

## Don't look now but federal charter rule may be working

There's mounting circumstantial and anecdotal evidence that public transit agencies are reducing or eliminating charter bus service, but that doesn't mean motorcoach operators should turn away from what's behind the change — the federal charter service rule.

Instead, private operators should continue to make certain they're registered with the Federal Transit Administration to receive notices

when a transit agency in their area does get a request for a charter.

That's the latest message to motorcoach operators from the United Motorcoach Association, which warns that failing to sign up could encourage transit agencies to get back into the charter business, or have the law weakened or repealed.

"I believe some transit authorities have reduced the amount of charter work they will accept and

many have learned to say 'no,' when they are asked to provide charter service, said Ken Presley, UMA vice president and chief operating officer.

"However, this is no reason for operators to drop their guard, so to speak, and allow their non-registration (with the FTA) to be interpreted as 'go ahead, charter at will.'"

For months, UMA has voiced concern that if motorcoach opera-

tors do not register with the FTA, the public transit industry could view it as a lack of interest and possibly use it as a tool to try to get the rule changed or even abolished.

While some operators renewed their registration after their initial two-year registration expired, many more still have yet to do so.

Currently, only 597 operators are registered with the FTA, a sharp drop from the nearly 1,400 that

originally signed up.

Possible reasons for the decline are many, says Presley.

"Many operators did not understand their registration was only for two years, and there are likely 2,000-plus new operators since the rule was enacted," he said. "It is likely a third of the industry does not even know they are supposed to be registered."

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## No relief in diesel prices during '12, says USDOE

WASHINGTON — The U.S. Department of Energy estimates diesel fuel will average \$3.73 a gallon next year, which is a big increase from last year but 14 cents a gallon less than its previous forecast for 2012.

The change reflects recent trends in oil prices.

The DOE expects gasoline to average \$3.43 in 2012, down 11 cents from its previous outlook in September.

Diesel fuel averaged \$2.99 a gallon and gasoline averaged \$2.78 last year.

The higher prices of this year reflect not only that crude oil prices are higher than a year ago but also changes in average refinery margins — the difference between

refinery wholesale prices and the average cost of crude oil.

Gasoline refinery margin increases rose from 34 cents per gallon last year to 51 cents this year but are projected to slip to 43 cents in 2012.

Diesel refinery margins jumped from 39 cents a gallon in 2010 to 64 cents this year and are projected to fall back to 56 cents a gallon in 2012, the Energy Department said.

Crude oil — which has been trading in the mid-\$80s per barrel, down from higher levels earlier this year — will average \$99 a barrel in 2011 and \$98 per barrel in 2012, down from the comparable projections of \$100 and \$103 in the September outlook

## 'Free' money: Is it really available?

### Offers everywhere produce believers

WASHINGTON — If you're a small business owner, you've probably received a phone call, or many phone calls, offering free government money or grants.

The United Motorcoach Association says it regularly receives inquiries from members asking about the legitimacy of such calls. The association also fields calls from members seeking information about government grants associated with cash flow, or the lack of it.

Similarly, the U.S. Small Business Administration reports it's not uncommon for potential business owners to call or visit the SBA asking for grants or free money to start a business.

Despite the widely held maxim that "there's no free lunch," there continues to be an abundance of people or organizations offering free money and a profusion of people who continue to think there may really be free money because the offers are so prevalent and the government reputation for profligate spending is so widespread.

Late-night infomercials, obscure publications and telemarketers tout how trouble-free it is to get your share of all this "free money."

In almost all cases, however, the information is incorrect and misleading.

In other cases, it's close to a scam, so be leery of anyone who asks for money up front to get additional information that leads to free money, warns the SBA.

The Small Business Adminis-

tration and most other funding organizations — whether governmental or private — do not provide grants or "free money" for starting or developing a small business.

Although there are certain types of grants available, these are generally specialized funding programs targeted towards specific groups, organizations or activities.

For example, motorcoach operators have won grants in recent years to help with purchases of security equipment and systems or to install wheelchair lifts. Both of these grant programs are highly targeted, have onerous requirements, and generally require a not-insignificant investment by the company receiving the money.

Grants the SBA provides are generally awarded to existing

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## Bloomberg: Feds fail to keep unsafe buses off the road

HUNTERSVILLE, N.C. — *Bloomberg* news service reports that when executives of Sky Express Inc. met with federal motor carrier safety regulators for an audit in March, the problems were clear even in the rough English of records translated from Chinese.

One driver worked 11 consecutive days without time off, according to audit documents obtained under the Freedom of Information Act.

Four of 10 drivers couldn't understand enough English to identify their employer.

An insulin-dependent driver made a 938-mile run without medical clearance. All the infractions violated U.S. law.

Inspectors rated the company "unsatisfactory," meaning it had to close in 45 days unless it could prove it fixed the problems. It didn't, the documents show. Fifty-

four days later, on May 31, one of its buses crashed outside Doswell, Va. Four people were killed (see June 15 *Bus & Motorcoach News*).

The Federal Motor Carrier Safety Administration's failure to close Sky Express has been repeated throughout its 12-year history and is linked to a growing number of crashes, some of them fatal, Deborah Hersman, chairman of the National Transportation Safety

Board, told *Bloomberg* in an interview.

"We've seen it in too many accidents," said Hersman. "They have a fatal accident that's very public, and ka-boom, they go in within a week and they put them out of service. If they were bad before, that's when they need to be caught."

When the FMCSA, which regulates all intercity bus services, ordered Sky Express off the road after

the accident, the agency cited the same violations behind the "unsatisfactory" rating that let the company stay in business, documents show.

Asked by *Bloomberg* whether the agency should have shut down Sky Express immediately after the inspection, FMCSA Administrator Anne Ferro said, "I wish we had."

Fatal crashes have increased as

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# Battery terminals: The niggling out-of-service item

Battery terminals.

Corroded battery terminals and cable ends.

For eons, corrosion on battery terminals has been a niggling maintenance and safety issue on motorcoaches.

Since it is an old, old problem, one might think there would be clear standards for dealing with battery terminal corrosion from both a safety inspection and maintenance standpoint.

But, alas, there aren't.

And, periodically, that has creat-

ed problems for motorcoach operators and something of a dilemma for motorcoach safety inspectors.

The issue reared its head again last month when the Oregon Department of Transportation Motor Carrier Division, with assistance from a handful of sheriff's offices and police departments, plus the Oregon State Police, conducted surprise bus inspections at locations across the state and at weigh stations. (See Oct. 15 *Bus & Motorcoach News*.)

Two common violations found among the 94 motorcoaches and

buses checked during the inspection blitz were corroded battery terminals and exhaust leaks.

Just over a year ago, an Ontario motorcoach operator had one of its coaches put out of service because of corrosion on battery terminals.

Another operator reported to the Ontario Motor Coach Association that it, too, had been written up by Ontario Ministry of Transportation inspectors for the same transgression when its coach was put out of service.

In both cases, the Ministry of Transportation officers told the

coach drivers the terminals had to be "cleaned and greased" before their buses could return to service.

The North American Standard Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, lists loose or corroded battery connections as an out-of-service item.

The corroded terminals prohibition is included in the criteria as a bus fire prevention measure because corrosion can indicate escaping battery gasses.

However, as the Ontario Motor Coach Association pointed out at

the time, the standard provides no guidance to inspectors as to the extent of corrosion — if any — that is deemed acceptable.

"For example, if an inspector finds just a light trace or dusting of corrosion, does this warrant taking a coach out of service?" asked the association.

The incidents prompted the OMCA to ask the CVSA to review the criteria for a possible amendment, or to provide interpretive guidance to inspectors regarding

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# California operators take emissions rules seriously

SACRAMENTO, Calif. — Motorcoach operators in California apparently "get it" — the state is serious about enforcing its diesel engine emission regulations.

Since 2008, only seven private bus operators have been fined for violating various state air quality rules, including a requirement to conduct and pass self-inspections for smoke emissions.

During the same period, more than 600 other private businesses that operate diesel-powered vehicles and several dozen local governments and public transit agen-

cies were cited.

According to statistics maintained by the California Air Resources Board, three motorcoach carriers were fined in both 2008 and 2010 and one so far this year. There were none in 2009.

"That's very interesting," observed CARB spokeswoman Karen Caesar when the industry's record was called to her attention by *Bus & Motorcoach News*.

While no one knows for sure why motorcoach companies have performed well in recent years, some in the industry suggest that

operators are well tuned to the state's air quality rules, and carefully follow them not only to avoid fines but also to prevent adverse publicity that could come with a violation.

CARB periodically issues news releases reporting violations.

Of the motorcoach companies that were cited, a shuttle company settled with CARB for \$14,500, the highest penalty among the bus operators. Another paid \$6,000, three paid \$3,500 each, and the seventh paid \$1,900.

Some of the other types of businesses that were cited settled their

violations for as much as \$30,000.

Most of those cited were accused of violating the Periodic Smoke Inspection Program, which requires truck and bus fleet operators to conduct annual smoke opacity inspections of their vehicles and repair those with excessive smoke emissions.

Vehicles that do not pass the test must be repaired and retested and records detailing the inspections and repairs must be maintained for at least two years.

CARB randomly audits fleets, maintenance and inspection records, and tests a representative

sample of vehicles.

