

Bus & Motorcoach NEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

New York governor, state DOT bombard operators

ALBANY, N.Y. — Motorcoach operators in New York are under siege.

Reacting to a series of fatal motorcoach accidents, Gov. Andrew Cuomo and the state Department of Transportation have put the entire industry under a high-powered microscope and specifically targeted carriers they claim have repeated safety violations.

Their weapon is a controversial new rule hastily put together by state

regulators, allowing them to shut-down operators when they have three to five violations within a six-month period.

Adoption of the regulation — done July 25 without the customary public hearings or input — came just hours before Cuomo announced that eight motorcoach and limousine companies, with a combined fleet of more than 100 vehicles, had their state licenses suspended under the rule.

Cuomo conducted a splashy news conference on a Monday, naming the eight operators, but the operators didn't receive official notification of their suspensions until Wednesday.

The tarred-and-feathered carriers were identified as Best Trails and Travel Corp. of Brooklyn; Party Ride of Brentwood; A&W Tours of Bellport; Touch of Class & Coach of Wyandanch; Silver Star Limo Co. of Yonkers; Zoladz Limousine Service

of Depew; Long Island Limousine Service Corp. of Hauppauge, and Big Apple Bus Charter of Brooklyn.

Cuomo gave the companies five days to cease operations pending a full review of their motorcoach fleets, driver records and business finances. The review could lead to the suspensions being made permanent, extended or lifted.

“The frequent and at times flagrant violations of state and federal safety regulations by charter bus

companies has gone on for too long and put too many lives at risk,” the governor declared.

The action by state officials at the top was so swift that inspectors charged with carrying out the mandate were left floundering. In at least one case, the state DOT scheduled an inspection for one of the eight operators but failed to notify the operator, the inspector or the inspector's supervisor.

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For Chinese buses, success in U.S. remains very elusive

Despite five years of limited success in marketing Chinese buses and motorcoaches in North America, a handful of companies show few signs of giving up trying.

Two of them are working to introduce new models in the U.S. and Canada soon; a third is planning to try a new version of a Chinese import that has been in and out of the market, and a fourth is believed to be in the early stages of studying the possibility of joining them.

Here's what's stirring:

- Bus & Coach America Corp. of Santa Monica, Calif., is growing closer to announcing plans for the introduction of an over-the-

road motorcoach built in China by an Australian manufacturer.

- LZ Bus Line of suburban St. Louis is shooting for the February introduction of a new coach built by the Chinese bus manufacturer that produced the former BCI Falcon.

- Foton America of Brookfield, Conn., plans to have a transit bus produced by a Chinese builder ready to go early next year.

- And ABC Companies of Faribault, Minn., is reportedly working on possibly distributing a Chinese-built motorcoach. However, ABC declines to comment on the report that has been circulating in the industry for months.

Interest by the four companies



A new model, made by the manufacturer of the BCI Falcon (above), will be unveiled at UMA Motorcoach Expo 2012. It hasn't been easy, but the Chinese-designed Stallion (at right) remains in the market.

comes in the wake of the somewhat dismal record of U.S. companies trying to sell Chinese-made or -designed buses.

The drive to bring Chinese

CONTINUED ON PAGE 12 ►



Industry experts question new-entrant safety proposals

WASHINGTON — Prospective motorcoach operators would find getting into the business much more onerous than it is today under new safety rules being considered by the Federal Motor Carrier Safety Administration.

But the possible changes to the agency's new-entrant regulations might not make the industry safer and could even create new safety issues, caution some industry experts.

Being studied by the feds is a plan to “raise the bar” for new motorcoach operators by requiring them to pass a test of their knowledge of safety regulations and undergo a safety review before being granted operating authority.

Once operational, the new companies would be subject to monthly monitoring under the agency's new Compliance, Safety, Accountability program.

The plan is part of a broader, five-year FMCSA initiative to reduce motorcoach accidents by maintaining high safety standards for the industry and removing high-risk carriers, drivers and service providers.

Under the new rules proposed for start-up operators, the current regulation that they undergo a full safety audit within 18 months of their beginning operations likely

would be dropped, according to Jack Van Steenburg, FMCSA assistant administrator and chief safety officer.

Instead, he said, regulators would monitor the new operators monthly, by reviewing their CSA scores, which would include accidents, driver issues, traffic tickets and the results of any random safety inspections they might undergo.

“We are going to make sure

they are knowledgeable and have the right policies in place before granting them authority,” he emphasized.

Van Steenburg maintains that the aggressive pre-authorization steps — testing and preoperational safety review — would allow the agency to better identify carriers that are unprepared to begin operating.

It also would help ferret out

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Former high-profile operator Darren Berg pleads guilty

SEATTLE — Darren Berg, the former investment fund manager who siphoned off millions from investors and used a huge chunk of it to build one of the nation's largest motorcoach companies, has pleaded guilty to one of the largest frauds in Washington history.

Berg entered the plea earlier this month and agreed to an 18-year prison sentence for bilking investors in Meridian Group and related ventures out of \$100 million.

Berg, who currently resides at the SeaTac Federal Detention Center here, pleaded guilty to wire fraud, money laundering and

bankruptcy fraud. He is scheduled for formal sentencing Nov. 4.

Arrested last October, Berg, 49, cost hundreds of investors tens of millions during his seven-year scam. He also is alleged to have tried to conceal \$400,000 during his bankruptcy proceedings in an effort to retain a portion of his ill-gotten gains.

Over the years, Berg told investors he was using their money to finance real estate developments and make loans. Instead, he misappropriated the money to repay earlier investors — a Ponzi scheme — while enriching himself.

Among other things, Berg

bought a \$5.3 million home, yachts, a fleet of luxury cars, planes and an expensive art collection. He also has been accused of taking money

meant for real estate investments and pumping it into the luxury bus company he founded, MTR Western and its sister companies.

Prosecutors say Berg would pay MTR Western costs from the Meridian investment accounts, then doctor the accounting entries



Darren Berg

to indicate the payments went to issuing mortgage loans.

In addition to the federal charges, Berg is mired in two bankruptcy proceedings. The first was launched July 9, 2010, against Berg's wishes; Berg initiated personal bankruptcy proceedings three weeks later.

Writing the court, Assistant U.S. Attorney Norman Barbosa said Berg has admitted much of the fraud during interviews with investigators and the bankruptcy trustees.

"Mr. Berg explained how he had been booking fake loans for his funds for several years and had

misappropriated millions of dollars for expenses unrelated to the investment funds since as early as 2001," the prosecutor told the court.

Berg said he worked "around the clock" preparing false statements for auditors. Questioned by investigators, Berg claimed he'd simply been too successful at finding investors — he was "snowed over in money" and couldn't find enough investment opportunities.

In letters to the court, Berg's victims said he had ruined them financially and robbed them of their future.

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Motorcoach stops biker fleeing police in Pennsylvania

GETTYSBURG, Pa. — Police use of big rigs as a mobile roadblock to catch fleeing bad guys has become fairly commonplace — at least in movies and on TV.

It's not often a motorcoach is used in such a scenario but it happened here late last month. Well, maybe, not exactly.

The police say they weren't using the coach as a roadblock, but others contend that's exactly what they were doing.

The difference in interpretation is meaningful because the coach had 30 passengers on board.

The incident began when a trooper asked Gerald Madrzykowski, a long-time driver for Executive Coach of Lancaster, Pa., to position his coach on Seminary Avenue at about 7:45 p.m.

"The trooper stopped me and asked me to block the highway, so I parked right there," the 72-year-old Madrzykowski told a local

newspaper after the incident.

Within seconds, an orange Yamaha motorcycle that police had been chasing for miles slid into the coach.

The bus suffered only a few scratches and a small dent, but the driver of the motorcycle had to be transported for immediate medical attention.

The police said they had been pursuing the motorcycle because it had been stolen by the 32-year-old

who was riding it.

In a news release, police say they asked Madrzykowski to pull his coach onto Seminary Avenue so they could set-up a partial roadblock.

According to the police account, as the bus was turning onto Seminary Avenue, the motorcycle rider braked and slid approximately 400 feet, causing the right rear of the bike to impact the right rear of the bus.

