similar GPS tracking applications,” said Tobin. “Some had more bells and whistles (than others), but overall, the front-end technology and web applications gave us the same kind of data.

“After going through all of their presentations, we felt comfortable with the technology and had narrowed down our selection to one company. That’s when we got a call from... MiX Telematics, which impressed us enough to consider its solution as well.”

MiX Telematics North America, which is based outside of Dallas, specializes in fleet management and real-time vehicle tracking products. It also offers proprietary “driver behavior modification solutions.”

“Within just a couple of days we were sit-

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Aug. 17. A week later, Alaska, Arizona and Florida have primaries on Aug. 24, and Louisiana on Aug. 28.

The primary season wraps up in September. Eight states — Delaware, Maryland, Massachusetts,

New Hampshire, New York, Rhode Island, Vermont, and Wisconsin — and the District of Columbia will

hold primaries Sept. 14. Hawaii follows four days later when voters cast ballots Sept. 18.






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THE DOCKET

Oil speculators facing possible trading curbs

WASHINGTON — Buried deep in the massive financial regulatory overhaul bill signed into law last month by President Obama are provisions designed to stop speculators from manipulating oil markets.

Ultimately, say supporters, the new law could avoid sharp run-ups in oil and fuel prices like what occurred in July/August 2008, when the national average price of diesel fuel hit a record \$4.75 a gallon and crude oil prices raced past \$130 a barrel. (See June 1 and May 1 issues of *Bus & Motorcoach News*.)

The bill requires comprehensive reform of regulations covering the over-the-counter derivatives market, according to the Commodity Futures Trading Commission, the agency that regulates that market.

“Over-the-counter derivatives dealers will — for the first time — be subject to robust oversight for their derivatives activities,” said CFTC Chairman Gary Gensler. “This will greatly improve transparency and lower risk in the marketplace.”

Under the bill, the commission is authorized to write rules that will set capital and margin requirements for over-the-counter derivatives dealers. The rules also will set new standards for how dealers conduct their business affairs, and will set new recordkeeping requirements.

In addition, the commission will create a regulated exchange for trading derivatives. This is considered a key step toward bringing the market out into the open.

The United Motorcoach Association was among a large number of industry organizations, called The Coalition to Stop Oil Speculation Now, that advocated and worked for the oil trading provisions.

While the trading provisions in the Restoring American Financial Stability Act of 2010 are designed to close loopholes, improve oversight, and increase transparency in domestic oil markets, critics say oil speculators will move more of their trading to overseas markets, undermining or creating an end run around the U.S. law.

Study: States still in money trouble

ALBANY, N.Y. — A new survey by the Nelson A. Rockefeller Institute of Government finds that most states are still in financial hot water.

The survey showed that aggregate state revenue increased slightly in the first quarter of this year, compared to the first three months of last year, but the increase resulted entirely from legislated increases in revenue in New York and California.

Two-thirds of the states reported continuing overall declines.

In the worst-off states, Louisiana and Montana, decreased oil and gas production cut revenue by 25 percent or more.

The figures are all the more ominous considering 2009 was one of the worst years ever for state tax collections.

The institute predicts figures for the second quarter of 2010 will not bring good news either.

Preliminary reports from April show income tax collections down more than 7 percent from last year.

The report, *Overall State Tax Revenue Is Up, But Losers Still Outnumber Gainers*, can be found at www.rockinst.org.

House members take aim at 1099 reporting law

WASHINGTON — Efforts have begun in Congress to kill a provision of the new federal healthcare bill that critics say could bury small businesses, including motorcoach operators, under a mountain of paperwork.

Buried deep in the Patient Protection and Affordable Care Act — a 906-page law — is a new requirement for all business owners to submit a separate 1099 form for every single business-to-business transaction that totals more than \$600 in a given year.

For coach operators that could amount to hundreds of 1099 forms every year — forms for every repair service, parts provider, hotel, and fuel supplier, just to name a few — where the operator spends more than \$600 annually.

The intent of the requirement was to recoup millions in unreported taxes. But the cost of complying with the regulation will

rapidly surpass any taxes collected, say critics.

Small coach operators will likely have to pay an accountant to prepare all the 1099s — which could likely run several hundred dollars on top of their normal tax preparation fees.

There appears to be growing bipartisan acknowledgment in Congress of the need to repeal the Form 1099 requirement.

Rep. Dan Lungren, R-Calif., introduced the Small Business Paperwork Mandate Elimination Act, HR5141, to repeal the 1099 provision. The bill currently has 160 co-sponsors and has been sent to the House Ways and Means Committee for consideration.

Other bits and pieces of legislation have attempted to repeal the provision, but failed because they were tied to larger pieces of legislation that could not garner votes needed to pass.

Calif. UCR enforcement begins

Enforcement of Unified Carrier Registration fees for California-based coach operators and

truckers starts Aug. 15, one month after enforcement began in the rest of the U.S.

The delay was adopted last month by UCR board members when California's intention to fine motor carriers — that had not registered — between \$300 and \$1,000 was discussed.

An official from a trucking association pointed out to UCR board members that because the state had not notified California-based truckers and bus operators of the UCR registration deadline, it would be appropriate to allow those motor carriers more time to comply before issuing fines.

