

# Bus & Motorcoach NEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

## Safety summiteers advocate still more safety measures

WASHINGTON — A pronounced dichotomy appears to be developing between the perspective of many in the motorcoach industry and that of regulators and critics when it comes to what should be done to improve industry safety.

There was evidence of those differences at the National Motorcoach Safety Summit conducted here late last month by the Federal Motor Carrier Safety Administration.

At its most basic, the dichotomy boils down to this: The industry is

struggling to find new ways to improve safety through developing professionalism while regulators, safety advocates and other critics adhere to the notion that expanded enforcement and gee-whiz technology will produce improved safety.

Few in the industry seem to agree with the prescription offered by regulators and others, doubting whether the new metrics being set up by regulators will be predictive of bus crashes, and contending that “surprise” inspections are too scat-

tershot and don't target the areas where the industry's outliers operate or the hours when they operate.

Many in the industry contend that if enforcement agencies really believed that stepped-up enforcement was the answer they could have adopted a much more targeted approach years ago and maybe saved lives.

Meanwhile, regulators, who have access to millions of taxpayer dollars, and critics, are doing what they've always done: Scheduling

surprise destination inspections, pushing their latest safety initiative, imposing more costly technology, and advocating for draconian safety legislation that will doubtless make buses safer — and enormously more expensive — but likely won't reduce the number of crashes.

With regulators and critics dominating the agenda of the FMCSA safety summit, attendees and watchers on a webcast heard exactly that message.

FMCSA Administrator Anne

Ferro, who kicked off the event, quickly made the case for more enforcement, more laws and more regulation. She noted that 2011 began as the worst year in U.S. history for motorcoach fatalities.

At the same time, she said the foundation is strong when it comes to safety and the motorcoach industry.

“But the crashes show that more needs to be done,” Ferro said. Quoting her boss, U.S. Department of Transportation Secretary Ray

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## Bus museum facilities flooded

### Clean up begins, buses are insured

HERSHEY, Pa. — The Museum of Bus Transportation is recovering from a flash flood that damaged more than a dozen of its vintage buses, as well as its shop and storage facility last month.

The flooding, which was set off by Tropical Storm Lee, sent six-foot-deep water surging through the George M. Sage Memorial Annex where the museum houses most of its buses that are not on display.

Tom Collins, president of the all-volunteer board that operates the museum, said the museum itself escaped damage because the building it shares with the Antique Auto Museum sits on higher



A creek near the museum annex became a roiling lake

ground more than a mile from the annex.

However, seven buses that

were stored inside the annex and seven others that were parked on

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## Fewer operators registering for charter alerts; UMA frets

WASHINGTON — Motorcoach operators that have dropped off the list to receive charter notices from public transit agencies under the federal charter service regulation may unknowingly be aiding efforts to weaken or end the rule.

The United Motorcoach Association warns that the public transit industry, which has opposed the rule since it was revised more than three years ago, continues to look for ways and reasons to redo or eliminate it, and a lack of interest by private operators would give them another tool to use in their efforts.

Currently, only about 570 carriers are registered on the Federal Transit Administration charter rule website, a substantial drop from the nearly 1,400 that originally

signed up.

“We really need to get our operators reconnected with this site,” said Victor Parra, UMA president and chief executive.

“With the possibility of the federal highway reauthorization bill coming up this year in Congress, we're pretty confident the American Public Transportation Association will use the lack of apparent interest in seeking charter opportunities as an argument to weaken or completely get rid of the restrictions imposed by the charter bus rule.”

Under the charter service rule, transit agencies are required to inform motorcoach operators on the FTA charter list of any charter

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## Congress extends highway spending through end of March

WASHINGTON — In a rare display of cohesion, Congress last month approved a measure to extend federal surface transportation spending and the federal fuel tax system that helps fund it until March 31.

The vote in the House was unanimous; the Senate approved the extension on a 92-6 vote.

The extension came the same week President Obama formally delivered to Congress his jobs program, which includes \$27 billion in new highway spending.

“While this (extension) signifies a bipartisan, bicameral agreement to move forward, it must not be just a temporary Band-Aid for our important aviation, highway,

rail and safety programs and for job creation,” said Rep. John Mica, R-Fla., chairman of the House Transportation and Infrastructure Committee.

The U.S. has been without a new highway and public transportation reauthorization law since September 2009, when the previous funding authorization expired.

The latest extension is the eighth Congress has adopted during the past two years.

“To build our nation's infrastructure and put people to work, we need long-term authorizations” of the highway and Federal Aviation Administration programs, Mica said in a statement.

The committee's ranking mi-

nority member, Rep. Nick Rahall, D-W.Va., said he hoped that, “with this six-month extension, ... we can come together and work to develop a long-term...bill that keeps the nation economically competitive, meets the demands of the 21st century and creates millions of family-wage American jobs.”

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# Texas operator Autumn Brown receives 'life-saving award'



Mayor Robert Cluck of Arlington, Texas, presents Autumn Dipert Brown with a certificate to salute her heroism.

ARLINGTON, Texas — Although she has no gilded medals pinned on her dress, Autumn Dipert Brown of Dan Dipert Coaches and Tours walks the walk and talks the talk of a hero today.

And she thinks you and your employees could and should, too.

This past summer, Brown was dining with her family at a local restaurant when a nearby patron collapsed.

Brown, who had received cardiopulmonary resuscitation training from the American Red Cross, initiated CPR (including mouth-

to-mouth ventilations) on the man.

Eventually, Arlington Fire Department and AMR medics arrived and completed reviving the diner, utilizing an automatic external defibrillator. He was transported by ambulance to a local hospital where he received additional treatment and survived.

Brown was called a lifesaver and hero for her actions, and was honored last month with an award presented by Arlington Mayor Robert Cluck during a ceremony at The Ballpark at Arlington prior to a Major League Baseball game

between the Texas Rangers and Cleveland Indians.

CPR training and certification was important to Brown and Dan Dipert Coaches and Tours long before the incident at the restaurant in July.

For six years, Brown and Dan Dipert Coaches and Tours has encouraged company staff to learn CRP by offering the American Red Cross CPR Certification and Basic First Aid Course to employees and conducting the training in its offices free of charge.

"We believe that providing the

training to our employees is our responsibility to our passengers, our community, our friends and family," says Brown.

"I can attest that you just never know when CPR can save someone's life. I'm very grateful to the Red Cross for making the training so affordable to all Americans and I feel honored that I was at the right place at the right time with the right knowledge and courage to assist in saving one man's life," she added.

Brown believes so strongly in

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# Former executives of ABC sign on to grow Temsa in U.S.

LAS VEGAS — A quartet of former top executives from ABC Companies, including former Chief Operating Officer Bob Foley, have joined CH Trading Company, the distributor of Temsa coaches in the U.S.

Foley is joining CH Trading as president and CEO; Duane Geiger will be executive vice president sales and service; Tim Vaught will assume the position of vice president of sales, service and product development, and Anthony Mongiovi will become vice president

of sales and service.

The high-level executive additions would appear to make a significant statement that CH Trading and Temsa intend to become major players in the U.S. motorcoach market, and come at a time when the company is focused on increasing market penetration for the 35-foot coach imported from Turkey.

Last month, Temsa unveiled a 30-foot, U.S.-bound coach (see story page 18), but a 45-foot coach is thought to be at least two to three years away.

"We are delighted to have these individuals join us," said Michael Haggerty, chairman of CH Trading. "They each have a strong background in the motorcoach industry and it's my hope they'll bring that experience to their roles in helping CH Trading Company become an even bigger player on the U.S. motorcoach scene."

Haggerty is best known in the industry as the former principal owner of Ryan's Express Transportation Services, a large motorcoach operation based in North



Robert Foley

Duane Geiger

Tim Vaught

Anthony Mongiovi

Las Vegas.

Haggerty sold his interest in Ryan's Express to a private-equity firm (see Aug. 15 *Bus & Motorcoach News*) and said he intended

to focus his attention on CH Trading. His focus apparently helped bring the former ABC executives to CH.

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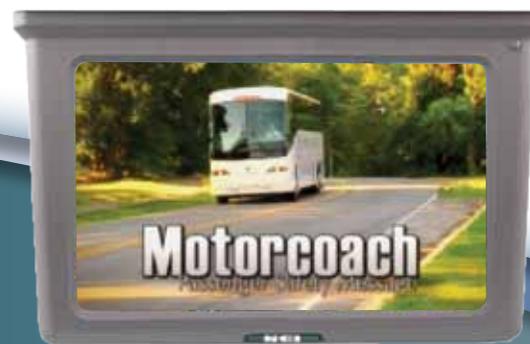


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# THE DOCKET

## EOBR rule for buses, trucks is among the feds' costliest

WASHINGTON — The proposed regulation that would require electronic onboard recorders for most over-the-road buses and trucks is among the most costly rules currently being considered by the Obama Administration.

The EOBR rule, which has an estimated economic burden of \$2 billion on truck and bus operators, is one of seven regulations President Obama told House Speaker John Boehner, R-Ohio, will cost at least \$1 billion — each.

A proposed rule that would change the hours-of-service rules for truckers is also on the list, with an estimated cost impact of \$1 billion.

These rules are proposed, “and before finalizing any of them we will take account of public comments and concerns and give careful consideration to cost-saving possibilities and alternatives,” Obama wrote to Boehner.

Boehner had asked Obama to identify pending regulations that his administration estimates would have an economic burden

of \$1 billion or more.

