

# Bus & Motorcoach NEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

UNITED MOTORCOACH ASSOCIATION

## MOTORCOACH EXPO 2017



Registration for UMA Motorcoach Expo 2017 in St. Louis is in full swing and exhibit spaces are filling fast. This issue of *Bus & Motorcoach News* includes a brochure insert with all the information you need to plan your Expo experience. Photo by Dan Donovan for the St. Louis Convention & Visitors Commission.

## Curbside carriers helping reshape East Coast line-service industry

BOSTON — Curbside carriers, Asian-owned operators in particular, have been scrutinized and sometimes stigmatized as rogues by the bus industry and regulatory agencies.

But the curbside concept has been successful and several East Coast companies have made giant strides in changing both the perception and reality of their operations, as representatives of several established Boston-area motorcoach companies recently learned.

In what might have been the first gathering of its kind, owners and management of the motorcoach companies met recently with their counterparts from New England-based curbside carriers for a first-hand look at their operations.

The meeting was hosted by

Maria Wong of Lucky Star Bus at the company's newly completed 50,000-square-foot maintenance complex in South Boston.

While the agenda was fluid, a major goal was to convince the curbsides to join with established carriers by participating in industry trade groups such as the United Motorcoach Association.

Participating in the meeting were Joan Libby of Cavalier Coach Trailways, Tom McCaughey of Flagship Trailways, David Wang of Eastern Travel Chinatown Bus, UMA vice president and COO Ken Presley, and former UMA board chairman Godfrey LeBron.

"The success of the curbside concept has been a benefit to the motorcoach industry," said LeBron, a compliance consultant with deep

ties to the Asian bus community.

"Despite resistance from legacy carriers and regulatory agencies, their entrepreneurial spirit has forced major changes in the line-service segment of our industry," he said. "They are clever enough to set their schedules and pickup locations for the convenience of customers rather than forcing passengers to travel when and where it's handy for the bus company."

At a time when the motorcoach industry is shrinking, curbside carriers have helped keep one segment viable, LeBron added.

"Their scheduled service offers the same virtues as all motorcoach transportation, such as reducing traffic and saving fuel while cutting pollutants and carbon emissions.

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## FMCSA to consider changes to controversial lease rule

WASHINGTON — Officials of the United Motorcoach Association are cautiously optimistic that federal regulators are considering making changes to the controversial Lease and Interchange Rule issued more than a year ago.

The rule was greeted with an onslaught of criticism by the industry, and 37 petitions were filed asking the Federal Motor Carrier Safety Administration to reconsider the rule.

UMA initiated the calls for reconsideration, and an influential congressman joined with the asso-

ciation in opposing the rule.

Those efforts led FMCSA earlier this year to extend the compliance date from Jan. 1, 2017, to Jan. 1, 2018, "to provide sufficient time to address the issues raised by the petitioners."

Most recently, FMCSA announced in the *Federal Register* that it is considering four changes to the rule based on the petitions for reconsideration and that it would hold a public meeting to discuss the proposed revisions with industry stakeholders.

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## Speed limiters would affect coach operators differently

WASHINGTON — A federal proposal to require speed-limiting devices on new buses probably will affect motorcoach operators differently depending on where they operate.

The proposal by the National Highway Traffic Safety Administration and the Federal Motor Carrier Safety Administration, published last month in the *Federal Register*, would require speed limiters on all buses, trucks and multi-purpose passenger vehicles weighing at least 26,000 pounds.

Maximum speeds could be set at 60, 65 or 68 mph — the exact speed has yet to be determined.

The agencies will be accepting comments on the proposal through Nov. 7 from the bus and trucking industries, highway safety advocates, law enforcement officials and any other interested parties.

Manufacturers would be given three years from publication of a final rule to meet the proposed

requirements.

"The purpose of this joint rule-making is to reduce the severity of crashes involving these heavy vehicles and to reduce the number of resulting fatalities," NHTSA and FMCSA said in the proposed rulemaking.

They also said the requirement would result in cost benefits of more than \$1 billion annually.

Motorcoach industry officials said the impact of the requirement on passenger carriers would depend on whether they operate in the western or eastern United States.

On the East Coast, where traffic is more congested, it is often difficult for a bus to exceed 60 or 65 mph. In the West, which is more wide open and where speed limits can exceed 80 mph, motorcoach drivers would be forced to stay well below those limits.

NHTSA said the proposal has been under consideration for

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# Convicted operator Berg featured on 'American Greed'

SEATTLE — Darren Berg, a former motorcoach industry star who is serving 18 years in prison for defrauding hundreds of investors out of more than \$100 million, is now a TV star of sorts.

Berg's sordid saga is the subject of a new segment on CNBC's "American Greed," which first aired last month and can be found in reruns on the cable business channel.

The 20-minute segment, "Seattle Roasted," looks at Berg's free-spending lifestyle, his artful chicanery with the Meridian Mortgage funds, and his obsession with building a fleet of high-class tour buses using tens of millions in misappropriated money.

Drawing heavily on reporting

at the time by *The Seattle Times* and the *Puget Sound Business Journal*, the show lays out Berg's history of financial scandal, dating back to college fraternity days at the University of Oregon.

Berg himself is not interviewed for the segment. He is incarcerated at a low-security federal prison in Lompoc, Calif., and won't be released for at least a decade.

But his boyish charm is on display in a video Meridian recorded showing him making his pitch to potential investors in March 2009. Grinning, he tells them grandiosely, "I'm actually having fun in this economy. There's nothing funner than being right."

Berg pleaded guilty in August 2011 to wire fraud, money laun-

dering and bankruptcy fraud in connection with his bilking of hundreds of investors out of tens of millions during his seven-year scam.

He also is alleged to have tried to conceal \$400,000 during his bankruptcy proceedings in an effort to retain a portion of his ill-gotten gains.

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

He also has been accused of taking money meant for real estate investments and diverting it into

the luxury bus company he founded, MTR Western, and its sister companies.

Prosecutors said Berg would pay MTR Western costs from the Meridian investment accounts, then doctor the accounting entries to indicate the payments went to issuing mortgage loans.

Upwards of \$45 million to \$48 million of the \$350 million investors gave Berg over the years was pumped into MTR Western, which between 2003 and 2009 grew from four coaches to be the industry's 12th largest operation with a fleet of nearly 170 coaches.

Along the way Berg became the initial winner of the industry's Green Highway Award in 2008 and the BusRide Motorcoach In-

dustry Achievement Award in 2007, and was elected to the board of the American Bus Association.

Additionally, Berg funneled millions to himself to maintain an extraordinarily lavish lifestyle that included luxury yachts, private jets, expensive cars, multiple homes, and remodeling his \$12 million waterfront Mercer Island mansion into a showpiece.

Prosecutors said Berg's investment funds operated fraudulently as early as 2002, its financial problems compounded by unauthorized withdrawals to fund his lavish lifestyle and the tens of millions sunk into creating MTR Western, a company that was sold in bankruptcy court and continues to operate under new ownership.

## Long Island luxury bus company goes out of business

CENTRAL ISLIP, N.Y. — Three bus lines that ferried well-to-do New Yorkers to the Hamptons and Long Island residents on their commutes to Manhattan have gone out of business.

A federal bankruptcy judge has approved an auction to sell the 27 buses belonging to Hampton Luxu-

ry Liner, 7Bus and Classic Coach.

