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ECONOMIC DEVELOPMENT

Motorcoach services create economic stimulus in communities both large and small by providing jobs, bringing tourism dollars and creating transportation options for the commuting public. Motorcoach tourism creates opportunities for economic growth across a broad range of industries from dining, shopping and hotels to attractions and shows. The industry is part of the engine that drives communities by creating employment, increasing income and sales tax revenue, and by offering mass transportation to important destinations such as hospitals, colleges, airports, and government centers at little or no cost to the tax payers. Burdening our services through increased taxes or fees reduces the benefits we bring to communities and can impact businesses that depend on tourism, travel, or a mobile workforce.

(April 2008)

ABA Position Papers

THE MOTORCOACH INDUSTRY POSITION ON FUEL TAXES

ISSUE

The Highway Trust Fund spending will outpace the level of fuel tax revenues that support the fund in 2009. Changes in fuel tax collection sources and procedures, which could have a significant impact on the motorcoach industry, are under serious consideration in response to this deficit situation.

BACKGROUND

Congress is simultaneously facing large budget deficits and public expectations that investment in transportation infrastructure will continue to grow. The Highway Trust Fund (HTF) revenues come largely from the fuel tax but also from taxes on trucks, trailers, heavy vehicles and tires. In the future the country cannot depend on fossil-based fuel taxes to fund its surface transportation system, in part because increasing fuel efficiency standards and alternative fuels make the already inadequate gas tax a declining revenue source.

Much effort was focused in SAFETEA-LU on addressing the funding shortage through tackling fuel tax evasion; reconciling payments that needed to flow into the HTF for dedicated transportation spending versus the general fund; and focusing on unnecessary exemptions. But because those changes aren't sufficient to address the problem in the future, more options are under consideration. In the last several years there have been several test projects to use road user fees to back bonding on road improvements and manage access to the road capacity, particularly at peak hours. Other options include: eliminating fuel tax exemptions taken at the pump in favor of fuel tax exemptions being paid through revenues (presumably reducing current "abuses"); shifting costs to states to help fund the infrastructure; indexing the fuel tax to the Consumer Price Index, retroactively to the last federal fuel tax increase; creative ways to increase the HTF contributions of alternatively fueled vehicles; and a vehicle miles tax (VMT) for all highway users regardless of the vehicles they operate (under such a system the gas tax would be substituted with a mileage-based fee.)

Currently motorcoaches pay 7.3 cents in taxes on diesel fuel as a result of an industry-wide 17-cent exemption from the current 24.3 cent diesel fuel tax. The current motorcoach exemption reflects the positive contribution the industry makes and the lack of other dedicated funding for the mode. The benefits private operators bring to the system are the same contributions made by transit operators receiving a total fuel tax exemption: taking cars off the road and the resulting congestion mitigation, rural access, commuter efficiencies, environmental and pavement-wear benefits. Motorcoaches are the most fuel efficient commercial passenger transportation service.

ABA POSITION

ABA seeks to maintain the motorcoach industry's partial exemption from the diesel fuel tax and any future funding methodology that may create additional burdens for the motorcoach industry based on the following arguments: 1) buses take cars off the road helping to mitigate congestion and minimize pavement wear; 2) use of motorcoaches, the most fuel-efficient passenger mode, provides a positive environmental impact; and 3) heavily subsidized transit agencies and Amtrak are exempt from fuel taxes, private operators providing the same benefits should receive the same benefits. If the existing subsidy gap is allowed to grow an additional burden will be placed on the privately operated public transportation network causing these operators to cancel marginal or rural service and increasing the need for public resources. This additional burden will reduce transportation alternatives and increase the demand on services that cost tax payers more.

(April 2008)

ABA Position Papers

TRANSIT COMPETITION

ISSUE

Private intercity motorcoach operators are facing increasing competition from federally subsidized local transit agencies that violate current federal law. Federal Transit Administration (FTA) regulations prevent transit agencies from using funds to provide charter bus service or regularly scheduled service outside urban areas. Yet some local transit agencies continue to offer these services in direct violation of federal regulations.

BACKGROUND

The Federal Transit Act currently excludes "charter and sightseeing transportation" from the definition of "mass transportation" for which FTA funding is available. In addition, the Act prohibits a recipient of FTA funds from providing intercity charter bus operations if it will foreclose a private bus operator from providing the same service.

A provision in the Act also gives an injured private operator the right to complain to the Secretary of Transportation about subsidized charter competition, and the Secretary is empowered to "correct the violation" under the terms of the offending transit operator's funding agreement. The FTA has promulgated regulations to enforce the charter prohibition in the Act, but they are regularly ignored by many transit agencies.

This problem exists, in part, because the FTA supports vigorous transit operations by its constituent transit agencies, but it is also responsible for enforcing limits on those same operations under the Federal Transit Act and the charter service regulations.

In SAFETEA-LU ABA was successful in strengthening the laws that pertain to the enforcement of the charter rules. Specifically, we prevailed on Congress to mandate that the Secretary of Transportation investigate charter rule violation complaints and also have the authority to fine publicly funded transit agencies that violate the charter rules. In addition, Congress, at our urging, mandated that FTA begin a negotiated rulemaking proceeding ("Neg. Reg.") in which the interested parties meet to try and reach consensus on new charter rules and what, if any, "charter" work may be done by publicly funded transit agencies in light of the charter rules.

In addition, ABA has been successful in litigation against publicly funded transit agencies for violation of the charter rules. Specifically, the FTA Regional Counsel has ruled that the Akron, Ohio transit agency must pay $622,000 for charter rule violations committed over the past several years. The transit agency is appealing this decision to the FTA Headquarters in Washington, D.C. Also pending is the ABA's suit against the Toledo, Ohio transit agency and its Board of Directors for that agency's violation of the charter rules.

ABA POSITION

ABA seeks full enforcement of SAFETEA-LU provisions and rationalization of the decision and appeal process. ABA opposes further expansion of charter service by transit agencies. ABA supports strong enforcement by FTA of provisions in SAFETEA-LU that require FTA to impose reasonable financial penalties on transit agencies that have established a pattern of violating the charter rules. ABA opposes expansion of new opportunities for transit agencies to engage in charter work.

(November 2006)

TRANSPORTATION IN THE NATIONAL PARKS

ISSUE

Motorcoaches bring millions of visitors to national parks and wilderness areas each year and should be regulated in a way that is mindful of the industry's contributions to a vibrant and environmentally balanced tourism program in these areas. However the use of motorcoaches in some parks is unfairly restricted, which negatively impacts the viewing experience of the traveling public and the positive congestion mitigation effects offered by motorcoaches.

BACKGROUND

As the most fuel-efficient way to travel, motorcoaches are environmentally friendly and offer travelers a conservation minded way to access national parks. Since each motorcoach carries as many as 55 passengers, they significantly reduce the number of cars in the national parks, as well as the associated congestion and emissions, thereby helping to maintain the beauty of our national park system. Simply put, motorcoaches can help the national park system stay clean.

As part of the growing travel and tourism industry, motorcoach operators are closely tied with (and often are) tour operators and can be a helpful tool through which the National Park Service can promote travel to its "Hidden Treasures" destinations programs. These operators also offer access to national parks for certain targeted populations who do not currently have full opportunity to visit our national parks including the disabled community.

Too often, though, regulations have the direct effect of punishing motorcoaches, rather than rewarding them for the benefits they provide. Excessive access fees, lack of parking, limited park access and inadequate transportation facilities within and around our National Park Service all stand in the way of increased motorcoach service. In addition, the practice of requiring passengers to leave a motorcoach for a park service vehicle also stands in the way of efficiency as well as service.