Immediately following the suggestion, a motion was made to delay enforcement in California for 30 days. The board voted unanimously for the delay.

California-based motor carriers will not face any enforcement action for nonpayment of UCR registration fees until Aug. 15.

Data submitted to the UCR board shows that California has collected registration fees from only about 27.1 percent of all the motor carriers based in the state, one of the worse collection rates in the country.



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House blocks \$200 million for USDOT 'livability' grants

WASHINGTON — The U.S. House has adopted an amendment that keeps \$200 million in highway money from being doled out for the USDOT's "livability" grants.

The amendment, offered by Rep. Peter DeFazio, D-Ore., was part of a Transportation-Housing and Urban Development spending bill — commonly referred to as the THUD bill — passed by the House late last month.

The amendment states that the \$200 million may only be used for U.S. Department of Transportation livability grants if the program receives authorization from the Transportation and Infrastructure Committee. DeFazio is chairman of the Transportation and Infrastructure Committee's subcommittee on highways and transit.

DeFazio used the amendment to send a message about the need for Congress and the White House to pass a long-term transportation authorization bill.

"If Congress is to authorize a new livable communities program, we should do so as part of a comprehensive surface transportation authorization — not as part of an annual appropriations bill," DeFazio stated in a letter to fellow lawmakers.

Tolling favored

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tration is close to releasing guidance language to Congress concerning the next long-term surface transportation authorization bill. The bill would replace SAFETEA-LU, which has been funding federal transportation programs since August 2005, and continues to limp along via short-term extensions.

LaHood said the administration likes Oberstar's bill, but funding remains the biggest hurdle for lawmakers and the White House to complete it.

"There's no dispute about what the needs are in America. We all know what they are," LaHood told the committee. "It's really just trying to find billions of dollars that it takes to do it. If we find the resources, I have no doubt you'll pass a bill tomorrow or pretty quickly."

The Obama Administration has proposed a national infrastructure bank to help finance large-scale projects, but appropriators have not given it any funding so far.

That leaves tolling and public-private partnerships, LaHood said.

"When I've been around the country, I've seen the value of tolling in building infrastructure," he said.

During debate, DeFazio questioned the administration's broad definition of "livability," which amounts to what people want in their communities. It could be bike paths, walking trails or just about anything that pairs up quality of life with mobility.

The USDOT livability program

has become controversial because some in the ground transportation industry say it dilutes spending away from solving congestion problems in favor of the government's attempt at improving urban life.

Critics say it makes no sense to support an ambiguous livable communities initiative when U.S.

highways and bridges remain in dire need of attention and further capacity expansion is stalled. (See July 15 *Bus & Motorcoach News*.)

Even with DeFazio's amendment, the THUD spending bill still contains a separate provision to provide \$20 million in start-up funding for the livability initiative.

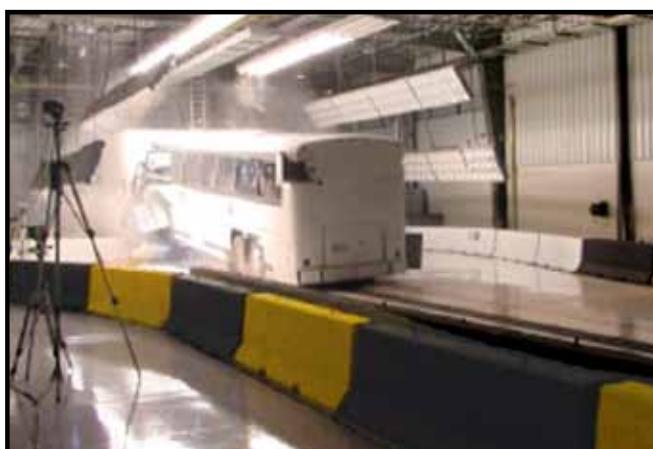
DeFazio attempted to block that effort with an amendment, but the amendment was not agreed to. Nonetheless, the Senate version of the THUD bill does not contain the \$20 million start-up for the livability initiative.

The Senate has yet to act on its version of the bill.



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FedEx to pay \$3 million in contractor settlement

BOSTON — FedEx Ground has agreed to pay more than \$3 million to Massachusetts to settle a suit over the company's misclassification of drivers as independent contractors.

The Massachusetts attorney general alleged that FedEx Ground's failure to properly classify drivers had led the company to make lesser payments to the state for payroll taxes, worker's compensation, and unemployment assistance.

"We have made enforcement against employer misclassification a priority because employers who misclassify workers are gaining an unfair advantage over their competitors and unfairly depriving the commonwealth of tax and other revenues," said Attorney General Martha Coakley.

"With today's agreement, we have recovered \$3 million owed to taxpayers and taken a step to level the playing field for businesses."

Three years ago, the office cited FedEx Ground for violation of the Independent Contractor Law by misclassifying its drivers,

failing to provide a proper pay stub, failing to provide workers' compensation, not paying overtime to certain drivers, and neglecting to deduct and withhold state income taxes.

After the citation and its appeal, the attorney general's office coordinated additional investigations with other state agencies into the company's business practices.

The joint investigation revealed FedEx Ground's misclassification of employees had resulted in significant underpayments to the Department of Revenue, Division of Industrial Accidents, and Department of Unemployment Assistance.

