

# Bus & Motorcoach NEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

## Texas companies consolidate, forming major operation

HOUSTON — Two of the largest motorcoach companies in Texas, AFC Transportation of Houston and Echo Transportation of Dallas, have consolidated under new parent company TBL Group Inc., creating the nation's 10th largest motorcoach operation.

TBL has about 300 revenue units, mostly motorcoaches and midsize buses, according to Chris Jarrard, president, CEO and co-

owner of Echo, and president and chief operating officer of TBL.

He declined to release terms of the merger or estimated revenues of the combined operation, which is focused largely on Texas but also includes units in Florida and Wyoming, and more than 500 employees.

"We're going to retain...that operational autonomy with Echo and retain the brand, just like John

(Ferrari, CEO and founder of AFC) is going to retain that operational autonomy (and brand) in Houston with AFC," Jarrard said. Each company also is staying put in its current location.

Ferrari, who will serve as CEO of TBL, could not be reached for comment.

Combined, the companies gain operational efficiencies and leverage for continued growth, said

Jarrard.

"From a financial point of view, it frees us up to look at continued growth, either through increased purchase of motorcoaches or through business acquisition," Jarrard said.

"So, we want to really look at this as a launching pad for future growth and opportunities within the state of Texas and the surrounding markets. We're not afraid

to chase projects, that's for sure."

For now, though, the focus is on maximizing the merger internally, from technology to equipment utilization, not on more outside deals, he said.

The combined entity is about 50 percent charter business, 40 percent contract, shuttle or metro service, and 10 percent luxury, on-demand VIP-type work, he said.

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## New motorcoach sales skyrocket in first half of '15

You may have noticed: That motorcoach sales executive who calls on you regularly, as well as the ones you bump into at industry events, has more bounce in his step and seems to be smiling more.

There's good reason for the increased zest.

Sales of new motorcoaches during the first half of this year posted gains that haven't been seen in a decade.

In fact, combined private- and public-sector sales of new MCI, Prevost, Setra, Van Hool and Volvo motorcoaches during the first six months of this year were on pace to put sales of those five brands above 2,000 for the first time since 2008.

Deliveries of fresh-off-the-assembly-line 45- and 40-foot mono-coque models from the five brands totaled 1,072 coaches from January through June of this year.

That compares to 777 new



**Coach Buyers.** Newton Bus Service of Gloucester, Va., upper left; Roadrunner Companies of Euless, Texas, left, and Stylus Transportation of Orlando, Fla., above, were among the many new coach buyers during the first half of this year. Newton purchased a pair of MCI J4500s; Roadrunner bought eight Van Hool CX45s, and Stylus added three Volvo 9700s to the four it bought last year.

coaches sold during the same six months last year, or at remarkable 38 percent gain. A percentage increase of that magnitude hasn't been seen since 2005.

This year's first half is in sharp contrast to the first of half of 2014 when new coach sales were virtu-

ally unchanged from the first half of 2013.

The figures, compiled by the American Bus Association Foundation, confirm in black and white that both the first and second quarters of this year were strong sales periods.

Combined private- and public-sector purchases during the first three months of this year totaled 445 new 45- and 40-foot coaches, up 59 percent from the first three months of 2014 when 280 were sold.

Second-quarter sales this year

climbed to 627 new 45- and 40-foot models, versus 497 during the second quarter of last year, a 26 percent increase.

New-coach buying by private bus operators was up more than 30 percent during the first quarter of

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## A still-higher-tech future for trucks (and motorcoaches)

TUSCALOOSA, Ala. — The editors of a leading trucking publication, *Commercial Carrier Journal*, completed an intriguing exercise last month, talking to renowned thinkers and futurists from both inside and outside the industry, asking them to paint as realistic a picture as possible about

what can be expected during the next 25 to 50 years.

While the (clear) emphasis was on trucking, many of the trends and technologies that surfaced during the interviews would apply equally to the motorcoach industry.

Some of the forecasts, predictions or crystal-ball moments defy

belief. But, who, 50 years ago, would have predicted we'd see autonomous (meaning driverless) Freightliner big-rigs roaring down a German or Nevada highway?

As one CCJ editor observed: "OK. We're through the looking glass here. This stuff is actually going to happen."

But, if you're a motorcoach fleet owner or manager, your thought might be: "How in the hell are we going to deal with this stuff?"

Here's a taste of what the magazine found:

- The Fitbit and other health wearables will be replaced by a

"smart" contact lens.

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- Three-dimensional printing

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# Rochester City Lines gains ground in legal battle

ROCHESTER, Minn. — After three years of legal wrangling, the Minnesota Supreme Court has granted Rochester City Lines the right to argue the loss of its transit bus contract here in a state district court.

City Lines' owner Dan Holter claims the city of Rochester failed to follow proper procurement procedures in 2012 when it awarded the local transit contract to a competitor and he wants the city to compensate him for his financial losses.

Holter, whose family-owned company had provided local transit bus service in Rochester since 1966, filed suit challenging the award of the service contract to First Transit, one of the nation's largest transit system management companies.

In its decision last month, the Minnesota Supreme Court rejected some of City Lines claims, but ruled that the company deserves a hearing on its claims the city of Rochester may have acted "unreasonably, arbitrarily or capriciously in awarding the contract to another party" because "procedural irregularities raise(s) the specter of per-

vasive bias against (Rochester City Lines)."

The claims by Holter and his attorneys previously had been rejected without a trial by state district and appeals courts. The Supreme Court decision sends the case back to the Olmsted County District Court for trial.

"The Supreme Court believes there is merit to a trial on whether the city acted arbitrarily, capriciously and unreasonably," said Steven A. Diaz, an attorney representing City Lines.

"The court is very clear that it believes the facts and the conduct of the city merit a full trial."

A status conference is set for Sept. 18 to schedule the trial, Diaz said. "This is a complex trial. It will take a number of days (to present) and it could take several weeks."

Legal briefs supporting City Lines were filed with the state Supreme Court by the United Motorcoach and American Bus associa-

tions, along with the Associated General Contractors of Minnesota.

Each brief, about 30 pages long, argued for the proper application of "value bidding" processes under Minnesota laws, which give government units discretion to award contracts based on quality as well as cost.

"This case is very important to the transit industry and to anybody who contracts with the government," Diaz said.

Following issuance of the court

opinion, Holter announced plans to reinstate his company's scheduled bus service in Rochester in competition with First Transit. Diaz said a starting date and other details will be announced later.

## Decades of service

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

The city became involved in the service during the early 1970s, first by buying tickets and re-selling them to residents. Eventually the city accepted Federal Transit Administration grants to subsidize City Lines operations in a "pass-through" procedure.

In 2011, the FTA rejected the payment procedure and said the city's practice was a "fee for service," so the city would have to seek competitive bids rather than allow City Lines to continue holding the franchise.

The city put the service up for bid and four companies responded.

## Record bus traffic for Labor Day

CHICAGO — Intercity bus travel was likely the highest it has been in at least a decade during the Labor Day holiday period earlier this month, say researchers from DePaul's Chaddick Institute for Metropolitan Development.

Late summer vacations, college kids on the move and travelers headed to family events resulted in hundreds of intercity buses being "sold out" over the holiday, according to the researchers.

Labor Day 2015 also marked the first opportunity for many holiday travelers riding a major inter-

city carrier to use new GPS apps on their smartphones to arrive at pickup points and terminals only moments before their bus was ready for boarding, noted Marisa Schulz, associate director of the Chaddick Institute.

Passengers on Greyhound, the largest intercity line, can now use BusTracker, a GPS-based system that allows customers to see where their bus is, and when it will arrive at their destination.

Another newly available convenience is expansion of reserved seating on megabus, which has

made an additional 10 seats — for a total of 20 per bus — available to reserve prior to departure on all routes.

For this year's Labor Day holiday, the Chaddick Institute for Metropolitan Development forecast that more than 1.14 million passengers would be traveling on intercity buses over the five-day period, an increase of 5 percent compared to last year's Labor Day.

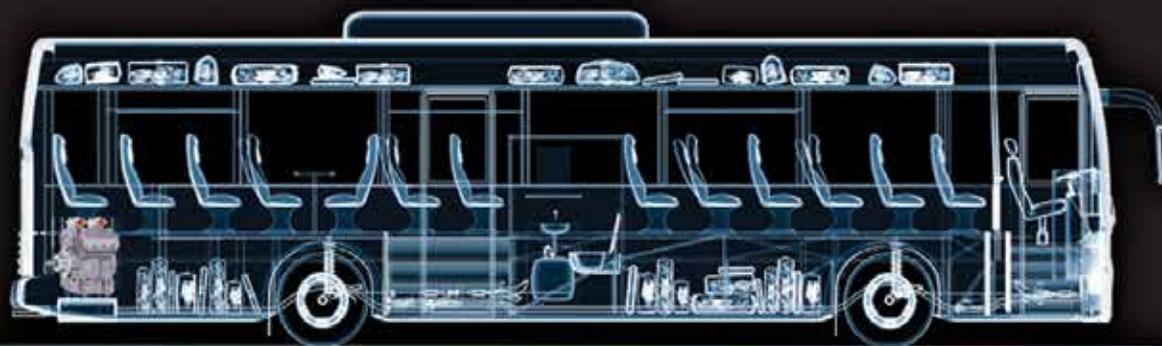
"Bus lines have elbowed their way into busy short- and medium-distance markets in recent years,

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# THE DOCKET

## Enforcement raises old question: Diligence or harassment?

KINGSPORT, Tenn. — Earlier this summer, one of the drivers for a member of the Tennessee Motor Coach Association received a citation following a bus inspection in Washington, D.C.

The four-month-old motorcoach was on its first day in Washington after traveling nearly eight hours the day before from Tennessee with a student group.

After a thorough inspection of the coach exterior, the federal officer got on board to examine the emergency windows and hatches.

Like his outside check, the inspector found no violations inside. No violations of any kind, anywhere.

But, before departing the coach, the officer opened the lavatory door and announced: "This smells." He then proceeded to write a citation for failure to maintain the restroom.

The driver — and ultimately his boss — were stunned.

Both had no idea there was a Federal Motor Carrier Safety Administration regulation covering restroom odor.

Alas, readers, there is.

After hearing about the episode, the executive director of the Tennessee Motor Coach Association, Deborah Neese, decided to plumb the depths of FMCSA regulations to see what other obscure

rules she might find that could trip up operators.

She found plenty.

While violating these rules can result in a citation and possibly a fine, they apparently are not considered "safety regulations" by the FMCSA. Therefore they are not supposed to be included in an operator's CSA (Compliance, Safety, and Accountability program) record or score.

The company, of course, claims the restroom didn't smell, but how can you prove that either way? wrote Neese in an article recounting her efforts at researching shadowy regulations.

She also asked the same ques-

tion operators often pose when cited for niggling, nitpicking violations: Was the enforcement officer being diligent in his enforcement of FMCSA regulations, or just looking for something to write up?