Other issues that prevent service include the competition of public agencies for transportation opportunities in the National Parks. For example, one recent transit agency initiative on the Capitol Mall virtually duplicates the service accomplished by three private operators. The transit agency uses federal funds to undercut the private carriers' service. Finally, the effort of Park Service venues to limit the number of group tickets that may be purchased is likewise destructive of the bus industry. The motorcoach industry seeks to be regulated in a way that promotes motorcoach access to our nations' natural treasures rather than deters it.

ABA POSITION

ABA supports efforts to expand the use of motorcoaches within the national parks and wilderness areas. We seek opportunity for increased participation of the private sector in the development of mass transportation options for national parks and federally managed areas open to the public. We seek a fair and open process for bidding on service within the national parks. We support the development of a process that includes all modes of transportation in formulating solutions to the problem of congestion in parks and wilderness areas.
(November 2006)

ABA Position Papers

AMTRAK REAUTHORIZATION

ISSUE

Amtrak reauthorization legislation provides an opportunity for Congress to promote rail-bus intermodalism and prevent Amtrak's predatory pricing strategies that have undermined the intercity bus system in the past.

BACKGROUND

The reauthorization of the National Rail Passenger Service Corp. (Amtrak) is a perennial issue for Congress as well as the private bus industry. Congress has failed over the last several years to reauthorize Amtrak and its operations. Amtrak therefore "limps" along with funds appropriated each year by Congress and, since 2001, largely without the approval of the Bush Administration. The Administration has made no secret of its desire for an Amtrak operational restructuring before committing to the railroad's sustained funding.

The Administration has devised plans for the "breakup" of Amtrak into segments. One segment would encompass the Northeast Corridor, another along the West Coast and another with operations centered on Chicago and Detroit. For the rest of the nation, the States would be encouraged to enter into regional compacts in order to provide rail service and presumably, heavily subsidized and money-losing passenger "runs" would be state subsided or discontinued.

For its part, Amtrak consistently requests funding in excess of one billion dollars annually and contends that without such funding it will have to curtail operations. Individual Senators have used their abilities to provide States with federal money to subsidize Amtrak trains, which do not cover their costs. However, without these money-losing runs in its schedule Amtrak would likely lose the support of several influential Senators, which, in turn, ironically, could allow the railroad to begin the process of restructuring. For this reason, Amtrak resists curtailing these money-losing trains and Congress provides, through the appropriations process, enough money for the railroad to survive another year. This state of affairs could continue for some time.

ABA POSITION

Regardless of the level of Amtrak's funding or from where that money is derived, ABA believes that any funding must come with "safeguards" that will prevent Amtrak from using its funds to engage in predatory pricing and that Amtrak should be prevented from contracting with bus operators to run service in direct competition with existing private bus operator routes. Moreover, Amtrak must be required to follow federal procurement regulations. Finally, Amtrak must be made to engage in intermodal planning with all other modes of transportation. Specifically, Amtrak should be required to, wherever possible, connect with and interline with intercity motorcoach operators.

(November 2006)

NETWORK OF SERVICES

Motorcoach services connect communities, provide airport, bus and rail access to intercity services, commuter programs and increase value of public infrastructure investments. As communities look for ways to move more people and goods without building new roads motorcoaches provide flexible, convenient and cost effective transportation to develop new routes and schedules, consolidate dispersed residential travel, and connect modes in urban and rural areas. Private operators provide services which include intercity and regional connector buses, airport shuttle, commuter and transit services, special needs, ADA paratransit, and medical vans with fixed route, bus rapid transit, express, and demand responsive services. These services connect people with schools, doctors, relatives, government services and work as well as travel and tour opportunities.
(April 2008)

ABA Position Papers

The Expansion, Conversion and Creation of HOV & HOT Lanes

ISSUE

With the Highway Trust Fund facing insolvency and the motor fuel excise taxes representing the primary revenue source for the Highway Trust Fund, new funding streams and paradigms must be found. The High Occupancy Toll lane (HOT) is one of several options being put forward to both increase transportation revenue and control the negative economic effects of congestion.

BACKGROUND

A high-occupancy toll is a toll enacted on single-occupant vehicles to use lanes or entire roads that are designated for the use of high-occupancy vehicles (HOVs). Tolls are collected by staffed toll booths, automatic number plate recognition or electronic toll collections systems. In some cases, like the 91 Express Lanes in the median of the already-congested State Route 91 in California, motorists have been given a choice between toll-free lanes or new lanes on which tolls are charged at different rates according to the time of day. On Interstate 15 in San Diego, single-occupant vehicles are allowed to "buy in" to HOV lanes by paying a toll, essentially converting the HOV lanes to HOT lanes.

The motorcoach is by definition a high occupancy vehicle and, as such, must be able to use HOV lanes (even when traveling empty). Use of the HOV network has allowed motorcoaches greater efficiencies and flexibility in providing service to customers and, in turn, extending the positive benefit provided by motorcoach travel. Specifically, coaches: reduce congestion and pollution by taking more than 425 million cars off the road each year; provide the same congestion mitigation benefits as transit buses in that they have the capacity to take up to 55 cars off the road, per motorcoach; and coaches are the most fuel efficient and least energy intensive mode of commercial passenger transportation. These valuable contributions to society come at virtually no cost to taxpayers.

The motorcoach industry has supported extension of the HOV network to reduce congestion. It is also clear that in some areas where those networks are underutilized, further congestion mitigation benefit may be achieved by conversion of HOV lanes to HOT lanes for certain vehicles and/or at certain times. However, if instead the conversion serves to make the HOV lanes significantly more crowded, or if attempts are made to toll high-occupancy-vehicles themselves, this could hinder the efficiency and wide-spread use of high-occupancy-vehicles, negatively impacting overall public benefit.

ABA POSITION

The motorcoach industry supports the construction and expansion of HOV lanes given that they provide additional capacity or more efficient allocation of existing capacity. Toll lanes increase the efficiency of transportation for the over-the- road motorcoach fleet. This is important for effective motorcoach service whether the coach is loaded or empty. To the extent that conversion of HOV lanes to HOT lanes allows HOV lanes to remain viable for high density travel and congestion mitigation, we acknowledge that HOT lane conversion should be considered. However if the resulting effect of HOV to HOT lane conversion is increased congestion, we would be opposed. Whether high density lanes are designated as HOV or HOT lanes, the motorcoach industry seeks the same exemptions and benefits received in those lanes as other mass transit options, reasonable tracking or tolling processes that do not unduly burden motorcoach operators, and inclusion of motorcoaches in the definition of HOV. Motorcoaches are high occupancy vehicles and are a

critical part of the solution to the increasing demand on our transportation system and with congestion and mobility issues.
(April 2008)

TOLLS AND CONGESTION PRICING

ISSUE

The pending funding lapse in the federal Highway Trust Fund (HTF) has forced executives and legislatures to look for funding sources outside of traditional tax revenue. One proposed method to address the shortfall is through tolling. In addition, variable tolling methods known generally as peak period or congestion pricing are being considered as a means of reducing congestion. However, tolling by private or public entities could have a significant impact on the motorcoach industry.

BACKGROUND

The traveling public expects continued investment in the transportation infrastructure in order to maintain and expand our mobility. HTF revenues come largely from fuel taxes. With greater engine efficiency and a move towards alternative fuels come fewer tax receipts. Highway officials warn that in the future the country cannot depend on fossil-based fuel taxes to fund its surface transportation system.

Tolling has been proposed as one approach to address the funding shortage; it not only creates revenue but can potentially help to manage congestion. 31 out of 50 states currently have or are planning tolling projects. However, tolls also raise the possibility of creating inequities among transportation users and providers.