The House plans to consider legislation that would require Congress to approve regulations that could have a significant impact on the economy. The move is part of the House effort to remove impediments to job creation and economic growth, according to Boehner.

In January, the Federal Motor Carrier Safety Administration proposed requiring almost all bus and truck companies to use EOBRs to track driving hours (see Feb. 1 *Bus & Motorcoach News*).

The agency's estimate that it would finalize the rule by June 2012 is in jeopardy as a related rule requiring the devices for carriers with a pattern of hours-of-service violations was rejected in a federal court last month (see Sept. 15 *Bus & Motorcoach News*).

The EOBR and proposed revised truckers' hours rule join four Environmental Protection Agency regulations and one from the National Highway Traffic Safety Administration on the \$1-billion-or-more list.

## UMA joins groups opposing NLRB 'ambush elections rule'

WASHINGTON — The United Motorcoach Association has joined with more than 275 organizations that oppose a National Labor Relations Board proposal that would dramatically shorten the union election process.

The NLRB proposal, which has been dubbed the ambush elections rule by critics, would dramatically shorten the union election process to as few as 10 days.

The Coalition for a Democratic Workplace, which UMA has joined, strongly opposes the NLRB proposal and wants Congress to intervene if the board formally adopts the idea.

Under current rules, most (95 percent) union elections take place within 56 days of a union-election petition being filed by a labor union, and the median timeframe for these elections is 38 days.

Under the proposed rule, the timeframe would be shortened to as little as 10 to 21 days after a union-election petition has been filed.

The rule also would shorten the deadline for employers to submit electronic lists of employees to

labor unions before an election, from seven days to two.

In addition, the proposal would require that all pre-election hearings occur within seven days of the petition. Businesses would have to file a statement within those seven days setting forth their position on all relevant legal issues.

Any issues not identified in the statement would be waived forever.

The coalition believes that for employees to make an informed choice about whether they feel they need a labor union to represent them, employees need to be able to obtain information from both the union and their employer.

With the shortened time between petition and election, employers would have little time to express their views about unions and collective bargaining. Thus, employees would not be able to make an informed decision on union representation, says the coalition.

Said CDW Chairman Geoffrey Burr: “If the president is serious about creating the conditions that will stimulate economic growth and

## NTSB wants truck, coach cellphone ban

WASHINGTON — Truck and bus drivers should be prohibited from talking and texting on phones while driving, no matter whether they use hands-free devices, the National Transportation Safety Board says.

“Distracted driving is becoming increasingly prevalent, exacerbating the danger we encounter daily on our roadways,” NTSB Chairman Deborah Hersman said in a statement announcing the board's vote to recommend the regulations.

NTSB, an independent government body, made the phone-use recommendation to the Federal Motor Carrier Safety Administration and states. The board cannot set regulations itself.

NTSB investigators determined that cellphone use was one of the main factors in a March 2010 crash in Munfordville, Ky., between a tractor-trailer and a van holding 11 people, nine of whom died along with the truck driver.

Driver fatigue and the failure of cable barriers along the highway's median also contributed to the crash, the board said in its report.

The Federal Motor Carrier Safety Administration, which oversees commercial bus and truck operators, along with many states, has already imposed a ban on texting while driving.

Studies have shown that texting increases the risk of an accident 23 fold.

But it's not clear whether the “no cell” call will be adopted by the FMCSA any time soon.

Some critics question whether a ban on all phones is practical — troopers rarely go after car drivers they see using a phone, let alone truckers eight feet up.

And there's uncertainty whether singling out all cellphones for commercial drivers goes far enough — or too far.

There are many documented cases of crashes that involved drivers while operating CB radios or GPS devices, or even fiddling with a radio.

create jobs, he must take swift actions to rein in this rogue agency.”

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

## Georgia is doing away with vehicle inspections by police

ATLANTA — Georgia apparently is ending a program that has allowed 20 police departments across the state to inspect commercial vehicles for safety violations.

An Atlanta television station obtained a memo sent to the police agencies, saying the Georgia Department of Public Safety would be ending its memorandum of understanding with the 20 departments, effective Sept. 30, and that authority to inspect commercial vehicles would become solely a state function.

The move was welcomed by both truck and bus operators.

One motorcoach operator said he and other bus company owners were relieved because the training of the police officers conducting bus inspections was not up to the level of state inspectors.

Truckers said the change was a more efficient use of money and meant a more dedicated cadre of inspectors would be checking trucks.

The state legislature allocated \$2 million this year for the hiring of 63 civilians to staff state weigh stations, allowing the department to release sworn officers back onto the roads to conduct truck and bus inspections.

A total of 247 state inspectors will staff the Motor Carrier Compliance Division, covering the state's 159 counties.

The 88 locally-certified inspectors will be absorbed back into their police departments.

There is some evidence the police inspectors were more aggressive in their enforcement than their state counterparts

Since January, Motor Carrier Compliance Division inspectors have conducted 59,418 inspections, with about 13 percent of the vehicles inspected ordered off the road.

During the same period, locally certified inspectors conducted 5,112 inspections, with about 20 percent ordered out of service.

State officials told the TV station they feel commercial vehicle enforcement is a state responsibility and the move will allow local police to better respond to their own service calls.

One report surfaced of a police agency being unhappy about the change, complaining it could do a better job of monitoring trucker safety in its locale than the state.

It denied its unhappiness stemmed from the potential loss of citation revenue.

An official with the Georgia Motor Trucking Association speculated the change was driven in part by “CSA, in that what you get is not only more uniformed officers on the road but we'll also get more uniformity in what they do.”

CSA is the federal government's 10-month-old Compliance, Safety, Accountability performance system for monitoring drivers and carriers.

## Selling, buying or moving a business? Inform the state

DES MOINES, Iowa — The Iowa Department of Revenue has issued a notice reminding businesses in the state to let state and local governments know when a business is closed, sold or if its address changes.

The notice came from Iowa but many other states probably have similar requirements.

If a business taxpayer closes and stops filing tax returns, the state is very apt to send it a bill, plus penalties, for the taxes the state anticipates the business

would owe it.

With a trust tax, like sales taxes, the projected amounts can attach to the business' owners, and be troublesome to settle.

Similar problems can easily arise when a business changes its name, or is sold, or relocates without letting the state know in timely fashion.

Similarly, the buyer of a business should take care to require a tax-clearance certificate from the seller to make sure the buyer doesn't become liable for taxes the seller owes.

# Feds give Virginia conditional approval to toll I-95

RICHMOND, Va. — Gov. Bob McDonnell announced that the Federal Highway Administration has granted his state preliminary approval to toll Interstate 95 under a pilot program.

The plan must still receive final approval from the Federal

Highway Administration, which asked the state in a letter for details on where tolls would be collected, how it planned to maintain tolling areas and other issues.

Last year, McDonnell requested permission from U.S. Transportation Secretary Ray LaHood to toll

I-95 at the North Carolina state line, estimating it could generate \$30 million to \$60 million annually with a toll of \$1 to \$2 per axle. (See June 1 and July 1, 2010, issues of *Bus & Motorcoach News*.)

If ultimately granted approval, Virginia would be the first state south of Maryland to toll I-95, which carries traffic from the Canadian border in Maine to the southern tip of Florida.

As part of its plan, the Virginia Department of Transportation would scrap plans to toll Interstate

I-81 in the western part of the state, the governor's office said in a statement.

I-95 is the major north-south East Coast corridor for buses, cars and trucks, while I-81 is a major truck route further to the west that also runs north-south.

V-DOT estimates the toll plan could generate \$250 million during its first five years and more than \$50 million annually thereafter.

Critics of the plan say it would harm the state and the nation's economy more than help repair the

corridor.

Those who favor higher fuel taxes over tolling contend that many studies show that tolls carry much higher capital and overhead expenditures compared to fuel taxes.

Critics also say that imposing tolls would add to I-95's congestion because of tolling stations. And, it would result in some vehicles, especially big trucks, moving onto smaller, secondary roads that are not designed to handle increased traffic.

## Florida tolls to be raised, then indexed for inflation

TALLAHASSEE, Fla. — The Florida Department of Transportation has announced a rate increase for vehicles using most of the state's toll roads, starting next year, followed by what could be automatic increases each year thereafter.

FDOT said the toll plan complies with a mandate the state legislature adopted four years ago that toll rates must be indexed, which means that after an initial increase is implemented by June 30, annual increases tied to inflation could follow.

The tolling plan does not specify when the rate increase will take effect next year, only that it will happen by June 30, and it will not be tied to inflation.

After that, state law allows an option for raising the toll-rate annually, but mandates rates must be raised at least once every five years to match inflation.

The plan will affect at least 15 tolled roads or road segments in the state, including roadways within the Florida Turnpike system, and the portion of Interstate 75 famously known as "Alligator Alley."

The plan will not affect the express lanes on Interstate 95, nor roads operated by the Miami-Dade Expressway Authority.

Each tolled roadway has different rates that depend in part on the entrance and exit a vehicle uses.

By June 30, the toll rate for the 77.7-mile trip east or west across the state and the Everglades via Alligator Alley, which also is known as Everglades Parkway, will cost a three-axle coach, with a SunPass, \$5.50. Without a SunPass, the cash rate will be \$6.

Currently, a three-axle coach with a SunPass pays \$4. Without a pass, the cash rate is \$5.

## Free-to-operators express lanes being opened on I-85 in Atlanta

ATLANTA — The Georgia State Road and Tollway Authority is opening express toll lanes — on a stretch of Interstate 85 — that can be used by motorcoach operators free.

