

Breiner, Mark

From: Steve Mason <stevem@forsythins.com>
Sent: Sunday, June 26, 2011 5:44 PM
To: Breiner, Mark
Cc: dorisg@forsythins.com
Subject: PSC CHANGES

Importance: High

I have reviewed the suggested changes and have some suggestions of my own as follows. This is just my first read through of the document, so I may have some additional comments later.

Page 2 - Definitions – you define limousine and limousine service but do not define any of the other regulated services such as taxi cab, bus, open class, charter etc. I feel if you define one you should define all. School busses being used as a party bus may be addressed here. Yellow school bus use as a livery may also be addresses here. I have not been able to find the Federal rule again, but I believe school busses painted school bus yellow are supposed to be restricted to school related uses.

Page 8 – 003.01D1 – you are restricting the mileage based fare to loaded miles only. I suppose that is fine if you are dealing with HHS clients because HHS will not pay for dead head or unloaded mile or no shows, but that does not mean other clients will reject those charges. Unloaded miles and no shows are tremendous expenses for some Open Class services, especially in the rural part of the state. You are restricting their ability to recoup their expenses from Other Than HHS clients.

Page 9 – 003.02C – that is a confusing statement that could be rephrased

Page 9 – 003.03D – Increasing the insurance requirements for taxi cabs from \$500,000 to \$750,000. I personally think it should be a higher limit still, but the cab companies will not be pleased. They are having enough difficulty keeping their doors open now, thanks in part to the new HHS pay scale, and this will cause yet another increased expense.

Page 9 – 003.03E – In the past you have followed Federal requirements for liability limits. Now you are allowing all limousines, regardless of passenger capacity, to carry just \$1,500,000. It should be modified to \$1,500,000 for 15 passengers and less and \$5,000,000 for 16 passengers and more.

Page 18 – 004.05A – are magnetic signs acceptable? If so, it should be so stated

Page 18 – 005.01A – Rather vague. Someone with a heart condition or diabetes or other health issue may not be able to safely operate a vehicle. This should be more specific.

Page 18 – 005.01B – "...in each eye either without corrective lenses, ..." or what? You have an "either" without the "or"

Page 19 – 005.01D – why was the excessive use of alcohol deleted.

Page 19 – 005.03 – is the commission doing the criminal background check? That is how it sounds. Criminal background check should be both State and Federal. You should also state the minimum offenses to be included. Fingerprinting should also be required

Page 19 – 005.06 – Log Book – are Open Class vehicles required to keep a log book and, if so, why

Page 20 – Filings – Over-the-road driver is not defined or differentiated from an Open Class driver that had to go in excess of 100 miles to pick up or deliver a client.

Page 20 – 005.08 – inspections of vehicles – you should add "at least annually"

Page 20 – 005.009 – “Minor defects not likely to endanger life or property” by whose determination? Need more specifics, very subjective now, should be more objective. To the business owners who do not want to incur additional maintenance expense, what he feels is a minor defect may not be the same as the PSC’s intent.

Page 26 – 005.10 – Major Defects are also subjective. You should state the minimum acceptable standards for the critical vehicle parts. You did that once before so you have a benchmark to measure against from a safety standpoint. Removal of these standards will ultimately result in maintenance issues and safety problems

Page 27 – 005.17A – Good for you. Refusal to carry should be removed.

Page 40 – 008.02 – Leasing of equipment – the PSC has a form to be used to lease equipment, but they do not have a form to use when a lease has to be terminated before the agreed upon term has expired.

Page 41 – 008.02G – Does this requirement include Taxi, Limo and Open Class vehicles? It does not seem to apply to them, but their exclusion should be so stated.

Page 46 – 009.01 – Refusal to carry is back. This should either be limited to route buses (like a StarTran bus) or eliminated all together. You do not want the refusal to carry to apply to a limo bus, a party bus, sightseeing bus, charter bus, etc.

Page 47 – 009.08E – specific charge for dead head is allowed for charter or special party bus, but not for Open Class ???

Page 49 – 010.01C3 – You have a minimum age of 21 and a maximum age of 70 with a waiver available for over 70. Nice rule but no teeth. The PSC does not require driver MVR reviews or even a list of drivers with name, age and DOB. No enforcement provision and no penalty shown.

Page 55 – 010.03 – basically this is saying any HHS contractor who is NOT certified by the PSC is subject to certain rules. If they are not under your authority, how can you impose or enforce any rules? This would apply to employees of KVC and NFC ??

Page 55 -0010.03A5 – does this mean you are going to require the HHS contractors (ie KVC & NFC) to provide PSC with MVR information on all their employees who may be transporting clients to be certain they meet the points requirement?

Page 55 – 010.03B – Does this mean you will accept statutory minimum limits (\$25,000/\$50,000/\$25,000) from a non-regulated contractor while you require \$1,500,000 from a regulated contractor who is providing identical service? Seems fair to me.

I have a lot more to review and will amend these comments periodically. I do think the rules should be organized with the novice in mind. To that end, I would suggest grouping common requirements and having separate sections specific to certain regulates types such as buses who are separate from taxis who are separate from limos who are separate from open class etc so an individual can more quickly and easily find the rules that will apply to their authority.

Somewhere I had a list of exempted services such as school bus, ambulances, religious organizations, city bus, and certain escort services. Now the KVC and NFC employees should be included. I thought it was in the PSC rules, but perhaps not. They are definitely in NE statute. I think they should be repeated in the PSC rules somewhere.

Please review and advise if you have any questions or need additional information.

Steve Mason

Forsyth Insurance Agency, Inc.
1265 S. Cotner Blvd., Ste. #21
Lincoln, NE 68510-4974



402-483-7861
fax 402-483-4760