A separate lawsuit for back wages for the contractors is pending.

According to media reports, the FedEx settlement has sent shock waves through several industries, including the limousine industry where chauffeured operators frequently use independent contractors.

Federal and state labor departments are more aggressive.

NYC parking

CONTINUED FROM PAGE 1

including payments for parking tickets.

No silver bullets

Among the ideas under consideration for helping ease the situation are identifying more parking garages and lots in the area that can accommodate large coaches for short periods and obtaining permission from public transit officials for the private charter buses to use some bus stops for loading and unloading their passengers.

There also has been discussion about the Port Authority of New York and New Jersey building a bus parking facility, but funds to study the idea recently were pulled because of more pressing financial needs.

"I've been working with stakeholders to improve congestion issues in my council district for years, particularly in the theater district, which is heavily visited," said Quinn.

"Figuring out how to best meet the needs of residents, businesses and the tourist industry, including charter-and-tour buses, is something I'm committed to working on in the long-term," she continued.

"I'm delighted that New York continues to be a favored tourist

destination, and that we see increasing numbers of visitors taking mass transportation — such as buses. As a city we need to work to ensure that we adapt to the increasing demands put on our infrastructure."

Lingering headache

Motorcoach operators have been concerned about the congestion and parking problems for some time and have issued pleas to the city and others to do something about it.

"It's a nightmare down there and a real hassle for the drivers," said John Silvanie of White Plains Bus in White Plains, N.Y., and president of the state bus association. "It's just not driver friendly."

He noted that traffic gets so bad at times that the best and most experienced drivers for carriers from other states are reluctant to take on New York charters.

"And I would think the city would want the best drivers down there," he added.

Silvanie said the state association worries the city will offer solutions that could worsen the situation by making the theater district unfriendly to coach passengers, too. He noted that most charter groups want to be dropped off in front of or as close to their destinations as possible and not be forced

to walk three or four blocks.

"We are anxious to see what they come up with and will be watching them very closely to make sure they don't come up with something silly," he said.

Valuable tips

Godfrey LeBron of Paradise Trailways in Hicksville, N.Y., suggested drivers become familiar with city parking areas and parking regulations for coaches if they plan to visit the theater district. Information can be found at the city's Department of Transportation website at <http://home2.nyc.gov/html/dot/html/ferrybus/charterbus.shtml>.

LeBron also noted that the city does not allow idling while passengers are loading or unloading and drivers need to shut off their engines during those times.

The move to address the parking problem comes just three months after the city council adopted regulations that ban open-air tour buses from using loudspeaker systems. Under the law, which began a phase-in process last month, all sightseeing buses with open roof-top seating must have headphone systems installed by 2015.

The council said it took the action in response to complaints from residents who live in the areas where the tour buses travel.

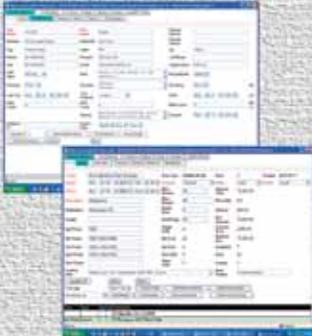


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Seatbelts

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Amaya/Astron Seating said 80 percent of its orders are for seats with three-point safety belts, said sales representative George Ferrell.

"Since belts are available, I don't think they are delaying sales," added Ray Miller of National Seating.

Coach manufacturers and their customers, meanwhile, are betting that the three-point restraints being installed on new buses will meet or exceed whatever standards regulators settle on.

"If the government does issue regulations, operators can be fairly certain that the MCI seat belts will comply with the requirements," maintained Lukas.

Dvoskin emphasized, too, that Prevost customers are confident the high safety standards set by the company will meet or exceed upcoming seatbelt requirements.

While few in the industry seem overly concerned about the particulars of the seatbelt mandate for new coaches, many still worry about the possibility the upcoming regulations will require the retrofitting of some older buses.

And, even if it is not part of the new rule, operators could be forced to do some retrofitting on their own because many of their customers will expect the buses they charter to have belted seats.

The greatest pressure for buses with belted seats is expected to come from schools and groups that charter buses for children. It would be foolhardy, many in the industry believe, for an operator to send two buses to pick up a group of school-age children and only one of the buses to have seatbelts. Such an event is likely to touch off a firestorm.

Meanwhile, many customers al-

No seatbelt regulations, no problem

The absence of specific federal regulations covering belted seats in motorcoaches apparently hasn't slowed operators from buying coaches equipped with seatbelts. (See accompanying story that begins on Page 1.)

However, the absence of U.S. standards has produced a dichotomy among suppliers of belted seats.

Some seat makers are producing belted seats that meet standards established in Europe and elsewhere.

American Seating and IMMI, which produce and market the Premier belted seat, have taken a different approach.

American and IMMI have interpreted current Federal Motor Vehicle Safety Standards to offer a seat that provides both lap-shoulder belts, and protection for both belted and unbelted passengers.

The two seating firms say the

Premier is the only seat tested and capable of meeting applicable sections of the U.S. Federal Motor Vehicle Safety Standards 208, 209, 210, 213, 222 and 225, as well as Canadian federal regulations CMVSS 208, 209, 210.1, 210.2, 213.4 and 222.

