

California is first to police 'ride-sharing'

SACRAMENTO — In a potentially far-reaching decision, state regulators here have approved what are believed to be the nation's first rules for the fast-growing "ride-sharing" companies that connect passengers to drivers via smartphones.

Think thousands of people riding in thousands of private-individual-owned-and-operated-would-be taxis.

The California Public Utilities Commission voted 5 to 0 to let the services — such as Lyft Inc., Sidecar, and Uber Technologies Inc. — continue to operate, if they comply with basic safety and insurance requirements.

The three companies essentially are networks, providing transportation for a fee or donation by connecting paying passengers with drivers who use their own vehicles.

The decision provides a greenlight for ride-sharing in California and could set an example for cities and states across the country to provide consumers with a new way to get around, supporters say.

Under the regulatory plan, the PUC would have jurisdiction over ride-sharing under a new category of businesses called "transportation network companies." The agency also would issue licenses to the services.

The decision is expected to preempt efforts by California cities to oversee or even ban ride-sharing under their authority to license taxicab firms.

Regulators would require drivers to undergo criminal background checks, receive driver training, follow a zero-tolerance policy on drugs and alcohol, and carry insurance policies with a minimum of \$1 million in liability coverage.

The highly regulated taxi

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UMA charter complaint cites NJ Transit



A New Jersey Transit-owned coach, operated by Academy Express, loads Barclays golf tournament passengers.

WASHINGTON — The United Motorcoach Association has filed a formal complaint with the Federal Transit Administration accusing New Jersey Transit of violating the charter service rule by permitting one of its biggest contractors, Academy Express, to use NJ Transit-owned buses to provide charters for The Barclays golf tournament in late August.

"On Aug. 24, 2013, certain buses owned by New Jersey Transit and operated by their contractor, Academy Express Inc., were observed continuously providing shuttle service, using buses clearly identified as owned by New Jersey Transit, from designated parking decks to the Barclays Golf Tournament — prearranged and paid for by the event organizers," says the complaint.

"Witnesses estimate 24 buses owned by New Jersey Transit were used for the special event. How-

ever, an exact count was not possible as buses were continuously in transit during the period observed," the complaint added.

Whole sections of the FTA-administered charter service rule spell out in great detail how service — like that identified in the UMA complaint — violates the rule up one side and down the other.

It was "irregular" service; it was "paid for in whole or in part by a third party"; it was not provided "under an exception" granted by the FTA; no notice about the service was sent to other private charter providers, giving them an opportunity to compete for the work, and the charters were not part of New Jersey Transit's "regularly scheduled service."

Another section of the rule makes clear that public transit agencies receiving U.S. taxpayer

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Busted: Bus broker faked customer reviews

NEW YORK — One of the motorcoach industry's better-known bus brokers has agreed to pay a \$75,000 fine to settle charges it faked online reviews of its services to mislead potential customers.

US Coachways of Staten Island, N.Y., was one of 19 companies cited last month by New York Attorney General Eric T. Schneiderman for manipulating consumer-review

websites.

Schneiderman charged US Coachways with hiring freelance writers and requiring employees to write fake reviews.

According to the attorney general, the company's chief executive, Edward Telmany, also gave his company a five-star review on Yelp.com, proclaiming, "US Coachways does a great job!"

Telmany did not respond to a request for comment. His Yelp review apparently has been removed.

The attorney general called such practices "astroturfing" and said the 19 companies "had flooded the Internet with fake consumer reviews... many of these companies used techniques to hide their identities, such as creating fake online profiles on consumer review websites and paying

freelance writers from as far away as the Philippines, Bangladesh and Eastern Europe from \$1 to \$10 per review.

"By producing fake reviews, these companies violated multiple state laws against false advertising and engaged in illegal and deceptive business practices."

Schneiderman said the phony

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Operator loses \$500,000 to cheat, offers advice

SAN JOSE, Calif. — A California motorcoach operator who lost more than \$500,000 to a crooked payroll processor has some simple advice for fellow coach companies that use payroll services.

"I think the biggest thing — is go with somebody bonded and insured. We didn't have that," said Sandra Allen, who, with her brother Daniel Smith, owns Royal

Coach Tours here.

Instead, Allen and Smith used a small local company owned by a personable guy named Jason Matthew Haas.

Haas, 35, was convicted last month of felony embezzlement after he skimmed a busload of money from Royal Coach, plus a smaller amount from another San Jose company. He was sentenced

to four years and eight months in jail and ordered to pay \$550,000 in restitution.

Haas' theft ended up costing Allen not only the money he stole, which was supposed to pay federal and state payroll taxes for Royal Coach Tours' 125 employees, but also interest on the delinquent taxes.

In addition, she said, "this has

taken on so much of my life and time and put our whole business in a whirlwind. For months, that's all I focused on."

According to court records, Haas started embezzling money on a small scale, siphoning away tax money from a San Jose restaurant called A Taste of Wyoming, in February 2010.

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Village Tours finds growth in unplanned, unlikely places

WICHITA, Kan. — Village Tours, a charter-and-tour operator based here, has made four acquisitions in the past two years, including one that expanded the company into the line-haul business and now has made it the manager of Wichita's Greyhound terminal.

The latter development may be a sign of the times as Greyhound seeks to find a solution to a potentially far-reaching issue created by the growth of online ticket sales.

Under Greyhound's long-time business model, commission

agents at its terminals have been compensated through the sale of tickets at the terminal, as well as package and freight revenue.

Greyhound does not currently pay commissions on online ticket sales, and it is online sales that are growing and in-terminal sales that are shrinking.

In March, Village Tours purchased another Wichita-based operator, Prestige Bus Lines, which operates Bee Line Express out of the Greyhound terminal in Wichita.

Bee Line provides one daily

round trip between Wichita and Pueblo, Colo., stopping in a dozen Kansas and Colorado communities, and two round trips daily to Salina, Kan., with stops in four communities.

When Greyhound needed to make a management change at its downtown Wichita terminal, it turned to its tenant, Bee Line, asking Village to take over operation of the station.

"The woman they had running (the terminal) for 17 years took a different position and was mov-

ing," said Village Tours President Jeff Arensdorf. "I think they thought it was a good idea to have somebody local running it. Our scheduled service was in there six times a day. Greyhound approached us and said we were a natural fit."

However, Arensdorf acknowledges that the growing sale of Greyhound tickets via the Internet "does affect things."

"They (Greyhound) addressed that with me right up front," said Arensdorf. "Right now Greyhound

is not set up to pay commissions with on-line sales. On-line ticket sales are growing. They are paying us commissions on hard ticket sales, on the phone and over the counter.

"On online sales they are not paying commissions, but they tell me they are working on a solution



Jeff Arensdorf

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Prestigious award goes to Va. operator James M. Brown Sr.

PIGEON FORGE, Tenn. — Almost everyone has career aspirations and dreams.

For 25 years, the overarching goal of James M. Brown Sr. was to own and operate his own motorcoach company.

In the mid-1980s his ambition was achieved when Brown founded Magic Carpet Tours in Richmond, Va.

During the next 25 years, Brown's knowledge, dedication, determination, cordiality, competence, leadership and humble spirit

earned him wide-ranging respect among his peers, resulting in his election, first as a director and then as the first black president of the Virginia Motorcoach Association, and then a seat on the board of the United Motorcoach Association.

Last month, Brown's commitment to the industry was recognized when he was named the 2013 recipient of the Robert T. Mitchell Public Service Award, one of the industry's oldest honors.

The award was presented at the joint convention of the Virginia and North Carolina Motorcoach associations here.

The Mitchell Public Service Award is presented each year by the Virginia Motorcoach Association. It was established 45 years ago to recognize the industry contributions of its namesake, a long-time lobbyist for the Virginia Bus Association (forerunner of the Virginia Motorcoach Association), the old Alexandria-Baltimore Bus Lines, and others.

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

Brown has been an avid advocate for the industry for decades and that has been manifested in more recent years through his service on the boards of the Virginia and United Motorcoach associations, as well as his commitment to fellow operators.

After graduating from high school in the late 1950s, Brown

joined the Air Force. He returned to Richmond in the early 1960s and went to work for the city's only black-owned and -operated bus company, Metropolitan Coach.

It was there he learned the lessons, mastered the skills and developed the ambition to own a



James M. Brown Sr.

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THE DOCKET

N.Y. Thruway adds 'texting zones'

ALBANY, N.Y. — The New York State Thruway and the state Department of Transportation are adding more than 90 "texting zones" to encourage drivers to pull over rather than text while driving.

Gov. Andrew Cuomo announced the initiative last month, saying the state would post nearly 300 signs along the 496-mile thruway and other state highways to alert drivers to the texting areas at pull-off areas and rest stops.

"That's the intelligent way to do it, and the signs will say 'it can wait,'" Cuomo said at a news conference at a rest area near Albany.

"Because that's the whole message. It can wait."

Cuomo worked with the state legislature to boost penalties for texting and driving — as studies show how dangerous the act can be and as deadly accidents persist.

In July, Cuomo signed into law a bill that increases the penalty from three to five points on a license for texting.

The new signs include messages that read, "It can wait. Text Stop: 5 Miles." The signs are being posted on such state highways as Interstate 84 in the Hudson Valley, I-390 in the Rochester



area, and Route 17 in the Southern Tier and Catskills.