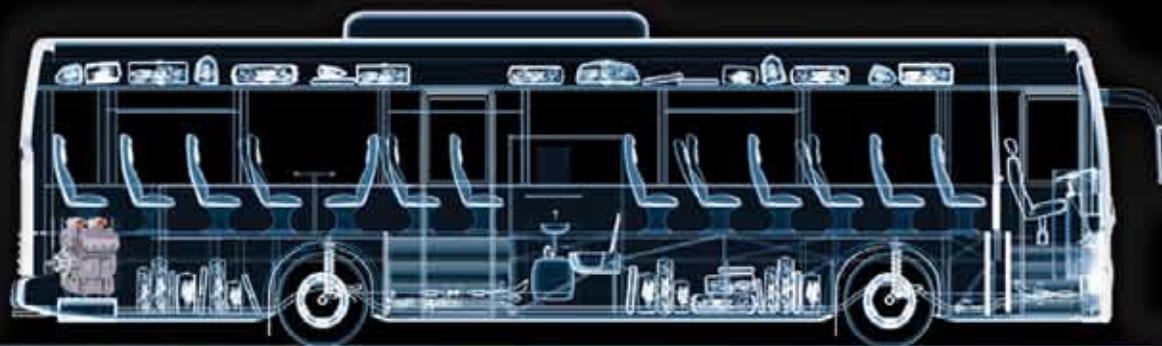
Caesar noted that while fines for violating the smoke inspection program are set at \$500 per vehicle per year, a company can run up high penalties because of the size of their fleets.

She said if a company has a fleet of 100 vehicles and all are in violation for two years, the calculation would be \$500 per vehicle, times 100 vehicles, times two years.

Revenue received from the fines are used to support clean air programs and community colleges in the state.

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# THE DOCKET

## Ohio Turnpike tolls to rise, feds nix privatization study

BEREA, Ohio — Despite opposition and a suggested rate freeze, bus operators and other users will see a 10 percent increase in tolls on the Ohio Turnpike come the New Year.

Turnpike Commission Chairman Jerry Hruby says the increase is necessary.

The previous chairman, Joseph Balog, said in June that rates should be held steady next year for holders of the E-ZPass electronic toll system to give users a break during a tough economy.

Balog's idea, however, did not prevail.

Cross-state rates for three-axle motorcoaches using E-ZPass will increase from \$18 to \$20. Rates for users without E-Z-Pass will go from \$25 to \$28.

Meanwhile, the Obama Administration has reversed an earlier decision to provide \$1.5 million to Ohio to study the economic benefits of privatizing the Ohio Turnpike.

The Federal Highway Administration cut off federal money just three days after five Ohio Democratic members of Congress called the study "a questionable use of federal taxpayer dollars."

In a letter to Transportation Secretary Ray LaHood the group warned that leasing the turnpike to a private-sector concern could lead to higher tolls and the possible loss of 1,000 jobs.

The federal money was apparently revoked in response to that letter.

The decision by the Obama Administration came as a setback to Gov. John Kasich, a Republican, who has considered the possibility of leasing the turnpike to private companies for as much as \$3 billion. He'd like to lease the turnpike for 30 years and use the money to fix other roads.

The Ohio Department of Transportation blamed the turnabout on politics, which the Federal Highway Administration denied.

A group of 10 Republican members of the U.S. House have written to LaHood asking him to honor his decision to let Ohio use federal funds to study Ohio Turnpike options.

"ODOT got the approval necessary to use these funds to study what's in the state's best interest regarding the future of the Ohio turnpike. This funding was not to study possible privatization of the turnpike, but rather to look at all options," said Rep. Steven LaTourette.

"ODOT played by the rules and was granted permission from the administration to use the funding. Unfortunately, Secretary LaHood caved after a few Democrats complained, making him for the Ohio Turnpike study before he was against it," LaTourette said.

## Florida insurance deregulated

TALLAHASSEE, Fla. — Commercial insurers in Florida no longer have to seek approval from state regulators before changing some of the rates they charge.

Earlier this year, Florida legislators enacted a law deregulating rates for a number of commercial insurance lines.

The state lawmakers adopted the changes at the request of the industry, which said the market is highly competitive and that employers are sophisticated enough to understand and negotiate for coverage.

The law, which went into effect this month, extends to rates for motor vehicle fleets with fewer than 20 vehicles. It also deregulates rates on fiduciary and general liability, non-residential property and non-

residential multi-peril, excess property and burglary and theft policies.

Commercial insurers still have to give notice to regulators of any rate change within 30 days and regulators still have the authority to sign-off on forms and conduct market exams to determine whether a company has the resources to pay claims.

The law also changes the documentation commercial insurers must maintain to support any rate change. Insurers are required to retain actuarial data about the commercial risk, but no longer underwrite files, premiums, losses and expense statistics.

The actuarial data must be retained for two years, and insurers must bear the cost of an examination of the data by regulators.

## USDOT Secretary LaHood to depart

WASHINGTON — Secretary of Transportation Ray LaHood revealed last month he will leave his post at the end of President Obama's current term, whether Obama is re-elected or not.

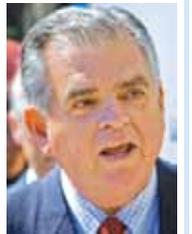
LaHood, whose name has been mentioned as a potential candidate for governor of Illinois, said: "I'm not running for public office anymore," and he specifically ruled out a run for governor. He said he expected there

would be some "wonderful opportunities" for him in the private sector when he leaves government. He was appointed by Obama as the 16th Secretary of Transportation.

LaHood, 65, is a Republican from Peoria, Ill., who served in Congress for 14 years. He did not seek re-election in 2008, prior to his appointment.

As Secretary of Transportation, LaHood oversees 11 agencies, including the Federal Motor

Carrier Safety Administration, the National Highway Traffic Safety Administration, the Federal Aviation Administration, and the Federal Highway Administration.



Ray LaHood

Bus safety has been a front-burner issue during LaHood's tenure.

## House stops infrastructure bank

WASHINGTON — House Transportation and Infrastructure Committee Chairman John Mica has torpedoed President Obama's proposal to create a national infrastructure bank.

"I'm afraid that the national infrastructure bank is dead on arrival in the House," said Mica.

At a hearing Mica chaired last month, there was two hours of testimony from four out of five witnesses on why the bank makes no sense: It's expensive, it takes too long to set up, it adds bureaucracy, and its purpose is better served by programs that already are in place.

The bank is one element of the jobs bill Obama is pushing.

Based in part on a Senate proposal by Democrats John Kerry and Mark Warner and Republican Kay Bailey Hutchison, it would provide \$10 billion to leverage pri-

private and public investment in regional and national infrastructure projects.

The infrastructure bank also has been discussed as a possible provision in the next federal highway program. Mica made it clear, however, the House has no interest.

There's more support on the Senate side, where Barbara Boxer, D-Calif., chairman of the Senate Environment and Public Works Committee, has said she wants to have an infrastructure bank. So far, however, such a provision is not included in the Senate's draft highway legislation.

The sole proponent of the bank among those who testified before Mica's committee was Scott Thomasson of the Progressive Policy Institute, who noted that business leaders, including the

U.S. Chamber of Commerce, support the bank.

"A properly structured national infrastructure bank is an innovative and sound investment tool that represents the next step in the evolution of federal financing programs for transportation, energy and other infrastructure projects," he said in his statement.

The Republican majority on the committee, and the other witnesses, think it makes more sense to improve current financing methods such as state infrastructure banks and the Transportation Infrastructure Finance and Innovation Act federal credit program.

"Rather than create a new national agency, send the money to the states," said Mica. He said 33 states already have infrastructure banks, and most don't have enough money to finance them.

## Senate keeps transportation 'enhancements'

WASHINGTON — An effort lead by Sen. John McCain, R-Ariz., to put limits on where transportation funds can be spent has been shot down in the Senate.

The 59-39 vote to table a McCain amendment came after floor remarks from a number of lawmakers, including Senate Environment and Public Works Chairman Barbara Boxer, D-Calif., who said such a policy change would be better suited to an upcoming surface transportation reauthorization bill.

McCain proposed limits on the types of transportation "enhancements" states can make with federal money in an amendment to a U.S. Department of Transportation funding measure.

Current law requires that at least 10 percent of federal Surface Transportation Program funds be

spent on "qualified enhancement activities," which averages to about 2 percent of the states' total highway money from the federal government.

The McCain amendment sought to prohibit federal funding for seven of the 12 transportation enhancement activities: scenic or historic highway programs, including tourist and welcome centers; landscaping or scenic beautification; historic preservation; rehabilitation or operation of historic transportation buildings, structures, or facilities; control or removal of outdoor advertising; archaeological planning or research, and the establishment of transportation museums.

McCain took issue with projects such as a white squirrel sanctuary in Tennessee and a Corvette museum in Kentucky.

"The fact is that we have deficient bridges, we have highways that need repair. So what I'm trying to say is, let the states decide their priorities," said McCain.

But Boxer told lawmakers that the amendment "actually eliminates the flexibility of our states and prevents them from spending funds on activities which are necessary to construct and maintain our highway system."

For instance, she said, a deficient bridge that also happens to be a historic bridge would fall under the prohibitions of the McCain amendment.

She said her committee has been examining the transportation enhancements issue within the framework of multiyear surface transportation reauthorization, which she called the "proper vehicle" for this kind of policy change.

## Md. governor supports fuel-tax hike

ANNAPOLIS, Md. — Gov. Martin O'Malley says he would support higher taxes, including raising state fuel taxes, to boost spending on public infrastructure.

O'Malley said the state General Assembly must begin considering a 15-cent increase in Maryland's fuel taxes to fund road construction, public transit and other transportation projects.

The governor said the simple solution to increasing spending — when the state is nearing its debt limit — is more “revenue.”

“There's been a lot of debate in these times of austerity and scarcity about less, less, less and cut, cut, cut,” O'Malley said. “But it's not a Democratic idea or a Republican idea that in order to create jobs, a modern economy requires modern investments.

“I think the question we need to ask one another is what are we willing to do to get people back to work more quickly,” he said.

“What we have to figure out is whether we are willing to pay another penny in order to bring (job

creation) about, or another nickel, or another dime, or as Gus Bauman and his commission is recommending, another 15 cents,” O'Malley said, referencing the chairman of the state's Blue Ribbon Commission on Transportation Funding, who favors raising state fuel taxes to keep the underfunded transportation trust fund solvent.

Maryland currently ranks 27th nationally with a 23.5-cent gas tax, and a 24.25-cent tax on diesel.

## Md. court upholds nonresident tax

### Broader implications?

ANNAPOLIS, Md. — The Maryland Court of Appeals, the state's highest court, has held that an income tax levied specifically on individuals who neither lived nor worked in Maryland but who earned income from a Maryland source is constitutional.

