

Bus & Motorcoach NEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

Out-of-service rate hits new low during Roadcheck '13

GREENBELT, Md. — For the seventh consecutive year, there was a drop in the out-of-service rate for buses and motorcoaches checked during the Commercial Vehicle Safety Alliance annual Roadcheck inspection sweep.

This year, 7.1 percent of the coaches and buses inspected were put out of service during the three-day safety blitz in early June.

The 2013 rate was 17 percent-

age points better than last year and measurably below the lowest rate posted during the past 13 years. The previous low for buses — since 2000 — came in 2001 when it was 7.7 percent.

This year's rate compares with an out-of-service rate of 8.6 percent for Roadcheck 2012 and 8.7 percent during Roadcheck 2011 (see Sept. 15, 2012 and July 15, 2011 *Bus & Motorcoach News*).

In 2010, the bus out-of-service rate was 9 percent; in 2009, it was 11.5 percent; in 2008, it was 12.2 percent, and, in 2007, it was 12.3 percent.

The rate for buses this year was roughly one-third that of over-the-road trucks. Close to 21 percent of all trucks were parked after undergoing a Roadcheck inspection in June.

The out-of-service rate for bus

and motorcoach drivers checked during this year's Roadcheck moved higher to 3.1 percent.

Last year, the driver out-of-service rate was 2.5 percent. In 2011, it was 2.6 percent, compared to 3.6 percent in both 2010 and 2009.

The lowest driver out-of-service rate in recent years came in 2003, when it was 1.7 percent.

Many more motorcoaches —

1,471 — were inspected during Roadcheck this year. Only 652 buses were checked last year during the CVSA sweep. In 2011, 1,217 buses were inspected, 1,097 in 2010 and 932 in 2009.

The increase in the number of bus inspections this year reflects the stepped-up safety enforcement the industry has experienced throughout much of 2013.

CONTINUED ON PAGE 18 ►

Obamacare

Notification mandate may surprise operators

Motorcoach operators who think they have until 2015 to act on Affordable Care Act regulations may be in for a rude — and potentially costly — surprise on Oct. 1 of this year.

That's the date when the health insurance marketplaces created by the act begin operation.

It's also the deadline for businesses — all businesses — to notify their employees in writing about the availability of health insurance coverage through the exchanges, or face fines up to \$100 per day, per employee.

Under the 2010 law, also known as Obamacare, most small employers with 50 or fewer full-time employees are not required to offer health insurance coverage.

Larger companies with 50 or more full-time employees, which are required under the law to provide acceptable coverage or face penalties of \$2,000 per-worker, per year, got a reprieve of sorts when the deadline for them to do so was delayed until 2015.

But regardless of size, all companies must notify their employees by mail or by email about the

state and federal marketplaces, which are websites where people can enroll in health plans eligible for government subsidies.

New employees hired after Oct. 1 must receive the notice within 14 days of their start date.

Many small business owners are unaware of the notification requirement or assume that it doesn't apply to them because their companies employ 50 or fewer full-time employees, according to many human relations and business practices experts.

CONTINUED ON PAGE 18 ►

Study: Many likely to switch to exchanges

NEW YORK — A new study suggests that as many as 37 million Americans who get their health coverage through employers may be better off with the government-subsidized insurance plans that will be offered under the Affordable Care Act.

The analysis, compiled by researchers at the Stanford School of Medicine and published in the journal *Health Affairs*, suggests that many employees may choose to dump the coverage they receive at work.

It also points to a potential counter-trend to surveys of em-

ployers, which show that up to 30 percent would consider terminating health coverage for their workers within the first few years of "Obamacare."

"There is definitely going to be some pressure in that direction," said Thomas Buchmueller, a professor of insurance at the University of Michigan Ross School of Business, who was not involved in the study.

"Workers could say, 'we appreciate that you offered us coverage all these years, but we'll be better off on the exchanges, so

give us the cash and we'll go.'"

That scenario, which would cost federal taxpayers billions and billions of dollars above what it has already projected, reflects the complicated financial carrots and sticks that are at the heart of the 2010 Affordable Care Act.

On the one hand, it requires large employers with 50 or more workers to offer health insurance, or pay a \$2,000-to-\$3,000 annual penalty per full-time worker. About 170 million Americans have health insurance through their own jobs or

CONTINUED ON PAGE 18 ►

Feds indict truck owners for failing to shut down

NASHVILLE, Tenn. — The owners of two trucking companies the Federal Motor Carrier Safety Administration ordered shut down last year have been indicted on federal charges after failing to comply with the orders.

Should the owners be convicted, they possibly face very serious jail time.

Dorian Ayache of Lebanon, Tenn., and Theresa Vincent of Murfreesboro, Tenn., were indicted by a federal grand jury last month on charges related to the

violation of USDOT/FMCSA regulations.

The indictment charges Ayache with nine counts of violating regulations, one count of conspiring to defraud the United States, and two counts of obstructing a grand jury investigation.

Vincent was charged with conspiring to defraud the United States and with one count of perjury, according to David Rivera, acting U.S. Attorney for the Middle District of Tennessee.

CONTINUED ON PAGE 18 ►

N.J.: Bill to protect texters who send drivers messages

TRENTON, N.J. — A Republican assemblywoman from Monmouth County plans to introduce legislation to protect texters from being sued if they send a distracting message to a driver who gets into an accident.

The bill, authored by Assemblywoman Caroline Casagrande, comes in the wake of last month's groundbreaking decision by two state appeals court judges who said texters who send messages to someone they know is driving have a responsibility to other drivers.

"It is a sad state of affairs when

a court believes that someone sending a text message can be held accountable if they have a special reason to know the recipient will be driving a vehicle and then read the message," Casagrande said.

"This legislation puts the responsibility where it belongs — in the front seat with the driver — not with the sender who can be held culpable for something beyond their control."

The Jersey appeals court ruling stemmed from a suit filed by a couple who were riding a motorcycle

CONTINUED ON PAGE 18 ►

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Charter operators can look to Boomers to fill seats

CHICAGO — Charter bus operators have reason to be hopeful that Baby Boomers may embrace their services — for vacations and tours — as they embark on their retirement years, says Dr. Joseph Schwieterman, professor at the School of Public Service at DePaul University here.

Overall, intercity bus ridership nationwide is up by as much as 40 percent during the past five years (not including Asian/Chinatown carriers and airport shuttle operators), according to Schwieterman

(see Jan. 15, 2012 and May 15, 2011 issues of *Bus & Motorcoach News*).

Early last year, ridership of people ages 50 and older made up as much as 14 percent of the intercity discount bus rider population, compared with between 8 and 10 percent five years ago, Schwieterman's research shows.

Notably, exact figures for bus ridership, unlike those for the airline and rail industries, are lacking. Overall bus travel numbers are largely based on surveys and esti-

mates; rail and airline ridership figures are based on actual ticket sales.

The increase in intercity bus ridership, according to Schwieterman, has been spurred by a number of factors, including the real and perceived hassle of flying, a reduced inclination to drive amid rising congestion, and the technological revolution that has infiltrated everyday life.

Schwieterman, a leading authority on intercity bus ridership, discussed travel by motorcoach at BusCon Expo 2013 here last

month. His presentation was sponsored by the United Motorcoach Association.

For many riders using buses that have installed Wi-Fi and electrical outlets, the idea of taking a scheduled or charter bus ride is no longer viewed as a drain on valuable time, says Schwieterman.

"People seem less concerned with dead time on a bus than in the car or plane, even if the trip is longer," Schwieterman told those attending the BusCon session.

"People are putting a premium

on high-quality environments suitable for using portable electronic devices. It's taken the sting out of time in a coach seat."

That's good news for charter bus companies hoping to capture some of the 78-million-person Baby Boomer generation, known for its active lifestyle, appetite for travel and adventure, and adaptation to technology.

Most notably, those 55 and older take, on average, four leisure trips each year and spend a whopping

CONTINUED ON PAGE 14 ►

'Capital cost of contracting' benefits operators, taxpayers

CHICAGO — Private motorcoach operators should forge relationships with their local public transit authorities — that receive at least part of their funding from the Federal Transit Authority — to better optimize utilization of their equipment during off-peak hours, says John Miller, president of Louis-

ville, Ky.-based Miller Transportation.

There are clear advantages for both parties in this type of relationship, Miller told listeners during an education session at BusCon Expo 2013 here last month.

The local transit authorities benefit from the private sector's resources and expertise, and also reduce their own capital costs, while the private contractor is able to maximize the number of hours its equipment is in use, operating its buses privately during the mid-day and nighttime hours when the public transit's routes aren't running.

"The scheduled service isn't necessarily

making any money, but it's paying for (a portion of) the bus," said Miller, who offers tour, charter and school bus services.

"It puts you in a position to make money on other service like airport transfers. And it allows you to be uber-competitive on private routes."

In this capital cost of contracting arrangement, the Federal Transit Administration doesn't retain any interest in the asset, paying only for its portion of the service.

Thus, the private contractor can legally use the asset for private charter work.

Both the FTA and the taxpayer stand to

benefit from the arrangement, notes Miller.

Instead of investing some \$550,000 in a bus that might be used only a few hours each week, the FTA essentially pays for the percentage of the private operator's bus that it uses.

"They not only benefit from reduced capitalization costs, but they benefit from competition as well," adds Ken Presley, vice president and chief operating officer of the United Motorcoach Association, which sponsored Miller's session at BusCon.

In one scenario, the FTA would reimburse

CONTINUED ON PAGE 18 ►

Correction/Amplification

The SaferBus mobile application does not list specific FMCSA safety ratings or link to bus company websites. A story in the Sept. 1 issue stated otherwise.

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THE DOCKET

Lawmakers, industry want sleep apnea rule, not 'guidance'

WASHINGTON — The U.S. House has begun consideration of a bill that would force the Federal Motor Carrier Safety Administration to develop rules, as opposed to simply issuing guidance, to address the impact of sleep apnea on bus and truck drivers.

Reps. Larry Bucshon, R-Ind., and Daniel Lipinski, D-Ill., introduced a simple, two-page bill last month that would mandate that if the FMCSA addresses sleep apnea, it must do it through a formal rulemaking instead of non-binding guidance.

The bill was immediately assigned to the House Committee on Transportation and Infrastructure where it was fast-tracked for action.

The measure, H.R. 3095, would assure that any new or revised requirement providing for the screening, testing or treatment

of individuals operating commercial motor vehicles for sleep disorders is adopted pursuant to an agency rulemaking proceeding.

Dealing with fatigue

Sleep apnea, which is characterized by an inability to achieve restorative sleep and often goes undiagnosed in many people, can lead to fatigue and heart problems.

And fatigue, of course, is a big concern for the FMCSA, which earlier this year addressed sleepy drivers by cutting the hours truckers can drive before taking a break. It currently is studying whether to revise hours rules for motorcoach drivers.

There have been reports that the agency's plan for issuing sleep apnea guidance has already been sent to the Office of Management and Budget for review. That's the

'Both the United Motorcoach and American Bus associations have joined a coalition that includes the American Trucking Associations and the International Brotherhood of Teamsters.'

last step for major regulatory changes, signaling the guidance could be released officially in the near future.

An FMCSA spokeswoman declined to discuss the proposed legislation, saying the agency doesn't comment on pending legislation. But she promised that any action on the issue would be open to public comment.

If the agency pursues guidance or rulemaking to address obstructive sleep apnea it will be through a public notice, and comment process, FMCSA spokeswoman Marissa Padilla said.

Guidance vs. rules

But that's not assurance enough for Bucshon and Lipinski, as well as many in the bus and truck industries.

In interviews with the website *Politico*, they laid out other problems of issuing guidance instead of a rule: It doesn't factor in the economic costs that associations representing bus and truck operators say could reach \$1 billion a year, and it could make doctors, as well as truckers and bus operators, more vulnerable to litigation.

Using the formal rulemaking process to examine the costs and benefits of a major change — like requirements for dealing with sleep apnea — is a logical approach that has support from industry and both sides of the aisle, a House Transportation Committee aide told *Politico*.

A top committee staffer reportedly helped write the bill.