One potential concern is the disparity in the ability of all socioeconomic groups to use the road if the tolls aren't applied in an even-handed manner. Parallel to that issue is a lack of viable transportation options for those who are not able or cannot afford to drive alone. A primary intended result of tolling, congestion mitigation can be further enhanced by reasonable bus tolling practices or negatively impacted by heavy tolling. Tolls should provide incentives for passengers to choose transit buses or motorcoaches over cars. People who can't afford cars or choose to ride the bus, particularly those in rural areas with fewer transportation options, could be directly and negatively impacted if tolls increase passenger pricing. Increases in pricing can act as a regressive tax on those members of society that can least afford to travel and who are using transportation system capacity the most efficiently.

Further, tolls should not favor already heavily subsidized public mass transportation over privately operated mass transportation. Today, many public transit buses are exempt from tolls. Like motorcoaches, transit buses take cars off the road, improving air quality, minimizing pavement wear and, helping to mitigate congestion. However, privately operated motorcoaches are largely not exempt from tolls. This inequity could grow even worse if tolling expands and congestion pricing programs are implemented. Additional burdens placed on the privately operated public transportation network only serve to create more transportation obstacles to those served cost effectively by motorcoaches.

ABA POSITION

Tolls should provide incentives to travelers to choose buses, either publicly or privately owned, over cars. Tolls should not favor already heavily subsidized public mass transportation over privately operated mass transportation or act as a regressive tax on bus passengers. On those roads where publicly funded transit buses are exempt from paying tolls or variable pricing charges, the same benefit should be provided to motorcoaches.

(February 2008)

ADA: CLOSING THE MOBILITY GAP FOR PASSENGERS WITH DISABILITIES

ISSUE

In 1998, the DOT passed final rules establishing accessibility requirements for intercity motorcoaches. To be considered accessible, a motorcoach must now have a wheelchair lift and two wheelchair securement locations. This is an important and costly endeavor for the motorcoach industry, particularly fixed route operators.

BACKGROUND

The Americans with Disabilities Act (ADA) requires accessibility based on vehicle type. In October 2001 the ADA implementation schedule required fixed route motorcoaches to provide lift-equipped service on 48-hours notice until their fleets were fully lift-equipped. The ADA implementation schedule calls for 100 percent lift access by 2012. Charter and tour operators must provide lift-equipped service on 48-hours notice with no requirement for fleet accessibility. DOT was required to review implementation and actual demand for accessible motorcoach service in 2005. The findings from that review were to go into a report to Congress in 2006 with recommendations on amending the accessibility requirements for motorcoaches under the ADA based on a cost benefit analysis. DOT has not completed the use analysis and report as of April 2008.

The purpose of the ADA is to provide access to transportation for persons with disabilities needing special accommodation. The requirement for reporting and analysis is to asses the relationship of the accommodation to the need for service and whether the rule is a "reasonable accommodation." For fixed route services compliance is indicated by the accessibility of the fleet rather than accessible services provided to customers. At the inception of the law it was not clear what a "reasonable accommodation" was and whether the cost of lifts and the use of them indicated a benefit to users that bore a reasonable relationship to the cost to providers to comply with the rules.

The requirement for reporting and lift use analysis was part of the implementation program. A wheelchair lift adds $40,000 to the cost of a motorcoach, excluding the costs of maintenance, repair and employee training. In fact, the data FMCSA collected indicates demand for accessible service is substantially less than predicted by the DOT in establishing the ADA requirements. ABA would like DOT to complete the report required in the rules, particularly for fixed route operators because of the high cost of full fleet accessibility and low utilization rates.

Congress authorized funding for motorcoach operators to cover "up to 90 percent" of the incremental costs of ADA compliance. The grant funds available have been a fraction of the cost of this vital social interest. The Transportation Research Board has estimated the annual cost of compliance to exceed $40 million. SAFETEA-LU provided approximately $40 million for the five years through 2009.

ABA POSITION

Congress needs to reauthorize and extend the compliance-funding program through the life of the next highway and transit bill, and increase the available funding for motorcoach operators to $47[1]

[1] The TRB study of 2002 concluded that $40 million was an appropriate annual dollar amount for ADA accessibility over the next reauthorization period. However from 2002 to January of 2008 there has been an average annual rate of inflation of approximately 3.2 percent. Therefore over the six years a total of 19.19 percent inflation has occurred. By January 2008 inflation has reduced the buying value of the initial 40 million 2002 dollars to a net present value of just over $32 million. The historical average annual inflation rate since 1914 is approximately 3.4 percent. It is a reasonable

million annually to cover the actual costs of ADA compliance for intercity, charter, and commuter services. Before requiring 100% accessible fleets for fixed route operators Congress should provide funding for the DOT to conduct an adequate review of the actual use of accessible motorcoaches as required in the original statute. This review should include an alternatives analysis that would assess options for implementing accessibility based on customer needs and uses rather than solely on fleet metrics. Motorcoaches providing commuter services should be eligible for the funds that FTA makes available to public commuter services for wheelchair lifts. ABA supports pending legislation that requires the Federal Motor Carrier Safety Administration to ensure compliance with ADA by denying interstate registration to, and revoking the interstate registration of, bus companies which demonstrate they are unwilling or unable to comply with DOT's over-the-road bus accessibility regulations.
(April 2008)

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assumption that the average annual inflation rate through the next reauthorization period will fall within the 3.2 to 3.4 percent ranges. Future accessibility grant funding considerations should acknowledge the annual inflation rate as a factor when establishing funding levels.

ABA Position Papers

Dedicated Funding for Intermodal Transportation Facilities

ISSUE

Federal funding is needed to create a network of intermodal passenger facilities that will provide seamless passenger transfers for intercity, commuter and local public transportation. This would facilitate tour bus access to urban destinations, rural to urban intercity and commuter travel, coordinated transportation and increased roadway capacity utilization. Intercity bus projects need to be included in public intermodal facilities to integrate intercity bus service into the intermodal chain.

BACKGROUND

The nation's surface public transportation system comprises a variety of modes; intercity and commuter bus, intercity and light rail, transit, rural and medical services. To be truly effective alternatives to the private automobile, these modes must be linked to each other and to airports. The linkage at intermodal transfer facilities and through travel information portals needs to deliver seamless transportation to the traveling public.

With increasing pressure on existing road capacity it is critical to make connections between local transit, commuter, and intercity services including airports. Customer expectations and taxpayer accountability require broad access to publicly funded stations and facilities. The return on the public investment is increased when the roadway and passenger services maximize their capacity utilization through coordinated service and access to facilities. This is true whether it is buses picking up charter or tour group arriving by plane or rail, suburban commuters or rural connectors meeting local transit or van services. A network of facilities that provides access to a spectrum of services increases the value of each of those investments. Suburban areas need park and ride facilities for convenient access to public transportation including commuter bus and rail. Urban areas need central facilities that can co-locate service for local, regional and national travel.

Two provisions of SAFETEA-LU increased the eligibility of intercity bus as part of intermodal facilities developed with Federal Transit Administration (FTA) capital funding. The first provision, contained in Section 3004 defines capital projects eligible for FTA funding to include intercity bus terminals that are related physically or functionally to public transportation facilities. The second provision contained in Section 3011 sets aside $35 million annually from the FTA Capital Investment Grants bus discretionary program.