The decision could clear the way for local governments in other states to impose local income taxes on nonresident shareholders of closely-held corporations, limited liability companies, and the

like, many of whom are already taxable at the state level by states where the businesses are located.

The tax that was challenged in court was enacted to impose an additional income tax on nonresidents who under prior law had been subject only to the state and not to any of the county income taxes in Maryland. The level of the new tax in a given year was equivalent to the lowest tax rate in effect in any county.

The nonresident partners of a Maryland law firm argued that the tax was contrary to several provi-

sions of both the state and federal constitutions.

The court found the tax passed the U.S. Supreme Court test for a valid “compensatory tax”; that is, the state had to identify the in-state burden for which the challenged tax was compensating, the tax burden could not be greater for nonresidents, and the events on which the taxes were imposed had to be similar.

The state met its burden in this test, the court held, and it likewise found against the plaintiffs on their other arguments.

## Wisconsin legislative proposal would make firing felons legal

MADISON, Wis. — Proposed legislation that would make it legal to fire people with felonies on their records is igniting controversy at the state Capitol here.

The bill also would make it legal for employers to refuse to hire convicted felons for any reason.

Under the current Wisconsin Fair Employment Act it's only legal to refuse employment to a felon if the job is substantially related to the felon's crime.

For example, a bookkeeping firm wouldn't have to hire someone who wrote bad checks or embezzled.

The proposed legislation would change that, making any felony conviction a legal bar to any employment.

At a hearing last month, several individuals blasted the proposed changes.

There were stories of people who had turned their lives around who said they wouldn't have had that opportunity without jobs they obtained after getting out of prison.

Republican lawmakers said the bill is needed to help create jobs in

Wisconsin because currently employers are worried about costly lawsuits if they do not hire someone, and that person perceives the reason to be their felony conviction.

“We made a mountain out of a molehill. We simply want to be a little kinder to our employers and alleviate the threat of lawsuit,” said Rep. Mark Honadel, a Republican from Milwaukee.

“It's about giving our employers a peace of mind and some security and surety, that if they don't hire somebody, whether he's a felon or not, they won't bring a lawsuit to him.”

When asked how many such lawsuits have been lodged, Honadel said, “only a few, not hundreds.”

Colleen Bero-Lehmann said that in her 13 years as a labor and employment attorney, she has only had four cases of employees attempting to challenge their terminations.

The bill would also make it legal to fire a convicted felon for a past conviction. It's already legal to fire someone who lies about having felony conviction on their job application.

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## Unsafe buses

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intercity bus travel becomes the fastest-growing U.S. mode of commercial transportation. In 2011, 28 people have died in eight fatal crashes, including three in an 11-week period involving carriers operating out of, or carrying passengers between, Chinatown neighborhoods in East Coast cities.

Led by megabus.com and Bolt-Bus, as well as so-called Chinatown operators such as Sky Express, U.S. bus departures increased 24 percent last year, according to Joseph Schwieterman, professor of public service at DePaul University in Chicago.

While Sky Express's official address in FMCSA records was the Charlotte, N.C., home owned by Jenny Han, its corporate secretary, most company operations were run out of an office on Chrystie Street in Manhattan's Chinatown, according to the FMCSA's compliance review.

Han also owned Fusion 108, a Chinese restaurant in Huntersville, N.C., where Sky Express's safety audit was conducted, according to audit records.

With some companies, the lowest fares are possible only by cutting costs to a degree that it becomes difficult to operate safely, said Jackie Gillan, president of Washington-based Advocates for Highway and Auto Safety.

U.S. Transportation Secretary Ray LaHood said the day after the Sky Express crash he was "extremely disappointed" the company hadn't been shut down. He said in a speech Sept. 23 that he will push Congress for more authority to shut down unsafe carriers immediately.

### Imminent hazard

The FMCSA, however, can already declare a company an "imminent hazard" and close it, Hersman said. That power can be invoked when the agency finds a company's method of operating "substantially increases the likelihood of serious injury or death if not discontinued immediately," according to Federal Motor Carrier Safety Regulations.

Sky Express had received special attention from regulators before. The company received an "unsatisfactory" rating in 2009, agency records show. The company satisfied the agency that it had corrected the issues and was allowed to stay

in business. A 2010 audit resulted in a "satisfactory" rating.

In this year's follow-up, regulators discovered the company had expanded from 10 drivers and 11 coaches to 53 drivers and 31 coaches in less than a year.

Sky Express charged customers \$30 for a one-way trip between Durham, N.C., and New York, compared with \$55 to \$126 for a Greyhound ticket. The company stayed profitable by keeping expenses low. A driver on the nine-hour trip would make \$75, according to audit documents.

*Bloomberg* reported that inspectors began probing more deeply after it took the company three attempts over eight days to produce a correct driver roster, audit records show. Regulators tallied 26 violations, including six deemed critical and one deemed acute.

U.S. law requires commercial drivers to be conversant enough in English to communicate with passengers and read traffic signs. When an inspector asked a driver heading from Charlotte to New York on March 31 how long he'd been driving or whether he had done a pre-trip inspection of the bus, he couldn't answer, the safety inspector wrote. The only English words the driver recognized were "log book," according to an interview summary by agent Timothy Switzer.

Agency officials reviewed a Sky Express appeal that arrived May 11. They rejected it within a day, meaning the carrier should have been closed on May 28, pending a follow-up review.

Still, regulators granted Sky Express 10 extra days to come into compliance based on a "good-faith effort," according to a May 12 memo by Chris Hartley of the agency's North Carolina division and a May 13 letter to Sky Express by Darrell Ruban, an agency field administrator.

The agency indicated Sky Express was close to receiving a rating upgrade on May 26 that would have kept the company on the road indefinitely, according to George Gray, a former North Carolina highway patrol official who was working for Sky Express as a consultant.

Sky Express's problems were "70 percent to 80 percent" paperwork, Gray said in an interview. Executives were making rapid progress coming into compliance, he said.

### No different

The week before the crash, Sky Express spent four days with FMCSA officials in Charlotte to go over changes the carrier had made. Regulators using a computer program to score the company's safety practices indicated they would upgrade the unsatisfactory rating, Gray said.

"Had that crash not occurred, they would be operating today," Gray said. "They were no different than a lot of companies out there right now operating under a conditional rating."

The FMCSA sent a settlement agreement to Sky Express on May 31, the day of the accident, the records show. It was confined to how much the company would pay to settle proposed fines, Ferro said. The agency had agreed to a lower amount based on progress Sky Express was making, Gray said.

"These claims are false," Ferro said in an e-mail. "Sky Express was not on the verge of receiving an upgraded safety rating or a reduced fine for safety violations."

### Reincarnated operators

A company that had as many violations as Sky Express and wasn't operating from its registered address should have raised more urgent concerns than it did, as people familiar with the bus industry can distinguish a company making an honest mistake from one trying to skirt the rules, ABA President Peter Pantuso told *Bloomberg*.

"Instead of negotiating to keep them open, why wasn't the negotiation to quickly shut them down?" Pantuso said.

A woman who identified herself as Han, the Sky Express corporate secretary, declined to answer questions. "We have already closed the business," she said in a phone interview.

The FMCSA used the 10-day extension, in part, to make sure its case against Sky Express would hold up in court, Ferro said.

Preventing noncompliant operators from restarting has been a struggle for the agency for years. In a June 3 order shutting down Sky Express, the FMCSA accused the carrier of repainting buses and selling tickets online to operate under a new name.

The agency has been pushing for changes to U.S. law since May, seeking greater powers to catch so-called reincarnated carriers and raise the fine for operating without

authority to \$25,000 per violation from \$2,000 a day.

### Similar problems

Still, the agency's current rules required it to shut down Sky Express three days before the accident, under a Government Accountability Office interpretation discussed with agency officials in 2007. LaHood ordered the agency after the accident to stop extending 45-day shutdown periods.

"We agree with GAO's assessment that extending the appeals period for bus companies undergoing compliance reviews is not in the best interest of safety," Ferro said in an e-mail. "That practice has been permanently ended."

The GAO, the Transportation Department's inspector general, and the NTSB have noted a pattern in reports and testimony of the agency not using all its powers.

Since 2002, there have been at least five fatal accidents involving intercity bus companies that had accumulated enough safety violations to be shut down, according to separate NTSB crash investigations. The board has faulted the way FMCSA identifies audit targets, how it inspects new companies and lack of follow-through with companies prior to fatal crashes.

"When there are serious safety violations, this agency typically tries to accommodate the motor carrier and not the safety of the motoring public," Gillan said.

A company involved in a 2005 incident in Wilmer, Texas, that killed 23 nursing-home residents evacuating Hurricane Rita had been cited by state authorities in 2002 for having unqualified buses, poor maintenance and a bus that wasn't registered to operate in the U.S.

In February 2004, FMCSA gave the company a "satisfactory" rating even as it recorded similar violations. The agency shut down the company after the crash as an imminent hazard, citing many of the same practices it deemed acceptable a year earlier, the NTSB said.

"They had plenty of indicators that they needed to look more deeply at this carrier," Hersman told *Bloomberg*. "We were certainly frustrated and disappointed that over 20 people lost their lives. We felt like they should have identified the issues earlier."

The GAO, in a 2007 report, said the agency rarely imposed the maximum fines called for by U.S. law because companies with serious

safety violations weren't judged to meet the regulator's threshold of having a "pattern of violations."

FMCSA's enforcement wasn't "as effective as possible in deterring unsafe practices and, as a result, additional accidents could occur," said the GAO, which acts as Congress's investigative arm.

The safety agency has stepped up oversight of passenger coaches through roadside inspections nationwide, shutting down more carriers and increasingly shutting down unsafe operators, Ferro said in an interview. It doesn't take a crash to close down a company, she said.

