

NEBRASKA

PUBLIC SERVICE COMMISSION

COMMISSIONERS:
ROD JOHNSON
CRYSTAL RHOADES
MARY RIDDER
TIM SCHRAM
DAN WATERMEIER



March 16, 2021

Ashley Elledge
Secretary of State's Office
Via Email to ashley.elledge@nebraska.gov

RE: Proposed Rule & Regulation #204
Motor Carrier Rules & Regulations

Dear Ms. Elledge:

Enclosed please find an Order Releasing Second Set of Proposed Rules, Seeking Comment and Setting Hearing, in the matter of Rule & Regulation No. 204, to adopt amendments to Title 291, Chapter 3, on Motor Carrier Rules & Regulations. A hearing on this matter has been set for Tuesday, April 27, 2021 at 1:30 PM, as indicated by the attached notice.

If you should have any questions, please do not hesitate to contact me or Dillon Keiffer-Johnson, the attorney assigned to this case, at 402-471-3102.

Sincerely,

Michael G. Hybl
Executive Director

MGH/jtm

Enclosure: Order Releasing Second Set of Proposed Rules, Seeking Comment and Setting Hearing
Notice of Hearing

Michael G. Hybl, Executive Director
Public Service Commission

P.O. Box
300 The Atrium, 1200 N Street
0017
Lincoln, Nebraska 68509

OFFICE 402-471-3101 FAX 402-471-0254
CONSUMER HOTLINE 800-526-

NEBRASKA PUBLIC SERVICE COMMISSION
300 The Atrium, 1200 N Street
Post Office Box 94927
Lincoln, NE 68509-4927

The following proposed **Rule and Regulation** may be inspected at the offices of the Nebraska Public Service Commission during regular office hours. Comments must be filed with the Commission in the manner and within the time prescribed in Section 14 of the Rules of Commission Procedure:

RULE AND REGULATION #204: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to amend Title 291, Chapter 3, Motor Carrier Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 734 [2020]. A public hearing to receive testimony on the proposed Rules and Regulations has been scheduled for **Tuesday, April 27, 2021, at 1:30 PM in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.**

Remote access to the meeting will be available via WebEx at the following link: <http://tiny.cc/PSCWebex> (case sensitive). Individuals may also attend the meeting by telephone: dial 408-418-9388, then enter 146 273 5624 when prompted for the access code.

The Commission believes there will be no fiscal impact as a result of these rules.

Copies of the proposed rules are available on the Commission website at psc.nebraska.gov. Anyone wishing to receive written notices regarding this docket shall provide contact information to the Commission and ask to be added to the service list.

If auxiliary aids or reasonable accommodations are needed for attendance at a Commission hearing, please call the Commission at 402-471-3101. For people with hearing/speech impairments, please call the Commission using the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

NEBRASKA

PUBLIC SERVICE COMMISSION

COMMISSIONERS:
ROD JOHNSON
CRYSTAL RHOADES
MARY RIDDER
TIM SCHRAM
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March 16, 2021

TO ALL INTERESTED PARTIES:

RE: RULE AND REGULATION #204: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to amend Title 291, Chapter 3, Motor Carrier Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 734 [2020].

CERTIFICATION

I, Michael G. Hybl, Executive Director of the Nebraska Public Service Commission, hereby certify that the enclosed is a true and correct copy of the original order made and entered in the proceeding docketed Rule and Regulation No. 204 on the 16th day of March 2021. The original order is filed and recorded in the official records of the Commission.

Please direct any questions concerning this order to Dillon Keiffer-Johnson, Legal Counsel, at 402-471-3101.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Nebraska Public Service Commission, Lincoln, Nebraska, this 16th day of March 2021.

Sincerely,

A handwritten signature in blue ink that reads "Michael G. Hybl".

