

Nevada Transportation Authority

Nevada Revised Statutes: NRS 706 and 712

Authority members (NRS 706.1511): The Authority consists of 3 members appointed by the Governor, who shall select members who have at least 2 years experience in one or more of the following fields:

- Accounting;
- Business administration;
- Economics;
- Administrative law;
- Transportation; or
- Professional engineering.

Additional limitations on appointments include the following:

- At least 1 but not more than 2 members must be residents of Clark County.
- Not more than 2 members may be of the same political party.
- Not more than 2 members may be from the same field of experience.

All members must be independent of the industries regulated by the Authority. Members must devote their full time to business of the Authority. Terms of office are 4 years, although members serve at the pleasure of the Governor.

Powers and duties of the Authority:

NRS 706.151: The Legislature declared that one purpose in enacting NRS 706 is to confer upon the Authority and to make it the duty of the Authority to regulate fully regulated carriers, operators of tow cars and brokers of regulated services to the extent provided in the Chapter.

NRS 706.166: The Authority shall:

- Supervise and regulate fully regulated carriers and brokers of regulated services, and operators of tow cars;
- Supervise and regulate the storage of household goods and effects in warehouses;
- Enforce the standards of safety of common and contract carriers subject to the Authority;
- Adopt regulations relating to fares, rates, classifications, and other matters as provided; and
- Review decisions of the Taxicab Authority on appeal.

NRS 706.171: The Authority, the Department of Motor Vehicles, and the Department of Public Safety may:

- Make necessary and reasonable regulations governing the administration and enforcement of the provisions of Chapter 706;
- Adopt by reference any appropriate rule or regulation issued by the United States Department of Transportation and others as provided;

- Require reports and maintenance of records as deemed necessary for the administration and enforcement of the Chapter;
- Examine the records of motor carriers doing business in Nevada, including those records not maintained in Nevada; and
- Temporarily waive requirements in emergencies as defined.

NRS 712.010 to 712.090: The Authority shall adopt rules and regulations as necessary relating to the storage of household goods and effects, including:

- Setting standards as to fitness and financial stability;
- Requiring insurance as a condition for engaging in the storage business;
- Issuing permits to operate such a business; and
- Inspecting property and examining records of permit holders.

Operations of the Authority:

- NRS 706.1512—The Governor shall designate the Chair. The Authority may sue and be sued.
- NRS 706.1514—A majority of the members may exercise the powers of the Authority. Public hearings must be conducted by 1 or more members, except as provided.
- NRS 706.1516—Certain money collected by the Authority must be used to maintain a computerized real-time data system as provided.
- NRS 706.1518—The Authority shall publish biennial reports on its proceedings.

Background

Legislation: Assembly Bill 366 (Chapter 482, *Statutes of Nevada 1997*) was sponsored by the Assembly Committee on Government Affairs. The bill reorganized the Public Service Commission of Nevada. Among other revisions, A.B. 366 transferred the regulation of certain transportation carriers from the Public Service Commission to the newly created Transportation Services Authority. The name was changed to the Nevada Transportation Authority in 2007 with the passage of A.B. 497 (Chapter 433, *Statutes of Nevada*).

Legislative history: A legislative history of A.B. 366 has been compiled.

PUBLIC SERVICE COMMISSION AND UTILITY DEREGULATION

PART 1:

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/AB366,1997pt1.pdf>

PART 2:

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/AB366,1997pt2.pdf>

PART 3:

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/AB366,1997pt3.pdf>

PART 4:

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/AB366,1997pt4.pdf>

PART 5:

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/AB366,1997pt5.pdf>

PART 6:

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/AB366,1997pt6.pdf>

PART 7:

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/AB366,1997pt7.pdf>

PART 8:

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/AB366,1997pt8.pdf>

PART 9:

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/AB366,1997pt9.pdf>

Members:

Andrew MacKay, Chair

George Assad, Commissioner

Monica B. Metz, Commissioner

Reports to the Legislature: The Authority is required by NRS 706.1511 to make biennial reports, which must be open to the public. In 2013, the Legislature included in Senate Bill 430 (Chapter 438, *Statutes of Nevada*) that the Nevada Transportation Authority and the Taxicab Authority shall each submit a report to the Director of the Legislative Counsel Bureau that describes the implementation and operation of the computerized real-time data system as required by the NRS. This report is due by February 1, 2015.

Records:

- Research Library holdings:
 - *Performance Audit: Department of Business and Industry, Nevada Transportation Authority, Audit Division, Legislative Counsel Bureau* (2004—LA04-22, 2013-LA14-07) <http://www.leg.state.nv.us/Division/Audit/Full/execfulllist.cfm>
- State Library holdings:
 - *Biennial Report, Nevada Transportation Services Authority*, (2002)

Current contact: Andrew MacKay, Chairman

Website: <http://nta.nv.gov/>

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NRS 706.151 Legislative declaration of purpose.

1. It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter:

(a) Except to the extent otherwise provided in NRS 706.881 to 706.885, inclusive, to confer upon the Authority the power and to make it the duty of the Authority to regulate fully regulated carriers, operators of tow cars and brokers of regulated services to the extent provided in this chapter and to confer upon the Department of Motor Vehicles the power to license all motor carriers and to make it the duty of the Department of Motor Vehicles and the Department of Public Safety to enforce the provisions of this chapter and the regulations adopted by the Authority pursuant to it, to relieve the undue burdens on the highways arising by reason of the use of the highways by vehicles in a gainful occupation thereon.

(b) To provide for reasonable compensation for the use of the highways in gainful occupations, and enable the State of Nevada, by using license fees, to provide for the proper construction, maintenance and repair thereof, and thereby protect the safety and welfare of the traveling and shipping public in their use of the highways.

(c) To provide for fair and impartial regulation, to promote safe, adequate, economical and efficient service and to foster sound economic conditions in motor transportation.

(d) To encourage the establishment and maintenance of reasonable charges for:

(1) Intrastate transportation by fully regulated carriers; and

(2) Towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle,

↪ without unjust discriminations against or undue preferences or advantages being given to any motor carrier or applicant for a certificate of public convenience and necessity.

(e) To discourage any practices which would tend to increase or create competition that may be detrimental to the traveling and shipping public or the motor carrier business within this State.

2. All of the provisions of this chapter must be administered and enforced with a view to carrying out the declaration of policy contained in this section.

(Added to NRS by 1971, 690; A 1981, 1019; 1983, 1222; 1995, 2612; 1997, 1930, 2670; 1999, 492; 2003, 1400; 2007, 2052)

NEVADA CASES.

Former Public Service Commission was not authorized to transfer funds from Regulatory Fund to State Highway Fund. Sec. 1, ch. 165, Stats. 1933 (cf. NRS 706.151), declares the purpose of the statute concerning the regulation and licensing of motor carriers, and by that declaration the statute is an excise tax measure to provide funds for the maintenance of highways rather than a police measure. *Ex parte Iratacable*, 55 Nev. 263, 30 P.2d 284 (1934)

Application to compete with common carrier did not require showing of inadequacy with existing service. Where a bus company applied to the Public Service Commission (now the Nevada Transportation Authority) for a certificate of public convenience and necessity to carry passengers to and from the airport in competition with the existing carrier, NRS 706.151 and 706.391 did not require a showing of inadequacy of the existing service as a prerequisite to the granting of a certificate to the applicant. *Gray Line Tours v. Public Serv. Comm'n*, 97 Nev. 200, 626 P.2d 263 (1981), cited, *Motor Cargo v. Public Serv. Comm'n*, 108 Nev. 335, at 337, 830 P.2d 1328 (1992)

Section did not authorize former Public Service Commission to revoke certificate of public convenience and necessity. After a hearing held in 1991, the Public Service Commission (now the Nevada Transportation Authority) issued an opinion and order revoking the appellant's certificate of public convenience and necessity on the sole basis that the appellant had failed to provide intrastate transportation services in 1988. In vacating the Commission's opinion and order, the Nevada Supreme Court held that the Commission had exceeded its jurisdiction because neither NRS 706.151, 706.341, 706.398, 706.461 nor any other statute authorized the Commission to revoke the appellant's certificate. *Manke Truck Lines, Inc. v. Public Serv. Comm'n*, 109 Nev. 1034, 862 P.2d 1201 (1993)

ATTORNEY GENERAL'S OPINIONS.

Legislature intended all classes of motor carriers are to be licensed subject to exceptions. It is clearly apparent that the Legislature intended that all classes of motor carriers mentioned in sec. 1, ch. 165, Stats. 1933 (cf. NRS 706.151 and 706.221), are to be licensed, subject, of course, to such exceptions and exemptions as provided by statute. AGO 109 (7-26-1933)

Gambling clubs providing free transportation for patrons were not subject to former Public Service Commission or Department of Motor Vehicles. Gambling clubs providing free transportation to their patrons were not subject to regulation under NRS ch. 706 by the Public Service Commission (now the Nevada Transportation Authority) or the Department of Motor Vehicles in connection with such transportation. (See also NRS 706.741.) AGO 426 (11-17-1958)

NRS 706.1511 Authority: Creation; appointment, terms and qualifications of members; restriction on other employment of members; members serve at pleasure of Governor.

1. The Nevada Transportation Authority is hereby created.
2. The Authority consists of three members appointed by the Governor. After the initial term, each member shall serve a term of 4 years.
3. The Governor shall appoint to the Authority members who have at least 2 years of experience in one or more of the following fields:
 - (a) Accounting.
 - (b) Business administration.
 - (c) Economics.
 - (d) Administrative law.
 - (e) Transportation.
 - (f) Professional engineering.
- ↪ At least one but not more than two of the members appointed must be residents of Clark County.
4. Not more than two of the members may be:
 - (a) Members of the same political party.
 - (b) From the same field of experience.
5. All of the members must be persons who are independent of the industries regulated by the Authority. No elected officer of this State or any political subdivision is eligible for appointment.
6. The members of the Authority shall give their entire time to the business of the Authority and shall not pursue any other business or vocation or hold any other office of profit.
7. Each member of the Authority serves at the pleasure of the Governor.
(Added to NRS by 1997, 1923; A 2007, 2053)

NRS CROSS REFERENCES.

Residency requirements, NRS 232A.020

NRS 706.1512 Authority: Designation of Chair by Governor; Executive Officer; members in unclassified service of State.

1. The Governor shall designate one of the members of the Authority to be Chair. The Chair is the Executive Officer of the Authority and serves at the pleasure of the Governor.
2. The members of the Authority are in the unclassified service of the State.
(Added to NRS by 1997, 1924)

NRS 706.1513 Suits by and against Authority. The Authority may sue and be sued in the name of the Nevada Transportation Authority.

(Added to NRS by 1997, 1924; A 2007, 2054)

NRS 706.1514 Authority: Power of majority of members; exercise of power and conduct of business by majority of members; hearings.

1. A majority of the members of the Authority may exercise all of the power and conduct the business of the Authority relating to common or contract carriers, taxicabs, and the warehousing of household goods as provided in this chapter and chapter 712 of NRS.
2. Except as otherwise provided in this subsection, public hearings must be conducted by one or more members of the Authority. An administrative proceeding conducted pursuant to subsection 2 of NRS 706.771 may be

conducted by a hearing officer designated by the Chair of the Authority.

(Added to NRS by 1997, 1924)

NRS CROSS REFERENCES.

Meetings of public agencies, NRS ch. 241

NRS 706.1515 Authority: Expenses of investigations, inspections, audits and appearances made outside State.

1. Any common or contract carrier subject to the jurisdiction of the Authority that elects to maintain its books and records outside the State of Nevada must, in addition to any other assessment and fees provided for by law, be assessed by the Authority for an amount equal to the per diem allowance and travel expenses of members of the Authority and staff for investigations, inspections and audits required to be performed outside this State. The per diem allowance and travel expenses of the members of the Authority and its staff must be assessed at the rate established by the State Board of Examiners for state officers and employees generally.

2. The assessments provided for by this section must be determined by the Authority upon the completion of each such investigation, inspection, audit or appearance and are due within 30 days after receipt by the affected common or contract carrier of the notice of assessment.

3. The records of the Authority relating to the additional costs incurred by reason of the necessary additional travel must be open for inspection by the affected common or contract carrier at any time within the 30-day period.

(Added to NRS by 1997, 1924; A 2007, 605)

NRS 706.1516 Nevada Transportation Authority Regulatory Account: Creation; deposits; use; claims; statements.

1. The Nevada Transportation Authority Regulatory Account is hereby created in the State General Fund. All money collected by the Authority pursuant to law must be deposited with the State Treasurer for credit to the Account.

2. Except as otherwise provided in subsection 3, money in the Account may be used only to defray the costs of:

(a) Maintaining staff and equipment needed to regulate adequately persons subject to the jurisdiction of the Authority.

(b) Participating in all proceedings relevant to the jurisdiction of the Authority.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that maintenance and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the Authority.

3. All money collected by the Authority pursuant to subsection 2 of NRS 706.465 and subsection 4 of NRS 706.471 must be used to implement technological improvements in safety, reliability and efficiency within a county whose population is 700,000 or more, including, without limitation, the implementation of a computerized real-time data system to assist with the administration and enforcement of the provisions of NRS 706.011 to 706.791, inclusive. A computerized real-time data system implemented pursuant to this subsection must, at a minimum, satisfy the following criteria:

(a) While a vehicle is in service within the jurisdiction of the Authority, the system must be capable of collecting in real-time from the onboard computer of the vehicle, by wireless access through the onboard diagnostic port or other means, the vehicle identification number and the operating and telemetric data for the vehicle.

(b) While a vehicle is in service within the jurisdiction of the Authority, the system must be capable of collecting in real-time, from an onboard diagnostic device capable of using a global positioning system that is installed in the vehicle or any other onboard computer software system capable of using a global positioning system that is installed in the vehicle, the location of the vehicle by latitude and longitude, a record of the time at which the vehicle is at that location and operating and telemetric data for the vehicle.

(c) The system must be capable of allowing the operator of a vehicle, while the vehicle is in service within the

jurisdiction of the Authority, to register in the system, at the beginning and end of each shift, his or her identity and the number of his or her permit or certificate of public convenience and necessity.

(d) The system must be capable of allowing, in a manner prescribed by the Authority, a holder of a certificate of public convenience and necessity to digitally associate himself or herself with a vehicle for which the Authority has issued a certificate, license or other authorization.

(e) The system must be capable of presenting, in real-time to the Authority, searchable histories of the information and data described in this subsection in both a format that displays the information and data in tables and a digital map format that displays streets and highways.

(f) The system must be capable of presenting to a passenger, through an application on a mobile device or an interactive, digital display or other onboard system in the vehicle, sufficient information for the passenger to select and direct the operator of the vehicle to the passenger's desired destination by the passenger's desired route. The information must include, without limitation, sufficient information for the passenger to:

(1) Select the shortest route by time or distance to the passenger's desired destination;

(2) Select a multi-segment trip directed by the passenger;

(3) Select the least expensive route to the passenger's desired destination; and

(4) Make a digital record of the passenger's selection that is accessible during and after the trip by the passenger, the Authority, the operator and the holder of the certificate of public convenience and necessity.

(g) The system must be capable of presenting to the operator of the vehicle, through an application on a mobile device or an interactive, digital display or other onboard system in the vehicle, sufficient information for the operator to:

(1) Determine the shortest route by time or distance to the passenger's desired destination and the least expensive route to the passenger's desired destination;

(2) Follow a multi-segment, passenger-directed trip by the least expensive route to the passenger's desired destination; and

(3) Allow the passenger to make a digital record of a selection of a desired route to the passenger's destination that is accessible during and after the trip by the passenger, the Authority, the operator and the holder of the certificate of public convenience and necessity.

(h) The system must be capable of allowing a passenger to register comments and complaints with the Authority, the operator of the vehicle and the holder of the certificate of public convenience and necessity, through an application on a mobile device or an interactive digital display screen or other onboard system in the vehicle.

(i) The system must be capable of assisting the Authority in the development of additional preventive measures to detect, investigate and deter the practice of transporting a passenger to a selected destination by a route that is more expensive than necessary under the circumstances of the trip.

(j) The system must be capable of providing to the Authority reliable real-time and historic information concerning service demands, market data, vehicle usage, wait time and customer complaints and comments.

(k) The system must be capable of allowing holders of a certificate of convenience and public necessity to use the system to provide cooperative dispatch and electronic hailing services to the public pursuant to NRS 706.165.

4. The Authority shall not use the information and data collected pursuant to paragraph (a) or (b) of subsection 3 for any purpose other than the purposes set forth in those paragraphs unless the Authority has adopted regulations governing the additional use.

5. The Authority may operate the computerized real-time data system implemented pursuant to subsection 3 or enter into an agreement for the provision of such service. If the Authority enters into such an agreement, the Authority shall ensure that all the information and data collected by the computerized real-time data system is under the control of the Authority.

6. All claims against the Account must be paid as other claims against the State are paid.

7. The Authority must furnish upon request a statement showing the balance remaining in the Account as of the close of the preceding fiscal year.

8. As used in this section, "real time" means the transmission of information at a rate no longer than once every 6 seconds, unless the Authority authorizes a longer rate while a vehicle is experiencing a low volume of trips.

(Added to NRS by 1997, 1924; A 2007, 2054; 2011, 452; 2013, 2533)

NRS CROSS REFERENCES.

Population defined, NRS 0.050

ATTORNEY GENERAL'S OPINIONS.

Former Public Service Commission was not authorized to transfer funds from Regulatory Fund to State Highway Fund. The Public Service Commission (now the Nevada Transportation Authority) was not authorized to transfer funds from the Regulatory Fund created by NRS 704.033 and former NRS 704.037 (cf. NRS 703.147 and 706.1516) to the State Highway Fund when there were insufficient funds in the State Highway Fund to meet the expenses of administration by the Department of Motor Vehicles pursuant to former NRS 706.190 (cf. NRS 706.201), because the Regulatory Fund was not included as a source of money for the State Highway Fund as listed in NRS 408.235, and former NRS 704.039 (cf. NRS 703.147 and 706.1516) provided that the Regulatory Fund shall only be used for certain expenses of the Commission and staff in carrying out the regulation of public utilities. AGO 416 (6-6-1967)

NRS 706.1517 Authority: Employees who are peace officers may carry firearms. Employees of the Authority who are peace officers may carry firearms in the performance of their duties.

(Added to NRS by 1997, 1925)

NRS CROSS REFERENCES.

Inspectors, peace officer powers, NRS 289.320

NRS 706.1518 Authority: Biennial report; records open to public. Except as otherwise provided in NRS 706.1725, the Authority shall make and publish biennial reports showing its proceedings. All biennial reports, records, proceedings, papers and files of the Authority must be open at all reasonable times to the public.

(Added to NRS by 1997, 1925)

NRS 706.166 Supervision and regulation of fully regulated carriers, brokers of regulated services and operators of tow cars by Authority; enforcement of standards of safety. The Authority shall:

1. Subject to the limitation provided in NRS 706.168 and to the extent provided in this chapter, supervise and regulate:

(a) Every fully regulated carrier and broker of regulated services in this State in all matters directly related to those activities of the motor carrier and broker actually necessary for the transportation of persons or property, including the handling and storage of that property, over and along the highways.

(b) Every operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS 706.011 to 706.791, inclusive.

2. Supervise and regulate the storage of household goods and effects in warehouses and the operation and maintenance of such warehouses in accordance with the provisions of this chapter and chapter 712 of NRS.

3. Enforce the standards of safety applicable to the employees, equipment, facilities and operations of those common and contract carriers subject to the Authority or the Department by:

(a) Providing training in safety;

(b) Reviewing and observing the programs or inspections of the carrier relating to safety; and

(c) Conducting inspections relating to safety at the operating terminals of the carrier.

4. To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers or two or more operators of tow cars relating to:

(a) Fares of fully regulated carriers;

(b) All rates of fully regulated carriers and rates of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle;

(c) Classifications;

(d) Divisions;

(e) Allowances; and

(f) All charges of fully regulated carriers and charges of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, including charges between carriers and compensation paid or received for the use of facilities and equipment.

↪ These regulations may not provide for collective agreements which restrain any party from taking free and independent action.

5. Review decisions of the Taxicab Authority appealed to the Authority pursuant to NRS 706.8819.

(Added to NRS by 1971, 691; A 1975, 1161; 1983, 1223; 1987, 2256; 1995, 2613; 1997, 1932, 2671; 1999, 492; 2011, 1400; 2013, 2046)

ADMINISTRATIVE REGULATIONS.

Regulation and licensing of motor carriers, NAC 706.010-706.4019

NEVADA CASES.

Former Public Service Commission had power to allocate number of taxicabs. In an application by a cab company in certiorari to review an order of the Public Service Commission (now the Nevada Transportation Authority), the Commission's power under the provisions of former NRS 706.150 (cf. NRS 706.166) to regulate common motor carriers included the power to allocate the number of taxicabs serving an area and where the need of allocation in the public interest existed, the Commission had the duty of allocation. *Checker, Inc. v. Public Serv. Comm'n*, 84 Nev. 623, 446 P.2d 981 (1968), cited, AGO 94-07 (4-18-1994), AGO 99-05 (2-2-1999), AGO 99-18 (5-25-1999)

ATTORNEY GENERAL'S OPINIONS.

Gambling clubs providing free transportation for patrons were not subject to regulation by former Public Service Commission or Department of Motor Vehicles. Gambling clubs providing free transportation to their patrons were not subject to regulation under NRS ch. 706 by the Public Service Commission (now the Nevada Transportation Authority) or the Department of Motor Vehicles in connection with such transportation. (See also NRS 706.741.) AGO 426 (11-17-1958)

NRS 706.171 General powers of Authority, Department of Motor Vehicles and Department of Public Safety: Regulations; reports and records; examinations and subpoenas; temporary waivers.

1. The Authority, the Department of Motor Vehicles and the Department of Public Safety may:

(a) Make necessary and reasonable regulations governing the administration and enforcement of the provisions of this chapter for which they are each responsible.

(b) Adopt by reference any appropriate rule or regulation, as it exists at the time of adoption, issued by the United States Department of Transportation, the Surface Transportation Board, any other agency of the Federal Government or the National Association of Regulatory Utility Commissioners.

(c) Require such reports and the maintenance of such records as they determine to be necessary for the administration and enforcement of this chapter.

(d) Except as otherwise provided in this section, examine, at any time during the business hours of the day, the books, papers and records of any fully regulated carrier, and of any other common, contract or private motor carrier doing business in this State to the extent necessary for their respective duties. The Authority, the Department of Motor Vehicles and the Department of Public Safety may examine in other states or require by subpoena the production inside this State of such books, papers and records as are not maintained in this State.

(e) Temporarily waive any requirement for a certificate or permit when an emergency exists as defined in NRS 706.561.

2. No personnel records of an employee of a fully regulated carrier, or of any other common, contract or private motor carrier may be examined pursuant to paragraph (d) of subsection 1 unless the records contain information relating to a matter of public safety or the Authority, the Department of Motor Vehicles and the Department of Public Safety determine that the examination is required to protect the interests of the public.

3. The Department of Motor Vehicles may adopt regulations to ensure the payment of any fee due or authorized pursuant to the provisions of this chapter.

4. As used in this section, "personnel records" does not include:

(a) The name of the employee who is the subject of the record;

(b) The gross compensation and perquisites of the employee;

(c) Any record of the business expenses of the employee;

(d) The title or any description of the position held by the employee;

(e) The qualifications required for the position held by the employee;

(f) The business address of the employee;

(g) The telephone number of the employee at the place of business of the employee;

(h) The work schedule of the employee;

(i) The date on which the employment of the employee began; and

(j) If applicable, the date on which the employment of the employee was terminated.

(Added to NRS by 1971, 691; A 1979, 191; 1981, 1020; 1995, 387, 2613, 2620; 1997, 1632, 1933; 2003, 1401)

ADMINISTRATIVE REGULATIONS.

Regulation and licensing of motor carriers, NAC 706.010-706.4019

FEDERAL AND OTHER CASES.

Regulation that required drivers of taxicabs to be employees rather than independent contractors was not preempted by United States Bankruptcy Code. A regulation of the Public Service Commission (now the Nevada Transportation Authority; see NRS 706.171) that required drivers for taxicab companies to be employees of those companies rather than independent contractors was not preempted by the United States Bankruptcy Code and, therefore, the appellant's reorganization plan in bankruptcy filed in 1991 was required to comply with that regulation. (N.B., enactment of NRS 706.473 in 1993, which authorized leasing of taxicabs to independent contractors under certain circumstances.) *Baker & Drake, Inc. v. Public Serv. Comm'n*, 35 F.3d 1348 (9th Cir. 1994)

CHAPTER 712 - STORAGE OF HOUSEHOLD GOODS AND EFFECTS

NRS 712.010	Short title.
NRS 712.020	Legislative declaration.
NRS 712.030	"Storage of household goods and effects" defined.
NRS 712.040	Permit for warehouse required.
NRS 712.050	Requirements for permit; grounds for revocation; fee; penalty.
NRS 712.060	Inspection by Nevada Transportation Authority.
NRS 712.070	Rules and regulations of Nevada Transportation Authority.
NRS 712.080	Disciplinary proceedings; judicial review.
NRS 712.090	Penalty.

CROSS REFERENCES

Administrative Procedure Act, NRS ch. 233B
Estimates of costs to be provided to customers, NRS 706.442, 706.443
Liens for storage charges, NRS 108.380-108.4783
Motor carriers, NRS ch. 706
Use of space in facility as residence prohibited, NRS 108.475

NRS 712.010 Short title. This chapter shall be known and may be cited as the Household Goods and Effects Storage Act.

(Added to NRS by 1973, 1025)

NRS 712.020 Legislative declaration. The Legislature hereby finds and declares that the storage of household goods and effects in warehouses affects the public interest and the public welfare, and in the exercise of its police power it is necessary to vest in the Nevada Transportation Authority the authority to set certain standards as to fitness and financial stability, and to require certain insurance as a condition for engaging in such storage business.

(Added to NRS by 1973, 1025; A 1997, 1960)

NRS 712.030 "Storage of household goods and effects" defined.

1. "Storage of household goods and effects" means the storage for compensation of the personal household goods and effects of another where the operator of a warehouse is held out to the public to provide such storage.

2. "Storage of household goods and effects" does not include:

(a) The storage of personal household goods and effects when the owner rents for the owner's exclusive use separate and distinct storage facilities from another and the lessor assumes no responsibility for the care, maintenance or safety of the stored property; or

(b) Personal property consigned to a warehouse under circumstances described in Section 1 of Article 10 of the Constitution of the State of Nevada.

(Added to NRS by 1973, 1025)

NRS 712.040 Permit for warehouse required. A person shall not engage in the storage of household goods and effects without first having obtained from the Nevada Transportation Authority a warehouse permit to conduct such service.

(Added to NRS by 1973, 1025; A 1997, 1960)

NRS 712.050 Requirements for permit; grounds for revocation; fee; penalty.

1. Before issuing a warehouse permit, the Nevada Transportation Authority shall:

(a) Require proof of financial ability to protect persons storing property from loss or damage, and a showing of sufficient assets, including working capital, to carry out the proposed service.

(b) Determine that the applicant has sufficient experience in and knowledge of the storage in a warehouse of household goods and effects, and the regulations of the Authority governing the storage of household goods and effects.

(c) Require proof that the applicant carries a legal policy of liability insurance evidencing coverage against fire, theft, loss and damage for stored property and effects in an amount not less than the base release value set forth in the tariff approved by the Authority governing the transportation of household goods and effects for those articles not covered by private insurance. Except upon 30 days' written notice to the Authority, the insurance must not be cancelled during the period for which any permit is issued. Failure to keep the insurance in effect is cause for revocation of any warehouse permit.

(d) Require information showing that the property to be used for storage of household goods and effects is reasonably suitable for that purpose. Failure to maintain the property in suitable condition is cause for revocation of any warehouse permit.

(e) Collect an initial fee for the permit as set by the Authority according to the gross volume of business in an amount not less than \$25 nor more than \$50.

2. On or before January 1 of each year, the holder of a warehouse permit shall pay to the Authority an annual fee as set by the Authority pursuant to paragraph (e) of subsection 1.

3. Any person who fails to pay the annual fee on or before the date provided in this section shall pay a penalty of 10 percent of the amount of the fee plus interest on the amount of the fee at the rate of 1 percent per month or fraction of a month from the date the fee is due until the date of payment.

(Added to NRS by 1973, 1025; A 1981, 1598; 1987, 897; 1997, 1960)

NRS 712.060 Inspection by Nevada Transportation Authority. The Nevada Transportation Authority or its agents may:

1. Inspect any property proposed to be used for storage of household goods and effects to determine its suitability.

2. Examine the premises, books and records of any permit holder.

(Added to NRS by 1973, 1026; A 1997, 1961)

NRS 712.070 Rules and regulations of Nevada Transportation Authority. The Nevada Transportation Authority shall adopt such rules or regulations as may be required for the administration of this chapter.

(Added to NRS by 1973, 1026; A 1997, 1961)

NRS 712.080 Disciplinary proceedings; judicial review. The provisions of NRS 703.373 to 703.376, inclusive, relating to revocation and suspension of certificates, permits and licenses and judicial review thereof, apply to proceedings to suspend or revoke any permit issued under this chapter.

(Added to NRS by 1973, 1026; A 1983, 970)

NRS 712.090 Penalty. Any person who violates any provision of this chapter, or any rule or regulation adopted pursuant to this chapter, is, in addition to any civil penalties which may be provided, guilty of a misdemeanor.

(Added to NRS by 1973, 1026; A 1981, 1598)



Information Concerning Board or Commission Subject to Review by the Sunset Subcommittee of the Legislative Commission

as required by Nevada Revised Statutes 232B.230



Board or commission name:

Nevada Transportation Authority (NTA)

Members' names with expiration date of term, and indicate the number of vacancies:

Andrew J. MacKay, Chairman (Term Expires 9/30/2016)
George Assad, Commissioner (Term Expires 9/30/2016)
Monica B Metz, Commissioner (Term Expired 9/30/2013)
There are no commissioner vacancies

Physical address:

Las Vegas:
2290 South Jones Blvd., Suite #110

Mailing address:

Las Vegas:
2290 South Jones Blvd., Suite #110

Web site address (if any):

www.nta.nv.gov

Web site developer (if not DoIT, please indicate if DoIT approved the web site):

NTA's website, developed several years ago, is hosted by DoIT Silvernet.

Executive director's name and contact information:

Pursuant to NRS 706.1512 the Governor appoints a commissioner as Executive Officer of the Authority. Chairman Andrew J. MacKay has been appointed to serve in that capacity. His contact information is as follows:
1755 E. Plumb Lane, Suite #216
Reno, NV 89502

Staff members' names including titles and status as full-time or part-time (attach additional pages as necessary):

The NTA employees a total of 24 full-time equivalent employees. The NTA does not have part-time employees. Of the 24 employees; 18 work in the NTA's Las Vegas Office and 6 work in the NTA's Reno Office.

Days and hours of operation:

Monday thru Friday 8:00am-5:00pm.

Created by what authority:

NRS 706.1511

Authority to adopt regulations (NRS) and citation to regulations (NAC), if applicable:

NRS 233B.040, NRS 706.151, NRS 706.171, and NRS 712.070.
The regulations proposed and adopted by the NTA can be found in Chapter 706 of the Nevada Administrative Code (NAC)

Information Concerning Board or Commission Subject to Review by the Sunset Subcommittee of the Legislative Commission

List by LCB File No. and date of adoption the five regulations most recently adopted by the board or commission, with any applicable deadline for the adoption of any such regulation:

R111-10: Adopted by the Authority on November 9, 2010.
R112-10: Adopted by the Authority on November 9, 2010.
R113-10: Adopted by the Authority on November 9, 2010.
R012-12: Adopted by the Authority on April 18, 2012.
R060-13: Adopted by the Authority on December 6, 2013.

Of the five referenced regulation files, none had an associated/applicable deadline required for Authority adoption.

List any required regulations that have not been adopted, with any applicable deadline for the adoption of any such regulation. Please identify each such regulation by LCB File No., if available, or by reference to the provision of NRS or Statutes of Nevada requiring adoption of the regulation:

The Authority currently has one rulemaking docket (R061-13) open at the present time. However, there are no adoption deadline requirements pursuant to statute, regulation, or legislative action with respect to the proposed regulations. The Authority intends on conducting at least one more workshop before it formally considers adoption of the draft regulations.

Governing structure of the board or commission pursuant to statute:

The NTA is a division of the Nevada Department of Business and Industry (B&I) and is comprised of three commissioners appointed by the Governor pursuant to NRS 706.1511 and a deputy commissioner appointed by the Authority pursuant to NRS 706.176. The Commissioners and Deputy Commissioner are responsible for overseeing a 20 member staff located in the Las Vegas and Reno offices of the Authority. Pursuant to NRS 706.1514, "A majority of the members of the Authority may exercise all of the power and

Duties of the board or commission:

The Nevada Revised Statutes sets forth the Legislative purpose under which the Nevada Transportation Authority was created. Pursuant to NRS 706.151, the NTA is responsible for the regulation/licensure of fully regulated motor carriers and partially regulated carriers.

Fully regulated carrier operating authorities include, but are not limited to:

1.) Charter limousine service; 2.) Scenic tour authority; 3.) Contract carrier authority; 4.) Airport transfer services; 5.) Transportation of household goods; 6.) Special services (per capita transportation for special purposes/events); and 7.) Taxicab service for carriers operating outside of Clark County.