### Cracking down

Eight companies have been shut down this year as imminent hazards, compared with one last year, Ferro said. Another 30 companies have been shut down for unsatisfactory ratings following a 45-day waiting period, and eight more are pending. That compares with 12 for all of last year, Ferro said. Only four of the companies shut down this year were closed after fatal crashes, she said.

Congress is considering proposals made after this spring's accidents to beef up the FMCSA's authority to shut down unsafe companies and make it harder for companies to reincarnate under new names after being closed.

Besides greater power to close down unsafe carriers immediately, LaHood is seeking tougher screening of new companies before they're given permission to operate and making it easier to revoke commercial drivers' licenses for drug and alcohol offenses.

The department also has asked Congress to overturn restrictions imposed in 2005 that prevent it from carrying out inspections while buses are en route.

Upgrading the agency's screening system later this year will enable the FMCSA to better target problem carriers and get them off the road more quickly, Ferro said. Bus companies with unsatisfactory ratings will have to meet higher safety standards to be allowed to operate, she said.

"Our team lives these tragedies," Ferro told *Bloomberg*. "The Sky Express crash has been a very tough lesson for us. We have gone back and will continue to go back, to analyze the policies, procedures and systems that have been in place to see what it is that is driving an outcome like the one on Sky Express."

## Free money

CONTINUED FROM PAGE 1

organizations to provide specific technical assistance to small business owners. These grants may be targeted to nonprofits or educational institutions.

For instance, the SBA has fund-

ed grants and contracts to help small businesses develop and maintain a drug-free workplace. These awards went to nonprofit organizations and SBA Small Business Development Centers that have demonstrated the ability to assist in this effort.

SBA also facilitates a program

in which federal agencies award research and development grants to high-technology small businesses.

In a nutshell, the federal government does not give grants for starting or expanding small businesses. However, the government does provide free help in planning how to start or improve a business,

and in securing low-interest SBA-backed small business loans.

Some states offer limited small business grants to individuals. You should check with the local economic development agency in your state to see if grants are available.

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# Report: Delays are hampering effectiveness of CSA

WASHINGTON — Delays by the Federal Motor Carrier Safety Administration in adopting key rulemakings related to the new Compliance, Safety, Accountability program could undercut the initiative's effectiveness significantly, says a new report by congressional investigators.

The Government Accountability Office said that, while the FMCSA has partially implemented its new safety measurement system (SMS) and an expanded set of carrier interventions, the agency still cannot use CSA safety ratings to get unsafe carriers off the road because it has not completed the process of writing and issuing the rule needed to do so.

"FMCSA is roughly two years behind its original target date for issuing and completing the rulemaking required to use SMS to determine a carrier's fitness to operate," the report said.

"Until the rulemaking is completed, FMCSA will not realize one of its most important goals for CSA — enhancing its ability to assign safety fitness determinations to a significantly greater portion of the motor carrier industry than it currently is able to do."

The CSA program is intended to replace FMCSA's SafeStat system, which has been used since 1997 to determine a motor carrier's safety fitness rating.

CSA's safety measurement system already rates carriers and drivers in seven Behavior Analysis and Safety Improvement Categories, or BASICS.

While SafeStat counted only out-of-service and select traffic enforcement violations, the new safety measurement system incorporates all safety-related violations recorded in roadside inspections.

FMCSA expects the CSA program will assess a larger portion of the motor carrier industry and increase the emphasis on driver safety. The agency also expects to

## Deadline being extended to keep driver medical records

WASHINGTON — The requirement that holders of a commercial drivers license keep a paper copy of their medical examiners certificate is being extended another two-and-one-half years.

According to a proposed rule published in the Federal Register, the Federal Motor Carrier Safety Administration will keep the man-

use data to identify unsafe carriers and drivers earlier to address safety problems before crashes occur.

"It is too early to definitively assess the extent to which CSA will improve truck and bus safety nationwide," the GAO said.

"Data from a pilot test suggest that SMS and the expanded range of intervention tools provide a more effective means of contacting these carriers and addressing their safety issues."

However, CSA's success depends on the availability of sufficient inspection data for carriers, GAO added.

"CSA has the potential to identify higher-risk carriers under more precisely defined areas of safety performance, and FMCSA

date in effect until Jan. 30, 2014.

The proposed rule also would require interstate bus and truck companies to retain a copy of the medical certificate in the driver qualification files.

The requirement was supposed end next year. However, because a number of states have told the FMCSA they can't meet the dead-

line to post medical certificate information from CDL holders into the Commercial Drivers License Information System, the FMCSA is extending the date to 2014.

The change should protect drivers and carriers who otherwise might be falsely cited in those states for not being medically certified.

For example, about 48 percent of carriers with 51 to 500 vehicles, and about 71 percent of carriers with 501 or more vehicles have sufficient ranking in the Unsafe

Driving BASIC, but only about 1 percent of carriers with five or fewer vehicles do, GAO said.

The report also said the agency has not yet completed a key technology to fully implement the interventions and provided training on interventions yet to be implemented, nor has it addressed staffing issues and completed efforts to help staff shift to "a new safety enforcement paradigm."

Driving BASIC, but only about 1 percent of carriers with five or fewer vehicles do, GAO said.

The report also said the agency has not yet completed a key technology to fully implement the interventions and provided training on interventions yet to be implemented, nor has it addressed staffing issues and completed efforts to help staff shift to "a new safety enforcement paradigm."

GAO noted that U.S. Department of Transportation officials would not say if they agreed or disagreed with the GAO's recommendations but said USDOT would consider them.

According to the latest agency report on rulemakings, the delayed Carrier Safety Fitness Determination proposed rule is expected in February 2012, and the final rule sometime in 2013.

"According to FMCSA officials, they delayed the rulemaking because of needed changes to SMS that arose during the pilot," GAO said.

"In addition, they indicated that FMCSA has a backlog of other key rulemakings that has affected its ability to complete the CSA rulemaking."

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# Wheels: Simple, reliable but don't take 'em for granted

By Dave Millhouser

It was pitch black on a Texas two lane when Huck felt a thump and the venerable Scenicruiser began vibrating.

An inside rear dual had blown, and a tiny light on the horizon turned out to be a firehouse. The tire was already burning when he whipped the bus into the driveway, ran inside, and told the firemen: "She's all yours."

Kids awakened from sleeping piled off the bus, yanked luggage from the bays and watched as it burned to the ground — despite the firefighters' efforts.

Days later I turned up with a flatbed trailer to take the carcass home. All that was left was the engine, transmission, axles and wheels. It became a bussy organ donor.

Fast forward a few weeks, as I waddle out to my bus, preparing to check it before a trip, cracks in the front wheel are visible from a distance. More waddling around the coach makes it clear that several wheels are cracked; they all had been salvaged from the burned bus. Clearly, intense heat and wheels don't go together.

I learned a couple of things. Eyeballing wheels before a trip is good and toasting them is bad. Perhaps most important, wheels, like most parts of a coach, should not be taken for granted. Drivers need to be educated to spot problems, and checking them needs to be part of preventative maintenance.

There are two major areas of concern in providing the attention and affection wheels deserve. One is selecting the right type when you buy a coach, and the second is maintaining them.

The discussion regarding "hub-centered" versus "stud-centered" is pretty much over, with hub-centered now dominating our industry. It's still worthwhile making sure your drivers and mechanics understand the difference (they shouldn't be mixed), and ensuring that the spares stored in your buses match the rest of the coach.

When buying coaches, or replacing wheels, you choose between steel and forged aluminum. Cast aluminum wheels are available in some sizes but aren't appropriate for coach applications.

Each has advantages and disadvantages (surprise).

Steel wheels are often standard equipment and are substantially less expensive than aluminum. They are strong and, for the lazy among us, often show a rust streak where lugs are loose.

The down side is that they need to be maintained. In addition to making the coach look good, painting the wheels prevents rust and corrosion. Periodically old paint needs to be stripped, so it doesn't fall off or fool the lug nuts into thinking they are tight.

The list of advantages for aluminum is long but it's an individual choice as to

whether they're worth the extra cost. Some companies buy them for the aesthetics, and use the advantages to justify the choice... not a bad thing.

Aluminum wheels tend to be truer than steel, they dissipate heat better and the wheel assembly is easier to balance. Those traits may result in better tire and brake life. They are substantially lighter than steel and, as a result, your suspension doesn't have as much unsprung weight to wrestle, providing a better ride. Losing weight is good.

Modern aluminum wheels are generally coated so you don't have to spend time polishing them.

Unless you have a spacer, don't mix wheel types on a dual. Bolting steel and aluminum together incorrectly will result in corrosion from dissimilar metals, unless the hard steel batters the aluminum into submission first.

Several different tire sizes can be mounted on the same rim BUT make sure that the wheel you're using is approved for the tire you're mounting (and the tire is the same as the others on the coach).

The lubricant sometimes recommended for application between wheels and hubs to prevent corrosion can create overtightening problems if it's applied to the lug threads.

In some cases the use of liquid tire balancers and sealers can damage wheels and void warranties.

Generally, the best wheels are installed on the steering axle but also make sure that the inner duals are good. They're harder to inspect and nasty to repair, so give yourself a chance to avoid pain.

Wheel manufacturers provide substantial documentation. One good website (of several) is: [alcoa.com/alcoawheels/europe/pdf/en/Alcoa\\_Wheel\\_Service\\_manual\\_English.pdf](http://alcoa.com/alcoawheels/europe/pdf/en/Alcoa_Wheel_Service_manual_English.pdf).

You can download the PDF.

We may not think about stud length, torquing technique, inspection procedures and maintenance. Drivers should have a basic knowledge of these topics, just to make sure emergency road service vendors install spares correctly.

Wheels are so simple and reliable we take them for granted. They resent that and sometimes make us pay for neglect.

One wheel from the Crispy Cruiser ended up on another coach, until it cracked between every lug hole. The tire and outer wheel headed for the Twilight Zone, leaving the bus on the ground, with a tiny disk mounted to 10 lugs.

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



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# Anderson Coach & Travel named IMG Operator of the Year

LANCASTER, Pa. — Anderson Coach & Travel of Greenville, Pa., has been named International Motor Coach Group Operator of the Year.

