

Minnesota Charter Bus Operators Assn.

News-Views & Blogs

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NTSB Report on Biloxi Coach/Train Accident

The National Transportation Safety Board issued their finding of the Biloxi, Ms. Coach /Train accident that occurred on March 7, 2017. The NTSB stated in an August 7, 2018 hearing, that CSC Transportation and the City of Biloxi long ignored railroad grade crossings that presented grounding hazards for long, low commercial vehicles. Failure to address the risks was the probable cause of the fatal collision of a freight train and a 'Grounded' Motor Coach, operated by Echo Transportation of Dallas Texas.

A CSX train consisted of three locomotives and 52 cars that struck a 2016 Van Hool CX-45 on March 7, 2017. The accident occurred on Main Street, where one side of the crossings sloped downward 15 times greater than the current recommended federal guidance.

The side impact, at 19 mph pushed the motor coach 259 feet and killed four passengers. The driver and 37 passengers were injured. The two trainmen were not injured.

NTSB found that the operators of the motor coach and CSX locomotive were not "causal or contributory factors in the crash." Their actions were considered "reasonable" and "acceptable".

Two casual factors were the severe slope of the crossing and the lack of adequate signage. Third was confusion regarding responsibilities among government agencies.

As for the motorcoach and locomotive operators, "All of them were doing more or less the right thing. But we still ended up with the wrong result-the collision of a train with a motor coach full of passengers," said NTSB Chairman Robert L. Sumwalt. "The answers were far upstream from the moment of the collision, when the responsibility for safety became diffused." No motor coach factors contributed to the collision, injuries or fatalities, the board found, but it did call for changes in pre-trip safety briefing practices and motor coach emergency exit windows and doors.



Investigators said passengers boarded the coach in two groups and only the first group was given a safety briefing by the driver. This was not considered a factor in the attempted evacuation because the train was only 37-42 seconds away when the motor coach became grounded.

The Van Hool was equipped with an optional rear door, which NTSB said should be required on all motor coaches as it is in Europe.

CSX tracks run parallel to the Gulf of Mexico through Biloxi and are elevated for flood protection. An NTSB investigator said: "all twenty-nine grade crossings in Biloxi have a vertical slope greater than the maximum recommended for new and reconstructed grade crossings."

Investigators said the Biloxi Fire Department prohibits some of its trucks from traveling over 26 of the crossings. In the five years preceding the accident, there were 26 reported grounding of commercial vehicles at the Main Street crossings.

(NTSB Report continued on Page 2)

(NTSB report continued).



This is a photo of a Kincaid Coach grounded in 2016. Fortunately, there was enough time to get the bus off the tracks before the train arrived. When the Echo coach grounded, there was less than a minute before the train came.



This is the view the Echo Coach driver had as he made a left turn to cross the RR tracks. The severe slope of 45 inches on the far side of the tracks is not visible to the driver as he tried to cross. Additional signage has been added to the tracks since the accident, showing "No Buses-Trucks or RVs". Before the accident, the only signage was Low-boy trucks not to cross (sic).

The Gulfport Sun-Herald reported that the Main Street crossing and another in Biloxi previously were listed as the second and fourth most dangerous of nearly 3,000 railroad crossings in Mississippi.

The federal guidance for street/railroad crossing states that the slope of the "vertical profile" should not exceed a grade of 0.9 percent-three inches higher or lower than the rail surface at a distance of 30 feet. The Main Street crossing at Ester Boulevard was last reconstructed in 1977 "before the design guidance was available."

One of the crossing's slopes, one not seen by the motor coach driver until he crested the grade too late to stop, was 45.4 inches at 30 feet with a maximum slope of 24.4%.

Ester Boulevard is named for former Biloxi City Councilman, Michael Ester, who was killed at the Main street crossing in 1983, while driving his car.

The crossing was marked with a sign displaying the symbol of a grounded "low-boy" trailer used to transport heavy equipment. The motor coach driver noted that sign and stopped to raise the rear height of the coach with the "Rapid Rear Rise System" that is standard equipment on that Van Hool model.

NTSB found "a lack of evidence of the safety benefits of "low-boy" warning signs, which do not provide sufficient information to driver of other types of vehicles.

The board recommended better coordination of crossing inspections, signing and regulations by the Federal Railroad Administration, American Association of State Highway and Transportation officials, American Railway Engineering & Maintenance-of-Way Association, Federal Highway Administration, Mississippi D.O.T. and City of Biloxi.

