

Seatbelts mandated for new coaches; will they be used?

WASHINGTON — The four-decade-long crusade by transportation safety advocates to require safety belts on new motorcoaches has come to an end.

The National Highway Traffic Safety Administration finally wrapped up the issue late last month by releasing a much anti-

pated rule requiring that, beginning in November 2016, all new over-the-road buses be equipped with three-point passenger seat restraints.

The rule, which exempts existing motorcoaches, school buses and public transit buses, fulfills a mandate issued by Congress last year.

The National Highway Traffic Safety Administration said that while the rule will add nominally to the purchase price and operating costs of new buses, it also will reduce deaths and injuries from accidents, especially rollover crashes in which passengers either get tossed around inside the bus or are

ejected from it.

The agency said more than 20 passengers are killed and thousands injured in motorcoach accidents annually, and the seatbelt mandate could reduce the number of deaths and injuries by about 40 percent. It suggested that 1.7 to 9.2 lives would be saved and 146

to 858 injuries would be prevented every year.

Although some observers have expressed surprise at the seemingly low number of lives the measure is expected to save, it is the reduced injuries that may ultimately have been the real target of the bill.

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ABC, Van Hool reposition coaches

WINTER GARDEN, Fla. — ABC Companies and Van Hool NV announced a major repositioning of their flagship North American motorcoaches last month, with key upgrades to their luxury touring coach and a transfer of production of their workhorse model from Belgium to Macedonia.

Gone is the Van Hool T2100, introduced in the U.S. in 1997.

Now designated the TX, the upscale coach has been revamped, seemingly to make it a stronger competitor to the Prevost H3.

The former C2045 Van Hool, introduced to the U.S. in 2000, has been rebranded the CX.

The CX is being assembled in a \$30 million plant — near the capital of Macedonia, Skopje — that was specifically built to produce the coach for North America.

U.S. motorcoach operators who've toured the plant say it's everything Van Hool hoped it would be when the Belgium-based company announced in early 2012 it in-



Upgraded Van Hool TX is taller, more refined

tended to build the factory.

Assembling the coaches in Macedonia — where wage rates are substantially lower than in Belgium — would seem to make them more competitive with the Volvo 9700,

which is assembled in Mexico, and the soon-to-be-introduced 45-foot Temsa, which is built in Turkey.

The CX and TX were introduced to the industry at what ABC called

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UMA lines up 28 reasons to attend Motorcoach Expo

LOS ANGELES — Led by high tech and electronics, specialty parts suppliers and fleet management specialists, nearly 30 companies will be new exhibitors at UMA Motorcoach Expo 2014 here in February, or are returning to Expo as exhibitors after an absence.

If it has been a while since you were a kid in a candy store, it's possible you'll feel like it again when you see the new products and services that will be on dis-

play at Motorcoach Expo Feb. 17-19 at the Los Angeles Convention Center.

The Expo show floor will feature 160 suppliers, including the more than two-dozen companies that weren't at Expo 2013 early this year in Orlando.

A diverse variety of new product suppliers will be showing their wares at Expo, including a shuttle bus and van builder, safety gear, power inverters, brakes, gauges,

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Education at UMA Expo covers key operator issues

LOS ANGELES — What may be a record number of education sessions will be conducted during UMA Motorcoach Expo 2014 at Travel Exchange here in mid-February.

The educational opportunities have been broadened to include both traditional classroom and Exhibit Hall sessions from the opening day to throughout the show, and from one-hour seminars to presentations that continue over two days.

The wide-ranging sessions at Expo 2014 will feature presenters who are industry leaders, subject-matter experts and professional speakers.

During the more than two-dozen presentations, motorcoach

company owners, managers, supervisors and key employees will have an opportunity to discover innovative ways to improve operations, step-up marketing, and strengthen the bottom line.

Plus, the overarching "Travel Exchange" concept, created by UMA and NTA a year ago, broadens learning situations.

Time has been blocked for motorcoach operators to visit the NTA Destination Pavilion where they can discover what scores of destinations have to offer.

"The bottom line for all attendees is that the education sessions at Motorcoach Expo will offer valuable information and ideas that operators can put into

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UMA challenges Austin ordinance

AUSTIN, Texas — The United Motorcoach Association has filed suit in federal court here seeking to overturn a city ordinance that imposes fees and numerous prerequisites for operating motorcoaches in the city.

In addition to imposing operating restrictions, the ordinance requires motorcoach operators to pay a \$375 annual vehicle fee to Austin or face impoundment of

their coaches.

In August, UMA requested that the attorney general of Texas advise the city that its ordinance violates federal law, imposes unnecessary costs and burdens on interstate commerce, and jeopardizes federal funding the state receives for safety enforcement.

