

SERVICE DATE – JANUARY 30, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. MC-F-21030

STAGECOACH GROUP PLC AND COACH USA, INC., ET AL.—ACQUISITION OF  
CONTROL—NEW TODAY BUS CORP. AND NEW TODAY BUS, INC.

Decided: January 28, 2009

On October 7, 2008, Stagecoach Group PLC (Stagecoach), a noncarrier, its noncarrier intermediate subsidiaries (Stagecoach Transport Holdings plc, SCUSI Ltd., Coach USA Administration, Inc.), Coach USA, Inc. (Coach USA), and ASTI, Inc. d/b/a Coach USA (ASTI), a motor passenger carrier controlled by Coach USA (collectively, applicants), filed an application under 49 U.S.C. 14303 for acquisition and operation of certain assets of New Today Bus Corp. and New Today Bus, Inc. (collectively, New Today). Upon acquisition, New Today is to cease operations and ASTI will assume such operations. In a notice served and published in the Federal Register on November 3, 2008 (73 FR 65446-47), we tentatively approved the application, subject to the filing of opposing comments.

Copies of the notice were served on the U.S. Department of Transportation, Federal Motor Carrier Safety Administration and Office of the General Counsel, and on the U.S. Department of Justice, Antitrust Division. Neither Department filed comments. A comment was filed on December 15, 2008, by S.J. Travel Corp., Shi-Ying Cheng, and Hung-Ying Kuei (collectively, S.J. Travel) opposing applicants' filing. On December 22, 2008, S.J. Travel filed a letter withdrawing their opposition to the application. On January 7, 2009, applicants filed a reply requesting expedited action to issue a final decision approving the application.

DISCUSSION AND CONCLUSIONS

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction we find consistent with the public interest, taking into consideration at least: (1) the effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of the affected carrier employees. Our earlier findings, giving tentative approval of the transaction pursuant to this statutory standard, were automatically vacated by the filing of the opposing comment under the procedures at 49 CFR part 1182. Under 49 CFR 1182.6(c), a procedural schedule for the submission of additional evidence and replies is not necessary here because S.J. Travel has withdrawn their opposition to the application.

In its application, applicants assert that the proposed transaction would have no impact on the adequacy of transportation services available to the public. Applicants state that the operations of New Today will remain unchanged, and that the fixed charges associated with the

proposed transaction will not be adversely impacted. In addition, applicants state that ASTI is evaluating its employment needs with a view towards employing qualified personnel that are currently employed by New Today to operate the relevant services.

The opposing comment filed by S.J. Travel was subsequently withdrawn. Therefore, the arguments made by S.J. Travel are moot and will not be addressed in this decision. Therefore, we reaffirm the tentative Board approval that was vacated by the filing of S.J. Travel's comment.

Applicants, in their reply comment, urge the Board to issue a final decision approving the transaction based on the reasons given in the Board's November 30, 2008 decision tentatively approving the transaction. Applicants state that the filing of S.J. Travel's comment has forced them to delay the closing and substitution of ASTI's service for New Today's. In light of the withdrawal of S.J. Travel's comment, applicants request that the Board expedite issuance of a final decision and issue that decision by January 30, 2009, so that final transition plans may be made. Accordingly, under 49 U.S.C. 14303(b), we find that the proposed acquisition and operation of certain assets of New Today by applicants are consistent with the public interest and should be authorized.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Applicants' proposed acquisition and operation of New Today is approved.
2. This decision is effective on its service date.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

Anne K. Quinlan  
Acting Secretary