However, to use the lanes, bus companies must register with the toll authority and obtain a transponder for each bus in the operator's fleet.

The express lanes, which use electronic tolling and are priced by time of day, are expected to officially open early this month.

"The opening of the I-85 Express Lanes will represent a new era in transportation innovation," said State Road and Tollway Authority Executive Director Gena L. Evans.

"This all-electronic commuting choice gives registered Peach Pass customers access to a more reliable travel option in the I-85 corridor. The Express Lanes concept has been proven successful in eight other cities, and we are ex-

cited about its ability to positively impact I-85 traffic and keep metro Atlantans moving," said Evans.

The I-85 Express Lanes are north of the Perimeter (I-285).

To use the lanes free, operators must set up a fleet account with the State Road and Tollway Authority by contacting Tynisha McGordon, SRTA fleet manager, via email at [tmcgordon@georgiatolls.com](mailto:tmcgordon@georgiatolls.com) or calling (404) 893-6149.

The SRTA will issue a transponder for each coach, with the transponder keyed to the license plate on the bus.

No tolls will be charged only if the coach using the toll lane is registered with SRTA. If a coach is not registered, there will be a toll charged, with the toll varying by time of day.

The rules apply to companies based in Georgia, as well as out-of-state companies. Out-of-state operators should register their vehicles with the SRTA using the same procedure.



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## Study: Buses can replace rural air service

WASHINGTON — A study commissioned by four national organizations with widely divergent missions has concluded that about a quarter of the U.S. communities that are receiving tens of millions of dollars in federal tax subsidies annually to maintain commuter air service could be served a lot less expensively by buses that shuttle passengers to hub airports.

The Reason Foundation, the Natural Resources Defense Council, the American Bus Association, and Taxpayers for Common Sense paid for the study that said the communities could be connected more “sustainably” by using buses instead of planes.

Of the 153 communities across

the U.S. that are served by what’s known as “essential air service,” many are long distances from major airports.

But M.J. Bradley and Associates, which was commissioned by the four groups to write the study, Keeping Rural Communities Connected, found that 38 of the 153 airports — roughly 25 percent of the total — were within 150 miles of a hub airport.

The Bradley study found that 79,000 one-way flights leave each year out of those 38 airports, carrying 615,000 passengers, at a total cost of \$131 million.

Of that amount, about \$60 million is government subsidy, and \$70 million comes from fares.

M.J. Bradley found that equivalent bus service could be offered for just \$41 million, for an annual savings of \$90 million. Average passenger costs would go down by as much as \$285 per round trip.

The switch from airplanes to buses also would save nearly six million gallons of fuel annually and cut carbon pollution by more than 63,000 tons.

This past summer, Congress scuffled over whether to cut the essential air service program. Republicans, who led the effort to reduce the program, say it represents political pork and federal bloat.

The air service program was created in 1978 when the airline industry was deregulated.

Initially, the program served a handful of cities, but like most federal programs it expanded exponentially as members of Congress got pressure from communities back home to become part of the program, or members saw the program as a mechanism for bringing bacon to their districts.

Today, the program costs taxpayers \$163 million annually.

Now, the new breed of tight-fisted congressmen and women are asking questions, like: Does it make sense to maintain rural airports through subsidies? How important is it for rural residents to be able to easily reach an airport? And, have buses been given short shrift in federal policy?

## Highway bill

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The U.S. Chamber of Commerce said it was pleased with the extension vote but that it was no substitute for long-term reauthorization.

R. Bruce Josten, the chamber’s executive vice president for government affairs, said a multiyear reauthorization “would give states the long-term funding certainty to sustain hundreds of thousands of private-sector jobs.”

The extension keeps spending for highways at the current level, which for fiscal 2011 totaled about \$41 billion.

The Republican House majority has said it will impose cuts of at least 30 percent on any long-term surface transportation reauthorization bill.

In addition to \$27 billion for highways, Obama wants to allocate \$10 billion for a national infrastructure bank that would fund large “projects that demonstrate the most merit and may be difficult to fund under the current patchwork of federal programs.”

Mica criticized the proposal, noting that 33 states already have such banks. A national infrastructure bank would force states to deal with Washington bureaucracy to get funding, said Mica.

## Drug agency orders temporary ban on ‘bath salts’

WASHINGTON — The U.S. Drug Enforcement Administration announced it is temporarily banning three synthetic stimulants that are sold as “bath salts.”

The ban makes it illegal to possess and sell the chemicals or the products that contain them.

The DEA said the action is necessary to protect the public from “the imminent hazard” posed by the chemicals.

The DEA has designated the chemicals as Schedule I substances, the most restrictive category of drugs, which are considered unsafe, highly abused substances with no currently accepted medical use in the United States.

The ban officially takes effect the second week of this month, and will last at least one year. During that time, the government will study whether it should permanent-

ly ban the three stimulants, mephedrone, MDPV and methylene.

According to CBS News, at least 27 states have banned bath salts.

Bath salts are marketed under names such as “Ivory Wave,” “Purple Wave,” “Vanilla Sky” or “Bliss.” The drugs mimic the effects of cocaine, LSD, Ecstasy and methamphetamine.

According to the DEA, users suffer impaired perception, re-

duced motor control, disorientation, extreme paranoia and violent episodes. The agency also notes the U.S. Food and Drug Administration has not approved bath salts for human consumption or for medical use, and there is no government supervision of the manufacturing process.

Calls to poison centers about exposures to bath salts has dramatically increased.

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# Ontario study: Transit bus contracting could save \$\$\$

TORONTO — A study prepared for the Ontario Motor Coach Association, comparing operating costs between independent bus operators and government-run transit, has found that government units could save 21 percent by contracting bus services to private operators.

For bigger transit operations, like those in large provincial cities, the savings could exceed \$100 million per year, the study said.

In announcing the study results, OMCA President Doug Switzer said the findings show “that there is a third alternative for governments trying to choose between service cuts and tax and/or fare hikes.

“We need to take a fresh look at the way governments deliver essential services, like transit, and consider how we can do things differently to break out of the intellectual trap that keeps leading us back to either cuts or tax hikes.”

Switzer went on to point out that “the authors of the report make an important point — governments need to focus on growing services to the public rather than focusing on growing government-run public services.”

Switzer said the study identified several reasons why private operators are more cost efficient, with one of the key factors being productivity.

“A 2010 Conference Board of Canada report on productivity in

transportation found that between 1981 and 2006, productivity grew by 3.6 percent per year for rail freight, 2 percent per year for airlines, and 1.8 percent per year for trucking, while productivity in public transit declined by 1.2 percent per year.

“Between 2003 and 2009, tran-

sit subsidies in Ontario increased 194 percent and operating costs doubled, while over the same period passenger trips only increased 16 percent.”

Switzer concluded by saying, “it has been said that the definition of insanity is doing the same thing over and over again and expecting

different results.

“When it comes to transit that’s exactly what we do. Repeatedly, we do the same thing, throwing more money at the problem only to find that we haven’t achieved a different result. The next year we’re right back where we were, debating services cuts versus tax/

fare hikes.

“It’s time,” he said, “to stop the insanity and try new approaches. Engaging private-sector operators in a constructive partnership to reduce operating costs and improve service should be an obvious one.”

For a copy of the full report, go to [www.omca.com](http://www.omca.com).

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## Calendar

### OCTOBER 2011

**3-5 APTA Expo 2011**, Ernest N. Morial Convention Center, New Orleans. Info: [www.aptaexpo.com](http://www.aptaexpo.com).

**11-12 Northwest Motorcoach Association Convention & Rodeo**, Pasco, Wash. Info: [www.nwmotorcoach.com](http://www.nwmotorcoach.com).

**21-26 Busworld Kortrijk 2011**, Kortrijk, Belgium. Info: [www.busworld.org](http://www.busworld.org).

**22-25 California Bus Association 38th Annual Convention & Trade Show**, Hyatt Regency Monterey Resort & Spa, Monterey, Calif. Info: [www.cbabus.com](http://www.cbabus.com).

**23-25 Bus Association of New York 2011 Marketplace**, Albany, N.Y. Info: Email [BANY@BANYBus.org](mailto:BANY@BANYBus.org), or go to [www.BANYBus.org](http://www.BANYBus.org).

### NOVEMBER 2011

**6-9 2011 Ontario Motor Coach Association Conference and Marketplace**, Windsor, Ontario. Info: [www.omca.com](http://www.omca.com), or call (416) 229-6622.

# APTA skirts charter service rule with give-away demand

WASHINGTON — The American Public Transportation Association has found a way for its members to legally skirt the federal charter service rule that limits the charter work that tax-supported transit agencies are allowed to do.

It simply requires a city that hosts its big meeting and convention to provide free transportation for the more than 17,000 transit professionals who usually show up for the gatherings.

That's what APTA did in lining up New Orleans to host its Expo 2011, which happens Oct. 2-5, and its scheme has upset local independent bus operators, as well as the United Motorcoach Association.

Convention officials in New Or-

leans accepted the free transportation requirement and the New Orleans Regional Transit Authority stepped up and agreed to provide the bus service and other transportation needs for the Expo at no cost and with no reimbursement.

It said there would be no fare for the daily shuttles between the hotels and the convention center and several special bus tours planned by the association.

The no-fare and no-reimbursement arrangement clears NORTA from the federal charter service rule provision that requires public transit agencies to notify independent motorcoach companies when they want to provide a charter and give it up if any of the pri-

vate carriers say they are able to take on the job.