Both the United Motorcoach and American Bus associations have joined a coalition that includes the American Trucking Associations, the International Brotherhood of Teamsters, the National School Transportation As-

sociation, and the Owner-Operator Independent Drivers Association, in support of the Buschon and Lipinski bill.

UMA weighs in

"Nobody is saying physicians should not screen for sleep disorders; for that matter they are already screening drivers," noted Ken Presley, vice president and chief operating officer of the United Motorcoach Association.

"The suggested guidance would have such a significant impact on commercial vehicle drivers and their employers that any change deserves the scrutiny of public rulemaking, which would include cost-benefits analysis and input from the medical and research communities."

Tests for sleep apnea, a condition where obstructed airways cause pauses in breathing during sleep, cutting oxygen going to the brain, can cost a few thousand dollars each.

That's something the bus and truck industry views as yet another financial burden on top of other expensive regulations.

Bucshon said his bill aims to do one simple thing: If the FMCSA wants to weigh in on this, then it should go through the rulemaking process and let all the medical stakeholders and others be involved.

Lipinski, the lead Democrat on the bill, emphasized that he's not opposed to efforts to address sleep apnea, he just wants it done through a rulemaking.

Bucshon, a doctor, said the problem may not be as widespread as the FMCSA might think and that not all drivers need to be tested.

While acknowledging the safety concerns, Lipinski still wants any action to run through proper channels. "There is a potential safety issue, I understand that, but let's take a comprehensive view of this and get all the input we can before any kind of guidance or rule," he said in an interview.

Drug-test lab owner charged with falsifying driver results

SACRAMENTO, Calif. — The owner of a California-based drug testing facility has been indicted by a federal grand jury and charged with 25 counts of mail fraud and making false statements to a government agency in conjunction with commercial driver drug testing programs, according to the U.S. Attorney's Office for the Eastern District of California.

The indictment charges that, instead of sending specimens collected from drivers to laboratories and doctors for testing and review, Demetri Dearth, owner and operator of Advanced Substance Abuse Programs in Redding, Calif., created false and fraudulent documents, purportedly signed by doctors, indicating the drug tests had come back negative.

Dearth, 56, then billed her clients for the tests, according to U.S. Attorney Benjamin B. Wagner.

If convicted of mail fraud, Dearth faces a maximum statutory penalty of 20 years in prison and a \$250,000 fine.

The maximum statutory penalty for false statements to a government agency is five years in prison and a \$250,000 fine.

"U.S. Department of Transportation regulations requiring that commercial drivers be tested for drugs are in place to keep our roads and highways safe," Wagner stated.

"We will prosecute those who put public safety at risk by disregarding these regulations for their own personal gain," he added.



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Law proposed in Illinois to ban sex offender charter bus drivers

CHICAGO — Attorneys for the family of a 26-year-old artist and graphic designer who was struck and killed by a bus two years ago, say they plan to work with legislators to craft a law that would disqualify convicted sex offenders from driving tour-and-charter buses.

Bill Gibbs and Thomas Demetrio, attorneys representing the family of Justyna Palka, say they will help lawmakers draft the measure they are calling "Justyna's Law."

Palka had been walking across an intersection in the Near North Side Chicago neighborhood of Streeterville on her way home from her job at a large advertising firm on May 3, 2011.

David Soto, a driver for Pontarelli Group Charter, a Chicago-based limousine, charter and tour bus operator, said he didn't see her.

Attorneys for the family said video surveillance showed Palka was walking in the crosswalk with a green light when the driver made a right turn and ran her over.

Soto tested positive for cocaine

in his system at the hospital after the accident, and when police checked his record, they found he was wanted in two child-sex cases.

He also had about 20 traffic violations on his record between 1988 and 2008 and had been driving for Pontarelli for about six months at the time of the incident.

Soto is awaiting trial on one count of reckless homicide stemming from the incident, two unrelated counts of aggravated criminal sexual abuse, and two counts of predatory criminal sexual assault of a child, according to court records.

The family of Palka reached a \$6.75 million settlement with Pontarelli.

Part of the settlement will be used by the family to establish a scholarship at the School of the Art Institute of Chicago in Justyna Palka's name. Pontarelli reportedly will help fund the scholarship during the next decade.

"The family feels a sense of justice that the bus company has taken accountability and responsibility for this horrific tragedy," Gibbs told a Chicago newspaper.

New York state bus safety regulations are questioned

WASHINGTON — New York has perhaps the most onerous laws, regulations and inspection regime for buses, motorcoaches and their drivers of any state in the U.S.

For years, the United Motorcoach Association and others have criticized the state's vehicle inspection program, its non-conformance with Commercial Vehicle Safety Alliance and Federal Motor Carrier Safety Administration requirements, and its attempts to rescind operating authority (which it found it cannot do).

And, for years, the FMCSA has ignored the issue, seemingly intimidated by the state or acquiescent to it, especially when there was a Democratic administration in the White House.

So, it comes as something of a surprise that the FMCSA has decided to consider whether Article 19-A of New York's vehicle and traffic code, a sweeping law that gives the state broad authority to regulate bus operators and drivers, is preempted by federal law.

Motor Coach Canada and the American Bus Association have filed petitions with the FMCSA, asking the agency to determine whether Article 19-A oversteps federal authority.

Comments requested

The agency issued a notice last month, requesting comments on the petitions submitted by the two associations. Specifically, the FMCSA asked for comments on whether Article 19-A has safety benefits, how it is being enforced against interstate passenger carriers, and its impact, if any, on interstate commerce. The comments are due on or before Nov. 12.

To find the notice and where to send comments, go to www.gpo.gov/fdsys/pkg/FR-2013-09-12/html/2013-22162.htm.

Article 19-A and its implementing regulations impose a wide range of requirements on both interstate and intrastate bus companies operating in New York.

Under the law, all interstate passenger carriers are supposed to file an annual compliance affidavit certifying that their drivers are not disqualified under state law, and reporting the number of days and vehicle miles of bus service provided in New York during the previous year.

Interstate carriers are generally exempt from the rest of Article 19-A, which includes requirements related to employment, driver medical qualifications, reporting, recordkeeping and other matters affecting both drivers and carriers, unless the companies operate certain types of school buses or operate in New York for more than 100 days or more than 10,000 vehicle miles annually.

Interstate carriers that exceed the 100-day or 10,000-mile threshold can apply for a waiver for bus drivers who operate fewer than 30 days per year in New York.

Otherwise, an interstate passenger carrier operating in New York is required to comply with Article 19-A. The New York Department of Motor Vehicles makes information about compliance with Article 19-A available through the following web link: www.dmv.ny.gov/art19.htm.

Preemption sought

In late June 2011, Motor Coach Canada requested that the FMCSA preempt Article

19-A. The Canadian association asserted that it creates a burden on interstate commerce by imposing requirements that are more stringent than federal regulations.

The association specifically cited Article 19-A's paperwork mandates.

Roughly three weeks after Motor Coach Canada sent its letter, the ABA weighed in, objecting to New York's enforcement of Article 19-A, but, at the time, specifically stating it was not requesting preemption.

Nine months later, the FMCSA sent a letter to the New York Department of Motor Vehicles, giving it an opportunity to respond to the Motor Coach Canada and ABA letters.

The FMCSA letter asked whether New York DMV applies Article 19-A to interstate carriers and how it uses the information it collects.

New York DMV responded nearly four months later, on July 31, 2012, saying Article 19-A applies to interstate carriers and that it keeps the information it collects in its files, notifies carriers when a driver's CDL is revoked or suspended, and notifies school bus operators of the results of the mandatory criminal history checks.

On September 7, 2012, the ABA sent another letter, this time requesting the FMCSA determine that Article 19-A is preempted because it has no demonstrated safety benefit, is not compatible with federal requirements, and places an undue burden on interstate commerce.

ABA said the requirements of Article 19-A exceed federal driver qualification requirements, burdening interstate carriers.

ABA objections

ABA also objected to the provisions of Article 19-A that require carriers to report information to the N.Y. DMV about a driver's employment status, disqualification, pending criminal charges, out-of-state driving record, miles driven and number of convictions and accidents.

Additionally, ABA complained about requirements that carriers participate in New York's "conviction and accident notification" program, establish an escrow account in New York, administer tests and assessments of driving skills in excess of those required by the Federal Motor Carrier Safety Regulations, and submit affidavits attesting to compliance with Article 19-A.

In its notice, the FMCSA noted that federal law prohibits states from enforcing a law or regulation on commercial vehicle safety that the USDOT has determined to be preempted.

The agency encouraged "commenters" to provide it information about whether Article 19-A constitutes a burden on interstate commerce or is incompatible with Federal Motor Carrier Safety Regulations.

"FMCSA is particularly interested in specific information on how New York enforces Article 19-A against interstate passenger carriers. In requesting comments, FMCSA does not seek legal conclusions, but requests commenters to submit data supporting their positions."

There are some in the motorcoach industry who fear the FMCSA inquiry into enforcement of Article 19-A will aggravate New York regulators, resulting in stepped up enforcement of its requirements.

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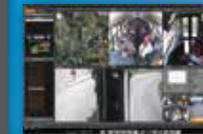
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Moody's: Road tolls in U.S. will need to rise

WASHINGTON — Toll roads will continue to be a growing expense for their users, says a special report released last month by Moody's Investors Service.

The credit ratings agency keeps tabs on 42 American toll roads that collectively hold \$80.2 billion in debt.

Since toll road traffic remains depressed, the drivers using the toll routes will have to pay higher fees to meet the mounting debt burden.

Toll roads' combined leverage grew during fiscal 2012, Moody's

found, with debt per roadway mile rising to \$18.9 million from \$14.3 million the year before.

Tolls also increased to an average of \$1.96 per transaction from \$1.82 in 2011, according to the ratings agency.

They will need to continue rising to support the debt burden, Moody's said, adding that users may resist paying more during the weak economic recovery.

Looking at 31 states that have a state or regional tolling authority, the National Conference of State

Legislatures recently found New Hampshire's Turnpike charges the lowest toll rate — 3 cents per mile, while California's South Bay Expressway was the highest — 35 cents per mile.

Most states charge less than 10 cents per mile.

With the emergence of a national highway system in the mid-1950s, the United States moved away from charging for access to roads. In the last couple of decades, though, state and local governments have embraced toll roads and Moody's ex-

pects the sector to keep growing.

"The user-pay model for funding transportation projects is gaining acceptance as traditional tax-supported funding options for infrastructure fall short of needs," Maria Matesanz, the Moody's senior vice president who authored the report, said in a statement.

Moody's median bond rating for U.S. toll roads is A1, with ratings ranging from a high of Aa3 to a low of B1. It has a negative outlook on the sector due to the weak pace of the economic recovery.

Fuel taxes to go up in Las Vegas

LAS VEGAS — The Clark County Commission approved an ordinance to index the county's fuel tax to inflation.

Additional revenue resulting from the indexing will be used to back bonds that will finance upwards of \$700 million worth of transportation work.

Starting Jan. 1, the ordinance authorizes a 3.24-cent-per-gallon increase in the local 9-cent tax rate for diesel fuel and gasoline. Additional increases will occur in July 2015 and July 2016.

The tax increase will permit the Regional Transportation Commission of Southern Nevada to issue the bonds for 183 transportation projects.

The projects include the Las Vegas Beltway and construction on Interstate 11, which will eventually link Las Vegas to Phoenix.

In fall 2016, Clark County voters will decide whether to continue collecting the tax, which is expected to increase about 3 cents per gallon annually.

Chesapeake Bay tolls boosted

CAPE CHARLES, Va. — The Chesapeake Bay Bridge and Tunnel Commission voted at its most-recent meeting for a 10 percent toll increase that will go into effect Jan. 1.

The higher tolls were adopted as part of a plan to finance an \$800 million "dualization" of one of the system's two single-tube tunnels.

The increase will boost the toll for two- and three-axle motorcoaches to \$33 from \$30.

Similar 10 percent toll-rate in-

creases will be applied every five years in the future to generate the revenues to support the second tubes.

The Chesapeake Bay Bridge-Tunnel is a 17.6-mile long crossing of the mouth of Chesapeake Bay.

