

# Bus & Motorcoach NEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

## NTSB: Curbside operators perplexing, oversight weak

NEW YORK — A six-month study by the National Transportation Safety Board has found that curbside bus operators have higher fatal accident and death rates, plus higher out-of-service rates, than conventional intercity carriers.

These higher fatality rates stem from driver violations — specifically, fatigued driving and driver fitness violations, the study says.

Additionally, curbside opera-

tors have higher driver fitness violation and out-of-service rates, and these carriers are overrepresented in driver logbook violations, according to the safety agency.

But while the NTSB study highlights numerous safety shortcomings of curbside operators, the methodology used by the agency to support its analysis, as well as a number of significant anomalies noted in the study, cast a cloud

over the report and some findings.

For example, because there are no good mileage figures for the motorcoach industry writ large, the NTSB wasn't able to calculate accident, fatality and other violation rates using the commonly accepted methodology based on miles traveled or the even better "seat miles." Instead, the NTSB resorted to calculating rates "per 100 vehicles."

The NTSB methodology virtually guarantees that many curbside operators — with their high utilization rates — will show up with elevated fatality and crash "rates."

Among the report's anomalies that went unexamined or unexplained was a finding that conventional scheduled carriers (i.e., traditional line-run operators) are more likely to be involved in a reported accident or an injury acci-

dent than their curbside cousins.

Elsewhere in the report it was noted that more than 90 percent of the operators in the "high accident rate category" and "high inspection and violation rate category" were neither curbside nor conventional intercity carriers, rather they were unscheduled carriers (meaning tour-and-charter operators).

Making that finding even more

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## New coach sales mark impressive third-quarter gain

Sales of new motorcoaches in the U.S. and Canada rose sharply during July, August and September, posting the year's third-consecutive quarterly increase, *National Bus Trader* magazine reports.

A total of 355 new models were delivered in this year's third quarter, an increase of 113 coaches, or 46.7 percent above the 242 new coaches sold in the same quarter of 2010.

The third quarter of last year was the weakest third quarter of any during the past decade. Third-quarter sales have averaged 410 units over the past 10 years, with the best third quarter coming in 2001 when 545 coaches were delivered.

"This now gives us three quarters in a row with increasing sales numbers," observed *National Bus Trader* Editor Larry Plachno. "Sales went up 24.2 percent in the first quarter of 2011, and 3.5 percent in the second quarter.

"The first quarter of 2011 was the first quarter in three years to see delivery numbers go up. The previous time to that — when we had increasing numbers — was in the first quarter of 2008," noted Plachno.

Among sales highlights for the latest quarter were these:

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**Sleeper Service.** megabus.com officially launched the United Kingdom's first budget sleeper coach service last month. The 24-passenger articulated buses operate each night between London and Glasgow, Scotland, a 400-mile run. Fares include berth and seat. More on Page 14.

## NCAA extends controversial program

INDIANAPOLIS — The ground transportation management company that coordinated the transporting of college athletes to sports tournaments this past year as part of a pilot program for the National Collegiate Athletic Association has won a contract to continue the program.

GO Ground Options of Chicago will manage the Bus Operator Network Program under a long-

### TSX responds Pg 10

term contract issued by the NCAA, which hired the company last year to test the procedure it hopes would enhance the safe transportation of student athletes.

Under the program, only motorcoach companies that have passed safety inspections required by GO Ground will be allowed to

take sports teams to tournaments, playoffs and championship games sponsored and paid for by the NCAA.

Also, operators that join the program and provide charters for teams during the high-demand periods of November, March and May will be given priority for high-profile championship events such as the Final Four college basketball

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## Seatbelt ruling may have major industry impact

ALBANY, N.Y. — The state Court of Appeals here has stung the motorcoach industry with a ruling in a 17-year-old lawsuit that could put at risk operators using buses that are not equipped with seatbelts.

The decision by the state's highest court reinstated a jury verdict that supported claims by three people who were injured in an accident while riding in a bus that did not have passenger restraints.

They claimed the carrier and others associated with the company were financially responsible for their injuries because they failed to put restraints on the bus.

Attorneys for the carrier had argued that the assertion made by the defendants was preempted by federal regulations, which do not require carriers to install passenger restraints on their coaches.

The United Motorcoach Association and others in the industry had warned that a ruling against the operator could carry industrywide implications, possibly even opening the door for victims of other motorcoach accidents to sue operators for failing to have passenger seatbelts on their buses. (See Oct. 1 *Bus & Motorcoach News*.)

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## Motorcoach Council touts initiatives

### 'Operator Tool Box' is coming next year

DENVER — The Motorcoach Council has issued an update on its efforts to expand consumer interest in traveling by motorcoach.

Council Executive Director Heather Horton said the nonprofit organization — that was set up nearly four years ago to promote motorcoach travel — has been hard at work in recent months developing “a number of new and exciting consumer-facing campaign initiatives.”

Specifically, she said the council has been:

- Overhauling the campaign’s consumer website to promote the broader goals of the campaign and its diverse marketing strategy beyond the initial Get Motorcoachified bus wraps
- Placing web and print advertisements (for example, a *USA Today Travel* magazine ad was distributed at news stands this past summer)
- Developing a DMO/CVB ad campaign designed to generate millions of campaign impressions to qualified leisure travelers
- Publishing a *Know Before You Go* consumer safety brochure, containing tips and checklists that educate travelers on criteria to consider before choosing a motorcoach

company

- Developing video public service announcements
- Getting celebrity endorsements that promote the motorcoach industry

“While the council pursues projects that elevate awareness of the campaign on a national level, our team will additionally focus on creating new opportunities for motorcoach operators and industry partners to gain exposure in their local and regional markets,” said Horton.

“With this in mind, we’re developing a new “Operator Tool Box,” containing a variety of pre-written, professionally designed templates, tips, tricks and social media tools” the council hopes motorcoach operators will find useful in promoting their businesses locally.

The Operator Tool Box will be unveiled at ABA Marketplace and UMA Motorcoach Expo early next year.

“With sufficient funding, and the collective support of our industry — all motorcoach operators, suppliers, associations and associate partners, the council can bring these exciting new projects to fruition,” said Horton.

For more information about the council and its initiatives, go to [www.motorcoachcouncil.org](http://www.motorcoachcouncil.org).

The council’s consumer website is at [www.getmotorcoachified.com](http://www.getmotorcoachified.com).

## California considers legislation aimed at drivers of party buses

SACRAMENTO — The California Bus Association has successfully held off — until at least next year — action on state legislation that would make motorcoach drivers criminally responsible for underage drinking on their buses.

Democrat Assemblyman Jerry Hill agreed to pull the measure and discuss possible changes to it with the motorcoach industry before bringing it back in the 2012 legislative session that begins in January.

“Remember the fight is not over, we just won the battle,” the CBA said in a message sent to its members.

Under the proposed legislation — AB 45 — party bus drivers would be required to terminate the ride and return the passengers to their pickup location if an underage passenger drinks alcohol. Drivers who violate the law could be fined a minimum of \$2,000.

The measure, which easily breezed through two legislative committees, was introduced this year in response to an incident in which a 19-year-old man was killed in a car crash in the San Francisco Bay area while driving home after spending a night out on a party bus.

The CBA maintains that the responsibility for any underage drinking aboard a party bus should rest with the group or individual sponsoring the charter and bringing the alcohol on the bus, according to the association

lobbyist, Josh Pane.

He said CBA has proposed amending the legislation so it would require the chartering party to read to passengers a message that emphasizes that drinking by minors is not allowed on the bus, and that anyone under the drinking age must sign a statement promising not to drink alcohol while onboard.

Pane said CBA representatives plan to meet with Hill soon to discuss the suggested changes to his proposed legislation.

### The battle in Michigan

The push for party bus legislation in California comes at the same time a city ordinance is being advanced in Michigan that would make drivers and owners of party limos and buses in Royal Oak (north of Detroit) responsible for not only underage drinking, but also the conduct of their passengers.

The city commission gave preliminary approval in October to a measure that could result in their being fined up to \$500 for allowing minors to possess or drink alcohol and any individual to possess drug paraphernalia, discharge a weapon, hurl projectiles, commit indecent exposure, litter or possess or use marijuana.

The 4-3 vote in favor of the measure was the first of two votes needed before it can be enacted. The second vote is planned for later

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# THE DOCKET

## Senate approves USDOT money bill

### 'Enhancement' projects remain

WASHINGTON — The Senate has approved the 2012 transportation appropriations bill that would, among other things, continue funding for transportation enhancements such as bike paths.

The measure was part of an omnibus funding bill that covers the Departments of Agriculture, Commerce and Justice, as well as

Transportation.

It passed by a wide margin, 69-30, and now goes to conference between the Senate and House, where changes could be made before a final version is sent to the White House for the president's signature.

During debate over the measure, the senators defeated several moves to cut money for transportation "enhancements," such as programs for bicycle and pedestrian paths, and beautification. (See

Nov. 1 *Bus & Motorcoach News*.)

It was the third attempt by Republican senators in less than two months to eliminate federal money for the transportation enhancement projects. An amendment by Sen. Rand Paul, R-Ky., was defeated by a 60-38 vote.

The approved bill would fund transportation and housing programs with \$109.5 billion, just below the \$109.6 appropriated for 2011, the Senate Appropriations Committee said.

## Charter rule exemption challenged

WASHINGTON — A national coalition that works to reduce unfair government competition with private businesses is urging U.S. House appropriators to eliminate the federal charter rule exemption granted to the public transit agency in Seattle.

The Business Coalition for Fair Competition, which is composed of businesses, associations, taxpayer organizations and think tanks, has written to key House leaders asking them to get rid of the charter rule exemption granted by Congress to King County Metro, the public transit agency in Seattle.

The exemption, which was in-

serted in the funding bill for the U.S. Department of Transportation two years ago by Sen. Patty Murray, D-Wash., makes King County Metro the only transit agency in the U.S. not subject to the requirements of the federal charter service rule.

The rule was adopted by the Federal Transit Administration more than three years ago to prohibit public transit agencies from unfairly competing with private bus operators.

Through its exemption, King County Metro is able to provide taxpayer-subsidized charter bus service to professional and college sports teams.

In its letter to Rep. Harold Rogers, R-Ky., chairman of the House Committee on Appropriations, and Rep. Tom Latham, R-Iowa, the coalition noted that since 1973, transit law has prohibited public transit systems that receive federal money from providing charter bus service in competition with private bus and school bus operators.

It recommended that Sen. Murray's provision granting King County Metro an exemption from the charter service rule be eliminated from the joint fiscal 2012 U.S. Department of Transportation funding measure that's being negotiated by House and Senate conferees.

## Senators propose highway bill, House version muddles along

WASHINGTON — A bipartisan quartet of U.S. senators has unveiled a two-year surface transportation spending measure to replace the one that expired in 2009.

The Senate plan would maintain federal highway and public transportation programs at current funding levels.

Meanwhile, House leaders say they are drafting their own six-year bill.

However, speculation continues swirl that no bill will pass both houses of Congress until after the 2012 presidential election.

The bipartisan plan unveiled early this month by the leadership of the Senate Environment and Public Works Committee calls for reducing the number of core highway programs from seven to five.

A markup of the bill was set for the second week of this month.