Cuomo said he often talks to his three teenaged daughters about the need to use caution on the roads and to not text while driving.

"Five minutes really won't make a difference" to wait to look at a phone, Cuomo said. "It really won't. It can wait."

The state's enforcement of texting while driving has led to a major increase in tickets, the state said.

This past summer, State Police issued 21,580 tickets for distracted driving, including talking on a cell phone without a hands-free device. In the summer of 2012, 5,208 tickets were issued.

U.S. appeals court upholds Calif. carbon fuel standard

SEATTLE — A federal appeals court has upheld a provision of California's landmark 2007 global warming law requiring the oil industry to reduce the carbon content in diesel and gasoline fuels by at least 10 percent by 2020.

A three-judge panel of the U.S. 9th Circuit Court of Appeals voted 2-1 last month to reverse a lower court ruling that had temporarily halted the state's ability to enforce the low-carbon fuel standard.

"Unless and until either the United States Supreme Court or the Congress forbids it, California

is entitled to proceed on the understanding that global warming is being induced by rising carbon emissions and attempt to change that trend," Judge Ronald Gould wrote in the majority opinion.

"California, if it is to have any chance to curtail greenhouse-gas emissions, must be able to consider all factors that cause those emissions when it assesses alternative fuels."

If the ruling stands and refiners are required to reduce the carbon content of fuels, it certainly will mean still higher diesel and gasoline prices in California.

Report: Tipsters make violating CARB rules more problematic

LOS ANGELES — The *Los Angeles Times* reports that the California Air Resources Board is getting the most help — in enforcing its onerous emissions rules that apply to trucks and buses — from companies tattling on competitors.

Like other government agencies that enforce unpopular regulations, the California Air Re-

sources Board has come to rely on socialist-state tactics of snitches reporting on violators.

The *Times* reported last month that some fleets, having invested in upgrades to satisfy either the Statewide Truck and Bus Rule or the more stringent Drayage Rule (that applies to truckers), are squealing on competing fleets who've put off upgrades.

The Drayage Rule will require any truck entering a California port to be running 2007 or later engine emissions technology by the end of the year.

A new emissions deadline for 2000-2004 buses goes into effect Jan. 1 (see Sept. 15 *Bus & Motorcoach News*).

The snitching apparently is occurring because of the Air Resources Board's seemingly limited ability to enforce its rules.

One source indicated CARB has fewer than 100 people to enforce its extensive emissions and environmental regulations.

"The chances of getting caught are like playing the lottery," reported one observer.

The *Times* reported that tipsters are "placing anonymous calls and sending emails to finger competitors they say are gaining an unfair advantage by not upgrading their engines or installing expensive filters that capture harmful diesel particulates before they are released into the air."



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Watchdog agency criticizes bi-state tolling agencies

WASHINGTON — The federal Government Accountability Office is out with a new report blasting the Port Authority of New York and New Jersey, which manages the bridges and tunnels between the two states, along with other bi-state tolling agencies, for implementing toll increases without giving highway users adequate time to review and comment.

In its study, GAO examined practices by the Delaware River and Bay Authority, Delaware River Joint Toll Bridge Commission, Delaware River Port Authority and the Port Authority of New York and New Jersey, which together control 16 heavily traveled bridges and two tunnels.

In recent years, bi-state tolling authorities have come under scrutiny for hefty toll increases and other issues, and GAO was asked by Congress to review their toll-setting decisions and oversight framework.

Congress injected itself into the issue two years ago when toll increases approved by the NY/NJ Port Authority required commercial vehicles to pay an additional \$2 per axle, beginning in late 2011, and then an additional \$2 per axle in December of each year through 2015.

For example, tolls on big rigs paying cash will have the same increase but are subject to an additional \$3 per axle cash penalty, an astounding 163 percent increase.

At the time of the announced increases, there were loud protests with critics pointing out that little of the revenue raised by the toll hikes would benefit the infrastructure or the businesses that pay the majority of tolls for using the bridges and tunnels.

They also criticized the lack of notice of proposed increases.

Public hearings were only held on one day — and just three days before the hikes were to take effect.

The GAO examined the authority of bi-state tolling authorities to set and use tolls and the factors that influence toll setting; the extent to which the authorities involve and inform the public in toll-setting decisions, and the extent to which the authorities are subject to external and internal oversight.

In its report, the GAO said a federal statute requiring bridge tolls to be “just and reasonable” has less influence on tolling decisions, in part, because no federal agency has authority to enforce the standard.

“Bi-state tolling authorities are not required to follow federal or general state requirements for involving and informing the public; they set their own policies that can be less stringent than practices of transportation agencies that follow federal or state requirements,” the GAO report says.

“In their most recent toll increases, the bi-state authorities generally provided the public limited opportunities to learn about and comment on proposed toll rates before they were approved.”

For example, the GAO points out, one tolling authority did not hold any public toll hearings before raising rates, while another provided only one day for hearings.

“In contrast to federal and general state requirements and leading practices, the bi-state authorities did not in all cases have documented public involvement procedures for

toll setting; provide the public with key information on the toll proposals in advance of public hearings; offer the public sufficient opportunities to comment on toll proposals; and provide a public summary of comments received before toll increases were approved,” the GAO says.

External oversight of the authorities studied is limited as only one of

the four authorities examined has been regularly audited by a state audit entity, GAO states.

“While these audits have uncovered areas of concern, the authority of most state audit entities to oversee the bi-state authorities is unclear. Differences in states’ laws and disagreements between the bi-state authorities and state audit agencies

have raised questions about the authority of several states to provide oversight,” GAO concludes.

GAO says while it does not make recommendations to non-federal entities; nonetheless the tolling authorities could benefit from “greater transparency in public involvement and clearer lines of external oversight.”

Ya think?

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More roadways in Utah get 80-mph speed limits

SALT LAKE CITY — Drivers in Utah now have 289 extra miles of highway with 80-mph speed limits.

Areas with the new limits include:

- Interstate 80 from the Nevada border to milepost 99, near Tooele.
- I-84 from the Idaho state line to its intersection with I-15 near Tremonton.
- I-15 from the Idaho state line to milepost 366 near Brigham City.
- Another 116 miles of I-15 in southern Utah.

Combined with previous 80 mph zones on I-15 in the southern part of the state, such zones now extend almost all the way from Santaquin to Leeds (north of St. George).

Some mountain passes and the area around Cedar City still have lower speed limits.

Earlier this year, Utah's legislature passed legislation allowing the Utah Department of Transportation to study 80 mph speed limits along certain highways, and

add them where the agency considered it safe.

Sen. Scott Jenkins, a Republican from Plain City, told fellow lawmakers it was "the coolest bill of the whole year."

Robert Hull, UDOT director of traffic and safety, said studies found it would be safe to add the 80-mph zones almost everywhere the legislature suggested.

UDOT studied how fast traffic already was moving in the areas with the new 80-mph zones. Hull said the vast majority were going between 80 and 82 mph on the stretches, which previously had a speed limit of 75 mph.

"That's indicating the majority of the drivers feel safe and are driving prudently at those speeds, 82 and below," Hull said. Now it is legal to do so.

In previous studies of 80-mph zones tested over several years on I-15, Hull said, the average speed increased by only 1 mph — which is one reason the legislature said it was safe to expand the zones.

"Again, people were already



A UDOT worker converts a sign to '80-mph' on I-15 near Beaver, Utah.

driving at that speed and felt comfortable and safe," Hull said. UDOT will continue to study speeds, he added, to assure they do not rise significantly.

House Democratic Leader Jennifer Seelig of Salt Lake City was one of only five legislators who voted against the 80-mph-zone bill.

She said she did so because she worried it could lead to more fatalities, and also because "when highway speeds are increased, it results in increased emissions" and air pollution.

Texas and Utah are the only states that have speed limits of 80 mph or higher. Texas allows 85 mph on one toll road.

California law protects bikes

SACRAMENTO, Calif. — Gov. Jerry Brown signed a bill last month that will require all vehicles to give at least three feet of road space to passing bicyclists.

The new law, called the Three Feet for Safety Act, goes into effect next September. It updates current law that requires drivers to keep a safe distance from bicyclists without specifying how far.

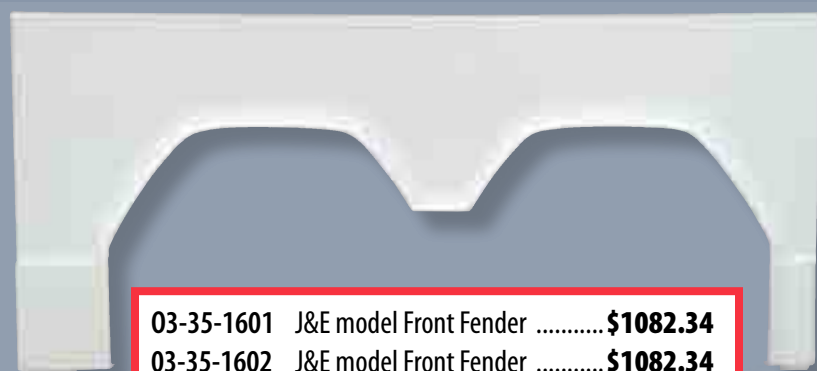
"It's pretty important to have legislation that has a clear requirement, so you aren't just relying on people's good will," said Danita McGinnis of the Missing Link Bicycle Cooperative, a bicycle shop and repair service in Berkeley.

