Happy Holidays!

December 15, 2016

Bus&MotorcoachNEWS

WHAT'S GOING ON IN THE BUS INDUSTRY

MCI-New Flyer partnership going strong after one year

DES PLAINES, Ill. — After one year as a subsidiary of Winnipeg, Manitoba-based New Flyer Industries Inc., Motor Coach Industries is predicting a healthy future under the partnership.

"MCI has performed better than the acquisition case that we put together to get our board to approve it," said Paul Soubry, president and CEO of New Flyer and MCI.

New Flyer acquired Des Plaines-based MCI on Dec. 18, 2015, in a $480 million deal that combined the largest transit bus and motorcoach manufacturers in North America. (See Jan. 15 *Bus & Motorcoach News*.)

Since the merger, MCI has surprised members of the industry who questioned the acquisition.

"MCI has got a tremendous brand," Soubry said. "Sure, it went through some difficult and challenging times. Any rumors of MCI's demise are clearly premature. We really like the combination.

"The fact that a good portion of the expertise is in the same city (both have plants in Winnipeg) so we can compare and work together and so forth, is tremendously beneficial," he said. "So we're really proud of the history of both of our companies, but we're really excited about the future."

The two manufacturing facilities continue to work together and look for the best practices of each to incorporate in the other, he said, praising the cooperation among the companies' teams. Combined, MCI and New Flyer employ a little more than 5,000 people, about 45 percent of them in Winnipeg and the balance in the U.S.

Paul Soubry

"We've chosen to really try and bring these businesses together and not make it all about cost synergy, but more about a combination that's going somewhere," Soubry said. "And so

CONTINUED ON PAGE 16 ▶

UNITED MOTORCOACH ASSOCIATION

MOTORCOACH EXPO 2017

A statue commemorating the return of Lewis and Clark to St. Louis in 1806 stands near the city's famous Gateway Arch, which is within walking distance of the site of UMA Motorcoach Expo 2017, to be held in St. Louis Feb. 26 to March 2.

Photo by McElroy Fine Art Photography, copyright St. Louis Convention & Visitors Commission.

St. Louis Arch celebrates nation's westward exploration, expansion

ST. LOUIS — The gleaming Gateway Arch, the country's tallest manmade monument and one of the world's modern wonders, was built not only to celebrate the role of St. Louis in settling the American West.

It also is a memorial to the thousands of explorers, businessmen and settlers who have passed through St. Louis while heading west.

In 1803, President Thomas Jefferson proposed an expedition to explore the vast territory west of the Mississippi River and Congress granted funding for a "Corps of Discovery" that became known as the Lewis & Clark Expedition.

The following April, Napoleon Bonaparte (financially strapped by his overly ambitious military quests) sold 800,000 square miles of territory, known as the Louisiana Purchase, to the U.S. The area covered much of the land between the Mississippi River and Rocky Mountains.

The Corps of Discovery, a party of 30 poling and pulling a 60-foot keelboat up the Missouri River, departed St. Louis on May 14, 1804, on a 7,689-mile journey lasting two years and six months.

Even before they returned the westward expansion was underway.

In 1805, U.S. Army Lt. Zebulon Pike led an expedition from St. Louis to seek the mouth of the Missouri River. The following year he led another expedition

CONTINUED ON PAGE 14 ▶

Most of NTSB's safety wish list applies to motorcoach industry

WASHINGTON — The National Transportation Safety Board has released its annual Most Wanted List highlighting safety issues identified from its accident investigations to increase awareness and promote safety solutions.

Seven of the 10 issues on the list would affect the motorcoach industry. They include reducing fatigue-related accidents, promoting collision-avoidance technologies, strengthening occupant protections, reducing distracted driving, ending substance impairment by drivers, increasing medical fitness and expanding the use of recorders.

NTSB is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in other modes of transportation — railroad, highway, marine and pipeline.

The agency determines the probable cause of the accidents and issues safety recommendations aimed at preventing future accidents. It also carries out special studies concerning transportation safety and coordinates the resources of the federal government and other organizations to provide assistance to victims and their family members impacted by major transportation disasters.

"Transportation safety is not a destination, but a continuing journey, and our efforts to improve safety must never stop," NTSB Chairman Christopher Hart said.

CONTINUED ON PAGE 12 ▶

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Tough travel environment continues to weigh on Greyhound

ABERDEEN, Scotland — Passenger revenue took another hit at Greyhound Lines during the six months ended Sept. 30, but the nation's largest intercity carrier remained profitable, posting an adjusted operating margin of 7.5 percent.

Greyhound's corporate parent, FirstGroup PLC, which is based in Aberdeen, said revenue at Greyhound during the half year ended Sept. 30 was $457.5 million, down from same-period 2015 revenue of $481.6 million.

FirstGroup said like-for-like passenger revenue at Greyhound decreased by 3.9 percent during the period due to a further reduction in average fuel prices compared with the same period last year.

"Passenger demand across the intercity coach industry is adversely affected by falling fuel prices, which make journeys by both passenger car and by air more competitive with coaches," said FirstGroup in reporting the Greyhound numbers.

"Our point-to-point Greyhound Express business was significantly more resilient, with like-for-like revenue decreasing by 0.2 percent in the first half."

Through "targeted mileage reductions" implemented in response to reduced passenger demand, Greyhound was able to achieve a small increase in U.S. revenue-per-mile operated during the latest six-month period, and this was supplemented by "encouraging initial results from our transition to one-way ticket pricing in July, together with the ongoing development of our algorithmic pricing and yield management engine," FirstGroup noted.

"We have begun to experiment with targeted advertising and social media activities, which have demonstrated promising results, and we would expect to increase our investment in this area as the demand environment begins to stabilize.

"Taken together, these initiatives resulted in a relatively resilient margin given the demand environment, with Greyhound achieving an adjusted operating profit of $34.3 million, down from $40.2 million, during the six months ended Sept. 30, 2015. The adjusted operating margin at Greyhound during the 2015 period was 8.3 percent.

"Our transformation of Greyhound's business model will

CONTINUED ON PAGE 18 ▶

Buyout of National Interstate Insurance is completed

RICHFIELD, Ohio — National Interstate Insurance, a leading motorcoach industry insurer, was founded 27 years ago and has spent the past 12 years as a public company with its stock traded in the over-the-counter market.

National Interstate's run as a public corporation ended last month when shareholders agreed to make the company a wholly owned subsidiary of its majority shareholder, Cincinnati-based Great American Insurance, and its parent company, American Financial Group.

Great American completed a $32-per-share buyout that National Interstate's board agreed to in late July. Final approval rested with shareholders who officially blessed the deal at a November meeting here.

The buyout worked out to about $311 million, which valued National Interstate at roughly $660 million. The higher figure includes the value of the National Interstate shares that were already owned by Great American.

National Interstate sells auto liability insurance to passenger, truck and moving and storage transportation companies, recreational vehicle owners, and others. The company was largely founded as an insurer of motorcoaches.

Prior to the buyout, Great American had owned 51 percent of National Interstate's shares. As part of the purchase agreement, National Interstate paid a special cash dividend of 50 cents per share on the same day the buyout was completed.

National Interstate CEO Tony Mercurio told a local newspaper that going forward it will be business as usual at National Interstate, which retains its name, employees, business plan and strategic direction. Great American and American Financial Group believe in autonomy for its businesses, he said.

Alan Spachman, 69, who founded National Interstate in 1989, told a newspaper reporter the buyout marked his last day as a board member of the company.

"It's just a wonderful day to see what I was involved with get bigger and better," Spachman told the reporter. He said when he created National Interstate, he anticipated it would succeed and expand.

"And we did," he said. "It's been everything I hoped for. It's been very good to me, my family and the people who work here. It's

CONTINUED ON PAGE 18 ▶

THE DOCKET

Few buses cited during annual CVSA Brake Safety Week

GREENBELT, Md. — The motorcoach industry fared well in this year's Brake Safety Week, with only a small fraction of buses being cited for anti-lock braking system violations.

During the enforcement effort, held Sept. 11-17 by the Commercial Vehicle Safety Alliance, 18,385 truck and bus brake-system inspections were conducted.

Of those inspections, 328 involved buses and motorcoaches, of which 80.8 percent were ABS-required.

Only two buses (0.8 percent of those requiring ABS) exhibited ABS violations during Brake Safety Week.

By comparison, 8.8 percent of ABS-required, air-braked trucks and 8.8 percent ABS-required, hydraulic-braked trucks were found with ABS violations.

Another 15.8 percent of trailers requiring ABS were found with ABS violations.

During the weeklong annual brake safety campaign, local, state, provincial, territorial and federal inspectors throughout the United States and Canada conducted inspections to identify out-of-adjustment brakes and brake-system violations.

Roadside inspections included inspection of brake-system components to identify loose or missing parts; air or hydraulic fluid leaks; cracked, damaged or worn linings, pads, drums or rotors; and other faulty brake-system components.

Inspectors reported 13.2 percent of inspections with out-of-service brake violations and 14.8 percent of inspections with non-brake related out-of-service violations, each inclusive of some with violations in both categories.

Inspectors also checked anti-lock braking system malfunction indicator lamps for compliance with jurisdictional regulations, an effort that was begun during CVSA's unannounced Brake Check Day in May. Participating jurisdictions reported the number of trucks and buses with anti-lock braking systems as well as ABS violations observed.

Anti-lock braking systems, in most cases, help vehicles remain in control where there is the possibility of wheel slippage when braking. ABS reduces the chance of jackknifing and increases control in braking situations. ABS also provides a platform for stability control systems that help prevent loss of control or rollover crashes. Furthermore, newly available and future safety systems all rely on functional brakes, tires and ABS. Just as foundation brakes must be well maintained and tires must be properly inflated, safety systems that rely on ABS cannot help keep the vehicle in control, or help to prevent crashes, when they are disconnected or poorly maintained.