UMA also warned it would sue to block enforcement of the ordinance if Austin did not act by

Sept. 30.

The association says the poorly crafted ordinance appears to have been adopted for the benefit of local taxi services.

With no sign of action on its request by authorities in Texas, UMA authorized its attorney to file suit in the Austin Division of the U.S. District Court for the Western District of Texas.

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Buses banned from popular San Francisco destination

SAN FRANCISCO — Officials here have ordered commercial tour buses to stay clear of one of the city's most popular destinations, the Alamo Square neighborhood, known for its picturesque buildings and spectacular vistas.

The San Francisco Municipal Transportation Agency board voted to ban buses carrying more than nine passengers from the roughly 20-square-block area surrounding Alamo Square Park, beginning the middle of this month.

The off-limits area is bounded

by Golden Gate Ave., Divisadero, Fell and Webster streets, and contains some of the city's most distinctive architecture, including a row of large, ornately-painted Victorian homes known as the Painted Ladies.

The park offers views of such landmarks as the Transamerica Pyramid building, Golden Gate Bridge and the Bay Bridge.

"The biggest problem is it's just one more area that's being excluded for tour buses," observed Mike Waters of Coach USA, an industry vet-

eran with 25 years experience in the Bay Area.

He suggested the ban may be a harbinger of similar moves by other cities, such as nearby Sausalito, where residents have expressed concerns about tour bus traffic and safety. At least one city council member there has gone on the record supporting restrictions on where and when tour buses can operate.

The ban in San Francisco is the culmination of a long-running dispute between tour bus operators

and neighborhood residents, who complained about noise, traffic and fumes from the growing number of buses. (See Sept. 15 and May 1 issues of *Bus & Motorcoach News*.)

The fight received a busload of local attention, symbolized by a large sign posted in the Alamo Square neighborhood. It read: "Get off your big, fat tour bus and experience San Francisco."

Two years ago, the San Francisco MTA conducted a study that found that 85 buses from 38 different tour companies traveled through

Alamo Square during roughly four hours of observation, with many of the buses unable to make some turns without encroaching into oncoming traffic.

Last April, the agency sought a solution and designated a tour-bus loading zone in the neighborhood on a six-month trial basis. Operators using the zone were asked to respect residents of nearby buildings by being as quiet as possible and not overstaying the posted five-minute time limit.

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Year-long delay for small business health insurance website

Owners of smaller motorcoach operations, who thought they would be able to save money on company health insurance costs by purchasing coverage using the new federal marketplace, can cross that possibility off their list.

Instead, operators will continue having to arrange health insurance coverage for their workers through agents, brokers or insurance companies for the next year, rather than through the government website.

The Obama administration an-

nounced last month it was putting off the launch of the online portal to the health insurance marketplace designed specifically for small businesses until November 2014.

The delay was needed because technicians were focusing all of their efforts on getting the troubled HealthCare.gov website more functional so individuals could use it as the primary way to apply for insurance.

The individuals' component has priority over the small business piece, federal officials said.

The administration noted the plan will still allow small businesses to buy coverage — through agents, brokers and insurance companies — while avoiding the hobbled federal online site.

Under the law, most small businesses do not have to provide coverage. But companies with 50 or more employees face a mandate to offer insurance or risk fines from the government in 2015.

The HealthCare.gov site, where individuals without employer-sponsored health care can

shop for insurance, is now much more functional than it was when it was launched more than two months ago.

The small business marketplace, also known as SHOP, was supposed to provide employers a new way to shop for health insurance coverage. The website was to make comparison shopping easier while promoting competition and keeping premiums down.

The delay, which doesn't affect states running their own marketplaces, was met with frustration.

"It's disappointing that the online portion of the federal small business marketplace through Healthcare.gov will be delayed, and it's important it get up and running as soon as possible," said John Arensmeyer, CEO of Small Business Majority, an advocacy group that supports the health care law.

"However, it doesn't change the fact that the marketplace can offer the most competitive combination of price and quality for small businesses purchasing

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THE DOCKET

Feds: Out-of-service companies used operator's DOT number

PHOENIX — The Federal Motor Carrier Safety Administration says it's continuing its probe of a newly shutdown Phoenix-based motorcoach company because its investigators found the operator's USDOT number was being used by companies that previously had been put out of service.

The compliance investigation of Autobuses Rayon began in late October, with five coaches inspected.

"Serious noncompliance and safety defects were discovered during every vehicle inspection," the out-of-service order for Autobuses Rayon states. "FMCSA discovered 68 violations of federal vehicle safety requirements; 36 of the 68 violations were out-of-service violations...each of the five vehicles inspected was ordered out of service."