Judge Alan S. Trust approved GA Global Partners, based in Woodland Hills, Calif., as the auctioneer. The company guaranteed a minimum of \$2.35 million from the auction, which is expected to take place later this month.

The bus lines suspended ser-

vice after Labor Day and eliminated the jobs of 53 full-time and part-time employees.

"The business is over," owner William E. Schoolman told *Newsday* after the judge's decision. "I lost everything and good people lost their jobs."

Hampton Luxury Liner filed

for Chapter 11 bankruptcy last September. Classic Coach and 1600 Locust Avenue Associates LLC, which owns the building where the companies operate, filed in March. The bankruptcy court combined the cases in May.

Hampton said its financial troubles stemmed from Hurricane

Sandy, which battered the East Coast in 2012.

The bus company said in its bankruptcy petition that it lost more than \$1.5 million as a result of the storm, forcing it to default on its loans. The company reported assets of \$6.6 million and debts of \$5.1 million.



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# THE DOCKET

## Deadline approaching for operators to file ADA reports

WASHINGTON — An annual fall tradition for the motorcoach industry — filing reports mandated by the Americans with Disabilities Act — arrives later this month.

The deadline this year is Monday, Oct. 31.

ADA reporting requirements are mandatory for all bus operators, even if they don't have accessible buses and don't provide accessible service.

Failure to comply with the reporting requirement may result in a fine big enough to put some carriers out of business.

Since the Over-the-Road Bus Transportation Accessibility Act of 2007 became law, Federal

Motor Carrier Safety Administration inspectors and their state partners are required to conduct an ADA audit whenever they conduct a compliance review of a bus company.

If an inspector finds a carrier failed to comply with the ADA reporting requirements and related regulations, the violator will be reported to the Justice Department and may be subject to a fine of up to \$10,000.

Under ADA regulations, over-the-road bus companies must submit three types of reports annually by the last Monday of every October.

Each report covers from Oct. 1

of the prior year through Sept. 30 of the current year. The reports and the types of companies required to submit them are:

1. Annual Summary Report of Individual Accessible/Equivalent Service Requests and Responses/Service Provided, which must be filed by all bus companies.

Along with basic information about the company, the report contains the number of requests for accessible and/or equivalent service the company received and number of times that a request for an accessible bus was satisfied or equivalent service was provided.

In essence, the report is a digest of the year's service request

forms, the records of all individual requests for accessible service the company receives. Operators are required to maintain these service request forms for at least five years, and to provide individual customers with a copy of a completed form.

2. Fixed Route OTRB Company's Annual Lift Use Summary, which must be filed by large and small fixed-route over-the-road bus companies. It contains a summary of the number of passengers with disabilities who used the lift to board accessible buses during the reporting period.

3. Annual Report of OTRBs Purchased/Leased and Overall

Fleet Data. All companies must submit this report.

It contains basic information about the company, along with the total number of buses in the company fleet, total number of accessible buses, numbers of new and used buses purchased or leased during the previous year, and numbers of new and used accessible buses leased or purchased.

Detailed information about motorcoach industry ADA reporting and record-keeping requirements can be found at: <https://www.fmcsa.dot.gov/regulations/americans-disabilities-act-reporting-and-other-requirements-over-road-bus-companies>.

## Comments sought on guidelines for drivers with diabetes

WASHINGTON — The Federal Motor Carrier Safety Administration is seeking public comments through Nov. 8 on proposed medical guidelines for commercial motor vehicle drivers with diabetes.

FMCSA's medical review board guidelines follow a May 2015 proposed rule that would allow drivers with diabetes melli-

tus to operate CMVs in interstate commerce.

Diabetes mellitus affects the body's ability to maintain normal function of insulin, which controls glycemic levels in the blood. It can be a major health challenge for CMV drivers, the agency said.

The proposed rule would enable individuals with the condition to obtain a medical examiner's

certificate at least annually if the driver's condition is stable and well controlled.

General regulatory requirements deem a person physically qualified to drive a CMV only if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

However, since 2003, FMCSA

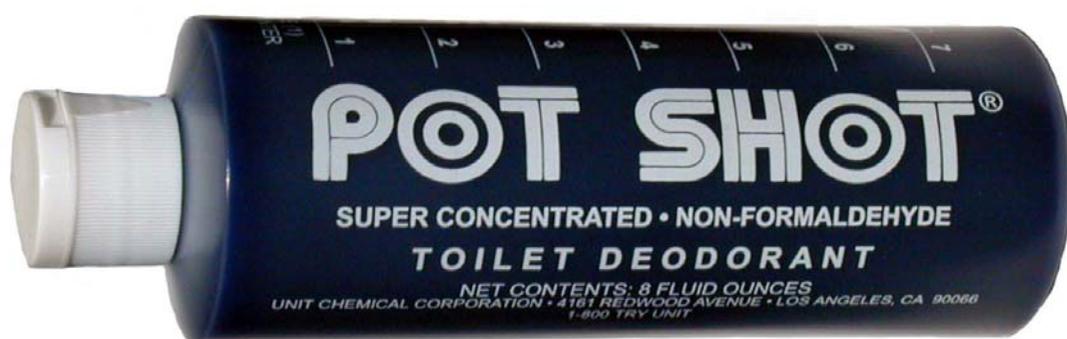
has maintained an exemption program for individuals that use insulin to treat diabetes.

The medical review board said that not only should drivers obtain recommendations from their physicians, they also must receive a complete ophthalmology or optometry exam, including dilated retinal exam, at least every two years documenting the presence or absence

of retinopathy/macular edema and the degree of retinopathy and/or macular edema if present.

The medical board also recommended that examiners be allowed to certify drivers with the disease for no longer than one year if they have not experienced any of these eight disqualifying factors:

- Any episode of severe hypoglycemia within the previous six months
- Blood sugar less than 60 milligrams per deciliter (mg/dl) demonstrated in current glucose logs
- Hypoglycemia appearing in the absence of warning symptoms
- An episode of severe hypoglycemia, blood sugar less than 60 mg/dl, or hypoglycemic unawareness within the previous six months (the driver should be medically disqualified for at least six months)
- Uncontrolled diabetes, as evidenced by Hemoglobin A1c level greater than 10 percent (a driver could be reinstated when the level is less than or equal to 10 percent)
- Stage 3 or 4 diabetic retinopathy (a driver should be permanently disqualified)
- Signs of target organ damage (a driver should be disqualified until the matter is resolved by treatment)
- Inadequate record of self-monitoring of blood glucose (a driver should be disqualified for inadequate records)



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# Calif. association fends off 'unreasonable' safety bills

SACRAMENTO — California motorcoach operators succeeded in removing “unreasonable” provisions from two safety-inspired laws passed in the final days of the state’s 2015-2016 legislative session.

Senate Bill 247, a charter-bus safety law, was stripped of several sections that would have required motorcoaches to be fitted or retrofitted with equipment exceeding federal standards.

In its final form, the law will require pre-trip safety announcements, luminescent emergency signage within two years and emergency lighting in four years.

Another proposal, Senate Bill 812, would have drastically increased inspections and fees for tour-bus operators. As it passed through committees it, too, was revised.

The final law will focus increased enforcement efforts on operators previously found unsatisfactory. A new inspection fee structure was stripped from the bill to allow more time for study and possible action in the next legislative session.

“Considering where they start-

ed out and what transformed, this is a big win for the industry,” said Josh Pane, lobbyist for the California Bus Association. “Both bills became more reasonable as they went along.”

