

BUS industry **SAFETY** council

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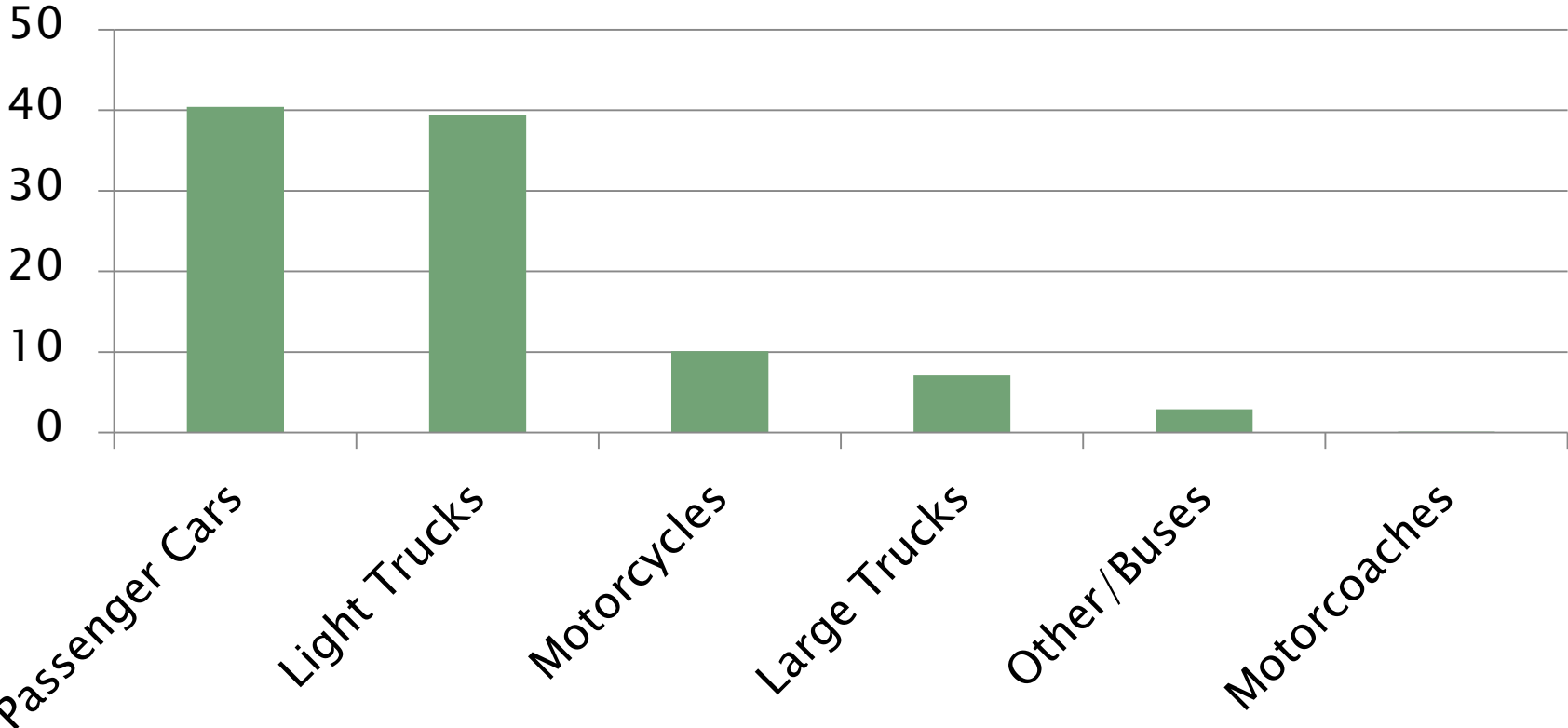


Motorcoaches and Risk, What
Tour Operators Need To Know.

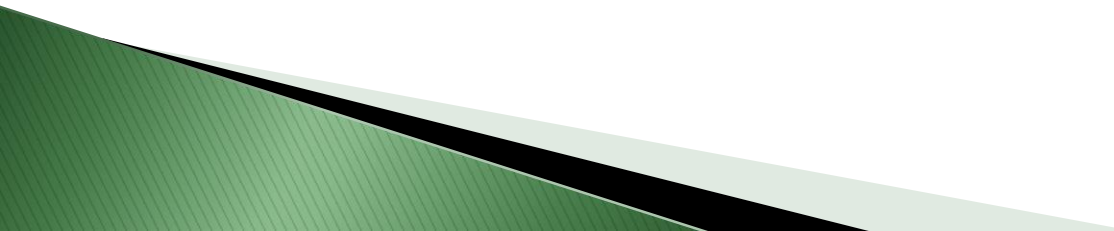
Motorcoaches are the safest form of highway travel in North America