ABA POSITION

SAFETEA-LU provisions increase federal funding eligibility for intercity bus projects as part of intermodal facilities and should be fully implemented in accordance with Congressional intention and direction. The $35 million set-aside in SAFETEA-LU, has not been tracked separately. Intermodal facilities funded through joint development agreements and FTA Capital Investment program are not clearly identified. The discretionary program has been earmarked without reference to intercity passenger needs. FTA should require that federally funded intermodal terminal projects include intercity buses to the maximum extent possible and track access of buses to terminal projects.

(April 2008)

ABA Position Papers

INCREASED FUNDING FOR RURAL TRANSPORTATION NEEDS

ISSUE

The rural intercity bus program in 49 U.S.C. Section 5311(f) has helped stem the decline in bus service to rural communities. In the last two years ABA has supported the FTA Private Match Pilot program this program needs to be institutionalized and far greater federal support is needed to ensure that rural communities have adequate connections to the nation's public transportation system including air service.

BACKGROUND

Intercity buses provide daily scheduled service to over 4,000 communities nationwide. This service not only provides essential passenger services, its incidental package express service is the only form of daily, scheduled freight service for many of these small towns. Although motorcoaches serve roughly eight times as many communities as either the airlines or Amtrak, more than 20,000 communities have lost their motorcoach service over the last 30 years.

Congress recognized the need to reverse this trend in SAFETEA-LU by reauthorizing the rural intercity bus program and allowing for additional funding under the 5340 program to accomplish many of the objectives that were proposed in the "Essential Bus Service" program proposed by ABA during the reauthorization process. The rural intercity bus transportation program provides funds for either buses and stations or operations. The 5311(f) program is funded at approximately $70 million per year through 2009, for rural intercity bus transportation, which doubled what was previously available. This represents 15% of a state's total FTA rural transportation funding. A state can spend more than 15% and can only allot less than that amount if after doing a statewide plan and consultation process with private operators the governor finds that rural intercity bus needs are already being met. Furthermore, all eligible bus companies in a given state must be made aware when the state has begun their transportation planning process so that these companies may be included in the process and propose projects.

ABA POSITION

ABA supports the rural intercity bus transportation program authorized by SAFETEA-LU. ABA has committed resources to ensure that the implementation process proceeds as the legislation intends. ABA urges the FTA to track and enforce compliance with the SAFTEA-LU intercity bus operator consultation requirements. Any states' consultation with intercity bus operators be substantive and any subsequent certification must be rationally related to that consultation. FTA requires that prior to certification, a state must solicit written comments and proposals from carriers concerning unmet intercity bus needs. If a state chooses to certify, it must set forth in the certification letter, a description of any proposals received and its rational basis for choosing to certify, notwithstanding those proposals. FTA should refuse to allow a state to certify unless it meets these standards. ABA worked with FTA to adopt a new policy that allows states to expand section 5311(f) projects to include local match provided by the cost of the unsubsidized intercity bus service that connects with the subsidized service. This increases the percentage of the net cost of the subsidized service that section 5311 (f) funds can subsidize from 50% to 100% and requires collaboration and connection for services using the private match process. Finally FTA should specify in its guidance that SAFTEA-LU clarifies that intercity bus operators are eligible "sub-recipients" for section 5311 funding.

(February 2008)

ABA Position Papers

MOTORCOACH SOLUTIONS TO AIRPORT CONGESTION

ISSUE

Changes are needed to federal planning requirements and funding programs to promote better access to airports for motorcoaches. Motorcoach service is an essential ground transport link and assists in overall congestion relief and clean air on the premises and around airports.

BACKGROUND

Motorcoaches provide intercity, commuter, airport shuttle and charter and tour group connections to airports every day. This service provides an essential ground transportation link in the intermodal chain and alleviates the congestion and pollution caused by automobile traffic into airports. Additionally, many airports do not currently meet air quality attainment levels required under the Clean Air Act. The major source of emissions at airports is not from airplanes, but from cars. Motorcoaches take cars off the road reducing congestion, overall emissions, and fuel consumption at airports and elsewhere.

While most airports work to be self-sustaining, in practice they often (if not always) rely heavily on federal funding support. Federally-funded airport development projects are subject to grant assurances that require airports to provide intercity buses access to their airports to the maximum extent practicable. Yet, too often motorcoaches face barriers to airport access. Those barriers range from excessive fees, denial of curbside access, lack of involvement in the planning process, and systems and infrastructure obstacles to efficient motorcoach service. Furthermore, the fees airports often charge to motorcoach operators violate the federal prohibition on imposing state or local fees on motor carriers of passengers traveling in interstate commerce. These fees, sometimes as high as $50 or more per vehicle per visit, could well run into the tens of thousands of dollars per year for a bus company that uses the Airport on a regular basis.

ABA POSITION

Barriers to effective motorcoach service to airports must be addressed as part of overall airport planning. Airport business models that rely on parking fees and rental car concessions for a substantial portion of their operating budget create a disincentive for airports to invite and develop close linkages with connecting HOV ground transportation. From airport design to downtown transportation centers, facilities must be designed and managed to incorporate access for multiple modes of transportation including consideration of parking, traffic coordination, and pick-up and drop-off for motorcoach traffic. Airport authorities should be required to include intercity bus service access and connections in their planning process to alleviate congestion, promote clean air and foster security efforts. Bus access improvements at and near airports should be part of the airport planning process and eligible to receive airport improvement funds.
(February 2008)

MOTORCOACH OPERATIONS SAFETY & SECURITY

Motorcoaches are the safest form of ground transportation. Operators, Manufacturers and government regulators work to develop safety improvements based on sound science and best practices. Hours of service, axle weights, driver training and occupant protection are addressed as part of our initiative to keep motorcoaches the safest mode of transportation. ***(April 2008)***

MOTORCOACH OCCUPANT CRASH PROTECTION

ISSUE

Recently there has been increasing public focus on questions relating to bus passenger safety because of several highly publicized crashes and proposed legislation. Much of the attention continues to turn on the matter of whether or not motorcoaches should be equipped with passenger seat restraints.

BACKGROUND

Motorcoach Safety is a high priority for ABA and the motorcoach industry. The government's own data show that bus travel is the safest form of surface transportation. Motorcoaches are buses that carry 30 to 55 passengers with an elevated passenger deck over luggage bays. Motorcoaches carry 631 million passenger trips annually[2] and over the last decade the fatality rate on motorcoaches was less than half that of all other intercity passenger modes.[3]

Existing passenger safety relies on compartmentalization, motorcoach seats are designed to protect passengers in the event of a crash by compartmentalizing and absorbing the crash impact through collapsing the into a soft cushion. The National Highway Traffic Safety Administration (NHTSA) is undertaking scientific studies to determine the most appropriate means of occupant protection.

The motorcoach tour and travel industry stand ready to work constructively with NHTSA to ensure that any safety proposals include the scientific review required to produce credible and authoritative research. To enhance to body of knowledge regarding motorcoach safety and insure that any changes improve passenger safety; it is necessary to conduct dynamic testing using accepted research test protocols and engage experts in the field to review and analyze the resulting data.

Scientific research must guide policy. The government needs to fund and conduct rigorous research focused on motorcoach engineering and crash scenarios. Without rigorous testing and replicable findings changes in engineering and design of motorcoach safety systems could do more harm than benefit.

Changes to motorcoach glazing, roof structure, passenger safety, and emergency egress need to be looked at in relation to each other. Any change in one area can impact the safety systems in each risk area. Therefore any change in one safety system needs to be made in reference to the other systems.

Safety equipment cannot be bolted onto a motorcoach. Careful research and engineering specific to the vehicle is necessary before changes are made in existing safety systems.

