

# Bus & Motorcoach NEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

## Large operators appear ready for critical ADA deadline

### 100% accessibility

For 14 years, a high-visibility segment of the U.S. motorcoach industry has had Oct. 29, 2012, circled on its long-range planning calendar.

That date, which is now fast approaching, is when large, fixed-route operators must have 100 percent of their buses wheelchair accessible.

That means that after Oct. 29, any person with a disability should be able to buy a ticket on any Greyhound bus, at any time, and be assured of being able to access that coach when it pulls into a station or up to a curb.

And the same goes for more than 30 other large operators.

Though no one appears to know for certain, industry sources are cautiously optimistic that all but a handful of the operators required to be complaint with the Americans with Disabilities Act rule will, in fact, have all of their coaches accessible on Oct. 29.

"I think they're definitely on track to meet the deadline... By and large, I would say they are going to be all ready," said Peter Pantuso,



president of the American Bus Association, whose board includes executives from Adirondack Trailways, Jefferson Lines, Peter Pan Bus Lines, Coach USA, Academy Bus and other big legacy carriers.

Greyhound Lines, the nation's largest intercity carrier, "believes

it will be in compliance with accessibility standards," a company spokesperson told *Bus & Motorcoach News*.

In the mid-1990s, the industry negotiated the Oct. 29, 2012, ADA deadline with the federal government and it became fixed in law in

September 1998.

When the law initially went into effect in October 2000, the rules were fairly simple for large carriers that offered fixed-route service.

A person with a disability who used a wheelchair would have to

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### New settlements

WASHINGTON — It's probably not a coincidence the U.S. Department of Justice announced settlements last month in four actions it brought against three motorcoach operators and a major group tour operator for apparent violations of the Americans with Disabilities Act.

The settlements appear to be timed to show up on the Internet just before all motorcoach operators are required to file annual reports mandated by the ADA. (See Oct. 1 *Bus & Motorcoach News*.)

Whether they have accessible buses or not, or whether they provide accessible service or not, all motorcoach operators are required to file ADA reports by Oct. 29, or face the possibility of large fines, or what is increasingly becoming commonplace: Justice Department lawyers dictating ADA compliance requirements as part of legal settlements.

That is what happened to three Orlando, Fla.-based motorcoach operators last month, as well as

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## S.D. operator wins charter decision

### Four years later!

PIERRE, S.D. — One of the first — if not THE first — formal complaints filed by a private bus operator against a public transit agency for providing illegal charter bus service under the federal charter service rule adopted four and a half years ago has finally been decided.

The administrator of the Federal Transit Administration, Peter M. Rogoff, issued a strong ruling — posted on the FTA website last month — in favor of Forell Limousine & Bus Service of Pierre, and

rejected an appeal from River Cities Public Transit, also of Pierre, which provided the illegal service in 2008, and reportedly continues to regularly violate the charter service rule.

"I'm pleased about (the FTA) decision," said Dawnita Forell, who co-owns Forell Limousine & Bus with her husband, Charles. "But it's like putting a Band-Aide on an artery."

During the past seven or eight years, the Forells have lodged numerous charter rule complaints against River Cities Public Transit. They win most, lose some, but

every complaint represents a challenge for the small operator.

That's because in a charter service case, the FTA, which has a cozy relationship with virtually all of the public transit agencies it funds, has set a very high bar for complaints.

"The complainant bears the burden of proof," says Rogoff. "The complainant must prove its case by a preponderance of the evidence."

Like other small operators, the Forells do not have the time, money or resources to continually

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## Employee misclassification bankrupts major Carey unit

WILMINGTON, Del. — One of the largest divisions of Carey International, the world's biggest chauffeured services company, has filed for bankruptcy protection after being hit by a \$4.5 million arbitration award for treating its drivers as independent contractors rather than as employees.

Carey Limousine L.A. Inc. listed assets of under \$500,000 and debts of nearly \$150 million in documents filed in bankruptcy court here.

The Los Angeles-based Carey division said it made the Chapter 11

filing to secure "breathing room" after 16 of its drivers won the large arbitration award in a lawsuit claiming they had been misclassified as independent contractors and were entitled to additional wages and benefits as employees.

Carey International Chief Financial Officer Mitchell Lahr said the potential damage from the arbitration award was compounded in January when California stiffened penalties on employers that misclassify workers.

"The debtor does not agree that

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# California 'party-bus' law addresses under-age drinking

SACRAMENTO, Calif. — Customers chartering motorcoaches, party buses and limousines will share responsibility for under-age drinking with bus operators under a new law signed by California Gov. Jerry Brown.

The law, AB45, was signed without comment by Brown late last month. Known as the "Brett Studebaker Law," the measure was passed by the California General Assembly and Senate in late August.

Beginning Jan. 1, charter providers must inform customers of the law and obtain written notice of plans to serve alcoholic beverages on board during the trip.

'I think we got pretty well everything we needed to make it a workable law for us.'



Tom Giddens

ages on board during the trip.

If alcoholic beverages will be served, and the trip will include passengers under 21 years of age, the chartering party must identify a "designee" who becomes responsible for monitoring alcohol

consumption.

That designee is legally responsible for the safety of under-age passengers.

However, some responsibility reverts to the motorcoach driver if he or she observes under-age

drinking during the trip.

The California Bus Association worked intensively during the past two years to shape the final bill, said Tom Giddens, president of the association as well as Pacific Coachways Trailways in Garden Grove, Calif.

"I think we got pretty well everything we needed to make it a workable law for us," he said.

"When it first came out it would have been hard for us to do our job for our customers. With this law, we do have some responsibilities. If we do it right, the customer will have a great amount of responsibility also."

The early version of the law put too much onus on drivers to monitor activities in their buses, Giddens said. "The driver cannot be watching the back of the bus to see if an under-age passenger is drinking. He has to be looking forward to safely operate his vehicle. We are all for safety. We think we have a bill that covers what the author is looking for and will be practical out on the road."

The law was prompted by the death of Studebaker, 19, in 2010.

According to the *San Jose Mercury News*, he "died while driving home after several hours

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# Operation Safe Driver targets buses, truckers Oct. 14-20

GREENBELT, Md. — Operation Safe Driver, another of the nationwide safety sweeps organized annually by the Commercial Vehicle Safety Alliance, will be Oct. 14-20.

While the focus of Operation Safe Driver is to reduce unsafe and distracted driving behaviors, destination and roadside vehicle and driver checks also are a key component.

Last year, 3,805 law enforcement personnel at 1,848 locations across the United States and Canada conducted 34,725 commercial motor vehicle inspections.

That makes Operation Safe Driver about half of the size of the CVSA's Roadcheck, which is conducted each year in June.

For Roadcheck 2012, an estimated 9,500 CVSA- and Federal Motor Carrier Safety Administra-

tion-certified inspectors conducted more than 73,000 vehicle inspections at roughly 2,500 locations across North America.

The National Passenger Carrier Strike Force, which is now organized annually by the FMCSA and specifically targets bus operators for "surprise" inspections, checks hundreds more motorcoaches during its two-week blitz than Roadcheck and Operation Safe Driver

combined.

This year, the FMCSA strike force was conducted in mid-August; last year it was in early October and 3,000 buses were inspected.

The FMCSA partners with CVSA for Operation Safe Driver.

"We are calling on all drivers to make a difference, reduce unsafe and distracted driving behaviors and help us save lives across North

America with this annual mobilization week," said Stephen A. Kepler, CVSA executive director.

"The truth is that most (commercial vehicle) accidents are avoidable. That's why taking aggressive enforcement action, as well as educating both passenger vehicle drivers and truck and bus drivers, is a priority for CVSA; this program can and will save lives," said Kepler.



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# THE DOCKET

## UCRA registration is underway, enforcement is next

ALEXANDRIA, Va. — Victor Parra, president and CEO of the United Motorcoach Association, sent an email to *Bus & Motorcoach News* the other day asking us to remind operators Unified Carrier Registration Agreement registration is underway, and that he is “still finding operators who’ve never registered.”

Each year, *Bus & Motorcoach News* runs an article or two, noting that UCRA registration will begin on a certain date and enforcement will start roughly three months later. (See

Aug. 15 *Bus & Motorcoach News*.)

Based on Parra’s observation, however, a notable number of operators apparently are failing to register their fleets.

Doubtless, many of these operators don’t completely understand what the Unified Carrier Registration Agreement is, or that it replaced the old Single-State Registration system a half-dozen years ago, or that it applies to them.

The others are likely scofflaws, ignoring the registration requirement,

betting they probably won’t get caught.

For those, however, who sleep better at night knowing they play by the rules, here’s the latest on the UCRA registration for 2013.

- Registration already has begun and enforcement will begin Jan. 1, which is the earliest it has ever started in most states. In 2011 and 2010, enforcement began Feb. 1.

- Fees for 2013 have not increased over those charged in 2011 and 2012.

- Companies that have registered in the past probably should have received their renewal forms and notifications by now.

All states offering on-line UCRA registration were to have begun registering carriers and other entities subject to the UCRA program by Oct. 1.

Some states have set a deadline of Nov. 30 to have fees paid.

All motorcoach and school bus companies that operate in interstate or international commerce are subject to UCRA registration and fees.

Companies based in the dozen states that are not UCRA members must register in one of the states that are members.

The easiest way for most operators to register is probably through the website sponsored by the Indiana Department of Revenue, at [www.ucr.in.gov](http://www.ucr.in.gov).

In many states, nonpayment and non-registration can result in hefty fines and out-of-service orders. In at least two states, penalties may include jail time.

## ‘Government competition scorecard’ evaluates Congress

WASHINGTON — So, how does your U.S. senator or congressional representative vote on issues affecting government competition with the private sector?

A group that calls itself the Business Coalition for Fair Competition has released a “key vote scorecard” for the 112th Congress.

“This scorecard shows how members of the House and Senate each voted on 10 key issues affecting government competition with the private sector in the 112th Congress,” said John Palatiello, Business Coalition for Fair Competition president, at a news conference at the National Press Club here.

In an effort to call attention to the issue of government competition with private enterprise, and to educate and inform American voters on where their congressional representatives and senators stand, the coalition created and released a government competition voting scorecard.

The 10 House and Senate votes that make up the scorecard “provide the public a clear and concise guide to who in Congress supports free enterprise and small business and who supports bigger government that competes with free enterprise,” said the coalition.

“On issues from healthcare to

‘insourcing,’ public-private partnerships, to land ownership, the scorecard provides transparency on where incumbent members of Congress stand on the tough votes,” the coalition added.

“We are seeing an unprecedented level of government expansion into numerous activities that should be left to the private sector. In our free enterprise system, government should be the umpire, not the opposing team.

