

# Bus & Motorcoach NEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

## Senate coach safety bill has associations fretting

WASHINGTON — The motorcoach industry's two largest trade associations, UMA and ABA, have come out swinging — hard — against pending Senate legislation the two groups say would force many operators out of business and virtually stop new individuals from coming into the industry.

The target of the associations'

ire is Senate Bill 554, the Motorcoach Enhanced Safety Act of 2009. (See April 1, 2009, *Bus & Motorcoach News*.)

While versions of the bill have been around for three years, the present iteration has undergone dramatic changes, making it far more draconian than when it was introduced by Senators Kay Bailey Hutchinson, R-Texas, and

Sherrod Brown, D-Ohio.

Now there's genuine fear by the associations that the scary bill could be taken up by Congress during the lame-duck session that begins Nov. 15, or that parts of it could be quietly inserted into omnibus sending measures that may surface during the lame-duck session or afterwards.

Currently, there may be a hold

on the bill by Sen. Tom Coburn, R-Okl., who appears to have acted at the request of a pair of motorcoach operator constituents. Contacted by *Bus & Motorcoach News*, Coburn's office acknowledged the senator's interest in the bill but press officials declined to discuss specifics of what action Dr. Coburn might continue to take regarding the bill.

In an open letter posted on the website of *BUSRide* magazine, American Bus Association Senior Vice President Clyde Hart called the proposed Senate legislation "a bad bill that can't be made right." He urged operators and others to call, write or email their senators and tell them that Senate Bill 554 is terrible legislation "that cannot

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## New bus sales continue slide during 3rd Qtr.

Purchases of new motorcoaches remained weak during the third quarter, dropping total sales of new coaches for the first nine months of this year 30 percent below those of last year.

*National Bus Trader* magazine reports 242 new coaches were sold or delivered during the three months ended Sept. 30, down 35 percent from year-earlier sales and deliveries of 373.

How bad were July-through-September sales? It was the worst third quarter in the past decade and was only marginally better than the first quarter of this year when new coach sales slumped to 227 units.

While seven new-coach models recorded more sales in the third quarter this year than they did during the same period last year, *National Bus Trader* editor Larry Plachno also noted there was "an unusually high number of models that recorded no sales" at all during the latest quarter.

Perhaps the most dramatic sales fall-off occurred in Canada, where a total of 11 new coaches were sold or delivered in the entire country during the third quarter, down from 75 a year ago.

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**GOING SOLAR.** Bauer's Intelligent Transportation of San Francisco has developed a solar-power system for motorcoaches that can operate the

coach electrical system and provide heating or cooling. The system virtually eliminates all idling. See story Page 18.

## Election produces mixed results

### Industry nemesis Murray re-elected

This month's midterm election wasn't about transportation, but the Republican wave, as well as a handful of individual races and ballot issues, nonetheless will have important implications for the motorcoach industry.

The Republican takeover of the U.S. House of Representatives, as well as more than 20 governorships, 6 Senate seats, and 19 state legislatures likely will produce a big impact on taxes, spending and

the pace of new regulations — all issues near and dear to private bus operators.

Beyond the huge and historic successes scored by Republicans, there were at least two specific election outcomes that portend potential hurdles for the industry. Chief among them was the victory of Democratic U.S. Sen. Patty Murray, who won re-election by a narrow margin in Washington state.

Murray is the politician Washington motorcoach operators love to hate because of her efforts to weaken or demolish the federal charter service rule. (See Oct. 1,

July 1 and June 15 issues of *Bus & Motorcoach News*.)

As head of the Senate appropriations committee, Murray was able to insert language in a transportation funding bill last year that exempted the major public transit agency in metro Seattle from the federal charter service law.

Operators in Washington accused Murray of single handedly trying to destroy the charter rule that protects private motorcoach operators from unfair competition from public transit agencies.

"She actively supports allowing

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## MCI gets new CEO & CFO, \$\$\$ for parts

SCHAUMBURG, Ill. — The new owner of Motor Coach Industries has appointed a new chief executive and chief financial officer for the company and pumped in \$5 million to build up its parts inventory.

KPS Capital Partners, a New York investment firm that acquired the bus manufacturing firm two months ago, named veteran business executive Rick Heller chief executive and Fred Spivak chief financial officer.

Heller, former chief executive of Sleep Innovations Inc. in West Long Branch, N.J., replaces Thomas C Sorrells, who joined MCI early in 2001 at the behest of Joseph Littlejohn & Levy, another New York investment firm that owned MCI for nearly a decade.

Spivak is the former chief financial officer of Lenox Group, an investment banking firm based in Atlanta, and succeeds Christopher Motogawa, MCI's CFO for the past six years.

Although KPS did not formally announce the changes that occurred the first week of this month, a company spokesman confirmed the appointments and the cash surge when asked about them.

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## UMA targets young leaders at Expo

TAMPA, Fla.—Are the young people in the motorcoach industry ready to take over?

No one knows for sure, of course, but the United Motorcoach Association is gearing up to help make sure they have the knowledge, skills and tools when they do become tomorrow's industry leaders.

They'll get their first crack at sharing their vision for the future — and how best to get there — at a special "Young Guns" panel discussion that will open UMA Motorcoach Expo 2011 here Jan. 19–23.

"We have been asking 'who is coming behind us' for a while now, and the question so far has gone unanswered," said Victor Parra, president and chief executive of UMA.

He said the discussion forum at UMA Expo not only will offer a glimpse into the future, but it also could serve to pump some badly needed excitement and energy into the industry.

"This is one of our most exciting, and perhaps most important initiatives," stressed Parra, who

will moderate the forum with Steve Klika, president of the International Motorcoach Group Inc. "It really speaks to creating a better



Ray Land

future for our industry."

But the initiative won't end with the panel discussion.

Parra said the Expo session actually will set the stage for the formation — within UMA — of a "Young Guns" group that will bring together the 20- and 30-year-olds in the industry who are interested in sharing ideas on how best to improve the industry, attract new customers and build their companies.

"Our job at UMA is to provide services and programs that help operators grow their business and we need to provide them to the people who will be running the industry in the future," he said.

Parra noted that young people are tuned in to the technologies that already are changing the way

business is done in the industry and the social networking opportunities that many of them are beginning to use to market their businesses.

"We need to hear from these young leaders now who will be running the industry in the future," he said.

The idea for creating an organization of young people was passed on to Parra by one of the industry's youngest operators — Raymon J. Land III, the 23-year-old president of Fabulous Coach Lines in Bradford, Fla.

Land, who will be part of the panel at Expo and who is rounding up others to join him, said he has always wanted to put together a group of the industry's up-and-coming people to help shape its future.

He envisions a "dream talk" group that would develop ideas of all types, from coach innovations manufacturers would adopt, to new services that would get more people traveling on coaches, to fresh projects that would make coach travel much more mainstream.

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## Motorcoach refurbishing: When does it make sense?

TAMPA, Fla.—Worried your fleet is getting long in the tooth, looking a little worse for wear, and business conditions haven't allowed you to invest in spiffy new coaches?

Virginia-based motorcoach operator Dave Bolen has a suggestion, attend a session he's putting together for UMA Motorcoach Expo here in January.

Bolen, who operates New World Tours in Bristow, Va., is assembling a group of vendors and operators to participate on an Expo panel called "SmartWheels."

The discussion will center on available amenities and features that can be economically fitted to existing coaches to modernize them and satisfy customer demand for new features and classier coaches.

It's no secret, Bolen notes, that the rising price of new motorcoaches, coupled with a stagnant economy, has created a "Catch 22" for many bus operators.

Government mandates, inflationary pressure and market demand for new features have pushed

new bus prices near the half-million dollar mark, while the revenue needed to pay for them has slid back-wards.



Dave Bolen

One bright side is that coaches built for the North American market have long life expectancies, and the SmartWheels panel will look at creative ways of serving evolving market demands with existing equipment.

Several industry suppliers have expressed interest in participating, with more expected, said Bolen.

