

# SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) APPLICATION NO. B-1679  
of RailCrew Xpress Corp., )  
Texarkana, Texas, seeking to )  
acquire, through transfer, the ) GRANTED AND CERTIFICATE  
authority granted to Brown's Crew ) B-1144 REVOKED  
Car of Wyoming, Inc., dba )  
Armadillo Express, Cheyenne, )  
Wyoming. ) ENTERED: JANUARY 24, 2006

BY THE COMMISSION:

### OPINION AND FINDINGS

By application filed November 30, 2005, RailCrew Xpress Corp., Texarkana, Texas, seeks to acquire, through transfer, the operating rights granted to Brown's Crew Car of Wyoming, Inc., dba Armadillo Express in Certificate B-1144.

Notice of the application was published in the Daily Record, Omaha, Nebraska, on December 5, 2005, pursuant to the rules of the Commission.

Because no protests were filed, Application B-1144, was processed pursuant to Rule 018.03 of the rules of procedure of the Commission.

After due consideration of the evidence and being fully advised in the premises, the Commission is of the opinion and finds:

1. Applicant is fit, willing, and able properly to perform the proposed extended service.
2. The proposed transfer of operating rights will be consistent with the public interest and will not unduly restrict competition.
3. The certificate issued in Application B-1144 is not dormant.
4. A certificate should be issued in Application B-1679, authorizing the following operations:

### CERTIFICATE AUTHORIZED

#### SERVICE AND TERRITORY AUTHORIZED:

(A) Burlington Northern employees and their baggage between Lincoln terminal and any point along Burlington Northern Railroad within a 200-mile radius of Lincoln over irregular routes.

RESTRICTION: Service within the city limits of Lincoln, to be restricted to the transportation of Burlington Northern employees and their baggage from and to the facilities of Burlington Northern and used in connection with its railroad operation.

Supp. 2: (B) Railroad train crews and their baggage between all points in Nebraska. RESTRICTION: Restricted against the transportation of Union Pacific Railroad employees and their baggage from Omaha to Fremont, and from Fremont to Omaha.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

APPLICATION NO. B-1679

PAGE TWO

SUPP. 3. Passengers and their baggage between points in Nebraska over irregular routes. RESTRICTIONS: Restricted against service (a) to, from or between points in Washington, Dodge, Saunders, Douglas, Sarpy and Cass counties performed using taxicabs, luxury limousines, or vehicles having a rated capacity of less than 10 passengers, and (b) to, from or between points in Richardson County; and (c) to railroad train crews and their baggage between Omaha and Fremont. SUPP. 4: Transportation of passengers and their baggage between points in Dodge County, on the one hand, and, on the other hand, points in Nebraska over irregular routes.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1679, be, and it is hereby, granted; and that upon compliance with the terms and conditions set forth in this Order, a Certificate of Public Convenience and Necessity shall be issued to RailCrew Xpress Corp., Texarkana, Texas, in Application B-1679, authorizing the operations set forth in the foregoing findings; and that to avoid a lapse of authority, the Certificate of Public Convenience and Necessity issued in Application B-1144, shall be revoked and cancelled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-1679.

IT IS FURTHER ORDERED that applicant shall not be issued the Certificate of Public Convenience and Necessity authorized by the Commission unless and until applicant has fully complied, within a reasonable time from the effective date of this Order, with Neb. Rev. Stat. sections 75-305 (fees), 75-307 (insurance), and 75-308 (rates) (Reissue 2003), and with the rules and regulations of the Commission, and if upon expiration of such time applicant has not complied with such terms and conditions, this Order shall, after reasonable notice to applicant, be of no further force and effect.



IT IS FURTHER ORDERED that applicant shall not conduct operations until a Certificate of Public Convenience and Necessity is issued.

IT IS FURTHER ORDERED that the operations authorized herein shall be subject to the terms, conditions, and limitations which have been, or may hereafter be prescribed by the Commission.

MADE AND ENTERED at Lincoln, Nebraska, this 24<sup>th</sup> day of January, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

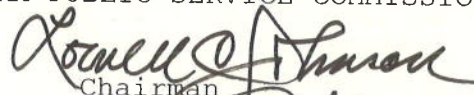
COMMISSIONERS CONCURRING:

//s// Lowell C. Johnson

//s// Frank E. Landis

//s// Gerald L. Vap

  
Chairman

ATTEST:

  
Executive Director