“Firms in the marketplace should be free to compete against one another, with government assuring a level playing field and imposing only that level of regula-

tion that prevents competitors from injuring each other, or their customers. For-profit companies should not be subjected to unfair competition created by the government,” said Palatiello.

“(The coalition’s) ratings of Congress are central to understanding who really supports small business, and who hides behind the rhetoric of being a friend to the entrepreneur.

“Competition from government is a real threat and constraint for America’s small businesses, and the (the coalition’s) ratings help separate the friend from the foe,” said Karen Kerrigan, President &

CEO, Small Business & Entrepreneurship Council.

To view the ratings, go to: <http://governmentcompetition.org/uploads/2012BCFCKeyVoteScorecardWeb.pdf>.

Or, go to [www.governmentcompetition.org](http://www.governmentcompetition.org) and click on News-Policy-Resources.

The Business Coalition for Fair Competition says it is a national coalition of businesses, associations, taxpayer organizations and think tanks committed to reducing all forms of unfair government-created, -sponsored and -provided competition with the private sector.



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## Illinois sets up tax tribunal to hear challenges

SPRINGFIELD, Ill. — Illinois has established a tax tribunal independent of the Illinois Department of Revenue.

Illinois is the third state to establish such a body this year; Alabama and Georgia did it earlier.

The Illinois tribunal will hear disputes involving at least \$15,000 in taxes (not counting interest and penalty), and will be staffed by up to four administrative law judges selected by Gov. Pat Quinn.

Taxpayers bringing a case to the tribunal will not have to pay the disputed amount first, and the proceedings will be protected by confidentiality provisions. The new body begins work July 1.

Businesses in Illinois generally supported the legislation (H.B. 5192).

# ATA endorses driver safety index

ARLINGTON, Va. — The American Trucking Associations has endorsed an easy-to-understand system that measures driver safety performance using Federal Motor Carrier Safety Administration Compliance, Safety, Accountability program data.

The Vigillo Daylight Driver Index was developed by a data mining software company that aggregates, organizes and delivers complex fleet safety information in an “easy-to-read scorecard format.”

The index assigns a single number, from one to 100, based on information collected on commercial vehicle drivers during safety inspections and state-reported commercial vehicle crash records.

“Vigillo’s DDI presents a needed alternative for obtaining an easy to understand driver safety performance metric,” said Dave Osiecki, ATA senior vice president of policy and regulatory affairs.

“(The Daylight Driver Index) is a fair, easily explained and entirely objective process of scoring and ranking drivers under CSA,” said Steven Bryan, founder and CEO of Portland, Ore.-based Vigillo LLC.

“It’s similar to how a credit score is a single number that describes a person’s credit-worthiness.”

Because drivers’ scores in the FMCSA Driver Safety Measurement System are not publicly

available, motor carriers have struggled with how to assess driver performance.

With almost three quarters of a million drivers in its aggregate customer database, Vigillo is uniquely qualified to offer a solution to this problem, says Bryan.

Added Osiecki: “Since Vigillo leverages the same data that drives the Driver Safety Measurement System scores, which FMCSA steadfastly refuses to make publicly available, we believe Vigillo’s DDI presents a needed alternative for obtaining an easy to understand driver safety performance metric.

“We have reviewed Vigillo’s propriety methodology...and believe it will help carriers monitor driver performance.”

# Proposal would end ticket reporting

WASHINGTON — The Federal Motor Carrier Safety Administration has proposed eliminating the requirement for certain commercial driver’s license holders to report an out-of-state traffic conviction to his or her state of licensure.

Current regulations require both CDL holders and states with certified CDL programs to report

a CDL holder’s out-of-state traffic conviction to the driver’s state of licensure.

In a notice of proposed rule-making, the FMCSA wants to end the reporting redundancy by providing that if a state in which the conviction occurs has a certified CDL program that is in substantial compliance with FMCSA regulations, then an individual CDL hold-

er convicted in that state is considered to be in compliance with his/her out-of-state traffic conviction reporting obligations because the state where the conviction occurred will report the violation to the CDL holder’s state of licensure.

FMCSA says the proposed change would reduce a regulatory burden on both individuals and states.

# IRS updates per-diem rates for transportation industry

WASHINGTON — The Internal Revenue Service has updated its rules for special per-diem rates for transportation industry taxpayers’ business expenses paid or incurred while traveling away from home.

These special rates are explained in IRS Notice 2012-63, and differ from those for other taxpayers. They took effect Oct. 1.

The special meals and incidental expenses rates for taxpayers in the transportation industry are \$59 for any travel in the continental United States and \$65 for travel outside the continental U.S.

Incidental expenses alone are \$5 per day, in or outside the continental U.S., IRS said.

Several items are no longer included in incidental expenses, according to the notice. Among them are transportation between places of lodging or business and places where meals are taken, and the mailing cost of filing travel vouchers and paying employer-sponsored charge card billings.

However, taxpayers using per-diem rates may separately deduct or be reimbursed for transportation

and mailing expenses, IRS said.

## High-low method

For purposes of the high-low substantiation method, the per-diem rates in lieu of the rates described in the revenue procedure (the per diem substantiation method) are \$242 for travel to high-cost localities and \$163 for travel to any other areas.

The amount of the \$242 high rate and \$163 low rate that is treated as paid for meals for purposes of tax code Section 274(n) is \$65 for travel to any high-cost locality and \$52 for travel to any other locality within the continental United States.

Some of the high-cost localities, including Sedona, Ariz.; Telluride, Colo., and Fort Lauderdale, Fla., are considered high-cost localities for a portion of the year.

There are no changes in the list of high-cost localities in this year’s notice from those in Section 5 of Notice 2011-81.

Notice 2012-63 will appear in Internal Revenue Bulletin 2012-42, dated Oct. 15.

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## Report: Highway funding still iffy

WASHINGTON — If Congress reduces transportation spending to the level of revenue flowing into the Highway Trust Fund, as some in Congress are suggesting, states are likely to spend their federal money to maintain existing roads and raise money for new highways from tolls and private investors, a new report says.

“If funding constraints prevent further highway expansion, despite continued growth in demand for goods and services, it is reasonable to assume that national connectivity will suffer,” said the report unveiled by two Washington think tanks.

“Where new highways are built, they are likely to be built with an eye towards local, rather than national connectivity,” because

tolling projects focus “on urban corridors and projects that generate financial resources rather than [on] projects that advance national connectivity,” the analysis by Eno Center for Transportation and the Bipartisan Policy Center said.

The report, called *The Consequences of Reduced Federal Transportation Investment*, postulates what is most likely to happen if Congress mandates that federal spending on transportation not exceed revenue in the trust fund, which is generated by the federal 24.4-cent per gallon tax on diesel, the 18.4-cent tax on gasoline and the excise tax on truck and tire sales.

For years, transportation spending has outstripped revenue in the trust fund as diesel and gasoline

consumption have declined in part due to more fuel-efficient cars and trucks.

Congress has filled the widening revenue gap by appropriating billions of dollars from the general fund to meet transportation needs.

Transportation experts argue that more spending is needed if the nation is to meet its long-term infrastructure requirements.

But the report said it is increasingly likely Congress will tie spending to trust fund revenue because the two-year transportation reauthorization bill President Obama signed in July failed to address long-term funding issues.

There is a “distinct possibility” Congress will resolve the funding issue by “shrinking the size of the federal program,” the report said.

## Atlanta's I-285 to get variable speeds

ATLANTA — Interstate 285, the perimeter route around Atlanta that's legendary for its congestion, will soon be seeing new technology meant to help move traffic along.

According *The Atlanta Journal-Constitution*, the speed limit will eventually be raised from 55 mph to 65 mph. But users also will

be seeing electronic speed limit signs that will vary depending upon congestion.

The Georgia Department of Transportation will be installing a technology that has been used in Seattle that will increase or decrease the speed limit displayed by increments of 5 mph based on

congestion levels.

The concept of variable speed limits is to attempt to smooth out the flow of traffic and reduce stop-and-go driving behavior, which can cause accidents.

Construction to install the signs is anticipated to be completed in just a few months.

## Bridge issue on Mich. ballot

LANSING, Mich. — A measure has been added to the November ballot in Michigan that, if approved, would require a statewide affirmative vote before a new bridge can be built between Detroit and Windsor, Ontario.

The existing span, the 83-year-old Ambassador Bridge, is owned by Manuel Moroun and his family, who initiated and funded the effort to put the bridge issue on the ballot.

Michigan governors before him failed to win state legislative

approval for a new bridge but, in June, Gov. Rick Snyder bypassed the lawmakers and signed an agreement with Canada.

If the Nov. 6 ballot measure is approved, a “majority of voters at a statewide election and in each municipality” would have to approve any “bridges or tunnels for motor vehicles” before the state could spend money or resources on land, design, bidding, constructing, financing or promoting new international bridges or tunnels.

## N.J. has snow equipment money

TRENTON, N.J. — Grant money has been made available in New Jersey for snow and ice removal equipment for commercial vehicles.

The New Jersey Department of Law and Public Safety, Division of Highway Safety, announced the availability of \$50,000 in grant money from the Motor Vehicle Snow and Ice Removal Safety Fund.

In New Jersey, when a driver is fined for failing to remove accumulated ice and snow on their vehicles, a portion of the fine is sent

to the Motor Vehicle Snow and Ice Removal Safety Fund.

The fund provides grant money to “encourage private companies to purchase, install, and maintain technology used to remove snow and ice from commercial motor vehicles,” according to the *New Jersey Register*.

Applications for the grant money are due this month.

A copy of the grant application form can be found at [http://www.nj.gov/oag/hts/downloads/DHTS\\_Snow\\_Ice\\_Grant\\_App\\_Form.pdf](http://www.nj.gov/oag/hts/downloads/DHTS_Snow_Ice_Grant_App_Form.pdf).

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## Utah keeps I-15 80-mph speed limit

SALT LAKE CITY — Two sections of Interstate 15 in southern Utah will remain 80-mph zones permanently, state officials have confirmed.

The Utah Department of Transportation also is considering additional 80-mph zones around the state.

The department created the two test zones three years ago near Fillmore, and officials said that since then accidents in the area decreased by 11 percent in one section and 20 percent in the other.

UDOT has two other 80-mph test areas, near Beaver and Parowan and, if the downward trend in accidents continues, the agency will move to make those 80-mph limits permanent in 2014.

The action in Utah follows last month's announcement that Texas planned to establish an 85-mph speed limit for a stretch of new toll road in that state.

The Texas Transportation Commission approved the limit for a 41-mile stretch of toll road opening between Austin and Seguin, Texas. Seguin is about 35 miles northeast of San Antonio. (See July 1 *Bus & Motorcoach News*.)