The panel will consider the implications and demands of doing the work in-house, versus having it done as a package by an outside contractor.

ABC Companies will have a booth on the Expo show floor offering refurbishing programs it has developed. (See Oct. 15 Bus & Motorcoach News.) There may be others.

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# THE DOCKET

## Mileage standards are proposed

### Cutting fuel use could be costly

WASHINGTON — The federal government formally proposed last month the first regulations designed to limit fuel consumption of larger commercial vehicles — from over-the-road buses to big-rig trucks — saying the rules address the thirstiest and most-polluting vehicles on the road.

The proposal, which would take effect with 2014 models and ratchet up through 2018 models, requires a public comment period and other procedures, and wouldn't be final until next year.

President Obama announced in late May that the USEPA and National Highway Traffic Safety Administration would team up to create the proposed rules. (See June 1 *Bus & Motorcoach News*.) The rules would raise the cost of buses, trucks and the diesel engines most of them use, but the government says the payback in fuel savings would be as fast as one year for heavily used over-the-road commercial vehicles.

The National Research Council, which issued a report earlier

this year that formed the backbone of the proposed rule, said that advanced technologies could lower fuel consumption in motorcoaches by up to 32 percent by 2020. (See May 15 *Bus & Motorcoach News*.)

However, achieving the improved fuel economy would cost an estimated \$36,350 per bus, according to the report, which said it would be a cost-effective expense if the price of fuel is \$1.70 per gallon or higher.

Even higher fuel prices would make the investment even more cost effective, said the report. Diesel fuel currently averages just over \$3 per gallon nationwide.

The complex proposal would cut fuel use 10 to 20 percent, according to federal estimates.

Major trucking interests endorsed the move for its potential cost savings.

The American Trucking Associations noted that it has backed fuel-consumption regulations since 2008. "The proposal, using current technology, is achievable," spokesman Brandon Borgna said.

A consortium representing drivetrain, trucking and shipping companies says it recommended fuel-use regulations for commercial trucks as far back as 2006.

Now called the Heavy-Duty Fuel Efficiency Leadership Group, it "devised a set of principles" for big-truck fuel use and proposed them to the Obama administration this year.

Although the emphasis is on large commercial vehicles, the regulations also would apply to vehicles as small as those with an 8,500-pound gross vehicle weight rating (the safe weight of the truck and cargo combined) — a Ford F-250 pickup or equivalent.

The government forecast the rules would cost industry \$7.7 billion, but save \$35 billion in fuel.

The standards would apply to the manufacturers of both engines and vehicles, not to the companies that use them.

Navistar, which builds buses and big trucks and the engines that power them at its IC Bus and International Truck and Engine unit, says it's too soon to determine the precise effect of the proposed rules, but hopes the government will "properly incentivize" advanced technologies. Navistar makes fuel-saving diesel-electric hybrid systems for buses and commercial trucks.

Critics say the standards might not be high enough.

## New CSA program is being modified to address concerns

cused compliance review where appropriate." (See Nov. 1 *Bus & Motorcoach News*.)

But to avoid inflammatory terms, FMCSA will be "getting away from that 'trigger language,' so it won't say 'deficient'" on a carrier's score, but "probably something closer to 'threshold,' or 'above the threshold' or something like that," Ferro said.

Trucking critics contend the term "deficient" is pejorative and could harm them in legal proceedings.

Also in response to industry concerns, Ferro said that while her agency considers whether it's feasible to assign fault to the crashes in its system, "we will continue to treat the crash data as we do under SafeStat" and keep it off FMCSA's public website.

As a result, carriers' scores in six of the seven CSA safety categories are now scheduled to be posted. Under CSA, the agency is sorting operator infractions into categories, called BASICs.

In August, FMCSA changed the way some of the BASICs are calculated. Those revisions and others have not completely silenced critics of the system.

Some of the concern stems from fear that customers and plaintiff attorneys may use the data from CSA either to select companies or in lawsuits.

Former FMCSA Administrator Annette Sandberg, now a consultant and attorney with Scopelitis, Garvin, Light, Hanson & Feary, said that failing to do due diligence and potentially using a carrier with a deficient or even marginal score "does not play very well" with juries.

As a result, Sandberg said she advises her clients to discuss the CSA issue with their carriers, and for carriers to explain that there are issues with the data.

John Hill, also a former FMCSA administrator and current consultant, said he believed the CSA scores should be publicized. But he added that if quality issues with the data persist, the scores might need to be withheld until the data problems were solved.



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# State, local bus/truck decals ruled illegal by FMCSA

WASHINGTON — The Federal Motor Carrier Safety Administration says it is illegal for New Jersey and two local governments to require commercial vehicles to carry or display decals or other forms of identification.

Issued last month in response to a complaint by American Trucking Associations, the ruling struck down identification requirements in New Jersey, New York City and Cook County (Chicago), Ill.

With few exceptions, FMCSA said, the law prohibits states and local governments "from requiring motor carriers to display in or on commercial vehicles any form of identification other than forms required" by the U.S. Secretary of Transportation.

The state and the two local governments "may no longer enforce their credential display requirements," the FMCSA said.

ATA contended in its 2008 complaint that the 2005 highway reauthorization law, which was called SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users), prohibited such identification requirements because they are "burdensome" for the industry.

The ruling, said Robert Pitcher, ATA's vice president for state laws, is "a welcome indication the FMCSA is serious about this statute and that they clearly feel as we do that it says what it means, that all sorts of state and local credentials

## Speed limits hiked in Va.

RICHMOND, Va. — The rural speed limit on five more Virginia interstate highways will rise to 70 miles per hour from 65 mph by the end of the year.

That will mean more than 60 percent of Virginia's interstate miles will have the higher speed limit.

Gov. Bob McDonnell made the announcement last month after a traffic and engineering study by the Virginia Department of Transportation determined which stretches of Interstates 64, 66, 77, 81 and 95 were safe for the higher speed.

Rural parts of I-85 and I-295 already have the 70-mph speed limit.

State transportation officials said it will take six to eight weeks to post the new speed limits on the various interstate sections.

McDonnell said the work will be completed by the end of the year.

on...motor carriers are preempted."

In all three jurisdictions, the identification requirements were linked to revenue collection — that is, the sticker, decal or a certificate indicated which vehicles had paid a required tax or fee.

ATA did not challenge the taxes, only the identification requirements.

Cook County and New Jersey reportedly have halted enforcement of their sticker requirements.

It was not immediately clear, however, whether New York City would give up easily on the decal issue.

Police in New York have a habit of targeting vehicles without decals and writing tickets, regard-

less of whether the vehicles run enough miles in the city to be subject to the tax.

Owners generally pay the tickets, warranted or not, because fighting them requires a court appearance and documenting that the vehicle does not run half of its miles in the city.

Unlike New York City, the state

of New York has computerized its payment records to facilitate enforcement of its state mileage tax on commercial vehicles.

That means law enforcement officers can stop a vehicle on a highway and check its license plate number via their computer to determine if the vehicle has paid the tax and is running legally in the state.

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## Stagecoach, First on target

Two of the United Kingdom's largest bus companies, both with extensive operations in North America, remain on track to meet profit projections for fiscal 2011.

Stagecoach Group plc, parent company of Coach USA, Coach Canada and megabus.com, said in a "trading update" that its North American operations grew 7.5 percent during the five months ended Sept. 30, compared to last year.

Revenue growth at the company's UK bus unit was 2.3 percent on a like-for-like basis and its UK rail segment posted a 6.5 percent rise for the 24-weeks ended Oct. 17.

Separately, Stagecoach announced that megabus.com, the curbside bus service it operates in the U.S. and Canada, has created more than 200 jobs in North America during the past two years as passenger demand for low-cost travel continues to grow.

"The success of megabus.com in North America since its launch in 2006, has seen it expand to cover more than 40 locations in the United States and Canada," said the company.

"More than seven million passengers have now traveled with the

service in North America."