Brown had vetoed similar legislation twice before, including a bill last year that would have allowed drivers to cross a double yellow line to pass bicyclists.

According to one lawmaker, Brown was concerned such provisions would increase the risk of accidents and create lawsuits for the state.

The law carries a \$35 fine, and imposes a \$220 fine on drivers if they injure a bicyclist in a collision and are found to have violated the three-foot rule.

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Feds send bus/truck driver training rule over a cliff

WASHINGTON — The Federal Motor Carrier Safety Administration has scrapped its proposed rule setting entry-level, bus-and-truck-driver training standards, saying it would start over on the mandate.

The FMCSA announced last month it was withdrawing the rule it proposed in December 2007 (see Jan. 1, 2008, *Bus & Motorcoach News*), because subsequent public comments “raised substantive issues which have led the agency to conclude it would be inappropriate to move forward with a final rule based on the proposal.”

While most people who weighed in on the rule expressed support for the concept, “they had divergent views on several of the proposed rule’s key provisions,” the agency said in a notice published in the Federal Register.

Case involving ‘speed-limiters’ has appeal date

ST. CATHARINES, Ontario — The Ontario Court of Justice heard an appeal late last month in a constitutional challenge of a provincial law that mandates speed limiters for heavy vehicles operating in Ontario.

Ministry of Transportation attorneys presented their appeal in response to a ruling last year by a traffic court judge who said speed limiters violated trucker Gene Michaud’s constitutional right to personal safety. (See July 1, 2012, *Bus & Motorcoach News*.)

Michaud, who died in July from cancer, brought the challenge with the help of the U.S.-based Owner-Operator Independent Drivers Association because he felt speed limiters created unsafe driving conditions.

Michaud, who lived in St. Catharines, received a citation from a provincial truck inspector in 2009. Although his truck had a working speed limiter, it was set at 68 mph and not 65 mph or lower as required by Ontario law.

Michaud’s attorney, David Crocker, now represents Gene Michaud’s widow, Barbara, in the case, which the courts allowed her to carry forward.

The judge who heard the appeal intends to issue a written ruling Jan. 13.

The agency said that after reviewing the more than 700 public comments, it had decided that a “new rulemaking should be initiated in lieu of completing the 2007 rulemaking.”

Much of the public input on the proposal raised questions about how many hours a new driver should train, the accreditation of

driver-training schools, the curriculum, and on-the-road training once a driver received his or her commercial driver license.

Since Congress mandated a driver-training rule in last year’s Moving Ahead for Progress in the 21st Century Act, the FMCSA must try again.

“I’m certainly glad to see this

notice,” said one motorcoach industry executive who tracks the machinations of the FMCSA. “It was so flawed that it was basically unfixable. Everyone agreed it needed to be scrapped.”

To this executive’s eye, MAP-21 and the intent of Congress is clear, but FMCSA hasn’t gotten the message.

“Congress has been asking for training for two decades,” he said. “But FMCSA would rather play enforcement than have better-trained drivers.” While there is virtual unanimity in the trucking industry that driver training standards are needed, few truckers can agree on what those standards should look like.

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Sleep apnea rulemaking bill wakes up, revs up House

WASHINGTON — Congressional watchers were somewhat stunned late last month when a bill that was heavily supported by the motorcoach and trucking industries barreled through the House.

In fact, one popular political website said the story of the “sleep apnea bill” was a tale of “the most efficient Congress has been in years.”

“In a few short weeks, two House members went from writing a simple two-page bill, to seeing the Federal Motor Carrier Safety Administration committing to a formal rulemaking on sleep apnea testing and treatment” for bus and truck drivers, reported *Politico.com*. The agency favored is-

suing “guidance,” not a rule.

The bill was authored by Reps. Larry Bucshon, R-Ind., and Daniel Lipinski, D-Ill. The pair easily secured the support of major industry groups and dozens of their House colleagues. (See Oct. 1 *Bus & Motorcoach News*.)

The House Transportation and Infrastructure Committee unanimously passed the measure just one week after it was introduced. It came up for a House vote and was adopted — under a suspension-of-the-rules procedure — just six days later.

That success aside, all Bucshon and Lipinski really wanted was for the FMCSA to go on record in favor of a rulemaking —

and that’s what they quickly got.

FMCSA double pump

After the bill was introduced, the FMCSA initially committed to act “through a public notice and comment process.” That commitment addressed one of the concerns from lawmakers — that industry groups wouldn’t be able to weigh in.

But the night before the markup of the Bucshon-Lipinski bill, an FMCSA official issued a more definitive statement, saying the agency will act “through the formal rulemaking process after collecting and analyzing the necessary data and research.”

Bucshon and Lipinski were pleased, but pressed ahead with

their legislation.

With all of the hoopla generated by the swift passage of the measure, a smidgen of the limelight splashed onto the United Motorcoach Association. The support of UMA was mentioned by Congressman Bucshon in his remarks on the House floor.

UMA, along with the American Bus Association, the American Trucking Associations and other industry groups that support the measure were quick to thank Bucshon and Lipinski, as well as House Transportation and Infrastructure Committee Chairman Bill Shuster, R-Pa., and Ranking Member Nick Rahall, D-W.Va., for quickly getting the bill through

the House.

“As we continue to work toward moving this bill forward, FMCSA has stated that they intend to proceed by rulemaking after collecting and analyzing the necessary data and research,” observed Victor Parra, UMA president and CEO.

“We are pleased to hear that, and have every confidence the FMCSA will proceed accordingly given the magnitude of this issue. UMA is not opposed to the screening and treatment of sleep disorders, and we applaud our member companies who have introduced such programs.”

The bill quickly moved to the Senate.

Operator argues for more proactive safety approach

RICHMOND, Va. — When the U.S. House acted at breakneck speed last month to adopt legislation aimed at addressing the impact of sleep apnea on bus and truck drivers, much of the bus and trucking industries reacted with unbridled glee. (See story above.)

Even before the House vote, the bill’s authors, Reps. Larry Bucshon, R-Ind., and Daniel Lipinski, D-Ill., scored a victory when the Federal Motor Carrier Safety Administration committed to a formal rulemaking process — as opposed to adopting the much quicker route of issuing non-binding guidance — for the testing and treatment of the sleep disorder.

The Bucshon-Lipinski bill and its rulemaking approach had active support from a coalition of industry groups, including the United Motorcoach and American Bus associations, the National School Transportation Association and the Owner-Operator Independent Drivers Association.

One contrarian voice surfaced, however.

A veteran motorcoach operator contends that quick regulatory action was needed to deal with the issue.

“My frustration is we (as a nation and industry) identify problems, and it just takes too long to address them,” said Stephen Story, who owns an 85-year-old family motorcoach company here.

“In this case, because we have a rulemaking process, my fear is, No. 1, it’s going to take too long, and No. 2, no one is going to do anything voluntarily until the rule comes out.”

Missed opportunities

Story, who is president of James River Lines/James River Transportation, said the industry has a long history of missing opportunities to demonstrate to the public, federal officials and law enforcement that “we are proactive in our safety programs and

best practices.”

He cited wheelchair lifts, background checks at the county level, video event recorders to monitor driver behavior, tracking methods to monitor driver speed, seatbelts, and fatigue-management best practices as among the safety programs that have met with industry resistance.

The various industry boards’ stance on the sleep apnea guidance was the latest example, he said.

“This has been identified as a critical issue. The industry has had numerous highly visible crashes where people were killed because bus drivers fell asleep. It’s a really big deal,” he said.

“But...because there is going to be a rulemaking process, it’s going to take a long time for the rule to come about, and it will take that much longer for operators to implement it.”

Contrarian view

Story said he favored guid-

ance — versus a rule — despite the arguments that issuing guidance could make doctors and commercial vehicle operators more vulnerable to litigation.

“Yes, I would agree, when it’s a guidance, it’s more vague by definition, and so it’s more difficult to defend yourself.

I’m coming from an operational, safety and practical standpoint (in advocating for the quicker solution). I’m not coming from a protect-myself-from-litigation standpoint,” he said.

“I would have to say that if you stand on guidance, but you don’t do a very good job of running your business, then you probably would wish you’d gone the other direction. Guidance only works when you do a good job and are proactive. If you’re going to do the bare minimum, then probably the rule-making process is best for you.”

Story said he implemented a sleep-apnea program at his company two years ago after attending

a seminar sponsored by the American Trucking Associations in March 2010.

The program he uses is modeled on one used by a major trucking company with procedures that are disseminated on the FMCSA website.

Sleep apnea screenings are conducted as part of the USDOT physicals, he said, and drivers who may have the disorder are directed to a local sleep study center for further exams.

A vast majority of those who are diagnosed can be treated with a CPAP machine which delivers air pressure through a mask as they sleep, according to Story.

“Then the doctor provides us evidence, by monitoring this CPAP machine usage, that our

CONTINUED ON PAGE 14 ►



Stephen Story

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Do you have policies and procedures for breakdowns?