Michael G. Hybl
Executive Director



cc: Attached Service List
Ashley Elledge, Secretary of State's Office, Room 2300, State Capitol (Electronically Filed)
Stevens Berry, Governor's Policy Research Office, Room 1319, State Capitol
Dan Hughes, Chairman, Executive Board, District #44, State Capitol (Electronically Filed)

Michael G. Hybl, Executive Director
Public Service Commission

P.O. Box 94927 OFFICE 402-471-3101 FAX 402-471-0254
300 The Atrium, 1200 N Street CONSUMER HOTLINE 800-526-0017
Lincoln, Nebraska 68509

psc.nebraska.gov

Rule Regulation 204 Mailing List
3/16/2016

Carrier	Address	City	State	Zip
vonRenzell Enterprises	4221 Mary Circle	Lincoln	NE	68502
vonRenzell Van & Storage, Inc.	PO Box 156	Greenwood	NE	68366
A Helping Hand Moving, LLC	2600 W 3rd St.	Grand Island	NE	68803
A Limousine Service	3121 South 111th Street	Omaha	NE	68144
Able Corporation	902 N. 74th Street	Omaha	NE	68114
Accent Chauffeured Transportation	6455 S. 86th Circle	Omaha	NE	68127
Action Cab dba Comstock Corp	PO Box 5523	Grand Island	NE	68801
Action Movers	2227 280th Street	Missouri Valley	IA	51555
Action Moving, Inc.	514 Clark Street	Sioux City	IA	51101
Action Taxi & Limo, Inc.	PO Box 1294	Sioux City	IA	51102
Adams Priority Transportation LLC	4526 S 24th St	Omaha	NE	68107
Adventure Enterprises, LLC	PO Box 1570	Kearney	NE	68848
All My Sons Moving & Storage dba kw	2400 Old Mill Road	Carrollton	TX	75007
Alpha Life Improvement Services	1905 Harney Street #710	Omaha	NE	68102
Ambassador Transportation, LLC	7070 Capital Court Apt. 857	Omaha	NE	68132
American Eagle Van Lines, Inc.	126 S. 5th Street	Norfolk	NE	68701
Barley Bus Tours	806 E 47th St	Kansas City	MO	64114
Berniklau Education Solutions Team	6400 Eastshore Drive	Lincoln	NE	68516
Big O's Party Bus, LLC	1003 2nd Street	Columbus	NE	68601
Black Diamond S&S	617 W. 19th Street	Scottsbluff	NE	69361
Black Hills Stage Lines, Inc.	4220 South 52nd Street	Omaha	NE	68117
Blair Blue Community TransportatLLC	3348 Adams Street	Blair	NE	68008
Borley Moving & Storage, Inc.	138 South Lincoln Avenue	Hastings	NE	68901
Budget Car and Truck Rental	1755 East Locust Street	Omaha	NE	68110
Budget Movers	6213 N. 155th Street	Omaha	NE	68116
Bus at the Yard dba Luxury Limousin	350 Canopy Street Suite 100	Lincoln	NE	68508
Busco, Inc. dba Arrow Stage Lines	4220 South 52nd Street	Omaha	NE	68117
Camelot Transportation	103 S Railroad Street	Kearney	NE	68847
Careem Transportation, LLC	17181 Manderson Street	Omaha	NE	68116
Caring Hearts Transportation	6911 Morman Bridge Road	Omaha	NE	68152
Caring People Sudan	1941 South 42nd St Suite 109	Omaha	NE	68105
Champion Homes of Hastings, LLC	PO Box 1197	Hastings	NE	68902
Checker Cab Company	1800 W. Pasewalk Ave #113W	Norfolk	NE	68701
Chet's Transfer of Kearney, Inc.	530 Sweetwater Avenue	Kearney	NE	68847
Chet's Transfer of Lincoln	1606 South 3rd Street	Lincoln	NE	68502
Chief School Bus Service, Inc.	3111 South 67th Street	Omaha	NE	68106
Chieftain Van Lines, Inc.	7201 Main Street	Ralston	NE	68127
Christopher M. Beerbohm	1204 willow street	Fremont	NE	68025
City Delivery and Moving, Inc.	2871 25th Avenue	Columbus	NE	68601
City Taxi, Inc.	PO Box 3334	Omaha	NE	68102
Cohagen Transfer & Storage Co Inc.	1214 N. Jackson Street	North Platte	NE	69103
Coleman American Moving Serv. Inc.	PO Box 960	Midland City	AL	36350
Community Alternatives Nebraska Inc	220 Oakcreek Drive	Lincoln	NE	68528
Commuter Express	5605 N. 69th Avenue	Omaha	NE	68104
Compassion Care Medical Transport	10826 Old Mill Rd Suite 103	Omaha	NE	68154
Cooter, LLC	3028 Eagle Lane	Columbus	NE	68601

