

**PROPOSED REGULATION OF THE
NEVADA TRANSPORTATION AUTHORITY**

LCB FILE NO. R040-23I

**The following document is the initial draft regulation proposed
by the agency submitted on 08/21/2023**

PROPOSED PERMANENT REGULATIONS OF THE NEVADA TRANSPORTATION
AUTHORITY

NTA DOCKET NUMBER 23-03034

NAC 706.0655 is hereby amended to read as follows:

“Hearing” means any public proceeding:

1. For which notice is provided by the Authority in accordance with applicable statutes and regulations; and
2. Which includes an opportunity for all parties to present any relevant written or oral testimony or evidence the Authority determines is relevant and material to the issues underlying the proceeding.

NAC 706.1385 is hereby amended to read as follows:

1. Tariffs or supplements must be in loose-leaf form on good quality paper which is 8 1/2 by 11 inches, typed or reproduced by any clear, legible and durable process. If the tariff is also filed with the Surface Transportation Board and the Surface Transportation Board allows a size or format different from that specified by the Authority, that different size will be accepted by the Authority.

2. The format must be as follows:

(a) On each page, a 1-inch margin must be provided on the left-hand or binding edge and a 1/2-inch margin provided on the right-hand side. No printing or writing may appear in these margins.

(b) Each page must be chronologically numbered in the upper left-hand corner beginning with “Original Title Page, Original Page 1, Original Page 2,” and so forth.

(c) Each page (Form 24C*); except including the title page and any subsequent revision pages, must have:

(1) In the upper right-hand corner, ~~the number of the Authority assigned to that tariff by the motor carrier, issuing agency or agent.~~ the carrier’s assigned Certificate of Public Convenience and Necessity number.

~~(2) In the center at the top, the name of the carrier, issuing agency or agent and the name of the business, if any. The name, description and number of the tariff must be placed below the names.~~

~~(3)~~ (2) In the lower left-hand corner, between the text on the page and the statement of the issuing officer, the word "Issued" and on the same line in the lower right-hand corner, the word "Effective."

~~(4)~~ (3) On the bottom of the page, in the center, below "Issued" and "Effective," the words "Issued by" followed by the name of the issuing officer, his or her address, city, state and zip code number.

~~—(d) The title page (Form 24A*) must have:~~

~~—(1) In the upper right hand corner, the number of the Authority assigned to that tariff by the motor carrier, issuing agency or agent.~~

~~—(2) In the center of the page, the name of the carrier, issuing agency or agent and the name of the business, if any. The name, description and number of the tariff must be placed below the names.~~

~~—(3) In the lower left hand corner, the word "Issued" and, immediately below, the word "Effective." The lower right hand corner must be left blank for use by the Authority.~~

~~—(4) On the bottom of the page, in the center, on the same line as "Issued," the words "Issued by," followed by the name of the issuing officer, his or her address, city, state and zip code number.~~

~~—(e) Each new (Form 24D*) or revised page filed must have the date of issue by the name of the motor carrier inserted after the title "Issued." The space after "Effective" may be left blank on strictly intrastate tariffs in the State of Nevada. Any desired effective date in such a case must be included in the applicant's transmittal letter. An effective date must be inserted in the space after "Effective" in joint tariffs filed with the Authority and the Surface Transportation Board.~~

~~—(f) If a new or revised page is filed cancelling a page (Form 24B*), the new page must read:~~

~~1st revised page..... (fill in page number)~~

~~—————cancels~~

~~Original page..... (fill in page number)~~

~~A revised page only cancels one page and does not cancel any other page.~~

~~(g)~~ (d) Except as otherwise provided in NAC 706.3983, one original and two copies of rules, modified rules or rates, or both, must be filed with the Authority at least 30 days before becoming effective.

~~(h)~~ (e) Any changes on a page which has been filed must be clearly marked with one of the following codes:

- (1) -Increase.
- (2) -Reduction.
- (3) -Change resulting in neither an increase nor a reduction.
- (4) Any other pertinent symbol or abbreviation.

A separate page may be used for these codes (~~Form 24C*~~) or, when symbols are used, a note explaining them may be placed at the bottom of the page or within the block containing the affected item.