It connects the Delaware/Maryland/Virginia peninsula, known as the Delmarva peninsula or eastern shore of Chesapeake Bay, to the Hampton Roads, Va., metro area and to the Outer Banks of North Carolina.

Discounted tolls in Denver

DENVER — BestPass has partnered with the Colorado E-470 Public Highway Authority to provide operators of commercial vehicles with discounted toll services at ExpressToll facilities in metro Denver.

ExpressToll is the electronic toll collection system available on the E-470 highway, the Northwest Parkway and the Interstate 25 tolled express lanes around Denver.

The arrangement allows BestPass customers to accrue tolls on ExpressToll roads without the use

of an additional transponder.

ExpressToll usage is incorporated into the BestPass invoicing system.

BestPass customers also receive the full 20 percent toll discount on ExpressToll usage; the discount usually is reserved for ExpressToll proprietary transponder users.

The addition of ExpressToll makes BestPass the only service — geared toward commercial carriers — to encompass both E-ZPass and ExpressToll into one service.



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Tax court in Oregon upholds driver's tax exemption

SALEM, Ore. — The Oregon Tax Court has ruled that a truck driver was entitled under federal law to an exemption from the state's personal income tax.

The driver, in the case decided by the tax court, was a resident of Washington state, which does not impose an income tax.

Del. mandates back-up signal for big vehicles

DOVER, Del. — The beeping sound that many buses and trucks emit when backing up is likely to become more common in Delaware.

A bill signed into law last month by Gov. Jack Markell requires all commercial vehicles with a gross weight rating of 26,001 pounds or more to be equipped with an audible signal letting bystanders know the vehicle is backing up.

A backup camera visible in the cab of the vehicle or an audible device alerting the driver when the vehicle is approaching an object also would suffice under the law.

The measure applies to non-farm vehicles titled on or after Jan. 1.

The law is named for Dana Martino, a resident of Penn Acres near New Castle, Del. Martino was struck and killed by a beer delivery truck on Dec. 11, 2009, in the parking lot of a liquor store in New Castle where she worked.

USDOT issues strategic plan

WASHINGTON — The U.S. Department of Transportation has developed a new four-year strategic plan for the nation's transportation system and infrastructure.

Transportation Secretary Anthony Foxx said in an online posting that "developing and implementing our strategic plan is an important step in helping address key priorities that represent the diverse interests of our stakeholders across the country."

USDOT has been working since spring on the strategic plan for fiscal 2014 through 2018.

The strategic plan is available to review online at: <http://dotstrategicplan.ideascale.com/>.

Despite the current aggressive safety crackdown on motorcoach operators, the private bus industry is largely ignored by the plan. That may or may not be a good thing.

The driver worked in Oregon, making daily deliveries in the area of Portland, to locations in both Oregon and Washington.

Federal hours-of-service regulations essentially define the nature of employment of commercial vehicle drivers.

Federal law also specifies that

an employee of an interstate motor carrier regularly assigned duties in more than one state is subject to personal income tax only in his state of residence.

However, the state of Oregon argued that because the driver was listed by his employer as non-exempt under the terms of the feder-

al Fair Labor Standards Act for purposes of overtime pay, he was for that reason not subject to federal hours-of-service rules.

The court, though, ruled that federal law clearly provided that the driver, as the operator of an interstate commercial motor vehicle, was subject to hours-of-ser-

vice rules no matter how his employer had him listed in its records, and that the tax exemption therefore did apply to him.

The issue reportedly pops up occasionally in the motorcoach industry, particularly where there is routine travel between states, such as trips to casinos.

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'Fatal risks' for motorcoach operators are pinpointed

WASHINGTON — Last month, the Federal Motor Carrier Safety Administration issued a list — in the form of a mini-poster — of “10 potentially fatal risks for motorcoach operators.”

While the introduction to the list said “traveling by bus is one of the safest ways to get around,” it also noted that “crashes can end lives and ruin businesses.”

“Safety is in your hands,” it continued. “Here are 10 frequent

factors in recent bus crashes.”

The poster exhorts operators to “avoid making the same fatal mistakes.”

Here are the potentially fatal risks:

1. Distracted driving such as using mobile devices to text and talk, eating, drinking, checking maps, or doing paperwork.

2. Speeding.

3. Customers, employers or tour operators convincing drivers

to stay behind the wheel for an unrealistic schedule to reach a destination faster or to avoid overnight hotel stays.

4. Full- or part-time drivers with multiple jobs (who) do not maintain driving proficiency, report previous hours worked, or do not have enough rest to make the trip safely.

5. Using improper GPS devices that are meant for cars, and failing to be aware of low-clearance

bridges and underpasses.

6. Using the wrong kind of tires for a vehicle or route, driving on damaged or worn out tires, or having improper tire pressure.

7. Poorly maintaining buses, including not keeping up with manufacturer recalls or mandated repairs.

8. Failing to maintain awareness resulting in hitting pedestrians with bus mirrors.

9. Having blocked or non-

functioning emergency exits.

10. Allowing party bus guests to behave unsafely, including hanging out of doors or out of rooftop openings.

To some, the list may seem somewhat incongruous in that only one item is likely to turn up during a Compliance Review conducted by the FMCSA.

And, only a couple more are likely ever to be noticed during a destination inspection.

Regulatory predictions remain popular pastime

MINNEAPOLIS — It hasn't developed into a betting sport, but guessing when the Federal Motor Carrier Safety Administration will get around to issuing rules is nevertheless a popular parlor game for some segments of the ground transportation industry.

Even former FMCSA administrators play.

Take Annette Sandberg, CEO of TransSafe Consulting and administrator of the safety agency during the George W. Bush Administration.

At a presentation here, Sandberg went through a long list of new and pending regulatory activity, from sleep apnea guidance to electronic driver logs.

Here are a few of the more significant items on Sandberg's list:

Sleep apnea: There may be “guidance” issued on dealing with sleep apnea, according to Sandberg, but guidance is not the same as a rule, she cautioned. (See related story on page 4).

“They expect you to follow guidance, (and if you don't, you may be issued a citation,) she said, “but saying you were following guidelines won't necessarily protect you in court.”

Electronic Driver Logs (also known as electronic onboard recorders): Perhaps the longest running rulemaking process in industry history.

The electronic driver log mandate continues to stagger along, according to Sandberg, who expects to see “additional delays” that may push publication of a final rule out to late 2014 or even 2015.

As recently as mid-July, the FMCSA said the rule should be out by late November. (See July 15 *Bus & Motorcoach News*.)

However, Sandberg encourages fleets to join those that have already adopted electronic logs — rather than wait for a final rule to be issued.

It will be much tougher to make the change if you wait until the last minute, she said.

On the cautionary side, she advises carriers to be sure the devices they deploy will truly be compliant with the regulation.

“I have seen devices offered as compliant, but they are not in any way,” she said.

Roll Stability: A final rule requiring roll stability systems is expected in March 2014.

'Crash accountability' plan proceeds

WASHINGTON — For more than a year, the Federal Motor Carrier Safety Administration has been analyzing the lightning-rod issue of crash accountability as it figures into a carrier's Safety Measurement System score under the FMCSA's Compliance, Safety, Accountability program.

The analysis reportedly has been wrapped up, and the agency is now conducting internal and peer review of what is being called the “Crash Weighting Research Plan” it is expected to release later this year.

As it stands now, all crashes — even those that are clearly not the fault of the bus or truck operator — are weighted the same in a carrier's CSA score.

The FMCSA has been studying whether police reports have the quality and consistency to support crash weighting determinations.

The research plan will help gauge if determining accountability would justify an annual \$2 million to \$3 million needed to analyze up to 100,000 crash reports each year.

The ground transportation in-

dustry has been at odds with other transportation interests over crash accountability ever since the agency began to deploy its CSA safety enforcement system in 2010.

The agency's approach was to aggregate crash data in the CSA Safety Measurement System without reference to fault as it tracks a carrier's safety performance.

It explained that its ability to distinguish fault was limited, and, overall, there is a statistical probability that some of the crashes will be the carrier's fault.

This gave rise to the contention by both the agency and the safety advocacy community that past crashes are a predictor of future crashes no matter who is at fault.

But for many — if not most — bus and truck operators, it is intuitively and logically incorrect to include non-fault crashes in a system that measures safety performance.

“It's simply outrageous to motor carriers that crashes that are not their fault are used to prioritize enforcement against them,” said Rob Abbott, vice president of safety pol-

icy at American Trucking Associations.

The FMCSA acknowledged carriers' concerns and at one point in early 2012 was close to making changes but then pulled back, saying it needed to answer some questions that had been raised by safety advocates.

This led to the analysis that now is under review at the agency.

The analysis looks at three questions. Are police accident reports reliable enough to determine accountability? Will a system that includes accountability be a better predictor of future safety than one that does not? And how should the agency manage the process, giving the public a chance to participate?

As part of its analysis, the agency asked its advisory board, the Motor Carrier Safety Advisory Committee, to weigh in on the issue.

FMCSA also is working with the U.S. Department of Transportation Volpe Center in developing a tool to establish crash accountability and examine how it should affect a carrier's SMS score.

Report: CSA enforcement 'inconsistent'

PORTLAND, Ore. — A new report compiled by the software engineering and data mining firm Vigillo LLC has found there is an ongoing “enforcement disparity” by county and state when it comes to Compliance, Safety, Accountability (CSA) inspections.

Steven Bryan, Vigillo's CEO, noted that the report — entitled *Comprehensive State Enforcement Statistics* — is a comparative analysis of inspections, violations and crashes for the 48 contiguous U.S. states, drilled down to the county level and normalized by the number of commercial vehicle miles traveled.

“We'd been hearing from many of our customers that they'd experienced an ‘inconsistent’ level of enforcement across the states they operate in,” Bryan told *Fleet Owner*, a trucking publication.

“It has been an issue with CSA for a while but it really began heating up this summer in our conversa-

tions with customers. So, we decided to really dig into the inspection data to see what was going on.”

In “peeling back” CSA inspections down to the county level, Vigillo engineers discovered what Bryan called “interesting” trends.

“For example, we found that state-level data indicated Arizona wrote up the most violations for ‘non-English speaking’ drivers,” he said.

“But in drilling down into the data, we found 99 percent of those violation write-ups occurred in just Pima County, which sits right on the border with Mexico.”

For Bryan, that means carriers should use such data to assure that any drivers they send to or around Pima County should speak English well.

Another finding: Vigillo's data analysis determined that Cecil County, Maryland, was home to the most tire tread violation write-ups in the U.S. — again, another

data point carriers operating in that area should share with their personnel, Bryan said.

“Let me stress though: we're not saying that those counties are deliberately placing an over-emphasis on those particular enforcement activities; this is simply reporting inspection data tied by GPS data to specific locations, which can even be drilled down to a specific officer badge number,” Bryan noted.

“It's just important for every carrier to understand what they're facing in the area in which they operate,” he stressed. “Since this is a federal program, ideally enforcement should be uniform across the states, but the report will reveal that unfortunately that is not necessarily the case.”

Vigillo's comprehensive state enforcement report is available for purchase for \$499.

For more information, go to <http://vigillo.com/solutions/iq-lab/>.

Operating authority transfers are being terminated by FMCSA

WASHINGTON — Later this month, the Federal Motor Carrier Safety Administration will discontinue processing applications for transfers of operating authority.

After Oct. 22, the agency will stop accepting applications for transfer of authority and cease issuing transfer approvals.

The FMCSA clarified the change in a separate notice from the Unified Registration System final rule published in late August. (See story in the Sept. 1 *Bus & Motorcoach News*.)

In the notice, the agency discussed the new process and legal interpretation for transfers of au-

thority registration by non-exempt, for-hire motor carriers and others. Operating authority registration as an asset of commercial value has “lost much of its relevance under today's regulatory structure,” it wrote.

URS-related changes will end the \$300 transfer application fee, as well as reduce certain paperwork costs unrelated to transfers. The cost of reinstating a revoked authority will drop from \$80 to \$10 and the \$10 process agent fee will be eliminated.

The URS final rule includes a new \$300 first-time registration fee for private and exempt for-hire motor carriers.



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Federal government rulemaking seen as deeply flawed

By Ben Goad and Julian Hattem

In the national debate over regulations, there is one thing upon which all sides can agree: The federal rulemaking system is deeply flawed.