The Premier seat, say American and IMMI, was specifically designed to handle what seat makers call "double loading." The term refers to the forces put on the seat when a belted passenger is thrown forward while an unbelted passenger directly behind the belted passenger is thrown into the back of the seat.

In severe frontal collisions, if the seatback is weak, it will fold like a book with the belted passenger in the middle, eliminating potential compartmentalization protection for any unbelted passenger in the seat behind. If the seatback is too strong, it can create severe

injuries for unbelted passengers.

The Premier seat addresses both issues, say American Seating and IMMI, with what they call SafeGuard SmartFrame technology, featuring two seat-back structures with independent functions.

The seat lap and shoulder belts attach to the inner structure that absorbs the crash energy transmitted by the pulling force from the belted passenger. The outer structure remains upright and then yields to cushion and absorb the impact of the unbelted passenger in the seat behind.

Crash tests of the seat by IMMI have shown that the Premier is capable of providing full compartmentalization protection for both belted and unbelted passengers, say the companies.

The testing was commissioned by Greyhound Lines, which adopted the Premier as its standard three-point belted seat.

ready are requesting buses with passenger safety restraints for their trips.

"We are hearing from operators who tell us some of their customers are asking for seatbelts on their buses and that's a good thing," said Thompson.

He said American Seating has a team looking into retrofitting — in case the government mandate or customer demands create a market for it.

"I think the retrofitting boom, if there's going to be one, will come after NHTSA makes its recommendations," suggested Miller.

Ferrell said a few customers are ordering seats with three-point belts for their existing buses, but they are having the coach manufacturer bring the buses up to stan-

dards to match the new belted seats.

"We are not selling seats with three-point seatbelts unless (the customers) confirm that the coaches they are installing the seats on will be modified to accept them," he added.

Farrell pointed out that retrofitting coaches with seats with the three-point belts is very costly because the belts cannot be used on their existing seats, and new seats have to be purchased.

Gene Willingham of Willingham Inc. said his company also has received requests for retrofitting, but he's not sure he wants to take on the liability that would come with such installations.

"We have several designs in mind, but the success of such restraints would depend a lot on the

strength of the used seats and even the floor of the coaches, so we are reluctant to proceed with the project," he said.

Willingham is watching developments in California where several recent bus accidents have occurred that have injured school children. "Some school districts there are demanding coaches with some kind of restraints and the charter bus companies that serve them are scrambling to meet their demands," he said.

Meantime, NHTSA said it still is working on its proposal and expects to file a formal notice of rule-making very soon. Once it is filed, manufacturers, operators and others will have an opportunity to submit comments and recommendations before it becomes final.

Distracted driving is on agenda again

WASHINGTON — U.S. Transportation Secretary Ray LaHood plans to conduct a second summit targeting distracted driving.

The summit will be Sept. 21 in Washington.

Topics are likely to include research, technology, policy, public outreach, and best practices in law enforcement, LaHood said.

LaHood convened the first distracted driving summit in late September last year, bringing together stakeholder groups and victims of distracted driving crashes to address what he called an epidemic among drivers.

Since the first one took place, federal agencies and state governments have taken a variety of actions on the issue of distracted driving.

The Federal Motor Carrier Safety Administration proposed a new rule in early 2010 to make texting while driving a serious traffic violation for commercial drivers.

Soon afterward, LaHood issued regulatory guidance to declare texting while driving was already illegal for commercial drivers under existing regulations.

In April of this year, FMCSA officials set forth a timeline for rules to further "restrict" the use of cellular phones by commercial drivers. And in June, a high-ranking USDOT official said stricter rules would soon be in the pipeline targeting other forms of distraction, including CB radios.

At least 30 states now have laws banning texting while driving or restricting hand-held phone use for drivers. More are expected.

Details about the summit will be posted at www.distraction.gov/2010summit.

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S.C. transit models cooperation

FLORENCE, S.C. — The regional transit system here has demonstrated a level of public-private cooperation too seldom seen among the nation's public transit agencies.

Pee Dee Regional Transportation Authority, which operates in six counties of South Carolina, has updated its website with an overview of the various services it offers, including a paragraph on charter service that contains a link to the Motorcoach Association of South Carolina.

The PDRTA charter overview states right off that it complies with the federal charter service rule, which generally prohibits public transit systems from providing charter bus service.

It notes the rule has exceptions under which charter services can be performed by PDRTA, and it provides a link so users can read

the federal rules and see if their service request may be allowed under the exceptions.

At the same time, it notes there is a list of available private charter bus providers on the Motorcoach Association of South Carolina website, which is linked to the PDRTA website.

The South Carolina association and the United Motorcoach Association worked with PDRTA Executive Director Janice Baroody to develop the web posting and link.

"This is the kind of cooperation we'd like to see everywhere," said UMA President and CEO Victor Parra.



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Harlow's extends Trailways' reach

BISMARCK, N.D. — Harlow's Bus Service of Bismarck is the newest member of the Trailways Transportation System.

Harlow's Trailways joins two other northern Great Plains members, Prairie Coach Trailways and Dakota Trailways.

"The Harlow Family has established an exemplary business reputation that will be most helpful to our team in serving customers throughout the Dakota region and beyond," said Gale Ellsworth, Trailways' president and CEO.