California Gov. Jerry Brown was expected to sign the bills. There is no known opposition to either bill and the governor’s office was involved in the legislative negotiations.

The California Bus Association estimated the motorcoach modifications originally contained in SB 247 would have cost \$25,000

to \$35,000 per coach.

The bill was introduced by Sen. Ricardo Lara, D-Bell Gardens.

“Senator Lara has taken all of our CBA-requested amendments,” Pane wrote in an update to association members at the end of the legislative session.

As originally submitted, SB 247 would have required existing motorcoaches operated by California-based carriers to be retrofitted with event data recorders, burn-resistant interior fabrics, modified windows and emergency lighting with an independent

power source.

The bill also would have mandated modifications to new coaches purchased by California operators after July 1, 2020 — a secondary door for use as an emergency exit, windows that could be “easily opened and remain open during an emergency” and emergency lighting that would automatically illuminate upon an impact.

The retrofit provisions and most of the new equipment provisions were removed on the recommendations of CBA, the American Bus Association and motorcoach

manufacturers, Pane said.

As sent to the governor, SB 247 will require California carriers to “provide a written or video safety announcement” to passengers. The California Highway Patrol is directed to “adopt standards and criteria for the implementation” of the requirement by July 1, 2018.

By July 1, 2019, California carriers must “equip each coach with interior and exterior luminescent or retro-reflective emergency signage.”

Coaches sold in California after July 1, 2020, will be required to carry emergency lighting triggered by a collision.

Lara based SB 247 on National Transportation Safety Board recommendations issued following its study of fatal motorcoach accidents, Pane said.

“Originally SB 247 was totally illogical and unreasonable in wanting to implement the NTSB report without any science behind it. As we know, the NTSB makes recommendations to the National Highway Safety Administration, which then scientifically studies them for months and years to understand

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## Operation Safe Driver Week Oct. 16-22

GREENBELT, Md. — Law enforcement agencies throughout North America will engage in heightened traffic-safety enforcement and education during the week of Oct. 16-22.

The Commercial Vehicle Safety Alliance’s annual Operation Safe Driver Week will focus on combating unsafe driving behaviors by commercial motor vehicle and passenger-vehicle (car) drivers.

Unsafe driver behaviors continue to be the leading cause of

crashes. The Federal Motor Carrier Safety Administration’s “Large Truck Crash Causation Study” cites driver behavior as the critical reason for more than 88 percent of large truck crashes and 93 percent of passenger-vehicle crashes.

CVSA’s Operation Safe Driver program was created to help reduce the number of crashes, deaths and injuries involving large trucks, buses and cars due to unsafe driving behaviors.

During Operation Safe Driver

Week, there will be increased CMV and passenger vehicle traffic enforcement targeting such unsafe driver behaviors as speeding, failure to use a seatbelt, distracted driving, failure to obey traffic control devices, traveling too closely, and improper lane change.

To find out about Operation Safe Driver Week enforcement events, visit <http://cvsa.org/contactpage/contacts/law-enforcement-lead-agency-contacts>.

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## Curbside

CONTINUED FROM PAGE 1

They save lives by keeping people out of cars, and we need to bring their energy and creativity into our mainstream," he said.

LeBron also pointed out that a number of the Asian companies had engaged him and other consultants for extensive driver and management training, a sign of their commitment to safety.

Industry observers say the advent and ultimate success of curbside carriers may be the biggest change to the motorcoach industry since deregulation in the early 1980s, injecting entrepreneurship into traditional scheduled service and pushing the industry in the right direction.

### Transporting workers

The concept of curbside pickup began gaining steam in 2000 when a number of Chinese restaurants were using vans to transport workers from distant cities. Demand grew to the point where they graduated to motorcoaches, at first chartering buses but eventually starting their own companies.

Soon after, they were "discovered" by college students and other travelers who wanted to save money and travel direct.

Around that time, Albert Leung, a successful Boston restaurateur, noticed a lot of people milling around outside one of his businesses waiting for a bus. Many of them came inside to use his restrooms.

A typical response to the inconvenience would have been to find a way to move the people off his sidewalk and to block them from using the restrooms. Instead, Leung saw all the people as potential customers and started what became Lucky Star Bus, running express service between Boston and New York City.

The company is now operated by Leung's brother, Edward, and

Edward's wife, Maria Wong.

The initial response of the established carriers to the curbside movement was negative and fierce, particularly in the profitable Northeast corridor.

Two of the largest established carriers, Peter Pan and Greyhound, had engaged in a fare war that ended in 1994. At one point Boston-to-New York City fares dropped as low as \$5 as the two giants slugged it out in a battle that ended with them operating joint service.

Ticket prices rapidly rose to pre-fare-war levels.

The companies and their unionized workers didn't want a repeat of that battle and undertook a number of efforts to hobble the upstart curbside carriers.

Many industry observers contend that legacy carriers put pressure on regulatory agencies to place extra scrutiny on the curbside carriers. In several areas, political influence was brought to bear to drive the curbsides out of prime loading zones.

In Boston, they were forced into South Station, which took away one of their competitive advantages because while travelers might like buses, they don't like traditional bus stations.

### Level playing field

The legacy carriers contended, with some legitimacy, that there should be a level playing field with everyone abiding by the same rules. Some early curbsides clearly cut corners on maintenance, driver training and discipline.

In one anecdotal, but believable, story, a now-defunct carrier would line up folding chairs in the aisles of buses when all the seats were filled.

Fung Wah buses entered Boston on several occasions trailing smoke and became a punch line in jokes. Public perception, influenced by an amused media, lumped all Chinatown curbsides together.

Following a highly visible incident, regulators clamped down and, after a lengthy battle, forced Fung Wah out of business.

What seems to have been lost in the news coverage of the company's demise was the fact that it had been audited and given a satisfactory rating just prior to the event that ultimately ended in the regulatory "death penalty."

### Loyal customers

The public response to Fung Wah being forced out should be a wake-up call for the industry. Despite bad press and dreadful jokes, its loyal customers were outraged. Many believed it was a scheme by the authorities and established carriers to eliminate competition, a toxic combination of "crony capitalism" and "regulatory capture."

For months the Internet was ablaze with unhappy comments from loyal Fung Wah customers who missed the convenience and value they felt was ripped from them. As media reports pointed out, it wasn't just Fung Wah, but several other Chinese operators that were singled out for compliance colonoscopies.

One unforeseen consequence of hammering the curbsides is the regulatory storm that has affected, to some extent, the rest of the industry. The insistence on a level playing field ended up causing pain for everyone, yet may not have impacted safety in any meaningful way.

An industry executive obtained the Federal Motor Carrier Safety Administration's scores of several curbsides and matched them with major legacy carriers. If you hide the name, they appeared to be roughly the same, with no advantage to the old timers.

Under the "level playing field" pushed by the major companies, legacy carriers pay to use bus stations in urban centers. In small towns they become...curbside

carriers.

The curbsides pay cities as much as \$50,000 annually for a bus stop on a downtown street. The only cost to the municipality is a street sign. A curbside carrier's infrastructure is simply more flexible and can be changed quickly to meet customer needs.

An unspoken fear of the established bus lines is that politicians will notice the curbsides churning up and down the highways, making money, creating jobs, paying taxes and getting people out of cars, all without taking any money from the government.

The revenue structure of most large scheduled carriers includes lots of subsidized routes. In most cases they are less concerned about losing passengers to competitors than of taxpayers realizing that government is paying for something it can get for free.