Over the years, Congress and presidents have tinkered with the inner workings of the regulatory apparatus, placing new restrictions on agencies charged with writing rules and ordering them to root out those that are outdated or overly burdensome.

Despite those tweaks, the current system lacks any institutional mechanism to expunge unneeded federal restrictions.

There are no strict time limits requiring administrations to either issue or withdraw proposed rules aside from those specifically set by laws or the courts.

And both advocates and critics of stronger regulations complain of a lack of transparency to the process.

"It's totally broken," said Peg Seminario, the AFL-CIO's longtime director of Occupational Safety and Health. "The system is basically a poster child for how government doesn't work."

No easy solutions

Yet, when it comes to potential solutions, there is little consensus.

Republicans and industry groups, which have bemoaned what they view as overly aggressive federal agencies, want more restrictions on the rule-making process and a greater reliance on economic analysis in decisions regarding new regulations.

Democrats, unions and public-interest groups, meanwhile, say agencies are already hamstrung by existing restrictions on their authority, and argue that open-ended White House reviews have led to a pattern of delays in important protections.

"It's definitely the way you approach the issue," said Diana Carew, an economist at the Progressive Policy Institute, which aligns itself with pro-business New Democrats.

"So what's basically happened is that nothing's happened, and now we see this massive buildup of regulation over time, and it is actually causing a hindrance on business and business growth, and for small businesses."

Republicans: Cut red tape

In response to the accumulation of federal rules, congressional Republicans have been busy drafting a host of bills meant to lighten

the burden of federal red tape on businesses.

The Regulations from the Executive in Need of Scrutiny (REINS) Act, for instance, which requires Congress to approve regulations expected to have an economic impact of more than \$100 million a year, passed the House in August with support from just six Democrats.

Its prospects going forward, however, appear dim.

The White House has threatened to veto the bill, characterizing it as a "radical departure" from traditional separation of powers.

Its supporters, however, call it critical to make sure legislators are responsible for regulations stemming from the laws they approve.

"Essentially, Congress passes laws and many of the hardest issues, most difficult politically, are delegated to unaccountable, unelected government workers to figure out the details on," the bill's author, Rep. Todd Young (R-Ind.), told *The Hill*.

Other House GOP bills would empower the U.S. Secretary of Energy to essentially veto certain regulations if they are deemed too costly and force more agencies to conduct cost-benefit analyses before putting new rules in place.

Altogether, there are almost two-dozen regulatory reform bills before Congress, according to the Regulatory Studies Center at George Washington University.

Defenders decry GOP

Defenders of stronger rules decry the GOP legislation as a thinly veiled effort to gum up the works of the regulatory system at the behest of big business.

Regulations, particularly the most significant ones, can take 8 to 10 years to enact. Consumer groups point to lengthy delays at the Office of Information and Regulatory Affairs (OIRA), the White House's clearinghouse for major regulations.

Under a 1993 executive order signed by then-President Bill Clinton, OIRA rule reviews are supposed to take 90 days, with the possibility of a 30-day extension.

Yet, the deadline is not binding, and many rules languish at OIRA for much longer than that, as was the case for a contentious draft rule to limit construction workers from harmful silica dust.

That rule sat at the White House for well over two years before it was formally proposed last month. It will take months or more before the rule can be finalized.

Of the 130 rules currently under review at OIRA, 70 have been there longer than 90 days, including one that would mandate seatbelts on new motorcoaches.

The AFL-CIO's Seminario, who supports strict deadlines for OIRA, said the office has gotten involved with too many rules, creating a logjam.

"You can't have an effective regulatory system when you have one small straw that everything has to go through," said Seminario, who wants the the Government Accountability Office to initiate a study looking at ways to reform the system.

Process criticized

She and other critics decried the government's growing reliance on cost-benefit analysis in regulatory decisions. They note that there is no accepted science for the practice and argue that costs are easily exaggerated, while benefits are more difficult to quantify.

University of Maryland law professor Rena Steinzor questioned how the government could put a price tag on an IQ point lost to unhealthy conditions — or on a human life.

"Cost-benefit analysis is a black box, no matter who is practicing it," said Steinzor, president of the Center for Progressive Reform.

Michael Greenstone, a professor of economics at the Massachusetts Institute of Technology, agreed that any regulation that doesn't properly account for benefits "distorts the picture."

But Greenstone suggests that the system's flaws are rooted in its basic structure: namely that there is no systematic process to rid the government of regulatory dead weight.

While new rules are continuously added, "we don't take them off the books," he said.

Impossible to get rid of

Since Jimmy Carter, presidents have asked agencies to review their own rules and get rid of the useless ones.

But a 2007 report from the Government Accountability Office highlighted a number of problems with those reviews, including lack of funding, time constraints and evaluations that sometimes overlap.

President Obama revisited the issue in 2011, ordering a more aggressive government-wide search for regulations that could be con-

solidated, scaled back or repealed. The White House has said that those efforts have led to hundreds of new regulatory reform ideas, just a handful of which would save up to \$10 billion.

Greenstone called the initiative, "an incredibly important and revolutionary first step," but suggested it be taken further via establishment of a new nonpartisan panel to review regulations.

Akin to the Congressional Budget Office, the body would be removed from politics and would offer an alternative to the "self-evaluation" of regulations taking place at the agencies.

Greenstone, who pitched the plan during testimony earlier this year before the Joint Economic Committee, estimated it would cost less than \$20 million to enact.

"We're talking about a very small amount of money," he told *The Hill*. "It just seems like a good investment."

Carew, of the Progressive Policy Institute, is pressing lawmakers to embrace a similar plan.

Her organization has been in contact with Sens. Angus King, I-Maine, and Roy Blunt, R-Mo., who have introduced a bill that would create an independent commission to review old rules.

Under the legislation, known as the Regulatory Improvement Act, the panel would then send to Congress a list of regulations to consolidate, streamline or repeal. As part of the legislation, lawmakers would be unable to amend the recommendations before voting on them.

Bleak outlook

But that proposal, too, has its detractors.

Amit Narang, a regulatory policy advocate with the pro-regulation Public Citizen, said the outside commission would likely just be a way to kill old rules without strengthening current ones.

"It is just kind of a one-way ratchet to repeal rules rather than look at areas, demonstrated by recent deregulatory failures, that need strengthening," he said, noting events like the explosion of a fertilizer facility in West, Texas, might have been prevented by extra regulations.

Chances for regulatory reform, he admitted, seem bleak. "It is a very politically charged, kind of partisan area of public policy, and I don't think that there exist very many consensus ideas to improve the regulatory process because agreement on what needs to be improved is hard to reach, frankly," he said.

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Is the bulldozer approach to enforcement a smart strategy?

By Dave Millhouser

The early July crash of an Asiana Airlines plane in San Francisco offered a number of lessons, including some that apply to those of us in the ground transportation business.

Miraculously, only three Asiana passengers died. Two of the students who were killed were thrown from the plane. Every passenger who remained within the fuselage, except one, survived.

Just as in motorcoach accidents, keeping folks inside greatly improves their chances. Seatbelts work(ed).

There are other, perhaps more obscure, things we can learn from the airliner crash and its aftermath.

As long as I can remember, whenever there was a major transportation incident, federal investigators were reluctant to divulge information until their investigation was complete. One reason for this was that, in addition to any quickly discovered facts, there often was a context that was important, and it took a while to fully understand it.

In this case, there was a rush to the media with preliminary conclusions. Information was transmitted without putting it in perspective.

The reason for this is obscure, but could part of it be an effort to make the investigators and regulators appear more relevant and visible?

It was quickly noted that the pilots had minimal hands-on experience on this model aircraft. What seemed to come out later, and more quietly, was that the airline was generally in compliance with regulations.

Golly gee...maybe part of the context is that the rules in place were either irrelevant or ill-conceived.

Some sources have indicated Asiana was training pilots to pass required tests, rather than deal with the real world.

Maybe it's just me, but aren't there some parallels here to what we're seeing with the Federal Motor Carrier Safety Administration's aggressive bus industry compliance push?

First, is there a problem?

Asiana sure had one, but are there statistics that show that the motorcoach industry has a growing safety problem? Obviously, perfection is a noble — but unattainable — goal. And, what if the pursuit wrecks an industry that is already performing well?

How smart is it to drive more people into automobiles that are less safe and pollute more?

Until Asiana's crash, airlines have had a near-perfect safety record for years, but airplanes don't travel roads surrounded by drivers of dubious competence, questionable responsibility and who knows how little rest or sleep.

The last time I checked, pilots made more money than bus drivers (hence airlines can be a bit pickier in hiring).

Is there a demonstrated connection between what regulators and enforcement officials are measuring and safety? There probably is an association between some of the categories and real world safety, but to what extent and which ones?

Currently we are unavoidably acting the same way Asiana may have — complying at great expense with regulations that may have

only a fleeting acquaintance with real safety. It's akin to students memorizing things to pass a test, without really understanding the meaning or importance.

How is it that several companies have been declared "imminent dangers" shortly after good reviews?

Please understand, some (maybe even most) were troubled operators, but what of the officials that rated them "satisfactory?" What were they measuring?

It's anecdotal but it seems that most of the companies on bussy death row are relatively small, lacking resources to contest regulators. Is that by design?

We haven't yet seen a GBB (Great Big Busline) truly hammered by regulators. Certainly disrupting one of them would create major heartburn for the traveling public...but are they really safer, or simply "too big to be failed?"

If the goal is to protect the MOST passengers, isn't this where a watchdog can get the most bang for its buck? One executive (and wiseacre) observed: "Regulators don't practice actuarial science, they practice political science."

Whether planned, or as an unforeseen consequence, the cost of compliance is making it increasingly difficult for small and midsize operators to survive. The likely result is a smaller industry with some GBBs becoming "too big to fail."

That may benefit them but the traveling public and the nation will not benefit.

It bears repeating from an earlier scribbling...GBB's should be careful what they wish

for because if they get it, they could end up in the same place as the private transit operators in ye olden days.

My friend (the wiseacre) says: "It should be of particular interest to a ton of operators (1,300 of them) that many are facing a new type of Compliance Review. It's also interesting that the FMCSA defends its CSA and SMS programs at every turn, and promotes its SaferBus app in press releases it puts out about shutting down some company."

"At the same time, and out of the other side of its mouth, it admits it doesn't even have enough information on more than one-third of ALL motorcoach operators to assign BASIC scores."

Regulators also often make the point that they're there to help us, to improve the industry. Certainly they're correct in assuming that safety is good for business.

But the folks doing enforcement, for the most part, have little understanding of the nuts and bolts of transportation, and aren't really accountable for mistakes they make. We, and the public, pay for their errors.

In a final comparison with the Asiana tragedy...there were only three deaths, but one of them was a young woman who was run over by a rescue vehicle coming to "help" her.

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



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Boomers moving to cities offer hope to coach operators

An apparent trend of Baby Boomers moving to cities as they retire or prepare to retire could offer hope to tour-and-charter bus companies for capturing more of the large demographic.

There is at least anecdotal evidence of an increasing number of Baby Boomers shedding their big homes and even their cars in search of communities where they can walk to restaurants, stores and social events.

"The Baby Boomers have kind of lived the 'suburban life,'" John Brady, founder of the website *Top-Retirements.com*, told *USA Today*.

"They were chained to their jobs, held down by children. They had to live where the good schools were and where there were recreation opportunities for their children.

"Retirement is like a second chance on life," says Brady.

"They are asking, 'What do I want from life?' It's not living in the 'burbs."

Boomers want to be able to go to plays and movies, according to Brady, and they are uniquely positioned to take advantage of what cities have to offer.

Annette Fuller, managing editor of *Where to Retire* magazine, says there are many other reasons boomers are being drawn to metro areas.

"The appeal of relocating to a metro area lies in the abundance of part-time jobs these cities offer, as

well as big-city amenities, like cool ethnic restaurants and great shows," she told *USA Today's* "Retirement Living."

"These areas also have universities, meaning sports to love and classes to take — both excellent ways to assimilate."

And, she adds, many larger universities have Osher Lifelong Learning Institute chapters, which organize classes and day trips for retirees.