Specifically, megabus has created 218 jobs for drivers, dispatchers and maintenance staff since 2008.

The growth has also supported employment at companies providing support services, Stagecoach pointed out.

"People are continuing to turn to megabus.com for affordable travel and make their dollar go further," said Dale Moser, president and chief operating officer of megabus in North America.

"While many businesses have found the past two years tough, we are winning new customers from the car and seeing people switch from air travel."

At FirstGroup, parent company of Greyhound Lines, FirstStudent and other FirstGroup units in North America, half-year pre-tax profit was up 14 percent and earnings per share increased 16 percent.

"The company remains on track for modest earnings growth to March 2011," said a British brokerage house.

The broker is forecasting a 6 percent growth in fiscal 2011 earnings before taxes.

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## UMA to study hours of service

ALEXANDRIA, Va. — The United Motorcoach Association is forming a committee to study hours of service and related issues, and looking for committee members.

The initial meeting of the committee will be Friday, Dec. 3, following UMA's annual Safety Management Seminar next month at the National Transportation Safety Board Training Center in nearby Ashburn, Va. The safety seminar will be Dec. 1-2; for information go to [www.uma.org](http://www.uma.org).)

The committee will be moderated by retired NTSB accident investigator Larry Yohe.

"Our annual industry assessment indicates there are concerns (about hours-of-service rules among coach operators)," said Ken Presley, vice president of industry relations at UMA.

"We're really trying to develop an overall perspective of operators' concerns and how best to ap-

proach the issue. We routinely hear from operators regarding fatigue and hours of service, and we wanted to provide an informal setting to discuss these issues," he added.

Additionally, hours of service is re-emerging as a front-burner issue because of pending action by the Federal Motor Carrier Safety Administration on hours rules for truckers and because of recent investigations by the NTSB.

UMA is seeking volunteers from among its members who would like to participate in the Dec. 3 meeting.

The committee will meet at the NTSB Training Center and the discussions are expected to begin in the morning and end mid-afternoon. Follow-up meetings will be conducted by conference call.

Interested individuals should contact Presley at [kpresley@uma.org](mailto:kpresley@uma.org), or call (800) 424-8262.

## Illinois meeting to consider new group

CHICAGO — Members of the Illinois Motorcoach Association plan to meet early next month, with one agenda item being to take the next step toward organizing a Midwest Motorcoach Association.

The idea of developing a Midwestern operators' association was hatched in June when Illinois operators had their first regular meeting since reforming the state association early this year. (See July 15 *Bus & Motorcoach News*.)

Illinois Motorcoach Association President Donald Ferrone of American Sightseeing Chicago said he has had expressions of interest in a Midwest association from operators in several nearby states.

Operators from Indiana, Iowa, Michigan, Missouri, Kentucky and Illinois have been invited to the Dec. 7 meeting in the Chicago suburb of Rosemont.

Ferrone hopes to form a board that can guide development of a new regional association, with representatives from each state. He also expects to have representatives from the Illinois Tourism Department, as well as the Chicago Convention Bureau, at the Dec. 7 meeting to discuss their latest initiatives.

Operators interested in attending the meeting should contact Ferrone (right away) by calling (312) 251-3100, or email at [Prairietrailways@aol.com](mailto:Prairietrailways@aol.com), or return the form they received in the mail.

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# Pitfalls of conducting applicant background checks

**By Wendy C. Hyland**  
**Dinsmore & Shohl**

Background checks have become a familiar arrow in the quiver for employers in the applicant selection process.

They have taken on an important role in overall hiring schemes designed to help eager employers glean the cream of the crop in a competitive job market.

Moreover, background checks are an effective tool for screening candidates to minimize risk of workplace violence and potential tort claims such as negligent hiring or negligent retention.

However, as federal and state law continues to evolve, careful thought to the process of conducting background checks and the use of their results in employment decision-making is more important than ever.

The Fair Credit Reporting Act applies to employers who obtain consumer reports for employment purposes from a third party service provider in the business of conducting background screening,

known as a consumer reporting agency.

This federal law requires a clear written disclosure that the report may be obtained and requires written authorization from the applicant for the disclosure of background information. If the information is used in any adverse employment action, employers must provide written notice before the adverse action is taken, including a copy of the report and a summary of rights under the Fair Credit Reporting Act to the candidate.

In addition, employers must provide another written notice upon taking the adverse employment action that provides contact information for the consumer reporting agency, explains that the agency played no role in the employment decision, and gives notice of the right to a free copy of the report within 60 days, as well as the applicant's right to dispute the report's accuracy.

State-specific laws must also be considered before making an employment decision based on information learned from a consumer

report, since many states prohibit consideration of an applicant's arrest record.

In addition, some states prohibit consideration of criminal convictions unless there is a direct relationship between the conviction and the job.

To further complicate matters,

## 'The use of information obtained from a background check must be consistently applied.'

the Equal Employment Opportunity Commission opines that the use of background checks and other selection procedures may run afoul of discrimination statutes if they are used to discriminate against candidates in a protected class, such as race, color, sex, national origin, religion, age or disability.

As with any other employment decision, the use of information obtained from a background check must be consistently applied in decision making to reduce risk for

discrimination claims based on failure to hire.

The EEOC has also taken the position that the use of information obtained from consumer reports may have a disproportionate impact on applicants in protected classes. Furthermore, the EEOC recommends against using the information unless there is a justifying business necessity by showing:

1. The nature and gravity of the offense
2. The age of any conviction
3. The nature of the job

So, where does this complicated web of compliance leave employers in effectively using background information as a way to recruit and retain a talented workforce?

Consumer reports remain a critical tool to minimize legal liability and help gather the best pool of job applicants. As a guidepost, rather than bright-line policies that any criminal conviction bars further consideration of an applicant's candidacy for a position, employers should consider the relationship between the competencies of the position and how the

information obtained in the report is a concern for how the applicant's background fits with those competencies.

For example, an applicant's criminal conviction for embezzlement may have some bearing on potential efficacy if applying for a position as a bank teller, or an applicant's conviction for abuse may have some bearing on the applicant's fit in a job at a nursing home.

Careful tailoring of the information learned from a consumer report to a job-related analysis in applicant selection can help employers balance being in front of potential problem employees, and potential legal claims for hiring them, while minimizing legal risk of violating anti-discrimination statutes.

*Wendy C. Hyland is an attorney in the Louisville, Ky., office of Dinsmore & Shohl law firm. Contact her at [www.dinslaw.com](http://www.dinslaw.com).*



# Truckers modify policies to 'expand climate options'

PHOENIX — In the motorcoach industry, it's always a good idea to keep an eye on what the trucking industry is up to because federal lawmakers, policymakers and regulators have a nasty propensity of lumping over-the-road buses with big trucks.

A policy change last month by the American Trucking Associations is an example of why that truism, well, holds true.

Members of the ATA meeting

here approved a policy shift that "makes it easier for the federation to negotiate with regulators and legislators over carbon-emissions and climate-change measures, even if they could result in fuel price increases."

Under the old fuel policy, ATA "essentially would have to just say 'no' to everything," but the new policy gives the federation the "flexibility to look at solutions that do the least amount of harm to the trucking

industry's interest," Rich Moskowitz, ATA vice president and regulatory affairs counsel, told a leading trucking industry publication.

The existing policy opposing government steps that could raise the price of fuel limited the association's ability to negotiate, said Moskowitz.

"Our existing energy policy was created long before [former Vice President] Al Gore invented climate change, and [it] said we

should oppose any government initiative that artificially increases the price of fuel," he said.

While that opposition "still makes sense with respect to government initiatives...there are carbon controls out there that are likely to increase the price of fuel, and our existing policy did not give ATA staff the ability to negotiate a carbon-control solution that was most favorable to our industry."

In its formal policy statement,

ATA said emissions reductions achieved through fuel economy standards are preferable to government actions that increase fuel prices in an attempt to limit diesel consumption or that mandate the use of alternative fuels.