To be fair, like the airlines shortly after deregulation, these companies are saddled with expenses and route structures based on their traditional business model, one that curbsides are making obsolete. Like the airlines, they are going to have to figure it out.

A number of legacy companies established their own curbside operations. Ironically, many of them use "yield-management" software that prices tickets according to demand, with some dropping as low as \$1. A few even franchised their systems. After making an issue of curbside carrier price-cutting, they've retaken the lead in that area.

### Copycat service

In another irony, several major operators either purchased Chinatown carriers or set up their own clones based in Chinese neighborhoods. In virtually every case those efforts failed, in large part because the curbsides have developed a real bond with their customers. Business is ultimately about fostering relationships, and

the Chinatown carriers, in particular, seem good at it.

After weathering political and regulatory storms, Lucky Star Bus has a fleet of 21 modern coaches and operates 17 round trips daily between New York City and Boston.

The company has invested heavily in infrastructure and technology. Maintenance supervisor Steve Desmarais, a master motorcoach technician, is well known and highly respected in the bus maintenance community. He has two full-time technicians, both with brake and coach inspection certification.

The company also has an office person who handles bookkeeping, parts management and computer diagnostics and a staff of cleaners and helpers.

### Influencing the industry

David Wang, owner of Eastern Travel Chinatown Bus, has made similar investments in his operation, which offers scheduled service between New York, Baltimore, Washington, D.C., and Richmond, Va. Wang is a member of UMA and several other professional associations.

The two companies, along with a number of other Asian carriers, seem to be taking the steps necessary to succeed long term in the motorcoach industry, and they will inevitably influence the direction it takes.

"Curbside carriers are great for tourism as travelers can jump on a bus and be in popular destinations such as Washington, D.C., New York City and Boston in less time than it takes to navigate the airports, and at a fraction of the price," UMA's Presley said.

"UMA wants to encourage safe operation and expansion of all bus services. More carriers ultimately bring more passengers and groups to the equation. Competing for those passengers improves safety and results in an expanded array of services."

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Krapf Coaches  
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Joan Libby  
Cavalier Coach Trailways  
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Marcia Milton  
First Priority Trailways  
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# Musings on Mickey Rooney, bad wigs and low overpasses

By Dave Millhouser

The crash was horrendous, and the only thing that makes it PG-rated is the fact that the coach was empty.

A New Jersey operator was asked to pick up an inbound group at Boston's Logan International Airport. The driver headed toward Terminal B and was doing pretty well until he nailed an 11-foot-high overhead concrete structure so hard that the top of the bus was pushed back five feet.

The ceiling of the restroom dangled over the rear bumper and the front end looked like an old Scenicruiser.

In this particular model of coach, the driver's seat was two steps below the passenger platform, which may have saved his life.

To his credit, the driver was completely honest with investigators, admitting that he hadn't slowed or even applied the brakes. He'd never been to Logan before but assumed that no one would be goofy enough to design an airport with clearances too low for modern motorcoaches.

Welcome to Massachusetts.

This accident was around 2001 and that overhead is still there. In writing this, it seemed wise to look up Logan's height clearances on the Internet. Google and I searched for several minutes, but the only reference I could find was on a site run by drivers of entertainer's crew buses. It shouldn't be that difficult.

In ye olden days a key parameter of bus design was keeping overall height under 12 feet. It was a magic number because there were still lots of 12-foot garage doors scattered around the country. Modern doors are at least 14-foot high to accommodate the 13-foot, 6-inch vehicles now allowed on interstate highways.

A few 12-foot doors are a bit like Mickey Rooney — short but around for a very long time.

Sometimes slightly taller doors are sneaky. Layers of either additional paving or snow can create a problem. Entering too fast may produce a bounce if the surface is uneven. The faster you go, the higher the bounce. You get the idea.

Which brings up a point. When we're driving, we need to look out the windshield occasionally. Not

only are low clearances generally marked, but if we pay attention they look low.

Is the posted height for the center of the road or the shoulders?

Some drivers trust GPS routing designed for trucks. Remember, no matter how long you've been on the road, that seductive electronic voice is NOT your friend. Clearances change, particularly during the summer construction season when temporary bridges often fail to notify the GPS gods. Sometimes road signs lie.

Again, the occasional glance out the windshield can help.

It's good to know how tall the vehicle you're driving is. Lots of modern coaches exceed 12 feet and a few are over 13 feet. Most manufacturers post that information on the dash, but there are a few considerations.

I don't speak metric, but our Canadian and Mexican neighbors do, so if you're visiting either one, a little calculation in advance might be helpful.

The bus builder may not be aware of the TV antenna added after delivery. Rooftop HVAC's are common today, and vulnerable, so

they need to be correctly maintained and zipped up.

Air suspensions depend on "leveling valves" to determine height, and sometimes they get confused or are incorrectly installed.

Bear in mind that no two buses, regardless of model and fleet, are exactly the same height.

On some coaches, the highest points on the roof are the roof hatches. When those jewels are popped open for ventilation, they add several inches to overall height, kinda like a bad wig.

When a peek out the windshield suggests clearance will be a near thing, stopping and conducting a scouting trip might be in order. If it's still uncertain, a really clever driver can con a friend into pooching their head through the emergency hatch for a close-up, real-time look.

You want to be careful with that one. Go real slow because whacking your pals will make them reluctant (or unable) to help in the future.

Before ordering equipment, it's worthwhile to consider your infrastructure, and where your coaches travel, for possible conflicts.

Years ago I got a call from one of my most sophisticated customers asking me the height of the new model buses he had on order. When told that they were

11-foot, 10-inch tall, he said they had to be 11-foot, 8-inch tall.

It turned out that he'd be able to get them into one of his busiest terminals, but the exit was 11-foot, 9-inch tall. Unless we wanted them trapped there forever, like dinosaurs in a tar pit, we needed to lower them by two inches.

A couple of frantic calls to engineering and the problem was solved. On this model of bus, dropping the leveling valves two inches actually improved handling. The only downside (pun intended) was a reduced "angle of departure."

No sweat in his particular service.

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



Dave Millhouser

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# Funding dispute in New Jersey could force MCI layoffs

WINNIPEG, Manitoba — A highway and public-transit funding stalemate in New Jersey could force Motor Coach Industries to lay off employees, company officials say.

Winnipeg-based bus manufacturer New Flyer Industries, MCI's parent company, said it has warned workers in Manitoba and North Dakota that layoffs could begin in November if a dispute over transit funding isn't resolved.

As of press time, New Jersey officials were negotiating a plan for replenishing the state's Transportation Trust Fund with additional revenue in hopes of resolving the issue by the end of September.

"With no indication of when the TTFA funding issue will be resolved and with contingency plans being developed by MCI that include possible future layoffs, the company is required by law to provide advance notice to the governments of the Province of Manitoba and the State of North Dakota, among others," company CEO Paul Soubry said in a news release.

In November 2015, MCI was

awarded a contract by New Jersey Transit that included options for more than 1,200 commuter coaches over six years.

After delivering three pilot coaches, which successfully passed an in-service testing and evaluation phase, MCI said it received a "notice to proceed" in May for the first year production of 184 commuter coaches, of which 142 were to be delivered by year end.

Then, in July, New Jersey Transit informed MCI that the New Jersey Transportation Trust Fund was about to run out of money. The fund foots the bill for New Jersey Transit and New Jersey Department of Transportation capital projects.