By Dave Millhouser

The bright red light on the Scenicruser instrument panel irritated Bob immensely.

He was 500 miles from the end of his charter run and the glare was interfering with his night vision.

Bob wasn't too technical, so his solution was a piece of black tape over the lens. Problem solved.

It turns out it was the "hot engine" indicator...often called (correctly in this case) an "idiot light." Instead of performing the Scenic's scheduled oil change, we executed an engine swap.

It doesn't matter how well you maintain motorcoaches, at some point there will be a problem. Crafty engineers seem to design buses so that, when it happens, it's far from home.

Bob was the exception in our gang.

The operation was almost exclusively long-distance runs, all over the country. It was seasonal, so we had the opportunity to train drivers each spring.

They were a highly motivated lot because if their bus broke, they were unemployed until it was fixed.

Heck, our guys even changed flats.

There is wide variation in the skill sets of drivers, and what labor contracts allow, so it would be silly for me to be too specific about what yours should do when a bus breaks.

On the other hand, because breakdowns do happen, having specific policies and training in place might save a ton of money and heartache.

The daily circle check isn't just the law; it's actually a good idea.

The best drivers want to understand what all that stuff actually does, and the time to explain it is during training, not when they're standing on the side of the road in the rain.

When the enunciator illuminates, it can be a harbinger of disaster, or a minor irritant, but only an educated driver can safely tell the difference. You don't want to bring in a replacement coach because your bus is low on windshield washer fluid, but if the oil pressure is low...

Cellular telephones have become a valuable tool for dealing with problems when the Bus Troll strikes, but only if drivers have the names of the appropriate people to

call and (24-hour) phone numbers.

Most cell phones have built-in cameras, so it may be possible to send photos of broken parts to service people.

Do your drivers know how to take pictures with their cells...and send 'em?

Modern coaches have multiplexed electrical systems that allow diagnosis from the driver's seat. Your folks are more likely to figure things out if they've been trained in advance on what buttons to push, rather than learning while cranky passengers watch.

You get it. If you've discussed this stuff during training, things will go better.

When an over-the-road truck gets in trouble, the situation is fairly straightforward. Get it somewhere and get it fixed; cargo rarely complains.

But, when we have a problem, there's often a delicate balancing act between passenger safety and convenience...and damaging a big-buck bus.

Should a driver risk cooking an overheated diesel to go five miles to a service plaza? Is it best to stop now with a flat tire, or move to a

safer place? What IS a safe place?

When a bus breaks down, is it wiser to get customers off the coach, or keep them on board? Lots of factors go into that decision, including but not limited to location, traffic, weather, demographics (if you've got seniors or ADA customers and a nonfunctioning HVAC). When is help expected? How do you want your driver to communicate with customers regarding the situation?

As usual, I don't have the answers. But having this discussion during drivers' meetings, and giving advanced thought to the factors that impact passenger safety and comfort may provide a better outcome. It's important to have clearly understood plans in place.

In addition, it might be wise to regularly retrain on this stuff. After all, your maintenance is good, so you don't use it often.

My pal John works for a Big Bus Company, and might be a hot-dog. One day he picked up the phone and called a driver's cell phone several hundred miles away.

"You have a red light on your dash and your left inside dual is low on air. Get the bus to the near-

est safe place and check the tire."

The driver's head swiveled like Linda Blair in "The Exorcist," wondering where John was and how he knew.

Ideally, that driver would already have been looking for a place to check the dual. In this case, the tire monitoring system wirelessly transmitted a low-air warning to John's office. New technology can provide diagnosis from afar, sometimes before the driver knows of a problem.

That is all good, but analyzing an issue is not the same as resolving it.

New England Patriots' Coach Bill Belichick is famous for teaching "situational football." If you find yourself in a particular situation, how will you deal with it? Prepare rigorously in advance and things seem to work out better.

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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Colorado races clock to fix damaged roads, bridges

LYONS, Colo. — State Department of Transportation workers, private construction crews and National Guard members are racing to meet a Dec. 1 deadline for fixing — if only temporarily — roads and bridges washed away last month during massive flooding.

The goal is to make repairs — before winter sets in — to 200 miles of highway and 50 bridges destroyed or damaged by the torrents of water.

State officials were encouraged by the progress made during the first few weeks after the rain stopped, the flood water receded, and the creeks and rivers slowed.

Coordinated efforts began restoring chunks of state and federal highways that link cities, towns and rural population enclaves in the 17 Colorado counties where most of the flooding occurred.

Chief Recovery Officer Jerre Stead said he was “really amazed at the progress they are making. The coordination...is really humming.”

Colorado Department of Transportation Executive Director Don Hunt found the random nature of the destruction unnerving.

“There are some places where there is total devastation. And then a few yards away, it’s like nothing

has happened,” he said.

One of the early critical issues was finding enough fill material to shore up damaged roads.

Narrow mountain highways also made it difficult to haul enough equipment to trouble spots.

And there are persistent worries about rock slides that could endanger crews and residents.

“Rock is going to be continually falling while we work,” said Hunt. “It’s going to take constant vigilance to keep those roads open in the winter.”

The rebuilding is to be done in two phases.

The repair phase, building tem-

porary bridges and roads to allow people to reach their homes and businesses, will last about three months, CDOT spokeswoman Amy Ford said.

The recovery phase will cover long-term improvements in the state transportation infrastructure, according to Ford. That could mean redesigning bridges or roads to make them less vulnerable to flooding.

The cost of permanent fixes to flood-damaged roads could exceed \$500 million, Ford said, rivaling the amount spent after Super Storm Sandy.

Colorado hopes to be reimbursed beyond the federal promise

to pay back the \$100 million the state already has drained from its transportation contingency fund, she said.

Gov. John Hickenlooper issued an executive order aimed at making the Dec. 1 deadline easier to meet, authorizing state agencies to suspend any state rule that would “prevent, hinder or delay necessary action in coping with the emergency.”

For flood-area road conditions and updates, go to www.coloradodot.info or www.cotrip.org; call (720) 263-1589 or 511 within the state, or follow the progress via [Twitter@ColoradoDOT](https://twitter.com/ColoradoDOT) and at www.facebook.com/coloradodot.

Roads getting worse, 65,000 bridges ‘structurally deficient’

WASHINGTON — Another week and two more studies/surveys/analyses saying the condition of U.S. roadways and bridges continues to deteriorate.

A survey released by the National Association of Manufacturers said industry leaders think roads in the United States are getting worse and transportation infrastructure needs to improve.

Of the more than 400 leaders of manufacturing firms surveyed, 70 percent said roads are getting

worse, while the same percentage also said U.S. infrastructure is generally in “fair or poor” shape, said NAM, which commissioned the survey.

Roads had the worst reviews in the survey, with smaller portions of the respondents saying other modes of infrastructure, such as water, rail and aviation, also are deteriorating.

“This survey clearly demonstrates that our nation’s approach to investing in infrastructure is not

improving at a pace to keep up with the growing needs of manufacturers, and that the United States risks falling behind,” Jay Timmons, CEO of NAM, said in a statement.

At roughly the same time, an analysis of the federal National Bridge Inventory showed that 65,605 bridges are classified as “structurally deficient” and 20,808 are “fracture critical.”

Of the 607,380 bridges in the inventory, 7,795 are rated as struc-

turally deficient and fracture critical.

A bridge is classified as fracture critical when there are no redundant protections and could collapse if a vital component fails. A bridge is structurally deficient when it is in need of rehabilitation or replacement because at least one major component of the span has advanced deterioration.

Engineers say the bridges are safe despite the classifications, and that even bridges that are

structurally deficient and fracture critical are not about to collapse.

Many fracture-critical bridges were erected from the 1950s through the 1970s during the major construction phase of the interstate highway system and have exceeded their designed life expectancy but are still carrying traffic.

The Interstate 5 bridge over the Skagit River in Washington state that collapsed May 23 was fracture critical.

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UMA unveils agenda for 10th safety seminar

ALEXANDRIA, Va. — The United Motorcoach Association has announced the preliminary program and schedule for its 10th annual Safety Management Seminar in early December.

UMA said this year's seminar features "how-to" applications of risk management aimed at educating participants on eliminating as much risk as possible from their company operations.

UMA Marketing and Membership Director Michele Nosko said the topics this year will be more in-depth, and focus on policies, driver training, the Compliance Reviews being conducted by a more aggressive FMCSA, fatigue management and other key issues.

"We've eliminated the beginner and experienced tracks to allow for

more focus on the topics at hand for all attendees," said Nosko.

There also will be sessions featuring updates and forecasts from the Federal Motor Carrier Safety Administration, National Highway Traffic Safety Administration and the National Transportation Safety Board.

The FMCSA session is expected to be of particular interest in view of the fact that understanding of Federal Motor Carrier Safety Regulations was identified as the No. 1 regulatory concern of UMA members in the association's annual member assessment.

New this year will be a breakout session of small groups discussing — peer to peer — the industry's most pressing challenges and ideas for solutions.

Here are details for some of the key sessions:

"Policy Manuals: Content & Implementation." This session will review human resource and driver policy manual content — from requirements at a federal level to suggested inclusions — aimed at assisting companies with basic compliance and establishing policies in key areas to help guide risk-management procedures and manage liability exposures.