Outreach and educational efforts by CMV inspectors, participating motor carriers and others in the industry also take place during Brake Safety Week and are integral to the success of the campaign. Brake Safety Week serves as a reminder to motor carriers and drivers to take proactive steps to ensure their vehicle's brakes are compliant, functioning properly and road safe.

"Brakes must be routinely checked and properly maintained to ensure the safety of the commercial motor vehicle, the CMV driver and everyone else on the road," said CVSA President Julius Debuschewitz of Yukon Highways and Public Works.

"Although brake inspections are a part of the Level I inspections conducted by our hard-working CMV inspectors every day, Brake Safety Week is an opportunity to remind motor carriers and drivers of the importance of brake health and safety, and it provides the opportunity for our inspectors to conduct targeted and focused inspections to identify and remove commercial motor vehicles that have brakes with critical violations from our roadways."

Brake Safety Week is part of the Operation Airbrake Program sponsored by CVSA in partnership with the Federal Motor Carrier Safety Administration and the Canadian Council of Motor Transport Administrators.

The Operation Airbrake Program is an international enforcement activity dedicated to preventing large truck and bus crashes, and saving lives throughout North America. The campaign seeks to highlight the importance of proper brake inspection and maintenance in an effort to reduce the number of brake-related violations discovered during a roadside inspection.

The program was first developed in 1998 in Canada and has grown to include two annual enforcement events, as well as educational outreach activities throughout the year all across North America. More than 3.8 million brakes have been inspected since the program's inception.

Trailways' hours-of-service exemption extended to 2020

WASHINGTON — The Federal Motor Carrier Safety Administration has extended to 2020 an hours-of-service exemption granted to Trailways and other regular-route for-hire passenger carriers.

Trailways has been exempt from the regulations [49 CFR 395.8(c)] that require every commercial motor vehicle driver to record his or her duty status for each 24-hour period.

When FMCSA approved the exemption for Trailways in 2013, it said it applied to all drivers of passenger-carrying vehicles with regularly scheduled routes.

It exempts drivers from the requirement to enter a change in duty status in their daily log from "driving" to "on-duty not driving" when making stops of 10 minutes or less for the purpose of picking up or dropping off passengers, baggage or small express packages.

FMCSA determined that operations under the exemption would likely achieve a level of safety equivalent to or greater than what would be obtained in the absence of the exemption.

Trailways applied for a limited exemption in 2012 on behalf of Adirondack Trailways, Pine Hill Trailways, New York Trailways and all other regular-route passenger carriers and their drivers.

Trailways received a two-year exemption from 2013 to 2015 and then was granted another exemption on June 4, 2015. The new extension means the exemption will be in effect until June 4, 2020.

The extension was granted in response to the Fixing America's Surface Transportation Act (FAST Act), which called for extending by five years the expiration date of hours-of-service exemptions in effect when the act was passed late last year.

FMCSA official refuses to give up 6-year-old case

TULSA, Okla. — After six years, KrafTours earned vindication in its quest to discharge a federal charge of knowingly allowing a driver to operate without a license.

But the victory celebration ended after only 26 days.

KrafTours, based in Tulsa, disputed the 2010 charge issued by the Federal Motor Carrier Safety Administration. Michael A. Kraft, the carrier's operator and attorney, argued all those years ago that the driver and carrier were unaware that the license had been suspended.

A "final order" on the appeal was finally issued Oct. 5 and agreed with Kraft.

"Because Claimant (the FMCSA field administrator) did not establish by a preponderance of evidence that anyone in Respondent's (KrafTours) management had read driver Boyd's file before the driver's August 13, 2010, transportation, Claimant did not prove that Respondent had actual knowledge of the suspension. Accordingly, it is hereby ordered that the charge against respondent is dismissed," wrote John Van Steenburg, assistant administrator of FMCSA.

Van Steenburg's opinion noted, "Respondent argued that neither driver Boyd nor Respondent had any reason to believe that driver Boyd's license had been suspended and that an additional, unknown, fee was required to be paid …the sole information available to its staff and management was the annual Oklahoma Motor Vehicle Record (MVR), which used the vague language of 'Bail Bond Suspension NRVC.'"

Either party had the right to appeal the order within 20 days of receiving service. On Oct. 31, FMCSA Agency Counsel Matthew J. Hardy petitioned Van Steenburg to reconsider and vacate the final order.

"The indirect evidence in this matter demonstrates by a preponderance of evidence Respondent's actual knowledge that its driver's license was suspended," Hardy argued. "It is more likely so than not that Respondent's employee, who placed the MVR in Respondent's file, understood "suspension" under "license status" meant the license was suspended.

"Generally, a carrier has imputed knowledge if it could have discovered violations had it reviewed its records. The liability is based on a failure to have in place management systems to detect and prevent obvious violations… Under the principles of agency liability, Respondent is responsible for the acts of its agents, even if Respondent's management did not know of the failure of Respondent's employee(s) to recognize the meaning of 'suspension.'

"Requiring direct evidence of actual knowledge by the employer would deter the Agency's efforts to improve commercial motor vehicle safety…FMCSA must allow for evidence that establishes immediately collateral facts from which the main fact may be inferred."

The incident stemmed from a 2010 traffic ticket that a KrafTour driver — a 28-year veteran — received for running a red light in his private vehicle. The driver paid the fine then was assessed a $50 license reinstatement fee.

Kraft and the driver asserted that they were not informed of that fee. When that fee went unpaid the state suspended the driver's license, again allegedly without the driver's knowledge.

The license suspension came to light following a compliance review conducted by an Oklahoma state trooper who apparently ran

CONTINUED ON PAGE 9 ▶

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S.C. church ordered to halt commercial bus operations

WASHINGTON — A South Carolina church whose bus was involved in a fatal accident in September has been ordered to halt all commercial transportation services.

The Federal Motor Carrier Safety Administration issued the order last month, saying a federal investigation found the church's commercial operation posed an imminent hazard to public safety.

On Sept. 17, a motorcoach commercially operated by Sandy River Baptist Church of Chester, S.C., was transporting a junior college football team from Rock Hill, S.C., to Raeford, N.C., when a front tire blew out, causing the vehicle to swerve and strike a median guardrail and a concrete bridge support along U.S. 74 near Rockingham, N.C.

The crash resulted in four fatalities and 39 injuries.

Federal safety regulations require that any entity transporting passengers in interstate commerce for a fee or other compensation must obtain USDOT operating authority registration in addition to a USDOT safety registration.

In applying for and in receiving USDOT operating authority registration, a business or a nonprofit entity — including a church organization — must affirm both the knowledge and the ability to fully satisfy all vehicle and driver safety regulations that serve to protect drivers, passengers and the motoring public.

In addition to possessing the necessary USDOT safety registration, under federal safety regulations all commercial or "for-hire" passenger carriers operating in interstate commerce, as a condition of operating authority registration, must maintain a minimum of $5 million in liability insurance on file with FMCSA.

On the day of the crash, Sandy River Baptist Church was registered with FMCSA as a "private passenger carrier," lacking both the necessary federal operating authority registration and the required minimum public liability insurance.

A post-crash investigation conducted by FMCSA safety investigators in coordination with the North Carolina State Highway Patrol additionally found the commercial passenger carrier operations of Sandy River Baptist Church:

• Failed to comply with any driver qualification requirements, including ensuring that its drivers were properly licensed and physically qualified to transport passengers in its commercial motor vehicles. During the investigation, the church's management officials could not produce any driver qualification files.

• Failed to properly monitor its drivers to ensure compliance with maximum hours-of-service requirements prohibiting fatigued operation of commercial motor vehicles. During the investigation, the church's management officials could not produce any duty status records for any of its drivers.

• Failed to sufficiently implement a random alcohol- and drug-

CONTINUED ON PAGE 7 ▶

Seattle duck boat crash caused by mechanical failure

WASHINGTON — The National Transportation Safety Board has determined that the mechanical failure of the left front axle of an amphibious passenger vehicle was the probable cause of a fatal 2015 collision on the Aurora Bridge in Seattle.

Improper manufacturing by Ride the Ducks International, the vehicle's manufacturer, and inadequate maintenance by Ride the Ducks of Seattle, the vehicle's owner and operator, resulted in the axle failure that subsequently led to the loss of vehicle control, according to the NTSB's final report.

The crash occurred when the driver of the so-called "duck boat" amphibious vehicle lost control while traveling northbound across the Aurora Bridge, veered into the southbound center lane and struck a motorcoach.

Five passengers in the motorcoach were killed and 71 others in both vehicles were injured. Three other vehicles were damaged.

Contributing to the passenger injuries were the lack of occupant crash protections for the duck boat and the high impact forces of the crash.

"This was not a case of an impaired, fatigued, or distracted driver or of any inappropriate actions by either driver," said NTSB Chairman Christopher A. Hart. "Rather, the crash was due to a mechanical failure on the amphibious passenger vehicle that should have been addressed. This crash is a cautionary tale of what can happen when a manufacturer does not follow established rules about fixing safety defects."

The report also examined a 2016 accident in Boston involving a motor scooter and a 37-passenger amphibious passenger vehicle in which one person died and another was injured.

That investigation raised concerns regarding risk management practices, which also were a safety issue in the Seattle crash investigation.

