

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Docket No. PI-212
Public Service Commission, on)
its own motion, seeking to)
determine the necessity of) ORDER ON WORKSHOP AND
additional classifications of) CLOSING DOCKET
passenger carriers to)
accommodate current and future)
carriers in the market.) Entered: December 4, 2018

BY THE COMMISSION:

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

On March 20, 2018, the Nebraska Public Service Commission (Commission) opened the above-captioned docket, on its own motion, to investigate whether additional passenger carrier classifications should be added to existing Commission rules and regulations to accommodate new carrier types that expressed interest in entering the market using vehicles which would be classified as low-speed vehicles under Neb. Rev. Stat. § 60-501. LB 1049 amended the statute to include three-wheeled motor vehicles whose maximum attainable speed is no more than 25 miles per hour and whose gross weight rating is less than 3000 pounds and is equipped with a windshield and occupant protection system.¹

During the February 12, 2018, Transportation and Telecommunications Committee hearing on the bill, testimony was provided regarding vehicles called Tuk Tuks. In other states, these vehicles provide limited passenger transportation in entertainment districts as prearranged tour type services, on demand short distance services, or scheduled short distance routes.

Pursuant to Neb. Rev. Stat. §75-304, the Commission has the authority to establish just and reasonable service classifications for passenger carriers based upon the special nature of the services performed by such carriers. The Commission has created four service classifications for passenger carriers under Title 291 Neb. Admin. Code §003.01- bus service, limousine service, open class service, and taxicab service. Commission rule 003.01 requires all applicants for common or contract transportation to select a service classification from the classes identified in §§003.01(A)-(E). If a Tuk Tuk carrier were to seek entry to the market, the carrier may not meet the requirements of the individual service

¹ See Neb. Rev. Stat. § 60-501 (Effective April 12, 2018).

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classifications that currently exist in Commission rules and regulations.

On April 10, 2018, a workshop was held at the Commission to discuss LB 1049 and the possible regulatory issues associated with low-speed vehicles used as modes of passenger transportation. There was much discussion on possible classification categories, insurance, service territory, and proposed application processes. On April 11, 2018, LB 1049, as incorporated into LB 909, was passed and signed into law.

Since the workshop, the Commission has sought to determine the best process for carriers utilizing low-speed vehicles to enter into the market. The Commission anticipates opening a docket to begin the formal rule and regulation process to codify the new service classification. In the meantime, the Commission believes that it is necessary to provide guidance for those low-speed vehicle carriers wishing to enter the market pending the adoption of final rules and regulations.

All prospective low-speed vehicle carriers that would be similar to those discussed above must complete the standard process to apply for either common or contract carrier status as defined by Nebraska statute. The application form must be complete with all relevant information as well as any supporting documentation and the appropriate filing fee. The application will be processed pursuant to Commission rules and policies governing applications for authority.

As previously noted, carriers seeking to utilize low-speed vehicles such as Tuk Tuks are unable to select a service classification as required by Commission Rule 003.01. Transportation services as discussed during the Legislative hearing on LB 1049 do not match any of the four existing service classifications identified in Rule 003.01(A)-(E). As the Commission determines the most appropriate classification to create for these new carriers, any applications submitted by such carriers should clearly identify as a low-speed vehicle operator on its application for authority.

Any applications received by these types of carriers will be processed as set forth above pending adoption of rules and regulations. Because a permanent service classification would need to be created through the rule and regulation process, any further action will occur in the future rule and regulation docket. Therefore, this investigation should be closed.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that any applications for authority received by a carrier utilizing vehicles defined by Neb. Rev. Stat. § 60-501 shall be processed pursuant to the guidance set forth above.

IT IS FURTHER ORDERED that the above-captioned docket be, and it is hereby, closed.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 4th of December, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Cystal Knodes

Jim Schram

Pat Landis

//s//Frank E. Landis
//s//Mary Ridder

Mary Ridder

Chair

ATTEST:

Michael H. H. H.

Executive Director