The Texas legislature last year

approved 85 mph limits for some new stretches of state roadway.

The roadway between Austin and Seguin will be the first to allow the 85 mph limit when it opens in November.

Texas has a contract with the toll operator that means the state gets more money from the road operators in exchange for a higher speed limit.

The contract allows the state to collect a \$67 million up-front cash payment, or a percentage of the toll profits in the future, if the speed limit is 80 mph or lower. At 85 mph, the cash payment balloons to \$100 million, or a higher percentage of toll revenues.

The commission took the action despite urgings from insurance and safety organizations, plus the American Trucking Associations, that it reconsider. The Insurance Institute for Highway Safety said it feared there would be more crashes.

In a press release, the ATA urged the commission to reverse its decision and cautioned other states against following Texas' example.

"At the end of the day, excessive speed is the greatest threat to highway safety," ATA President

and CEO Bill Graves said. "And by giving motorists carte blanche to put the pedal to the metal, Texas is raising the risk of more crashes, as well as more severe crashes."

ATA has been a vocal advocate, not just for the use of technology to regulate maximum truck speeds at 65 mph, but for states to promote greater highway safety by adopting maximum speed limits of 65 mph for all vehicles.

"Higher speeds dramatically increase the risks of a catastrophic crash. On today's busy and congested highways, it is simply unfathomable that a state would allow drivers to put themselves and others at risk by increasing speed limits to such excessive heights," Graves said.

"The state's obvious attempt to generate more traffic and greater profit from tolls for private investors, at the public's expense, highlights the trade-offs associated with relying too much on the private sector to finance highways. I would hope that Texas will quickly see the error in its policy and reverse course."

Currently, Texas and Utah are the only states with speed limits of 80 mph or higher.

## Video sites aid Colo. traffic

DENVER — Few states have more rapid weather changes than mountainous Colorado, so a new system that will allow bus operators, truckers and motorists to pull into a truck stop and view real-time road conditions ahead may be a boon to travelers.

A coordinative plan involving 20 truck stops, Wal-Mart and the Colorado Department of Transportation is placing video monitors in truck stops around the state.

The monitors will stream video from cameras placed along the state's major highways by CDOT, which is installing the software in the truck stops to support the system. Wal-Mart is donating the monitors.

"Travelers will be able to see

current traffic speeds, weather conditions and bottlenecks," CDOT said in statement.

"In addition, drivers will be provided with alerts related to road closures, accidents, roadway construction, and other conditions that could affect travel," CDOT said.

"Allowing drivers to visually see the current conditions on key highways will allow them to make better decisions in their trip planning and preparation," said Victor Domenico, chairman of the Colorado Motor Carriers Association.

The system is being installed in truck stops in Johnstown, Commerce City, Wiggins, Grand Junction, Limon, Watkins, Fountain, Brush, Walsenberg and Glenwood Springs.

## Colo. chain law in effect on I-70

DENVER — Vehicles weighing more than 26,000 pounds are required to carry snow chains while driving on Interstate 70 between Dotsero and Morrison, Colo., according to an announcement from the Colorado Department of Transportation.

The chain law requirement allows drivers to use the AutoSock, a fabric cover that slips over tires to improve traction, rather than chains.

CDOT has 21 lighted chain stations along I-70 to help drivers chaining up.

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# Medical exam changes on horizon for bus, truck drivers

## Rule to tighten accountability

ROCHESTER, Minn. — Big changes are coming to the medical evaluations required for many commercial driver's license holders, including over-the-road bus and truck drivers.

Under new federal requirements that go into effect in 20 months, the medical examinations will only count if they are performed by a health-care provider specially trained and certified to do so.

The goal is to prevent medical emergency-related truck and bus crashes through what likely will be more intense health exams, says Dr. Clayton Cowl of the Mayo Clinic here.

"Often, the medical evaluation is the only opportunity for preventive care that a driver will receive," says Dr. Cowl, a physician in preventive, occupational and aerospace medicine at the Mayo Clinic.

Cowl is an unusual physician in more ways than one. Notably from a driver perspective, he learned how to drive a big rig so he could better understand the physical stress truckers face.

"Granted, (the coming changes are) more of a regulatory burden on the drivers and their examiners, but I also view this as an opportunity for health care providers to make a difference in their lives," says Dr. Cowl, an M.D.

"It's their chance to emphasize the importance of preventive health care and get them pointed in the right direction in terms of pursuing healthier lifestyles."

Eye strain and chronic stress are two obvious health issues tour-and-charter bus and long-haul truck drivers face, but job-related and performance-affecting medical issues can go far beyond that to include such diverse problems as sleep apnea; diabetes; high blood pressure; obesity; painful, chronic hemorrhoids, and muscular and skeletal strain.

Some bus drivers and many truck drivers smoke or use other forms of tobacco, putting them at higher risk of cardiovascular disease and lung disease.

Yet, for many, the medical exam required at least every two years is the only time they will see a health care professional.

The Federal Motor Carrier Safety Administration estimates 40,000 qualified medical examiners will be needed to perform

roughly 3 million exams a year under the new rules.

Dr. Cowl performs commercial driver's license medical exams and is the course director for a new series of training programs offered to examiners across the country. He and Mayo Clinic colleagues

from a variety of medical subspecialties are training medical examiners with classes in Rochester in October and November and an on-line course.

The new federal requirements take effect in May 2014.

The federal rules, adopted ear-

lier this year, also mean it may be more difficult for drivers who fail their medical exams to "doctor shop" to find examiners who will pass them, and examiners will likely be held more accountable if they aren't thorough or let someone slide by who shouldn't, Dr. Cowl says.

"If something bad happens, if an accident occurs and property or individuals are somehow affected, the examiner may get added scrutiny if they haven't done a comprehensive medical evaluation or a glaring medical condition was not addressed," he says.

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# Revised FMCSA operating authority guidance questioned

WASHINGTON — The Federal Motor Carrier Safety Administration has announced what it calls its “Fit, Willing and Able” policy guidance, which is intended to provide commercial bus and truck operators the specific criteria the agency considers when it grants, withholds, revokes or suspends a company’s operating authority.

The agency said the guidance raises the safety bar by reinforcing its policy of not granting operating authority to companies that create new identities or affiliate relationships to avoid a negative safety history.

The guidance also clarifies how the agency will scrutinize companies that have had their operating authority suspended or revoked within the past six years to determine their willingness to comply with federal safety laws.

To learn more about the “Fit, Willing and Able” policy guidance, and to form your own opinion of its efficacy, go to [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov).

The leadership of the Owner-Operator Independent Drivers Association has looked it over and expressed strong doubts about the “sincerity of the agency’s plan of attack.”

“When you first read through the policy, it seems somewhat noble,” says OOIDA Executive Vice President Todd Spencer.

The policy outlines six areas the FMCSA will review when considering whether to withhold, suspend, amend or revoke operating authority:

- The nature and extent of existing or past violations
- The degree to which existing or past violations will affect, or have affected, the safety of operations, taking into account any crashes, deaths, or injuries associated with the violations
- Whether existing or past regulatory or statutory violations are the result of a willful failure to comply with applicable requirements
- The existence and nature of pending and closed enforcement actions

• Whether adequate safety management controls exist to ensure acceptable compliance with applicable requirements

• The existence of corrective action, if any.

The review will cover six years’ of records on the motor carrier, the same time span the agency uses when considering civil penalties for a “history of prior offenses” or a “pattern of violations.”

“In essence, the agency has pledged to be much more diligent in terms of enforcing regulations that have been on the books for years. You give them high marks for that,” Spencer said. “But the proof is in the pudding. Is this what they are really going to do?”

The policy goes on to say that through the course of that review, if a motor carrier had a period of noncompliance but takes corrective measures, the agency will also consider that.

The problem, in OOIDA’s view, is that the agency’s focus on technological fixes is totally misplaced.

Included in the corrective action list is a handful of safety gismos, including installation of collision avoidance systems, automatic on-board recorders, speed limiters, stability control and other “supposed” safety systems, according to Spencer.

The agency also will consider documentation of repairs, changed policies and corrective action plans.

“The agency has been trying for a long time to strong arm operators into using EOBRs and all these other things without any meaningful effort on their part to determine if any of this stuff makes the roads safer,” Spencer said.

“The agency has made no effort whatsoever to come up with any meaningful analysis. They do little more than parrot the claims of those hawking this hardware.”

Spencer referred to a recent incident in Colorado where a C.R. England trainee proceeded onto a restricted route and then drove the tractor-trailer off the side of Independence Pass.

“That motor carrier has all of these systems on their trucks,” Spencer said. “None of this stuff can compensate for the lack of training or skill of a driver.

“When you include those gadgets into the policy, it undermines what the agency really should be doing. They are offering up these expensive Band-Aids, that will do nothing more than increase costs for operators, having the biggest negative impact on small business.

“That is not what they should be doing in light of the absence of any legitimate cost-benefit analysis of any of this stuff.”

Spencer suggested a new focus for the agency’s emphasis on technology, rather than the de facto mandates in the policy.

“They’ve said for years the agency’s shortcomings in enforcement are due to their own archaic computers and technology. If the agency sees a role for technology, that focus ought to be clearly directed at their own shortcomings,” Spencer said.

## Study: State roadway closure policies are nonexistent

TALLAHASSEE, Fla. — A multi-state survey by the Florida Department of Law Enforcement has found that few states have a meaningful policy for their highway patrols to use to determine when and how to close a highway because of poor visibility — and how to reopen it.

The report was initiated after a series of horrific crashes on Jan. 29 along Interstate 75 near Gainesville, Fla., that killed 10 people. A long line of cars and trucks collided one after another on the highway that was so shrouded in haze and smoke that drivers were

instantly blinded.

The highway had been closed for a time before the crashes because of the mixture of fog and heavy smoke from a brush fire. After the interstate was ordered reopened, at least a dozen cars and six tractor-trailers were involved in the series of crashes where many of the vehicles burst into flames.

The survey of national and state traffic authorities by the Florida Department of Law Enforcement found that most of the country’s highway departments, like Florida, lack specific or coherent policies regarding closing and re-

opening roads due to poor visibility.

The department sent requests to officials in Florida and 13 other states and federal agencies seeking their policies on controlling roads during bad weather, fire or other events limiting visibility.

A review of the report by the *Florida Sun* showed that most states lack specific criteria to use in assessing visibility and for reopening roadways.

In some cases, there were only general directions such as “when conditions improve” or “when the hazard has been corrected.”