"FMCSA's New Look Compliance Review." The USDOT focus on passenger carrier safety has led to 25 out-of-service orders issued to motorcoach operators since the beginning of the year and impacted the safety rating of numerous other carriers.

This session will provide an

overview of the newest Compliance Review process and provide insight into commonly found issues since Operation Quick Strike was launched.

"Elevating Your Training Program." The UMA member survey, conducted in the spring, found that driver training is the No. 1 operational concern among coach operators. With that in mind, this session will review steps that can be taken to customize training programs and elevate their effectiveness.

The UMA safety seminar is designed for individuals who manage risk associated with motorcoach fleet operations and is limited to the first 130 registrants.

The sessions will be Dec. 4-5, at the NTSB Training Center in Ashburn, Va. The program runs from 8 a.m.-4:30 p.m. on Wednesday, Dec. 4, and from 8 a.m.-noon on Thursday, Dec. 5.

The registration fee is \$275 for UMA members; \$425 for non-members.

The complete seminar schedule, along with registration and hotel information can be found at www.tinyurl.com/UMASafety, or by calling UMA at (800) 424-8262.

Sponsors are National Interstate Insurance (Platinum), ABC

Calendar

OCTOBER 2013

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

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

NOVEMBER 2013

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

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

DECEMBER 2013

4-5 10th Annual UMA Safety Management Seminar, NTSB Training Center, Ashburn, Va. Info: (800) 424-8262 or (703) 838-2929.

Companies (lunch), UMA Comp by KF&B and PMA (networking sessions), and First Priority Trailways (shuttle transportation).

Height warning working on low New York bridge

SALINA, N.Y. — A height warning system — installed after a double-decker megabus.com coach slammed into an overpass on Onondaga Lake Parkway in suburban Syracuse — has alerted more than 400 drivers since it became operational about two years ago.

(See Nov. 15, 2011, *Bus & Mo-*

torcoach News.)

The *Syracuse Post-Standard* reports that one vehicle had struck the bridge since the warning system was installed in late October 2011. Before that, the bridge was struck an average of twice annually.

The megabus crash in September 2010 killed 4 and injured 24.

In its aftermath, there was

much debate over what to do about the bridge, which stands barely 11 feet above the roadway surface.

The state decided to install a one-of-a-kind detector system to warn drivers their vehicle is too tall.

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Credit card swipe fee case now in hands of federal judge

NEW YORK — The merchant swipe fees and surcharge practices of credit card giants MasterCard and Visa are in the hands of a federal judge following a final hearing last month in the U.S. District Court for the Eastern District of New York.

Representatives of several retail associations attacked the proposed settlement in the \$7-billion civil case, claiming it would do little to limit the market power of Visa and MasterCard in controlling credit card usage in the U.S.

Card swipe fees, at 1 to 2 percent of a total sale, skim billions of dollars annually from retailers and other businesses that accept credit cards for payment of goods and

services.

In the motorcoach industry, the swipe fees siphon an average of \$20 from a typical motorcoach charter paid for by credit card. (See July 1 *Bus & Motorcoach News*.)

U.S. District Judge John Gleeson is expected to issue a ruling in one to four months. Reuters news service reported the hearing turned into “a diverse parade of objectors” during the 5½-hour session.

The suit challenging card swipe fees was filed in 2005 by merchants and trade associations that contend Visa, MasterCard and their affiliated banks engage in anti-competitive practices in setting “interchange fees” added to each credit card transaction recorded by a re-

tailer or other business.

The lawsuit also claims Visa, MasterCard and the banks violate anti-trust laws because they impose and enforce rules that limit merchants from steering their customers to other payment methods, asserts a notice posted on the district court website.

“Visa and MasterCard conspired together about some of the business practices challenged (and) caused the merchants to pay excessive fees for accepting Visa and MasterCard cards,” says the notice.

The settlement being considered by the U.S. District Court would transfer billions of dollars from the credit card companies and banks to “any person, business

or other entity that accepted Visa or MasterCard-branded credit or debit cards in the U.S. between Jan. 1, 2004 and Nov. 28, 2012.”

The settlement also would permit merchants, under their credit card agreements, to charge customers extra for using credit cards to make payments, or offer discounts to customers who use forms of payment that are less expensive to the merchant.

At a “fairness hearing” on the proposed settlement, lawyers for retail organizations claimed the settlement was unfair.

Thomas Wenning, executive vice president and general counsel of the National Grocers Association, testified his members “could not accept such a one-sided settlement agreement that not only preserves the status quo but also increases the market power of credit card companies and banks for all time and puts handcuffs on the operational practices of merchants and their rights in the future.”

Wenning, quoted in the trade paper *Supermarket News*, said the proposed settlement “does not provide meaningful relief from the anti-competitive market power exercised by Visa and MasterCard.”

Hank Armour, president of the

National Association for Convenience and Fuel Retailing, testified his group’s “principal concern has been to obtain meaningful reforms of the credit card market to restrain the undue market power being used to set fees.”

Convenience Store News reported Armour also said “the settlement provides nothing of any real value beyond the money. And the scope of the release will allow the defendants to raise rates and recoup the money.”

Mallory Duncan, senior vice president and general counsel of the National Retail Federation, testified “the proposed settlement is next to worthless. It does nothing to reduce swipe fees or keep them from rising in the future, it offers retailers pennies on the dollar for the damage that has already been done and it ties the merchants’ hands from ever suing again.”

About 8,000 merchants, about 25 percent of Visa and MasterCard customers, have opted out of the proposed settlement.

A court-appointed expert reported in August that the retail plaintiffs would do better by accepting the settlement than by taking the case to trial, reported *Bloomberg* news service.

James Brown

CONTINUED FROM PAGE 3

family-run bus operation.

He left Metropolitan Coach and went to work for the Trailways division of Carolina Coach. There, he moved from driver to mid-level management.

Next, he went to work for Greyhound Lines in its eastern division.

Still, he continued to harbor his dream. But he didn’t just dream, he worked and planned to

achieve his goal.

Finally, he wrapped up his career at Greyhound and at the tender age of 47 he established Magic Carpet Tours in Richmond, his hometown, and where he had been mentored by Charlie Lewis of Metropolitan Coach nearly 25 years earlier.

He continued, however, to learn from others, seeking advice from industry leaders, like “Woody” Story, the former longtime owner of James River Bus

Lines in Richmond.

From the inception of his company and with the first motorcoach that rolled out with “Magic Carpet” painted on the side, Brown stressed that “we may not have the newest, but we shall have the cleanest.”

That sort of attitude is just part of his legacy to the industry, says Virginia Motorcoach Association Executive Director Linda Morris.

Today, at age 74, Brown remains committed and dedicated to seeing the industry grow and thrive.

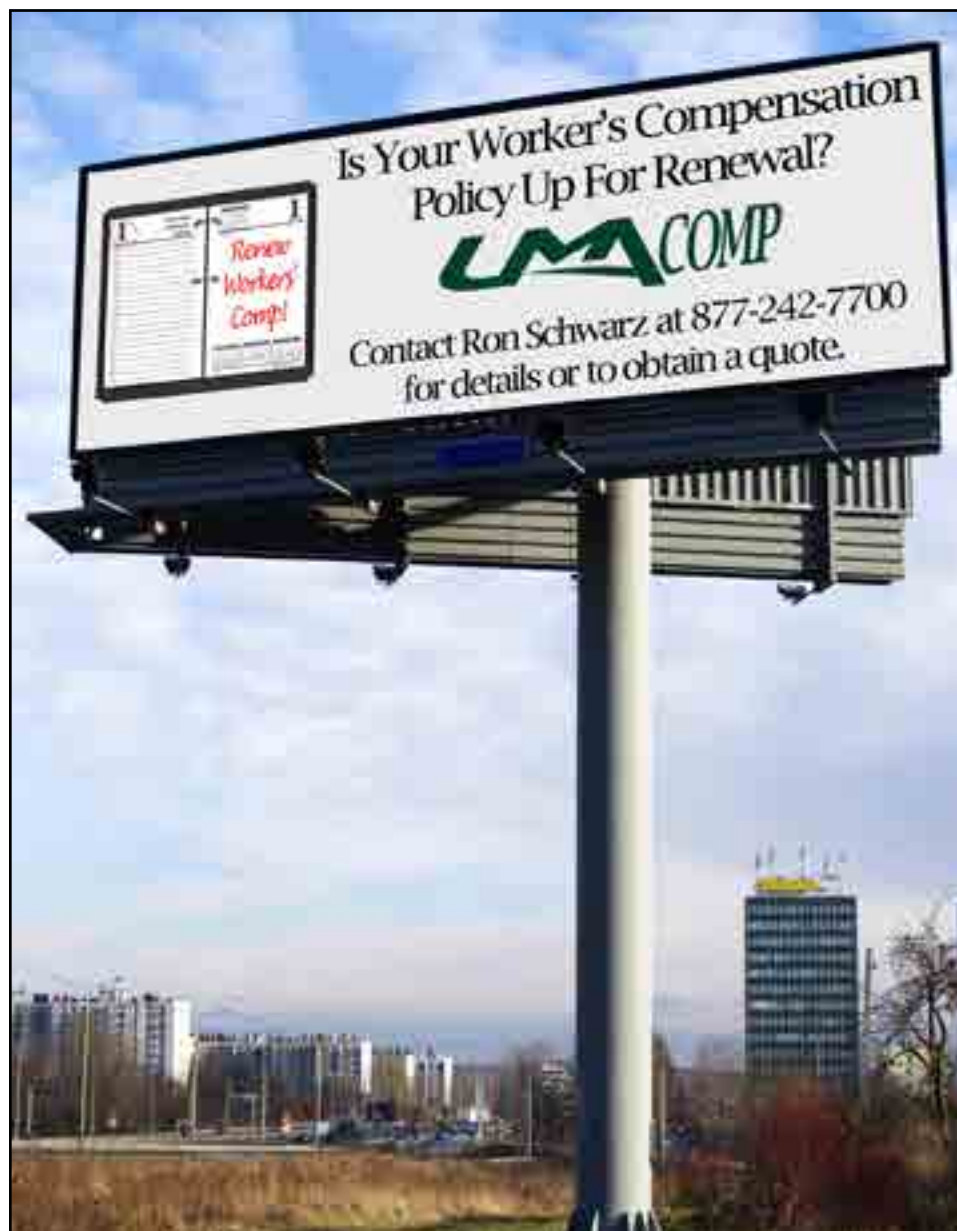
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Med centers being opened in truck stops