The award, which is presented annually as part of the IMG Strategic

Alliance Meeting, recognizes an IMG member company that excels in customer service, operations, safety, best practices, community and industry involvement, and overall engagement with IMG.

Anderson was singled out for

its safety record, customer commitment, leadership in the community and the industry, and its ongoing leadership within IMG.

For the award ceremony, an Anderson coach that had been specially wrapped in a patriotic tourism theme, rolled up from behind the audience just as IMG Chairman, Hank Garbee of Young Transportation in Asheville, N.C., announced Anderson Coach & Travel as this year's winner.

The door to the coach opened as Anderson family, friends and

employees disembarked, surprising Anderson President Doug Anderson and Vice President Sue Anderson Nicklin.

"It is such an honor to be named the IMG Operator of the Year," said Doug Anderson.

"This award is accepted on behalf of our mother and father, Dot and O.D. Anderson, who were pioneers in the motorcoach industry, paving the road for the continued success of our company."

The award ceremony was sponsored by Prevost, Turbo Im-

ages and Allison Transmission.

Anderson Coach & Travel, which was founded 74 years ago, offers a wide variety of charter services, group vacation packages and individual tours.

It operates more than 750 tours to more than 150 destinations throughout the United States and Canada.

It operates 44 motorcoaches, plus 28 school buses, a midsize bus and a fleet of vans. Its staff numbers 200 full- and part-time employees.

## People

KENNETT SQUARE, Pa. — Dale Krapf, chairman of **Krapf Bus Companies** of West Chester, Pa., has received the CEO of the Year Award from the **Chester County Chamber of Business and Industry**.

Krapf's business and professional accomplishments, along with his involvement in the community, led to his selection for the award, said a spokeswoman for the chamber.

During the past year, Krapf Bus nearly doubled in size when it purchased **Septran Bus Co.**, a Minnesota-based operator that specializes in transporting special needs children. (See Aug. 1 *Bus & Motorcoach News*.)

The acquisition increased the Krapf operation to more than 2,900 drivers, 300 office and shop employees, and a fleet of more than 2,600 vehicles. The company reportedly is now the sixth-largest private bus operator in the

country.

Dale Krapf is a former chairman and director of the Chester County Chamber and was instrumental in establishing the **Chester County Chamber Foundation**.

The foundation created the Youth Leadership Program that works to equip young people with skills they can use to contribute to the county in the future. Krapf just completed serving as foundation president.

Krapf and his company are much honored. *Metro Magazine* named Krapf Motorcoach Operator of the Year two years ago. **The National School Transportation Association** gave Krapf its Distinguished Service Award in 1994 and its Hall of Fame Award in 2005. Krapf won the Chester County Chamber's Small Business Leader of the Year Award in 1994.



Dale Krapf

# Top MCI sales executive, Charles Toohy, dies at 76

MIDLAND, Mich. — Charles W. Toohy, who for years was probably the leading new motorcoach salesman in North America, died here last month of cancer. He was 76.

For 11 of the 17 years he spent at Motor Coach Industries, Mr. Toohy was the top sales executive, making him the de facto leader across the industry because of MCI's pre-eminent position.

He was popular and respected by customers, in part because of his honesty and candor. His sales skills were exceptional, and he had a great territory, the northeastern U.S.

Mr. Toohy was born in Muncie, Ind., and married his school sweetheart, Marjorie, after they graduated from high school in the tiny eastern Indiana settlement of Spartanburg. The couple celebrated their 58th anniversary in May.

After farming for a few years, Mr. Toohy decided that wasn't the life for him, so he tried other occupations before concluding he needed a college education.

He graduated from Tri State College (now Trine University) of

Angola, Ind., and took a position with General Motors Truck and Coach Division in Pontiac, Mich.

He later joined MCI, where, as a district sales manager, he was one of the company's leading salesmen during the 1980s and 90s.

Mr. Toohy, ably assisted by his wife, was active in the New England Bus Association where he was secretary/treasurer.

When he retired he moved from Windsor, Conn., to Midland, to be near family. One of his avocations was working on old trucks.

He is survived by his wife; a son, Clark, and a daughter, Karen Sherman.

A memorial in Mr. Toohy's name has been established with the Pardee Cancer Treatment Fund of Midland/Gladwin, 4005 Orchard Dr., Midland, MI 48640.



Charles Toohy

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**Attendee Brian Scott**  
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# The Transportation Safety Exchange 'has no clothes'

By Linda Morris

I'm a Baby Boomer and as such grew up reading fairy tales.

One of my favorites was The Emperor Has No Clothes, and I don't think I fully understood the "real" meaning of the fairy tale until my adult life.

Fairy tales usually have a hidden life lesson. If you have not read or are not familiar with this tale, you should seek it out and read it.

The emperor's tailor made him very special attire to wear in a parade. Convinced he was wearing the finest clothing of the day and the envy of all, the emperor actually didn't have anything on. Only one child was brave enough to scream out: "The Emperor has no clothes!"

In life, we often find ourselves accepting what is given to us without screaming that it is not a good thing. We simply accept it.

Some things we cannot scream about, or if we scream, it will absolutely have no effect. Our congressmen and state legislators do it to us all the time.

Sometimes we can affect change by helping elect others to take the place of those who forgot who voted for them, and sometimes we can't.

There's a difference in legislative mandates and what others push on us without real authority. It's time we scream that the Transportation Safety Exchange, known as TSX, has no clothes!

I do not know an operator who does not believe in and strive for safety. Sure, there are unfit, noncompliant operators who somehow stay under the radar of Federal Motor Carrier Safety Administration enforcement. I'm not talking about those operators.

I'm talking about operators that protect their investment in their companies by complying with safety rules and regulations. Many go the "extra mile" to assure, insofar as possible, they have done everything they can to provide their customers a safe journey.

Many participate in seminars, workshops,

online education and the like to stay up to date. Even the operator that goes beyond what is required can experience an accident; that does not make that operator "unsafe."

Safety is good. We can all agree to that. What frustrates me is that the Transportation Safety Exchange is being pushed on the industry and will in reality create no safer environment than already exists.

How can you trust a program that is, in reality, designed to put operators that cannot pay the fees to participate in the program at risk of losing business, and these are operators who have safe operations.

How can you trust a program that is willing to "discount" to certain operators and not others.

How can you trust a program that will "guarantee" 10 times the fee paid in business?

There are no guarantees in life except death and taxes. But, yet, there will be operators who will buy the TSX line and be "sucked" into the program only to realize they have been misled when the fee is increased at renewal time.

How can you trust a program that has misrepresented the truth?

How can you trust a program that says: "We plan to put 20 percent of the operators out of service." Which operators? Will it be the noncompliant operators? I suspect not.

This program is just a way of moving the motorcoach industry in the direction that the trucking has already gone — broker driven. It has been proven that brokers have not been good for the motorcoach industry, and I would guess it has negatively affected the trucking industry.

Not only is the TSX program moving the industry in that direction, it is moving it into one program and one broker who I suspect is counting on controlling the industry through TSX.

I have listened to the presentation of TSX no less than three times. Every time I hear it I am totally amazed the program is being promoted to an industry already struggling, with tours declining and school

budgets cut, eliminating or greatly decreasing student travel.

I am amazed it is being promoted to operators that are searching for diversity to bring back lost tour income, to operators dealing with the recessed economy and higher prices for fuel, equipment and products and services that support their operations.

Why would an operator agree to "sign up" for a program that cannot yet say what it will do to enhance safety to justify paying thousands of dollars for participation?

In reality, the program, I suspect, will do nothing of substance beyond what is held as the standard for Department of Defense certification.

It is time that someone screamed that TSX has no clothes!

It is being clothed only with a threat of loss of business if operators do not participate. If operators will see the program for what it is, they will not participate.

If operators do not participate, the program will not survive.

TSX is a substitute for PTSP, Pupil Transportation Safety Program, a program the investors in TSX admit cannot sustain itself and, in fact, has lost revenue.

Investors in TSX would have you believe that operators are signing up to the point that they are backlogged in inspections. I have yet to see a list of TSX-certified operators.

I have traveled across the southeast and the south central states this year, managing annual meetings for seven associations from Chesapeake, Va., to Hollywood, Fla., to Fort Worth, Texas, and I have heard of only a few operators who have signed up for the program.

Those few, in my opinion, were coerced by the threat of losing NCAA transportation.

I have had more operators say, "I will not participate." Those operators have an understanding of what TSX is really all about.

Operators were not involved in creating TSX. If they had been, we may be looking at a viable program, a program that operators could accept.

With no industry participation, TSX is

being pushed upon operators.

Oh, operators will be told they don't have to participate but, if they don't, they risk loss of business. But, let me tell you, if operators do not sign up there will be no program.

I have decided it is time that someone must rewrite this fairy tale.

TSX has been invited to meet with a group of operators to discuss how a new inspections program can work at a reasonable cost, if a new inspection program is really needed.

Operators do not object to safety inspections. On the contrary, reputable operators welcome inspections. But is another inspections program needed?

If the current rules and regulations were truly enforced by USDOT, would another program make the industry safer? I maintain that if FMCSA enforcement personnel inspected as they should, including finding the noncompliant operators, another inspection program would not be needed.

As long as the inspectors only go to the easily found, easily inspected companies, the noncompliant are going to continue, and it is the illegal operators that are responsible for the increased safety focus by Congress.

The noncompliant operators violate the safety rules and regulations and when they cause an accident, the industry gets another black eye. Then Congress cranks up the safety focus another notch.

Every operator must do what they deem good for their operation. I encourage every operator to make their decisions based on facts, not a fairy tale.

*Linda Morris is executive director of seven state and regional motorcoach associations. Her article reflects the opinions and concerns of the Southeastern Coalition, an affiliation of state motorcoach associations in the southeastern and south central U.S. While her article was approved by the presidents of the state associations, it may not reflect the opinion of every individual operator that is a member of those associations. Contact her at (800) 376-1660.*

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 Starline Luxury Coaches  
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 Vandalia Bus Lines  
 Caseyville, Ill.