NORTA general counsel Sundiata Haley said the shuttles and tours did not violate the federal charter service rule and were approved by the general counsel for the regional office of the Federal Transit Administration in Texas, Eldridge Onco.

"There doesn't appear to be a charter service issue here," Onco wrote in an e-mail to NORTA. "As you know, under FTA's charter service rule, transportation is not considered 'charter service' if there isn't a fare charged to passengers and if the transportation costs are not reimbursed in whole or in part by a third party."

Haley said the approval by the re-

gional office that covers Louisiana and several other states negated the need for NORTA to seek an advisory opinion from the FTA headquarters prior to agreeing to do the work. Under the charter rule, transit agencies may seek an opinion from the FTA general counsel when there are concerns or complaints about a charter service they are planning.

"Seeing that it had been approved by the FTA regional office, I didn't see the necessity to ask for an opinion," he added.

Haley said the cost of the service, which will be fully covered by NORTA, could not be determined until after the convention is over and an accounting of the amount of work

performed by the agency is compiled.

Ken Presley, UMA vice president and chief operating officer, said he was disappointed APTA insisted it be given free transportation services as a condition for the city hosting its convention, and that NORTA agreed to provide it rather than allow private carriers who wanted the work and were willing to do it.

"Our member operators in the New Orleans area are still recovering from the aftermath of (hurricane) Katrina only to be further impacted by the recession and poor economy," he wrote in a message to NORTA. "These companies and their employees depend on local convention work to make ends meet."

## Rule registration

CONTINUED FROM PAGE 1

work they have been asked to perform or interested in doing.

If any independent bus operators step up, then the transit agency has to step aside and let the private carriers negotiate for the work with the customer. If none respond, the transit agency is free to run the charter.

UMA suggests that the relatively low number of registered carriers means there are many areas in the country where public-

ly-funded transit agencies do not have a registered charter operator in their geographic area, which technically frees them to perform as much charter work as they want.

Although no one in the industry is quite sure how many private interstate carriers there are in the U.S. and which could be on the charter list, estimates run anywhere from 2,000 to 4,000.

The Federal Motor Carrier Safety Administration routinely uses numbers between 3,400 and 3,600, while operators often use lower numbers.

"Operators need to check to make sure they are registered and if they are not, they should register immediately or call us for assistance," suggested Ken Presley, UMA vice president and chief operating officer.

He warned that failing to re-register will open the door for transit agencies to begin operating charters because they only are obligated to notify private carriers of charter opportunities that are on the FTA list.

Registration lasts for two years and a large number of the early

signees were unaware they had to re-register at the beginning of 2010, to continue receiving charter notices from public transit agencies.

Those that signed up at the beginning of last year will have to reapply beginning in 2012.

Operators interested in getting on the list, may do so by going to [www.fta.dot.gov/CharterRegistration](http://www.fta.dot.gov/CharterRegistration) and clicking first on "I accept these terms" box, and then on "Submit new private charter operator registration" link.

Assistance with the process is

available by calling the FTA ombudsman at (202) 366-4063, or sending an e-mail to [ombudsman.charterservice@dot.gov](mailto:ombudsman.charterservice@dot.gov).

Operators also can check on the same website to see if they are on the list.

They need only click on "Search existing private operator registrations," which is in red in the box in the center of the page, and then insert their zip code, or city and state, in the appropriate boxes. This will bring up the names of all of the carriers that have registered to serve their areas.



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# Long-running lawsuit over seatbelts heads for showdown

ALBANY, N.Y. — A 17-year-old lawsuit that many in the motorcoach industry worry could have a very costly impact on bus operators may be headed for its final showdown.

Lawyers in the suit argued their positions before the New York Court of Appeals last month and the seven-judge panel is expected to issue its decision sometime before the end of October.

The Appeals Court is the highest court in the state and the case could end there if the final ruling decides all of the disputed issues, and does not send it back to a lower court for further action. If not, it is likely to go on even longer.

"It is possible the case could continue," said Brian J. Isaac, one of several attorneys involved in the suit.

The case centers on whether motorcoach operators can be held liable when passengers are injured in an accident involving a bus that is not equipped with seatbelts even

though such restraints are not required by federal regulations.

The suit was filed by three of the 19 people who were injured in 1994 when a bus they were riding in drifted off the road and rolled over several times in the median. The passengers, who were returning to Manhattan after a trip to a state prison in the Adirondacks, sued Best Transit Corp., Warrick Industries and Goshen Bus, claiming the bus was dangerous and defective because it did not have passenger restraints.

The case, which was stalled in court for several years because the carrier filed for bankruptcy and its insurance company was placed in receivership, went to trial in 2006, and the jury ruled in favor of the passengers and awarded them \$26.5 million. The amount of the award later was reduced to \$10.5 million.

Three years later the jury verdict that found the defendants at fault was overturned by the State

Supreme Court, which ruled the federal Motor Vehicle Safety Act did not require the bus to have seatbelts.

The victims of the accident then appealed to the Appeals Court, which is the state's highest court and equivalent to the Supreme Court in most states.

The United Motorcoach and American Bus associations both have warned that a court ruling against the operator could adversely impact carriers that use buses that are not equipped with seatbelts. Both of the trade groups filed briefs

with the Appeals Court supporting Best, Warrick and Goshen.

UMA lawyers suggested the suit carries industry-wide implications because reinstatement of the jury decision could clear the way for victims of other accidents to sue carriers for failing to have passenger seatbelts on their coaches even though they are not required to do so.

They noted that federal motorcoach safety regulations do contain a provision that could allow jury verdicts to be applied to similar cases even though they are in con-

flict with government standards.

Meantime, federal highway safety regulators last year introduced a proposal that would require three-point passenger restraints to be installed in all new motorcoaches. The requirement is to take effect three years after the final rule is issued.

At the same time, federal legislation mandating seatbelts in motorcoaches has been introduced in both the U.S. House and Senate, but none of the proposals has made it to the floor for a vote in either chamber.

## N.Y. parkway to ban buses

SALINA, N.Y. — The New York State Department of Transportation plans to ban all commercial vehicles along Onondaga Parkway in an attempt to avoid crashes like the one involving a megabus last year that killed four people.

NYDOT says all vehicles carrying a commercial license plate will be banned from the parkway, including over-the-road trucks, buses, tow trucks and even pickup trucks.

According to the NYDOT, local law enforcement agencies have been made aware of the coming restrictions and they will enforce the ban. A specific date for the start of the ban hasn't been set but it will be this fall.

Signs warning of the ban will be installed at the approach and on

the highway. Commercial traffic will be diverted onto Old Liverpool Road.

A year ago, four were killed when a megabus, which had gotten on the road by mistake, struck the low CSX railroad bridge over the parkway. The bridge has a clearance of less than 11 feet. It has been struck by more than 50 trucks since 1987, two in the past year.

Whether the ban will keep trucks and others from hitting the bridge seems problematic. There currently are seven signs eastbound and 13 signs westbound warning drivers of the low bridge.

Some have advocated an electronic warning system that would be triggered by tall vehicles.

It has been estimated it would cost \$12 million to \$16 million to raise the bridge three feet.

## Settlement in '09 Minn. crash

AUSTIN, Minn. — A Rochester, Minn., newspaper reports that a \$3.25 million settlement has been reached in connection with a 2009 bus rollover on Interstate 90 near here in which two passengers died and 20 others were injured.

The settlement came after the passengers disputed claims by Strain Tours of Rochester that a sudden medical emergency caused the driver to lose consciousness and crash the coach.

Ed Erickson of Plainview,

Minn., nearly drove the bus off the road on the way to an Iowa casino on Nov. 18, 2009, the passengers claimed. On the way back from the casino he allegedly nodded, bobbed and shook his head as if trying to keep from falling asleep in the minutes before the crash.

A medical expert said Erickson lost control of the bus because he fell asleep at the wheel because of untreated sleep apnea.

Strain declined to comment on the settlement.

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# Driver fatigue: How about tackling the REAL problem?

By Mark A Gagnon  
Cowtown Bus Charters

In every bus trade magazine or newspaper, no matter what month you want to select, you can find one or more articles either directly or indirectly related to the problem of driver fatigue.

All of the pundits' tout electronic fixes, like seats that vibrate if the driver's eyes start to close or the bus starts to drift into another lane.

Some suggest eliminating night driving based on natural sleep cycles.

My question is simple: Why aren't we addressing the real 800-pound gorilla — hours-of-service rules?

I have been involved in this industry for more than 20 years, working for companies from the Northeast to Texas, and I have never heard anyone with any influence (owners, managers or drivers) say publicly that the hours-of-service rules need to be changed.

What other industry sanctions a 15-hour work day as normal?

What other industry will tell a worker to be back at work in eight hours so they can work another 14-or 15-hour day?

Finally, how many other industries will tell their employees to stay alert with minimal rest because they are responsible for 50+ lives?

## How 15 hours becomes 19

While we're talking about the 15-hour rule, let's see how 15 hours can be turned into more than 19 working hours and still be "legal."

I live in Texas, so I'll use a one-day charter between Fort Worth and Houston as an example. I'm using these two cities but the scenario can happen Anywhere USA.

A group wants to take a day trip from Fort Worth to Houston, a four-hour drive one way. To maximize the amount of time in Houston, the group wants to leave at 6 a.m.

The driver gets up around 4 a.m., so he can arrive at the shop by 5 a.m. He does a 15 minute pre-trip inspection and travels 30 minutes to the pickup location arriving at 5:45 a.m., departing with the group at 6 a.m. So far we have half an hour on duty not driving, and half an hour driving.