ABA POSITION

ABA believes we must be certain that in trying to enhance existing occupant protection that we do not interfere with or detract from the excellent and effective protections currently provided to passengers. We urge that the recommended testing be conducted and that the program be fully federally funded. We support and have provided technical assistance to NHTSA in this effort. Further as we implement testing and standards ABA would ask that Canadian and European testing and standards be incorporated into the review, testing, and development process for NHTSA. ***(February 2008)***

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[2] *Motorcoach Census Update 2006,* Nathan (2006) p. 1

[3] *Federal Subsidies for Passenger Transportation, 1960-2005* , Nathan (2007) p.11

ABA Position Papers

BUS ACCIDENT RESEARCH

ISSUE

Current bus accident data research does not adequately reflect the unique characteristics of vehicle types and uses vans and over the road buses This results from the fact that accident data collection systems do not consistently segregate accidents based on the service being provided by the bus at the time of accident and by the specific vehicle type. In order to maintain meaningful data to better understand the circumstances involving bus crashes, data collection and reporting must be modified.

BACKGROUND

Section 224 of the Motor Carrier Safety Improvement Act of 1999 mandates the Federal Motor Carrier Safety Administration (FMCSA) to conduct a study "to determine the causes of, and contributing factors to, crashes that involve commercial motor vehicles." To implement part of this mandate, FMCSA, together with the National Highway Traffic Safety Administration (NHTSA) has recently concluded a truck crash causation study and is now conducting a commercial bus crash causation study.

The NHTSA study of 15 passenger vans illustrates the importance of vehicle characteristics (body type) when determining accident causation factors. The report showed that small vans loaded at, or over their rated capacity often overturned during traffic accidents. The report also illustrated that small vans are often used as school buses, in addition to the frame-on-chassis design more typical of "school buses." The recent addition of a "bus use" variable in the Fatal Accident Reporting System (FARS) is a welcome development that begins to address the problem, because it focuses on how the vehicle was being used at the time of the crash. Other specific data research needs include:

- Better data on nonfatal accidents. The NHTSA General Estimates System (GES) file is the major source of nonfatal accident data, but it distinguishes only school buses from other types of buses. All other buses are classified as "other." All bus body types, including over-the-road, transit, and small vans must be included.
- Better detail on the events of the crash should be a priority. GES accident type variables currently provide a lot of information on the relative position and motion of the vehicles prior to the first harmful event in the crash, but additional data, such as the vehicle classification information from the vehicle identification number (VIN), should be gathered at the time of the crash.

ABA POSITION

The FMCSA/NHTSA Commercial Bus Accident Causation Study should be conducted as an ongoing national research program due to the relative rarity of serious motorcoach crashes. At a minimum, data collected should specify the vehicle body type (school bus, motorcoach, transit bus, passenger van, etc.) and the type of service being provided at the time of the crash. Forms used by state or federal officials should be standardized across the nation so that all data collected and uploaded into federal databases will be consistent and reflect these baseline details.
(November 2006)

ABA Position Papers

MOTORCOACH SECURITY

ISSUE

Since the horrific events of September 11, 2001, security of public transportation systems has become a national concern. Government support is needed to assist in establishing and funding industry security training protocols and security enhancements. The private over-the-road bus industry has received approximately $10 million in each fiscal year since FY 2002 through the Congressional Appropriations process. Long term authorizing legislation is needed to support and enhance motorcoach security programs.

BACKGROUND

The safety of the 631 million passengers who ride intercity motorcoaches has been partially addressed through provisions in the USA Patriot Act and the REAL ID Act. These statutes, respectively, establish that terrorist activities in mass transportation systems are federal crimes and require states to issue secure drivers licenses and identification documents, which make certain the applying individual is not a known security risk or has committed illegal acts. Furthermore, prior federal security grants have provided operators with critical sources of capital to upgrade their company security programs. Grant funds have allowed the ABA, in conjunction with others, to develop and deliver a detailed security training program and security planning template to the entire industry. The Transportation Security Administration (TSA) has determined that these security training and planning materials will establish the federal security baseline for our industry should a federal directive or regulatory mandate be issued in the future.

In FY 2005 the Office of Domestic Preparedness (ODP) of the Department of Homeland Security (DHS) placed a limit on security grant applications to only include bus companies who operate fixed route, scheduled service as eligible applicants. This exclusion barred about 95 percent of the operators who provide charter and tour service to the 631 million passengers the industry transports each year. In effect, ODP made a blanket determination that no matter how worthy the application, absent fixed route service from its operation, a carrier could not even apply for a security grant.

ABA POSITION

In order to develop a comprehensive national security program, the public and private sector must continue to work together to develop and keep current a sound public policy that embraces realistic strategies, laws or regulations. Towards that end, ABA supports long-term authorizing legislation, which will provide "Over-the-Road Bus Security Assistance" through continued security funding. This successful program should remain at the forefront and distinct from other efforts to provide preparedness. Furthermore, ABA urges Congress and the DHS to open the security grant process to all bus operators. Given the limited available funding, DHS must set priorities for funding that address the greatest threat to bus passengers and others. The grant applications must stand or fall on their own merits and not allow significant portions of the industry to go without security funding. With new planning requirements emerging related to federal security audits of motorcoach companies and recipients of security funding, ABA will work to ensure that training is made available to assist companies in preparing appropriate planning documents and that federal entities reviewing company security plans adopt an industry specific approach. Assurances will need to be developed to protect the integrity of the plans implemented by companies and ABA will look to be involved in that process.

(July 2006)

ABA Position Papers

MOTORCOACH AXLE WEIGHT REGULATIONS

ISSUE

Over-the-road buses (OTRBs), like traditional transit buses, have been carrying progressively more weight on each axle due to government mandates, the latest being the wheelchair lifts required by the Americans with Disabilities Act and market driven amenities. As a consequence, fully loaded OTRBs approach, and sometimes may exceed, the federal axle weight restrictions of 34,000 lbs. on the tandem axle (with no single axle allowed to carry more than 20,000 lbs.).

BACKGROUND

Since 1982, federal law has prohibited (with certain exceptions) any vehicle that exceeds 80,000-lbs. gross vehicle weight from using the interstate highway system. The law also prohibits any one axle from carrying a load in excess of 20,000 lbs., and tandem axles cannot exceed 34,000-lbs. gross weight.

Intercity motorcoaches and trucks are both defined as " commercial motor vehicles" under federal law, and are regulated the same with respect to size, weight, and length regulations. However, motorcoaches and trucks are significantly different: there are approximately 40,000 motorcoaches currently operating on our highways, compared with nearly 1.5 million trucks; the gross weight of a fully loaded motorcoach rarely exceeds 55,000 lbs., while a truck may weigh as much as 80,000 lbs. fully loaded; motorcoaches have inherent design restrictions that limit them to a maximum of three axles, while a tractor-trailer combination may have five or more axles; and unlike trucks, the TAG (non-drive) axle of a motorcoach has only two tires, and is not designed to carry the same load as the drive axle, which has four tires.

For several years ABA endeavored to have the private bus industry subject to the same axle weight exemption as the transit buses. A provision in SAFETEA-LU granted us this exemption. The fiscal year 2006 transportation appropriations legislation included a provision that prevents individual States from imposing lower axle weight limits on their portions of the interstate highway system, which a few States used as a reason to levy fines against private bus operators.

ABA POSITION

ABA supports continued exemption of the private motorcoach industry from state axle weight limits.

(November 2006)

ABA Position Papers

Driver Qualification Information

ISSUE

During the hiring process, a motorcoach operator may not have access to critical information necessary to determine a driver's fitness to work. There are two aspects to this evaluation process fitness of the applicant through background and medical checks and commercial drivers training and endorsement.