The legislation was put together by committee Chairman Barbara Boxer, D-Calif.; Sen. James Inhofe, R-Okla., ranking member of the committee; Sen. Max Baucus, D-Mont., chairman of the Transportation and Infrastructure Subcommittee, and Sen. David Vitter, R-La., ranking member of

the subcommittee.

The senators' \$109-billion measure would be the first reauthorization bill introduced in Congress to replace the current spending law, known as SAFETEA-LU, that has been temporarily extended eight times since it expired.

While most advocacy groups would prefer a six-year bill, some see the new markup as proof reauthorization is a Senate priority. Reauthorization progress in the House is seen as more muddled.

At a press briefing late last month, Rep. John Mica, R-Fla., chairman of the House Transportation and Infrastructure Committee, reiterated that the House leadership is holding fast to its promise to let his panel write a six-year reauthorization bill based on current spending levels.

"I think there's quite a move in Congress, especially on the Republican side, to make this a primary jobs bill," Mica said. "It has that potential, I believe."

During his briefing, Mica strongly criticized Boxer's two-year approach to reauthorization. Boxer has said the fiscal situation is such that a two-year bill has the best chance of passing.

Only a six-year bill can provide the financial "stability" needed for long-term transportation planning at federal and state levels, Mica said, and Boxer's two-year approach "depletes the entire trust fund in two years."

## Group opposes audit practices

DENVER — A pair of state audit practices — that have come under fire from businesses — are being challenged by an association of state legislators.

A task force of the National Conference of State Legislators approved a resolution against the use by states of third-party tax auditors that operate under contingency-fee arrangements, and against those that employ publicly available statistics about a taxpayer to estimate its tax liability, instead of actually examining taxpayer records to do so.

The task force took up the issue following complaints from businesses and business groups about the practices.



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# States get more highway money than they contribute

WASHINGTON — All states now receive more money for highway programs than they contribute to the Highway Trust Fund via federal fuel taxes and excise taxes, says a new study from the U.S. Government Accountability Office.

The idea that states fall into donor and donee categories — with some contributing more to the trust fund than they receive — is obsolete now that the federal government is supplementing trust fund spending with billions of dollars from the general fund, the GAO study said.

In addition, the “infusion of significant amounts of general revenues” into the highway account has broken the “link between highway taxes and highway funding,” changing the “user pay” principle, the GAO said.

Today, billions of tax dollars are provided for highways by taxpayers who do not directly use the roads, the study found.

The study was requested in May by two senior Democrats on the U.S. House Transportation and Infrastructure Committee: Rep. Nick Rahall, D-W.Va., top-ranking Democrat on the transportation committee, and Rep. Peter DeFazio, D-Ore., ranking member on the highways subcommittee.

“Instead of being consumed by the parochial ‘donor’ and ‘donee’ debate,” Rahall said in a statement accompanying the study, “this GAO report confirms that Congress should be working toward crafting a surface transportation bill that meets the needs of a 21st-century national transportation system.”

It is true that “depending on the method of calculation, the same state can appear to be either a donor or a donee state,” the GAO study said.

Some states receive more or less money in return than they collect for the trust fund via the 18.4-cent-per-gallon gasoline tax, the 24.4-cent-diesel-tax and excise taxes, the GAO said.

Over the years, however, the federal government has taken steps to equalize the funding, most recently with the Equity Bonus Program in the 2005 transportation legislation known as SAFETEA-LU.

Then, after it became clear in 2008 that the Highway Trust Fund was not taking in sufficient revenue to meet its authorized level of spending, Congress began transferring billions of dollars from the general fund into the trust fund.

Between 2008 and 2010 the general fund transfers totaled

\$29.7 billion, the GAO said.

In fiscal 2009, for example, because of the general fund transfers the federal government sent back to the states more than \$42 billion for highways, although federal fuel taxes and fees collected by the states totaled \$30.1 billion,

the GAO study said.

In all, between 2005 and 2009 under SAFETEA-LU, each state and the District of Columbia received more money than it sent Washington for fuel and excise taxes, the GAO said.

The rate of return ranged from

a low of \$1.03 to \$1 in Texas to a rate of return of \$4.99 to \$1 in Alaska. Montana received \$2.71 for every dollar it sent Washington in fuel and truck taxes, while Florida’s rate of return was \$1.15, New Jersey’s \$1.08 and Arkansas’ \$1.31.

Like other studies of the high-

way funding problem, the GAO report pointed out that the revenue stream into the Highway Trust Fund has diminished, in part because Americans are driving less, cars are more fuel efficient and Congress hasn’t raised the fuel tax since 1993.

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## Kentucky-Indiana I-64 bridge expected to reopen in summer

LOUISVILLE, Ky. — Officials, as well as drivers, in Indiana and Kentucky now know that the heavily traveled Sherman Minton Bridge that carries Interstate 64 over the Ohio River will probably reopen in June.

A \$13.9 million contract to repair the bridge that has been closed since Sept. 9, was awarded late last month. The span handles traffic between southern Indiana and Louisville.

The bridge was closed after a routine inspection turned up cracks in load-bearing steel joints. Subsequent inspections revealed additional joints that would have to be strengthened to make the bridge safe for the 70,000 to 80,000 vehicle trips made across it each day.

Indian Gov. Mitch Daniels announced the winning construction bid — which came in lower than the \$20 million state transportation officials estimated — had been awarded to a Louisville construction company.

The company has committed to completing the repairs in 135 work days, a statement from the Indiana Department of Transportation noted.

Built by both Indiana and Kentucky, the bridge is maintained by Indiana. Since the closing in September, traffic has been diverted to another interstate bridge, a span north of Louisville that carries Interstate 65 traffic between Kentucky and Indiana.

Under the terms of the contract, the contractor can receive an incentive of \$100,000 for each day the bridge opens earlier than the 135 work days in the bid. Likewise, payments to the contractor will be reduced by \$100,000 for each day the bridge stays closed past the 135 work days promised in the bid.

“The repairs will increase the bridge’s safety and reliability and, with regular maintenance, extend its useful life at least 20 years,” INDOT said.

### I-680 bridge reopens

OMAHA, Neb. — After it was shut down in early June because of Missouri River flooding, repair work on the bridge that links Iowa and Nebraska, just north of Omaha, has been completed and the bridge reopened.

Officials had targeted the end

## Michigan gov wants to end fuel tax

LANSING, Mich. — A proposal by Michigan Gov. Rick Snyder to eliminate the state fuel tax has been unveiled as part of a plan to improve state roads and create jobs.

Speaking to the Legislature on Infrastructure, the governor announced his strategy to increase transportation funding and improve roads, bridges and public transit.

“Michigan’s infrastructure is living on borrowed time,” Snyder said. “We must reinvest in it if we are to successfully reinvent our economy.”

Snyder said the public is not happy with the condition of roads

but the state is faced with a \$1.4 billion shortfall simply to maintain the current system.

Among the governor’s recommendations is to make dramatic reforms to Michigan’s transportation user fees. He wants to eliminate the state’s 19-cent-per-gallon gas tax and 15-cent-per-gallon diesel tax in favor of a percentage wholesale tax on fuel.

Snyder said the change is a more viable long-term funding approach. The percentage tax would tie revenues to the pump price as it rises and falls instead of linking it to fuel consumption.

Another recommendation is to

increase state and local vehicle registration fees by \$10 per month on the average vehicle. Snyder said such a boost would raise \$1 billion to \$1.4 billion each year.

Snyder’s proposal also addressed a common complaint that Michigan mismanages its highway and transportation-related revenue. The governor called for further cost savings and efficiencies that include allowing counties to absorb their county road commissions. He said the move would ensure greater accountability.

Another change would be to give the state authority to audit county road agencies.

## Michigan ups fines for OSS violations

LANSING, Mich. — Michigan has a new law that includes a provision that will impose stiff penalties on commercial drivers and fleets that violate out-of-service rules.

Under the law, companies convicted of knowingly allowing, requiring, permitting or authorizing a driver to violate an out-of-ser-

vice order would face up to \$25,000 in fines. The maximum fine had been \$11,000.

Individual drivers can be fined \$2,500 for a first-time violation and \$5,000 each for any subsequent out-of-service violation.

Also included in the bill is a lengthier suspension for drivers caught violating an out-of-service

order. Getting behind the wheel of a bus or truck subject to an out-of-service order would result in the driver’s license being suspended for six months. State law previously authorized 90-day suspensions.

Repeat offenses within 10 years would result in loss of driving privileges for two years, up from one year.

of the year for the reopening but crews worked almost 24-hours a day on the \$19 million project

since late September to get the highway ready for traffic.

The highway experienced some

of the worst damage from a summer of flooding on the Missouri River.

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## Texas starts removing nighttime speed-limit signs

LUBBOCK, Texas — The Texas Department of Transportation has begun removing the 65-mile-per-hour nighttime speed limit signs on Lubbock district roadways.

House Bill 1353, which took effect Sept. 1, eliminated the 65-mile-per-hour nighttime speed limit in Texas, making day-and-

night speed limits the same.

The law also eliminated the state's "truck" speed limits.

"This week, contractors began removing 950 nighttime and 1050 truck and truck nighttime speed signs in the Lubbock District's 17 county area," said Doug Eichorst, Lubbock district engineer for the TxDOT.

"This should be a relatively fast-moving operation and we anticipate that it will take approximately four weeks to remove all the signs in our district."

HB 1353 also allowed TxDOT to create a 75-mile-per-hour speed limit on any state highway found to be reasonable and safe through a study.

TxDOT will be reviewing existing 70-mile-per-hour speed limits to determine where a 75-mile-per-hour speed limit may be safely posted.

The complete evaluation of the state highway system and posting of all new 75-mile-per-hour speed limits should be complete by early 2013.

## Salt Lake City OKs 2-minute idling rule

SALT LAKE CITY — Salt Lake City has adopted a measure restricting vehicle idling to two minutes or less.

The law does not apply when the temperature is below 32 or above 90, nor does it apply to in-traffic situations, such as stoplights.

However, the law does apply to vehicles waiting in lines at drive-through windows and similar situations.

The ordinance was contested by merchants whose businesses offer such services, but the city council came up with a workaround: drivers using drive-through windows are exempt from the rule provided the business has posted signs to discourage idling.

Unlike some other municipal ordinances, Salt Lake City's rule does not exempt vehicles on private property.

The city's parking enforcement officers, not police, will enforce the ordinance.

First-time offenders will receive a warning. Second offenses will set offenders back \$160 (\$50 if the fine is paid within 10 days), and a third, \$210. A six-month grace period and a public awareness campaign will precede enforcement.

## FMCSA moves closer to Unified Registration System

WASHINGTON — The Federal Motor Carrier Safety Administration wants to change its approach to putting together a Unified Registration System, but intends to stick with key components it already has proposed in this sweeping overhaul of the way it keeps track of the companies it regulates.

The proposal, which has been in

the works for more than six years, is one of a family of rules intended to raise the bar to entry into the business, and help keep better track of "chameleon" carriers that attempt to evade enforcement by re-registering under a different identity.

In a supplemental proposal published in the Federal Register, the agency said it wants to back away

from combining all of the proposed changes in a single document. That's because the registration requirements among diverse businesses vary widely, the agency said.