Main Street now is posted with a sign prohibiting buses, truck and recreational vehicles from using the crossing.

(Article Compliments of UMA Bus & Motor Coach News. August 31, 2018. by Jillian LaCross))

Truck Driver Charged in Hockey Team Accident

A Charlie's Charter Coach transporting the Humbolt Broncos Junior Hockey Team was involved in a horrific accident with a Semi truck pulling double flat-bed trailers loaded high with peat moss. Pictures of the April 6th, 2018 crash show a totally devastated motor coach lying on its side with the roof torn off the bus and laying next to it. Sixteen Junior Hockey players, coaches and the coach driver lost their lives. Personally, I have never seen a motor coach so totally destroyed in any kind of accident as this one.

(Article continued on page 3.)

The Charlie Charter coach was Northbound on Hwy 35 and had the right-of-way as it approached the intersection of the Hwy 335 crossing. The Semi Truck pulling two flatbed trailers stacked high with bags of peat moss, was Westbound on Hwy 335. The truck had an oversized stop sign with a flashing red light on Hwy 335, and was required to stop at that intersection.

Being in rural Saskatchewan, there is not real heavy traffic on these highways. The main highway 35 is more heavily traveled with an average of 1,200 vehicles per day and the lesser traveled highway 335, has about 600 vehicles daily.

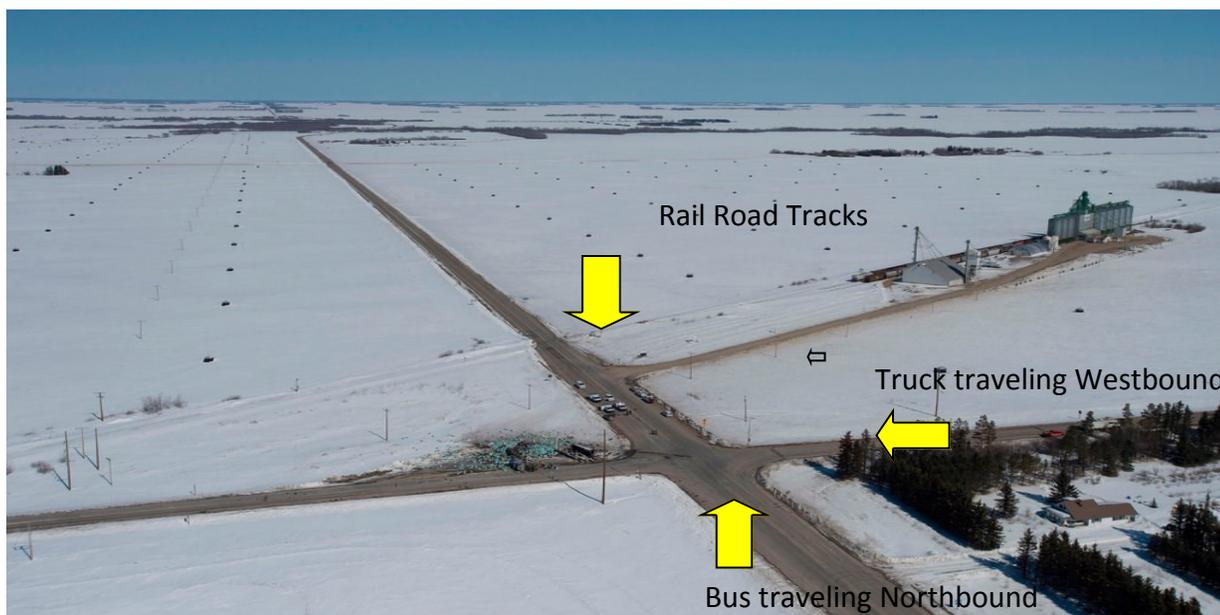
The RCMP has determined that the Semi was in the intersection when the vehicles collided. There has been some speculation that the coach was traveling at a high rate of speed. I do not find this very believable because there was a Rail Road Crossing within 500 feet past the intersection that the coach would likely have been already slowing down for its mandatory stop. It appears that the semi apparently 'Ran' the stop sign but the investigation has not yet been completed and reported.

At the time of the accident, the truck driver, Jaskirat Singh Sidhu was briefly detained pending investigation. He was uninjured in the accident but has been receiving 'Trauma Counselling' since the crash.