BACKGROUND

Whether or not a company hires a driver depends on many factors. What is the candidate's prior driving and accident history? Have they ever tested positive for drug or alcohol use? Do they have a criminal record? Are they physically qualified to drive? Do they have the experience and training needed to be a safe and successful driver? The ability to evaluate these factors is difficult because of the lack of verifiable information provided by the applicant, their prior employer(s) or state agencies.

SAFETEA-LU required the establishment of both an FMCSA-managed medical review board and a national registry of DOT medical examiners. In providing this authority Congress also allowed the medical examiner community the option of "self-certifying" to the FMCSA their understanding of, and duties under, the regulations. The FMCSA has just published the proposed rules to enact these provisions.

Through court ordered rule-making FMCSA has just published a notice of proposed rulemaking for new entrant training and CDL endorsement standards. There are significant problems with these proposed regulations and ABA and the BISC are submitting comments. The motorcoach industry has driver training curriculums that have served the industry well. The new proposed rules are not based on a successful motorcoach driver training program but on truck driver training and would, if not changed make it extremely difficult and risky for operators to train drivers in-house. The new rules shift the assessment of competence away from the state agencies awarding the commercial drivers license endorsement and onto the organization providing the training.

ABA POSITION

ABA supports implementation of the SAFETEA-LU provisions regarding medical examiners and the registry of qualified medical providers. ABA opposes the concept of medical providers' self-certification. ABA also believes that: medical review officers should be required to post positive drug and alcohol results onto a central federal database, which can be accessed by a motor carrier during the hiring process; and the FMCSA should find a means to stop the masking of a driver's history of serious driving violations which can occur when sympathetic judges plea-bargain down the violation so as not to deprive a driver of their primary employment.

ABA supports a national, centrally-controlled federal database. This database would contain all critical safety and security information on all CDL holders. This information would be accessible to motor carriers during the hiring process.

ABA is working with other interested groups to stop the implementation of the proposed changes in CDL training and testing. As is these rules would potential increase liability of driving schools and trainers and implement a curriculum that is not based on motorcoach driver skills and experience.
(April 2008)

ABA Position Papers

ELECTRONIC ON-BOARD RECORDERS (EOBRS)

ISSUE

Current law defines an Electronic Onboard Recorder (EOBR) as "an electric, electronic, electromechanical, or mechanical device capable of recording driver's duty status information accurately and automatically. The device must be integrally synchronized with specific operations of the commercial vehicle in which it is installed. At a minimum, the device must record engine use, road speed, miles driven, the date and time of day." Though this system has not been widely tested in the motorcoach industry, the Federal Motor Carrier Safety Administration (FMCSA) is considering its application for motorcoaches to monitor driver hours of service.

BACKGROUND

On July 16, 2004 the United States Court of Appeals for the D.C. Circuit Court, ruled on a petition filed by Public Citizen, the Advocates for Highway and Auto Safety, and the Insurance Institute for Highway Safety against the Department of Transportation (DOT), forcing them to vacate the new hours-of-service rules. Questions raised by complainants in this action prompted the FMCSA to issue an Advance Notice of Proposed Rulemaking (ANPRM) on October 19, 2004 regarding the use of EOBRs to document compliance with hours of service regulations.

The motorcoach industry is fully committed to providing a safe and secure environment for its passengers and personnel and is involved in a variety of efforts (training, equipment and facility modifications, communications systems, etc.) to promote safe, responsible operations. The intercity bus industry possesses an unparalleled safety record, and has one of the lowest hours of service violation rates among major surface transportation modes.

The motorcoach industry has very little history using EOBRs. The current generation of EOBRs, many of which allow for vehicle tracking capabilities using global positioning system (GPS) based technologies, cost between $1,000 – 3,500 per unit. There can also be an initial investment in GPS system software ranging from $10,000 – 80,000 in capital costs for a motorcoach company. A limited number of operators have employed these systems to provide a more detailed reporting of their vehicle location, use, driver activity, and to help dispatch centers reroute and navigate drivers around congested thoroughfares. However, they report the need to invest significant additional time and effort to understand, maintain and review the electronic logs and their requisite printed-paper backups.

Though some see application for these systems to trucking operations, it's important to recognize the differences in application between the industries. Perhaps most importantly, the motorcoach industry is separate and distinct from trucking in terms of its practice of operating on the schedule of passengers rather than the round-the-clock environment of the trucking industry, which gives little incentive for motorcoach drivers to violate the hours of service rules and, therefore, little need for more extensive monitoring than already exists.

ABA POSITION

EOBRs are an unproven commodity in general and specifically with respect to the motorcoach industry, and are a costly and unwarranted investment. A mandate for a fleet of 20 coaches could amount to $150,000 in capital costs, just in system installation, not including the costs of continued operation, monitoring and appropriate staffing procedures. Without further testing within the motorcoach industry, ABA would argue that a mandate requiring EOBR usage is premature. ***(November 2006)***

ABA Position Papers

HOURS OF SERVICE CHANGES FOR INTERCITY MOTORCOACH DRIVERS

ISSUE

Federal Motor Carrier Safety Administration (FMCSA) enacted sweeping changes to the driver's hours-of-service (HOS) regulations for truck operations. Bus companies have been allowed to continue to follow the old rules in part because of the industry's superior safety performance and due to the failure of the FMCSA to conduct any meaningful bus driver fatigue studies prior to the promulgation of the "truck" rule changes. FMCSA has stated that they intend to conduct studies on bus operations and bus driver fatigue and that they could consider changing the hours-of-service rules if warranted.

BACKGROUND

Currently motorcoach drivers in the United States must comply with the following HOS rules: 1) A driver may drive up to 10 hours, then must have eight consecutive hours off duty; 2) A driver may remain on duty up to 15 hours, including driving and on-duty time. After this limit is reached, the driver must have eight consecutive hours off-duty; 3) A driver may not drive after having been on-duty for 70 hours in any consecutive eight day period.

In Canada - things turned out differently. North of the border new HOS rules for truck and bus drivers come into effect on January 1, 2007. The Canadian rules are very similar to the new U.S. truck rules. All U.S. based passenger carriers traveling across the northern border after the effective date must train their personnel accordingly and be prepared to deal with the scheduling changes the new Canadian rules will bring about.

The FMCSA's decision to carve the bus industry out of the HOS rules validates the following industry conclusions:

Trucks and buses are not the same type of vehicles, and operate differently because:

- Drivers in intercity, fixed-route service operate on highly regular schedules. Bus service is characterized by frequent, regular terminal stops and loads of passengers, not freight. Schedules are set to minimize time away from home; with drivers rarely spending more than one night at a time away from home.
- Charters and tours bus companies plan itineraries with plenty of rest time for drivers while allowing passengers to visit the attractions they desire. Most motorcoach drivers are paid by the hour, whether they are driving or not, not by the mile.
- Intercity bus drivers stay in hotels, or sleep in their own beds at night. Most multi-day charters operate in conjunction with passenger's circadian rhythms - passengers do not like spending nights in motorcoaches - and are therefore not commonly on the road all night.

There is currently no scientific evidence to support changing the HOS rules for intercity bus drivers because the FMCSA has no evidence that fatigue is a problem in the intercity bus industry and shows no research to support the proposed changes.

ABA POSITION

ABA believes that bus driver hours-of-service rules should not be altered unless solid evidence can be presented that justify such changes. ABA also supports continued research into fatigue as a factor relating to motor vehicle accidents.

(November 2006)

SAFE AND FAIR IMPLEMENTATION OF NAFTA

ISSUE

ABA supports timely, safe and reciprocal implementation of the North American Free Trade Agreement (NAFTA). Implementation of NAFTA must be conducted in a way that ensures reciprocity for U.S. motorcoach operators and highway safety.