Harlow Hageness started the company with one motorcoach in 1966, and it has expanded to a fleet of 11 full-size units. His son, Jason Hageness, runs the business.

Neal Prichard, Harlow's coach division manager and long-time company employee, said the company is a major school bus contractor and commercial school bus dealer, employing more than 450 people in several Western states.

"Because we are close to two Air Force bases and one Army base, we also provide a great deal of military transports," said Prichard.

"We've had the U.S. Department of Defense certification for several years, and our employees take pride in providing our military the best and safest possible transportation."

Prichard said the company became affiliated with Trailways to enhance business opportunities, especially those with a global scope. "The Trailways brand is highly respected and it shares our business philosophy," he said.

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Berg bankruptcy

CONTINUED FROM PAGE 1

as Meridian Transportation Resources. It operates in the western U.S. and Canada.

“The bankrupting of the mortgage funds is a positive development for the coach company,” Berg said in a statement to *Bus & Motorcoach News*. “The coach company is strong and remains profitable. Cash flow issues affecting the mortgage funds had become a drain on the cash reserves of the coach company.

“Now that the mortgage funds have been placed into bankruptcy, the coach company can operate free of peripheral drains on its cash,” he said.

Berg denied assertions that his coach operation was being subsidized by the mortgage funds.

“Not true,” he said. “The mortgage funds have been in no financial position to support the coach company for a very long time.”

Berg went on to say that “large reserves of cash (approximately \$6.5 million) have been withdrawn (so far this year) from the treasury of the coach company and paid over to the mortgage funds. The coach company cannot reasonably expect to receive the return of those funds in the short term and, as such, it will need to look to itself and its own operations to replenish its cash reserves.

“Fortunately, MTR is strong and profitable and it will be capable, going forward, of earning and reserving appropriate stores of cash for the coming slow season.”

As for concerns the coach company might be sold or liquidated to pay claims of investors in the mortgage funds, Berg said “MTR is an entirely separate legal entity that stands apart of the mortgage funds from a liability perspective.

“That said, it is true that I publicly stated my desire to pledge much of my personal wealth for the sake of doing all that is within my power to make investors in the mortgage funds whole. I believe that is what a stand-up guy does in this situation. The conversation about what that looks like and how that happens continues as of this writing.

“All that said, one needs to understand that the value of MTR is as an operating entity, not as an entity in liquidation. MTR will absolutely continue to operate and will be stronger going forward,” Berg added.

MTR Western has specialized in charters and sightseeing tours, and it counted among its clients large tour companies. Berg also has operated a sightseeing company, Sightline Tours, in Vancouver, British Columbia, which used MTR Western coaches and drivers.

About four years ago, MTR Western signed a deal to acquire Oregon Coachways of Eugene, Ore., from owners Donald Moorehead and John Mikulvich. The company was rebranded as OC&W Coachways and positioned as a no-frills charter service with locations in Oregon, Washington and California.

Contacted at his home in Eugene, Moorehead said payments to him and Mi-

kulvich from Berg/MTR Western for the purchase of the company and its building had ceased in May. Under the sale arrangement, Moorehead sold the building, while Mikulvich sold the company assets.

As a secured credit Mikulvich reportedly is participating in the bankruptcy, while Moorehead said he has taken legal action to repossess the building.

“(Berg) has until the 10th of December to get it squared away, but I don’t think he’s in a position where he can get it squared away,” said Moorehead. “...I would have to believe that now it’s up to the trustee (to decide what to do.)”

As of late last year, Berg’s bus companies had a fleet of nearly 170 coaches, making MTR Western the 12th largest motorcoach operation in North America, according to *Metro Magazine*, bigger than such well-known companies as Krapf Coaches, DATT-CO and Lamers Bus Lines.

Berg’s meteoric ascent from a four-coach operation in 2003, to an industry giant by 2009, garnered him busloads of industry attention, including awards from *BusRide* magazine and the United Motorcoach Association.

Berg’s financial problems became public fodder about the middle of last month when lawsuits — filed by investors in the Berg-managed mortgage investment funds — began surfacing.

Ultimately, a group of investors filed involuntary Chapter 11 proceedings against at least four of the Berg funds. Five other funds were placed in bankruptcy later in July by

the court-appointed trustee assigned to oversee the funds.

Mark Calvert, the trustee, has been quoted as saying his priority as trustee was to maximize recovery for the many creditors of those funds. He also said that before filing the personal Chapter 11 bankruptcy, Berg had been cooperative and had agreed to turn over some of his business assets, including the bus companies, to the creditors of the Meridian funds.

“About 25 out of 26 attorneys” involved with the case were ready to go along with his approach, said Calvert, but the personal bankruptcy triggered by the raid on Berg’s home and condo added another element to the growing pile of litigation.

The nine Meridian funds managed by Berg attracted a total of \$175 million to \$185 million from investors, Calvert estimates.

Since the turmoil began, Berg has come under intense media scrutiny, plus withering attacks on the internet.

The Seattle Times, the region’s major daily newspaper, has probed Berg’s background, including claims on several Berg company websites that he graduated from University of Oregon.

The newspaper reported the school said there’s no record he did.