Amy Levner, livable communities lead with the AARP in Washington, says retirees and pre-retirees are looking for the same thing as Millennials — places that are walkable, and will allow them to drive less.

The stories are anecdotal, but Levner says the Baby Boomer group is so large, that even a small percentage is still a big number. And real estate agents around the country have noticed the trend for a while. Some are even helping to drive it — they themselves have made the move from suburbs to cities.

• "Probably a third to half of buyers we have coming into the market are either retirees or empty

More Boomers?

CONTINUED FROM PAGE 3

\$157 billion on travel, research shows.

And for Boomers who lost money in the Great Recession,

nesters preparing to retire," Keith Head, branch manager of Park Cities Uptown (Dallas) office of Coldwell Banker told *USA Today*. "Previously it was young professionals moving to Dallas. Now we're seeing a lot more retirees.

"Dallas has a lot more entertainment and life," he says. "Also, the convenience of high-rise living makes it easier than taking care of a house and taking care of a yard."

Head, 57, left his home in the suburbs to move into the city. "I was really worried if I could adjust," he says. "It took me about a month to realize I could wake up on Saturday morning and have no to-do list."

• Ben Coleman, broker-owner at Century 21 Hartford Properties in San Francisco, is also seeing more retirees and pre-retirees looking to move back into the city, including himself. He sold his home in Pacifica, Calif., and moved into a condominium in San Francisco. "Once all the kids were gone why would I need a five-bedroom house?" Coleman asks.

"Two flights of stairs may not be the most functional thing."

• "Moving into a high-rise is so

charter bus tours could prove to be a more economical way to travel, while also still providing the same components of other Boomer-friendly travel options such as cruises and group tours.

"I think there's going to be

much more attractive for retirees," says Alicia Trevino of Century 21 Alicia Trevino Realtors in Dallas. "There's 24-hour concierge service and dry cleaning delivery."

Her friends all tell the same story, she says. They sold their businesses, and they don't have any worries. Why wouldn't they live this kind of lifestyle?

Best cities

"Great cities" have been identified for retirees.

Older cities such as New York, Boston, Philadelphia and Pittsburgh are quite accessible, Brady says. "Even Denver. You can live in a neighborhood and do all the things without getting in a car."

Another good city for boomer retirees: Sarasota, Fla., says Brady. "It has an urban downtown but many walk-able neighborhoods close by. There is lots happening, and it is possibly the cultural capital of Florida. And great beaches and keys nearby."

Other favorites: "Washington, D.C., is a great place to retire if you can afford it," Brady says. "St. Petersburg is a bit more relaxed but coming on. In Boulder, Den-

some segment that discovers the economy and efficiency of bus travel," added Ken Presley, vice president of industry relations and chief operating officer at the United Motorcoach Association. "It's relaxing and you can make friends."

ver, Portland and Seattle, boomers can live downtown, enjoy the restaurants and neighborhoods and find a lot to do without being tied to their cars."

Areas in and around the Baltimore Inner Harbor, especially Harbor East, are attracting boomers — both renters and buyers, says Dean Cottrill, president of Coldwell Banker Residential Brokerage in Baltimore. World-class hospitals, such as Johns Hopkins, sports and theater, as well as the proximity to other major cities are also a draw.

BIG drawback

There are drawbacks to moving back to the city. First and foremost, housing costs — whether renting or buying — can be very high.

"Buying and living in a condo downtown or in a hub neighborhood can mean putting the car aside and walking," Fuller said. "Not only will their feet get them from point A to point B, they also will get exercise," she said. "You experience a city in a whole different way when you walk it."

The 10 most-populous areas in *Where to Retire's* fifth edition of "America's 100 Best Places to Retire": 1) Phoenix, 2) Austin, 3) Nashville, 4) Greater Portland, Ore., 5) Ocean County, N.J., 6) Albuquerque, 7) Lancaster County, Pa., 8) Maryland's Eastern Shore, 9) Coachella Valley, Calif., and 10) Colorado Springs.

Procrastination: There are solutions, tactics for tackling

By Joseph Milord

Procrastination.

It can be the undoing of us.

It's the irresistible practice that can somehow find its way into our habits time and time again, no matter how many times consequences have called for a change.

The worst thing about it is that it can hold us back from things we genuinely want in life.

What's even scarier to consider is that procrastination not only hurts you in the short term, it can have rollover effects.

When procrastinating, it becomes harder to do better at the next task, while all the old things are taking up valuable space in your brain.

"Procrastination takes up real estate in the mind," author and entrepreneur Christine Hassler told *Forbes* magazine.

"Even if you're not working on a project, you're still energetically thinking about it. Your mind becomes cluttered and there is no room for the things that make you

successful in business — like innovation, creativity and intuition."

For those who fall into the 30-more-minutes trap from time to time, to those who feel procrastination can be a truly unwanted and restraining force on their lives, there are specific steps that can be taken to help your motivation surpass your urge to procrastinate.

Big list, little help

The first option you should scratch off your list, though, is the prospect of enumerating all of your issues.

"Making a huge list of 'things to do' or scheduling every minute of your day may INCREASE your stress and thus procrastination," says the McGraw Center for Teaching and Learning at Princeton University.

"Instead, set reasonable goals (e.g., a manageable list of things to do), break big tasks down (into smaller ones), and give yourself flexibility and allot time to things you enjoy as rewards for work completed."

If you usually put dealing with your tasks in one shot on your agenda, you're probably wondering what you should do now.

Contrarian approach

Hassler says, in the article contributed to *Forbes* by the *Daily Muse*, that one of the things we can try is forcing our most-avoided tasks into becoming habits. Once that's accomplished, addressing troublesome tasks becomes routine.

"Set aside an hour a day for tasks you've been putting off," she suggests. "A productive time is between 10 and 11 a.m. — you're awake, your breakfast has kicked in, and you're not hungry for lunch. If you can commit to this for 40 days in a row — hopefully it will become (routine), like brushing your teeth."

What Hassler, who is also a life coach, proposes is somewhat of a lengthy solution. It can take time to execute and impatience may tempt you to not even try.

Coincidentally, that is the exact

type of mindset she advises people to avoid if they're trying to trash their bad habits. You simply won't get out of procrastination with more procrastination.

The 'pressure' trap

Another mindset that must be avoided is the one that has us thinking we "work better" under pressure.

"Virtually everyone who offers this explanation habitually procrastinates and has not completed an important...task in which they made a plan, implemented it, and had time to review, etc., before their deadline," the McGraw Center said.

"So, in reality, they can't make a comparison about the circumstances under which they work best. If you pretty much always procrastinate, and never really approach your tasks systematically, then you can't accurately say you know you 'do better' under pressure."

Most experts advise that you make calculated, pressure-limiting plans to tackle everything you've

put off. But in response to the way some people resort to procrastination after freezing up from fear, others offer unorthodox solutions.

Try shaking — like a dog

"When you take a dog to the veterinarian, the animal often shakes and shivers," psychotherapist Jude Bijou told *USA Today*. "That's a much more natural response than a human being who tries to contain fear and become very still.

"Don't tighten up. Make sounds and wiggle around and let the energy out of your body. Shake hard for about one minute, and then you'll feel calmer and think more clearly."

Whatever path you choose to go about your procrastination killing ways, though, it's important to do it for your own benefit.

"Remember to focus on your own reasons and your goals," says the McGraw Center.

"Other people's goals for you are not goals at all, but obligations."

Reprinted from *Elite Daily*.

Activists want to redirect where highway money goes

Groups ranging from environmental activists to public interest organizations are eyeing the money devoted to building and maintaining highways and trying to figure out ways they can redirect it away from roads and bridges.

Even though scores of studies, analysis and experts have pointed to significant underspending on highways during most of the past decade, the interest groups contend that because overall highway traffic has moderated in recent years, policy makers and budget administrators should reallocate some of the highway money to bike lanes and public transit.

One public interest research organization released a study last month aimed at making the case for policy changes to transportation spending.

The study points to what it says is a growing number of young professionals and other commuters around the country who are spending less time behind the wheel,

The trend, which began before the Great Recession, suggests a lifestyle change among younger Americans that state officials should factor into future transportation policy, asserts Joanna Guy, program associate with Maryland PIRG Foundation.

Gasoline prices, demographic shifts, changes in technology and other factors have all contributed to the decline in driving, says the study by Boston-based U.S. PIRG Education Fund.

Teenage Americans are less likely to get their driver's licenses, young adults are flocking to urban centers, and more people are working from home. Baby Boomers also are retiring, putting decades of commuting behind them.

Hit the reset button?

"Given these trends, we need to press the reset button on our transportation policy," said Guy. "Just because past transportation investments overwhelmingly went to highway construction doesn't mean that continues to be the right choice for Maryland's future."

The "driving boom is over," she said, suggesting state spending be focused "on alternatives such as public transit and biking — which people increasingly use to get around."

Still, given the backlog of past-due highway projects, an across-the-board shift from driving toward public transit, biking and walkability remains a long way away, some contend.

"People may not be driving as far, but they're still out there on the roads," said state Sen. James 'Ed' DeGrange of Anne Arundel County in Maryland. A Democrat, DeGrange chairs the state senate's transportation budget subcommittee.

"I don't think the emphasis is as much going to be on the mass transit side, when it's so expensive, because we have to fix the roadways."

Unprecedented trend

Robert Puentes, a senior fellow with the Brookings Institution's Metropolitan Policy Program, said roads remain an important component to any state's transportation infrastructure. But declining or stalled travel on state roads, even as the state's population continues to grow, is "unprecedented" historically, he said, and should be a wake-up call for planners.

The trend is too pronounced to be caused simply by the economy, even if the economy is

a factor, Puentes said. Unlike driving declines during the 1970s oil crisis, the current declines have been more prolonged and correlate less with the recession, he said.

Similar drops occurring in Europe, Canada and developed parts of Asia also indicate that the trend may be here to stay.

"This is definitely real and it's definitely happening, and that's what's new," he said. "This isn't a blip like we saw in the 1970s or other points, where there was a little dip and then we went back to where we were."

"The drops in driving are dramatic, they're unprecedented, yet we still model our transportation investments on older trends, extrapolating them out without any understanding that things are changing fundamentally," Puentes said.

No 'nice to haves'

Meanwhile, a Republican state representative in Pennsylvania, Stephen Bloom, has introduced legislation that would force PennDOT to fix thousands of closed or weight-restricted bridges in the state before it spends another dime on what he calls "nice to haves" such as airport projects and bike lanes.

"If the condition of our bridges in Pennsylvania is so dire that we have to barricade or restrict thousands of them...let's move heaven and earth to fix those bridges immediately," Bloom said at a news conference at the state Capitol.

In particular, he voiced concern about fire trucks and emergency responders getting delayed in responding to emergency calls because of having to detour around closed or weight-restricted

bridges while waiting on the legislature to reach agreement on a "pie-in-the-sky transportation funding fantasy" to address transportation needs.

Pennsylvania lawmakers failed to enact a comprehensive transportation funding plan in the spring as Gov. Tom Corbett had hoped it would. The Senate passed a plan that would have raised \$2.5 billion annually, which was more than the plan Corbett had offered.

However, progress toward reaching an agreement on a funding plan stopped in the House for a variety of reasons.

Among them were a group of conservative Republican lawmakers, which includes Bloom, who opposed raising taxes and user fees when many Pennsylvania families are struggling.

Stalemate fallout

As a result of the legislative stalemate, PennDOT Secretary Barry Schoch recently announced 1,000 more bridges on mostly secondary roads would see lower weight restrictions in a move that's intended to extend the life of those spans so the department's resources can be focused on maintaining more heavily traveled bridges. (See Sept. 15 *Bus & Motorcoach News*.)

Anna McCauslin, policy director for Americans for Prosperity-PA, a citizens group that promotes smaller government, applauded Bloom for what she called "common sense" legislation that puts safety ahead of niceties such as bike lanes.

"Bike lanes are not a pressing priority to millions of people, millions of families in Pennsylvania who travel our roads and bridges everyday," she said. "Safety comes first."