KNOXVILLE, Tenn. — Here's a tidbit motorcoach operators may want to keep in mind or alert their drivers to: Emergency medical centers are being opened in large truck stops.

Urgent Care Travel opened its first location in May at the Pilot Travel Center on Strawberry Plains Pike here.

A second site was opened in July in Oklahoma City.

At least eight more Urgent Care Travel locations are expected to open this year, with steady openings to follow, leading to the a total of 100 sites by the end of 2016.

Services at the centers include urgent and primary care medicine, occupational medicine, USDOT physicals, pre-employment physicals, drug screens, X-ray, prescription dispensing, EKGs, sleep studies and follow-up management

Urgent Care America is a medical care management services provider with a wide variety of supporting services specializing in urgent care.

MCI combining headquarters, service center

SCHAUMBURG, Ill. — Motor Coach Industries is relocating its corporate headquarters here and its Des Plaines (Ill.) Sales and Service Center into a new, consolidated facility in Des Plaines.

By doing so the company says it's creating "a new Chicago-area destination for coach shopping and service."

"The move (brings) MCI's corporate offices and Des Plaines Sales and Service operations under the same roof, fostering greater collaboration as part of MCI's Reliability Driven commitment," said the company announcement.

The 80,000-square-foot facility, at 200 E. Oakton St., includes a showroom for MCI and Setra models, plus expansive parking for new and pre-owned coaches.

About 60,000-square-feet of climate-controlled interior space is being devoted to the MCI Sales and Service Center, which opened Oct. 1.

The new location is eight miles southeast — along surface streets — from MCI's soon-to-be former corporate headquarters and less than three miles directly south of its former Des Plaines sales and

service center.

The Oakton Street facility is just off Interstate 90 (Jane Addams Memorial Tollway).

The service center is now accepting coaches for maintenance and repair. Hours are 6 a.m. to 10 p.m. The telephone number remains unchanged.

"This will be an industry-leading facility for service," predicted Patrick McGuire, director of MCI Service Centers, who led the team that coordinated the move.

The service center includes two full-service pits for oil changes and related services; a paint booth; two indoor bus wash stations; a drivers' lounge, and a customer parts pick-up window.

MCI is moving its corporate headquarters to the new location later this month.

"It just makes sense for our corporate teams to be better situated to interact with one another and with customers who visit our MCI Sales and Service Center," said Rick Heller, MCI president and CEO.

"With an indoor coach-display space, our headquarters become a customer destination. ... Additionally,



ally, our service center, with investments in new tools and diagnostics and its expanded capacity,

will be better positioned to stand out as a leader in an important marketplace," Heller added.

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Red Coach introduces 'economy service' across Florida

MIAMI — Red Coach, the luxury scheduled motorcoach service throughout Florida, has introduced an economy class service.

Red Coach Economy is providing service to and from Gainesville, Orlando, Ft. Pierce, West Palm Beach, Pompano Beach, Tallahassee and Miami.

As might be expected, the ser-

vice is specifically targeting college students, with three of its stops at University of Florida in Gainesville, Florida State University in Tallahassee and the University of South Florida in Tampa.

The economy service is being offered on Volvo 9700 coaches.

Each coach has 54 seats with onboard Wi-Fi, restrooms, electri-

cal outlets, retractable foot rests, and seatbelts.

Red Coach's luxury service, which has been around for 3½ years, uses 27-seat Prevost coaches. The 2+1 seating configuration features "extreme reclining leather seats."

Red Coach said fares for the economy service are discounted as much as 50 percent compared to

the company's first and business classes.

Late last month, the company website was offering a round-trip from Tallahassee to South Florida for as low as \$99, and round-trip Gainesville to South Florida starting at \$75. A 10 percent student discount also is available.

Red Coach Economy faces

limited competition from megabus.com, whose Florida service is in Gainesville, Orlando and Jacksonville.

The Red Coach web presence is at www.redcoachusa.com.

Stephen Story

CONTINUED FROM PAGE 8

driver is utilizing the machine," he said. "Now we have a driver who is healthier because when you address the sleeping disorder, usually you can improve your blood pressure. They're healthy and safer and they're back to work."

So far, six company drivers have undergone treatment, which is typically covered by the employee's health insurance, he said. James River operates a fleet of more than 60 motorcoaches.

Worth the effort

"It costs us a little bit of time managing it but that's our only cost," he said.

As for the argument that issuing guidance instead of a rule doesn't factor in the economic costs that associations representing bus and truck operators contend could reach \$1 billion a year, he said:

"It's hard for me to dispute because I don't know where that came from. It might be a legitimate cost for someone or something. My experience is it did not cost me anything," he said.

Further, he said, "Cost should not be the driving factor versus safety."

"You know you've got something that costs you money. It might be a tire, a new bus or seatbelt or a sleep apnea program that you have to put in place."

"After you do that, you price your services out. Buses got more expensive over the past 10 years, so my price has to go up. That's the way it is."

"I don't see cost as a reason not to do some of these safety items," he added.

Clarification

Nearly 50 percent of the United Motorcoach Association members participating in the organization's annual member assessment reported they assisted groups with booking hotels, 49 percent helped their groups with planning visits to attractions, and 45 percent helped make restaurant arrangements. An article in the Sept. 15 issue indicated the percentages referred to providing transportation in those situations. Actually, they refer to tour planning services provided by coach operators.

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Historic D.C. Union Station bus terminal marks opening

WASHINGTON, D.C. — Conversion of the bus deck of the District of Columbia's famed Union Station into what is now called Union Station Inter-city Bus Terminal was officially completed last month.

The bus deck now includes waiting and service pavilions, plus terraces, all designed by a Washington-based architect, Studio Twenty Seven.

The Union Station terminal now serves as the central District of Columbia hub for the East Coast operations of Greyhound, megabus.com and BoltBus.

In addition, DC2NY and Washington Deluxe also run a notable portion of their operations out of the building.

The facility is expected to provide year-round amenities to more than 2.6 million bus travelers passing through Union Station annually.

Roughly 1,906 buses, carrying nearly 50,000 passengers, will depart the bus deck every week.

A ribbon-cutting ceremony was conducted, marking completion of the project. The event fea-

tured a key Democratic congresswoman, D.C. Delegate Eleanor Holmes Norton; Deputy Secretary of Transportation John Porcari, and district DOT Director Terry Bellamy.

Holmes Norton is generally given credit for having successfully pushed the project, which initiated to streamline inter-city bus service in D.C., including getting many curbside operators off busy streets and into the terminal.

During the dedication, Holmes Norton said "As we look at transportation today, we are witnessing a transformation of transportation itself; we see the way buses have become mainline and mainstream...these are 21st century buses...these are buses that people travel on who can afford to travel on airlines ... buses have become fully competitive with other modes of transportation."

Holmes Norton is the ranking member on the Highways and Transit Subcommittee of the important House Committee on Transportation and Infrastructure.

"Thanks to projects like this



one, Union Station is on track to be one of the 21st century's great transportation success stories," said Porcari.

Added Bellamy: "This facility serves as a hub for local buses and buses bound for destinations outside of the district. The bus deck also provides bus riders with a safe, efficient way to access Union Station and the variety of other multi-model transportation options the district has to offer."

Aquarium opening in downtown Toronto

TORONTO — The first major new tourist attraction to land in downtown Toronto in decades opens this fall.

Ripley's Aquarium of Canada, which was suppose to open at the base of the famed CN Tower in June, has been in the final construction and fish-stocking stages for months.

The 135,000-square-foot attraction is expected to draw nearly

two million visitors annually.

Not since the Hockey Hall of Fame opened in 1993 has the city added a new family-oriented tourist attraction in downtown.

For information about the aquarium, go to www.ripleyaquariums.com/canada/, or call (647) 351-3474. For group information, contact Sandra Woloschuk, group sales manager. Email: groups@ripleyaquariumofcanada.com.