Vehicles Involved in Fatal Accidents 2009



Overview

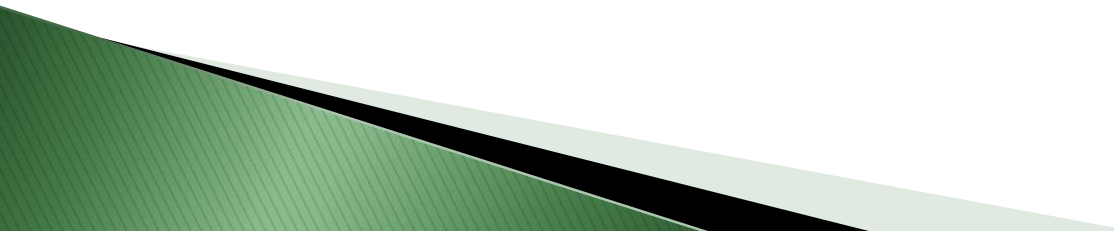
- ▶ How the BISC can help you?
 - ▶ Are you aware of your risk?
 - ▶ Things you should know and consider.
 - ▶ Example.
 - ▶ What should you do to reduce your risk?
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- ▶ Top Motorcoach Industry Experts.
- ▶ Industry-wide Safety Advisory Group.
- ▶ Develop and promote methods, materials and procedures to enhance motorcoach safety and security.

Why is this my concern?

- ▶ *“The Bus Company is Responsible for Operational Safety.”*
 - ▶ *“I Don’t have any Responsibility if the Bus is in an accident.”*
 - ▶ *“All I can do is check on the Safety Rating and Reputation of the Bus Company.”*
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Headlines

- ▶ *Jury awards \$132 Million Settlement in Bus Crash Lawsuit.*
- ▶ *Settlement over Hurricane Rita Bus Fire Brings Closure Nearly Four Years Later. (\$80 million)*
- ▶ *Mother of Student Names Bluffton University in Lawsuit.*
- ▶ *Lawsuit Targets Tour Operator in Utah Bus Crash.*

The Basics

- Regulatory Framework
- Title 49 Code of Federal Regulations



code of
federal regulations

How Long Can the Bus Driver Drive?

- ▶ The Bus Driver may only drive a maximum of **10-Hours** after 8 consecutive hours off duty.

§ 395.5(a)(1) Maximum driving time for passenger-carrying vehicles.

Definition: All time spent at the driving controls.

How Long Can the Bus Driver Work?

- ▶ A driver may work a maximum of 15 hours (10 of which can be driving) following 8 consecutive hours off duty. The driver may not drive after having been on-duty for 15 hours.

§ 395.5(a)(2) Maximum on-duty time for passenger-carrying vehicles.

On Duty (Work)

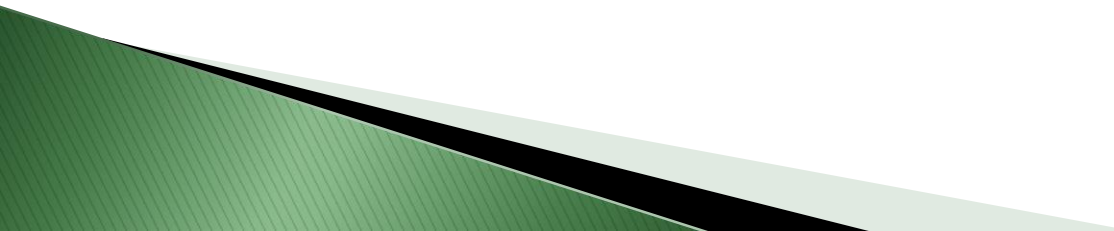
- ▶ *Defined: All time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work.*

The Federal Rules Apply to You

- ▶ No person shall aid, abet, encourage, or require a motor carrier or its employees to violate the rules of this chapter.

§ 390.13 Aiding or Abetting Violations.

Accountability and Tour Operators

- ▶ Tour Operators failing to properly assess itineraries vs. driving rules.
 - ▶ Group Leaders insisting on itinerary modifications in route, or worse...
 - ▶ Group Leaders encouraging drivers to violate rules through financial incentives.
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Itinerary Realities

- ▶ Overview: (Just one Example)
 - Actual itinerary presented to a bus company by a Tour Operator.
 - 4-day Middle School tour of Washington, DC., originating in Connecticut. (Tour Operator and Motorcoach Operator both based in Northern NJ.)
 - Depart on a Tuesday and return on a Friday.

Example: Itinerary Proposed by a Tour Operators: First Day – Proposed Itinerary

- 6:00 am Depart from school
 - 2:59 pm Arrival in Washington DC Hotel.
 - 5:00 pm Dinner at Restaurant
 - 7:00 pm Visit Lincoln, Vietnam Veterans and Korean Memorials
 - 9:30 pm Check into Hotel
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First Day – Proposed (Blue) Actual (Blue + Red)

- 4:00 am The driver begins his day with a required pre-trip inspection of the bus at the Company facility.
- 4:15 am Driving 1-hour to the school.
- 5:15 am Loading students.
- 6:00 am Depart from school
- 2:59 pm Arrival in Washington, Meet Tour Guide @ Hotel.
- 4:00 pm Tour Operator calculated 8-hour trip with 1-hour for rest stops, however, the hotel was actually in Falls Church, Virginia, 30 minutes further from Washington DC, and the calculation did not accommodate for traffic between New York and Washington. The total driving time is more likely to be 9 hours with rest stops.