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A 'playbook' for maximizing your exposure on YouTube

PLAYA VISTA, Calif. — You've likely read or seen the often enormous statistics that accompany videos that appear on YouTube.

Individuals can post a video and experience millions of views within a week.

However, others get only a handful to tune in.

How and why does this happen? And what can small businesses do to increase their numbers?

YouTube, the world's most popular video website, has distilled best practices down into what it calls the "Playbook."

Ben Relles, YouTube's head of programming strategy, travels around the country to explain the Playbook and how videos can rise to the top.

YouTube puts ads on all of its videos and shares more than 50 percent of the revenue with its top creators, so there's a financial incentive for anyone making videos on YouTube to see better results.

Here, as explained by Relles, are the top seven ways video creators can get more hits.

- Think viral. Ask the question before you start shooting, "What will make people share this?" Relles says. "And what is it about this video that you think people will watch and

immediately want to put on their Facebook, Twitter and Google+ and e-mail and everywhere else."

- Have a great hook. On YouTube, views matter, but more important is that the entire video has been watched all the way through. The channel doesn't want a basic click and folks turning away within seconds. How to keep them hooked? The Playbook recommends opening big. "Personalities should address/welcome the audience, ask a question, spark the viewer's curiosity, or tease the rest of the video."

- Take the time to optimize. "How you title the video, the thumbnail you choose and the tags you

compose all play a big part in the video being discovered," says Relles.

Google-owned YouTube is the world's second-largest search engine; effective titling helps the video get discovered. The headline should use keywords first and branding (the show or channel name) at the end.

Beyond the headline, tags are another tool for discovery. And a good thumbnail image of the video — which also shows up in search results — can help direct viewers to the content. When you upload videos to YouTube, after the video is processed, tools are available to change the thumbnail to your liking.

- Collaborate. One big trick of

YouTube stardom is that the audience likes to see their favorites appear with other stars, just like the comic book days of yore that saw Superman interact with Batman or the Incredible Hulk meet up with Iron Man.

No tool will do more to build your views and online standing than joining forces with another creator, Relles says. "If you work with somebody else on YouTube that has a similar subscription base to yours and you do something really creative together, (their viewers will) recommend others to check out your channel," he says.

- Subscriptions. Encourage

viewers to subscribe to your channel because that, in turn, builds a recurring audience.

- Connect with viewers. Social media starts with a basic question: "Will the video I'm making be shared?" And if so, "How?" From there, encouraging feedback and responding are vital.

"How you create a dialogue with (viewers) goes beyond the content," Relles says. "It gives the audience an opportunity to feel they're part of the conversation."

- Respond to comments. Relles suggests answering comments shortly after the video is posted. The first commenters are the core audience; keeping them engaged builds loyalty, he says. Prepare to have a thick skin — comments can be raw.

"People, especially if they're disappointed, will let you know this isn't up to snuff," he says. "No matter what media it is, people are saying these things. When they're home watching TV, and they don't like a scene, they tell the person they're watching TV with.

"The exciting thing about online video is you get to have this dialogue with people. If you're open to this kind of feedback, you can use it to direct your content, or say, 'That's great, that's your opinion.'"

5 things you shouldn't be doing on Facebook

Facebook provides a possible avenue for building your brand and engaging customers but only when you use it engagingly and correctly.

Inc. magazine's Carrie Kerpen gives five examples of Facebook mistakes to avoid:

- 1. Begging for likes:** Asking for a Facebook "like" can increase interactions, but those relationships can sour if you're constantly asking for affirmation.

- 2. Stocking your photos:** Stock photography can look like an ad, and on Facebook, it's better to use images of your people and places.

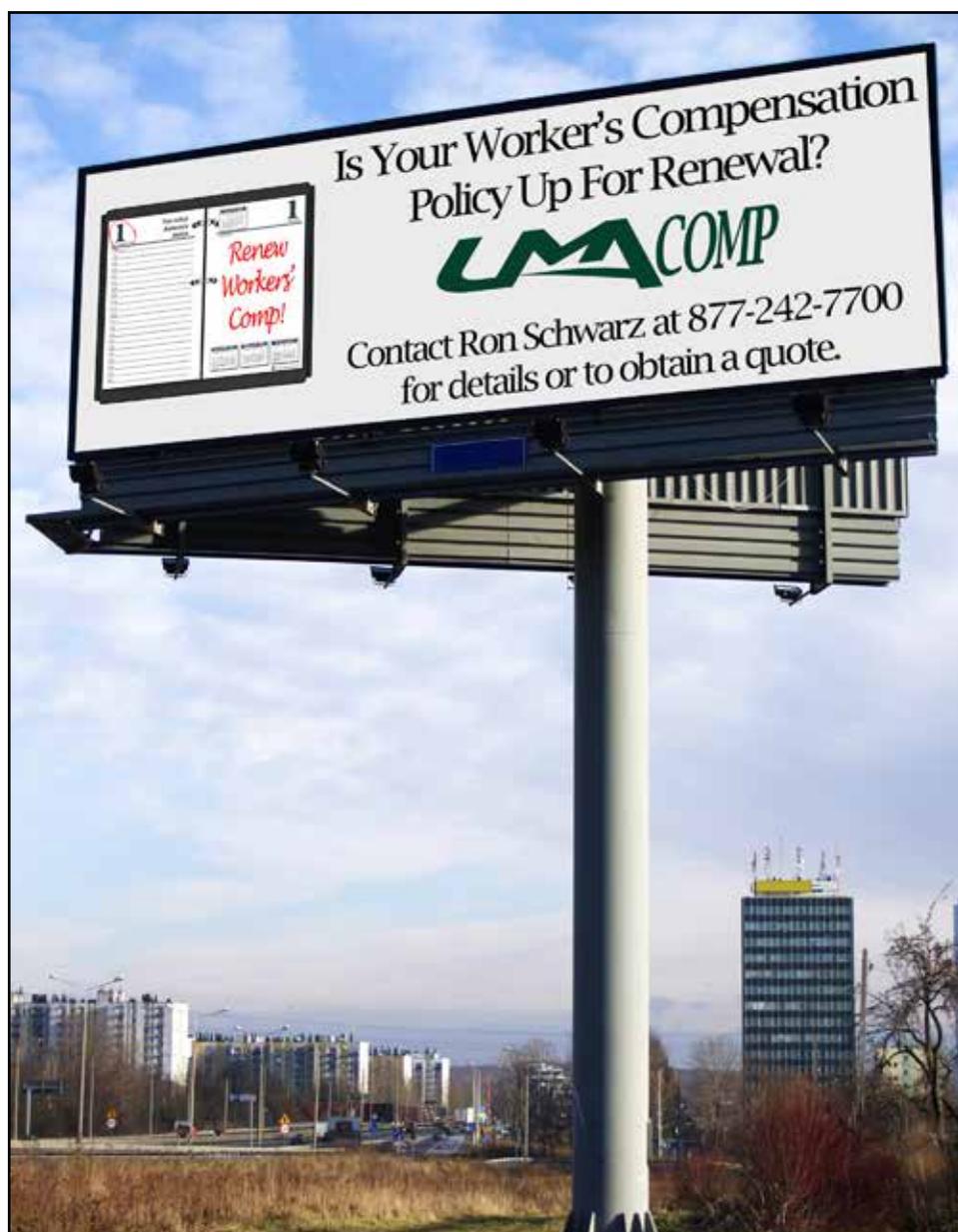
- 3. Exploiting tragedy:** It's one thing to express sympathy after tragic events, but it's a whole other (bad) thing to use those expressions to build Facebook engagement.

- 4. Rattling on and on:** Text-heavy posts with multiple calls to action will excite few readers,

generate little action and may give off bad vibes.

- 5. Getting too cute:** Posting pictures of babies and kittens is great if you sell infant or pet items, but you lose your audience when you go off-brand.

Even when you're pitch-perfect with your posts, your Facebook followers can sound sour notes. A *Ragan.com* article suggests you delete posts that are off-color or off-topic.



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Coach USA eyes parent company services in United Kingdom

ELIZABETH, N.J. — Fast-expanding luxury motorcoach services offered in Great Britain by Coach USA's parent company, Stagecoach Group, including a new overnight "sleepercoach" service that uses state-of-the-art, double-decker buses, could be heading for the U.S.

"The Stagecoach premiere service offering, which includes sleeper service, has been received extremely well by the traveling public in the U.K.," Dale Moser, president and chief operating officer of Coach USA, told *Bus & Motorcoach News*.

"We, at Coach USA, currently have this next generation of innovative, high-quality service under review for the North American market," Moser said.

In April, Stagecoach Group announced it was introducing a network of luxury overnight sleeper services linking London with Glasgow, Edinburgh and several other cities in Scotland.

Stagecoach is based in Perth, Scotland.

It launched the final two routes of the network in July, one connecting the Highlands to Glasgow and London, and the other traveling between Glasgow and southwest England. The services operate every day, with prices that range from £15, or about \$23, to £60, about \$93.

According to Stagecoach, the sleepercoach journey from Glasgow to London takes less than eight hours, about the same time as

sleeper train services.

Also in July, the company expanded its luxury daytime service between Glasgow and Inverness, with two additional services operating in each direction every day.

It also announced new routes in England and Wales, including service between London and Plymouth and between London and Cardiff.

Both the overnight services and daytime luxury routes use a fleet of 10 specially designed Van Hool coaches with leather seats that can be converted into lie-flat beds. The coaches have 55 seats that convert into 42 beds, and are equipped with power sockets, Wi-Fi and a toilet.

On overnight journeys, customers receive complimentary refreshments, and sleeper kits with an eye mask, toothbrush and toothpaste. Passengers are also given a choice between a blanket and a "onesie" to sleep in during the journey.

Daytime passengers also receive complimentary refreshments served by an on-board customer host.

Stagecoach began offering its luxury service, called Citylink Gold, in 2010. Research conducted in 2011 showed that during the first year, 36 percent of passengers previously travelled by car, with

31 percent previously taking the train, according to the Perth, Scotland-based company.

"The survey showed that 94 percent of customers said Citylink Gold offered value for money, while 9 out of 10 passengers were satisfied/very satisfied with the punctuality of the service," according to Stagecoach.

The luxury services were introduced roughly a year and a half after Stagecoach's megabus.com introduced Britain's first budget sleepercoach service between Glasgow and London, with fares between £1, about \$1.56, and £40,

about \$62. The service operates seven nights a week.

The budget sleeper service uses converted 60-foot articulated coaches fitted with 24 berths and 24 seats. Passengers have their own berths, equipped with a reading light and curtain for privacy, as well as a duvet, pillow and blanket. They are also allocated a standard seat for their journey.

According to Stagecoach, the budget rides provide cost-conscious travelers with a cheaper alternative to overnight rail travel or a "red-eye" flight from an airport with added transfer time and costs.

Trailways promotes members — regionally

FAIRFAX, Va. — The Trailways Transportation System has developed regional marketing networks among its 75 motorcoach operator members.

Twelve Trailways companies in the Midwest are being promoted via a co-op advertisement published last month in the 2013-14 edition of the *Student Travel Planning Guide*.

The ad features what is called the Trailways Midwest Network and it was developed and organized by the Trailways headquarters.

The idea was suggested by Donald Ferrone of Prairie Trailways in Chicago.

Trailways says it plans to continue to help organize these types of promotions on behalf of its regional networks.

BoltBus expands in Pacific NW

DALLAS — BoltBus is again expanding in the Pacific Northwest.

The curbside service owned by Greyhound Lines is beginning service to Eugene and Albany, Ore., on Oct. 3.

From Eugene, the new service will include four roundtrips to Portland Thursday to Monday, with several schedules a week continuing to Seattle.

From Albany, BoltBus will operate service four days a week to Portland and Eugene.

All tickets between Portland

and Albany/Eugene are \$1 for the period Oct. 3-6.

The new service is the fourth West Coast expansion by BoltBus in less than two years. Currently, BoltBus provides daily express service to Portland, Seattle, Bellingham and Vancouver, Wash., in addition to its routes between major cities along the East Coast.

Launched in March 2008, BoltBus was the first curbside service to offer onboard amenities such as leather seats, extra legroom, free Wi-Fi and power outlets.