By far, the largest line item in

the fund is the New Jersey Transit contract for MCI coaches. However, hundreds of other projects to replace bridges, resurface roads and renovate transit stations across New Jersey also were impacted by the funding dispute.

New Jersey legislators and Gov. Chris Christie reached an impasse in early July over a plan to raise fuel and sales taxes to provide the fund with additional revenue.

That prompted Christie to issue an executive order declaring a state of emergency and directing the commissioner of the state Department of Transportation and the executive director of New Jersey Transit "to plan an immediate and orderly shutdown of all ongoing

work that is funded by the TTFA."

That was quickly followed by an order from Dennis J. Martin, executive director of New Jersey Transit, that all contract work financed by the fund begin an orderly shutdown, including work by MCI on the commuter coaches.

As of July, MCI had delivered at least five commuter coaches to New Jersey Transit, with an additional 76 in various stages of production or completed and in transit, Soubry said.

He said MCI was planning to focus on the completion of non-New Jersey Transit customer coaches currently in process. "This action is a prudent approach and a commitment to balancing the inter-

ests of our key stakeholders: employees, customers, shareholders and supplier partners," Soubry said.

He added that if the New Jersey Transit contract isn't restarted in 2016, an estimated 137 coaches in the company's 2016 annual operating plan would not be delivered. However, through production schedule adjustments and line rate enhancements, which could be implemented in the second half of 2016 at both New Flyer for transit buses and at MCI for non-N.J. Transit J model motorcoaches, the company still expects to be able to achieve its 2016 annual delivery guidance of 3,450 units.

"With certain milestone payments received prior to the contract suspension, the ongoing delay in restarting the contract is expected to result in approximately \$30 million to \$35 million of incremental working capital deployed for the N.J. Transit coaches not yet delivered," Soubry said. "Notwithstanding, management is confident in the company's liquidity and does not expect any disruption to quarterly dividend payments."

## Navistar and Volkswagen form alliance

LISLE, Ill. — Navistar International Corporation and Volkswagen Truck & Bus announced a strategic alliance that includes a \$256 million investment by the German vehicle maker in Navistar as well as planned joint development of powertrain, procurement and other collaborative efforts.

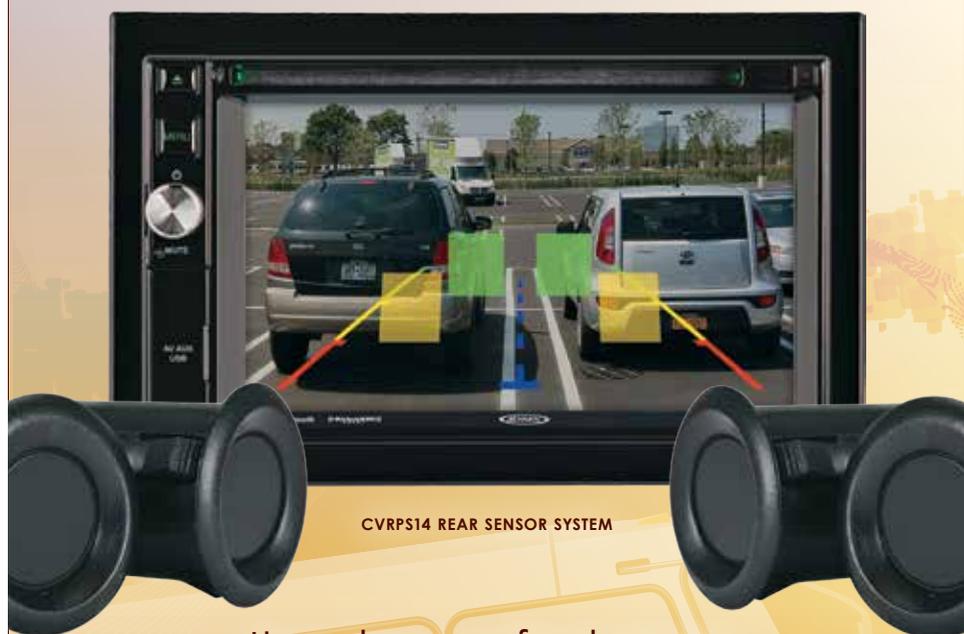
The companies in a Webcast said that Navistar will gain a significant cash infusion, while Volkswagen gains presence in the U.S. truck market for the first time.

"We are very pleased to partner with a global leader who shares our view of the world in an alliance that will deliver multiple

benefits and is consistent with our open-integration strategy," Troy Clarke, president and CEO of Navistar, said in a news release.

Navistar produces International brand commercial and military trucks, proprietary diesel engines, and IC Bus brand school and commercial buses.

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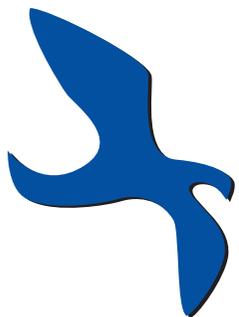
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# 'Robovans' the future of package delivery?

STUTTGART, Germany — Someday, humans might be driven everywhere by driverless cars guided by robot-like systems.

But for now, humans are still needed to drive robots around

London-based Starship Technologies, which makes squat six-wheeled robots that deliver packages to businesses and homes, said it is working with Mercedes-Benz in Germany to develop a Sprinter van to transport the robots and release them onto sidewalks to make deliveries.

The "Robovans" will act as mother ships that drive through neighborhoods, stopping in designated locations, based on delivery density and demand, to drop off and pick up robots to complete customer deliveries.

The vans will be driven by humans, at least for now.

The system is designed to solve the "last-mile" problem in package delivery — the problem being that delivery to individual homes and businesses is expensive. Robots theoretically will be more efficient and dependable than human workers.

"Starship Technologies has solved the last-mile problem by introducing sidewalk delivery robots," said Ahti Heinla, CEO of Starship Technologies. "However, vans are best suited to bring goods to the local area from businesses and distribution centers. When the two transportation methods converge into one, the outcome is the most efficient, cost-effective and



Starship Technologies, which makes squat six-wheeled robots that deliver packages to businesses and homes, is working with Mercedes-Benz to develop "Robovans" to transport the robots and release them onto sidewalks to make deliveries.

convenient local delivery method in the world."

Instead of completing door-to-door delivery, the vans will drive to pre-arranged locations to load and unload goods and then dispatch the robots in the final step for on-demand delivery. Upon making the customer delivery, the robots will autonomously find their way back to the van for re-loading.

The robots will be loaded with their goods in the Robovan using a racking system that enables 400 packages to be delivered every nine-hour shift, compared with 180 packages using previously available methods.

"A typical van delivery today involves driv-

ing to a delivery area, and then spending an entire day on door-to-door deliveries," said Allan Martinson, Starship's chief operating officer.

"By leaving the door-to-door part to delivery robots the van drivers' productivity will significantly rise while reducing congestion on the streets and CO2 emissions."

Volker Mornhinweg, head of Mercedes-Benz Vans, said the company sees "a huge potential for robotic delivery systems in the future and by combining our vans and the robots — we call it the mother ship concept. With this we are able to increase the efficiency of delivery by an order of magnitude."

## UMA safety seminar set for December 7-8

ASHBURN, Va. — The United Motorcoach Association's 13th annual Safety Management Seminar will be held Dec. 7-8 at the National Transportation Safety Board Training Center here.