The regulation covering restroom odor is contained in Part 374 — Passenger Carrier Regulations — of the FMCSA rules. Specifically, it is under regulation No. 374.313 Equipment. "(b) Restrooms."

The rule states: "Each bus (except in commuter service) seating more than 14 passengers (not including the driver) shall have a clean, regularly maintained rest-

room, free of offensive odor. A bus may be operated without a restroom if it makes reasonable rest stops."

Many operators doubtless think they're well versed in motorcoach and bus regulations because they've read and re-read the *Federal Motor Carrier Safety Regulations, Motorcoach/Bus Version* pocketbook published by J.J. Keller.

That's the ubiquitous 4-by-6 inch, nearly 600-page mini-encyclopedia of the federal safety rules that apply to buses and motorcoaches. However, the book does not contain the Part 374 rules.

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## Bill would triple diesel fuel sales tax in California

SACRAMENTO, Calif. — Want a perfect example of why politicians are often held in such low regard by many in the ground transportation industry? Read on.

A trio of legislators in California has proposed a tripling of the state sales tax on diesel fuel to, now hold your nose, help maintain public transit systems.

While politicians and ground transportation executives of nearly

every stripe bemoan the condition of the nation's roadways and bridges, three legislators in California think it's smart to boost the tax on diesel fuel and hand the money to transit systems.

Little surprise the bill to increase the state diesel sales tax by 300 percent has drawn considerable ire.

Assemblymen David Chiu, D-San Francisco, and Richard

Bloom, D-Santa Monica, plus Sen. Ben Allen, D-Santa Monica, are behind an effort to triple the diesel sales tax from 1.75 percent to 5.25 percent.

The estimated \$288 million each year in new revenue would be used to help maintain transit systems throughout the state.

The legislation is part of a special session in Sacramento to discuss plans to come up with more

money for freeways, roads and bridges.

Legislators have set a deadline of this month to reach agreement on a plan, or plans, to address some of the state's \$59 billion in highway needs over the next decade.

Allen and other lawmakers are calling for transit to get a piece of the pie under any potential transportation funding plan approved

during the special session.

"California needs a balanced approach to our transportation infrastructure," Allen said in prepared remarks. "We can repair our existing freeways and bridges while investing in smart mass transit that will relieve our congested freeways."

Truckers are particularly exercised about the prospect of their fuel tax dollars being used to subsidize transit work.

"While we do not dispute California's underlying transportation needs, increasing the already enormous burden on small-business truckers — and other diesel users — to further finance public transit projects is bad policy, perpetually unsustainable, and will do absolutely nothing to address the state's road and bridge needs," said Mike Matousek, director of state legislative affairs for the Owner-Operator Independent Drivers Association.

But don't California public transit systems also use diesel fuel? Not so much. The big urban fleets in California are CNG powered to an overwhelming degree.

Take the Los Angeles County Metropolitan Transportation Authority, known as LA Metro. It operates the nation's largest fleet of CNG-powered buses.

Metro retired ALL diesel-powered buses (not including a modest number of contracted buses) and became an entirely "clean-air fleet" in January 2011. It typically puts 2,000 CNG buses on L.A. county streets on a daily basis.



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# NTA calls for uniform regulations at national parks

LEXINGTON, Ky. — The National Tour Association has sent a letter to Secretary of the Interior Sally Jewell asking for a meeting to discuss the hodgepodge of requirements facing tour operators who take groups to U.S. national parks.

NTA President Pam Inman noted in the letter that 70 percent of NTA tour operators incorporate visits to national parks in their tour packages.

Inman said some of the National Park Service fees and documentation requirements they encounter are new, and many vary from park to park.

“Our tour operators are now encountering more frequent and disruptive hurdles that, if they remain in place, will do considerable harm to their business and, ultimately, to park visitation,” she wrote.

Inman focused much of her letter on Commercial Use Authorization permits, which are not new but are being required for tour operators with increasing frequency with no consistency from park to park.

“Depending on the park, CUA applicants must complete paperwork months in advance, pay an administrative fee and provide proof of general liability coverage, proof of vehicular liability coverage and proof of CPR certification, as well as proprietary gross receipts information for the company,” she wrote. “In some cases, it is the bus driver who must have a CUA.”

Inman said that aside from the erratic fees and documentation required, it is the inconsistent nature of the CUA permit regulations and enforcement that is most frustrating, costly and damaging to tour operators.

“We have heard of motorcoaches and would-be visitors turned away because the requirements changed,” she said. “That can ruin an operator’s reputation. One long-time operator and her group were nearly denied entry two weeks ago at a park she had brought visitors to earlier in the year without needing a CUA. She can no longer predict what paperwork and fees will be required at any given park.”

Inman said she believes the CUA guidelines are being misapplied to tour operators who simply take tourists to national parks. She said the CUA permits are needed for businesses that offer their clients specialized guided tours or instruction in the parks, such as guided fishing or hiking trips.

“These outfitters are performing services or conducting lessons on your premises and charging their clients accordingly,” Inman

wrote. “Tour operators, on the other hand, are simply delivering visitors to your parks. They transport their guests to your property as part of a packaged tour, but they do not perform further services nor extract further profit from their guests once inside the park.

“We respectfully ask that the national park system eliminate tour operators from the Commercial Use Authorization permit program (unless an operator is performing a commercial service over and above transportation into the park). We ask also that entry

requirements for tour operators and motorcoach groups are more effectively standardized throughout the parks system and clearly communicated with administrators and guests of all parks.”

Inman concluded in the letter that tour operators admire and re-

spect national parks and park employees. “They are glad to collect admission fees from their clients and present those fees at the gate. But the added costs, paperwork and uncertainty they now face at the doorstep of the nation’s parks have become too burdensome.”

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# California regulators want emissions rules sooner

LONG BEACH, Calif. — California air quality regulators and other environmental groups want the timetable accelerated for the greenhouse gas rules the feds are developing for the bus and truck industries.

The push came at a public hearing conducted here last month by the U.S. Environmental Protection Agency and National Highway Traffic Safety Administration, which have jointly proposed greenhouse gas emissions and fuel efficiency standards for medium-

and heavy-duty over-the-road trucks and buses.

Representatives from government and environmental agencies, manufacturers, fleets and other organizations were allowed five minutes each to make a statement on the proposed Phase 2 greenhouse gas rules. Listening was a panel of EPA and NHTSA officials.

While most who spoke were positive about the proposed regulations, there was disagreement on particulars such as the timing of implementation, NOx standards,

and incentives for business.

California Air Resources Board Chair Mary Nichols said the greenhouse gas reductions could stabilize the climate and reduce reliance on foreign oil. However, as currently written, CARB feels that the standards “missed some critical opportunities to further Phase 1 (of the rules),” she added.

The implementation time frame in the proposed regulations, known as Alternative 3, calls for full implementation of the standards by 2027.

Nichols, along with representatives from other environmental and regulatory agencies, pushed for Alternative 4, which accelerates the deadline to 2024.

Nichols also said there needs to be a mandatory NOx standard and tighter engine standards, citing a belief that manufacturers could double the current figures.

CARB’s sentiments were echoed by the South Coast Air Quality Management District, the International Council on Clean Transportation, the Environmental

Defense Fund, and others.

However, manufacturers said the Alternative 3 timeline allows for realistic adoption and production cycles.

Cummins representative Brian Mormino said the Alternative 3 timeline has the best chance of support from manufacturers. He also stressed that the rules for greenhouse gases and NOx should be standardized nationally, and that carbon-dioxide standards should be the same for all fuels, not just diesel.

Speaking on behalf of Daimler, Navistar, Volvo and Paccar, Dan Kieffer, director of emissions compliance at Paccar, said the companies were focused on the regulations delivering benefits to customers and broader society.

The companies opposed the shorter Alternative 4 timelines, saying that based on their analysis, Alternative 3 targets were not clearly achievable.

“One thing we are certain of is that we could not achieve, and therefore cannot support, the pull-ahead (or acceleration) of these standards according to the plan identified as ‘Alternative 4’ in the proposed rule,” said Kieffer.

# Logging-device rule on track for this month

WASHINGTON — A far-reaching federal rule requiring electronic logging devices for virtually all commercial motor vehicle drivers is on track to be published by the end of this month.

Meanwhile, a proposed rule that would create a central database of commercial driver’s license holders who have tested positive for drugs or alcohol or who have refused mandatory testing has been delayed.

The Federal Motor Carrier Safety Administration’s rule on

electronic logging devices has been under review by the Obama Administration Office of Management and Budget since late July.

If it is approved by the Office of Management and Budget the rule will be published in the *Federal Register*, the final step before it can be put into effect.

The rule will require more than 3 million interstate commercial truck and bus drivers to use electronic recorders to track their hours of work. The rule will take effect two years after publication

in the *Federal Register*.

Most drivers who use paper logs will need to switch to electronic logging devices, although exceptions are expected to be granted for certain short-haul and intermittent drivers.

Drivers who currently use a compliant electronic logging system are expected to have four years to make sure their devices comply with the standards in the rule.

A corresponding rule that will impose stiff penalties on carriers who use electronic logging devices

to coerce or harass drivers is scheduled to clear the Office of Management and Budget and be published the same week.

The FMCSA had expected to publish the CDL drug clearing-house rule by mid-December but is now projecting a publication date of Jan. 20.

The rule would require employers of commercial drivers to report positive and refusal test results and would require prospective employers to check the database before hiring a CDL driver.

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# Report: States taking their own highway-funding actions

WASHINGTON — While interest groups and many politicians wring their hands over Congress's failure to come up with a sustainable mechanism to pay for a long-term federal highway program, many states are stepping in and stepping up.

A state-by-state analysis conducted by The Associated Press shows that nearly one-third have approved measures this year to raise funds for highway and bridge work.

The AP says the surge of activity — apparently spurred by the lack of action at the federal level — means at least half of the states now have passed transportation funding measures since 2013.

States are taking the initiative to raise billions of dollars through higher fuel taxes, vehicle fees and bonds to repair old bridges and roads and relieve traffic congestion.

At the end of July, Congress

passed a three-month extension of the current highway funding authorization, the 34th consecutive patch since 2009. The Senate has approved a six-year plan, but the House has not taken action on a long-term bill.

Neither body has come up with a politically acceptable notion for paying for a six-year highway bill.

“I don't know of a state that's not having the conversation” about raising revenue for transportation,

Iowa Transportation Director Paul Trombino III, who is vice president of the American Association of State Highway and Transportation Officials, told the AP.

Iowa recently raised fuel taxes by 10 cents a gallon.

The AP says about 20 percent of the nation's 900,000 miles of interstates and major roads need resurfacing or reconstruction.

The American Road & Transportation Builders Association, a

major interest group that advocates for increased highway spending, says federal funds cover about half of a state's capital expenditures for roads and bridges.