Darren Berg



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Important new job: Monitoring your 'virtual identity'

By Dave Millhouser

We were sitting in the transportation office when the HAM called.

No mammal is more dangerous than a Hot Angry Mom. So, the boss listened quietly for what seemed like an hour, and then said: "Yes, ma'am, we'll fire that hot dog."

The hot dog was me, and the mom had gotten a call from her kid who sat in the seat behind the driver for hundreds of miles. He said I'd never dropped below 80 the whole way.

He was right, but on old GM's the air gauge and speedometer were side-by-side and the same size. The bus had never dropped below 80 PSI.

Tragically for our industry, the boss fibbed and I wasn't fired.

In Ye Olden Days it was pretty easy to keep track of what folks were saying about your company. They called or wrote, letting you know how they thought you were doing.

Those methods required a bit of effort and lacked anonymity, so often comments were useful. Most operators have a wall covered with nice letters (and personnel files

full of nasty ones).

The digital age has added an important new dimension to customer comments that we all need to consider because the implications can be dramatic.

For a good time, go to www.yelp.com and search for well-known bus companies. This, along with many other sites and blogs, offers the opportunity for folks to express their opinions about all sorts of services — often anonymously.

For an edgy time, do some searches for your own company. A note of caution: it can be scary.

Some writers on the internet are a bit crazed when they think they have a Harry Potter Invisibility Cloak, and we live in times where too many feel they must somehow "make a difference."

What to do?

Since this is a new phenomenon, we're all learning as we go, but I've stolen a few ideas that might help.

First, keep your eye on things. Some internet search engines offer automated searches that send you an email when a specified topic is mentioned. Stick in your company name. Check up on your competitors, too. It's tempting to assign

this to an employee, but this may be something you want to do yourself.

When ugly stuff turns up don't overreact. The fruitcakes usually look like nuts, and the public "gets it."

Conversely, your web persona can be a real help, or hindrance, to business. A pattern of false information about you can hurt.

If a significant incident happens while stuff is floating out there, it can make things exponentially worse. In cases like that, you may want to be proactive, responding thoughtfully, or encouraging loyal clients to do so.

Another arena that bears watching is employee behavior. With all sorts of social networking sites out there, it's important that the people who work for you understand that their appearance on these sites reflects on both you, and them.

Companies should consider formulating a policy for digital behavior. The law is evolving here, but you probably don't want a driver using speedingtowardsdeath@arg.net as an email address.

Just as you don't want a uniformed driver drinking a beer in

public, even when off duty, it's safe to say you don't want any of your employees seen in ways that make your company look bad or frivolous.

It's important to understand that, once published, this stuff is out there forever, reflecting on either your company or your employees. Things that may seem silly at the time could bite you in the event you have a real problem in the future. Electrons are forever.

If you are inaccurately portrayed, it's akin to identity theft, and customers, journalists and lawyers who don't know you, may assume the picture is accurate, and use it to form judgments.

My nephew will never be pres-

ident. Nick is a bearded 220-pound hockey player with great grades, great values and a terrific work ethic. There is this ONE photo of him



Dave Millhouser

on Facebook, wearing a satin gown, singing into a microphone.

That picture is out there forever.

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

Calendar

AUGUST 2010

19-22 National Association of Motorcoach Operators 2010

Annual Conference, Doubletree Boston/Waltham, Waltham, Mass. Info: www.namocoaches.org.

23-26 Motorcoach Association of South Carolina Annual Meeting and Marketplace,

Spartanburg Marriott at Renaissance Park, Spartanburg, S.C. Info: www.scmotorcoach.org.

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CONTINUED FROM PAGE 3

ting down with MiX Telematics, who shared their driver solutions with us and explained how they could give us immediate notification of driver behavior in addition to the vehicle tracking. Those real-time reports sold us on the (driver behavior modification) solution," said Tobin.

The basic MiX Telematics system costs just over \$2,000 per coach, which includes hardware and three years worth of service.

When the Department of Homeland Security announced its grants in 2008, the amount awarded to Yankee Trails was \$157,000. (See June 15, 2008 *Bus & Motorcoach News*.)

However, companies awarded DHS grants are prohibited from revealing exactly how much they spend for security enhancements, and the exact scope and nature of all upgrades.

Following installation MiX's In-Vehicle Monitoring System in each of the company's 50+ motorcoaches, MiX and the company began monitoring the driving behavior of Yankee Trails' drivers.

Not only are Tobin and his managers able to access driver reports, which show important data ranging from engine idle time to speeding, but they also have the assurance that MiX's fleet analysts are looking for the same red flags.

"Once our MiX system was up and running, we could observe the driving habits of each operator and provide real-time, action-



Brian McCoy

able reports to Yankee Trails management," said Brian McCoy, vice president of sales and marketing at MiX Telematics North America.

"For example, we set up specific reports that display all of the red flags for excessive fuel burning behavior, which are automatically emailed to the Yankee Trails team."

The front-end portion of MiX's system includes the technology a company needs to visually observe each route.

With the system, Yankee Trails can pinpoint the location of any coach in real-time, as well as observe the operator's driving habits, such as speeding, harsh acceleration, hard braking and excessive idling.