The program will be from 8 a.m. to 4:30 p.m. Wednesday, Dec. 7, and from 8 a.m. to noon Thursday, Dec 8.

A hotel will be available for attendees near the seminar site and Washington Dulles International Airport. A shuttle bus will be available between the hotel and the seminar site.

The seminar features how-to applications of risk management to educate participants on eliminating as much risk from motorcoach and bus operations as possible.

The seminar is limited to the first 130 registrants.

The day-and-a-half program includes updates from representatives of agencies such as the Federal Motor Carrier Safety Administration, the Transportation Security Administration, the National Highway Traffic Safety Administration and the National Transportation Safety Board.

Information and registration details can be found at [www.uma.org](http://www.uma.org).

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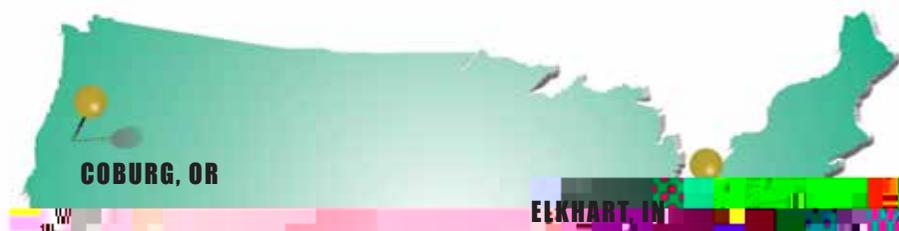
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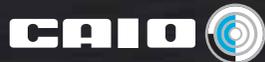


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## Speed limits

CONTINUED FROM PAGE 1

several years. In 2006, the agency received petitions from the American Trucking Associations and Road Safe America asking that vehicle manufacturers be required to limit the speed of large trucks to

no more than 68 mph.

The agencies said they considered several factors in determining the 26,000-pound weight threshold for the proposed rule.

“These vehicles carry the heaviest loads, and small increases in their speed have larger effects on the force of impact in a crash,” they

said.

They also considered the benefits and costs of 60 mph, 65 mph, and 68 mph maximum set speeds and found that:

- Limiting the speed of heavy vehicles to 60 mph would save 162 to 498 lives annually.
- Limiting the speed to 65 mph

would save 63 to 214 lives annually.

- Limiting the speed to 68 mph would save 27 to 96 lives annually.

“Based on range of fatalities prevented, this rulemaking would prevent 179 to 551 serious injuries and 3,356 to 10,306 minor injuries with a maximum set speed of 60

mph; 70 to 236 serious injuries and 1,299 to 4,535 minor injuries with a maximum set speed of 65 mph; and 30 to 106 serious injuries and 560 to 1,987 minor injuries with a maximum set speed of 68 mph,” the agencies said.

“Additionally, we project that this joint rulemaking would result in fuel savings and greenhouse gas emissions reductions totaling \$848 million annually, assuming a 7 percent discount for fuel and a 3 percent discount rate for GHG, for 60 mph and 65 mph speed limiter settings. For 68 mph speed limiters, we would expect fuel savings and GHG emissions reductions to result in benefits of \$376 million annually.”

### Tampering or adjusting

In an effort to reduce the costs to manufacturers, the agencies are not proposing requirements to prevent tampering or to restrict adjusting the speed setting. However, to assist enforcement officials with post-installation inspections and investigations to ensure compliance, NHTSA is proposing to require that the vehicle set speed and the speed determination parameters be readable through the onboard diagnostic connection.

The agencies said they expected the costs to be minimal, noting that most vehicles to which the proposed rule would apply are already equipped with electronic engine controls that include the capability to limit the speed of the vehicle, but they may not have these controls turned on automatically.

“In addition to the costs to vehicle manufacturers, we have evaluated the societal cost implications of these proposed rules. We estimate that the proposed rules would cost \$1.561 billion for 60 mph speed limiters, \$523 million for 65 mph speed limiters, and \$209 million for 68 mph speed limiters annually, assuming a 7 percent discount rate, as a result of the potentially lower travel speeds and delay in the delivery of goods.

“However, the estimated fuel savings benefits of this proposed rule exceed these estimated societal costs.

“The agencies estimate that this rule would be cost-beneficial. Even assuming that the proposed rule would result in the high cost estimate and the low benefit estimate, the net benefits of this rulemaking are estimated to be \$1.1 billion to \$5 billion annually for 60 mph speed limiters, \$1 billion to \$2.8 billion annually for 65 mph speed limiters, and \$0.5 billion to \$1.3 billion annually for 68 mph speed limiters, assuming a 7 percent discount rate.”

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# Dear Americans: Leave your guns at home. Thanks, Canada

OTTAWA, Ontario – Americans are more than welcome to visit Canada, as long as they leave their guns at home.

That's the message the Canada Border Services Agency is sending through a new firearms awareness campaign, reminding U.S. travelers visiting Canada that their northern neighbor's firearms laws are strict.

Canadian laws are different than U.S. laws, the agency reiterated in a news release.

The agency said most firearms seized at land border crossings are from U.S. travelers seeking entry into Canada.

As such, it is suggesting Americans check the laws before arriving at a Canadian port of entry.

"It is strongly recommended that you not carry your firearm when traveling to Canada and/or transiting through Canada to reach another U.S. destination," the news release said.

"However, should you choose to travel with your firearms, you must declare all firearms in your possession at the first Canadian designated port of entry. You must also have all the necessary permits

and have your firearm appropriately stored."

Failure to declare any firearm may lead to the seizure of the weapon, a penalty or prosecution in a court of law and may make the person inadmissible to Canada.

A U.S. citizen's vehicle may also be seized and the owner will

have to pay a penalty to get it back.

"We welcome our U.S. neighbors in Canada (and) to make your journey more pleasant, travel light and always remember to declare all goods with you," the news release said.

The border agency said firearms are high-risk commodities

and enforcement of firearms laws at the border "is an enforcement priority for Canada."

Earlier this year, the agency reported seizing 163 firearms during 115 incidents from travelers crossing the border into Canada through just Windsor, Sarnia, Fort Erie, Niagara Falls and London, Ont. —

which is the site of an international airport — in the final six months of 2015.

The 59 firearms seized at the Ambassador Bridge, which connects Windsor with Detroit, is almost double the next highest crossing. That's at Fort Erie, Ont., where 31 firearms were seized.

## Niagara Falls '8th Wonder'?

NIAGARA FALLS, Ontario — Nearly 80 percent of Canadians want to see Niagara Falls declared the eighth Wonder of the World.

A recent poll by Ipsos Reid found that 78 percent of Canadians like the idea, which is being pushed by Niagara Tourism officials, and 75 percent already view Niagara Falls as a world wonder.