The policy also calls for industry support of carbon control methods that produce verifiable reduction in emissions and returns any higher taxes paid by the industry to infrastructure projects.

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# Public comments on proposed seatbelt rule run gamut

WASHINGTON — The proposal by federal transportation regulators to require three-point seatbelts on all new motorcoaches has drawn a mixture of comments from people outside of the motorcoach industry.

More than 40 individuals and families — many of them with relatives who were killed or injured in bus accidents — responded to a National Highway Traffic Safety Administration call for comments on the proposed seatbelt mandate.

They joined several dozen operators, bus manufacturers, seat makers and others in the industry who also filed remarks as part of the formal rulemaking procedure for the proposal. (See Nov. 1 issue of *Bus & Motorcoach News*.)

While most of the individuals said they supported the seatbelt requirement, a number of them urged the agency to go even further, suggesting the timeline for the proposed rule to become effective be moved up, that existing motorcoaches and all school buses be included, and that new safety standards be adopted for roofs and windows on coaches.

Under the current form of the rule, seatbelts would be required

on new coaches three years after the rule is adopted.

The most compelling support for the proposed measure came from relatives and friends of people who were involved in bus accidents, including the coach of an Ohio college baseball team that lost five players in a 2007 bus crash in Atlanta.

"Although we certainly cannot go back and change what happened to us, we can do our best to provide safety features for all those (who) will ride in buses today and in the future," wrote James B. Grandey Jr., coach of the Bluffton University team.

He urged regulators to consider matching the Motorcoach Enhanced Safety Act of 2009, which was proposed in Congress last year and which more comprehensively addresses improved roof strength and window glazing. The proposed law remains under consideration in Congress. (See related story on Page 1.)

"Stronger, quicker action is needed," added John Engler of Ohio, whose son was injured in the same accident.

An ad hoc organization of 20 families whose relatives were in-

volved in three recent multiple-fatality bus accidents in Texas and Georgia also supported the proposal, but emphasized that retrofitting of all existing buses and an earlier implementation of the regulation should be included.

"The American public cannot afford to wait this long for the

**'The American public cannot afford to wait this long for the basic safety protection of a seatbelt.'**

basic safety protection of a seatbelt," the group wrote.

Faith S. Ramseyer of Bloomington, Ind., pleaded for an earlier effective date of the mandate as well, suggesting that 18 months to two years would be sufficient time for new coaches to be equipped with seatbelts.

Bradley Brown of Beaumont, Texas, who lost a daughter in a bus accident, and Yen-Chi Le of Houston, whose mother was killed in another crash, both joined in recommending that other safety mea-

sures — roof crush protection and better window retention — be part of the measure being considered by NHTSA.

"Although requiring the installation of lap/shoulder belts is critically important, there are other measures that, if included in the rule, would lead toward a more comprehensive approach to motorcoach safety," Brown offered.

A number of other individuals said regulators should require passenger seatbelts on all school buses, even before motorcoaches be required to have them.

"NHTSA requires that small children sit in a car seat, yet those same children ride in public transportation without any sort of protections," commented Rachel L. Gossard of Chambersburg, Pa. "It does not make sense to me."

Robert Conrad of Washington agreed, emphasizing that many schools find money for metal detectors, security personnel and artificial turf approved because of safety concerns. "Seatbelts make sense," he added.

NHTSA also heard from individuals who oppose the seatbelt mandate, most of them because of the cost.

William Robinson of Colorado Springs, Colo., pointed to the government's estimate that it will cost \$25 million annually to save between one and eight lives. "Looking at it from a strictly economic view, this doesn't seem to be cost effective," he said. "I hate to put a price tag on a human life, but every business does."

Benjamin J. Smith of Rochester, N.Y., agreed and suggested that a person is more likely to be hit by lightening multiple times than die on a motorcoach. "Please stop wasting taxpayer money on issues that aren't issues and stop creating regulations that people will have to pay for and then not use anyway," he said.

NHTSA also got a surprise response to its open invitation to comment on the proposal from the People's Republic of China.

Wang Nini, director general of the China's National Notification & Enquiry Center in Beijing, said while his country is not opposed to the seatbelt mandate, it would favor the requirement being applied only to the forward facing seats in the front row and that be optional for all other passenger seating.

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# Acquisition impacts results at National Interstate

RICHLFIELD, Ohio — Financial results for National Interstate Corporation for the third quarter and first nine months of this year were significantly impacted by its acquisition of Vanliner Insurance Co.

Gross premiums, investment income, loss adjustment expense and, to a much lesser extent, net income were favorably impacted by the purchase of Vanliner, a deal completed July 1.

Gross premiums written totaled \$116.5 million for the third quarter and \$333.1 million for the first-nine months of this year, an increase of 67.5 percent and 19.1 percent, respectively, compared to the same periods last year.

Net income for this year's third quarter was \$8.9 million, or 46 cents per share, compared to \$8.2 million, or 42 cents a share, for the same quarter last year.

For the first nine months of this year net income was \$27.1 million, or \$1.40 per share, down from \$32.9 million, or \$1.71 per share, for the first-nine months of last year.

National Interstate's annualized return on equity was 12.5 percent for the nine months ended Sept. 30.

## Expectations met

Dave Michelson, president and chief executive, of National Interstate said the Vanliner acquisition "has met our expectations and then some."

"The transition has gone well and the business is performing as expected. We have quickly found ways to leverage the business, including the introduction of a new group captive program in the 2010 fourth quarter for our moving and storage customers."

"The required accounting treatment of the purchase resulted in an estimated gain from the purchase of 3 cents per share, and variances in our 2010 third-quarter underwriting expense ratio and loss and loss adjustment expense ratio.

"Although the components of operating earnings were impacted by the Vanliner results, the overall 2010 third-quarter earnings from operations were not significantly affected," said Michelson.

Net earnings from operations, that is underwriting income and recurring investment income, was \$7.7 million for this year's third quarter, an increase of 30.7 percent compared to a year ago.

That gain was primarily due to

increased investment income from the addition of the Vanliner portfolio and slightly higher underwriting earnings from the existing National Interstate business, the company said.

National Interstate reported combined ratios of 95.1 percent for this year's third quarter, compared to 92.8 percent for 2009's third quarter.

## Vanliner swells losses

The loss and loss adjustment expense ratio for the 2010 third quarter was 76.2 percent, 8 percentage points higher than a year ago. National Interstate said Vanliner added roughly 5.9 and 3.2 percentage points, respectively, to the loss and loss adjustment expense ratio for the three and nine months ended Sept. 30.

Those losses primarily were attributable to "the runoff of acquired claims and unearned premium balances, which the company anticipates will be less significant in future periods."

Overall, total losses and loss adjustment expenses, went from \$48.3 million during the first quarter of last year to \$85.2 million this year.

National Interstate noted that its

third-quarter claims severity and frequency is often elevated based on seasonality associated with the risks it insures. The company experienced higher claims frequency in its specialty personal lines products, several trucking products and among its transportation components.

Expenses were a bright spot. The underwriting expense ratio of 18.9 percent for the third quarter was roughly 3 percentage points better than expected due to the required purchase accounting treatment of certain assets and liabilities acquired in conjunction with Vanliner, which the company anticipates will be less significant in future periods, as well as the low underwriting expense structure associated with a large portion of the business which renews during the third quarter of each year.

## Investment gains

Net investment income for this year's third quarter of \$6.4 million and for the first nine months of \$16.4 million both increased compared to the same periods last year. The increase primarily resulted from the addition of the Vanliner portfolio at the beginning of the third quarter. Still, investment income, excluding the im-

pact of Vanliner, improved compared to 2009.

"Our business, excluding unusual items from Vanliner, is maintaining a combined ratio of approximately 90 percent for the first nine months of 2010. We anticipated a rise in the combined ratio for our existing business compared to last year because of unusually low claims severity in 2009 and the cumulative effect of low- to mid-single digit rate decreases in our traditional commercial products that have occurred over the past several years," said Michelson.