Partially regulated carrier operating authorities include, but are not limited to:

1.) Contract carrier, contract tour operator, and 2.) Charter bus service

Statement of the objectives and programs of the board or commission:

The Nevada Transportation Authority's primary objective is to ensure the safety and convenience of the traveling and shipping public and the motor carrier business in the state is protected through the administration and enforcement of state laws pertaining to passenger transportation, household goods movers, the storage of household goods, and tow car operations. The NTA is charged with providing fair and impartial regulation, promoting safe, adequate, economical and efficient service, fostering sound economic conditions, and encouraging the establishment and maintenance of reasonable rates and charges for intrastate transportation by fully regulated carriers and towing services performed without the prior consent of the owner of the vehicle.

Information Concerning Board or Commission Subject to Review by the Sunset Subcommittee of the Legislative Commission

Itemized list of services offered by the board or commission:

The Nevada Transportation Authority (NTA) conducts hearings before individual commissioners to adjudicate vehicle impounds and citations and to review new applications, changes in company ownership, and changes in service or rates. Additionally, the NTA conducts hearings on appeals of decisions made by the Nevada Taxicab Authority. The agency holds public hearings and workshops on new or revised regulations. NTA also holds monthly public meetings of the full board to act on matters over which the agency has regulatory jurisdiction. NTA leadership establishes and implements agency policy, oversees daily operations, and is responsible for all aspects of the agency's human resources. Administrative staff are responsible for managing the NTA's database and website. Staff also prepares and distributes public meeting agendas, legal notices, legal orders, and general correspondence. They maintain the docket case list and agency calendar. Additionally, staff maintains official agency records, administrative files, and respond to questions from the public.

Dates of the immediately preceding six meetings:

The most recent meetings of the NTA occurred on following dates:
February 28, 2014 | February 27, 2014 | January 23, 2014 | December 19, 2013 | December 6, 2013
November 21, 2013

Statutory tax exemptions, abatements, or money set aside for the board or commission:

There are no statutory tax exemptions, abatements, or money set aside for the NTA.

Description of the manner in which the board or commission is funded, including all funding sources:

The Nevada Transportation Authority currently operates under two legislatively approved operating budget accounts: Budget Account 3922 and Budget Account 3923.

Budget Account 3922 is utilized for daily administrative/operational purposes including personnel costs and general operations. Approximately 90% of the budget is funded by the State Highway Fund and 10% of the budget is generated from fees collected from applications, copying fees, annual vehicle licensing fees, and petitions filed with the NTA. Any unspent funding in this account reverts to the General Fund with the exception of money held on deposit for applicants to pay public notice publishing costs.

Budget Account 3923 is utilized exclusively for enforcement purposes pursuant to NRS 706.771(3). This

Please identify any forms required by the board or commission to be used by members of the public which are not available for downloading from the web site of the board or commission:

All forms (applications, annual report filings, tariff modification filings, etc.) that the Nevada Transportation Authority requires to be filed are available for viewing and downloading from the NTA's website at nta.nv.gov

**Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**

Does the board or commission have any recommendations for consolidation with another board or commission? If so, which one(s) could be revised to include the charge to the board or commission that is the subject of this review?

The Authority does not have any recommendations for consolidation with another board or commission.

Does the board or commission believe that its objectives and programs have been effective in accomplishing the purposes for which the board or commission was created? Please explain the response with any information the board or commission believes is relevant:

The NTA believes that it has been successful in meeting all of its objectives and programs as required by legislative mandate. Like other state agencies, the Authority has seen a reduction in its budget and the number of authorized employees. Despite this fact, production at the NTA has been at an all-time high. A couple of examples can be found below:

In 2013, the NTA had seven Compliance Enforcement positions available to conduct enforcement activities statewide. Although several of the positions were vacant for a period of time, 2013 could be characterized as a banner year with respect to enforcement efforts of the NTA. During that year, 186 vehicles being operated by illegal carriers were impounded and enforcement staff issued a total of 603 citations. To put this in perspective, legislatively approved staffing levels for the enforcement personnel is now 30% less.

Any recommendations for statutory changes which are necessary for the board or commission to carry out its objectives and programs:

The Nevada Transportation Authority does not have any recommendations for statutory changes which are necessary for the agency to carry out its objectives and programs.

If additional space is necessary, please attach additional pages and refer to the attachments on the form.

Please include with this form:

1. The operating budget of the board or commission.
2. A statement setting forth the income and expenses of the board or commission for at least 3 years immediately preceding the date on which the board or commission submits this form, including the balances of any fund or account maintained by or on behalf of the board or commission.
3. The most recent legislative audit or other audit of the board or commission, and any efficiency studies or constituent or staff surveys conducted in the past 3 years.
4. Any reports required to be filed with the Legislative or Executive Branch over the past 3 years. Please indicate if any reports were filed late or have not been filed.
5. Copies of the minutes of the immediately preceding six meetings of the board or commission.
6. A copy of the organizational chart showing the governing structure of the board or commission and its staff.
7. A copy of the most recent strategic plan of the board or commission.

Please submit this form electronically to: cstonefield@lcb.state.nv.us. Submit additional documents electronically in a .pdf format.

If the file is too large for emailing, please submit hard copies to:

Carol Stonefield
Research Division
Legislative Counsel Bureau
401 South Carson Street
Carson City, NV 89701

Nevada Transportation Authority (attachment to the Review Form)

Page 1, Physical address:

Las Vegas:
2290 South Jones Blvd., Suite #110
Las Vegas, NV 89146

Reno:
1755 E. Plumb Lane, Suite #216
Reno, NV 89502

Page 1, Mailing address:

Las Vegas:
2290 South Jones Blvd., Suite #110
Las Vegas, NV 89146

Reno:
1755 E. Plumb Lane, Suite #216
Reno, NV 89502

Page 1, Executive director's name and contact information:

Pursuant to NRS 706.1512 the Governor appoints a commissioner as Executive Officer of the Authority. Chairman Andrew J. MacKay has been appointed to serve in that capacity. His contact information is as follows:

1755 E. Plumb Lane, Suite #216

Reno, NV 89502

(775) 688-2800

amackay@nta.nv.gov

Page 1, Staff members' names including titles and status as full-time or part-time

The NTA employees a total of 24 full-time equivalent employees. The NTA does not have part-time employees. Of the 24 employees; 18 work in the NTA's Las Vegas Office and 6 work in the NTA's Reno Office.

*Attached to this form is an agency employee roster and organizational chart detailing employee names, work titles, and station location.

Page 2, Governing structure of the board or commission pursuant to statute:

The NTA is a division of the Nevada Department of Business and Industry (B&I) and is comprised of three commissioners appointed by the Governor pursuant to NRS 706.1511 and a deputy commissioner appointed by the Authority pursuant to NRS 706.176. The Commissioners and Deputy Commissioner are responsible for overseeing a 20 member staff located in the Las Vegas and Reno offices of the Authority. Pursuant to NRS 706.1514, "A majority of the members of the Authority may exercise all of the power and conduct the business of the Authority relating to common or contract carrier, taxicabs, and the warehousing of household goods as provided in chapters 706 and 712 of NRS." All public hearings and administrative hearings must be conducted by one of the members of the Authority who serve as hearing officers/administrative law judges. Recommendations of the hearing officers for all matters heard are presented to the full board at the next General Session of the Authority for consideration. Additionally, members of the Authority also serve as hearing officers for other agencies of B&I.

Page 2, Duties of the board or commission:

The Nevada Revised Statutes sets forth the Legislative purpose under which the Nevada Transportation Authority was created. Pursuant to NRS 706.151, the NTA is responsible for the regulation/licensure of fully regulated motor carriers and partially regulated carriers.

Fully regulated carrier operating authorities include, but are not limited to:

1.) Charter limousine service; 2.) Scenic tour authority; 3.) Contract carrier authority; 4.) Airport transfer services; 5.) Transportation of household goods; 6.) Special services (per capita transportation for special purposes/events); and 7.) Taxicab service for carriers operating outside of Clark County.

Partially regulated carrier operating authorities include, but are not limited to:

1.) Consent and non-consent tow car service; and 2.) Charter bus service.

Page 3, Itemized list of services offered by the board or commission:

The Nevada Transportation Authority (NTA) conducts hearings before individual commissioners to adjudicate vehicle impounds and citations and to review new applications, changes in company ownership, and changes in service or rates. Additionally, the NTA conducts hearings on appeals of decisions made by the Nevada Taxicab Authority. The agency holds public hearings and workshops on new or revised regulations. NTA also holds monthly public meetings of the full board to act on matters over which the agency has regulatory jurisdiction. NTA leadership establishes and implements agency policy, oversees daily operations, and is responsible for all aspects of the agency's human resources. Administrative staff are responsible for

managing the NTA's database and website. Staff also prepares and distributes public meeting agendas, legal notices, legal orders, and general correspondence. They maintain the docket case list and agency calendar. Additionally, staff maintains official agency records, administrative files, and respond to questions from the public.

Licensing and Applications

NTA processes applications for new licenses filed with the agency. Staff performs intensive analysis with respect to applications for new and/or expanded operating authority, tariff rate modifications, and sale and transfers of fully regulated companies. The agency assesses the operational fitness of all applicants as well as the financial fitness of fully regulated applicants. Staff examines the annual reports for 100 percent of all certified carriers to ensure they comply with state law. Additionally, staff performs onsite financial audits to ensure motor carriers comply with state laws related to financial fitness and approved tariffs.

Compliance Audit

NTA ensures certified motor carriers comply with federal and state safety laws through random or risk-based on-site operational inspections. Auditors verify certificates of insurance to ensure certified motor carriers have required insurance and obtain required federal annual inspections. Staff performs vehicle safety inspections for each certified vehicle placed into operation in the state and conduct background investigations to assist in assessing an applicant's fitness to operate as a motor carrier.

Compliance Enforcement

NTA enforcement officers investigate written complaints received by the agency alleging violations of laws under its jurisdiction. Officers patrol, conduct surveillance, and execute sting operations that may result in issuing of citations and impounding vehicles used to provide unlawful transportation upon Nevada's highways. These operations address imminent threats to the safety of the traveling public (both residents and tourists) posed by unfit, unlicensed drivers operating unregistered, uninsured, uninspected, and unsafe vehicles. Enforcement staff are Nevada Peace Officer Standards and Training (P.O.S.T.) certified officers responsible for enforcing state and federal motor carrier laws. Officers also assist other law enforcement agencies with homeland security and motor carrier enforcement operations.

Page 3, Description of the manner in which the board or commission is funded, including all funding sources:

The Nevada Transportation Authority currently operates under two legislatively approved operating budget accounts: Budget Account 3922 and Budget Account 3923.

Budget Account 3922 is utilized for daily administrative/operational purposes including personnel costs and general operations. Approximately 90% of the budget is funded by the State Highway Fund and 10% of the budget is generated from fees collected from

applications, copying fees, annual vehicle licensing fees, and petitions filed with the NTA. Any unspent funding in this account reverts to the General Fund with the exception of money held on deposit for applicants to pay public notice publishing costs.

Budget Account 3923 is utilized exclusively for enforcement purposes pursuant to NRS 706.771(3). This budget account is funded 100% by fines assessed by the Authority via administrative citations issued for violations of Chapter 706 of NRS or NAC. Any unspent monies are balanced forward to the following fiscal year in a reserve category.

Attached to this form are the Legislatively approved budgets for Budget Accounts 3922 and 3923

Page 4, Does the board or commission believe that its objectives and programs have been effective in accomplishing the purposes for which the board or commission was created?

The NTA believes that it has been successful in meeting all of its objectives and programs as required by legislative mandate. Like other state agencies, the Authority has seen a reduction in its budget and the number of authorized employees. Despite this fact, production at the NTA has been at an all-time high. A couple of examples can be found below:

In 2013, the NTA had seven Compliance Enforcement positions available to conduct enforcement activities statewide. Although several of the positions were vacant for a period of time, 2013 could be characterized as a banner year with respect to enforcement efforts of the NTA. During that year, 186 vehicles being operated by illegal carriers were impounded and enforcement staff issued a total of 603 citations. To put this in perspective, legislatively approved staffing levels for the enforcement personnel is now 30% less than what it was 10 years ago (2003) and during that year, the NTA impounded 6 vehicles and issued 204 citations. Further demonstrative of the NTA's efficient enforcement operations; the prior annual high for impounds occurred in 2010 when 124 vehicles were impounded (62 less than in 2013) and the NTA employed 1 more investigator than in 2013. The prior record for total citations issued occurred in 2006 when the NTA issued 446 citations (157 less than in 2013) while employing 2 more officers than at present time.

Each vehicle used by a certificated carrier must undergo an annual safety inspection to meet stringent federal and state standards and be inspected by NTA staff prior to the vehicle being put into service. One of the NTA's main goals and responsibilities is to assist certificated carriers in responding to increases in transportation demand arising from certain special events and conventions such as the Consumer Electronics Show (CES), NASCAR, and the Electric Daisy Carnival (EDC). In 2013, the NTA inspected a record number of vehicles utilized by certificated carriers to facilitate the extraordinary transportation needs from special events like these. Lastly, in order to not impact the NTA's limited overtime/shift differential budget, unclassified salaried

employees, including NTA's Chief of Enforcement and Administrative Attorney often volunteer to perform the inspections on their own time. Below are three specific examples:

Consumer Electronics Show

The NTA inspected 312 limousines that were placed into service temporarily in order to provide service to attendees of the 2013 CES. Prior to 2013, the largest temporary increase in carriers' fleet sizes associated with CES was 245 vehicles during the 2012 show. Not only do these temporary vehicles result in several million dollars in added revenue for the motor carrier industry, the associated temporary vehicle licenses generated \$31,200 in additional fees to the state. Lastly, NTA Administrative Attorney Jim Day inspected nearly 3 dozen vehicles on the weekend preceding the event to help with NTA's budgetary constraints

NASCAR

For the Boyd Gaming 300 Nationwide race on Saturday and the Kobalt 400 NASCAR race on Sunday, the NTA inspected 145 motor coaches leased from out of state providers by Nevada operators to shuttle passengers to and from various points and places in Las Vegas and the speedway. Again, for budgetary savings purposes, Chief Bradford singlehandedly inspected 85 of the buses early Saturday morning the day of the Nationwide race.

Electric Daisy Carnival

This special event generates the largest transportation demand in Las Vegas. At last year's show, over a quarter million passenger transfers were performed in a three day period. Due to the unique nature of the event, said transfers occur in a few hours, which requires an enormous amount of motor coaches. Because of how the event location is configured, utilization of shuttle transportation is the only way the event can succeed. AWG Charter Services, the exclusive transportation provider, brought in an additional 186 motor coaches from out of state to supplement its Nevada fleet, as well as nearly 200 coaches AWG leased from Nevada operators to provide said service. Due to the fact that the 186 coaches were not owned or operated by Nevada carriers, state law requires that they must be inspected before being put into service. In order to accomplish this, Chief Bradford worked for over 12 hours per day over a two day period to inspect 174 of the buses. His efforts literally saved AWG tens of thousands dollars in additional leasing fees. Moreover, he also kept the State from incurring a few thousand dollars in overtime/shift differential costs.

Stonefield, Carol

From: Andrew MacKay <amackay@nta.nv.gov>
Sent: Thursday, March 27, 2014 11:34 AM
To: Stonefield, Carol
Subject: NTA Commission Update

Good Afternoon Carol,

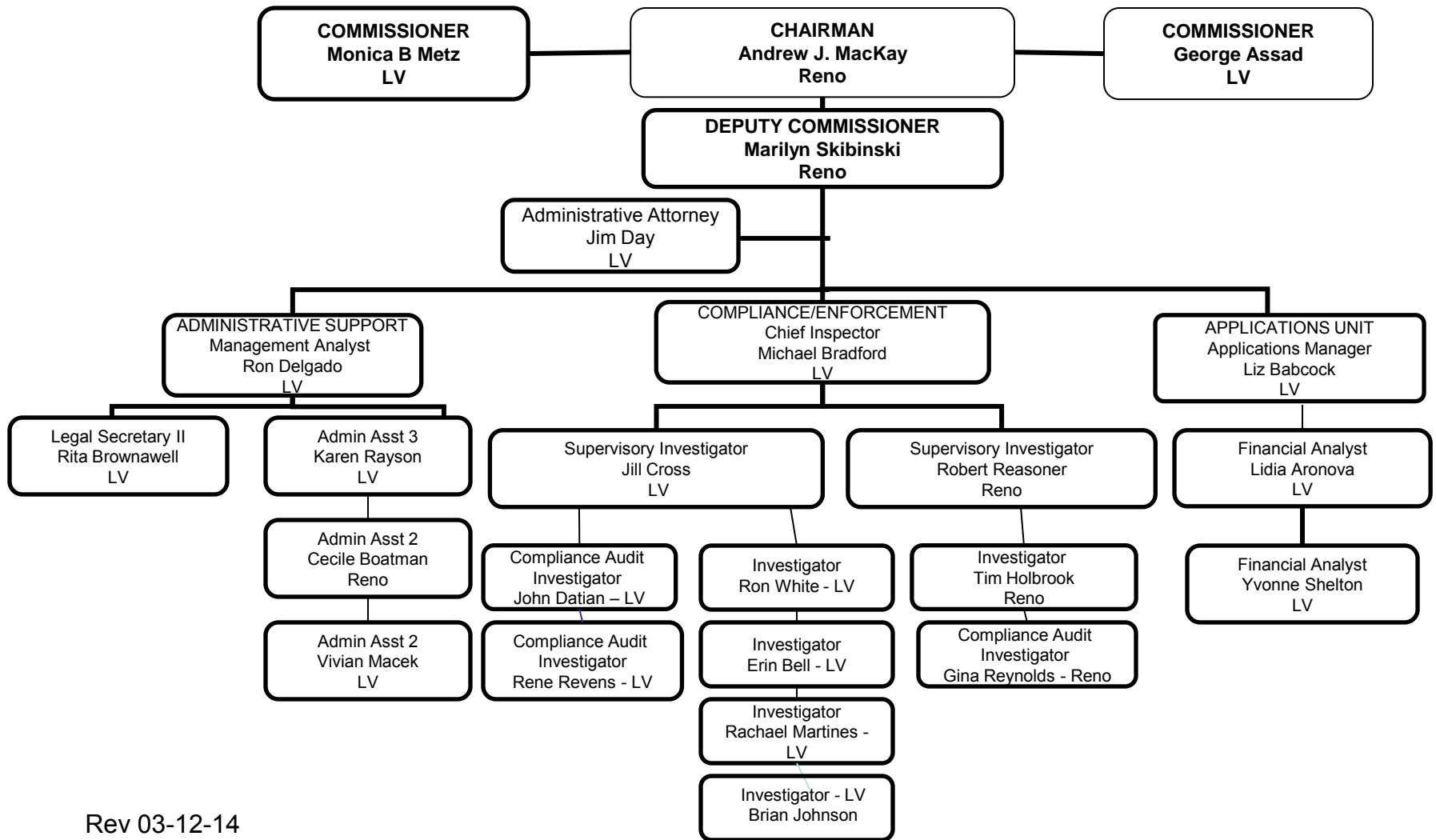
I wanted to apprise you of an upcoming change to the board make-up of the Nevada Transportation Authority. Commissioner Metz has been informed by the Governor's Office that her service as a Commissioner for the NTA will end on April 13, 2014. Effective April 14, 2014, Mr. Keith Sakelhide will replace her as a member of the Authority. His term of office will end on September 30, 2017. We became aware of this change after I sent you our information packet.

Thank you very much and if you have any questions, please do not hesitate to let me know.

Andy

**Andrew MacKay, Chairman
Nevada Transportation Authority
(775) 688-2800**

Department of Business and Industry Nevada Transportation Authority



Rev 03-12-14

NTA POSITION ROSTER

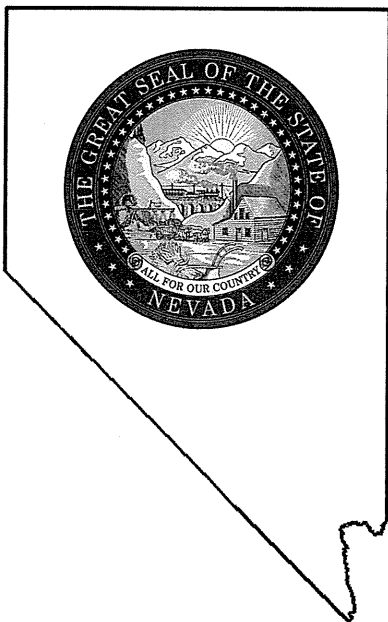
NAME	TITLE	
Andrew MacKay	Chairman	Fulltime
Monica Metz	Commissioner	Fulltime
George Assad	Commissioner	Fulltime
Marilyn Skibinski	Deputy Commissioner	Fulltime
Jim Day	Administrative Attorney	Fulltime
Liz Babcock	Dep Administrator	Fulltime
Lidia Aronova	Financial Analyst	Fulltime
Yvonne Shelton	Financial Analyst	Fulltime
Ronald Delgado	Management Analyst 2	Fulltime
Rita Brownawell	Legal Secretary 2	Fulltime
Karen Rayson	Administrative Assistant 3	Fulltime
Cecile Boatman	Administrative Assistant 2	Fulltime
Vivian Macek	Administrative Assistant 2	Fulltime
Mike Bradford	Chief Transportation Inspector	Fulltime
Jill Dart	Supervisory Compliance/Enforcement Investigator	Fulltime
Robert Reasoner	Supervisory Compliance/Enforcement Investigator	Fulltime
Tim Holbrook	Compliance/Enforcement Investigator 2	Fulltime
Erin Bell	Compliance/Enforcement Investigator 2	Fulltime
Ron White	Compliance/Enforcement Investigator 2	Fulltime
Brian Johnson	Compliance/Enforcement Investigator 2	Fulltime
Rachael Martines	Compliance/Enforcement Investigator 2	Fulltime
John Datian	Compliance/Audit Investigator 2	Fulltime
Rene Revens	Compliance/Audit Investigator 2	Fulltime
Gina Reynolds	Compliance/Audit Investigator 2	Fulltime

STATE OF NEVADA

Performance Audit

Department of Business and Industry
Nevada Transportation Authority

2013



Legislative Auditor
Carson City, Nevada

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800
MOISES DENIS, *Senator, Chairman*
Rick Combs, *Director, Secretary*

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Cindy Jones, *Fiscal Analyst*
Mark Krmpotic, *Fiscal Analyst*

RICK COMBS, *Director*
(775) 684-6800

BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830
PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815
DONALD O. WILLIAMS, *Research Director* (775) 684-6825

Legislative Commission
Legislative Building
Carson City, Nevada

This report contains the findings, conclusions, and recommendations from our performance audit of the Nevada Transportation Authority. This audit was conducted pursuant to the ongoing program of the Legislative Auditor as authorized by the Legislative Commission. The purpose of legislative audits is to improve state government by providing the Legislature, state officials, and Nevada citizens with independent and reliable information about the operations of state agencies, programs, activities, and functions.

This report includes seven recommendations to improve the inspection process and performance measures. We are available to discuss these recommendations or any other items in the report with any legislative committees, individual legislators, or other state officials.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul V. Townsend", written over a horizontal line.

Paul V. Townsend, CPA
Legislative Auditor

September 5, 2013
Carson City, Nevada

Nevada Transportation Authority

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Introduction

Background

The Nevada Transportation Authority (NTA) administers and enforces state laws pertaining to passenger transportation, household goods movers, and tow cars. Passenger transportation regulated by the NTA primarily includes limousines, taxicabs outside of Clark County,¹ charter buses, and airport shuttle services. NTA was established in 1997. Prior to this date, the agency was part of the former Public Service Commission. NTA's mission is to administer economic regulation of fully regulated common carriers of passenger and household goods and protect the safety of consumers in intrastate transportation of passengers, household goods, and tow cars.

NTA has offices located in Las Vegas and Reno. In fiscal year 2012 expenditures were about \$2.9 million. NTA has 24 authorized positions, including 3 commissioners appointed by the Governor to 4-year terms. These commissioners serve as administrative hearings officers. The Governor designates one commissioner to serve as the chair or executive officer, currently located in the Reno office. The Reno office also includes the deputy commissioner, one administrative staff, and three enforcement staff. The other two commissioners are located in the Las Vegas office along with eight administrative staff and eight enforcement staff. NTA personnel are organized into five units assigned with the following general areas of responsibility:

- **Administration** – NTA budgeting and accounting, records retention, facilitating public information requests, legal dockets, contracts, personnel, and maintenance of the agency database.
- **Applications** – Management of applications including, but not limited to: new motor carriers seeking operating authority, expansion of operating authority, tariff modifications, financial analysis, and review of certificated motor carriers.

¹ The Taxicab Authority regulates taxicabs in Clark County.

- **Compliance/Audit** – Assisting carriers in obtaining compliance with statutory and regulatory provisions, background investigations on certain applicants seeking operating authority, operational inspections, and new vehicle cursory inspections.
- **Compliance/Enforcement** – Targeting and citing non-certificated motor carriers, enforcement of state and federal motor carrier statutes and regulations, assisting carriers in obtaining compliance with statutory and regulatory provisions, risk-based operational inspections, and new vehicle cursory inspections.
- **Administrative Hearings/Judicial** – Administrative law hearings conducted by one of the NTA commissioners concerning applications, vehicle impounds, and citations. The commissioners are also responsible for facilitating public workshops, conducting regulation adoption hearings, the hearing of appeals of decisions rendered by the Nevada Taxicab Authority, as well as conducting any other types of public meetings including general sessions of NTA.

NTA issues a Certificate of Public Convenience and Necessity (CPCN) to carriers authorizing them to operate in Nevada. Pursuant to NRS 706.166, NTA is responsible for the regulation of fully regulated motor carriers as well as partially regulated carriers. Exhibit 1 shows the types of carriers and NTA's regulatory authority.

Types of Carriers and NTA's Regulatory Authority

Exhibit 1

Fully Regulated Carriers	Partially Regulated Carriers
Airport Transfer Service	Charter Bus
Contract Carrier ²	Consent & Non-Consent Tow Car
Household Goods Mover	
Limousine	
Non-Emergency Medical Transfer Service	
Scenic Tour	
Special Service ³	
Taxicab (outside of Clark County)	

Sources: NRS 706.072, 706.445, and NTA.

² A person or operator engaged in transportation of passengers or household goods for compensation pursuant to contracts with one person or a limited number of persons.

³ Transportation of persons for a special event between definite points of origin and destination at a per capita rate.

Fully regulated carriers must adhere to more stringent financial requirements and a more thorough application process. Further, NTA has authority over the rates, routes, and services of fully regulated carriers. For partially regulated carriers, NTA oversight is limited to motor carrier safety, insurance requirements, and approval of rates for non-consensual tow cars. NTA also issues permits for employer vanpools and the storage of household goods. Exhibit 2 shows the number of carriers by type of carrier.

**Number of Carriers
As of June 2013**

Exhibit 2

Carrier or Type	Number of Carriers
Airport Transfer Service	19
Charter Bus	75
Consent & Non-Consent Tow Car	97
Consent Only Tow	48
Contract Carrier Permit	13
Employer Vanpool Permit	18
Household Goods Mover	43
Limousine	45
Non-Emergency Medical Transfer	6
Scenic Tours	16
Special Service	22
Taxicab	10
Warehouse Permit	23
Totals	435

Source: NTA records.

Scope and Objectives

This audit is part of the ongoing program of the Legislative Auditor as authorized by the Legislative Commission, and was made pursuant to the provisions of NRS 218G.010 to 218G.350. The Legislative Auditor conducts audits as part of the Legislature's oversight responsibility for public programs. The purpose of legislative audits is to improve state government by providing the Legislature, state officials, and Nevada citizens with independent and reliable information about the operations of state agencies, programs, activities, and functions.

Our audit of the Nevada Transportation Authority focused on the processes used for selecting operational inspections during fiscal years 2008 – 2012, and included a review of inspections

completed from January 1, 2010 through June 30, 2012. In addition, we reviewed performance measures and reported results for fiscal years 2010 – 2012. Our audit objectives were to evaluate:

- The processes for selecting and conducting operational inspections.
- Performance measures, including the reliability of reported results.

Process of Selecting Carriers for Inspection Needs Strengthening

Selection Procedures Do Not Ensure All Carriers Are Inspected

The Nevada Transportation Authority (NTA) can improve its process to select carriers⁴ for operational inspections. Specifically, NTA should ensure inspections are performed for each carrier at least once every 5 years. Of 315 carriers as of fiscal year 2012, we identified 18 that had not been inspected during the past 5 fiscal years. In addition, NTA's selection procedures should be updated to better address staff responsibilities. Furthermore, carriers with a history of safety violations were not always selected for a follow-up inspection, while other carriers without deficiencies were inspected 2 and sometimes 3 years in a row.

NTA's selection procedures do not ensure carriers are inspected periodically. For example, procedures require that each carrier receive an operational inspection at least once every 5 years. However, we identified 18 carriers that were not inspected during fiscal years 2008 to 2012, or 5 years, as shown in Exhibit 3.

Carriers Not Inspected During Fiscal Years 2008 to 2012

Exhibit 3

Last Inspection	Number of Carriers
Carrier has not been inspected	12
Carrier went more than 5 years without an inspection	6
Total	18

Source: Auditor's review of NTA records.

We identified 12 carriers that had not been inspected. We also found 6 carriers received an inspection; however, these carriers

⁴ Carriers refer to any person or operator who provides passenger transportation, household goods movers, and tow cars, listed in Exhibit 2 on page 3.

went more than 5 years between inspections. The 18 carriers included:

- 8 tow carriers
- 5 charter bus carriers
- 4 household good moving carriers
- 1 limousine carrier

Although NTA's policy requires that each carrier receive an operational inspection at least once every 5 years, the current selection process does not identify carriers without a previous inspection. NTA's current methods to select a carrier for inspection include: (1) random selection, (2) risk-based, (3) restructure (sale or transfer), and (4) voluntary. In addition to these four selection methods, NTA also selects carriers when their last inspection occurred 5 years ago⁵. Nonetheless, procedures do not address carriers that have not received a prior operational inspection.

The purpose of an operational inspection is to provide NTA with assurance carriers are in compliance with applicable laws, regulations, and policies. An inspection of a carrier's operations may include reviewing driver qualification files and vehicle maintenance files, verifying insurance, spot-checking vehicles, and comparing carrier invoices to their approved tariff. Without periodic inspections, there is an increased risk carriers with violations will go undetected.

Inspection Procedures Need Revision

NTA should revise its inspection procedures. The primary purpose of procedures is to identify the staff responsibilities and daily tasks regarding operational inspections of carriers. While procedures outline several factors for staff to consider when selecting a carrier for inspection, we found procedures do not:

- Clearly identify all staff involved in the selection process.
- Indicate when the annual inspection list should be developed.
- Define the reasons a carrier may be selected for an inspection based on a restructure.

⁵ When NTA developed the operational inspection list for 2012, a report was generated to identify carriers last inspected during 2007, or 5 years ago.

- Identify the current performance goal to inspect 34% of certificated carriers each fiscal year.

Complete procedures are important to ensure duties and functions are carried out properly and timely. Incomplete procedures increase the risk staff will not select a carrier for inspection. In addition, procedures provide a resource for current employees and a training tool for new employees.

Carriers With Safety Violations Not Selected For Follow-up Inspection

Although a process is in place to correct violations, NTA did not always conduct follow-up inspections of carriers after issuing a citation for safety violations. A follow-up inspection would verify if the carrier remains in compliance. This inspection could involve reviewing all aspects of compliance such as driver qualification and vehicle maintenance files, insurance, tariffs, and checking vehicles. Or, the inspection could focus on specific prior violations. NTA issued citations to 15 carriers during fiscal year 2012 for safety violations identified during an operational inspection. However, NTA did not select 10 of the 15 carriers for a follow-up inspection. Meanwhile carriers with no safety violations were selected 2 or 3 years in a row for an inspection. Of the five carriers subsequently selected for an inspection, three were ordered by the Commissioners as part of the administrative hearing process, and the other two were randomly selected by staff.

The three follow-up inspections ordered by the Commissioners resulted from severe safety violations. However, the 10 carriers with safety violations severe enough for NTA to issue a citation were not selected for a follow-up inspection. Safety violations identified during operational inspections for the 10 carriers are shown in Exhibit 4.

**Safety Violations Found
During Operational Inspections
Fiscal Year 2012**

Exhibit 4

Safety Violations

Carriers were issued a citation for one or more of the following safety violations during an inspection:

- Drivers drove before pre-employment drug testing.
- Failure to have certification of medical examination.
- No annual inquiry and review of DMV driving record.
- No certification of violations (furnished by the driver).
- No inquiry of the driver(s) prior drug and alcohol test record.
- Failure to have vehicles inspected by the NTA prior to putting them into service.
- No random drug testing.
- No record of road test.

Source: Auditor's review of operational inspection reports.

Exhibit 4 outlines the safety violations severe enough that the carrier was issued a citation. For example, 1 of the 10 carriers not selected for a follow-up inspection was licensed to provide charter bus transportation, but failed to have 10 buses inspected by the NTA prior to putting them into service, as required by state regulation. In addition, 4 of the 10 carriers violated the requirement to have their drivers submit to pre-employment or random drug testing. According to agency records, violations were corrected subsequent to NTA's inspection. However, conducting a follow-up inspection will provide NTA greater assurance the carrier does not repeat a similar violation and help ensure the carrier stays in compliance.