The AP says money available from the federal Highway Trust Fund declined 3.5 percent during the five-year period ending in 2013 because of improved vehicle fuel economy and other factors. The fund receives money from federal taxes on gasoline and diesel fuel.

# Feds seek to bolster oversight of public transit systems

WASHINGTON — The Federal Transit Administration, an extremely reluctant regulator since its establishment more than 50 years ago, is again being pushed to bolster its oversight of the nation's public transportation systems.

The motorcoach industry has nearly two decades of experience with the FTA aversion to policing the public transit agencies to which it doles out hundreds of millions of taxpayer dollars annually.

The FTA had to be coaxed long and hard before it would enforce the federal prohibition against public transit systems and

their contractors offering charter service in competition with private bus operators.

While the agency has in the past half-dozen years ended much of the blatant charter service being provided by public transit agencies, the practice still occurs, as the annual membership survey conducted by the United Motorcoach Association and the complaints about the practice that continue to be filed by private coach operators has shown.

Now, the FTA and the U.S. Department of Transportation are being pressed to increase their

scrutiny of public transportation systems after a spate of issues on the Washington, D.C., Metrorail and other systems raised questions about U.S. transit safety.

The FTA announced last month it is proposing a rule that would establish a Public Transportation Safety Program “to monitor, oversee and enforce safety in the public transit industry.”

Said Transportation Secretary Anthony Foxx: “Every day, millions of Americans take public transportation to get to work, school, medical appointments, and other important destinations.

“This new program will help us ensure that transit continues to be a safe way to get around, and a safe place to work.”

Since it was created, as the Urban Mass Transportation Administration, by legislation in 1964, the FTA role in public transportation has been focused largely on issuing funding grants to transit systems rather than cracking down on them.

Under the proposed rule, the agency would have the power to “conduct inspections, audits, and examinations” and also test “equipment, facilities, rolling

stock, and the operations of a public transit system.”

FTA regulators also would be able to take “appropriate enforcement actions, including directing the use or withholding of federal funds and issuing directives and advisories,” according to the agency.

Acting FTA Administrator Therese McMillan said it is necessary for the federal government to step up its oversight of the nation's transit systems, which are typically managed by local agencies that report primarily to municipal and state governments.

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# Unions want hair testing out of transportation bills

WASHINGTON – A group of unions and worker advocate organizations are opposing hair testing for federal drug tests.

Like the United Motorcoach Association, the unions say the testing method isn't ready for prime time.

In a joint letter to the House Transportation and Infrastructure Committee, 17 organizations urged the committee to reject hair testing for detecting drug use by commercial vehicle drivers and others.

The letter specifically asked that hair-specimen testing be re-

moved from the DRIVE Act in the Senate and the Drug Free Commercial Driver Act in the House until the validity and reliability of the testing method could be determined by the U.S. Department of Health and Human Services.

The letter was co-signed by groups such as the Teamsters union, the American Civil Liberties Union, the Transport Workers Union, the United Steelworkers and others. UMA was not a signer of the letter.

The letter cited what it said were instances where hair speci-

mens can deliver false positives for individuals who had only been exposed to illegal substances but never actually ingested. It also brought up the possibility of carriers being labeled "less safe" for using urine testing instead of hair testing.

"The process Congress established years ago has created drug testing standards that are not only effective, but scientifically and forensically sound," the groups wrote.

"Any changes to these standards must be backed by similar evidential support carefully stud-

ied by the experts with such authority."

Proponents of hair testing contend that urine analysis is less effective at detecting substance abuse because evidence of use has a longer window of detection in hair and it's harder to cheat on the test.

Major trucking organizations back hair testing.

However, the UMA and the Owner-Operator Independent Drivers Association, an organization of small truckers, oppose the method.

UMA would like to see De-

partment of Health and Human Services standards established before adoption of hair testing.

The OOIDA maintains that urine-based testing can more quickly detect recent drug use than hair testing, which can take from 4 to 10 days for the hair containing the drug to grow far enough from the scalp to be cut and tested.

There also is fear on the part of some opponents of hair testing that the commercial vehicle industry could end up with a dual-testing requirement. That is, both hair and urine testing, which would at least double costs.

## Obscure rules

CONTINUED FROM PAGE 4

Asked by *Bus & Motorcoach News* why the Part 374 rules are not included in the otherwise comprehensive Keller book, an editor for the company didn't have a ready answer. During the conversation he implied that perhaps since the rules aren't strictly safety regulations and don't impact CSA scores, they weren't included. He indicated Keller would research the issue.

So, what other obscure rules

are there they may have escaped the notice of many operators? Here's what Neese found:

- 374.201(a): Prohibition against smoking on vehicles transporting passengers in scheduled or special service in interstate commerce.
- 374.201(b): Failure to post/announce no smoking regulations.
- 374.201(c): This rule says you can forget about rule (a) if you're a charter operation (as defined under Part 374.503).
- 374.313 (a) Temperature control: A carrier shall maintain a

reasonable temperature on each bus.

- 374.313 (c) Bus servicing: Each bus shall be kept clean, with all required items in good working order.
- 374.317 Identification - bus and driver: Each bus and driver providing service shall be identified in a manner visible to passengers. The driver may be identified by name or company number.

Also intriguing to Neese was the definition of a restroom under Part 374.303 (i): Restroom means a room in a bus or terminal

equipped with a toilet, washbowl, soap or a reasonable alternative, mirror, wastebasket, and toilet paper.

Neese asked a former, long-time federal safety official about the Part 374 rules and he expressed surprise they were still on the books and being enforced. It was his impression the rules had been adopted years ago to shape up line-run outfits, notably Greyhound and the old Trailways system.

Neese worries that enforcement of most of the rules can be

very subjective. An "offensive odor" or a "clean coach" is not easily quantified and certainly subject to the discretion of the inspecting officer.

"Also, with the idle regulations in most cities, how can a company maintain temperature control aboard a coach?" asks Neese. "Again, what is reasonable?"

"Yes, these regulations exist, but are officers using them to harass operators when other violations cannot be found, or are they trying to protect the traveling public?"

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# Starr Bus Charter is named IMG Operator of the Year

OVERLAND PARK, Kan. — International Motorcoach Group has named Alan Glickman, CEO of Trenton, N.J.-based Starr Bus Charter & Tours, as its 2015 Operator of the Year.

IMG presented the award to Glickman on the final night of its annual Strategic Alliance Meeting last month in Verona, N.Y.

Each year, IMG shareholders recognize one of their own for the honor, based on operational excellence, safety performance, best

practices, community and motorcoach industry involvement, and engagement within the IMG.

"I am proud and honored to receive IMG's 2015 Operator of the Year Award," Glickman said. "I share the honor of this prestigious award with the wonderful and dedicated people at Starr who work tirelessly every day to keep Starr's presence in the industry what it is today.

"Our thanks for this great honor go to our shareholder partners at IMG whose support and

friendship we cherish."

Founded in 1947 by Gilbert Sussman, Starr now has second- and third-generation family members working in the business under the leadership of Glickman, Sussman's son-in-law.



Alan Glickman

The company serves Pennsylvania, New Jersey and Delaware and also provides packaged tours to more than 100 destinations worldwide.

"Starr is a wonderful company that in so many ways reflects the spirit and commitment of an IMG company," IMG President Bronwyn Wilson said. "We are very proud to have Starr as IMG's Operator of the Year."

During the awards ceremony, the Operator of the Year motor-

coach was unveiled. It was designed and painted by Turbo Images and features Starr's logo and an American flag, along with a background collage of the company's travel destinations.

IMG, which was established 17 years ago, is a North American network of independent bus companies "with a shared commitment to excellence throughout their operations." It has 53 member companies, operating more than 7,000 vehicles.

## NAMO honors pioneering black Virginia bus operator

JACKSONVILLE, Fla. — The National Association of Motorcoach Operators officially inaugurated a Lifetime Achievement Award during its annual conference here last month by honoring a pioneering black bus operator.

The late Gurnie Blunt of Franklin, Va., was named the initial recipient of the award. A plaque was presented to members of Mr. Blunt's family.

Mr. Blunt founded a bus company, eventually called Franklin Bus Service, after he was discharged from the Army following World War II. His first bus was a converted dump truck.

After providing bus service to a wide variety of customers, including transporting workers to major employers in Virginia's Tidewater area for nearly a decade, Mr. Blunt sought interstate operating authority.

He spent the next four years battling Greyhound Lines, Trailways operators and federal bureaucrats, seeking approval to operate across state lines. His applications, despite widespread local support,

were rejected four times.

Finally, Greyhound and Trailways representatives stopped protesting and coming to hearings conducted

to consider Mr. Blunt's application and he won Interstate Commerce Commission approval in 1963.

Mr. Blunt continued to operate and grow his company into the mid-1980s when his son, Ricky, took over. Ricky Blunt operated the company until 2004, when illness forced him to dispose of the business.

Despite only a seventh grade education and a system stacked against both newcomers and minorities, the senior Mr. Blunt persevered and built a successful company, becoming a role model for other black bus operators.

He died in 2012 at the age of 91. He helped raise nine children, as well as writing an American success story.



Gurnie Blunt

## O'Bryan honored by Virginia operators

COLUMBIA, S.C. — Tim O'Bryan, president of Service Insurance Agency in Richmond, Va., was the recipient here last month of one of the motorcoach industry's longest-enduring honors.

The Virginia Motorcoach Association named O'Bryan this year's winner of the Robert T. Mitchell Public Service Award.

The award was presented at a regional meeting of the Virginia and North Carolina motorcoach associations and the Motorcoach Association of South Carolina.

The Mitchell Public Service Award was established 47 years ago to recognize the industry contributions of its namesake, a long-time lobbyist for the Virginia Bus Association (forerunner of the Virginia Motorcoach Association), the old Alexandria-Baltimore Bus Lines, and others.

It has been presented since 1968 to an industry person who distinguishes themselves through commitment and dedication to promoting the industry.

O'Bryan has been involved in the motorcoach industry for nearly 30 years. He has been a board member of the Virginia Motorcoach Association for nearly eight years.

He also has been an active member of the North Carolina, Alabama and Tennessee motorcoach associations, along with the Motorcoach Association of South Carolina, the Georgia Motorcoach Operators Association and South Central Motorcoach.

His insurance career dates back to the late 1980s. He was with Progressive Insurance until 1992 when he joined Service Insurance Agency. He became pres-



Ken Presley of UMA, right, congratulates his former colleague, Tim O'Bryan of Service Insurance Agency, on his award.

ident of Service Insurance in 1995.

During his involvement with the coach industry he has achieved a reputation for providing an unbiased outlook on the insurance marketplace and various industry-related topics that may impact coach operators.

Previous winners of the Mitchell Award have included Chuck Andrews of WorldStrides, James M. Brown Sr. of Magic Carpet Tours, and Dave Bolen of the former New World Tours.

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# Industry shortcoming: Not enough life-cycle information

By Dave Millhouser

It's funny how dreams can turn into nightmares.