BACKGROUND

The NAFTA surface transportation provisions are designed to eliminate restrictions in all three NAFTA countries that limit access for and investment in transportation companies. For buses, changes in access refer to lifting cross-border restrictions on charter and tour buses, a provision that has already been implemented, and a reciprocal lifting of restrictions on regular route carriers, which has yet to be implemented. In terms of new investment, the U.S. is to allow 100 percent investment in bus companies owned by Mexicans while Mexico is to allow 51 percent U.S. ownership of Mexican companies in 2001 and 100 percent in January 2004. It is important to note that Mexican-owned U.S. bus companies will be allowed to provide both domestic and international service in the U.S.

The United States Congress has repeatedly postponed implementation of provisions of the North American Free Trade Agreement (NAFTA) with respect to Mexico-domiciled truck and scheduled bus service and continued a blanket moratorium on processing applications for authority by Mexico-domiciled motor carriers to operate in the United States beyond the commercial zone along the border. On February 6, 2001, a NAFTA dispute resolution panel ruled that the blanket moratorium violated the United States' commitments under NAFTA. The Department of Transportation (DOT) is now preparing for the implementation of NAFTA. At Brownsville, Texas, 350 buses a week travel across the Los Tomates/Veterans Bridge, yet buses are checked only one day a month. There must be vigilant enforcement of passenger carrying vehicles at the border to ensure safety. Yet, the Federal Motor Vehicle Safety Standards (FMVSS) seek to ensure that vehicles driven on the public roads and highways of the United States, are manufactured so as to reduce the likelihood of motor vehicle crashes and of deaths and injuries when crashes do occur.

To ensure compliance with FMVSS, manufacturers of motor vehicles must certify compliance with all applicable safety standards and permanently affix a label to each vehicle stating that the vehicle complies with FMVSS at the time of manufacture. However, DOT has delayed the implementation/enforcement of that requirement. This delay could potentially allow unlabeled or non-compliant vehicles to cross the border. The recently passed SAFETEA-LU contains a provision that requires the Federal Motor Carrier Safety Administration to examine the compliance of both Mexican and Canadian vehicles with respect to their compliance to FMVSS and report the results back to the Congress within one year from the enactment date of the statute. It further requires the Department of Transportation's Inspector General to provide Congress comments and observations on the scope and methodology of the FMCSA study within four months from the date the study is submitted.

Furthermore, the Motor Carrier Safety Improvement Act of 1991 mandated that the DOT apply the FMCSRs (except for drug and alcohol and CDL requirements) to small passenger vans or "camionetas." ABA believes that it is imperative that the DOT proposed rule be finalized and an enforcement plan put into place prior to the opening of the border.

Enforcement of other issues includes checking for compliance with the FMCSRs, including operating authority, a drivers "*Licensia Federal"* (CDL equivalent), hours of service rules, ADA

requirements, etc. Finally, an expedited rulemaking is needed to establish a facility audit requirement prior to the issuance of operating authority to new entrants to the U.S. market, regardless of whether they are based in the U.S. or Mexico. DOT proposed that new entrants operating in cross border service from Mexico be audited within 18 months of receiving authority. This rule does not apply to those companies based in the U.S. with Mexican ownership. ABA believes that an audit, in advance, is the only way to ensure that new passenger operations show understanding and compliance with the Federal regulations prior to beginning operations.

ABA Position

ABA continues to be supportive of NAFTA, so long as it is conducted in a way that ensures reciprocity for U.S. motorcoach operators and ensures highway safety. ABA supports the FMVSS border check. However, checks should include both an electronic database search as well as a visual inspection. The DOT database should be used to ensure that the carrier has operating authority and complies with all pertinent insurance requirements. While visual inspections are limited at a minimum, vehicles should only be allowed entry if they can show visible proof of compliance with the FMVSS through a manufacturer's affixed certification label or plate. Further, border officials should be trained to detect counterfeit and /or fraudulently applied certification labels. ABA will carefully monitor the FMCSA's efforts in conducting the study and will urge the agency to complete its efforts within the mandated time frame. We will also continue to push for increased border inspections. We believe that a two-pronged test is the only way to ensure that safe and secure vehicles operate on U.S. roads and highways.

(July 2006)

THE MOTORCOACH INDUSTRY POSITION ON INFORMATION SHARING & ANALYSIS CENTERS (ISAC)

ISSUE

Information Sharing & Analysis Centers (ISACs) have been established among common industries to share intelligence information from government and industry sources regarding potential security threats.

BACKGROUND

Several associations have joined an established ISAC or are considering future involvement in or establishing their own ISAC. The American Association of Railroads (AAR) currently hosts a Surface Transportation ISAC working with a contractor, EAW. Funded by the Federal Transit Administration, the American Public Transportation Association has created a public transportation "node" within the AAR ISAC.

The American Trucking Associations established an ISAC connected to its Highway Watch safety call center. Government funding was appropriated in the amount of $20 million for this effort for training, an operations center, a call center and the ISAC itself.

There is currently no mandate for industries to enter into an ISAC. It's possible that ISAC participation could be mandated in the future and there is an expectation that the Transportation Security Administration will ultimately serve as the host or sponsor for a surface transportation industry ISAC with individual nodes representing each service sector. The motorcoach industry is fully committed to providing a secure environment for its passengers and personnel and is involved in a variety of efforts (training, equipment and facility modifications, communications systems, etc.) to promote security. For an industry not previously faced with these challenges, this is a significant effort, both in depth and scope, and one that is of immediate importance.

ABA POSITION

ABA supports participation in ISACs on a company voluntary basis and will invite member operators to consider participation in ISACs. ABA will provide security alerts and information on a password protected portion of our web site as appropriate. However ISAC involvement is just one item on a long list of security priorities we face, and one that presents multiple concerns for consideration: 1) limited communication infrastructure exists within or between bus companies to form an effective interface with an ISAC; 2) regulatory limits placed on what "security sensitive information" (SSI) may be passed along to company personnel; 3) the federal government should host and fund the ISACs -- not industry; 4) ISACs must not create confusing and perhaps detrimental layers of communication between companies, federal, state and local law enforcement entities; and, 5) ISACs in and by themselves should not have the ability to call for a partial or complete shutdown of the system based on perceived security threats. Such non-governmental powers have the potential to cause major disruptions and could generate financial havoc within an affected industry.

(November 2006)

ENVIRONMENTAL TRAVEL CHOICE

Motorcoach travel is energy efficient and cleaner than other ground transportation alternatives. The benefits of intercity, commuter and tour travel by motorcoach help keep people moving and reduce the impact of travel on the environment.

In 2005, the industry on average achieved 184.4 passenger miles per gallon more then 8 times the efficiency of a single passenger automobile and more then 5 times the efficiency of a transit bus. Furthermore, the energy intensity of motorcoach service is lowest among all modes of passenger transportation. In 2005, motorcoaches consumed only 749 Btu per passenger mile while the energy intensity of other passenger transportation modes was higher than 4,983 Btu per passenger mile. In addition motorcoaches are one of the most carbon efficient forms of transportation emitting only 56 grams per passenger mile compared to 371 grams for a single occupancy vehicle. Since 1998 new Environmental Protection Agency (EPA) standards applying to particulates and NO_x levels have resulted in reduced emissions of 90% over 1998 levels. It is anticipated that with new 2007 engine standards emissions levels will improve by another 90%. And the industry has paid significantly for these improvements adding an additional $5-10,000 for new engines due to the EPA regulations (an investment made on top of the required investment in wheelchair lifts mandated by the Americans with Disabilities Act.)
(April 2008)

THE MOTORCOACH INDUSTRY POSITION ON IDLING REGULATIONS

Issue

Stringent state and local enforcement of excessively restrictive idling rules are resulting in significant fines for motorcoach operators and forcing them out of cities that rely on motorcoach passengers for tourism revenue. Practical safety considerations, inadequate parking facilities, and the unique positive impact motorcoaches have on the economy and on the environment have been overlooked by destinations imposing these rules.