When the Commissioners order a follow-up inspection, it is referred to as a risk-based inspection. In addition, based upon prior violations, staff may select carriers using the risk-based approach. According to policy, several factors are considered when a carrier is selected for inspection using a risk-based approach, including:

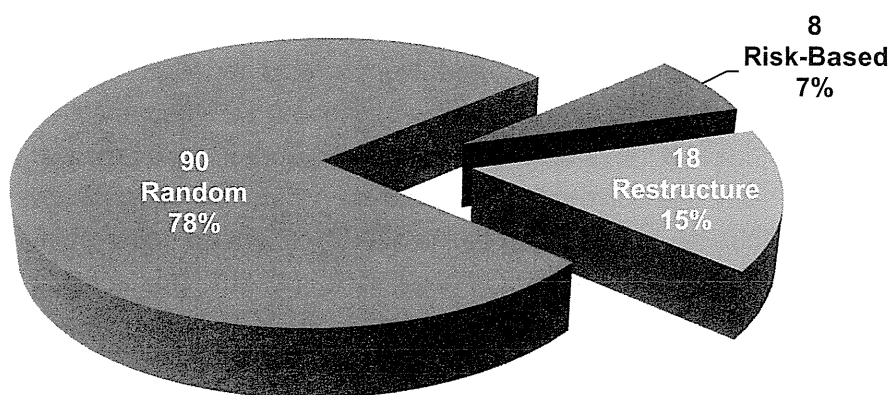
- Complaints against the carriers.
- Deficiencies found during stops of carrier vehicles.

- Previous operational inspection findings.

Although NTA selects some carriers on a risk-basis, the agency relies primarily upon random selection to identify carriers for inspection. Exhibit 5 shows NTA conducted 116 operational inspections during fiscal year 2012; 90 selected randomly, 18 based on restructure, and 8 risk-based.

**Reasons for Inspection
Fiscal Year 2012**

Exhibit 5



Source: NTA inspection records.

Requiring a follow-up inspection of carriers with prior safety violations would not significantly change NTA's selection methodology. Instead, a follow-up inspection of all carriers with safety violations would slightly increase the number of risk-based inspections, while slightly decreasing the total number randomly selected.

Conducting follow-up inspections helps ensure carriers understand and comply with safety requirements. Furthermore, the agency will be able to evaluate the carrier's compliance with applicable laws, regulations, and procedures.

Recommendations

1. Ensure all carriers are selected for an operational inspection at least once every 5 years.

2. Update inspection procedures to reflect current practices and include future revisions made to the selection process.
3. Require a follow-up inspection on carriers issued a citation during the prior inspection.

Performance Measures Can Be Improved

The NTA can take steps to improve the effectiveness and reliability of its performance measures. The goals for some measures do not accurately reflect performance. For example, one measure addresses completing 80% of industry applications within 6 months. However, we found some applications on average could be processed within a few weeks while others required 8 to 12 months or more to process. As a result, the measure as currently reported does not provide specific information on the timeliness of key applications. In addition, policies and procedures for performance measures do not always clearly define what should be measured.

Reported Results Do Not Accurately Reflect Performance

Several NTA performance measures as currently written and reported do not provide management with the best information. For example, one measure combines the completion time for all industry applications, when the actual time required can vary significantly based on the type of application.⁶ Another measure designed to identify potential financial problems does not include a review of all carriers. In addition, the goals for two other measures understate performance.

Measure Does Not Effectively Assess the Timeliness to Complete Key Industry Applications

One measure addresses the percentage of industry applications completed within 6 months. As currently reported, all applications, regardless of the time needed to complete, are combined into this measure. As a result, reported results do not provide NTA management with the best information to monitor the timeliness of key applications. Exhibit 6 shows 10 different types of industry

⁶ Carriers submit applications to NTA for approval to operate within Nevada, expand areas served or vehicles in operation, and to change tariffs (rates charged).

applications completed during fiscal year 2012, and how timely these applications were completed.

**Applications Processing Timeliness
Fiscal Year 2012**

Exhibit 6

Applications Completed					
Type of Application	Number of Applications	180 Days or Under	Over 180 Days	Percentage 180 Days or Under	Average Days to Complete
1 Expansion of Authority	11	1	10	9%	350
2 Sale and Transfer	18	9	9	50%	295
3 Application for CPCN	38	25	13	66%	242
4 Change Domicile	36	30	6	83%	101
5 Tariff Modifications	58	52	6	90%	64
6 Exemption Request	16	15	1	94%	52
7 Deviate from Approved Tariff	35	33	2	94%	23
8 Deviate from Regulations	23	23	0	100%	18
9 Voluntary Cancel CPCN	12	12	0	100%	29
10 Petition to Change Name	4	4	0	100%	105
Totals	251	204	47		

Source: Auditor analysis of selected fiscal year 2012 closed applications.

Exhibit 6 shows applications such as expansion of authority, sale and transfer, and applications for authority to operate (CPCN) on average take longer than 180 days, or 6 months to complete. On average these applications took 242 to 350 days or about 8 to 12 months to complete, and require more extensive review of a carrier's operations and finances. Other applications, including exemption requests, deviations from tariffs and regulations, and voluntary cancelation of a CPCN take considerably less time to complete.

NTA staff indicated applications for a CPCN, expansion of authority, sale and transfer, and tariff modifications are the most important applications to complete timely. In addition, these applications have the most impact on carriers operating profitably. NTA should revise this measure to provide more specific information of the time needed to complete key applications.

Methods to Assess Carriers' Financial Status Not Adequate

Another measure does not provide NTA with adequate information regarding a carrier's financial status. This measure addresses the percentage of fully regulated carriers receiving a financial audit each year, with a goal of 25% annually. For fiscal year 2012, NTA reported completing audits on 51 of 125 fully regulated carriers or 41%. Staff indicated this measure is designed to identify fully regulated carriers with financial equity issues.

The measure as currently written and reported contains misconceptions and weaknesses. First, the work done is not an audit, it is a financial review. Second, NTA is counting work normally done as part of the application process as an audit. Third, numbers reported do not provide information on all fully regulated carriers.

The 51 audits completed were generated by reviewing annual reports submitted by carriers and through certain applications filed. Exhibit 7 shows, for fiscal year 2012, the number and percentage of audits reported on fully regulated carriers.

Number and Percentage of Financial Audits Completed by Audit Type **Exhibit 7**
Fiscal Year 2012

Audit Description or Type	Number of Audits Completed by Type	Percentage of Audits Completed by Type
Annual Report Review	12	24%
Tariff Modifications	16	31%
Various Applications *	23	45%
Totals	51	100%

Source: Auditor analysis of fiscal year 2012 financial audits completed of fully regulated carriers.

* Includes applications for new CPCN, expansion of authority, and sale and transfer.

Twelve (24%) financial audits resulted when, based upon reviewing carriers' annual reports, staff requested additional information from the carrier. The remaining 39 (76%) resulted from various applications filed by carriers including tariff modifications, new authority, expansion of authority, and sale and transfer. Although NTA counts these 39 applications as financial

audits, staff do not perform additional work beyond what is already required to complete the application.

Better methods are available to assess the financial equity of all fully regulated carriers. NAC 706.149 requires

“...every fully regulated carrier shall maintain an investment of not less than 20 percent equity capital in his operations and include proof that he meets this requirement in his annual report filed with the Authority.”

Currently, staff review annual reports submitted by the 125 fully regulated carriers to assess financial equity. Identifying from these annual reports, through a performance measure, the number or percentage of fully regulated carriers with equity below 20% would provide management with better information than currently reported.

Goals Understate Performance

The goals for two measures addressing consumer complaints and public information requests understate performance. For example, one measure addresses the percentage of consumer complaints resolved within 6 months. NTA’s goal for this measure is to resolve 90% of all complaints within 6 months. However, we found NTA resolves most complaints in 60 days or less. Exhibit 8 shows the number of complaints resolved, percentage resolved in 60 days or less, and average number of days to resolve complaints for fiscal years 2010, 2011, and 2012.

**Complaint Resolution Timelines
Fiscal Years 2010 – 2012**

Exhibit 8

Fiscal Year	Number of Complaints Resolved	Percentage of Complaints Resolved in 60 Days or Less	Average Number of Days to Resolve Complaints
2010	187	90%	28
2011	151	93%	29
2012	191	92%	27

Source: Auditor analysis of NTA complaint records.

Over the last three fiscal years NTA resolved 90% or more of complaints in 60 days or less. The current goal of resolving 90%

Policies and Procedures Governing Performance Measures Need Revision

of complaints within 6 months significantly understates how timely complaints are resolved. Adjusting the goal to 60 days or less would more accurately reflect the work done.

Although NTA has developed policies and procedures governing performance measures, some revisions are needed. Current procedures do not provide sufficient guidance to ensure performance measure results are consistently reported. As a result, incorrect information was reported in some cases. In addition, procedures need to be revised to define application completion timeframes, safety violations, and financial audits.

One performance measure addresses the percentage of industry applications successfully completed within 6 months. However, we found non-application items such as cease and desist orders, orders to show cause, and formal complaints to the commissioners counted as applications. Therefore, the percentage of applications completed timely and reported for this measure was overstated. NTA needs to clearly identify what items should be counted as industry applications when computing this performance measure. In addition, NTA should define in writing the start and end dates that should be used to compute whether applications were completed within 6 months.

NTA needs to clarify what information should be reported for another measure: percent of vehicles staff ensured received a safety inspection pursuant to federal regulations. The measure as written and reported addresses all vehicles, operated by both fully and partially regulated carriers, subject to NTA oversight (about 315 carriers). However, procedures also indicate the current standard is to ensure that 100% of all vehicles operated by only fully regulated companies (about 125 carriers) received a safety inspection pursuant to federal regulations. NTA should revise procedures to eliminate this discrepancy.

In addition, procedures governing other performance measures need revision. We found current procedures do not clearly define what constitutes a safety violation or how specific industry applications and annual reports were selected as financial audits.

Recommendations

4. Revise performance measures to address processing timeliness for key applications.
5. Revise performance measures to identify carriers with equity issues.
6. Modify performance goals to more accurately reflect performance.
7. Revise policies and procedures to clearly identify what information should be used to calculate performance measures.



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

September 3, 2013

Paul V. Townsend, CPA
Legislative Auditor
State of Nevada
Legislative Counsel Bureau
401 So. Carson Street
Carson City, NV 89701-4747

Dear Mr. Townsend:

I have reviewed the preliminary audit report presented to us during our meeting with you on August 21, 2013. Attached to this letter is the Nevada Transportation Authority's written statement of explanation to the audit report.

The Nevada Transportation Authority accepts all seven recommendations included in the audit report.

We wish to thank the Legislative Counsel Bureau Audit Division for the extensive time and effort devoted to performing an audit of this agency and thoroughness of its review. We also appreciate the expertise and professionalism of the audit team. It has truly been a pleasure working with your staff on this very important endeavor. We are grateful for the operational adjustments that are being implemented as a result of the audit that will improve our effectiveness in carrying out our mission and serving both the public and the transportation industries we oversee.

Sincerely,

Andrew MacKay
Chairman

AJM/mds

Encl.

NEVADA TRANSPORTATION AUTHORITY
STATEMENT OF EXPLANATION OF AUDIT REPORT
September 3, 2013

RECOMMENDATION 1.

Ensure all carriers are selected for an operational inspection at least once every 5 years.

RESPONSE:

The NTA accepts this recommendation and has implemented new selection methodologies.

The NTA is very appreciative that the audit identified several carriers who had not received an operational inspection for more than 5 years. Upon further investigation with NTA staff it was determined that the database query being used to select carriers who had not been inspected within the past five years was failing to pick up new companies that had not yet received an operational inspection following the inspections performed at the time they became certificated or permitted. Corrective measures have been implemented that ensure all new carriers that have not been re-inspected are now included in the query results. All of the subject carriers identified by the audit have received an operational inspection. Additionally, NTA initiated a new policy to perform an operational inspection of each new carrier following its first full year in operation.

RECOMMENDATION 2.

Update inspection procedures to reflect current practices and include future revisions made to the selection process.

RESPONSE:

The NTA accepts this recommendation and will revise agency written procedures related to selection of carriers for operational inspections.

The NTA appreciates the audit recommendation that the process for selecting carriers for random operational inspections should include additional details regarding the selection process. The written policy and procedure for operational inspections will be revised to include a more detailed description of this process and other revisions resulting from the audit recommendations.

RECOMMENDATION 3.

Require a follow-up inspection on carriers issued a citation during the prior inspection.

RESPONSE:

The NTA accepts this recommendation and has implemented new procedures to perform follow-up inspections on carriers issued a citation for a safety violation during the preceding inspection.

The NTA is appreciative of this recommendation as a means by which the agency can better focus operational inspection resources in areas of higher risk. Although under its procedures, follow-up inspections were performed to ensure all safety violations were corrected immediately following the initial inspection that resulted in a citation, subsequent inspections were conducted in accordance with agency procedures for random selection of carriers for operational inspections. NTA agrees that additional follow-up inspections of carriers cited for safety violations is an improvement by targeting more operational inspections in areas of higher risk.

RECOMMENDATION 4.

Revise performance measures to address processing timeliness for key applications.

RESPONSE:

The NTA accepts this recommendation and will implement revised performance measures effective July 1, 2013.

The NTA believes this recommendation will provide better information regarding the timeframes for processing applications for new carrier service as well as timeframes for processing other types of applications by not including all applications in one performance measure.

RECOMMENDATION 5.

Revise performance measures to identify carriers with equity issues.

RESPONSE:

The NTA accepts this recommendation and will implement revised performance measures effective July 1, 2013.

Having carriers maintain required equity levels is an important matter that directly relates to public safety and is required by Nevada law. NTA staff review all applications for licensure and annual reports of all existing carriers to ensure sufficient equity. If the review of a carrier's annual financial report indicates insufficient equity, NTA ensures that equity adjustments are

made in order for the carrier to continue operating. A performance measure dedicated to this important function of the agency will be implemented.

RECOMMENDATION 6.

Modify performance goals to more accurately reflect performance.

The NTA accepts this recommendation and has implemented revised performance measures effective July 1, 2013.

NTA agrees with the audit report that outdated performance measures related to the time for completion of complaint investigations were not reflective of the actual average time spent investigation complaints resulting in an inaccurate portrayal of the actual investigative timeframes. This performance measure has been revised removing the six months timeframe to 60 days to better reflect the actual time spent on the majority of complaint investigations.

RECOMMENDATION 7.

Revise policies and procedures to clearly identify what information should be used to calculate performance measures.

RESPONSE:

The NTA accepts this recommendation and will revise policies and procedures to eliminate an existing discrepancy so as to accurately reflect the current standard.

NTA staff ensure that all vehicles operated by regulated carriers receive federally required safety inspections as is stated in NTA's performance measures. The agencies written policies and procedures state this function only applies to fully regulated carriers. The written policies and procedures will be corrected.

State of Nevada - Budget Division
Line Item Detail & Summary
2013-2015 Biennium (FY14-15)

Section A1: Line Item Detail by GL**Budget Account: 3923 B&I - TRANSPORTATION AUTHORITY ADMIN FINES**

A special fund for use of the Nevada Transportation Authority was established in 1997 pursuant to NRS 706.771, which requires that all administrative fines imposed and collected by the Nevada Transportation Authority are credited to a separate account to be used by the Authority to enforce the statutory provisions. Statutory Authority NRS 706. [See Attachment]
 [See Attachment]

Item No	Description	Actual 2011-2012	Work Program 2012-2013	G01 Year 1 2013-2014	G01 Year 2 2014-2015
B000	BASE				
	This request continues funding for budget account operating costs. One-time expenditures have been eliminated and partial year costs have been annualized.				
REVENUE					
2511	BALANCE FORWARD FROM PREVIOUS YEAR Nevada Transportation Authority Services balance forward fund.	219,796	164,947	161,816	230,722
2512	BALANCE FORWARD TO NEW YEAR	-164,947	0	0	0
4157	FINES Administrative fines for violations of NRS and NAC 706.	79,729	127,449	203,484	203,484
	The current economic situation might suggest an economic downturn and increased unemployment could lead to an increase in violations related to unlicensed operators, additionally a decline in fine collections may result. However, the Authority projects a level continuation of Fine revenue based on fiscal year 2012, as it most closely reflects current activity within the industry, enforcement efforts, recent hearing outcomes related to violations, and collection activity. Fines cannot be projected forward with certainty since violations are unknown, nor can the final decision be predicated of matters that may come before the Authority for adjudication.				
	Increase based on an average of \$16,957 monthly receipts in fiscal year 2013. [See Attachment]				
	TOTAL REVENUES FOR DECISION UNIT B000	134,578	292,396	365,300	434,206
EXPENDITURE					
01	PERSONNEL SERVICES				
5810	OVERTIME PAY Funds allow for overtime pay for enforcement personnel to provide sufficient manpower for special events and conventions.	9,197	9,116	9,197	9,197
5880	SHIFT DIFFERENTIAL PAY Funds allow for shift differential pay for enforcement staff to work variable schedules during special events and conventions.	512	712	512	512
	TOTAL FOR CATEGORY 01	9,709	9,828	9,709	9,709
03	IN-STATE TRAVEL				
6200	PER DIEM IN-STATE Funds allow for in-state travel by enforcement staff within Nevada for complaint investigations, vehicle inspections, and on-site operational inspections. Travel by Chief Inspector to attend meetings, work with staff in Northern Nevada office and confer with Chairman and Deputy Commissioner. [See Attachment]	2,970	3,249	2,970	2,970
6240	PERSONAL VEHICLE IN-STATE Funds allow for personal vehicle costs associated with in-state travel.	20	0	20	20
6250	COMM AIR TRANS IN-STATE Funds allow for airfare between the northern and southern Nevada Transportation Authority offices.	569	691	569	569
	TOTAL FOR CATEGORY 03	3,559	3,940	3,559	3,559
04	OPERATING				
7020	OPERATING SUPPLIES Funds allow for general supplies related to enforcement activities and office needs. [See Attachment]	359	326	359	359
7041	PRINTING AND COPYING - A Funds allow for Xerox cost-per-copy charges. [See Attachment]	903	765	903	903

State of Nevada - Budget Division
Line Item Detail & Summary
2013-2015 Biennium (FY14-15)

Item No	Description	Actual 2011-2012	Work Program 2012-2013	G01 Year 1 2013-2014	G01 Year 2 2014-2015
7051	AGENCY OWNED - PROP. & CONT. INSURANCE Funds allow for agency owned - property and content insurance costs.	29	0	29	29
7052	VEHICLE COMP & COLLISION INS Funds allow for vehicle comprehensive and collision insurance costs, for agency owned vehicles.	718	718	718	718
7059	AG VEHICLE LIABILITY INSURANCE Funds allow for Attorney General Liability Insurance for 11 legislatively approved vehicles.	1,931	1,931	1,931	1,931
705A	NON B&G - PROP. & CONT. INSURANCE Funds allow for Non-Buildings and Grounds - property and content insurance costs.	0	29	0	0
7090	EQUIPMENT REPAIR	0	507	0	0
7110	NON-STATE OWNED OFFICE RENT Funds allow for non-state owned office rent.	65,509	72,559	65,509	65,509
	Total Reno square feet = 1,804 sf				
	TSA Fines 3923: 50% x 1,804 sf = 902 sf				
	TSA 3922: 50% x 1,804 sf = 902 sf				
	Fiscal year 2014 = \$12,366.42: \$1.120/sf x 902 sf = \$1,010.24/Month x 3 Months = \$3,030.72 \$1.150/sf x 902 sf = \$1,037.30/Month x 9 Months = \$9,335.70				
	Fiscal year 2015 = \$12,447.60: \$1.15/sf x 902 sf = \$1,037.30/Month x 12 Months = \$12,447.60				
	Total Las Vegas square feet = 5,532 sf				
	TSA Fines 3923: Enforcement full time equivalent: 44% x 5,532 sf = 2,434 sf				
	TSA 3922: Remaining full time equivalent: 56% x 5,532 sf = 3,098 sf				
	Fiscal year 2014 = \$53,844.95: \$1.803/sf x 2,434 sf = \$4,388.50/Month x 3 Months = \$13,165.51 \$1.857/sf x 2,434 sf = \$4,519.94/Month x 9 Months = \$40,679.44				
	Fiscal year 2015 = \$56,955.60: \$1.857/sf x 2,434 sf = \$4,519.94/Month x 6 Months = \$27,119.63 \$2.043/sf x 2,434 sf = \$4,972.66/Month x 6 Months = \$29,835.97				
	Year 1: Base \$65,509 + M150 \$702 = \$66,211 Year 2: Base \$65,509 + M150 \$3,894 = \$69,403				
7151	OUTSIDE MAINTENANCE OF VEHICLE Funds allow for agency vehicle maintenance, used for oil and oil filter changes, break repairs, windshield wipers tires, car washes, transmission repairs, and other vehicle maintenance items. [See Attachment]	14,899	2,342	14,899	14,899
7153	GASOLINE Funds allow for gasoline for agency owned vehicles. [See Attachment]	23,757	17,945	23,757	23,757
7156	VEHICLE REPAIR & REPLACEMENT PARTS	0	6,996	0	0
7255	B & G LEASE ASSESSMENT Funds allow for lease assessment paid to Buildings and Grounds (B&G), for lease preparation and and oversight, as determined by	494	574	494	494

State of Nevada - Budget Division
Line Item Detail & Summary
2013-2015 Biennium (FY14-15)

Item No	Description	Actual 2011-2012	Work Program 2012-2013	G01 Year 1 2013-2014	G01 Year 2 2014-2015
	B&G.				
7270	LATE FEES AND PENALTIES Funds allow for one-time late fees paid to Fleetcor Technology, in fiscal year 2012, to be removed.	126	0	126	126
	Base \$126 - M150 \$126 = \$0.00/Year [See Attachment]				
7291	CELL PHONE/PAGER CHARGES Funds allow for cell phone charges for designated staff. [See Attachment]	6,228	6,008	6,228	6,228
7296	EITS LONG DISTANCE CHARGES Funds allow for long distance charges through Enterprise Technology Information Services. [See Attachment]	1,679	1,596	1,679	1,679
7301	MEMBERSHIP DUES Funds allow for the Annual Nevada Sheriffs' and Chiefs' Association membership and the Annual Law Enforcement Coordinating Committee membership.	345	345	345	345
7302	REGISTRATION FEES Funds allow for the Department of Motor Vehicle special license plate renewal and the Annual Law Enforcement Coordinating Committee membership.	210	0	210	210
7980	OPERATING LEASE PAYMENTS Funds allow for Xerox Las Vegas copier lease.	1,707	1,707	1,707	1,707
	\$142.28/Month X 12 Months = \$1,707.36/Year [See Attachment]				
	TOTAL FOR CATEGORY 04	118,894	114,348	118,894	118,894
26	INFORMATION SERVICES				
7029	OPERATING SUPPLIES-I Funds allow for printer toner cartridges. [See Attachment]	50	299	50	50
7533	EITS EMAIL SERVICE Funds allow for 11 state email accounts through Enterprise Information Technology Services.	386	185	386	386
	11 Accounts x 12 Months @ \$1.40 Each = \$184.80/Year				
	Base \$386 - M150 \$201 = \$185/Year				
	TOTAL FOR CATEGORY 26	436	484	436	436
29	UNIFORMS				
	NTA policy requires enforcement staff carry badges and wear identifiable clothing consisting of a polo shirt and/or a jacket with an embroidered logo except when conducting undercover operations.				
7030	FREIGHT CHARGES Funds allow for freight charges associated with the shipment of a safety vest. [See Attachment]	21	0	21	21
7170	CLOTH/UNIFORM/TOOL ALLOWANCE Funds allow for new and replacement agency uniforms.	1,148	1,169	1,148	1,148
	The Transportation Authority has 8 Compliance/Enforcement Investigators.				
	New uniform allowance was calculated using the historical turnover/transfer data from Human Resource Data Warehouse for fiscal years 2011 and 2012, reflecting two turnovers for uniformed personnel (1/Year).				
	12 X 8.3% = .9960 rounded to 1/Year				
	TOTAL FOR CATEGORY 29	1,169	1,169	1,169	1,169
30	TRAINING				

State of Nevada - Budget Division
Line Item Detail & Summary
2013-2015 Biennium (FY14-15)

Item No	Description	Actual 2011-2012	Work Program 2012-2013	G01 Year 1 2013-2014	G01 Year 2 2014-2015
	Training required for investigators to maintain Nevada Peace Officer Training Standards (P.O.S.T.) certification and improve general law enforcement and leadership skills.				
7302	REGISTRATION FEES	170	150	170	170
	Funds allow for registration fees for specialized training for one investigator per year and law enforcement leadership training for one supervisory investigator per year. Targets and bullets at shooting range are purchased in lieu of paying registration or range fees to shooting range for training. [See Attachment]				
7320	INSTRUCTIONAL SUPPLIES	534	554	534	534
	Funds allow for ammunition and targets for quarterly firearm qualifying rounds. [See Attachment]				
	TOTAL FOR CATEGORY 30	704	704	704	704
86	RESERVE				
9178	RESERVE - BAL FWD TO SUBSEQUENT FY	0	161,816	230,722	299,628
	Funds allow for the balance forward of Transportation Authority revenues less expenses to the subsequent fiscal year.				
	TOTAL FOR CATEGORY 86	0	161,816	230,722	299,628
87	PURCHASING ASSESSMENT				
7393	PURCHASING ASSESSMENT	107	107	107	107
	Funds allow for services provided by the State Purchasing Division.				
	TOTAL FOR CATEGORY 87	107	107	107	107
	TOTAL EXPENDITURES FOR DECISION UNIT B000	134,578	292,396	365,300	434,206
M100	STATEWIDE INFLATION				
	This request reflects rate changes for internal service funds such as the Attorney General, Motor Pool, information technology services, state-owned building rent, vehicle insurance, personnel assessments, and property and contents insurance.				
REVENUE					
00	REVENUE				
2511	BALANCE FORWARD FROM PREVIOUS YEAR	0	0	0	-367
	TOTAL REVENUES FOR DECISION UNIT M100	0	0	0	-367
EXPENDITURE					
04	OPERATING				
7052	VEHICLE COMP & COLLISION INS	0	0	13	25
7059	AG VEHICLE LIABILITY INSURANCE	0	0	26	26
705A	NON B&G - PROP. & CONT. INSURANCE	0	0	-5	-5
	TOTAL FOR CATEGORY 04	0	0	34	46
26	INFORMATION SERVICES				
7533	EITS EMAIL SERVICE	0	0	375	293
	TOTAL FOR CATEGORY 26	0	0	375	293
86	RESERVE				
9178	RESERVE - BAL FWD TO SUBSEQUENT FY	0	0	-367	-664
	TOTAL FOR CATEGORY 86	0	0	-367	-664
87	PURCHASING ASSESSMENT				

State of Nevada - Budget Division
Line Item Detail & Summary
2013-2015 Biennium (FY14-15)

Item No	Description	Actual 2011-2012	Work Program 2012-2013	G01 Year 1 2013-2014	G01 Year 2 2014-2015
7393	PURCHASING ASSESSMENT	0	0	-42	-42
	TOTAL FOR CATEGORY 87	0	0	-42	-42
	TOTAL EXPENDITURES FOR DECISION UNIT M100	0	0	0	-367

M150 ADJUSTMENTS TO BASE

This request adjusts base expenditures including eliminating one-time expenditures such as equipment, and adjusts for partial year costs for the continuation of programs.

REVENUE**00 REVENUE**

2511	BALANCE FORWARD FROM PREVIOUS YEAR	0	0	0	-1,356
	TOTAL REVENUES FOR DECISION UNIT M150	0	0	0	-1,356

EXPENDITURE**04 OPERATING**

7051	AGENCY OWNED - PROP. & CONT. INSURANCE	0	0	-29	-29
	Adjustment to funding provided for agency owned - property and content insurance.				
705A	NON B&G - PROP. & CONT. INSURANCE	0	0	28	27
	Adjustment to funding provided for Non-Buildings and Grounds - property and content insurance.				
7110	NON-STATE OWNED OFFICE RENT	0	0	702	3,894
	Adjustment to funding provided for non-state owned office rent, as a result of lease annual increase.				

Total Reno square feet = 1,804 sf

TSA Fines 3923: 50% x 1,804 sf = 902 sf

TSA 3922: 50% x 1,804 sf = 902 sf

Fiscal year 2014 = \$12,366.42:

\$1.120/sf x 902 sf = \$1,010.24/Month x 3 Months = \$3,030.72

\$1.150/sf x 902 sf = \$1,037.30/Month x 9 Months = \$9,335.70

Fiscal year 2015 = \$12,447.60:

\$1.15/sf x 902 sf = \$1,037.30/Month x 12 Months = \$12,447.60

Total Las Vegas square feet = 5,532 sf

TSA Fines 3923:

Enforcement full time equivalent: 44% x 5,532 sf = 2,434 sf

TSA 3922:

Remaining full time equivalent: 56% x 5,532 sf = 3,098 sf

Fiscal year 2014 = \$53,844.95:

\$1.803/sf x 2,434 sf = \$4,388.50/Month x 3 Months = \$13,165.51

\$1.857/sf x 2,434 sf = \$4,519.94/Month x 9 Months = \$40,679.44

Fiscal year 2015 = \$56,955.60:

\$1.857/sf x 2,434 sf = \$4,519.94/Month x 6 Months = \$27,119.63

\$2.043/sf x 2,434 sf = \$4,972.66/Month x 6 Months = \$29,835.97

Year 1: Base \$65,509 + M150 \$702 = \$66,211

State of Nevada - Budget Division
Line Item Detail & Summary
2013-2015 Biennium (FY14-15)

Item No	Description	Actual 2011-2012	Work Program 2012-2013	G01 Year 1 2013-2014	G01 Year 2 2014-2015
	Year 2: Base \$65,509 + M150 \$3,894 = \$69,403				
7255	B & G LEASE ASSESSMENT Adjustment to funding provided for lease assessments paid to Buildings and Grounds (B&G), for lease preparation and oversight, as determined by B&G.	0	0	294	290
7270	LATE FEES AND PENALTIES Adjustment to funding for late fees paid to Fleetcor Technology, in fiscal year 2012, eliminates one-time expenditures.	0	0	-126	-126
	Base \$126 - M150 \$126 = \$0.00/Year				
	TOTAL FOR CATEGORY 04	0	0	869	4,056
26	INFORMATION SERVICES				
7533	EITS EMAIL SERVICE Adjustment to funding provided for 10 state email accounts through Enterprise Information Technology Services.	0	0	-201	-201
	11 Accounts x 12 Months @ \$1.40 Each = \$184.80/Year				
	Base \$386 - M150 \$201 = \$185/Year				
	TOTAL FOR CATEGORY 26	0	0	-201	-201
29	UNIFORMS				
	NTA policy requires enforcement staff carry badges and wear identifiable clothing consisting of a polo shirt and/or a jacket with an embroidered logo except when conducting undercover operations.				
7170	CLOTH/UNIFORM/TOOL ALLOWANCE Request allows for new and replacement uniforms for agency Compliance/Enforcement and Investigator staff.	0	0	688	688
	TOTAL FOR CATEGORY 29	0	0	688	688
86	RESERVE				
9178	RESERVE - BAL FWD TO SUBSEQUENT FY Adjustment to funding provided for multiple adjustments to various funds resulting from actual budgetary needs and removal of one-time expenditures.	0	0	-1,356	-5,899
	TOTAL FOR CATEGORY 86	0	0	-1,356	-5,899
	TOTAL EXPENDITURES FOR DECISION UNIT M150	0	0	0	-1,356
E350	SAFE AND LIVABLE COMMUNITIES				
	This request funds uniform items other than clothing items and are standard issue for public safety investigators. These items have historically been provided by the agency outside of the uniform schedule. In an effort to appropriately reflect the actual uniforms provided, the agency is requesting to add these additional items to the uniform schedule through an enhancement.				
REVENUE					
00	REVENUE				
2511	BALANCE FORWARD FROM PREVIOUS YEAR	0	0	0	-1,260
	TOTAL REVENUES FOR DECISION UNIT E350	0	0	0	-1,260
EXPENDITURE					
29	UNIFORMS				
	NTA policy requires enforcement staff carry badges and wear identifiable clothing consisting of a polo shirt and/or a jacket with an embroidered logo except when conducting undercover operations.				
7170	CLOTH/UNIFORM/TOOL ALLOWANCE	0	0	1,260	298
	TOTAL FOR CATEGORY 29	0	0	1,260	298

State of Nevada - Budget Division
Line Item Detail & Summary
2013-2015 Biennium (FY14-15)

Item No	Description	Actual 2011-2012	Work Program 2012-2013	G01 Year 1 2013-2014	G01 Year 2 2014-2015
86	RESERVE				
9178	RESERVE - BAL FWD TO SUBSEQUENT FY	0	0	-1,260	-1,558
	TOTAL FOR CATEGORY 86	0	0	-1,260	-1,558
	TOTAL EXPENDITURES FOR DECISION UNIT E350	0	0	0	-1,260
	TOTAL REVENUES FOR BUDGET ACCOUNT 3923	134,578	292,396	365,300	431,223
	TOTAL EXPENDITURES FOR BUDGET ACCOUNT 3923	134,578	292,396	365,300	431,223

ACTIVITY**POLICY, REGULATION, AND HEARINGS****Narrative:**

The Nevada Transportation Authority (NTA) conducts hearings before individual commissioners to adjudicate vehicle impounds and citations and to review new applications, changes in company ownership, and changes in service or rates. Additionally, NTA conducts hearings on appeals of decisions made by the Nevada Taxicab Authority. The agency holds public hearings and workshops on new or revised regulations. NTA also holds monthly public meetings of the full board to act on matters over which the agency has regulatory jurisdiction.