As result of the Seattle investigation, the NTSB issued nine safety recommendations to the National Highway Traffic Safety Administration, three to the U.S. Coast Guard, three to Ride the Ducks International, one to Ride the Ducks of Seattle, and one to

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45308	2002	VanHool	C2045	Cummins/Allison	$69,000
45391	2002	VanHool	C2045	Cummins/Allison	$69,000
45393	2002	VanHool	C2045	Cummins/Allison	$69,000
45350	2002	VanHool	C2045L	Cummins/Allison	$72,500
45390	2002	VanHool	C2045	Cummins/Allison	$69,000
45456	2004	VanHool	C2045	Cummins/Allison	$95,000
45428	2004	VanHool	C2045	Cummins/Allison	$95,000
45450	2004	VanHool	C2045	Cummins/Allison	$95,000
45457	2004	VanHool	C2045	Cummins/Allison	$95,000
45439	2004	VanHool	C2045	Cummins/Allison	$95,000
45380	2004	VanHool	C2045L	Cummins/Allison	$99,000
46598	2005	VanHool	C2045	Detroit/ZF	$95,000
46589	2005	VanHool	C2045	Detroit/ZF	$95,000
46587	2005	VanHool	C2045	Detroit/ZF	$95,000
46007	2005	VanHool	C2045	Cummins/Allison	$110,000
47074	2005	VanHool	C2045	Detroit/Allison **	$115,000
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Despite rise in legal pot, drivers still must refrain

WASHINGTON — Following the approval of legalized marijuana in four states last month, it appears the Department of Transportation will stand by its previous stance that using marijuana is forbidden for commercial motor vehicle drivers as long as it remains classified as a Schedule I drug by federal officials.

A Federal Motor Carrier Safety Administration spokesman said any change in the drug testing laws for commercial drivers would have to begin with the White House's Office of National Drug Control Policy before the DOT could make any changes.

Voters in California, Massachusetts, Nevada and Maine voted to legalize recreational marijuana in their respective states on Nov. 8, and voters in Arkansas, Florida and North Dakota voted to legalize marijuana for medicinal use.

Montana voted to loosen restrictions on medical marijuana laws in the state, and another 28 states now allow medical marijuana.

In 2012, when Washington and Colorado legalized recreational marijuana, the DOT announced the initiatives wouldn't change its drug-testing policies. Last November, the agency issued a similar statement about medical marijuana.

"It is important to note that marijuana remains a drug listed in Schedule I of the Controlled Substances Act," the 2012 statement said. "It remains unacceptable for any safety-sensitive employee subject to drug testing under the Department of Transportation's drug testing regulations to use marijuana."

Church bus

CONTINUED FROM PAGE 6

testing program for its drivers. FMCSA investigators found that the church had never implemented an alcohol or controlled substances testing program for its drivers.

FMCSA's investigation found that Sandy River Baptist Church's "…complete and utter lack of compliance with the (federal safety regulations)…substantially increases the likelihood of serious injury or death for its drivers, passengers and the motoring public."

Failure to comply with the provisions of a federal imminent hazard out-of-service order may result in action by the U.S. Attorney's Office for equitable relief, as well as and civil penalties.

Civil penalties of up to $25,705 may be assessed for each violation of the order. Knowing and/or willful violation of the order may also result in criminal charges.

Following the accident, the North Carolina State Highway Patrol announced that four penalties had been issued against the church but that no criminal charges would be filed.

The penalties were issued for failure to have financial responsibility for a for-hire passenger-carrying vehicle, failure to have an International Fuel Tax Agreement Fuel Tax Registration, failure to have the carrier name marked properly on both sides of the vehicle, and failure to have the proper "apportioned registration plates."

Meanwhile, the driver of the bus, who was among four people killed in the crash, was found to have a history of driving infractions, and several injured passengers, including the coach who chartered the bus, filed a lawsuit against the church and its parent organization, claiming faulty maintenance of the bus and tire that troopers say blew out to cause the crash.

Church officials have denied wrongdoing, claiming the accident was unavoidable and a sudden emergency, and they have asked that the lawsuit be thrown out.

Duck boat

CONTINUED FROM PAGE 6

the Passenger Vessel Association.

The recommendations address issues including the failure of a vehicle manufacturer to properly address safety defects through the regulatory recall process; lack of adequate oversight of amphibious passenger vehicle maintenance and failure to conduct effective safety repairs as recommended in service bulletins; lack of adequate occupant protection in amphibious passenger vehicles used in commercial passenger tours; and risk management in amphibious passenger vehicle operations.

Following the Sept. 24, 2015, crash, Washington state regulators identified 442 violations against Ride the Ducks of Seattle but still allowed it to resume operations.

The Washington Utilities and Transportation Commission allowed the company to operate 10 "truck duck" vehicles, which have a different manufacturer, chassis and axle system than the "stretch duck" vehicle involved in the accident.

The commission said 90 percent of the violations were related to record keeping. Others were more serious, including failure to conduct random alcohol testing of drivers, drivers violating limits on how many hours they can work on consecutive days, and one driver's failure to have an updated medical examiner's certificate.

"Our sole inquiry at this point is to determine whether an immediate danger to public safety still exists that the commission must prevent or avoid," commission chairman David Danner said at the time. "We conclude that no immediate danger to public safety exists that requires continued suspension of the entirety of Ride the Ducks' certificate."

A spokesman for Ride the Ducks said the company has made a list of voluntary changes to operations since the crash.

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Independent truckers continuing ELD court battle

GRAIN VALLEY, Mo. — A group representing independent truckers is vowing to continue its fight against a federal mandate that interstate trucks and buses convert to electronic logging devises by the end of next year.

The Owner-Operator Independent Drivers Association said it plans to petition for a rehearing of an October court decision that upheld the ELD mandate.

OOIDA sued federal regulators earlier this year, asking the U.S. Court of Appeals for the Seventh Circuit to overturn the rule.

The association argued that requiring the use of ELDs violates drivers' Fourth Amendment right to privacy and protections against illegal search and seizure because it effectively calls for their locations to be tracked in real time.

The association argued that employers could abuse the oversight and harass drivers.

The Federal Motor Carrier Safety Administration, which issued the ELD rule, responded to the suit by saying, in essence, that the ends — highway safety — justify the means.

A three-judge panel of the appeals court ruled against OOIDA, saying the ELD rule addresses the harassment issue by expressly limiting the scope of information that ELDs should track.

The judges also agreed with FMCSA's contention that trucking is considered a dangerous and a "pervasively regulated industry" under which the right against unreasonable search and seizure under the Fourth Amendment doesn't fully apply.

OOIDA was expected to file a petition by the Dec. 15 deadline asking the full appeals court to hear the case.

This was the second time OOIDA sued the federal government over an ELD mandate. The first time, in 2011, the association successfully challenged the mandate by arguing that it didn't take potential driver harassment into account.

Todd Spencer, executive vice president of OOIDA, told a trucking publication that at that time, the judges had been very concerned about all of the arguments raised, not just harassment.

"In our previous case on this issue, the court ruled based on just one of our arguments — harassment," Spencer said. "This time, we have again raised several issues that should be taken seriously and we hope to have a full review by the court."

FMCSA announced the ELD rule Dec. 10, 2015. It is scheduled to become effective in December 2017.

Trucking group challenging rule on medical examiners

GRAIN VALLEY, Mo. — The Owner-Operator Independent Drivers Association is challenging the Federal Motor Carrier Safety Administration's final rule on medical examiner's certification, arguing that the agency bypassed the rulemaking process by adding an appendix on sleep apnea.

In its petition for review, filed with the U.S. Court of Appeals for the Eighth Circuit in St. Louis, OOIDA said the appendix on sleep apnea was not included in the proposed rulemaking.

The appendix includes instruction that examiners should consider when a commercial motor vehicle driver has obstructive sleep apnea.

By law, FMCSA is supposed to conduct a formal rulemaking before requiring sleep apnea testing for drivers.

FMCSA had issued a final rule in April 2015 that required certified medical examiners, who perform physicals on drivers of commercial motor vehicles, to use a new medical form.

The agency announced it was creating procedures by which medical examiners would submit the results of driver medical examinations to the states so that drivers' medical certification would be combined with their commercial driver's license.

OOIDA contends, however, that the final rule added an appendix that wasn't included in the proposal. Within the appendix is a section on respiratory dysfunction, which lists sleep apnea as one of the conditions.

The appendix states: "If the medical examiner detects a respiratory dysfunction that in any way is likely to interfere with the driver's ability to safely control and drive a commercial motor vehicle, the driver must be referred to a specialist for further evaluation and therapy."

OOIDA attorney Paul D. Cullen Jr. told a major trucking publication that the final rule "added something not contained in the proposed rule."

"The agency has amended the rules without following the required rulemaking procedures: proposing it first, taking public comment, doing a cost benefit analysis and justifying the rules in consideration of public comment and other public information in its possession," Cullen said. "FMCSA simply added this to the final rule."

In previous comments regarding the final rule, OOIDA said such practices force drivers to spend thousands on tests and exams.

"In worst-case situations, safe driving careers are ended," OOIDA said.

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KrafTours

CONTINUED FROM PAGE 5

the names of KrafTour's drivers through a database of license information that was available to state authorities but not motorcoach operators. The day following his inspection visit, the trooper returned and cited KrafTours for allowing the driver to operate a coach without a proper license.

Kraft, serving as his own attorney, denied the initial accusation and insisted that neither he nor the driver was "knowingly" aware of the suspension, so FMCSA should have dismissed the violation and what was then a fine of $1,810.

FMCSA levied a fine and KrafTours disputed the charge, arguing that the driver was unaware his license had been suspended. Since then, the driver has died of cancer and KrafTours has stopped operating. Kraft believed the six-year-old case had withered and perished.

Then a "Notice of Claim" was filed earlier this year by FMCSA Counsel Hardy, who issued a "Field Administrator's Reply to Interim Order" in the docket matter.

