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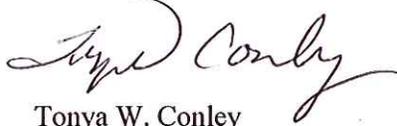
VIA EMAIL AND COURIER DELIVERY

Kathy Lahman
Mark Breiner
Nebraska Public Service Commission
1200 N Street, #300
Lincoln, NE 68508

Dear Ms. Lahman & Mr. Breiner:

Enclosed herewith please find additional comments, of Union Pacific Railroad Company, to the proposed amendments.

Sincerely,



Tonya W. Conley



BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on)	RULE AND REGULATION NO. 182
Its own motion, seeking to amend)	
Title 291, Chapter 3, Motor Carrier)	ADDITIONAL COMMENTS TO ORDER
)	RELEASING FOURTH
Rules and Regulations, to rewrite)	SET OF PROPOSED RULES
the chapter in its entirety.)	FOR COMMENTS AND
)	SCHEDULING HEARING
)	

Additional Comments of Union Pacific Railroad Company regarding the fourth set of proposed Rules and Regulations to Title 291, Chapter 3, Motor Carrier Rules and Regulations.

At the Nebraska Public Service Commission (“NPSC”) hearing of December 16, 2014 on Rule 182, Union Pacific Railroad Company submitted testimony requesting that an exception to the proposed Rule 182 006.02A be made for secondary providers of railroad crew transportation. The Board requested additional information from Union Pacific, specifically, 1) the frequency of the use of secondary providers, 2) issues that have arisen from the Minnesota law, and 3) the language change requested. Union Pacific’s responses are as follows:

- 1) In 2014 in the state of Nebraska, all transportation was provided by our primary transportation provider. No secondary transportation sources were used. In times of excess demand, primary carriers generally seek internal sources of surge capacity due to the high cost associated with secondary suppliers (e.g., the cost of a taxi cab for a 50 mile trip would be very high in comparison to utilizing the primary supplier’s own vehicles and employees). However, this may not always be possible. Crew transportation capacity is not limitless. The van drivers comply with hours of service requirements to ensure that van drivers get enough rest to drive safely. If there is a high surge in transportation demand one day, the number of available drivers for the following day may be severely limited. Additionally, the van drivers are also unionized and could strike. When Union Pacific’s crews run out of hours of service, Union Pacific wants to get them home to rest and spend time with their families. When the rare circumstance arises, Union Pacific does not want to be forced by this rule to leave its employees sitting in their locomotives waiting in limbo. Union Pacific wants to do the right thing for its employees, which is to send a secondary transporter to pick up the crew from its train to get them home to their families rather than let the crew sit on the train for hours until transportation by the primary provider is available.
- 2) The Minnesota law has provided an on-going challenge of providing that our employees’ needs are met, the law is complied with, and the railroad can continue to run. In recent years,

Minnesota has experienced some extreme weather conditions that have made the use of secondary suppliers necessary due to spikes and surges in demand. The law, as written, has made it challenging to meet the safety needs of our employees, and to comply with federal hours of service laws.

- 3) If the Board votes to create Rule 182 006.02A at all, Union Pacific suggests that the language of Rule 182 006.02A be changed to read:

“006.02A Carriers that are primary sources of railroad crew transportation shall carry”