Madrzykowski, of Mount Joy, Pa., was returning a group of students from Shippensburg University who had been visiting Gettysburg for the day. Police said none of the 30 passengers were injured.

"If he (the trooper) hadn't had me pull across the road like that, he (the biker) could have crashed into me head-on," said Madrzykowski. "I heard the bang and knew he didn't make it past the bus."

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THE DOCKET

Feds to conduct motorcoach safety summit in September

WASHINGTON — The U.S. Department of Transportation announced late last month it will conduct a national Motorcoach Safety Summit next month to exchange information and ideas on the best possible approaches to reducing the number of motorcoach crashes, injuries and fatalities, and to raise passenger awareness.

The Federal Motor Carrier Safety Administration will host the summit.

Six days after the USDOT announcement and before it could be reported by industry publications, the FMCSA conducted the first of

four regional round table discussions, ostensibly aimed at fostering discussions and providing input for the summit.

The round tables were conducted Aug. 3 in Fort Worth, Texas; Aug. 4 in New York City; Aug. 5 in Columbus, Ohio, and Aug. 8 in Anaheim, Calif.

The USDOT said the strategic objectives for the summit are to:

- Increase awareness of the importance of safety and enforcement among all stakeholders — industry, law enforcement, consumer groups and safety advocates
- Identify policy-related barriers

and develop opportunities for addressing targeted challenges

- Develop tools and resources for educating and training on the maintenance, operations and purchasing of motorcoach services

- Energize and empower stakeholders, partners and the public to take personal responsibility in making motorcoach transportation safer

The FMCSA said it hopes to develop an effective strategic action plan to increase motorcoach safety awareness, enforcement and education; establish innovative and collaborative policies and countermeasures; standardize data

sets, and forge new and collaborative partnerships.

The summit will be Sept. 23 in Washington. A site has not been announced.

Anyone can submit comments or questions regarding motorcoach safety to the USDOT/FMCSA under USDOT Docket ID Number FMCSA-2011-0213 by any of the following methods:

- Federal eRulemaking Portal: the Federal Docket Management System: www.regulations.gov.
- Fax: (202) 493-2251.
- Mail: Docket Management Facility (M-30), U.S. Department

of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE, Washington, DC 20590-0001.

- Hand delivery: West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE, Washington, DC 20590, between 9 a.m. and 5 p.m. EDT Monday through Friday, except federal holidays. The telephone number is (202) 366-9329.

All submissions must include the agency name (Federal Motor Carrier Safety Administration) and docket number (FMCSA-2011-0213).

Revised DOT number system sought

Being reviewed by White House

WASHINGTON — A federal rule that proposes replacing the current system of USDOT numbers for interstate bus and truck operators has resurfaced after remaining dormant for six years.

In mid-2005, the Federal Motor Carrier Safety Administration published a notice of proposed rulemaking for what was called the Unified Registration System. (See June 15, 2005, *Bus & Motorcoach News*.)

(The proposed URS should not

be confused with the UCRA, the Unified Carrier Registration Agreement.)

After soliciting comments on the proposed URS rule in '95, and getting lots of them, the agency withdrew the proposal and apparently has been quietly massaging it for the past six years.

Now, it's back.

A new supplemental notice of proposed rulemaking on the Unified Registration System has been sent from the FMCSA to the Office of Management and Budget at the White House for review.

When the FMCSA announced the rule six years ago, it said the proposed revisions would simplify the registration system for interstate bus and truck operators.

Under the proposed system, only one identification number would be needed — the USDOT number. The MC, MX and FF numbers would no longer be issued and would be phased out within two years.

Interestingly, it has been nearly 16 years since Congress first directed the USDOT to come up with a simpler registration system.

Senators: Support growing for two-year highway bill

WASHINGTON — The U.S. Senate committee responsible for formulating federal highway and public transportation legislation appears to be leaning heavily toward the idea of a two-year federal reauthorization bill rather than multi-year legislation that has been standard practice for the past 20 years.

Leaders on the Senate Environment and Public Works Committee say bipartisan support for a two-year transportation reauthori-

zation plan is mounting, although they have yet to formally introduce a bill.

"What we do have is a bill that can pass the Senate," Sen. James Inhofe, R-Okla., ranking member of the committee, said at a hearing here late last month.

"As is the case with all compromises, nobody gets everything they want," Inhofe added.

Chairwoman Sen. Barbara Boxer, D-Calif., said that while committee members have many different opinions on other issues, "We really do believe this is a basic function of the national government to address our infrastructure needs."

Boxer also said funding for the nation's transportation system is so important that, despite deep political divisions over other spending, Democrats and Republicans are uniting over transportation.

Even the "Gang of Six," the bipartisan group of senators that spent months working to end the debt-limit crisis, said it would dedicate \$113 billion from the general fund over the next 10 years to the Highway Trust Fund, Boxer said.

"They don't mention any other specific program," she noted.

Boxer, Inhofe and other senators are proposing a two-year, \$109 billion highway bill, but they've yet to identify full funding for their measure. (See July 15 *Bus & Motorcoach News*.)

Although they did not say when they would introduce their bill, they have named it: "Moving Ahead for Progress in the 21st Century," or "MAP-21."



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Coalition defends law aimed at curbing oil speculation

WASHINGTON — A coalition of oil users is urging congressional leaders to “fully fund and defend” rules in the new financial reform law designed to curb excessive speculation in oil futures.

The “vital regulatory initiatives” contained in the year-old Dodd-Frank Wall Street Reform and Consumer Protection Act “are in serious jeopardy,” says a letter signed by the nearly 50 members of the Commodity Markets Oversight Coalition.

The House has proposed reducing funding for the Commodity Futures Trading Commission — which is tasked with enforcing the oil trading reforms — by 44 percent from the \$308 million the CFTC has requested for 2012, the coalition’s letter said.

“Without adequate funding, derivatives reform may not be fully enacted and cannot be vigorously enforced,” the coalition said.

The coalition letter was sent to House Speaker John Boehner, R-Ohio; House Minority Leader Nancy Pelosi, D-Calif.; Senate Majority Leader Harry Reid, D-Nev., and Senate Minority Leader Mitch McConnell, R-Ky.

“In order for the commission to actually fully implement and enforce the new powers under the Dodd-Frank Act...it needs full funding,” said Jim Collura, vice president of government affairs for the New England Fuel Institute.

NEFI is leading the coalition, which includes groups ranging from the Air Transport Association to the Consumer Federation of America.

“Virtually the entire financial services industry has been lobbying hard” against CFTC rulemaking, Collura said.

The Dodd-Frank legislation passed by Congress in July 2010 gave the CFTC the power to limit positions, the number of oil futures contracts one investor can hold.

A number of industries that are big users of petroleum products successfully lobbied for position limits across all trading platforms and for greater transparency in derivatives trading.

Such reforms, they contend, would allow the CFTC to pinpoint the large speculative trades that cause oil prices to spike but are executed off the commodities exchanges that keep records and impose some position limits.

“We believe that, between the lack of meaningful position limits and the lack of transparency, the price of oil, and as a result the price of the diesel fuel we depend upon, is artificially inflated (by) excessive speculation,” Moskowitz said.

The CFTC is currently discussing what limit to put on oil positions and is writing regulations to track trades. The commission has said it will complete its work by the end of the year.

Until a decade ago, trading in commodity futures was largely the purview of those with a tangible

connection to a commodity, as trucking has to oil, the coalition said.

Ten years ago, the letter states, hedgers with a connection to a commodity outnumbered speculators three to one.

“Today, speculators dominate these markets and (last) month a

CFTC report showed an average of 90 percent of daily futures trading volumes for the most commonly traded commodities are held by financial speculators,” the coalition said.

In the view of many connected to commodities, speculators have undermined the purpose of the

commodities markets, which was to allow commodity users to hedge, or buy futures, against sudden price increases.

“We hope the Senate will fully fund the CFTC at \$308 million as requested, and the House will ultimately side with Main Street over Wall Street,” the coalition stated.

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'12 toll increase approved by Pennsylvania Turnpike

HARRISBURG, Pa. — The Pennsylvania Turnpike Commission has approved a 2012 rate schedule that will boost cash tolls for three-axle motorcoaches by 10 percent.