~~(i) Each new or revised page must have a correction number assigned to it beginning with Correction No. 1 and continuing numerically as new or revised pages are entered in that tariff filing, inserted below the bottom line in the left hand corner of the page (Form 24E*). Each tariff filed must have a checking sheet for correction numbers (Form 24C*) on page 1 and must be referred to as that tariff filing is revised. One correction number must be assigned to each new or revised page, and no correction number may be used for more than one page.~~

~~—(j) If any tariff is reissued that completely cancels a current tariff (Form 24E*), the reissued tariff must bear the same tariff number as the current tariff, suffixed by a letter, for example, Tariff No. 1-A, and continuing through the alphabet as that tariff is reissued. The reissued tariff will be assigned a new number that does not duplicate any other number on any other tariff held by that motor carrier, issuing agency or agent and must be displayed on the reissued tariff as follows:-~~

~~T.S.A. No. 2~~

~~cancels~~

~~T.S.A. or P.S.C.N. No. 1~~

~~Tariff No. 1-A~~

~~Cancels Tariff No. 1~~

3. The provisions of this section, except paragraphs (d) and (e) of subsection 2, do not apply to the National Motor Freight Classification or the ATA Hazardous Materials Tariff.

NAC 706.149 is hereby amended to read as follows:

1. After receiving a certificate or permit, every fully regulated carrier shall maintain an investment of not less than 20 percent equity capital in his or her operations and include proof of ~~that the fully regulated carrier meets~~ this requirement in ~~each his or her~~ annual report filed with the Authority ~~after receipt of a certificate or permit~~.

2. A fully regulated carrier who does not meet the requirement of section 1, ~~shall, within 3 months after receiving notice from the Authority of that failure, file a plan proposing the specific steps he or she will take to meet that requirement within the next 12 months~~ for any two consecutive years, shall be subject to citation for the violation.

~~3. Within 15 months after receiving notice from the Authority that he or she does not maintain adequate equity capital, a fully regulated carrier must have an investment of not less than 20 percent equity capital in his or her operations.~~

3. A fully regulated carrier who does not meet the requirement of subsection 1, for any three consecutive years, shall be subject to suspension or revocation by the Authority.

4. ~~The certificate or permit of a fully regulated carrier who does not comply with this section may be revoked by the Authority.~~ The 20 percent equity capital requirement shall be maintained during the existence of the certificate or permit authority. If, at any time, a carrier's annual report does not evidence the required equity capital, sections 2 and 3 will apply.

NAC 706.250 is hereby amended to read as follows:

1. An authorized carrier may, with the prior approval of the Authority, enter into an agreement with a person who is not his or her employee to manage his or her business. The agreement may be for a period of not more than 1 year. ~~The agreement but~~ may be renewed ~~on a yearly basis~~.
 - a. An agreement to manage a carrier's business must:
 - b. Be filed with the Authority;
 - c. Specify the compensation paid to the manager;
 - d. Specify the terms of the agreement;
 - e. Specify the scope of the authority that the person will have to manage the business of the carrier;
 - f. ~~Specify the beginning and ending dates the agreement will be in operation;~~ and,
2. Specify any other information required by the Authority.

3. If the management agreement is going to be renewed, the Authority must be informed of the intention to renew the agreement thirty (30) days before the ending date stated in the original agreement.
4. If the Authority is not informed the management agreement will be renewed, the original agreement will be vacated, by operation of law, thirty (30) days after the ending date stated in the original agreement.
5. If the authorized carrier continues to operate, pursuant to a vacated management agreement, the Authority shall schedule an Order to Show Cause hearing regarding the potential suspension or revocation of the carrier's authority.
6. If any changes will be made to the existing agreement, a new management agreement must be submitted to the Authority forty-five (45) days before the ending date, stated in the existing agreement, and must contain the information required by subsection 2 (b) through (e).
6. The compensation paid to the manager may include a limited bonus in the form of cash or stock, or both, to be paid upon the occurrence of a specified condition.

4 7. Any agreement which:

- (a) Includes a bonus to the manager of more than 10 percent of the carrier's stock; or
- (b) Grants to the manager total control of the overall operations of the carrier,

will be considered an attempted transfer of a certificate, permit or license and will not be approved.

8. A background investigation of the manager selected by the carrier may be conducted by the Authority as part of its process in determining whether to grant approval.

NAC 706.362 is hereby amended to read as follows:

1. A person holding a certificate to operate a taxicab shall post in the vehicle a schedule of the Rates based on zones or mileage or any other rate approved by the Authority for the operation of the vehicle. The schedule must be clearly readable by all occupants of the taxicab. If the vehicle is operated under a tariff based on zones, there must be posted within that vehicle a map clearly visible to the occupants in the rear showing the territory served with the zones outlined and the applicable fares stated.

2. The name or trade name of the carrier and the cities or towns or counties in ~~from~~ which the carrier is authorized to operate ~~by under~~ its certificate ~~must be painted~~ shall be displayed either by painting, decal, magnetic placard or similar technique on each side of a taxicab. The tradename may not be used unless it is first approved by the Authority.