The order also said Autobuses

Rayon "does not have basic safety management controls" to assure its vehicles "are systematically inspected, maintained and repaired, and the commercial motor vehicles it operates meet minimum safety standards.

"Autobuses Rayon personnel do not perform vehicle inspections, and Autobuses Rayon does not ensure that required inspections, maintenance and repairs are

performed. Additionally, Autobuses Rayon dispatches vehicles before defects discovered during prior inspections have been corrected."

Further, the FMCSA said the company doesn't have controls to assure drivers comply with safety and licensing requirements, such as duty-status records, hours-of-service regulations and alcohol and controlled-substance testing, inspectors stated.

"Autobuses Rayon fails to ensure its drivers comply with limitations and prohibitions on alcohol- and controlled-substances use," the order continues. "During a roadside inspection conducted on Sept. 6, 2013, Autobuses Rayon's driver had alcohol in his possession while operating a motorcoach transporting passengers from Durango, Mexico, to Denver, Colo. Further, Autobuses Rayon continued to use two drivers known to have tested positive for a controlled substance."

The company also failed to assure its drivers were licensed and qualified to work in the United States.

"During the compliance investigation Autobuses Rayon could not produce qualification documentation for its drivers. Addi-

tionally, at least three of Autobuses Rayon's drivers were found to not have valid commercial driver's licenses," the order states.

Overall, according to the FMCSA, "This condition of operations is an imminent hazard and potentially deadly risk for Autobuses Rayon's drivers and passengers, and for the motoring public."

'Shell cover name'

In addition to the shortcomings in operating practices, FMCSA investigators found that Autobuses Rayon "is a shell cover name and USDOT number used by a variety of motor carriers and commercial vehicle owners to operate commercial motor vehicles transporting passengers in the United States.

"Moreover, at least three of the motor carriers operating under the name and USDOT number of Autobuses Rayon are subject to FMCSA orders to cease motor carrier operations.

"Further, Autobuses Rayon fails to exercise safety management controls over the drivers and commercial motor vehicles operating under its name and USDOT number, and fails to ensure that the drivers comply with federal requirements or that the commercial motor vehicles meet minimum safety standards."

FMCSA spokesman Duane DeBruyne said he could not provide additional details on the use of the Autobuses Rayon name and USDOT number by other carriers. "I am unable to comment further as the case is still open."

The penalties for violating out-of-service orders are detailed in the Autobuses Rayon order:

"Autobuses Rayon may be assessed civil penalties of up to \$25,000 for a violation of this order...If violations are determined to be willful, criminal penalties may be imposed, including a fine of up to \$25,000 and imprisonment for a term not to exceed one year."

In addition to issuing 27 out-of-service orders to motorcoach operators this year, the FMCSA says its inspectors have revoked the operating authority of 30 other bus companies "following Compliance Review investigations that resulted in an 'unsatisfactory' safety rating."

D.C. idea: Stop registering diesels

WASHINGTON — The lunacy in this city is not confined to Congress.

Legislation has been introduced in the District of Columbia City Council that would prevent the district from registering new diesel-

powered vehicles after 2017.

Specifically, the bill would bar the registration of vehicles that solely operate on petroleum diesel fuel.

As the bill is worded, and considering how the International

Registration Plan — of which D.C. is a member — works, one trucking industry executive opined that the legislation might prevent any new diesel vehicle, no matter where it's based, from being apportioned to the district, and it's possible the bill would even bar the operation of such vehicles under permit.

Since few truckers and no motorcoach operators will have shifted their fleets to natural gas and biodiesel within the next decade, the flow of goods and people into and out of the district could be significantly affected.

The American Trucking Association plans to let the city know the proposal might not turn out well.

and productive lives.

The licenses will comply with U.S. Department of Homeland Security requirements by adding a prominently-displayed warning that they are "not valid for official federal purposes."

Illinois and California also have approved measures giving driver's licenses to undocumented immigrants.

D.C.: Driver licenses for illegals

WASHINGTON — The mayor of the District of Columbia Council has signed a bill to create a special type of driver's license for illegal immigrants. The law goes into effect in May.

The measure is being viewed as a "victory for immigrant rights advocates," who contend driver's licenses for undocumented immigrants allows them to lead safer



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IRP adopts major change: Full U.S./Canadian reciprocity

ARLINGTON, Va. — The states and provinces that compose the International Registration Plan have adopted the biggest change to the plan since states were required to join the system under federal law just over 20 years ago.