"We continued to grow our business...in the 2010 third quarter compared to last year. The Vanliner acquisition was a significant factor but, in addition, our existing (top line) business grew approximately 27 percent for the 2010 third quarter and 9 percent for the 2010 first nine months. Although commercial market conditions remain competitive and the economic conditions continue to impact the risks we insure, we have experienced overall growth," Michelson added.

National Interstate's board approved a quarterly dividend of 8 cents per share, payable Dec. 10, to shareholders of record on Nov. 26.

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## New York City luxury operator captures honor

NEW YORK CITY — Hampton Luxury Liner, an upscale motorcoach service operating primarily between Manhattan and the east end of Long Island, has received a 2010 Concierge Choice Award from the New York City Association of Hotel Concierges.

Established four years ago, the concierge awards recognize companies, organizations and individuals who "create exceptional experiences for New York City visitors" and honor "the best in New York City hospitality."

Hampton Luxury Liner was named winner in the category "tourist transportation," beating out three other finalists — New York City Water Taxi, Circle Line Sightseeing and Gray Line of New York Sightseeing.

"I was extremely grateful to be nominated with some of the true institutions of New York City in this category," said Michael Schoolman, president of Hampton Luxury Liner.

"This award is a tribute to the hard work our customer service representatives, drivers and office staff have put into 2010 to gain the respect and consideration of the concierges.

"We are always trying to find new ways to thrill our customers from New York City, including daily service to the Hamptons, Woodbury Common, Atlantic City and now wine tours to the North Fork of Long Island," Schoolman added.

The concierge awards are presented in 17 categories, ranging from best Broadway show (Memphis), to best classic restaurant (The River Café), to tourist attraction (Top of the Rock and Intrepid Sea, Air and Space Museum (tie), to department store (another tie between Bloomingdale's and Lord & Taylor).

Classic Coach and its CEO William Schoolman of Bohemia, N.Y., purchased Hampton Luxury Liner early last year and in less than two years turned the operation around, positioning it as offering business-class travel at coach-class prices. (See March 15, 2009, *Bus & Motorcoach News*.)

Hampton Luxury Liner coaches are outfitted with free WiFi, leather seating, power outlets, extended legroom, snacks and drinks, a library and carpeting.

"We have established a new category of transportation that is attracting conventional motorcoach customers and new customers who seek out the amenities Hampton Luxury Liner coaches offer," said Michael Schoolman.

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## Senate Bill 554

CONTINUED FROM PAGE 1

enhance safety and must be rejected."

Ken Presley, vice president of industry relations at the United Motorcoach Association, said the bill in its present form would virtually eliminate startup motorcoach companies and lessen industry competition. He said that such a development is the desire of large, established motorcoach operators.

Presley wondered aloud how the drastic new-entrant restrictions made their way into the bill.

"While perhaps common sense in appearance to the average lay-person, the requirements of this

section are 'rigged' to discourage enterprising individuals, many of whom are minorities, from ever entering the passenger transportation industry and represent a cleverly disguised version of economic regulation," said Presley.

"This requirement would require a new entrant to capitalize and finance equipment (new motorcoaches are approximately \$500,000 each), have them inspected, hire drivers, establish elaborate record-keeping requirements, purchase insurance, develop safety management programs (some of which have no regulatory references and would be subjective), be interviewed and have safety management controls and

oversight policies and practices in place (more subjective matter).

"All this while waiting weeks or months for a federal official or their assignees to arrange a visit to grant authority they may not even receive," said Presley.

"Fundamentally, most individuals cannot afford this, nor are financial institutions likely to comply, and the proponents of this section are keenly aware of the effects. It is conceivable that only those with substantial capital to



*Ken Presley*

waste waiting could afford to enter the business. Plainly stated this is an effort to discourage new entrants from entering the passenger carrier business and Congress should recognize it as such," Presley concluded.

The UMA, according to Presley, "adamantly opposes" many elements of the proposed legislation as being unduly burdensome, subjective, unfair, undoable and possibly illegal.

Both UMA and ABA also say much of the bill is unnecessary because of safety-related initiatives underway at the National Highway Traffic Safety Administration.

"S. 554 requires the imposition of its safety mandates (and there

are 14 of them) in an accelerated time frame without scientific research," says Hart in his web posting. "This rush to establish rules without proper analysis could make motorcoaches less safe rather than more so."

"The bill would also subject motorcoach operators complying with the mandates to private lawsuits for failure to move as expeditiously as plaintiffs' attorneys deem necessary and does not prevent states from enacting inconsistent safety standards, forcing operators to choose the states in which they wish to operate."

"S. 554's safety mandates will each cost the industry billions of dollars," Hart added.

## MCI changes

CONTINUED FROM PAGE 1

Industry executives saw the investment in MCI's parts inventory as a means to strengthen its service and support operations, as well as ease concerns of customers who have for some time complained about MCI not having enough parts on hand and having to wait too long to receive them.

Heller comes to MCI with a wealth of business experience. Before joining Sleep Innovations, he

held senior executive positions at Fortune 500 companies ConAgra and PepsiCo.

He also served as chief executive of the Steak-Umm Co. LLC and held senior positions at Hunt-Wesson Inc., Lea & Perrins Inc., Richardson Vicks Inc. and Frito-Lay Inc.

He also was a partner in Carl Marks Advisory Group LLC, where he gained extensive experience in the turnaround and restructuring of distressed middle-market companies. And, while at Sleep

Innovations, he took the business through a pre-packaged Chapter 11 bankruptcy proceeding, emerging from the process in just five months.

MCI used a similar process when it went through bankruptcy in 2008-2009.

Spivak, the new CFO, reportedly has extensive experience in finance and financing, most recently with Lenox, a middle-market investment bank that specializes in merger and acquisition advisory services and capital raising for

companies with revenues of between \$15 million and \$150 million.

Its focus includes manufacturing, distribution, healthcare, financial services, specialty retail and hospitality.

Sorrells joined MCI as chief operating officer in February 2001. He had been vice president of business development at Fairfield Manufacturing Company Inc.

KPS purchased MCI in September from Franklin Mutual Advisers LLC. It has one notable bus indus-

try achievement, having owned New Flyer Industries, the transit bus manufacturer. The company acquired New Flyer for \$27.5 million and sold it less than two years later for about \$200 million.

MCI, which is headquartered here, is the largest manufacturer of over-the-road coaches in North America.

It has manufacturing facilities in Winnipeg, Manitoba, and Pembina, N.D., as well as seven sales centers and eight service centers in North America.

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# New technology: Evaluating whether it's right for you

**By Dave Millhouser**

The year 1974 was an exciting time to be on the road.

A federal mandate that commercial vehicles have antilock brakes had just gone into effect, and the results were, well, remarkable.

Sometimes a driver would step on the pedal...and nothing would happen.

Other times (my personal favorite) a driver would key the microphone on his CB radio and the brakes would lock tight. Talking on the CB was a sporting proposition (and you could pull up to a truck that had cut you off, key the mike, and nail him to the pavement like he'd dropped an anchor).

Eventually, there were regulations that demanded installation of antilock brakes, followed by others that forced operators to disconnect them, and then they faded into history for 25 years.

In 1999, a new mandate was imposed but this time the technology was ready, and we've lived with them happily ever after.

When is a technology ready for prime time? If the government de-

mands it, you don't have any option, other than buying before it's required.

There is a ton of new stuff coming (and going) that you do have a choice about. It's almost always a two-part decision — if and when.

Some folks always want to be first. Whether it's a new model coach, or some whiz-bang option, they've got to have it.

The advantage is their ability to offer their customers the latest and the greatest. The downside is that they (and their customers) have to live with the inevitable hiccups all new technology brings.

The flip side are the folks who mutter "over my dead body will I install..." Sometimes it is over their corporate corpse, if it's an item that the marketplace decides it must have.