At 8 a.m. the group wants to stop for a fast-food breakfast, so the driver finds a restaurant and everyone piles off. The group only wants to stay for half an hour so by 8:35 they are on the road again.

Our driver has been working a lot lately and has a big trip ahead, so he knows he has to "save hours."

Federal Motor Carrier Safety Regulations say that if the driver is not responsible for the bus during a particular portion of a trip, he can log the time as off duty. That's a paraphrase but you understand.

## Those load/unload rules

The regulations also say that you must show 15 minutes load and 15 minutes unload time at every stop. To save the half hour our driver has coming to him, and show the proper load and unload times, the driver will fudge a little, showing arrival at 7:45, off duty at 8 a.m., loading at 8:30 and on the road at 8:45.

Don't shake your head; every driver I know has done something similar.

The driver has saved half an hour, so his log shows total on-duty time of four hours even though he has been at work for 4.5 hours.

The group continues to Hous-

ton and arrives at its first stop around 10 a.m. It won't need the driver until 12:30 p.m.

Depending on how the company interprets the rules, the driver will either find somewhere to sit — off the bus, or take a nap on the bus. Either way he will show his unload time and log off duty for 2.5 hours.

'What other industry sanctions a 15-hour work day as normal?'

The group returns and the next stop is 10 minutes away. Does the driver log back on duty, and lose 45 minutes for a 10-minute trip, or does he take a chance and remain off duty?

## To fudge or not to fudge?

I'll let you decide what happens in the real world. But, for the sake of this article, I'll say 'yes' he logs on. When he gets to the second stop and logs off duty, his log will show a cumulative 4.25 hours driving and 1.75 hours on duty not driving for a total of 6.5 hours total on-duty time. In reality, however, he has been on the job for 8 hours.

Our group completes its second stop and is ready to leave at 4 p.m. The group's third destination is about a half hour away. The driver logs on duty at 3:45 p.m., departs at 4 p.m., arrives at 4:30 and goes off duty at 4:45.

This is a friendly group, and around 6 p.m. one of the group leaders comes back to the bus and invites the driver to join them for supper. At 7 p.m. they all walk back to the bus together, the driver logs on at 7:15 and starts driving at

7:30. At this point, our driver has logged 6.75 total hours on duty but has been at work for 14.5 hours.

The ride home is uneventful and the coach arrives back at the pickup point at 11:45 p.m. The sleepy group disembarks and the driver heads back to the yard, stopping for fuel before he calls it a night.

He needs to complete his paperwork and do his post-trip inspection so he finally logs off at 12:45 a.m. His log book will show he has been on duty for a total of 13 hours, but he actually has been on the job for a total of 19.75 hours and it's all perfectly legal — on paper.

Not only is it legal but according to existing rules this driver can be back behind the wheel at 8:45 a.m.

## Doing the right thing

Where I work, we attempt to educate our customers on the inherent dangers of this type of charter and build in driver changes and driver rooms when possible. We also give our drivers 10 hours off not 8, and tell our multi-day customers that 10 hours is a requirement not a suggestion.

The problem is not all of our competitors think this way and we lose jobs over the price of a driver change.

Until the hours-of-service rules are revised, and we all are forced to operate on an even playing field, those who are doing the right thing will continue to lose business to those who only pay lip service to doing the right thing.

Vibrating seats and seatbelts, yup that's the ticket. I feel safer already.

Mark Gagnon is sales manager of Cowtown Bus Charters Inc. of Fort Worth, Texas. Contact him at mgagnon@cowtowncharters.com.

## FMCSA warns about marketing to motor carriers

WASHINGTON — The Federal Motor Carrier Safety Administration says it has received numerous inquiries in recent weeks regarding companies using aggressive and misleading marketing tactics to sell supervisor training and safety-related products, such as logbooks, to carriers.

The marketers apparently are claiming their products are endorsed by the FMCSA. However, the FMCSA points out that it doesn't sell or endorse companies that market products to truck and bus operators.

Similarly, while some operators may be required to ensure that supervisors attend mandatory drug and alcohol training, the FMCSA does not certify trainers or training companies, and does not pre-approve training curriculums.

It is an operator's choice, says the FMCSA, to select which training and/or products it might need.

As part of the application process for obtaining operating authority and a USDOT number, some operator information is made available on the FMCSA public website.

Independent companies may try to market products and services to operators using this public information. More aggressive companies may attempt to mislead and claim their products or services are approved or endorsed by the FMCSA.

If a carrier receives an advertisement that improperly asserts an association with the USDOT or the FMCSA, or attempts to obtain personal banking or credit-card information not related to a purchase, operators are urged to contact Tom Frazier, investigator for the FMCSA, at (540) 504-6436.

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# The metamorphosis of the motorcoach industry safety director

By Lin Whithers  
Keller Transportation

As most safety directors can readily attest, without an effective system for managing the obligatory day-to-day needs, requirements and demands of the job, one can find themselves nearly overwhelmed by the finer points and details associated with overseeing an effective safety program in today's motorcoach industry.

This often means placing on the side burner more serious issues, having far-reaching consequences, until the inevitable occurs.

With most of us, our job titles do not accurately reflect the varied collateral duties assigned to our office which demand as much — if not more — attention on any given day.

The unwritten changes to the job description of safety director, and its actual functionality, have modified it into a position requiring multitasking on a level not witnessed in the past.

Additionally, the metamorphosis of the position has mandated both mental and physical changes.

Based on current technology,

(i.e. computers, smartphones, EOBRs and the like) you may have to, at a minimum, acquire training in particular skills to utilize or understand the tools and applications required to convert information into useful, relevant data tailored to a particular operation.

During the past year there have been a number of events that have contributed to the necessity of re-inventing the position of safety director.

First and most notably, the Federal Motor Carrier Safety Administration developed, unveiled and began implementing an initiative to improve truck and bus safety, with the ultimate goal of reducing crashes, injuries and fatalities.

The program was initially known as CSA 2010, but is now simply called CSA, for Compliance, Safety, Accountability.

Development of CSA closely

## New York City Mayor Bloomberg isn't camera shy

NEW YORK CITY — While citizens in communities and states across the U.S. are resisting red-light cameras that photograph vehicles running stop lights, New York Mayor Michael Bloomberg wants more and more of 'em.

paralleled the focus nationally on distracted driving, which is blamed for many commercial and private vehicle crashes.

Lastly, just when the safety director thought there was little left that could add to the expansion of daily headaches, the industry was plagued by a series of high-visibility crashes.

These accidents, which resulted in numerous passenger fatalities and injuries, were reported in newspapers, on evening news broadcasts, and via the internet, and blogged about on the various social networking sites.

While several of the tragedies occurred along the Interstate 95 corridor, their impact was felt across the United States. Regardless of their location, these accidents were a catalyst for renewed cries to further regulate the industry.

All of these events drive home

In fact, Bloomberg recently told the media at a news conference that the city should install enforcement cameras at every intersection.

Red-light cameras have been used in New York City for four years.

the reality that the safety director can no longer focus solely on what is happening within his or her realm of responsibility or in a particular operating area.

The safety director must be sensitive to accidents, litigation, rules changes and laws that fundamentally change the environment and methodology in which motorcoach operators do business.

This, in essence, modifies the overall knowledge, skills and abilities (KSAs) required for assignment to such a critical position in the industry.

It is imperative, in this new world, for the safety director to collect and review any and all information pertinent to identifying poor behaviors on the part of the drivers they oversee.

This should begin with the utilization of the FMCSA data collected in the Safety Measurement

System of the Compliance, Safety, Accountability program.

This data, referred to as Behavior Analysis and Safety Improvement Categories (BASICS), is still being compiled. The data needs to be integrated into information collected prior to the implementation of this program and stored in company databases currently utilized.

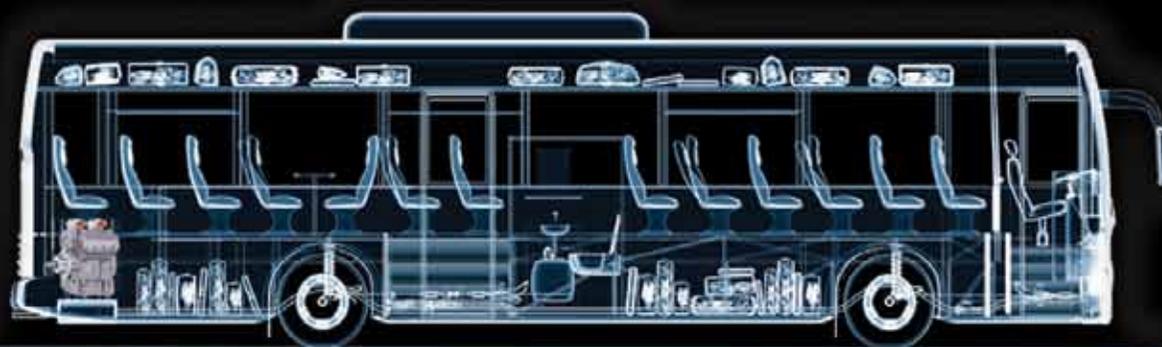
Once driver and operational shortcomings are identified, the safety director needs to put in place the management controls necessary to correct the identified deficiencies. This would include a process for conducting trend analysis of the data to enable early detection of probable negative behaviors and adequate time to counsel drivers on the findings and resultant corrective actions.