Tim Wayland  
 ABC Companies  
 Faribault, Minn.

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 Young Transportation  
 Ashville, N.C.

# Amtrak hits ridership high, loses more money

In case you missed it, supporters of Amtrak turned giddy late last month when it was reported that the rail system set a record for ridership.

Amtrak trains carried more than 30 million passengers for the first time.

“LaHood lauds Amtrak ridership record,” read one headline.

LaHood, of course, is Secretary of Transportation Ray LaHood who said the Amtrak ridership numbers were helping the Obama Administration push for more high-speed railways in the U.S.

“One of the best advantages in our push for 21st-century American high-speed rail service has been the terrific passenger rail system already operated around the country by Amtrak,” LaHood wrote in a blog posted on the U.S. Department of Transportation website.

“To increase speed and reliability, in many corridors we can put Americans to work upgrading the existing Amtrak network,” LaHood said.

What LaHood and others who ballyhooed the Amtrak numbers failed to mention, or conveniently overlooked, was the fact Amtrak

also lost a near-record amount of money in fiscal 2011.

The rail system is projecting an operating loss of \$507 million for the fiscal year ended September 30 — even more than its \$420 million loss in 2010. Next year it expects to lose \$616 million. Amtrak hasn’t had a profitable year since it began operations in 1971.

A stunning fact about Amtrak is that the more riders it carries the more it loses.

Democrats in Congress have used the ridership numbers to argue against a Republican plan to privatize Amtrak service in the Northeast, which is the agency’s only quasi-profitable region.

Wendell Cox, a public policy consultant with Illinois-based Demographia and a rail transit critic, says Amtrak is a far more costly option when compared to megabus.com, the private intercity motorcoach service that launched in April 2006 and operates in about 50 major cities.

If someone were to purchase an Amtrak ticket for a Nov. 7 trip from Detroit to Chicago and then return the same day, the cost would be \$32 each way, or \$64 round trip. But Cox cites a 2008 study by the

Pew Charitable Trusts that reports Amtrak lost \$55 per rider on each leg of the Detroit-Chicago route. Cox says that’s \$110 per roundtrip that taxpayers subsidized in 2008.

‘A stunning fact about Amtrak is that the more riders it carries the more it loses.’

By comparison, a roundtrip from Detroit to Chicago and back again on megabus would take two extra minutes each way, but the megabus roundtrip ticket typically costs \$25.

Cox said Amtrak subsidies are hard to track but, judging by the Pew study, the Amtrak subsidy for one passenger could fund more than four passengers on megabus on the Detroit-to-Chicago roundtrip.

“High-quality bus service, featuring on-board high-speed wireless internet, costs passengers less between Detroit and Chicago and takes about the same time,” says Cox. “There is a big difference,

however. Train riders are subsidized by taxpayers, while bus riders pay their full fare. In a nation that needs to cut unnecessary spending, Amtrak should be at the top of the list.”

On occasion, LaHood has not only ignored Amtrak’s financial realities but has publicly misstated them.

At a *Washington Post* transportation conference last month, he said Amtrak was profitable. Earlier in the year, speaking in Indiana, LaHood said Amtrak’s success shows that America should build high-speed rail. “Amtrak is doing very well,” asserted LaHood. “They’re making money, that wasn’t true a few years ago.”

This led BoydGroup, an aviation consulting firm, to say, “This guy is lost in space.” BoydGroup points out that Amtrak loses hundreds of millions annually, which is actually underreported because Amtrak counts state subsidies as “revenues.”

In fairness to LaHood, he may have been misquoted and may have been talking about the Boston-to-Washington Acela, not Amtrak as a whole. According to Amtrak’s September 2010 ridership

report, the Acela covered its operating costs in 2010. In fact, it earned \$100 million more than its operating costs. This does not mean, however, that it made a profit.

First, under “Capital Charge,” the ridership report lists only “n/a,” meaning not available. When these charges, including interest, are counted, the Acela would not appear nearly as profitable.

Second, unlike most proposed high-speed rail routes, the Acela shares most of its costs — track maintenance, stations, ticket agents — with slower-speed trains which Amtrak calls “NE Regional Trains.”

These lost money in 2010 and every other year. To run the Acela, these costs would have to be paid whether the slower trains are there or not, so it is hard to argue that the Acela really makes money. It covers its operating costs only because it shifts half of those costs onto other, money-losing trains.

Bottom line: Amtrak continues to prove there’s “Washington, D.C. math” and real math. Meanwhile, the federal budget barrels down the track out of control with no light at the end of the tunnel.

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# Highway funding crisis rolls blindly, merrily along

The federal fuel-economy standards proposed for 2017-25 light trucks and cars are expected to help reduce the nation's dependence on foreign oil by using less fuel and, at the same time, reduce greenhouse gas emissions — both commendable goals.

But, if they are implemented at the rates and on the schedule proposed, some analysts point out, it will mean billions of dollars less for the dwindling Highway Trust Fund, the nation's savings account for roadway and other surface transportation projects.

It will mean fewer dollars for cash-strapped states, creating an even bigger hurdle for efforts to fund highway maintenance and repairs, as well as new roadways.

The Highway Trust Fund is financed primarily by federal gasoline and diesel fuel taxes and secondarily by excise taxes on

transportation-related sales.

As a result of the recession, fewer people are driving, total mileage is down and less money has been flowing into the fund. At the same time, construction and highway maintenance costs continue to rise, draining the fund even faster.

## So long fuel tax revenue

According to the American Road & Transportation Builders Association, the improved fuel economy standards for light trucks and cars from 2017 to 2025 — up to an average of 54 miles per gallon — will cost the Highway Trust Fund a total of about \$65 billion in lost fuel-tax revenue.

That is on top of another \$10 billion the trade group estimates the current standards, which cover 2012-2016 model-year vehicles, will cost the fund.

The proposed new fuel econo-

my and greenhouse gas emissions standards for trucks and buses will have much less of an effect on the revenue stream, according to the chief economist at the American Road & Transportation Builders Association.

Factors such as the smaller number of commercial vehicles sold, excise taxes for purchases and fleet operating characteristics not only will moderate the fuel-tax revenue drain but could, in fact, potentially add to the fund.

What about raising the federal gasoline or diesel fuel tax?

The current tax rates — 18.4 cents per gallon for gasoline and 20.4 cents per gallon for diesel — have not been raised for decades. A tax increase does not seem likely in this political environment, but it does have support from a number of groups, including the American Trucking Associations,

as long as the revenue is used for highway needs and not diverted to other uses.

Were the country flush with cash and the populace sitting comfortably behind the wheel of an economy humming on eight cylinders, people would be racking up carefree miles, and our leaders would comfortably do what they usually do and postpone a hard decision.

## Problems adding up

However, the economy is barely above a stall, unemployment is high and there is little confidence in the ability of Congress or the administration to find common ground. In this environment, the prospect of still fewer dollars available in the future to fix roads is just adding to widening concern about the deteriorating infrastructure.

Much can change between

now and 2025 that could impact the potential Highway Trust Fund shortfall, but it is another signal that U.S. leaders need to take action to restructure our fiscal policies. Congress needs to develop a sensible highway funding plan and get on with business.

But don't hold your breath until it happens. Congress hasn't been able even to pass a transportation spending bill since the previous one expired in 2009. Instead, it keeps limping along by approving seven temporary extensions of the old bill; the latest will expire March 31.

It seems increasingly likely that unless there is a clear mandate from voters in 2012, there will be no clear-cut solution that comes close to meeting the level of infrastructure investment necessary to allow this nation to remain a world economic powerhouse.

## Charter rule

CONTINUED FROM PAGE 1

Additionally, he said some operators became discouraged because they initially thought the transit agencies would be booking the charters for them.

"They soon learned they had to deal directly with the prospective charter party and many have been reluctant or had poor responses from charter parties," he explained. Many of those seeking charters from public transit agencies are believed to be nonprofit organizations, various government-related entities and others with marginal transportation budgets.

Presley also noted that others have become discouraged after falling into what he calls the "trolley trap."

"A significant number of charter requests are for trolley (buses), usually weddings, and many operators have been reluctant to add trolleys to their fleet," he said.

"Yet, many brides and brides' mothers want a trolley, and while the rule allows the private operator to foreclose the transit agency from performing the service if (the private operator has) a bus or motorcoach available, many have decided to forego that poor publicity and the wrath of the brides' mothers."

Now, two more recent developments may be creating even more apathy among operators toward the charter rule.

There is a sense among some in the industry that after 3½ years of working with the charter rule, many transit agencies have caught on and are now saying no much more often to groups asking for charter services.

Additionally, the groups — schools, churches, convention planners, civic organizations, social clubs and others — that have traditionally attempted to charter buses from their local transit agency may no longer be making as many requests because they have been turned away by their transit service since the rule became effective or they have learned about the charter rule and its prohibitions.

The combination of those factors, they suggest, has led to a decline in the number of charter notifications that are being sent out — a situation they think could be causing motorcoach operators to feel little need to register for such notices.

"Maybe the law is actually working and doing what it was supposed to do — end charters by public transit agencies," noted one.

The charter rule, which was rewritten in 2008 after months of tense negotiations between representatives of the motorcoach and transit industries, places strict limits on the types of charters public transit agencies are allowed to perform.

Those transit agencies that receive a request for a charter that is on the restricted list, but which they would like to do anyway, are required to promptly notify registered operators of the charter opportunity.

If a private carrier responds and says it wants to handle the job, then the transit agency must step aside. If no private carriers are interested, then the transit agency is free to take the charter.

Although there is a belief that the charter notices sent out by transit agencies are on the decline, there are no actual numbers to support the supposition.

## APTA honors transit industry 'star'

NEW ORLEANS — Most public transit agencies that are members of the American Public Transportation Association exist thanks largely to the largesse of U.S. taxpayers.

Taxpayers at the local and state level subsidize their fares.