With the new rate, the cash toll for a three-axle motorcoach traveling the full length of the turnpike from the Ohio-Pennsylvania line to the Pennsylvania border with New Jersey will be \$100.65, up from the current \$92.15.

The toll increase measure, effective Jan. 1, is expected to generate approximately \$23 million in new revenue for the year.

While cash-paying customers will see their tolls rise 10 percent, there will be no rate increase for those paying with E-ZPass.

However, the volume discount program for commercial E-ZPass users is being modified.

Effective Jan. 1, the 15 percent volume discount will be eliminated, since all commercial carriers with E-ZPass will automatically receive an approximate 17 percent discount.

As a result, post-paid com-

mercial E-ZPass customers will need to incur \$5,000 to \$10,000 in monthly tolls to receive an additional 5 percent discount, and \$10,000.01 or more to receive an additional 10 percent discount.

The increase for cash customers applies to all vehicle classes on all turnpike sections except the Southern Beltway (Turnpike 576) in Allegheny and Washington counties, where rates will remain unchanged.

New revenue from the increase will be allocated to fund debt-service costs associated with the Turnpike Commission's funding obligation of \$450 million per year to the commonwealth stemming from a 2007 state law. None of the increase is to pay for an enhanced capital-spending plan for the turnpike which was approved by the commission in June.

In addition to the 2012 toll increase, the commission also approved overall toll-revenue increases of 3 percent for 2013 and 2014, though it did not specify precisely how much rates would increase for cash and E-ZPass customers in those years.

Illinois adopts road privatization bill

SPRINGFIELD, Ill. — The Illinois General Assembly has approved legislation that could expand the use of private companies to help build new roads.

The funding method already is authorized to build the long-delayed Illiana Expressway.

The new legislation would open the door to the state forming partnerships with private groups to get more road work done.

The partnerships would allow

private business to partially or fully fund construction in return for revenues, such as tolls.

State lawmakers would be required to approve all potential public-private partnerships, but the measure would prohibit the state from partnering to expand existing roads.

Supporters of the measure say the state needs to consider funding alternatives to get road projects completed. They cite declining revenues

as the reason for the new approach.

Opponents question whether the state should form partnerships with profit-driven private business.

Private dollars are touted as the only viable option to pay for the long-discussed Illiana Expressway. A year ago, Illinois Gov. Pat Quinn and Indiana Gov. Mitch Daniels signed a memorandum of understanding outlining a mutual commitment to the project connecting south Chicago to Indiana.

Roads slighted by legislators in Oklahoma

OKLAHOMA CITY — Money slated for roads and bridges in Oklahoma is being earmarked for use elsewhere. However, it's not happening without a fight.

Gov. Mary Fallin signed into law a budget bill that allows the state to transfer \$102 million in fuel tax revenue to other uses in state government. The transfer is part of a \$6.5 billion budget deal to fund state government during fiscal 2012.

To help ease the hit to transportation, the legislature agreed to allow the Oklahoma Department of Transportation to sell \$70 million in bonds.

Supporters say the bond issue

will permit ODOT to move forward with the agency's eight-year plan for improving roads and bridges.

However, Oklahoma City attorney Jerry Fent, doesn't like the plan and has filed suit against the state to reverse the transfer from trans-

portation to other state agencies.

Fent contends the state constitution protects transportation funds.

Specifically, he's referring to language that states "no tax levied and collected for one purpose shall ever be devoted to another purpose."

Connecticut plans millions in road work

Hartford, Conn. — Funding for road repairs in Connecticut has gotten a boost.

A new law allows the state to move forward with paving and fixing 200 miles of roads damaged last winter.

The state is allocating \$50 million in bonds to pay for road

and highway resurfacing. Gov. Dannel Malloy said it will create or retain about 1,050 construction-related jobs.

"The state has, for too long, neglected our transportation infrastructure, leading many of our roads and bridges to languish in woeful need of repair," Malloy said.

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FMCSA working to fix CSA scores in no-fault crashes

This could happen to you:

You've got a small fleet of motorcoaches with a good safety record.

In fact, your crash indicator score under the Federal Motor Carrier Safety Administration Compliance, Safety, Accountability program is zero.

Then, you have two accidents that are not your company's fault. Suddenly, your CSA crash indicator score goes to 44 percent.

Not fair? Of course not.

The FMCSA says it's working to build a system that screens out no-fault crashes — before they're entered into CSA scores. However, that is neither easy nor simple, so the agency is working on a near-term fix.

Currently, the only way to get accidents out of the CSA system is to go through a safety audit, operators have been told.

Short of that, FMCSA is working on a short-term remedy in which operators will be able to use the CSA data correction system, DataQs, to submit a Police Accident Report and get an assessment of accountability for their crashes.

The agency aims to start a process in January in which the accident reports are screened and given different weightings in the CSA system based on accountability. All crashes would still be in the system, but the agency is figuring

FMCSA advisers to study CSA issues

WASHINGTON — The Federal Motor Carrier Safety Administration has asked its advisory committee to examine concerns about the Compliance, Safety, Accountability program's roadside violation severity weightings.

FMCSA officials asked members of the Motor Carrier Safety

Trucker to base pay on CSA program

CHESTERTON, IND. — A trucking company headquartered here says it's adopting a pay program where drivers with low scores under the new Federal Motor Carrier Safety Administration Compliance, Safety, Accountability program will see bigger paychecks.

While FMCSA hasn't yet released driver scores, Area Transportation has modified its software to mirror the CSA points and weighting system.

Kevin Mullen, director of safety and recruiting, said, "the FMCSA has invested a great deal of time and

out how to give non-preventable crashes more weight than preventable crashes.

The mechanics

Here's how the system supposedly will work.

All crashes will continue to be entered into the CSA database. If an operator believes it was not at fault in a crash, it could mail a copy of the Police Accident Report to DataQs.

The report would not go to the state, as other DataQs challenges do. Instead it would go to a team of specialists who would analyze it for accountability.

The specialists are researchers, contractors to the agency, who have been doing this kind of analy-

Advisory Committee to make sure CSA-severity weights the agency assigns to certain violations is an accurate predictor of a motor carrier's crash risk.

The committee is expected to report back to the agency by the end of this month, said David Parker, the committee's chairman.

money in CSA in an effort to identify unsafe drivers and carriers. We believe the science behind CSA is valid and we would be silly not to use the program as a basis to identify and reward our safe drivers."

Drivers applying to work for the flatbed carrier also will qualify for a pay boost based on the scoring of their Pre-Employment Screening Program violations (see July 15 *Bus & Motorcoach News*).

"We believe we're the first carrier in the nation to use CSA scores as the basis to reward drivers for avoiding unsafe behaviors," said Mullen.

for the past decade.

FMCSA has tested the approach by having researchers assess accountability based on Police Accident Reports. The agency found that these researchers matched the accountability 92 percent of the time.

That has given the agency the confidence that if it codes crashes on the basis of Police Accident Reports it can get it right almost all the time.

To keep the analysis evenhanded, researchers will look at a post-crash inspection if there is one, and the Motor Carrier Management Information System crash report from the state, as well as the Police Accident Report.

The agency will not permit companies to submit data from insurance companies or witnesses. That apparently would overwhelm the system.

It will be possible for an operator that is not at fault to still be found accountable. For example, if a motorist drives into the back of a motorcoach stopped at an intersection, the coach driver probably is not at fault. But the operator would

Mullen.

"We intend to incentivize safe behaviors by rewarding drivers financially for not speeding and not getting violations on roadside inspections.

"Under this program, drivers will have an incentive to do their pre-trip inspections, get defects repaired and obey speed limits because several thousand dollars will potentially be on the line for those who do."

Drivers whose scores rise above pre-set thresholds will see the bonus decrease or lose it all together.

be accountable if, say, the driver is out of service or had no CDL.

There will be an appeals process for operators that want to challenge a determination of accountability. The appeals will be handled by the FMCSA legal staff.

Long-term solution

The agency views this as a short-term solution. Longer term, it wants to get the necessary reports and analyze them for accountability before the data ever goes into CSA.

There are between 120,000 and 140,000 reportable commercial vehicle crashes each year. The agency already gets raw accident reports from states today, but these reports typically do not have enough data to make an accountability determination.