My sense, as of the writing of this article, in talking with others in the industry is there remains a significant number of operators that do not regularly review their SMS data to aid in developing preventive measures that will reduce crashes and passenger injuries.

Linwood Whithers is safety director of Keller Transportation Inc. in Waldorf, Md. Contact him at [linwoodwhithers@comcast.net](mailto:linwoodwhithers@comcast.net).

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## Museum flood

CONTINUED FROM PAGE 1

the annex grounds were in about six feet of water for a time and were left filled with mud and debris after the water receded.

"It looks like the buses will need a little more than cosmetic cleaning," Collins said after a tour of the annex and surrounding property.

The flood also damaged the annex's electrical system and garage doors, as well as some equipment and tools that were stored inside. In addition, two storage trailers parked outside the annex took in water, destroying a collection of museum papers.

"Waters flowed through the annex with such force that our refrigerator and battery chargers were tossed around the building," Collins reported.

He said the damaged buses were insured and he has been working with the insurance company to assess the damage and develop a settlement.

The buses, several of which had not been restored, were appraised earlier at between \$1,000 and \$40,000 each.

Collins, who put together a volunteer work crew immediately after the water receded, said most of the buses incurred inside dam-

age but it was too early to tell if the seats could be cleaned or if they would have to be reupholstered.

While the buses' engine compartments also were under water, most of the engines are expected to be OK after mechanical work, changing of fluids and power washing.

Among the damaged buses were four of five the museum had recently announced it no longer needed and would be putting up for sale. (See Aug. 15 *Bus & Motorcoach News*.) The fifth of those was in the museum and was not damaged.

Seventeen other buses also were spared, including 14 that were on the museum floor and three others that were at other locations undergoing restoration.

Collins said the property around the annex has flooded in the past but this was the first time water reached the building. The annex was damaged by a fire about five years ago and was rebuilt on a small hill at the request of local government officials who said the property was in a flood plain.

He said he doubts that very many of the buses, if any, could have been moved in time to be saved from the flood because of the fast-rising water.

"There is a private residence on the property and the family there

told us they only had about 45 minutes to get out," he said. "Besides we are all volunteers and most of us were at work or doing other things when the flood hit."

Additionally, he said not all of the buses were operable, which would have made moving them quickly very difficult.

The museum annex flooding occurred when Swatara Creek became a vast rolling lake as a result of the extraordinary downpour.

The flooding in Hershey and other areas of southeastern Pennsylvania, including Harrisburg, caused widespread devastation. The Susquehanna River and its tributaries rampaged after Tropical Storm Lee dumped near-record amounts of rain on the area in a matter of hours.

Overnight, the rate the water rose was beyond anything most observers, including a member of the *Bus & Motorcoach News* staff, had ever seen.

"It went from inches to feet in minutes," one eyewitness said.

"We knew we would get rain but no one dreamed we'd get this much water," said another.

The swelling of Spring and Swatara creeks made it impossible to get from one side of Hershey to the other.

The flood waters of Spring

## Calif. Bus Assn. meets this month

MONTEREY, Calif. — One of the industry's largest state association meetings, the annual California Bus Association Convention & Trade Show, kicks off a four-day run here Saturday, Oct. 22, with a golf outing on a challenging course.

The convention features a packed agenda that includes briefings, education sessions, recreation, a reception and awards banquet, officer installation, vendor showcase, beach party, and the popular Dennis Easley Bus Rodeo.

Creek crested over portions of Hersheypark, the popular amusement center. Large swaths of the park were inundated with flood water, which topped the 100-year flood plain mark.

The park's main gates were half submerged. The flooding did not cause major damage to the rides at the park, but did flood several buildings — mostly concessions and retail shops — which had to be gutted.

In neighboring ZooAmerica, one bison drowned and another had to be euthanized when the flood overwhelmed their enclosure and zookeepers were unable to move the 1,500-pound animals quickly.

The seminars include sessions on maximizing travel experiences in California, the CARB bus rule, the used bus market, ADA responsibilities, and gridlock.

Presenters include Huel Howser of Huel Howser Productions, Randal O'Toole of Cato Institute, Tony Brasil of California Air Resources Board, Peter Pantuso of ABA, and Victor Parra of UMA.

The event will be Oct. 22-25 at the Hyatt Regency Monterey. For more information, go to [www.cba-bus.com](http://www.cba-bus.com).

In Harrisburg, water from the Susquehanna flooded the basement of the one-story building owned by the Pennsylvania Bus Association. No water got into the association offices, however.

Association Executive Director Elaine Farrell said the six feet of water in the basement ruined the building furnace and hot water heater.

The association has flood insurance, and the basement was being cleaned and the furnace and water heater were being replaced.

Hersheypark was able to reopen roughly 10 days after the flooding. It typically is open on weekends in September after Labor Day.

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# Tired of being a commodity? Try selling your services

By Dave Millhouser

It sounded like a catastrophe of biblical proportions: A woman in the hotel parking lot was wailing that someone had broken into her smart car and stolen her GPS.

Her point of outrage wasn't the cost of losing the gizmo but the fact she couldn't find her way home without it.

Technology is terrific but there's something to be said for not totally depending on it. Technology serves best when it enhances our abilities, rather than replaces them.

Many coach operators are accelerating their use of the internet as a sales tool. While that isn't a bad thing, it isn't without risk.

Selling is hard. Once you get past the clichés and misconceptions, it's a discipline like accounting, management or maintenance. It's tempting to put marketing effort (and dollars) into nifty websites, splashy advertising and using on-line brokers.

They're easy, tidy and it's fun to see our names in lights.

But, just to confirm your suspicions regarding my intelligence,

I still buy Chinese takeout from a local restaurant despite the fact it consistently makes my tummy hurt. The food stinks, but the folks are really nice. It wouldn't be right to abandon friends just because they can't cook. (Heck, my Susan doesn't cook very well).

Sales and business are almost always about relationships. One exception is self-serve gasoline, which is a commodity sold almost exclusively by the lowest bidder.

It can only hurt the charter/tour part of our industry if we sell high-quality service as a commodity, like pork bellies. When we become too dependant on technology for marketing, we come dangerously close to that position.

A lot of fine operators just don't like "selling." For a long time, many depended on the Yellow Pages for marketing ("Bus" comes right after "Burglar"). For some, that thinking has evolved into depending on brokers and leads generated by websites.

While you need a good internet presence, don't fool yourself into believing potential customers visit your site for the great graphics or

prose. If they found you electronically, they are "shopping," and it's already about price. There will be minimal opportunity to show them why you're worth more than your competitors.

For those of you who love selling, and hanging out with clients, keep it up. You can skip to the last paragraph where there'll be an attempt at humor.

On the other hand, many of you don't have the time, or inclination, to sell. That isn't a good reason to abandon the effort. You hire mechanics, lawyers and accountants to handle specialized parts of your business — why not a sales person? Heck, you wouldn't remove your own appendix.

We're not just talking about telephone sales but rather going out and meeting folks. Hire someone to tell customers why your company adds value to their trip. They give your company a "face" and they work for you (the internet doesn't really care much about you or your company).

They can hunt down groups that already charter buses and ask for the opportunity to serve them,

as well as selling the concept of coach transportation to folks who hadn't considered it.

A wizened bus executive (the same guy as previous columns; I only have one friend) tells of a friend who hired a salesman with hopes he'd increase business. The operator had decided on a six-month trial effort.

Wizened Executive asked his buddy how long it took for the sales person to pay for himself. "Six weeks." That may not happen every time, but consider it.

We're in a seasonal business, so drivers are sometimes looking for extra work. Your best drivers are good with people (otherwise they'd be driving trucks). Why not give them the opportunity to try sales?

Make sure every electronic inquiry gets a human response, at least by telephone. Train your people to treat phone calls like sales calls, and do more than just give out prices.

Make a valid phone number a mandatory field on website requests for quotes. If a potential customer won't give a phone number, they're primarily interested in

beating you up on price.

Please don't think this is a knock on using every modern tool available. It's not. You need a first-rate website

and working with brokers is a good way to fill dead spots. The point is that the only way to control your destiny is to take hands-on responsibility for selling your company.

I was hanging around my buddy's scuba shop last week when a gentleman stopped in just to thank the young woman who had sold him the "right" product. The customer's kindness made two points. Properly done, salespeople provide a real service...and it really is about relationships.

Is there irony (and maybe a lesson) in a person driving a smart car being unable to find their way home?

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



Dave Millhouser

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## Safety Summit

CONTINUED FROM PAGE 1

LaHood, Ferro said that “when it comes to safety, we will take a backseat to no one.”

Calling the current landscape “patchwork safety,” LaHood noted that multiple players have to be involved in safety in the motorcoach industry, and he called for all interested parties to help USDOT in its mission of safety.

### Another inspection blitz

Simultaneous with the start of the summit and to the surprise of no one, LaHood announced the launch of two weeks of “surprise safety inspections” that are being conducted across the U.S. through Oct. 7.

The inspection blitz is part of the FMCSA nationwide Passenger Carrier Strike Force that has been conducting inspections with greater frequency since a rash of high-profile crashes on the East Coast earlier this year.

LaHood also announced the launch of a smartphone application that will allow a consumer to check the safety record of a bus company before a trip. He also said a toll-free hotline for unsafe reporting has been beefed up.

“This summit is about preventing needless tragedies and saving lives,” said LaHood. “We’ve seen the horrific consequences when motorcoach companies do not make safety a top priority. With everyone at the table, we can achieve our shared goal of raising the safety bar for the motorcoach industry.”