American taxpayers writ large pay for much of their equipment through handouts from the Federal Transit Administration.

At its Expo 2011 conducted here last month, APTA touted a new award it had established that not only seems sadly out of step with the times but appears to reward a transit agency's ability to siphon-off as many federal taxpayer dollars as it possibly can.

The award is called "Special Recognition for Extraordinary Recovery."

It was no coincidence, of course, that the winner of the inaugural award was the Regional

Transit Authority of New Orleans, which was recognized for its "tremendous comeback after Hurricane Katrina."

"Despite losing most of its vehicles, facilities and technology systems after the natural disaster, the agency managed to implement partial bus service within 60 days of the hurricane, and partial street-car service six months later.

"The RTA now has completely new fleets for both its bus and paratransit operations, and has managed to hold its operations costs flat for the past three years," APTA said in its award announcement.

So, how did New Orleans RTA come by its "completely new fleets" and keep its operational costs in check?

You guessed it, through federal grants that paid for new facilities and buses everywhere. As for holding down costs, those new buses are more fuel efficient than the

buses they replaced and the RTA route system has shrunk, reflecting the reduced size of New Orleans.

In fact, New Orleans RTA has done so well it was able to provide "free" shuttle service for the 17,000 folks who attended APTA's four-day annual meeting and exposition.

Of course, since the service was provided "free," it skirted the federal charter service rule and it was an offensive and outrageous exploitation of taxpayer money. (See Oct. 1 *Bus & Motorcoach News*.)

Forgotten during the awards ceremony was how NORTA was completely missing from action during the chaotic evacuation of New Orleans following Hurricane Katrina. Only 15 percent of the agency's aging fleet happened to have been parked on high ground and avoided being ruined by the flooding.

The FTA says the agency has no statistics that would indicate a change in the number of charter notices being filed by transit agencies because it uses the notices as a measure to ensure compliance with the rule and not to track the number of charter trips by transit agencies. Also, the American Public Transportation Association does not monitor charter notices filed by its members.

Meanwhile, Presley stressed that registering with the FTA will not only contribute to protecting the charter rule but also might help pri-

private operators build a relationship with local transit officials that could have financial benefits.

"Several operators through registering and receiving notices have furthered their relationship with their local transit that has resulted in revenue projects," he added.

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

Assistance with the process is

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

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

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

# Differentiating: Employees vs. independent contractors

By Matthew Nelson

Whether it is to limit liability, reduce costs or simply to condense operations, there are numerous reasons why organizations may prefer to treat individuals as independent contractors rather than employees.

Indeed, with limited exceptions, organizations are not responsible for paying taxes, providing workers' compensation, unemployment insurance or any employment benefits to independent contractors and can avoid liability for their negligent or wrongful acts.

Nonetheless, the devil is always in the details when it comes to misclassification, and organizations that believe they are using independent contractors may actually have employees.

From a compliance standpoint, it is critical to understand the proper role of the independent contractor and the company in a vendor engagement to avoid the liabilities associated with an incorrect classification.

If the independent contractor is really an employee, then the consequences can be expensive, and can include payment for wages, taxes, workers' compensation and unemployment.

Additionally, the employee will have all of the protections of the vast

field of employment laws that apply to the employer, such as Title VII, ADA, FMLA, and wage-and-hour laws.

Courts consistently look beyond the label the parties place upon the employment relationship to determine its true nature.

Whether the parties truly believe they are operating in an independent contractor engagement is immaterial; what matters is the substance of the relationship.

A variety of multi-factor tests may apply to any given scenario, and many tests differ from state-to-state — one state's independent contractor may be another state's employee. The primary tests utilized are the IRS test and the "economic realities" test.

The IRS test applies principally for determining whether or not taxes are due. The economic realities test is a judicial construction utilized for many other issues.

The IRS has adopted a three part-test (broken down into several subparts) for distinguishing between employees and independent contractors. Under this three-part test, the IRS considers:

1. The amount of behavioral control
2. The amount of financial control
3. The general relationship between the parties.

Each of these categories has several subparts.

For example, when analyzing behavioral control, the IRS will look to the manner in which the worker performs the tasks and the type and degree of instructions the worker receives.

For financial control, the IRS will take into account such factors as (1) the extent to which the worker has unreimbursed business expenses; (2) the extent of the worker's investment; (3) the extent to which the worker makes services available to the relevant market; (4) how the worker is paid, and (5) the extent to which the worker can realize a profit or loss.

Finally, when looking at the type relationship, factors such as (1) whether the parties have a written contract describing their relationship; (2) whether the business provides the worker with employee-type benefits; (3) the permanency of the relationship, and (4) the extent to which services performed by the worker are a key aspect of the regular business of the company are considered.

Generally, federal courts use a different test when evaluating whether an employment relationship exists for purposes of the Fair Labor Standards Act and other federal labor and em-

ployment laws.

1. The degree of the employer's right to control the manner in which work is performed

2. The degree of skill required to perform the work

3. The worker's investment in the business

4. The permanence of the working relationship

5. The worker's opportunity for profit/loss

6. The extent to which the work is an integral part of the business.

Some states, however, distill these tests into a simple "right-to-control" analysis. Under this test, the employment relationship is determined by the amount of control an organization maintains over the mode, method and manor of the employee/independent contractor's work.

In a difficult economy, some special considerations should apply.

As companies reduce headcount, they often keep a few key employees engaged as contractors, post separation, for "consulting." In these situations, the employee turned independent contractor often performs the same work he or she performed when their employment was terminated. These arrangements are very rarely true independent contractor relationships.

Likewise, as the economy improves, companies may wish to augment their permanent workforce with independent contractors before committing to hiring. In these situations, the independent contractor is often performing work that is integral to the business and not properly classified as an independent contractor relationship.

Ultimately, whatever test is used, control is the key.

The more control the organization exercises over its workforce, the more likely it is that an employment relationship exists. This is especially true when the tasks being performed are an integral part of the organization's overall business.

It is clear that courts will not defer to the characterization of the relationship, and will instead look at the substance. Accordingly, before making the decision to classify certain workers as independent contractors, a careful evaluation of the proposed relationship should be undertaken and the relationship should be properly constructed to achieve the party's objectives while maintaining the required independence.

Matthew H. Nelson is an associate with the law firm of Dinsmore & Shohl. His office is in Morgantown, W.Va.

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## Alexandria, Va., fine tunes bus rules, parking availability

ALEXANDRIA, Va. — Alexandria, the historic community across the Potomac River from Washington, D.C., and a popular destination for motorcoach tours headed to the nation's capital, has updated its bus parking rules.

While Alexandria welcomes motorcoaches “with free parking options and user-friendly resources,” it also requires a parking permit — that can be obtained free via online registration — for parking in Old Town Alexandria.

The city has both free reserved and unreserved parking locations, with a handful of the reserved spots near Old Town and a dozen unreserved spaces within three miles of Old Town. Paid, short-term and

long-term parking also is available. A link to online permit registration and a map of all parking locations and loading/unloading areas is available at [www.VisitAlexandriaVA.com/Motorcoach](http://www.VisitAlexandriaVA.com/Motorcoach).

Active loading and unloading for motorcoaches is allowed in designated areas throughout the historic district.

Parking rules and unloading locations for a half-dozen popular other community destinations are listed on the website.

Additionally, Alexandria maintains a Motorcoach Information Line at (703) 746-4020. For additional assistance, contact Renee Cardone at [RCardone@VisitAlexVA.com](mailto:RCardone@VisitAlexVA.com).

## Battery terminals

CONTINUED FROM PAGE 3

battery corrosion. (See Oct. 15, 2010, *Bus & Motorcoach News*.)

For the past year, the CVSA Passenger Carrier Committee has been considering the inspection criteria for battery terminal corrosion but, thus far, hasn't been able to resolve the issue.

The issue has been discussed at two CVSA meetings, one in Chicago and another in September at the CVSA Annual Conference in Austin, Texas, and most recently on a conference call last month.

In Chicago, the Passenger Carrier Committee felt that a manufacturer's input would be best to have, explained Lt. Donald Bridge Jr. of the Connecticut Department of Motor Vehicles Commercial Vehicle Safety Division and chairman of the CVS Passenger Carrier Committee.

A manufacturer was contacted, but its information was not received in time to be considered at the Austin meeting.

“Following Austin, Will Schaefer (of the CVSA) and I were on a conference call with the manufacturer and received some very good information. That information was used during the Passenger Carrier Committee conference call held (in October) to discuss the issue,” said Bridge.

“On that call the information was discussed with several bus manufacturers and carriers who were on the call. There was no consensus on moving forward with changes, but there was some excellent discussion on the topic and it is slated for Seattle where we intend to have more in-depth information, discussion and should finalize an answer on the topic,” said Bridge.

CVSA's 2012 Workshop will be April 24-26 in Bellevue, Wash.

Meanwhile, Bridge said he and other Passenger Carrier Committee members would welcome any additional information about the issue, including photos, incidents or problems that may be helpful during the discussion.

The Oregon inspection program that resurfaced the battery corrosion issue gave the motorcoach industry something of a black eye.

The 94 inspections resulted in 40 buses and 16 drivers being pulled off the road for a combined out-of-service rate of nearly 60 percent.

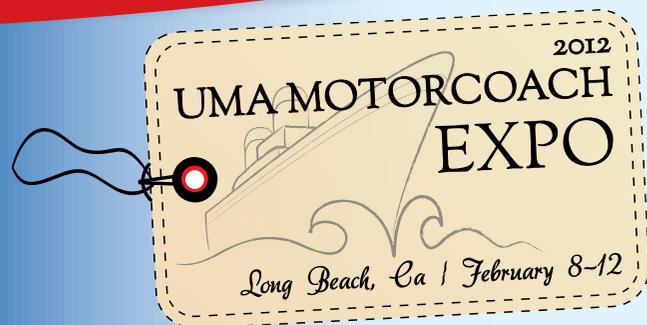
ODOT inspectors found a total of 150 safety violations,

Two common violations for vehicles cited by ODOT were corroded battery terminals and exhaust leaks under the vehicle. “The concerns are fumes entering the passenger area and fire hazards,” said the agency.