Here are some of the responses from agencies polled:

- U.S. Department of Transportation: No national policy on closing a road because of poor visibility.
- Kentucky DOT: No policy dealing with road closures because of limited visibility.
- California Highway Patrol: Has a code that calls for troopers to direct traffic as conditions require.
- Georgia DOT: Has a memorandum titled “Smoke and Fog Strategy — revised.”
- South Carolina Dept. of Pub-

lic Safety: Has a document called “Emergency Traffic Management.”

- Arkansas Highway Patrol: Has administrative orders dealing with closing highways because of snow and ice.
- Alabama DOT: Has no policy regarding road closures because of low visibility.
- Virginia State Police: Has a Traffic Improvement Plan Operation Manual.
- North Carolina Highway Patrol: Has no policy dealing with road closures based on fog and smoke.
- Washington DOT: Has a transportation maintenance manual.

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A PUBLICATION OF THE UNITED MOTORCOACH ASSOCIATION

ISSUE NO. 225

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# Andy Williams: A 'leading motorcoach destination' for 20 years

BRANSON, Mo. — When tour industry publications compile their annual lists of the most-popular motorcoach destinations, they typically identify the top cities, states, natural wonders, or man-made attractions.

As far as we know, "Andy Williams" never made one of the lists, even the man-made-attraction list, but he was nevertheless a leading motorcoach destination.

In fact, he may have been THE leading "single-person" motorcoach destination for much of the past 20 years.

While Branson, "the live-entertain capital of the universe," has been a top motorcoach "city" destination for more than 30 years, most of passengers on the hundreds of coaches that came here during the past two decades wanted to make certain they saw one person — Andy Williams.

For the seniors who traveled to Branson, Andy Williams was an entertainer like few others.

He had the longevity of a Tony Bennett and the star power of a Willie Nelson, wrapped in a velvety voice that remained vibrant well into his 80s.

Up until 11 months ago, Mr. Williams was still performing six times a week at the \$9 million theater he built in the early 1990s to extend his entertaining and to showcase young and off-beat talent, just as he had done for nearly 10 years on his popular television variety show in the 1960s and early 1970s.

From the day the 2,000-seat Andy Williams Moon River Theater opened in 1992, it was a must-stop destination for motorcoach tours that came to town.

So, when health issues forced Mr. Williams to stop performing last November, and when he died late last month at the age of 84, his departure from life's stage was a blow not only to his millions of fans but also to an industry that made it possible for tens of thousands of those fans to see him perform — live.

And anyone who saw him perform, especially as the years piled up, marveled.

Despite performing several months a year, year after year, he retained his crooner capabilities. He also held onto his affable personality, his good looks and his easygoing charm, delivering American pop music with relish and vitality.

Five years ago, in an interview,

he attributed his longevity to the joy of performing.

He told a reporter: "Perhaps that two hours out on stage is the medicine that everybody should have."

For thousands, his music and show were enough medicine to

send them on their way with a feeling that some things in life are as good as we remember them.

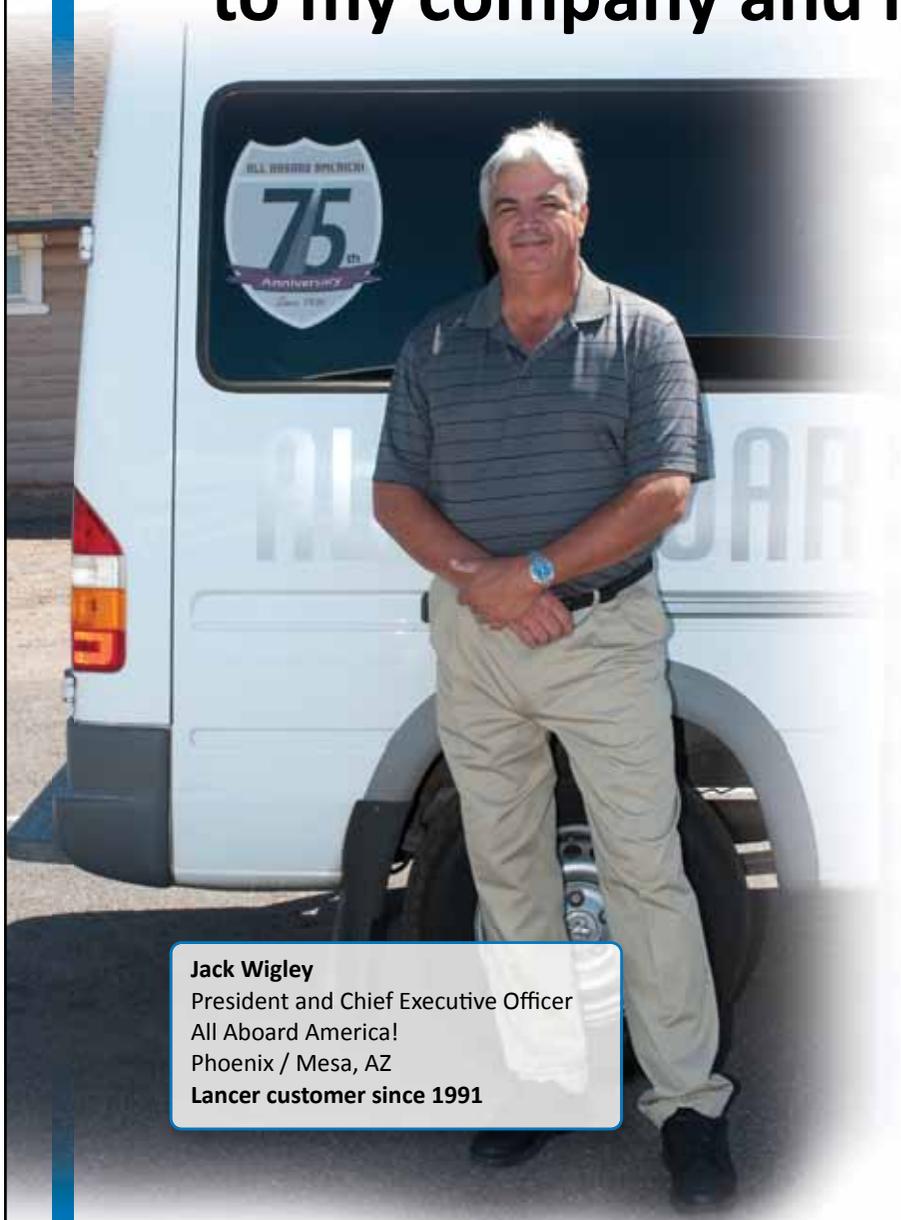
Hearing show stoppers like "Moon River," or his closing "May Each Day," or his buoyant Christmas anthem, "The Most Wonderful Time of the Year," made his

performances unforgettable.

For those with longer memories, Mr. Williams, "the motorcoach destination," dates back to the mid-1960s, when he became a headliner at the opening of Caesars Palace and continued to do shows there for two decades.

"Andy Williams was an American icon whose remarkable career spanned eight decades," said ABA President and CEO Peter Pantuso. "We in the motorcoach, travel and tourism industry owe Mr. Williams a huge debt of gratitude.... We truly mourn his passing."

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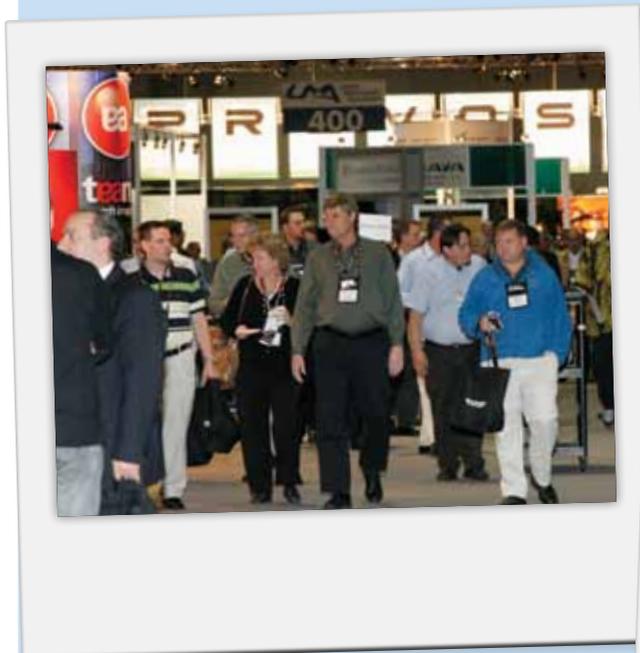


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# Regulations, costs on California Bus Assn. meeting agenda

SANTA BARBARA, Calif. — There will be commiserating about business and economic conditions, plus plenty of presentations about state and federal regulations, during the 39th annual California Bus Association Convention and Trade Show here later this month.

"It depends on who you talk to," said Tom Giddens, association president, of the California economy. "I think it's good; it's just not at the price points we should have for what our costs are. The depression or recession, whatever you want to call it, caused our prices to fall but our costs are still going up."

Some of those rising costs result from investments needed to comply with new regulations, said Giddens, who also is president of Pacific Coachways Trailways in Garden Grove.

His leading regulatory concern could be new California Air Resources Board rules on emissions from the diesel engines in motorcoaches.

"The question has been retrofitting diesel engines with particulate traps, what we call DPF (diesel particulate filter) devices," said Jim Seal, technical consultant to the California Bus Association.

"For certain newer engines, this has been very difficult for some operators, given the effects these devices have on engines, making them run too hot."

The retrofits can cost \$3,000 to \$4,000 per engine, he said. "The burning question we have is: 'How is CARB going to enforce it?' If some operators just ignore this, and assume CARB is not going to touch them, they can operate at a lower cost than the operators who comply."

During a presentation he will make at the convention, Seal also will discuss laws and regulations that are altering the relationship between public and private transit providers.

New policies included in the

federal highway and public transportation measure that was signed into law by President Obama in July could be beneficial to the motorcoach industry by encouraging "public-private partnerships."

"I think it could help our industry," said Giddens. "We are so heavily regulated, I don't know if we need more regulating, but there are some things in there that are really good."

Josh Pane, lobbyist for the California Bus Association, will outline the responsibilities placed on charter operators by the recently enacted California "party bus" law. (See story on Page 3.)

The law details obligations of charter providers and customers in regulating alcohol consumption on

Centre. Info: [www.sasw2012.org](http://www.sasw2012.org).

**27 Museum of Bus Transportation Annual Meeting**, Hershey, Pa. Info: (717) 566-7100 ext. 119, or [www.busmuseum.org](http://www.busmuseum.org).

**27-30 California Bus Association Annual Convention & Trade Show**, Fess Parker Doubletree Resort, Santa Barbara. Info: [www.cbabus.com](http://www.cbabus.com).

trips that include passengers under the age of 21.

Among other issues on Pane's agenda will be a possible regulation on the color scheme of motorcoaches serving passengers at Los Angeles International Airport.