Ferro said her agency is working to raise standards for entrance into the industry, maintain high standards, and remove unsafe operators, adding that “CSA (Com-

pliance, Safety, Accountability) is critical to getting the job done in identifying unsafe operators.”

Ferro said research on fatigue is due to be released later in the year, and Congress has been asked to approve the vetting of new carriers to ensure they are not the “reincarnation” of an older, unsafe carrier. “We are shifting to a safety culture,” Ferro said.

Ferro noted that Congress has been asked to increase the penalty for carriers operating illegally or without authority from \$2,000 a day to \$25,000 per violation.

Research and Innovative Technology Administration Administrator Peter Appel said, “every person with a transportation organization is a safety official.” He said that with strong leadership, employee responsibility, continuous training and a clearly defined reporting system, the safety culture can be achieved.

National Highway Traffic Safety Administration Administrator David Strickland said three critical rules are being pursued by his agency: completing the federal seatbelt rule next year, developing a rollover structure-integrity rule, and introducing rules regarding electronic stability control.

Ferro said the three core rules her agency has pursued during the past year have been an electronic onboard recorder requirement to track drive hours (see related story on Page 4); addressing distracted drivers by banning texting (“It’s just astounding that it still occurs,” she said.), and a learner permit rule that is being implemented.

### Fielding questions

Attendees asked officials about noncompliant operators getting sat-

## Before there was a summit, there were roundtables

WASHINGTON — After a string of high-profile bus crashes earlier this year, the Federal Motor Carrier Safety Administration convened a series of motorcoach safety roundtables across the U.S.

The FMCSA said it wanted to engage key stakeholders in a discussion of passenger carrier safety challenges and brainstorm strategies aimed at addressing them.

Representatives from law enforcement; safety advocacy groups; the motorcoach industry, including

drivers; safety consultancies, and community organizations attended the sessions in four cities — Dallas; New York City; Columbus, Ohio and Anaheim, Calif.

At the National Motorcoach Safety Summit conducted here last month, Anne Collins, associate administrator for field operations at the FMCSA, highlighted the issues addressed at the roundtables. They included:

- Seatbelts
- Bus design

- Monitoring carriers
- Marketing of safety
- Noncompliant carriers
- Ways to engage the public
- Selling only “safe trips”
- Safety videos before trips
- Limitations on law enforcement
- Education about sleep deprivation

To read a summary of the roundtables, go to [www.fmcsa.dot.gov/documents/safety-security/roundtables-summary.pdf](http://www.fmcsa.dot.gov/documents/safety-security/roundtables-summary.pdf).

isfactory safety ratings and safety oversight of public transit systems.

Ferro was asked how operators can have satisfactory safety ratings when they’ve had significant safety blemishes in the past. She responded that work is being done to address that through safety inspections, adding that it is critical to get to carriers sooner than later.

In response to a question about how data is being integrated, Appel said that because the agency’s statistics aren’t centralized, it is looking for areas of consistency and how to compare data. “We have a ways to go in integrating data,” he said. Ferro added that it is a goal also to disseminate that information.

Strickland was asked why public transit, including commuter rail, isn’t federally regulated; he said it is being looked at.

### A myth?

Others participating in the summit were polled for their take on the industry and its role, with a union executive saying the belief that a few bad actors are to blame for safety problems is a myth. Seatbelt rules and other pending legislation were urged, and one advocate

claimed the cost of safety measures would go down once they are required.

Yen-Chi Le said accountability and timeliness are critical. Her mother, Catherine Tuong So Lam, died in a 2008 motorcoach crash near Sherman, Texas, caused by a blown front tire. The driver had been under the influence of alcohol and cocaine, and may have been impaired, but those factors neither caused the crash nor contributed to its severity, according to the National Transportation Safety Board. She urged faster adoption of seatbelt rules and proposed legislation. She also asked why there is not concern about motorcoach safety like there is for airline safety.

Larry Hanley of the Amalgamated Transit Union said it is a myth that a few bad actors are to blame for the safety issues, adding that enforcement is overdue, and that drivers also are victims. He said that 75 percent of motorcoach fatalities can be linked to driver fatigue, medical conditions of the driver, and the vehicle’s condition.

“Deregulation has de-professionalized the industry,” he said, claiming that pay is lower and that

the last hour of a 70-hour week actually costs less for the carrier than the first, and that the carriers are aware of that.

“Drivers are working beyond their capability,” he said, adding, “Seatbelts on buses will not keep drivers’ eyes open. Training won’t keep their eyes open.”

James River Bus Line’s Steven Story said the industry needs to take ownership of safety issues, adding that enforcement is the single biggest issue.

“It’s not defective vehicles. Facilities need to be inspected. We need to make sure there is training, that facilities are inspected, that dispatching is safety-oriented,” he said.

“I’m alarmed by the safety deficiencies in the industry,” Advocates for Highway and Auto Safety’s Jackie Gillan said. She said enforcement is lacking, making that a major reason for accidents.

“The current safety record is not acceptable,” she said, urging more enforcement, hours-of-service rule changes, crush-proof roofs, rollover standards, and more driver training. She claimed that safety enhancements will drop in cost when they are no longer optional.

## Autumn Dipert Brown

CONTINUED FROM PAGE 3

the value of the training that she thinks every motorcoach operator in North America should make the training available to its employees, especially drivers, because of the possibility it might needed.

Not only does she think the training is the responsible thing to do, she also thinks it makes good business sense. Having employees trained in CPR and first aid, and making that fact known to customers, adds to passenger peace of mind and gives the company a competitive advantage, she says.

“We believe that the best safety equipment available on a bus is the driver, so we spend a great deal of resources on recruiting and training all our drivers. As a result, we have become one of the safest motorcoach companies in America today,” she said.

Brown and her company are known for a proactive approach to safety. In 2006, she was presented the Safety Leader of the Year award by the United Motorcoach Association at UMA Motorcoach Expo.

The honor came because of her leadership in creating the first nationally available

driver training program to the industry.

Matt Daecher of Daecher Consulting, an industry safety expert, said “the success and expectations of a commitment to safety for any company begins with its leadership and their actions. Time and time again, Autumn Dipert Brown and Dan Dipert Tours have demonstrated safety leadership both in the bus industry and to their employees.

“It comes as no surprise to me that Autumn was prepared to jump into action and save a life – after all, this is typical behavior her company would encourage and expect from their drivers and staff,” said Daecher.

Brown’s action also didn’t surprise UMA President and CEO Victor Parra.

“As a member of the board of directors of the United Motorcoach Association, she always advocates for what’s right and not what’s convenient or politically expedient.

“She will speak out and address the tough issues regardless of what the majority thinks. She is truly an industry leader.”

Brown has served on the UMA board since 2009 and has been the human resources instructor for the Bus and Motorcoach Academy since 2007. She holds an MBA from Rice University in accounting and finance.

## Temsa growth

CONTINUED FROM PAGE 3

Foley left ABC Companies in 2008, after spending 23 years working for the North American distributor of Van Hool coaches. At ABC, he served as chief financial officer, president of financial services and chief operating officer.

While at ABC, Foley helped lead a management team that grew the company’s revenues from \$10 to \$300 million annually.

With a “true passion for business,” Foley has created a number of ventures and serves on the board of several private companies.

“I’m looking forward to working with the team we’ve assembled to organize and grow CH Trading Company,” said Foley. “I believe we’re putting together an organization that will provide our TEMSA customers the level of service they expect.”

Geiger comes to CH Trading from his own real estate services firm, which he has owned and operated since 2002. Prior to that, he was with ABC Companies for 16 years.

At ABC, Geiger served in a variety of roles, primarily in sales and service. At one time, he was president of ABC Bus Inc.

“I really enjoyed my time in the motorcoach industry,” said Geiger. “I’m looking forward to getting back into the game with this team.”

Vaught has been involved in the motorcoach industry for nearly 30 years.

After owning his own charter bus company for more than 15 years, Vaught became a regional vice president for ABC Companies. He spent nearly 15 years at ABC.

“Impeccable service and support will be a key priority for the new team at CH Trading Company,” said Vaught. “We all realize the importance of providing value to all of our customers.”

Mongioli is an industry veteran with broad operations and fleet maintenance experience for public and private transportation providers. He joins CH Trading from ABC where he was vice president and general manager for the Northeast region.

Prior to his 10 years at ABC, Mongioli worked for Atlantic Detroit Diesel Allison Inc. He began his career at DeCamp Bus.

CH Trading has its administrative offices in Faribault, Minn., with sales and service support centers in Las Vegas and Orlando. For more information, go to [chbussales.com](http://chbussales.com).

## Prevost adds codes to coaches

SAINTE-CLAIRE, Quebec — Prevost is introducing the use of “QR codes” to its motorcoaches to provide drivers and passengers access to information and videos through their mobile devices.

A QR code, which is abbreviated from Quick Response code, is a type of matrix (or two-dimensional) barcode designed to be read by smartphones.

The code consists of black modules arranged in a square pattern on a white background. The information encoded may be text, a URL (universal resource locator), or other data.

Created by a subsidiary of Toyota more than 15 years ago, QR codes are one of the most popular types of two-dimensional barcodes. The code is increasingly being used on all sorts of items because its contents can be de-

coded at high speed.

Prevost has adopted the technology as part of a company “mobile application initiative.” (See Sept. 1 *Bus & Motorcoach News*.)