For drivers, two common out-of-service violations were failure to carry a current medical certificate and failure to keep the driving log book up to date.



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# California Medical Association wants marijuana legal

SACRAMENTO, Calif. — The California Medical Association has called for the legalization of marijuana, although it acknowledges the drug does have health risks.

At its annual meeting last month, the group, which represents more than 35,000 doctors, adopted the policy. It is the first major medical organization to urge marijuana legalization, the *Los Angeles Times* reported.

According to Dr. Donald Lyman, who drafted the policy, his group's members are frustrated by the state's medical marijuana law, which allows a patient to use marijuana if he or she has a doctor's recommendation.

Dr. Lyman said many doctors are uncomfortable deciding whether to recommend a drug that is il-

## Detroit Diesel to lose 'diesel'

PORTLAND, Ore. — Detroit Diesel is getting a "new" name, but it's one that has been verbal shorthand for the company for years.

Daimler Trucks North America announced it is dropping "Diesel" from the Detroit Diesel name, leaving the brand free to possibly add other power-train components or even other types of engines.

It's part of Daimler's global strategy of integrating engines, transmissions and other components in the company's commercial vehicles, said Andreas Renschler, the Stuttgart, Germany-based corporation's board of management member responsible for trucks and buses.

The change will occur officially early next year but was announced last month at a trucking conference and exposition in Dallas.

Renschler and Martin Daum, Daimler Trucks North America president and CEO, also said Detroit will be the first engine builder with products to meet new federal fuel-economy and carbon dioxide reduction standards starting in 2014.

The Detroit brand will retain the familiar circular logo with swirling arrows.

Detroit Diesel reportedly has embraced Daimler Trucks' strategy of vertical integration through implementation of uniform production standards and processes, and a modular strategy for engine development, engineering and manufacturing processes that draws upon Daimler's global resources.

An example is the Detroit DD engine lineup. Developed by Daimler engineers here and overseas, the DD13, DD15 and DD16 engines now use BlueTec emissions equipment, Daimler's global SCR technology.

legal under federal law.

The CMA has said marijuana has few proven health benefits, and notes it wants the Obama Administration to legalize the drug to encourage more research on its medical potential. The group recommends the drug be regulated in a fashion similar to tobacco and alcohol.

In a statement, the CMA says it

advocates for the regulation of medical marijuana "to allow for wider clinical research, accountable and quality controlled production of the substance and proper public awareness."

The group says it is also recommending that recreational marijuana be legalized so states can regulate it for purity and safety.

John Lovell, spokesman for the

California Police Chiefs Association, called the association's recommendation irresponsible.

"Given everything that we know about the physiological impacts of marijuana — how it affects young brains, the number of accidents associated with driving under the influence — it's just an unbelievably irresponsible position," he said.

In July, the U.S. Justice Department announced that medical marijuana dispensaries and licensed growers located in states with medical marijuana laws are not immune from prosecution for violating federal drug and money-laundering laws.

Currently the medical use of marijuana is legal in 16 states and the District of Columbia.

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## UMA members invited to NTA event

### There's no charge

LAS VEGAS — NTA, formerly the National Tour Association, is inviting members of the United Motorcoach Association to attend NTA's 2011 Convention, Dec. 5-9, in Las Vegas.

"This is an important opportunity for UMA members to connect with NTA members and see what the NTA Convention offers before the jointly-located UMA-NTA show in 2013," said Maggie Masterson, UMA meetings and operations manager.

UMA members can attend the NTA convention as a guest at no charge.

"You'll experience NTA, build new contacts in the travel industry and take advantage of the networking opportunities at convention events," said Masterson.

To register, download a regis-

tration form found at <http://www.ntaonline.com/includes/media/docs/2011-UMA-Member-Registration--Housing-Form.pdf>.

Those attending the convention can choose the programs they'd like to participate in on the registration form.

"NTA brings together the people, the products and the markets that build and expand the North American travel industry," said Masterson. "UMA and its members are part of that equation."

For more information about the NTA convention, go to [www.NTAonline.com/Convention](http://www.NTAonline.com/Convention).

### Faith-based tourism forum

LAS VEGAS — Faith-based tourism will be an important focus at the 2011 NTA Convention here, highlighted by the association's first-ever Faith-based Tourism Leaders Forum on Dec. 7.

"This forum will bring together experienced leaders who can identify trends within the market," said Lisa Simon, CTP, NTA president. "For example, is it certain destinations that people of faith want to reach? Or, is it that people of faith just like to travel together? It's probably both but we'll look for those trends, interests and challenges that define the market."

Earlier this year, NTA formed its Faith-based Tourism Advisory Council to help expand business opportunities for members, and that's also the goal of the forum, according to Malia Asfour, a member of the council.

"We're using the forum to create a network of faith-based tourism professionals who can provide ongoing guidance for NTA members," said Asfour, director of the Jordan Tourism Board North America. "That way, a community of

## Nominees sought for safety award

LONG BEACH, Calif. — The United Motorcoach Association is seeking nominations for the motorcoach industry's top safety award.

Each year, UMA honors an individual who has demonstrated leadership in the field of motorcoach safety.

The award, sponsored by Daecher Consulting Group of Camp Hill, Pa., is presented at the annual Vision Awards banquet at UMA Motorcoach Expo. The 2011 award will be presented here in February at Expo 2012.

The Safety Leader of the Year Award is given to a person who has been involved in the industry for at least five years; who has been active in industry initiatives

and organizations; who also has been active in non-industry activities, and who has demonstrated achievements for his or her company and/or the industry.

"A demonstrated commitment to promoting safety, thereby reducing crash frequency and severity is one of the criteria for this award," said Matt Daecher of Daecher Consulting.

Operators nominated for this award should have outstanding Safety Management System scores and consistent USDOT "Satisfactory" ratings.

To obtain a nomination form, go to [www.safetyteam.com/safety-leader/](http://www.safetyteam.com/safety-leader/) or send an email to [jaime@safetyteam.com](mailto:jaime@safetyteam.com).

professionals within NTA can work together year-round to overcome challenges and develop solutions."

"We expect a lively dialogue at

this event," said Simon. "Each participant will walk away with useful information and practical ideas, and they'll be part of a new peer network."

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## Seminar tackles key safety elements

ASHBURN, Va. — If the challenging developments of 2011 have taught motorcoach operators anything, it may be that it's more important than ever to assure your company is in compliance and has a sound risk management program.

Late next month, the United Motorcoach Association will conduct its annual Safety Management Seminar, a must-attend event for anyone who manages the risks associated with motorcoach fleet operations.

Here's a summary of the principal sessions that will be offered at this year's seminar:

**DOT Compliance Reviews:** What you can expect and how to prepare for a smooth and successful safety audit.

**Safety: More Than a Satisfactory Safety Rating:** A satisfactory safety rating only covers specific operational components that are regulated. When it comes to an overall safety program, this session will outline other areas of risk a transportation operation faces.

**Motivating Drivers:** Getting your new and veteran drivers to perform for you and your

customers.

**Effective Supervisors:** Keeping your staff safe takes effective supervision. Without the right skills, supervisors are unlikely to succeed and safety will be compromised.

**Vehicle-based Safety Technologies:** A review of current and emerging vehicle-based safety technologies worth consideration for your fleet.

**Fatigue: Scientific, Medical and Practical Perspectives:** A look at fatigue from a scientific and medical perspective, and practical ways to use this knowledge as part of a fatigue management program.

**CSA and Regulatory Jeopardy:** With the implementation of CSA 2010 and the Safety Measurement System, knowledge of Federal Motor Carrier Safety Regulations is paramount in managing your BASIC scores. This fun session will test your knowledge and look at common mistakes and misinterpretations of the FMCSRs.

**ADA Compliance:** With an increased focus on ADA compliance, understanding your obligations can avoid unnecessary fines and poor publicity.

**Security Awareness — Back to Basics:** Security has come a long way in the past 10 years, with much emphasis on response recently. However, the best defense is still prevention — a review of basic security protocols.

The seminar will be Nov. 29-30 at the National Transportation Safety Board Training Center here, with the host hotel near Dulles International Airport.

An important change has been adopted for this year's seminar: The first day of the safety seminar will be a full day, with a half-day session to follow on day two. The change is designed to make it easier for travelers — both those who fly in for the seminar and those who drive.

Also, for the second consecutive year, UMA will conduct a day-and-a-half Business Management Seminar immediately following the Safety Management Seminar.

The business seminar presents established curriculum from the Bus & Motorcoach Academy in an in-depth classroom format.

To learn more about both seminars, click on the links on the home page of UMA at [www.uma.org](http://www.uma.org).

## Calendar

### NOVEMBER 2011

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

**8** Trans-Expo, Metro Toronto Convention Centre, Toronto, Ontario. Info: [www.cutaactu.ca](http://www.cutaactu.ca).

**8-9** Sleep Apnea & Multi-Modal Transportation Conference 2011, Sheraton Baltimore City Center, Baltimore. Info: [www.samtc2011.org](http://www.samtc2011.org).

**9-10** Midwest Bus and Motorcoach Association Meeting and Convention, Wyndham Lisle-Chicago, Lisle, Ill. Info: go to [www.mbmca.org](http://www.mbmca.org), email [cherie@mbmca.org](mailto:cherie@mbmca.org), or call (608) 354-7110.

**30-Dec. 1** 8th Annual UMA Safety Mgmt. Seminar, NTSB Training Center, Ashburn, Va. Info: [www.uma.org](http://www.uma.org).

### DECEMBER 2011

**5-9** National Tour Assoc. Conv. 2011, Mandalay Bay Resort, Las Vegas. Info: [www.ntaonline.com](http://www.ntaonline.com).

**9** Maryland Motorcoach Assoc. Membership Meeting/Stuff a Bus Program, Baltimore. Info: [www.marylandmotorcoach.org](http://www.marylandmotorcoach.org).



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