"They are studying a rule that would say you can't have different colors on coaches in the same fleet and get the same entry and exit permit," he said. "We have given the airport management our sense of it, from a client perspective, and anything we can do to help them deal with their issues of security."

On Tuesday afternoon, Oct. 30, the Federal Motor Carrier Safety Administration is inviting the general public and others to join California Bus Association members in a

## NOVEMBER 2012

**29-Dec. 1 Motor Coach Canada Connections West**, Grande Rockies Resort, Canmore, Alberta. Info: [www.motorcoachcanada.com](http://www.motorcoachcanada.com) or email [laura@motorcoachcanada.com](mailto:laura@motorcoachcanada.com).

## DECEMBER 2012

**4-5 9th annual United Motorcoach Assoc. Safety Management Seminar**, NTSB Training Center, Ashburn, Va. Info: (800) 424-8262.

"listening session" on factors, issues and data that should be considered in hours-of-service requirements for drivers of passenger-carrying commercial vehicles.

Other convention speakers will include Kent Miller of National Interstate Insurance, who will discuss safety fitness and ways of reducing risk exposure, and Bob Crescenzo of Lancer Insurance, who will talk about the risks of bus fires, particularly on vehicles equipped with increasing numbers of electronic devices.

David E. Kestenbaum of the University of Vermont will explain his institution's "Certification for Sustainable Transportation" program.

David Knight, a lawyer with the disability rights section of the U.S. Department of Justice, will explain criteria for accessible transportation within the Americans with Disabilities Act.

Caroline Beteta, president of Visit California, will describe her organization's efforts to attract tourism to the state.

The convention and trade show will be Oct. 27-30 at the Fess Parker Resort. The schedule and other information are posted on the association website, [www.cbabus.com](http://www.cbabus.com).

## Calendar

### OCTOBER 2012

**21-23 Bus Association of New York State Annual Meeting and Marketplace**, Info at: [www.BANYbus.org](http://www.BANYbus.org).

**24-25 The Economic & Clinical Impact of Sleep Apnea**, American Sleep Apnea Association, Sheraton Baltimore City

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## N.C. bus owner Jack Pharr dies

MINT HILL, N.C. — Jack Pharr, a long-time tour and bus operator in North Carolina, died here last month. He was 94.

Mr. Pharr began his career in the industry as a bus driver, during the years before World War II. After serving in the Navy in the Pacific Theater during the war, Mr. Pharr returned to North Carolina and resumed his job as a driver for Queen City Trailways of Charlotte.

In 1948, he and two partners started Travel Tours Inc., a tour operator that continued in business until 1989.

In 1980, he got into the bus operating business, starting a company that became Travelease Busline Inc., which offered tours, charters and shuttle services. He operated Travelease into the late 1990s.

During the 50-plus years he spent in the industry, his family said he touched thousands of lives as he arranged travel programs to places around the globe. As a driver or tour operator, he traveled to all 50 states and visited six continents.

“He loved to travel and to help others enjoy traveling,” said the family.

He is survived by his wife of 63 years, Loretta; his son, Rick, who operates a tour company in Midland, N.C., and who worked with his father at Travelease; his son, Danny, and his daughter, Connie Ensley.

A memorial in Mr. Pharr’s name has been established at Philadelphia Presbyterian Church, 11501 Bain School Rd., Mint Hill, NC 28227.

## Gayle Williams, 64, dies in New Orleans

NEW ORLEANS — Gayle Ann Williams, a founding member of the Louisiana Motorcoach Association (now the South Central Motorcoach Association), died here this past summer. She was 64.

Ms. Williams was president of Williams Tours & Transportation in New Orleans when the Louisiana Motorcoach Association was started in 2003. She was elected the organization’s first secretary-treasurer.

Three years later, the association broadened its scope, adding operator members from Texas, Mississippi and Arkansas, and adopting a regional name.

More recently, Ms. Williams was with a New Orleans charter company called Will Travel Transportation.

She is survived by a son and two daughters.



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## Vision Award nominations sought

ORLANDO, Fla. — The United Motorcoach Association is seeking nominations for one of the industry's most-prestigious honors: To be named winner of a UMA Vision Award.

The 2013 Vision Awards will be presented at the Awards Banquet during UMA Motorcoach Expo at Travel Exchange here in January.

"The Vision Awards are presented to the best and brightest companies in our industry — those companies that are innovative, exciting and raising the standards and profile of the entire motorcoach industry," said UMA President and CEO Victor Parra.

UMA relies on its associate members to nominate motorcoach operating companies for the Vision Awards — one that goes to a large company, operating more than 15 coaches, and one to a small company, operating fewer than 15 buses.

"UMA associate members come in contact with motorcoach companies that are setting the example for others in operations, marketing, customer service, and corporate citizenship," said Parra.

"Nominating a customer for the UMA Vision Award gives vendors the opportunity to recognize a customer for its excellent work on behalf of the entire industry."

UMA associate members interested in nominating a coach company for one of the two Vision Awards should go to [www.motorcoachexpo.com](http://www.motorcoachexpo.com) and latch onto a nomination form under the What's New section of the homepage.

Or, contact Maggie Masterson, meetings and operations manager, at UMA. Call her at (800) 424-8262, or e-mail [mmasterson@uma.org](mailto:mmasterson@uma.org).

The deadline for nominations is Oct. 24.

UMA Motorcoach Expo at Travel Exchange will be Jan. 20-24 in Orlando.

For information or to register, go to [www.motorcoachexpo.com](http://www.motorcoachexpo.com).

## ABC featured on cable

DELRAY BEACH, Fla. — ABC Companies was featured earlier this month and late last month on a cable television program that offers fast-paced glimpses of successful and unusual companies.

Produced by How2Media of Delray Beach, the television show *World's Greatest!*...also features segments on unique products, people and travel destinations.

Gordon Freeman, executive producer of the show, said ABC was chosen because it's a leader in the motorcoach industry and "we think (its) story is meaningful, educational and entertaining to our viewers."

The *World's Greatest!*...is

broadcast on ION Television, a cable channel whose schedule is dominated by reruns of such series as *Cold Case*, *Without a Trace*, *Criminal Minds* and *Flashpoint*.

For its segment on ABC, How2Media sent a film crew to spend time at the company facility in Winter Garden, Fla., where producers worked "to get the story behind the story on ABC Companies, and to show the *World's Greatest!*...viewers why (ABC was) featured on the show."

The episode featuring ABC aired three mornings on ION.

How2Media posts many of its segments on its website at [www.How2Media.tv](http://www.How2Media.tv).

## New distributor arrangement announced for older MCI, Setra parts

LOUISVILLE, Ky. — Motor Coach Industries has established a parts distribution relationship with a company that specializes in handling older parts.

Vintage Parts Inc. of Beaver Dam, Wis., will inventory MCI and Setra parts classified as inactive, obsolete or discontinued, along with parts that would have otherwise been scrapped, MCI said in announcing the new arrangement.

"Our agreement with Vintage

Parts extends parts availability, provides long-term parts support and improves response time to our customers," said Stan Dzierzega, executive director of operations aftermarket business for MCI.

"Moving our legacy parts inventory to (Vintage Parts) frees us up to focus on those parts our customers do need on a day-to-day basis," Dzierzega added.

MCI said that roughly 10 percent of its parts inventory falls into the older, slow-moving and surplus

category. These include seldom-ordered, out-of-date parts, and parts that have not sold for several years.

Under the agreement, Vintage Parts will inventory these legacy parts for an extended period, upwards of eight years for parts that have not sold.

While Vintage Parts will inventory and distribute older MCI and Setra parts, they can be ordered as usual through MCI Service Parts, or through Vintage Parts directly.

MCI said the parts available

through Vintage Parts are flagged in the MCI parts catalog to be easily identified by company representatives, and on the MCI online parts store. Customers pay freight on Vintage Parts-ordered parts.

"We selected the right partner," said Dzierzega. "(Vintage Parts) has a stellar reputation and similar agreements with many (original equipment manufacturers) and automotive manufacturers.

"They are an extension of MCI Service Parts to complement our

responsiveness on slower-moving parts when they're required by customers."

Vintage Parts offers same-day shipping, a 24/7 emergency order system, and 30-day, no-fault return policy.

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

MCI Service Parts has more than \$35 million in parts inventory, stocking more than 100,000 parts at its 365,000-square-foot distribution facility in Louisville.

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# Gross Vehicle Weight Rating: Are you paying attention?

By Dave Millhouser

Rolling west on Interstate 70, it was always tense as the old Brill approached Foristell, Mo.

We peered into the distance, trying to glimpse the billboard that announced the state weigh station.

Sometimes, hanging from the bottom, there was a little sign that read "Buses Weigh." And, if it was visible, we were in doo-doo.

Fully loaded, the ancient IC41 was overweight on the rear axle, and quick action was necessary. All the passengers in the back of the bus moved forward, and then were forced to squat in the aisle, out of sight of the inspectors.

Back then, Missouri was the only state we crossed that weighed buses.

This is oversimplifying but there are two major ways in which weight matters to law enforcement.

First, the heavier the vehicle the more it thrashes the road. Most jurisdictions are not awash in money these days, and would like their pavement to last as long as possible, so this matters to them.

Currently, on federal highways, motorcoaches and buses are

largely exempt from this sort of regulation. But change appears to be in the air.

We can make the case that a single, big vehicle clobbers concrete less than several smaller ones, and that the clever engineering that makes coaches ride nicely for passengers also pampers the pavement. We hammer far less than a truck of comparable weight.

The second concern about weight does apply to us and is important.

The GVWR (gross vehicle weight rating) of a vehicle is the maximum weight it can legally carry. It's generally posted on the vehicle builder's plate. The key word in all this is "legally."

Each axle is rated, and there's a maximum for the whole shebang. It is crucial that, when a coach is laden, no axle exceeds its rating.

All kinds of mischief can happen when components are overworked, from extended braking distance, to hardware failure, to blown tires.

Manufacturers determine how much weight an axle can bear by evaluating the components, and like golf, low score wins. If you

have a 25,000-pound axle, wheels rated for 19,000 pounds...and tires that can handle 18,000...the tires win, and the whole assembly is only allowed to carry 18,000 pounds.

Two critical factors about tires can make a major difference.

First, they are rated to carry "X" pounds at a specific air pressure (pounds per square inch). If they're under inflated, they run hotter, and can fail.

The weight rating is for a specific maximum speed, again usually determined by the tires' capability.

A major manufacturer used to govern one of its models at 71 mph, while another was allowed the dizzying speed of 72. The difference was weight; one model was a tad heavier, so the tires could only safely handle 71 mph at full load.