Kraft wrote FMCSA a 13-page letter that requested dismissal of the violation. He argued that the regulation requires that the operator "knowingly" allowed a driver without a license to operate a bus; that the rule is vague and overreaching; that the carrier's safety history defies any claim of danger to the public; and that regulators require so much paperwork a super-human effort is required to manage it.

Jumping the gun

Kraft also complained that FMCSA placed the violation on its website before the action was adjudicated.

The FMCSA's renewal of the case last spring asserted that "The Field Administrator's submission of argument and evidence asserts the standard of proof for a motion for final order . . . there is no genuine issue of material fact in dispute in this matter . . . The FA has established, by a preponderance of the evidence, that Respondent violated 49 CFR 383.37(a)."

Due to the recent lack of revenue for KrafTours, the administrator reduced the civil penalty to "no greater than $820, the gross revenue cap set forth in the Uniform Fine Assessment program."

Kraft's reply asserted that FMCSA's notion of "preponderance of evidence" ignored the rebuttal that KrafTour's action was not a "knowing" act:

"The Field Administrator seems determined to bootstrap his claim into one of strict liability without addressing or even recognizing affirmative defenses presented by the Respondent…The Field Administrator has not only failed to address issues raised by the Respondent, but has tortured the truth, manipulated the facts, ignored relevant issues and singularly caused delay that has resulted in irreparable harm to the Respondent, KrafTours."

Kraft's latest response, filed Nov. 11, again stresses his belief — and Van Steenburg's agreement — that "knowledge" must be an essential element of a "knowing" violation.

"The original Compliance Review was completed without any violation. It bears emphasizing that any inconsistency in Respondent's Compliance Review would likely never have been detected save for the inspector's access to a special database, called Query Central, to which Respondent had no access," Kraft wrote.

He further argued that Hardy's request for reconsideration relies on a 2013 change in regulatory language and a 2015 court decision.

"To hold Respondent liable in 2010 for rulings and modifications of regulations not effective until 2015 or 2013, if nothing else, violates the established rule of Stare Decisis (and) would require some level of clairvoyant power which Respondent admits it lacks," he wrote.

Not about safety

Kraft stated that Hardy had "fallen back on a broad notion of Safety when other arguments fall short, but has failed to create any link between any actions by Respondent and any genuine risk to the traveling public…failure to pay an unknown reinstatement fee over and above payment of a fine has nothing whatsoever to do with safety. It has everything to do with revenue and regulation, but not safety. Safety is the byproduct of careful training, demonstrable experience and thorough preparation."

Due to the six-year delay, Kraft continued, "The entire dispute has become moot. Respondent is no longer in the business of operating buses in or out of interstate commerce, the regulations in question have changed to the degree that this question of knowledge, if it should arise again, has already been answered, and the traveling public are no longer in danger of being harmed by small, family-owned bus companies in eastern Oklahoma.

"We see no need to waste more of the limited resources of the agency on a matter that benefits no one, not even history. Wherefore, Respondent prays the Assistant Administrator will affirm his Final Order."

There is no timetable for Van Steenburg to respond to the latest appeal.

An FMCSA spokesman previously declined to comment on the case because it is still active.

Kraft said his case illustrates the barriers that potential operators face in entering the motorcoach industry and the difficulties small carriers encounter trying to stay in business.

"When this dispute erupted, there were three small, family-owned bus companies in eastern Oklahoma. Now there are none," he said.

"We used to feed off the churches, civic organizations and family reunions that went on a trip once a year. I get calls every single day from people pleading for buses. I have to tell them, 'I'm sorry. I don't do that anymore.'"

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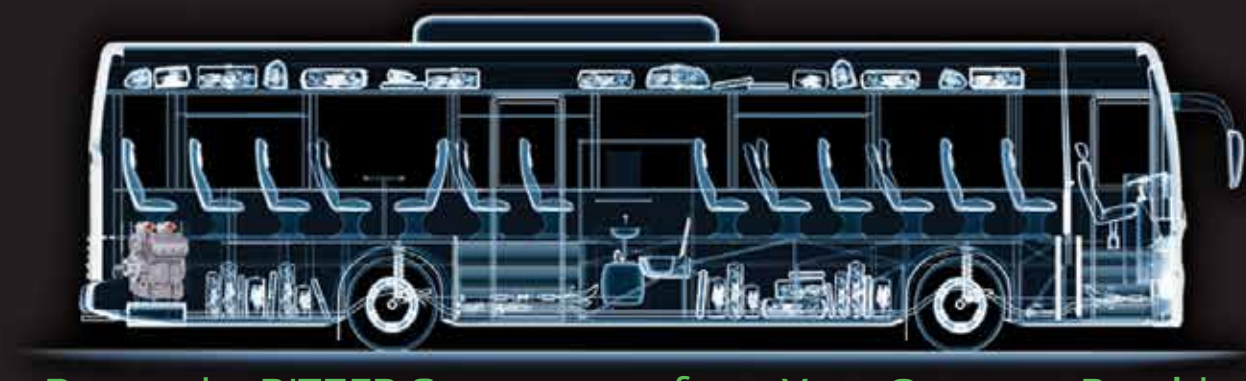

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Trump, Congress must work together to deliver on promises

By Victor S. Parra

WASHINGTON — For those who have concerns about what Donald Trump may or may not do when he moves into the White House and assumes the presidency of this country, push aside your worries.

The Founding Fathers of this great nation anticipated your fears when they created our system of government.

They had the wisdom and foresight to establish a government structure based on three pillars: The White House (including all the agencies of government), Congress (the House of Representatives and the Senate) and judiciary (the Supreme Court and our state and local judiciaries).

This structure provides for a process that creates checks and balances between each branch of government.

Here's how it works: Congress creates the laws, but the judiciary retains the right to determine if they are constitutionally sufficient. And, if the White House is unhappy with the laws Congress generates, it has the power to veto them.

On the other hand, the White House interprets and enforces the laws through our federal agencies. If the agencies overstep their congressionally given authority, Congress can block their efforts.

If Congress creates inappropriate laws, the courts can prevent enactment by declaring them unconstitutional. If Congress is dissatisfied with the court's ruling it creates new laws and/or adds amendments to the Constitution to accommodate new laws.

And so on, and so on, and so on.

These are facts about our government structure. Since President-elect Trump has not defined his administration's agenda, what follows is merely my speculation on what issues he may tackle, both in the short and long term.

The Trump election was a loud and powerful statement by the American people that they want Washington to address issues — issues Congress and the administration have been unwilling to tackle since they require tough, and most likely politically unpopular, decisions.

The Trump election was also a signal that the American people were not interested in political ideology, either from the left espousing liberal philosophies or from the right pushing conservative policies.

The electorate also railed against the gridlock that has plagued Washington for far too long. They want — and demand! — the White House and the Congress to work together to move this country forward. Pointing fingers won't cut it any longer.

As for what can we expect from the Trump presidency, I think that's difficult to say. The fact that it will be a Republican-controlled Congress suggests that President Trump has his best opportunity to push through his agenda.

Possibly the first issue he and Congress may tackle is replacement/restructure of the Affordable Care Act, or Obamacare. However, I question whether this Congress would be willing to completely repeal Obamacare and leave 23 million people without health care insurance.

Instead, they may make significant revisions to the law, such as eliminating the employer mandate, eliminating or changing the 50 full-time employee threshold for requiring companies to offer health care coverage, and redoing the definition of an FTE.

Along those lines, Trump is very concerned about the labor laws, a topic that will garner his attention during his first year in office, and maybe during his first 100 days.

President-elect Trump also wants to get the economy growing at a faster rate. In the days following his election, certainly the stock market responded positively to prospects that Trump will put forth stimulus measures.

There is speculation he will move to repeal Dodd-Frank to unleash the banks to provide some of that stimulus. Moreover, this is something respected economic guru and former Fed Chair Alan Greenspan has insisted should be Trump's first legislative initiative.

He has also set his sights on dumping Sarbanes-Oxley, as witnessed by the resignation of the SEC chairman.

Trump has repeatedly stated he wants to improve the infrastructure. He sees this as an opportunity to create jobs, particularly for the middle class, and bolster the economy.

Does this mean that he will reopen the highway bill? That remains to be seen, and I wouldn't venture a guess as to when during his administration he may tackle this job.

To help stimulate business growth, the president-elect wants to reduce the regulatory burden companies are operating under.

Our industry is a prefect example of being unnecessarily burdened by unreasonable and somewhat ineffective regulation. We certainly wouldn't mind if he focused his initial efforts on cutting our industry's regulatory load.

Throughout his campaign, Trump frequently spoke about the need to redo our tax code and get multinational corporations to pay their tax obligations to the U.S. Treasury, and not to another country.

He also expressed strong interest in reducing the amount of regulations hurting American businesses and stifling the entrepreneurial spirit in this country. Without knowing the details, these are two issues the Republicans have generally supported.

It is almost certain he will look at our trade deals, probably NAFTA being the first. This is where he may get some pushback from Congress. A great deal of effort went into developing and negotiating these international agreements. No doubt there will be many in Congress who don't want all their hard work to be tossed.

Victor Parra

Is a fix possible? Perhaps leveling the playing field by establishing common restrictions on either side of the border, or something else to create a more equitable arrangement, could be ways to address the concerns of labor and business.

As for immigration reform, which Trump said would be one of the first issues he would tackle as president, it remains to be seen if this is still at the top of his list. Certainly, Congress has not had much of an appetite for dealing with this issue. So it's difficult to project where immigration reform might fall in the scheme of things.

At the top of his list will be his Cabinet appointees. Of course, there are lots of rumors floating around, but at the time of this writing that was still a work in progress.

