

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Rapid Shuttle ) Application No. B-1945  
Service, LLC, Papillion, seeking )  
to operate as a common carrier in )  
Nebraska intrastate commerce in )  
the transportation of passengers )  
by bus and van to and from ) APPLICATION DISMISSED  
schools in the Omaha, Papillion, )  
LaVista, Millard, Ralston, and )  
Bellevue areas over regular )  
routes. RESTRICTION: The )  
transportation of railroad train )  
crews and their baggage is not )  
authorized. HHS Designation: No. ) Entered: March 21, 2017

BY THE COMMISSION:

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

By application filed November 7, 2016, Rapid Shuttle Service, LLC ("Applicant"), Papillion, seeks to operate as a common carrier of passengers by motor vehicle as follows:

CERTIFICATE SOUGHT

Transportation of passengers by bus and van to and from schools in the Omaha, Papillion, LaVista, Millard, Ralston, and Bellevue areas over regular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No.

Upon review of the application, it was brought to the Commission's attention that Applicant may be a licensed care transportation service and would therefore be exempt from the Commission's regulation under NEB. REV. STAT. § 75-303(14), which states:

"Sections 75-301 to 75-322 shall apply to transportation by a motor carrier or the transportation of passengers and household goods by a regulated motor carrier for hire in intrastate commerce except for the following: (14) a motor carrier engaged in licensed care transportation services if the motor carrier files a certificate with the commission that such provider meets the minimum driver standards, insurance requirements, and equipment standards established by the commission. Insurance requirements established by the commission shall be consistent with the insurance requirements established by the Department of Health and Human Services for attended

services, residential care transportation services, and supported transportation services."<sup>1</sup>

A "licensed care transportation service" is defined as:

"transportation provided by an entity licensed by the Department of Health and Human Services as a residential child-caring agency as defined in section 71-1926 or child-placing agency as defined in section 71-1926 or a child care facility licensed under the Child Care Licensing Act to a client of the entity or facility when the person providing transportation services also assists and supervises the passenger or, if the client is a minor, to a family member of a minor when it is necessary for agency or facility staff to accompany or facilitate the transportation in order to provide necessary services and support to the minor. Licensed care transportation services must be incidental to and in furtherance of the social services provided by the entity or facility to the transported client."<sup>2</sup>

A "residential child-caring agency" is a person that provides care for four or more children and that is not a foster family home.<sup>3</sup>

Applicant owns three daycares and one youth center, and submitted documentation to show that Applicant is a licensed residential child-caring agency under section 71-1926. Applicant also submitted copies of Department of Health and Human Services regulations regarding transportation for licensed residential child-caring agencies that Applicant is bound to follow. Applicant is seeking to provide transportation only for children that are being provided child-care at the facilities that Applicant owns. Transportation would be provided for children at the center to school from daycare, back to daycare after school, and on field trips during the summer months. Applicant will not provide transportation to the general public or to children that are not enrolled for child-care services at their facilities.

Based upon the above, the Commission finds that Rapid Shuttle Service, LLC meets the qualifications to be a carrier exempt from Commission regulation pursuant to §75-303(14). Therefore, Application No. B-1945 should be dismissed.

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<sup>1</sup> NEB. REV. STAT. § 75-303(14).

<sup>2</sup> NEB. REV. STAT. § 75-302(12).

<sup>3</sup> Neb. Rev. Stat. § 71-1926.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. B-1945 be, and it is hereby, dismissed.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 21<sup>st</sup> day of March, 2017.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Mary Kedd*  
*Cystal Swadlow*  
*Frank E. Landis*

*Tim Schram*

Chairman

ATTEST:

*Jeffrey J. Puley*

Executive Director

//s//Frank E. Landis  
//s//Tim Schram