What's missing are the actual Police Accident Reports, which contain the handwritten personal observations of the officer on the scene, and his diagram of the accident. This information is critical to making an accountability judgment.

The agency needs to set up a

system in which the Police Accident Reports are forwarded to the screeners as a matter of course. That will be no easy task.

It's difficult because it would require another action by the state and municipal enforcement agencies that are preparing the reports. They will either have to send it to the feds or have a mechanism for the FMCSA to get its hands on it easily.

So, in effect, the short-term solution of having operators send in the reports creates both a collection mechanism and an initial screening mechanism.

The agency is going to encourage operators to send in reports only when they believe they are not at fault.

Still subjective?

The enforcement community has concerns about this process, which is more complicated than it looks, according to Steve Keppler, executive director of the Commercial Vehicle Safety Alliance.

"Crash investigations are many times very subjective," Keppler told one trucking industry publication. "The officer on the scene is seeing things and talking to people, and once that information leaves the scene you have someone else reviewing it who was not there, based on what the investigating officer said."

It creates problems if the reviewer makes a determination of accountability that is different than the officer's determination, Keppler said.

On top of that, insurance companies do their own investigations, which might lead to conclusions that are different than either the officer's or the reviewers. "What do you do with that?" he asked.

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'Young Gun' operator Ray Land participates in White House forum

WASHINGTON — Ray Land, president of Fabulous Coach Lines in Branford, Fla., and a leader in the motorcoach industry's "Young Guns" movement, was among 150 young entrepreneurs and business owners from across the country who participated in a forum at the White House last month.

The forum was conducted as part of an Obama Administration program called "Our Time's Buy Young Initiative."

The event allowed the young business owners, who are responsible for the creation of more than 7,000 jobs, to share their thoughts on a variety of issues, including job creation, small business and youth employment.

Land and the other participants got a chance to speak with administration officials from the U.S. Small Business Administration, the White

House Business Council, the White House Council of Economic Advisors, the Export-Import Bank, and the White House Office of Public Engagement.

During a panel discussion with agency officials and White House advisers, Land asked about federal programs that might help him bring more overseas visitors to the U.S. and finance new facilities in major inbound cities.

An official from the SBA told Land she had loan programs that could help.

As the group chuckled, Land promised to repay the loans if she would come through with the money.

A White House official said the forum provides the administration with feedback about projects it is working on and on how the federal government can better encourage entrepreneurship.

Controversial John Teets dies

PHOENIX — John W. Teets, one of the most controversial figures in the history of the North American intercity bus industry, died earlier this month.

A family spokesman said Mr. Teets, who served as chairman and CEO of Greyhound Corp. and later Dial Corp. in the 1980s and '90s, died of complications from Alzheimer's disease. He was 77.

Mr. Teets joined Greyhound Corp. in 1963 to help develop restaurants the company's Armour & Company subsidiary was operating at the 1964 World's Fair in New York.

He was named president of two food service subsidiaries in 1965, at age 32, the youngest executive to head a Greyhound subsidiary, according to the family.

Mr. Teets became president and CEO of Greyhound Food Management and group vice president of food service for the corporation in 1975. He grew the food units rapidly, resulting in his election as vice chairman and a director of Greyhound Corp. in 1980.

He was named chairman and CEO of Armour & Co. and Greyhound's CEO in October 1981.

Once he moved into the top spot at Greyhound he began a decade-long restructuring of the conglomerate, which was a Fortune 500 company and the largest corporation in Arizona.

According to some bus industry historians, Mr. Teets despised the bus business which, of course, was the foundation of Greyhound Corp. and the cash cow that led to it becoming a giant business.

First to be severed by Mr. Teets

was the Armour meatpacking unit, which was sold in 1983 for \$2 billion. He retained Armour's consumer products business, which became Dial Consumer Products Group.

It took Mr. Teets longer to find the right buyer for Greyhound Lines. But in 1987, he found Fred Currey, who led an investment group that bought Greyhound for upwards of \$375 million. That price, according to some accounts, was roughly three times what the company was worth.

Several industry historians say that deal put Greyhound and the intercity bus industry on a long, slippery road of decline.

Because Currey overpaid for Greyhound, and Mr. Teets retained much of its valuable real estate and other assets, the company was saddled with more than \$200 million in debt that couldn't be covered by operations and there were no assets to sell to reduce the overhang.

Eventually, after the misbegotten purchase of Trailways Inc., a failed effort to go public, and a protracted strike in 1990, Greyhound Lines went belly up. In time, it was reorganized and survives.

Meanwhile, Mr. Teets continued to manage what was renamed Dial Corp., which was divided into two publicly traded companies in 1996 — the \$1.6 billion Dial Corp. and the \$2.5 billion Viad Corp.

By the time he left the company, however, the all-powerful Mr. Teets had had his wings clipped by the Dial board — apparently because of an incident stemming from a messy divorce involving a top Dial executive. The whole affair remains a mystery today.

Michael Haggerty sells Ryan's Express of Las Vegas

NORTH LAS VEGAS, Nev. — Michael Haggerty, principal owner of one of the West's best-known motorcoach operations, Ryan's Express Transportation Services, has sold his remaining interest in the company to a California-based private equity firm.

Century Park Capital Partners of El Segundo, which already owned 49 percent of the company, purchased the remaining 51 percent from Haggerty.

Haggerty sold a near-half interest in his firm to Century Park just over five years ago to raise growth capital and to diversify his

personal net worth.

Today, Ryan's Express has operations in four western states, with facilities in San Diego, suburban Los Angeles, Las Vegas, Reno, suburban Phoenix and Salt Lake City.

It operates a fleet of upwards of 150 vehicles, including more than 100 motorcoaches, plus midsize buses, vans, limousines and sedans.

Century Park owns a diversified portfolio of companies, some of which operate in the bus industry. Its companies include Specialty Manufacturing Group, which manufactures bus roof hatches, stop arms, flooring and lighting.

Transpec is one of its operations.

Simultaneous with the sale, Ryan's Express is consolidating its Las Vegas headquarters and operation to a new location in North Las Vegas.

Ryan's Express' executive Al Sherrer is now heading the company.

As for Haggerty, he intends to focus his attention on CH Trading, the company that distributes the Turkish-built Temsa motorcoach in the U.S.

Haggerty reportedly intends to move Temsa more aggressively into the market.



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New-entrant rules

CONTINUED FROM PAGE 1

any unsafe operators who might be attempting to get back into the business under a new name after being previously shut down by regulators.

"We turn down 24 percent of new applicants now and we believe that figure would go up under the new program," he added.

Questioned by industry

Industry executives say that while a knowledge test has merit, they question the worthiness of the pre-authorization audit and have serious reservations about the abandonment of the mandate for the first-18-months-of-operation safety inspection.

On the pre-authorization audit, some in the industry suggest that it would uncover little information because most people trying to get into the motorcoach business don't purchase equipment, hire drivers or obtain insurance before they receive FMCSA authority to operate.

"This process would be limited to a knowledge test," said Matt Daecher, president of Daecher Consulting Group in Camp Hill, Pa., pointing out that there would be no physical records for regulators to audit.

Ken Presley, United Motor-

coach Association vice president and chief operating officer, agreed, stressing that in general operators do not have equipment, drivers or insurance when they apply for operating authority.

"This is clearly not the 'chicken-and-egg' conversation," he said. "A prospective operator needs approval before there is anything to inspect, and in the final analysis and in the majority of instances the most an inspector will have is a conversation."

Van Steenburg disagreed, contending that the majority of new applicants — possibly more than 90 percent of them — own some equipment, have hired some drivers and carry some insurance before receiving authorization to operate.

Equally important, he said, most of them also have critical company safety policies in place that would be a key part of the audit.

"We would look at their culture of safety," he stressed.

Biggest worry

The dropping of the 18-month inspection mandate triggered the most concern among industry safety experts and others.

They said while they support the monitoring of new operators under the CSA program, they op-

pose exchanging the exercise for an actual inspection because a substantial amount of important information about their operations would not be part of the CSA scoring unless the carriers actually were inspected.