Rule Regulation 204 Mailing List
3/16/2016

CHHJ Lincoln, LLC	608 Calvert St	Lincoln	NE	68502
CJ's Party Bus LLC	3612 Olin Ave	Omaha	NE	68105
Dak Family Transportation LLC	5545 Spruce St.	Lincoln	NE	68516
Daniel's Moving & Storage of Omaha	6131 West Van Buren	Phoenix	AZ	85043
Davis Entertainment dba Ollie the T	5555 Center Street	Omaha	NE	68106
Dillard Lewis Inc	4209 Willow Oak Rd	Raleigh	NC	27629
Doc Holiday Express	2510 South North Road	Grand Island	NE	68803
Dolly Giant Movers	2766 38th Avenue	Columbus	NE	68601
Down The Hatch	5601 NW 1st Street	Lincoln	NE	68521
Dudley Movers of Omaha, Inc.	7201 Main St.	Ralston	NE	68127
E & M Yellow Cab Co.	PO Box 726	North Platte	NE	69103
E Z Cabs, Inc.	4104 Floyd Blvd.	Sioux City	IA	51108
Eastern Nebraska Community Action	2406 Fowler Ave	Omaha	NE	68111
Elite Party Buses LLC	8500 Liana Lane	Lincoln	NE	68517
Executive Coach, LLC	77045 Road 343	Paxton	NE	69155
Extreme Nightlife	1707 S 6th St	Lincoln	NE	68502
Firefighters on the Move, LLC	717 N. Frontier Road	Papillion	NE	68046
First Student, Inc.	3333 Keystone Drive	Omaha	NE	68134
Flat Rate Movers Black Belt Movers	PO Box 710	Boys Town	NE	68010
Ford Storage & Moving Co.	10364 S 136th St	Omaha	NE	68138
Ford Van Lines, Inc.	733 Hill Street, Suite A	Lincoln	NE	68502
Fremont Cab Service LLC	2437 Parkview Drive	Fremont	NE	68025
FunFamily Party Bus, LLC	2327 N. 150th Avenue	Omaha	NE	68116
FADI LLC	7811 N 155th St	Bennington	NE	68007
Grand Island Party Bus, LLC	1725 Freedom Drive	Grand Island	NE	68803
Handivan Transports, Inc.	534 N. Washington Street	Papillion	NE	68046
Harmony Transportation Services	9529 Sprague Street	Omaha	NE	68134
Hope Park Transport	4603 Prescott Ave	Lincoln	NE	68506
I-Go Van & Storage Co.	9820 South 142nd Street	Omaha	NE	68138
Island Moving LLC M-14252	337 2nd Street	Saint Libory	NE	68872
Jerry Spady Pontiac-Cadillac, Inc.	2750 Osborne Drive East	Hastings	NE	68901
Jim's Moving & Delivery Co., Inc.	5610 Highland Drive	Papillion	NE	68133
Just in Time Medical Transportation	231 Adams Apt 16	Lincoln	NE	68521
Kearney Cab Company	3906 Avenue M	Kearney	NE	68847
Kearney Moving Service	P. O. Box 1357	Kearney	NE	68848
King's Moving	7129 S. 199th Street	Gretna	NE	68028
Laidback Limousine, Inc.	13710 North 47th Street	Omaha	NE	68152
Latoya Prince Ventures	3030 Blondo St Apt 201	Omaha	NE	68111
Leisure Limousine & Sedan, Inc.	2137 Magnum Circle	Lincoln	NE	68522
Leisure Party Bus & Limousine, Inc.	3333 Potomac Drive	Lincoln	NE	68516
Lifeline Transportation, Inc.	11414 Corby Plz Apt 2	Omaha	NE	68164
Limo One, Inc. dba Old Market Limou	202 East Grant Street	Papillion	NE	68046
Limousine Gonzalez	504 Stockton Street	Waco	NE	68460
Limousine Services, LLC	4089 S. 84th Street, #203	Omaha	NE	68127
Lincoln Relocation, Inc.	8305 N. 58th Circle, Suite A	Lincoln	NE	68501
Lint Van Lines, Inc.	4549 Delaware Avenue	Des Moines	IA	50313
Live Well Home Care	PO Box 520	South Sioux City	NE	68776