Sidhu was arrested at his home in Calgary and remanded into custody awaiting his appearance in court. He was charged with 16 counts of 'Dangerous Operation of a Motor Vehicle causing death' and 13 counts of 'Dangerous Operation of a Motor Vehicle causing bodily injury'. The maximum penalty for Dangerous Operation causing death is 14 years per count and a conviction for causing injury is 10 years per count. The maximum penalty for all these counts is about 355 years but it is seldom that the maximum penalty is applied in an accident case.

Sidhu had been working with the trucking company for only a month prior to the accident. The trucking company owner, Sukhmander Singh, stated that he trained the driver for two weeks and the driver had been operating on his own for the 2 week period before the accident. The 29 year old truck driver was released on \$1,000 bail and had surrendered his passport.

The intersection where this accident occurred has not been historically dangerous. The worst prior accident was in 1997 when a pick-up truck with 6 members of a family ran through the stop sign and was hit by a semi-truck. The accident was fatal to all six members of the family, which is marked with six white crosses at the intersection.



Indiana Toll Road Increases

The Indiana Toll road was sold in 2006 to a foreign Spanish/Australian investor consortium for the price \$3.8 Billion. The sale was conducted during the administration of Republican Governor Mitch Daniels. The purpose of the sale was to close a gap in the state budget. The company consortium who purchased the lease went bankrupt in 2014 because of the drop in traffic and tolls after the 2008 recession.

The Australian Investment firm (IFM) who manages \$ 43 Billion of Australian pension fund, purchased the remaining 66 year lease out of bankruptcy of the Indiana Toll Road for the sum of \$5.73 Billion. The original Spanish/Australian Investment company who originally bought the leases of the Indiana Toll Road, more than doubled the tolls for 5 axle Commercial vehicles, raising them from \$14. for the 157 mile toll road, to \$32. This represents an increase of nearly 130% in the first five years of ownership.

In 2006, the Indiana Toll road brought in \$88 million in revenue from tolls. In that same year, the toll road was used by 45 million cars and 9.7 million trucks & buses. These CMVs accounted for 18% of the vehicles traveled but the Commercial Vehicles accounted for 60% of revenue, or \$53 million of the \$88 million total. Since the 2008 recession has been recovering, traffic and revenue on the toll road has increased.

Current Indiana Governor, Republican Eric Holcomb is now proposing to increase infrastructure spending in the state by a cool \$1 Billion dollars. The bad news is that he proposes to raise this \$1 Billion by increasing the tolls on the Indiana tollway solely on Commercial Vehicles, and that means trucks and buses. Not only will our tolls increase, but shipping costs will also bear the brunt of increases like this.

The Indiana state government calls this program 'Connections'. Increasing the tolls will free up other road funds allowing Indiana to use this other money to fund their pet projects. There, increased tolls will be the 'Indirect Piggy Bank' for the state of Indiana.

Some of the projects this connections program (I.E. Toll Increases) will fund are to expand broadband services in rural areas, grow the state system of hiking & biking trails, create more non-stop international flights, speed up completion of other state road, to pursue building a new fourth water port at Lawrenceburg and expansion of rail projects in Northwest Indiana. The bulk of the \$1 Billion will dedicate \$600 million to the completion of I-69.

Not all of the money is being spent on other projects outside of the toll road. \$50 million is being spent for toll road upgrades, smart truck parking system and overhead message boards, cameras and variable speed signs. Over \$500 million will be spent in upgrades over a ten year period.

We are not talking small dollars here. Examples of spending programs are: \$100 million will go toward expanding high speed fiber Broadband service in the rural areas, \$ 90 million will be "Invested" in new hiking, biking & riding trails, and about \$20 million will be dedicated toward non-stop flights to and from Indianapolis.

Unfortunately, this trend of using commercial vehicles, of which buses are included, to feed the states piggy banks is increasing. The state of Rhode Island has instituted Truck Only toll booths on I-95, cars will not have to pay anything, at least for now but I'm sure this will change as the state's monetary appetite continues to increase. This was challenged in court and the courts ruled that it was legal for the state of Rhode Island to do this. Hopefully, continued court challenges will change this. At least for now, motor coaches are classified as Class 4 vehicles and are not subject to the tolls. I do not expect this exemption to last forever.

The Owner/Operators Independent Drivers Association (OOIDA) filed a lawsuit against predatory tolls charged to Commercial vehicles on the New York Thruway and won their case. This caused the NY Tollway Authority to refund multi millions of dollars to commercial operators. OOIDA also filed suit against the Pennsylvania Turnpike Authority because much of the increased tolls charged by the authority was being transferred to transit projects in the state of Pennsylvania. The OOIDA court case is still pending and the outcome has not yet been determined.