"Monitoring them under CSA is a good idea but the regulators need to keep in mind that how well an operator is doing might not show up in the data once they begin operating because they might not have been inspected," offered Steve Keppler, executive director of the Commercial Vehicle Safety Alliance. "The 18-month inspection needs to be there to make sure they are continuing to be safe."

Presley said he could not imagine Congress going along with trading an actual inspection of equipment, facilities and drivers with the pre-authorization audit. "A safety audit is an evaluation of performance standards, not a conversation," he asserted.

Daecher emphasized that doing away with the mandatory safety inspection in favor of the pre-authorization audit would work only if every new carrier is inspected.

"That is a huge assumption considering some carriers are subject to very few inspections and also considering that a minimum number of inspections is required to be reflected in each BASIC

(scores) before a carrier can even be percentile ranked and potentially trigger an intervention or on-site audit," he said.

Industry suggestions

While industry officials may be critical of some of FMCSA's plans, they remain high on improving motorcoach safety and even have some ideas of their own.

"First and foremost, if something improves a new entrant carrier's chances of a safe and successful start, we are all for it," emphasized Presley.

Christopher Crean, veteran safety manager of Peter Pan Bus Lines in Springfield, Mass., suggested the FMCSA develop a certification program for operators and safety managers similar to one the federal Occupational Safety and Health Administration now offers.

OSHA issues certifications after participants successfully complete a 40-hour class. Those who become certified must return every two years to renew their certifications.

"There isn't much out there for our industry, no place to go to learn about the rules and regulations and safety issues," Crean said. "They need to offer some training, like Safety 101."

He said he receives telephone calls regularly from new operators asking about certain regulations

and how best they can meet them.

"I hope our industry looks at OSHA and copies them," he said.

Presley also suggested a study program and passing of an examination, but with an early safety inspection requirement added.

"We still believe the implementation of required classroom instruction on the regulations, followed by an exam and then a new entrant safety audit 45 days after granting operating authority will ultimately produce the most positive results," he said.

Daecher said he would like to see FMCSA require applicants to appear in person before state or federal regulators, which would assure the person applying for the authority is the one completing the knowledge exam.

Applicants who pass would be awarded authority and be subject to the current, 18-month new-entrant safety audit where physical records could be checked to assure compliance with safety rules and regulations.

"Blending this approach with the usual monitoring of the CSA system, I think, would adequately check and monitor new carriers," he said. "And, I don't think any carrier serious about going into business in a legitimate manner would have any issues with that hybrid system."

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Please! Take a budget scalpel to the waste that's Amtrak

By Dave Millhouser

It was late on a Tuesday in November 1968 — and my stomach hurt.

I remember it clearly because I was 600 miles from home.

It was the sickest I'd ever felt, AND it was the day Richard Nixon was elected president.

Wednesday morning they yanked out my appendix and all was well. It may have been an omen for the Nixon presidency.

I was young and poor. So, a week later, when things seemed to have healed, I took out the stitches myself rather than pay the surgeon.

Until then I'd never thought much about the appendix. (And, actually, I hadn't thought about it in years until I needed a metaphor for this column.)

It's an organ that was useful a bazillion years ago but now just lingers as decoration on the large intestine, with potential for creating pain.

Amtrak is very similar.

In ye olden days, we needed nationwide passenger rail service. Roads were either poor or non-existent, and air travel was unreliable and very costly.

Do we still need it? Passenger trains are decorative, and propo-

nents point out that most civilized nations offer passenger rail service.

With all due respect, is that reason enough to spend tons of money on a system that is less convenient, safe and efficient than the services provided by — you guessed it — the motorcoach industry?

It's OK for rail enthusiasts to love trains; it's not OK for them to ask us to fund their hobby. Amtrak creates periodic pain, especially financial pain, without offering substantial benefit.

The Defense Department no longer uses passenger rail to move its troops. Coaches and airplanes do it better.

In the event of a natural disaster, buses can detour in ways that are impossible for trains. When tracks get washed out it often takes weeks or months to get 'em fixed; a washed out road often can be repaired in hours.

A healthy intercity bus industry provides a national safety net in ways that trains can't, while costing government virtually nothing (and paying taxes, too).

Quoting public policy analyst Randall O'Toole in Intercity Buses, *The Forgotten Mode*: "Intercity buses carry at least 50 percent more passenger miles than Amtrak in Amtrak's showcase

Northeast Corridor. They do so with almost no subsidies and at fares that are about a third of Amtrak's regular train fares. Intercity buses are safe and environmentally friendly, suffering almost 80 percent fewer fatalities per billion passenger miles than Amtrak and using 60 percent less energy per passenger mile than Amtrak."

And that's Amtrak's showcase. Imagine what's happening in the rest of country.

The demographics of motorcoach passengers have changed in recent years, in response to clever positioning by "curbside" carriers. College kids, older folk and business people are choosing coach travel because the "terminals" are close to where they want to be, the coaches provide the same amenities as passenger trains, coach rides are inexpensive, and coaches run much more often.

Rail advocates point to traffic congestion. Modern communications can help skirt road delays, while many Amtrak trains operate on track owned by commercial railroads, where freight trains have priority.

In the cosmic economic scheme of things Amtrak's subsidy is small, but a billion here and there eventually adds up.

You could make the case that dollars spent boosting Amtrak produce waste in ways more significant than the subsidy. Private carrier's pay taxes and fees that public entities don't. All those are lost, in addition to the subsidy outlay.

The point here is not that Amtrak is evil; a giant waste of precious resources, yes, but not evil. The point is we have not adequately told our story.

They're not even our biggest competitor. But every bit counts. Amtrak is a Grade A symbol of politicians' inability to scrap an idea that's obsolete; to just say 'no.'

There has been tremendous growth in the number of people riding scheduled buses. Innovations in reservation technology, the comfort and amenities of coaches, and communications make a motorcoach ride as "upscale" as a train trip, but many still bow to the romance of the rails.

The "curbside" phenomenon offers several opportunities. First, there are hundreds of routes that aren't yet being operated, waiting for someone to give them a try. Some will succeed, others fail. The key seems to be finding the right routes, and being frank about what works.

There may be a silver lining in

this silver cloud. Millions of folks are being exposed to modern coaches on these line runs. There's no reason those experiences shouldn't translate into them trying us for charters and tours.

Mr. O'Toole calls us "The Forgotten Mode" — even while singing our praises. There aren't enough resources in our industry to mount a major media campaign but we can certainly be proud of what we do and try to leverage this phenomenon into a new image for our industry.

We've improved to the point that we're viewed as a hidden treasure, a step in the right direction, but not enough.

Now may be a fine time for an Amtrak appendectomy. If Congress is REALLY serious about looking for ways to save money, it would be a good start. I'm willing to remove the stitches.

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



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Chinese buses

CONTINUED FROM PAGE 1

buses to the U.S. began in earnest in 2006 when three companies announced plans for a variety of models.

The early entries

Stallion Bus Industries of New York unveiled plans to introduce a 35-foot shuttle bus; Bus and Coach International of Kansas reported it was bringing in a 45-foot motorcoach, and Rexhall Industries of California said it was about to market three small coaches and a transit bus.

Three years later, G&K Automotive Conversion Inc. of California announced it planned to introduce a 45-foot coach through a newly formed subsidiary, Greenkraft Inc.

Today, Stallion is the only one of the four with Chinese models available to the industry.

Stallion President John Gore said the company is assembling 30- and 35-foot coaches and a 40-foot transit bus at a plant in Elkhart, Ind.

"We've sold a lot of buses so far this year and business has been very good," he said, adding that more than half of sales are coming from repeat customers.

It hasn't been an easy time for Stallion, by any means. The company closed its initial assembly plant in California, merged with shuttle bus builder TMC Group, and moved manufacturing to TMC's facility in Elkhart. TMC is best known in the industry by its marketing name, Ameritrans.

Gore said the move was made because labor and other expenses were less and the facility was more centrally located to serve both East and West Coast customers.

The also rans

BCI marketed its 45-foot Falcon coaches for four years before fading from the industry amid a high-profile squabble between its founders, investors, and a group of executives who ultimately took over the business. The company last showed the Falcon at UMA Motorcoach Expo 2010.