Rule Regulation 204 Mailing List
3/16/2016

Local Movers	PO Box 30434	Lincoln	NE	68503
Lunjini Medical Transportation, LLC	7235 Edna Court	LaVista	NE	68128
Lyft, Inc.	185 Berry Street, Suite 5000	San Francisco	CA	94107
Madonna Rehabilitation Hospital	5401 South Street	Lincoln	NE	68506
Maher Bros. Transfer & Storage	2470 S. Riverside Dr.	Iowa City	IA	52246
Medics At Home Inc.	5935 Henninger Drive	Omaha	NE	68104
Mid-Plains Center for Behavioral	Health Care Services, Inc.	Grand Island	NE	68801
Midwest Medical Transport Co., LLC	4020 S. 147th Street, Ste 101	Omaha	NE	68137
Midwest Medivan Transport Co., LLC	4020 S 147th Street, Ste 101	Omaha	NE	68137
Midwest Special Services, Inc.	P.O. Box 82	Curtis	NE	69025
Midwest Transportation Specialists	PO Box 82	Curtis	NE	69025
Mike's Capital Cab LLC B-1999	1303 Saunders Ave	Lincoln	NE	68521
Mike's Handy Van, LLC	6320 South Street	Lincoln	NE	68506
Mike's Transportation Services LLC	1303 Saunders Ave	Lincoln	NE	68521
Mo's Moving	3041 NW 6th Street	Lincoln	NE	68521
Mojo Mobility, LLC	14301 FNB Parkway, Suite 100	Omaha	NE	68154
Murphy Moving, Inc.	12309 Woolworth Avenue	Omaha	NE	68144
My Princess' Limo Service LLC	PO Box 1343	Madison	NE	68748
MG Taxi Service	Box 34	Benedict	NE	68316
MW Moving LLC	4805 S 90th ST Apt 4	Omaha	NE	68127
National Arbor Day Foundation	2700 Sylvan Road	Nebraska City	NE	68410
National Health Transport, Inc.	16111 Young Street	Bennington	NE	68007
Navigator Motorcoaches, Inc.	P.O. Box 2244	Norfolk	NE	68702
Nebraska Excellent Health Transport	6648 Decatur St.	Omaha	NE	68104
Nebraska Game & Parks Commission	2200 North 33rd Street	Lincoln	NE	68503
Nebraska Metro Transportation, LLC	8230 Serum Ave.	Omaha	NE	68127
Nebraska Party Bus	18310 hwy 370	Omaha	NE	68136
Nebraska Transport Co., Inc.	1929 Hancock Drive	Bismarck	ND	58502
Nebraska Urban Indian Health Coalit	2331 Fairfield Street	Lincoln	NE	68521
Nebraskaland Moving & Storage	3846 Touzalin Ave.	Lincoln	NE	68507
New World Van Lines, Inc.	5875 N. Rogers Avenue	Chicago	IL	60646
Night Life Limousine, LLC	2420 N. 6th Street	Beatrice	NE	68310
No Prob Limo, LLC	7415 Hidden Valley Drive	Lincoln	NE	68526
NHAAD LLC dba NP Party Bus	1820 Birchwood Rd.	North Platte	NE	69101
O.U.R. Homes	2039 Q Street	Lincoln	NE	68503
Ocean's Enterprise LLC dba Ocean's	5404 N 99th Street, Suite B	Omaha	NE	68134
Omaha Ambulance Service, Inc.	5935 Henninger Drive	Omaha	NE	68104
Omaha Brew Bus, LLC	8718 Countryside Plaza	Omaha	NE	68114
Omaha Omaha Handicap Trans. Serv.	3610 Dodge Street, Suite 104	Omaha	NE	68131
OMALiNK	6500 Orchard St	Lincoln	NE	68505
Paid in Full dba Black Belt Movers	8115 S. 66th Avenue	LaVista	NE	68128
Papa G's, LLC	158 10th Ave	Columbus	NE	68601
Papio Transport Service, Inc. dba T	534 N. Washington Street	Papillion	NE	68046
Paradise Limo	17040 South Showboat Blvd	Blue Hill	NE	68930
Party Express Bus, LLC	7618 Mary Street	Omaha	NE	68122
Plattsmouth Cab dba Born to Run	106 S. 5th Street	Plattsmouth	NE	68048
Premier Limousine, LLC	301 Central Avenue	Kearney	NE	68847