The wins in the New York and Pennsylvania cases shows that the little guys can win once in a while. Groups like OOIDA are sick and tired of being used as 'Piggy Banks' for the state's pet projects and they are willing to fight back!!

(Information for article compliments of OOIDA Land Line Magazine)

Editors Blog: In the state of Ohio, Governor John Kasich, refused to sell the Ohio Turnpike, considering it a state asset. When I drive into Indiana from Ohio, there is a marked difference in the quality and smoothness of the toll-road. Ohio's toll road and service plazas are far superior to those of Indiana. The service plazas are newer, cleaner and more inviting to the traveler. The toll road is much smoother and better maintained. I am a strong believer in private enterprise but there are certain services best left to the public sector. I believe the maintenance of our freeway/tollway system is one of those and I certainly do not believe in selling our assets to foreign government entities. That, my friends, are just my opinion.

OOIDA Bashes Indiana Governor Over Tolls

In a letter to Indiana Governor Eric Holcomb, the Owner-Operator Independent Drivers Association attacked Indiana's 35% increase to truck tolls on the Indiana Toll Road, calling them ineffective, punitive and discriminatory. "A Truck-only toll increase smacks of a betrayal of reasonable public policy," said Todd Spencer, President of OOIDA. "We are also appalled at the lack of transparency associated with a proposal that will no doubt fail to solve the state's serious history of financial problems and bad decisions regarding infrastructure and transportation."

Gov. Holcomb announced the toll increase for heavy vehicles with three or more axles traveling on the Indiana Toll road earlier this month. The increase is scheduled for implementation on October 5th. The state plans to use the increase to pay for needed infrastructure repairs and improvements in the state. (Editor's note: Most of which are not related to maintenance and repair of the toll road).

OOIDA also took issue with comments the governor made regarding trucks causing far more damage to roads than passenger vehicles, indicating that trucks were lucky the increase wasn't higher. The group stated that trucking is a small-business industry with most fleets comprised of fewer than 20 trucks. An increased toll would only put a financial burden on the smallest fleets that often have the smallest margins, according to OOIDA.

"Despite your absurd and unsubstantiated claims, trucks already pay more than their fair-share in transportation-related taxes. As much as the government likes to treat them as such, truckers are not rolling piggy banks," President Todd Spencer said.

The group expressed concern about the disruption and congestion that truck traffic diverting around the toll roads could bring to surrounding communities. Spencer went further, stating that the increase could threaten the viability of the toll road itself.

"Our Interstate Highway System was built to provide citizens of this nation with the ability to move about freely, including the ability to transport freight in an efficient and affordable manner for the benefit of all Americans and our economy" said Spencer. "Indiana, through the leasing of the ITR, has unequivocally jeopardized this system".

(Article reprinted from Land Line Magazine. Sept. 2018)

Editor's Blog: This latest move by Indiana is similar to Rhode Island tolling stretches of I-95 for Trucks only, automobiles are exempted from the tolls. This is a 'Back-Door' tax increase for everybody. I am sure buses will suffer the same increase in Indiana as trucks. Nevertheless, the trucking industry will be forced to raise their shipping rates to pay for these increased costs and everything, and I mean everything that is consumed by man and animal is delivered by trucks. By increasing tolls only on trucks and commercial vehicles, it is simply a 'Back-door' tax increase on all businesses & consumers. Again, tax increases on business is just passed down to the end-user, the consumer. It is a 'Cowardly' way to obtain more tax money by not taxing consumers directly. All Americans, whether they own vehicles, use tollways or highways, or ride public transit, all benefit from an efficient and safe surface transportation infrastructure. If Politicians & bureaucrats need or want to raise taxes to cover their budgets, be brave enough to state your arguments and raise whatever taxes you can justify but do not take the cowardly route targeting a particular group and raise those taxes through 'Back Door' financing schemes.

Lease & Interchange of Vehicles Rule

In 2015, the FMCSA instituted the Lease & Interchange of Vehicles Rule after a rulemaking process that 'Flew Under the Radar' of our motor coach industry. When the details of the rule that was to take effect on 7/1/2015, the industry realized the severe implications and onerous requirements virtually negated the working arrangement that operators have implemented for decades. Coach companies Helping each other out during oversold situations, large group movements that exceeded any single operator's capacity, emergency and break down situations would be severely compromised and onerous to obtain compliance. It put operators in an 'Untenable' situation.

