



101 Armour Road, Suite B
North Kansas City, MO 64116

April 2, 2020

Nebraska Public Service Commission
1200 N Street, Suite 300
Lincoln, NE 68508
Psc.motorfilings@nebraska.gov

RE: Docket PI-230

Per the Commission's request, below is Railcrew Xpress, LLC comments on the proposed changes introduced in LB 787.

1. Current minimum amounts are sufficient at this time and no changes are needed as our contracts with the railroad customers set the required insurance coverage levels. This insurance coverage has provided sufficient coverage to the crew members.
2. Railcrew Xpress does not carry cargo outside of crew members luggage so has no comment on this matter.
3. Railcrew Xpress already covers passengers in the company vehicle so there is no reason to require additional UM/UIM coverage. Railroad passengers are covered through our auto liability policies. There are no instances where a railroad passenger was denied coverage when in our vehicle and covered by our auto liability policy. To add an additional avenue through UM/UIM insurance would only amount to an unjust enrichment and allow crew members to triple dip. For example, in one case, a passenger claimed injury when a 3rd party rear ended a company vehicle. Our passenger collected \$72,000 through UI/UIM in another state and \$84,000 from our auto liability insurance and also collected from the 3rd party.

In addition, the additional UM/UIM coverage would allow Railcrew Xpress employees to have another avenue to collect from - the third party, worker's compensation and the UM/UIM policy. This would increase the company costs for insurance and claims administration. For example, in one case, an employee claimed injury when a 3rd party

ran a stop sign. The employee collected \$120,000 through UM/UIM in another state and \$75,000 from worker's compensation and collected from the 3rd party.

Railcrew Xpress should not be required to be the insurer of the highways and cover all vehicles' insurance responsibility. The company should not have to cover claims for third parties that carry what the state has deemed as sufficient minimum coverage.

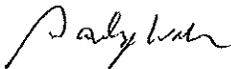
Requiring additional UM/UIM coverage will unfairly increase the company costs not only through direct premium but also increases in future costs and experience. Those additional costs will have to be passed on to the Railroad customer thus impacting them as well.

4. No as the carrier who already provides above the state minimum insurance amounts should be required to provide additional UM/UIM coverage. The carriers should not be required to insure other vehicles on the road.

Per the notice, the hearing appears scheduled for April 22, 2020 in the Commission Hearing room. Can you please confirm if alternate methods of attending in person will be provided to comply with the stay orders as directed by the Covid 19 response or if the hearing date is being rescheduled when parties can attend in person?

If you require additional information, please let me know.

Regards,



Sandy Walker
Vice President - HR