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Obamacare mandate

CONTINUED FROM PAGE 1

"An employer with 10 employees typically says, 'I don't have to worry about it because I don't have to offer insurance.' A lot of them are going to miss the deadline and be unpleasantly surprised when they do," Keith McMurdy, a benefits partner in the law firm of Fox Rothschild in New York told

Bloomberg BusinessWeek.

He said it's unclear, though, how the government will be implementing the penalty for non-compliance. The White House declined to comment on how the requirement will be enforced, according to *Fox Business News*.

The U.S. Department of Labor has posted information about the notification requirement on its website, along with sample notic-

es that can be used by both employers that offer a health plan for some or all employees and those that do not.

"People ask me what's the safest way to do this, and I always say when the government gives you a model, use it. Or, make yourself a comparable form, modified the way you need it, and use that," McMurdy told *Bloomberg Business Week*.

Obamacare switching

CONTINUED FROM PAGE 1

through a family member's; such coverage is available to 80 percent of full-time workers.

On the other, the law allows workers to buy coverage on new state-based exchanges and receive federal subsidies to help pay the premiums and deductibles, if their employer-sponsored insurance is deemed unaffordable according to a government calculation.

Roughly "37 million people would be financially better off switching to the exchange" from employer-sponsored insurance, said Dr. Jay Bhattacharya of Stanford School of Medicine, who led

the study.

"The reason is that these workers would qualify for substantial subsidies to buy exchange insurance," he said. As a result, the subsidized Obamacare premium will be less than what they pay for employer-based insurance. The cost to the federal treasury if all 37 million switch: \$132 billion a year in subsidies, according to the study.

If premiums for employer-based coverage rise by even \$100 a year, another 2.25 million people would be better off, Bhattacharya and his colleagues calculate. That would increase federal outlays another \$6.7 billion.

"Pure economic benefit for workers may or may not be a good

enough reason for employers to drop coverage," Bhattacharya said, since employers will pay a penalty starting in 2015 for not providing insurance. "Our point is that total federal government obligations are incredibly sensitive to the decisions made by employers."

Policy makers, the Stanford team concludes, "should plan for the possibility that the exchange subsidies may end up costing the federal government much more than currently projected."

The Stanford team did not receive outside funding for its study.

For now, the vast majority of employers, especially large ones, say they are not dropping health benefits.

"The safest route is to put it in the U.S. mail or follow the instructions for distributing it electronically. The employer obligation is met at that point."

John Barlament, an attorney in the employee benefits group at Milwaukee-based Quarles & Brady, offered *Bloomberg* additional tips on how to use the one-to three-page model notices: The second and third pages are option-

al; include the upper portion of Page 2, and leave off the remainder of that page and Page 3, which may be confusing.

The model notices and more information about them can be found at www.dol.gov/ebsa/healthreform/.

The website also directs users to Department of Labor's Technical Guidance for additional information.

be a competitive benefit" in attracting employees.

Obamacare already is being cited as the cause for major shifts in how employers are providing health benefits, including a decision by United Parcel Service to drop coverage to spouses of non-union employees who have access to insurance through their own jobs.

"Some employers will drop coverage, and more often than not when they say it's the result of the ACA, it's probably not," said Michigan's Buchmueller, who led the study projecting employer behavior.

"Firms have made adjustments to benefits for years and years, but this is the first time there has been a single target to blame it on."

Truckers indicted

CONTINUED FROM PAGE 1

Ayache was the owner and operator of Three Angels Farms, an interstate carrier based in Lebanon, and Vincent was the owner and supposed operator of Terri's Farm, an interstate carrier based in Murfreesboro.

In June 2012, the FMCSA said the operations of Three Angels Farms posed an imminent hazard to public safety and ordered Ayache to cease operations.

The order was based on Ayache's egregious safety practices,

including his failure to adequately maintain his vehicles and his failure to assure drivers were qualified. The order also cited accidents last year on Interstates 40 and 24 in Tennessee that resulted in fatal injuries to horses that were being transported.

The indictment alleges — that in violation of the order — Ayache continued his operations under the name and authority of Terri's Farm, as well as under other names.

In September 2012, the FMCSA categorized Terri's Farm as a reincarnated carrier of Three Angels Farm and ordered it be closed.

It also claimed Ayache concealed and attempted to destroy emails with the intent to impair their availability for use in the grand jury investigation and that Vincent made false statements under oath to a grand jury regarding her communications with Ayache during the investigation.

If convicted, Ayache faces up to 20 years in prison on each of the obstruction charges, up to 5 years in prison on the conspiracy charge, and up to 1 year in prison for each charge of violating USDOT/FMCSA regulations.

Vincent faces up to 5 years in

prison on both the conspiracy count and the perjury charges, if convicted.

"Nearly every day we are seeing the FMCSA is serious about 'raising the bar,'" said Ken Presley, vice president and chief operating officer of the United Motorcoach Association.

"Never mind that these were trucking companies. Any motor carrier operating in interstate or intrastate commerce, including a passenger carrier, under these circumstances could face similar prosecution and subsequent penalties," said Presley.

Cost of capital

CONTINUED FROM PAGE 3

the private contractor 50 percent of operating costs and the capital costs at 80 percent.

For example, for a \$100-per hour route, the FTA would reimburse a total of \$65 per hour. In order to make up the additional \$35 per hour necessary to make a profit on the trip, the private contractor needs to find a "match," which could come in the form of a subsidy from a private business or a chamber of commerce looking to transport workers to and from a business district that lacks public transportation options.

Often, that "match" would come from an eligible recipient of FTA funds, such as a non-profit organization or a rural transit agency.

For private operators wondering how to break into the market of contracting for public transit authorities, it's best to take the old-fashioned approach of networking with public transportation officials by attending meetings and striking up a conversation.

"I don't have any secret weapon," Miller said.

"It's hard to get working with these transit authorities. Through education they see the value to add on equipment for virtually no cost. Tell them about the capital cost of contracting. Tell them the FTA money is available. And try to find the match for them.

"If you can find the match, or you'll provide it yourself, you'll be way ahead."

Texting bill

CONTINUED FROM PAGE 1

through Morris County, N.J., in September 2009, when they collided with a pickup truck that had just crossed over a double center line.

The couple, David and Linda Kubert, each lost a part of a leg in the crash. (See July 1, 2012, *Bus & Motorcoach News*.)

They sued driver Kyle Best of

Wharton, N.J., and Shannon Colonna, who sent Best a text message moments before the accident.

A three-judge panel tossed out claims against Colonna, saying there was no evidence to suggest she knew Best was driving.

However, two members of the panel said texters have a legal responsibility to other drivers if they know the person who's receiving the text is behind the wheel.

"We conclude that a person sending text messages has a duty not to text someone who is driving if the texter knows, or has special reason to know, the recipient will view the text while driving," Superior Court Appellate Division Judge Victor Ashrafi wrote.

Mike Kellenyi, who founded the group Parents Against Distracted Driving after his 18-year-old daughter, Nikki, was killed in a

car crash in 2012, says it will be difficult to prove texters are responsible for accidents.

Instead, Kellenyi said, there needs to be more focus on giving law enforcement better access to phone and text records that can determine whether the driver was distracted when the crash occurred.

"There is no one who can deny that driving and texting is a lethal combination," Kellenyi said. "I think that trying to pin liability on the person sending the text to a driver would be almost impossible.... Drivers are responsible for every action they take behind the wheel."

Casagrande said the appeals court decision places too heavy a burden on texters.

"It is illogical to expect that a text sender can reasonably determine if the recipient is both driving and will read the text immediately," Casagrande said. "That is an impractical standard."

Roadcheck '13

CONTINUED FROM PAGE 1

CVSA even highlighted the fact that it had collaborated with the International Association of Chiefs of Police this year to request its support in conducting enforcement of traffic safety laws on bus and motorcoach drivers.

Bus safety has been a front-burner issue for enforcement officials across the U.S. since spring 2011, following a string of high-

profile fatal motorcoach crashes.

Overall, buses accounted for roughly 2 percent of all commercial vehicles inspected during Roadcheck 2013.

A total of 73,023 trucks and buses were inspected this year by more than 10,000 CVSA- and FMCSA-certified inspectors at roughly 2,500 locations across North America. Last year, 74,072 vehicles were checked.

The overall out-of-service rate for all vehicles inspected this year

was 20.6 percent, while the driver rate was 4.2 percent. Both numbers were down from last year's 20.9 percent for vehicles and 4.6 percent for drivers.

In 2011, the overall vehicle out-of-service rate was 19.3 percent and the driver rate was 4.2 percent.

The number of trucks inspected this year declined to 71,552 from 73,420 last year; 69,495 big rigs were inspected in 2011 and 65,327 in 2010.

Don't write obituary for diesel yet

HAMBURG, Germany — Despite all of the talk by government officials and advocacy by alternative fuel zealots, diesel power is not going anywhere, at least for the next 35 or so years, says Shell Oil.

Richard Tucker, Shell's general manager for technology for commercial fuels and lubricants, says that in the year 2050, two-thirds of

vehicles on the road will still use conventional fuels like diesel.

Speaking at a press event here last month, Tucker said the internal combustion engine and fuels like diesel and gasoline will still make up the big chunk of what he calls a "mosaic" of energy sources, which will include natural gas, solar, electric and hydrogen.

So, the challenge will be cutting emissions of conventional engines and keeping up with the energy needs of the future.

By 2050, according to Tucker, there will be roughly 2 billion more vehicles on the world's roads than there are today.

The main focus of Shell's event was low viscosity oil and what it means for fuel economy in commercial vehicles, but Tucker and others did offer an energy outlook, too.

Tucker said Shell is already investing billions in gas-to-liquid, which he described as a clean-burning, low-sulfur and very low-emissions fuel when converted to diesel.

The company's also investing in natural gas, including cross-country fueling station corridors in the U.S. and Canada.

DEF tote refill prices slip

The national average for diesel exhaust fluid tote refill prices dropped six cents to \$1.91 per gallon in the U.S. during August, compared with the previous month.

In Canada, the price followed the same trend and decreased by two cents to 57 cents per liter (Canadian) in the same period.

Integer Research reported in

its DEF Tracker service that diesel exhaust fluid truck stop prices have remained stable at \$2.79 per gallon in the U.S. since November 2012, and at 80 cents per liter in Canada since October 2011.

Salt Lake City posted the highest average price for tote refills while Cincinnati, Ohio and Atlanta registered the lowest average prices among all areas covered.

IC school buses to get Cummins ISBs

LISLE, Ill. — Navistar International Corp. says it will offer the Cummins ISB 6.7-liter diesel in its CE series IC school buses and International DuraStar medium-duty trucks, but the addition of the Cummins engines doesn't mean it's get-

ting out of the engine business.

Navistar will continue building and selling its own MaxxForce DT, MaxxForce 13 and other diesels, said Bill Kozek, Navistar's president of North America Truck and Parts.

"We are not exiting the engine

business," he added in response to a question during a phone-in press conference last month.

"The ISB allows us to get to market today with SCR vehicles," said Kozek, adding that the Cummins "gives us more time to lay

Turtle Top introduces new features on retooled website

NEW PARIS, Ind. — Turtle Top, the long-time supplier of small and midsize buses to the motorcoach industry, has unveiled a revamped interactive website that is mobile friendly.

"Whether from the office, or on the go, one can easily look up photos, email brochures and find directions to a local dealer," said Timm Bledsoe, Turtle Top director of sales and marketing.

"The new look is simple to navigate, while loaded with options and details that simplify the buying process."

The website can be found at www.turtletop.com.

A special feature of the site is the "Find a Vehicle" section, where bus floor plans are dis-

played based on criteria selected by the user.

"Whether the buyer needs wheelchair access, a lavatory or extra cargo area, this filter process cuts through the confusion by narrowing down the floor plans displayed," said Bledsoe. "Dimensions are also clearly shown. This is a site designed to keep tools within finger-tip reach."

Turtle Top, which builds cut-aways on Chevrolet, Ford, Freightliner and International chassis, is known for customizing its vehicles to meet customer demands.

"Although (we offer) a vast list of features and options, we have done well to keep those details from cluttering the overall planning experience," said Bledsoe.

out a revised transition plan for our own midrange engine."