Everybody has video and automatic transmissions now. But, believe it or don't, there was great resistance at first, and some companies paid dearly for bucking the trends.

A couple of things to consider as you and your bus salesperson scroll down the list of options.

How new is the technology? Who is using it, what kind of luck are they having, and who supports it? Make some phone calls, Google it. Even if it's something you know will be a real winner, it may be worthwhile to let others work out the bugs.

Are competitors using it to advantage? If so, sooner may be better than later.

What is the payback? If it's a gizmo that improves coach operations or efficiency, how quickly does it pay for itself. If the answer is 10 years, then you may be buying a present for next owner of that bus.

If it's something for passenger appeal, like a nuclear-powered 96-inch video monitor, will it bring enough extra revenue to pay for itself?

You'll want to keep your eye on the government types (a good idea anytime) to be sure you're not buying something they'll either change, or outlaw.

Not long ago I worked for a foreign manufacturer that offered a whiz-bang system — in Europe — for preventing rollovers. I cleverly figured out that buses some-

times flop over here, and asked why we couldn't sell it.

The corporate lawyers were afraid that if the system was involved in an accident, all sorts of ugly possibilities for litigation would open up.

It wasn't maintained well, it didn't work, it did work, the butler did it — all sorts of things that could not be demonstrated to a jury of laymen.

In other words, liability is an issue. Sometimes you're in trouble if you have a piece of equipment and it doesn't work, other times you're toast because you never bought it.

It's fun to point out that anti-rollover systems are nearly standard now on new coaches in the U.S. The technology hasn't changed much, but the lawyers have.

There will be the cost of maintaining options. Some are clearly more expensive than others, and if it's related to safety, it's always got to work.

So, it boils down to deciding if a new technology will ever be desirable (remember the built-in bus vacuum?), and if so, when is the

best time to start using it?

Years ago, GM came out with a modernistic new transit bus that had a stainless steel frame and composite



Dave Millhouser

skirt panels that were easy to remove and replace. Too easy. The buses would hit a bump and the panels would drop, and then be run over by the drive axle.

Talk about a lawyer's dream. No one was sure whether the crushed panel should be paid for by the liability, or the collision, insurance.

One transit authority thought they'd solved this new technology problem by covering all the skirt panels with one giant decal wrap. At that point, when the bus hit a bump ALL the skirts dropped, leaving them briefly with a fleet of naked buses.

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

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## Coach sales

CONTINUED FROM PAGE 1

More new Temsas were delivered in the U.S. during the third quarter of this year than total new-coach purchases in Canada for the period.

By comparison, third-quarter sales in 2008 totaled 439; in 2007 they were 457, and in 2006 they totaled 538. The third-quarter high for the past decade came in 2001

when sales reached 545 units.

The third-quarter 2010 figure brought total sales and deliveries for the first nine months of this year to 862 units, down from 1,236 sold or delivered during the same period last year.

In analyzing the sales figures, Plachno noted that with sales at such low levels prudence should be exercised in comparing the numbers, plus he offered up an interesting theory on what is happen-

ing in the market.

"I feel obligated to issue two notes of caution," he said. "The first is that with our numbers becoming skewed in some areas, the percentages are considerably less significant than the actual numbers. In addition, it is increasingly obvious that we are seeing a trend back to pre-owned coaches that is making new coach sales numbers less meaningful."

Plachno said he sees three prin-

cipal reasons for the slump in new coach sales.

"The first reason is that public-sector deliveries were very low in this quarter, the lowest in quite some time. The second reason is that Canadian sales dropped off markedly.... The third reason, which bears some explanation and thought, is an obvious industry shift from new coaches to pre-owned.

"Back in the 1990s," he said, "the industry made a move from

40-foot coaches to 45-foot coaches. What many people do not realize is that this was also a move towards new-coach sales. There were few, if any, used 45-foot coaches on the market in 1993, 1994 and 1995.

"Hence, if you wanted to add a 45-foot coach to your fleet, you had to buy new. Our records show that more than 27,000 new coaches were sold in a 10-year period, effectively replacing most of our more active commercial coach fleet.

"This trend is reversing itself. Prompted by the questionable economy, operators are now turning more to pre-owned coaches," he said, adding that "a lot of the numbers are still there...but now they are pre-owned or rebuilt rather than new."

The most popular coach sold during the third quarter was the MCI J4500, with the Van Hool C2045 at No. 2 and the MCI D4505 No. 3.

Other top sellers during the quarter were the Volvo 9700, the Prevost H3-45, the MCI D4500 and the Temsa TS-35.

With reduced public-sector sales, the D4500 dropped in popularity from No. 1 a year ago to No. 6 this year.

"As usual, the J4500 has moved up to first place and the D4505 still has a strong following," Plachno noted.

Plachno, who has been tracking sales and deliveries of new coaches in the U.S. and Canada for 25 years, includes six coach brands in his analysis — MCI, Prevost Car, ABC/Van Hool, Setra, Temsa, and the Mexican-built Volvo 9700 sold by Prevost.

Sales and deliveries of Van Hool, Setra and Temsa coaches totaled 79 units during the third quarter, up slightly from 77 coaches in the third quarter of 2009. The 79 coaches represented a market share of 32.6 percent, a record, Plachno reported. Fifteen of the new coaches sold/delivered in the third quarter were Temsas.

"However, we suggest this (32.6) percentage is misleading on two counts," said Plachno. "One is that the imports are not up substantially, it is just that the domestic coaches are down. The second is that imports traditionally lag behind domestic trends by six months or more."

Sales of conversion shells also remained lackluster, with 17 shells sold during the third quarter; that was one more than was sold during the third quarter of last year.

For more information, contact Plachno via email at [lplachno@busmag.com](mailto:lplachno@busmag.com), or call (815) 946-2341.

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## Prices hiked by Firestone, Bridgestone

NASHVILLE, Tenn. — Bridgestone Americas Tire Operations has become the first major bus industry tire supplier to announce price increases in the United States across several of its divisions, including bus and truck.

Beginning on the first of this month, Bridgestone, Firestone and associate companies raised bus and truck tire prices by up to 8 percent.

"We continue to face a number of market pressures, including increased costs for energy, transportation and raw materials, resulting in the need for this price increase," said Eduardo Minardi, chairman, CEO and president of Bridgestone Americas. "While we are always working to balance costs and deliver a premium package of value to our customers, we have reached a point where we must respond."

The Firestone increase was expected. Several tire companies began signaling that price hikes were coming when they raised prices selectively in October and September. (See Oct. 15 *Bus & Motorcoach News*.)

Most manufacturers of over-the-road truck and bus tires increased prices from 3 to 8 percent in May and June. (See May 15 *Bus & Motorcoach News*.)

### SmartWheels

CONTINUED FROM PAGE 3

One proposal is to refurbish one side of a coach, leaving the other as-is, to demonstrate how dramatic the improvements can be. A Smart-Wheels participant, Orlando-based iTransit, is expected to do the work on the display coach.

In addition to looking at the practicality of retrofitting items such as modern LCD monitors, WiFi, 110-volt outlets, LED lighting, GPS, refurbished seats, graphics and seatbelts, the panel also will address methods of paying to update coaches.

One finance company, Advantage Funding, has already expressed interest in providing funding for projects that add value to existing coaches.

### Young leaders

CONTINUED FROM PAGE 3

Parra liked the idea of having such an organization so well he immediately incorporated it into the Expo agenda and made it the subject of the opening panel.

"Hopefully this will take off and get new people involved," said Land.



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# Election wave swamps House transportation committee

**WASHINGTON** — Perhaps nowhere in the U.S. House of Representatives will the impact of the Republican election victory of early this month be more evident than on House transportation-related committees.

Not only will the power on the committees shift from Democrats to Republicans, but one of the Democratic casualties of the Republican wave was long-time House Transportation and Infrastructure Committee Chairman James Oberstar, D-Minn., who lost the seat he has held since 1974.