Rule Regulation 204 Mailing List
3/16/2016

Prestige Limo	909 5th Street	Sidney	NE	69162
Price's Party Patrol, LLC	PO Box 86	Lexington	NE	68850
Prime Time Shuttle Service	1235 W Pine Rd	Wymore	NE	68466
Prosperity Properties Inc	514 S 38th Ave	Omaha	NE	68105
R & R Delivery	307 West 3rd Street	York	NE	68467
Rasier, LLC	1455 Market Street, 4th Floor	San Francisco	CA	94103
Recommended Care Solutions, LLC	7701 Pacific Street, Suite 15	Omaha	NE	68114
Red Star Transport, LLC	47608 887th RD	Atkinson	NE	68713
Redman Van & Storage Company	2571 West 2590 South	Salt Lake City	UT	84119
Ride The Good Life, LLC	1203 S. 180th Street	Omaha	NE	68130
Robert Landrigan	10110 Road 96	Bridgeport	NE	69336
Rockin n Rollin	5046 Miami Street	Omaha	NE	68104
Rockin' Ma & Pops DJ & Party Bus	422 s. 6th street	Seward	NE	68434
Roelfs Transfer, Inc.	70985 Hwy 103	Diller	NE	68342
Ronald D. Allgood dba Tree City Cab	P.O. Box 544	Nebraska City	NE	68410
Safe Ride Shuttle	1279 S. 64th Road	Nebraska City	NE	68410
Samuel Safe Ride (SSR) LLC	4220 Erskine Street	Omaha	NE	68111
Sebastian Moving Omaha, LLC	15440 R Street	Omaha	NE	68137
Second To None Moving	14725 Grover Street	Omaha	NE	68144
Select Van & Storage Company	8006 "J" Street	Omaha	NE	68127
Senior Moving Services, LLC	28215 State Street	Valley	NE	68064
Serving Nebraska Health Transportat	4326 Bedford Ave	Omaha	NE	68111
Shasteen Transfer and Storage	80419 County Road 19	Scottsbluff	NE	69361
Shiloh Place LLC	915 North H Street	Fremont	NE	68025
Siouxland Paramedics, Inc.	1110 Dace Street	Sioux City	IA	51101
Siouxland Taxi	PO Box 1294	Sioux City	IA	51103
Smiley's	PO Box 133	Hooper	NE	68031
Somebody with a Truck LLC	3153 Meredith Ave	Omaha	NE	68111
Special Day Limousine, LLC	1906 E HWY 50	Yankton	SD	57078
Standfast Transportation	PO Box 34567	Omaha	NE	68134
Star Limo Party Bus, LLC	3157 Farnam Street, #7104-150	Omaha	NE	68131
Student Transportation of Nebraska	5402 L Street	Omaha	NE	68117
Stutheit Transportation Serv., Inc.	534 N. Washington Street	Papillion	NE	68046
Swift Fox Movers LLC	12033 Parker Plaza #304	Omaha	NE	68154
SNP Consulting Services	523 S 188th Circle	Elkhorn	NE	68022
Tailored Dreams Limousine & Sedan	3344 Ox Bow Circle Suite 1	Lincoln	NE	68504
The Beautiful Life Family Home Care	4862 S. 96th Street #1	Omaha	NE	68127
The Happy Bus, LLC	11478 Cornhusker Road	Alma	NE	68920
Thiel Family Moving dba Aksarben	814 S. Pine Street	Hastings	NE	68901
Thomas Transportation	3816 N. 22nd St	Omaha	NE	68110
Transfer 88	6616 Minne-lusa Blvd	Omaha	NE	68112
Travel Plus Limousines	714 Main Street	Sioux City	IA	51103
Tri-City Limousine Service	1611 Avenue E	Kearney	NE	68847
Triumph Transportation	103 South Railroad	Kearney	NE	68847
True Movers, LLC Black Belt Movers	1514 S. 3rd Street	Lincoln	NE	68502
Tuk Tuk Omaha	681 N. 57th ave	Omaha	NE	68132
Two Men and a Truck	4512 S. 68th Street	Omaha	NE	68117