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US Coachways

CONTINUED FROM PAGE 1

reviews constituted false and deceptive advertising under New York Executive Law and General Business Law. The companies entered into what are called “Assurances of Discontinuances” with the state, and paid fines ranging from \$2,500 to nearly \$100,000.

“Consumers rely on reviews from their peers to make daily purchasing decisions on anything from food and clothing to recreation and sightseeing,” Schneiderman said.

“This investigation into large-scale, intentional deceit across the Internet tells us that we should approach online reviews with caution. And companies that continue to engage in these practices should take note: ‘Astroturfing’ is the 21st century’s version of false advertising, and prosecutors have many tools at their disposal to put an end to it.”

The companies that paid fines included web search engine optimization companies, laser hair removal services, a wig shop, a night club, a dental practice, massage and day spas, and a plastic surgery practice.

Bogus reviews

The attorney general’s press release announcing the penalties said US Coachways “orchestrated an astroturfing campaign, writing bogus reviews themselves, soliciting freelance writers from oDesk.com and Fiverr.com to write bogus reviews, and urging employees to pose as customers and write positive reviews.

The company also offered \$50 gift certificates to customers to write positive reviews without requiring that the customers disclose the gift in the review.”

Make or break

Online reviews can now “make or break” a business, states the attorney general’s press release.

“According to one survey, 90 percent of consumers say that online reviews influence their buying decisions. A highly-cited Harvard Business School study from 2011 estimated that a one-star rating increase on Yelp translated to an increase of 5 to 9 percent in revenues for a restaurant.

Cornell University researchers have found that a one-star swing in a hotel’s online ratings — at sites like Travelocity and TripAdvisor — is tied to an 11 percent swing in room rates, on average.”

However, the release also stated that one study “projects that by 2014, between 10 and 15 percent of social media reviews will be fake.”

Some of the evidence in the investigation was obtained by staff members for the attorney general posing as operators of a yogurt shop and contacting the leading search engine optimization (SEO) companies in New York to seek help in combating negative website reviews.

While some SEOs have developed “advanced IP spoofing techniques to hide their identities...many consumer-review websites have implemented filters to detect and filter or delete fake reviews,” the statement said.

High-profile attention

US Coachways was cited by *The New York Times* as an example of astroturfing in its coverage of the crackdown.

For service companies, “buying reviews seems a shortcut to the better reputation they are unlikely to achieve on their own,” reported

the *Times* in a news article.

“If a prospective (US Coachways) customer were to look on Yelp, she might get the sense that this is not an outfit she would want to hire,” the reporter wrote.

“Edward Telmany, US Coachway’s chief executive, was upset about the (company’s) low ratings, according to the formal Assurance of Discontinuance he signed with the attorney general’s office. ‘We get bashed online,’ Mr. Telmany wrote, accurately, to his employees, on Nov. 20, 2011. ‘We are loosing (sic) money from this.’”

In summary, the *Times* stated, Telmany’s “response was not to fix the problems that customers were citing, like buses never showing up, but to begin a full-fledged effort to get fake reviews. Mr. Telmany hired freelance writers, mandated that his employees write favorable reviews and even pitched in himself. He posted a five-star review on Yelp that began, ‘US Coachways does a great job!’

“The company agreed to pay \$75,000 in fines and stop writing fake reviews.”

Telmany also did not provide comments to the *Times* for its story.

20,000 vehicles

US Coachways does not have an operating authority registration listed with the Federal Motor Carrier Safety Administration. It does contract with coach and bus operators that do have equipment and operating authority.

However, the US Coachways website states it provides “reliability with over 20,000 vehicles nationwide” and “serves all states and cities in the country,” including “over 25,000 U.S. destinations.”

A press release issued by US Coachways in 2010 said it transported one million clients and was “the bus charter company of choice for large events.” The company said it “has 35 offices and supplies bus charter and limousine service out of 100 depots throughout North America, posting revenues north of 20-million dollars a year.”

BBB complaint

US Coachways was cited earlier this year by the Better Business Bureau of New York for “concerns” about claims made on the company website.

On April 30, the BBB “requested that this firm substantiate the types of claims that involve superlatives, superiority, price equaling, testimonials, and the basic principles of truthful advertising.”

The bureau challenged 12 US Coachways’ claims, such as “America’s favorite charter bus company,” “widest selection,” “most convenient,” “industry leader,” “rated number one in the business,” “price match guarantee” and “unparalleled quality.”

According to the bureau website, “As of August 15, 2013, the business has responded to the BBB and addressed several of the issues raised in the Ad Review. However, the business still has some advertising concerns (superiority, basic principles of truthful advertising) that have not been substantiated, modified or discontinued.”

The BBB review of US Coachways lists 90 complaints closed in the past three years, including 68 for “problems with product/service.”

Reputation management

In the internet age, maintaining a positive reputation is a tough job for even the most conscientious companies. There are customers who

Royal Coach Tours

CONTINUED FROM PAGE 1

The theft wasn’t discovered until after the restaurant owner died and a family member reported the theft to Watsonville, Calif., police in June 2011.

But it took until September 2012 for Allen to learn that her company, too, had been victimized by Haas. That’s when “the IRS came walking in the door saying, where’s your taxes,” she recalls.

Haas skimmed money from Royal Coach Tours for six months by manipulating payroll software, according to court documents.

The software, called Accountants World, enabled Haas to divert money by manually disabling an automatic electronic transfer “switch.” That seemingly simple action by Haas halted money from moving from Royal Coach Tours’ account to federal and state government tax accounts, records show.

Haas then wrote checks from the Royal Coach Tours account made payable to his company, Payroll Management Company, using Allen’s electronic signature.

“Everything balanced, but we weren’t seeing that the checks were going to the payroll processing company and not the government. That’s the big clincher,” Allen said.

In all, Allen ultimately found 61 checks from her company to Payroll Management Company for a total of more than \$520,000.

When confronted, Haas behaved brazenly, according to Allen.

“He’s a cocky guy, and he had guts enough to say, ‘Oh, I’m surprised (the IRS) showed up when they did,’” Allen said, who reported the theft to police.

In a letter to the court, Haas said he assumed state and federal tax officials might take as long as a year “to realize what was happening.”

He wrote he used the stolen money “on things and trips. Useless items. I was living a lifestyle outside my means.”

After the embezzlement was discovered,

seem to be displeased by any level of service and will go to great lengths to vent via the Internet.

Web customer reviews are a valuable tool for consumers if they are read carefully, wrote travel expert Christopher Elliott recently in *USA Today*. He quoted a savvy traveler who said she takes online reviews “with a grain of salt.”

“If you read carefully, you can see if it’s falsely inflated or defamed,” she said. Elliott added, “As long as she disregards the hypercritical one-star ratings and the exuberant five-star ratings, she’s confident she’ll arrive somewhere close to the truth.”

Some web service providers are fighting fake postings that could erode the credibility and value of their services.

Why New York AG went after fake reviews

ALBANY, N.Y. — When New York Attorney General Eric T. Schneiderman announced last month his office had gone after 19 companies for posting fake online reviews, he transformed the problem into a law enforcement issue that is likely to grow. (See article above.)

Still, there are those who have a hard time seeing exactly how phony reviews violate the law. Especially since many words used in phony reviews can’t be nailed down to a level of true or false.

it was left to Allen and Royal Coach Tours to deal with the IRS and state of California.

Allen said she was forced to take out three loans and sell two buses to pay the delinquent taxes and interest, which totaled more than \$523,000.

Allen said she was turned away by law enforcement officials in Santa Clara County when she initially reported the embezzlement.

“They said, ‘read the newspapers. We’re 1,400 officers down. We can’t help you,’” she said.

Undeterred, she approached officials in neighboring Santa Cruz County, where Haas was living, and was able to have her case amended to A Taste of Wyoming’s.

Allen says she’s satisfied with the jail term Haas received.

“They talked at one point about giving him probation only. The best part is he can’t get out on early release. He’ll stay right there. The woman judge took care of that,” she said of Santa Cruz County Superior Court Judge Ariadne Symons, who presided over the case.

Allen is guardedly optimistic Haas will eventually pay back some or all of the money he stole.

“He is fairly young (35). He is a salesman-type person. I was awarded restitution, which was huge. So, if he ever works, I’m hoping to get the money because in cases of fraud, you can’t file bankruptcy,” she said.

Allen hired Haas in 2009, on a referral from a long-time business acquaintance, in part because “we always like to give small companies a chance,” she said.

Royal Coach Tours now uses PrimePay, one of the larger payroll processing companies.

“What a lesson learned,” she said. “I hope it makes people look at who’s doing your payroll. Are they bonded and insured, and are (your) taxes being paid?”

The website Yelp attempts to thwart fake reviews by tracking such things as Internet Protocol (IP) addresses to determine whether large numbers of reviews are coming from the same computer. “We’ve seen some pretty extreme chicanery,” the company states on its blog.

There were 22 reviews of US Coachways — 21 complaining of problems — posted on Yelp at the end of September.

The one, somewhat-positive review said the company contacted the customer to apologize “for any inconvenience during my trip.”

The reviewer concluded: “The fact that US Coachways pays attention to reviews and tries to make amends says a lot. I would now actually consider using US Coachways again.”