(Continued on Page 6)

(Lease & Interchange Rule continued from page 5)

The Motor Coach industry rose up to battle back against these severe implications. The Implementation of the rule was delayed several times. Associations UMA, ABA, individual companies and state organizations, including MCBOA board members, attended a FMCSA Round Table Discussion in Washington DC on October 31st, 2016. The industry attendees stated their arguments of how the rule adversely impacts our legal D.O.T. authorized carriers. They stated the intended purpose of the rule was to stop Out-of-Service and chameleon carriers from reinventing themselves by leasing onto other carriers and just continuing to operate 'Under the Radar' of the FMCSA regulators.

Because of the dogged efforts and dedication of industry associations like UMA, ABA, numerous state organizations like MCBOA, the FMCSA has just proposed that working relationships between "Authorized" motor carriers of passengers with their own 'Operating Authority' are **exempted from the Lease & Interchange of Vehicles rule**, provided the lease arrangements are 'Less than 30 days'. Any leases in excess of 30 days, must comply with the L & I Rule.

This three year battle is Huge Win for all legal and authorized Motor Coach operators and preserves the ability of operators working together to provide service our customers during large group movements, sharing of equipment & drivers during very busy times and during emergency breakdown situations.

Please let me clarify that the rule is not yet finalized. But, the FMCSA has adopted the recommendations of our industry to exempt 'authorized Carriers'. They have proposed these rule changes and it is now going to the Rule-Making process. The implementation of the Lease & Interchange Rule has been moved out to January 1, 2021, giving time for the industry to comment on the changes that have just been proposed. Any and all operators are welcomed to file their own comments, plus your associations will be filing comments, leading the way.

The bottom line is this can be a big win for our industry. Kudos to all those who labored long and hard to battle this Lease & Interchange Rule, attended meetings and kept the pressure on the FMCSA to adopt provisions in the rule to mitigate the harmful effects of FMCSA's original proposal.

Bus Regs Bill: H.R. 2120

In 2017, A good friend and supporter of our industry, Rep. Scott Perry (R-Pa), urged our industry leaders to stop fighting 'Defensive' battles but to go on the 'Offensive' when dealing with the increasing regulations that were imposed on the Motor Coach industry to reduce fatalities. Rep. Bruce Babin (R-Tx) introduced a bill to remove many of the regulations on the motor coach industry. The bill was introduced into the House of Representatives as H.R. 2120. The bill had 24 Republican co-sponsors and only 1 Democrat co-sponsor. That democrat was our own Collin Peterson of the Minnesota 7th District.

The bill was attached to the 'Infrastructure Bill' that has not yet passed through the Congress. But, many of the provisions of HR 2120 have already been adopted. These provisions are listed below:

1. The Lease & Interchange Bill I wrote about above is being amended to a rule more suitable to our Motor Coach Industry.
2. Obstructive Sleep Apnea and Financial Responsibility (Insurance Increase) has been removed from the Rule-Making process.
3. FMCSA is taking no action on imposing Speed Limiters or imposing a national speed limit on CMV's.
4. FMCSA now issues most new operating authority within 14 days and the fee remains at \$300. The Agency previously took 4-6 months and sometimes up to a year, to issue new authority. There also was a push to increase the application fee to as much as \$ 5,000.
5. Bus Regs bill prescribes requirements for the review and approval of motor coach carrier 'Corrective Action Plans' and FMCSA has softened their stance considerably regarding these plans. Previously, the time frame to file the CAP was so short that by the time the agency considered the action plan, the date for re-instatement of Operating Authority has already passed. This defeated the whole idea of a carrier redeeming themselves and correcting addressed problems.

Do You Know Who You Are Hiring??

Trusted Employee is a local Edina company that does employee background checks. A large part of their business is running background checks for Commercial Drivers (CDL), MVR records, Criminal records (County, state, national), Federal criminal searches, National sex offender checks etc.

Here is a very short summary of the services offered and turn-around times for the information:

Motor Vehicle Record Search (MVR): Turn Around Time-Same Day on average. Trusted Employees will verify the applicant's complete personal driving history, including whether a license is valid, when it expires, and any driving violations committed. Some states offer a 3 year driving history and other states offer a 7-year driving history.

Commercial Driver's License (CDL): Turn-Around Time-Same Day Average. This product is for candidates or employees who hold a CDL License and operate vehicles gross weight in excess of 26,001 lbs. Trusted Employees search the nationwide commercial driver's license database for violations committed while the applicant was driving a CMV.