But the agency intends to go ahead with its plan to combine the systems that track identification, registration and financial responsibility into a single online system.

All registrants would have to update their information every two years.

In addition, every company registered under the Unified Registration System would be identified by its U.S. Department of Transportation number, although motor carriers would be allowed to use their obsolete MC numbers for business and advertising.

## Feds reinstate \$\$\$ for Ohio to study turnpike lease

WASHINGTON — The Federal Highway Administration has reinstated a grant that Ohio can use to study funding options, including possibly leasing the Ohio Turnpike to private investors. (See Nov. 1 *Bus & Motorcoach News*.)

The turnabout came after state officials agreed to amend their application for use of the funds.

The FHWA originally approved a \$1.5 million grant to Ohio in September. However, following a letter from Democratic members of Congress that the funds were being misused, the feds took a second look and decided to revoke the funds.

But that was not the end of it. Congressional Republicans

sent a letter of their own asking for the FHWA to reinstate the funds, and state officials have amended their application to be more specific — or in this case, less specific. Ohio officials are now saying the grant money will be used not to pursue a lease but rather to study a variety of options that may include such a lease.

Earlier this year, Gov. John Kasich put forth a budget that called for options, including leasing the turnpike to investors. Since then, requests for proposal have been sent to various companies to assist in developing a plan.

The state hopes to have some proposals in hand during the next month or so.

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# House OKs bill nixing government contract withholding

WASHINGTON — A bill that seeks to kill a controversial plan that mandates all government contractors, including bus operators hauling military personnel and possibly even school children, have 3 percent of their payments automatically withheld is one step closer to becoming law.

The U.S. House of Representatives voted 405-16 to pass HR674. The bill, introduced by Rep. Wally Herger, R-Calif., seeks to repeal the 3 percent "pre-emptive tax."

Six years ago, when Congress was working to extend tax cuts, commonly known as the "Bush tax cuts," it passed the Tax Increase Prevention and Reconciliation Act, or TIPRA, which was signed into law by then-President George W. Bush.

To offset the cost of the tax cuts and credits in the bill, Congress included several provisions that were intended to address tax collection loopholes.

One of those was the 3 percent withholding requirement, included in Section 511.

## Arizona seeks to enter pilot tolling project

PHOENIX — The Arizona Department of Transportation wants to toll the segment of Interstate 15 that cuts across the northwestern corner of the state.

According to published reports, commercial vehicles could pay \$5 to \$10 to travel the 29-mile stretch.

ADOT has sent a request to the Federal Highway Administration for permission to add tolls to the interstate, saying the stretch of roadway needs \$251 million in repairs, including rebuilding bridge decks, and Arizona can't afford to pay for it. The request is being reviewed.

The I-15 tolling would be part of a federal pilot program to add tolls to sections of three interstates. Virginia and North Carolina are seeking permission to participate in the Interstate Reconstruction and Rehabilitation Pilot Program, by tolling sections of I-95. (See Oct. 1 and Oct. 15 issues of *Bus & Motorcoach News*.)

Interstate 15 is a popular corridor running from San Diego, past Los Angeles, through Las Vegas and on to Salt Lake City and the Canadian border.

Earlier this year, officials found cracks in the steel girders, broken welds and joints in some of the seven bridges over the Virgin River.

The general idea behind the provision was that the government is not able to effectively collect all taxes they are due from entities that contract with government agencies, so the 3 percent withholding would preemptively collect those taxes.

Section 511 of TIPRA was originally set to go into effect Jan. 1, 2011, but Congress added a provision to the 2009 stimulus bill (American Recovery and Reauthorization Act) that changed the implementation date to Jan. 1, 2012, and allowed the IRS to delay it fur-

ther. The IRS eventually pushed back the implementation date to Jan. 1, 2013. (See June 1 *Bus & Motorcoach News*.)

The withholding would be required of anyone who contracts with a government entity, including larger local governments. That

means bus operators that work for any government agency, ranging from the Department of Defense to local school systems, risk having 3 percent of their income for the move withheld.

The bill now awaits consideration by the Senate.

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# Transportation Safety Exchange defends safety mission

By Patrick Labriola

I am disappointed by the blatant inaccuracies in Linda Morris' opinion piece about Transportation Safety Exchange (TSX) in the Nov. 1 issue of *Bus & Motorcoach News*, and am positively shocked that she would oppose any effort to try and improve highway safety, especially in light of the recent special report on Curbside Motorcoach Safety the NTSB released Oct. 31.

As someone in her position with the Southeastern Regional Motorcoach Operators Coalition, Linda is all too aware of the limitations of the current safety inspection process in the motor carrier industry.

Instead of working with us to try and improve safety, she has chosen instead to attack TSX and attempt to thwart our efforts.

TSX was founded to meet the real and growing safety concerns of the users of a motor carrier's transportation services. These concerns are clearly apparent when considering the consequences of recent tragedies such as the Sky Express accident (4 dead and 50 injured), the Bluffton University-Executive Coach Luxury Travel accident (7 dead and 28 injured), and the Mohagan Sun-World Wide Tours accident (15 dead and 20 injured).

Accidents such as these not only raise questions about safety but have also inflicted a "black eye" on the reputation of the bus operator industry.

When accidents such as these occur, passenger trip organizers are discovering that they, the trip sponsors, and their passengers are ultimately at risk. Decisions in recent court cases have held that shippers must demonstrate adequate due diligence in the selec-

tion of motor carriers.

Until now, passenger trip organizers have not had the resources necessary to help them meet this standard, leaving them no way to prove that appropriate due diligence was exercised if an accident occurred.

TSX now provides them with the help they need to proactively perform these critical responsibilities.

Without enough resources, the government simply cannot provide ratings on the more than 700,000 registrants on the road — nor should it be expected to.

The government's mandate is not to provide ratings for private businesses, but rather to enforce regulations. TSX is helping to fill the inevitable void by providing an independent, voluntary, rating system to distinguish the safer carriers from the unsafe and noncompliant carriers.

Trip organizers must feel confident in the motor carrier they select and safer motor carriers should be rewarded for their high safety standards. TSX was designed to provide a current and reliable source by which to identify safer motor carriers from the pack.

We do this by inspecting, monitoring and reporting the safety performance of motor carriers which we believe will help achieve our mission of reducing highway accidents, saving lives and minimizing the cost of damages from motor carrier accidents across North America.

Contrary to Linda Morris' statement, numerous motorcoach companies are already recognizing the benefits a TSX approval can provide, both in terms of industry safety and increased business for

their companies.

Don Shepherd, safety manager of Abbott Bus Lines Inc., in Roanoke, Va., recently became TSX approved and had this to say about TSX: "Having been through USDOT inspections in the past, I can say that the TSX inspection was much more thorough."

**'To date, nearly 100 motorcoach companies have begun or completed the process to achieve TSX-approval status.'**

And, he went on to say: "The TSX approval has had a lot of value to Abbott so far. We're starting to get business in college areas where we had not in the past, and where we wouldn't normally have had the chance. Abbott plans to continue to use our TSX-approved status in our marketing efforts to new prospects."

To date, nearly 100 motorcoach companies have begun or completed the process to achieve TSX-approval status. One of our subscribers, GO Ground Options, announced that it had adopted TSX as its standard for safety fitness rating and carrier selection. This is clearly a business decision made by their principals after reviewing the TSX program.

GO Ground has long-term arrangements with world-class clients that demand a higher level of service and safety. Among this distinguished group is the NCAA (46 sports championships), and the

University of Texas at Austin.

They also provide transportation for many of the premier events, such as the Super Bowl and NCAA Final Four.

Paul Bonde, owner of Holiday Tours Inc. in Millstadt, Ill., has become TSX approved and joined GO Ground's NCAA Network, and when asked if he was using the TSX approval to market to his customers, he replied: "Near St. Louis, as a small carrier, you have to use the TSX approval to be competitive with the big guys."

According to GO Ground, its goal is to have both large and small operators that meet its safety and quality standards in all areas of the United States.

It has negotiated TSX discount rates for its operators which it will pass on as financial assistance to carriers wanting to join the GO Ground network. Information provided by GO Ground, and often viewed in some TSX/GO Ground joint webinar presentations, states that GO Ground will pay a portion of an operator's TSX Comprehensive Review (TSX-CR) fee, and GO Ground is also providing a guarantee of added revenues of 10 times of the net TSX-CR fees for the first 100 operators joining the GO Ground network.

Linda Morris stated in her letter that TSX made these claims and guarantees, and that simply is not true.

TSX proudly services our ever-growing number of subscribers. We work with their respective organizations, associations and other entities to develop group discounts for large-volume business. The fact that TSX, operators, shippers or any business chooses to develop group discounts is in no way a neg-

ative reflection on the quality or "trust" of their service, as stated by Linda Morris.

On the contrary, if a customer, like GO Ground and the NCAA, for example, are willing to invest alongside the right operators to raise the level of safety, why would that be challenged?

The TSX founders, principals of the company, and the managers leading our TSX Comprehensive Review process have been in the motor carrier safety evaluation business for nearly 25 years. We believe that when it comes to the transport of precious commodities such as school children, college athletes, or any passengers, safety is paramount. Simply put, we are the best at what we do.

We are happy to discuss TSX in more detail and invite all operators to visit our website or participate in a scheduled webinar at your convenience.

Additionally, we have and will continue to extend invitations to Linda Morris to meet and discuss ways to make TSX as economical as possible for her members.

We at TSX continue to be committed to a higher standard for ground transportation safety. We welcome your participation.

*Patrick Labriola is president of Transportation Safety Exchange, a recently formed bus safety marketing and sales firm with ownership ties to Consolidated Safety Services, which manages a bus inspection program for the U.S. Department of Defense and conducts inspections for the U.S. Department of Transportation. Contact him by email at plabriolatsx@tsxcr.com, at (855) 890-8879, or go to www.transportationsafetyexchange.com.*

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# Accident criminalization: Making a bad situation worse

By Dave Millhouser

The turnpike was slushy and wet snow was falling. I had my eye on the Cadillac WAY in front of my 4107 as it straddled the middle of the two lanes.

Suddenly, with no warning or apparent reason, the Caddie stopped. There was not enough room to pass or stop, so my fishtailing coach ended up bouncing him down the highway like a dribbled basketball.

Hit squarely from behind, the Cadillac looked OK until you saw the crease in front of the trunk. It was a very expensive three inches shorter than when it had been built.

My passengers insisted we had been stopped and the car had backed into us, but the responding trooper cleverly figured out what really happened. He was a gentleman and acknowledged the accident was influenced more by the car's behavior than following distance, and issued no tickets (though our insurance company paid).

This story is relevant for a couple of reasons.

First, it's not typical. Police sometimes write citations and let the courts figure it out.

Second, as a rule, no matter how pleasant the officer appears to be, he or she can't be your friend while conducting an investigation. They're allowed to use all kinds of techniques to elicit information.

To be fair, no matter how honest YOU are... police officers know folks consistently fib to them.

A new factor seems to have entered the mix. When an accident has a tragic outcome, or is highly visible, local prosecutors sometimes raise the bar (legal pun intended) to a scary level. Depending on current events, or local attitudes, commercial drivers may be prosecuted as criminals.