Rexhall, according to spokeswoman Hillary Rex, brought in some Chinese buses early on but quit doing so a short time later. "We aren't doing anything with it right now," she said.

Greenkraft still holds the rights to distribute 40- and 45-foot coaches made by Chinese builder Ankai of Hefei City, the capital of Anhui province, but has yet to market any because financing has

not been available, according to sales manager Frank Ziegler.

Instead, he said the company is concentrating on a line of Chinese trucks it imports and will switch to buses when the financing picture clears.

Industry observers offer a barrage of reasons for the failed attempts to sell Chinese buses in North America — trouble getting and offering financing, questions about reliability and quality, lack of a strong parts and service network, and the struggling U.S. economy among them.

Trying to make it work

How well the new entrants will do is anyone's guess.

Bus and Coach America has some familiar faces directing its operation and could be the first to come to market with a new Chinese motorcoach.

Heading the venture are Larry Brenner, president, and Sharad Agarwal and Andrew Fung, executive vice presidents, all former top executives of the failed BCI.

The three have one thing going for them that their earlier venture did not — a partnership and distribution agreement with one of Australia's largest bus and coach builders, BCI Group. The only link their former company had with BCI

Group was that the Australian company allowed it to use the BCI name.

While word on what the company is planning to do in the U.S. and Canada has not yet been made public, industry sources say Bus & Coach America is preparing to bring in Chinese-built coaches by way of the Australian company.

They will be built at a new \$200 million production facility BCI Group opened in June in Xiamen in East China's Fujian province. BCI Group said in a press release when it opened the plant that the facility would allow it to reach target markets in North America, as well as well-established markets in Australia and New Zealand.

Coaches manufactured at the plant — unlike the Falcon that BCI imported — will be produced for markets outside of China and will not carry Chinese vehicle identification numbers. This, according to some in the industry, could give the company an advantage over other Chinese-built buses sold in the U.S.

Bus and Coach America said it would not comment on specifics of the coach it plans to market until a formal announcement is made. That could come in the next two or three months.

An Expo unveiling

Meanwhile, LZ Bus plans to revive and rename the Falcon and introduce the yet unnamed new model at the United Motorcoach Association Expo in Long Beach, Calif., in February, according to spokesman James Liang.

He said the newly formed company is associated with Bonluck Bus, the East China bus manufacturer that built the Falcon and remains interested in the U.S. motorcoach market. "They still want to be a player here," he said.

To help smooth the way for the introduction of the new model, LZ Bus has set its sights on building a relationship with operators who own the 110 Falcons that were sold by BCI and who were largely left without parts and service assistance when BCI folded.

Liang said the company met with Falcon owners earlier this year to find out their needs, and later invited them to have their mechanics meet with Bonluck engineers who were visiting the U.S.

In addition, LZ Bus also has set up a parts warehouse in St. Louis where most parts are available for immediate shipping, and it has established service centers in 10 major cities around the country.

Liang said LZ Bus also is of-

CONTINUED ON PAGE 13 ►

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Calif. operator Dick Dorr dies at 84

CASTROVILLE, Calif. — Richard 'Dick' Dorr, who founded and owned a charter bus company here for more than a dozen years, died late last month of complications from cancer. He was 84.

Mr. Dorr was a respected operator, serving a number of years on the board of the California Bus Association and as its president from 1995-97, before retiring in 1999.

He was a native of Aberdeen, Wash., and served in the Navy from 1945 to 1947.

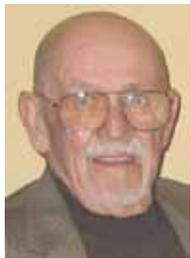
After receiving a bachelor's and master's degree in music from the University of Oregon, he taught high school band for more than 40 years in both California and Oregon.

He and his family were proud

that he had a positive impact on his students, with several becoming band directors themselves or professional musicians.

While teaching in Oregon, he led a dance band and played professionally. His main instruments were the clarinet and tenor sax.

After retiring from teaching, he founded Discovery Charters in 1986 with one minibus, operating out of his home. Today, the company operates a fleet of 13 coaches and is managed by his son, Richard, and Richard's wife, Jeanne.



Dick Dorr

He was a member of local civic organizations and a fan of the University of Oregon football team, San Francisco 49ers and San Francisco Giants.

Quiet and unassuming, Mr. Dorr personified strong family values, hard work and integrity. Those who knew him appreciated his sense of humor and "old school" attitudes.

In addition to his son and daughter-in-law, Mr. Dorr is survived by his wife of more than 47 years, Pat, and seven other sons and daughters, including Dave Dorr of Motor Coach Industries.

A memorial in Mr. Dorr's name been established with Hospice of Santa Cruz County, 940 Disc Dr., Scotts Valley, CA 95066, or online at www.hospicesantacruz.org.

Transit bus smashes eagle

SEATTLE — A bald eagle that was often seen by drivers as they crossed the Interstate 520 bridge here was struck and killed earlier this month by a transit bus.

A King County Metro bus hit the eagle, which had been named "Eddie" by passersby, *The Seattle Times* reported.

King County Metro spokeswoman Linda Thielke said the bus was in the middle of the bridge, moving at about 50 miles per hour when the eagle started to fly in the same direction as the bus.

"The bird very, very suddenly took a turn and smashed into the windshield," cracking it, Thielke said.

The driver kept going and reported the incident shortly afterwards.

A captain at the Washington state Department of Fish and Wildlife, Bill Hebner, said the eagle was more than likely the male of a pair that nested at Seattle's Broadmoor Golf Club.

"I think the lesson learned here is, as motorists, whenever you see wildlife along the road...be cautious, be defensive, slow down and know they will often do the unpredictable," Hebner said.

A motorcoach industry sage observed that it stood to reason that the symbol of American freedom would be killed by a King County Metro bus.

King County Metro, of course, is the only public transit agency in the whole United States that's exempt from the federal charter bus rule.

Chinese buses

CONTINUED FROM PAGE 12

fering for sale at its offices in St. Louis more than two-dozen Falcons that were initially built for BCI.

Additional Falcons, with '07 engines, also could be headed to the U.S.

The name of the new Bonluck model LZ will be importing has not been announced, but it will not be called the Falcon.

Foton being tested

The timetable for the Foton transit bus reportedly will depend on how well one of the models performs in testing currently under

way at the Altona Bus Research and Testing Center in Pennsylvania, according to U.S. sales manager Jared Schnader.

He said a low-floor, CNG-powered Foton has been at the center since late last year and testing is going well and should be completed by the end of this year.

Seven dealers have been signed

up in the U.S. and Canada, and a deal is nearing completion for a facility in California where the buses will be assembled on a Chinese-built shell.

While ABC declines to comment on the persistent reports it's looking into importing a Chinese bus, several sources confirmed the idea is under consideration and has

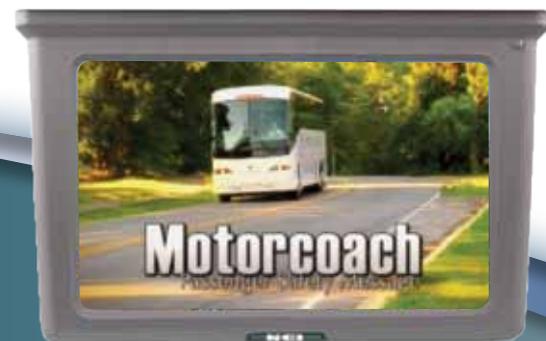
the blessing of Van Hool, which owns about 30 percent of ABC.

The cost of a new, North American- or European-built motorcoach is out of reach of many operators today, and a quality, lower-cost bus from China that has financing and lots of support might draw support from those operators, suggest some industry executives.

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megabus plans sleeper service in U.K.

PERTH, Scotland — megabus.com is launching the United Kingdom's first budget sleeper coach service next month.

megabus' parent company, Stagecoach Group, announced it will offer passengers their own berths on overnight megabus service between London and Glasgow. That's a 400-mile trip, or roughly the distance from New York City to Pittsburgh.

Each of the berths, which are laid out in sets of three with a cur-

tain for privacy, will have a reading light, duvet, pillow and blanket.

megabus, which was launched in the U.K. seven years ago, will operate the service on three specially refurbished coaches, each fitted with 24 berths and seats.