NAC 706.397 is hereby amended to read as follows:

1. Any objection or request to make a statement at a hearing by a person, including, without limitation, a state or local government entity, who is not a party to an application, petition or other matter must be styled a “protest” and such a person must be styled a “protestant.” The filing of a protest or request to make a statement does not make the protestant a party.
2. A written protest must legibly set forth a clear statement of the matter to which an objection is made.
3. The Authority will make available a copy of a written protest to the parties against whom it is directed.
4. Even if a hearing on a written protest is not required by law, the Authority will notify the parties and may hold such a hearing if the public interest will be served.
5. A protest at a hearing may be oral or written.

~~6. At a hearing, the presiding officer shall allow any protestant to enter an appearance in the proceeding and may allow a protestant to make a statement. A protestant who desires to participate as a party in a proceeding must file a written petition for leave to intervene unless the presiding officer upon good cause shown allows an oral petition for leave to intervene. A protestant is entitled to participate as a party only to the extent that leave to intervene is granted, at which time the protestant must be styled an “intervener.”~~

NAC 706.3987 is hereby amended to read as follows:

1. Applicants, petitioners or complainants may present their evidence first at a hearing. Then any parties opposing the application, petition or complaint may present their evidence. The presiding officer shall designate the stage of the proceeding at which each intervener, protestant or member of the staff of the Authority may be heard. Evidence must be received in the following order unless the presiding officer determines that a special circumstance requires a different order:
 - (a) Upon an application or petition:
 - (1) Applicant or petitioner;
 - (2) Interveners;
 - (3) Staff of the Authority; and
 - (4) Rebuttal by the applicant or petitioner.
 - (b) Upon a complaint:
 - (1) Complainant;
 - (2) Respondent;
 - (3) Interveners;
 - (4) Staff of the Authority; and
 - (5) Rebuttal by complainant.

- (c) Upon a complaint by the Authority or an order to show cause:
 - (1) Staff of the Authority;
 - (2) Respondent;
 - (3) Interveners; and
 - (4) Rebuttal by staff of the Authority.

- 2. A witness may be cross-examined on issues testified to by that witness by:
 - (a) Opposing parties who have been granted leave to intervene pursuant to NAC 706.3968;
 - (b) The Authority;
 - (c) The Attorney General; and
 - (d) The staff of the Authority.

~~3. If there is more than one applicant, petitioner or complainant, the witnesses of all applicants, petitioners or complainants may present direct testimony on an issue before any of these witnesses may be cross-examined on that issue, unless otherwise ordered by the presiding officer.~~

3. At a hearing, the presiding officer shall allow any protestant to enter an appearance and make a statement regarding the subject matter underlying the hearing.

4. If two or more matters are set for hearing at the same time and place, the matter having the lowest docket number will be heard first, unless the presiding officer directs a different order for the convenience of the parties.

NAC 706.3971 is hereby amended to read as follows:

1. All documents required to be served on a party by any other party may be served in person, ~~or~~ by mail or by electronic means.

2. If the service is by mail, the service is complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.

3. If the service is by electronic means, the service is complete upon transmission as long as the serving party maintains proof the transmission occurred.

~~2.~~ 4. After the commencement of a proceeding, a copy of each pleading to be filed with the Authority must be served by the pleading party on every other party. If a party is represented by an authorized representative or an attorney, service must be made on that representative or attorney. Service must be made before or concurrently with the filing of the pleading with the Authority.

~~3.~~ 5. Upon the advance request of another party, a party serving a document shall telephone the requesting party when the document is ready to be served so that it may be accepted personally by the requesting party in lieu of service by mail.

NAC 706.3972 is hereby amended to read as follows:

There must appear on all documents required to be served an acknowledgment of receipt of service or ~~the following certificate:~~

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~~— I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding (by delivering a copy thereof in person to) by mailing a copy thereof, properly addressed, with postage prepaid to
Dated at, this(day) of(month) of(year)~~

-

.....

proof of service in the form of a statement by the person who made service certifying:

- a. The date and manner of service;
- b. The names of the persons served; and,
- c. The mail or electronic addresses of the persons served.

This form must be signed by the person who completed the service of the document.

NAC 706.3992 is hereby amended to read as follows:

1. An exhibit must be limited in size to 8 1/2 by 11 inches **when folded**, unless otherwise allowed by the presiding officer. A copy of each documentary exhibit must be furnished to each party, and copies of each exhibit must be furnished to the Authority in such number as requested by the staff of the Authority or the presiding officer. The Authority or presiding officer may not request more than ~~10~~ **5** copies of each documentary exhibit. **The party offering the exhibit must provide a** ~~A copy must be submitted~~ to the court reporter or transcriber. If relevant evidence is included in a written or printed statement, book or document of any kind containing other matter not relevant and not intended to be put in evidence, the statement, book or document containing that other matter may not be received or admitted in whole. Counsel or other parties offering the evidence or exhibit shall present, in convenient and proper form for filing, a copy of the relevant portions. ~~or, at the discretion of the presiding officer, read these portions into the record.~~ Any documentary evidence offered, whether in the form of an exhibit or introduced by reference, is subject to appropriate and timely objection.