The back-end portion of the system includes a team of analysts who monitor the information being recorded by intelligent video management systems technology and create real-time actionable reports that Yankee Trails can use to consult and train its operators to improve driving behavior.

Unexpected rewards

While the majority of Yankee Trail's drivers understood the intent behind the initiative with MiX, Yankee Trails met some resistance. A few saw the program as a type of "Big Brother," constantly looking over their shoulder.

In an effort to allay concerns and rein-

force the fuel savings opportunities the tracking and monitoring system offered, the company placed a large TV in the driver's lounge, which displays everything from the location of each motorcoach on a Google satellite map, to instances of harsh braking and excessive idling.

The TV allows drivers to see how the data is helping the company manage overall driving habits.

"Cutting down on speeding not only reduces the odds of a crash, but MPG is lowered by up to 2.2 percent for every one mile per hour over 55 MPH," notes McCoy of MiX. "Add those potential savings to the roughly two gallons of fuel saved per hour by eliminating excessive idling, and the reduction of maintenance costs by eliminating hard braking and acceleration and the (return on investment) starts to add up."

Yankee Trails also saw the real-time data MiX was providing as an opportunity to create a driver incentive program. This program scores every driver based on the information provided by MiX and rewards the top drivers based on fuel savings.

The company outlined the parameters of the program to MiX, which began creating monthly driver reports using a company-wide scoring system.

"Every time one of our drivers gets behind the wheel, they earn points for driving within the guidelines of our new driving program," explained Tobin.

"We provide a certain number of points every time they meet the guidelines, but also penalize for speeding, harsh braking,

idling and the other elements of driver behavior we consider unsafe or which unnecessarily burn fuel.

"Not only can we pull this report ourselves, but every month MiX sends us a report that details each operator's driving behavior and ranks them by score."

The company's rewards program is paid out quarterly, with the first awards taking place this past December. Drivers can earn from \$100 to \$500 over a three-month period.

Unexpected rewards II

In addition to creating the cash-based incentive program, Yankee Trails also is using the MiX technology to help solve a thorny payroll issue.

Prior to implementing the MiX solution, drivers were paid by the hour or mile, whichever was greater. All of the mileage and time data was recorded on mileage sheets completed by the drivers. However, managing and interpreting the mileage sheets was a constant challenge for Yankee Trail's human resources department.

Now, using the MiX system, mileage is tracked electronically. The reports are being automatically delivered with no driver input required.

"The real-time reporting services provided by MiX weren't available from companies we talked to at the beginning of our search," said Tobin. "But we've since found that tracking a bus is only (one) piece of the puzzle. Having MiX feed us real-time data about our drivers' behavior has created a whole new way of doing business for our company."



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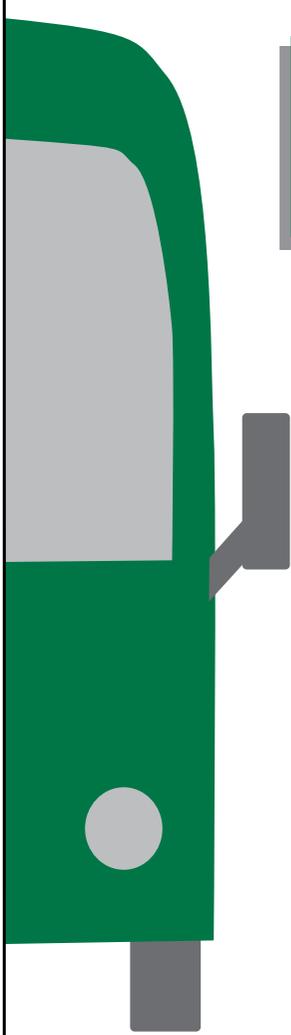
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Stephen Keppler becomes CVSA executive director

WASHINGTON — Stephen A. Keppler, interim executive director of the Commercial Vehicle Safety Alliance for most of the past year, has lost the interim in front of his title.

The CVSA announced that after conducting a year-long search it had appointed Keppler its top executive.

Keppler has 18 years experience in the transportation industry, almost all of which has been associated with truck and bus safety and security.

He joined the Commercial Vehicle Safety Alliance in March 2000, serving most recently as director of policy and programs before becoming interim director after the sudden departure of Stephen F. Campbell 11 months ago.

“Steve (Keppler) has been serving earnestly as our interim executive director for nearly a year now, going above and beyond the call of duty to ensure the organization stayed on track during a very busy year,” said CVSA’s President Buzzy France.

“This position serves a critical

role in advancing the success of the alliance by moving us forward in achieving our strategic goals and our mission to promote commercial motor vehicle safety and security by providing leadership to enforcement, industry and policy makers,” France added.

Previous positions held by Keppler include department director for vehicle systems at the Intelligent Transportation Society of America, and at USDOT/FHWA Office of Motor Carriers (now the Federal Motor Carrier Safety Administration).

He is a graduate of Drexel University in Philadelphia with civil engineering and architectural degrees.

CVSA is a not-for-profit organization comprised of local, state, provincial, territorial and federal motor carrier safety officials and industry representatives from the United States, Canada and Mexico. For more information, go to www.cvsa.org.