A full bus that's rolling faster than the factory's electronic engine control setting, is not only speeding, it's overweight.

The other thing to be aware of is that a tire rated for 9,000 pounds single (like on a steering axle) is capable of substantially less on a dual. Because it can't shed heat as well on the side adjacent to another tire, it's allowed fewer pounds in

a dual application. (Don't trust me? Read the side of a tire.)

That being the case, it might be smart to err on the conservative side.

Coach tires spend their lives in a more enclosed environment than on trucks. It stands to reason that, in hot weather, they will have more difficulty shedding heat.

In addition, on some coaches, the rear tires are subject to heat from the engine compartment. Consider tire-pressure monitoring systems, they'll save you more than they cost.

Most 45-foot coaches (as well as two-axle coaches and transit buses) are close to maximum GVWR when loaded with passengers, baggage and freight. That means we need to be vigilant about installing correctly rated tires, consistently checking condition and inflation, and educating drivers on the whole dynamic. We need to be intelligent about how much baggage and freight we allow on board.

In light of some recent crashes where tires are suspected as the cause, regulators are likely to be checking tires and weight, and a

coach exceeding its GVWR would not be allowed to continue.

Years ago, one of my favorite people in the coach business cleverly figured out he could save a ton of freight charges by picking up brake drums during Atlantic City day trips.

After dropping his passengers at the casino, he'd drive to the parts warehouse and stuff a couple of dozen drums in the belly of his GM4905 while they were gambling.

Many of his customers thought he must have gotten a new bus for the return trip because the ride home was soooooo smooth.

The extra weight smoothed the ride. But, hindsight being 20-20, it might not have been such a good idea.

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



Dave Millhouser



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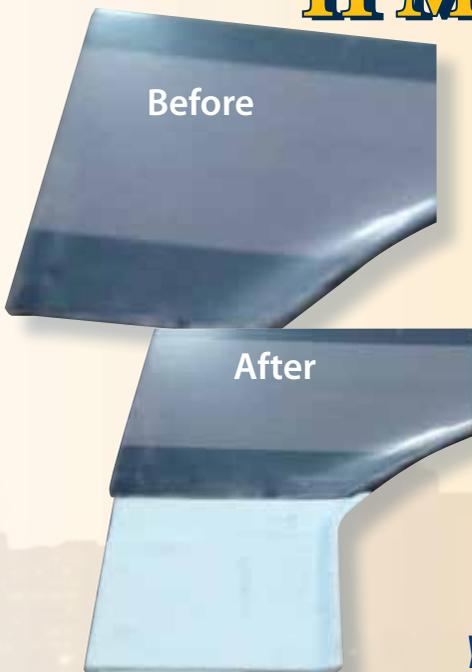
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## Charter win

CONTINUED FROM PAGE 1

investigate every possible violation by River Cities Transit it hears about. "They seem to do whatever they want and a lot of people don't want to get involved," Dawnita Forell told *Bus & Motorcoach News* three years ago.

Additionally, "it's pretty hard to get a decision from the FTA."

And sometimes it takes four years to get a final decision.

### Making its case

The complaint that resulted in last month's win for the Forells is a perfect example of the obstacles in pursuing a charter complaint.

The incident that formed the basis of the case happened on June 21, 2008. On that day, River Cities Transit picked up a group of 21 individuals, including Jeremy Kelly, and transported them to a shooting range at Willow Creek in Fort Pierre, S.D.

Several days before the trip, Kelly had contacted River Cities Transit by phone on behalf of the group and scheduled a pickup time, a pickup location, and a drop-off destination. He paid River Cities Transit \$105 for the trip.

On Sept. 5, 2008, the Forells filed a complaint with the FTA, alleging River Cities Transit provided service to the Kelly group in violation of the then four-month-old federal charter service rule.

The Forells asserted Kelly had organized a "bachelor party," which included the trip to the shooting range. The Forells also said Kelly paid for the trip on behalf of his friends, and that the individuals had exclusive use of the River Cities Transit bus.

In support of its assertion the group had exclusive use of the vehicle, the Forells submitted a sworn affidavit from an individual who was unrelated to the group but who attempted to board the vehicle and was denied service to a different destination.

The driver instructed the man to contact River Cities Transit to make arrangements for another vehicle to provide service.

The Forells also submitted a sworn affidavit from a man who was a passenger on the vehicle. The man said he attended the bachelor party with his son, and the vehicle was full to capacity. The man also said he paid nothing for the trip, and that he believed Kelly "paid for everyone."

Obviously, the Forells were forced to go to a lot of trouble to prove their case.

### Initial ruling

In mid-2009, FTA Acting Chief Counsel Scott A. Biehl found that River Cities Public Transit violated the charter service rule when it provided transportation for the bachelor party.

However, because he considered the circumstances of the violation minor and the revenue generated by the trip was \$105, he fined River Cities just \$100.

River Cities Transit appealed and it took three years for the appeal to be finally settled by Rogoff, who rejected virtually every argument put forth by River Cities Transit, and made clear that demand-response agencies like River Cities Transit do not have carte blanche to provide whatever service they want.

River Cities Transit contended in its appeal the bachelor party trip

was part of its demand-response service; the decision (if upheld would) negatively impact rural public transportation nationwide; no third party paid for the trip; the destination was within River Cities Transit service area, and River Cities Transit charged the individuals standard fares.

Rogoff noted that as a condition for receiving federal money from the FTA, public transit agencies must agree they will not provide charter bus transportation outside the urban area in which they provide regularly scheduled public transportation service.

Such an agreement is designed to assure federal money going to public transit agencies is not used "to foreclose a private operator from providing intercity charter bus service if the private operator can provide the service."

Rogoff also noted that under the federal charter service rule, the FTA defines "charter service" as transportation provided by a public transit agency at the request of a third party for the exclusive use of a bus or van for a negotiated price.

### Defining 'charter service'

Some of the characteristics of charter service, according to Rogoff, are a third party pays the transit provider a negotiated price for the group; any fares charged to individual members of the group are collected by a third party; the service is not part of the transit provider's regularly scheduled service, or is offered for a limited period of time, or a third party determines the origin and destination of the trip as well as scheduling.

FTA, he continues, defines "demand-response" service, which is exempt from the charter service

prohibition, as "any non-fixed route system of transporting individuals that requires advanced scheduling by the customer, including services provided by public entities, nonprofits, and private providers."

However, Rogoff went on to note that "the exemption of demand-response service is not absolute and it does not exclude rural and small urban public transportation systems in their entirety."

"The exemption is intended to exclude only service provided to individuals, as opposed to a group, who request service. Service to individuals includes service based on the needs of individual members of the group, rather than the group as a whole," he said.

Finally, when a public transit agency accepts money from the FTA, the FTA and the transit agency execute what is called a "master agreement." Under the master agreement, the transit agency agrees that neither it nor any public transportation operator performing work in connection with a project financed by the feds will engage in charter service operations, except as authorized by federal rules and FTA regulations.

In his ruling, Rogoff said River Cities Transit provided "impermissible charter service," violating both the charter service rule and the agency's master agreement with the FTA.

"Charter service has three distinguishing elements: it is requested by a third party; the party has exclusive use of the vehicle, and the party negotiates a price. The (River City Transit) service at issue contains all three elements," said Rogoff.

He let the \$100 fine stand and ordered River Cities Transit to pay the fine within 60 days.

### The transit dangers

Commenting on the decision, UMA Vice President and Chief Operating Officer Ken Presley said "River Cities Transit stands as a symbol of why our nation continues to be mired in debt, and how communities become addicted to subsidized transportation, eroding private-sector initiative."

"It's all so innocent," said Presley, "yet ultimately an unsustainable model."

It is Presley's contention that when public transit agencies provide charter service, they discourage people from taking risk and investing in their communities — "even when there seems to be opportunities."

"From my personal observation, this is the real transit crime."

What that translates to in a place like Pierre, S.D., is there is not a single privately-owned taxicab operating in the community. What makes that an amazing fact is that Pierre is the capital of South Dakota and the county seat.

While Pierre is the second-smallest state capital in the U.S., with a population of roughly 13,600, the nation's smallest state capital, Montpelier, Vt., with a population of just 7,900, has a local taxi service and two more in small communities within nine miles.

River Cities Transit has a fleet of upwards of 100 vehicles, most of which are parked daily outside two multi-million-dollar facilities paid for with tax money.

River Cities Transit did not respond to requests for comment.

## Party Bus law

CONTINUED FROM PAGE 3

of drinking aboard a 'party bus... Studebaker and a group of friends got on the chartered bus the night of Feb. 5 as part of a birthday party celebration for a friend who was turning 21."

About 30 minutes after leaving the bus, Studebaker's car struck a highway sound wall and then bounced back into the traffic lanes, where it was hit in the driver's side by another vehicle. Studebaker died about 30 minutes after the crash.

*The Mercury News* reported that police found he had a blood alcohol level of 0.26, more than three times the state legal limit for a driver of 21 years. Under California law, under-age drivers may have no alcohol in their systems.

Laws in effect at that time were

more than 20 years old and addressed limousine charters. The limo law therefore was not considered applicable to the Studebaker charter, which involved a vehicle categorized as a bus.

"Assemblyman (Jerry) Hill thought we needed to update the law to include party buses," said Josh Pane, lobbyist for the California Bus Association. "The original rendition of the bill applied it to all buses. There came a problem — a 10-passenger bus is one thing, but monitoring a 58-passenger motorcoach is another."

Pane said there were many complex factors to consider in crafting the bill. While limousine charters typically stay within a city, charter buses may travel great distances. "We have situations where mixed crowds are tailgating from Sacramento to Oakland for a Raiders' game. You want to get

people into motorcoaches when they are drinking. It is a necessity to have a safe and sane way of protecting the public."

Under the final version of AB45, applicable to limousine and bus charters, transportation providers must make customers aware of the law and sign a document in which any plans for alcohol service are stated. If alcohol will be served, the document then asks whether any passengers will be under the age of 21 and not accompanied by a parent or guardian.

If the answer to both questions is "yes," a designee of at least 25 years of age "shall make reasonable efforts to ensure compliance with all laws prohibiting the consumption of alcoholic beverages by persons under 21 years of age."

The designee is made responsible for "any reasonably foresee-

able personal injury or property damage that is proximately caused" by underage drinking, the law states. The designee, parent or legal guardian also can face prosecution for permitting underage drinking.

If the charter company or driver do not enforce the pre-trip provisions of the law or do not take reasonable action to prevent or respond to under-age drinking on the coach, the Public Utilities Commission may assess the company a civil penalty of up to \$2,000 after the first violation, the law states.

A second violation may bring a fine of up to \$2,000, a suspension of the carrier's certificate for up to 30 days or both.