The International Registration Plan, which is commonly known as IRP, is a registration reciprocity agreement among U.S. states, the District of Columbia and the provinces of Canada. It provides for payment of apportionable fees on the basis of total distance operated in its jurisdictions.

In voting this fall, the states and provinces voted 50 to 6 to adopt a full reciprocity plan for truckers and bus operators that join the plan.

Atlanta interstate speed hiked

ATLANTA — The speed limit on a 27-mile stretch of Interstate 285 here has been increased to 65 mph.

The Georgia DOT raised the speed limit by 10 mph on the stretch of the perimeter south of I-20.

“We decided that 65 mph is a safe and reasonable speed limit,” said state transportation agency

spokeswoman Natalie Dale. That means that when full reciprocity takes effect in 2015, every vehicle registered under the IRP will be automatically qualified every year for registration purposes to operate in all of the 48 contiguous states, the District of Columbia, and the 10 Canadian provinces.

There will be no more trip permits for IRP vehicles, no estimated miles, and no fee for adding a new state in the middle of a year.

Full reciprocity is expected to provide greater flexibility for tens of thousands of truck and bus companies nationwide, especially smaller companies, and save both industry and government time and money now wasted on administrative hassle.

“The adoption of the full reci-

prociprocity plan is HUGE,” said Victor Parra, president and CEO of the United Motorcoach Association. Parra is an industry representative on the plan’s Board Advisory Panel.

“For operators running on apportioned tags — mostly line-run carriers, (full reciprocity) will make it much easier for them to move between states and Canadian provinces when it takes effect in 2015,” Parra explained.

“They won’t have to worry about having a particular state or province on their cab card. “For charter operators, even though they are exempt from being required to purchase apportioned tags, they’ll be able to enter places like (Washington, D.C.) and others without having to worry about paying a permit fee if they have apportioned tags,” Parra continued.

“Of course, this bends two ways. With charter operators having the freedom to move between states and provinces, IRP may remove the (charter bus) exemption, something operators need to be aware of,” he said.

“This, however, may not be so terrible since there will be no need for trip permits for IRP vehicles, no estimated miles, and no fee for

adding a new state in the middle of a year.

“Given the increased flexibility charter operators would enjoy, it may make sense for them to explore buying apportioned plates now, before this change becomes effective.

“Operators can go to the IRP website to check what the fee might be to purchase apportioned plates.”

The web address is: www.irp-online.org/?page=Registration.

A change to the IRP requires a

three-quarters vote of the states and provinces. The full reciprocity plan amendment was approved by 89 percent of the states and provinces, but another ballot measure, which would have allowed electronic credentialing, came up 10 percentage points short. It was approved by about 65 percent of the voters.

But while electronic cab cards did not receive official sanction, IRP Inc., the plan administrative organization, has pledged to initiate formal planning for the eventuality.

Colorado highways reopened

ESTES PARK, Colo. — One of the longest stretches of highway that was shut down by September’s historic flooding here is carrying traffic again.

U.S. 36, a highway from Lyons to the popular tourist destination of Estes Park, was reopened.

The National Guard was able to pave one lane in each direction. Temporary guard rails and jersey barriers are being employed.

After the flooding, drivers had to use what is called the Peak to Peak highway to get to the Front Range. It tacked on an extra hour

to the drive.

Residents of Estes Park refer to Highway 36 as their lifeline.

According to the Colorado Department of Transportation, about 50 percent of the 21-mile highway from Estes Park to Lyons was damaged by during the flooding.

The rest of the state highways closed by the floods were to be temporarily reopened this month.

A plan to permanently reconstruct Highway 36 will be created this winter; construction could start in the spring.



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Ohio Turnpike tolls to rise

BEREA, Ohio — Tolls on the Ohio Turnpike move slightly higher Jan. 1, the first of 10 consecutive annual increases under a program that will help pay for a series of highway-related projects in northern Ohio.

Earlier this year, the Ohio legislature adopted the Ohio Jobs and Transportation Plan that leverages the bonding capability and capacity of the Ohio Turnpike to raise money for infrastructure projects located within 20 miles of the turnpike.

Money from the program also will pay to rebuild the turnpike road base.

The higher tolls will help pay

for the revenue bonds.

On Jan. 1, the toll for three-axle motorcoaches traveling the length of the turnpike will increase to \$24.75, from \$24, for coaches having E-ZPass transponders.

Coaches paying cash will see a toll of \$34 starting Jan. 1, up from the current \$33.

In September, the renamed Ohio Turnpike and Infrastructure Commission approved the first 10 projects to be funded using bond proceeds from the program.

The \$930 million in projects includes work on the Cleveland Innerbelt Bridge; U.S. 250; Interstates 75, 81 and 271, and State Route 57.