Population:

1. Applicants for new or amended licenses.

Applicants for new or amended certificate of public convenience and necessity or permit to provide transportation of passengers or household goods or tow car service within the State of Nevada.

2. Regulated Motor Carriers

Passenger transportation, household goods movers and tow car services under the jurisdiction of the Nevada Transportation Authority.

Specific Statutory Authority:

NRS 706 and 712; Code of Federal Regulations (FR) Title 49, parts 40, 382, 383, 385, 387, 390 to 393, 395, to 397. Appendices B&G of 49 CFR Chapter iii, Subchapter B.

Additionally, pursuant to the Nevada Constitution (Article 1, Section 8), the 14th Amendment of the United States Constitution, and innumerable court decisions, applicants, certificate holders, and respondents to citations and impounds of alleged violations of NRS/NAC Chapter 706 must be afforded due process. The three commissioners and administrative attorney are assigned to provide such hearings.

ACTIVITY

GENERAL ADMINISTRATION

Narrative:

NTA leadership establishes and implements agency policy, oversees daily operations, and is responsible for all aspects of the agency's human resources. Administrative staff are responsible for managing NTA's database and website. Staff also prepare and distribute public meeting agendas, legal notices, legal orders, and general correspondence. They maintain the docket case list and agency calendar. Additionally, staff maintain official agency records, administrative files, and respond to questions from the public.

Specific Authority:

NRS 706.151, 706.1515 to .1516, 706.197 to .211, 706.251, 706.2865 to .2873, 706.291 to .3052, 706.451, 706.465 to .471, 706.749, NRS 712.

Populations:

- Agency Staff
- Applicants
- Regulated Carriers
- Illegal Operators

ACTIVITY	
<p>LICENSING AND APPLICATIONS</p> <p>NTA processes applications for new licenses filed with the agency. Staff perform intensive analysis with respect to applications for new and/or expanded operating authority, tariff rate modifications, and sales and transfers of fully regulated companies. The agency assesses the operational fitness of all applicants as well as the financial fitness of fully regulated applicants. Staff examine the annual reports for 100 percent of all certified carriers to ensure they comply with state law. Additionally, staff perform onsite financial audits to ensure motor carriers comply with state laws related to financial fitness and approved tariffs.</p> <p><u>Specific Authority:</u> Nevada Revised Statutes (NRS): 706.151, 706.1515, 706.156, 706.166 to 706.171, 706.172 to 706.1725, 706.291 to 706.4468, 706.463, 706.6411, 706.749 and NRS 712</p> <p><u>Population:</u> Applicants for new or amended service.</p>	
<p>ACTIVITY</p> <p>Compliance Audit</p> <p>NTA ensures certified motor carriers comply with federal and state safety laws through random or risk-based on-site operational inspections. Staff verify certificates of insurance to ensure certified motor carriers have required insurance and obtain required federal annual inspections. Staff perform vehicle safety inspections for each certified vehicle placed into operation in the state and conduct background investigations to assist in assessing an applicant's fitness to operate as a motor carrier.</p> <p><u>Specific Authority:</u></p> <p>NRS 706.151, 706.166 to NRS 706.781, inclusive. NRS 712. Code of Federal Regulations Title 49, Parts 40, 382, 383, 385, 387, 390 to 393, 395 to 397. Appendices B & G of 49 C.F.R. Chap. III, Subchapter B.</p> <p><u>Population:</u> Applicants for new or amended license; Regulated Carriers</p>	

ACTIVITY	
COMPLIANCE ENFORCEMENT	
<p>NTA enforcement officers investigate written complaints received by the agency alleging violations of laws under its jurisdiction. Officers patrol, conduct surveillance, and execute sting operations that may result in issuing of citations and impounding vehicles used to provide unlawful transportation upon Nevada's highways. These operations address imminent threats to the safety of the traveling public, both residents and tourists, posed by unfit, unlicensed drivers operating unregistered, uninsured, uninspected, and unsafe vehicles. Enforcement staff are Nevada Peace Officer Standards and Training (P.O.S.T.) certified officers responsible for enforcing state and federal motor carrier laws. Officers also assist other law enforcement agencies with homeland security and motor carrier enforcement operations.</p> <p><u>Specific Authority:</u></p> <p>NRS 706.151, 706.166 to NRS 706.781, inclusive. NRS 712. Code of Federal Regulations Title 49, Parts 40, 382, 383, 385, 387, 390 to 393, 395 to 397. Appendices B & G of 49 C.F.R. Chap. III, Subchapter B. Additionally, enforcement officers are responsible for NRS 482, 483.230, 483.350, 483.530 to 483.620.</p> <p><u>Population:</u></p> <p>Regulated Motor Carriers Unlicensed operators</p>	



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE January 23, 2014 GENERAL SESSION

AGENDA

1. Call to Order

Chairman Andrew J. MacKay called the meeting to order at 9:40 a.m.

2. Roll Call

Present in Las Vegas: Chairman Andrew J. MacKay, Commissioner Monica B Metz, Commissioner George Assad, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Compliance Audit Investigator Rene Revens for Chief of Enforcement Michael Bradford, and Senior Deputy Attorney General David Newton. Present in Reno: Deputy Commissioner Marilyn Skibinski.

3. Pledge of Allegiance

Compliance Audit Investigator Rene Revens led a recital of the Pledge.

4. Public Comment:

None.

5. Approval of Agenda

Administrative Attorney Jim Day requested Items 26, 35, 41, 57, and 66 be removed from consideration. He also indicated that Item 69 needs to be pulled as it has a pending PLTI that has not yet been resolved and that the Applicant for Item 73 requested it be heard at a subsequent meeting. Commissioner Metz requested Items 23 and 24 be removed from consideration and the hearings reset with specific notice to the Respondents outlining consequences for their failure to appear. Chairman MacKay noted Item 70 would be taken out of order to be heard following the Administrative Citations and Impounds. Approved 3-0 as modified.

6. Approval of the Minutes of the December 19, 2013 General Session

Approved 3-0.

7. Briefings from the Commissioners

Chairman MacKay recognized Vivian Macek for her efforts in getting the meeting Notice and Agenda sent out in a timely manner, in spite of the late changes. He thanked Marilyn Skibinski and Gina Reynolds for setting up the limousine driver licensing program and commended Enforcement Staff for their diligence during the recent CES event. Commissioner Metz echoed Chairman MacKay's comments. Commissioner Assad recognized Mr. David McKeon, Chairman of the Clark County Republican Party, and echoed comments regarding Staff efforts.

8. Briefing from the Deputy Commissioner

Deputy Commissioner Marilyn Skibinski thanked the Las Vegas and Reno Staff for their efforts during the extended absence of the Reno Administrative Assistant.

9. Report of Legal Counsel

Senior Deputy Attorney General David Newton stated the Royalty Petition for Judicial Review has been withdrawn. He also indicated Deputy Attorney General Christopher Eccles will no longer be assisting him with Authority matters as Mr. Eccles has been reassigned. Senior Deputy Attorney General Kim Arguello will now be Mr. Newton's back-up.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 10 through 56, with the exception of Items 23, 24, 26, 35 and 41, were considered collectively and approved 3-0.

- 10. Citation 16472** issued to Sunshine Yellow Taxi for a violation of NAC 706.228. (AJM)
- 11. Impound 2147** The impoundment pursuant to NRS 706.476 of a vehicle registered to U-Haul of Arizona. (AJM)
- 12. Impound 2148** The impoundment pursuant to NRS 706.476 of a vehicle registered to Rodney Perry. (AJM)
- 13. Impound 2229** The impoundment pursuant to NRS 706.476 of a vehicle registered to David Graham. (AJM)
- 14. Impound 2219 and Citation 16507** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 16507 issued to Glenn Nisidio for violations of NRS 706.386 and NRS 706.758. (AJM)
- 15. Impound 2006 and Citation 16759** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16759 issued to Israel Moran for violations of NRS 706.386 and NRS 706.758. (AJM)
- 16. Citation 16242** issued to Main Gate Towing Inc. d/b/a Titan Towing for a violation of NAC 706.247/49 CFR 382.305(a). (MBM)
- 17. Citations 16246 and 16247** issued to Medical Transport Co., LLC for violations of NAC 706.247/49 CFR 391.51(7)(i) (20 counts), NAC 706.247/49 CFR 382.305(a) and NAC 706.247/49 CFR 382.301(a). (MBM)
- 18. Citation 16341** issued to Mon Bel Ami for violations of NRS 706.386 (565 counts) and NRS 706.758 (565 counts). (MBM)
- 19. Citation 16429** issued to Rodney Perry for violations of NRS 706.386 and NRS 706.758. (MBM)
- 20. Citation 16474** issued to Pamela Stanislaio for a violation of NAC 706 as amended by LCB File No. R127-07. (MBM)

21. Citation 16535 issued to O'Briens Moving and Storage for a violation of NAC 706.203. (MBM)

22. Citation 16596 issued to Malik Alamudeen for violations of NAC 706.228 and NAC 706 as amended by LCB File No. R127-07. (MBM)

23. Citation 16598 issued to Ambachew Yenienneh for a violation of NAC 706.228. (MBM)
This item was removed from the Agenda prior to consideration.

24. Citation 16599 issued to Yared Tegegne for violations of NAC 706.228 and NAC 706.247/49 CFR 391.41. (MBM)

This item was removed from the Agenda prior to consideration.

25. Citation 16631 issued to B & E Inc. d/b/a SNAP Towing for violation of NAC 706.247/49 CFR 382.301(a) (3 counts). (MBM)

26. Citation 16691 issued to Samuel Azeke for a violation of NAC 706.228. (MBM)

This item was removed from the Agenda prior to consideration.

27. Citation 16714 issued to Anthony Villalpando for a violation of NAC 706.228. (MBM)

28. Citation TA 8-00046091 issued to Paul Nyaruba for violations of NAC 706.228 and NAC 706.329. (MBM)

29. Citation TA 8-00046414 issued to Osaretin Alvin Uwaifo for a violation of NAC 706.329. (MBM)

30. Impound 2081 The impoundment pursuant to NRS 706.476 of a vehicle registered to Juan Blanco. (MBM)

31. Impound 2215 The impoundment pursuant to NRS 706.476 of a vehicle registered to Exclusive Transportation, LLC. (MBM)

32. Impound 2251 The impoundment pursuant to NRS 706.476 of a vehicle registered to Cory Whitehill. (MBM)

33. Impound 2212 and Citation 16715 The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16715 issued to Marshall Gehring for violations of NRS 706.386 and NRS 706.758. (MBM)

34. Citation 16248 issued to Nevada North American for a violation of NAC 706.247/49 CFR 382.301(a). (GA)

35. Citations 16663 issued to Michael Mojo for violations of NAC 706 as amended by LCB File No. R127-07 and NAC 706.228. (GA)

This item was removed from the Agenda prior to consideration.

36. Citation 16719 issued to Cory Whitehill for violations of NRS 706.386 and NRS 706.758. (GA)

37. Citation 16721 issued to Juan Blanco / S & L Investments for violations of NRS 706.386 and NRS 706.758. (GA)

38. Citation 16724 issued to Danny Ray Bush for violations of NRS 706.386 and NRS 706.758. (GA)

39. Impound 2252 The impoundment pursuant to NRS 706.476 of a vehicle registered to Mary Theresa Rivera. (GA)

40. Impound 2254 and Citation 16758 The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16758 issued to Michael Kerew for violations of NRS 706.386 and NRS 706.758. (GA)

41. Citation 14160 issued to Edward Loudenclos III/Sunset Limousine for violations of NRS 706.386 and NRS 706.758.

This item was removed from the Agenda prior to consideration.

42. Citation 16295 issued to William D. Strauss/Sunshine Yellow Taxi for a violation of NAC 706.247/49 CFR 391.41.

43. Citation 16308 issued to Michael Shifa for a violation of NAC 706.228.

44. Citation 16307 issued to Kirubel Beyene for a violation of NAC 706.228.

45. Citation 16435 issued to Alpine Auto Service, Inc. d/b/a Alpine Towing for violation of NRS 706.311 and NAC 706.420.

46. Citation 16470 issued to Paul Seaman for a violation of NAC 706.374.

47. Citation 16496 issued to Advanced Home Health Care for violations of NRS 706.386 and NRS 706.758.

48. Citation 16497 issued to All Valley Home Care for violations of NRS 706.386 and NRS 706.758.

49. Citation 16697 issued to Mohamed Abdel-Ghany for a violation of NAC 706.228.

50. Citation 16713 issued to Mohamed Bedrie Hussien for violations of NAC 706.228 and NAC 706 as amended by LCB File No. R127-07(1).

51. Citation 16718 issued to Solomon Bekele Dadi for a violation of NAC 706.228.

52. Citation 16720 issued to Hans W. Bludav for violations of NAC 706.360 and NAC 706.228.

53. Citation 16723 issued to Mustapha Sebaa for a violation of NAC 706.228.

54. Citation 16755 issued to Ruslan Aronov for a violation of NAC 706.228.

55. Citation 16756 issued to Abiy Getahun for a violation of NAC 706.228.

56. Citation TA 8-00045303 issued to Amarech Woldemariam for a violation of NAC 706.228.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE TOW CAR SERVICE**

- 57. Docket 12-11032** The Application of Sebastian Perez d/b/a SS Towing for a certificate of public convenience and necessity ("CPCN") to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (MBM)

This item was removed from the Agenda prior to consideration.

- 58. Docket 13-03010** The Application of Israel Moran Garcia and Maribel Andres Cruz d/b/a Max Towing Service for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. The Deputy Commissioner shall vacate the Application due to a citation being issued for violations of NRS/NAC 706 unless the Authority orders otherwise. Staff investigation concluded. (MBM)

Deputy Commissioner Skibinski summarized the procedural history of the Compliance Order. Chairman MacKay served as Hearing Officer for the Impound/Citation and detailed the stipulations and fines. Mr. Moran was present on behalf of the Applicant. Financial Analyst Yvonne Shelton served as Interpreter for Mr. Moran. Commissioner Metz expressed concern that Mr. Moran needs an interpreter and questioned who would be responsible for record keeping and safety compliance as records must be kept in English. She also expressed concern that the Applicant disregarded the Compliance Order. A discussion ensued with regard to maintenance of records and compliance. Record was made for Staff directive of unannounced operational inspection within 6 months and with one additional in the next 2 years. Authority declines 3-0 to Order that the Application be vacated.

- 59. Docket 13-10011** The Application of Juan A. Wong d/b/a J.A.W. Towing for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application and indicated Staff support. Applications Manager Liz Babcock stated the operation will be out of Las Vegas. Approved 3-0.

- 60. Docket 13-10016** The Joint Application of David Kimball and Trevor Shipp for authority to sell and transfer and of Carl Saynay and Jason Thomas to purchase and acquire Las Vegas Parking Enforcement, Inc. d/b/a Red Rock Towing, a carrier authorized to provide tow car service within the State of Nevada under CPCN 7301. Staff investigation concluded. (GA)

Carl Saynay appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the Application and indicated Staff support. Approved 3-0.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE CHARTER BUS SERVICE**

- 61. Docket 13-09007** The Application of Las Vegas Host, LLC d/b/a Midnight Star Transportation for a CPCN to provide charter bus service within the State of Nevada. Staff investigation concluded. (MBM)

Mr. Sanchez, Owner, appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the Application and indicated Staff support. Commissioner Metz noted a Protest filed by the Livery Operators Association. Kimberly Maxson-Rushton, Esq. appeared on behalf of the LOA. Approved 2-0 with Commissioner Assad abstaining.

PETITIONS FOR RECONSIDERATION

- 62. Docket 13-10014** Petition for Reconsideration of the Authority's September 16, 2013 Order in the matter of Citation 16296, issued to Gregory Miller/Lake Tahoe Taxi for violations of NRS 706.386 and NRS 706.758. Respondent requests that the final Order be set aside and a new hearing set. This Petition was considered at the Authority's November 2013 general session. Chairman MacKay summarized the request and indicated neither Mr. Miller nor his legal counsel was present. The Petition was denied by a vote of 3-0. Subsequent to the general session, the Authority Staff discovered an error in the mailing address used in noticing the Petitioner. Accordingly, Staff recommends that the Authority again consider the merits of the Petition, with proper notice to the Petitioner. (AJM)

Kevin Karp, Esquire appeared on behalf of Gregory Miller/Lake Tahoe Taxi and summarized his Petition. Chairman MacKay summarized the procedural history. Chairman MacKay indicated he was not inclined to reduce the fine amounts or reconsider the matter. Commissioners Metz and Assad agreed. Petition denied 3-0.

- 63. Docket 14-01014** Petition for Reconsideration of the Authority's November 21, 2013 Order in the matter of the impoundment (I-2149) pursuant to NRS 706.476 of a vehicle registered to Tahoe Elite Private Car Services Inc. and Citation 16431 issued to Pamela Cheung/Tahoe Elite for violations of NRS 706.386 and NRS 706.758. Respondent requests an opportunity to be heard with respect to the fines amounts, stating that she did not receive notice of the original consideration by the full Authority at the November 2013 general session. If reconsideration is granted, the Authority may immediately reconsider fine amounts during the instant general session. (GA)

Commissioner Assad summarized the matter and indicated he was not inclined to reduce the fine amounts or reconsider the matter. Respondent was not present. Petition denied 3-0.

- 64. Docket 14-01015** Petition for Reconsideration of the Authority's November 21, 2013 Order in the matter of the impoundment (I-2140) pursuant to NRS 706.476 of a vehicle registered to and Citation 16463 issued to Gregg Grieman for violations of NRS 706.386 and NRS 706.758. Respondent's filing alternatively requests adjustment of the fine amounts and/or that the prior Order be set aside and a new hearing scheduled. (AJM)

Greg Grieman was present in the Reno office. Chairman MacKay summarized the matter. A discussion ensued with regard to Mr. Grieman's understanding of the citation hearing proceedings. Chairman MacKay indicated he was not inclined to reduce the fine amounts or reconsider the matter. Petition denied 3-0.

- 65. Docket 14-01016** Petition for Reconsideration of the Authority's November 21, 2013 Order in the matter of Citation 16491, issued to North Lake Tahoe Express for violations of NRS 706.386 and NRS 706.758. Authority Staff and Petitioner jointly request that the final Order be set aside and a new hearing set, based upon a potential deficiency in noticing of the citation and November general session. Staff recommends that the Authority grant the Petition and reset the matter for hearing, with proper notice to the Respondent/Petitioner. (AJM)

Chairman MacKay summarized the matter, indicated support of the Petition, and requested the matter be reset for hearing. Petition approved 3-0.

APPEAL FROM TAXICAB AUTHORITY DECISION

- 66. Docket 13-09012** The Appeal pursuant to NAC 706.9914 by David Kingsley from the Order of the Taxicab Authority dated September 10, 2013 and titled "In the Matter of the Appeal of

David Kingsley, TA Permit No. 20872, Regarding Taxicab Authority Citation No. 43736.”
(AJM)

This item removed from Agenda prior to consideration.

FINANCIAL RATES AND TARIFFS

- 67. Docket 13-10019** The Application of Desert Portable Storage, LLC d/b/a PODS for approval of a tariff rate modification for services conducted under CPCN 3260. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized the Application, indicated the PLTI date is January 28, 2014, and indicated Staff support with the exception of the promotional discounts. Tito Rodriguez was present on behalf of the Applicant. A lengthy discussion ensued with regard to the implementation of promotional discounts and federal preemption of state laws regulating certain types of property carriers. Tariff modification approved 3-0 with the exception of promotional discount page and conditioned on no PLTI's being filed by the deadline and granted.

- 68. Docket 13-12002** The Application of Earth Limousines, LLC d/b/a Earth Limos for approval of a tariff rate modification for charter limousine services conducted under CPCN 1108. Staff investigation concluded.

Lou Castro appeared on behalf of the Applicant. Chairman MacKay summarized and noted a Protest filed by the Livery Operators Association. Financial Analyst Lidia Aronova summarized the Application and indicated Staff support. Kimberly Maxson-Rushton, Esq. appeared on behalf of the LOA. A discussion ensued with regard to the rates and vehicle types. Commissioner Metz requested the economy-compact rate of \$32.00 to be referred back to Staff for further review and that said rate be modified and approved at \$35.00 in the interim. Approved 3-0 as modified.

- 69. Docket 13-12007** The Application of Integrity Taxi, LLC for approval of a tariff rate modification for taxicab and special services conducted under CPCN 1121. Staff investigation concluded.

Removed from Agenda prior to consideration.

- 70. Docket 13-12018** The Application of Bell Trans, Inc. for approval of a tariff rate modification for Tariff 2-A for airport transfer services conducted under CPCN 1023, Sub 1. Staff investigation concluded.

Jeffrey Silver, Esq. was present on behalf of the Applicant. Financial Analyst Lidia Aronova summarized the Application and indicated Staff support. Approved 3-0.

- 71. Docket 13-12019** The Application of Alpine Towing Service, Inc. d/b/a Alpine Towing for approval of a tariff rate modification for tow car services conducted under CPCN 7070. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized the Application and indicated Staff support. Approved 3-0.

- 72. Docket 14-01003** The Application of Airline Limousine Corporation d/b/a Airline Shuttle Corp for approval of a tariff rate modification for special services conducted under CPCN 2050, Sub 4. Staff investigation concluded.

John Marushok appeared on behalf of the Applicant. Financial Analyst Lidia Aronova summarized the Application and indicated Staff support. Approved 3-0.

73. Docket 14-01004 The Application of Las Vegas Limousines, Inc. for approval of a tariff rate modification for charter limousine services conducted under CPCN 2258, Sub 5. Staff investigation concluded.

This item removed from Agenda prior to consideration.

APPLICATIONS FOR FULLY REGULATED CARRIERS

74. Docket 12-12022 –A The Application of AWG Ambassador, LLC d/b/a Ambassador Limousine for an expansion of the operating authority granted under CPCN 1041, Sub 4. Staff investigation concluded. (AJM)

Items 74 and 76 were considered collectively. Alan Waxler and Paul Servello, appeared on behalf of the Applicant. Chairman MacKay summarized the procedural history of both dockets. Applications Manager Liz Babcock indicated additional compliance items. A lengthy discussion regarding fleet limitations ensued among the Commissioners, the Applicant, Kimberly Maxson-Rushton, Esq. on behalf of SuperShuttle, and Jim Jimmerson, Esq. on behalf of Jacob Transportation. Commissioner Metz suggested temporary limitations be as follows: CPCN 1041 Sub 4 – use the authority outlined in CPCN 1089 – fleet restriction of 39 vehicles for special service and airport transfer. Item 76 – CPCN 2030 – use authority outlined in CPCN 2055 – fleet restriction of 16 for special service and airport transfer. Motion for approval to reflect Commissioner Metz’s modifications approved as modified 3-0. Matter remanded to Staff for analysis of market and recommendation for permanent fleet restrictions.

75. Docket 13-06025 The Application of Integrity Taxi, LLC for a CPCN to provide passenger transportation by taxicab within Nye County, Nevada on the one hand and points and places in the State of Nevada on the other and to provide special service/per capita transportation between Nye County, Nevada and Clark County, Nevada. The Presiding Officer will recommend that the matter be reopened and reconsidered for purposes of clarifying and potentially amending the authority granted and restrictions thereon. (MBM)

Jim Jimmerson, Esq. appeared on behalf of the Applicant. Commissioner Metz summarized the procedural history, clarified the special services authority type, and recommended a fleet limitation on vehicles used for special service. Mr. Jimmerson requested a higher number of vehicles. Amendment to Certificate approved 3-0.

76. Docket 13-07002 The Application of AWG Ambassador, LLC d/b/a. AWG Charter Services for an expansion of the operating authority granted under CPCN 2030, Sub 1. Staff investigation concluded. (AJM)

Considered with Item 74.

77. Docket 13-09008 The Application of Open Top Sightseeing Las Vegas, LLC for an expansion of operating authority granted under CPCN 2004, Sub 10. Staff investigation concluded. (AJM)

Kimberly Maxson-Rushton, Esq. appeared on behalf of the Applicant. Chairman MacKay summarized the Application and the outstanding compliance items. Also appearing was Greg Gilbert, Outside General Counsel for the Regional Transportation Commission of Southern Nevada. A general discussion ensued. Approved 3-0.

78. Docket 14-01012 The Request for a temporary discontinuance from January 10, 2014 through July 10, 2014 of services provided by Luxe Limo Services, LLC under Contract Carrier Permit MV 6137. Staff investigation concluded.

Chairman MacKay summarized the Request and reasoning for the discontinuance. Approved 3-0.

ORDERS TO SHOW CAUSE

79. Docket 13-03008 The Order to Show Cause issued to Cheep Cheep Movers, Inc. d/b/a Cheep Cheep Movers as to why CPCN 3245 should not be revoked. (MBM)

Commissioner Metz briefly summarized and indicated the docket has a very lengthy history. Chairman MacKay and Commissioner Assad stated they had read the recommendations contained in the draft Order. Hearing Officer recommendations approved 3-0—CPCN revoked.

80. Docket 13-11001 The Order to Show Cause issued to Roadrunner, Inc. dba Raine Family Towing as to why CPCN 7300 should not be revoked. (AJM)

Chairman MacKay briefly summarized and indicated his recommendation for suspension, no revocation, with fines to be assessed. Commissioner Metz suggested a specific date and time for the suspension. Chairman MacKay indicated the suspension date to be from 12:01 a.m. February 10, 2014 thru 11:59 p.m. February 16, 2014. Approved 3-0 as modified.

81. Docket 13-11014 The Order to Show Cause issued to Mollerup Van and Storage as to why CPCN 3084 should not be revoked. (AJM)

Chairman MacKay summarized and indicated no revocation necessary, with fines to be assessed. Commissioner Metz requested an update of company information be entered into the Authority database. Approved 3-0.

DISCUSSION ITEMS

82. Docket 13-08031 The Authority will discuss adding property-specific “convenience fee,” “access fee” or “loading fee” to tariffs as a pass-through fee akin to McCarran Airport AVI fees. Such fees are assessed by certain resort properties and/or their door staff—often at a rate of \$1.00 per passenger—for loading passengers. Currently, carriers are prohibited by NAC 706.311(1)(a) from collecting such fee from the passenger and passing the fee on to the charging resort entity. Item tabled from December 19, 2013 General Session. (AJM)

Chairman MacKay summarized the procedural history of the discussion item. Jim Jimmerson, Esq. discussed the steps taken to eliminate the exchange of fees. John Marushok, Frias Transportation, indicated his agreement with Mr. Jimmerson. Terry Flink, Las Vegas Limousines, echoed the comments of both. No further action necessary as collection by a carrier of any amount over tariff rates is currently covered and prohibited under NAC 706.311.

83. Public Comment

1:00 p.m. - Drew Ribar, commented on the contract between a certain law enforcement agency and tow operators for discounted tow rates and requested the Authority begin an investigation. Administrative Attorney Jim Day indicated he was already in conversation with Mr. Ribar.

4:35 p.m. - None.

84. Adjournment

Meeting was adjourned at approximately 4:40 p.m.

BRIAN SANDOVAL
Governor

STATE OF NEVADA



BRUCE BRESLOW
Director, Business & Industry

ANDREW J. MACKAY
Chairman
MONICA B METZ
Commissioner
GEORGE ASSAD
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE December 19, 2013 GENERAL MEETING

AGENDA

1. Call to Order

Chairman Andrew J. MacKay called the meeting to order at 9:35am

2. Roll Call

Present in Las Vegas: Commissioner Monica B Metz, Commissioner George Assad, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Chief of Enforcement Michael Bradford, Senior Deputy Attorney General David Newton. Present in Reno: Chairman Andrew J. MacKay, Deputy Commissioner Marilyn Skibinski

3. Pledge of Allegiance

Administrative Attorney Jim Day led a recital of the pledge.

4. Public Comment:

None

5. Approval of Agenda

Administrative Attorney Day requested Items 70 and 71 be removed and considered at a subsequent Agenda meeting. Applications Manager Liz Babcock requested Items 53 and 68 be removed as the Applicant has withdrawn and noted a typographical error on Item 54, Alltour should be one word. Commissioner Metz asked to strike "special services" listed on Item 64. Approved as modified 3-0

6. Approval of the Minutes of the November 21, 2013 Agenda Meeting

None

7. Briefings from the Commissioners

Chairman MacKay reported that the Legislative Commission meets tomorrow and is expected to approve the Authority's proposed regulations with respect to driver licensing. Chairman MacKay provided an update on the responses to the Authority RFQ regarding transportation information systems. Chairman MacKay commended Enforcement Staff for their diligence during the recent NFR event. Commissioner Metz echoed the Chairman's comments with respect to Enforcement Staff and thanked the participants in the recent public meeting on the implementation of credit card payments in the tow industry. Commissioner Assad thanked the Authority Staff, legal counsel, and Commissioner Metz, and wished everyone a Merry Christmas and Happy New Year.

8. Briefing from the Deputy Commissioner

None

9. Report of Legal Counsel

Senior Deputy Attorney General Newton reported no recent developments.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 10 through 52 were considered collectively. Approved 3-0

- 10. Citation 16427** issued to North Tahoe Checker for violations of NRS 706.386 and NRS 706.758. (AJM)
- 11. Citation 16430** issued to Patrick Chester Bryant for a violation of NAC 706 as amended by LCB File No. R127-07(1). (AJM)
- 12. Citation 16436** issued to Humayoun Lodhi for violations of NRS 706.386 and NRS 706.758. (AJM)
- 13. Citation 16465** issued to Richard Wright/High Altitude Tours for violations of NRS 706.386 and NRS 706.758. (AJM)
- 14. Citation 16484** issued to Lostra Bros. Towing for violations of NAC 706.420 and NAC 706.440. (AJM)
- 15. Citation 16490** issued to Roadway Towing and Recovery for violations of NAC 706.311 (12 counts) and NAC 706.420 (8 counts). (AJM)
- 16. Impound 2080** The impoundment pursuant to NRS 706.476 of a vehicle registered to Eun Young Kim. (AJM)
- 17. Impound 2144** The impoundment pursuant to NRS 706.476 of a vehicle registered to Lee Anne Marie Gilbert. (AJM)
- 18. Impound 2145** The impoundment pursuant to NRS 706.476 of a vehicle registered to Ezekiel Wooldridge. (AJM)
- 19. Impound 2226** The impoundment pursuant to NRS 706.476 of a vehicle registered to Sana Ortega. (AJM)
- 20. Impound 2146 and Citation 16467** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16467 issued to Barefoot Limo of Lake Tahoe/Diana Peticolas for violations of NRS 706.386 and NRS 706.758. (AJM)
- 21. Impound 2230 and Citation 16437** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16437 issued to Michael Combs for violations of NRS 706.386 and NRS 706.758. (AJM)
- 22. Citation 16233** issued to Oasis Moving and Storage, Inc. for a violation of NAC 706.191. (MBM)

23. **Citation 16600** issued to Donnis Davis for violations of NRS 706.386 and NRS 706.758. (MBM)
24. **Citation 16694** issued to Orlando Schmidt for violations of NRS 706.386 and NRS 706.758. (MBM)
25. **Impound 2202** The impoundment pursuant to NRS 706.476 of a vehicle registered to Kimberly Davis. (MBM)
26. **Impound 2203** The impoundment pursuant to NRS 706.476 of a vehicle registered to New Millennium Transportation, LLC. (MBM)
27. **Impound 2205** The impoundment pursuant to NRS 706.476 of a vehicle registered to James D. Monet. (MBM)
28. **Impound 2208 and Citation 16695.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16695 issued to Martin Williams for violations of NRS 706.386 and NRS 706.758. (MBM)
29. **Citation 16245** issued to Able Movers, LLC for a violation of NAC 706.247/49 CFR 391.51. (GA)
30. **Citation 16593** issued to Joseph Spagnolo for a violation of NAC 706.228. (GA)
31. **Citation 16664** issued to Samson Pryor for a violation of NAC 706.228. (GA)
32. **Citation 16666** issued to Nabil Mezher for a violation of NAC 706.228. (GA)
33. **Impound 2207 Citation 16674** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16674 issued to Jonathan L. Brannon for violations of NRS 706.386 and NRS 706.758. (GA)
34. **Impound 2209 and Citation 16703** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16703 issued to Maricruz Ruiz for violations of NRS 706.386 and NRS 706.758. (GA)
35. **Impound 2210 and Citation 16375** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16375 issued to David Anthony Launay for violations of NRS 706.386 and NRS 706.758. (GA)
36. **Impound 2213 and Citation 16699.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16699 issued to Allan Aroc for violations of NRS 706.386 and NRS 706.758. (GA)
37. **Citation 14686** issued to Abraham Limo Service, Inc. for a violation of NAC 706.311.1(a).
38. **Citation 16305** issued to Abderrahim Mansouri for violations of NAC 706.228 (3 counts) and NAC 706 as amended by LCB File No. R127-07.