"For a third violation, the commission shall revoke the carrier's certificate or permit."

Many California Bus Associa-

tion members do not operate charters that could be considered "party buses," Pane said, "but our industry could be impacted. We rolled up our sleeves and found what we believe to be a reasonable solution that protects the public and gives more protection than the existing law to try to prevent underage drinking in motorcoaches and limousines."

Here's the statement the trip designee must read to charter passengers under 21 years of age:

"Consumption of alcoholic beverages by persons under 21 years of age is illegal. It is also illegal for an adult to provide alcoholic beverages to a person under 21 years of age. If you consume alcoholic beverages, this trip will be terminated and all payments for transportation services shall be forfeited and not subject to refund."

## Former operator is remembered at cancer fundraiser

MINNEAPOLIS — Popular motorcoach operator Larry Benjamin, who died last December of lung cancer, was honored and remembered by dozens of individuals and the company he formerly headed during a successful fundraising drive for cancer research.

Northfield (Minn.) Lines, the motorcoach company Mr. Benjamin founded and co-owned with his brother Larry, was the title sponsor of the 2012 Twin Cities Lung Run/Walk, an event organized by A Breath of Hope Lung Foundation of Chanhassen, Minn.

A key aspect of the activity involved fund-raising teams, and "Team Larry Strong," organized to raise money in the name of Mr. Benjamin, had more than 60 participants and raised thousands of dollars.

Overall, \$150,000 was raised for lung cancer research.

Northfield Lines supported the run/walk by being the title sponsor and providing shuttles for more than 1,800 individuals who partici-



**Battle of the Buses.** A "bus pull" was one of the featured events last month to benefit the "Pink Fund," which pays for cancer screenings in the small (pop. 3,321), central Kansas community of Lindsborg. The Community

Health Care Foundation and Community Hospital sponsor the annual event that also includes a run, walk, bike ride and "blinged-up bra contest." Lindsborg has long marketed itself as Little Sweden, USA.

pated in the event.

Also supporting the foundation and Northfield Lines' involvement was ABC Companies of Faribault, Minn., which donated a new Van

Hool to transport lung cancer survivors and lead participants along the 3.1-mile run/walk course.

Mr. Benjamin died in December at age 58 after a seven-month

battle with lung cancer.

In addition to managing Northfield Lines, he was a director of the United Motorcoach Association and International Motor

Coach Group.

For more information about the Twin Cities Lung Run/Walk or A Breath of Hope Lung Foundation, go to [www.abreathofhope.org](http://www.abreathofhope.org).

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## ADA deadline

CONTINUED FROM PAGE 1

notify the carrier in advance of a trip and the bus company was required to provide a lift-equipped bus for use.

### Rules get tougher

After that, the rules got tougher, and two significant deadlines were on the horizon: By Oct. 31, 2006, the large carriers were required to have 50 percent of their fleets equipped with wheelchair lifts, and by Oct. 29, 2012, they had to have 100 percent of their buses wheelchair accessible.

The rules did allow, however, for companies to file requests for a time extension.

Currently, an estimated 34 over-the-road bus companies, providing fixed-route service, meet the \$9.3 million annual revenue threshold to qualify as "large" companies and are thus subject to the 100-percent accessibility requirement.

As of late September, the U.S. Department of Transportation had received four requests for extensions on behalf of six companies.

### Tough penalties

Failure to comply with the Oct. 29 ADA deadline can have drastic

consequences. The Federal Motor Carrier Safety Administration can revoke a company's operating authority for willful noncompliance with the ADA requirement.

"The failure of a large (over-the-road bus) company to comply with the 100 percent fixed-route fleet accessibility requirement by the Oct. 29, 2012, deadline without a granted time extension is potentially such a violation," according to an FMCSA spokesperson.

"Such failure, without a granted time extension, would also be subject to fines and penalties administered by the U.S. Department of Justice."

There is industry speculation the deadline has posed the biggest threat to fast-growing curbside carriers, which may have experienced revenue spikes in recent years that vault them above the annual \$9.3 million threshold.

"There are some companies that grew into this. They grew up when the rule was around, and bang, they looked up one day, and here they are," said Ken Presley, vice president and chief operating officer of the United Motorcoach Association.

"I think the lift manufacturers are operating around the clock right now," he said.

Presley urged all operators to pay attention to the red letter day.

"The 10/29 date affects the category of 'large' scheduled-service carriers, but in everybody's mind it's the fulfillment of the ADA rule. The ADA basically comes to fruition on that day," he said.

Specifically, small mixed-service operators should be aware that regularly scheduled casino trips are considered fixed-route service, he said. That's important because the rules state that a small mixed-service operator falls under a special provision only if not more than 25 percent of its buses are used for fixed-route service.

Otherwise the company is required to meet stricter accessible bus acquisition and equivalent service obligations.

Small fixed-route companies that interline with large carriers should take note of the deadline passing, as well. That's because large carriers can no longer require up to 48 hours advance notice to provide accessible service and must provide accessible service without notice, on the spot.

This change may cause a problem when large companies interline with small fixed-route companies that are not required to have fully accessible fleets.

U.S. Department of Transportation officials have met with representatives of the industry and disability rights organizations to work toward solving the interline problem and any other lingering issues.

So far, the parties have agreed that "communication is absolutely essential," Pantuso said.

"As soon as you know that the lift equipment is going to be used, you have to immediately let the next carrier know that he or she is going to have to use a lift-equipped bus or alternative transportation," he said.

USDOT officials also are aware that the ADA regulations probably need revising to address the problem.

"The department plans to initiate the necessary rulemaking. In the interim, the department will issue guidance and conduct outreach to the (over-the-road bus) industry and the disability community about the matter," according to the FMCSA spokesperson.

But beyond nuts-and-bolts issues, Oct. 29 looms large because the industry can get a black eye if all carriers aren't responsive to requests for service from individuals with disabilities — even though smaller carriers aren't required to have fully accessible fleets.

## ADA settlements

CONTINUED FROM PAGE 1

one of the nation's best-known group tour companies.

The motorcoach operators escaped having to pay fines, but Grand Circle Travel of Boston must pay \$10,000 to a disabled customer whose reservation, made months in advanced, for a two-week Grand Circle tour was summarily cancelled.

In addition, Grand Circle must pay the federal government a \$10,000 civil penalty for violating the ADA.

Separately, in July, the Justice Department signed a consent decree, settling an ADA complaint against a large company that operates hop-on, hop-off sightseeing bus tours in Southern California.

In that settlement, Starline Tours of Hollywood agreed to a civil penalty of \$5,000, plus pay \$15,000 to a disabled woman and five of her friends who had reserved a wheelchair accessible tour only to have it botched by Starline, which initially supplied a non-accessible bus and subsequently sent an accessible bus that wouldn't run.

Starline is a major tour bus company, operating 90 vehicles. It offers more than 30 different tours of Greater Los Angeles, plus it operates four hop-on, hop-off routes through Hollywood, Beverly Hills, Santa Monica, Universal City and

downtown L.A.

It uses double-decker, as well as smaller, buses, serving roughly one million passengers annually.

In its three settlements with the Orlando motorcoach operators, the Justice Department said Jet Set Line Inc., All Tour of America, and Pegasus Bus did not have training programs that complied with ADA requirements, and did not file ADA annual reports. The shortcomings turned up during compliance reviews of the three companies.

Pegasus also was accused of failing to maintain the wheelchair lifts on its buses.

In the settlement the three operators signed, they agreed to:

- File, within 30 days, ADA annual reports for the past two years
- Train, within 90 days, all employees and contractors about ADA requirements as they apply to the companies
- Train, within 30 days, any new employees hired
- Comply with all applicable requirements for accessible service as outlined in ADA regulations
- Not exclude persons with disabilities from transportation services as specified by ADA rules

Pegasus was required to make sure its wheelchair lifts are maintained.

Because of the nature of its services, the settlement with Starline Tours was more complex and far

reaching.

It also marked the first time the Justice Department has addressed the issue of hop-on, hop-off tours, and whether the vehicles used for the tours needed to be 100 percent accessible to provide equivalent service.

Among other things:

- Equivalent service for Starline's demand-responsive tours must now include the provision of accessible vehicles upon the same notice requirements as tours utilizing non-accessible vehicles.

- Equivalent service must include the option to purchase tickets online for Starline's demand-responsive tours and request an accessible vehicle. That's the same notice requirements as demand-responsive tours purchased online utilizing non-accessible vehicles.

- Starline will implement and advertise a policy providing that while advance reservations for tours are not required, notice of the need for an accessible vehicle at least 24 hours in advance is strongly recommended so as to guarantee the timely provision of an accessible vehicle.

- For its fixed-route and demand-responsive tours, Starline will continue to maintain a sufficient number of wheelchair-accessible vehicles to provide equivalent service to customers who use wheelchairs.

- Starline must maintain sufficient operational wheelchair-accessible

vehicles in such reasonable proximity to tour pick-up locations as to provide wheelchair-accessible vehicles to satisfy the equivalent service standard.

- For tours such as Starline's "Movie Stars Homes Tour" and its "TMZ Hollywood Tour," which permit customers to purchase tickets shortly before embarking on the tour, this will require Starline to either exclusively utilize wheelchair-accessible vehicles for such tours or maintain accessible vehicles in such close proximity to pick-up locations as to ensure no reasonable additional delay for an accessible tour.

- Starline will maintain in operative condition its vehicles' securement devices, lifts, ramps and other accessibility features.

Other elements of the Starline consent decree cover ticket sales, website information about accessible service, maintaining records related to requests for accessible service, and training employees.

Starline also must provide status reports on its implementation of the consent decree every six months for the next three years.

To read the four settlement agreements, as well as the consent decree with Starline Tours, go to [www.ada.gov](http://www.ada.gov). Click on Enforcement near the top of the home page, click on Settlements on the next page, and scroll down to the settlements, which are identified by the company names.

## Carey bankruptcy

CONTINUED FROM PAGE 1

the (independent operator) plaintiffs, or its other independent operators should be classified as employees," Lahr said in a court filing.

"However, the existence of the arbitration award, and the recent changes to California law, make it highly likely that the debtor will become subject to numerous 'copy cat' misclassification claims, and potential liabilities well beyond the company's ability to pay."

The changes to California labor law also may permit Carey drivers to convert the arbitration award to a judgment and go after company assets directly, which could be "disastrous" for the business, according to the declaration by Lahr.

Signed into law last year by California Gov. Jerry Brown, the new labor statute — maligned by critics as the "Job Killer Act" — allows the state labor commissioner to levy penalties of between \$5,000 and \$25,000 for each violation where a company "willfully misclassifies" an employee as an independent contractor.