My boss was doing me a favor by letting me drive a trip from Greensboro, N.C., to Colorado because the group leader was a young lady I was infatuated with.

He'd sent me out in a Scenicrui- senger whose clutch was only slipping a little in fourth gear. By the time we reached Amarillo, Texas, the dream had become a bad one.

The bus topped out at 25 mph in second gear as the clutch slipped more and more, and I had to do something.

In ye olden days, if you had a three-quarter-inch wrench and a tad of knowledge (or a mechanic who could coach you on the phone) you could lock a clutch up tight and "ride steel" to make it home.

My relief driver was a studly dude named Dickie, and while I labored under the bus he hung out with the group leader.

I emerged from the pit triumphant but covered with grease, expecting to bask in glory. Instead, she asked: "How come you're so

dirty and Dickie always looks great?"

Some failures are predictable. In this case, both my romance and the clutch were doomed. A savvy soul would have seen it coming.

Mechanical stuff has a finite life, and often it's predictable. It's neat to yank a part out of a bus 15 minutes before it would have failed. It's also good economics.

Sometimes a kindly coach would give you a hint. If an 8V71 burned a quart of oil every 100 miles it was time to consider retiring it.

If a bus's backup lights didn't torch off until you revved the engine in reverse, the automatic transmission was ready to fail. Belts squeal, power steering pumps whine. You get it.

Airlines often replace a component based on its projected life. If a wing nut normally lasts 1,000 hours, sticking a new one in at 950 hours makes sense. (Hate it when your wing nut falls off.)

We probably should do this type maintenance in the motorcoach industry but usually don't.

One reason is that we aren't

good at analyzing failures – or predicting them. Another is that parts suppliers aren't always forthcoming with life-cycle projections.

An engine warranty might be 200,000 miles but we rightfully expect lots more. How much more is the question?

One alternator supplier offered a lengthy warranty but only if you changed bearings every 50,000 miles. The bearings lasted substantially longer but the manufacturer was unable (or unwilling) to say how long and protected itself with the 50,000-mile mandate.

Many modern components last longer than in the past but give less warning of failure.

Brushless motors seem to fit that description.

One thing we, as an industry, could do is improve our ability to analyze and share information. We know (or think we know) lots of things anecdotally. It would be nice to consolidate hard facts.

How long does an A/C compressor usually last? How many miles can you hope for before a transmission fails? Are there warning signs when a wheel bearing is

going to go out in a blaze of glory?

Aftermarket parts suppliers do some of this sort of analysis to control inventory. It would be nice if we had access, in general terms, to their insights.

Great Big Buslines (GBBs) do a lot of it, which brings us to another area where we, as an industry, could use some help.

GBBs study the life cycle of parts and fashion maintenance schedules accordingly. But when a component is altered, or newly introduced, they sometimes find it hard to get manufacturers to project its expected life.

A widget builder is reluctant to say its product will last, on average, 200,000 miles because then everyone will expect every widget to make that number. At the same time, they don't want to only claim 20 miles because then nobody would buy them.

It would be nice if we could get them to offer a reasonable prediction; a mileage at which we should consider replacing the part. It's a safe bet that the widget folks gave the coach builder some idea of what to expect. Why can't we

know that number?

Warranty is different. We should expect the vast majority of any component to long outlive its warranty, but manufacturers must have some idea how long their part will last in the real world past the warranty.

We "rode steel" from Amarillo to our Colorado destination. To add insult to injury, Dickie didn't have the skills needed to drive a coach whose clutch could not be disengaged, so he sat with MY group leader for all 400 of the remaining miles.

My boss was certainly well intentioned in assigning me the trip, but chalk this one up to "no good deed goes unpunished."

Wonder what would have happened if we'd gotten that clutch replaced before it failed?

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



Dave Millhouser

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# Change: Key to escaping that 'cold, hard survival' mode

By Christian Riddell  
Motorcoach Marketing Council

One of my favorite sayings is "if you want to accomplish something you have never accomplished, you must do something you have never done."

On the surface that sounds like something you're likely to find printed on a small slip of paper, stuffed in a crispy cookie, shortly after eating moo shu pork, but the reality is that within that sentence

lies a great business lesson.

I've recently returned from a two-week road trip where I was able to attend a number of industry events on the East Coast. I taught a few classes and had the opportunity to meet and talk with dozens of operators both large and small.

I love it when I get the chance to talk business with any operator, but this trip was especially enjoyable. I feel a great deal of optimism about the future of our industry when I sit with these folks who are so com-

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mitted to doing the right thing.

I'm talking about operators who are focused on safety and over-compliance. People who worry about their customers and who work day in and day out to do what they need to do to keep them safe,

comfortable and get them where they're going on time.

However, at times it's worrisome to see people who I've met with over the years and to talk quietly about what they face, what they want and what they are doing to get it.

### Appreciating reality

Now, the first thing I need to say here is that I am a realist. The marketing side of my brain says that everyone should drop what they are doing and focus all their time and attention on sales and marketing, but I started in this industry as the director of sales for a motorcoach company in Portland, Ore.

For those of you who may be wondering, that title was actually code for "wash it if it's dirty, drive if we don't have drivers, fix it if it's broke, answer the phone in the middle of the night, mop the floor, empty the trash, and — by the way — in all your spare time go out and sell something to someone."

You see I understand that the business of buses is a moving target fraught with reasons why those things that are not screaming in your ear get pushed back until tomorrow.

I understand that buses break, drivers fail to show, clients can be, well, unreasonable. And, that there is very little time in most companies at the end of the day to throw at much of anything other than survival.

But, that is really the point of this whole thing.

I meet with operators all over the country. Operators who desperately need more business — good companies, safe companies, companies that have good drivers and better equipment.

But these same companies are genuinely worried about their future because their fleet is sitting idle. They share with me stories about losing drivers because they can't keep them busy enough. They tell me they HAVE to find a way to get more charters or contracts or they just don't know what they're going to do.

But, in the very next breath, they say they're so busy being busy they don't have the time to do anything different. And, therein, lies the issue.

### Foundational truth

You see, the foundational truth of that fortune cookie saying is that whatever our businesses are, for better or for worse, is a product of "how we do things."

The equally important truth that

follows that is that if we want our businesses to be something different, something better than we currently have, we must look outside how we have done things to try to change our results.

A long time ago, I had the opportunity to play golf on a professional level. I packed up my family and moved to the desert in Southern California. I had played golf since I was a kid, I grew up on a golf course, worked at a course all through high school and had become pretty good.

I had very little formal training but I could get the ball around the course. When I moved to California, I would go to the course early in the morning and stay until dark. Day in and day out I would practice. I hit bucket after bucket of balls, chipped, putted and then would play 36 holes. I was struggling.

The change from playing in Oregon to playing in California put my game in a funk. One day I noticed a guy sitting watching me hit balls. I was frantically trying to figure out what was going on. Ball after ball, bucket after bucket, I hit balls and this guy just stayed there, quietly watching.

After a few hours, he quietly walked over to me and asked: "do you know what the definition of insanity is?" I just stared at him not sure what to say, I shook my head no. "Doing the same thing over and over and expecting different results. I have watched you for hours, you keep doing the same thing over and over, and then you watch it like you are surprised when it does the same thing it did the last 400 times?"

I was shocked.

That guy later became my swing coach and eventually my business partner, but the lesson that I learned in that moment was profound. I was working, and working hard. It was hot, I was sweaty and at the end of every day I felt proud that I had worked that hard to "fix" my game.

### Busy being busy

But, the reality was that I was busy being busy. I was not changing anything. I was not actually fixing anything, I was just doing it the way I had always done it.

I have written at great length in the past about the opportunities that exist in our industry. I have noted that only about 1 in every 1,000 people in North America will actually charter a bus this year.

I also have written that nearly all of those other 999 people will do something that a coach would make

CONTINUED ON PAGE 16 ►



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<b>03-35-1601</b>	E/J MODEL FENDER, L/H FRONT .....	<b>\$ 1,164.51</b>
<b>03-35-1602</b>	E/J MODEL FENDER, R/H FRONT.....	<b>\$ 1,164.51</b>
<b>03-35-1599</b>	E/J MODEL LH DRIVE AXLE FENDER 03-35-1605.....	<b>\$ 1,529.26</b>
<b>03-35-1600</b>	E/J MODEL FENDER, RH REAR 03-35-1606.....	<b>\$ 1,529.26</b>
<b>03-35-1830</b>	J MODEL PANEL, LH TAIL LAMP (ASSEMBLY) .....	<b>\$ 387.81</b>
<b>03-35-1831</b>	J MODEL PANEL, RH TAIL LAMP (ASSEMBLY).....	<b>\$ 387.81</b>
<b>03-21-1276</b>	D4505 RUBRAIL, ENTRANCE DOOR .....	<b>\$ 351.90</b>
<b>03-21-1332</b>	D4505 BUMPER ASSEMBLY, FRONT.....	<b>\$ 1,434.30</b>
<b>03-31-2432</b>	D4505 RUBRAIL, FRONT SERVICE DOOR L/H.....	<b>\$ 391.48</b>
<b>03-35-1919</b>	D4505 R/H FENDER, REAR .....	<b>\$ 924.69</b>
<b>03-35-1957</b>	D4505 R/H FENDER, FRONT .....	<b>\$ 648.39</b>
<b>03-35-1958</b>	D4505 L/H FENDER, FRONT.....	<b>\$ 648.39</b>
<b>03-35-2074</b>	D4505 L/H FENDER, REAR .....	<b>\$ 924.69</b>
<b>03-35-2433</b>	D4505 PANEL ASSEMBLY TAIL LAMP R/H.....	<b>\$ 930.42</b>
<b>03-35-2434</b>	D4505 PANEL ASSEMBLY TAIL LAMP L/H .....	<b>\$ 930.42</b>

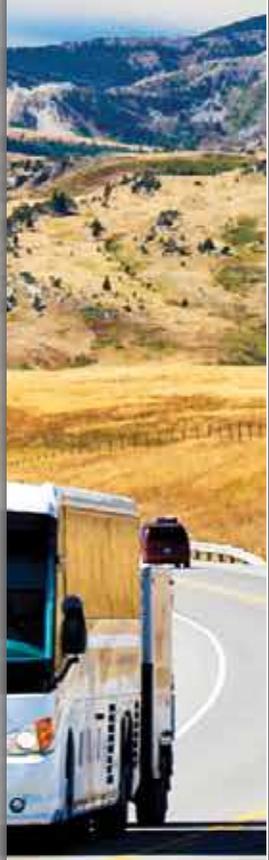
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## The Future

CONTINUED FROM PAGE 1

machines, using multiple materials, will be everywhere and “manufacturing” everything from scratch. When your technicians need a part they’ll enter a code and the machine will build it right there in the shop.

- Super highways filled with

autonomous vehicles will connect nearly every point on the globe.