For now, Navistar medium-duty diesels, including the DT and MaxxForce 7, will continue as EGR-only engines — without selective catalytic reduction, using emissions credits from the U.S. Environmental Protection Agency.

"We have sufficient emissions credits to last through next year," Kozek said.

Cummins SCR equipment is being engineered into Navistar midrange diesels as it was with the bigger MaxxForce 13.

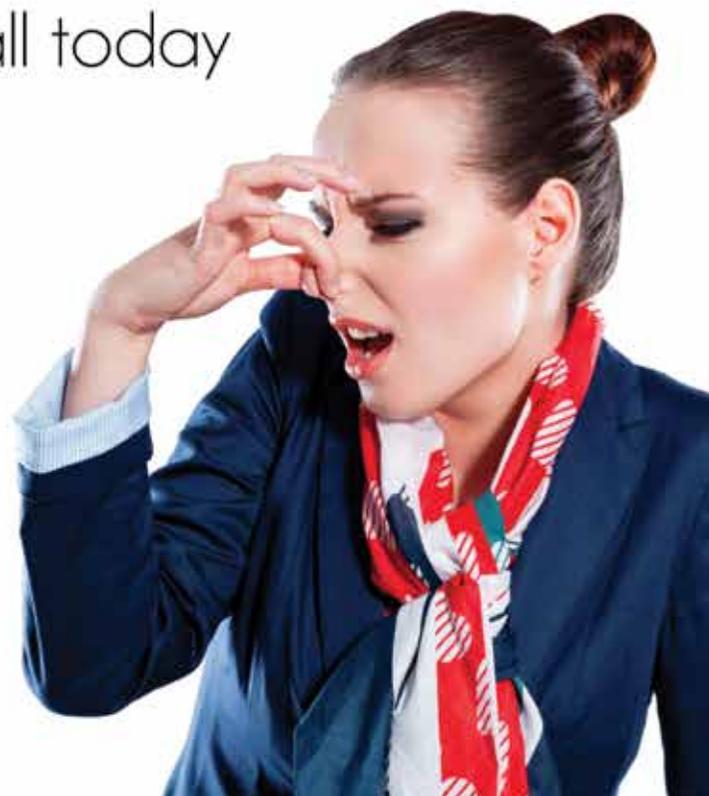
Installation of ISBs in IC school buses will begin in January.

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Midwest Bus Assn. picks leaders

ST. CHARLES, Mo. — The Midwest Bus and Motorcoach Association elected directors and officers at its annual meeting here.

The three-year-old association is composed of motorcoach operators from Illinois, Indiana, Iowa, Michigan and Missouri, plus asso-

ciate members and sponsors that operate in the region or nationally.

New board members elected to three-year terms that expire in 2016 were Randy Kester of Burlington Trailways in West Burlington, Iowa; Trenton Stange of Compass Coach in Cedar Springs,

Mich., and John Nichols of Heartland Trailways in St. Joseph, Mo.

Two directors were re-elected to three-year terms: Don Ferrone of Prairie Trailways in Chicago, and Rich DeYoung of Motor Coach Industries.

Elected officers were Chairman Tom Bazow of Excursions Trailways in Fort Wayne, Ind.; Vice Chairman Trenton Stange; Secretary Ryan Cupp of Blue Lakes Charters & Tours in Clio, Mich.; Treasurer John Nichols, and Safety Officer Pat Greteman of Windstar Lines in Carroll, Iowa.

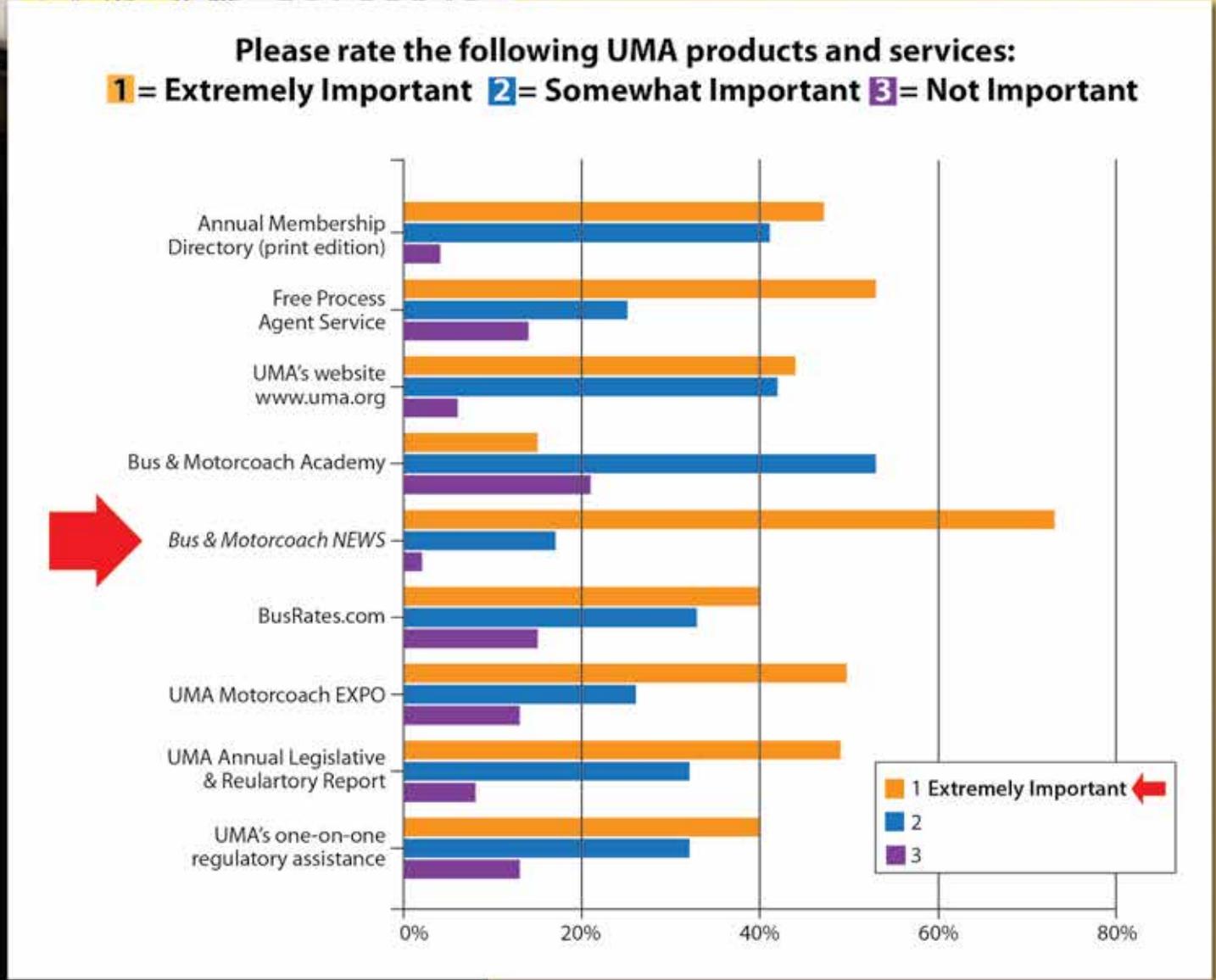
The safety officer enforces the association's member code of ethics.

Dennis Streif of Vandalia Bus Lines in Caseyville, Ill., and Brian Whitaker of Chicagoland Transportation Solutions in Barrington, Ill., head the association's important marketing committee.

For information about the association, go to www.mbmca.org, or contact Executive Director Cherie Houser at (608) 354-7110, or via email at cherie@mbmca.org.

Thank you readers...

On the 2013 UMA Membership Survey and Industry Assessment, *Bus & Motorcoach NEWS* ranked highest among UMA's products and services, with nearly 80% of respondents rating it as "Extremely Important."*



*We plan to keep working to convince the remaining 20 percent we're "Extremely Important."

Calendar

OCTOBER 2013

1 Northwest Motorcoach Association ADA Training, Lodge at Spirit Mountain Casino, Grande Ronde, Ore. Info: nwmotorcoach@aol.com.

1-2 Northwest Motorcoach Assn. Annual Convention and Rodeo, Lodge at Spirit Mountain Casino, Grande Ronde, Ore. Info: nwmotorcoach@aol.com.

6-8 Bus Association of New York Annual Meeting and Marketplace, Lancaster (Pa.) Host Resort & Conference Center. Info: www.BANYbus.org.

26 Museum of Bus Transportation Annual Board Meeting 2013, Hershey, Pa. Info: www.busmuseum.org.

26-29 40th Annual California Bus Association Convention and Trade Show, Pala (Calif.) Casino Spa Resort. Info: www.cbabus.com.

NOVEMBER 2013

2-6 2013 OMCA Conference & Marketplace, Westin Harbour Castle, Toronto. Info: www.omca.com.

28-30 Motor Coach Canada ConnectionsWest 2013, Westin Resort & Spa, Whistler, British Columbia. Info: www.motor-coachcanada.com.

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Detroit Diesel S60 12.7L, Allison B-500. VIN #11862.



\$37,000

1997 PREVOST LEMIRAGE XL-45

Detroit Diesel S60 12.7L, Allison B-500. VIN #26552.



\$37,000

5 1998 MCI 102DL3

Detroit Diesel Series 60, Allison Trans. VINS #50191, 51070, 50190, 51112, 50648, 50439 and 50875



\$70,000

2 2001 PREVOST LEMIRAGE

Detroit Diesel Series 60, Allison Trans. VINS #27573 and 27591.



\$109,000

2 1999 MCI 102DL3

Detroit Diesel Series 60, Allison Trans. w/WCL. VINS #52265 and 52262.



\$130,000

2 2000 MCI 102DL3

Detroit Diesel Series 60, Allison Trans. VINS #52997 and 52998

Look at these additional buys; some with wheelchair lifts!

VIN #	YEAR	MODEL	WCL	ENGINE	TRANS	PRICE
48102	1996	102DL3		DD	Allison	\$35,000
50818	1998	102DL3		DD	Allison	\$37,000
60876	1999	102EL3		DD	Allison	\$77,000
26563	1998	LeMirage		DD	Allison	\$25,000
11408	1996	H3-45		DD	Allison	\$33,000
49626	1997	102DL3	Yes	DD	Allison	\$58,000
50514	1998	102DL3	Yes	Cummins	Allison	\$48,000
53273	2000	102DL3	Yes	DD	Allison	\$70,000
48390	1996	102D3		DD	Allison	\$22,000

VIN #	YEAR	MODEL	WCL	ENGINE	TRANS	PRICE
48104	1996	102DL3		DD	Allison	\$25,000
47855	1996	102DL3		DD	Allison	\$19,000
26163	1998	LeMirage		DD	Allison	\$33,500
47858	1996	102DL3		DD	Allison	\$25,000
49971	1997	102DL3	Yes	DD	Allison	\$30,000
52032	1999	102DL3		DD	Allison	\$50,000
26140	1997	LeMirage		DD	Allison	\$23,000
26145	1997	LeMirage		DD	Allison	\$23,000
26560	1998	LeMirage		DD	Allison	\$26,000

See more inventory at mcicoach.com/preowned.

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*See www.mcicoach.com/preowned for complete POC limited warranty details. Warranty effective on purchases beginning 6/1/13
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 - SmartTire tire pressure monitoring system
 - Electronic stability control
 - Fire detection and suppression
 - Electronic On-Board Recorders with driver log functionality
 - Wheelchair lift installation
- ✓ **Major Mechanical (not addressed in 210+ point inspection and repair)**
 - Remanufactured OE Cummins or Detroit Diesel engines
 - Remanufactured Allison B-500 transmissions
- ✓ **Appearance items**
 - Paint and graphics
 - Entryway and flooring, including upgraded trim and flooring
 - Re-upholstery (seats and interior)
 - Seat re-spacing
 - Steam cleaning
- ✓ **Amenities and electronics**
 - 110v outlets with inverter
 - Upgraded A/V system including flat-screen monitors
 - Wi-Fi
 - Interior lighting
 - Improved driver A/C ventilation

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Sincerely,

Mitch Guralnick
Director of Pre-Owned Coach Sales



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