The message is clear. This election was a revolt against the status quo. The American people took out their frustration on the presidency. If progress isn't made, they may express their frustration with Congress in 2018.

I believe the bottom line is this: the new team in the White House and the members of Congress must work together, without regard to party politics or party affiliation. And ideology must not interfere with this process. They must deliver!

I welcome your views. Please feel free to share them with me at *vparra@uma.org*.

Victor S. Parra is president and CEO of the United Motorcoach Association.

Industry expecting changes

WASHINGTON — Transportation officials are busy speculating what could happen to regulations pending at the Federal Motor Carrier Safety Administration and the Office of Management and Budget under Donald Trump.

There are currently 14 Department of Transportation rulemakings at OMB, including two FMCSA rulemakings.

Officials also are wondering who will wind up heading FMCSA and the Department of Transportation.

Federal Cabinet and administrative departments are led by political appointees who work at the will of the president and are generally loyal to the party in power.

Current Transportation Secretary Anthony Foxx and FMCSA Administrator Scott Darling, both appointed by President Barack Obama, likely will exit the federal government to make way for Trump appointees.

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If you see a junkyard dog wearing a Timex, take it

By Dave Millhouser

Want a free watch?

Out in the prairie east of Colorado Springs there is a junkyard bordered on several sides by old Mack transits. Underneath one of them I lost a waterproof self-winding watch. It should still work.

My boss gave the old buses to the salvage yard to use as a windbreak, with the proviso that if we needed any parts off them, we could come back and take them.

And so one cold fall afternoon I jacked one up to take off a bellow that we needed for our single operable Mack C45.

You had to approach from the outside because patrolling inside the yard was a nasty pit bull guard dog. The chain that restrained him was wimpy.

I lifted the bus with a bottle jack perched on a piece of wood and crawled under. As I unbolted the bellow, the dog noticed me and began jerking at his chain in an effort to join me under the bus.

A bit nervous (REAL men can't admit terror), I accidentally kicked the tottering jack. The bus fell, enclosing me in the tiny dark space underneath it.

This solved the dog problem, but the sun was setting, it was getting cold and I was trapped under a bus. It took a bit of tunneling, but I made it out.

Arriving back at the garage, I noticed the watch was missing, apparently torn off my wrist during the tunneling operation.

You'd a thunk I'd learn, but less than a year later in Green Cove Springs, Fla., a rear suspension beam on a 4104 broke, and the axle headed for the shoulder while the bus went straight.

My buddy John and I returned to the bus, new part in hand, to fix it. We plopped a bottle jack on a couple of pieces of wood (see a pattern here?), jacked that jewel up, and John headed out to get some coffee.

While he was gone, I crawled underneath to start repairs, and managed to — what else? — kick the jack over. When he returned with coffee, John found me trapped beneath the bus.

At least this time I did one thing right — someone knew where I was (or at least where to find the body). After an appropriate interval for verbal abuse, John freed me.

> 'If you're going to work under a bus, imagine it as a giant vulture waiting to pounce.'

If you're going under a bus (or part of a bus) be sure it's secure. There isn't enough time here (nor do I have sufficient brain cells) to go over all the methods of being certain a bus is going to stay up.

If you're ever going to work under one, even changing a tire, you want to have the right equipment and think things through.

In addition to well-maintained and properly placed jack stands and lifts, a basic understanding of air suspension is important.

A few years ago, an experienced bus guy died after wedging himself between the tag tire and body to work on something. The leveling valve assumed the coach's body was bit high and bled out a little air.

The gap between tire and body closed to the point where he was trapped and suffocated.

My buddy Mark used a bottle jack under the front compartment of a Scenicruiser. The goofy leveling valve thought the bus was a bit high and exhausted air from the bellows.

Mark had his head under the body when the jack punched a hole through the sheet metal, and the coach settled on his noggin.

No permanent injuries, but for years his nickname was Cowpie. Leveling valves are not your friends, and not every part of a coach is a "lifting point."

If you're going to work under a bus, imagine it as a giant vulture waiting to pounce. Think through everything that can go wrong, and try to avoid it. Remember that gravity, jacks and leveling valves are co-conspirators.

The third time is the charm, so after surviving two bus assassination attempts, I'm very careful whenever I go under a coach. One thing I did right was to be aware that there were open spots in the bus's structure where I could be trapped (rather than squished). Talk about "sheltering in place."

Dave Millhouser

Years ago at the United Motorcoach Association's Expo, our slogan was "Above All Eagle."

A lift was going to raise and lower the Eagle demo in a regular cycle. It soared majestically up to eight feet, the lift's hydraulic line ruptured, and the bus dropped two inches onto the safety stops.

We couldn't get it down, and for the whole show the only part of that coach our customers could see was its bus bottom.

Maintaining lifting equipment is good.

If you've been willing to read this far, you've earned the free watch. So, if you're near Colorado Springs and see a pit bull wearing a Timex, tell him I sent you.

Dave Millhouser is a bus industry marketing consultant and freelance writer. Contact him by email at Davemillhouser@gmail.com.

NTSB list

CONTINUED FROM PAGE 1

"It takes a concerted and continuing effort by industry, government and private citizens to save lives. For 26 years the Most Wanted List has been our roadmap from lessons learned to lives saved. It represents actions which, if taken, will save lives, prevent injuries and reduce property damage in all modes of transportation."

The NTSB has no power to regulate and can only recommend safety improvements. But this year's list has a little more urgency because highway fatalities increased by 7.2 percent from 2014 to 2015, the largest increase since before NTSB was founded in 1967.

Traffic deaths rose another 10.4 percent in the first half of 2016, according to the National Highway Traffic Safety Administration.

This year's Most Wanted List moves to a two-year cycle instead of the annual cycle for the report, NTSB said, to allow more time for changes to be made to address the issues on the list.

Here is a rundown of the recommendations on the list that apply to the motorcoach industry:

1. Reduce fatigue-related accidents

Human fatigue affects the safety of the traveling public in all modes of transportation. Twenty percent of the 182 major NTSB investigations completed between 2001 and 2012 identified fatigue as a probable cause, contributing factor or a finding.

Combating fatigue requires a comprehensive approach focused on research, education and training, technologies, treatment of sleep disorders, hours-of-service regulations, and on- and off-duty scheduling policies and practices.

2. Promote availability of collision avoidance technologies in highway vehicles

Highway vehicle crashes kill and injure thousands of people each year.

But these crashes are largely preventable. Currently available collision avoidance technologies for passenger and commercial vehicles (such as trucks and buses) could prevent crashes or minimize their impact and should be standard equipment on all new vehicles.

3. Strengthen occupant protection

NTSB has investigated many accidents where strengthened occupant protection systems could have reduced injuries and saved lives. Needed improvements include increased use of existing restraint systems and better design and implementation of occupant protection systems that preserves survivable space and ensures ease of evacuation.

4. Disconnect from deadly distractions

Since 2003, NTSB has found PED distraction as a cause or contributing factor in accidents across all modes of transportation. A cultural change is needed for drivers and operators to disconnect from deadly distractions.

In regulated transportation, the strict rules minimizing the threat of distraction must be embraced by every operator on every trip. Removing unnecessary distractions is the first step in safely operating any vehicle.

5 End substance impairment in transportation

In the last 15 years, data show that one-third of highway deaths involved an alcohol-impaired driver. Our new reality is this: impaired driving now involves drugs —including prescribed and over-the-counter medicines — that can affect your ability to drive or operate any vehicle.

More and better data will help us understand the scope of the problem and the effectiveness of countermeasures.

6. Require medical fitness for duty

When safety-critical personnel, such as public vehicle operators, have untreated or undiagnosed medical conditions preventing them from doing their job safely, people can be seriously injured or die.

However, medical certification for safety-critical personnel varies across the modes of transportation. The NTSB has recommended comprehensive medical certification systems for safety-critical transportation personnel to ensure that these professionals are medically fit for duty before operating a vehicle.

7. Expand use of recorders to enhance transportation safety

Transportation operators and investigators must have an accurate picture of an accident to prevent future accidents. No single tool has helped determine what went wrong more than recorders.

Yet, certain categories of aircraft, trains, ferries and buses are still not equipped with these critical technologies.

Ditch the phone phobia if you want to grow your business

By Christian Riddell
Motorcoach Marketing Council

Christian Riddell

I am often asked, "What is the fastest way to grow my motorcoach business?"

While this question warms me to my core because it represents a genuine interest in growth, the responses I get once I have answered are often a bit less "cozy."

I have found that while this question seems innocent on the surface, what most people are hoping to hear is some sort of magic bullet, such as an email or a well-placed ad on Facebook, something passive, fast and, well, easy.

Unfortunately, like nearly all magic bullets, they are, in reality, less magic and more commitment and genuine work, but nonetheless still effective.

The answer to this question is twofold and both require outbound telephone calls. First, follow up on all of your sales inquiries via phone.

Second, make outbound, unsolicited sales calls to strategically chosen businesses that you can work with to create a win-win referral relationship.

For as long as I have been working, sales has been a part of what I do. Sometimes it has been about selling product or services, other times it has been about selling ideas.

In that time, I have employed and managed hundreds of salespeople and trained thousands, and yet, in truth, I have met only one person who was a true phone-selling genius.

Most salespeople, myself included, don't look forward to doing outbound phone-based selling, especially the unsolicited variety. We look for ways to avoid it, and while we know that we need to do more of it, we will find any reason under the sun to put it off until tomorrow.

In the motorcoach industry, the list of reasons that we use to justify putting it off is long and real. The upshot of this is that in my conversations with motorcoach companies, nearly all of them say they are not now and frankly can't remember when they last used outbound sales calls as a method of growing their business.