Passengers on the sleepers will receive an overnight pack containing an eye mask, toothbrush and toothpaste so they can freshen up before reaching their destination.

Coaches will run nightly in both directions.

Sir Brian Souter, chief executive of Stagecoach Group, said there has been demand for overnight service. "We believe the best way to find out if it's a service our customers want is by offering them the chance to try it out for real."

The company is running trials this month before it starts the first week of September.

Tickets for the service start at one British pound (roughly \$1.63 U.S.), plus booking fee, and go up to 40 pounds, or \$65 U.S.

Greyhound revenue higher for quarter

ABERDEEN, Scotland — Revenue at Greyhound Lines rose 3.7 percent during the three months ended June 30, the intercity carrier's parent company, First Group plc, reported at its annual meeting here last month.

That compares to a 3 percent revenue increase during the same three-month period last year, and a 1.6 percent gain during the three months ended April 30, 2011.

First Group attributed the revenue rise to a variety of measures aimed at improving Greyhound performance. They include a re-

vamped website, which resulted in an upswing in online sales, and the use of self-service ticketing kiosks.

Additionally, First Group said Greyhound Express, the curbside service now being offered by Greyhound in selected Midwest and Northeast markets, performed well during its first six months of operation.

Among First Group's other North American operations, First Transit continued "to perform well."

At the same time, First Group said First Student "made good

progress in implementing the recovery plan" underway to offset the squeeze caused by strained state, municipal and school finances in the U.S., and to take advantage of First Student's position as the nation's largest private school bus operator.

First Group also said First Student had done well in securing new contracts during the spring and summer bidding season, including capturing eight contracts from schools that converted from operating their own buses to First Student.

Berg fesses up

CONTINUED FROM PAGE 3

"Darren Berg stole my past and has forced me to sell my house," one investor wrote to the court. "He stole my ability to retire."

"I am 61 years old, well educated but certainly not qualified to reenter this dismal job market and have been literally ill over Berg's nefarious acts," wrote another woman, who lost \$1 million to Berg. "He is a thief and a liar and no one should trust his word."

FBI agents searching Berg's home recovered hundreds of boxes of documents, including

several fake loan files, records relating to fake post office boxes and other documents related to "a last ditch effort to raise additional funds," Barbosa told the court.

Describing Berg's alleged activities, Barbosa said the scammer continued to lie and fabricate evidence even while claiming to be cooperating with investigators.

Barbosa said Berg even tried to bribe a bankruptcy trustee with \$150,000 — money that actually belonged to the bankruptcy estate and would properly go to his creditors — to get the trustee's support during an earlier hearing that saw Berg jailed.

Bus roadblock

CONTINUED FROM PAGE 3

The incident generated a fair amount of internet comment.

One reader of the newspaper that reported the episode wrote: "Regardless of authority, a driver of a commercial motor vehicle with passengers on board has to understand that their No. 1 priority is the safety of those in their care. The law enforcement community should also be aware of this."

"If this driver was instructed to block completely or partially this highway using his bus with passengers by a Pennsylvania state

trooper, and did so, he failed in this responsibility. To bow to misdirected police authority placed, in this case, many more lives in jeopardy.

"Had this motorcycle exploded on impact wouldn't we all be looking at the whole sad (event) from a different perspective?"

Wrote another reader: "Either way, it sure seems dangerous to those students in the bus, and the biker."

"I know he certainly was in the wrong, stealing a bike, and no protective (head) gear running over 100 mph but, wow, using a bus with passengers! Really?"

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National Interstate reports 2011 second-quarter results

RICHFIELD, Ohio — National Interstate Corporation has reported higher net income for the second quarter of 2011, but lower income for the first half of the year.

Revenue (i.e. premium income) for both periods this year was sharply higher as a result of the company's purchase of Vanliner

Insurance Co. just over a year ago.

National Interstate, which is the parent company of leading motorcoach industry insurer, National Interstate Insurance, said it earned \$8.2 million during the three months ended June 30, up from \$7.6 million for the same period a year ago.

For the six months ended June 30, National Interstate had net income of \$17.73 million, down from \$18.2 million during the first half of last year.

National Interstate earnings were held in check by a variety of factors, including a soft insurance market, higher losses, and rising

commissions and other underwriting expenses. Losses and loss adjustment expenses jumped 71 percent in the first quarter, while commissions and other underwriting expenses rose 44 percent.

National Interstate noted that it has experienced several periods of single-digit rate decreases in its

traditional transportation products that have contributed to rising loss and loss adjustment expense ratios. In addition, the company has experienced elevated losses in its recreational vehicle business.

It was also pointed out that quarterly underwriting expense ratios could vary based on the mix of business written during the quarter, or as a result of non-recurring items such as costs associated with the Vanliner acquisition.

"As we expected, our loss and (loss adjustment expense) ratios began trending up in the last half of 2010 when compared to the favorable claims results we had been experiencing," said National Interstate President and CEO Dave Michelson.

"Loss and (loss adjustment expense) ratios in the 2011 second quarter were about 3 percentage points higher than the average for the prior three quarters, in part related to our personal lines component, including seasonal losses in the recreational vehicle product," Michelson said.

Helping offset the higher expenses was a sharp rise in net investment income. For example, first quarter investment income climbed 56 percent.

Gross premiums totaled \$156.5 million for the 2011 second quarter and \$290.8 million for the first six months of 2011, up 41 and 34 percent, respectively. Both numbers were favorably impacted by the acquisition of Vanliner, as well as growth in existing businesses, including the company's alternative risk transfer (captive insurance) component.

The alternative risk transfer segment grew 30 percent during the 2011 second quarter and 26 percent for the 2011 first six months, compared to the same 2010 periods.

In National Interstate's transportation segment, its over-the-road bus and truck insurance income was flat to lower during the first half of this year.

In late June, National Interstate celebrated 10 years of consecutive growth of its Calypso Passenger Transportation Program, which is an alternative risk transfer insurance program for motorcoach and other passenger-carrier operators.

Since 2001, Calypso has grown from six founding members to 58 members.

"Calypso was specifically designed for best-in-class passenger transportation companies, including charter and tour, transit, student transportation, and limousine," said Jim Parks, vice president of passenger transportation at National Interstate.

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Museum needs tools, to sell five buses; fling is fun

HERSHEY, Pa. — A member of the board of the Museum of Bus Transportation here has sent out an appeal for tools needed to help maintain the museum fleet of vintage buses.

"I have been serving on the Museum of Bus Transportation board for several years now and am impressed with the dedication of so many 'bus nut' volunteers," said Elaine Farrell, executive director of the Pennsylvania Bus Association.

"The museum has many, many restored antique buses that are on display for the public to enjoy and 'look back in time.'

"To keep the buses in tip-top shape, however, there is a continued need for tools," Farrell continued.

"Many of the tools that were at the museum were on loan, so, when they are retrieved, the fleet garage ends up short of tools. We are in need of tools now," she said.

Farrell has provided a list of specific tools the museum would appreciate being donated for its ongoing use. Here's what it needs:

- One-inch drive impact wrench
- Chicago Pneumatic CP864 disc sander
- Chicago Pneumatic CP714 air hammer/chisel/riveter
- Battery cable crimper with

assorted ends

- Blue Point/Snap-On 3/4-inch drive torque wrench
- Air grease gun (cartridge style)
- Two 50-foot, 3/8-inch inside diameter, air hoses
- One 25-foot 1/2-inch I.D. air hose
- Assorted gear pullers
- Axle hub sockets
- 3/4-inch drive socket set
- One-inch drive 13/16 square and 1 1/2-inch impact wheel sockets
- Assorted 3/8- and 1/2-inch drive wrenches and sockets
- Detroit Diesel fuel injector timing gauge (.1460)
- Detroit Diesel fuel injector wrenches
- Blue Point snap-ring pliers
- Needle nose pliers
- Vise-Grip pliers
- Diagonal-cutter pliers
- 12-inch crescent wrench
- Flair-nut wrenches
- Jumper cables

• 3/8- and 1/2-inch socket holding rails

• 1 1/2-inch Detroit Diesel engine-turning wrench

Before heading to FedEx or UPS to ship one or more of the items to the museum, kindly contact Farrell first. The museum does not need 50 pairs of Vice-Grips.