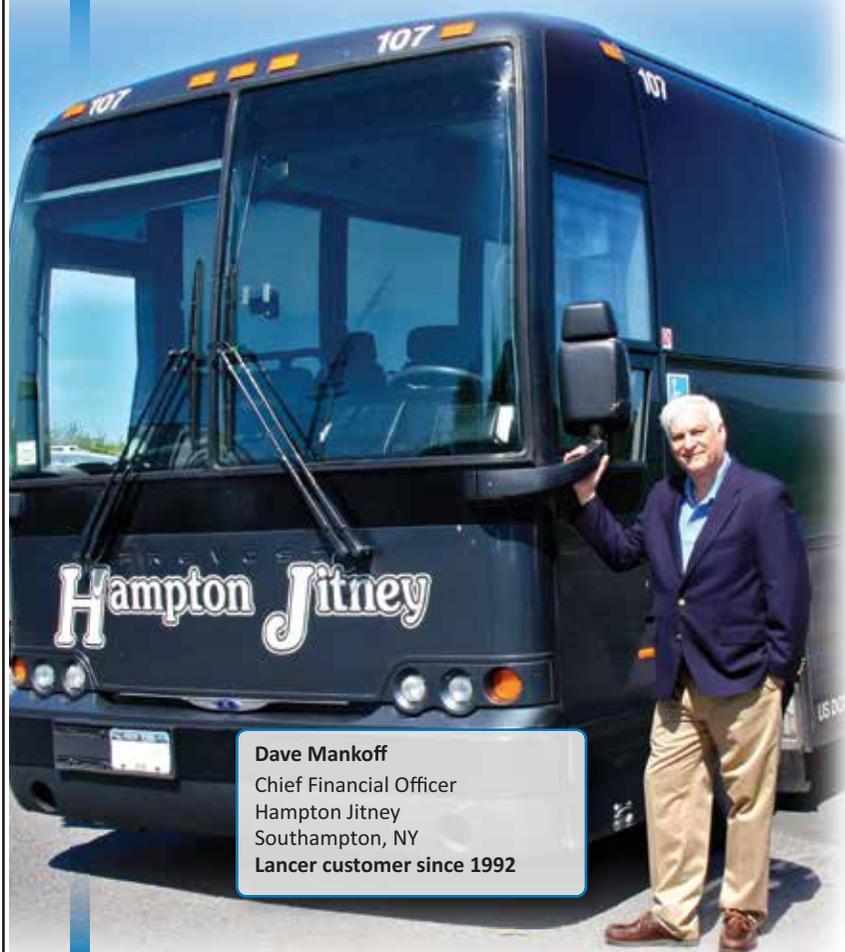
Canadians are justifiably proud of one of the most wondrous waterfalls on the planet, which carries billions of gallons of water a year over the edge of the Niagara escarpment and down towards Lake Ontario.

Niagara Falls sends 6 million cubic feet of water over the falls every minute at peak times.

"As the conversation goes, people are familiar with the '7 Wonders of the World.' Be it modern, natural or manmade, there are recognized icons of nature and culture that are associated with this list," said Jody Larose, executive director of the Tourism Partnership of Niagara.

She said with support from local government officials, businesses and residents, the campaign aims to prove why Niagara Falls should stake the claim as the eighth world wonder.

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# Bailey Coach of Pennsylvania joins Trailways system

FAIRFAX, Va. -- Bailey Coach of York, Pa., has joined Trailways Transportation System, Inc.

Bailey Trailways transports 90,000 people annually throughout the U.S. and Canada with its 26-vehicle fleet, which includes 55-, 47- and 26-passenger motorcoaches, deluxe sedans, vans and a sport utility vehicle.

The only transportation company in York County certified by the U.S. Department of Defense to transport members of the U.S. military, the company also focuses on travel for college sports teams and K-12 schools.

It also offers shuttle service to area hotels and convention sites; day trips to local attractions; and door-to-door service to airports, train stations and cruise terminals in the Washington, D.C., to New York City region.

Bailey Trailways is a sister company of Travel Time Travel Agency, which is ranked in the top 10 percent of U.S. travel agencies by sales volume. Travel Time is one of the East Coast's largest travel management, group and vacation travel planning agencies and serves primarily business clientele.

John W. Bailey serves as presi-

dent of Bailey Trailways and vice president of Travel Time. He co-founded the charter coach company in 1998 with Rodney Sechrist, Bailey Trailways vice president.

Bailey's father, Fred, and uncle,

Glenn, co-founded the travel agency as Bailey Travel Service in 1949. Glenn Bailey became attracted to the travel industry while organizing a train trip for schoolchildren from York to the 1933

Chicago World's Fair.

"My father taught me that you can buy a product anywhere, but the service you get with that product makes all the difference," John Bailey said.

"I'm very pleased to be part of the Trailways family because of the strength of the Trailways network. Our Trailways partners can help us and we can help them with equipment issues, maintenance and service for their vehicles."

## Calif. bills

CONTINUED FROM PAGE 6

the effects on the traveling public before they implement any of them. After our conversations, the senator recognized the need for scientific analysis by a federal agency before these things should be implemented."

California operators also convinced legislators to modify provisions of SB 812 that they considered onerous. This bill was filed by Sen. Jerry Hill, a Democrat representing San Mateo and Santa Clara counties, to increase inspection frequencies on tour buses in the wake of recent accidents in San Francisco.

It also would have ordered a motorcoach out of commission if any item on it had been subject to a recall.

Operators encouraged legislators to aim an increased inspection regiment at carriers that have ex-

hibited unsatisfactory tendencies.

As passed, SB 812 will require a bus that has received an unsatisfactory compliance rating to be re-inspected in 30 to 90 days and directs inspectors to place a tour bus out of service upon determining that "it has multiple safety violations of a nature that the tour bus could constitute an imminent danger to public safety." The bus would require a re-inspection before returning to service.

A new menu of inspection fees, part of the proposed bill, was put on hold until the next legislative session.

"It was agreed that we could continue to study the fees," Pane said. "The current fee of \$15 was put in place in 1986. The industry understands that is not reasonable and we want to figure out a fair position on that."

The heightened focus on bus and motorcoach safety in California was prompted by several fatal

accidents, including the 2014 cross-over crash of a double-trailer truck into a motorcoach carrying 45 passengers.

The Federal Express truck-tractor combination crossed a 58-foot-wide median on Interstate 5 near Orland in northern California. The truck sideswiped a passenger car then struck a Silverado Stages motorcoach head-on. The collision ruptured a fuel tank on the truck and sprayed fuel into the motorcoach. Both vehicles were engulfed in a fireball. The drivers and eight motorcoach passengers were killed.

"This accident was caused by the truck and not the bus," Pane said. "We were able to talk things through and make sure people understood that motorcoach travel is one of the safest means of transportation in the country. Where we can improve safety the industry wants to do as much as it can, and always has."

## Calendar

### October 2016

**10-13 Northwest Motorcoach Association Annual Bus ROADEO and Conference**, Red Lion Hotel, Olympia, Wash. Info: [www.nwmotorcoach.com](http://www.nwmotorcoach.com).

**16-18 California Bus Association 43rd Annual Convention & Trade Show**, Westin Mission Hills Resort Golf & Spa, Rancho Mirage, Calif. [www.cbabus.com](http://www.cbabus.com).

**23-25 Bus Association of New York Annual Meeting and Marketplace**, Otesaga Resort, Cooperstown, N.Y. More information: [www.banybus.org](http://www.banybus.org).

**26-27 Greater New Jersey Motorcoach Association Fall Meeting & Marketplace**, Harrah's Resort, Atlantic City, N.J. Info: [www.gnjma.com](http://www.gnjma.com).

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## Lease rule

CONTINUED FROM PAGE 1

Ken Presley, UMA's vice president of industry relations and COO, said that while the announcement is encouraging, it is only a notice of intent to issue a rulemaking concerning revisions and doesn't modify the rule.

"The notice of intent reflects the petitions filed with FMCSA and UMA's successful efforts to have Congress weigh in through the recent appropriations process," Presley said. "However, the challenge of amending the existing rule remains in front of the industry and the notice of intent, while encouraging, should not be read as conclusive, but rather the next step in the process."