NY bridge, tunnel tolls up

NEW YORK CITY — Motorcoaches are having to pay 75 cents more to travel into Manhattan across the bridges or through the tunnels operated by the Port Authority of New York and New Jersey.

Under a schedule adopted by the Port Authority in 2011, toll rates for cars, buses and trucks increase early in December through 2015.

The increase that went into effect this month means a two- or three-axle motorcoach with E-ZPass

now pays \$11.50, up from \$10.75.

The toll for motorcoaches without E-ZPass increased to \$22 from \$21.

Car tolls for E-ZPass users also increased 75 cents. The cash toll for autos is \$13. Cash tolls for five-axle trucks jumped \$10 to \$85.

The Port Authority owns the Holland and Lincoln tunnels and the George Washington, Outerbridge, Goethals and Bayonne bridges.

Group seeks to halt tolling on interstates

RICHMOND, Va. — The Alliance for Toll Free Interstates is recruiting members to join truck-stop operators, truckers and other highway users to fight attempts by states or Congress to toll existing interstates.

UPS Inc. and FedEx Corp. are members, along with NATSO, the national organization of truck-stop operators.

"Currently, we have over 80 members," alliance spokesman Hayes Framme said. "We are continuing to reach out to businesses ... as well as highway user groups and companies that use the interstates."

The alliance was formed earlier this year as a nonprofit corporation to educate and advocate, not lobby, said Framme.

Federal law prohibits tolls on existing interstates. However, officials in Pennsylvania, Montana, Virginia, North Carolina, Rhode Island and Missouri have asked or proposed the federal government permit them to add tolls to pay for upkeep or improvements.

Tolls end on Atlanta roadway

ATLANTA — Georgia Gov. Nathan Deal collected the last toll on State Route 400 last month, keeping the state promise to end tolling on the road once its debt had been retired.

The road runs into downtown Atlanta from north Fulton and Forsyth counties.

"I made a promise that the tolls would end when the bond debt was paid, and I am proud to stand here today to mark the end of that debt and the fulfillment of

that commitment," Deal said. "I am happy to announce that Ga. 400 motorists can now keep their change."

Deal said during his 2010 campaign he would end the tolls as state leaders had pledged in 1993 when the road was built. The bonds will be paid off by the end of this year.

Demolition crews have removed toll signs and restriped traffic lanes. Demolition of the toll booths will begin next month.

Challenge for Va. toll ruling

RICHMOND, Va. — The plaintiffs who sued to stop tolls on the Downtown and Midtown tunnels in Hampton Roads, Va., want the Supreme Court of Virginia to take another look at their arguments.

The attorney for the businesses and residents opposing the tolls filed notice last month of his intent to seek a rehearing in the case.

The state high court justices unanimously reversed a lower court ruling that the tolls were unconstitutional taxes.

The basis for a rehearing rests on an assertion the justices did not consider one or more of the plaintiffs' arguments before rendering their decision.

To receive a rehearing, at least one justice must grant the request. If that happens, the matter would go back to the justices who previously ruled against the plaintiffs.

Tolls of \$4.77 or \$7.36 for three-axle motorcoaches with E-ZPass transponders, and \$1.59 or \$1.84 for passenger vehicles with E-ZPass transponders, are scheduled to begin Feb. 1 at the two tunnels. The higher rate will apply during peak travel times.

The expected revenue is to help pay for a \$2.1 billion deal to build a second Midtown Tunnel tube; extend a freeway in Portsmouth, Va., renovate the existing tunnels.

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FMCSA to alter aspect of violation challenge process

WASHINGTON — The Federal Motor Carrier Safety Administration has proposed changes to its data systems that it says will improve uniformity in the treatment of inspection violations data.

The changes will allow court outcomes on contested citations to be documented in the agency's Motor Carrier Management Information System database.

That database supplies the roadside inspection and violation data used in the agency's Safety Measurement System, the Pre-Employment Screening program and ultimately for the Compliance, Safety, Accountability program.

The Pre-Employment Screening program provides listings of all driver roadside inspection violations and crash reports to prospective employers.

The Compliance, Safety, Accountability program evaluates and weights violations to determine motor carrier and driver compliance in various categories.

Drivers and motor carriers currently have the option to contest violation data in the Motor Carrier Management Information System. The challenges, called DataQs, are submitted to FMCSA and routed back to the originating law enforcement agency.

Under the changes — that would go into effect early next year — motor carriers and drivers could request inclusion of court adjudicated information for citations by submitting what are called Requests for Data Review (RDR) through the DataQs system (<https://dataqs.fmcsa.dot.gov>).