"Please call or email me and I will make sure the information gets to the right person. Your consideration of the museum's request is very much appreciated," she said.

Contact Farrell at the Pennsylvania Bus Association by phone at (717) 236-9042, or by email at efarrell@pabus.org.

Farrell also reported the museum's fleet committee has decided to downsize the museum bus roster and is offering five buses for sale. They are:

• 1946 Ford Model 69-B. 29-passenger, single-door, 6-cylinder gas engine (not running), fair body

Huether at (416) 229-6622 Ext. 227, or laura@omca.com.

and interior, no VIN number, no title. \$5,500.

• 1972 GMC T6H5308. 49-passenger suburban, all seats facing forward, DD6B71 engine (not running), fair condition, VIN #T6H-5308A007, no title. \$2,000.

• 1973 GMC P8M-4905A. 47-passenger, restroom, V-730 automatic installed by previous owner, running, fair interior/exterior, VIN #P8M-4905A-281. \$5,000.

• 1990 Flxible 35096. 43-passenger, double door, DD5V71 engine (running), good condition throughout, VIN #101914, formerly Red Rose Transit, title available. \$4,000.

• 1990 Orion Model 00.4. 41-passenger, double door, DD6V71 engine (running), good interior/fair exterior, VIN #6002537, formerly Rabbit Transit, York, Pa., title available. \$2,000.

Anyone interested in any of the vehicles should contact Tom Collins at the museum: (717) 566-

7100 ext. 119, or Ken McNelis at (610) 203-7998.

The museum's "Spring Fling" in early June was highly successful, with nearly 325 visitors turning out for the annual 'busman's holiday.'

This year, the venue was changed to hold the entire event at the museum facility itself, which shares display space with the Antique Automobile Club of America.

In prior years, the bus-related flea market was conducted at the museum's nearby storage facility, known as the George M. Sage Annex. This year, 19 vendors were on hand, displaying their items on the lower level of the museum.

For the first time in several years, the museum hosted an auction, featuring unusual bus artifacts.

In addition to the vintage buses displayed in the museum itself, 20 buses were driven to the museum and put on display on the museum campus tarmac.

The event had several sponsors, including Lakeland Bus Lines of Dover, N.J., which sponsored a special T-shirt featuring its 1959 GM TDM-4515.

Visitors were transported to the Sage facility in a shuttle bus provided by Conestoga Tours of Lancaster, Pa.

Calendar

AUGUST 2011

15-16 Brian Crow Retirement Dinner and Honorary Golf Tournament, Niagara Falls, Ontario. Info: Call or email Laura

16-18 A Gathering of Buses, Greyhound Bus Museum, Hibbing, Minn. Info: Stan Holter at (952) 881-1111 or stan@richfieldbus.com, or Charles

Wotring at (717) 691-1147 or charleswotring@comcast.net.

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



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N.Y. regulators

CONTINUED FROM PAGE 1

Not rolling over

The operators, however, plan to fight the order under a regulation that allows them to have a hearing before the suspensions can be enforced. In the meantime, they may continue operating until the hearings — that are expected to be held within a few weeks — are completed.

If they haven't already, many more operators could be feeling the heat.

The state DOT announced plans to hire 20 more inspectors who will help conduct as many as 11,000 safety inspections and 2,000 safety audits of motorcoaches and buses — enforcement activities that it said could bring in as much as \$2 million in civil penalties annually.

Under the state's new coach safety rule, a company with 5 or fewer vehicles in its fleet can have its license suspended after three safety violations within a six-month period,

while operators with 6 to 20 can be shut-down after four violations, and carriers with more than 20 vehicles can be closed after five.

The rule also allows the suspension of a carrier with at least 10 state inspections performed between April 1, 2010, and last March 31 that resulted in an out-of-service rate greater than 25 percent.

BANY weighs in

Adoption of new rule and the suspensions drew immediate criticism from some of the affected operators, and a vow by the Bus Association of New York to immediately look into the developments.

"While encouraged by New York DOT's renewed interest in bus and motorcoach safety, BANY is evaluating the impact this rule may have on all carriers," said Godfrey LeBron, association president. "We hope all bus and motorcoach carriers will join BANY as we work through these issues with DOT and the governor."

Perry Stuart, owner of the Long

Island Limousine Service, called the order "pathetically unfair," according to a newswire story. "The reason is clear," he said. "The governor is trying to show everybody he is reacting to the crashes."

Zoladz Limousine Service owner Don Zoladz suggested the governor is looking in the wrong place in his effort to address the problem of unsafe carriers and motorcoach accidents.

"The guys that are the bad operators first and foremost aren't registered by the DOT, but the DOT doesn't want to work on a Sunday to go to a (Buffalo) Bills (football) game and see a dozen buses with no DOT stickers on them," he told a wire service. "They come to me."

Zoladz stressed, too, that the eight buses in his fleet have not been involved in an accident in five years and his drivers haven't been ticketed. "He (Cuomo) has a dam break, and he's trying to put a Band-Aid on it," he added. "I'm going after it full force. This is 100 percent, in my

eyes, bureaucracy."

N.Y. action probed

The operators just might have something to complain about, too, according to reports by *TheTrucker.com*, a trade publication that was among the first to report on the rule and the suspensions.

The publication said it found several discrepancies between what the state records show for some of the suspended companies and what is contained in the national passenger carrier database maintained by the Federal Motor Carrier Safety Administration.

TheTrucker.com said that according to information obtained from the governor's office, Silver Star had failed 6 of 15 inspections during the new rule's April-March target period, which gave the company a 33.3 percent failure rate, well above the 25 percent minimum set in the new rule. However, it said FMCSA records for the past two years show that a Silver Star bus had

been stopped on the highway only once — on May 7 — and no violations were recorded.

The publication also reported that the state said Touch of Class & Coach Inc. failed 8 of 23 inspections during the April-March period, which gave it a failure rate of 34.8 percent. The inspection count conflicted with FMCSA records that list only 3 inspections during that time frame.

In addition, it said the state also reported that Long Island Limousines had 15 inspections and failed 4 of them, giving the business a failure rate of 26.7 percent.

This report, too, was different than FMCSA records, which showed the carrier had only 3 inspections during the period and just one out-of-service order.

The state reported, too, that the Big Apple suspension was because the carrier had been placed out of service by the FMCSA. However, FMCSA records show the company was issued a shut-down order, but that was in July, 2010, for failing to pay a fine within a 90-day period.

FMCSA spokeswoman Candice Tolliver said Big Apple also was put out of service in September 2008, for refusing an audit or being unable to be contacted for an audit.

It was not immediately known why inspections listed by the state were either not reported to FMCSA or not made public, but *Trucker.com* said the federal agency had agreed to look into the issue.

Possible embarrassment

The mix up could create a problem with FMCSA's ongoing public campaign — led by Administrator Anne Ferro — to encourage the riding public to check the agency's website for up-to-date safety records of registered operators before hiring a company or joining a group charter.

Cuomo in his release announcing the suspensions said the state DOT is working with federal authorities to make sure that carriers that lose their New York licenses do not continue to operate in the state under federal operating authority.

NYDOT said the rush to approve the new rule was in response to the rash of bus accidents in New York over the past few months in which as many as 18 people were killed and dozens more injured.

The latest occurred Aug. 3 in Whitney Point when a tour bus ran off the highway during a rain storm and flipped over, injuring about 40 passengers.

"A series of recent tragic accidents that resulted in deaths and personal injuries involving carriers has revealed that it is possible for a carrier to have multiple safety violations and yet continue operate under authority issued by the commissioner of transportation within the state of New York," the agency said.

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TEMSA TS 35 Making every journey a lasting pleasure

Its robust driveline and European craftsmanship ensure both reliability and luxury. With plenty of space for 40 passengers and a guide, there's nothing holding you back.

Stainless Steel body for maximum durability



Integral Construction for a smooth ride



American Powertrain for strong performance



For anyone who enjoys raw power with outstanding comfort and quality, the TEMSA TS 35 is the perfect mid-size coach.



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