Carey L.A.'s huge debt load includes \$146 million in secured borrowing stemming from its guarantee of a term loan taken out by its parent companies in a 2011 recapitalization, according to court documents.

Its largest unsecured claim, by far, is the \$4.5 million arbitration award.

Lahr said the company wants to create a "centralized process" through the bankruptcy to efficiently manage the liabilities arising from its dispute with drivers.

He noted that, in light of the litigation, the company is transitioning away from its independent contractor model and will own its own cars in the future and hire chauffeurs as employees.

Meanwhile, to keep its Los Angeles fleet running while under court protection, parent Carey International has agreed to advance up \$4.5 million to its subsidiary, interest-free and on an unsecured basis, according to court documents.

Washington, D.C.-based Carey International operates limousine services in 550 cities and 60 countries.

Carey Holdings Inc., Carey International's corporate parent, is majority-owned by investment manager Highland Capital Management LP, with a significant minority stake held by private equity firm Ableco LLC, according to court documents.

The issue of companies misclassifying drivers as contractors, rather than as employees, has mushroomed in the ground transportation industry, from truckers, to limousine outfits, to delivery companies, to motorcoach operators.

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# Drivers in Utah file lawsuit, claim tips were withheld

SALT LAKE CITY — Nine drivers for All Resort Express have filed a class-action lawsuit against the Park City, Utah-based passenger transportation company, claiming it has been illegally keeping a large percentage of their tips.

In the suit, filed in U.S. District Court here, the drivers allege that when customers paid for services with anything other than cash, such as a credit card, the tip they left went directly to the company and not to the driver.

“The company was keeping a fairly hefty percentage of that money. And it’s against the law to do that,” said the drivers’ lawyer.

“It appears that over time the company has attempted to use a variety of explanations to excuse their unlawful activity,” said attorney Joe Wrona.

ney Joe Wrona.

“They claimed it was a service fee, as opposed to a tip. At times they tried to claim the drivers are not ‘tipped’ employees. But the explanations are nonsense. It’s breaking the law and violating the rights of the drivers,” said Wrona.

The alleged tip-swiping activity

has been going on for years and affects all of the company’s drivers, the lawsuit asserts. When All Resort drivers complained about the policy, they were allegedly threatened.

Any time a driver has questioned the practice, rather than correcting itself, the company has threatened the drivers, said Wrona.

Scott Hagen of Ray, Quinney and Nebeker law firm, representing All Resort, told a Utah newspaper the company has confidence in the judicial system, and that All Resort believes it hasn’t violated any laws and intends to vigorously defend itself against the suit.

All Resort is the parent com-

pany of Lewis Stages, a motorcoach operation that has been in business nearly 100 years. All Resort, which acquired Lewis Stages in 2006, was founded by Gordon Cummins as a resort shuttle service in 1990.

Richard Bizzaro acquired All Resort in 2004.

## National Interstate expands coverage of workers’ comp

RICHFIELD, Ohio — National Interstate Insurance Co., a leading provider of insurance for motorcoach and school bus operators, announced it has added workers’ compensation to its traditional insurance program for “best-in-class passenger transportation operations.”

Previously, National Interstate offered workers’ comp coverage only to customers that are enrolled in its captive, or alternative risk transfer, program.

National Interstate has been insuring passenger transportation companies, including charter and tour, transit, student transportation and limousine, for 23 years, and has been providing workers’ comp coverage through its alternative risk transfer products for 16 years.

“It is often challenging for companies to find automobile (liability) and workers’ compensation coverage from the same carrier,” said Jim Parks, vice president of National Interstate.

“We are very pleased to now offer this major lines coverage combination, making it easier and more convenient for companies to do business with us,” he added.

### Carey bankruptcy

CONTINUED FROM PAGE 20

Just weeks ago, a small operator in Virginia said he planned to file personal and business bankruptcy and close his business over the employee withholding issue.

One industry observer said that attorneys and accountants consistently give motorcoach operators and others poor advice regarding employee classification.

## Bus & Motorcoach Academy Fall Semester Begins October 11<sup>th</sup>!



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# Study: Charbroiling burgers nastier than diesel exhaust

RIVERSIDE, Calif. — A university study has found that commercially cooking hamburgers emits more particulate matter than on-highway diesel engines meeting USEPA 2007 and 2010 emissions standards.

The University of California-Riverside study essentially confirmed the cleanliness of the latest clean-diesel technology.

The study was funded by the South Coast Air Quality Manage-

ment District of Diamond Bar, Calif., and the San Joaquin Valley Air Pollution Control District in Fresno.

“While the primary focus of this new study was on emissions from commercial charbroilers, this comparison clearly illustrates the significant improvements from clean-diesel technology on California’s air quality,” said Allen Schaeffer, the executive director of the Diesel Technology Forum.

“In fact, the study also found

that the particulate matter inventory from commercial cooking is more than double the inventory from heavy-duty diesel (vehicles).”

Schaeffer acknowledges that his was an unusual comparison.

“Generally, clean diesels are matched up against natural gas, hybrids or electric vehicles for emissions or fuel efficiency tests. This is the first time we’ve gone head-to-head against fast food,” he said.

“But more of these kinds of comparisons are likely, especially in California, where clean-diesel technology has been such a suc-

cess story. Today, in California, the majority of particulate emissions come from brake and tire wear, with diesel emissions making up a small and declining fraction.”

According to the Diesel Technology Forum, in the United States, emissions from newer heavy-duty diesel trucks and buses have been reduced by 99 percent for nitrogen oxides (NOx) — an ozone precursor — and particulate emissions.

A key part of reducing emissions has been the shift to ultra-low sulfur diesel fuel that has been available since 2006.

This change in fuel specification reduced sulfur emissions by 97 percent — from 500 PM to 15 PM — and enables the use of advanced emissions control technologies.

“Across the U.S. emissions of particulate matter from diesel engines are declining and make up less than 6 percent of all particulate emissions,” Schaeffer said.

“Because of the investments in new technology, it now takes 60 of today’s technology (commercial vehicles) to emit the same level of PM emissions as one (diesel-powered vehicle) built in 1988.”

## ABA to meet in St. Louis for Marketplace 2015

WASHINGTON — The American Bus Association has selected St. Louis as the site of ABA Marketplace 2015.

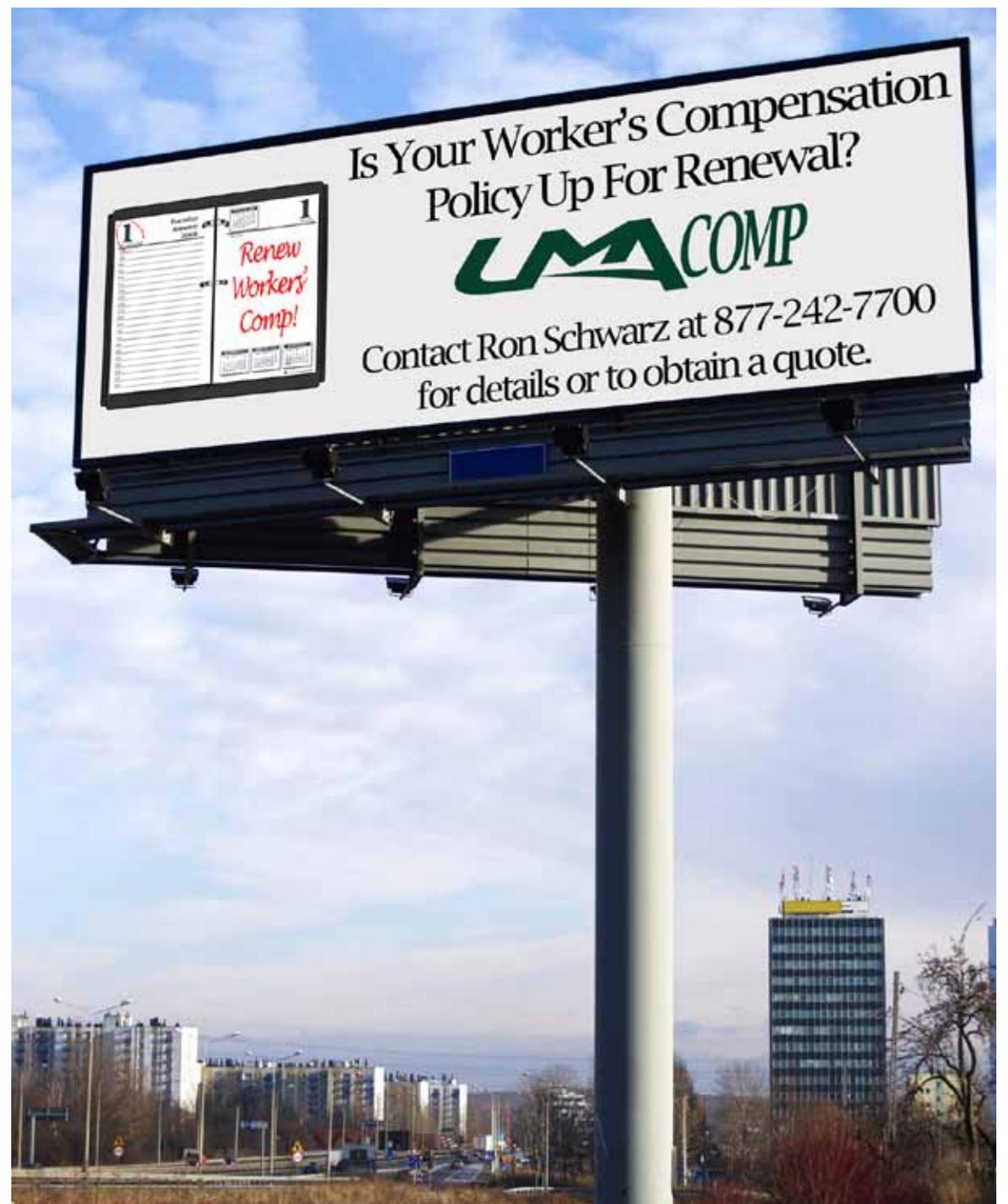
The show will be Jan. 10-13, 2015, at the America’s Center Convention Complex. It will be the first time Marketplace has been in St. Louis.

Separately, ABA announced that talks being conducted to explore the idea of a single annual trade show for the group travel industry have ended.

The on-again, off-again talks had been taking place for nearly two years between ABA and NTA (formerly the National Tour Asso-

ciation), with the United Motorcoach Association as a participant/observer. (See March 15, 2011, and Sept. 15, 2011, issues of *Bus & Motorcoach News*.)

ABA said, and UMA confirmed, that the talks were halted after an impasse was reached regarding a proposed confidentiality agreement.



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