Rule Regulation 204 Mailing List

3/16/2016

Two Men and a Truck,Lincoln	6400 Cornhusker Highway #225	Lincoln	NE	68517
TAA, LLC dba Big Premier Limousine	1135 Stonewood Ave	Grand Island	NE	68803
Unity Transportation Services, Inc.	3610 Dodge Street, Suite 104	Omaha	NE	68131
VIP Limobus LLC	2318 S. 24th Street	Omaha	NE	68108
VIP Limousine LLC	2318 S. 24th Street	Omaha	NE	68108
Western Nebraska Moving & Storage	2440 N. 10th Street	Gering	NE	69341
Windstar Lines, Inc.	1903 N. US Highway 71	Carroll	IA	51401
Wings of Love	6911 Morman Bridge Road	Omaha	NE	68152
WHC NE LLC dba Airport & zTrip	6125 L Street	Omaha	NE	68117
WHC NE LLC dba Checker Cab & zTrip	6125 L Street	Omaha	NE	68117
WHC NE LLC dba Cornhusker & zTrip	6125 L Street	Omaha	NE	68117
WHC NE LLC dba Happy Cab & zTrip	1000 Oak Street	Lincoln	NE	68521
WHC NE LLC dba Safeway Cab & zTrip	6125 L Street	Omaha	NE	68117
WHC NE LLC dba Yellow Cab & zTrip	6125 L Street	Omaha	NE	68117
Xtreme Ride, LLC	1515 Apache Avenue	Hastings	NE	68901
Yellow Cab Beatrice dbaLeisure Taxi	2420 N 6th	Beatrice	NE	68310
Yellow Cab Co. & Capital Cab Co.	320 West P Street	Lincoln	NE	68528
Your Own Limousine	823 12th Avenue	Kearney	NE	68845
Your Own Limousine Lite, LLC	823 12th Avenue	Kearney	NE	68845
9 Line Medical Solutions, LLC	6720 E Sedona	Derby	KS	67037



COMMISSIONERS:
ROD JOHNSON
CRYSTAL RHOADES
MARY RIDDER
TIM SCHRAM
DAN WATERMEIER

M E M O R A N D U M

TO: Current Carriers
Interested Parties

FROM: Dillon Keiffer-Johnson, Legal Counsel

DATE: March 16, 2021

RE: Rule and Regulation #204
Title 291, Chapter 3, Motor Carrier Rules & Regulations

On March 16, 2021, the Commission entered an Order Releasing Second Set of Proposed Rules, Seeking Comment and Setting Hearing, in the matter of Rule & Regulation No. 204, to adopt amendments to Title 291, Chapter 3, on Motor Carrier Rules & Regulations.

Due to the voluminous nature of the rules and service list, we will not distribute hard copies unless specifically requested. A PDF version of the proposed rule is available on the Commission's website at:

<https://psc.nebraska.gov/administration/proposed-rules-regulations>

If you wish to receive a hard copy of the proposed rules, please contact me or my assistant using the information below:

Dillon Keiffer-Johnson	402-471-4570	dillon.keiffer-johnson@nebraska.gov
John Monroe	402-471-0221	john.monroe@nebraska.gov

Please call or email if you have any questions regarding the adopted rules.

Michael G. Hybl, Executive Director
Public Service Commission

P.O. Box 94927
300 The Atrium, 1200 N Street
Lincoln, Nebraska 68509

OFFICE 402-471-3101 FAX 402-471-0254
CONSUMER HOTLINE 800-526-0017

psc.nebraska.gov

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Rule and Regulation No. 204
Public Service Commission, on)
its own motion, seeking to) ORDER RELEASING SECOND SET OF
amend Title 291, Chapter 3,) PROPOSED RULES, SEEKING
Motor Carrier Rules and) COMMENT, AND SETTING HEARING
Regulations, to adopt rules in)
accordance with Nebraska)
Legislative Bill 734 [2020].) Entered: March 16, 2021

BY THE COMMISSION:

On August 25, 2020, the Nebraska Public Service Commission ("Commission"), on its own motion, opened the above-captioned docket to amend provision the Commission's Rules and Regulations Chapter 3, Motor Carriers, in accordance with Nebraska Legislative Bill 734 passed in 2020 by the Nebraska Legislature. LB 734 requires the Commission to promulgate rules regarding signage and other indicia distinguishing between buses providing special party services and charter services, as each service classification has new regulatory requirements under the Nebraska Liquor Control Act.