Sandy Allen

Fees generate planeloads of revenue for airlines

SHOREWOOD, Wis. — For those in the motorcoach industry who like to draw comparisons to or take cues from the airline industry, here are a few numbers that should make them drool.

Passenger fees and other extra charges generated \$27.1 billion for the world's airlines last year, with major carriers like United, Delta and American leading the revenue parade.

In 2012, 53 airlines collected

the \$27 billion plus in so-called ancillary revenue, up nearly 20 percent from the \$22.6 billion collected by 50 carriers in 2011.

The data is from a new report by IdeaWorks Co., a Wisconsin-based consultant on airline fees.

During the past five years, add-on charges such as baggage fees and charges to upgrade to roomier seats have become a major source of revenue for airlines.

The air carriers began earnestly adding the fees in 2008, when surging fuel prices forced carriers to find another way to generate money without raising fares.

In recent years, low-cost airlines, such as Spirit Airlines and Allegiant Air, have led the high-fee, low-fare trend.

But the IdeaWorks study says that major carriers, particularly big airlines in Europe, are increasingly turning to passenger fees to

boost revenue.

"Statistics help tell the ancillary revenue story and every year key numbers are getting bigger," the study says.

"The most aggressive airlines easily generate more than 20 percent of their revenues from a la carte fees."

United Airlines led all carriers in fee revenue with \$5.4 billion, followed by Delta Air Lines with \$2.6 billion and American with \$2

billion, according to the study.

Florida-based Spirit Airlines generated 38.5 percent of its revenue from extra fees — the most of any carrier, followed by Allegiant Air with 30 percent and Britain's Jet2.com with 27 percent, the study reported.

Meanwhile, the average domestic airfare rose 3 percent from 2011 to 2012, according to the U.S. Bureau of Transportation Statistics.

Six charged in intricate \$100 million biofuels scheme

INDIANAPOLIS — Federal prosecutors have charged six individuals from three companies with cheating the federal government and customers out of more than \$100 million in tax credits and biodiesel credits valuable to fuel-producing companies.

In a case U.S. Attorney Joseph Hogsett called the "largest tax and securities fraud scheme in Indiana history," the defendants are accused of buying pure biodiesel from third parties, pretending they had produced it and selling the diesel to customers for an inflated price while illegally claiming a renewable fuels tax of \$1 per gallon.

According to a news release

from the U.S. Department of Justice, defendants Craig Ducey, Chad Ducey, Chris Ducey and Brian Carmichael operated Midletown, Ind.-based E-Biofuels.

E-Biofuels claimed its biodiesel was produced from feed stocks, including animal fat and vegetable oils.

Prosecutors say the Duceys and Carmichael conspired with Joseph Furando and Evelyn Pattison, executives of New Jersey-based Caravan Trading Co. and CIMA Green to mislabel the fuel to business victims.

The scheme included three types of mislabeling, the release states.

In the first scenario, the companies transported biodiesel to the E-Biofuels facility for unloading into a holding tank to be loaded into tanker trucks and delivered to customers along with false documentation showing the fuel's manufacture at E-Biofuels.

Other times, truck drivers would drive the fuel from the Midletown, Ind., plant and obtain paperwork showing B100 biodiesel fuel originating from E-Biofuels, in what some truck drivers called "flipping a load," the release states.

In the third type of fraud, truck drivers working for the companies took "ghost loads" or "phantom loads" of the third-party biodiesel

directly to customers and obtained fake paperwork by fax or e-mail from defendants.

There have been accusations that at least some of the truck drivers knew about the scheme and were complicit but no charges have surfaced against any of the truck drivers.

In 2010, publicly traded Imperial Petroleum bought E-Biofuels, which then accounted for at least 97 percent of Imperial Petroleum's income.

Prosecutors say Jeffrey Wilson, president and CEO of Imperial Petroleum, knew of the third-party biodiesel scheme and together with Ducey lied about

producing fuels from chicken fat and other feed stocks in the company's filings with the Securities and Exchange Commission. Wilson is also a defendant in the case.

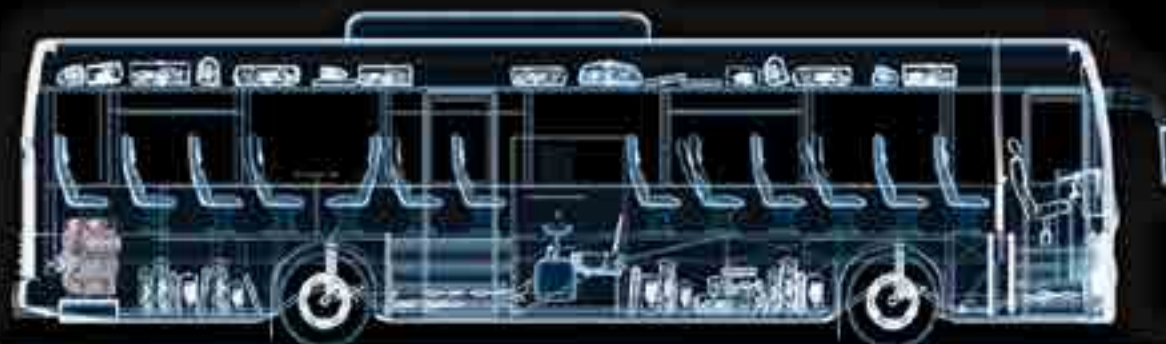
The defendants face a host of charges, including conspiracy, wire fraud, false tax claims, false statements under the Clean Air Act, obstruction of justice, money laundering and securities fraud.

Prosecutors say the scheme cost customers \$55 million, and the Internal Revenue Service another \$35 million.

The six defendants face up to 20 years in federal prison and fines on some of the counts, as well as other fines and "regulatory action."

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Charter complaint

CONTINUED FROM PAGE 1

money to buy and maintain their buses are not to run those buses in competition with private charter operators. To do so is a violation of federal transit laws.

"Using federal assets to compete against private operators without obtaining an overriding exception (from the Federal Transit Administration) violates the rule," said one industry expert who has been involved in the issue.

While the buses observed at The Barclays tournament had

Academy livery, they also had US-DOT-style lettering that clearly indicated they were owned by the transit agency and operated by Academy.

The UMA complaint contains a number of photographs of the buses and their USDOT-style markings.

Academy, based in Hoboken, N.J., is the nation's fourth-largest private motorcoach operator and the largest family-owned coach company.

Also, it is likely New Jersey Transit's largest private bus contractor, operating scores of com-

muter coaches for the agency, the fourth-largest transit bus system in the U.S. (behind New York, Los Angeles and Chicago).

There have been operator accusations in the past that Academy was using New Jersey Transit-owned buses to unfairly compete with private bus companies, but the UMA complaint is believed to be the first to be filed with the FTA against New Jersey Transit, implicating Academy.

The issue also is thought to be festering in other parts of the country, with a scattering of private operators able to undercut their competition by using buses (1) owned by public transit agencies or state governments, (2) paid for with federal tax dollars, and (3) contracted to the private operators for public transit service.

Often, the practice takes place on weekends and other off-hours when the buses are not needed for scheduled public transit runs.

In some states, the private operators don't have to pay state licensing or registration fees on the buses because they are owned by the state or a public transit agency.

The UMA complaint also says that as a result of the charter service provided at The Barclays, using the New Jersey Transit buses, one of its members, Service Bus Co. of Yonkers, N.Y., "incurred financial and irreparable harm" because it wasn't allowed to compete for "this valuable, high-profile contract."

Village Tours

CONTINUED FROM PAGE 3

to that."

Meanwhile, as Greyhound seeks a solution, the current arrangement is suitable, says Arensdorf. "I felt like we could probably make it work. The amount of online sales is not large in this market. If it keeps trending the way it is, we are going to have to talk. They need bus stops, they need terminals and they are going to have to compensate people to run them."

While the purchase of Prestige/Bee Line has taken Village Tours in a new direction, the acquisition was similar to the company's other three in that it wasn't planned and it resulted in growth for the company.

"The reason for (our) growth was unplanned opportunities," explained Arensdorf. "We haven't been the aggressor."

The company acquired Salina Charter Coach and All-American Tours of Hays, Kan., in 2011. Last year it purchased Time Lines of Oklahoma City, adding 20 coaches to a Village Tours fleet that now consists of 60 coaches, operating out of Wichita, Salina and Oklahoma City. The company employs 183.



An N.J. Transit/Academy charter prepares to load.



The Barclays is one of professional golf's premier events and it was conducted Aug. 22-25 at the Liberty National Golf Course in Jersey City.

The top 125 FedEx Cup professional golfers competed for a total of \$8 million, with the winner, Aussie Adam Scott, taking home \$1.44 million.

A spokesman for New Jersey

Transit, Bill Smith, declined to comment on the UMA complaint, saying only the agency does not provide charter bus service.

However, information distributed by event organizers — to individuals and groups needing tournament transportation — contained the phone number for the New Jersey Transit Customer Service Group Sales office.

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industry is howling at the prospect of losing fares to the new and typically cheaper competitors.

"This is an existential threat,"

said Mark Gruberg of the United Taxi Cab Workers of San Francisco.

"It's hard to see how the taxi industry with its rules and regulations and responsibilities can compete with a service that has none of those requirements."



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