First Day – Continued

- 4:00 pm Driving to the restaurant in Washington from Falls Church, Virginia in rush hour.
- 5:00 pm Dinner at Restaurant in Washington DC
- 7:00 pm Visit Lincoln, Vietnam Veterans and Korean Memorials
- 9:30 pm 1.5 hours driving tour in Washington plus .5 hours back to the hotel in Falls Church.
- 9:30 Check into Hotel
- 10:30 Drivers day done after unloading passengers, cleaning bus, logbooks, and fueling.

First Day – Summary

- Based on Itinerary a single driver would:
 - Be driving for: 12.5 hours
 - 2.5 hours over the allowed driving limits.
 - Be on-duty for: 17.5 hours (2 hours off for dinner)
 - 2.5 hours over the allowed on-duty limits.

What Really Happened

- The Tour Operator approached 3 different reputable bus companies.
- All three companies indicated the need to add a relief driver on the first and fourth day.
- The Tour Operator ultimately contracted with a less reputable bus company, and not a member of the ABA, that followed the original itinerary without relief drivers. Knowingly violating federal safety regulations.
- The Tour Operator only considered cost.
- **What do you think their liability would be if an accident occurred?**

Example – Consequences

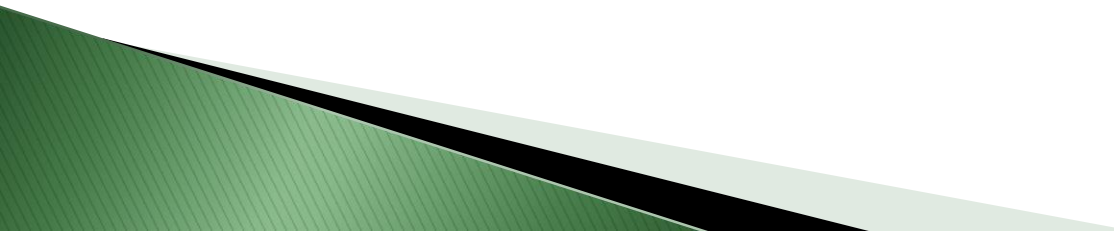
- Passengers (Middle School Children) were at greater risk.
- Bus companies that are willing to knowingly violate the federal regulations on driver hours may also be more willing to violate other vehicle and driver safety rules.
- The Tour Operator had been told that they needed relief drivers.
- In the event of an accident, the Tour Operator could be held both civilly and criminally negligent.

Operating Environment

- Highway Environment
 - Work Zones
 - Accidents
 - Congestion
 - Weather
 - Bridges
 - Parking



What can I do?

- ▶ Comprehension
 - Knowledge is power. Understand the bus's operating environment and you will better serve your customers.
 - ▶ Communication
 - There is no substitute for timely and accurate dialogue.
 - ▶ Consideration
 - Care for the concerns and needs of both tour operator and bus operator is necessary.
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What Should I Consider?

Bus Companies Safety Fitness

Driver Fatigue

Driver Distraction

Passenger and Group Behavior

Bags, Luggage and Containers

Oxygen Cylinders

Pre-Trip Coordination, Planning, and Communication

- Tour Operator/Group Leader Responsibilities
 - Know the trip plan & final itinerary.
 - Know the Motorcoach Operator and Drivers limitations and concerns.
 - Effectively Communicate with the Motorcoach Operator and Driver.
 - Help to manage passengers.
 - Manage Time.

What You Should Do

- ▶ Ask to see the Bus companies USDOT or Transport Canada's Operating Authority.
- ▶ Ask to see the Bus Companies Safety Fitness Rating.
- ▶ Ask to see the drivers Commercial Drivers License.
- ▶ Ask to see the Motorcoaches Annual Vehicle Inspection.



What You Should Do

- ▶ Ask to see the bus companies pretrip safety material in advance.
- ▶ Develop a trip safety plan with the bus company.
- ▶ Review the trip itinerary and resolve any issues before the trip begins.
- ▶ Demand sufficient time for the driver and group leader to review the itinerary and resolve any concerns.

What You Should Do

- ▶ Identify any special needs issues in advance.
- ▶ Coordinate your group emergency notification lists with the bus company.
- ▶ Know how you will work with the bus company should an issue arise.



Resources

- ▶ Regulations & Oversight:
- ▶ Federal Motor Carrier Safety Administration
- ▶ Department of Defense
 - www.fmcsa.dot.gov
 - www.tc.gc.ca
 - www.defensetravel.dod.mil



Resources

- ▶ Guidance:
- ▶ American Bus Association:
 - www.buses.org/fortravelers
 - Find A Member
 - How to Charter A Bus
 - Bus Travel Tips
 - The Safe Choice
 - The Green Choice



Questions?

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