Oberstar, an 18-term congressman, was narrowly defeated by Republican political newcomer Chip Cravaack. Oberstar had never won with less than 59 percent of the vote.

Beyond that, by one count there may be as many as 18 new members on the House Transportation Committee, possibly the biggest turnover for that panel ever.

And that means "one of the biggest challenges we (as an in-

dustry) will have is educating the new House members" about motorcoach-related issues, said Victor Parra, president and CEO of the United Motorcoach Association.

The revamped Congress also means "a brand new culture, one that will probably be more focused on fiscal responsibility/deficit reduction, improving the economy and job creation," said Parra.

"Because of this, we may not see a highway bill until after the 2012 presidential election, meaning we may have one of the longest—if not THE longest—periods of operating under some type of continuing resolution."

"The good news is that we have an opportunity to start fresh with a Congress that will probably be more receptive to using private-sector assets (our buses), rather than spending more taxpayer dollars to support growing transportation needs. Time will tell."

"In any case," says Parra, "the American people have spoken. And, despite the divided cham-

bers, the last thing they want is partisanship politics. They want the executive branch (White House) to work with the legislative branch (House and Senate) to address and solve our nation's woes—and leave politics out of it."

Many analysts agree with Parra that the Democrats' vision of a massive, \$500 billion transportation reauthorization bill now seems unlikely.

Still, there are those who hold out modest hope that agreement will be found for moving forward on highway and transit funding. After all, they point out, in the past transportation has been something Democrats and Republicans have often been able to agree upon.

However, the Republicans apparent unity around the issue of fiscal austerity could doom any big highway spending bill for months, if not years.

The new chairman of the House Transportation and Infrastructure Committee will likely be John Mica, a nine-term Republi-

can from Florida.

In the 110th Congress, Mica was elected Republican leader of the transportation and infrastructure committee, the largest panel in Congress. As the committee GOP leader, Mica served on all six transportation subcommittees, including highways and transit.

Mica, 67, is considered a conservative on most issues, but he worked closely with Oberstar in promoting infrastructure spending. He also has generally backed Obama administration efforts to fund high-speed rail projects, including one that would run through his home state of Florida.

Mica's support for high-speed rail has come even though many of his Republican colleagues have shown considerable disdain for rail spending.

Mica has not been a supporter of tax increases to pay for transportation investments, either in highways or public transportation. He reportedly has yet to develop a serious strategy for renewing the federal funding commitment for

such projects.

Oberstar, on the other hand, spent much of the past two years beating his head against a wall, trying to push for reauthorization of long-term federal highway and public transportation legislation. In doing so, he became something of a thorn in the side of President Obama, who made a decision fairly early in his administration to focus on health care and not highways.

Another key Republican member of the House transportation committee is Rep. John J. Duncan of Tennessee, a member of Congress since 1988. Duncan is the ranking Republican on the highways and transit subcommittee.

Duncan was visited last year by members of the UMA board during a one-day lobbying blitz dubbed "UMA Day on the Hill."

Both Duncan and Mica were early supporters of comprehensive motorcoach safety legislation introduced in the House early last year. That bill generally has industry support (see March 15, 2009, *Bus & Motorcoach News*).

## Election results

CONTINUED FROM PAGE 1

transit agencies to perform charter services. With reauthorization (of federal highway and public transportation legislation) coming up we can't afford to allow her another term at the helm of the appropriations committee," said one Seattle operator three weeks before the voting.

Murray bested real estate executive and former state senator Dino Rossi by a 51-to-49 percent margin. Upwards of two million votes were cast in the race.

In California, coach operators watched as a ballot initiative they supported go down to defeat. Proposition 23 would have suspended the state's landmark global warming law until unemployment in California dropped to 5.5 percent or below for a full year. The measure failed by a 61-to-39 percent margin.

While the law that Proposition 23 was aimed at delaying does not directly impact motorcoach operators, it is the potential indirect and long-term effects of the law that prompted the California Bus Association to publicly support its suspension until the economy improves. (See Oct. 15 *Bus & Motorcoach News*.)

An analysis conducted for the association found that the law could result in surprises down the road for the motorcoach industry,

including provisions that impact bus design, diesel engine fuel efficiency, and the cost of fuel.

Here is a quick rundown of other ballot measures and races from across the U.S. with implications for motorcoach operators:

- Massachusetts and Colorado rejected ballot initiatives that would have slashed taxes by billions of dollars.

- Indiana voters approved limiting how fast property taxes can rise, and placing higher tax rates on business property than on homes.

- South Carolina and South Dakota approved having union elections done by secret ballot.

- A controversial proposal to legalize and tax marijuana was rejected by California voters. Proposition 19 would have made it legal to grow and possess marijuana for personal use.

Some motor carrier safety officials have expressed concern that legalizing marijuana could have long-term and unforeseen consequences for industries that require drug testing to perform certain jobs.

With the major exception of California, the future of several high-speed rail projects across the U.S. may be in limbo after Republican gubernatorial wins. A number of Republican candidates for governor promised to shutdown or block expensive rail projects if elected, including those in Ohio

and Wisconsin.

Additionally, the GOP takeover of the U.S. House is likely to result in a confrontation with the Obama administration over funding rail projects.

There were few ballot initiatives specifically related to transportation in the election, but those that did were major defeats for public transit.

In Florida's Polk and Hillsborough Counties, voters shot down proposals to increase sales taxes to pay for transit expansion. The Polk proposal would have ramped up bus services and potentially allowed for the creation of light rail.

Hillsborough County had been pushing strongly for a light rail line running through Tampa, but that project is now impossible because of a lack of local funding.

In Oregon, a measure to fund improvements for Portland's Tri-Met transit agency was defeated by suburbanites.

Finally, in Indiana's 9th Congressional district, Democratic Rep. Baron Hill, who three times defeated Republican motorcoach/trucking industry executive Mike Sodrel in races for Congress, lost his bid for re-election.

Sodrel and Hill faced each other every two years for eight years, starting in 2002 when Hill was elected. Sodrel won the seat in 2004, but Hill won it back in 2006 and held on to it again in 2008.

Earlier this year, Sodrel lost a

## Challenges await casino in Maine

**PORTLAND, Maine** — By a narrow margin, voters in Maine have approved the first casino in the state that would have table games in addition to slot machines.

Meanwhile, clear across the U.S. in Oregon, voters rejected a statewide proposition that would have authorized the establishment of a casino in Multnomah County, Oregon's most populous county and home of Portland, Ore.

In Maine, opponents of the plan for a casino in or near the western Maine community of Oxford are considering a legal challenge and may demand a recount.

With 99 percent of precincts reporting, 50.5 percent of voters favored allowing the casino in Oxford County, which is north of Portland and west of Lewiston.

The tally for Question 1 stood at 282,463 "yes" to 276,845 "no"—a difference of fewer than 6,000 votes out of nearly 560,000 cast.

Dennis Bailey of Casinos No!, a political action committee that opposes the casino, said he and

other opponents are considering asking for a recount.

Bailey said his group also is considering a legal challenge to the measure, which effectively allows just one company, Black Bear Entertainment, to build a casino in Oxford County. The measure also prevents another casino from being built within 100 miles.

"I don't think you can write a public law for private gain," Bailey said.

The state attorney general's office said it won't examine legal issues regarding the measure unless the legislature asks for an opinion.

Robert Lally Jr., co-owner of the Mount Abram ski resort and a partner in Black Bear Entertainment, remained confident the measure will pass legal muster.

Lally said the group hopes to start construction next summer. He said the 100,000-square-foot project would be phased in over five years, create more than 1,700 year-round jobs, and generate at least \$60 million that would be directed to specific state programs.

primary bid to again challenge Hill. Todd Young, who defeated Sodrel in the Republican primary, beat Hill 52 to 42 percent in the midterm election.

The Sodrel family operates the Free Enterprise System, a large motorcoach company, and Sodrel Truck Lines. Both are based in Indiana.