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Sleazy solicitors

I believe this phobia stems from some beliefs that we all have. First, that unsolicited outbound calling is sleazy, and second, that everyone we talk to is going to inherently despise us based solely on the fact that they did not ask us to call.

The truth is that almost anyone who has been sitting at the dinner table when the phone rings and finds someone on the other end soliciting a donation for some sort of save-the-baby-penguins relief group, will attest that outbound calling can be annoying and downright intrusive.

My friend and former employee, Irwin, the only person who I have ever met who truly had mastered telephone sales, used to tell me things like, "It's just about smiling and dialing; you are going to get a lot of no's but you just have to power through to the yes!"

Anyone who has ever done outbound sales calls knows these things, but going from "knowing" to "doing" is a major leap. He not only did it, but he did it with a smile and seemed completely unaffected by any obstacle, including a seemingly unending stream of rejection.

Since my time with him, I have spent a good deal of effort trying to engineer a way to do outbound sales calls that was less painful and more effective. While I have nothing but respect for those who have the intestinal fortitude to get through 100 no's to find a yes, I believed that there was a better way. And indeed there is.

For the past decade, I have been working in a business-to-business sales arena. After a long time selling to end users and consumers, I realized that this B2B selling had some unique advantages.

The first and most important advantage is that, unlike me and my family sitting at the dinner table, businesses have obvious objectives that can be used to our advantage, and those objectives are pretty clear to even a casual onlooker.

Seeking success

If I own a restaurant, my goal is to get more people to buy my food. If I own a bakery, I want to sell more donuts. If I own a reception center, I want more receptions. If I own a hotel, I want more room nights. If I own a bus company, I want more charters.

You can see where I am going here.

While this may be distilled down to its most simple form, it is nonetheless accurate. The vast majority of businesses are in business to grow and become bigger, or better or more profitable, and that gives those selling to them a distinct advantage.

I think that the biggest mistake that any outbound telephone salesperson makes is assuming that

CONTINUED ON PAGE 15 ▶

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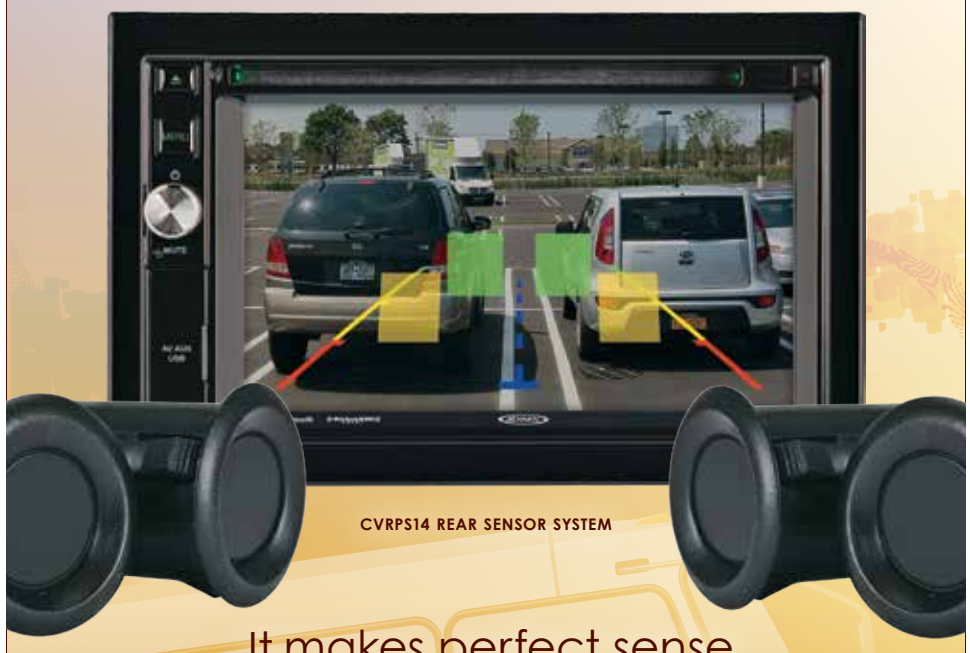
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St. Louis Arch

CONTINUED FROM PAGE 1

during which he discovered a Colorado mountain peak that he named after himself.

As the Corps of Discovery floated down the Missouri River in 1806 it encountered two men headed west to trap beavers for their valuable pelts. Until the beaver trade diminished around 1840 due to over-harvesting, fur trappers had explored and mapped nearly every stream in the mountain West.

The Lewis & Clark Expedition again set foot on St. Louis soil in September 1806, landing on the bank of the Mississippi near what is now the northern leg of the Gateway Arch.

"St. Louis inhabitants gathered around and looked at them with open-mouthed disbelief. Lewis & Clark, from whom not a word had been heard, had been long before given up as lost," the *St. Louis Globe-Democrat* recounted.

The U.S. Census Bureau declared the western frontier closed in 1890 — there were no more unexplored regions to settle. Through most of the 19th Century "a mighty procession of humanity was moving through the city in the direction of the setting sun," the *Globe-Democrat* wrote in 1964 in its St. Louis bicentennial edition.

"On the move westward through the St. Louis Gateway was a motley procession of homesteaders, sodbusters, cattlemen, craftsmen, foreign emigrants, peddlers, gold seekers, traders, trappers, gamblers, dance hall women," the newspaper wrote.

"Some took the boat at St. Louis and traveled as far west as they could by river before taking the overland trails. Some jostled along in covered wagons, some went by horseback. Some followed the Oregon Trail, some the Santa Fe Trail.

"There were men, women and children, carrying with them all their worldly possessions. Most were young, but many were too old to make the arduous trips across the plains and rivers and mountains. Some never got where they were going."

Going West

From 1841 to 1866 alone, historians estimate that 250,000 to 650,000 people headed west along the Oregon and Santa Fe trails and their western branches.

The California Gold Rush, according to the U.S. Census Bureau, attracted 120,000 "49ers" to the state. Another wave of migrants headed west after the Civil War to escape the devastated landscape of the South.

> 'Here, at the edge of the Mississippi River, a great arch did seem right.'

The Santa Fe and Oregon trails officially began in the western Missouri towns of Franklin, Independence and Kansas City, but the likely route to those trailheads went through St. Louis. Travel on the trails all but ended with completion of railroads across the country.

Outfitting the travelers was a prosperous undertaking for St. Louis — in 1850 it was the largest U.S. city west of Pittsburgh.

By the end of the Civil War, the steamboat era had passed but St. Louis became one of the nation's busiest railroad hubs. During the Great Depression, many migrants again passed through St. Louis, this time traveling by automobiles and trucks on Route 66.

After World War II, hundreds of thousands of families passed through the Gateway to the West, this time for vacations and getting their kicks on Route 66.

The Gateway Arch is one of three historic structures on the St. Louis riverfront. A few hundred feet north of the Arch is the Eads Bridge, the first tubular steel arch structure of its kind when completed in 1874. Its longest span is 520 feet.

Just to the south is the 647-foot-long Poplar Street Bridge. Unspectacular in appearance, when completed in 1967 it was the largest bridge to utilize "orthotropic design," which means its structure consists of "a steel plate surface stiffened by perpendicular elements."

'Landmark of our time'

The 630-foot-tall, 630-foot-wide Arch was inspired by Eads Bridge. Architect Eero Saarinen, winner of the design competition, said, "The major concern was to create a monument which would have lasting significance and would be a landmark of our time. Here, at the edge of the Mississippi River, a great arch did seem right."

President Dwight Eisenhower signed legislation in 1958 to grant the National Park Service $17 million to build the Arch and improve the surrounding grounds. Construction began in 1963 and ended in 1965. Saarinen did not see the Arch completed, dying of a brain tumor at age 51 in 1961.

The Arch's triangular legs are 54 feet wide at the base and narrow to 17 feet at the top. It was assembled in sections ranging from 12- to 8-feet tall.

The Arch also is considered orthotropic because it has no framework skeleton. Inside the welded stainless steel outer skin is a gap ranging from 3 feet to 7 inches, then an inner welded steel skin. The Arch is designed to sway up to 1.5 feet but a 50-mph wind is said to move it only 1.5 inches.

A number of insulated lightning rods run within the legs to the bedrock below — the Arch is struck by lightning hundreds of times a year. At the top is a 65-by-7-foot observation deck with 16 windows, 7 by 27 inches, offering 30-mile views to the east and west.

Inside each leg is a tram consisting of eight five-passenger capsules that rotate to remain level — somewhat like the baskets on a Ferris wheel — as they climb and descend. The trip lasts four minutes going up and three minutes coming down. Tram tickets are $13 for adults and $10 for children ages 3 to 15.

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Marketing Minute

CONTINUED FROM PAGE 13

they are actually selling a "product," when in reality they should be selling solutions that are mutually beneficial.

For example, let's say you have a chronic booking hole in your dispatch sheet during the week in the evenings and you are tasked with filling it up with profitable business. You take a few days to look back over your bookings and see that when you have had work in those times, it was, in good measure, because of weddings.

Now, you may be tempted to open Google and search local wedding and reception venues and start calling with a chipper, "We have buses and we would like you to tell your customers about us when they come to book a wedding. We're super good, have great equipment, we're safe and affordable, and you're going to love working with us!"

But this would be a mistake. Let's discuss why.

The business that you call is, in all likelihood, working 10 to 15 hours a day trying to figure out how to be better at being, in this case, a reception center. They are not in the transportation business or in the "filling up your dispatch holes" business.

And while on paper you know that you can help their customers with their big day, make sure everyone gets where they need to be on time and do it safer than any other group form of transportation, what they hear is, "Please sell my product for me. I can't do it on my own."