Carriers and drivers would have to upload the documentation for the states to review the Requests for Data Review and record the court outcomes.

Before the changes outlined in the notice, if a driver were to be found not guilty or have a citation dismissed in court, there was no

policy in place to have the corresponding violation removed from the Motor Carrier Management Information System. That led to inconsistencies in how challenges were handled state to state.

With the announced changes, challenged violations that have a corresponding citation that's either dismissed or given a "not guilty" verdict will have the challenged violation removed.

Citations that are dismissed by a court but have fines or court fees assessed will be reported as convictions to the system.

If the court convicts the driver of a charge different from the orig-

inal citation, the original corresponding violation will remain in the system. There will be a note added to the violation that the legal challenge "resulted in conviction of a different charge."

In the PSP program, the violation will also remain with a similar notation of being convicted of a different charge.

For CSA, the severity weight, or points, associated with the violation will be reduced to the lowest value of either the original violation or the newly convicted corresponding violation.

The notice says the changes only will apply to inspections on or after the implementation date of the policy.

The FMCSA is currently seeking comments on the proposed changes. Comments, which should include Docket No. FMCSA-2013-0457, can be submitted:

- Via www.regulations.gov
- By fax at (202) 493-2251
- By mail or hand to Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Ave. SE, Washington, DC 20590

Legislation would let states keep fuel taxes

WASHINGTON — A bill has been introduced in the House and Senate that would dramatically reduce federal diesel and gasoline taxes and let states keep most revenue from the two levies rather than sending the money to the federal Highway Trust Fund.

The diesel tax would be reduced to 5 cents a gallon from 24.4 cents, and the gasoline tax to 3.7 cents from 18.4 cents.

Sens. Mike Lee, R-Utah, and Marco Rubio, R-Fla., introduced the Transportation Empowerment Act in the Senate. Rep. Tom Graves, R-Ga., is the House sponsor.

The measure would "transfer almost all authority over federal highway and transit programs to the states over a five-year period" during which the states would receive block grants that come with "vastly fewer federal strings attached," the

sponsors said.

"Under the Transportation Empowerment Act, Americans would no longer have to send significant gas-tax revenue to Washington, where sticky-fingered politicians, bureaucrats, and lobbyists take their cut before sending it back with strings attached," Lee said in a statement.

Currently, fuel tax revenue supports the Highway Trust Fund,

which sends money back to the states for building and maintaining the nation's highway system.

The sponsors said the federal role in highway transportation has "usurped the role of the states" by taxing fuel used there and then distributing the revenue to states based on the federal government's perception of what is best for the states.

See related Opinion article on Page 11.

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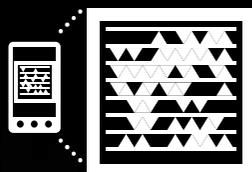
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Operator questions probe California emissions rules

PALA, Calif. — If you're a California-based bus operator, or if you ever send buses into California, this article is for you.

But if California is a state or market to which your buses never find their way, then this story may not hold much interest — other than the headshaking it's likely to produce because of the hoops your fellow operators must jump through to comply with California's toughest-in-the-nation emissions requirements.

California coach operators, who live the rules daily, got a chance to air their angst and aversion to the state Air Resources Board at the California Bus Association Convention & Trade Show here.

The operators made good use of a session with a CARB investigator to ask about issues ranging from the agency's sweeping enforcement action at the Rose Bowl in Pasadena on New Year's Day, to how the California rules affect out-of-state carriers.

Heather Brown, a CARB air pollution specialist/investigator, told attendees the goal of the state Diesel Risk Reduction Plan, which was enacted in 2000, is to reduce exposure to toxic diesel particulate matter by 75 percent by 2010 and by 85 percent by 2020.

To that end, she said, the plan called for stricter engine certification standards, more stringent fuel standards, and retrofit requirements for existing vehicles.

In 2008, the state's Truck and Bus Regulation set down the rules for motorcoach industry compliance that involves retrofitting coaches with particulate matter (PM) filters or replacing them with newer buses that meet emissions requirements.

Brown reiterated that the regulation applies to all buses that operate in California, whether or not they are registered in the state. (You might want to read that sentence again to make sure you understood it correctly.)

She outlined the two primary ways to comply — the engine model-year option and the phase-in or "reporting" option — and she offered updates and upcoming deadlines:

• "Under (the engine model-year) schedule, all 1996-99 model-year engines had to

meet the PM filter requirement by Jan. 1, 2012, and all 2000-04 engines had to meet the PM filter mandate by Jan. 1, 2013.

• "By the end of this year, 2005-6 model engines must meet the PM filter requirement. Pre-1994 engines will have to be replaced with 2010 model-year engine technology starting next year."