Using a smartphone or other mobile device, drivers of Prevost coaches can scan the code located in the driver’s area, giving them access to the vehicle driver’s guide, the vehicle driver’s manual, and an instructional video for using the wheelchair lift.

Passengers are able to scan a code next to their seat and their device will give them access to a vehicle safety video and a video highlighting Prevost vehicles.

Andy Kankula, Prevost senior vice president of marketing and sales, said the Prevost mobile application initiative is aimed at providing customers with resources to improve their businesses.

## Harlow’s Trailways grows further West

AUBURN, Wash. — Harlow’s Trailways, a Bismarck, N.D.-based operator that has grown from a one-bus operation to a multi-million dollar enterprise, has expanded into Washington State.

Harlow’s Trailways of Washington, as the new operation is known, is located in Auburn, midway between Seattle and Tacoma.

Jim Landgraf, general manager of the operation, said the company is providing “charter service, carrying passengers locally, long distance — and everywhere in between.”

The company has purchased two Prevost H3-45 coaches as the backbone of its Washington fleet, although Neal Prichard, Harlow’s general manager in Bismarck, expects that that number will quickly grow to five vehicles.

Since Harlow’s was founded by Harlow Hageness in 1966 — with a single bus, the company has grown to a fleet of 15 coaches.

The company also is a school bus contractor and commercial bus dealer, employing nearly 300 people in seven Western states.

Jason Hageness, son of the late founder, manages the firm.

## Acquisitions, stock listing for Student Transportation

WALL, N.J. — Student Transportation Inc. announced it is completing the acquisition of three school bus companies, two in Canada and one in the U.S., and its stock is now traded on the NASDAQ Global Select Market.

Since December 2004, Student Transportation’s income participating securities have been trading on the Toronto Stock Exchange.

Now, its common stock will trade on NASDAQ and its convertible debentures will be traded on the Toronto exchange.

Student Transportation’s latest acquisitions include A and B Bus Co. of Irwindale, Calif., which has been providing student transportation in southern California for nearly 40 years.

The business consists of contracted public home-to-school bus routes as well as athletic and field trips.

As part of the deal, Ken Ehlers, president of A and B Bus, will remain with the company and continue to manage the A and B operations.

STI entered into a long-term

lease of the A and B property and is funding the acquisition through its existing credit facility. Terms were not announced.

Also being acquired by Student Transportation are two Ontario school bus operators — Schumacher Bus Lines of Schumacher and S & K Transportation Ltd. of Listowel. Student Transportation said the companies are “tuck-ins” to existing locations.

The three acquisitions, along with a pending deal, will add a combined \$7.5 million in annual revenue.

Student Transportation also said it had been awarded 10 new contracts to provide pupil transportation beginning this school year. The contracts will add more than \$12.5 million in new revenue annually.

Sun Mergers & Acquisition LLC of Hasbrouck Heights, N.J., initiated the A and B transaction, and acted as financial adviser and negotiated the deal on behalf of the company. Sun said it has completed seven school bus transactions during the past year.

## People

MYRTLE BEACH, S.C. — **Gilmore Entertainment** has added *Margaret Wallace* as group sales director.

Gilmore produces live shows, including The Carolina Opry, Good Vibrations, and The Carolina Opry Christmas Special, and is

the host theater for **LIGHT Laser Shows**.

Wallace has more than 25 years of sales and marketing experience with the past 16 years spent in the South Carolina hospitality and tourism industry. Most recently she was with the **Rock Hill/York County (S.C.) Convention & Visitors Bureau**, where she was director of sales for 11 years.

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## Chain law now in effect along I-70 in Colorado

EDWARDS, Colo. — All commercial vehicles traveling on Interstate 70 in Colorado, between milepost 133 (Edwards exit) and milepost 259 (Morrison exit), must now carry sufficient chains to be in compliance with the state's chain law.

The law requires commercial vehicles to carry chains on this segment of I-70 from September to May 31.

Colorado's chain law applies to all state and federal highways and interstates and includes two levels for commercial vehicles.

Chain Law Level 1 requires all single-drive-axle commercial vehicles to chain up. The drive wheels must be chained; cables are not permitted as an alternate traction device. All other commercial vehicles must have snow tires or chains.

Level 1 may be implemented any time there is snow covering any part of the traveled portion of pavement on an ascending grade.

Chain Law Level 2 requires all commercial vehicles to chain up. Buses must chain two drive wheels to comply. Level 2 may be implemented any time there is snow covering the entire traveled portion of pavement on an ascending grade or when driving conditions dictate this level is necessary to protect safety and minimize closures.

To help assure commercial vehicles have a safe location to chain up or down, the Colorado Department of Transportation has 21 chain stations along the I-70 west corridor. Yellow signs indicate chain station locations.

In addition, CDOT has a few chain stations on the I-70 east corridor at mileposts 289 and 343 eastbound and milepost 358 westbound. There is also a chain station located on northbound I-25 at milepost 157 (near Monument) and southbound at milepost 172 (near Larkspur).

The alternate traction-control device known as the AutoSock remains an approved device in Colorado. Vehicles carrying 16 passengers or more will have the option of using AutoSock rather than chains.

The AutoSock is a fabric that slips over a vehicle's outer driving wheels, providing extra traction on snowy and icy roads. It can be installed over tires in less time than traditional chains.

CDOT also offers what it calls the "chain assistance program," which allows vendors to assist commercial vehicles when the chain law is in effect by selling and installing chains and other equipment.

For more information, go to [www.cotrip.org](http://www.cotrip.org).

## Buses unveiled during BusCon 2011

CHICAGO — BusCon, one of the industry's major bus expositions, took place here last month with nearly 60 vehicles on display and five new vehicles debuted by manufacturers.

Chicago's historic Navy Pier again was the site for BusCon, which included a targeted educational program, extensive networking opportunities, and a wide range of bus equipment, all for sale.

Among the new vehicles on display was the TS30 from Temsa Global, the Turkish manufacturer.

The TS30, as configured for BusCon, was a concept vehicle for the European market that's expected to eventually become the smallest integral motorcoach available in North America.

As its model name implies, it's 30-feet long, 95-inches wide and features a monocoque chassis in stainless steel. It uses a rear-mounted Cummins and Allison, and has an independent front suspension.

The model on the show floor had 37 seats but that number will be reduced to 32-36 in the American version, providing more legroom.

Krystal Infinity showed a pair of new vehicles — the EVolution electric bus and a 36-foot cutaway built on a Ford F-650 XLT chassis.

The K36 features frameless touring windows, upgraded air conditioning, OEM air-ride suspension, front view window, LCD TV system, and overhead storage racks.

Also on hand with a new bus was Roush CleanTech, which unveiled a "propane autogas" paratransit vehicle.

Roush has developed a liquid-injection propane technology that's available on Ford E-150, E-250 and E-350 passenger vans.

The claimed advantages of



Turtle Top F550 Odyssey XL (above) and IC Bus HC Platinum Series shuttle.



propane technology include longer engine life and significantly reduced fuel costs. Propane costs 40 percent less than gasoline.

Turtle Top showcased its Terra Transport XLT and F550 Odyssey XL, both cutaways. Vice President Phil Tom said the paint on the vehicles is a new water-based coating that comes with a five-year warranty.

Other BusCon highlights included a:

- 48-passenger, 40-foot motorcoach built on a Freightliner

chassis by Tiffany Coachworks, a limousine converter and shuttle bus builder

- 56-passenger MCI J4500 with stainless steel structure

- 56-passenger, 45-foot Explorer 45 from BCI Bus. The BCI also uses stainless steel

- 32-40-passenger, 33-foot HC Platinum Series shuttle from IC Bus

- 35-foot M1235 from ABC Companies

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

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## Rotary Lift offers new bus lifts

MADISON, Ind. — Rotary Lift is unveiling new and updated heavy-duty vehicle service lifts this month.

Being debuted is the new Rotary Lift EFX60 in-ground scissor lift, the Wireless Mach 4™ mobile column lift, and the updated MOD30 modular in-ground lift. All of the lifts are made in the U.S.

"These new lifts were designed to improve service technician productivity and reduce bus downtime," said Doug Spiller, Rotary Lift heavy-duty product manager.

"They are faster and easier to set up and use than other lifts, and can accommodate the wide variations in bus designs that exist today in fleets throughout North America."

The EFX60 uses Rotary Lift's

patented universal-style lifting saddle with flip-up adapters to aid lift set-up. Technicians using the EFX60 can properly lift and service virtually any bus weighing up to 60,000 pounds.

Using patented technology, Rotary Lift's new Wireless Mach 4 mobile column lift eliminates the most vulnerable aspects of mobile column lifts: power cords and communication cables. Each Wireless Mach 4 column is powered by batteries and communicates with the other columns wirelessly.

As a result, technicians no longer have to worry about knocking the lift out of service by running over the cords or getting one hooked on a vehicle as it's being lifted. Technicians can operate the lift using the control panel on any

of the columns.

Wireless Mach 4 lifts are equipped with back-up communication cables that can be used in place of the wireless system for virtually zero downtime. The wireless system can also be retrofitted to existing Mach 4 lifts.

The Rotary Lift MOD30 in-ground lift has been a best-seller since its introduction in 2002. It provides greater and faster access to more service areas on a bus than any other lift style.

The MOD30 has been updated with an ultra-low profile superstructure that provides maximum flexibility and versatility for lifting low-floor and kneeling buses.

For more information, go to [www.rotarylift.com](http://www.rotarylift.com), or call (800) 640-5438.



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