BACKGROUND

ABA believes that aggressive ticketing for motorcoach idling is short sighted and detrimental to the safety and well being of passengers and pedestrians alike and fails to recognize the positive impact motorcoaches have on the economy and on the environment.

Motorcoaches have a positive impact on the environment, taking cars off the road and mitigating congestion. Motorcoaches are fuel-efficient, delivering more than 146 passenger miles per gallon of fuel, yielding more people-moving efficiency per Btu than any other mode. And since 1998, new Environmental Protection Agency standards applying to particulates and NO_x levels have resulted in reduced emissions of 90% over 1998 levels.

- Idling is a necessary and, in fact, critical step in preparing a motorcoach for operation.
- 49 USC 14101 (a) requires that motor carriers of passengers licensed to operate in interstate commerce must provide "safe and adequate service, equipment, and facilities." To meet this service standard, it is necessary for a motorcoach to idle in order to:
- Pump up the motorcoach air pressure systems to ensure brake performance as required by 49 CFR 393.52;
- Utilize Americans with Disabilities Act mandated wheelchair lifts; and
- Operate the heating or air conditioning system to warm up or cool down the interior of the motorcoach.

As mentioned above, Federal regulations require that brakes must be able to exert appropriate force in order to effectively stop the vehicle (49 C.F.R. 393.52). For the air braking system in motorcoaches, idling time is necessary to build up sufficient air pressure to meet the standard laid out in 49 C.F.R. 393.52. Drivers should not be compelled to leave the curb before proper brake-system air pressure is achieved, endangering pedestrians and passengers. Further, it is sometimes necessary to idle a bus in order to assess vehicle systems, and perform mechanical repairs. Even this critical effort can run afoul of local idling regulations.

Additionally, as the Americans with Disabilities Act is implemented, operators will require sufficient idling time to power up and insure the proper operation of the wheelchair lift for passengers with disabilities using the lift. A three or five minute idling restriction is simply not sufficient to ensure the safe and efficient transportation of our passengers.

For reasons of safety, health and comfort, drivers need sufficient idling time to properly heat or cool the motorcoach to an appropriate temperature before boarding can begin. This is a particular challenge with groups of senior citizens traveling in times of extreme hot or cold temperatures. The Federal regulations state, with regard to regular route carriers that, "a carrier shall maintain a reasonable temperature on each bus" (49 C.F.R. 374.313). In extreme temperatures, it can take a significant amount of time to bring the coach to ambient temperature. A coach takes as long as 45 minutes for the engine to fully cycle resulting in a heating or cooling effect of 15 degrees.

Temperature in a parked coach can reach as high as 130 degrees in the southwest or as low as freezing in parts of the northeast. Given a change of 15 degrees per 45 minutes of engine cycling time, the necessary heating or cooling time required in these cases could easily take more than one hour.

In an effort to quantify the congestion mitigating and environmental solutions that motorcoaches present, ABA has partnered with the Department of Energy, Department of Transportation, and the Environmental Protection Agency to conduct a study evaluating the true effects of motorcoach idling. This study, published in June of 2006, has shown that when forced to circulate or creep through traffic at low speed, a motorcoach expends twice as much fuel and produces forty percent more emissions as compared to stationary idling. This data has also provided a measuring stick for the unintended consequences induced by the stringent regulations limiting stationary idling in lieu of long-term parking solutions. Given the federal guidelines for safe operations, motorcoach operators are at times placed in an untenable position because of these regulations, either choosing to avoid a city or locality all together, or being forced to circulate in "creep" mode, which has been shown to have an even more adverse environmental and fuel consumption effect than stationary idling.

ABA Position

All local and state ordinances should be modified to allow a motorcoach operator the latitude to idle a bus to comply with federal statutes and regulations and to ensure the safety, health and comfort of its passengers. Therefore ABA proposes that new statutory language is necessary along with modifications to the Federal Motor Carrier Safety Regulations to allow a motorcoach operator sufficient time to idle to ready vehicle systems. ABA believes that, rather than establishing a specific time limit, an operator should be allowed a reasonable and prudent idling time to allow for safety systems to be in operating condition that provides for the safety of their passengers. Furthermore, motorcoach operators should have access to parking facilities to ensure that drivers are not forced to circulate and that idle times are kept to a minimum.

(November 2006)

ABA Position Papers

BIODIESEL FUEL ADDITIVES VS. NEW FUELS AND ENGINES

ISSUE

Although the motorcoach industry is already an environmentally friendly and fuel- efficient mode of transportation, policymakers are considering new strategies to address air quality and energy sourcing. These combined issues could potentially have a dramatic effect on motorcoach operations.

BACKGROUND

On December 21, 2000, the Environmental Protection Agency (EPA) issued a final rule calling for a reduction in sulfur content in diesel fuel by 97 percent. This required fuel refiners to reduce sulfur content in diesel fuel from 500 parts-per-million to 15 parts-per-million. This new ultra-low sulfur diesel fuel standard became effective requiring all diesel fueling stations to make ULSD available at the pump nationwide by October 15, 2006.

However, even beyond this ambitious new regulation there has been increasing activity in various states, primarily states with a large agricultural base, to require diesel fuel sold in the state to include a component percentage of bio-diesel as an additive. The reasons given are usually as follows:

- The nation's air quality is improved.
- American dependence on foreign oil sources is reduced.
- American farmers are given a badly needed boost.
- Bio-fuel blend stocks are a renewable resource.

Unfortunately, serious questions and concerns exist on the use of bio-diesel as a viable additive to petroleum diesel fuel that should not be dismissed by government or the public in a rush to obtain the above described benefits. Since the major diesel engine manufacturers entered into a controversial consent agreement with the Department of Justice, the Environmental Protection Agency and the California Air Resources Board at the end of the last administration, fuel and engine producers have been under a court mandated fast track to dramatically reduce both particulate matter (PM) and oxides of nitrogen (NOx) by 2007 and 2010 respectively. All development efforts have been solely focused on developing engine and exhaust after-treatment that will work using an ultra-low sulfur content diesel fuel. However, the effect of introducing bio-diesel blends into this carefully developed mix is not known. No testing has been conducted by either the engine/exhaust after-treatment manufacturers or by the fuel refiners or by the bio-diesel producers. Congress noted this lapse when it passed the Energy Policy Act of 2005. Congress has called for a study to determine the effect on the new series engines of adding bio-diesel additives to ultra-low sulfur diesel fuel. The administration report answering these questions must be submitted to Congress by the summer of 2007.

ABA POSITION

New diesel engines and their associated exhaust after-treatment devices have been specifically designed and tested for pure ultra-low sulfur diesel fuel. What effect bio-diesel fuel added to ultra-low sulfur diesel fuel will have on this new engine technology is not presently known. In 2007, the Department of Energy must submit a report to Congress on what effects bio-diesel fuel blends will have on new engines and exhaust after-treatment devices.

ABA believes it would be fatally premature on the part of any state, or political subdivision of a state, to mandate the use of bio-diesel blends through either policy or law if, by such action, there is a risk of making federally emission compliant engines or vehicles non-compliant.
(November 2006)