- 39. Citations 16364, 16365 and 16367** issued to Aquarius Towing for violations of NAC 706 as amended by LCB File No. R112-10(4)(1)(j), NAC 706 as amended by LCB File No. R112-10(4)(3), NAC 706.311, NAC 706.408, NAC 706 as amended by LCB File No. R075-08(3)(1)(c)(2), and NAC 706 as amended by LCB File No. R075-08(9).
- 40. Citation 16338** issued to Mohamed Bedrie Hussien for a violation of NAC 706.354 (3 counts).
- 41. Citations 16368, 16369, and 16370** issued to Aquarius Towing for violations of NAC 706 as amended by LCB File No. R112-10(4)(1)(j), NAC 706 as amended by LCB File No. R112-10(4)(3), NAC 706.311, NAC 706.408, and NAC 706 as amended by LCB File No. R075-08(9).
- 42. Citations 16371, 16372 and 16373** issued to Aquarius Towing for violations of NAC 706 as amended by LCB File No. R112-10(4)(1)(j), NAC 706 as amended by LCB File No. R112-10(4)(3), NAC 706.311, NAC 706.408, and NAC 706 as amended by LCB File No. R075-08(9).
- 43. Citation 16374** issued to Aquarius Towing for violations of NAC 706 as amended by LCB R075-08(9) and NAC 706.408.
- 44. Citation 16426** issued to Ian Riley Ellis for a violation of NAC 706 as amended by LCB File No. R127-07.
- 45. Citation 16597** issued to Abiy Getahun for a violation of NAC 706.228.
- 46. Citation 16662** issued to Daniel Girma for a violation of NAC 706.228.
- 47. Citation 16665** issued to Ricardo Gonzales-Cava for a violation of NAC 706 as amended by LCB File No. R127-07(1).
- 48. Citation 16668** issued to Zeinu Burka for a violation of NAC 706 as amended by LCB File No. R127-07(1).
- 49. Citation 16671** issued to Daniel Holmgren for a violation of NAC 706.228.
- 50. Citation 16672** issued to Andrey Motsny for a violation of NAC 706.228.
- 51. Citations 16683 and 16684** issued to Rush In Towing, LLC for violations of NAC 706 as amended by LCB File No. R075-08(3) (2 counts), NAC 706 as amended by LCB File No. R075-08(4), and NAC 706.311.
- 52. Citation 16690** issued to Abayneh Gashe for a violation of NAC 706.228.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE CHARTER BUS SERVICE**

- 53. Docket 13-08027** The Joint Application of Mammoth Transportation Services, LLC d/b/a Mammoth Transportation for authority to sell and transfer and of Boss Transportation, LLC d/b/a Boss Transportation to purchase and acquire the authority to provide charter bus service within the State of Nevada under Certificate of Public Convenience and Necessity (hereinafter “CPCN”) 2072, Sub 1. Staff investigation concluded. (GA)

This Item was removed from the Agenda prior to consideration.

54. Docket 13-09005 The Application of AllTour of America, Inc. for a CPCN to provide charter bus service within the State of Nevada. Staff investigation concluded. (GA)
Commissioner Assad summarized the application and recommended adding the standard restriction against staging. Applications Manager Liz Babcock indicated staff support. Barry Perea was present on behalf of the Applicant. Approved 3-0 with the restriction as noted.

APPLICATIONS FOR WAREHOUSE PERMITS

55. Docket 13-04015 The Application of Big Box Storage Nevada, Inc. for a Warehouse Permit. Staff investigation concluded.
Chairman MacKay summarized the application, Applications Manager Babcock reported staff support and that the Applicant had obtained the required fire permit. Approved 3-0

PETITIONS TO DEVIATE FROM REGULATION

56. Docket 13-12009 Petitioner City 2 City Towing seeks Authority approval to deviate pursuant to NAC 706.1305 from the definition of “regular business hours” set forth in NAC 706.1045. Specifically, the carrier seeks relief from the obligation to remain open for business, record inspection, and other purposes on Tuesdays and Thursdays for the period between December 23, 2013 and June 2, 2014. (AJM)
Chairman MacKay summarized the request and stated his opposition, since the Petitioner performs non-consent tows and public policy requires that the carrier be available for vehicle owners to retrieve vehicles. Commissioner Assad concurred with Commissioner Metz and Chairman MacKay. Senior Deputy Attorney General Newton stated that he would be concerned about the impact of any reduced business hours upon enforcement/compliance efforts, particularly with respect to drug testing. Request denied 3-0

PETITION TO DEVIATE/PETITION FOR REMOVAL FROM INELIGIBLE DRIVER LIST

57. Docket 13-11008 Petitioner Esayas Yohannes seeks deviation from NAC 706.229, in that he wishes to be deemed eligible to be hired as a limousine driver despite his failure to appear at a citation hearing where he was found in violation of NAC 706.228. (MBM)
The Petitioner was present with legal counsel James S. Kent, Esquire. Mr. Kent summarized the basis for the Petition, emphasizing that this was the Respondent’s first Citation in twelve years as a driver; that he paid an enhanced fine for his failure to appear. Commissioner Metz reviewed the basis for the ineligible driver list, noting that the impetus was to enhance collectability of fines. Commissioner Metz noted that she recently implemented a practice of providing Respondents further explicit notice of the consequences of failure to appear. Chairman MacKay noted that the Authority’s driver’s license revocation powers have largely achieved the enhanced collectability sought by the Authority. Petition granted 3-0, Mr. Yohannes to be removed from ineligible driver list.

PETITIONS FOR RECONSIDERATION

58. Docket 13-12003 Petition for Reconsideration of the Authority’s November 21, 2013 Order in the matter of Citation 16299 issued to Istvan Keller for a violation of NAC 706 as amended by LCB File No. R127-07(1). Respondent argues that his failure to appear at the citation hearing was inadvertent

and that he was unaware of the November general session at which the final Order was approved. The Respondent asks that the prior Order be set aside and a new hearing scheduled. (AJM)
Chairman MacKay summarized the Petition and recommended approval to grant the rehearing of Citation 16299 to be set for January 9, 2014. Approved 3-0

59. Docket 13-11006 Petition for Reconsideration of the Authority's October 17, 2013 Order in the matter of Citation 16294 issued to David Sevick for violations of NRS 706.386 and NRS 706.758. Respondent takes issue with the findings of fact and conclusions of law set forth in the Order. The Respondent requests a rehearing of the matter. (AJM)

Chairman MacKay summarized the Petition and the procedural history of the case, noting that the claimed new evidence was not related to the defense theory proffered at the Citation hearing, and that the new witness has been present at the Authority's Reno Office on several occasions, indicating that he was not previously unavailable on the prior occasions when this matter was heard/considered. Chairman MacKay recommended that the Petition be denied. Petition denied 3-0

FINANCIAL RATES AND TARIFFS

60. Docket 13-08029 The Application of Blue Ribbon Relocation, LLC for approval of a tariff rate modification for household goods moving services conducted under CPCN 3237. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized the application and indicated staff support. Approved 3-0

61. Docket 13-10002-B The Application of A & A Towing, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7209, Sub 1. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized the application and indicated staff support. Approved 3-0

62. Docket 13-11015 The Application of Seiji, LLC d/b/a Seiji Limousine for approval of a tariff rate modification for charter limousine services conducted under CPCN 1111, Sub 1. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized the application and indicated staff support. Approved 3-0

63. Docket 13-12006 The Application of Omni Limousine, Inc. for approval of a tariff rate modification for charter limousine services conducted under CPCN 1084, Sub 4. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized the application and indicated staff support. Approved 3-0

64. Docket 13-12007 The Application of Integrity Taxi, LLC for approval of a tariff rate modification for taxicab and special services conducted under CPCN 1121. Staff investigation concluded.

Chairman MacKay indicated he was not prepared to move forward on the flat rate portion of the modification. Commissioner Metz and Commissioner Assad echoed Chairman MacKay's comments. Jim Jimmerson, Esquire thanked staff for the time accommodation for the item to be heard. Mr. Jimmerson detailed the history for the modifications requested and current business usage. Kimberly Maxson-Rushton, Esquire appeared on behalf of the Livery Operators Association. John Marushok, Frias Transportation made a statement with regard to the flat rate modification option. Approved as modified for the special New Year's Eve/New Year's Day safety rate only 3-0.

APPLICATIONS FOR FULLY REGULATED CARRIERS

65. Docket 11-04019 The Application of Rizan Enterprises, LLC d/b/a GIS Limousines for a CPCN to provide charter limousine service within the State of Nevada. Staff investigation concluded. (MBM)

Commissioner Metz summarized the Application, the procedural history, and the hearing in the matter. Commissioner Metz noted Staff's overall support for the Application, and expressed her support for the Application based on the proposed findings and recommendations set forth in her draft Order. Commissioner Assad described his concerns with the proposed findings and recommendations, and expressed an overall lack of support for the Application. Chairman MacKay noted Governor Sandoval's actions and words in support of expanding small business in Nevada, and concurred with Commissioner Metz that the Applicant met all the requirements of NRS 706.391. Legal counsel James S. Kent, Esquire offered comments on behalf of the Applicant and legal counsel Louis Csoka offered comments on behalf of the Intervener. Proposed Order approved by a vote of 2-1 with Commissioner Assad dissenting.

66. Docket 13-08013 The Joint Application of Larry E. Bell, Jr. for authority to sell and transfer and of the Larry E. Bell, Jr. Trust to purchase and acquire 33% of the voting stock of Presidential Limousine, A Nevada Corporation, a carrier authorized to provide transportation services within the State of Nevada under CPCN's 1007 and 2119. Staff investigation concluded. (GA)

Items 66 and 67 were considered collectively.

Commissioner Assad summarized the Application and indicated staff support. Staff indicated no operational changes. Kimberly Maxson-Rushton, Esquire appeared on behalf of the Applicant. Approved 3-0

67. Docket 13-08014 The Joint Application of Larry E. Bell, Jr. for authority to sell and transfer and of the Larry E. Bell, Jr. Trust to purchase and acquire 33% of the voting stock of Whittlesea Bell, Inc., owner of Bell Trans, Bell Limo, Whittlesea Checker Taxi and Airport Mini Bus, carriers authorized to provide transportation services within the State of Nevada under CPCN's 1023, 1217, 2118, and 2350, respectively. Staff investigation concluded. (GA)

Commissioner Assad summarized the Application and indicated staff support. Staff indicated no operational changes. Kimberly Maxson-Rushton, Esquire appeared on behalf of the Applicant. Approved 3-0

68. Docket 13-08026 The Joint Application of Mammoth Transportation Services, LLC d/b/a Mammoth Transportation for authority to sell and transfer and of Boss Transportation, LLC d/b/a Boss Transportation to purchase and acquire the authority to provide charter limousine service within the State of Nevada under CPCN 1105. Staff investigation concluded. (GA)

This Item was removed from the Agenda prior to consideration.

69. Docket 13-09008 The Application of Open Top Sightseeing Las Vegas, LLC for an expansion of operating authority granted under CPCN 2004, Sub 10. Staff investigation concluded. (AJM)

This Item was removed from the Agenda prior to consideration.

ORDERS TO SHOW CAUSE

70. Docket 13-11001 The Order to Show Cause issued to Roadrunner, Inc. dba Raine Family Towing as to why CPCN 7300 should not be revoked. (AJM)

This Item was removed from the Agenda prior to consideration.

71. Docket 13-11014 The Order to Show Cause issued to Mollerup Van and Storage as to why CPCN 3084 should not be revoked. (AJM)

This Item was removed from the Agenda prior to consideration.

FORMAL WRITTEN COMPLAINT

72. I-1310-014 The formal written complaint of Ms. Leslie L. Melendez against Tow Guys, Inc. (CPCN 7108). Pursuant to NAC 706.3977, the Staff of the Authority cannot resolve the formal written complaint and has therefore transmitted the complaint to the Authority for review. If the Authority finds no probable cause exists for the formal written complaint, it will order the complaint dismissed pursuant to NAC 706.3978. If the Authority finds probable cause exists for the formal written complaint, it will set a date for a public hearing on the complaint and/or order appropriate interim relief pursuant to NAC 706.3979. (GA)

Commissioner Assad indicated he found probable cause exists to set a hearing. Leslie Melendez appeared as Complainant, Jeff Thompson appeared on behalf of Tow Guys. Approved for hearing 3-0

RECOMMENDATIONS TO THE AUTHORITY

73. Docket 13-08022 Hearing Officer's recommendation to the Authority regarding Staff processing and evaluation of tariff rates proposed by non-consent tow car operators to recover credit /debit card costs. (MBM)

Commissioner Metz summarized the comments and suggestions made at the public meeting held on December 9, 2013 and stated the Authority would open a docket to file a mass tariff modification to include the credit card charges percentages and percentage discount for cash payment. The docket will remain open for 6 to 8 months to facilitate changes. Hearing officer recommendations approved 3-0

DISCUSSION ITEMS

74. Docket 13-08031 The Authority will discuss adding property-specific "convenience fee," "access fee" or "loading fee" to tariffs as a pass-through fee akin to McCarran Airport AVI fees. Such fees are assessed by certain resort properties and/or their door staff—often at a rate of \$1.00 per passenger—for loading passengers. Currently, carriers are prohibited by NAC 706.311(1)(a) from collecting such fee from the passenger and passing the fee on to the charging resort entity. Item tabled from September 12, 2013 General Session. (AJM)

Chairman MacKay summarized the procedural history. Jim Jimmerson, Esquire summarized the general business practice in the industry. John Marushok, Frias, stated the concern that some carriers charge the fee, while some do not. Alan Waxler, AWG made comments with regard to the convenience fee and his agreement with the statements made by Mr. Marushok. Commissioner Metz indicated a reluctance to include fees in tariff to pay property doormen. Commissioner Assad echoed Commissioner Metz' comments. Mr. Jimmerson indicated his preference to table the item to do further research. Item tabled – to be heard at the January 23, 2014 Agenda meeting. Approved 3-0

75. Public Comment

David Walker, Walker Towing, gave the information that in Provo, Utah the tow industry has passed the law to require a separate signature for towing.

76. Adjournment

Meeting adjourned at approximately 1:30p.m.



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE November 21, 2013 GENERAL MEETING

AGENDA

1. Call to Order

Chairman Andrew J. MacKay called the meeting to order at approximately 9:30 a.m.

2. Roll Call

Present in Las Vegas: Commissioner Monica B Metz, Commissioner George Assad, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Senior Deputy Attorney General David Newton, Deputy Attorney General Christopher Eccles. Present in Reno: Chairman Andrew J. MacKay, Deputy Commissioner Marilyn Skibinski

3. Pledge of Allegiance

Chairman MacKay led a recital of the pledge.

4. Public Comment:

Miriam Castillo requested a reduction in fine amounts. Chairman MacKay stated her request could be heard at the time citations were considered.

5. Approval of Agenda

Administrative Attorney James Day requested Items 24 and 25 be removed from consideration, that Item 35 be tabled at the request of the Respondent, to be heard at a subsequent Agenda meeting and that Item 80 be removed from consideration. Applications Manager Liz Babcock requested Item 88 be removed from consideration. Approved as modified 3-0

6. Approval of the Minutes of the October 17, 2013 Agenda Meeting

Approved 3-0

7. Briefings from the Commissioners

Commissioner Assad reminded those present of the anniversary of the John F. Kennedy assassination and Lincoln's Gettysburg address and thanked those serving in the military. Commissioner Metz thanked Authority staff, Administrative Attorney Day and Senior Deputy Attorney General Newton for preparation work done on the Agenda, enforcement staff efforts and recognized Rita Brownawell for the work she performs for the Authority. Commissioner Metz also stated there would be a public informational meeting on December 11, 2013 at 9:30 a.m. to discuss

the credit card statute. Chairman MacKay echoed Commissioner Metz comments regarding staff and also indicated the adoption hearing for R060-13 would be December 6, 2013. Chairman MacKay noted regulations were codified and now on the web.

8. Briefing from the Deputy Commissioner

None

9. Report of Legal Counsel

None

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 24, 25, and 35 were removed from the Agenda prior to consideration. Items 22, 30, 31, 36, 38 and 49 were considered separately. The remaining items were considered collectively and approved 3-0.

10. Citation 14166 issued to Johnnie Proctor for violations of NRS 706.386 and NRS 706.758. (AJM)

11. Citation 14169 issued to Laurel Hickey for violations of NRS 706.386 and NRS 706.758. (AJM)

12. Citation 14170 issued to Anjum Masud for a violation of NRS 706.758. (AJM)

13. Citation 14171 issued to City Auto Towing for a violation of NRS 706.311. (AJM)

14. Citation 14172 issued to Ricky Duane Carter for violations of NRS 706.386 and NRS 706.758. (AJM)

15. Citation 14173 issued to Stephen R. Johnson for a violation of NAC 706 as amended by LCB File No. R127-07. (AJM)

16. Citation 16285 issued to La Dolce Vita/Khanh Nguyen for violations of NRS 706.386 and NRS 706.758. (AJM)

17. Citation 16287 issued to Dean Matayoshi for violations of NRS 706.386 and NRS 706.758. (AJM)

18. Citation 16288 issued to William Atkins for violations of NRS 706.386 and NRS 706.758. (AJM)

19. Citation 16299 issued to Itsvan Keller for a violation of NAC 706 as amended by LCB File No. R127-07. (AJM)

20. Citation 16421 issued to Brian Campbell/Campbell Welding for violations of NRS 706.386 and NRS 706.758. (AJM)

21. Citation 16427 issued to Carlton Sloan for violations of NRS 706.386 and NRS 706.758. (AJM)

22. Citation 16457 issued to Erika Mier y Terán for violations of NRS 706.386 and NRS 706.758. (AJM)

Mr. and Mrs. Mier y Terán appeared and stated disagreement with the Hearing Officers findings. Chairman MacKay indicated the Order stands as written. Approved 3-0

- 23. Citation 16459** issued to Donald Roy for a violation of NAC 706 as amended by LCB File No. R127-07(1). (AJM)
- 24. Citation 16484** issued to Lostra Bros. Towing for violations of NAC 706.420 and NAC 706.440. (AJM)
This item was removed from the Agenda prior to consideration.
- 25. Citation 16490** issued to Roadway Towing and Recovery for violations of NAC 706.311 (12 counts) and NAC 706.420 (8 counts). (AJM)
This item was removed from the Agenda prior to consideration.
- 26. Citation 16491** issued to North Lake Tahoe Express for violations of NRS 706.386 and NRS 706.758. (AJM)
- 27. Citation 16529** issued to LTS Transportation, Inc./Larry's Towing for violations of NAC 706 as amended by LCB File No. R113-10 (7 counts). (AJM)
- 28. Impound 2138** The impoundment pursuant to NRS 706.476 of a vehicle registered to Debra Morton. (AJM)
- 29. Impound 2141** The impoundment pursuant to NRS 706.476 of a vehicle registered to Pacific Crest Transportation, LLC. (AJM)
- 30. Impound 2178** The impoundment pursuant to NRS 706.476 of a vehicle registered to Esdras Melendez-Caballero. (MBM)
Mr. Esdras Melendez-Caballero was present. Financial Analyst Yvonne Shelton served as interpreter. Mr. Melendez-Caballero indicated the vehicle was forfeited, he still owes \$1200 on the vehicle, he is currently unemployed and claimed financial hardship. This Item was considered jointly with Item 38 below; see further notes at Item 38.
- 31. Impound 2135 and Citation 14174** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 14174 issued to Juan Carlos Ubias Marquez for a violation of NRS 706.386. (AJM)
Mr. Marquez was present and requested the ability to make payments on the outstanding fine amount. Chairman MacKay indicated information to be provided with signed Order. Approved as written 3-0
- 32. Impound 2139 and Citation 16462** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16462 issued to Louis Peters/Lou's Limo-Scenes for violations of NRS 706.386 and NRS 706.758. (AJM)
- 33. Impound 2140 and Citation 16463** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16463 issued to Gregg Grieman/Tahoe Taxi for violations of NRS 706.386 and NRS 706.758. (AJM)
- 34. Impound 2142 and Citation 16428** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16428 issued to Duncan Ratcliff for a violation of NRS 706.386 (AJM).

35. Impound 2146 and Citation 16467 The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16467 issued to Barefoot Limo of Lake Tahoe for violations of NRS 706.386 and NRS 706.758. (AJM)

Item tabled at the request of Respondent until next subsequent Agenda meeting.

36. Impound 2151 and Citation 16464 The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16464 issued to Michael Costello/Reno Tow and Transport for violations of NRS 706.386 and NRS 706.758. (AJM)

Michael Costello appeared and stated his apologies for the violation and asked that this not be held against him on his pending application for CPCN and requested that the fines be reduced. Chairman MacKay recommended suspending all of the proposed fines. Approved as modified 3-0

37. Impound 2216 and Citation 16433 The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16433 issued to Mark Kent Nye for violations of NRS 706.386 and NRS 706.758. (AJM)

38. Citation 16624 issued to Miriam Castillo for violations of NRS 706.386 and NRS 706.758. (MBM)

Miriam Castillo was present and requested a reduction of the fine amount, stating that she and her husband are unemployed and attempting to support their family. Commissioner Metz noted that the fine amounts were based on aggravating factors, specifically that Ms. Castillo had a similar citation and impound for the same violations, the operator of the impounded vehicle was unlicensed, and Authority Staff expressed an expectation that the unlawful activity would continue. Commissioner Metz noted that her recommendations were lower than the fine amounts requested by the Authority Staff, and declined to amend her recommendations. Items 30 and 38 approved as proposed, by a vote of 3-0

39. Citation 16628 issued to Rafael Godinez d/b/a R.G.Towing for violation of NAC 706.247/49 CFR 382.305 (a). (MBM)

40. Citation 16654 issued to Kevin Kravchenko for violations of NRS 706.386 and NRS 706.758. (MBM)

41. Citation 16657 issued to Juan Chirinos-Ramirez for violations of NRS 706.386 and NRS 706.758. (MBM)

42. Citations 16676, 16677, 16678 and 16679 issued to 1st Response Towing for violations of NAC 706.203, NAC 706.381, NAC 706.404, NAC 706.405, NAC 706.247/49 CFR 396.11, NAC 706.247/49 CFR 396.17 and NAC 706.247/49 CFR 396.3. (MBM)

43. Impound 2190 The impoundment pursuant to NRS 706.476 of a vehicle registered to Laura Christina Salazar. (MBM)

44. Impound 2191 The impoundment pursuant to NRS 706.476 of a vehicle registered to Fredrick James Korte, Jr. (MBM)

45. Citation 16241 issued to American Auto Towing Inc. d/b/a STS Towing for a violation of NAC 706.247/49 CFR 382.305(a). (GA)

- 46. Citation 16304** issued to Charles White for violations of NRS 706.386 and NRS 706.758. (GA)
- 47. Citation 16594** issued to Jose Silveyera Mendez for violations of NRS 706.386 and NRS 706.758. (GA)
- 48. Citation 16625** issued to Anthony Villalpando for a violation of NAC 706.228. (GA)
- 49. Citation 16651** issued to Stacy Lamont Williams for violations of NRS 706.386 and NRS 706.758. (GA)
Mr. Stacy Williams stated that he is a chef and could not find work, that he posted an advertisement for household services including running errands, he did not intend to offer transportation services directly, he was motivated by poverty, that his car was impounded, he and his wife have paid for the towing and impound fine and has changed the telephone number, he now understands the law, and was unaware his driver's license was revoked in New York. Commissioner Assad recommended suspending all but \$250 of the proposed fines. Approved as modified 3-0
- 50. Citation 16660** issued to Rodolfo Hudson for violations of NRS 706.386 and NRS 706.758. (GA)
- 51. Impound 2149 and Citation 16431** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16431 issued to Pamela Cheung/Tahoe Elite Private Car Services Inc. for violations of NRS 706.386 and NRS 706.758. (GA)
- 52. Impound 2150 and Citation 16432** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16432 issued to John Castillo for violations of NRS 706.386 and NRS 706.758. (GA)
- 53. Impound 2192 and Citation 16659** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16659 issued to Bre Bailey for violations of NRS 706.386 and NRS 706.758. (GA)
- 54. Impound 2197 and Citation 16669** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16669 issued to Fernando Lejarza for violations of NRS 706.386 and NRS 706.758. (GA)
- 55. Impound 2199 and Citation 16667** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16667 issued to Danny Hunkin for violations of NRS 706.386 and NRS 706.758. (GA)
- 56. Impound 2201 and Citation 16595** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16595 issued to Phillip Lopez for violations of NRS 706.386 and NRS 706.758. (GA)
- 57. Impound 2193** The impoundment pursuant to NRS 706.476 of a vehicle registered to Amanda Marie Barreras. (GA)
- 58. Impound 2198** The impoundment pursuant to NRS 706.476 of a vehicle registered to Mary Hopkins. (GA)

- 59. Impound 2004** The impoundment pursuant to NRS 706.476 of a vehicle registered to Ruben Silveyera. (GA)
- 60. Citation 14168** issued to Timothy Lee Ledesma for violations of NRS 706.311 and NRS 706.758.
- 61. Citation 14199** issued to M & M Tow and Transport, LLC for a violation of NAC 706 as amended by LCB File No. R113-10.
- 62. Citation 14224** issued to All West Coachlines, Inc. for violations of NAC 706.381 (9 counts).
- 63. Citation 16238** issued to Sunrise Plaza Transportation of Nevada for a violation of NRS 706.463(3).
- 64. Citation 16239** issued to Showtime Charters for a violation of NRS 706.463(3).
- 65. Citation 16366** issued to Chykko's Towing for violations of NRS 706.285 and NAC 706.360.
- 66. Citation 16531** issued to Yellow Cab of Reno, Inc. for violations of NAC 706.247/49 CFR 382.301 (4 counts).
- 67. Citation 16532** issued to Sierra West Limousine for a violation of NAC 706 as amended by LCB File No. R113-10.
- 68. Citation 16460** issued to Rosolino Passalacqua for a violation of NAC 706 as amended by LCB File No. R127-07(1).
- 69. Citation 16630** issued to Tour Coach for a violation of NRS 706.463(3).
- 70. Citation 16652** issued to Yohannes Habte for a violation of NAC 706.228.
- 71. Citation 16653** issued to Walter Amaya for a violation of NAC 706.228.
- 72. Citation 16682** issued to The Tow Truck Co. for violations of NRS 706.4477 as amended by LCB File No. R075-08 and NAC 706.420.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE TOW CAR SERVICE**

- 73. Docket 13-04018** The temporary discontinuance from April 16, 2013 through October 16, 2013 of towing services provided by Efren Sotelo d/b/a Instant Towing under Certificate of Public Convenience and Necessity (CPCN) 7305. Staff investigation concluded.
Applications Manager Liz Babcock summarized the application and procedural history. Mr. Efren Sotelo was present on behalf of Instant Towing. No action taken.
- 74. Docket 13-08006** The Application of Stu's Motorcycle Towing, LLC for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (AJM)
Chairman MacKay summarized the application and requested the Authority take no action until an additional background investigation is completed. Item tabled – 3-0

NAME CHANGES

75. Docket 13-07003 The Petition of Royalty Limos, LLC d/b/a VLS to change their name to VLS, LLC for services provided under CPCN 2004, Sub 10. Staff investigation concluded. *Applications Manager Liz Babcock summarized the application and indicated staff support. Louis Csoka, Esquire appeared on behalf of the Applicant. Approved 3-0*

APPLICATIONS FOR WAREHOUSE PERMITS

76. Docket 12-05025 The Application of Champion Movers, LLC for a Warehouse Permit. Staff investigation concluded.

Considered in conjunction with Item #87

Chairman MacKay summarized the application and indicated staff support. Mr. Paul Neppa was present on behalf of the Applicant. Applications Manager Liz Babcock indicated Applicant had received a warehouse permit from the City of North Las Vegas. Items 76 and 87 Approved 3-0

PETITIONS FOR RECONSIDERATION

77. Docket 13-10014 Petition for Reconsideration of the Authority's September 16, 2013 Order in the matter of Citation 16296 issued to Gregory Miller/Lake Tahoe Taxi for violations of NRS 706.386 and NRS 706.758. Respondent requests that the final Order be set aside and a new hearing set. (AJM)

Chairman MacKay summarized the request and indicated neither Mr. Miller nor his legal counsel was present. Petition denied 3-0

78. Docket 13-11008 Petition for Reconsideration of the Authority's May 9, 2012 Order in the matter of Citation 15699 issued to Esayas Yohannes for a violation of NAC 706.228. Respondent requests that his failure to appear be set aside so that he will no longer appear on the ineligible drivers list. (MBM)

Commissioner Metz summarized the request and indicated her recommendation the Order stand as written. Mr. Esayas Yohannes was present and requested leniency. Petition denied – 3-0

79. Docket 13-11009 Petition for Reconsideration of the Authority's October 17, 2013 Order in the matter of Citations 16283 and 16480 issued to Yellow Cab of Reno, Inc. for violations of NRS 706.361 and NAC 706.366. Respondent requests rehearing and/or reconsideration of the matters. (AJM)

Chairman MacKay summarized the Petition and recommended denial. Petition denied 3-0

APPEAL FROM TAXICAB AUTHORITY DECISION

80. Docket 13-09012 The Appeal pursuant to NAC 706.9914 by David Kingsley from the Order of the Taxicab Authority dated September 10, 2013 and titled "In the Matter of the Appeal of David Kingsley, TA Permit No. 20872, Regarding Taxicab Authority Citation No. 43736." (AJM)

This item was removed from the Agenda prior to consideration.

FINANCIAL RATES AND TARIFFS

81. Docket 13-10002 The Application of A & A Towing, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7209, Sub 1. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized the request and indicated staff support. Ms. Aronova requested the rates in the addendum be tabled. Mr. Drew Rihbar, Owner, was present in Reno. Docket 13-10002A Approved 3-0

82. Docket 13-10018 The Application of Airline Limousine Corporation d/b/a Airline Shuttle Corp for approval of a tariff rate modification for charter limousine and airport transfer services conducted under CPCN 2050, Sub 4. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized the request and indicated staff support. Terry Flink, Operations Manager, was present on behalf of the Applicant. Approved 3-0

83. Docket 13-10019 The Application of Desert Portable Storage, LLC d/b/a PODS for approval of a tariff rate modification for services conducted under CPCN 3260. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized the request and indicated staff support of the rush delivery fee, however staff is not in support of the promotional discounts. Tito Rodriguez appeared on behalf of the Applicant. Mr. Rodriguez detailed the reasoning for the discounts presented for consideration. Applications Manager Liz Babcock indicated staff does not take issue with discounted storage rates, only the discretionary discounts for movement of the goods. Commissioner Metz stated disagreement with discretionary discounts. Item tabled – Approved 3-0

84. Docket 13-11003 The Application of Abraham Limo Service, Inc. d/b/a ALV for approval of a tariff rate modification for charter limousine service conducted under CPCN 1104, Sub 1. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 3-0

EXEMPTION REQUESTS

85. Docket 13-05018 Brett Milholin/Bites and Sites of Las Vegas seeks a declaration of exemption pursuant to NAC 706.147 from the requirement to obtain a CPCN to provide intrastate commercial passenger transportation/tours in Nevada. Item tabled from September 12, 2013 General Session. (AJM)

Chairman MacKay summarized the request and the procedural history. Brett Milholin appeared on behalf of the applicant and indicated his withdrawal of the request for exemption. No action taken.

APPLICATIONS FOR FULLY REGULATED CARRIERS

86. Docket 13-06025 The Application of Integrity Taxi, LLC for a CPCN to provide passenger transportation by taxicab within Nye County, Nevada on the one hand and points and places in the State of Nevada on the other and to provide special service/per capita transportation between Nye County, Nevada and Clark County, Nevada. The Authority will consider the Petition for Leave to Intervene and Petition for Reconsideration filed by the Livery Operators Association of Las Vegas. (MBM)

Chairman MacKay summarized the Petition. Kimberly Maxson-Rushton, Esquire appeared on behalf of the Livery Operators Association, Jim Jimmerson, Esquire appeared on behalf of Integrity

Taxi, LLC. Senior Deputy Attorney General Newton indicated a joinder to the Petition for Leave to Intervene and the Petition for Reconsideration by Neil Tomlinson, Esquire on behalf of Las Vegas Limousines and Airline Shuttle Corp. Commissioner Metz referenced the legal noticing and the application, indicated the noticing was proper and recommended the Petition be denied. Commissioner Metz stated that she would possibly revisit the docket with regard to unlimited fleet. Chairman MacKay and Commissioner Assad echoed Commissioner Metz' comments.

Petition denied 3-0

Ms. Rushton requested permission to file an untimely PLTI so to be considered a party to appeal the matter. A discussion ensued regarding the denial of the Petition, the possible filing of an untimely PLTI and the docket being reopened to address fleet size. Ms. Rushton requested clarification as to when the docket might possibly be reopened. Administrative Attorney Day indicated research was currently being done and results could possibly be presented at the next subsequent agenda meeting.

87. Docket 12-05028 The Application of Champion Movers, LLC for an expansion of the operating authority granted under CPCN 1070, Sub 2. Staff investigation concluded. (AJM)

Considered with Item #76 Approved 3-0

88. Docket 13-01014 The Joint Application of Kellie McKinley for authority to sell and transfer and of Karen Honda and Ken Scollan to purchase and acquire 35% of Seiji, LLC d/b/a Seiji Limousine, a carrier authorized to provide charter limousine service within the State of Nevada under CPCN 1111, Sub 1. Staff investigation concluded. (AJM)

This item was removed from the Agenda prior to consideration.