The Commission released the First Set of Proposed Rules for comment. No comments were received. Hearing on this matter was held on October 14, 2020 in the Commission hearing room and via WebEx. Ms. Jamie Reyes and Mr. Dillon Keiffer-Johnson appeared on behalf of the Commission. Mr. Hobert Rupe of the Nebraska Liquor Control Commission attended the hearing but did not provide testimony. No other parties offered testimony at the hearing.

E V I D E N C E

Ms. Jamie Reyes testified on behalf of Commission staff. Ms. Reyes explained the proposed rules amendments to existing Rule 009.08D to specify that signs must provide notice of alcohol consumption allowed on the bus, the carrier's Commission authority number, and Nebraska Liquor Control license number. Signage would need to be legible from 50 feet and lettering would need to be a distinct color contrast from the color of the sign. Upon Commissioner questioning about the applicability of the new signage requirement, Ms. Reyes stated that staff would reevaluate the proposed rules to ensure clarity.

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Rule and Regulation No. 204

Page 2

O P I N I O N A N D F I N D I N G S

LB 734 provides that the Commission must promulgate rules and regulations regarding signage for those carriers operating in special party and/or charter bus service and allowing the consumption of alcohol on the bus. Discussions between Commissioners and staff during the hearing illustrated the importance of ensuring that these rules are as clear as possible so that carriers are aware of the expectations for compliance. The proposed rules amend the proposed language of Rule 009.08D to clarify the wording for each sign and when a carrier must display a license number issued by the Nebraska Liquor Control Commission. Previous language being deleted is represented by overstriking the language and new language is designated in bold.

Based on the hearing discussion, the Commission finds that a second set of proposed rules should be released for public comment. A copy of the proposed rules is attached as Appendix A. Interested parties may file written comments with the Commission on or before **3:00 p.m. on Friday, April 16, 2021**. Parties filing comments should file one (1) original and five (5) paper copies and one (1) electronic copy in Word format emailed to john.monroe@nebraska.gov and psc.motorfilings@nebraska.gov.

The Commission also finds that this matter should be set for hearing on **Tuesday, April 27, 2021 at 1:30 p.m.** in the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln, Nebraska. Under authority granted by Executive Order No. 21-02, Coronavirus - Continued Limited Waiver of Public Meetings Requirements, issued by the Governor on January 11, 2021, this hearing will be held via video conference. Remote access to the hearing will be available via WebEx and telephone. Information for connecting may be accessed at the following link: <http://tiny.cc/PSCWebex> (case sensitive). To attend by phone, dial 408-418-9388, then enter 146 273 5624 when prompted for the access code.

If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Rule and Regulation No. 204

Page 3

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that this rulemaking amending Tile 291, Chapter 3, Motor Carrier Rules and Regulations be, and is hereby, released for public comment.





IT IS FURTHER ORDERED that interested parties file comments on or before **3:00 p.m.** on **Friday, April 16, 2021**. Parties filing comments should file one (1) original and five (5) paper copies and one (1) electronic copy emailed to john.monroe@nebraska.gov and psc.motorfilings@nebraska.gov.

IT IS FINALLY ORDERED that this matter be set for hearing on **Tuesday, April 27, 2021** at **1:30 p.m.** in the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln, Nebraska and remotely as provided herein.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 16th day of March, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



Chair

ATTEST:



Executive Director

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Rule and Regulation No. 204

Page 4

Appendix A

009 BUSES: The following provisions pertain only to carriers providing bus service as defined in rule 003.01A et seq.:

009.01 Refusal to Carry: No driver of any vehicle which transports passengers will refuse to carry any person offering himself or herself for carriage at any time at any regular stopping place who tenders the regular fare to any regular stopping place on the route of such carrier, or between the termini of the route, unless at the same time of such offer the vehicle is fully occupied or unless the person tendering such fare is intoxicated or acting in a disorderly manner.

009.02 Trailers: Unless specifically authorized in writing by the Commission, no carrier will transport passengers in a vehicle with any trailer or other vehicle attached, except in a case where a vehicle has become disabled while on a trip and is unable to run on its own power, such disabled vehicle may be towed to a point where repair facilities are available.