FMCSA published the final rule concerning the lease and interchange of passenger-carrying commercial vehicles on May 27, 2015, with an effective date of July 27, 2015, and a compliance date of January 1, 2017.

The proposed rule encompassed by definition "charters, farm-outs, contracting or subcontracting."

FMCSA said the purpose of the rule "is to identify the motor carrier operating a passenger carrying CMV that is responsible for compliance with the Federal Motor Carrier Safety Regulations and ensure that a lessor surrenders control of the CMV for the full term of the lease or temporary exchange of CMV(s) and driver(s)."

The rule would add more regulations and paperwork to leases and farm-outs between coach operators in an effort to shut down illegal carriers trying to skirt federal oversight.

But UMA maintained it would actually hurt legal operators who depend on providing contract services by requiring them to execute a formal lease with another carrier. They also would be fully responsible for that company's insurance and violations of the Federal Motor Carrier Safety Regulations, even though they have no direct oversight or control over the carrier's business operations.

The liability exposure carriers would face could preclude leasing and farm-outs from ever being practical again, UMA contended.

The association called on its members to write letters or send emails to their representatives stating their opposition to the rules, and those efforts paid off.

### Congressman agrees

Rep. Scott Perry, R-Pa., joined UMA in opposing the rule. He wrote a letter to his colleagues in Congress asking them to support

adding language to the fiscal 2017 transportation-funding bill that would block enforcement of the rule by withholding funds from FMCSA

Perry also wrote to the chairman and ranking member of the House Subcommittee on Transportation, Housing and Urban Development, and Related Industries, which will consider the funding

bill, asking them to add the UMA-supported language to the bill.

"This ill-advised rule creates an undue burden on the motorcoach industry and its passengers," Perry wrote.

He noted that motorcoach operators regularly contract with each other for capacity issues or in case of emergencies, with violations and fines assessed to the carrier ulti-

mately responsible for compliance under its USDOT number.

The new rule would require the contracting carrier to assume full responsibility for the compliance and violations of federal regulations of another carrier, Perry wrote.

"The result will stifle the ability of motorcoach operators to work with one another, which hap-

pens frequently. If two carriers who both hold operating authority from the USDOT choose to assist each other in times of capacity or emergency, no formal lease should be required, nor assumption of responsibility for another carrier's safety performance."

In its most recent *Federal Register* announcement, FMCSA

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## Lease rule

CONTINUED FROM PAGE 17

acknowledged that the critics who filed petitions for reconsideration of the rule made “substantive arguments, which the agency will address in subsequent rulemaking.”

“The petitioners generally argued that FMCSA has taken a regulatory scheme from the trucking industry and applied it to the bus industry, which has a vastly different operating structure and liability regimen,” the agency wrote. “Moreover, the application of these truck regulations to the bus industry offers no additional protection to the public from illegal or unsafe bus operators. Instead, the final rule simply adds administrative costs and reduces operational flexibility for bus operators.

“Petitioners further stated that the final rule creates an economic and regulatory burden on passenger carriers that already operate safely and have a high degree of compliance. Some of the petitioners argue that those lease requirements will not stop carriers that choose to violate the regulations, yet will burden those who already operate safely and compliantly.”

### Roadmap to cheat

FMCSA also noted that one petitioner stated that “while it supports efforts to identify and address chameleon carriers or carriers that may try to operate under the cloak of another carrier, the final rule does not accomplish this goal and in fact provides a roadmap for irresponsible carriers to operate legally under the authority of another carrier.”

Another carrier stated that it had identified several instances where the final rule lacks sufficient clarity to enable it to comply, affecting all of its operations. The final rule also adds administrative costs and reduces operational flexibility for charter and tour bus operations, which will, in the end, reduce connectivity and transportation options for the traveling public, the carrier contended.

Still another petitioner argued that the three 2008 crashes cited in the September 20, 2013, notice of proposed rulemaking involved a tire failure, driver error and an insurance issue, “and that nothing in the final rule would have prevented any of these crashes.”

The commenter also named two insurance companies that have restrictions in their policies that prohibit the use of non-owned equipment and non-employed drivers, which were major concerns of the rule.

FMCSA has narrowed the concerns to four major categories it said “may require regulatory changes.” Those categories, along with FMCSA’s comments, are:

1. Exclusion of chartering, or subcontracting, from the leasing requirements.

“The 2015 rule merged the concepts of leasing with ‘chartering’ (subcontracting). Carriers routinely subcontract work to other registered carriers to handle demand surges, emergencies or events that require more than the available capacity. Subcontractors with their own operating authority have traditionally assumed responsibility for their own vehicles/drivers. Under the 2015 rule, however, a passenger carrier that subcontracted work to another carrier would be responsible for that second carrier’s compliance with the regulations. Petitioners claim that making a carrier responsible for the subcontractor’s vehicles, drivers and liability would make most short-term subcontracts impossible.”

2. Amending the CMV requirements for the location of temporary markings for leased/interchanged vehicles.

“The petitioners argued that the frequent marking changes needed during leases or interchanges would be impractical and unnecessary because the information required is recorded on the driver’s records of duty status for roadside inspectors and safety investigators to review; carriers will have to depend completely on their drivers to properly change vehicle markings dozens of times per day in remote locations; and it is unlikely that a member of the public is going to understand the significance of the markings in the event that he or she focuses on the temporary ‘operated by’ markings rather than the permanent markings on the bus representing the vehicle owner.”

3. Changing the requirement that carriers notify customers within 24 hours when they subcontract service to other carriers.

“Petitioners argued that a 24-hour deadline is impractical be-

cause if an emergency maintenance issue occurs, it may not be possible to notify the customer in a timely manner, particularly if the issue occurs on the weekend, when the customer’s offices are closed, and the start time is before the customer’s Monday opening time.

4. Expanding the 48-hour delay in preparing a lease to include emergencies when passengers are not actually on board a bus.

“Sometimes events requiring a replacement vehicle might occur when there are no passengers on a vehicle, such as when Amtrak or airline service is suspended or disrupted and buses are needed to transport stranded passengers. A bus operator contracted to provide the rescue service might need to obtain additional drivers and vehicles from other carriers to meet the demand. There might be a last-minute maintenance or mechanical issue, or driver illness, that arises late in the evening or during the night (such as on a multi-day charter or tour trip), or just prior to picking up a group for a charter or scheduled service run.”

### Rulemaking planned

FMCSA said it planned to issue a rulemaking notice to address the four areas of concern.

“The agency believes that less burdensome regulatory alternatives that would not adversely impact safety could be adopted before January 1, 2018. The agency denies the petitions for reconsideration of all other aspects of the final rule. These petitions either would have impaired the purpose of the final rule or did not include practical alternatives.”

Presley said UMA was grateful that FMCSA Administrator Scott Darling and other agency officials heard the industry’s concerns about the rule.

“I trust in the coming months we can find a mutual solution through the rulemaking process,” he said. “While not yet a victory, the notice of intent represents progress. The agency believes they can resolve the issues before the compliance date.”

Presley also reminded operating companies that the July 27, 2015, effective date of the current regulation remains unchanged.

“Despite the compliance date of January 1, 2018, a liability quandary could develop should an operator be involved in civil litigation regarding an incident concerning a subcontracted carrier,” he said. “Although they will not be fined for noncompliance, they may have civil liability exposures they should discuss with their legal counsel and insurance company.”



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