# Can Republicans repeal the U.S. healthcare overhaul?

By Patricia Zengerle

Many Republicans elected to the U.S. House of Representatives earlier this month vowed to repeal and replace President Barack Obama's healthcare overhaul — or at least obstruct many of its provisions.

National polls show voters are evenly divided on the law dubbed "Obamacare" by its opponents.

Here are some questions and answers about the law's future:

## *Will Republicans have the votes to repeal?*

It will be very difficult, if not impossible, for Republicans to make good on their promise to repeal the healthcare law.

Republicans captured control of the House in the congressional elections but Democrats retained control of the Senate.

That makes it unlikely for Republicans to pass any measures to repeal or change the law since both the House and the Senate must agree on any final legislation. Additionally, Obama would most certainly veto any repeal.

It takes a two-thirds majority in both the House and Senate to override a veto — 290 votes in the House

and 67 votes in the Senate if every member votes.

There weren't enough seats up for grabs on Nov. 2 for the Republicans to reach 67 in the Senate, and there is insufficient support among Democrats to support repeal.

## *Can Republicans stop healthcare by refusing to fund it?*

They can try to withhold money needed to administer and enforce the law.

But, again, they need control of both chambers of Congress to pass such measures.

Any attempt to block funding also would require 60 votes in the Senate to overcome procedural hurdles and even then would face the threat of a presidential veto.

## *What can a Republican-controlled House do?*

It could hold hearings on the impact of the health reforms that may sway public opinion against the law and attract support for Republican-backed changes.

Such a complex law is bound to run into implementation problems, and the majority party in the House controls committee hearing schedules.

## News Analysis

### *Which provisions would Republicans target?*

One favorite target is the requirement for employers to offer healthcare insurance to employees or pay a tax penalty. Another is the requirement that all Americans buy health insurance.

Another plan would be to block planned reductions in benefits under Medicare, the government-funded health insurance for older Americans, or scale back the expansion of Medicaid, the existing government healthcare program for the poor.

### *What about lawsuits?*

Some 20 states have launched legal action to overturn the healthcare law, mostly challenging the constitutionality of imposing what they consider unlawful taxes and requiring people to obtain healthcare coverage, a provision known as the "individual mandate."

Voters in two states, Arizona and Oklahoma, voted overwhelmingly this month for ballot initiatives that would prevent forced participation by individuals or employers in a

healthcare system.

Administration officials and most legal experts say the law will withstand the legal challenges because the federal government has the ability to levy taxes and the Constitution puts federal government powers above those of states.

Other experts, and opponents of the bill, expect the issue will be considered by the U.S. Supreme Court.

But the case could take years to get to the high court, far longer than the immediate political battle over the bill.

### *How will this play with the public?*

Polls generally show Americans evenly divided on the healthcare law, but fewer than half view it favorably.

The Kaiser Family Foundation's October health tracking poll showed 42 percent of Americans have favorable views of the new law, 44 percent have unfavorable views, and 15 have no opinion.

However, most said their feelings about healthcare — for or against — were not a dominant factor in how they planned to vote for Congress or whether they would even go to the polls.

Obama has acknowledged his

administration could have done a better job convincing the public about the program's benefits.

Still, even some Republicans say the plan may become more popular over time if enough Americans begin to feel it benefits them. That would make it more difficult to convince the public to support repealing or scaling back the law.

### *Is there a precedent?*

Yes. In June 1988, Republican President Ronald Reagan and the Democratic Congress passed the Medicare Catastrophic Coverage Act, which was intended to fill gaps in coverage in the government insurance program for older Americans.

It was celebrated as a bipartisan success that would provide new medical benefits for the elderly. However, older Americans had to pay for it, in the form of an extra Medicare premium and a surtax for people over 65 with higher incomes.

The tax led to a protest campaign and Congress, in another bipartisan vote, repealed it in 1989.

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# Auxiliary solar-power unit makes coaches greener yet

SAN FRANCISCO — Gary Bauer has been running green for more than half of his 21 years in the passenger transportation business.

Now, he's hoping to get other operators from across the country to join him.

Bauer, owner of Bauer's Intelligent Transportation here, is marketing a solar power system he

says can operate all of the electrical equipment, including an auxiliary HVAC unit, on motorcoaches of all sizes and makes.

He has been testing the system since January and says it has performed flawlessly on two of his buses — so good, in fact, he's gearing up to install the system on all 70 of the motorcoaches in his 200 mixed-vehicle

fleet of full-size coaches, midsize buses, vans and limousines.

Developed by engineers in his shop, the system uses flexible roof-top panels that capture the sun's rays and charge a bank of six heavy-duty batteries tucked away in the luggage bay of the coach. The batteries power the electrical system and run all of the onboard electronic components, including lights, televisions, video players, computer outlets, cameras and other devices.

The topper, though, is the solar package includes a ductless commercial heat pump that substitutes for the coach's belt-driven A/C and heating unit whenever the engine is shut down. This allows a driver to cool the bus with the engine turned off, eliminating the need for aimlessly cruising around to keep the air going, or parking and risking violating anti-idling laws.

Most cities and states have strict idling regulations to reduce emissions and pollution when buses are being loaded or unloaded or waiting for passengers to return from an activity. In California, where Bauer is based, the maximum idling time allowed is 30 seconds within 100 feet of a school, and 5 minutes elsewhere.



Bauer's system uses solar panels mounted along the edge of the roof.



Six solar-charged batteries supply electricity and run the heat pump.

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"What happens is that it is 100 degrees outside and 120 inside the bus when your passengers need to be picked up and you can't cool down the bus because of the idling regulations," Bauer said. "With the solar package, you can have it cool long before passengers are ready to board."

He said operators who have buses with roof-top electric air conditioners won't need the auxiliary unit because the solar-charged batteries provide enough punch to run those types of units, in addition to all of the other electric gear.

There are other benefits, too, he said, pointing to fuel savings, less wear and tear on engines and other equipment, and one of his favorites, cleaner air.

"And you'll never have a dead battery again," he said, adding that the solar-charged batteries can recharge the coach battery at just about any time.

Bauer said the solar panels can feed the batteries under most weather conditions — if you can make a shadow with your hand, the sun rays are doing their job — and the auxiliary batteries operate up to five hours before needing a recharge.

The solar package, which is eligible for federal clean-air grants, will run between \$12,000 and \$14,000. Packages sold without the auxiliary heat pump will start at about \$10,000.

Bauer said his game plan is to market the solar packages in a kit and sell them to individual companies, which can either have them installed or install them themselves. "We'll show them how to do it if they want to do it on their own," he said.

The first units will be ready for delivery in four to six months.

Bauer expects to demonstrate the system on a coach at UMA Motorcoach Expo in Tampa, Fla., in January.

In addition to individual sales, Bauer said he hopes to work a deal with major bus manufacturers so operators can order them when they buy a bus and have them installed before the buses are delivered.

Bauer said the units are almost maintenance free and can withstand just about any type of weather conditions — from winds of 100 miles an hour to heavy rains.

"Around here the streets can be pretty narrow and we have hit a lot of tree limbs and haven't lost a solar panel yet," he noted.

Bauer has been pushing eco-friendly transportation since the late 1990s when his company helped clean up the air around San Francisco International Airport by replacing several dozen diesel- and gas-run hotel shuttle buses with 18 coaches that operate on liquefied petroleum gas and propane.

Also, all of his charter buses operate on biodiesel or propane, and he runs a monthly contest among his drivers with the driver having the best mile-per-gallon performance getting a \$250 bonus.

## Calendar

**DECEMBER 2010**

- 1-2 UMA Safety Management Seminar, NTSB Training Center, Ashburn, Va. Info: Call (800) 424-8262 or [www.uma.org](http://www.uma.org).
- 7 Illinois Motorcoach Association/Midwest Motorcoach Association, Gibsons Steakhouse & Bar, Rosemont, Ill. Info: Email [Prairietrailways@aol.com](mailto:Prairietrailways@aol.com) or call (312) 251-3100.



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