Although anecdotal, there seems to be evidence that this type thing is increasing. As an industry, we can't be perceived as dodging responsibility.

On the other hand, drivers being exposed to lengthy jail sentences, based on the visibility of the accident (as opposed to the criminality of their behavior), isn't fair.

Criminal charges for criminal behavior are a good thing, but inconsistency from one jurisdiction to the next isn't. An airline pilot who messes up is generally held to a federal set of standards. And pilots are better paid and trained than coach drivers.

The skills may be different but the responsibilities and risks are similar. You can make the case that commercial drivers have a tougher job because they are operating in a less-controlled environment.

The economy has alleviated the shortage of bus drivers but thoughtful people who drive commercially must, at some point, wonder if the compensation is worth the

risk. As the economy comes back, drivers may leave.

As long as local jurisdictions call the shots, there's not much we can do, beyond responding appropriately.

Most operators work hard at accident prevention. In a politically charged, litigious atmosphere, it's just as important, for the well-being of your company and your employees, to teach drivers how to act after an accident. Your insurance company REALLY wants to help with this training.

Everyone I've spoken to on the subject agrees on one thing: Your driver is unlikely to get in trouble for anything he doesn't say. We all want to "make things better," and either admit or assign guilt when we're pressured. Drivers must resist that temptation.

Questions from authorities need to be answered honestly but specifically. Often, things that seem obvious at the time turn out to be only part of the big picture. First impressions can't be trusted and your driver is under stress.

When the accident is serious, management and legal representation ought to be contacted immediately.

My friend Steve was driving on a main drag one day when a big spider dropped from the car's ceiling into his lap. Startled, he swerved and nailed a utility pole, totaling his vehicle. The spider was fine, the pole fared pretty well but Steve sported some

windshield in his face.

When the police arrived, the officer began writing a ticket for speeding, mistaking the fact that Steve had pulled the car off the road for its having landed there due to inertia.

Fortunately, the officer reconsidered. This is meaningful for several reasons. Steve was lucky because he didn't have to spend a ton of money fighting a summons that shouldn't have been written. It could have worked out otherwise. He was a sympathetic local guy, and while the blood gushed his mouth didn't.

Sometimes there's just bad luck.

If Steve had swerved head-on into a church bus, instead of a pole, would his act have been criminal? If anyone was criminal here, it was the spider. An overzealous police officer or prosecutor could conceivably make a bad situation worse, for reasons unrelated to the reality of the accident's cause.

Drivers need to understand that responding well protects both their company and themselves. More than ever, we're all in this together.

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



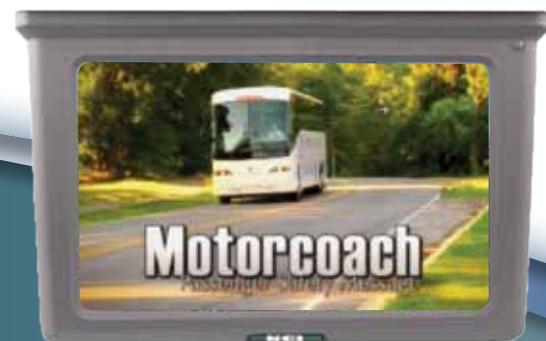
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## New coach sales

CONTINUED FROM PAGE 1

- Most of the third-quarter gain was attributable to private-sector buying.
- The sales increase was “virtually across the board.” Except for three models, sales of all seated-coach models either increased or matched those of the third quarter of 2010.
- North American-made coaches captured a higher percentage of the market than in previous quarters.
- Prevost was again the best-selling coach manufacturer, while MCI’s J4500 was once again the

top-selling model.

The three best-selling seated models in the quarter represented a market share of just under 44 percent, down somewhat from the previous three quarters. “This number has been declining slightly for several quarters,” pointed out Plachno.

“What the lower number indicates is that buyers are spreading their purchases among more and different models than previously.”

Manufacturers and models tracked by Plachno’s report are built by Motor Coach Industries, Prevost Car, ABC/Van Hool, Setra and Tamsa, as well as the Mexican-built Volvo 9700 sold by Prevost.

A total of 103 imported coach-

es — Van Hools, Setras and Tamsas — were sold in the third quarter, up from 79 coaches in the third quarter of 2010. However, the 103 coaches sold in this year’s third quarter represented a market share of 29 percent, down from an imported market share of 32.6 percent in the third quarter of 2010.

More than 95 percent of the coaches sold during the third quarter were 45-footers, just under 3 percent were 40-41-footers, and seven coaches, or 2 percent, were 35-foot Tamsas.

Sales into Canada, traditionally around 10 percent of the market, have fluctuated considerably in recent quarters, with several coming

in above average but the third and fourth quarters of 2010 were below 5 percent.

In this year’s third quarter, Canadian sales totaled 71 coaches, or 20 percent, up slightly from 17.4 percent in the second quarter, but down modestly from the 22 percent, and 62 coaches, in the first quarter.

Plachno noted that much of the fluctuation appeared to be caused by a few large Canadian orders in recent quarters.

Sales of conversion shells remained dismal. A total of 14 shells were sold during in third quarter, or fewer than 4 percent, versus 17 units and 7 percent of the market a

year ago. At one time, conversion shells represented 15 percent of the market.

Auto-stick transmissions — Volvo I-Shifts in Volvo 9700 models, as well as the ZF AS-Tronics in other makes — were installed in 32 coaches, representing 9 percent of the total.

Among popular seated-coach models, the No. 1-selling MCI J4500 was followed by the Prevost X3-45, Prevost H3-45, Van Hool C2045, MCI D4505, Volvo 9700, and Setra S 417.

The X3-45 Prevost was boosted by deliveries to New York MTA.

For questions, contact Plachno by email at [lplachno@busmag.com](mailto:lplachno@busmag.com).

## Seatbelt suit

CONTINUED FROM PAGE 1

“We will have to see how the court’s decision affects the industry, particularly New York operators,” said Ken Presley, UMA vice president and chief operating officer.

He suggested UMA does not believe the court pursued a “holistic view” of federal policy regarding seatbelts in buses and consideration should be given to possible further court action.

“While we do not control the

defendant’s next step, I am inclined to believe the latest decision deserves review,” he said.

Lawyers for the defendants said they were reviewing their options.

The Appeals Court did reject a second argument by the accident victims that suggested the carrier made the bus more dangerous by making modifications to it. That rejection resulted in part of the case being sent back to the lower court to decide other issues related to the modifications.

The seatbelt decision drew a dissenting opinion from one of the three judges on the panel.

Judge Eugene F. Pigott said federal regulators have made a distinction in their rules between the need for smaller buses to have seatbelts and larger buses, such as the one involved in the accident, need not have them.

“In holding that plaintiffs’ claim is not preempted, this court has, in essence, required that motor carriers of large buses must comply with small bus regula-

tions,” he wrote in his six-page dissent. “I don’t find that to be Congress’s intent.”

The case dates back to 1994 when a Best Transit Corp. bus drifted off the road and rolled over several times in the median. Three of the 19 passengers who were injured sued Best, Warrick Industries and Goshen Bus, claiming the bus was dangerous because it did not contain seatbelts.

The suit, which was stalled in court for several years because the carrier filed for bankruptcy and its

insurance company was placed in receivership, went to trial in 2006 and the jury ruled in favor of the passengers. It awarded them damages of \$26.5 million, but the amount later was reduced by the court to \$10.5 million.

Three years later the jury verdict was overturned by the State Supreme Court, which ruled that Federal Motor Vehicle Safety Regulations do not require the bus to have seatbelts. The accident victims then took the case to the Appeals Court.

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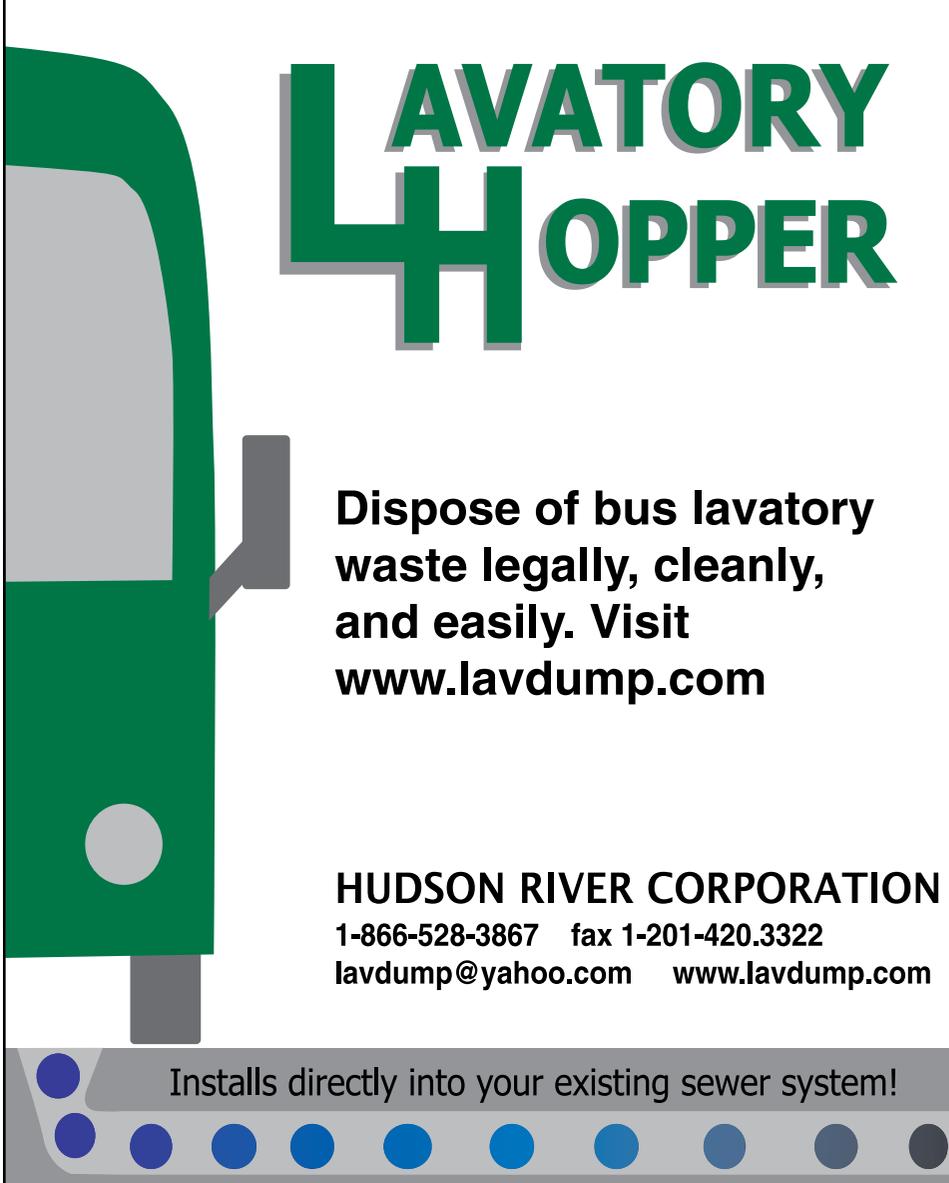


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# Flood insurance: Maybe you should be considering it

WASHINGTON — Tropical Storm Lee and Hurricane Irene were rude reminders for many East Coast businesses of the importance of flood insurance.