D.O.T. Verification: Turn-Around Time: 1-3 business days. Trusted Employees will send a candidate's current/previous employers the DOT safety questionnaire on your behalf to find out if they're had any accidents, safety violations, or substance abuse (including alcohol) violations while they were employed as a driver. This product is only relevant for employees holding driving positions. We date stamp when the paperwork is sent to verify that a request has been made to previous employers.

Criminal & Sex Offender Search: Turn-around Time-1-3 days: Trusted Employee will check for all types of offences including Petty, Misdemeanor, Gross Misdemeanor and Felony. They also offer County, State, and Federal Criminal searches. The National Sex Offender search is 'Instant' turn-around. They also offer International Criminal Searches from most other countries in the world.

Contact: Trusted Employees-Donna Ploof (952-259-3018)
7900 W. 78th St. Suite 400
Edina, Mn. 55439
www.TrustedEmployees.com

Editors Blog: We at Thielen Bus Lines use Trusted Employees for background checks on motor coach drivers and our Type III van drivers. We feel that the information on the employment application MUST be verified. We have to know who we can trust with our equipment and with our clients.

The turn-around times are amazing, I recently had a report returned in less than an hour. I also recently requested a report on a driver who moved to Minnesota from Colorado. I had that report back in less than 2 hours. Their services are first rate, fast & you can pick the information packages you want and only pay accordingly for the information that you desire and want to pay for. My opinion is that this is an excellent company to pre-check new employees. Many School Districts in Minnesota and other states are clients of Trusted Employee.

MCBOA Conference

The Minnesota Charter Bus Operators Conference will be held in Mankato on November 18-19, 2018 (Sunday-Monday). The conference will be held at the Mankato Convention Center starting Sunday afternoon with a Reception, Open Vendor Show Floor, food and beverages.

MCBOA has a block of rooms reserved at the Hilton Garden Inn and the City Center Hotel at a special rate for attendees.

The Maintenance Exchange and conference is returning again this year and is an increasingly popular feature of the Conference.

The MCBOA Board hopes to see all of you in Mankato for this important conference.

Minnesota Charter Bus Operators Association



November 18-19, 2018

(Sunday afternoon & Monday)

Save the Date!!

Notice of Annual Meeting & Convention

The MCBOA Board of Directors invites you to attend the **Annual Meeting this November 18-19 (Sunday-Monday), 2018 at the Mankato Convention Center.** Enclosed are the Annual Meeting registration materials. **It is extremely important to pre-register for this years event!! We also have a number of rooms set aside for the conference at a special rate.**

All coaches and vendors will be inside the Convention Center where you can view the coaches and visit with vendors in comfort.

The Maintenance Roundtable, with representatives from motorcoach manufacturers and industry vendors, will again be a part of the meeting. **I strongly encourage you to send a vehicle maintenance representative(s) from your company.** Last year's program was very informative and we should have more opportunities this year for your people to get their maintenance questions answered. Please take a close look at the extensive line-up of Maintenance Professionals who will be answering your questions.

We have reserved a block of rooms for Sunday night at the following hotels in Mankato at a special rate of \$89. When making your reservation, please mention that you are with the Minnesota Charter Bus Operators Association Block of rooms to secure the \$89 Rate.

Hilton Garden Inn: 20 Civic Center Drive. Mankato, Mn. 56001 507-344-1111 Rate: \$ 119.

City Center Hotel: 101 E. Main St. Mankato, Mn. 56001 507-345-1234 Rate: \$ 89.

Registration and tentative agenda will be sent out 30 days prior to the Conference. Please join us for what should be an interesting & informative meeting!!

Mike Moran - Director/Secretary/Treasurer.

MCBOA Board of Directors:

Rob Wicklund- Bemidji Bus Lines-Bemidji

Troy Voigt-Voigt's Bus Service-St Cloud

Greg Nord- Red River Trails-Moorhead

Tim Schubert- Trobecs Bus Service-St Stephen

Mike Moran- Reicherts Bus Service-Brainerd

Jim Hey-Southwest Coaches- Marshall/Fairmont

Tim Heinze-Lake Crystal Coaches-Madison Lake

Rick Thielen-Thielen Bus Lines- Redwood Falls

John McFarlane- ABC Bus- Manufacturer Rep.

Tom Foley-TIB Insurance- Industry Rep.