2. If documents are numerous, such as freight bills or bills of lading, and a party desires to offer into evidence more than a limited number of these documents as typical of the others, an orderly abstract of relevant data contained in these documents ~~may~~ **must** be prepared and offered as an exhibit. Other parties ~~may~~ **must be able to** examine **and compare** both the abstract and the source document.

3. In a proceeding involving detailed accounting exhibits, the presiding officer shall require each party to file with him or her and to serve on each party a copy of these exhibits within a specified time before the hearing to enable the parties to study the exhibits and to prepare cross-examination with reference to them. An amendment to an exhibit may be made after the exhibit

has been filed with the presiding officer if it does not prejudice the rights of any party or if it corrects a clerical or mathematical error.

NAC 706.092 is hereby amended to read as follows:

“Operating authority” means a certificate, permit or other approval issued by the Authority pursuant to which a person may operate a motor carrier or tow car, ~~act as a broker~~ or engage in any other activity subject the jurisdiction of the Authority.

NAC 706.375 is hereby amended to read as follows:

1. A common motor carrier authorized to operate a taxicab shall not lease any vehicle which it uses as a taxicab without prior approval by the Chair or his or her designee.

2. A carrier must submit a request for the approval of ~~a lease template for all such leases of such a lease~~ to the Authority ~~at least 10 working days~~ before the execution of the lease. The Chair or his or her designee shall approve or disapprove the lease ~~within 10 working days after receiving the request for the approval of the lease~~. If the Chair or his or her designee does not approve or disapprove the lease ~~template~~ within 10 working days after receiving the request for approval of the lease, the lease ~~template~~ shall be deemed to be approved.

3. The Chair or his or her designee shall approve such a lease ~~template~~ if:

~~(a) The vehicle is leased for not more than 14 days;~~

(a) The vehicle will be used only in an operation authorized by the lessee’s certificate;

~~(e)~~ (b) Including the vehicles to be leased by the carrier, ~~under the lease:~~

~~(1) Not more than one half of the carrier’s vehicles are leased vehicles; and~~

~~(2) the total number of vehicles to be operated by the carrier does can not exceed the number of vehicles the carrier is authorized to operate pursuant to its operating authority.~~

~~(d) The driver of the leased vehicle is an employee of the motor carrier and has no ownership interest in the vehicle; and~~

~~—(e) The carrier is able to demonstrate to the satisfaction of the Chair or the person designated by the Chair that the carrier needs to increase the size of its fleet on a temporary basis, including, without limitation, facts which indicate that the carrier expects to experience:~~

~~—(1) An increase in customer demand; or~~

~~—(2) A decrease in the size of the permanent fleet of the carrier.~~

4. If a lease is approved pursuant to this section:

(a) A copy of the lease must be submitted by the carrier at the request of the Authority not later than the date on which the lease becomes effective; and

(b) A copy of the lease and a copy of the approval of the lease must be:

(1) Carried in the vehicle during the period of the lease; and

(2) Maintained by the carrier for a minimum of 3 years.

~~5.—The carrier shall not lease vehicles on more than 45 days in any calendar year.~~

6 5. The provisions of this section do not apply to a lease agreement entered into pursuant to NRS 706.473.

NAC 706.4026 is hereby amended to read as follows:

“Tow at the request of a law enforcement agency” means the towing of a vehicle that is:

1. Impounded **at the request of law enforcement** after an arrest;
 2. Impounded **at the request of law enforcement** after a traffic crash;
 3. Impounded **at the request of law enforcement** because the vehicle has been abandoned;
- or
4. A nonconsensual tow requested by a law enforcement agency.

NAC 706.406 is hereby amended to read as follows:

Tariffs for tow cars filed with the Authority will be divided into the following categories:

1. CATEGORY A: Towing or removing a vehicle at the request of a law enforcement agency which requires the use of a tow car with an **or is estimated to weigh less than 10,000 lbs.**
2. CATEGORY B: Towing or removing a vehicle at the request of a law enforcement agency which requires the use of a tow car with an **or is estimated to weigh 10,000 lbs or more.**
3. CATEGORY C: Towing or removing a vehicle at the request of a person other than a law enforcement agency, the owner of the vehicle, his or her agent or the driver of the vehicle.
4. Storage of a vehicle that was towed without the prior consent of the owner of the vehicle, his or her agent or the driver of the vehicle, or at the request of a law enforcement agency inside a secure building, in a secure exterior area enclosed by a fence with a locked gate or in an unsecured, open area under the control of the operator of the tow car.