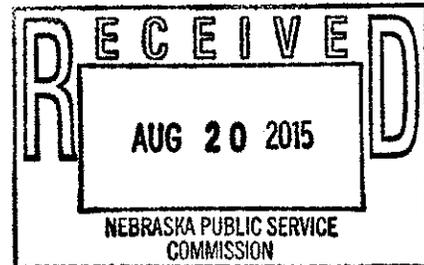


FORSYTH INSURANCE AGENCY, INC.

PHONE 402 483-7861 FAX 402 483-4760
1265 SO. COTNER BLVD., Suite 21
LINCOLN, NEBRASKA 68503
steve@m@forsythins.com

August 20, 2015



Nebraska Public Service Commission
1200 N Street, Suite 300
Lincoln, NE 68508

RE: Title 291, Chapter 3. Motor Carrier Rules and Regulations rewrite

Commissioners,

I have once again reviewed your proposed changes to the Motor Carrier Rules and Regulations and have the following observations, comments or recommendations for your consideration:

- 1) 003.01D Open Class Service – add (3) *on a prearranged and not on a demand basis*, change existing (3) to (4)
- 2) 003.01E Taxicab – “...or a route under the control of the person who hired the vehicle...”. Does this include NE HHS because they scheduled and are paying for the trip or does this mean the first passenger inside the vehicle? This is in conflict with 010.02D when it states “...Whenever the vehicle is occupied by a fare-paying passenger, the operator shall not permit and other person to occupy the vehicle except with consent of the fare-paying passenger...”. Then the card required to be posted inside the vehicle has to state “...You, as the first person in this taxicab, are the one to decide who shall ride with you...”. Who controls the passengers in and the trip of the cab? The person or entity that scheduled and pays for the trip (ie HHS), a fare-paying passenger or the first passenger in the cab???
- 3) Although this version of the rules and regulations was in process long before the advent of the TNC’s, they should possibly be modified to reflect or refer to Appendix item 016 Transportation Network Companies
- 4) 004.03 Identification Cards – add “*TNC’s exempted*” or similar wording.
- 5) 004.04 PSC Plates - add “*TNC’s exempted*” or similar wording.
- 6) 004.05 Door Display – after “limousine service” add “*or TNC’s*”
- 7) 004.05B – The requirement that letter be at least 3” high was removed. For individuals with impaired eyesight or poor vision like mine, unlike what is readily legible at 50 feet to the majority of the population, can be very difficult to see clearly. We would prefer to see the 3” minimum size reinstated.
- 8) 005.05 – “...drivers employed by such motor carriers...”. What about drivers who are not employed by the motor carriers? Independent Contractor taxi cab drivers or truckers are not “employed” by the motor carriers.

9) 005.06 – “...one hundred (100) air road miles...” should read “one hundred (100) air road miles...”.

10) 005.09 Minor Defects in Equipment – How does the Commission know or find out or be notified there are minor defects in equipment? In 005.10 Major Defects it states “...If the Commission finds...” but there is no similar wording for minor defects. Most business would probably not want to let you know of minor repairs that need to be made or when they are completed. Such notifications could generate another much loved PSC inspection or call into question their regular maintenance program. As currently worded it would seem the notification process to be completely voluntary.

11) 006.02 – This is a good compromise and will follow existing statutes for maximum limits a carrier can be required to provide. It is good that it applies to all carriers of passengers and not just those with railroad crew transportation authority. Once again, the TNC’s need to be recognized and we suggest you add after “...all carriers or passengers...” “TNC’s exempted” or similar wording.

12) 006.05A “...filings shall be either Form E...” There is no “or” and there is no alternate so “either” should be deleted.

13) 009 Buses – To distinguish from Charter and Special Party buses the word “scheduled” should be added as follows “...only to carriers providing scheduled bus services...”. This would also apply to 009.03 Aisles since a party bus seldom have the aisles clear of passengers.

14) 010 Transportation of Passengers – By what type vehicle? Perhaps you could add “...by private passenger automobile, SUV, pickup, van or limousine...” or “...not by bus...”, or similar wording.

15) 010.01A Vehicle Title – This does not address TNC’s. We suggest adding add “TNC’s exempted” or similar wording.

16) 010.01C1 – How is “competent” defined? Who determines competency? How is it documented or enforced?

17) 010.01C3 – How is this enforced? Since carriers do not have a requirement to keep a list of drivers on file with the PSC, any notification would be strictly voluntary. What is the penalty for allowing a driver over age 70 to operate a vehicle without a current medical certificate or the PSC’s permission?

18) 010.01E Trip Log – Since the TNC records are all electronic there is no way to have a driver “sign” a trip log. We suggest adding add “TNC’s exempted” or similar wording.

19) 010.01G Complaints – We suggest adding add “TNC’s exempted” or similar wording.

20) 010.02G2 – After “...or the owner’s trade name...” add “...if the word cab, taxi or taxicab is included in that owner’s trade name...”.

21) 010.03 –The terms Contractor, Provider, Transportation Contractor, Department provider and Department transportation provider are all used in 010.03 – 010.03C to describe the same person or entity. A single term should be used throughout.

Should you have any questions, do not hesitate to contact us.

Cordially



Stephen A. Mason