It will be possible, if anyone would want to, to start a trip in Terra del Fuego in Argentina, drive the length of South and North America, cross new bridges spanning the Bering Sea into Russia, continue on to Spain, cross another new Super Bridge at Gibraltar and drive down to Cape Town, South

Africa. Now that’s a REAL tour.

Or, if you like, you could take a left and head down to Korea and cross the new bridge into Japan.

- You’ll own your vehicles but the powertrains in them will belong to the OEMs.

You’ll have a powertrain contract guaranteeing you maximum uptime and efficiency with those drivetrains. All upgrades and any

new technology will be automatically downloaded or installed as they come available or are mandated by law.

- Drivers’ seats in commercial vehicles will double as medical monitoring stations. If a driver is tired, if he or she is in a road-rage incident with an elevated pulse, or having a medical emergency, a fleet will know in real time.

Moreover, the fleet will be able to take control of the vehicle away from the driver and pull it off the road or route it to an alternate location (such as a hospital) in an emergency.

There was more. But, according to the magazine, the most important take-away was this: Every single expert and futurist they talked to was bullish on the future.

## Marketing Minute

CONTINUED FROM PAGE 14

better. But, none of that really matters if we do things “the way we have always done them.”

My swing coach helped me reshape how I practiced. He helped me do things differently. He helped me reshape how I thought about my golf swing and ultimately how I actually swung. It dramatically improved my game. I was able to work less, practice more effectively and get better.

## The ability to change

I hope that as we, as an industry, look at our future we will realize in those moments when we need more business, or to work less, or to be more profitable, that it is only our ability to change how we do things that will help us get where we want to go.

Marketing, as I’ve also noted in the past, is one of those things that easily can be pushed to the back of the list; it can seemingly always be done tomorrow.

Like most things that get pushed to tomorrow, those tomorrows turn into weeks, then months and eventually years. Those tasks will only become a priority if we make them one.

I know it can be hard to think that during a 20-hour day of cold hard survival that doing things differently is even possible. I also know it can be equally hard to realize that same 20-hour day of cold hard survival is a product of how you have always done things, and that without change the future is likely to hold many more just like it.

Change is hard. In fact, it is one of the hardest things ever.

But change leads to different outcomes. In our case, it will lead to more business, more drivers, higher margins and an industry that is consistently growing.

The truth is that this is the very mission of your Motorcoach Marketing Council, to help you sell more charters, to more people, for more money. Together, through small changes, we are making the future a very exciting reality.

For more information about the Motorcoach Marketing Council and its programs, go to [www.motorcoachmarketing.org](http://www.motorcoachmarketing.org).

## INTRODUCING THE NEW FORD TRANSIT



The 2015 Transit Wagon with the high roof has a **CENTER AISLE THAT'S 6'5" HIGH.\***  
\*Medium roof shown.

BEST-IN-CLASS FACTORY-BUILT CARGO CAPACITY  
IN A 15-PASSENGER WAGON\*\*

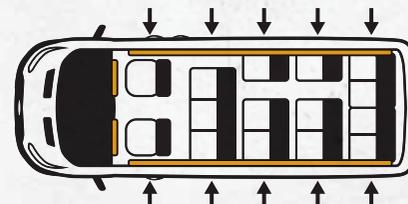
**Hauling lots of people usually means hauling lots of their stuff.** The Transit Wagon offers generous cargo space behind the last row of seats.† There's plenty of room for briefcases, computer bags, luggage and steamer trunks. All are easily accessible, thanks to widely opening rear swinging doors and a cargo floor as low as 28.2 inches.†



THE NEW  
**2015  
TRANSIT**

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CONFIGURATIONS

With available seating for 8, 10, 12 or 15 passengers, you can choose the Transit that best fits your needs. All 15 passengers can take their seats easily,† thanks to a center aisle. And to make sure no one feels boxed in, it's available with flip-open windows on both sides, front and rear.

15 PASSENGERS  
5 ROWS  
— 1 AMAZING —  
INNOVATION

The new 15-passenger Transit Wagon is equipped with the industry's first 5-row side airbags.†† Standard. And with multiple safety features designed to help protect passengers, safety is clearly the top priority in Transit.

• THE NUMBERS DON'T LIE •

\*\*Class is Full-Size Vans. When properly equipped. †When properly equipped. ††Always wear your safety belt and secure children in the rear seat.

# Louis DeVivo, chairman of DATTCO in Connecticut, dies



Louis DeVivo

KENSINGTON, Conn. — Louis DeVivo, chairman of DATTCO Inc., the 11th largest motorcoach company in North America (according to *Metro* magazine), died at his home here last month. He was 83.

Mr. DeVivo was associated with DATTCO for more than 60 years. He, his older brother and son developed the company into a diversified transportation operation with not only a large motorcoach, group travel and chauffeured vehicle division, but an even larger school bus unit, and a sales and service operation that includes a pair of Thermo King dealerships, commercial vehicle sales, heavy-duty parts distribution, vehicle service, and collision repair.

With his brother Edward, Louis DeVivo grew a small bus company that started in 1924 into a business with 2,200 employees and a fleet of 1,500, including school buses, motorcoaches, limousines and other vehicles operating throughout the East and Northeast. The company has its headquarters in New Britain, Conn.

DATTCO also operates megabus.com service in New England and into New York City.

In 1949, Edward DeVivo was a farmer and part-time bus driver when he purchased a single school bus.

In 1953, when he returned from the Army, Louis DeVivo followed his older brother into farming and the growing bus company.

By 1962, the company was rapidly expanding, and the DeVivos purchased the business from

its founders and merged with another company, adding the ancillary businesses as they grew.

The 1964 World Fair in New York was a critical moment for the company, which provided much of the transportation for the tens of thousands of visitors to the event in Queens, New York.

Mr. DeVivo was a past president of the Connecticut Bus Association and a lifetime member of the New England Bus Association.

Nine years ago, Mr. DeVivo withdrew from day-to-day operations of the company, remaining chairman, while his son Don DeVivo became president.

“I owe everything to him,” said Don DeVivo of his father. “His wisdom and encouragement will be missed.”

Besides his son, Mr. DeVivo is survived by his wife of 54 years, Irene, and his daughter Diana. Edward DeVivo died in 2003.

A memorial in Louis DeVivo’s

name has been established at the University of Hartford: Louis A. DeVivo Memorial Fund, University of Hartford, Institutional Advancement, West Hartford, CT 06117.



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## People

OVERLAND PARK, Kan. — **Minnesota Department of Transportation** Commissioner *Charlie Zelle* became president of the **Mid-America Association of Transportation Officials** at the group’s annual convention here last month.

MAASTO works to improve and integrate the transportation systems serving Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio and Wisconsin.

Zelle has led the **Minnesota Department of Transportation** since 2013. (See Jan. 1, 2013, *Bus & Motorcoach News*.)

For two-plus decades before taking over the MnDOT, Zelle headed Jefferson Lines, a large regional intercity carrier. Three generations of Zelles have owned and operated the Minneapolis-based bus line, which serves 13 states, stretching from Montana and North Dakota to Texas, and from Arkansas to Wisconsin.

## Get the knowledge to enhance your risk management solutions.

Hosted by Protective Insurance Company in Indianapolis, Ind., the **Public Transportation Claims + Safety Seminar** is your chance to hear from industry experts and network with other safety professionals. Seminar topics include, among others:

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- driver-dispatcher relations
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## Rochester City Lines

CONTINUED FROM PAGE 3

City Lines bid \$21.6 million. First Transit offered the low bid of \$19.7 million.

Following an extensive interview procedure, the Rochester City Council awarded a five-year contract to First Transit. First Transit adopted a route layout and timetable that were identical to those offered by City Lines. First Transit service began July 2, 2012, and City Lines suspended its service the following day.

Holter maintained that the bidding process was unfair because the specifications were written to favor a large company, including capital requirements that small companies could not meet. He also claimed there was a conflict of interest during the interview process because two of his managers, who had represented his company at the meeting, had — unbeknownst to him — applied for jobs with First Transit.

Holter said the city was aware First Transit also listed the pair as prospective assets in its bid documents but did not disclose the information to City Lines.

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

The city argued that “best-value” procurement procedures allowed it to avoid review of its discretionary evaluation of contract proposals.

First Transit carries 1.7 million passengers annually on 40 weekday routes and eight Saturday runs in Rochester. It employs about 55 drivers and dispatchers who are members of Amalgamated Transit Union Local 1005.

### Supreme action

City Lines petitioned the Supreme Court for review of the appeals court decision in May of last year. Oral arguments were heard by the court Dec. 9. The majority opinion was written by Associate Justice David R. Stras. A dissenting opinion was written by Chief Justice Lorie Skjeren Gildea.

The majority opinion noted that the city of Rochester adopted “best value” bidding practices that evaluated “technical design, technical approach, quality of proposed personnel and/or management plan.” It said the parties in this case disagreed on how much discretion the city should be permitted to exercise.

According to a brief filed in the case, bids were weighted on “Technical (40 percent); Interviews with Key Management Staff (30 percent); Past Performance – Reference Checks (20 percent); and Financial Ability (10 percent).”

In previous rulings, the Supreme Court wrote, “We have described an agency action as arbitrary and capricious if it represented an exercise of the agency’s ‘will’ rather than its ‘judgment.’ The essential safeguard of competitive bidding is... to ‘limit the discretion of contract-making officials’ to prevent ‘such abuses as fraud, favoritism, improvidence and extravagance.’”

The opinion said “federal standards ensure that a government agency acts in good faith, not as a pretense ‘to let the contract to some favored bidder,’ and selects the bid that is ‘most advantageous to the government.’”

### City Lines’ assertions

The court sorted the City Lines claim into four categories.

“The first two include challenges to the terms of the RFP and the procedures undertaken by the city in addressing the bid protest. (Rochester City Lines’) third claim alleges that an “organizational conflict of interest” on the part of First Transit, the winning bidder, contaminated the entire process. (Rochester City Lines’) final claim is that the cumulative irregularities in the bidding process rendered the city’s actions arbitrary, capricious, or unreasonable.”

The Supreme Court rejected City Lines’ first claim, which characterized the terms of the Rochester request for proposal as excessive because it called for “unreasonable” cash reserves and called upon the carrier to obtain outside references. The ruling stated that City Lines “forfeited this claim by failing to raise it in accordance with the pre-bid protest procedures outlined in the RFP.”

The carrier’s second claim was “that the city attorney, the individual who made the initial determination to deny (Rochester City Lines’) bid-protest filings, was biased.” Through legal technicalities, the Supreme Court ruled that the district court “lacked subject matter jurisdiction” to consider these “quasi-judicial decisions.”

The Supreme Court opinion also rejected City Lines’ third claim, “that First Transit, the winning bidder, had an ‘organizational conflict of interest’ that rendered the entire process void.”

Finally the court did find reason to send the case back to the

district court for an airing of City Lines’ grievances.