89. Docket 13-10024 In the matter of the Joint Petition of AWG Ambassador, LLC d/b/a Ritz Transportation and SuperShuttle Las Vegas, LLC pursuant to NAC 706.359 requesting approval of the temporary transfer of CPCN 1087 and 2055 pending the application and approval of the final sale and transfer. (AJM)

Chairman MacKay summarized the Petition, supporting materials, and his analysis of the Petition under the criteria set forth in NAC 706.359. Kimberly Maxson-Rushton, Esquire was present with representatives of the Petitioners. Ms. Rushton summarized the Petition, the proposed operation, and the grounds for the Petition. In response to a question from Chairman MacKay, Ms. Rushton described the consideration to AWG Ambassador. Trevor Halloran, General Manager of SuperShuttle Las Vegas described the current SuperShuttle operations under the management agreement. Jim Gleisch of Veolia Transportation/Super Shuttle described the carrier's future expansion plans. Tom Price of Shuttle Company of Nevada reported his intent to file a Petition for Leave to Intervene. Commissioner Metz requested that the Petitioners augment the record with a list of jurisdictions in which SuperShuttle is licensed, with the corresponding license numbers. Chairman MacKay described the Petitioners financial viability and insurance. In response to an inquiry from Commissioner Metz, Chairman MacKay confirmed that the Petitioners had submitted a list of supervisory personnel. Joint Petition for temporary transfer granted 3-0, with the additional compliance item requested by Commissioner Metz, conditional on no PLTI's being timely filed and granted. If a PLTI is filed, Chairman MacKay as Presiding Officer, will take appropriate action on the PLTI.

DISCUSSION ITEMS

90. Docket 13-08031 The Authority will discuss adding property-specific "convenience fee," "access fee" or "loading fee" to tariffs as a pass-through fee akin to McCarran Airport AVI fees. Such fees are assessed by certain resort properties and/or their door staff—often at a rate of \$1.00 per

passenger—for loading passengers. Currently, carriers are prohibited by NAC 706.311(1)(a) from collecting such fee from the passenger and passing the fee on to the charging resort entity. Item tabled from September 12, 2013 General Session. (AJM)

Jim Jimmerson, Esquire requested the item be tabled to the next subsequent Agenda meeting. Approved to be tabled until next session 3-0

APPLICATIONS TO DISMISS

91. Docket 11-03011 The Application of SchouVan, Inc. for a CPCN to provide non-emergency medical transportation within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application.

Deputy Attorney General Christopher Eccles submitted the certified mail card showing the receipt of the Agenda notice. Application Dismissed 3-0

92. Docket 12-10010 The Application of Road Runner Towing, LLC d/b/a Lucky Towing for a CPCN to provide tow car service within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application. (AJM)

Deputy Attorney General Christopher Eccles submitted the certified mail card showing the receipt of the Agenda notice. Application Dismissed 3-0

93. Public Comment

Jay Nady, A Cab appeared to confirm Item #80 was not heard.

94. Adjournment

Meeting was adjourned at approximately 2:05p.m.

BRIAN SANDOVAL
Governor

STATE OF NEVADA



BRUCE BRESLOW
Director, Business & Industry

ANDREW J. MACKAY
Chairman

MONICA B METZ
Commissioner

GEORGE ASSAD
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE October 17, 2013 GENERAL MEETING

AGENDA

1. Call to Order

Chairman Andrew J. MacKay called the meeting to order at approximately 9:35 a.m.

2. Roll Call

Present in Las Vegas: Chairman Andrew J. MacKay, Commissioner Monica B Metz, Commissioner George Assad, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Senior Deputy Attorney General David Newton. Present in Reno: Deputy Commissioner Marilyn Skibinski

3. Pledge of Allegiance

Chairman MacKay led a recital of the pledge.

4. Public Comment:

None

5. Approval of Agenda

Administrative Attorney Jim Day requested Items 14, 31, and 34 be tabled to be heard at the next subsequent Agenda meeting, and that Item 51 be removed until the next subsequent Agenda meeting, pending receipt of payment. A correction was made to Item 60, the violation reads NRS 706.758 and should read NRS 706.285. Applications Manager Liz Babcock requested Items 79 and 80 be removed to be heard at subsequent Agenda meeting. Approved as modified 3-0

6. Approval of the Minutes of the September 12, 2013 Agenda Meeting

Approved 3-0

7. Briefings from the Commissioners

Commissioner Metz thanked staff for their timely work on incoming applications and preparations for the meeting. Commissioner Assad thanked Administrative Attorney Jim Day for the additional time he expended getting the orders ready for the meeting. Chairman MacKay echoed comments made by both Commissioners. Chairman MacKay briefly discussed the implementation of SB430, the technology improvements for charter limousine and taxicab operations, stating the proposals are posted to the NTA, Business and Industry and State's General websites for review. The deadline for response is November 12, 2013. He also indicated the workshops for general passenger

information and drivers permitting received numerous public comments and that an additional workshop would be scheduled for discussion of the general passenger information.

8. Briefing from the Deputy Commissioner

Deputy Commissioner Skibinski stated she continues to work on the implementation of SB210. She indicated a letter was sent to passenger carriers, with a deadline of the 15th, and approximately two thirds have responded. The information requested was the current number of drivers and approximate turnover in 2013 to be able to utilize hard figures. Chairman MacKay requested all carriers respond as quickly as possible.

9. Report of Legal Counsel

Senior Deputy Attorney General Newton stated the A.R. Fairman response was filed in Federal Court on October 16, 2013, that he filed the intent to participate in the Evergreen Petition for Judicial Review, and that the parties have agreed to postpone due to a possible resolution. Additionally, he sent the updated settlement matrix and standard settlement agreement form to Deputy Attorney General Sarah Bradley with accompanying information.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

*Items 10-71, with the exception of Items 13, 14, 15, 31, 34, 51 and 60 were considered collectively.
Approved 3-0*

10. **Citation 14159** issued to Sheryl Lynn Stearns for a violation of NRS 706.386. (AJM)
11. **Citation 14161** issued to Courtney Thomas/CATS Transportation, Inc. for violations of NRS 706.386 and NRS 706.758. (AJM)
12. **Citation 14200** issued to Martin Ross & Associates, LLC for a violation of NAC 706.191. (AJM)
13. **Citations 16283 and 16480** issued to Yellow Cab of Reno for violations of NRS 706.366 and NAC 706.361. (AJM)
Michelle Bumgarner, Esquire appeared on behalf of Yellow Cab, and stated the position of Yellow Cab with regard to the Citation. Approved as written 3-0
14. **Citation 16285** issued to La Dolce Vita/Khanh Nguyen for violations of NRS 706.386 and NRS 706.758. (AJM)
Removed from Agenda prior to consideration.
15. **Citation 16294** issued to David Seveck for violations of NRS 706.386 and NRS 706.758. (AJM)
Mr. David Seveck appeared and stated his disagreement with the fines imposed. Chairman MacKay indicated each matter is considered on its own merit. Approved as written 3-0
16. **Citation 16452** issued to David Overly for a violation of NAC 706 as amended by LCB File No. R127-07(1). (AJM)
17. **Citation 16455** issued to Ronald Martonick for violations of NRS 706.386 and NRS 706.758. (AJM)
18. **Citation 16478** issued to Colonial Van and Storage for a violation of NRS 706.285. (AJM)

19. **Citation 16481** issued to North Tahoe Limousine/Rodney Storm for violations of NRS 706.386 and NRS 706.758. (AJM)
 20. **Citations 16526, 16527 and 16528** issued to CEL-JIM, Inc. d/b/a Jim's Tire Factory for violations of NAC 706.247/49 CFR 396.51 (2 counts), NAC 706.247/49 CFR 396.11 (2 counts), NAC 706.247/49 CFR 396.43 (2 counts), NAC 706.247/49 CFR 382.301 (2 counts) and NAC 706.247/49 CFR 382.305 (2 counts). (AJM)
 21. **Citation 16530** issued to Alpine Auto Service Inc. d/b/a Alpine Tow for a violation of NAC 706 as amended by LCB File No. R113-10 (5 counts). (AJM)
 22. **Impound 1536** The impoundment pursuant to NRS 706.476 of a vehicle registered to Andrea Lynn Steinmetz. (AJM)
 23. **Impound 1537** The impoundment pursuant to NRS 706.476 of a vehicle registered to Lakeshore Taxi. (AJM)
 24. **Impound 2185** The impoundment pursuant to NRS 706.476 of a vehicle registered to Ivy Lynn Zuloff. (AJM)
 25. **Impound 2137 and Citation 16458** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16458 issued to Joshua Covello for violations of NRS 706.386 and NRS 706.758. (AJM)
 26. **Impound 2153 and Citation 16454.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16454 issued to Michelle Nevarez for violations of NRS 706.386 and NRS 706.758. (AJM)
 27. **Citation 14683** issued to Earth Limousines, LLC for violations of NRS 706.167 and NRS 706.398. (MBM)
 28. **Citation 16122** issued to Ellen P. Russell for violations of NAC 706.247/49 CFR 391.41 and NAC 706 as amended by LCB File No. R127-07(1). (MBM)
 29. **Citation 16232** issued to Lidia Castillo d/b/a David's Towing for a violation of NAC 706.191. (MBM)
 30. **Citations 16589 and 16591** issued to Jasiah Luis Holloway for violations of NRS 706.386, NRS 706.758, and NAC 706.247/49 CFR 391.41. (MBM)
 31. **Citation 16624** issued to Miriam Castillo for violations of NRS 706.386 and NRS 706.758. (MBM)
- Removed from Agenda prior to consideration.*
32. **Citation 16627** issued to Dick Craig Towing for violation of NAC 706.247/49 CFR 391.51 (7)(i). (MBM)

33. **Citation 16680** issued to Sipparen Diking Cook for violations of NRS 706.386 and NRS 706.758. (MBM)
34. **Impound 2178** The impoundment pursuant to NRS 706.476 of a vehicle registered to Esdras Melendez-Caballero. (MBM)
Removed from Agenda prior to consideration.
35. **Impound 2181** The impoundment pursuant to NRS 706.476 of a vehicle registered to Carolyn Rayshaw Range. (MBM)
36. **Impound 2177 and Citation 16621** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16621 issued to John Reilly for violations of NRS 706.386 and NRS 706.758. (MBM)
37. **Impound 2184 and Citation 16363** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16363 issued to Thor W. Armstrong for violations of NRS 706.386 and NRS 706.758. (MBM)
38. **Impound 2186 and Citation 16655** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16655 issued to Ronald Strawther for violations of NRS 706.386 and NRS 706.758. (MBM)
39. **Impound 2187 and Citation 16681** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16681 issued to Lester Keith Santiago for violations of NRS 706.386 and NRS 706.758. (MBM)
40. **Citation 14165** issued to David Wilcox for violations of NRS 706.386 and NRS 706.758. (GA)
41. **Citation 16607** issued to Malcolm Brothers for violations of NAC 706.228(3) and NAC 706.228(5). (GA)
42. **Citation 16614** issued to Million Gebreselassie for violations of NAC 706.228(3) and NAC 706.228(5). (GA)
43. **Citation 16617** issued to Samuel Tezera Ketsela for a violation of NAC 706.228. (GA)
Mr. Samuel Ketsela appeared and requested the order be set aside, indicating he did not appear because he felt he did nothing wrong. Commissioner Assad stated the Order stands as written. Approved 3-0
44. **Citation 16619** issued to Carlos DeLeon for a violation of NAC 706.228. (GA)
45. **Citation 16212** issued to Jason Propp/Marina Auto/Proper Transportation for violations of NRS 706.386 and NRS 706.758. (GA)
46. **Citations 16222 and 16223** issued to Rush In Towing for violations of NRS 706.4477 (2 counts), NAC 706.311 and NAC 706.279. (GA)
47. **Impound 2183** The impoundment pursuant to NRS 706.476 of a vehicle registered to April Haynes. (GA)

48. **Impound 1535** The impoundment pursuant to NRS 706.476 of a vehicle registered to Allen Robert Wilcox. (GA)
49. **Impounds 2188 and 2189 and Citation 16656** The impoundment pursuant to NRS 706.476 of two vehicles registered to and Citation 16656 issued to Robert Siladie, Jr. for violations of NRS 706.386 and NRS 706.758. (GA)
50. **Citation 14162** issued to Paul William Seaman for a violation of NAC 706.376.
51. **Citation 14224** issued to All West Coachlines, Inc. for violations of NAC 706.381 (9 counts).
Removed from consideration pending receipt of payment.
52. **Citation 16235** issued to VIP Limousines of Nevada for a violation of NAC 706.311 (2 counts).
53. **Citation 16236** issued to Silver State Trailways for a violation of NRS 706.463(3).
54. **Citation 16237** issued to Global Access, LLC for a violation of NRS 706.463(3).
55. **Citation 16336** issued to Evergreen Trails, Inc. for violations of NAC 706.329 and NAC 706.311.
56. **Citation 16404** issued to Maurice Underwood/Man with a Van for a violation of NRS 706.758.
57. **Citation 16414** issued to Luxe Transportation for a violation of NRS 706.285.
58. **Citation 16451** issued to William Bunting for a violation of NAC 706 as amended by LCB File No. R127-07(1).
59. **Citation 16477** issued to South Tahoe Express/Amador Stage Lines for a violation of NRS 706.285.
60. **Citation 16485** issued to Sierra Moving Systems for a violation of NRS 706.758.
Order amended to read violation of NRS 706.285. Approved as amended 3-0
61. **Citation 16487** issued to Annie Bananies Wild West Tours for a violation of NRS 706.285.
62. **Citation 16571** issued to Arash Zaeri for a violation of NAC 706 as amended by LCB File No. R127-07(1).
63. **Citations 16572 and 16574** issued to Joe Constantin-Sardinas for violations of NAC 706.228 and NAC 706.194.
64. **Citation 16592** issued to Keven Quintana for violations of NAC 706 as amended by LCB File No. R127-07(1) and NAC 706.247/49 CFR 391.41.
65. **Citation 16603** issued to Patrick Nolan for a violation of NAC 706 as amended by LCB File No. R127-07(1).
66. **Citation 16609** issued to ABC Towing for violations of NAC 706.311 (49 counts).

67. **Citation 16618** issued to Abebe Haile for a violation of NAC 706.228.
68. **Citation 16622** issued to Miguel A. Carrillo for a violation of NAC 706.228.
69. **Citation 16623** issued to Michael Jackson for a violation of NAC 706 as amended by LCB File No. R127-07(1).
70. **Citation 14681** issued to Adventure Photo Tours, Inc. for violations of NRS 706.167 and NRS 706.398.
71. **Citation 14682** issued to ASP Inc. d/b/a Action Movers of Nevada, Inc. for violations of NRS 706.167 and NRS 706.398.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE TOW CAR SERVICE**

72. **Docket 13-03010** The Application of Israel Moran Garcia and Maribel Andres Cruz d/b/a Max Towing Service for a certificate of public convenience and necessity (hereinafter “CPCN”) to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (MBM)

Applications Manager Liz Babcock summarized the application and indicated staff support. Commissioner Metz questioned the timekeeping method to be used and asked that it be added to the compliance. Mr. Israel Garcia was present on behalf of the Applicant. Approved as modified 3-0

73. **Docket 13-06019** The Application of Humberto Urias d/b/a Bulldog Towing for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (MBM)

Applications Manager Liz Babcock summarized the application and indicated staff support. Mr. Humberto Urias was present on behalf of the applicant. Commissioner Metz questioned timekeeping method to be used and asked that it be added to the compliance. Approved as modified 3-0

74. **Docket 13-07034** The Joint Application of The Tow Truck Company, Inc. for authority to sell and transfer and of 1st Response Towing, Inc. d/b/a The Tow Truck Company to purchase and acquire the authority to provide tow car service within the State of Nevada under CPCN 7136, Sub 2. Staff investigation concluded. (GA)

Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 3-0

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE CHARTER BUS SERVICE**

75. **Docket 13-06020** The Joint Application of Buffalo Tuff, Inc. d/b/a Nevada Party Bus for authority to sell and transfer and of Rowdy Industries, LLC d/b/a Nevada Party Bus to purchase and acquire the authority to provide charter bus service within the State of Nevada under CPCN 2146. Staff investigation concluded. Item tabled from September 12, 2013 General Session. (GA)

Commissioner Assad summarized the application and indicated staff support. Mr. Arthur Rosson was present on behalf of Rowdy Industries. Kimberly Maxson-Rushton, Esquire was present on behalf of the Livery Operators Association and restated the basis for the protest. James Kent, Esquire was

present on behalf of the Applicant. Administrative Attorney Day stated the Order contained two restrictions, that no staging or standing would occur and that Mr. Rosson would not serve as a driver. Approved as written 3-0

- 76. Docket 13-08015** The Application of Vegas Limo Coach, LLC d/b/a Vegas Limo Coach for a CPCN to provide charter bus service within the State of Nevada. Staff investigation concluded. (MBM)

Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 3-0

PETITION TO AMEND REGULATION

- 77. Docket 13-10003** Petitioner Livery Operators Association of Las Vegas seeks amendments to NAC 706.044 and NAC 706.232 as it relates to the definition and regulation of Contract Carrier Authority. (AJM)

Kimberly Maxson-Rushton, Esquire summarized the request of the LOA to open a regulatory workshop. Showtime Tours submitted a written letter in support of the LOA's position (see attached.) Mr. William Heaton, Esquire, representing the Contract Carriers Association of Southern Nevada (CCA), stated the position of the contract carriers. Current members: Viva Las Vegas Tour & Travel, Nevada Limousine Service, Las Vegas International Tour Services, Inc., Desert Sky, Vega International, Inc., H.I.S. International Tours and Portofino Tours Service, Inc. A discussion ensued with regard to the positions of each party on the regulatory workshop request and the regulation as it currently reads. Mr. Jeffrey Silver, Esquire, appeared on behalf of Bell Trans, stated their position and road map for contract carrier authority. Chairman MacKay stated the petition is virtually identical to SB263 and that he was not opposed to an informational meeting to clarify the misconceptions of the contract carrier regulation. Commissioner Assad indicated he would favor a regulatory workshop. Commissioner Metz indicated her position was the regulations are clear and no workshop or rulemaking was necessary. Chairman MacKay made a motion to deny the Petition, but to hold a public meeting to discuss. Approved 2-1 Commissioner Assad opposed

EXEMPTION REQUESTS

- 78. Docket 13-05009** Safak Sahin/DeTour Vegas, LLC seeks a declaration of exemption pursuant to NAC 706.147 from the requirement to obtain a CPCN to provide intrastate commercial passenger transportation/tours in Nevada. Item tabled from September 12, 2013 General Session. (AJM)

Chairman MacKay summarized the request and indicated denial of request. Jennifer Menasha was present on behalf of DeTour Vegas and restated their position that the transportation is incidental. Exemption Denied 3-0

- 79. Docket 13-05018** Brett Milholin/Bites and Sites of Las Vegas seeks a declaration of exemption pursuant to NAC 706.147 from the requirement to obtain a CPCN to provide intrastate commercial passenger transportation/tours in Nevada. Item tabled from September 12, 2013 General Session. (AJM)

Removed from the agenda prior to consideration, to be heard at a future date.

- 80. Docket 13-10001** Gyorgy Vaesanyi/Lovely Day, Inc. seeks a declaration of exemption pursuant to NAC 706.147 from the requirement to obtain a CPCN to provide intrastate commercial passenger transportation/special service in Nevada. (AJM)

Removed from the agenda prior to consideration, to be heard at a future date.

PETITIONS FOR RECONSIDERATION

81. **Docket 13-08030** Petitioner Johann Vela Munoz seeks reconsideration of the fines imposed in the Authority's August 8, 2013 final Order in the matters of Impound 2119 and Citation 16386. (AJM)

Mr. Johann Vela Munoz was present and requested a reduction in the fine amounts due to financial hardship. Hearing Officer, Chairman MacKay, requested information from Deputy Commissioner Skibinski as to the timeframe of the original request, and she indicated a timely response. Chairman MacKay indicated fines to be reduced to \$2,500.00 with \$2,500.00 in abeyance for one year. Approved as amended 3-0

FINANCIAL RATES AND TARIFFS

82. **Docket 13-08005** The Application of Carson City Towing, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7036, Sub 1. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the application and indicated staff support. Approved 3-0

83. **Docket 13-08025** The Application of CH Destinations, Inc. d/b/a CHD Limousine for approval of a tariff rate modification for charter limousine service conducted under CPCN 1120. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the application and indicated staff support. Approved 3-0

84. **Docket 13-09006** The Application of Las Vegas Limousine, a Nevada Corporation for approval of a tariff rate modification for charter limousine and airport transfer services conducted under CPCN 2258, Sub 5. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the application and indicated staff support. Approved 3-0

85. **Docket 13-09017** The Application of Presidential Limousine, Inc. for approval of a tariff rate modification for limousine and special services conducted under CPCN 1007, Sub 5. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the application and indicated staff support. Mr. Jeffrey Silver, Esquire appeared on behalf of the Applicant. Approved 3-0

APPLICATIONS FOR FULLY REGULATED CARRIERS

86. **Docket 13-03004** The Application of Top Limo Las Vegas, LLC d/b/a Top Limo for an expansion of operating authority under CPCN 1118. (GA)

Commissioner Assad summarized the application and indicated staff did not support the application for expansion. Mr. Vartan Sarkissyan appeared on behalf of the Applicant. Application Denied 3-0

87. **Docket 13-03022** The Application of Daytripper, LLC d/b/a Nye County Cab for a CPCN to provide passenger transportation by taxicab within Nye County, Nevada on the one hand and points and places in the State of Nevada on the other. (AJM)

Chairman MacKay summarized the application and indicated staff did not support the application. Mr. Larry Miller appeared on behalf of Daytripper, LLC. Jim Jimmerson, Esquire appeared on behalf of the Intervenor's. Application Denied 3-0

88. Docket 13-06025 The Application of Integrity Taxi, LLC for a CPCN to provide passenger transportation by taxicab within Nye County, Nevada on the one hand and points and places in the State of Nevada on the other and to provide special service/per capita transportation between Nye County, Nevada and Clark County, Nevada. (MBM)

Commissioner Metz summarized the application, procedural history and indicated staff support. Jim Jimmerson, Esquire appeared as Owner/legal counsel and thanked staff for their efforts with regard to their application. Commissioner Assad stated his opinion with regard to granting an unrestricted license. Chairman MacKay indicated his support of the findings and recommendations. A brief discussion ensued with regard to the number of vehicles being considered. Applications Manager Liz Babcock requested clarification with regard to regular route service. Kimberly Maxson-Rushton, Esquire indicated .391 is a clear limit to the number of vehicles. Approved 2-1 Chairman MacKay opposed

ORDERS TO SHOW CAUSE

89. Docket 13-07016 The Order to Show Cause issued to Hook-Up Towing Services, LLC as to why CPCN 7284 should not be revoked. (GA)

Commissioner Assad summarized the issue at hand, the procedural history and indicated the CPCN should not to be revoked. Commissioner Metz requested clarification as to the order and asked for two operational inspections within the next twelve months. Approved as modified 3-0

FORMAL WRITTEN COMPLAINT

90. Investigation I-1308-012 The formal written complaint of Kerry Levitt against Ashley's Towing (CPCN 7220). Pursuant to NAC 706.3977, the Staff of the Authority cannot resolve the formal written complaint and has therefore transmitted the complaint to the Authority for review. If the Authority finds no probable cause exists for the formal written complaint, it will order the complaint dismissed pursuant to NAC 706.3978. If the Authority finds probable cause exists for the formal written complaint, it will set a date for a public hearing on the complaint and/or order appropriate interim relief pursuant to NAC 706.3979.

Chairman MacKay summarized the matter. Mr. Kerry Levitt appeared and made a statement regarding his complaint. A brief discussion ensued with regard to the fire lane markings, signs and ability to tow vehicles parked in fire lanes. No Probable Cause – Approved 3-0

MOTION TO DISMISS APPLICATION

91. Docket 11-04019 The Application of Rizan Enterprises, LLC d/b/a GIS Limousines for a CPCN to provide charter limousine service within Clark and Nye Counties, Nevada. The Authority will consider the Motion to Dismiss the Application filed by the Intervener, Livery Operators Association of Las Vegas. (MBM)

Commissioner Metz summarized the matter regarding the Motion to Dismiss and recommended the Motion be denied and to go forward with Application hearing. Louis Csoka, Esquire appeared on behalf of the LOA and presented his argument for the Motion to Dismiss. Jamie Kent, Esquire appeared on behalf of the Applicant and stated the opinion that the Motion to Dismiss was premature. Motion to Dismiss Denied 3-0

DISCUSSION ITEMS

92. **Docket 13-08022** Pursuant to Senate Bill 428, the Authority will discuss possible rulemaking or issuance of an order regarding the maximum fee that an operator of a tow car may charge a customer for the convenience of using a credit card or debit card to make payment to the operator of the tow car. (AJM)

Chairman MacKay summarized the docket. Applications Manager Liz Babcock requested clarification with regard to adding credit card fees to tariff pages. David Walker, Walker Towing stated on Metro tows only, credit card convenience fees are not charged. His suggestion was to include credit card payment on the tariff with a discount for paying with cash and asked the Authority to clarify what could be included. Chairman MacKay stated the opinion that each carrier would need to submit the costs involved for approval. Neil Tomlinson, Esquire discussed the procedural history with regard to the Taxicab Authority's implementation of a convenience fee for credit cards. Thomas Turner, Esquire appeared on behalf of The Little Guys d/b/a Tow Pros and presented written information (see attached) regarding credit card charge back fees. Tony Glenn, General Manager for Ashley's Towing, questioned if the carrier could set requirements for acceptance of credit cards. It was determined an informational hearing would need to be held, hearing officer to be assigned. Approved 3-0

93. **Docket 13-08031** The Authority will discuss adding property-specific "convenience fee," "access fee" or "loading fee" to tariffs as a pass-through fee akin to McCarran Airport AVI fees. Such fees are assessed by certain resort properties and/or their door staff—often at a rate of \$1.00 per passenger—for loading passengers. Currently, carriers are prohibited by NAC 706.311(1)(a) from collecting such fee from the passenger and passing the fee on to the charging resort entity. Item tabled from September 12, 2013 General Session. (AJM)

Senior Deputy Attorney General Newton summarized the matter and indicated several carriers requested clarification. Item tabled to be heard at the next subsequent agenda meeting. Neil Tomlinson, Esquire indicated he would notify Mr. Jimmerson, Esquire and Ms. Maxson-Rushton, Esquire and request any input they might have. Approved to be tabled 3-0

94. Public Comment

David Walker, Walker Towing asked for clarification with regard to storage lots, and also asked clarification as to when storage fees start. (see attached)

95. Adjournment

Meeting adjourned at approximately 2:30p.m.

BRIAN SANDOVAL
Governor

STATE OF NEVADA



BRUCE BRESLOW
Director, Business & Industry

ANDREW J. MACKAY
Chairman

MONICA B METZ
Commissioner

GEORGE ASSAD
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE September 12, 2013 GENERAL MEETING

AGENDA

1. Call to Order

Chairman Andrew J. MacKay called the meeting to order at approximately 9:40 a.m.

2. Roll Call

Present in Las Vegas: Commissioner Monica B Metz, Commissioner George Assad, Administrative Attorney James Day, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Deputy Attorney General Christopher Eccles, and Senior Deputy Attorney General David Newton. Present in Reno: Chairman Andrew J. MacKay and Deputy Commissioner Marilyn Skibinski.

3. Pledge of Allegiance

Chairman MacKay led a recital of the pledge.

4. Public Comment:

None.

5. Approval of Agenda:

Administrative Attorney Day requested Item 103 be considered out of order to accommodate the attorney for the City of Sparks, that Storage Lot Designation Items 79 thru 82 be removed, that Item 12 be pulled as the assigned hearing officer granted a set aside, and that Item 17 be tabled to be heard at the next subsequent Agenda meeting. Commissioner Metz requested Item 54 be removed until the next subsequent Agenda meeting, pending receipt of payment. A correction was made to Item 15, the violation reads NAC 706.2745 and should read NAC 706.3745. Approved as modified 3-0.

6. Approval of the Minutes of the August 8, 2013 Agenda Meeting

Approved 3-0.

7. Briefings from the Commissioners

Commissioner Assad reminded those present of the anniversary of the 9/11 attacks and numerous others, noted related deaths, and requested a moment of silence in remembrance. Chairman MacKay thanked Administrative Attorney Day for the voluminous work done on this month's Agenda.

8. Briefing from the Deputy Commissioner

Deputy Commissioner Skibinski stated the Authority has vacated the Order for Docket 12-11019 for 777 Towing Inc., noting the Applicant failed to provide the required compliance items. She also noted that the meeting for funding of SB210 chauffeur licensing has been reset for October 27, 2013.

9. Report of Legal Counsel

Senior Deputy Attorney General Newton reported the stipulated facts have been filed in the Fairman matter and that there have been no requests for hearings in the Rapid Tow or Custom Towing matters.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

*Items 10-68, with the exception of Items 12, 17 and 54 were considered collectively.
Approved 3-0.*

- 10. Citations 14196 and 14197** issued to Safe Wings Company, LLC for violations of NAC 706.247/49 CFR 391.51, NAC 706.247/49 CFR 382.305, and NAC 706.247/49 CFR 391.43. (AJM)
- 11. Citation 14198** issued to Raine Family Towing - Roadrunner Inc. for a violation of NAC 706 as amended by LCB File No. R113-10. (AJM)
- 12. Citation 16287** issued to Dean Matayoshi for violations of NRS 706.386 and NRS 706.758. (AJM)
Item removed from Agenda prior to consideration.
- 13. Citation 16289** issued to Martin G. Knapp for violations of NRS 706.386 and NRS 706.758. (AJM)
- 14. Citation 16290** issued to MD Hossain for violations of NAC 706 as amended by LCB File No. R127-07(1) and NAC 706.329. (AJM)
- 15. Citation 16291** issued to Reno Sparks Cab for violations of NAC 706.2745 (2 counts). (AJM)
- 16. Citation 16293** issued to Taslagyan Hayk for a violation of NAC 706.247/49 CFR 391.41. (AJM)
- 17. Citation 16294** issued to David Sevic for violations of NRS 706.386 and NRS 706.758. (AJM)
Item removed from Agenda prior to consideration and tabled until next subsequent Agenda meeting.
- 18. Citation 16296** issued to Gregory Miller/Lake Tahoe Taxi for violations of NRS 706.386 and NRS 706.758. (AJM)
- 19. Citation 16297** issued to Hazel Guy/Lakeshore Taxi for violations of NRS 706.386 and NRS 706.758. (AJM)
- 20. Citation 16420** issued to Welcome's Auto Body & Towing for a violation of NRS 706.285. (AJM)

21. **Citation 16423** issued to Sunshine Taxi for a violation of NAC 706.247/49 CFR 391.51. (AJM)
22. **Citation 16425** issued to Discover Lake Tahoe Tours for violations of NRS 706.386 and NRS 706.758. (AJM)
23. **Impound 2131 and Citation 16300.** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 16300 issued to Johnny M. Lewis for violations of NRS 706.386 and NRS 706.758. (AJM)
24. **Impound 2155 and Citation 16298.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16298 issued to Cedrick Brooks for violations of NRS 706.386 and NRS 706.758. (AJM)
25. **Impound 2164.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Alvin Guy. (AJM)
26. **Impound 1507.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Lakeshore Taxi. (AJM)
27. **Impound 1534.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Shawn Beaman. (AJM)
28. **Impound 2132.** The impoundment pursuant to NRS 706.476 of a vehicle registered to U Haul. (AJM)
29. **Citation 15673** issued to Five Star Limo/Danil Akopian for a violation of NAC 706.247/49 CFR 391.51(7)(i). (MBM)
30. **Citation 16388** issued to Kenneth Ray Baldwin for violations of NAC 706.228(4) and NAC 706.228(5). (MBM)
31. **Citation 16389** issued to Five Star Limo, LLC for a violation of NAC 706.360. (MBM)
32. **Citation 16393** issued to Alvin Guy for violations of NRS 706.386 and NRS 706.758. (MBM)
33. **Citation 16608** issued to Stuart Cantara for violations of NRS 706.386 and NRS 706.758. (MBM)
34. **Impound 1586.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Elvin Stevenson. (MBM)
35. **Impound 2166.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Ricardo Flores-Hernandez. (MBM)
36. **Impound 2168.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Donna Cantara. (MBM)

37. **Impound 2174 and Citation 16620.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16620 issued to Bamdad Baniyadi for violations of NRS 706.386 and NRS 706.758. (MBM)
38. **Citations 15674 and 15675** issued to Anthony's Towing for violations of NAC 706.247/49 CFR 382.301(a) (3 counts) and NAC 706.247/49 CFR 391.51 (7)(i) (5 counts) and NAC 706.247/49 CFR 391.51(b)(4) (6 counts). (GA)
39. **Citation 16107** issued to Aria Ariano for violations of NRS 706.386 and NRS 706.758. (GA)
40. **Citations 16394, 16395, 16396, 16397 and 16601** issued to ABC Towing for violations of NAC 706.311 (5 counts) and NAC 706.420 (2 counts). (GA)
41. **Citation 16566** issued to Justin Acosta for violations of NRS 706.386 and NRS 706.758. (GA)
42. **Citation 16570** issued to Souphan Rasavong for violations of NRS 706.386 and NRS 706.758. (GA)
43. **Citations 16584, 16585 and 16586** issued to City 2 City Towing for violations of NAC 706.247/49 CFR 396.11, NAC 706.203, NAC 706.430, NAC 706.247 and NAC 706.206. (GA)
44. **Citation 16602** issued to Arthur Yarbrough for a violation of NAC 706 as amended by LCB File No. R127-07(1). (GA)
45. **Citation 16626** issued to Earth Buses for a violation of NAC 706.247/49 CFR 382.301(2). (GA)
46. **Impound 2008.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Aria Ariano. (GA)
47. **Impound 2071.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Shawn Archambeau. (GA)
48. **Impound 2117.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Richard Acosta. (GA)
49. **Impound 2169 and Citation 16610.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16610 issued to Carlos Humberto Medina for violations of NRS 706.386 and NRS 706.758. (GA)
50. **Impound 2172 and Citation 16615.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16615 issued to Michelle Meyer for violations of NRS 706.386 and NRS 706.758. (GA)
51. **Impound 2173 and Citation 16303.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16303 issued to Brandon Hollimon for violations of NRS 706.386 and NRS 706.758. (GA)

- 52. Impound 2165 and Citation 16398.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16398 issued to Alia Jackson for violations of NRS 706.386 and NRS 706.758. (GA)
- 53. Citation 14195** issued to Martin Ross & Associates for violations of NRS 706.465 (2 counts).
- 54. Citation 14224** issued to All West Coachlines, Inc. for violations of NAC 706.381 (9 counts).
Item removed from Agenda and tabled until next subsequent Agenda meeting pending receipt of payment.
- 55. Citation 16230** issued to Blue Ribbon Relocation, LLC for a violation of NAC 706.329.
- 56. Citation 16361** issued to The Tow Truck Company for a violation of NAC 706 as Amended by LCB File No. R112-10(4).
- 57. Citation 16387** issued to Rosella Waites for a violation of NAC 706.228(3).
- 58. Citation 16399** issued to Warren Starkey for a violation of NAC 706 as amended by LCB File No. R127-07(1).
- 59. Citation 16400** issued to Emilio Gonzalez-Cueto for violations of NAC 706.228 and NAC 706 as amended by LCB File No. R127-07(1).
- 60. Citation 16415** issued to Atlas Towing for a violation of NRS 706.285.
- 61. Citation 16567** issued to John Mackey for a violation of NAC 706.228.
- 62. Citation 16569** issued to Michael Allen for violations of NAC 706.228 and NAC 706.247/49 CFR 391.41.
- 63. Citation 16588** issued to Michael Kidane for a violation of NAC 706.228.
- 64. Citation 16605** issued to Hassan Omar for violations of NAC 706.228 and NAC 706 as amended by LCB File No. R127-07(1).
- 65. Citation 16606** issued to Ronald Rey Alvarez for a violation of NAC 706.228(5).
- 66. Citation 16611** issued to Sergio Encina for a violation of NAC 706 as amended by LCB File No. R127-07(1).
- 67. Citation 16612** issued to Lonnie Crosby for a violation of NAC 706.228.
- 68. Citation 16613** issued to Oscar Gonzalez for violations of NAC 706.228(3) and NAC 706.228(5).