The Federal Emergency Management Agency, which administers the National Flood Insurance Program, said it often doesn't matter where a business is located. It can still be at risk from hurricanes, flash floods, blocked storm sewers, snow melt and so on, and the devastation can be costly.

## 'Weather relief' offered by IRS

WASHINGTON — The Internal Revenue Service has extended some filing deadlines and offered other specific relief to taxpayers in certain areas affected by recent storms, fires and drought — or whose tax preparers were affected by the weather events.

Get the details at [www.irs.gov](http://www.irs.gov) under Disaster Relief.

Some states are offering similar relief.

## Governor wants casinos in Illinois

INDIANAPOLIS — Ill. Gov. Pat Quinn has declared war on northwestern Indiana casinos, endorsing new casinos for Chicago and the city's south suburbs, with the goal of keeping Illinois gamblers playing in Illinois.

After months of speculation, the Democratic governor decided not to sign Senate Bill 744, a gambling expansion measure that would have added five casinos and permitted slot machines at Chicago's airports, Illinois horse tracks and the state fair.

Instead, Quinn urged lawmakers to pass a new measure limited to five casinos on the state's borders — intended to maximize Illinois' tax revenue from casino play and admissions.

"The Chicago and southern Cook County casinos are placed to corner the Chicago market and to keep Illinois money in Illinois that has been previously going to the current casinos in (Northwest) Indiana," Quinn said in his Framework for Gaming in Illinois.

Roughly 70 percent of players at northwestern Indiana casinos live in another state, nearly all in Illinois, according to the Indiana Legislative Services Agency.

Chicago Mayor Rahm Emanuel, who has pushed Quinn for a Chicago casino, said he's "anxious to work with him and the leadership in the Illinois General Assembly" to "begin creating tens of thousands of jobs for Chicagoans."

"Many bus and motorcoach operations are located in industrial or similar types of commercial zones that can be prone to flood damage," notes Ken Presley, UMA vice president of industry relations and chief operating officer.

"Insurance professionals always advise property owners and

tenants to discuss the need for flood insurance with your insurance company or agent as flood coverage is not routinely included in commercial property insurance policies."

According to the National Flood Insurance Program, nearly 40 percent of small businesses

never reopen following a disaster.

"Floods are the most common and costly natural disaster in the United States. Fortunately, most property owners who live in communities participating in the National Flood Insurance Program can purchase affordable protection to insure against flood losses,"

says FEMA.

Commercial buildings can be insured against flood damage for up to \$500,000. Policies can also be written to include contents coverage up to \$500,000.

For more information, go to [www.floodsmart.gov](http://www.floodsmart.gov) and talk to your insurance representative.

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# megabus, Greyhound Express target Southeast

## Party bus

CONTINUED FROM PAGE 3

ATLANTA — megabus.com has added Atlanta as its seventh hub and is initiating service from here this month to 11 southeastern and southern cities.

The announcement came just days before Greyhound announced it was expanding its express service in the South.

The megabus Atlanta hub will connect travelers to Birmingham, Ala.; Charlotte, N.C.; Chattanooga, Tenn.; Gainesville, Fla.; Jacksonville, Fla.; Knoxville, Tenn.; Memphis; Mobile, Ala.; Montgomery, Ala.; Nashville, Tenn., and Orlando.

The company said the service starts Nov. 16.

Greyhound Express is adding routes from the Greyhound Atlanta hub to Memphis and Birmingham, beginning Nov. 15.

Fares on both megabus and Greyhound Express start at \$1 and tickets can be purchased online.

The new Greyhound routes are the latest addition to that line's express service, which was launched in December and now includes more than 30 markets in the Midwest, Northeast and the Southeast. The service also is being extended to Canada.



**Sleeper Test.** Sir Brian Souter, chief executive of megabus.com, tries out one of the berths on the United Kingdom's first budget sleeper coach service. Three refurbished Jonkheere articulated coaches (see photo, Page 1) have been fitted with 24 berths and seats. (See Aug. 15 Bus & Motorcoach News.)

In Memphis, Greyhound Express will operate from the city's new intermodal facility at Memphis International Airport.

megabus.com now serves roughly 70 cities and locations in the eastern U.S. and Canada. Its Atlanta hub is on the street level of MARTA's Civic Center station in downtown.

Atlanta's convention and visitors bureau welcomed the addition of megabus coaches.

"Already the world's most accessible city, getting to Atlanta will be even easier with the arrival of megabus.com," said William Pate, president and CEO of Atlanta Convention & Visitors Bureau. "Over the last few years, Atlanta

has seen significant tourism growth with our world class attractions and restaurants. Adding a new form of transportation for travelers will only heighten the city's exposure.

To launch its southeastern service, megabus is offering 10,000 free seats between Nov. 16 and Dec. 16.

this month, although it could be delayed because of opposition from the mayor, motorcoach operators and several business organizations.

"We're trying to hold a minimum-wage driver responsible when we need to hold the people misbehaving responsible," Mayor Jim Ellison told the area's daily newspaper. "I think this is a bad ordinance and we can do a better job."

He warned that bus drivers will avoid bringing their passengers to bars, restaurants and other businesses in the city if the ordinance were to pass.

A limo operator in neighboring Troy agreed. "How can I convince an employee to take anyone to Royal Oak when they can be ticketed \$500 for being a chauffeur?" said Rick Price, general manager of All-Star Transportation.

The proposal was developed after someone onboard a party bus tossed a can of beer from the window of the bus and onto the hood of a police car.

Police stopped the bus and arrested four persons, including the man accused of throwing the can and three others who police said interfered with officers.

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# Android smartphone application aims to prevent collisions

LAS VEGAS — A new application is being launched that turns an android smartphone into a “visual radar device,” warning drivers of potential vehicle collisions.

A product of software development firm Picitup, the iOnRoad VisualRadar application takes advantage of the processing power and multitasking capabilities of high-end android smartphones.

## Nat'l Interstate profits weaken

RICHFIELD, Ohio — Unusually high claims losses resulted in a drop in third-quarter earnings from operations at National Interstate Corporation during the third quarter of 2011.

The parent company of leading motorcoach industry insurer, National Interstate Insurance, said it had net after-tax earnings from operations of \$5.9 million, or 31 cents a share, during the three months ended Sept. 30, compared to same-period, year-ago net after-tax profits from operations of \$7.67 million, or 40 cents per share.

For the first nine months of this year, net after-tax earnings from operations were \$23.76 million, or \$1.22 per share, virtually unchanged from same-period 2010 earnings of \$23.41 million, or \$1.21 per share.

Gross premiums written by National Interstate's various insurance units totaled \$120.9 million during the third quarter of this year, up 3.7 percent from a year ago.

For the first nine months of 2011, gross premiums were \$411.7 million, a 23.6 percent gain, reflecting the impact of the company's acquisition of Vanliner Insurance Co. in July 2010.

Both 2011 periods had higher net investment income offset by lower underwriting profits.

“Our top line has performed consistently well throughout the year with growth in existing businesses and the favorable impact of the Vanliner premium,” said Dave Michelson, National Interstate president and CEO.

“2011 third-quarter earnings from operations included the adverse impact of approximately 26 cents per share related to claims costs above those experienced in the 2010 third quarter for our recreational vehicle product line and two alternative risk transfer programs,” said Michelson. “Weather-related losses comprised approximately 20 percent of this unusual claims variance,” he added.

National Interstate directors approved a quarterly dividend of nine cents per share, payable Dec. 12, to shareholders of record Nov. 28.

The application uses the smartphone's camera and built-in sensors to detect vehicles up ahead, alerting drivers when there is danger, says Picitup.

The application enables the phone to “map” roadways in real time, including calculating the user's speed via the smartphone's

sensors. As the driver's vehicle approaches danger, an audio and visual warning pops up to alert the driver of a possible collision, allowing him or her to brake in time.

The application can be used in “background mode,” allowing users to run the driver-alert application while taking phone calls or operating

the phone's navigation application.

“iOnRoad is at the forefront of a movement to leverage the smartphone...for safe driving applications,” said Roger C. Lanctot, senior analyst, global automotive practice, Strategy Analytics.

“This launch is just the beginning of an entirely new user experi-

ence being enabled with smartphone technology, sensors and accelerometers.”

Picitup said there are other iOnRoad applications drivers can tap into, including Personal Web Dashboard, which allows users to improve their driving skills by viewing their latest drives and alerts.

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## NCAA contract

CONTINUED FROM PAGE 1

tournament.

Motorcoach operators currently transporting college sports teams to their regular season games and other activities will be able to continue to do so without joining the program.

However, for post-season play, the schools are being prohibited by the NCAA from using any charter company that is not part of the program.

"We needed to consolidate ground transportation for our championships," said Juanita Sheely, NCAA associate director for travel and insurance. "GO Ground dem-

onstrated they had the technology platform and industry experience to help us accomplish this."

To become certified for the program, carriers will have to pay for and pass a new inspection conducted by Transportation Safety Exchange, a newly formed bus safety marketing and sales business with ownership ties to Consolidated Safety Services.

CSS is widely known in the motorcoach industry and has for more than 20 years managed a bus inspection program for the U.S. Department of Defense.

The inspection standards developed for the NCAA program by TSX are more stringent than those used for

bus inspections currently conducted by both CSS and the Federal Motor Carrier Safety Administration.

Among the upgrades is the inspection of a company's entire fleet, instead of only the specific coaches that might be used for team charters; full-fleet inspections every two years, and monthly reviews of each carrier's operations using data gathered by federal transportation regulators.

### Not cheap to join

Operators will be required to pay a \$500 application fee to join the program and then pay an inspection fee based on the size of their fleet.

Typical operators — those with 9 to 15 coaches — that sign up for the program will pay a discounted rate of \$4,200 for the inspection of their buses and will be allowed to pay the fee in four payments over a 24-month period rather than the full amount at one time.

Under the pilot program, the fee was \$6,500 and it had to be paid in full.

Both of those requirements have been changed for the permanent program because of complaints raised by operators that took part in the pilot program.

The NCAA began the program as a pilot last year following an extensive investigation by the sports television network ESPN, which found that a number of major colleges that switched to charter bus transportation for financial reasons were using carriers with questionable safety records.

Ohio State, Michigan State, San Jose State, UCLA, Alabama, Nebraska and Oklahoma were among those cited in the investigation.

"We will be taking bus transportation to the highest level of safety the industry has ever seen," Sheely emphasized. "Safety is the one area where we will not compromise. If the bus charter company doesn't meet our safety standards we're not using them. Either operators meet the standards or they don't."

### Cost savings sought

In addition to the new safety standards, she said the program is expected to help control costs by shrinking the pool of companies that will be used.

"Our goal now is that we can even things out. We don't want someone in St. Louis and someone in Pittsburgh having a \$1,000-a-day difference. There will probably be a little variation, but it shouldn't be the variations we've been seeing," she stressed.

She said the NCAA saw a 25- to 30-percent cost savings for transportation expenses during the pilot period.

GO Ground founder Bill Maulsby noted that while safety is the key component of the program, charter fees that member companies will be charging the NCAA is an important element as well. "GO Ground has fought hard to bring the costs down," he said.

