
Nebraska State Legislative Board

Brotherhood of Locomotive Engineers and Trainmen IBT Rail Conference

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Nebraska Public Service Commission
1200 N Street, Suite 300
Lincoln, NE 68508

RE: *Comments Regarding Rule and Regulation No. 182*

Dear Commissioners:

On Behalf of the Nebraska State Legislative Board of the Brotherhood of Locomotive Engineers and Trainmen (NESLB-BLET) I am offering the following comments to the 3rd set of proposed rules for Title 291 Chapter 3, Motor Carrier Rules and Regulations.

Consistent with the comments for the 2nd proposed changes; the NESLB-BLET has specific interest with the regulations of Contract Carriers that transport Railroad Train Crews and their baggage {003.02 (b) previously numbered 010.02A} As we have in the past, the NESLB-BLET will continue to ask the Commission to consider creating a specific classification for these specialized Contract Carriers. During the Public Comments to the 2nd proposed rule changes, the Burlington Northern Santa Fe and the Union Pacific both stated how dependant they are on the Contract Carriers to transport their crews, and being a Railroad Employee, I will attest to the fact that we Railroad Employees do on a daily basis and during nearly every tour of duty at some point end up being transported by the Carriers the Railroads contract with.

By the Commission's own Rules and Regulations, a specific permit is needed to transport Railroad Train Crews, however I do not believe the Commission regulates the rates charged for this specific transportation of Railroad crews as the Commission does for other Contract Carriers {001.01E} The service provided by the Contract Carriers that the Railroads employee is also different and unique to the service provided by any other Carrier that the Commission regulates, as these Carriers may transport Railroad Crews not only on city streets and interstates, but also through rail yards and railroad right of ways, next to rolling equipment and on private Railroad property.

Railroad Employees, as part of their work requirements, have no choice but to be transported by the Carriers the Railroads choose to employ. With that, while I appreciate the increase of Uninsured/Underinsured Coverage proposed in {006.02a} it is far less than should be required. Railroad Employees are unique in that they are covered by Railroad Retirement and if they are injured to the point of having to take a disability from the result of an accident, they would not qualify for an occupational disability unless they had 20 years of service. Also when Railroad Crews are transported, there are times when we have 3 crews (6-8) employees in the same Vehicle. \$100,000 aggregate coverage per accident would provide little protection for Railroad employees. Instead I would ask the Commission to consider raising the minimum coverage for UI/UI to \$1,000,000 per passenger including the driver of the Vehicle. Through the testimony of the 2nd proposed rewrite, remember that the Union Pacific testified they required a higher level of liability from their Contract Carriers, to protect themselves. That same standard should be applied to UI/UI coverage due to the fact Railroad employees are in these Vehicles at the direction of the Railroad Companies.

The changes proposed and rewritten throughout {005 Safety Regulations} the NESLB-BLET fully support and appreciate the change to {005.02} to require a medical examination every two years instead of four years. However the NESLB-BLET would like to see the Commission require the Contract Carriers drivers that transport Rail Crews to carry a log book with them {005.06} so Railroad Employees may assure the driver is not exceeding his hours {005.045} We would also request that Contract Carriers that transport Railroad Crews be required to display the Public Service Commission's notice for complaints in each vehicle {010.01G} many times through my years as a Union Officer I have had my members report of their drivers exceeding the hours and unsafe vehicles they are transported in, however it is usually well past the date of the violation. This requirement would not just enhance the safety of my members but also lessen the liability of the Railroad Companies too, and assure that whatever issue is reported will be addressed with the Commission's oversight.

As the Chairman of the NESLB-BLET, the requests and comments stated above are not intended to put additional requirements on any other Contract Carrier in the State of Nebraska that are regulated by the Commission, just the specific Carriers that transport Railroad Crews. I do believe that the unique service they provide warrants these companies to be classified separately and have different standards that apply to them that will not only protect the members I represent, but also protect the drivers of these vehicles, and the interest of the Rail Companies that contract them. I would also like to thank the Commission for their efforts to rewrite and simplify this Rule.

Sincerely,

*Pat Pfeifer
Chairman NESLB-BLET*