### The Silver Bullet

“(Rochester City Lines’) final, ‘catch-all’ claim is that numerous irregularities in the bidding process suggest that the city’s decision to award the bus-service contract to First Transit was arbitrary, capricious, or unreasonable under” the standards of state judicial precedents, the opinion concluded.

“Because the district court granted summary judgment to the City and First Transit on (Rochester City Lines’) claims, the question before us is not whether (Rochester City Lines) will eventually prevail at trial, but whether genuine issues of material fact exist and the district court correctly applied the (precedential) standard...we must determine whether the evidence regarding alleged procedural irregularities, viewed in the light most favorable to (Rochester City Lines), would permit a fact-finder to reasonably conclude that the city’s decision to award the contract to First Transit was arbitrary, capricious, or unreasonable.

‘The district court was too quick to grant the summary judgement requested by the city of Rochester and First Transit.’

“For at least two reasons, (Rochester City Lines) has presented sufficient evidence to create a genuine issue of material fact on the question of whether the city awarded the contract to First Transit based on an unfair and biased process.

“First, the record contains evidence that the interview process involved inconsistencies that might demonstrate favoritism toward First Transit. When First Transit submitted its bid, it listed two of (Rochester City Lines’) managers as among the personnel who would manage the bus system if it received the contract from the city. First Transit’s bid appears to have been consistent with the city’s requirement that each of the bidders make a good-faith effort to hire (Rochester City Lines) employees if selected.

“However, as part of the selection process, the city also asked bidders to have their key managers attend an interview with the city’s evaluation committee. First Transit

was the only bidder among the four that received permission from the City to substitute other employees for the managers it listed in its bid to represent it at the interview with the committee. Then, rather than basing its interview scores only on the personnel who actually attended the interview on behalf of each bidder, the committee awarded points to both (Rochester City Lines) and First Transit based on the performance of the two (City Lines) managers during (Rochester City Lines’) interview.

“The city never informed the other bidders that it had allowed First Transit to list (Rochester City Lines’) managers in its bid, to bring substitute personnel to its interview, or that it had awarded points to First Transit based on the performance of (City Lines’) managers during (Rochester City Lines’) interview. Based on this evidence, (City Lines) argues that the city violated the terms of the RFP and showed favoritism toward First Transit.

### City Lines blindsided

“Second, (Rochester City Lines) produced evidence that two employees of the city, who had initially agreed to serve as references for (Rochester City Lines), later refused to do so based on advice from the city. Specifically, (Rochester City Lines) relied on evidence, obtained during discovery, that the city attorney advised these two employees not to serve as references because it would interfere with their duties on the evaluation committee. However, despite deciding that they would no longer serve as references based on the city attorney’s advice, neither employee informed (Rochester City Lines) of the decision to withdraw as a reference, which reduced the total number of points available to (City lines) on the past-performance criterion.

“As the district court found, these actions ‘effectively left (Rochester City Lines) in the lurch’ and are ‘objectively subject to criticism.’ Evidence of these two procedural irregularities raises the specter of pervasive bias against RCL, even if, as the dissent argues, there are other legitimate explanations for the City’s actions. At least at this stage of the case, the evidence in the record does not exclude the possibility that bias against RCL, or favoritism toward First Transit, improperly influenced the City’s bidding process.”

The district court was too quick to grant the summary judgement requested by the city of Rochester and First Transit, according to the Supreme Court majority opinion.

“In granting summary judgment to the city and First Transit, the district court improperly drew inferences against (Rochester City Lines) and ignored contradictory evidence in the record, both of which the district court may not do on summary judgment. Even if... the relevant facts were not in dispute, the parties vigorously disagree about whether the procedural irregularities in the record are indicative of pervasive bias by the city, or alternatively, whether they were just inadvertent errors that had no relevance to the city’s bidding process.

“The point is that reasonable minds can disagree about the inferences that may be drawn from the record, and as we have repeatedly stated, ‘summary judgment is inappropriate when reasonable [people] might draw different conclusions from the evidence presented.’”

Therefore, the Supreme Court ruled, “(Rochester City Lines) is entitled to a trial on whether the city made the award arbitrarily, capriciously, or unreasonably.”

### In dissent

In her dissent, Chief Justice Gildea acknowledged that the standard for “best value” is subjective.

However, she wrote, “It is undisputed that the city evaluated the bidders using the factors the city said it would use and there is no dispute as to what those factors meant. It is also undisputed that based on that evaluation, the successful bidder, First Transit, was ranked first. There is no dispute that First Transit’s score was higher than (Rochester City Lines’) score on each one of the four non-price factors.

“Indeed, First Transit was ranked first of the four bidders on the basis of the total evaluation of the non-price factors and it received over 400 more points than (Rochester City Lines).

“I would hold that the city’s determination that First Transit’s proposal represented the best value for the city is rationally connected to the facts and therefore is not arbitrary and capricious. In my view, the facts on which the majority relies do not create an issue for trial when our standard of review is properly applied.”

### UMA weighs in

The United Motorcoach Association friend-of-the-court brief expressed concerns that the rulings of the lower Minnesota courts could impair the protections granted bidders by Federal Transit Ad-

CONTINUED ON PAGE 19 ►

## Rochester City Lines

CONTINUED FROM PAGE 19

ministration regulations.

The brief explained that “UMA’s members are at particular risk if the conclusions reached by the trial and appellate courts in this case are affirmed.

In UMA’s view, the lower courts’ decisions will stand as precedent for the cursory dismissal of the complex federal statutory and regulatory scheme imposed upon FTA grantees, nationwide. The reasoning of the trial court allows government administrators to utilize ‘best-value’ competitive bid solicitations as a device to reap the benefits of receiving federal financial assistance while avoiding the concomitant obligation to pay just compensation for unfair federally subsidized competition in violation of federal transit laws.

“UMA is compelled to echo the sentiments of (Rochester City Lines) that the record is replete with evidence of irregularities in the solicitation and evaluation of the bids. In many instances, when the committee accorded First Transit preferential treatment in complying with the criteria, the city conversely accorded (City Lines) unfavorable treatment. The city altered standards for bidders and seemingly inequitably applied other standards.

### Bias against City Lines?

“UMA agrees there was sufficiently-probative and substantial evidence as to genuine issues of material fact concerning this bias (bias neither benign to the process or the outcome), to cause the court to hesitate in granting sweeping summary judgment. In short, UMA agrees with (Rochester City Lines) that the record below shows the city’s evaluation of the responsive proposals was biased against (City Lines).”

UMA also noted that the city of Rochester’s grant of the bus contract to First Transit “ignored controlling municipal statutory law that required the common council to grant a franchise to any competitor of (Rochester City Lines).”

Before granting the franchise, the city’s own ordinances required the council to demonstrate that the public would be best served by such action, UMA argued. “The record reflects that First Transit never made a showing of public interest, convenience and necessity.”

The city of Rochester also avoided its obligations under federal laws governing use of transit funds, UMA contended.

“Federal transit law speaks to

‘recipients’ of FTA funds when it provides that such recipients, such as the city, may not operate equipment or facilities in competition with existing public transportation companies. Congress insisted... that such competition could be tolerated only if ‘just compensation under state or local law would be paid to the company for its franchise or property’ in the event of direct competition from subsidized mass transportation.

“For the illegality to be erased here, the city would be compelled to pay (Rochester City Lines) compensation for the value of its franchise and other property.”

At the request of the court, UMA and ABA addressed different issues in their briefs “to avoid redundancies.”

### ABA’s take

The American Bus Association “seeks to reverse the court of appeals decision as a matter of public interest,” stated its brief.

The court of appeals “appeared to rely on a weak ‘abuse of discretion’ standard and was guided by a principle that granted too much discretion to the city...the court’s opinion is devoid of detailed analysis of legal principles as they relate to the facts presented and arguments asserted by” Rochester City Lines.

The brief added that the court of appeals was “dismissive of (City Lines’) evidence that, taken together, the individual instances of bias add up to a bidding process that was not fair to (Rochester City Lines)...Its declaration that deference to discretion trumps competitive bidding principles was without precedent.”

The brief noted that ABA “disavows” a statement in a Rochester City Lines filing that claimed Greyhound “is the largest member of the American Bus Association.”

First Transit and Greyhound are both owned by FirstGroup plc of Aberdeen, Scotland. The brief explained that “ABA makes no such allegations as to any illegal or unethical activity by First Transit or any of its subsidiaries.”

### The contractors’ take

The appellate court ruling would “undermine the goals of public procurement law,” stated the Associated General Contractors of Minnesota (AGC) in its brief. “The court seemingly undermined the bedrock concept of responsiveness by declaring that application of the principle was subject to the discretion of the contracting entity.

“Such discretion is unnecessary to realize the advantages of the best-value procurement meth-

‘For the illegality to be erased here, the city would be compelled to pay (Rochester City Lines) compensation.’

od and it opens the door to (and will encourage) the evils that public contracting law combats.”

The association noted that “the public sector is a substantial consumer of construction services... Maintaining the integrity of the public procurement system benefits everyone. The public is best served when competition is en-

couraged by ensuring contractors a fair opportunity to win public contracts so that the public receives the best value for its tax dollars.”