• "The other option for heavy vehicles was the phase-in option. The opt-in period for this option is closed. So, a fleet that did not report and opt into this option is unable to use this option."

• "For those of you that did report, and opted into the phase-in option, 60 percent of the fleet had to have met the PM filter requirement by the end of last year, and 90 percent of fleet must meet the PM filter requirement by the end of this year. Under this option, information is also required to be reported to ARB by Jan. 31st of each year."

• "There is also a small-fleet option that applies to any fleet that has three or fewer vehicles greater than 14,000 pounds gross vehicle weight rating. Reporting for this option also is required. Buses with 1996-99 model-year engines had to report by March 20, 2012. Fleets with 2000-04 engine-model years had to report by Jan. 1, 2013, and the remainder have until Jan. 1, 2014.

• "The small fleet option" delays the PM filter requirements until Jan. 1, 2014. Under this option, small fleets must have their first vehicle meet the PM filter requirement by the end of this year. The second vehicle must meet the PM filter requirements by the end of next year, and the third by the end of 2015."

Brown noted that during the enforcement sweep at the Rose Bowl in Pasadena, Calif., on New Year's Day 2013, CARB inspectors checked more than 170 buses from about 70 different companies. The inspectors issued 17 citations and launched a handful of investigations.

"So again, we were out there. We're enforcing these regulations, and doing it actively to the best of our ability," she said.

Then came the questions...and her answers.

Q: "You mentioned the Rose Bowl, can you give other examples of where you go

out and do inspections?"

A: Aside from the Rose Bowl, she said, "We've had a couple of other enhanced enforcement actions in the L.A. area, and up north at the ports, as well. We also have our field staff, who are out there every day. They're at the scales or they're doing road-sides, working with (the California Highway Patrol) to pull vehicles over randomly, and inspect the engines.

"So we pop the hood and inspect the engines. The field staff does the smoke emission testing to verify that those engines are compliant with all of our diesel regulations."

Q: "What's the duration for an inspection time? Is it on ramps or do they pop open the hood?"

A: "The field staff, when they pull a (vehicle) over, they have them do the snap acceleration test, the three-pumps, and look to see if there's any smoke emissions, and then they have them pop the hood and check the emission control label and also verify the model year of the engine.

"We do have our laptops out in the field, where we check the model year of the engine. Let's say it's a '97 engine, we see if it's been reported, if it's following the phase-in option. Good to go.

"If it's not in our system, and it's a '97 engine, then it would have had to have had a filter installed on it. So, we see if there was a filter installed. If there's not, then a citation is going to be issued for not being in compliance."

Q: "Is the vehicle then released?"

A: "Yes, it is released. We don't hold vehicles or impound them."

Q: "The ARB has destination authority? Let's say there are 50 buses at an Indian casino. You can do an inspection in the parking lot?"

A: "Yes, we can do destination inspections. The Rose Bowl is a good example of that."

Q: "If a vehicle is not in compliance with ARB, why can't DMV just not license the vehicle?"

A: "Yes, that would be lovely if we could do that. But, for whatever reason, it doesn't work that way. We're two separate agencies

with separate requirements. If we have audited a company or issued a citation, and the owner of the vehicle is not bringing that vehicle into compliance and clearing the citation, we then send a request over to DMV to clear registration. That's the authority we have at this point."

Q: "How long does an inspection take if a bus is on a scheduled route?"

A: "It depends. If everything is good to go, it can take 5 minutes, 10 minutes. If the vehicle is out of compliance it can take longer as they gather the evidence and issue the citation."

Q: "Can you give me a quick overview of what the out-of-state carriers who come in are required to do?"

A: "You just have to be compliant with the regulation. It's going to depend on the vehicle and the fleet. Essentially to operate in California, you have to be compliant with all of our diesel regulations."

Q: "Is there a one-time, 1,000-mile exemption?"

A: "The low-use exemption, where if you travel less than 1,000 miles in California, then you are exempt from your requirements under the regulation. You do have to report that. You have to report mileage every year."

Q: "So, I'm based in Phoenix, Ariz., and I run a tour to into Los Angeles; is that 1,000 miles one time or is it every year?"

A: "If you travel less than 1,000 miles in California for the year, then you could report and be exempt, but you have to report in January. ...Essentially, if you're stopped in the field, you've reported that you're doing low-use and you're in compliance, the field inspector is going to look you up in the system and they're going to see that you claim low-mileage, they're probably going to see an out-of-state plate, they're going to say, OK, and let you go.

"When we're doing audits, that's when we check more into the actual mileage."