Presented that way, there is really nothing in it for them, and I can tell you from firsthand experience that offering "kickbacks" is not effective, exciting to them or profitable for us.

Working together

But, not all is lost. We know what they want, and that gives us the upper hand.

"Hi, my name is Chris. I work for a local transportation company and we work with tens of thousands of local people every year, and I was wondering if perhaps we could discuss how we could work together to help get more people using your facility?"

I know, on the surface, it sounds super cheesy. But think about it. What are they going to say?

The little voice in their head that keeps them up at night wondering how they are going to grow, how they are going to get more people in the door and how they are going to fill up their booking holes will not let them say, "I'm not interested," and hang up.

Now, this is not a 100 percent guaranteed success every time, but I can assure you that it is much more effective than slogging through hundreds of no's to find a few elusive yes's.

This method also allows you to have meaningful conversations with local businesses about how you can work together to grow one another's businesses.

Now going from, "I'm listening," to "Hey, I have another booking for you," is not just about talking to them about your business, showing them your equipment and talking about safety. It is about creating a truly win-win relationship with other companies that, when executed, builds both of your businesses.

I have had follow-up meetings using this technique with companies that wanted to just shove their business down my throat and who were not at all interested in helping me grow mine, and these meetings are great because they show you who not to work with going forward.

But the vast majority understands the win-win idea and is interested in working together to become mutually better.

World is your oyster

Sales calls don't have to be intrusive or sleazy. If you can reach outside of what you need and move instead into what you can do to work together to become better, the world will be your proverbial oyster.

This brand of precision growth not only allows you to strategically grow exactly where and how you want, but when combined with the tools and trainings provided by the Motorcoach Marketing Council, allows you to penetrate niche markets like you never thought possible.

One of the most important questions I answer in my role in this industry is, "What should my company's competitive advantage be?"

With most companies in North America operating modern, well-equipped fleets, employing well-qualified, safe drivers and sharing an industrywide commitment to excellence and safety, this question warrants an answer.

I believe that the answer is stepping outside ourselves and creating relationships with other businesses in which we care as much about their success as our own. That level of relationship builds clients who are not susceptible to discounting competitors or low-ball, fly-by-night operations.

That level of relationship breeds success for you and for others, something you simply can't put a price on.

For more information about the Motorcoach Marketing Council and its programs, go to *www.motorcoachmarketing.org.*

Calendar

January 2017

8-10 Southeastern Regional Motorcoach Operators Coalition, Montgomery, Ala. Info: *www.tnmca.net*.

8-11 2017 Tennessee Motor Coach Association Convention & Marketplace, Montgomery, Ala. Info: *www.tnmca.net*.

15-16 Bus Industry Safety Council Winter Meeting, Cleveland, Ohio Info: *www.buses.org/events*.

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MCI

CONTINUED FROM PAGE 1

over time things will evolve and change and strategies will develop, but we're really proud of the fact that the MCI and New Flyer teams are getting along, working well together and really trying to take us somewhere."

Key for MCI this year, aside from blending with its new parent, was the October resumption of its New Jersey Transit contract, which calls for MCI to produce up to 1,200 buses. The contract was temporarily suspended in July over funding issues in New Jersey.

The suspension was quite the curve ball, Soubry said.

"We decided to take a calculated risk. We had approximately 90 buses online or completed when they put us in suspension," he said. "So what we did is we finished those buses. We took the risk of finishing those buses and we also adjusted our schedule to be able to pull forward other customers."

No one was laid off during the suspension.

About 25 or 30 of the 90 buses that were finished had been delivered when Soubry spoke to *Bus & Motorcoach News* in mid-November.

MCI also is incorporating the remainder of the 90-some buses in the first order. It started the year with 184 units ordered and expected to deliver 142, with about 50 to 55 now planned for delivery in 2016 and the rest in 2017, he said.

New Jersey has said it will issue a similar order for 2017, or roughly 150 to 180 buses, Soubry said.

"We're really pleased about being able to continue that line and not have to disrupt our employees or our workforce," he said.

The total order of 1,200 buses over six years includes options for buses, so not all 1,200 are firm, he said, noting that New Jersey issues purchase orders one year at a time.

Had the contract suspension lasted much longer, it could have been disastrous for workers, he said.

"All's well that ends well, so we're really pleased we dodged a bullet," he said.

Combined this year, New Flyer and MCI expect to deliver about 3,500 new units, Soubry said, declining to break out numbers for transit and coach. That's up from 3,265 combined last year.

"Next year we're currently forecasting 3,650, so that's a couple years in a row of really good, solid, kind of 5-percent-type growth of the business," Soubry said.

Also this year, New Flyer began making much-needed investments in MCI's plant, which Soubry called dated and tired. It has already begun a face lift of the work environment that includes upgrading the lighting, air handling, bathrooms, lunchrooms, training facilities and the like. It also is updating IT systems, he said.

"Before we get too far ahead of ourselves, we're going to do a whole project to harmonize the IT systems. That really is the heavy lifting first and foremost," he said.

MCI also will look for continued opportunities to make some of its own parts to control cost and quality.

"Our guidance to the investment community is that we would probably in the first … two years, above and beyond the maintenance capital, we would spend somewhere between $25 million and $30 million on MCI, and that's on track," Soubry said. "So it's a pretty significant amount of capital that we plan to deploy in this business."

MCI isn't in a position to announce any new product yet, Soubry said. But it has begun engaging customers in face-to-face research about what features and enhancements they want in the next-generation coaches in the public and private markets.

Electric buses

That could include electric transit buses and coaches. MCI will benefit from New Flyer's experience innovating with electric propulsion, having produced about 6,000 vehicles, including trolleys, hybrids and fuel cells, "so we know about this stuff," Soubry said.

Most recently, New Flyer has focused on applying battery-electric propulsion to its proven Xcelsior transit platform and also is eyeing niches in the motorcoach market.

"We really fundamentally believe that transit is going to migrate, not everybody, but that there's lots of interest in trying to put electrification into transit," Soubry said. "So the really cool thing for MCI is that New Flyer is a couple years ahead and has engineers, expertise, and we have buses in the field that have all batteries, so we're actively now looking at how that may make sense from a coach perspective."

MCI also will continue to invest in its aftermarket business and customer-care, including service centers, technical field support staff, call centers and 24-hour emergency roadside assistance.

MCI says it has had a strong first year as a subsidiary of New Flyer Industries. Key for MCI was the October resumption of its New Jersey Transit contract, which calls for MCI to produce up to 1,200 buses. The contract was temporarily suspended in July over funding issues in New Jersey.

"So I would suggest before we see a lot of quote, unquote product, you're going to see us focusing on good, solid basics of the business, as well as the stuff that interacts and tries to satisfy our customers from a product-support standpoint," Soubry said.

Earlier this year, MCI launched a new engineering team dedicated to supporting MCI technical staff in the field, a move intended to improve customer service and identify issues engineers can use to more quickly modify coach systems and designs in the factory.

MCI created the Design Engineering Field Support Team to work with the company's 26 Technical Solutions Managers positioned throughout North America as front-line contacts for customers. (See June 1 *Bus & Motorcoach News*.)

"We added a couple of good, solid design engineer guys that could actually be dedicated to solving field problems," Soubry said. "I'm really pleased with the response, but there's more to be done."

Brian Dewsnup, who was in charge of business development at New Flyer, was named vice president and general manager of MCI Aftermarket and relocated to Louisville, Ky., home of MCI's parts distribution center. A mechanical engineer and MBA, Dewsnup was the natural fit to improve aftermarket and customer care, Soubry said.

"We're really lucky to have him take over that whole product support and service function at MCI and that goes back to having the right resources, but also the right processes to try and fix them," he said. "Are we done? Absolutely not. We've got way more to do. And we've got to satisfy and support those 25,000, 28,000 coaches on the road."

Customers are key

Customer support is big for Soubry.

Asked about an analyst's estimate in a *National Post* of Canada article that MCI has about 38 percent market share of North American motorcoach deliveries, down from once having 75 percent as a result of limited innovations and cheaper competitors, Soubry noted that MCI this year will build 50-plus percent more coaches than it did four or five years ago.

"So clearly the MCI business has grown," he said.

"We're far more interested in sustainable business and profitable growth and happy customers than I am in the drug, if you will, of just market share," he said. "We want to lead the industry, we want to have the right balance of products and the diverse portfolio to satisfy customers.

"At the end of the day, we've got 25,000, 28,000 MCI motorcoaches on the road, and we're really going to focus on making sure that those customers are serviced and that when they need to buy another coach, that they know we've stuck behind them. We want to be the vendor of choice."

By the way, that *National Post* article named Soubry the No. 1 CEO in Canada for 2016.

He appreciates the recognition, but credits the employees.

"It's clearly a team sport," he said.

IMG releases 2017 Travel Guide

OVERLAND PARK, Kan. — The International Motorcoach Group has released its *2017 Travel Resource Guide,* an industry tool for travel and meeting planners.

IMG President Bronwyn Wilson said the catalog, which is available in both print and digital forms, is distributed to more than 15,000 businesses.

The guide includes an easy-to-use layout and information important in the planning process such as facility locations, vehicle types and sizes, and the key contacts of the 56 companies that make up the IMG network.

The front of the 2017 edition features an image of the current IMG Operator of the Year, Autocar Excellence, which won the prestigious award for performance, customer excellence, and community and industry involvement.

IMG members operate more than 7,000 vehicles and provide services to more than 21 million charter and tour customers in the U.S. and Canada each year. Member companies must adhere to strict standards and qualifications for invitation-only membership.

IMG's *2017 Travel Resource Guide* can be accessed at *http://imgcoach.com/index.php/bus-travel-resource-guide*.