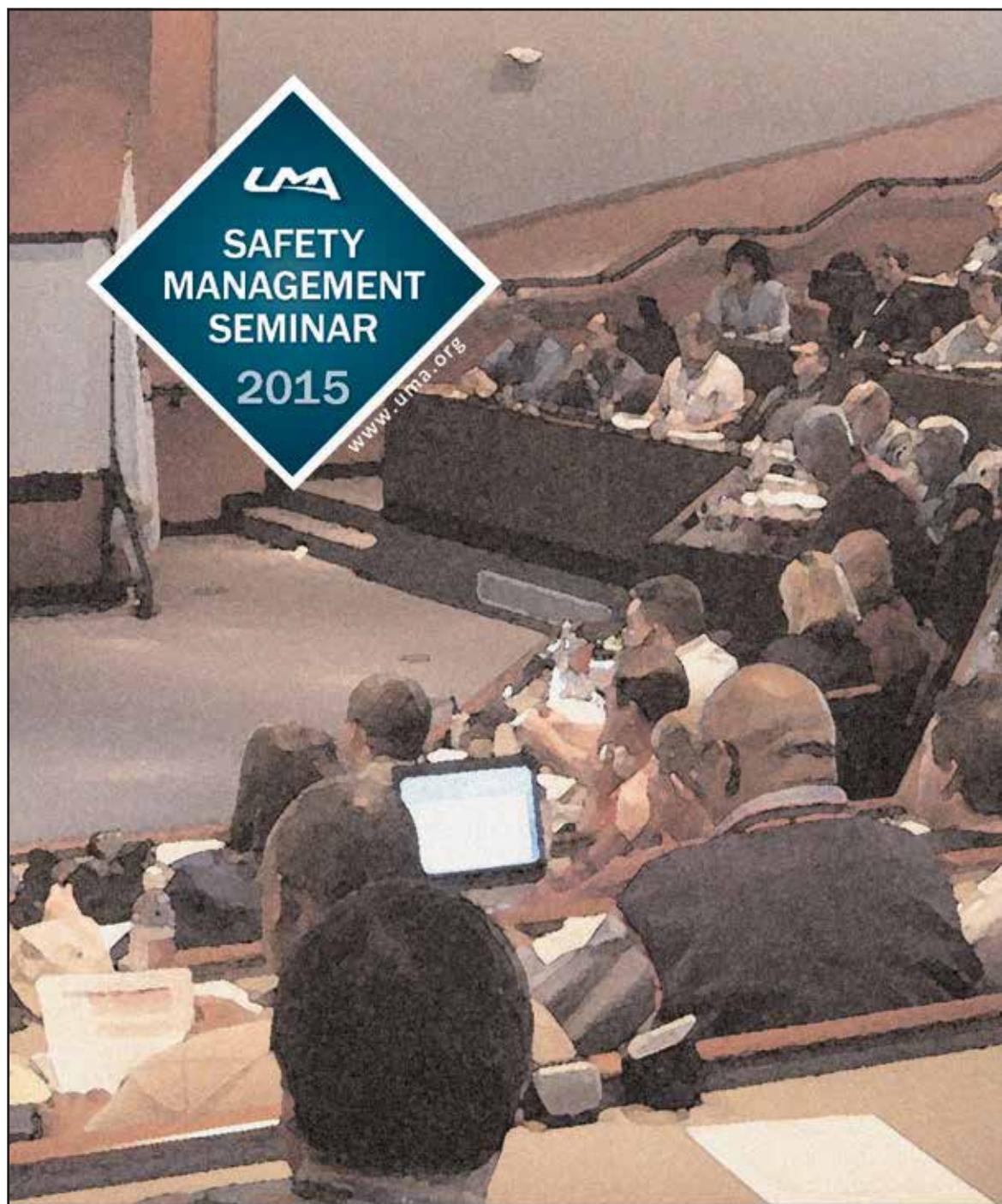
The AGC brief later stated: “The court of appeals correctly observed that the best value method necessarily grants more discretion to public contracting officials than in traditional lowest bid contracting. Unfortunately, the court of appeals wrongly decided when and how that discretion should be exercised...Limiting discretion of public contracting officials is desirable because it prevents opportunities for fraud, favoritism, and improvidence...Responsiveness ensures that all competitors are abiding by the same rules — an issue of fundamental fairness.”

## I-65 span reopening

LAFAYETTE, Ind. — By the time you read this, a bridge on Interstate 65 just north of here should be reopened after forcing buses, trucks and other vehicles to take a 37-mile detour for nearly six weeks.

The northbound bridge was closed last month after inspectors noticed that steel spans supporting the roadway had sagged. Then they discovered concrete piers had sunk about nine inches into the bed of Wildcat Creek, which the bridge crosses. Supports were being installed to stabilize the bridge.

The southbound I-65 bridge was too narrow to accommodate two-way traffic.



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## Texas consolidation

CONTINUED FROM PAGE 1

“We’re definitely emphasizing charter business and charter growth, with churches and schools and the military and Division I universities and corporations and things like that,” Jarrard said.

“That’s definitely a huge part of our growth plan, but we’re not afraid to continue to try and grow the shuttle side of our business as well.”

### Getting it done

Added Jarrard: “In our industry, there’s not a lot of consolidation occurring right now, and with everything going on with the positives of low fuel prices and where the financial markets are up and down, it’s exciting to be able to pull two companies together in a stronger relationship as one and gain some benefit of that and hopefully continue to be able to focus on that growth curve over time.”

A lot of owners are looking for succession plans and ways to retire and don’t have family taking over, he noted.

“We’re a relatively young management team, young ownership team, that wants to do this for the next 25, 30 years,” said Jarrard, who is 40.

“So, we really want to have this as a launching pad for the next three decades to demonstrate the financial strength and the operational wherewithal to continue to

maybe help out other operators that are looking at succession planning and growth, but also to continue to represent the industry well by running a compliant, safe, reliable operation with new and late-model equipment, and just be one of the good guys in the business and make things easier on Capitol Hill in terms of legislation and regulatory changes and all those kind of things.

“Our intent is right in terms of how we grow,” he said. “It’s going to be methodical, it’s going to be strategic, but our intent is right also in bringing a source of pride to the industry due to some of the other unfortunate things that have occurred and just demonstrating that you can do it right and make the right investment in safety and compliance and be able to run a good operation.”

### What might have been

The AFC-Echo merger took more than a year to complete and originally was planned to be a much larger consolidation. As it happened, AFC and Echo turned out to be the remaining two operators of what was envisioned to be a merging of five companies, including Roadrunner Charters of Hurst, Texas; Star Shuttle & Charter of San Antonio, and Tri-City Charter of Bossier City, La. (See *Bus & Motorcoach News*, July 15, 2014).

A U.S. Surface Transportation Board filing last year said Echo would first acquire Tri-City, an acquisition the filing said was neces-

sary to complete the larger transaction.

“That was a misunderstanding and a miscommunication; we didn’t have to do anything with Tri-City,” Jarrard said, explaining that Echo was seeking to acquire Tri-City to enlarge Echo before the TBL deal, giving Echo more weight and value to bring to the merged operation, and did not affect the construct of the deal then before the Surface Transportation Board.

Timing hurt the Tri-City deal because things were unraveling, too, with Roadrunner and Star Shuttle, and “we just wanted to make it easier and by including Tri-City in the mix made it complicated and we just needed to simplify things,” Jarrard said.

Not many lenders are excited about four to five operators trying to merge simultaneously when all the operators remain, he added.

“Two is much better in the eyes of lenders than five. Two’s better than three. So, I would say it was a timing play more than anything, that’s really what it came down to,” Jarrard explained.

### Not for everyone

Ron Wills, owner and CEO at Roadrunner, said he pulled out over concerns about ultimate control of his company under TBL.

“We want to wish those boys well,” Wills said. “We’re happy that they got their deal done and... we’re happy for them. It was just a deal that wouldn’t work for us.

We’re kind of going our own path, if you will.”

Wills was uncomfortable about how much operational control he’d have with Roadrunner.

“Being an owner myself, building a business, I didn’t want to put my future in anybody else’s hands. That’s basically what it amounted to,” he said. “When I found out that basically we didn’t believe that I would have the control I wanted, I backed out of the deal.”

Added Wills: “They got it done and we chose different paths and I’m glad they got their deal finished. But when it comes down to it...I like to have total control over what I do and I would have lost that if I would have gone with them.”

Roadrunner CFO Mike Lawrence, who helped fashion the strategy and idea of TBL, said the sides parted amicably.

“We agreed to leave behind the financing that I had arranged so that they could get their deal done without us having created a problem for them,” Lawrence said. “So we were friends when we left and we’re friends now.”

Added Wills: “Hopefully both companies, ours and theirs...will thrive in this economy.”

### Not a good fit

Star Shuttle’s CEO, John Walker, said in an email: “I have the utmost respect for all parties that were involved in the proposed merger.

“Star Shuttle just wasn’t a good fit for a number of reasons, most significantly we have a different

business model and we are at a different stage in the development of our business.”

Tri-City’s owner, Jim Pitstick, said he never pulled out, that the deal just dissolved. Thinking about retirement, he said he’s open to considering other deals down the road.

“Are they going to reach out to me again?” he said. “I don’t know, time will tell.”

TBL Group’s ownership, in addition to AFC’s Ferrari and Echo’s Jarrard, includes Ferrari’s stepfather, Sonny El-Lahham, chairman; Tanner West of Echo, CFO, and Thom Fox, also of Echo, chief marketing officer. All have seats on the TBL board.

Ferrari founded AFC in 1991 with one vehicle and named his company A First Class Limousine Service.

Three years later, services expanded to include chartered transportation and A First Class Limousine Service was abbreviated to AFC Transportation, according to the company website.

Jarrard and West, who knew each other from college, bought Wyoming-based Sublink Stage in 2010 and in 2011 acquired Fort Worth, Texas-based Gotta Go Trailways and brought in college friend Fox, according to a *Busline* magazine report last year.

In 2013, Gotta Go Trailways and Buses by Bill, a Dallas-based operator, merged to form Echo Transportation, according to Echo’s website.

## Coach sales

CONTINUED FROM PAGE 1

this year and rose more than 10 percent in the second quarter.

### Transit buying soars

The biggest turnaround, however, occurred in the public sector, where purchases of commuter coaches by transit agencies rebounded from particularly weak initial quarters of last year.

Public transit agencies purchased only 26 45-foot coaches during the first quarter of 2014. This year they more than quadrupled that number, taking delivery of 107 45-footers.

For the second quarter, deliveries to public transit agencies jumped 90 percent to 137 45-foot coaches from the 67 purchased during the second three months of 2014.

The first quarter is typically the weakest period of the year for new motorcoach sales. The 445 new coaches sold during this year’s first three months was the strongest first quarter since 2008.

Last year’s first quarter was particularly lackluster, reflecting the economy at that point and the lousy weather in many parts of the U.S.

Private- and public-sector sales of new MCI, Prevost, Setra, Van Hool and Volvo models during the second three months of this year quite possibly were the strongest in more than a dozen years. Exact comparisons are difficult because of changes that have occurred in compiling industry sales figures.

Here is a further breakdown of the first six months’ sales for this year and last:

- 760 45-foot coaches were purchased by private operators during the first half of this year, compared to 651 last year.

## Labor Day

CONTINUED FROM PAGE 3

diverting a great deal of traffic from cars, trains and planes,” said Joseph Schwieterman, director of the Chaddick Institute.

“Many extra buses will be put into service, especially in major markets of the Midwest and Northeast.”

Budget travelers are finding buses to be a particularly attractive option, says Schwieterman.

Here are other findings from the Chaddick Institute report:

- An estimated 1,144,094 pas-

- 244 45-foot coaches were purchased by public transit agencies during the first half of this year versus 88 last year.

- Coach shell sales climbed 45 percent.

A total of 32 shells were delivered to converters during the first half of 2015, versus 22 a year ago. A total of 14 shells were sold during the first quarter of this year, with 18 delivered in the second quarter. The comparable figures for the respective quarters last year were 10 and 12.

Missing from the ABA Foundation report are sales of Temsa and

sengers will have made trips by bus between Thursday, Sept. 3, and Monday, Sept. 7.

- Greyhound, megabus.com and other major lines were expected to operate many “extra section” buses on the two busiest days – Friday, Sept. 4 and Monday, Sept. 7.

A few weeks before the holiday, peak-hour departures were available between New York and Washington, D.C., for \$37 each way, while Chicago-to-Detroit fares and Portland-to-Seattle one-way fares were \$38 and \$28, respectively.

While the holiday surge is nice, regular daily bus operations also

Caio coaches. The foundation continues efforts to expand its reporting to other manufacturers and may be getting close to adding Temsa.