He declined to discuss details of the program, saying the contract

and the company's relationship with the NCAA is private.

The NCAA also would not provide details of some aspects of the program, including the number and names of the companies that bid for the contract.

"The bidding process is confidential, not only from an NCAA standpoint but from the other companies' standpoint as well," said spokesman Greg Johnson. "I was told that there were multiple companies involved in the bidding process."

While the pilot program operated by GO Ground received high marks from the NCAA, it did not sit well with a number of motorcoach company executives who questioned the need for another costly safety inspection program, and worried they might lose the regular college transportation work they now have if they do not join the program.

### Concerns resurface

Now that the program has been made permanent, many of those concerns are resurfacing, mainly from state motorcoach associations in the South and Southeast.

Linda Morris, who manages several state and regional trade groups, said the program appears to be a move toward turning the motorcoach industry into a broker-run business similar to the trucking industry. (See a signed article by Morris in the Nov. 1 *Bus & Motorcoach News*.)

She also contends that some companies that have joined the program — Maulsby said more than 100 have been recruited — did so under the threat of losing the transportation contracts they currently have with colleges.

The NCAA, which stressed that motorcoach operators that have existing college contracts are welcome to apply for the program, said colleges were given an opportunity this month to recommend carriers for the program and they will be given a second opportunity this winter in advance of some tournament play.

It did add, however, that colleges do have the option of using GO Ground and its member carriers for team transportation that is not paid by the NCAA.

Operators can contact GO Ground at by email at [NCAANetwork@gogroundoptions.com](mailto:NCAANetwork@gogroundoptions.com), Maulsby can be contacted at [bmaulsby@gogroundoptions.com](mailto:bmaulsby@gogroundoptions.com).

## Michelin expands roadside service

GREENVILLE, S.C. — The Michelin Commercial Service Network has added nearly 200 locations, increasing its coverage by nearly 70 percent since being launched in February.

The network also has upgraded the Michelin ONCall Emergency Road Service.

Michelin said the network's

1,700 technicians are focused on a roll-time target of less than 2 hours for Michelin ONCall Emergency Road Service.

By registering at no charge for the Michelin "premier service offer," operators can track emergency road service events online.

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## King Ward Coach Lines picks Berkshires location

DALTON, Mass. — King Ward Coach Lines of Chicopee, Mass., has expanded its presence in the western Massachusetts area known as the Berkshires, opening an office-garage facility in Dalton.

The move comes barely more than two months after Defour Tours shut down its charter-and-tour bus operation in nearby Hinsdale. Both Dalton and Hinsdale are just east of Pittsfield, Mass.

William Dufour announced late last year he and his wife planned to either sell or shut down their motorcoach operation by Aug. 31, the end of the company fiscal year.

Dufour Tours, which had been operating in the area since 1970, at one time had a fleet of a dozen coaches but that number had dwindled to four in recent years as the market changed and the economy weakened.

The Dufours continue to operate a sizeable school bus fleet in

western Massachusetts and southern Vermont.

King Ward, which has been in business for nearly 25 years, has supplied bus services to the Berkshires since the late 1990s, but had never had a physical presence in the area.

Company President Dennis King told an area newspaper his company had developed a customer base in the Berkshires, and had been interested for some time in having a local base.

King Ward Vice President Greg Pedersen said the decisions by Dufour and another competitor to discontinue operations hastened the process.

"That kind of pushed us in the right direction," Pedersen told *The Berkshire Eagle*.

King Ward operates 28 coaches and will initially have two coaches based in Dalton. Its Chicopee headquarters is north of Springfield, Mass., roughly 60 miles from Dalton.

## Corporate Coaches expands operation to Central Florida

HOLLYWOOD, Fla. — Corporate Coaches Inc. announced it has expanded its operation to Orlando.

"By expanding into Orlando, we are now accessible to customers throughout Central Florida," said Andy Bardar, owner of Corporate Coaches.

"Because of this growth, we are able to expand into markets that we haven't tapped into before and as a result we are already experiencing an increase in our charter-and-tour business."

Corporate Coaches acquired

an existing vehicle lot in Orlando that has offices, driver lounge and other accommodations, and is operating full-size coaches out of the location for its charter customers.

In addition to charters and corporate transportation services, Corporate Coaches also provides daily shuttle service to three Florida casinos.

Based in Hollywood, Corporate Coaches operates 39 commercial vehicles, including 81-passenger/double-decker and 56-seat motorcoaches, midsize buses, limousines, luxury sedans and vans.

## Noncompliant operator folds

LAS VEGAS — Avatar Tours, a small tour operator that took visitors to the Grand Canyon, filed for Chapter 7 bankruptcy liquidation after taking deposits from dozens of people from around the world.

According to court documents, Brenden and Sean Delaney formed the company last year, increasing sales from \$156,000 to \$304,000 this year by operating a pair of 15-seat vans.

Their service reportedly earned good reviews at websites like tripadvisor.com from people who did not want to travel in a full-size bus.

However, the company ran out of cash after Avatar failed safety

inspections. After failing one inspection by the Federal Motor Carrier Safety Administration, the company was restricted to intrastate service in Nevada.

However, the Mohave County Sheriff's Office in Arizona caught the company going to the Grand Canyon afterward.

After failing another federal inspection, the company was ordered out of service in August, federal records show.

The company's creditor list is dominated by people from the U.S., United Kingdom, Australia, Indonesia and other countries that had booked tours for several hundred dollars each.

## GOP sets convention bus operation

TAMPA — The 2012 Republican National Convention has chosen an Orlando transportation management company to run the fleet of 300 charter buses that will be needed to carry 5,000 conventioners around Tampa Bay next August.

SP Plus Gameday will arrange transportation for delegates, alternates and guests staying in an estimated 95 officially-designated convention hotels and the St. Pete Times Forum, where the GOP will formally chose its presidential nominee.

Convention organizers said SP Plus Gameday was selected after a nationally advertised competitive

search.

The company provided transportation management services for Super Bowl XLIII at Raymond James Stadium in 2009, the 2008 NCAA women's basketball Final Four played at the St. Pete Times Forum, and the 1999 NCAA men's basketball Final Four played at Tropicana Field.

That local transportation experience was "critically important" in making the selection, said convention CEO William Harris.

The company also has worked 15 NFL championships and will be handling Super Bowl XLVI next

year in Indianapolis.

The 2012 Republican National Convention will be Aug. 27-30 and is expected to draw nearly 50,000 visitors.

SP Plus Gameday is the former Gameday Management Group, which was acquired by Standard Parking Corp. in July 2009.

Standard Parking is a leading national provider of parking facility management, ground transportation and ancillary services. The company, with roughly 12,000 employees, manages more than 2,200 parking facilities containing more than one million parking spaces.



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## Curbside operators

CONTINUED FROM PAGE 1

interesting was the notation that about 20 percent of the long-distance trips taken on buses occur on scheduled motorcoaches, and about 80 percent occur on unscheduled carriers.

### Examining oversight

Beyond the objective of probing the safety record of curbside operators, the NTSB report also evaluated the adequacy of safety oversight of curbside carriers.

That aspect of the study was largely overlooked by news media reporting the NTSB findings.

In fact, the NTSB report is a subtle indictment of Federal Motor Carrier Safety Administration oversight of curbside operators, with page after page of the report's "findings" devoted to highlighting FMCSA shortcomings.

It is hard to read the report and not come to the conclusion that the FMCSA is not up to the task of providing effective oversight of the types of operators identified in the report as being safety risks.

One of the more interesting aspects of the report is that it rejects out of hand the notion that curbside operators and safety are antithetical or incompatible.

Or, as one leading industry executive said: "It acknowledges that business models and safety don't correlate."

The NTSB put this way: "The safety record of individual curbside carriers varies, with some carriers having very good safety records and others having worse safety records."

And, because conventional intercity carriers have lowered their fares to compete with curbside operators, the term "low-cost carrier" is "no longer meaningful because conventional and curbside carriers now charge similar fares."

"Motorcoach safety," said the NTSB, "is not a function of whether passengers are picked up and dropped off at a curbside or a terminal or how much passengers are charged for fares."

"Rather, motorcoach safety, including curbside motorcoach safety, is strongly influenced by the management of the carriers that own these vehicles and the drivers that operate them."

### A different yardstick

Besides such obvious indicators of unsafe operations as traffic citations, out-of-service orders, and crashes, the report suggests there are a plethora of other factors regulators probably should be considering in trying to get a fix on

# Driver alert: Watch for medical certificate notice

WASHINGTON — Motorcoach drivers across the country should be watching their mail a little more closely in the next several weeks.

Many of them will be receiving a letter from their state transportation department informing them of a soon-to-be implemented federal regulation requiring them to provide their state with copies of their medical examination certificate.

And, if they ignore the rule, they could be at risk of losing their commercial drivers license.

"It's the best kept secret in the industry," said Elaine Farrell, ex-

ecutive director of the Pennsylvania Bus Association, who is hustling to see that members of her association are aware of the regulation.

Currently, most states do not require commercial drivers to submit copies of their medical certificates for verification.

However, under the rule adopted by the Federal Motor Carrier Safety Administration in 2008, state transportation officials, beginning Jan. 30, will be required to collect and record copies of the certificates from all commercial drivers registered in their states who drive interstate.

Drivers whose jobs do not take them out of their home states will not be subject to the requirement, although they will have to certify to the state that they only drive intrastate.

If their work status changes to interstate work, they immediately will have to inform the state and file a current medical certificate.

Because the collection of so many records at one time could overwhelm state officials, the rule allows states to phase in the effort over a two-year period, ending Jan. 30, 2014.

Some states — Pennsylvania among them — plan to require

drivers to submit their certificates based on when their current CDL expires, which will allow them to stretch out the filing over the full two years.

To spread the word about the rule, the FMCSA said it is putting together an outreach program to help states and possibly drivers prepare.

Several states already have or are getting ready to send information about the rule to their commercial vehicle drivers.

Under the rule, states will have 60 days to pull the commercial license of drivers failing to comply with the rule.

which operators to focus their limited resources.

These red flags include:

- Does company management speak and understand English?
- Does the company employ a large number of drivers that either don't speak or understand English?
- Does the company have a permanent office-maintenance facility, or does its management meet with regulators in restaurants or the living room of an apartment?
- How long has the company been in business?
- How fast has it grown?
- Does it sell its tickets through brokers and ticket agents?
- Are its company records in English?
- How difficult is it to contact the company?
- Does the company operate "ghost buses?" That is, buses painted all white or all black, making it easy to paint over identifying information.
- Do the principals of the company hold multiple USDOT numbers?

The NTSB acknowledged that oversight of operators with these issues is fraught with challenges.

"FMCSA and state investigators are overburdened by the number of inspections and compliance reviews that need to be accomplished to properly assess a motor carrier's safety performance due to the large number of motor carriers that the investigators have to oversee in addition to motorcoach carriers.

"The prohibition of routine en route inspections, the minimal re-

quirements for obtaining new operating authority, the inconsistent enforcement of the requirement to submit mileage and other essential information to the FMCSA, and language barriers all indicate that oversight of curbside carriers is more challenging than that for other segments of the motorcoach industry," the NTSB said.