Canada moves closer to building Windsor-Detroit bridge

WINDSOR, Ontario — While President-elect Donald Trump and his supporters are talking about building a wall between Mexico and the United States, Canada is planning to build a bridge to the U.S.

The Canadian government recently moved a step closer to constructing the Gordie Howe International Bridge linking Windsor to Detroit.

Officials have launched the final phase of bidding to construct the bridge — a request for proposals from prospective bridge builders — signaling they are still committed to the project.

"We are very pleased to be moving ahead on this very ambitious international crossing that will help grow our trade with the United States," Infrastructure Minister Amarjeet Sohi told the *Windsor Star*.

The project is still a year behind schedule and likely will be completed well after the target date of 2020.

Three global consortiums are expected to submit bids to finance, build and operate the bridge.

Sohi has set an 18-month deadline to complete the process — including negotiating and having a final contract in place with the winning bidder. Work on the Howe bridge could start a few months later and is expected to be completed three and a half years later.

That means the bridge won't open until at least 2021 if everything remains on schedule.

Part of the reason for the delay involves acquiring properties for the project in Detroit, including a handful owned by Matt Moroun, who owns the existing Ambassador Bridge and who has fought in court to stop construction of the new bridge, which would make his 87-year-old bridge obsolete.

Sohi's announcement of the request for proposals came shortly after Trump won the U.S. presidential election last month. During the campaign Trump vowed to build a wall along the U.S.-Mexican border.

"The U.S. and Canada have a long history together and share common values," said Sohi, who expects the results of the U.S. election will have no impact on the Howe project.

"We have a strong trading relationship with each other and this (Windsor-Detroit) crossing has a value of $100 billion a year in trade, so it is critical for the economy of both countries."

He also noted the federal government has a strong relationship with Michigan Gov. Rick Snyder, who supports the bridge and who remains in office until the end of 2018.

Snyder said in a statement that the Howe bridge is needed to "open doors to global markets" and "enhance the essential trade relationships" between the two countries.

"The issuance of the (request for proposals), which is the result of thousands of hours of work and consultation by Canada, Michigan and many other project stakeholders, is an all-important milestone that we have achieved together," Snyder said.

Drivers ticketed for passing stopped school buses sue

DALLAS — A class-action lawsuit filed against the cities of Dallas and Carrollton and the agency that runs school buses in the area could pave the way for $30 million in traffic ticket refunds.

Five plaintiffs claim that Dallas County Schools illegally used cameras on school buses to ticket drivers for traffic violations they might not have committed.

The external cameras were installed in an effort to improve safety and punish drivers who put children's lives in danger. School districts in several other states, including Virginia, Nebraska and Georgia, have similar cameras, usually installed on the arms extended at bus stops.

"That is a tangible improvement in the safety of our children," Dallas County Schools Board President Larry Duncan told a Dallas TV station.

The plaintiffs all received tickets for at least $300, the minimum penalty, for allegedly driving past stopped school buses with their stop sign arms extended.

The passing cars were recorded by cameras on the buses, but the plaintiffs claim they either don't remember passing the stop arms or they weren't the ones driving at the time.

Duncan said the drivers are just looking for a loophole to get out of paying their tickets. He said city attorneys in five cities have reviewed the implementation of school bus cameras and found them to be legal.

Dallas County Schools implemented the cameras in 2012, and the money from the tickets goes to the city in which the offense occurs and Dallas County Schools, which receives 87.5 percent of the fines, according to LeDouglas Johnson, lead attorney in the class-action suit.

Roughly 100,000 drivers have received tickets for driving past school bus stop signs since 2012.

People

WASHINGTON — *Gladys Gillis*, vice chair of the United Motorcoach Association board and CEO of **Starline Luxury Coaches** in Seattle, has been appointed to the newly created **National Advisory Committee on Travel and Tourism Infrastructure**.

The advisory committee was established by the Fixing America's Surface Transportation (FAST) Act, which was passed by Congress last December.

The committee will advise the U.S. Secretary of Transportation on matters relating to the role of intermodal transportation in facilitating mobility with respect to travel and tourism activities.

"We are delighted Gladys Gillis was appointed to this prestigious committee and confident she will be representing the interest of UMA members," said *Victor Parra*, UMA's president and CEO.

The committee has 25 members appointed by the Secretary of Transportation to serve two-year terms. Its first meeting will be held this month in Washington, D.C.

ESTERO, Fla. — *Jordan Wilde* has joined **Distinctive Systems** as a software support specialist.

Wilde was hired to expand the company's Coach Manager Charter and Contract Booking System, Tour Booking System, and Vehicle Maintenance System in the motorcoach industry.

She previously was with **Starline Luxury Coaches** and **Gray Line of Tennessee** and brings a wealth of industry knowledge and Coach Manager experience to supporting Distinctive System's growing portfolio of accounts throughout North America.

"I am excited to join the Distinctive Systems team and utilize my prior experience using both Coach Manager and other tools to educate and assist our clients on how to most successfully perform sales, operations and management, ultimately leading to increased business for the operator," Wilde said.

Distinctive Systems President *Don Greenglass* said Wilde's experience and industry knowledge "will benefit our clients enormously, before even factoring in her prior experience using our Coach Manager platform. This addition is another step in our commitment to providing the best client satisfaction, which only allows us to strengthen our software utilization and innovation within the motorcoach industry."

Gladys Gillis

Jordan Wilde

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Vanhool T2145s: (2) 2004 – (2) 2005
57 pax, Carrier HVAC, restroom, Cummins and DDC S60 w/Jake available, Allison B500 trans, REI 6- monitor video, excellent interiors, paint & body, aluminum wheels, mileage 600K to 800K. **Priced to sell:** 2004 non-lift – $115,900, 2004 lift – $120,900, 2005 – $139,900.

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Greyhound

CONTINUED FROM PAGE 3

continue into the second half with additional changes to the loyalty program, a transition to bus-side ticket scanning, and investment in the customer focus of our employees," FirstGroup said.

"The outlook for fuel prices and the consequent impact on customer demand remains very uncertain, but we are confident Greyhound is increasingly well positioned to take full advantage of its unique brand and scale."

Among FirstGroup's operating units, the star performer during the six months ended Sept. 30 was First Student. The nation's largest private school bus operator posted a sharp turnaround during the most recent reporting period, helping make up for lackluster performances in other FirstGroup divisions.

While revenue — at $1.004 billion — was down slightly at First Student during the six months ended Sept. 30, operating profit jumped to $26.2 million from $1.4 million.

First Student had a "robust" bid season with 7.3 percent average price increases and solid contract retention, according to FirstGroup.

First Transit, FirstGroup's third North American division, had higher revenue for the six months ended Sept. 30, but operating profits slipped to $41.4 million from $46.3 million a year earlier.

Overall, FirstGroup reported a 5.1 percent increase in revenue for the half year ended Sept. 30, while operating profit rose less than 1 percent. Trading conditions are challenging at its operations in the United Kingdom, the company said.

Capital spending at Greyhound totaled roughly $18.5 million during the six months ended Sept. 30, up from $3.72 million during the year-earlier period.

Greyhound sold its terminal in San Jose, Calif., resulting in a gain of $26.81 million.

Despite the overall decline in passenger revenue during the half year ended Sept. 30, Greyhound announced toward the end of last month it was "gearing up for one of the busiest Thanksgiving holiday seasons in recent years, with more than 540,000 customers expected to travel on Greyhound coaches in the U.S."

"We expect the highest demand to be Nov. 23-27, and we've been getting ready across our network to support the increased customer volume," said Bill Blankenship, chief operating officer at Greyhound.

In announcing its Thanksgiving forecast, Greyhound touted its latest travel tools, including its website that offers fare options with such perks as free checked bags and priority boarding.

The website includes route details that are designed to let customers know what to expect during their travel, plus information about the types of stops and what services are available at each stop.

Greyhound also offers BusTracker, which helps customers track the location of their bus, providing real-time information about whether their bus is early, on time or delayed.

National Interstate

CONTINUED FROM PAGE 3

been a success. I think the company's been a good neighbor and a good addition to the community."

Last month's buyout was American Financial Group's second effort to purchase all of National Interstate. The first attempt in 2014 was withdrawn following pushback from prominent shareholders, including Spachman, who spearheaded the opposition.

Spachman said the second attempt succeeded in part because it was more pleasant and respectful. The end result was shareholders and American Financial each got what they hoped for, he said. Spachman said he would remain an investor in American Financial Group.

"This is my last official day at (National Interstate)," Spachman said. "It's the beginning of a new era, a new era for the company and a new one for me. We have new owners now and they are very accomplished owners. And they'll take this business to a new phase. I'm confident they will."

Pursuant to the merger agreement, all National Interstate directors — Joseph E. Consolino, Ronald J. Brichler, I. John Cholnoky, Patrick J. Denzer, Gary J. Gruber, Donald D. Larson, David W. Michelson, Norman L. Rosenthal and Donald W. Schwegman, plus Mercurio and Spachman, resigned their board seats.

On the same day the buyout was officially approved, National Interstate marked the start of construction on a 117,000-square-foot office building on its campus in Richfield.

National Interstate executives told reporters they expect to create hundreds of jobs to fill the building, its third on the site. In coming years, the company anticipates having as many as 1,000 employees, 450 more than it has now. Another published report put the increase at closer to 200.

"It means we can grow for years and years to come," Mercurio said.

"It's truly a physical display of growth and prosperity," he added. "We need the space. It's really going to be an attractive place to come work."

The five-story addition will serve as the centerpiece on National Interstate's campus, connecting its two existing buildings via walkways.

The $25 million project will include a larger company cafeteria, additional wellness facilities and several outdoor decks and patios. Further, the expanded facilities will provide space to host customers.

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