### Cummins: Still No. 1

Cummins continued to be the dominant engine in new motorcoaches and buses delivered during the first half of this year, going into 444 new models sold by MCI and ABC/Van Hool.

By comparison, 354 Prevost and Volvo coaches were delivered with Volvo engines, which are only available in those brands.

are up, according to Chaddick Institute research.

The number of daily scheduled operations by conventional intercity and discount city-to-city bus lines together grew by 2.1 percent during normal travel periods between 2014 and 2015, according to Chaddick.

The Chaddick Institute reaches its estimates using its own Intercity Bus Data Set and bookings data from *Wanderu.com*, a company that aggregates bus ticket sales online.

The full report and methodology are available at <http://bit.ly/chaddickresearch>.

Detroit and Mercedes engines, which are essentially power-plant twins, went into 288 new MCI, Setra and Van Hool coaches.

Cummins’ motorcoach-sector share in the first quarter was 44.3 percent, compared to 26.3 percent for Detroit/Mercedes and 29.4 percent for Volvo.

In the second quarter, Cummins had a 38.5 percent share, versus 26.6 percent for Detroit/Mercedes and 34.8 percent for Volvo.

Allison continues to be the dominant transmission.

A total of 1,054 new coaches and buses were delivered during the first half of this year with Allison, compared with 16 ZFs and 24 Volvo transmissions. Both the Volvo and ZF are semi-automatic transmissions, while Allison is fully automatic.

Because of the way the engine and transmission numbers are reported it’s possible to figure exact sales for only two of the five brands of coaches in the ABA Foundation report: Prevost and Volvo.

Sales of new Prevosts were up 40 percent during the first six months of this year, while sales of Volvo 9700 coaches were up 14 percent.

# Midwest Bus Association picks officers, directors

FORT WAYNE, Ind. — The Midwest Bus & Motorcoach Association has elected seven directors to one- or three-year terms, and chosen officers for 2015-16.

The elections came at the association annual business meeting here last month. Directors picked for three-year terms were:

- Ryan Cupp, Blue Lakes Charters & Tours, Clio, Mich.
- Pat Greteman, Windstar Lines, Cedar Rapids, Iowa
- David James, BRT Charter Service, Brecksville, Ohio

• Dan Shoup, Cardinal Buses, Middlebury, Ind.

• Pete Bachrach, ABC Companies, Faribault, Minn.

• Directors elected to one-year terms were:

- Joe Turner, Heartland Trailways, St. Joseph, Mo.
- Rick Mills, Rockford Charter Coach, Rockford, Ill.

Officers chosen for the next year were:

- Chairman — Trent Stange, Compass Coach, Cedar Springs, Mich.

• Vice Chair — James of BRT Charter

• Treasurer — Kent Huskey, Huskey Trailways, Festus, Mo.

• Secretary — Shoup of Cardinal Buses

One director, Joe Nichols of Heartland Trailways, who had been treasurer, dropped off the board after leaving his employer.

The Midwest Bus & Motorcoach Association was formed about five years ago to represent operators in eight mostly Midwestern states: Illinois, Indiana, Iowa,

Michigan, Missouri, Ohio, South Dakota and Wisconsin.

The association bylaws provide for two directors from each state, plus three associate directors. Currently, only one state, South Dakota, does not have a representative on the board, and two states, Illinois and Ohio, have one representative.

Wisconsin, which has its own state association, can appoint one director to vote at membership meetings of the Midwest Association.

## Calendar

### September 2015

**28-30 BusCon 2015**, Indiana Convention Center, Indianapolis. Info: [www.busconexpo.com](http://www.busconexpo.com).

### October 2015

**4-7 2015 Annual Meeting of American Public Transportation Association**, Hilton San Francisco. Info: [www.apta.com](http://www.apta.com).

**5-8 2015 Annual General Meeting of Gray Line Worldwide**, Windsor Court Hotel, New Orleans. Info: [www.graylineconvention2015.com](http://www.graylineconvention2015.com).

**11-14 Chauffeur Driven Trade Show & Conference**, Loews Miami Beach Hotel. Info: [www.chauffeurdrivenshow.com](http://www.chauffeurdrivenshow.com).

**16-21 Busworld Kortrijk**, Kortrijk, Belgium. Info: <http://kortrijk.busworld.org>.

**17-20 42nd Annual California Bus Association Convention and Trade Show**, Tenaya Lodge at Yosemite, Fish Camp, Calif. Info: [www.cbabus.com](http://www.cbabus.com).

**25-27 2015 BANY Annual Meeting and Marketplace**, Villa Roma Resort and Conference Center, Callicoon, N.Y. Info: [www.BANYbus.org](http://www.BANYbus.org).

# A.C.T. is named Eberspächer bus A/C distributor

YORK, Pa. -- American Cooling Technology and Eberspächer GmbH of Renningen, Germany, have established a distribution partnership for the North American bus HVAC market.

The deal is potentially very significant for North American motorcoach operators because it's expected to improve parts availability and servicing of Eberspächer HVAC units that are used on Van Hool, Tamsa and Volvo motorcoaches.

Under the arrangement, A.C.T.

and Eberspächer will essentially be offering large and small bus air conditioning and heating products produced by each company. A.C.T. will distribute and service Eberspächer products in North America, while Eberspächer will offer A.C.T. products in Europe.

A.C.T. President and CEO Dave Oberdorff said the firm had made a substantial investment in parts and training to better serve the North American distributors and operators of Van Hool, Tamsa and Volvo coaches.

York-based A.C.T. offers a comprehensive air conditioning product line, from split systems to rooftop units, primarily for the school and shuttle bus markets.

In addition to supplying HVAC equipment for new systems, A.C.T. also will be providing warranty support for Eberspächer systems in North America.

Eberspächer builds a complete line of large bus rooftop air conditioners, including all electric options, and fuel-fired bus heaters like the Hydronic.

The German company entered the bus and coach air-conditioning market in a big way five years ago when it acquired the Sutrak bus air-conditioning business in Europe, the Middle East and Africa from the Carrier Corp.

"With this new partnership bus owners and operators will be able to have a single contact to support their HVAC systems," said Oberdorff.

Additional information is available at [www.actusa.us.com](http://www.actusa.us.com) and [www.eberspaecher.com](http://www.eberspaecher.com).



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# Onboard video: Feds scratch surface, value runs deeper

RICHFIELD, Ohio — It's not necessary to look any further than the smartphone in your pocket to know we live in an age where video cameras are everywhere.

And while video camera systems have been available to passenger transportation fleets for the better part of a decade, the technology has finally evolved to the point that most operators are now utilizing video systems in their vehicles, and recognizing the many benefits they can bring in terms of improving driver behavior, lowering accident frequency, and limiting costly litigation that can go along with disputed claims.

Interestingly, while the technology has evolved to become ubiquitous, government involvement with video systems has been almost nonexistent.

In fact, until this year, the primary regulation that applies to the technology focused only on where the camera should be mounted inside the vehicle.

More recently, however, the National Transportation Safety Board (NTSB) released a safety report, Commercial Vehicle Onboard Video Systems, which fo-

cused on the technology utilized by two buses that were involved in accidents, and made recommendations for using onboard video systems.

In reading the report, it quickly becomes apparent that the NTSB guidance is focused on some fairly basic principles:

- Systems need to be properly installed and maintained with the technology company delivering specific written guidance to assist the operator.

- Video camera specifications, including the magnitude of the infrared lighting, must allow for visibility of the interior and exterior of the vehicle, as well as views of the driver and all passengers.

- In the case of an accident or event, the video must capture all the details.

It's logical that any company installing a video system would expect the equipment to operate properly and result in comprehensive, usable footage.

Best-in-class operators, however, are maximizing the technology to truly lower claims costs, avoid claims to begin with, and derive the most value from their

investment.

National Interstate Insurance, through an affiliate loyalty program launched in 2006, helps its customers utilize video technology.

Over the past decade, National Interstate's affiliate has assisted with the installation of more than 33,000 cameras, making an investment of over \$12 million, and has accumulated significant experience with how to best utilize video technology.

National Interstate believes the best fleet operators go well beyond the NTSB recommendations, including utilizing the following best practices:

Get your drivers on board early. Secure driver buy-in by demonstrating the technology, explaining benefits for the driver, and showing sample video clips of other drivers being exonerated because a video system was used.

A driver proven innocent by a video showing he was not tailgating prior to a rear-end collision is a natural advocate for cameras, and can sell the concept to his peers much easier than a safety manager lecturing about cameras, which

can be perceived as "big brother."

Don't delete your eyewitness, or downloading and saving data. Owing state-of-the-art technology is literally worthless if video footage isn't there when you need it to settle a claim or clear your driver.

Additionally, if you are not preserving footage of all accidents or the footage is overwritten, you could face legal consequences such as spoliation of evidence.

Develop a policy for downloading video footage and follow it consistently. It is also essential to regularly view the video footage for events that could be used later to coach or train drivers, or aid in a claims investigation.

For example, a passenger slips while exiting one of your vehicles and initially says she is fine, then months later a claim shows up. Having the video is invaluable during an investigation, so make sure you have a retention policy to maintain videos of all ongoing claims, as well as incidents that could potentially turn into a claim.

Avoid claims and isolate problem areas — review, coach, track, repeat. As referenced in the NTSB

report, having detailed video footage is essential, but the true return on investment comes from avoiding accidents and claims in the first place.

Camera technology can assist in these efforts, but you must diligently follow a plan of reviewing, coaching and tracking.

Some vendors offer service plans to manage the data for you to help identify trends and increase your potential return on investment.

For example, one vendor's customer experienced dramatic results after implementing the technology for just six months, seeing a 63 percent improvement in seat-belt use, a 28 percent reduction in traffic violations, and a 78 percent reduction in cell phone use/distracted driving.

It should be noted that no specific results are guaranteed by adopting the technology, and results will vary from customer to customer.

Still, the camera units can provide other ancillary benefits. For instance, another vendor reported that one of its customers cited numerous benefits from supporting features such as GPS mapping, which discovered drivers starting their routes too early or intentionally padding their work hours.

Such practices cost the company thousands of dollars a week in wages.

They also were able to increase productivity and reduce fuel consumption by using their buses on additional routes instead of sitting idly on the side of the road.

The decision to utilize video camera systems requires a real commitment. It involves careful analysis of the different camera technologies available, the additional personnel that may be required to monitor the system, and a dedication to getting the most out of the technology.

Utilizing video technology is not always easy, and it requires buy-in from the entire organization, top to bottom. However, just as the smartphone in your pocket is not going away anytime soon, onboard video systems in fleets are also here to stay, and the best operators will utilize the technology to its full advantage.

For more information about onboard video systems or other risk management initiatives, contact Paul Stock, director of risk management, National Interstate Insurance, at [paul.stock@natl.com](mailto:paul.stock@natl.com) or (800) 929-1500 ext. 1551.

This article was prepared by National Interstate Insurance.

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