### Request for study

The NTSB study was requested in March by U.S. Senator Charles Schumer, D-N.Y., and U.S. Congresswoman Nydia M. Velázquez, D-N.Y. The pair asked for a study of "low-cost operators" but the NTSB shifted the focus to curbside operators because it said the term low-cost operator was no longer meaningful.

Schumer and Velázquez made their request following a March crash in the Bronx section of New York that killed 15 and injured 18 more.

Because the NTSB report focused much of its attention on curbside operations, the agency was forced to come up with both a definition of curbside operators and define the size of the segment.

The term "curbside operations," said the agency, "refers to a business model (that is, the means by which motorcoach service is provided) rather than a type of motorcoach carrier. In fact, no formal definition of curbside carriers exists, and federal and state oversight authorities have no unique categorization or tracking mechanism for these carriers.

"For the purpose of this report,

curbside motorcoach operations are those in which interstate motorcoach carriers conduct scheduled trips from one city to another city or a destination, and originate or terminate at a location other than a traditional bus terminal; most of these operations discharge passengers at one or more curbside locations."

The NTSB pointed that while all curbside carriers apply a similar business model, they vary greatly in other characteristics. Some carriers operate large fleets of motorcoaches throughout the United States, whereas others have a fleet of only a few buses that operate in local regions.

### So, how many?

The NTSB identified 4,172 motorcoach companies in the U.S. that operate interstate. Of that number, 122 were identified as providing scheduled/regular-route service.

Of the 122 line-run carriers, the NTSB said 71 originated or terminated service at locations other than terminals. In other words, they use street curbs or outside a retail business. Bottom line: the curbside universe consists of 71 operators.

The curbside segment sprang up roughly 10 years ago in the Chinatown sections of New York City and Boston.

"It's abundantly clear that the oversight of this industry has not kept pace with its growth and the consequences have been deadly," said Schumer. "The NTSB report is a wake-up call that we need a more rigorous regulatory regime and it provides a blueprint for how to fill the gaps."

### What else?

Other key findings from the study include:

- In general, motorcoach travel is safe. However, curbside carriers with 10 or fewer buses, and carriers that have been in business for 10 years or less, have higher accident rates and higher roadside inspection violation rates.
- The fatal accident rate for curbside carriers from January 2005 to March 2011 was seven times that of conventional bus operations: 1.4 fatal accidents per 100 vehicles for curbside carriers compared with 0.2 fatal accidents per 100 vehicles for conventional scheduled carriers.
- The exclusion of buses from routine enroute inspections — especially of curbside carriers that don't operate from terminals — reduces opportunities to discover safety violations.
- The FMCSA is overburdened. For example, 878 FMCSA and state personnel are responsible for compliance reviews for more than 765,000 U.S. motor carriers, a ratio of 1.15 investigators per 1,000 motor carriers.
- Bus driver fatigue, a contributing factor in many accidents, is a continuing safety concern.
- There is a lack of transparency in ticket sales. More than conventional carriers, curbside operators use online bus brokers. FMCSA has no authority to regulate these brokers.

"Motorcoach safety is on the NTSB's Most Wanted List because of the potential for high-consequence accidents like we saw in the Bronx," said NTSB Chairman Deborah Hersman.

"It's time to recognize that traditional transportation services have morphed into new business models that challenge existing regulatory constructs."

## Calendar

### NOVEMBER 2011

**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).

### JANUARY 2012

**6-10** ABA Marketplace, Gaylord Texas Resort, Grapevine, Texas. Info: [www.buses.org](http://www.buses.org).

**8-9** Bus Industry Safety Council, Gaylord Texas Resort, Grapevine, Texas. Info: [www.buses.org](http://www.buses.org).

# FMCSA highlights safety initiatives in 'fact sheet'

WASHINGTON — Simultaneous with the release of the National Transportation Safety Board report on the safety of curbside bus operators, the Federal Motor Carrier Safety Administration released a fact sheet entitled *FMCSA Raises the Bar for Motorcoach Safety*.

In its report, the NTSB questioned FMCSA oversight of motorcoach industry safety.

But, in its fact sheet, the FMCSA asserts it is "implementing strong safety measures that make motorcoach travel safer for passengers and everyone on our roadways."

The fact sheet lays out — in a bulleted format — various initiatives it has undertaken to improve motorcoach safety and oversight.

## Stronger Roadside Safety Enforcement

- FMCSA has significantly stepped up its roadside enforcement of motorcoaches and other passenger carriers. For example, during FMCSA's 2011 National Passenger Carrier Safety Strike Force in September, federal, state and local police carried out over 8,300 safety inspections of motorcoaches, tour buses, school buses and other passenger carriers nationwide. The two-week inspection sweep removed 902 unsafe vehicles or drivers from our roadways.

- Over the past five years, motorcoach inspections have jumped nearly 100 percent, from 12,991 in 2005 to 25,704 in 2010.

- On-site safety compliance reviews of motorcoach companies are up 128 percent, from 457 in 2005 to 1,044 in 2010.

- FMCSA's out-of-service orders against unsafe passenger carriers under the current administration have increased from 36 in 2008 to 44 in 2010.

- Since 2008, FMCSA's passenger carrier vetting program has rejected 23 percent of all motorcoach companies applying for operating authority.

- FMCSA has conducted 128 American with Disabilities Act reviews on motorcoaches and issued two consent decrees that required the companies to upgrade their fleets.

## Tougher Safety Standards

- Under FMCSA's new, data-

driven Compliance, Safety, Accountability (CSA) program, motorcoach companies with safety problems in even one of seven performance areas are immediately targeted for safety interventions, ranging from warning letters, on-site compliance reviews, federal fines and out-of-service orders.

- In May 2011, FMCSA established tougher national standards that require anyone applying for a commercial driver's license to first obtain a commercial learner's permit.

- Last year, FMCSA issued a final rule that bans texting by drivers of commercial vehicles, including motorcoach drivers.

- FMCSA has also proposed a rule that would ban commercial drivers from reaching for, holding or dialing a cell phone while operating a motorcoach or other type of commercial vehicle. FMCSA will issue a final rule in 2011.

To protect the traveling public

and save lives, FMCSA has asked Congress to take action on several new safety policy proposals that would:

- Grant FMCSA greater authority to pursue enforcement action against unsafe "reincarnated" companies by establishing a single national standard for successor liability that eliminates the loop hole that allows bus and truck companies that have been shut down for unsafe operations to recreate themselves.

- Require new passenger carriers to undergo a full safety audit before receiving operating authority.

- Revise current law to ensure a driver's CDL can be suspended or revoked for drug and alcohol related offenses committed in noncommercial vehicles.

- Raise the penalty from \$2,000 a day to \$25,000 against passenger carriers that attempt to operate without valid USDOT operating authority.

## Consumer Outreach and Bus Safety Tools

In September 2011, FMCSA held a National Motorcoach Safety Summit that attracted over 200 safety advocates, motorcoach company owners, bus drivers, tour operators, brokers, law enforcement leaders, government officials and concerned citizens to discuss solutions to strengthen motorcoach safety.

To view the summit, go to [www.fmcsa.dot.gov/safety-security/PCS/motorcoach-safety.aspx](http://www.fmcsa.dot.gov/safety-security/PCS/motorcoach-safety.aspx).

The FMCSA empowers consumers with free, user-friendly, on-line tools to select the safest motorcoach company.

- By visiting [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov), the public can access FMCSA's "Think Safety: Every Trip, Every Time" safety checklist that helps consumers review a bus company's safety record, safety rating and USDOT operating authority status before buying a ticket or hiring a bus company for group travel.

- Consumers can call FMCSA's Consumer Safety Hotline: (888) DOT-SAFT to report an unsafe motorcoach company or driver.

- This year, FMCSA will unveil a smartphone app that will give consumers a quick and easy way to look up the safety record of any motorcoach company before booking a trip.

## Low bridge in New York gets laser warning system

ONONDAGA COUNTY, N.Y. — The New York State Department of Transportation has installed a height detection system on the Onondaga Lake Parkway.

The laser device is designed to help prevent taller vehicles from

hitting the low railroad bridge that crosses the parkway.

Numerous trucks and other vehicles have crashed into the bridge, including a megabus.com coach that killed four people last year.

When vehicles taller than 10

feet 9 inches pass by the laser detector, it will activate flashing signs warning the driver to stop. The system also will notify the county sheriff's department so it can respond. Testing of the system has begun.

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# 'Move in the right direction' results from BANY meeting

ALBANY, N.Y. — A much anticipated “clearing of the air” — over a controversial New York state bus inspection regulation — failed to materialize at the annual meeting of the Bus Association of New York here late last month.

Two principals at the center of the controversy — Anne Ferro, administrator of the Federal Motor Carrier Safety Administration, and New York Department of Transportation Commissioner Joan McDonald — made no direct mention of it in separate speeches they delivered to members of the trade group.

Still, there were signs that progress is being made in the dispute that has been roiling since July when the New York State Department of Transportation adopted a rule allowing state authorities to shut down carriers with multiple violations of enhanced New York safety inspection criteria.

Adoption of the criteria and its enforcement raised the ire of BANY, numerous individual motorcoach operators, and the United Motorcoach Association, which asked the FMCSA to stop New York state officials from enforcing the controversial regulation.

While Ferro and McDonald by-

passed opportunities to speak directly about the situation, both did emphasize the importance of their agencies working together and working with the motorcoach industry.

Additionally, Ken Presley, vice president and chief operating officer of UMA, said there were meaningful informal conversations with state officials regarding the importance of consistent inspection criteria.

“I believe we are moving in the right direction at this point,” he said.

UMA got involved in the dispute last month when it sent a letter to Ferro, asserting the state had overstepped its authority by adopting the regulation, and urging her to order NYSDOT to stop enforcing it.

Ferro, a featured speaker at the BANY meeting, reportedly avoided mention of the dispute because the UMA letter has possible legal ramifications. Instead, she centered her remarks on steps her agency has been taking and will be taking to improve motorcoach safety.

The closest she came to indicating there might be a rift was her mention of the need for motorcoach operators and government regula-

tors to work together to make the industry safer for everyone.

“We know we cannot do the job of safety alone; we need the help

**‘He said the state’s driver and vehicle out-of-service rates remain well above the national average.’**

of BANY members to make a difference on our roads,” she said. “Let’s work together to ensure that needless tragedies are avoided and that passenger safety is always a top priority for everyone.”

She said a joint federal and state strike force, operating during a two-week period in September and October, inspected 1,260 buses in New York and placed 148 vehicles and 158 drivers out of service.

Ferro also emphasized the importance of recruiting good drivers and treating them as professionals because most fatal truck and bus crashes are caused by drivers.

“When recruiting drivers, I ask you to stress the message that mo-

torcoaches are hauling the most precious cargo — someone’s loved one,” she said. “We can all agree that it’s important to treat all drivers as professionals by providing them with safe buses, decent pay, opportunity for training and opportunities for recognition for a job well done.”

McDonald, in brief remarks delivered during the final day of the three-day meeting, also emphasized motorcoach safety and her agency’s partnership with the industry, as well as other federal, state and local partners in an ongoing effort to ensure public safety. She initially was to have delivered the keynote address at a dinner session but was unable to do so because of a scheduling conflict.