Q: "If I'm a company somewhere in the United States coming into California, if I have an '07 engine, which already has a DPF filter on it, I don't have to worry. What-

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Achieving better motorcoach trip times

By Brian T. Schwartz and Dennis Polhill

Motorcoach operators and other highway users can get more “mileage” from the fuel taxes they are paying.

But some federal officials and states are considering increasing fuel or other taxes. Bad idea.

Much of the current federal fuel tax is not being used to maintain roads.

Fuel taxes also penalize less-wealthy drivers and encourage traffic congestion.

There are better ways to finance roads.

Instead of increasing taxes, political leaders should stop spending current fuel-tax revenue on rail and public transit and other boondoggles.

For every dollar paid in federal fuel taxes, more than 17 cents supports “mass transit purposes,” according to 2011 federal highway statistics.

Just as non-drivers should not subsidize roads, drivers’ taxes should not subsidize other services.

Some argue that mass-transit benefits drivers by reducing traffic, so drivers should fund it. Nonsense.

By such reasoning, govern-

ment should force drivers to subsidize brakes for tractor-trailers because drivers benefit when huge trucks have functioning brakes.

“Only about 60 percent of the gas tax money...goes into highway and bridge construction,” former Transportation Secretary Mary Peters told PBS.

A Heritage Foundation analysis of the federal Highway Trust Fund concurs: “[M]otorists will receive only about 62 percent of what they have paid into the fund for general purpose roads and safety programs.”

Inequities everywhere

The Highway Trust Fund is even worse for most states.

The majority of states send the fund more fuel tax money than they get back. States would be better off keeping their own dollars.

According to the Government Accountability Office, 27 states receive less than they contribute to the Highway Trust Fund. Of the states that receive redistributions at the expense of the 27 states, those benefits are diminished in 13 of the 23 states because they contribute more federal fuel tax funds to subsidize public transit in other states than they receive.

Those 40 shortchanged states should work together to opt out of the failing federal and too-politicized Highway Trust Fund system. Worthy of consideration is Utah Senator Mike Lee’s Transportation Empowerment Act that decreases over five years the federal fuel tax from 18.4 cents a gallon to 3.7 cents. (See story Page 8.)

Regardless of how governments spend fuel tax revenue, imposing fuel taxes to finance roads is unfair to less-wealthy drivers, who tend to drive older, less fuel-efficient cars.

Aiding congestion

Fuel taxes also promote traffic congestion, which wastes time and wealth. Rush hour occurs because the price for road use — fuel taxes — does not increase during peak-demand hours.

How bad is congestion? Perhaps the only thing worse to the motorcoach industry than a slow trip is an unreliable trip.

The Texas Transportation Institute 2012 Urban Mobility Report put the annual cost of traffic congestion nationally at \$121 billion.

With costs and traffic congestion climbing and no resolution in sight via government leadership, toll

roads have begun to mushroom.

Since 2003, toll-road revenues nationwide have grown in excess of 30 percent per year.

Eradication of traffic congestion will yield benefits beyond greatly improving the value of the motorcoach industry. Less congestion means less wasted fuel and fewer emissions.

The Texas Transportation Institute estimates 2.9 billion gallons of fuel were wasted nationwide in 2011 due to traffic congestion.

Market financing

Instead of increasing taxes, better ways to finance roads should be explored.

Congress can lead by allowing the 50 states to become laboratories for innovation. The fuel tax should be retained only until appropriate market financing systems can be implemented.

As express roads become self-financing, fuel tax revenues can be reallocated to maintain lower-capacity roads.

Lower tolls during off-peak hours, using demand-managed electronic tolls, will reduce traffic congestion by encouraging off-peak driving. By charging for road use, instead of fuel purchased, tolls

don’t punish those with less fuel-efficient vehicles.

To be fair to toll-payers, fuel taxes should be refunded when tolls are paid.

Less political

When roads become self-financed through tolls, decisions will become less politicized.

Repairs will happen faster and will be better targeted.

Capital improvements will be quicker and less obtrusive to routine functioning of the surrounding world.

Politicians and special interest groups will have to go elsewhere to find funds for their personal whims.

Diversion of funds to subsidize direct competition to motorcoach operators will be more difficult and less common.

Fuel taxes are unfair and wasteful. There are better alternatives.

Instead of increasing the fuel tax, elected officials should ensure that revenue actually funds roads, rather than continuing to divert it to other purposes.

Brian T. Schwartz and Dennis Polhill are senior fellows at the Independence Institute, the Colorado free-market think tank.

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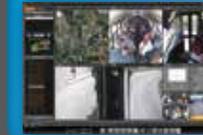
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