009.03 Aisles: Drivers will at all times keep the aisles from front to rear of their buses free from obstructions of any kind, and will not permit passengers to ride on any other part of the vehicle other than the seats while the vehicle is in motion except in an emergency. Passengers will not be allowed in front of a two inch (2") wide white line which will be painted on the floor of each vehicle immediately behind the driver's seat. Each vehicle will have a notice visible at the front of the vehicle that passengers must remain behind the white line.

009.04 Heat: Vehicles used to transport passengers will be equipped with a heating system sufficient to keep the vehicle comfortable for its passengers.

009.05 Lighting: Vehicles will be equipped with lights of not less than two candle power within the vehicle and so arranged as to light up the whole of the interior except that portion occupied by the driver.

009.06 Emergency Exit Doors: All vehicles with a seating capacity of eight (8) or more passengers will have emergency exits either in the form of push out windows, or a door on the opposite side of the vehicle entry or at the rear of the vehicle. The door will be equipped with a latch which may be readily operated in an emergency. There shall be no obstructions, either inside or outside, which would prevent the door from being opened. The exits will be easily accessible to passengers.

009.07 Timetables: Each carrier who transports passengers in regular scheduled service will file with the Commission prior to

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Rule and Regulation No. 204

Page 5

commencing operations, a timetable or schedule showing the time of arrival or departure of its vehicles at each point of the route and the number of trips made daily. When any change is made in the table or schedule, a new table or schedule will be filed with the Commission. All time schedules and revisions will be filed with the Commission not less than ten (10) days prior to the proposed effective date unless otherwise authorized by the Commission. No time schedule or revision will be effective until approved by the Commission.

009.08 Charter Service and Special Party Service: The following provisions apply only to charter service and special party service as designated.

009.08A No charter or special party service will be conducted between the same points or over the same route so frequently as to be construed as a regular or scheduled service.

009.08B Special party service will not be conducted between points on the route of another route so frequently as to be construed as a regular or scheduled service.

009.08C Carriers holding certificates restricted to charter service or sightseeing operations will be prohibited from conducting special party operations.

009.08D Each vehicle used in charter or special party service will be so designated by a sign on the front of the vehicle used for such service.

~~09.08D1 Each sign used to designate said vehicle used for charter or special party service must also include notice that the owner or operator of the vehicle is or is not allowing the consumption of alcoholic liquor in the vehicle by an individual who is twenty-one years of age or older. Each sign must contain the following information:~~

~~009.08D1A As used in this section, alcoholic liquor is as defined under Neb. Rev. Stat. §53-103.2.~~

~~**Affirmation or denial that the owner or operator of the vehicle is allowing the consumption of alcoholic liquor in the vehicle by an individual who is twenty-one years of age or older; and**~~

009.08D1Ai As used in this section, alcoholic liquor is as defined under neb. Rev. Stat. 53-103.2.

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Rule and Regulation No. 204

Page 6

009.08D1B Whether the current trip is being performed under a charter or a special party designation in accordance with rules 003.01A2 and 003.01A3; and

009.08D1Bi If the current trip is being completed under a special party designation, then the sign must also include the license number assigned to the operating authority by the Nebraska Liquor Control Commission.

009.08D1C The name or trade name of the carrier under whose authority the vehicle is being operated; and

009.08D1D The Commission authority number, excluding supplemental numbers.

~~009.08D2 The name or trade name of the carrier under whose authority the vehicle is being operated and the Commission authority number, excluding supplemental numbers, assigned to the operating authority, will be displayed on each sign used to designate said vehicle used for charter or special party service. If the owner or operator of the vehicle is allowing the consumption of alcoholic liquor in the vehicle by an individual who is twenty-one years of age or older, the sign must also include the license number assigned to the operating authority by the Nebraska Liquor Control Commission. Each sign will be legible at all times from a distance of 50 feet (15.24 meters) while the vehicle is stationary. The color scheme of the lettering will be in distinct contrast to the background color of the sign.~~

~~009.08D3 Each sign will be legible at all times from a distance of 50 feet (15.24 meters) while the vehicle is stationary. The color scheme of the lettering will be in distinct contrast to the background color of the sign.~~

009.08E Each carrier conducting charter or special party service will file with the Commission a tariff of rates for the transportation of parties and charges for dead head mileage which will be approved by the Commission prior to implementation. The tariff will also indicate at which points the carrier has equipment available for charter party service. No equipment will be held out as available at any non-authorized point.