Her spot on the dinner agenda was filled by NYSDOT Acting Division Director Robert Sack, who also steered clear of any direct mention of the controversial rule. He did note, however, that the state has enhanced its bus safety efforts and stressed the agency will continue its stepped-up inspections of motorcoaches.

“Motorcoach safety is a responsibility that New York State takes very seriously,” he said. “NYSDOT

has a robust motorcoach safety program, which we recently enhanced to make even stronger.”

The enhancement was needed, he said, because the state’s driver and vehicle out-of-service rates — 11.07 percent for drivers and 20.69 percent for vehicles — remain well above the national average.

“Based on these findings, we will continue stepped-up inspections roadside as well as additional safety reviews,” he said.

Sack said the agency has conducted 5,000 roadside inspections since March, a huge increase from the 500 that were done in all of 2010. Gov. Andrew M. Cuomo ordered the increase in roadside inspections in response to a series of fatal bus accidents that occurred in New York and the Northeast.

BANY President Godfrey LeBron praised Ferro and McDonald for attending the meeting that drew more than 100 people and nearly a dozen bus manufacturers and dealers.

“We are grateful to Administrator Ferro and Commissioner McDonald for spending some of their valuable time with us and for their consistent efforts to help our industry,” he said.

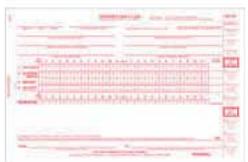
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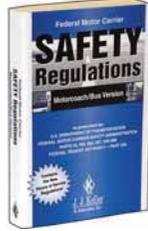
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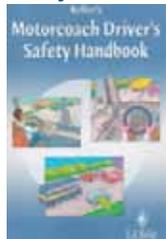
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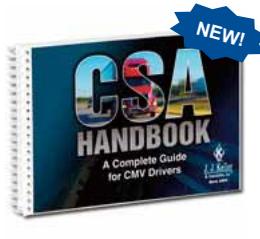
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# Survey: Cyber security being ignored by small businesses

CUPERTINO, Calif. — A survey of U.S. small businesses conducted by Zogby International finds that while 8 out of 10 small businesses in the U.S. feel their firms are safe from cyber threats, 80 percent have no formal information technology security policies.

“That’s a major problem just waiting to be exploited,” said Cheri McGuire, vice president-global government affairs and cyber security policy for Symantec.

“We recognize that most small business owners are focused on running their businesses, and have limited resources and IT staff dedicated to managing their cyber security needs,” McGuire said.

“Unfortunately, cyber criminals are increasingly making small businesses their targets, knowing they are likely to have fewer safeguards in place to protect themselves.”

The Zogby survey was conducted for Symantec, which produces Norton antivirus software, and the National Cyber Security Alliance.

“The (cyber) threats grow in number and complexity each day, but too many small business owners remain naively complacent,” noted National Cyber Security Alliance Executive Director Michael Kaiser.

“The stakes are high for individual businesses and the nation as a whole: a single malware attack or data breach can be fatal to a small enterprise, but the collective vulnerability of all our businesses is a major economic security challenge.”

The Zogby survey found that two-thirds of U.S. small businesses are dependent on the Internet for their day-to-day operations.

Overall, 57 percent of the small firms polled said that a loss of Internet access for 48 hours would be disruptive to their businesses and 38 percent said it would be “extremely disruptive.”

And 76 percent say that most of their employees use the Internet daily.

Yet, 77 percent of those same small firms admit they do not have a formal written Internet security policy for employees, and of those, 49 percent report they do not even have an informal policy.

Also, a larger group of small business owners said they do not provide Internet safety training to their employees, as opposed to those that said they do — to a tune of 45 versus 37 percent.

Furthermore, a majority of small businesses (56 percent) indicated they do not have Internet usage policies that clarify which

websites and web services employees can use, with only 52 percent having a plan in place for keeping their businesses cyber-secure.

At the same time, small businesses may not understand how to respond to online threats or the danger they pose. For example, 40 percent of small businesses said that if their businesses suffered a data breach or loss of customer or

employee information, credit card information or intellectual property, their business does not have a contingency plan in place outlining procedures for responding and reporting the problem.

On top of that, two-fifths (43 percent) also say they do not let their customers and partners/suppliers know what they do to protect their information.

“That’s worrisome,” said Symantec’s McGuire, because 40 percent of all targeted cyber attacks are directed at companies with fewer than 500 employees.

She noted that in 2010, the average annual cost of cyber attacks to small- and medium-sized business was \$188,242. What’s more, statistics show that roughly 60 percent of small businesses will close up with-

in six months of a cyber attack.

“It’s important for small businesses to educate their employees on the latest threats and what they can do to combat them,” she said. “Education, combined with investment in reliable security solutions, provides small business owners with a well-rounded approach to protecting their businesses and managing cyber risk.”

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# Corporation for Travel Promotion qualifies for federal money

WASHINGTON — The Corporation for Travel Promotion announced it has received financial commitments from the private sector to qualify for \$22.2 million in matching federal contributions to execute the first-ever, nationally-coordinated, international travel marketing program for the United States.

The Corporation for Travel Promotion is a public-private partnership funded through private-sector contributions and money collected by the U.S. Department of Homeland Security from international travelers who come to the United States under the Visa Waiver Program.

Last month marked the start of the corporation's first full fiscal year and the first time federal money has been made available to match the private contributions raised.

"Today marks an important milestone for the CTP," said Jim Evans, CEO of the Corporation for Travel Promotion. "The fiscal year is just beginning, and already we have solid commitments from the private sector, putting us well on our way towards activating the release of the full \$100 million in federal matching funds available to us in fiscal 2012."

"This first influx of funds will enable us to build and begin promoting the extraordinary power of Brand USA in select markets around the world. We know there is still much work to be done to attract the significant private investment we require to execute our plans and deliver the maximum return to the business partners who are supporting this cause."

The Travel Promotion Act of 2009, the federal legislation that created the Corporation for Travel

Promotion, established a funding structure that allows all private-sector funding, both cash and in-kind, to be matched one to one by the money collected from the \$10 Electronic System for Travel Authorization (ESTA) fee paid by visa waiver travelers. (See March 15, 2010 *Bus & Motorcoach News*.)

But in the Corporation for Travel Promotion's first full fiscal year, which has now begun, the organization will be funded based on a two-to-one match. Therefore, in fiscal

2012, for every dollar collected from the private sector, two dollars will be contributed from the ESTA fund.

In addition to marketing, the Corporation for Travel Promotion is responsible for garnering financial support to build a major travel promotion program from the ground up.

"Our business development team will be focused on creating innovative programs for private-sector investors and industry stakeholders that will generate the revenue to unlock federal funding

and finance our marketing efforts," said Stephen Cloobek, Corporation for Travel Promotion chairman and chairman and CEO of Diamond Resorts International.

The Corporation for Travel Promotion is a nonprofit corporation created by Congress for the purpose of promoting foreign leisure, business and scholarly travel to the United States and maximizing the economic and social benefits of that travel for communities across the country.

## State tourism promotion being cut

States across the U.S. have cut their tourism promotion budgets and, in some cases, switched to more target-market advertising.

Roughly 20 states have cut spending during the past year on advertising and other promotion and support aimed at luring tourists and their vacation dollars, reports the U.S. Travel Association.

That includes states that depend heavily on tourists' dollars such as Hawaii, Washington, New York, South Carolina and Arizona.

One state — Washington — shut down its tourism promotion office after lawmakers couldn't come up with the \$2 million the office usually spent to attract visitors. (See April 15 *Bus & Motorcoach News*.)

Hawaii capped its promotion budget at \$69 million for each of the next four years, compared with \$81 million a year ago.

No surprise, shrinking state and local budgets are the reason for the cuts. They've resulted in less advertising aimed at getting visitors.

Many tourism offices also are

laying off employees, inviting fewer travel agents and writers in on "familiarization" trips, and avoiding expensive trade shows, where state travel officials traditionally have courted corporate travel and convention planners.

"Everybody has to figure out how to do more with less," said one state tourism official.

With their budgets reduced, state marketers are learning to do without expensive advertising tools they've traditionally relied on. Most advertising money is being aimed at select, targeted markets.

The Nevada Commission on Tourism, for instance, has stopped advertising in publications such as *Conde Nast Traveler* and *National Geographic*. It's putting its dollars into ads in cities such as Los Angeles, Phoenix, San Francisco and Seattle.

Arizona, which has a budget of \$8.6 million, down from \$19 million in 2009, has been focusing on Chicago and Los Angeles. "We don't have the bandwidth we once had," said a state tourism official.

New York no longer has money for television ads, reports the New York Economic Development Commission, whose tourism marketing budget was cut 39 percent to \$7.4 million in the past two years.

Many state tourism officials contend the budget cutting is shortsighted and costs them visitors, which ultimately hurts their states economically.

Like other organizations, state tourism groups are turning to other ways to try to lure customers, that is, visitors.

Some have moved to online options — such as Facebook, Flickr photo contests and other social media channels.

A few states have been able to salvage their tourism budgets.

Texas drafted a budget to slash tourism promotion funding to \$5 million for 2012-2013, from \$32 million projected for 2011. State lawmakers eventually voted to retain spending levels after an estimated 800 tourism executives from across the state rallied in Austin earlier this year to lobby against the cut.

## Inbound Japanese travel recovering

LEXINGTON, Ky. — The number of Japanese travelers coming the United States is beginning to recover from the downturn following that nation's devastating March 11 earthquake, tsunami and radiation leaks, according to an NTA-TMI survey and NTA members.

Key Japanese tour operators are reporting that cancellations for bookings to the U.S. mainland have gone from 40 percent during March and April, to 10 percent during July through September.

The statistics were developed in response to a targeted question included in the most recent Japan Travel Trade Barometer, conducted by NTA's research partner, Travel Market Insights.

"We're still looking at a decrease in bookings," said Scott Johnson, TMI principal. "At the time of the survey, bookings for the second quarter were down by

an average of 4 to 9 percent.

"However, bookings for the third quarter were down only 1 to 3 percent on average, with a quarter of the trade reporting a rebound in bookings compared to last summer."

And while the March disasters subdued the Japanese mood for leisure travel, there was already a reduction in travel to the U.S. mainland, said Jeff Tano, manager of corporate planning for JTB Americas, a division of Japan Travel Bureau.

"The earthquake has impacted travel but we cannot say this is the only factor," Tano said. "Since 2006-2010, we have been monitoring average annual decreases of 11.5 percent in arrivals for the mainland U.S. We believe these decreases are due to several external factors, including competition against other destinations, such as Asia and Europe."

Overall, 20 percent of NTA's tour companies serve outbound travelers from Japan. "It's an important market for the U.S. and for a good percentage of NTA's U.S. receptives," said Lisa Simon, CTP, NTA president.

"It's promising to see that a recovery is in the works but we know that ongoing marketing efforts will help U.S. businesses and destinations regain a greater share of the Japanese market."

Tano said that as Japanese travel to the mainland U.S. ebbed following the earthquake, more travelers flowed from Japan into Hawaii.

Both Johnson and Tano say that with so many factors in play, including the exchange rate, airfare and the Japanese economy, it is difficult to predict with certainty that travel from Japan to the U.S. mainland will surpass pre-earthquake numbers any time soon.

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