Offices in Maryland

GREENBELT, Md. — The Commercial Vehicle Safety Alli-

Top line soars at Nat’l Interstate

RICHFIELD, Ohio — National Interstate Corporation has reported net income of \$7.6 million, or 39 cents per diluted share, for the second quarter, down from earnings of \$12.1 million, or 63 cents per diluted share, for the same quarter last year.

The 37 percent drop in second-quarter net income reflected a number of factors, including atypical losses this year compared to an atypical absence of losses last year, and the snowballing impact of rate decreases resulting from the lingering soft insurance market.

“The loss and loss adjustment expense ratio for the 2009 second quarter was unusually low, but we can’t look past the fact that the 2010 second quarter losses were slightly higher than we expected,” said National Interstate President and CEO Dave Michelson.

“We anticipated some deterioration in the operating earnings due to the cumulative effect of low-to-mid-single-digit rate de-

creases that have occurred over the past several years,” he continued.

“However, a few of our 30-plus products experienced higher-than-expected claims activity during the 2010 second quarter. Underwriting and pricing actions are underway in our specialty personal lines component and we are closely monitoring our other products to determine if any of the elevation in losses for the second quarter was caused by factors other than timing,” Michelson added.

The company’s annualized return on equity was just under 13 percent for the first half of this year, down from a 21.5 percent return on equity posted during the first half of last year.

The decline in earnings came despite gross premiums being up 19 percent during the second quarter and up 3 percent for the first half of 2010.

“Our top-line momentum continued in the 2010 second quarter attributable to several factors,”

said Michelson. “We continue to see competitive pricing in the commercial insurance markets, but stabilization in the transportation industry has limited the erosion of our exposure base.

“Also, we continue to experience high retention — at flat rates, and new business in our alternative risk transfer component. Finally, we are feeling the impact of our increased marketing efforts related to our traditional transportation products,” said Michelson.

Gross premiums written for National Interstate’s transportation component increased 14.8 percent during the first half of 2010, due to increased marketing efforts, including expanded distribution, agency incentives and emphasis on top-tier truck and passenger transportation accounts, the company said.

Directors of National Interstate have approved a quarterly dividend of eight cents per share. The dividend is payable Sept. 10.

Lane, Ste. 310, Greenbelt, MD 20770-6319. The new phone number is: (301) 830-6143.

The CVSA government rela-

tions unit maintains an office at 444 N. Capitol St. NW, Ste. 722, Washington, DC 20001-1534. Phone: (301) 830-6148.

ance has moved its headquarters from Washington, D.C., to Greenbelt, Md.

The new address is: 6303 Ivy

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Coach paint protector introduced

Two-step product bonds chemically

ROCK HILL, S.C. — A product that protects the finish on new vehicles, ranging from autos to airplanes to boats, is now being marketed to the motorcoach industry.

The product, PPS,[®] is billed as a finish protection system that fuses with the vehicle paint, providing protection from environmental degradation and deterioration, as well as a lasting shine. Its marketer says it's guaranteed for five years.

PPS uses a patented technology, called electrophoresis dynamics, that chemically fuses the protective material to the vehicle surface.

When used, an electrolyzed wash solution suspends, purges and cleans the pores of the vehicle surface of previous coatings, trapped dirt, oil, light oxidation and contaminants. While doing this, it generates a magnetic and electrostatic force of positive polarity, creating a catalyst that locks onto the negatively charged polytetra-fluoro-ethylene plasticizer (PTFE) molecules contained in a second liquid.

The PTFE molecules in the second coating are pulled into the positively charged pores of the paint.

The coatings in the system will plate over the locked-in PTFE particles, curing to a durable finish as though it were another coat of clear paint, says its marketer.

"The PPS protective coatings continue curing until all the protective chemicals have cross linked, bonded and hardened," said Charles Moquin, president of PROtect Finish by Charles, which markets PPS. "The coating will continue to cure and the shine deepens over the next 48 hours," he noted.

Moquin said PPS was developed by a master chemical engineer, by the name of Roy Nixon, and unlike other vehicle protection systems it contains no waxes, polishes, acrylics, sealants or polymers.

PPS is sold as a kit.

The cost for a motorcoach application is \$276, plus shipping and handling.

For more information, go to www.neverwax.com.

Webb introduces coach brake kits

CULLMAN, ALA. — Webb Wheel Products has introduced Webb Transit Super-Kits, "everything you need" to repair a motorcoach or bus axle, including two Webb OEM-quality brake drums, four new brake shoes lined with Webb W43 FMVSS121 certified friction, and two OEM-grade hardware kits.

The kits "combine the ultimate in convenience and performance to make high-quality brake repairs easier" for motorcoaches and transit buses, says Webb.

The kits also give customers the benefit of single-source accountability, with drums and friction that are tested and matched for optimum performance. Additionally, the kits deliver value to maintenance departments, operations and management by:

machining

- Increasing safety and stopping power
- Reducing or eliminating brake noise
- Reducing driver complaints and comebacks to the shop
- Eliminating procurement of individual foundation brake parts
- Eliminating brake shoe processing
- Reducing labor and brake maintenance costs through increased efficiencies

"Working together with end-users we can develop programs that greatly benefit our customers and greatly reduce their brake maintenance costs," said Randy McGuire, president of Webb Wheel Products transit business unit.

For more information, go to www.webbwheel.com.



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