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE TOW CAR SERVICE**

- 69. Docket 13-01008** The joint Application of Rush In Towing, LLC for authority to sell and transfer and Voss Automotive Group, LLC d/b/a Rush In Towing to purchase and acquire the authority to provide tow car service within the State of Nevada, granted under Certificate of Public Convenience and Necessity 7221, Sub 1. Staff investigation concluded. (GA)
Financial Analyst Lidia Aronova summarized the Application and indicated Staff support. Approved 3-0.
- 70. Docket 13-04017** The joint Application of Florentino Casanas for authority to sell and transfer and Hector Ramirez to purchase and acquire USA Towing, Inc. a carrier authorized to provide tow car service within the State of Nevada, granted under Certificate of Public Convenience and Necessity 7273. Staff investigation concluded. (MBM)
Commissioner Metz summarized the limited background hearing, the concerns and recommendations, and indicated Staff support. Approved 3-0.
- 71. Docket 13-05026** The Application of All Star Towing, LLC d/b/a All Star Towing for a certificate of public convenience and necessity to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (AJM)
Chairman MacKay summarized the Application and indicated Staff support. Financial Analyst Lidia Aronova reviewed several items that would be included in the Compliance Order. Approved as modified 3-0.
- 72. Docket 13-08024** The temporary discontinuance from August 26, 2013 through February 26, 2014 of services provided by M & M Tow & Transport, LLC under Certificate of Public Convenience and Necessity 7149, Sub 1. Staff investigation concluded.
Chairman MacKay summarized the request. Commissioner Metz requested the dates for granting the request read September 12, 2013 to February 26, 2014. Approved as modified 3-0.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE CHARTER BUS SERVICE**

- 73. Docket 13-03016** The Application of Chris Transportation, LLC for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (GA)
Commissioner Assad summarized the Application and recommended the Application be denied. Application denied 3-0.
- 74. Docket 13-05010** The Application of Lee's Tour & Travel, Inc. d/b/a Lee's Tour and Travel for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (MBM)
Commissioner Metz summarized the Application, indicated Staff support, and requested a "no walk up" restriction be added to the operating authority. James Kent, Esq., appeared on behalf of the Applicant and requested the Authority be specific in the restriction language. Approved as modified 3-0.

75. Docket 13-05027 The Application of World Transportation, Inc. d/b/a World Transportation for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application, indicated the PLTI filed by the Livery Operators Association had been withdrawn, and requested a “no walk up” restriction be added to the operating authority. Approved as modified 3-0.

76. Docket 13-06020 The Joint Application of Buffalo Tuff, Inc. d/b/a Nevada Party Bus for authority to sell and transfer and Rowdy Industries, LLC d/b/a Nevada Party Bus to purchase and acquire the authority to provide charter bus service within the State of Nevada, granted under Certificate of Public Convenience and Necessity 2146. Staff investigation concluded. (GA)

Financial Analyst Yvonne Shelton summarized the Application and indicated Staff support. Chairman MacKay indicated a written protest had been filed by the Livery Operators Association. Kimberly Maxson-Rushton, Esq., appeared on behalf of the LOA and summarized the written protest. Arthur Rosen, Managing Member of Rowdy Industries, appeared on behalf of the Applicant and listed the safety equipment on the vehicle. Commissioner Assad stated his preference to table the item in order to further review safety requirements. Item tabled 3-0.

VOLUNTARY CANCELLATIONS

77. Docket 13-08011 The voluntary cancellation of John Goldwin Smith & Terese Smith d/b/a AM or PM Towing and Recovery of Certificate of Public Convenience and Necessity 7111, Sub 1. Staff investigation concluded.

Chairman MacKay summarized the request. Approved 3-0.

78. Docket 13-08012 The voluntary cancellation of Rapid Tow, LLC d/b/a Rapid Tow of Certificate of Public Convenience and Necessity 7224, Sub 2. Staff investigation concluded.

Chairman MacKay summarized the request and indicated the abeyance amounts would be triggered if or when Rapid Tow or its principal would resume operations under the same or a different name. Commissioner Metz expressly stated that granting the cancellation does not waive the Authority’s rights with regard to abeyances or fines in the pending Petition for Judicial Review matter and requested this be added to the Order. Approved as modified 3-0.

STORAGE LOT DESIGNATION REQUESTS

All items in this section were removed from Agenda prior to consideration.

79. Docket 13-06007C Pursuant to Section 3, Paragraph 7 of Senate Bill 456 (77th 2013), the Authority will consider a request from Amica Mutual Insurance Company for designation of a vehicle storage lot. (AJM)

80. Docket 13-06007D Pursuant to Section 3, Paragraph 7 of Senate Bill 456 (77th 2013), the Authority will consider a request from Assurance America Insurance Company and its affiliates for designation of a vehicle storage lot. (AJM)

81. Docket 13-06007E Pursuant to Section 3, Paragraph 7 of Senate Bill 456 (77th 2013), the Authority will consider a request from Shelter Insurance Co. for designation of a vehicle storage lot. (AJM)

- 82. Docket 13-06007F** Pursuant to Section 3, Paragraph 7 of Senate Bill 456 (77th 2013), the Authority will consider a request from Century-National Insurance Co. for designation of a vehicle storage lot. (AJM)

PETITION TO DEVIATE FROM REGULATION

- 83. Docket 13-06008** Petitioner All About Service Limousine, Inc. seeks Authority approval to deviate pursuant to NAC 706.1305 from the definition of “regular business hours” set forth in NAC 706.1045. Specifically, the carrier seeks relief from the obligation to remain open for business, record inspection, and other purposes on certain Jewish religious holidays. (GA)
Aaron Sas, Owner, appeared on behalf of the Petitioner and summarized his request. Kimberly Maxson-Rushton, Esq., appeared on behalf of the Livery Operators Association and detailed their written Protest. A discussion ensued with regard to the continued operation and the availability of the owner during the time the physical office is closed. Chairman MacKay stated if the deviation does not comport with what was filed with the Authority, the deviation would be revoked. Commissioner Metz requested an itemization of requirements be contained in the Order for this matter. Approved as modified 3-0.

EXEMPTION REQUESTS

Administrative Attorney Day summarized the general pattern followed for exemption requests and approval and Staff’s reluctance to grant such requests without certification and the safety requirements thereof. He also stated that Items 84, 85 and 86 were open for discussion; however the items ultimately would be referred back to the Chairman for his approval.

- 84. Docket 13-04007.** John Messmore/Red E Bike Rentals seeks a declaration of exemption pursuant to NAC 706.147 from the requirement to obtain a certificate of public convenience and necessity to provide intrastate commercial passenger transportation/tours in Nevada. (AJM)
John Messmore appeared on behalf of Red E Bike Rentals and indicated his concern regarding the ability to conduct business without the exemption.

- 85. Docket 13-05009.** Safak Sahin/DeTour Vegas, LLC seeks a declaration of exemption pursuant to NAC 706.147 from the requirement to obtain a certificate of public convenience and necessity to provide intrastate commercial passenger transportation/tours in Nevada. (AJM)
Safak Sahin appeared on behalf of DeTour Vegas and stated his that he does not compete with tour companies or transportation companies and does not feel he is truly in the transportation business.

- 86. Docket 13-05018.** Brett Milholin/Bites and Sites of Las Vegas seeks a declaration of exemption pursuant to NAC 706.147 from the requirement to obtain a certificate of public convenience and necessity to provide intrastate commercial passenger transportation/tours in Nevada. (AJM)
Brett Milholin appeared on behalf of Bites and Sites and indicated the initial transportation would be the free shuttle and the remaining tour would be handled by a licensed carrier.

A discussion ensued with regard to the exemption requests. Administrative Attorney Day suggested the Dockets be assigned to Chairman MacKay to afford him the time to do the research necessary and Orders would appear on the next subsequent Agenda meeting. Action approved 3-0.

PETITIONS FOR RECONSIDERATION

- 87. Docket 09-06022** In the Matter of the joint application of Pro-Action Limousine & Concierge Services, Inc. for authority to sell and transfer and of The Kirk-Hughes Sampson Family Trust to purchase and acquire the authority to provide charter limousine service within Clark and Nye Counties, Nevada under Certificate of Public Convenience and Necessity 1090. Petitioners Sam Callis and Shirldean Callis ask the Authority to reopen this docket, or in the alternative initiate an Order to Show Cause docket, based upon the Applicants' alleged failure to comply with the terms of the final Order approving the sale and transfer (approved at the Authority's July 13, 2011 general session). (MBM)

Commissioner Metz briefly summarized the procedural history of the docket, expressed that she sympathizes with the Petitioners, and stated if fraud is found in District Court, she would consider the Petition for Reconsideration to re-open the docket, however due to the timeliness of the request, her recommendation was to deny the Petition. Ms. Kirk-Hughes, Esq., appeared on behalf of Pro-Action Limousine and James Kent, Esq., appeared on behalf of the Petitioners. Mr. Kent referenced a document regarding stock transfer and payment of sale amount from escrow, stating payment had not been made so the stock transfer never took place. Ms. Kirk-Hughes stated this is simply an accounting issue. Commissioner Metz reiterated her preference to wait for the District Court findings to avoid duplicative efforts. Mr. Kent indicated the arbitration decision would be made September 26, 2013. Petition denied 3-0.

- 88. Docket 12-05021** The Application of Feth Investments, LLC d/b/a NTI Transportation for a CPCN to provide charter bus service within the State of Nevada. Applicant Feth Investments, LLC d/b/a NTI Transportation petitions for reconsideration of the Authority's May 30, 2013 final Order in the matter. (AJM)

Chairman MacKay summarized the request and procedural history, indicating he found no additional evidence requiring a grant of the Petition. Administrative Attorney Day suggested reissuing the Order to afford the Applicant the opportunity to submit a Petition for Judicial Review, if so desired. Mr. Brian Hardy, Esq., appeared on behalf of the Applicant and asked if the possibility existed to resubmit an amended application. Chairman MacKay denied the request. Mr. Hardy asked if an application for fully regulated operating authority could be filed immediately and was answered in the affirmative. Petition denied and Order to be reissued 2-0, with Commissioner Metz abstaining.

- 89. Docket 13-08004** Saul Ortega petitions for reconsideration of the Authority's July 2, 2013 final Order in the matter of Citation 16216. The Petitioner seeks to have his failure to appear set aside and a new hearing set. (GA)

Mr. Saul Ortega appeared and stated personal issues prevented him from appearing. Commissioner Assad indicated no objection to rehearing the matter. Motion to set aside granted and matter reset for hearing. Approved 3-0.

- 90. Docket 13-08021** Donald Acey petitions for reconsideration of the Authority's August 8, 2013 final Order in the matter of Citation 16379. The Petitioner seeks to have his failure to appear set aside and a new hearing set. (AJM)

Mr. Donald Acey appeared and stated personal issues prevented him from appearing. Chairman MacKay indicated no objection to rehearing the matter. Motion to set aside granted and matter reset for hearing. Approved 3-0.

FINANCIAL RATES AND TARIFFS

- 91. Docket 08-10005** The Application of Roadway Company d/b/a Roadway Towing and Recovery for approval of a tariff rate modification for tow car services conducted under conducted under Certificate of Public Convenience and Necessity 7128. Staff investigation concluded.
Financial Analyst Yvonne Shelton summarized the Application and indicated Staff support. Approved 3-0.
- 92. Docket 12-01018-A** The Application of Alpine Auto Service, Inc. d/b/a Alpine Towing for approval of a tariff rate modification for tow car services conducted under conducted under Certificate of Public Convenience and Necessity 7070. Staff investigation concluded.
Financial Analyst Lidia Aronova summarized the Application and indicated Staff support. Approved 3-0.
- 93. Docket 13-07022** The Application of Airline Limousine Corporation, d/b/a Airline Shuttle Corp for approval of a tariff rate modification for charter limousine, airport transfer, and special service conducted under Certificate of Public Convenience and Necessity 2050, Sub 4. Staff investigation concluded.
Financial Analyst Yvonne Shelton summarized the Application and indicated Staff support. Approved 3-0.
- 94. Docket 13-07024** The Application of Airport Mini Bus, Inc. for approval of a tariff rate modification for charter limousine, airport transfer, and special service conducted under Certificate of Public Convenience and Necessity 2350, Sub 6. Staff investigation concluded.
Financial Analyst Lidia Aronova summarized the Application and indicated Staff support. Approved as modified 3-0.
- 95. Docket 13-07025** The Application of Bell Limo, Inc. for approval of a tariff rate modification for charter limousine service conducted under Certificate of Public Convenience and Necessity 1217. Staff investigation concluded.
Financial Analyst Lidia Aronova summarized the Application and indicated Staff support. Approved 3-0.
- 96. Docket 13-08016** The Application of Seiji, LLC d/b/a Seiji Limousine for approval of a tariff rate modification for charter limousine and scenic tour service conducted under Certificate of Public Convenience and Necessity 1111, Sub 1. Staff investigation concluded.
Financial Analyst Yvonne Shelton summarized the Application and indicated staff support. Approved 3-0.

APPLICATIONS FOR FULLY REGULATED CARRIERS

- 97. Docket 11-07004** The Joint Application of Phyllis J. Clemmer d/b/a Fernley Taxi to sell and transfer and of Roy L. Street d/b/a Capital Cab Company to purchase and acquire the authority to provide taxicab service conducted under Certificate of Public Convenience and Necessity ("CPCN") 1030, Sub 1. As a result of the sale and transfer CPCN 1030 would be canceled and the authority thereunder merged into CPCN 2445. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application and procedural history and indicated Staff support. Approved 3-0.

98. Docket 11-12021 The Application of BLS Limousine Service of Las Vegas, Inc. for an expansion of operating authority granted under Certificate of Public Convenience and Necessity 1070, Sub 2. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application and procedural history in detail and stated his reasoning for recommending denial of the request. Commissioner Assad made a detailed statement in general agreement with Chairman MacKay. Bill Kain and Michael Okon appeared by telephone on behalf of BLS Limousine Service. Kimberly Maxson-Rushton, Esq., appeared on behalf of the Intervenor, Livery Operators Association. A discussion ensued with regard to the details of the Application and the Chairman's findings. Application for Expansion denied 3-0.

99. Docket 12-12016 The Joint Application of the Denise Gentile for authority to sell and transfer and of the remaining four owners to purchase and acquire 16.5% ownership of Medical Transport Co., LLC a carrier authorized to provide non emergency medical transportation services under Certificate of Public Convenience and Necessity 1112. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application and procedural history and indicated Staff support. Approved 3-0.

100. Docket 13-08008 The Application of Desert Cab, Inc. d/b/a Odyssey Limousine for an expansion of operating authority granted under Certificate of Public Convenience and Necessity 1070, Sub 2. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application, and indicated Staff support. Chairman MacKay stated that granting of the Application would have to be conditional on no petitions for leave to intervene being filed before the deadline of September 13, 2013. Brent Carson, Esq., appeared on behalf of the Applicant and requested clarification of item 3b of the Order. Explanation for 3b states before the modified certificate is issued, the subcontract must be approved by the Airport and a copy supplied to Staff. Approved as modified 3-0.

DISCUSSION/ACTION ITEMS

101. Docket 13-07039 The Authority will discuss amending the settlement fine schedule amounts and standard fine recommendation standards for hearings for first and subsequent passenger carrier driver violations such as solicitation, uniform rates, and unattended vehicles. (AJM)

Chairman MacKay summarized the settlement fine schedule and the recommendations. Commissioner Metz asked Chairman MacKay if he had stated a desire at an earlier general session to add trip sheet and hours of service violations to the taxi section with fines set forth. Chairman MacKay confirmed. Senior Deputy Attorney General Newton stated the NAC 706.311 violation should also be added. A discussion ensued with regard to medical card violations. Upon inquiry by Senior Deputy Attorney General Newton, the Authority confirmed that the fine schedule is primarily for Staff settlements and not meant to interfere with the AG's discretion. Adoption of fine schedule as modified approved 3-0.

102. Docket 13-08031 The Authority will discuss adding property-specific "convenience fee," "access fee" or "loading fee" to tariffs, as a pass-through fee akin to McCarran Airport AVI fees. Such fees are assessed by certain resort properties and/or their door staff—often at a rate of \$1.00 per passenger—for loading passengers. Currently, carriers are prohibited by NAC

706.311(1)(a) from collecting such fee from the passenger and passing the fee on to the charging resort entity. (AJM)

Administrative Attorney Day summarized the discussion item and the corresponding history. Kimberly Maxson-Rushton, Esq., appeared on behalf of the Livery Operators Association and requested the item be tabled until further information can be gathered for presentation. Item tabled until next subsequent Agenda meeting 3-0.

103.Docket 13-08032 The Authority will discuss The City of Sparks Towing Services Agreement. The Agreement, to which one or more certificated tow carriers are a party, includes a requirement [at paragraph 8(C), "Exception"] that tow carriers charge specific, very low rates for certain non-consent tows for which the City will be financially responsible. However, these discounted non-consent tow rates do not appear in the tariff for any Nevada tow carrier. Accordingly, the Agreement conflicts with Nevada statutory and regulatory requirements for tow carriers to charge exactly their tariff rates for all non-consent tows (including but not limited to NAC 706.311, NAC 706.329) and that carriers not charge any reduced rate based on status as a payor's status as a governmental entity or officer, and NRS 706.351). The Authority will consider the recommendation of legal counsel to issue a letter notifying potentially affected carriers of the obligation to strictly comply with tariff rates for all nonconsensual tows. This Item may include issuance of an advisory opinion pursuant to NAC 706.4007.

Chairman MacKay summarized the item. Scott McCollum, Owner of City Auto Towing, stated his position with regard to the events and the Agreement. Mr. Chet Adams, City Attorney for Sparks, stated the City of Sparks position and reviewed the events and the contract requirements, noting specifically that 8(c) only prohibits the tow carrier from collecting from the owner of the vehicle any amount paid by the City toward the release of the vehicle and that any outstanding amount (after the City's partial payment is applied) could be collected from the vehicle owner. Commissioner Metz thanked Mr. McCollum for bringing the issue to the attention of the Authority and Mr. Adams for taking time to provide clarification. Chairman MacKay moved that a letter be sent to notify potentially affected carriers of the obligation to strictly comply with tariff rates for all nonconsensual tows. Action approved 3-0.

104.Docket 13-06007 The Authority will discuss the process for interim and final approval of requests for vehicle storage lot designation pursuant to Section 3, Paragraph 7 of Senate Bill 456 (77th 2013). (AJM)

Chairman MacKay summarized and suggested any presiding officer could issue an interim approval of tow lot designation with final approval to be voted upon at the next subsequent general session. David Walker, Walker Towing, questioned if the Authority would have a workshop to detail the implementation of the storage lot designation. Item tabled, to be heard at the next subsequent Agenda meeting.

105.Public Comment

David Walker, Walker Towing stated the cancellation of the Certificate for AM or PM Towing and Recovery is a great loss to the towing community.

Kimberly Maxson-Rushton, Esq., commended Authority Staff on the excellent work they are doing.

Chairman MacKay stated with regard to SB210, several questions arose in his conversation with LCB such as: replacement certificates, temporary certificates for drivers changing companies, etc. It was the opinion of LCB attorney that interim approval can be granted and then ratified at a subsequent general session by the full Authority.

106. Adjournment

Meeting was adjourned at approximately 3:50p.m.



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE August 8, 2013 GENERAL MEETING

AGENDA

1. Call to Order

Chairman Andrew J. MacKay called the meeting to order at approximately 9:35 a.m.

2. Roll Call

Present in Las Vegas: Commissioner Monica B Metz, Commissioner George Assad, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Senior Deputy Attorney General David Newton. Present in Reno: Chairman Andrew J. MacKay, Deputy Commissioner Marilyn Skibinski

3. Pledge of Allegiance

Senior Deputy Attorney General David Newton led a recital of the pledge.

4. Public Comment:

Administrative Attorney James Day stated he was in receipt of a written public comment regarding Item 92 (see attached.)

5. Approval of Agenda

Administrative Attorney Day requested that items 28, 48, 53, 77, 88, 90 and 94 be removed from the Agenda and that Item 54 be considered separately from the remaining citations and impoundments. Approved with the changes proposed, 3-0.

6. Approval of the Minutes of the July 2, 2013 Agenda Meeting

Approved 3-0

7. Briefings from the Commissioners

Chairman MacKay stated the Governor is holding his second annual Conference on Small Business, and the Authority has a tentative date of Tuesday, August 27, 2013 for workshops for rulemaking, the first regarding general passenger information, the second regarding drivers permitting bill SB210. Additionally, Chairman MacKay thanked Enforcement Staff for all the work done over the past month. Chairman MacKay also congratulated Senior Deputy Attorney General Newton on his son earning a roster spot with the University of Nevada football team. Good-natured debate ensued regarding the relative merits of the University of Nevada and UNLV.

8. Briefing from the Deputy Commissioner

Deputy Commissioner Skibinski updated the progress of SB210 implementation, indicating the August meeting would be to approve fees and related use of the funding generated from the fees.

9. Report of Legal Counsel

Senior Deputy Attorney General Newton reported that in the Pink Jeep Tours Petition for Judicial Review the NTA decision was upheld, and in the Handicab matter, the TaxiCab Authority and the NTA decision was also upheld. Senior Deputy Attorney General Newton reported stipulated facts were due August 19, 2013 in the Fairman matter.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 10-70, with the exception of Items 21, 28, 48 and 53 and 54 were considered collectively and Approved 3-0

- 10. Citation 14157** issued to Michael Lloyd Jones for violations of NRS 706.386 and NRS 706.758. (AJM)
- 11. Citation 16182** issued to Danny Armstrong for violations of NRS 706.386 and NRS 706.758. (AJM)
- 12. Citation 16200** issued to Kazi Kader for a violation of NAC 706 as amended by LCB File No. R127-07. (AJM)
- 13. Citation 16279** issued to Glenn Robards for violations of NRS 706.386 and NRS 706.758. (AJM)
- 14. Citation 16282** issued to Khanh Nguyen/La Dolce Vita for violations of NRS 706.386 and NRS 706.758. (AJM)
- 15. Citation 16379** issued to Donald Acey for violations of NRS 706.386 and NRS 706.758. (AJM)
- 16. Citation 16403** issued to Reno Sparks Cab for a violation of NRS 706.285. (AJM)
- 17. Citation 16406** issued to Carson City Towing, Inc. for a violation of NAC 706.442. (AJM)
- 18. Citations 16408 and 16409** issued to City Auto Towing for violations of NAC 706.247 (2 counts). (AJM)
- 19. Citation 16412** issued to Nevada Movers for a violation of NRS 706.285. (AJM)
- 20. Citation 16558** issued to Eduardo Franco for a violation of NAC 706.247/49 CFR 391.41. (AJM)
- 21. Citation 16559** issued to Hugo Oropeza for violations of NRS 706.758. (AJM)
Mr. Oropeza was present. Financial Analyst Yvonne Shelton acted as interpreter and relayed Mr. Oropeza has disconnected the telephone number in question. Approved 3-0
- 22. Impound 2014** The impoundment pursuant to NRS 706.476 of a vehicle registered to John Diaz. (AJM)

- 23. Impound 1506** The impoundment pursuant to NRS 706.476 of a vehicle registered to Gregory Miller/Lake Tahoe Taxi. (AJM)
- 24. Impound 2103** The impoundment pursuant to NRS 706.476 of a vehicle registered to Hertz Vehicles, LLC. (AJM)
- 25. Impound 1505 and Citation 16292** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16292 issued to Amir Zahir for violations of NRS 706.386 and NRS 706.758. (AJM)
- 26. Impound 1974 and Citation 16286** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16286 issued to Roy-Seveco Maaghop for violations of NRS 706.386 and NRS 706.758. (AJM)
- 27. Impound 2012 and Citation 16391** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16391 issued to John Robert Diaz for violations of NRS 706.386 and NRS 706.758. (AJM)
- 28. Impound 1507 and Citation 16297** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16297 issued to Hazel Guy/Lakeshore Taxi for violations of NRS 706.386 and NRS 706.758. (AJM)
- Removed from Agenda prior to consideration.*
- 29. Impound 2119 and Citation 16386** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16386 issued to Johann Vela for violations of NRS 706.386 and NRS 706.758. (AJM)
- 30. Impound 2162 and Citation 16583** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16583 issued to Loyd Jones for violations of NRS 706.386 and NRS 706.758. (AJM)
- 31. Citation 15672** issued to CLS Transportation Las Vegas for violations of NAC 706.247/49 CFR 391.23 and NRS 706.398. (MBM)
- 32. Citation 16330** issued to Eric Lyons, Jr. for a violation of NAC 706 as amended by LCB File No. R127-07. (MBM)
- 33. Citation 16357** issued to Joseph Carrero for violations of NRS 706.386 and NRS 706.758. (MBM)
- 34. Citation 16383** issued to Ricardo Espinosa for violations of NRS 706.386 and NRS 706.758. (MBM)
- 35. Citation 16384** issued to Robert Leavell for violations of NRS 706.386 and NRS 706.758. (MBM)
- 36. Citation 16388** issued to Kenneth Ray Baldwin for violations of NAC 706.228(4) and NAC 706.228(5). (MBM)
- 37. Impound 2163 and Citation 16392** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16392 issued to Bobby Rojas for violations of NRS 706.386 and NRS 706.758. (MBM)

- 38. Citation 16358** issued to Vanessa Chantal Acosta for violations of NRS 706.386 and NRS 706.758. (GA)
- 39. Citation 16565** issued to Todd Cooks for violations of NRS 706.386 and NRS 706.758. (GA)
- 40. Citation 16334** issued to Sogho Karen Soghomonian for a violation of NAC 706.228(3). (GA)
- 41. Citation TA8-00024380** issued to David Aynalem Wasihun for a violation of NAC 706.329. (GA)
- 42. Citation 16378** issued to Patrick Tyll for a violation of NRS 706.386. (GA)
- 43. Citation 16329** issued to Robert Edward Noel for violations of NRS 706.386 and NRS 706.758. (GA)
- 44. Impound 2044** The impoundment pursuant to NRS 706.476 of a vehicle registered to Todd Cooks. (GA)
- 45. Impound 2104** The impoundment pursuant to NRS 706.476 of a vehicle registered to Tony Dominguez. (GA)
- 46. Impound 2114** The impoundment pursuant to NRS 706.476 of a vehicle registered to Ashley Henderson. (GA)
- 47. Impound 2118** The impoundment pursuant to NRS 706.476 of a vehicle registered to United Van Rentals. (GA)
- 48. Impound 2008 and Citation 16107** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16107 issued to Aria Ariano for violations of NRS 706.386 and NRS 706.758. (GA)
- Removed from Agenda prior to consideration.*
- 49. Impounds 2028 and 2089 and Citation 16381** The impoundment pursuant to NRS 706.476 of vehicles registered to and Citation 16381 issued to Maria Valencia for violations of NRS 706.386 and NRS 706.758. (GA)
- 50. Impound 2091 and Citation 16328** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16328 issued to Jason Christopher Ward for violations of NRS 706.386 and NRS 706.758. (GA)
- 51. Impound 2102 and Citation 16382** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16382 issued to Joel Martinez-Palafox for violations of NRS 706.386 and NRS 706.758. (GA)
- 52. Impound 2115 and Citation 16564** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16564 issued to Brandon Holmes for violations of NRS 706.386 and NRS 706.758. (GA)

- 53. Impound 2117 and Citation 16566** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16566 issued to Justin Acosta for violations of NRS 706.386 and NRS 706.758. (GA)
Removed from Agenda prior to consideration.
- 54. Citation 14838** issued to Paul Alston for violations of NRS 706.386 and NRS 706.758.
Settlement Agreement rejected and matter ordered reset for hearing by a vote of 3-0.
- 55. Citation 16201** issued to Liben Kumesa for a violation of NAC 706.228.
- 56. Citation 16228** issued to Cosmo, Inc. for a violation of NRS 706.463(3).
- 57. Citation 16229** issued to DM Executive Services, Inc. for a violation of NRS 706.463(3).
- 58. Citation 16280** issued to Jim Giese for a violation of NAC 706 as amended by LCB File No. R127-07.
- 59. Citation 16302** issued to Fernando A. Meraz for violations of NAC 706.228 (2 counts) and NAC 706 as amended by LCB File No. R127-07(1).
- 60. Citation 16326 and 16327** issued to Jeremy Lamb for violations of NAC 706.228, NAC 706 as amended by LCB File No. R127-07(1) and NAC 706.329.
- 61. Citation 16331** issued to Jose Gomez for a violation of NAC 706.228.3.
- 62. Citation 16332** issued to Michael Jackson for violations of NAC 706.228 and NAC 706 as amended by LCB File No. R127-07(1).
- 63. Citation 16333** issued to Jose Luis Contreras-Espinosa for violations of NAC 706.228(3) (2 counts) and NAC 706 as amended by LCB File No. R127-07(1).
- 64. Citation 16352** issued to Smitty Movers for violations of NAC 706.206 and NAC 706.203.
- 65. Citation 16356** issued to The Tow Truck Co. Inc. for violation of NAC 706 as amended by LCB File No. R075-08(3).
- 66. Citation 16359** issued to Royalty Limos for violations of NRS 706.465 (20 counts).
- 67. Citation 16385** issued to Brian Foster for violations of NRS 706.386 and NRS 706.758.
- 68. Citation 16390** issued to Nabil Mezher for violations of NAC 706.228 and NAC 706 as amended by LCB File No. R127-07.
- 69. Citation 16402** issued to Anderson Towing and Transport for a violation of NRS 706.285.
- 70. Citation 16554** issued to Tow Guys, Inc. for violations of NAC 706 as amended by LCB File No. R112-10 (2 counts).

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE TOW CAR SERVICE**

71. Docket 12-10008 The Application of Esteban's Corporation d/b/a The Shop Towing for an expansion of authority to provide non-consent tow car service by tow car vehicle within the State of Nevada under Certificate of Public Convenience and Necessity (hereinafter "CPCN") 7107, Sub 2. Staff investigation concluded. (GA)

Applications Manager Liz Babcock summarized the application and indicated Staff support. Approved 3-0

72. Docket 13-04016 The Application of Debra Collins for authority by Daniel Collins, deceased, to transfer and by Debra Collins to acquire 95% of Vegas Heavy Haul, Inc. d/b/a Big Valley Towing, a carrier authorized to provide tow car service by tow car vehicle within the State of Nevada under CPCN 7238, Sub 1. Staff investigation concluded. (MBM)

Applications Manager Liz Babcock summarized the application and indicated Staff support. Owner Debra Collins was present and thanked staff for the time to accomplish the transfer. Approved 3-0

73. Docket 13-04027 The Application of Alpine Auto Recovery, LLC for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (MBM)

Don Heald was present on behalf of the Applicant along with legal counsel Brent Carson, Esquire. Mr. Carson and Mr. Heald thanked the Authority and Staff. Applications Manager Liz Babcock summarized the application and indicated Staff support, noting that a northern Nevada carrier with a similar name initially filed but later withdrew a protest based on the similarity of the names. Approved 3-0.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE CHARTER BUS SERVICE**

74. Docket 13-04026 The Joint Application of Optimum Equipment Group, LLC d/b/a Berus Armored Transport for authority to sell and transfer and of Uthiopia, LLC d/b/a 702 VIP Transportation to purchase and acquire the authority to provide charter bus service within the State of Nevada under CPCN 2151. Staff investigation concluded.

Brent Carson, Esquire appeared on behalf of the Applicant and indicated a fictitious firm name would be added to Compliance. Applications Manager Liz Babcock summarized the application and indicated Staff support. Approved with addition of compliance item to submit new d/b/a Winner Transportation. Approved as modified 3-0

75. Docket 13-07037 The temporary discontinuance from August 5, 2013 through February 4, 2014 of services provided by Buffalo Tuff, Inc. d/b/a Nevada Party Bus under CPCN 2146. Staff investigation concluded.

Applications Manager Liz Babcock summarized the application and indicated the Sale and Transfer is on file with Authority. Temporary Discontinuance from August 8, 2013 to February 4, 2014 Approved 3-0

VOLUNTARY CANCELLATION

76. Docket 13-07038 The voluntary cancellation of Martin Ross & Associates, LLC of Contract Carrier Permit MV 6151. Staff investigation concluded.

Chairman MacKay summarized the request. Approved 3-0

PETITION FOR RECONSIDERATION

77. Docket 12-05021 The Application of Feth Investments, LLC d/b/a NTI Transportation for a CPCN to provide charter bus service within the State of Nevada. Applicant Feth Investments, LLC d/b/a NTI Transportation petitions for reconsideration of the Authority's May 30, 2013 final Order in the matter. (AJM)

Removed from Agenda prior to consideration.

FINANCIAL RATES AND TARIFFS

78. Docket 13-06021 The Application of Airline Limousine Corporation, d/b/a Airline Shuttle Corp for approval of a tariff rate modification for charter limousine, airport transfer, and special service conducted under CPCN 2050, Sub 4. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized and indicated staff support. John Marushok, Operations Manager, Frias Corporation was present on behalf of the Applicant. Approved 3-0

79. Docket 13-06022 The Application of Las Vegas Limousines, A Nevada Corporation for approval of tariff rate modifications for charter limousine and airport transfer service conducted under CPCN 2258, Sub 5. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized and indicated staff support. Approved 3-0

80. Docket 13-07006 The Application of Las Vegas Limousines, A Nevada Corporation for approval of tariff rate modifications for charter limousine and airport transfer service conducted under CPCN 2258, Sub 5. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized and indicated staff support. John Marushok, Operations Manager, Frias Corporation thanked staff for their support as they have updated their tariffs. Approved 3-0

81. Docket 13-07008 The Application of Bell Trans, a Nevada Corporation d/b/a Bell Trans for approval of tariff rate modifications for charter limousine and special service conducted under CPCN 1023, Sub 2, tariff 1-A. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized and indicated staff support. Jeffrey Silver, Esquire appeared on behalf of the Applicant. Approved 3-0

82. Docket 13-07009 The Application of Bell Trans, a Nevada Corporation d/b/a Bell Limousine for approval of tariff rate modifications for charter limousine and special service conducted under CPCN 1023, Sub 2, tariff 2-A. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized and indicated staff support. Jeffrey Silver, Esquire appeared on behalf of the Applicant. Approved 3-0

83. Docket 13-07011 The Application of Presidential Limousine, Inc. for approval of a tariff rate modification for charter limousine and special service conducted under CPCN 1007, Sub 4. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized and indicated staff support. Jeffrey Silver, Esquire appeared on behalf of the Applicant. Approved 3-0

84. Docket 13-07012 The Application of On Demand Sedan Services, Inc. d/b/a AAA ODS Limousine, ODS Limousine, ODS Chauffeured Transportation, On Demand Sedan & Limousine for approval of tariff rate modifications for charter limousine, airport transfer, and special service conducted under CPCN 1040, Sub 3. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized and indicated staff support. Brent Carson, Esquire appeared on behalf of the Applicant and asked if the Applicant could notify the Authority when the software changes for the associated charges would go into effect. Approved as modified 3-0

85. Docket 13-07013 The Application of On Demand Sedan Services, Inc. d/b/a AAA ODS Limousine, ODS Limousine, ODS Chauffeured Transportation, On Demand Sedan & Limousine for approval of tariff rate modifications for charter limousine, airport transfer, and special service conducted under CPCN 2063, Sub 1. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized and indicated staff support. Approved 3-0

86. Docket 13-07014 The Application of Desert Cab, Inc. d/b/a Odyssey Limousine for approval of a tariff rate modification for charter limousine service conducted under CPCN 1075, Sub 1. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized and indicated staff support. Approved 3-0

87. Docket 13-07017 The Application of Abraham Limo Service, Inc. d/b/a ALV for approval of a tariff rate modification for charter limousine service conducted under CPCN 1104, Sub 1. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized and indicated staff support. Approved 3-0

88. Docket 13-07022 The Application of Airline Limousine Corporation, d/b/a Airline Shuttle Corp for approval of a tariff rate modification for charter limousine, airport transfer, and special service conducted under CPCN 2050, Sub 4. Staff investigation concluded.

Removed from Agenda prior to consideration.

89. Docket 13-07023 The Application of Lifetrans, Inc. for approval of a tariff rate modification for non-emergency medical transportation service conducted under CPCN 1114. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized and indicated staff support. Kimberly Maxson-Rushton, Esquire appeared on behalf of the Applicant. Approved 3-0

APPLICATIONS FOR FULLY REGULATED CARRIERS

90. Docket 11-07004 The Joint Application of Phyllis J. Clemmer d/b/a Fernley Taxi. to sell and transfer and of Roy L. Street d/b/a Capital Cab Company to purchase and acquire the authority to provide taxicab service conducted under CPCN 1030, Sub 1. Staff investigation concluded. (AJM)

Removed from Agenda prior to consideration.

91. Docket 12-11005 The Joint Application of the Larry E. Bell Separate Property Trust for authority to transfer and of Larry E. Bell, Jr. to acquire 33.33% of the voting stock of Whittlesea Bell, Inc., owner of Bell Trans, Bell Limo, Whittlesea Checker Taxi and Airport Mini Bus (authorized to provide transportation services under CPCN's 1023, Sub2, 1217, 2118, and 2350, Sub 6, respectively). Staff investigation concluded. (GA)

Applications Manager Liz Babcock summarized the Application and indicated staff support. Mr. Jeffrey Silver, Esquire appeared on behalf of the Applicant. Approved 3-0

92. Docket 13-03003 The Application of Wellness Transport, LLC for a permit to operate as a contract motor carrier of passengers within the State of Nevada. (MBM)

Commissioner Metz summarized the Application, indicated receipt of several written protests to the Application and denied the late PLTI's from Life Trans and Medic Coach. Commissioner Metz recommended the approval of the Application. James Jimmerson, Esquire appeared on behalf of the Applicant and discussed in great detail the documentation, procedural history and submitted a written statement (see attached-HH.) Kimberly Maxson-Rushton, Esquire appeared on behalf of the Livery Operators Association and detailed the LOA's objection as to the designation of the Applicant as a contract carrier. Mr. John Templeton, appeared on behalf of the Protestant, Badly Scattered Land and Cattle. Approved 3-0

93. Docket 13-06018 The request for approval of a Management Agreement by AWG Ambassador, LLC d/b/a Ritz Transportation, authorized to conduct charter limousine service, airport transfer service, special service and charter bus service under CPCN's 1089, Sub 2 and 2055, Sub 2. Staff investigation concluded.

Brent Carson, Esquire and Kimberly Maxson-Rushton, Esquire were present on behalf of the Applicant and summarized the request. Also present: Alan Mintz and Paul Servello from AWG Ambassador and from Super Shuttle, Jim Gleich, Mark Friedman and Trevor Halleran. Applications Manager Liz Babcock stated staff does not support the application due to concerns with the incomplete background information, the payment of fines/remedies, the management of only a portion of the certificate and the appearance of a full sale and transfer. Chairman MacKay discussed the main points and indicated his support. Commissioner Assad concurred with Chairman MacKay. Commissioner Metz stated her concerns with the agreement and noted for the record that even though there is a Management Agreement, the Authority can pursue payment of fines directly with the carrier. Senior Deputy Attorney General Newton stated that the concerns brought forward by staff were made simply to apply the regulations as written, not create policy. It is up to the Authority to interpret those regulations. Approved 2-1 Commissioner Metz opposed.

STORAGE LOT DESIGNATION REQUESTS

94. Docket 13-06007A Pursuant to Section 3, Paragraph 7 of Senate Bill 456 (77th 2013), the Authority will consider request(s) from E & E Vehicle Solutions for designation of vehicle storage lots. (AJM)

Removed from Agenda prior to consideration.

95. Docket 13-06007B Pursuant to Section 3, Paragraph 7 of Senate Bill 456 (77th 2013), the Authority will consider requests from Merastar Insurance Company and its affiliates for designation of vehicle storage lots. (AJM)

Chairman MacKay summarized the issue and stated his request for an approval with the receipt of an indemnification agreement at a later date. Commissioner Metz requested the state and local business licenses, and a list of the subsidiaries be attached. Erin McMullen was present on behalf of CoPart. Approved with noted modifications 3-0

PETITIONS TO DEVIATE FROM REGULATION

96. Docket 13-06008 Petitioner All About Service Limousine, Inc. seeks Authority approval to deviate pursuant to NAC 706.1305 from the definition of “regular business hours” set forth in NAC 706.1045. Specifically, the carrier seeks relief from the obligation to remain open for business, record inspection, and other purposes on certain Jewish religious holidays. (GA)

Chairman MacKay summarized the issue, indicated the Applicant was not present and stated his preference to table the item until the next subsequent Agenda meeting. Item approved to be tabled – 3-0

97. Docket 13-07030 Petitioner Desert Portable Storage, LLC d/b/a PODS seeks Authority approval to deviate pursuant to NAC 706.1305 from certain billing detail requirements set forth in NAC 706.335. (MBM)

Tito Rodriguez, Territory Manager for PODS, summarized the request and gave an explanation as to the current procedures in place. Commissioner Metz recommended the deviation be approved, Chairman MacKay and Commissioner Assad concurred. Approved 3-0

DISCUSSION ITEMS

98. Docket No. 13-07039 The Authority will discuss amending the settlement fine schedule amounts and standard fine recommendation standards for hearings for first and subsequent passenger carrier driver violations such as solicitation, uniform rates, and unattended vehicles. (AJM)

Chairman MacKay summarized the issue. Commissioner Metz and Commissioner Assad discussed fines quadruple each subsequent offense. A discussion ensued with regard to the current fine schedule and offenses. Commissioner Metz suggested tabling the item until the next subsequent agenda meeting. Approved 3-0

99. Docket 13-07041 The Authority will discuss its policy standards for confirming the market claimed by Applicants for new or expanded authority as required by NRS 706.391(2)(f). Specifically, the Authority will consider the Staff recommendation that confirmation of market support from each prospective client be based primarily upon documented monthly average consumption of similar services from certificated carriers over the past one year. (AJM)

Chairman MacKay summarized the market issue in detail and stated that the burden should be placed upon the applicant to confirm the market. Applications Manager Liz Babcock read a prepared statement (see attached #99.) Vartan Sarkissyan, Top Limo, stated concerns with proving out the new business market for expansion. Shah Syed, V Transportation, (application pending) requested leniency from the Authority for the smaller carriers with regard to market confirmation. A discussion ensued with regard to cost to carrier and market confirmation. Jamie Kent, Esquire stated his agreement in making the approval process smoother/faster and made the suggestion that the verification process could possibly be handled in a pre-hearing process. J.J. Bell commented on the difficulty in verifying a new, large market and keeping sound records as such. Kimberly Maxson-Rushton stated the opinion that new carriers not be allowed an expansion for 18 months. Larry Miller, Daytripper, LLC., expressed difficulty in market verification. Commissioner Metz agreed with staff's recommendation with the notation that review can be based on a case by case basis. Commissioner Assad stated burden of verification is upon the applicant, Chairman MacKay agreed. Adoption of staffs proposal for market verification Approved 3-0

100. Public Comment

Tom Wright, Ewing Bros. Towing, thanked Chairman MacKay for the clarification on the tow signage. David Walker, Walker Towing, welcomed back Commissioner Metz.

101. Adjournment

Meeting was adjourned at approximately 2:30p.m.

BRIAN SANDOVAL
Governor

STATE OF NEVADA



BRUCE BRESLOW
Director, B & I

ANDREW J. MACKAY
Chairman
MONICA B METZ
Commissioner
GEORGE ASSAD
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE July 2, 2013 GENERAL MEETING

AGENDA

1. Call to Order

Chairman Andrew J. MacKay called the meeting to order at approximately 9:35a.m.

2. Roll Call

Present in Las Vegas: Chairman Andrew J. MacKay, Commissioner Monica B Metz, Commissioner George Assad, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Chief of Enforcement, Michael Bradford, Senior Deputy Attorney General David Newton, Deputy Attorney General Christopher Eccles.
Present in Reno: Deputy Commissioner Marilyn Skibinski

3. Pledge of Allegiance

Commissioner Metz led a recital of the pledge.

4. Public Comment:

None

5. Approval of Agenda

Senior Deputy Attorney General Newton stated there has been a change to the Open Meeting Law indicating the Notice and/or Agenda must include information regarding the Agency individual responsible for maintaining the noticing and public binder, to include name, email and phone number of such person. Also that the Agenda must be sent to the Department of Administration to be posted.

Administrative Attorney Day requested Items 26 and 31 be removed from the Agenda, and the Item 47 be considered separately. Administrative Attorney Day indicated the language for telephone disconnection has been modified to reflect the Respondent's responsibility to provide the Authority proof of compliance. Senior Deputy Attorney General Newton indicated Items 87 and 88 be tabled and would be heard at a subsequent Authority meeting.

6. Approval of the Minutes of the May 30, 2013 Agenda Meeting

Approved 2-0 with Commissioner Metz abstaining.

7. Approval of the Minutes of the June 13, 2013 Special Agenda Meeting

Approved 2-0 with Commissioner Metz abstaining.

8. Briefings from the Commissioners

Commissioner Metz thanked Chairman MacKay and Commissioner Assad for covering the past 10 weeks during her absence. Commissioner Assad stated this was his one year anniversary and thanked the Authority's legal support staff. Chairman MacKay welcomed Commissioner Metz back, and thanked Enforcement Staff for their efforts in accommodating all the inspections and the enforcement of illegal transportation during the EDC.

9. Briefing from the Deputy Commissioner

Deputy Commissioner Skibinski welcomed Commissioner Metz back, and stated that she is working on reports for end of fiscal year and the implementation of SB210.

10. Report of Legal Counsel

Senior Deputy Attorney General Newton reported that the Underwood litigation was dismissed, that the hearing in the Pink Jeep Petition for Judicial Review was scheduled for Monday, July 8, 2013 and that the stipulated facts in the Fairman case would be due August 15, 2013.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 11-69, with the exception of Items 18, 19, 20, 26, 31 and 47, were considered collectively and Approved 2-0, with Commissioner Metz abstaining. Items 18, 19, and 20 were considered collectively and Approved 3-0.

11. Citation 16281 issued to Jason Kenneweg for violations of NRS 706.386 and NRS 706.758. (AJM)

12. Citation 14194 issued to Raine Family Towing - Roadrunner Inc. for violations of NAC 706.311 (2 counts). (AJM)

13. Citation 16199 issued to William Broadus for violations of NRS 706.386 and NRS 706.758. (AJM)

14. Citation 16147 issued to Mohammed Jasim Uddin for a violation of NAC 706.3761. (AJM)

15. Citation 16401 issued to Allied Van for violation of NRS 706.285. (AJM)

16. Impound 2157. The impoundment pursuant to NRS 706.476 of a vehicle registered to Tahoe Truckee Meadows Delivery. (AJM)

17. Impound 2159 and Citation 16278. The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16278 issued to Richard Seegmiller for violations of NRS 706.386 and NRS 706.758. (AJM)

18. Citation 15990 issued to Patrick John Mangini for violations of NRS 706.386 and NRS 706.758. The Authority will consider an Amended Order to correct the errant telephone number listed in the Final Order approved at the March general session. (MBM)

19. Citation 16258 issued to Jimmy Le for violations of NRS 706.386 and NRS 706.758. (MBM)

20. Impound 1578. The impoundment pursuant to NRS 706.476 of a vehicle registered to Thu Thuy Thi Bui. (MBM)

21. **Citation 15825** issued to Frank Valdez for violations of NRS 706.386 and NRS 706.758. (GA)
22. **Citation 16071** issued to Clonda Britzman for a violation of NAC 706.228. (GA)
23. **Citation 16081** issued to Matthew Struckhoff for a violation of NAC 706 as amended by LCB File No. R127-07. (GA)
24. **Citation 16091** issued to Tedros Menghis for a violation of NAC 706 as amended by LCB File No. R127-07(1). (GA)
25. **Citation 16092** issued to Girum Kassa for a violation of NAC 706.228. (GA)
26. **Citation 16107** issued to Aria Ariano for violations of NRS 706.386 and NRS 706.758. (GA) –
This item was removed from the Agenda prior to consideration.
27. **Citation 16117** issued to Gabriel Edwards for violations of NRS 706.386 and NRS 706.758. (GA)
28. **Citation 16118** issued to Daniel Welde-Mariam for a violation of NAC 706 as amended by LCB File No. R127-07. (GA)
29. **Citation 16119** issued to Gregory Dugger for violations of NRS 706.386 and NRS 706.758. (GA)
30. **Citation 16120** issued to Anthony Villapanda for a violation of NAC 706 as amended by LCB File No. R127-07(1).(GA)
31. **Citation 16182** issued to Danny Armstrong for violations of NRS 706.386 and NRS 706.758. (GA)
This item was removed from the Agenda prior to consideration.
32. **Citations 16197 and 16198** issued to Ahron Sas/All About Service Limo for violations of NAC 706.203, NAC 706.206 and NRS 706.398. (GA)
33. **Citation 16205** issued to Elvin Stevenson for violations of NRS 706.386 and NRS 706.758. (GA)
34. **Citation 16216** issued to Saul Osman Ortega for violations of NAC 706 as amended by LCB File No. R127-07(1) and NAC 706.247/49CFR 391.41. (GA)
35. **Citation 16268** issued to Kelvin John for violations of NRS 706.386 and NRS 706.758. (GA)
36. **Citation 16269** issued to Michael Bergin for violations of NRS 706.386 and NRS 706.758. (GA)
37. **Impound 1503.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Sunset Limousine Service. (GA)
38. **Impound 2010.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Golden Sunset, LLC/Alla Koudriavsteva. (GA)
39. **Impound 2060.** The impoundment pursuant to NRS 706.476 of a vehicle registered to P.V. Holding Corporation/Avis. (GA)

- 40. Impound 2062.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Gregory Dugger. (GA)
- 41. Impound 2064.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Richard Sciacca. (GA)
- 42. Impound 2065.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Hertz Vehicles, LLC. (GA)
- 43. Impound 2066.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Norma Bushnell. (GA)
- 44. Impound 1575 and Citation 16096.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16096 issued to Henry Kimoto for violations of NRS 706.386 and NRS 706.758. (GA)
- 45. Impound 2011, Impound 2079 and Citation 16095.** The impoundment pursuant to NRS 706.476 of vehicles registered to and Citation 16095 issued to Willie Kellum for violations of NRS 706.386 and NRS 706.758. (GA)
- 46. Impound 2016 and Citation 16264.** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 16264 issued to Joe Elias for violations of NRS 706.386 and NRS 706.758. (GA)
- 47. Impound 2055 and Citation 16377.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16377 issued to Jose Diaz for violations of NRS 706.386 and NRS 706.758. (GA)
- Mr. Diaz was present and requested that the citation fine amount be reduced. Commissioner Assad recommended that the suspended portion of the NRS 706.386 fine amount be increased from \$1,500.00 to \$1,750.00. Approved 2-0 as amended with Commissioner Metz abstaining*
- 48. Impound 2063 and Citation 15824.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15824 issued to Kaimana Curtis Chow for violations of NRS 706.386 and NRS 706.758. (GA)
- 49. Impound 2067 and Citation 16124.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16124 issued to Bessy Hernandez for violations of NRS 706.386 and NRS 706.758. (GA)
- 50. Impound 2068 and Citation 16121.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16121 issued to Robert Baldwin for violations of NRS 706.386 and NRS 706.758. (GA)
- 51. Impound 2069 and Citation 16125.** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 16125 issued to Earl Silviera for violations of NRS 706.386 and NRS 706.758. (GA)

- 52. Impound 2075 and Citation 16219.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16219 issued to Michael Reeves for violations of NRS 706.386 and NRS 706.758. (GA)
- 53. Impound 2076 and Citation 16353.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16353 issued to Alberto Ramirez-Hernandez for violations of NRS 706.386 and NRS 706.758. (GA)
- 54. Impound 2077 and Citation 16355.** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 16355 issued to William Van Den Ouden for violations of NRS 706.386 and NRS 706.758. (GA)
- 55. Impound 2078 and Citation 16301.** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 16301 issued to Tyler Weber for violations of NRS 706.386 and NRS 706.758. (GA)
- 56. Citation 15822** issued to Commerce Auto Towing for violations of NAC 706.247/49CFR 382.305 and NRS 706.4465.
- 57. Citation 16086** issued to Gashahun Beyin for a violation of NAC 706.228
- 58. Citation 16090** issued to Yohannes Habte for a violation of NAC 706.228.
- 59. Citation 16093** issued to Yalem Gedion for a violation of NAC 706.228.
- 60. Citation 16094** issued to Goitom Ghebretensae for violations of NAC 706.228 and NAC 706.247/49CFR 391.41.
- 61. Citation 16110** issued to Nicholas Myers for a violation of NAC 706 as amended by LCB File No. R127-07(1).
- 62. Citation 16112** issued to Craig Clemens for a violation of NAC 706 as amended by LCB File No. R127-07(1).
- 63. Citations 16210 and 16211** issued to B & E Inc. d/b/a Snap Towing for violations of NAC 706.412, NRS 706.451, NAC 706.360 and NAC 706.381.
- 64. Citation 16215** issued to Centennial Transportation, LLC for a violation of NAC 706.247/49 CFR 391.41.
- 65. Citation 16221** issued to Ronald D. Hurt for a violation of NAC 706 as amended by LCB File No. R127-07(1).
- 66. Citations 16224 and 16225** issued to 24/7 Towing, Inc. for violations of NAC 706.381, NAC 706.405 and NAC 706.412.
- 67. Citation 16272** issued to Castillo Towing for a violation of NRS 706.285.
- 68. Citation 16405** issued to D & S Towing for violations of NAC 706.311 and NRS 706.4477.

- 69. Citations 16552 and 16553** issued to Discount Towing for violations of NRS 706.285, NAC 706.203 and NAC 706.206.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE TOW CAR SERVICE**

- 70. Docket 13-02022** The Application of Michael C. Costello d/b/a Reno Tow & Transport for a certificate of public convenience and necessity to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (AJM)
Chairman MacKay summarized the application and indicated Staff support. Approved 3-0

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE CHARTER BUS SERVICE**

- 71. Docket 13-02025** The Application of DKBM Enterprise, Inc. d/b/a Ruckus Transportation for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (MBM)
Applications Manager Liz Babcock summarized the application and indicated staff support. David Kim and Beau McMinn were present on behalf of the Applicant. Approved 3-0

VOLUNTARY CANCELLATIONS

- 72. Docket 13-05028** The voluntary cancellation of Scott DeChambeau d/b/a South Tahoe Towing of Certificate of Public Convenience and Necessity 7050, Sub 1. Staff investigation concluded.
Chairman MacKay summarized the request. Approved 3-0
- 73. Docket 13-06009** The voluntary cancellation of Joseph W. Arriola d/b/a American Fiberglass and Auto Body of Certificate of Public Convenience and Necessity 7175. Staff investigation concluded.
Chairman MacKay summarized the request. Approved 3-0

NAME CHANGES

- 74. Docket 13-04019** The Petition of Open Top Sightseeing Las Vegas, LLC to change their name by adding d/b/a Big Bus Tours for services provided under Certificate of Public Convenience and Necessity 2004, Sub 10. Staff investigation concluded.
Chairman MacKay summarized the Petition and indicated staff support. Kimberly Maxson-Rushton, Esquire, thanked staff for the Interim Order and the accommodation. Approved 3-0
- 75. Docket 13-06012** The Petition of CLS Nevada, LLC to change their name by adding d/b/a United Car Service of Las Vegas, and d/b/a United for purposes of marking vehicles, for services provided under Certificate of Public Convenience and Necessity 1011. Staff investigation concluded.
Chairman MacKay summarized the Petition and indicated staff support. Brent Carson, Esquire was present on behalf of the Applicant and thanked staff for the accommodation. Approved 3-0

PETITIONS FOR RECONSIDERATION

76. Docket 12-09019 The United States Surface Transportation Board's approval of the sale and transfer of CPCN's 2016, Sub 2 from CUSA K-TCS, LLC d/b/a CoachAmerica and CPCN 2115 from CUSA K-TCS, LLC d/b/a Gray Line Airport Shuttle to Evergreen Trails, Inc. d/b/a Horizon Coach Lines. Protestant Livery Operators Association of Las Vegas ("LOA") petitions for reconsideration of the final Order issued in this matter at the Authority's April 25, 2013 general session. Specifically, the LOA requests that the Authority amend the final Order to deem it a "party of record." (MBM)

Kimberly Maxson-Rushton, Esquire was present on behalf of the Livery Operators Association of Las Vegas and summarized the request. Commissioner Metz stated that as Presiding Officer she treated the LOA as a party throughout the proceedings. Mrs. Rushton agreed to submit a written Petition for Leave to Intervene. By a vote of 3-0 matter reopened with LOA to file a PLTI to gain party status.

77. Docket 09-06022 In the Matter of the joint application of Pro-Action Limousine & Concierge Services, Inc. for authority to sell and transfer and of The Kirk-Hughes Sampson Family Trust to purchase and acquire the authority to provide charter limousine service within Clark and Nye Counties, Nevada under Certificate of Public Convenience and Necessity 1090. Petitioners Sam Callis and Shirldean Callis ask the Authority to reopen this docket, or in the alternative initiate an Order to Show Cause docket, based upon the Applicants' alleged failure to comply with the terms of the final Order approving the sale and transfer (approved at the Authority's July 13, 2011 general session). (MBM)

Judy Braecklein was present on behalf of Pro-Action Limousine, appearing for Mrs. Kirk-Hughes who has been on medical leave. Mr. Brent Carson, Esquire, appeared for Mr. James Kent, Esquire. Commissioner Metz summarized the matter and her concerns about the timeliness of the Petition and the Authority's jurisdiction. By a vote of 3-0 matter tabled with parties to file reply and response briefs.

FINANCIAL RATES AND TARIFFS

78. Docket 13-05007 The Application of Jacob Transportation Services, LLC d/b/a Executive Las Vegas for approval of a tariff rate modification for charter limousine, airport transfer and special services conducted under Certificate of Public Convenience and Necessity 1062, Sub 8. Staff investigation concluded.

Minority owner James J. Jimmerson was present on behalf of the Applicant and summarized the request. Financial Analyst Yvonne Shelton stated staff supports the application. Approved 3-0

79. Docket 13-05015 The Application of Royalty Limos, LLC d/b/a VLS for approval of a tariff rate modification for charter limousine, airport transfer and special services conducted under Certificate of Public Convenience and Necessity 1059, Sub 6. Staff investigation concluded.

General Manager Angow Ademe was present on behalf of the Applicant. Financial Analyst Yvonne Shelton summarized and indicated staff support. Approved 3-0

80. Docket 13-05025 The Application of Quick Tow, Inc. d/b/a Quick Response for approval of a tariff rate modification for tow car services conducted under Certificate of Public Convenience and Necessity 7202, Sub 1. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0

81. Docket 13-06014 The Application of Presidential Limousine, Inc. for approval of a tariff rate modification for charter limousine and special service conducted under Certificate of Public Convenience and Necessity 1007, Sub 4. Staff investigation concluded.

Jeffrey Silver, Esquire was present on behalf of the Applicant. Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0

82. Docket 13-06016 The Application of AWG Ambassador, LLC d/b/a Ambassador Limousine for approval of a tariff rate modification for charter limousine service conducted under Certificate of Public Convenience and Necessity 1041, Sub 4. Staff investigation concluded.

Considered collectively with Item 83.

83. Docket 13-06017 The Application of AWG Ambassador, LLC d/b/a AWG Charter Service for approval of a tariff rate modification for charter limousine service conducted under Certificate of Public Convenience and Necessity 1068, Sub 4. Staff investigation concluded.

Owner Alan Waxler and legal counsel Brent Carson were present on behalf of the Applicant. Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0

APPLICATIONS FOR FULLY REGULATED CARRIERS

84. Docket 11-07004 The Joint Application of Phyllis J. Clemmer d/b/a Fernley Taxi. to sell and transfer and of Roy L. Street d/b/a Capital Cab Company to purchase and acquire the authority to provide taxicab service conducted under Certificate of Public Convenience and Necessity 1030, Sub 1. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application and expressed his support. Commissioner Metz questioned the language in the grant of authority appearing in the draft order. Applications Manager Liz Babcock clarified that as a result of the sale and transfer CPCN 1030 would be canceled and the authority thereunder merged into CPCN 2445. Approved 3-0. Upon concerns stated by Commissioner Metz and Senior Deputy Attorney General Newton regarding the noticing of this item and the proposed cancellation of CPCN 1030, motion to rescind this approval was approved 3-0 and the item tabled until the next subsequent general session of the full authority.

85. Docket 11-10015 The Application of Roy L. Street d/b/a Capital Cab Company for an expansion of operating authority granted under Certificate of Public Convenience and Necessity 2445, Sub 3. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application, and suggested that the grant of authority be restated to include the geographic limitation as Washoe County within the Lake Tahoe drainage basin (rather than state the limitation as a restriction), and expressed his support. Approved 3-0, with the removal of the language in the proposed Order that was contingent upon the approval of docket 11-07004.

86. Docket 12-11004 The Joint Application of the Larry E. Bell Separate Property Trust for authority to transfer and of Larry E Bell, Jr. to acquire 33.33% of the voting stock of Presidential Limousine, A Nevada Corporation (authorized to provide charter limousine and charter bus service under Certificates of Public Convenience and Necessity 1007, Sub 4 and 2119, respectively). Staff investigation concluded. (AJM)

Attorney Jeffrey Silver, Esquire was present on behalf of the Applicant. Chairman MacKay summarized the request. Applications Manager Liz Babcock noted that the transfer would result in no operational changes and expressed Staff support. Approved 3-0.

87. Docket 13-02014 The request for approval of a Management Agreement by CLS Nevada, LLC d/b/a CLS Transportation Las Vegas authorized to conduct charter limousine service, airport transfer service, and charter bus service under Certificates of Public Convenience and Necessity 1011, Sub 4 and 2066, Sub 1. Staff investigation concluded.

This item was removed from the Agenda prior to consideration.

88. Docket 13-04030 The Joint Application of CLS Nevada, LLC d/b/a CLS Transportation Las Vegas and Proper Transportation, LLC pursuant to NAC 706.359 requesting approval for the temporary transfer of Certificates of Public Convenience and Necessity 1011, Sub 4 and 2066, Sub 1, to Proper Transportation, LLC pending the application and approval of the final sale and transfer. Staff investigation concluded.

This item was removed from the Agenda prior to consideration.

ORDERS TO SHOW CAUSE

89. Dockets 13-02028 and 13-02029. The Orders to Show Cause issued to Knight Limo Service, Inc. and Pahump Valley Taxi, Inc. as to why Certificates of Public Convenience and Necessity 1060 and 1024.1 should not be revoked. The Authority will consider Commissioner Assad's recommendation that both certificates be revoked. (GA)

No one appeared on behalf of the carriers/Respondents. Commissioner Assad summarized the matter and recommended revocation of both CPCN's based upon all the reasons set forth in his proposed Order. Approved 3-0.

APPLICATIONS TO DISMISS

90. Docket 12-08023 The Application of Kity Enterprise, LLC d/b/a Mimi Towing for a certificate of public convenience and necessity to provide tow car service by tow car vehicle within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application. (GA)

Deputy Attorney General Chris Eccles summarized the procedural history of the application and the grounds for the Motion to Dismiss. Motion granted by a vote of 3-0.

DISCUSSION ITEMS

91. The Authority will discuss the standards for signage declaring prohibitions or restrictions on public parking pursuant to NAC 706.427 and NRS 487.038. Specifically, Chairman MacKay will lead a discussion of whether generalized language such as "Authorized Parking Only" is in all circumstances adequate to convey the parking restrictions or prohibitions on private property. (AJM)

*Chairman MacKay summarized the issue and stated that in his opinion generalized language such as "Authorized Parking Only" is **not** in all circumstances adequate to convey the parking restrictions or prohibitions on private property, citing specifically the area surrounding the Peppermill Restaurant on the Las Vegas Strip. By a vote of 3-0 the Authority determined that it would notify non-consent tow carriers that signage for non-consent tows must convey that parking is prohibited or that parking is restricted in a **certain** manner, with the carriers to be given 90 days to comply.*

92. Public Comment

None

93. Adjournment

Meeting was adjourned at approximately 12:45p.m.